

#### 4. 2014SP-085-001

##### 2208 EASTLAND AVENUE

Map 083-07, Parcel(s) 300 Map 083-11, Parcel(s) 076, 209

Council District 06 (Peter Westerholm)

Staff Reviewer: Melissa Sajid

A request to rezone from RS7.5 to SP-R zoning for properties located at 2208 Eastland Avenue and Skyview Drive (unnumbered), approximately 775 feet west of Riverside Drive, (3.27 acres), to permit up to 24 detached dwelling units, requested by Dale & Associates, applicant; Upside, LLC, owner.

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

##### APPLICANT REQUEST

**Preliminary SP to permit up to 24 residential units.**

##### Preliminary SP

A request to rezone from Single-Family Residential (RS7.5) to Specific Plan-Residential (SP-R) zoning for properties located at 2208 Eastland Avenue and Skyview Drive (unnumbered), approximately 775 feet west of Riverside Drive, (3.27 acres), to permit up to 24 detached dwelling units.

##### Existing Zoning

Single-Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of 16 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.

##### CRITICAL PLANNING GOALS

- Supports Infill Development
- Supports a Variety of Transportation Choices

The proposed SP supports development that is consistent with the character of surrounding development and creates an opportunity for infill housing. In addition, the site is served by an existing bus and bicycle routes that run along Eastland Avenue which will be supported by the additional density proposed by the SP.

##### EAST NASHVILLE COMMUNITY PLAN

##### Existing Policy

Urban Neighborhood Maintenance (T4 NM) policy is intended to preserve the general character of urban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. T4 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood, in terms of its development pattern, building form, land use and the public realm. Where not present, enhancements are made to improve pedestrian, bicycle and vehicular connectivity.

##### DRAFT Preferred Future Policy

No change is proposed.

##### Consistent with Policy?

Yes. The proposed SP is consistent with the Urban Neighborhood Maintenance policy which is intended to preserve the character of the existing neighborhood. The SP proposes detached dwelling units, which reflects the predominant development pattern in the area. Also, the rezoning request is a site plan based district that encourages flexibility in design so that the result is well suited to the subject property and the neighborhood.

##### PLAN DETAILS

The site is located at 2208 Eastland Avenue, east of Skyview Drive and north of the Shelby Golf Course. Surrounding zoning includes RS7.5, R6 and R10, and the area is predominantly characterized by single-family residential development. Access to the site is from one driveway proposed on Eastland Avenue.

##### Site Plan

The plan proposes 24 detached residential units. The maximum height for all units except for Unit 1 is 3 stories in 42'. The plan proposes to retain the existing dwelling that fronts Eastland Avenue. That unit falls within the East Nashville Contextual Overlay, so if it were redeveloped in the future, any new construction must comply with the provisions of the contextual overlay. Type B-5 landscape buffers are proposed along all property boundaries that are adjacent to existing residential uses with the exception of the Type B-1 buffer proposed along both sides of the driveway at Eastland Avenue.

The overall site layout includes 24 units with Unit 1 oriented toward Eastland Avenue and the remaining units oriented toward either a courtyard or open space. The site layout has changed from the previous plan to incorporate findings from the environmental site assessment requested by the Planning Commission. That evaluation concluded that caves are not present at the site, but did find evidence of two small karst cavities which discharge water and a spring feature. The locations of these findings are shown on the map.

One of the spring locations is located within the required stream buffer. The other two discharge points are located to the south of the site. The number of units along the southern property line has been reduced by two in order to accommodate an additional buffer to preserve those discharge points. One unit has been relocated to the row just north of the stream buffer, and the plan has retained the existing house fronting Eastland Avenue to maintain a total of 24 units.

Architectural images have not been included with the preliminary SP. The SP, however, includes notes that address design considerations for the SP. The design conditions address doorway placement, glazing, window orientation and porches. Also, EIFS and vinyl siding will not be permitted as building materials.



Parking is provided via a mixture of garages and surface parking and includes ample guest parking. The SP is in close proximity to an existing transit line that runs along Eastland Avenue. Sidewalks are currently located on the north side of Eastland Avenue, but not on the south side. The SP proposes to construct sidewalks along the Eastland Avenue frontage of the site, and interior sidewalks are provided throughout the site to connect the units to the proposed sidewalk network as well as to the golf course to the south. Staff recommends that the plan incorporate a 6' sidewalk with a 6' planting strip along the Eastland Avenue frontage per the Major and Collector Street Plan.

