

3. **2008SP-012U-12**
Lake Providence
Map: 147-07 Parcels: 099, 105, 107, 108
Subarea 12
Council District 27 – Randy Foster

A request to rezone from R6, CL and CS to SP-MU zoning properties located at 4412, 4416, and 4424 Bass Avenue and Nolensville Pike (unnumbered), approximately 1,760 feet north of Haywood Lane (2.01 acres), to permit an existing auto body repair business in 5,300 square feet, an auto sales and repair business in a 3,200 square foot office and 1 single-family lot and 3 duplex lots, requested by Dale & Associates, applicant, for Steven D. Elkins and Morteza Shams, owners.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Preliminary SP

A request to rezone from One and Two-Family Residential (R6), Commercial Limited (CL) and Commercial Service (CS) to Specific Plan-Mixed Use (SP-MU) zoning properties located at 4412, 4416, and 4424 Bass Avenue and Nolensville Pike (unnumbered), approximately 1,760 feet north of Haywood Lane (2.01 acres), to permit an existing auto body repair business in 5,300 square feet, an auto sales and repair business in a 3,200 square foot office and 1 single-family lot and 3 duplex lots.

Existing Zoning

R6 District - R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25% duplex lots.

CL District - Commercial Limited is intended for retail, consumer service, financial, restaurant, and office uses.

CS District - Commercial Service is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

Proposed Zoning

SP-MU District - Specific Plan-Mixed Use 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.

SOUTHEAST COMMUNITY PLAN

Residential Medium High (RMH)

RMH – What does it allow?

RMH policy allows for a variety of housing types at densities between 9 and 20 dwelling units per acre. This can take the form of small-lot single family or two-family development, townhouses (multi-family that is vertically oriented), or stacked flats (multi-family that is horizontally oriented). Civic and public benefit uses such as schools, libraries, churches, etc. may be developed at appropriate locations.

RMH – What are the goals of this policy?

RMH policy is applied to areas where there is existing zoning or development that fits the policy or the area is envisioned to develop in a RMH pattern. Generally, RMH policy is applied where there is a high level of transportation access and is convenient to high intensity mixed use areas. The higher density housing pattern serves the following purposes:

- To provide customers to support the businesses in the areas;
- To create a transition – in building types and density – between the higher-intensity mixed use development and lower density residential development nearby;
- To provide housing choice, by offering higher density housing, generally located close to commercial uses and not interior to the neighborhood;

- To support mass transit at commercial centers and along corridors; and
- To create a sustainable community by providing compact residential development in close proximity to consumer services and transit.

RMH – Why is it applied here?

The application of RMH policy along Winston Avenue reflects the goals listed above. The RMH policy along Winston Avenue has access to Nolensville Pike, a major arterial that is an important transit route, and is contiguous to high intensity Community Center (CC) policy and existing commercial businesses along Nolensville Pike. The RMH policy along Winston Avenue is also contiguous to existing RMH development that lies to the west. One goal of applying RMH policy at Winston Avenue is to create a land use transition between the Nolensville Pike’s commercial land use policies and lower density residential development to the west.

Community Center (CC)

CC – What does it allow?

CC policy allows dense, predominantly commercial areas at the edge of a neighborhood, at the intersection of two major thoroughfares or along a major thoroughfare. CC areas allow residential, offices, commercial retail and services, and public benefit uses. Vertical mixed use – more than one land use in a building, such as ground-floor commercial and upper story residential or office – is the preferred development form.

CC – What are the goals of this policy?

CC policy is applied to areas where there is existing zoning or development that fits the policy or the area is envisioned to develop in a CC pattern. Generally, CC policy is applied along arterial streets, to provide transportation options for pedestrians, cyclists, transit users and vehicles.

The primary goals of CC policy are:

- To create a walkable, mixed use environment that serves consumer needs for multiple neighborhoods;
- To transform the current pattern of “strip commercial” development into a pattern where commercial centers are clustered around major intersections and a mixture of high density residential development and smaller-footprint mixed use development are found between major intersections; and
- To create pedestrian-friendly environments with buildings being brought closer to the street, parking being rearranged to eliminate excess parking in front of buildings, stories being added, and additional pedestrian, bicycle, and transit infrastructure being provided.

