

2009SP-010-001

Ashland City Highway SP
Map: 069-00 Parcel: 120
Bordeaux/Whites Creek Community Plan
Council District 1 – Lonnell R. Matthews, Jr.
Staff Reviewer: Brian Sexton

A request to rezone from RS15 to SP-MU zoning for property located at Ashland City Highway (unnumbered), approximately 1,620 feet east of Eatons Creek Road (7.14 acres), to permit a funeral home with a residence, subject to the standards, regulations and requirements of the OR20 zoning district, and/or one single family residence, requested by A. Brandon Starks, applicant, for Jackson Street Missionary Baptist Church, owner.

Staff Recommendation: Disapprove

APPLICANT REQUEST - Preliminary SP

A request to rezone from Single-Family Residential (RS15) to Specific Plan – Mixed Use (SP-MU) zoning for property located at Ashland City Highway (unnumbered), approximately 1,620 feet east of Eaton’s Creek Road (7.14 acres), to permit all uses within the Multi-Family Residential (RM9) zoning subject to the standards, regulations and requirements of the Multi-Family Residential (RM9) zoning district and to permit a Funeral Home subject to the standards, regulations and requirements of the OR20 zoning district.

History The original request of the applicant was to rezone from RS15 to Office/Residential (OR20) to permit a funeral home on this property. After discussions with the community, the applicant deferred the request to the May 14, 2009, Planning Commission meeting where the request was amended to an SP to provide more certainty of the use for the property.

Existing Zoning

RS15 District - RS15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre. The RS15 district would permit approximately 18 lots within a cluster lot subdivision.

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 and a funeral home.

BORDEAUX/WHITES CREEK COMMUNITY PLAN

Residential Medium (RM) RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Natural Conservation (NCO) NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate land uses.

Consistent with Policy? No. While the residential component of the SP plan is consistent with the RM policy, the proposed funeral home is inconsistent with both the RM and NCO policies. The residential component is inconsistent with NCO policy. Approximately one acre (14%) of the property is within the NCO policy area and is located within the 100-year floodplain.

PLAN DETAILS The proposed SP is located along the south side of Ashland City Highway and would permit all uses permitted in the RM9 zoning district as well as a funeral home.

If developed as residential, all uses within the RM9 zoning district would be allowed and any development would need to comply with the RM9 standards of the Metro Zoning Code. Any final site plan for residential development will need to be consistent with RM policy and approved by the Planning Commission.

The applicant has indicated an intention to construct a funeral home on the property. The SP would require that bulk standards for the proposed funeral home be consistent with the standards of the OR20 zoning district. The proposed funeral home is the only use, other than those permitted in the RM9 zoning district that will be permitted on the property. Details of the proposed funeral home building and site layout were not provided with the preliminary plan. The plan includes a map of the site and regulations restricting uses. Since this SP plan is regulatory in nature, a detailed site plan is not included with the preliminary SP. A detailed site plan, including elevations identifying building materials and site layout will need to be included with the final site plan. Prohibited building materials include all plastics, plywood, unfinished concrete blocks, metal buildings, and vinyl siding.

Landscaping If a funeral home is developed on the property, a standard C Buffer will need to be provided along the west, east and southeastern property lines of the site. A standard B Buffer will need to be provided along the southwest portion of the site. If the property is developed as residential, a standard B Buffer will need to be provided on the east and southeastern portion of the property.

Details of the proposed landscaping have not been provided. A landscape plan, including a list of proposed trees and shrubs species consistent with the Urban Forester's tree density requirement will be required with the SP final site plan.

Signs Sign details were not included in this SP. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs will 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. Permitted signs will include a building sign and a freestanding ground sign.

Building signs are attached directly to, or supported by brackets attached directly to a principal building. One building sign of a maximum area of 48 square feet shall be permitted.

Freestanding ground signs are supported by structures or supports that are anchored in the ground and that are independent of any building or other structure and are a maximum six feet in height. One ground sign of a maximum of 28 square feet in size shall be permitted.

Signs are to 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 must be opaque, only letters and logos may be illuminated. Freestanding ground signs may be lit from a ground lighting source.

All signs must be constructed using high-quality durable materials such as metal, stone, brick, and hardwood, and shall complement materials and features of buildings on the same property.

STORMWATER RECOMMENDATIONS

Preliminary SP returned for corrections. Provide a site plan with the following information:

- Add Project Name to plans.
- Provide the FEMA Note / Information to plans.
- Show North Arrow & Bearing Information.
- Provide a Vicinity Map to plans.
- Proposed Site Layout (Scale no less than 1" = 100', Contours no greater than 5')
- Add 78-840 Note to plans:

(Any excavation, fill, or disturbance of the existing ground elevation must be done in accordance with storm water management ordinance No. 78/840 and approved by The Metropolitan Department of Water Services.)