### ANALYSIS

This is a unique property located in a predominately developed area. The subject property is a large, undeveloped property that is constrained as it has only about 75' of street frontage available. In addition, the site includes environmentally sensitive features and is located adjacent to the Shelby Golf Course. The proposed SP manages to work in concert with these challenges to create a plan where the character is consistent with the Urban Neighborhood Maintenance policy, while also protecting the environmentally sensitive portions of the site and providing a transition to the surrounding open space. The proposed detached dwelling units reflect the predominant development pattern in the

area and maintain the existing context on Eastland Avenue. As the proposed SP is consistent with the Urban Neighborhood Maintenance land use policy, and the plan meets two critical planning goals. Therefore, staff recommends approval with conditions and disapproval without all conditions.

**FIRE MARSHAL RECOMMENDATION**

**Approved with conditions**

- Fire Code issues for the structures will be addressed at permit application review. Radius on turns to meet the requirements of Appendix D of the 2006 IFC

**STORMWATER RECOMMENDATION**

**Approved**

**TRAFFIC & PARKING RECOMMENDATION**

**No exception taken**

**WATER SERVICES RECOMMENDATION**

**Approve**

- Approved as Prelim SP. Since unit count has been reduced since the latest availability study, applicant should submit a revised study to re-assess the capacity fee balance. Applicant will need to revise their study, pay required Capacity Fees, and have Approved Construction Plans before approval will be issued at the Final SP stage.

**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.
- Coordinate with MPW prior to Final SP for appropriate roadside cross section on Eastland Ave, i.e. curb placement, grass strip, sidewalk, drainage, infrastructure, utilities, etc.
- ROW dedication must be recorded prior to MPW sign off on the building permit.

Maximum Uses in Existing Zoning District: **RS7.5**

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)	3.27	5.80 D	18 U	173	14	19

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 (230)	3.27	-	25 U	193	18	20

Traffic changes between maximum: **RS7.5** and **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 7 U	+20	+4	+1

**SCHOOL BOARD REPORT**

Projected student generation existing RS7.5 district: 1 Elementary 1 Middle 1 High

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

The proposed SP-R zoning district would generate one more student than what is typically generated under the existing RS7.5 district. Students would attend Warner Elementary School, Bailey Middle School, and Stratford High School. All three schools have been identified as having additional capacity. This information is based upon data from the school board last updated October 2014.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Interior sidewalk from southeast side of Unit 4 to sidewalk shown north of Unit 16 to be determined with final site plan.
2. The final site plan shall include a 6' planting strip with 6' sidewalks along the Eastland Avenue frontage.
3. Prior to the issuance of building permits, the property shall be resubdivided into two lots. Lot 1 shall contain Unit 1 and have 40 feet of frontage along Eastland Avenue. Lot 2 shall contain the driveway to the site and Units 2-24.
4. If a contextual overlay is adopted by Metro Council, any construction or development on Lot 1 shall meet all provisions of the contextual overlay.
5. Coordinate with Metro Public Works prior to Final SP for appropriate roadside cross section on Eastland Ave, i.e. curb placement, grass strip, sidewalk, drainage, infrastructure, utilities, etc.
6. Right of Way dedication must be recorded prior to Metro Public Works sign off on the building permit.
7. Obtain Metro Water Services approval, during construction drawing review, for a bioretention area over a sewer line.
8. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
9. Uses within the SP shall be limited to a maximum of 24 detached residential units.
10. 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 RM9 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
11. The final site plan shall include architectural elevations showing raised foundations of 18-36" for residential buildings.
12. 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.
13. 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.
14. 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.

Ms. Sajid presented the staff recommendation of approval with conditions and disapproval without all conditions.

Michael Garrigan, 516 Heather Place, spoke in favor of the application and noted that an environment study was conducted and all environmental features have been located, verified, and buffered.

March Egerton, 3940 Moss Rd, spoke in favor of the application.

Neil Daughtery, Russell Street, spoke in favor of the application.

Jeremy Brown, 2206 Eastland Ave, spoke in opposition to the application, noted that the neighbors aren't being heard, and expressed safety concerns. He noted that this is not a place for a road.