CC – Why is it applied here?

The application of CC policy along Nolensville Pike at Winston Avenue recognizes that there is currently commercial zoning in the area, but that this should transition, over time, into a more walkable, transit supportive, mixed-use environment that relates well with the adjacent residential neighborhoods. This is in keeping with the sustainability principle of promoting higher-intensity infill on major corridors to fully utilize existing infrastructure, create additional opportunities for transit, and provide real transportation choice for pedestrians, cyclists, transit users and drivers.

Consistent with Policy? The residential component of the Specific Plan-Mixed Use district is consistent with the Residential Medium High (RMH). The residential portion of the site is planned to consist of six duplex units and one single family unit on .71 acres. At 9.8 units per acre, the proposed density and housing mix is consistent with the intent of RMH policy.

Although the commercial section of the site plan does not fully embody the design principles of Community Center policy (CC), that section includes design requirements that aim to improve the site and support pedestrian activity to neighboring properties. These requirements are similar to those generally recommended by staff for automobile-oriented SP districts. A sidewalk is proposed along Winston Avenue connecting to the existing sidewalk network along Nolensville Pike. This connection helps to promote a

pedestrian-friendly environment with the neighboring commercial uses to the south. The plan includes a 24 inch knee-wall that will be constructed along Winston Avenue to provide a physical separation of the parking area from the sidewalk.

Ideally, the commercial buildings would be placed closer to Winston Avenue and Nolensville Pike, but due to physical constraints caused by a stream and stream buffers along the perimeter of the site, the buildings are not able to properly address either street. The construction of the proposed 3,200 square foot auto sales building provides an opportunity to establish the building closer to the street and the plan should be revised to orient the building closer to Winston Avenue. With the current layout, the buildings have no relationship to each other and are secondary to the parking lot, which is clearly the dominant feature of the site. A better relationship between the two commercial structures can be created by a shared connection or cross access easement provided within the parking area.

PLAN DETAILS The plan proposes both residential and commercial uses on a 2.01 acre site. The residential component consists of four lots; three of which are planned for duplexes and one lot is planned for single family development. The lots range in size from approximately 6,400 square feet to 10,300 square feet, with a maximum height of two stories. The commercial portion of the site includes an existing auto repair shop, and a proposed two-story auto sales and auto repair shop with a new parking area.

Access The site has frontage along Nolensville Pike and is currently accessed from Winston Avenue and Bass Avenue. A new street consisting of 46 feet of right of way is planned within the residential section to connect to Winston Avenue. A sidewalk is also proposed along the commercial frontage at Winston Avenue. The sidewalk should extend along the frontage of residential Lot 3 and connect to Winston Court. Currently, the plan shows no sidewalks on either side of Winston Court. The sidewalk should also extend to Winston Court to provide pedestrian access on both sides of the street.

The plan identifies two driveway connections on Winston Avenue to access the commercial parking area for the proposed two-story auto sales and repair building. The existing auto repair shop is accessible by a drive way connection to Bass Avenue. The plan proposes closing a portion of Bass Avenue eliminating any possible connection between the commercial parking areas. A joint access should be shown on the plan to connect the parking areas of the existing building and the proposed two story building. This connection will promote better traffic circulation and provide alternate access to both Winston Avenue and Nolensville Pike. A 20 foot access easement is also planned at the western boundary of residential Lot 1 to provide access to the adjacent parcel and a cemetery.

Parking The existing auto repair shop has a parking area with 27 parking spaces. A total of 37 parking spaces is proposed for the two-story auto sales and repair building. Both the existing and proposed parking areas comply with the minimum parking requirements of the Metro Zoning Ordinance.

Landscaping The plan proposes a standard “C” landscape buffer between the residential and commercial uses. The buffer is planned to be 10 feet wide consisting of canopy trees, under-story plants and shrubs. This internal buffer should also include a 6 foot masonry wall as required by the standard C-5 landscape buffer yard in the zoning ordinance. The Metro Zoning Ordinance also requires landscaping requirements for the parking lot. The site plan includes landscaping around the perimeter of the parking area and meets the minimum requirements for screening as defined in the Metro Zoning Ordinance.

