2015SP-006-001

TOWERING OAKS
Map 098, Parcel(s) 052
Council District 12 (Steve Glover)
Staff Reviewer: Melissa Sajid

A request to rezone from RS15 to SP-R zoning for property located at 5572 South New Hope Road, at the current terminus of Cherry Bark Court, (3.52 acres), to permit up to 13 single-family dwelling units, requested by Dale & Associates, applicant; Bruce and Richelle Harp, owner.
Staff Recommendation: Disapprove.

APPLICANT REQUEST
Preliminary SP to permit up to 13 single-family lots.

Preliminary SP
A request to rezone from Single-Family Residential (RS15) to Specific Plan-Residential (SP-R) zoning for property located at 5572 South New Hope Road, at the current terminus of Cherry Bark Court, (3.52 acres), to permit up to 13 single-family lots.

Existing Zoning
Single-Family Residential (RS15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre. *RS15 would permit a maximum of 8 lots with a Cluster Lot subdivision.*

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
N/A

DONELSON-HERMITAGE COMMUNITY PLAN
Current Policy
Suburban Neighborhood Maintenance (T3 NM) policy is intended to preserve the general character of suburban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. T3 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 may be made to improve pedestrian, bicycle and vehicular connectivity.

DRAFT Preferred Future Policy
Suburban Neighborhood Evolving (T3 NE) policy is intended to create suburban neighborhoods that are compatible with the general character of classic suburban neighborhoods as characterized by their building form, land use and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern will have higher densities than classic suburban neighborhoods and/or smaller lot sizes, with a broader range of housing types providing housing choice. This reflects the scarcity of easily developable land (without sensitive environmental features) and the cost of developing housing - challenges that were not faced when the original classic, suburban neighborhoods were built.

Consistent with Policy?
No. The proposed SP is inconsistent with the goals of both the existing T3 NM policy and the proposed T3 NE policy. The T3 NM policy is intended to preserve the general character of the existing neighborhood while the T3 NE policy is intended to create and enhance the character of the existing neighborhood in terms of its development pattern, building form, land use and the public realm. Both policies also emphasize vehicular connectivity and discourage the use of cul-de-sacs. The T3 NE policy specifically encourages vehicular connectivity to provide multiple routes to destinations for residents which will reduce congestion on primary roads.

The SP proposes a cul-de-sac that will limit access to the site from Stewarts Ferry Pike to the south even though the property has frontage on Cape Hope Pass. The connection of Cherrybark Court to Cape Hope Pass would create an additional access point to South New Hope Road to the east in an area characterized by limited connectivity. Increasing connectivity in this area is especially important given that many of the older subdivisions surrounding the subject property were approved under regulations that did not require as much connectivity as the regulations do today. In addition to providing residents with multiple routes and reducing congestion, increased connectivity also allows for multiple routes for emergency access. Not only is the SP inconsistent with the goals of the policy, but the

Fire Marshal's Office has also recommended disapproval as a secondary access is required to meet the requirements of the Fire Code.

