

8. 2010SP-011-002

POTTER SP (AMENDMENT)

Map 127, Parcel(s) 086

Council District 22 (Sheri Weiner)

Staff Reviewer: Lisa Milligan

A request to amend the Potter Specific Plan District to revise the building locations of the approved plan on property located at 7734 Highway 70 South, at the northwest corner of Highway 70 S and Harpeth Valley Road, zoned SP (3.41 acres), requested by Batson & Associates, applicant; Loren Black, owner.

Staff Recommendation: Approve with conditions and disapprove without all conditions.

APPLICANT REQUEST

Amend SP to relocate buildings.

Amend SP

A request to amend the Potter Specific Plan District to revise the building locations of the approved plan on property located at 7734 Highway 70 South, at the northwest corner of Highway 70 S and Harpeth Valley Road, zoned Specific Plan-Commercial (SP-C) (3.41 acres).

Existing Zoning

Specific Plan-Commercial (SP-C) 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 commercial uses.

CRITICAL PLANNING GOALS

N/A

BELLEVUE COMMUNITY PLAN

Existing Policy

T2 Rural Neighborhood Maintenance (T2 NM) policy is intended to preserve the general character of rural neighborhoods as characterized by their development pattern, building form, land use, and associated public realm. T2 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, in terms of its development pattern, building form, land use, and public realm. Where not present, enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Conservation (CO) policy is intended to preserve and enhance environmentally sensitive land within all Transect Categories except T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands and unstable or problem soils.

Growth and Preservation Concept Map

No changes proposed.

History

The existing plan was heard by the Planning Commission on June 24, 2010. At that time, the request was to cancel an existing Commercial Planned Unit Development and approve the SP. Planning Staff recommended that both items either be deferred or disapproved. The item was heard on the agenda shortly after the 2010 Flood. The subject property was severely impacted by the storm event. Staff recommended the deferral to allow additional time for evaluation of impact of development in the Floodplain Overlay district. Staff also found that the proposed SP was inconsistent with the policy in place at the time (OT-Office Transitional). The Planning Commission recommended disapproval of both the PUD cancellation and the SP. The Metro Council subsequently approved the cancellation of the PUD and approval of the SP zoning with certain conditions in regards to signage and that the development shall be in compliance with all rules and regulations pertaining to development of floodplain property.

Consistent with Policy?

No. The existing approved SP is not consistent with the T2 Rural Neighborhood Maintenance policy or the Conservation policy. The majority of the property is located within the floodplain.

The proposed amendment to the SP decreases the building area and proposes 2 smaller buildings as opposed to 1 large and 1 small building as approved on the current plan, resulting in less impact than the current plan.

PLAN DETAILS

The site is located at the intersection of US Highway 70 S and Harpeth Valley Road, north of US Highway 70 S and west of Harpeth Valley Road. The site is approximately 3.41 acres in size. A majority of the site is located within the floodplain. The property is currently vacant.

The currently approved plan includes a variety of commercial and office uses. The plan proposes 34,800 square feet of buildings with 1 large building toward the rear of the property and a smaller building on the corner, addressing both US Highway

70 S and Harpeth Valley Road. The plan limits building heights to 1 story and proposes landscape buffers along the northern property boundary and the western property boundary. Sidewalks are provided along US Highway 70 S and Harpeth Valley Road. The Planning Commission recommended disapproval of the SP, but the SP was approved by the Metro Council.

The amended SP decreases the building area to 10,027 square feet, which is significantly less than the currently approved plan. Uses are limited to restaurant and financial institution. Less of the property is proposed to be disturbed as well, which is more sensitive to the Conservation policy.

Access is proposed from both Harpeth Valley Road and US Highway 70 S. The majority of the parking is located to the rear of the buildings. No parking is proposed in front of the buildings on the US Highway 70 S frontage. A total of 114 parking spaces are proposed, 80 for the restaurant and 34 for the financial institution.

An undisturbed area is proposed at the rear of the property and a Type C buffer is proposed along the western property boundary. US Highway 70 S is a Scenic Arterial and a Type A buffer will be installed along the frontage along the highway. Elevations for both the restaurant and the financial institution have been provided. The financial institution is proposed to be brick while the restaurant is proposed to be vertical wood board. A condition of approval of the Council Bill for the original plan was that the corner building be oriented toward both streets and include pedestrian access from the building to the sidewalks. The main entrance of the building is along the eastern side, facing Harpeth Valley Road. Windows have been added to the Highway 70 S facing façade. A sidewalk connection has been added from the front corner of the bank to the sidewalk along Harpeth Valley Road.

ANALYSIS

The amended plan is not consistent with the land use policy. However, the amended plan is less impactful on the property and disturbs less of the site than the currently approved plan. Uses are limited significantly from what could be built under the current plan and the buildings are located further away from the existing residentially zoned land to the west and north of the subject site. The placement of the corner building and the elevations meet the intent of the condition placed on approval of the current plan to orient the building to the corner.

FIRE MARSHAL RECOMMENDATION

N/A

STORMWATER RECOMMENDATION

Approved

HARPETH VALLEY UTILITY DISTRICT RECOMMENDATION

HVUD provided an availability letter and both water and sewer are available.

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. Final design may vary based on field conditions.
- Comply with the MPW Traffic Engineer conditions of approval
- Indicate on the plans the location of the existing driveway on the south side of Highway 70S and align if feasible.
- Indicate the removal of the existing guardrail and subsequent edge protection.
- All construction within the ROW will require a permit from TDOT. TDOT permit must be obtained and copy remitted to MPW prior to any work within the ROW.
- Indicate the installation of an ADA compliant ramp at the intersection of Highway 70 S and Harpeth Valley Rd.

TRAFFIC AND PARKING RECOMMENDATION

Conditions if approved

- Prior to any final SP approvals, a comprehensive traffic study will be required to assist in determining the number and location of access points along with any off-site conditions that may be required. The proposed access drive onto Hwy70 will be reviewed for its appropriateness with the submittal of the first final SP.
- Provide adequate intersection and stopping sight distance at all project access drives per AASHTO standards.

No traffic table was prepared for this case. This SP would result in a reduction of the number of trips generated.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted land uses shall be limited to Restaurant, Full-Service and Financial Institution.
2. No vegetation shall be removed from the area labeled as undisturbed area, unless prior approval is received from the Planning Commission.
3. Permitted signs shall include building signs and freestanding signs that are externally lit or may be internally illuminated or back-lit with a diffused or shielded light source. Building mounted signs shall be a maximum of 5% of the first floor façade area

or 50 square feet, whichever is smaller and shall be limited to 2 signs per building. Up to two ground signs, including 1 per frontage, at a maximum of 28 square feet in size and six feet in height, shall be permitted for the development.

4. Prohibited signs shall 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.

5. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the CL zoning district as of the date of the applicable request or application.

6. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro 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. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. 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.

7. 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.

8. 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.

Approve with conditions and disapprove without conditions. (7-0), Consent Agenda

Resolution No. RS2015-137

"BE IT RESOLVED by The Metropolitan Planning Commission that 2010SP-011-002 is **Approved with conditions and disapproved without conditions. (7-0)**"

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