

11b. 2016SP-063-001

MCFERRIN AVENUE SP

Council District 05 (Scott Davis)

Staff Reviewer: Karimeh Sharp

A request to rezone from RS5 to SP-O zoning for properties located at 716 and 718 McFerrin Avenue, approximately 135 feet northwest of Maxwell Avenue (0.39 acres), to permit all uses under RS5 zoning and office uses, including home occupation uses, requested by M Properties, LLC, applicant; M Properties, LLC and Brandon Thornberry, owners.

Staff Recommendation: Approve with conditions and disapprove without all conditions, subject to the approval of the associated policy amendment. If the associated policy amendment is not approved, staff recommends disapproval.

APPLICANT REQUEST

Permit office, residential, and live-work uses.

Preliminary SP

A request to rezone from Single-Family Residential (RS5) to Specific Plan-Office (SP-O) zoning for properties located at 716 and 718 McFerrin Avenue, approximately 135 feet northwest of Maxwell Avenue (0.39 acres), to permit all uses under RS5 zoning and office uses, including home occupation 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 3 units.*

Proposed Zoning

Specific Plan-Office (SP-O) 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 office uses.

CRITICAL PLANNING GOALS

- Supports Infill Development
- Creates Walkable Neighborhoods
- Provides a Range of Housing Choices

This request creates an opportunity for infill urban development, filling in gaps in areas 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. Providing a mixture of uses potentially both within a single building and adding to the uses present in the area fosters walkable neighborhoods by creating destinations that can be walked to from nearby residences. Permitting live-work uses under the proposed Transition policy creates a community where a range of housing options serve residents at all stages in their life-cycles by providing options for those in their working years.

EAST NASHVILLE COMMUNITY PLAN

Existing Policy

T4 Urban Neighborhood Maintenance (T4 NM) is intended to preserve the general character of existing urban residential neighborhoods. 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. T4 NM areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Proposed Policy

Transition (TR) is intended to preserve, enhance, and create areas that can serve as transitions between higher intensity uses or major thoroughfares and lower density residential neighborhoods while providing opportunities for small scale offices and/or residential development. Housing in TR areas can include a mix of types and is especially appropriate for “missing middle” housing types with small to medium-sized footprints.

Consistent with Policy?

Yes. The SP is consistent with the proposed Transition policy. One intent of the policy is to create areas that can serve as transitions between higher intensity uses and lower density residential neighborhoods while providing opportunity for small scale offices and/or residential development. The location of this site directly to the south of a Commercial Neighborhood zoning district and T4 Urban Neighborhood Center policy, and directly north of a single-family residential neighborhood, creates an appropriate location for transitional, small office uses.

August 11, 2016, Planning Commission Minutes

PLAN DETAILS

The properties are located at 716 and 718 McFerrin Avenue on 0.39 acres approximately 135 feet northwest of Maxwell Avenue. A single-family home is located on each property. One home is currently being used as a small office.

Regulatory Plan

The proposed Specific Plan is a regulatory plan. The plan limits uses in the SP to office uses that would be permitted under the Office Neighborhood zoning district, home occupation uses, and residential uses permitted under the RS5 zoning district. All other uses are prohibited.

The two properties are within the Maxwell Heights Neighborhood Conservation Overlay. Any planned alterations to the properties under this SP must meet the Maxwell Heights Neighborhood Conservation Overlay Design Guidelines and be approved by the Metro Historic Zoning Commission.

ANALYSIS

The proposed uses in the SP are compatible with the single-family residential neighborhood to the south and provide an appropriate transition to the commercially-zoned properties to the north. The plan is consistent with the proposed land use policy and provides opportunities for additional housing options in addition to low-intensity office uses.

FIRE MARSHAL RECOMMENDATION

N/A

STORMWATER RECOMMENDATION

Approve with conditions

- Regulatory SP approved (Stormwater Review Only). Any construction will need to meet the Stormwater Management Manual and be approved prior to Final Site Plan approval.

TRAFFIC AND PARKING RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

Approved with conditions

- The developer's final construction drawings shall 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 may vary based on field conditions.
- Solid waste and recycling containers are to be stored along the rear of the property and accessed via the alley.

METRO SCHOOL BOARD REPORT

The proposed SP-O zoning district would not generate more students than what is typically generated under the existing RS5 zoning district. Students would attend Glenn Elementary School, Jere Baxter Middle School, and Maplewood High School. This information is based upon data from the school board last updated March 2016.

