

5. **2006SP-162G-04**
Myatt Drive Thornton's
Map 043-07, Parcels 069, 070
Subarea 4 (1998)
Council District 9 - Jim Forkum

A request to change from RS7.5 to SP zoning properties located at 900 Anderson Lane and 317 Myatt Drive, at the southeastern corner of Anderson Lane and Myatt Drive (1.87 acres), to permit the development of a convenience store with gas service, requested by TRC International, applicant, for Richard Bobbo, owner.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - Preliminary SP

A request to change approximately 1.87 acres from Single-Family Residential (RS7.5) to Specific Plan (SP) zoning to permit a convenience store with gas service at the southeast corner of Myatt Drive and Anderson Lane (900 Anderson Lane and 317 Myatt Drive).

Existing Zoning

RS7.5 District - RS7.5 requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre.

Proposed Zoning

SP District - Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan.

- The SP District is a base zoning district, not an overlay. It will be labeled on zoning maps as “SP.”
- The SP District is not subject to the traditional zoning districts’ development standards. Instead, urban design elements are determined for the specific development and are written into the zone change ordinance, which becomes law.
- Use of SP does not relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP does not relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

MADISON COMMUNITY PLAN

Structure Policy

Mixed Use (MU) - MU policy is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Detailed Policy

Mixed Use (MU) - MU is intended for buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level and/or residential above.

Consistent with policy? - Yes. While the proposed SP plan does not provide for a mixture of uses at this location the proposed convenience use and its layout are appropriate at this location.

PLAN DETAILS

History - This plan was deferred indefinitely by the Commission on September 28, 2006. During the past several months, the applicants has been working with the district’s councilmember, planning staff and the community to address any concerns for their specific proposal as well to update the area’s land use policy. The policy called for residential development, but the Commission approved the Mixed Use policy on May 10, 2007.

Site Plan - The plan calls for a 3,740 square foot convenience store and a covered fueling area with seven free standing pumps offering 14 fueling stations.

Access - Access will be provided from Anderson Lane and from Myatt Drive. To enhance pedestrian access to and around the site the plan calls for decorative paving along both entrances and from Anderson Lane to the store.

Buffers - The property is located immediately adjacent to properties containing residential uses. To help ensure that the development will not be a nuisance to the adjacent residential properties, the plan calls for a 15 foot wide Standard B-2 Landscape Buffer Yard along the northern and eastern property lines adjacent the residential properties. At its closest point the proposed building will be within 5 feet of the property line, and will not allow for a 15 foot wide buffer. The building was placed at this location by the direction of planning staff so that it would be closer to Anderson Lane. While there will not be a 15 foot wide buffer behind the building the plan calls for a seven foot tall, solid, decorative fence to run along the property line where the 15 foot buffer will not be provided, and will provide appropriate buffering.

Elevations - Elevations have been provided and show a synthetic stone and stucco finish and have been approved by planning staff. Elevations also identify a 20 foot tall pole sign. All signs should be monument type signs and not exceed 5 feet in height.

Staff Recommendation - Staff recommends that the proposed SP be approved with conditions.

RECENT REZONINGS - None

STORMWATER RECOMMENDATION - Approved

PUBLIC WORKS RECOMMENDATION - Recommend denial until a traffic study is submitted and approved by the Department of Public Works. If approved then Public Works’ comments are as follows:

1. A Traffic Study is required. Schedule a traffic study scoping meeting with the Department of Public Works.
2. The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

Maximum Uses in Existing Zoning District: RS7.5

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210)	1.87	3.71	6	58	5	7

Maximum Uses in Proposed Zoning District: MUN

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market w/ Gas Station(945)	1.87	.045	3,740	NA	291	360

Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

		--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				NA	286	353

CONDITIONS

1. A traffic study is required. Schedule a traffic study scoping meeting with the Department of Public Works. If preliminary SP is approved without a traffic study, and the findings of any future traffic study require significant changes to the layout and design of the approved preliminary SP, then the plan may require reapproval from Metro Council.
2. Freestanding signs must be monument type and not exceed 5 feet in height. No pole signs shall be allowed. Proposed monument signs must be approved by planning staff prior to final approval by the Planning Commission. The pole sign shown on sheet C-2 must be removed from the plan.
3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CS zoning district effective at the date of the building permit. This zoning district must be shown on the plan.
4. The application, including attached materials, plans, and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
5. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
6. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
7. The requirements of the Metropolitan 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.
8. Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or intensity, 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. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission’s approval and require resubmission of the plan to the Planning Commission.

Approved with conditions, (8-0) *Consent Agenda*

Resolution No. 221

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-162G-04 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

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The proposed SP district is consistent with the Madison Community Plan's Mixed Use policies, which is intended for a mixture of uses including commercial/retail, office and residential."