2009SP-005-001
10th Avenue South
Map: 105-13 Parcels: 245, 246, 247
Green Hills/Midtown Community Plan
Council District 17 – Sandra Moore
Staff Reviewer: Brian Sexton

A request to change from R8 to SP-MU zoning for properties located at 2223, 2225, and 2227 10th Avenue South, approximately 50 feet north of Waldkirch Avenue (0.60 acres), to permit a 13,600 square foot mixed use building containing 2,000 square feet of restaurant space, 4,800 square feet of retail space and 6,800 square feet of office space, requested by Randall Morgan, applicant, for William McElroy and Mary Hardin, owners.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Preliminary SP
A request to change from One and Two-Family (R8) to Specific Plan - Mixed Use (SP-MU) zoning for properties located at 2223, 2225, and 2227 10th Avenue South, approximately 50 feet north of Waldkirch Avenue (0.6 acres), to permit a 13,600 square foot mixed use building containing 2,000 square feet of restaurant space, 4,800 square feet of retail space and 6,800 square feet of office space.

Existing Zoning
R8 District - R8 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% duplex lots**.**

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 a mixture of restaurant, retail and office uses.

GREEN HILLS MIDTOWN COMMUNITY PLAN
12 Avenue South Detailed Neighborhood Design Plan MxU is intended for buildings that are mixed horizontally and vertically. The latter is preferable in Mixed Use (MxU) 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.

Neighborhood Center (NC) NC is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize. Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial uses. An 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.

Consistent with Policy? Yes. The proposed plan is consistent with the MxU in NC policy of the Green Hills-Midtown community plan. The NC policy encourages small scale office and commercial uses such as retail and restaurant.

PLAN DETAILS The preliminary site plan proposes a two-story, 13,600 square foot mixed-used building that will front 10th Avenue South. The site currently contains an existing one-story, single-family home that will be demolished, and a one-story, retail establishment that will be incorporated into the development. The site is made up of three properties which will need to be consolidated into one lot before this project can be constructed.

Uses The SP includes 2,000 square feet of restaurant space, 4,800 square feet of general retail space and

6,800 square feet of general office space. Primary pedestrian entries will be located on 10th Avenue South with each ground floor commercial unit having a separate entrance from 10th Avenue.

The SP development standards provide for a minimum of two stories and a maximum of three stories within an identified building envelope. The SP includes a front setback requirement of zero to five feet from the right-of-way and a minimum rear building setback of 20 feet.

A dumpster is located on the northwest portion of the property. Screening details for the dumpster were not submitted to staff and will need to be provided with the final site plan. Details of the proposed building materials were not provided. A list of building materials shall be identified on a set of elevations and submitted to staff prior to approval of the final site plan. Prohibited building materials include all plastics, plywood, metal buildings, and vinyl siding.

Access/Parking Access to the site will is provided by a private driveway from 10th Avenue South. The driveway extends throughout the site providing access to the parking area located in the rear of the building. The plan proposes a total of 31 parking spaces. The number of proposed parking spaces meets the Zoning Code requirements and UZO standards for parking.

Landscaping/Screening A standard A Landscape Buffer Yard is proposed along the northern property line in order to provide additional buffering for the existing residential property. Details of the proposed landscaping have been provided, but a list of proposed trees and shrubs species consistent with the Urban Forester's tree density requirement is needed.

Sign Sign details were not included in this SP. Permitted signs include wall mounted signs of a maximum area of 48 square feet. The design and alignment of the signs for each tenant shall compliment each other such that visual unity effect is achieved. An overall sign program shall be submitted with the final site plan. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Code, prohibited signs include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs.

Signs shall be externally lit with steady, stationary, down directed, and completely shielded light sources or may be internally illuminated or back-lit with a diffused or shielded light source. Sign backgrounds shall be opaque, only letters and logos may be internally illuminated.

PUBLIC WORKS RECOMMENDATION

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.

2. Along 10th Avenue South, identify existing / proposed right of way. Identify all proposed structures located with the sidewalk / public right of way. For sidewalk construction, provide a minimum five (5') feet clear path of travel. Public sidewalks to be located within the right of way, dedicate right of way as applicable. Building foundations, and doorway openings are to be located outside of the public right of way.

3. For the extension of Alley #608, construct Alley to the Department of Public Works' standards and specifications. Alley to be construction along the property boundary / property frontage.