PUBLIC WORKS RECOMMENDATIONS

1. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to the Department of Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions.
2. Identify plans for recycling collection and solid waste disposal. Solid waste plan must be approved by the Department of Public Works Solid Waste Division.

3. Drive isle widths appear insufficient for ninety degree angle parking.
4. Label Bass Avenue "Public Right of Way - Not Accepted for Maintenance by the Metropolitan Government."
5. Improve Winston Avenue West along the property frontage to provided one-half of standard drawing ST-252 cross section.

STORMWATER RECOMMENDATION Preliminary SP approved.

FIRE MARSHAL RECOMMENDATION

1. All dead end roads over 150 ft. in length require a 100 ft. diameter turnaround, this includes temporary turnarounds.
2. Temporary T-type turnarounds that last no more than one year shall be approved by the Fire Marshal's Office.
3. On plans show the results from fire hydrant(s) flow test done within 6 months with a minimum of 1000 gpm @ 20 psi available at hydrants. If so, single family residences up to 3600 sq. ft. will be approved for fire hydrant requirements.
4. A fire department access road shall extend to within 50 ft of at least one exterior door that can be opened from the outside and that provides access to the interior of the building.
5. No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road. Metro Ordinance 095-1541 Sec: 1568.020 B

METRO SCHOOL BOARD REPORT

Projected student generation 1Elementary 1Middle 1High

Schools Over/Under Capacity Students would attend Tusculum Elementary School, McMurray Middle School, and Overton High School. This zone change request would generate one new student at the elementary, middle and high school level. Tusculum Elementary and Overton High School are identified as being over capacity by the Metro School Board. However, there is capacity in the adjacent cluster to accommodate the projected new students. This information is based upon data from the school board last updated April 2008.

STAFF RECOMMENDATION Staff recommends approval with conditions of the Specific Plan district for Lake Providence. The proposed residential development is consistent with the Residential Medium High. Although the commercial component of the site is not completely characteristic of the design principles promoted by Community Center policy due to environmental conditions of the site, the design conditions required for automobile oriented SP districts will ensure that the physical appearance of the site is improved and that pedestrian connections are provided. The building orientation will be analyzed further at the final site plan stage to determine if the site conditions preclude the location of the proposed commercial building consistent with the land use policies.

CONDITIONS

1. Show all standard auto-oriented SP conditions:
 - A physical separation of the automobile display or parking area from the sidewalk in the form of a "knee wall" of a minimum 24 inch height.

The wall shall be constructed of either:

- a) concrete, stone, split-faced masonry or other similar material; or
- b) pillars with wrought iron or similar material between the pillars.

- No chain link fence shall be within 25 feet of any public right of way. No razor wire, barbed wire or similar materials shall be allowed on the property.
 - All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.
 - Any adjacent right of way shall include a sidewalk that meets current Metro standards for construction. If there is not an adjacent sidewalk or if the condition of the existing sidewalk is inadequate per current Metro standards for construction, a new sidewalk shall be constructed by the applicant.
 - All signs shall be either monument or on-building signage. Pole-mounted signs, including billboards, shall not be permitted.
 - All interior landscaping requirements of the Zoning Code (Chapter 17.24) shall be met, including a minimum 8 percent of interior landscaping. For the purposes of determining landscaping requirements, CS zoning should be used to determine the minimum required amount of landscaping, as per Chapter 17.24.
 - For the commercial portion of the SP, all performance and development standards not specifically listed in the SP or above, shall be the same as if the property were zoned CN.
2. Sidewalks are required along all public street frontages of the SP, with the exception of Bass Avenue.
 3. Provide a joint/cross access easement to connect the parking areas within Phase I and Phase II.
 4. Absent existing on-site environmental conditions, all new construction shall comply with the building development standards of the adopted land use policy. Such determination shall be finalized at the final development plan stage. This may require the construction of the proposed 3,200 square foot auto sales building closer to Winston Avenue.
 5. A standard C-5 landscape buffer yard shall separate the residential and commercial uses, including the required masonry wall.
 6. The 24 inch knee wall shall be constructed along the commercial frontage on Winston Avenue.
 7. Eliminate one driveway on Winston Avenue.
 8. Residential corner lots (Lot 2 and Lot 3) shall incorporate house designs oriented to address both streets.
 9. The uses shall be limited to one and two family residential, automobile sales (used), automobile service and automobile repair as shown on the preliminary site plan.
 10. Winston Avenue shall be designated as a local street. Nolensville Pike shall be designated as an Urban Arterial- U6 based on the Major Street and Collector Plan.
 11. 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 R6 and CN zoning district as of the date of the applicable request or application.
 12. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any

