

## 2015SP-062-001

### BRENTWOOD SKYLINE

Map 171, Parcel(s) 159

Council District 04 (Brady Banks)

Staff Reviewer: Melissa Sajid

A request to rezone from R10 within the Highlands of Brentwood PUD to SP-R zoning for properties located at Stone Brook Drive (unnumbered), approximately 1,700 feet south of Old Hickory Boulevard, (6.56 acres), to permit a 140 unit multi-family residential development consisting of one seven story building, including two levels of parking, clubhouse with pool, and visitor parking, requested by Lukens Engineering Consultants, applicant; Mt View, LLC, owner.

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

### APPLICANT REQUEST

**Preliminary SP to permit up to 140 multi-family units and PUD cancellation.**

#### Zone Change

A request to rezone from One and Two-Family Residential (R10) within the Highlands of Brentwood PUD to Specific Plan – Residential (SP-R) zoning for properties located at Stone Brook Drive (unnumbered), approximately 1,700 feet south of Old Hickory Boulevard, (6.56 acres), to permit a 140 unit multi-family residential development consisting of one seven story building, including two levels of parking, clubhouse with pool, and visitor parking.

#### Cancel PUD

A request to cancel existing Highlands of Brentwood PUD for properties located at Stone Brook Drive (unnumbered), approximately 1,700 feet south of Old Hickory Boulevard, (6.56 acres).

### Existing Zoning

One and Two-Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *While the base zoning is R10 which permits one and two-family residential, the PUD is approved for office uses only.*

Planned Unit Development Overlay District (PUD) is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the conventional zoning provisions of this title. The PUD district may permit a greater mixing of land uses not easily accomplished by the application of conventional zoning district boundaries, or a framework for coordinating the development of land with the provision of an adequate roadway system or essential utilities and services. This PUD plan In return, the PUD district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets.

### 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

The proposed SP creates an opportunity for infill housing in an area that is served by existing infrastructure. Locating development in areas served by existing, adequate infrastructure does not burden Metro with the cost of upgrading or building new infrastructure.

### SOUTHEAST COMMUNITY PLAN

#### Current Policy

Suburban Neighborhood Evolving (T3 NE) 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.

Conservation (CO) is intended to preserve and enhance environmentally sensitive land within all Transect Categories except T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands and unstable or problem soils.

**Growth and Preservation Concept Map**

No change is proposed.

Consistent with Policy?

Yes. The proposed SP and the PUD cancellation are consistent with the Suburban Neighborhood Evolving policy which is intended to create suburban neighborhood that may include a variety of housing types and additional density. The PUD is currently approved for office uses which are not consistent with the Suburban Neighborhood Evolving policy. In addition, staff finds that the overall design of the site works better with the slopes that are located in Conservation policy than the currently approved office building.

**PLAN REQUEST DETAILS**

The site is located southeast of the I-65 – Old Hickory Boulevard interchange. Surrounding zoning includes RM15, OL, and PUD, and the area is characterized by office and multi-family residential uses. Access to the site is off Stone Brook Drive.

History

The Highlands of Brentwood PUD was approved by Metro Council in September 1989. The PUD was approved for a 7-story office building that permitted up to 131,400 square feet of office space. The PUD has not been revised or amended since the initial approval.

Site Plan

The SP proposes a multi-family residential development that includes up to 140 residential units and clubhouse with pool. All proposed residential units are located in the larger building that has a maximum height of 7 stories in 85'. The first 2 stories are dedicated to parking while the residences are located in the top 5 stories. The plan also includes a 2,600 square feet clubhouse that is located to the north of the multi-family building and a pool amenity. Architectural images have been included with the preliminary SP and appear to incorporate elements of modern architecture. The plan also incorporates tree protection areas which protects existing trees and vegetation outside of the limits of disturbance.

Access to the site is from a driveway located off Stone Brook Drive, and the proposed driveway includes a 15% which exceeds the 12% grade maximum established by the Fire Code. The applicant has applied to the Fire and Building Code Appeals Board for a variance to permit the 15% grade and is scheduled to go before the board on June 9<sup>th</sup>. Parking for the units is through a combination of surface parking for guests that is located between the apartment building and the clubhouse and spaces in the parking garage that are the lower two levels of the proposed multi-family building. Sidewalks are not currently available to the site. However, the SP proposes to install sidewalks along the street frontage and to provide interior sidewalks that connect the residential building to the public sidewalk.

**ANALYSIS**

The proposed SP is consistent with the Suburban Neighborhood Evolving policy which is a residential policy intended to create suburban neighborhood that may include a variety of housing types and additional density. The PUD is currently approved for office uses which are not consistent with the Suburban Neighborhood Evolving policy. The proposed SP is also consistent with the multi-family zoning pattern to the north and south of the site. In addition, staff finds that the overall design of the site works better with the slopes that are located in Conservation policy than the currently approved office building. The building footprint for the approved office use is 46,000 square feet whereas the footprint proposed by the SP is 38,600 square feet.

As the proposed SP is consistent with the Suburban Neighborhood Evolving policy and supports one critical planning goal, staff recommends approval with conditions and disapproval without all conditions for the SP and approval of the associated PUD cancellation.

**FIRE MARSHAL RECOMMENDATION**

**SP – Approve with conditions**

- Fire Code issues for the structures will be addressed at permit application review.
- The structure will be required to meet the requirements for water flow for firefighting purposes of the table B105.1 in the appendix B of the 2006 IFC. The grade exceeds 12% and will have to be appealed 2006 IFC APPENDIX D 103.2

**PUD Cancellation – N/A**

**STORMWATER RECOMMENDATION**

**SP – Approve**

**PUD Cancellation – Approve**

**TRAFFIC & PARKING RECOMMENDATION**

**SP – Conditional if approved**

- A TIS is required prior to final SP.