4. Identify plans for solid waste disposal and recycling collection. All service locations to accommodate accessibility for SU-30 design vehicle turning movements. Solid waste disposal and recycling collection to be approved by the Department of Public Works Solid Waste Division.

5. The SP document submittal states that the parking requirements are established by the UZO standards. The required parking reductions taken by this development appear to exceed the twenty-five percent maximum allowable reductions per the UZO standards. Provide on-site parking per Metro code, or provide a shared parking study.

Typical Uses in **Existing** Zoning District**: R8**

Land Use (ITE Code)	**Acres**	**Density**	**Total Number of Lots**	**Daily Trips (weekday)**	**AM Peak Hour**	**PM Peak Hour**
Single-family detached(210)	0.60	5.79	3	29	3	4

Typical Uses in **Proposed** Zoning District**: SP**

Land Use (ITE Code)	**Acres**	**FAR**	**Total Floor Area**	**Daily Trips (weekday)**	**AM Peak Hour**	**PM Peak Hour**
Sit down restaurant (932)	0.60	n/a	2,000	255	24	23

Typical Uses in **Proposed** Zoning District**: SP**

Land Use (ITE Code)	**Acres**	**FAR**	**Total Floor Area**	**Daily Trips (weekday)**	**AM Peak Hour**	**PM Peak Hour**
General Retail (814)	0.60	n/a	4,800	244	11	33

Typical Uses in **Proposed** Zoning District**: SP**

Land Use (ITE Code)	**Acres**	**FAR**	**Total Floor Area**	**Daily Trips (weekday)**	**AM Peak Hour**	**PM Peak Hour**
General Office (710)	0.60	n/a	6,800	169	22	22

STORM WATER RECOMMENDATION

1. Add FEMA Note / Information to plans.

NES RECOMMENDATION

1. Developer to provide construction drawings and a digital .dwg file @ state plane coordinates that contains the civil site information (after approval by Metro Planning w/ any changes from other departments).

2. Developer drawing should show any and all existing utilities easements on property.

3. 20-foot easement required adjacent to all public rights of way

4. NES can meet with developer / engineer upon request to determine electrical service options (currently existing properties are serviced from the alleys.

5. NES needs any drawings that will cover any road improvements that Metro Public Works might require

6. NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 – 152.A.2 for complete rules

7. NES needs load information and future plans or options to buy other property (over all plans).

STAFF RECOMMENDATION The proposed SP plan is consistent with the MxU in NC policy and staff recommends approval with conditions.

CONDITIONS

1. Prior to the issuance of any grading or building permits, the existing lots shall be consolidated.

2. Screening dumpster details shall be submitted to staff for review and approval with the final site plan. Dumpster screening shall be consistent with the requirements of the Metro Zoning Code.

3. Prior to final site plan approval, a list of building materials shall be identified on a set of elevations and submitted to staff for review. Prohibited building materials include all plastics, plywood, metal buildings, and vinyl siding.

4. Signs shall be limited to wall mounted signs a maximum of 48 square feet in size. An overall sign program shall be submitted with the final site plan for review and approval.

5. Prior to final site plan approval, the SP plan shall provide a tree density table and plant species list consistent with the MUN standards of the Zoning Code and to be approved by the Urban Forester**.**

6. The requirements of the Metro Public Works Department must be met prior to or in conjunction with final site plan approval.

7. Final Site Plan drawings shall show all proposed buildings outside of the public right-of-way.

8. This SP is limited to restaurant, retail and office uses.

9. All NES conditions shall be satisfied with final site plan.

10. 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 MUN zoning district as of the date of the applicable request or application.

11. 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.

12. 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.

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

Mr. Clifton left at 5:05 p.m.

Mr. Randy Morgan, 1203 Kirkwood Avenue, spoke in favor of the proposed development.

Dr. May Alice Ridley, spoke in opposition to the proposed development.

Ms. Rosetta Bass, 1108 Lawrence Avenue, spoke in opposition to the proposed development.

Mr. Todd McEachern, 1101 Montrose Avenue, spoke in favor of the proposed development.

Mr. Rodney Greer, 2038 Elliott Avenue, expressed concerns with the proposed development.

Mr. Henry Hill spoke in opposition to the proposed development.

Ms. Donna Crawford, 1246 Battlefield, spoke in opposition to the proposed development.

Mr. Bob Medley spoke in opposition to the proposed development.

