2016SP-047-001

LISCHEY CORNERS SP
Council District 05 (Scott Davis)
Staff Reviewer: Alex Deus

A request to rezone from CN, RS5 and SP-R to SP-MU zoning for properties located at 1224, 1225, 1227, 1229, 1231 and 1300 Lischey Avenue, approximately 210 feet northeast of Richardson Avenue (1.97 acres), to permit all uses permitted by the MUL-A district except for alternative financial services uses, requested by Councilmember Scott Davis, applicant; various property owners.
Staff Recommendation: Approve with conditions and disapprove without all conditions.

APPLICANT REQUEST
Rezone from CN RS5 and SP-R to SP-MU.

Preliminary SP
A request to rezone from Commercial Neighborhood (CN), Single-Family Residential (RS5) and Specific Plan-Residential (SP-R) to Specific Plan-Mixed Use (SP-MU) zoning for properties located at 1224, 1225, 1227, 1229, 1231 and 1300 Lischey Avenue, approximately 210 feet northeast of Richardson Avenue (1.97 acres), to permit all uses permitted by the Mixed-Use Limited-Alternative (MUL-A) district except for alternative financial services uses.

Existing Zoning
Single-Family Residential (RS5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre. *RS5 would permit a maximum of 5 units.*

Commercial Neighborhood (CN) is intended for very low intensity retail, office, and consumer service uses which provide for the recurring shopping needs of nearby residential areas.

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. *This SP allows for detached accessory dwelling units (DADUs).*

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
- Creates Walkable Neighborhoods
- Supports Infill Development

This request directs development to areas where infrastructure is already existing (i.e. sewer lines, roads) as opposed to areas where there are not adequate public facilities. This reduces the service constraints placed on Metro's resources. The proposed request would also enhance walkability along a corridor through the orientation of buildings and enhancement of the pedestrian network.

EAST NASHVILLE COMMUNITY PLAN
T4 Urban Neighborhood Center (T4 NC) is intended to preserve, enhance, and create urban neighborhood centers that serve urban neighborhoods that are generally within a 5 minute walk. T4 NC areas are pedestrian friendly areas generally located at intersections of urban streets that contain commercial, mixed use, residential, and institutional land uses. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle and vehicular connectivity.

Consistent with Policy?
Yes. This request is consistent with policy as it would create a neighborhood center that would serve urban neighborhoods. Generally, intensity is placed at the edges of the T4 Urban Neighborhood Center, not exceeding the four corners of the intersection of two prominent urban streets and allowing for commercial, mixed-use, residential and institutional land uses. This proposal achieves that intent as this site is located at the four corners of two prominent streets (Lischey Avenue and Douglas Avenue).

This request would allow for a variety of uses to be introduced with appropriate design standards consistent with the goals of the policy and would provide height transitions to historic structures.

ANALYSIS
This site is located at 1224, 125, 1227, 1229, 1231 and 1300 Lischey Avenue on approximately 1.97 acres. These properties are currently zoned RS5, CN, and SP-R and allow for primarily residential and commercial uses. There are currently three structures present on these sites.

This is a regulatory SP that includes standards in the event these properties were to redevelop. Uses within the SP would be limited to those permitted under the Mixed-Use Limited-Alternative (MUL-A) district except alternative financial services. MUL-A uses generally consist of residential, commercial and office uses. This SP would have appropriate design standards as there would be a build-to zone that would orient future structures to address the public realm and would be required to occupy the corners of each site as these properties are located at the intersection of two public streets. Parking would be required to be placed behind or to the side of any future structure and vehicular access would be from existing alleys (#340, #2023 & #301). These standards would facilitate a pedestrian oriented design.

Sidewalks would be built to Major and Collector Standards (MCSP) along Lischey Avenue and Douglas Avenue (8 foot sidewalk, 4 foot plating strip), in the event of redevelopment. This would connect the pedestrian network to the adjacent property along Lischey Avenue which is zoned SP (BL2015-1181) and was approved with sidewalks that meet the MSCP standards.

These properties are partially located within the Urban Zoning Overlay (UZO) and partially outside of it. The primary intent of the UZO is to preserve and protect existing development patterns. The Alternative districts have different design standards if a property is located outside the UZO; generally a more suburban style that promotes walkable communities. One of the recommended conditions associated with this request is that design standards be consistent with Alternative districts located within the UZO. This would be in keeping with the policy which promotes an urban character not a suburban one.

The policy provides guidance on planned height of surrounding buildings and the impact on adjacent historic structures. There is an existing historic church to the north of this site that has been identified as Worthy of Conservation. There are two structures on the church property, the closest one to this site being approximately 28 feet and the second approximately 32 feet. The standards within this SP would require for the height of any future structure to be three stories in 45 feet within the build to zone and would then have to step back a minimum of 15 feet to reach four stories in 60 feet. The applicant has also proposed a 40 foot side setback on the northern site of parcel 251. This would create a pedestrian scaled design and provide an appropriate height transition.

FIRE MARSHAL RECOMMENDATION
N/A

PUBLIC WORKS RECOMMENDATION
Approved with conditions
- This development will require Public Works approval of detailed construction plans prior to grading the site. Plans must comply with the design regulations established by the Department of Public Works in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design and improvements may vary based on actual field conditions.
- All work completed within the ROW is to comply with MPW standards and specifications.
- Driveway/ access locations are to comply with Metro Code for access locations, where applicable.
- The proposed sidewalks are to be clear of all vertical obstructions, i.e. relocate any power poles, signs, fire hydrants, etc. that are within the proposed sidewalk.
- All sidewalk construction is to be per the MCSP.

