

14b. 2015SP-004-001

3RD AND MILDRED SHUTE

Map 105-03, Parcel(s) 041.01, 038-045

Council District 17 (Sandra Moore)

Staff Reviewer: Melissa Sajid

A request to rezone from R6 to SP-MU zoning for properties located at 1101, 1103, 1105, 1107, 1109, 1111, 1113 and 1115 3rd Avenue South and 3rd Avenue South (unnumbered), at the southwest corner of 3rd Avenue South and Mildred Shute Avenue, (1.152 acres), to permit up to 54 residential units, 1,900 square feet of restaurant/retail space, and 10 units totaling 7,000 square feet which are to be office/retail/multi-family units (i.e. live/work units), requested by Anderson, Delk, Epps and Associates, Inc., applicant; Fred Yazdian, owner.

Staff Recommendation: Approve with conditions and disapprove without all conditions, subject to approval of the associated policy amendment.

APPLICANT REQUEST

Preliminary SP to permit up to 54 residential units, 1,900 square feet of restaurant/retail space, and 10 units totaling 7,000 square feet which are to be office/retail/multi-family units (i.e. live/work units).

Preliminary SP

A request to rezone from One and Two-Family Residential (R6) to Specific Plan-Residential (SP-MU) zoning for properties located at 1101, 1103, 1105, 1107, 1109, 1111, 1113 and 1115 3rd Avenue South and 3rd Avenue South (unnumbered), at the southwest corner of 3rd Avenue South and Mildred Shute Avenue, (1.152 acres), to permit up to 54 residential units, 1,900 square feet of restaurant/retail space, and 10 units totaling 7,000 square feet which are to be office/retail/multi-family units (i.e. live/work units).

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 8 lots with 4 duplex lots for a total of 10 units.*

Proposed Zoning

Specific Plan-Residential (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
- Supports a Variety of Transportation Choices
- Creates Walkable Neighborhoods

The proposed SP creates an opportunity for infill development in an area that is served by existing infrastructure. In addition, the site is served by an existing bus routes that run along 2nd and 4th Avenues which will be supported by the additional residential density as well as the office and commercial uses proposed by the SP. The site is also served by an existing sidewalk network that will be improved with the SP.

SOUTH 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

Urban Mixed Use Neighborhood (T4 MU) policy is intended to preserve, enhance, and create urban, mixed use neighborhoods with 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. T4 MU areas may include commercial and even light industrial uses in addition to vertical mixed use and a significant amount of moderate to high density residential development.

Proposed Policy

Urban Mixed Use Neighborhood (T4 MU) policy is intended to preserve, enhance, and create urban, mixed use neighborhoods 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. T4 MU areas are areas intended to be

mixed use in nature with the presence of commercial and even light industrial uses, but also a significant amount of moderate to high density residential development.

Consistent with Policy?

The proposed SP is not consistent with the existing policy. T4 NM policy is intended to preserve the character of the existing neighborhood in terms of its development pattern, building form, land use and the public realm. A community plan amendment (2015CP-011-001) has been requested to change the policy from Urban Neighborhood Maintenance (T4 NM) to Urban Mixed Use Neighborhood Evolving (T4 MU). The proposed SP is consistent with the T4 MU policy. The request proposes to allow a mixture of uses including commercial and office uses as well as moderate to high density residential development.

PLAN DETAILS

The site is located at the southwest corner of the intersection of 3rd Avenue South and Mildred Shute Avenue and consists of nine parcels that front on 3rd Avenue South. Currently, two structures are located on the site; both are proposed to be demolished. Surrounding zoning includes R6, CS, OR20 and MUN-A, and the area is characterized by a variety of land uses.

Site Plan

The plan proposes 54 residential units, 1,900 square feet of restaurant/retail space, and 10 units totaling 7,000 square feet which are to be office/retail/multi-family units (i.e. live/work units). One building is proposed on the site and has frontage on both 3rd Avenue South and Mildred Shute Avenue. The maximum height of the building is three stories in 45' to the top of the roof.

The SP proposes three access points to the site. Two access points are from the existing alley that runs parallel to 3rd Avenue South, and the third access is from 3rd Avenue South at the south side of the site. Vehicular parking is located interior to the site and via proposed on-street parking on Mildred Shute Avenue; bicycle parking is incorporated along both street frontages and interior to the site. Sidewalks are currently located along both 3rd Avenue South and Mildred Shute Avenue. However, the SP proposes to improve the existing sidewalks to meet the standards of the Major and Collector Street Plan. The SP also includes right-of-way dedication along both Mildred Shute Avenue and the alley. In addition, the SP is located in close proximity to existing transit routes that run along 2nd Avenue South and 4th Avenue South.

Representative architectural images provided with the SP show elements of modern architecture incorporated in the design, and proposed materials include brick, stucco and metal panels. The plan proposes to locate the live/work units and restaurant/retail space at the ground level to provide handicap access, and the architectural images feature the first floor providing a storefront façade which helps to provide street-level transparency and activate the pedestrian realm.

ANALYSIS

The proposed SP is consistent with the Urban Mixed Use Neighborhood land use policy and meets several critical planning goals. Therefore, staff recommends approval with conditions and disapproval without all conditions, subject to approval of the policy amendment.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- Fire Code issues for the structures will be addressed at permit application review

HISTORICAL COMMISSION

Approve

- Within Second Avenue WOC District, but lots are vacant or contain non-contributing properties.