Mindy Brown, 2206 Eastland Ave, spoke in opposition to the application and stated that the land is still unsuitable to build on due to the wet soil and sloping land.

David Rapetti, 2202 Eastland Ave, spoke in opposition to the application and noted that the neighbors hired Barry Sulkin to conduct an environmental study and he found four streams on the property. With buffers in place, it is impossible to building the density they want and still maintain the buffers. Other concerns expressed were ladder trucks not having appropriate turn radius as well as the dump not being looked at.

Paul Chrisman, 543 Skyview Drive, spoke in opposition to the application and noted that the applicant is misleading the commission. There are four streams that have not been fully accounted for. A deferral was requested so an independent examiner can evaluate the property.

Valerie Knust, 2214 Eastland, spoke in opposition to the application and requested a deferral.

Mary Jo Rapetti, 545 Skyview Drive, spoke in opposition to the application and stated that there has been a gross misrepresentation on the applicant's part, and noted that there are four streams on the property.

Michael Garrigan stated that the application was deferred with the specific task of conducting an environmental study which was done; all environmental features have been GPS'd and surveyed.

**Chairman McLean closed the Public Hearing.**

Ms. Blackshear expressed concerns regarding the discrepancy between the environmental study results and the statements made by the neighbors that have lived in the area for so long.

Mr. Clifton noted that some significant changes were made from the previous proposal. He likes the fact that they will keep the house and that they are preserving a lot of the undeveloped area, but is having a problem with the fact that it is cramming too much into one little area. He stated that the area could support several units, just not this many.

Ms. Farr stated that it makes sense to think about increasing density but she isn't sure that this amount of density needs to go in this specific area.

Ms. LeQuire asked if the SP zoning could be kept if the number of units was decreased from 24 to 16.

Mr. Gee noted that it meets the policy, it's at the lower end of the allowed density, it meets the conservation policy, and it preserves a large percentage of open space. The state, city, and a professional have approved an environmental assessment, but it does feel like the driveway is squeezed in. Likes this plan better than what we could get under the existing zoning.

Mr. Gee moved and Mr. Adkins seconded the motion to approve with conditions and disapprove without all conditions.

Ms. LeQuire asked if a condition could be added to utilize as much pervious paving as possible.

Steve Mishu, Metro Storm Water, suggested doing as much of it under the LID manual as possible as it is more stringent.

**Ms. LeQuire moved and Mr. Clifton seconded an amendment to the motion to include a condition to include the maximum amount of pervious driving surfaces as makes sense within the department reviews. (9-0)**

Mr. Clifton stated that he believes that this neighborhood is being asked to absorb too much density and noted that he would be willing to approve with less units.

Mr. Gee noted that there are plenty of mechanisms and agencies to deal with in terms of challenging the environmental assessment.

**Mr. Gee moved and Mr. Adkins seconded the motion to approve as amended. (4-5) Ms. LeQuire; Ms. Farr; Mr. Clifton; Councilman Hunt, and Ms. Blackshear voted against. Motion fails.**

**Ms. LeQuire moved and Ms. Farr seconded the motion to approve as amended with only 16 units.**

Ms. Farr stated that she is struggling with making this decision without getting input from the developer.

Mr. Bernhardt clarified that the commissioners need to focus on what they think is appropriate for this site.

Ms. Farr asked the applicant what they would be agreeable to.

Michael Garrigan stated they would be agreeable to meeting somewhere between 16 and 24 units.

**Ms. LeQuire withdrew her motion and Ms. Farr withdrew her second.**

**Ms. Farr moved and Mr. Clifton seconded the motion to approve with conditions and disapprove without all conditions, including a condition that the applicant work with Metro Stormwater to incorporate as many LID techniques as possible into the design of the final site plan and to work with Planning Commission Staff to redesign the plan for a maximum of 20 units. (9-0)**

#### **Resolution No. RS2015-88**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2014SP-085-001 is Approved with conditions and disapproved without all conditions, including a condition that the applicant work with Stormwater to incorporate as many LID techniques as possible into the design of the final site plan and to work with Planning Commission Staff to redesign the plan for a maximum of 20 units. (9-0)"**

#### **CONDITIONS**

- 1. Interior sidewalk from southeast side of Unit 4 to sidewalk shown north of Unit 16 to be determined with final site plan.**
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