grading, clearing, grubbing, final site plan, or any other development application for the property.

13. 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.
14. 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. Jones presented and stated that staff is recommending approval with conditions.

Mr. Joe Whitlow, 217 Wildgrove Court, spoke in opposition to the proposed development.

Mr. Frank Shelton, 4408 Providence Heights, spoke in opposition to the proposed development.

Mr. Roy Dale, 1657 Stokely Lane, spoke in favor of the proposed development.

Councilmember Foster spoke of the enhancements this development would bring to this community and requested its approval. He also reminded the Commission that he would be amending the residential portion of the proposal at its first reading in Council.

Mr. Ponder spoke of the improvements this development would provide to the area.

Ms. Cummings requested clarification on the easements that are currently scheduled for this project.

Ms. Nedra Jones explained the easements to the Commission.

Mr. Dalton questioned whether the easement access points on Winston Court would be included as a condition for this development.

Ms. Nedra Jones stated that the access to Winston Court would be automatic and does not require any special conditions.

Ms. LeQuire requested the specifics on the easement issues associated with Bass Avenue.

Ms. Nedra Jones indicated that the specifics on this easement would be included in a private agreement between the owners and that the Planning Commission would not have any jurisdiction over this agreement.

Mr. Gotto addressed the comment made by the constituent regarding the number of car lots located within the city. He further explained that this particular project contains SP zoning that will allow for additional improvements to further enhance this area.

Mr. Clifton moved and Mr. Gotto seconded the motion, which passed unanimously, to approve with conditions Zone Change 2008SP-012U-12. **(10-0)**

Resolution No. RS2008-116

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-012U-12 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. Show all standard auto-oriented SP conditions:
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- a) concrete, stone, split-faced masonry or other similar material; or
 - b) pillars with wrought iron or similar material between the pillars.
- No chain link fence shall be within 25 feet of any public right of way. No razor wire, barbed wire or similar materials shall be allowed on the property.
 - All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.
 - Any adjacent right of way shall include a sidewalk that meets current Metro standards for construction. If there is not an adjacent sidewalk or if the condition of the existing sidewalk is inadequate per current Metro standards for construction, a new sidewalk shall be constructed by the applicant.
 - All signs shall be either monument or on-building signage. Pole-mounted signs, including billboards, shall not be permitted.
 - All interior landscaping requirements of the Zoning Code (Chapter 17.24) shall be met, including a minimum 8 percent of interior landscaping. For the purposes of determining landscaping requirements, CS zoning should be used to determine the minimum required amount of landscaping, as per Chapter 17.24.
2. For the commercial portion of the SP, all performance and development standards not specifically listed in the SP or above, shall be the same as if the property were zoned CN.
 3. Sidewalks are required along all public street frontages of the SP, with the exception of Bass Avenue.
 4. Provide a joint/cross access easement to connect the parking areas within Phase I and Phase II.
 5. Absent existing on-site environmental conditions, all new construction shall comply with the building development standards of the adopted land use policy. Such determination shall be finalized at the final development plan stage. This may require the construction of the proposed 3,200 square foot auto sales building closer to Winston Avenue.
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- date of the applicable request or application.
13. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
 14. 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.
 15. 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.

The proposed SP-MU district is consistent with the Southeast Nashville Community Plan's area Residential Medium High and Community Center policies."