- Add Preliminary Note to plans:

(This drawing is for illustration purposes to indicate the basic premise of the development. The final lot count and details of the plan shall be governed by the appropriate regulations at the time of final application.)

- Add Access Note to plans:

(Metro Water Services shall be provided sufficient and unencumbered access in order to maintain and repair utilities in this site.)

- Add C/D Note to plans:

(Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual (Minimum

driveway culvert in Metro ROW is 15" CMP.)

- Show Existing Topo.
- Provide a Water Quality Concept.
- Provide Room for Detention.

WATER SERVICES RECOMMENDATION An active capacity fee letter must be submitted. A water/sewer study will be required in advance with an active date. The cost of the study is \$500.00. Along with the money, a proposed site utility plan and water/sewer availability request forms must be filled out and included.

FIRE MARSHAL RECOMMENDATION

- All applicable fire codes shall be adhered to.
- All new construction shall be protected by a fire hydrant(s) that comply with the 2006 edition of NFPA 1 table H. To see table H go to (<http://www.nashfire.org/prev/tableH51.htm>)
- Actual or proposed fire hydrant(s) locations and flow data shall be shown on the plans used to protect structures for this project.
- Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 ft (46 m) from fire department access roads.
- Developer needs to provide more information to the Fire Marshal's Office.
- Dead end fire mains over 600 feet in length are required to be no less than 10 inch in diameter. If this is to be a public fire main, a letter from Metro Water is required excepting the length and size.
- Fire Hydrants shall be in-service before any combustible material is brought on site. All fire department access roads shall be 20 feet minimum width and shall have an unobstructed vertical clearance of 13.6 ft.
- No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road.

PUBLIC WORKS RECOMMENDATION

- A traffic impact study may required at the time of development.
- Site access points to be determined with the submittal of the final development plan.

Maximum Uses in Existing Zoning District: RS15

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	7.14	2.47	18	173	14	19

Typical Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential/Condo/Townhome (230)	7.14	9	64	437	37	42

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
Funeral Home/Church(560)	7.14	0.081	25,192 sq. ft.	230	19	17

Traffic changes between: RS15 and proposed SP

Land Use (ITE Code)	Acres	FAR	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
	7.14	N/A	N/A	+494	+42	+40

METRO SCHOOL BOARD REPORT

Projected student generation if Developed under the RM9 Standards

(64 units) 7 Elementary 7 Middle 10 High

Schools Over/Under Capacity Students would attend Cumberland Elementary School, Joelton Middle School, or Whites Creek High School. None of the schools have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated June 2008.

STAFF RECOMMENDATION Staff recommends disapproval of the request to rezone 7.14 acres from RS15 to SP zoning. The proposed SP-MU zoning district is not consistent with the RM and NCO policies of the Bordeaux/Whites Creek Community Plan.

CONDITIONS

1. If developed as residential, all uses within the RM9 zoning district shall be allowed with such uses complying with RM9 zoning standards, except as otherwise required by other conditions of approval. Any final site plan for residential development shall be consistent with the RM policy and shall be approved by the Planning Commission.
2. A funeral home use shall be permitted and shall comply with all standards and regulations of the OR20 zoning district.
3. In conjunction with any final SP site plan, elevations identifying building material and a site layout shall be submitted to staff for review and approval. Prohibited building materials shall include all plastics, plywood, unfinished concrete blocks, metal buildings, and vinyl siding
4. If developed as residential, all property within NCO policy shall be conserved as open space. If developed as a funeral home, all standards of the OR20 zoning district shall apply.
5. The SP final site plan application shall include a landscape plan which includes a tree density table and plant species list to be approved by the Urban Forester.
6. Signs shall be limited to one wall mounted sign a maximum of 48 square feet in size and one ground sign a maximum of 28 square feet in size shall be permitted. Details of the signs shall be submitted with the final site plan for review and approval.
7. The requirements of Metro Stormwater must be met prior to final site plan approval.
8. The requirements of Metro Water Services must be met prior to final site plan approval.
9. 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 final site plan approval.
10. The requirements of the Metro Public Works Department must be met prior to final site plan approval.
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 RM9 zoning district for residential development and the OR20 zoning district for a funeral home use as of the date of the applicable request or application.
12. This SP is limited to a funeral home and all uses permitted within the RM9 zoning district.

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.

Ms. Bernards presented and stated that staff is recommending disapproval.