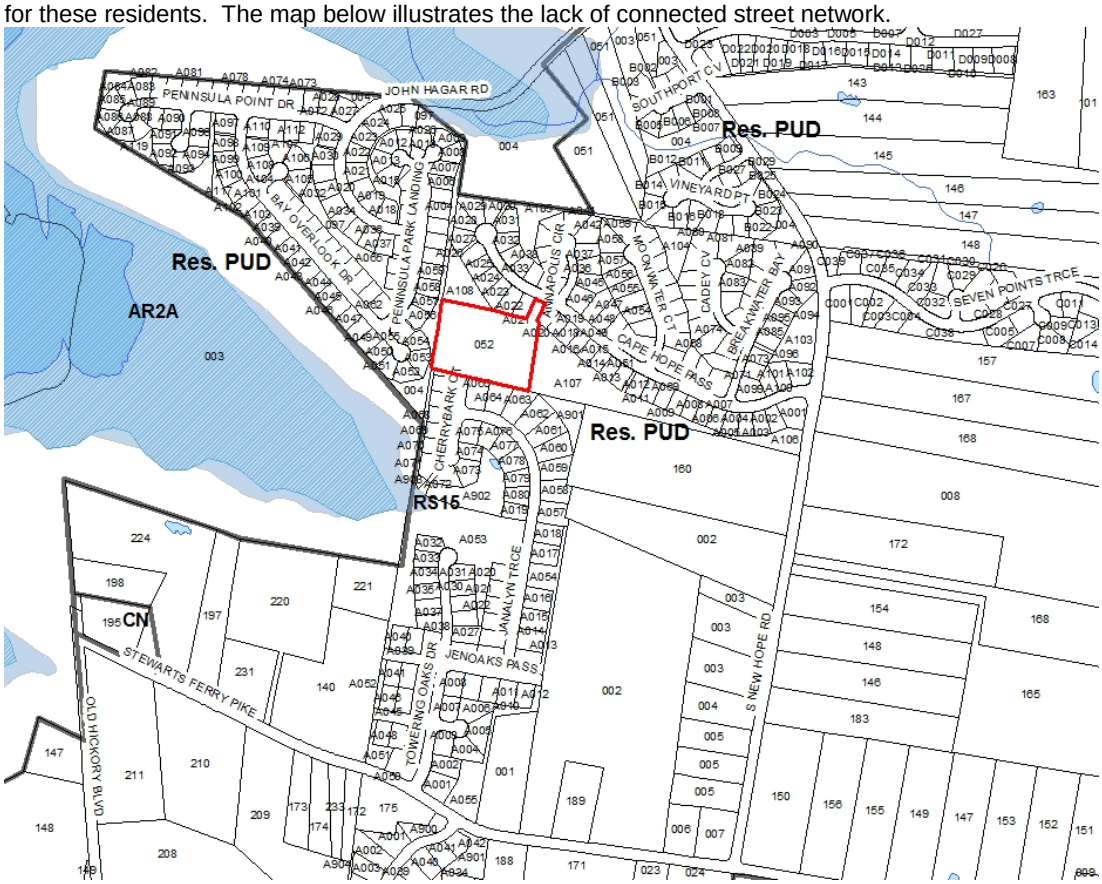
PLAN DETAILS
The site is located at 5572 South New Hope Road, southwest of Cape Hope Pass. Surrounding zoning includes RS15, AR2a and PUD. The Towering Oaks subdivision, a cluster lot subdivision, is located to the south of the subject property, and the New Hope Point PUD surrounds the site to the north, east and west.

Site Plan
The plan proposes thirteen single-family units on individual lots with a minimum lot size of 5,000 square feet, but lot sizes are shown around 8,200 square feet. Even though there is an opportunity to connect to Cape Hope Pass to the east, the plan includes only one access point from Cherrybark Court, which is extended to the north and terminates in a double cul-de-sac. Landscape buffers are proposed along the perimeter of the site with limited open space provided between Lots 20 and 21 of New Hope Point along Cape Hope Pass. However, the proposed open space is not easily accessed by the proposed units.

If the site were developed as a cluster lot subdivision, the maximum number of lots that would be permitted is 8 lots at a minimum of 7,500 square feet, whereas the SP proposes 13. The cluster lot option would also require a minimum of 15% open space exclusive of the proposed landscape buffers. Such open space is characteristic of the developments surrounding this site. The New Hope Point PUD and the Towering Oaks subdivision both provide more than 20% open space. The SP proposes about 3% of open space, exclusive of landscape buffer yards.

The SP proposes a subdivision for 13 single-family lots. In addition to the Community Character policy, the Subdivision Regulations also require the use of an interconnected street system. The New Hope Point PUD was approved in 1996, and the access shown at Cape Hope Pass for the subject property was conveyed to the property owner at that time to provide access to the site**.** The property that is the subject of this SP request was not included in the New Hope Point PUD.

An interconnected street system allows for the reasonable dispersal of traffic among all available streets which reduces traffic congestion on major thoroughfares. Street connections allow for multiple routes for emergency access and allow for alternatives for residents in the event of an accident or emergency situation. There are approximately 100 lots in the New Hope Point that share one access point to South New Hope Road, which is identified in the Major and Collector Street Plan as a suburban residential collector. In addition, there are about 75 lots in the Towering Oaks subdivision to the south that share one access point at Stewarts Ferry Pike. Currently there are no alternative routes for these residents. The map below illustrates the lack of connected street network.



A connection from Cherrybark Court to South New Hope Road would provide an alternate route for residents. In addition, Metro Fire has recommended disapproval of the SP since a secondary access is required to meet the requirements of the Fire Code.

Variance request
Section 3-9.2(i) of the Subdivision Regulations states that the maximum length of dead end streets with turnarounds is 750 feet. The applicant requests a variance to the requirement to permit a dead end street with turnaround of approximately 1,600 feet.

Section 1-11.1 of the Subdivision Regulations states that the Planning Commission may grant variances to the regulations when it finds that extraordinary hardships or practical difficulties may result from strict compliance with the regulations, provided that the variance does not nullify the intent and purpose of the regulations. It further states that findings shall be based upon the evidence presented in each specific case that:

a. The granting of the variance shall not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

b. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.

c. Because of the particular physical surrounding, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.

d. The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County (Zoning Code).