STORMWATER RECOMMENDATION

Approve

TRAFFIC & PARKING RECOMMENDATION

No exception taken

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approved as a Preliminary SP only, on the condition the applicant submit an updated availability study reflecting the latest layout (original study does not include much of the commercial shown on the SP). Public utility extensions may be required as a result of this revised study. If so, these would need to be approved before 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.
- Dedicate ½ of 20' ROW on the Alley, prior to bldg. permit signoff.
- Label ROW dedication to the back of sidewalk and dedicate prior to the building permit issuance.

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
Two-Family Residential (210)	1.03	7.26 D	8 U *	77	6	9

*Based on one two-family 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)	1.03	-	54 U	451	31	48

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
Retail (814)	1.03	-	5,000 SF	252	12	34

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)	1.03	-	5,054 SF	643	59	57

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
Office (710)	1.03	-	2,000 SF	66	9	9

Traffic changes between maximum: **R6** and **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1,335	+105	+139

SCHOOL BOARD REPORT

Projected student generation existing R6 district: 1 Elementary 1 Middle 1 High

Projected student generation proposed SP-R district: 0 Elementary 0 Middle 0 High

The proposed SP-R zoning district would generate three fewer students than what is typically generated under the existing R6 zoning district. Students would attend Whitsitt Elementary School, Camron Middle School, and Glenciff High School. Whitsitt Elementary School has been identified as over capacity. There is no capacity within the cluster for additional elementary school students. This information is based upon data from the school board last updated October 2014.

February 12, 2015, Planning Commission Meeting

The fiscal liability of 0 new elementary students is \$0 (0 X \$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

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS (If approved)

1. The purpose note shall be revised as follows with the final site plan: "The purpose of this SP is to permit up to 54 residential units, 1,900 square feet of restaurant/retail space, and 10 units totaling 7,000 square feet which are to be office/retail/multi-family units (i.e. live/work units)."
2. The definition of live/work on page 3 of the booklet shall be revised as follows with the final site plan: "Live/work unit is defined as a single unit (e.g. studio, loft or one bedroom) consisting of either a commercial/office with a residential component that is occupied by the proprietor of the commercial/office. A live/work unit may also serve as solely residential use."
3. The final site plan shall incorporate a Type A-3 landscape buffer yard with an opaque fence along the southern property line where the site is adjacent to an existing residential use.
4. The final site plan shall include a note in the parking table clarifying that parking for the live/work units is calculated as retail/office per the approved traffic study.
5. The final site plan shall incorporate a ground floor height of 14' from grade and incorporate 40% glazing from grade to 14' along both street frontages.
6. The final site plan shall incorporate a knee wall and landscaping to screen parking spaces along 3rd Avenue South.
7. Uses within the SP shall be limited to up to 54 residential units, 1,900 square feet of restaurant/retail space, and 10 units totaling 7,000 square feet which are to be office/retail/multi-family units.
8. 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 MUL-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
9. 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.
10. 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.
11. 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, subject to approval of the associated policy amendment.

Tom White, 36 Old Club Court, spoke in favor of the application.

Greg Wood, 919 Gail Lane, spoke in favor of the application.

Bertha Batey, PO Box 331121, spoke in opposition to the application.

Name unclear, 1074b 2nd Avenue South, spoke in favor of the application and noted that developments like this could serve the area well.

Chairman McLean closed the Public Hearing.

Ms. LeQuire spoke in favor of the application and asked staff to make sure they are looking all the way to Chestnut.

Councilman Hunt spoke in favor of the application.

Mr. Clifton spoke in favor of the application, especially the live/work aspect.

Mr. Haynes moved and Ms. Farr seconded the motion to approve with conditions and disapprove without all conditions. (6-0)

Resolution No. RS2015-33

“BE IT RESOLVED by The Metropolitan Planning Commission that 2015SP-004-001 is Approved with conditions and disapproved without all conditions. (6-0)”

CONDITIONS

- 1. The purpose note shall be revised as follows with the final site plan: “The purpose of this SP is to permit up to 54 residential units, 1,900 square feet of restaurant/retail space, and 10 units totaling 7,000 square feet which are to be office/retail/multi-family units (i.e. live/work units).”**
- 2. The definition of live/work on page 3 of the booklet shall be revised as follows with the final site plan: “Live/work unit is defined as a single unit (e.g. studio, loft or one bedroom) consisting of either a commercial/office with a residential component that is occupied by the proprietor of the commercial/office. A live/work unit may also serve as solely residential use.”**
- 3. The final site plan shall incorporate a Type A-3 landscape buffer yard with an opaque fence along the southern property line where the site is adjacent to an existing residential use.**
- 4. The final site plan shall include a note in the parking table clarifying that parking for the live/work units is calculated as retail/office per the approved traffic study.**
- 5. The final site plan shall incorporate a ground floor height of 14’ from grade and incorporate 40% glazing from grade to 14’ along both street frontages.**
- 6. The final site plan shall incorporate a knee wall and landscaping to screen parking spaces along 3rd Avenue South.**
- 7. Uses within the SP shall be limited to up to 54 residential units, 1,900 square feet of restaurant/retail space, and 10 units totaling 7,000 square feet which are to be office/retail/multi-family units.**
- 8. 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 MUL-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.**
- 9. 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.**
- 10. 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.**
- 11. 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.**