TRAFFIC & PARKING RECOMMENDATION
Approved with conditions
- A TIS may be required prior to final SP.

Maximum Uses in Existing Zoning District**: RS5**

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)	0.67	8.7 D	5 U	48	4	6

Maximum Uses in Existing 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)	0.32	-	1 U	10	1	2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.69	0.25 F	7,514 SF	360	14	40

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 (820)	1.97	1.4 F	120,138 SF	7652	172	720

Traffic changes between maximum: **RS5, SP-R, CN** and **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-		+7,234	+153	+672

WATER SERVICES RECOMMENDATION
Approved with conditions
• Approved as a Preliminary SP only. Public water and sewer construction plans must be submitted and approved prior to Final SP approval. These approved construction plans must match the Final Site Plan/SP plans. The required capacity fees must also be paid prior to Final Site Plan/SP approval.

METRO SCHOOL BOARD REPORT
Projected student generation existing RS5 district 0 Elementary 0 Middle 0 High
Projected student generation existing CN district 0 Elementary 0 Middle 0 High
Projected student generation existing SP-R district 0 Elementary 0 Middle 0 High
Projected student generation proposed SP-MU district 21 Elementary 14 Middle 12 High

The proposed SP-MU district would generate 47 additional students than what is typically generated under the existing RS5, CN, SP-R. Students would attend Shwab Elementary, Jere Baxter Middle School and Maplewood High School. All three schools have been identified as having additional capacity.

This information is based upon data from the school last updated March 2016.

STAFF RECOMMENDATION
Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS
1. Uses within this SP shall be limited to those permitted under the MUL-A Zoning District except alternative financial services.
2. The maximum allowable Floor Area Ratio (FAR) per parcel shall be 1.4.
3. The design standards shall comply with the design standards of Alterative districts found within the Urban Zoning Overlay.
4. The parking requirements shall meet the parking standards of the Urban Zoning Overlay.
5. There shall be a minimum of a 40 foot side setback along the northern site of parcel 251.
6. Add the following note to the plan: The final site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.
7. Public water and sewer construction plans, if required, must be submitted and approved prior to Final SP approval. A water and sewer availability request shall be made prior to Final SP submittal with required capacity fees paid prior to Final Site Plan/SP approval.
8. Upon submittal of a Final Site Plan, the Applicant will provide the number of employees and/or FAR in order to calculate the required parking.
9. 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.
10. 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. McLean recused himself and stepped out of the room at 4:39 p.m.

Mr. Deus presented the staff recommendation of approval with conditions and disapproval without all conditions.

Roy Dale, 516 Heather place, spoke in favor of the application.

Councilmember Scott Davis spoke in favor of the application.

Ernestine Crutcher, 1229 Lischey Ave, spoke in opposition to the application because she does not want to move again.

Lisa Spells, 611 N 5th St, spoke in opposition to the application due to parking and safety concerns.

Alicia White, 1304 N 5th St, spoke in opposition to the application because more housing isn't needed or wanted in the area.

Mr. Dale asked for approval and noted that this meets the land use policy. There will not be duplexes here.

Chairman Adkins closed the Public Hearing.

Ms. Farr spoke in favor of staff recommendation as it meets policy and is owner-occupied.

Ms. Blackshear asked the councilmember to address parking concerns.

Councilman Davis explained that the application agreed to add in some vacant parcels for overflow parking. He added that living space will be on top of the retail space so they won't be true duplexes.

Ms. Diaz spoke in favor of staff recommendation.

Mr. Tibbs spoke in favor of staff recommendation.

Ms. Hagan-Dier stated that she would be more comfortable with this if the two lots that don't wish to be included were allowed to be excluded.

Councilmember Allen moved and Ms. Hagan-Dier seconded the motion to disapprove as submitted and approve with conditions, including an amendment to remove parcels 471 and 472, and disapprove without all conditions. (7-0-1) Mr. McLean recused himself.

Mr. McLean stepped back in the room at 5:13 p.m.

Resolution No. RS2016-182

"BE IT RESOLVED by The Metropolitan Planning Commission that 2016SP-047-001 is **Disapproved as submitted. Approved with conditions, including an amendment to remove parcels 471 and 472, and disapprove without all conditions. (7-0-1)**"

CONDITIONS

1. Uses within this SP shall be limited to those permitted under the MUL-A Zoning District except alternative financial services.
2. The maximum allowable Floor Area Ratio (FAR) per parcel shall be 1.4.
3. The design standards shall comply with the design standards of Alterative districts found within the Urban Zoning Overlay.
4. The parking requirements shall meet the parking standards of the Urban Zoning Overlay.
5. There shall be a minimum of a 40 foot side setback along the northern site of parcel 251.
6. Add the following note to the plan: The final site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.
7. Public water and sewer construction plans, if required, must be submitted and approved prior to Final SP approval. A water and sewer availability request shall be made prior to Final SP submittal with required capacity fees paid prior to Final Site Plan/SP approval.
8. Upon submittal of a Final Site Plan, the Applicant will provide the number of employees and/or FAR in order to calculate the required parking.
9. 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.
10. 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.