Staff finds that approval of a variance to the maximum length of a dead end street is not appropriate in this case, as the applicant has not demonstrated a hardship related to the land. In this case, the length of the dead end street is measure from Jenoaks Pass, as Jenoaks Pass provides for future connection to adjacent sites. The applicant claims that Cherrybark Court is the only public right-of-way connection to the property. That is not the case, as the site also has frontage on Cape Hope Pass. Also, the applicant asserts that there is inadequate right-of-way to create further connectivity and that the physical configuration is not feasible for proper intersection. Upon consultation with Public Works, staff finds that the connection to Cape Hope Pass is possible.

Chapter 17.40.105 of the Zoning Code that established Specific Plan zoning details the requirements for SP zoning. This section specifically says that SP zoning cannot over-ride the Subdivision Regulations. While SP zoning allows for alternative design standards in many areas, it does not allow for variances to the Subdivision Regulations. The SP enabling legislations also outlines that the plan must be consistent with the land use policy.

ANALYSIS
In order to be consistent with the goals of either the T3 NM or T3 NE land use policies, the SP must incorporate a street connection to Cape Hope Pass. Such a connection would benefit not only the residential units proposed by this SP, but also the existing neighborhoods surrounding the site by providing adequate access for fire apparatus, additional routes for residents and reducing congestion. In addition, the SP should incorporate additional open space that is characteristic of the suburban context and neighboring developments. Achieving these goals may necessitate a reduction in the number of units or smaller lot sizes. As the SP is not consistent with the goals of the T3 NM and T3 NE land use policies to provide vehicular connectivity and Metro Fire has recommended disapproval, staff recommends disapproval**.**

FIRE MARSHAL RECOMMENDATION
Disapprove
- Spoke with applicant on 12-17-14. Reviewed revised plans.
- D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.

HISTORICAL COMMISSION RECOMMENDATION
Approve

STORMWATER RECOMMENDATION
Approve

TRAFFIC & PARKING RECOMMENDATION
No exception taken

WATER SERVICES RECOMMENDATION
Approved
• Approved as a Preliminary SP only. Public construction plans must be approved by Final SP/Site Plan stage. Update MWS's availability study by Final SP/Site Plan stage, to reflect the actual unit count.

PUBLIC WORKS RECOMMENDATION
Approved with conditions
• This development will require Public Works approval of detailed construction plans prior to grading the site. Final design and improvements may vary based on actual field conditions.
• This development should comply with the subdivision regulations concerning maximum cul-de-sac length and connectivity.

Maximum Uses in Existing Zoning District**: RS15**

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)	3.52	2.90 D	10 U	96	8	11

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
Single-Family Residential (210)	3.52	-	15 U	144	12	16

Traffic changes between maximum: **RS15** and **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 5 U	+48	+4	+5

SCHOOL BOARD REPORT
Projected student generation existing RS15 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 RS15 zoning district. Students would attend Ruby Major Elementary School, Donelson Middle School, and McGavock High School. Ruby Major Elementary School and Donelson Middle School have been identified as over capacity. There is capacity within the cluster for elementary and middle school students. This information is based upon data from the school board last updated October 2014.

STAFF RECOMMENDATION
Staff recommends disapproval of the SP as it is not consistent with the goals of the land use policy, the Subdivision Regulations, and has been recommended for disapproval by the Fire Marshall's Office.

CONDITIONS (if approved)
1. Uses within the SP shall be limited to up to 13 residential lots.
2. The final site plan shall include a minimum of 15% open space exclusive of the proposed landscape buffer yards.
3. The final site plan shall include the extension of Cherrybark Court to Cape Hope Pass.
4. 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 RS5 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
5. The preliminary SP plan approved by the metropolitan council is of such detail that the executive director of the planning department or his designee may waive the submittal of a final site plan.
6. 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.
7. 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.
8. 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 disapproval.

Tom White spoke in favor of the application and noted that his client is willing to sprinkle the lots.

Adam Sager, 516 Heather Place, spoke in favor of the application and noted that connectivity is not applicable in this situation.

Scott Davis, developer, spoke in favor of the application.

Jack (last name unclear), spoke in favor of the application.

Chairman McLean closed the Public Hearing.

Mr. Clifton spoke in favor of staff recommendation of disapproval.

Ms. Farr spoke in favor of staff recommendation of disapproval.

Mr. Clifton moved and Ms. LeQuire seconded the motion to disapprove. (5-1) Mr. Haynes voted against.

Resolution No. RS2015-5

"BE IT RESOLVED by The Metropolitan Planning Commission that 2015SP-006-001 is **Disapproved. (5-1)**"