AFFORDABLE AND WORKFORCE HOUSING REPORT (information provided by applicant)

1. Will this project include any affordable or workforce housing units? N/A
2. If so, how many and what is the percentage of the entire development? N/A
3. How will you enforce the affordability requirements? N/A
4. Have any structures been demolished in the last 12 months? No; original historical home.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions if the associated policy amendment is approved. Staff recommends disapproval if the associated policy amendment is not approved.

CONDITIONS

1. Uses within this SP shall be limited to office uses, home occupation uses, and all uses permitted under the RS5 zoning district.
2. 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 ON (Office Neighborhood) zoning district as of the date of the applicable request or application.
3. Any planned alterations to the properties under this SP must meet the Maxwell Heights Neighborhood Conservation Overlay Design Guidelines and be approved by the Metro Historic Zoning Commission.
4. The following design standards shall apply:
 - a. One sign per building.
 - b. Sign may be a flush-mounted wall sign located near the principle entrance or a hanging sign parallel with the porch.
 - c. Signage shall not exceed four square feet.
 - d. Signs may only have external illumination, limited to indirect spotlights directed at the face of the sign. Signs may not move, rotate, or spin.

August 11, 2016, Planning Commission Minutes

e. Projecting signs, monument signs, and yard signs are prohibited.

5. 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.

6. The standards for the Home Occupation uses in this SP are similar to Metro Zoning Code standards for Home Occupations. The home occupation use shall only be conducted in the dwelling unit. Clients may be served on the property only between the hours of 8:00 AM and 5:00 PM, and only between Monday and Friday. This provision is not currently in the Metro Zoning Code for Home Occupations. No more than one part-time or full-time employee not living within the dwelling may work at the home occupation. The home occupation shall not occupy more than twenty percent of the total floor area of the structure and in no event more than 500 square feet of floor area. The units will have a residential design and not a commercial design.

Mrs. Sharp presented the staff recommendation of approval with conditions and disapproval without all conditions subject to the approval of the associated policy amendment. If the associated policy amendment is not approved, staff recommends disapproval.

Items 11a and 11b were heard and discussed together.

Brianna Morant, spoke in favor of the application. It makes a lot of sense for this area as it's an ideal buffer and transitional area. No one has been opposed in the community meetings.

Jenny Morant, 198 Manchester, spoke in favor of the application.

Bradley Collier, 1201 Eastland, spoke in favor of the application. It's a great office and is always very quiet.

Elizabeth Pointer, 2024 Forest Green Drive, spoke in favor of the application.

Cindy (last name unclear), 811 W. Greenwood, spoke in favor of the application. This gives the option to have a transitional area as well as preserving the character of the neighborhood.

Brandon Thornberry, 718 McFerrin, spoke in favor of the application. This is a good transition from commercial to residential.

Dr. Sharon Shaw-McEwen, 717 Hart Ave, spoke in opposition to the application. She would like the area to remain residential and not continue to little by little become transitional and less residential. There is not adequate parking, either.

Councilman Davis noted that this property used to have an office use allowed. He spoke in favor of the application and asked for approval.

Chairman Adkins closed the Public Hearing.

Mr. Haynes spoke in favor of the application as the applicant did the right thing. She could have said nothing but she took it upon herself to work through the process.

Ms. Hagan-Dier spoke in favor of the application as it is an appropriate rezoning.

Mr. Tibbs spoke in favor of the application.

Councilmember Allen asked if it would be helpful/appropriate to add a landscape buffer condition so the neighbors aren't looking at lots of parking.

Dr. Shaw-McEwen clarified that she has safety concerns for the area with extra cars coming and going.

Ms. Blackshear explained that she is not concerned with the current property owner but she is concerned about if this were to turn over into someone else's hands...how the next person would use the property and how the neighbors would address any problems.

Ms. Sharp clarified that neighbors would have to place any complaints with the Codes Department.

Ms. Blackshear stated that the current owner's use is fine but it seems like this is transitioning more into the neighborhood. At some point the office use becomes too busy.

Mr. Clifton said the commission shouldn't be making this decision based on the current owner; the support of the neighbors is certainly commendable.

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

Mr. Haynes left the meeting at 6:37 p.m.

Resolution No. RS2016-238

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016SP-063-001 is **Approved with conditions and disapproved without all conditions. (7-1)**”

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