Ms. Ray Watkins, for Ms. Ola Hudson at 920 Bradford Avenue spoke in opposition to the proposed development.

Mr. Shelton McElroy, 2511 West Linden, spoke in favor of the proposed development.

Mr. Donzell Johnson , 924 Bradford Avenue, spoke in opposition to the proposed development.

Ms. Mary Jenkins Hardin, 1504 Linden, spoke in favor of the proposed development.

Mr. Ken Winter, 1021 Paris Avenue, spoke in favor of the proposed development.

Ms. Nellie Hall, 827 Kirkwood spoke in opposition to the proposed development.

Ms. Darcy McElroy spoke in favor of the proposed development.

Mr. Ponder requested additional clarification as to the private drive mentioned in the staff report. He then questioned the amount of parking included in the proposal and whether there were any provisions that would address overflow parking for special events.

Mr. Sexton explained that the parking included in the proposal met the public work standards.

Mr. Ponder stated he favored the plan, however, acknowledged the concerns mentioned by the constituents affected by the development.

Ms. Jones spoke on the importance of commercial nodules and their integration within residential communities. She spoke in favor of the proposal.

Ms. LeQuire too spoke in favor of the proposed development. She spoke on the importance of area residents owning their own businesses located in a neighborhood and how this can draw a community together.

Dr. Cummings questioned the process used to update community plans and the issue of area residents being unaware of the land uses for the parcel in question. Dr. Cummings then questioned the proposed hours of operation and whether these hours were included in the SP plan. She then questioned the type of businesses that would be included in this SP plan. Dr. Cummings suggested that if the plan were approved, the SP should include conditions that would address hours of operation, lighting, noise levels and signage due to its location in a residential area.

Mr. Sexton explained that signage standards were included in the SP plan.

Mr. Tyler questioned whether a similar project has ever been proposed in or around this area. He then questioned the number of stories or height of buildings that could be placed on the SP and whether the single family residences surrounding this development were one or two stories. He expressed concerns with the scale of the proposed development as it may overpower the existing residential neighborhood. He suggested that if the plan were approved there needed to be certain conditions added to the SP so that it would provide some comfort to the long-time area residents.

Mr. Gee requested additional information on the parking requirements included in the staff report.

Mr. Sexton explained the parking requirements to the Commission.

Mr. Honeycutt further explained the parking requirements for this development and stated that it complies with UZO standards.

Mr. Gee too agreed with the plan and suggested additional community meetings be held in an effort to work out any outstanding issues associated with the proposal.

Mr. Gotto explained that Councilmember Moore has met and will continue to meet with area residents regarding the proposal. He further stated that Councilmember Moore will be amending the proposed development prior to its third reading at Council.

Mr. Gotto moved and Mr. Ponder seconded the motion, to approve with conditions, Zone Change 2009SP-005-001, including the consideration of providing additional standards for lighting, hours of operation, parking, noise, signage, and transition to adjacent residential properties. **(7-1) No Vote – Tyler**

Resolution No. RS2009-58

"BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-005-001 is **APPROVED WITH CONDITIONS, including the consideration of providing additional standards for lighting, hours of operation, parking, noise, signage and transition to adjacent residential properties. (7-1)**

Conditions of Approval:

1. Prior to the issuance of any grading or building permits, the existing lots shall be consolidated.

2. Screening dumpster details shall be submitted to staff for review and approval with the final site plan. Dumpster screening shall be consistent with the requirements of the Metro Zoning Code.

3. Prior to final site plan approval, a list of building materials shall be identified on a set of elevations and submitted to staff for review. Prohibited building materials include all plastics, plywood, metal buildings, and vinyl siding.

4. Signs shall be limited to wall mounted signs a maximum of 48 square feet in size. An overall sign program shall be submitted with the final site plan for review and approval.

5. Prior to final site plan approval, the SP plan shall provide a tree density table and plant species list consistent with the MUN standards of the Zoning Code and to be approved by the Urban Forester**.**

6. The requirements of the Metro Public Works Department must be met prior to or in conjunction with final site plan approval.

7. Final Site Plan drawings shall show all proposed buildings outside of the public right-of-way.

8. This SP is limited to restaurant, retail and office uses.

9. All NES conditions shall be satisfied with final site plan.

10. 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 MUN zoning district as of the date of the applicable request or application.

11. 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.

12. 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.

13. 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 is consistent with the Green Hills Midtown Community Plan's Mixed Use and Neighborhood Center policies."