Councilmember Matthews explained that he has held several community meetings on the proposed development and that his constituents were in favor of approving the SP without the RM9 zoning and that the development should only consist of a funeral home and one single-family dwelling unit. He requested that the Commission approve their request.

Mr. Chris Utley 511 Court, spoke in favor of the proposed zone change request without RM9 zoning and only one residence.

Mr. Brandon Starks, owner, spoke in favor of the proposed zone change request.

Mr. Henry Hill, Jr. 101 Queens Lane, spoke in favor of the proposed zone change without RM9 zoning and only one residence.

Mr. Dan Lane, 3912 Drakes Branch Road, spoke in opposition to the proposed zone change request.

Mr. Ponder questioned whether the Commission could craft a motion that would designate an approval of only the funeral home and one single-family dwelling unit.

Mr. Bernhardt offered that the Commission could craft a motion that would include the request of the Councilmember and the constituents, and briefly explained the implications of the fall back zoning, if it were approved as suggested.

Mr. Ponder then motioned to disapprove the request as presented and to approve an SP to include a funeral home, one single-family dwelling unit and that the fallback standards would be that of RS15.

Ms. Bernards then announced that the applicant explained earlier in the day that they were interested in constructing a small single-family unit as part of the funeral home, and then later, build another single-family dwelling unit on the property.

Mr. Starks explained that he wanted to include a single family residence in the funeral home so that he and his family could reside there, until they were able to build another single-family dwelling unit adjacent to the funeral home.

Mr. Clifton suggested disapproving the request as it was contrary to the plan. He then offered that the request could be further addressed at the Council level and approved if needed.

Dr. Cummings acknowledged Mr. Clifton's concerns with setting a precedent in approving a project that was contrary to the plan, however, she went on to explain that the location of the parcel would not be very conducive for single family homes as it is currently zoned, and that she would be in favor of approving the request.

Mr. Gee asked that Councilmember Matthews provide his opinion on whether he would be in favor of the Commission amending the request.

Councilmember Matthews explained that he and the community were only in agreement with a funeral home and one single-family dwelling unit. He stated that he was unaware of the second residence that was mentioned by Ms. Bernards. After learning of the second residence, the Councilmember explained to the applicant that he would need

to defer the proposal. However, he further stated that the applicant did not want a deferral and agreed to construct a funeral home and only one single-family dwelling unit.

Mr. Gotto questioned whether Councilmember Matthews would be in favor of approving the request with a condition to include a temporary single-family residence in the funeral home, until such time, a second single-family dwelling unit were to be built on the property.

Councilmember Matthews expressed concern with being able to place a time limit on the temporary residence as well as the issue of making sure that the temporary residence was no longer used after it was vacated.

Mr. Bernhardt offered that the Commission could approve the request to include the funeral home and one single family residence, and if the applicant wanted to add another residence, they would have to make another application.

Mr. Gotto moved to approve 2009SP-010-001 for the specific use of a funeral home with the condition it contain one single-family dwelling unit within the funeral home, and allow the applicant to construct a separate single-family dwelling unit on the property, and then after the detached single-family unit is completed, the temporary residence could no longer be used for residency.

Mr. Gee expressed concerns with approving the request as it was not compatible with the general plan, and the applicant did not provide a site plan for the development.

Ms. Bernards explained that the application was considered a regulatory specific plan that will require a final site plan prior to its approval.

Mr. Gee suggested that a condition be added to the motion which would require the application be brought back to the Commission for final site plan approval.

Dr. Cummings agreed to have the application brought back to the Commission prior to its approval as she would like to review the ingress/egress for the development.

Ms. LeQuire suggested amending the motion to specifically address the number of UNO's to be issued to the applicant.

Mr. Clifton explained that due to the various reasons mentioned regarding the terrain of the parcel, as well as the many zoning changes that have occurred since the plan update, he would support the request.

Mr. Gotto moved, and Dr. Cummings seconded the motion to approve SP 2009SP-010-001 for a funeral home subject to the standards, regulation and requirements of the OR20 zoning district and one single-family dwelling unit, and that the final site plan shall be approved by the Planning Commission. **(9-0-1) Abstain -- Dalton**

Resolution No. RS2009-72

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-010-001 is APPROVED for a funeral home subject to the standards, regulations and requirements of the OR20 zoning district and one residence. The final site plan shall be approved by the Planning Commission. (9-0-1)

While the proposed funeral home is not consistent with Bordeaux/Whites Creek Community Plan's Residential Medium policy, it is more consistent with the Natural Conservation policy, as the funeral home will require less land than what could be developed under the residential policy. Also, due to the presence of flood plain, the adjacent rail line, and Ashland City Highway, residential is not appropriate at this location.”