**PUD Cancellation – No exception taken**

**WATER SERVICES RECOMMENDATION**

**SP – Approve with conditions**

- Approved as a Preliminary SP only. The required capacity fees must be paid before Final SP is approved. Should public hydrants be required near this apartment building, than public water construction plans must be submitted for review and approval before the Final SP is approved. If no public hydrants are needed, than both water and sewer are private, and no public construction plans are needed.

**PUD Cancellation – Approve**

**PUBLIC WORKS RECOMMENDATION**

**SP – 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.
- Provide turn around for SU-30 near the trash compactor.
- Additional comments to follow review of the requested TIS and mitigations.

**PUD Cancellation – No exception taken**

Maximum Uses in Existing Zoning District: **R10**

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)	6.56	4.35 D	35 U*	335	27	36

\*Based on seven two-family lots.

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 (220)	6.56	-	140 U	972	73	95

Traffic changes between maximum: **R10** and **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 105 U	+637	+46	+59

**METRO SCHOOL BOARD REPORT**

**Projected student generation existing PUD: 0 Elementary 0 Middle 0 High**

**Projected student generation proposed SP-R: 9 Elementary 4 Middle 3 High**

The proposed SP-R could generate 16 more students than what would be expected under the existing PUD. Students would attend Granberry Elementary School, Oliver Middle School, and Overton High School. Granberry Elementary School and Overton High School have been identified as over capacity. There is no capacity within the cluster for elementary students, and there is no capacity within the cluster or adjacent clusters for high school students.

**Fiscal Liability**

The fiscal liability of 9 new elementary students is \$193,500 (9 X \$21,500 per student), and the fiscal liability for 3 new high school students is \$108,000 (3 X \$36,000). This is only for information purposes to show the potential impact of this proposal, it is not a staff condition of approval.

This information is based upon data from the school board last updated October 2014.

**STAFF RECOMMENDATION**

Staff recommends approval of the PUD cancellation and approval of the SP with conditions and disapproval without all conditions as the request is consistent with the Urban Neighborhood Evolving land use policy.

**SP CONDITIONS**

1. Uses within the SP shall be limited to up to 140 multi-family units and a maximum of seven stories in 85 feet.
2. If the Fire Appeals Board does not grant the variance for driveway grade, any subsequent changes to the plans may require Metro Council approval.
3. The area labeled on the plan as tree protection shall remain undisturbed. Any proposals to substantially alter the plan (as determined by the Planning Commission) to disturb this area shall require Metro Council approval. This condition shall not prohibit maintenance of the designated Conservation Space.
4. The developer's final construction drawings shall comply with the design regulation established by the Department Public Works. Final design may vary based on field conditions.
5. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
6. 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 RM20 zoning district as of the date of the applicable request or application.
7. 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.
8. 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.
9. 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.

Items 17a and 17b were heard and discussed together.

Shawn Henry, 315 Deaderick St, spoke in favor of the application and noted that this property is completely surrounded by multi-family.

Steve Johnson spoke in favor of the application.

Jim Lukins spoke in favor of the application and explained that all required parking is in parking garages.

Bob Hyde, 227 Glenstone Cr, spoke in opposition to the application due to concerns with blasting damage, erosion, water runoff, parking, and traffic.

Barbara Evans, 108 Villa View Ct, spoke in opposition to the application due to traffic and blasting concerns.

Dana Smith spoke in opposition to the application due to traffic and blasting concerns.

Melissa (last name unclear), 106 Villa View Ct, spoke in opposition to the application due to blasting concerns and concerns with losing the existing wildlife.

Steve Johnson clarified that stormwater will meet all requirements and all issues that come from the traffic impact study will be addressed.

**Chairman McLean closed the Public Hearing.**

Mr. Adkins inquired as to what would happen if the traffic impact study finds this will have a dramatic impact on Old Hickory Blvd or another street.

Devin Doyle, Metro Public Works, stated that a study was done on the office development and it indicated that minimal improvements would be based on the magnitude or size of the development and the volume of traffic generated. The net cumulative effect will be through the capital improvements program.

Mr. Adkins noted that this is much less impact than the previous PUD.

Mr. Clifton stated that from a planning perspective, there isn't a choice but to approve this in light of previously approved plans and the staff report.

Ms. Blackshear spoke in favor of the application and noted that this would be an improvement over what could be there currently without any vote by the commission.

Ms. Farr stated that while there is no reason not to approve this, it doesn't seem that the cumulative effect of all the development is being looked at.

Ms. LeQuire asked staff at what point would we have cancelled the PUD altogether.

Mr. Leeman explained that it can be reviewed after six years by the commission or council but there has been no request for this to be reviewed. Staff has been looking at this plan with the applicant for the last four years.

Ms. LeQuire stated that if we were really planning, we would have asked for this to be reviewed to see how it could match the policy. She also noted that she likes the design of the building and suggested considering eliminating the clubhouse and leaving the green space as well as using pervious pavement where possible.

**Mr. Haynes moved and Mr. Adkins seconded the motion to approve with conditions and disapprove without all conditions. (7-1) Ms. LeQuire voted against.**

### **Resolution No. RS2015-199**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2015SP-062-001 is **Approved with conditions and disapproved without all conditions. (7-1)**"

#### **CONDITIONS**

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