

2010SP-011-001

Potter SP

Map: 127-00 Parcel: 086

Bellevue Community Plan

Council District 22 – Eric W. Crafton

Staff Reviewer: Brenda Bernards

A request to rezone from R40 to SP-C zoning for property located at 7734 Highway 70 South, at the northwest corner of Highway 70 South and Harpeth Valley Road and partially within the Floodplain Overlay District, (3.37 acres) to allow certain uses permitted in the CL zoning district, requested by Dale & Associates, applicant, Patsy E. Potter, owner. (See also Proposal No.18-85P-001).

Staff Recommendation: Defer or disapprove

APPLICANT REQUEST Rezone from R40 to SP-C.

Zone Change A request to rezone from One and Two-Family Residential (R40) to Specific Plan – Commercial (SP-C) zoning for property located at 7734 Highway 70 South, at the northwest corner of Highway 70 South and Harpeth Valley Road (3.37 acres) and partially within the Floodplain Overlay District to allow certain uses permitted in the Commercial Limited (CL) zoning district.

Deferral The applicant had requested a further deferral to June 24, 2010, in order to revise the request from Commercial Limited to Specific Plan - Commercial. This property and the surrounding community, were severely impacted by the recent storm event.

Existing Zoning

R40 District - R40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25% duplex lots. *Without the PUD overlay, the R40 zoning on this site would permit up to three residential lots.*

FO District - Floodplain Overlay District (FO) represents all properties or portions of properties within the floodway, the 100 year FEMA floodplain, including specific local flood basin studies, and is established to preserve the function and value of floodplains and floodways to store and convey floodwater flows through existing and natural flood conveyance systems to minimize damage to property and human life. **The proposed zoning request will not remove this property from the FO.**

Proposed Zoning

SP-C District - Specific Plan-Commercial 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, retail and office uses permitted in the CL zoning district with some exceptions.

CRITICAL PLANNING GOALS N/A

BELLEVUE COMMUNITY PLAN

Office Transition (OT) OT policy is intended for small offices intended to serve as a transition between lower and higher intensity uses where there are no suitable natural features that can be used as buffers. Generally, transitional offices are used between residential and commercial areas. The predominant land use in OT areas is low-rise, low intensity offices.

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 SP proposes some office use, the primary commercial and retail uses conflict with the land use policies on the project site. The OT policy promotes low-intensity office uses as a transition between residential and commercial uses and the NCO policy also calls for low-intensity development. While the majority of the site is within the FO, the NCO policy covers only a small portion of the property along the

western boundary.

The applicant has proposed that the landscape buffers and the single-story buildings shown on the plan will provide an adequate transition, however, the proposed commercial uses are not consistent with the policy.

PLAN DETAILS The applicant has submitted a preliminary plan providing a site layout for the SP. Two, single-story buildings are proposed, including a larger commercial/retail building to the rear of the site and a smaller office/retail building at the corner of Highway 70 South and Harpeth Valley Road with 174 parking spaces to serve the buildings. The site is accessed from both streets. Sidewalks are required and are shown on the plan.

The plan contains some bulk standards but is missing a number of details including building orientation and the impact on the FO District. There is no discussion on building orientation. The building along the street will need to be oriented towards both streets and include pedestrian access to these streets. Landscaping materials and parking area screening are proposed to be defined in detail with the final site plan.

Floodplain Overlay District As noted above, this property is within the FO District and was severely impacted during the recent storm event. The SP plan needs to identify the FO District. There was no discussion included with the plan concerning how this proposed development will impact the FO District.

Uses The uses proposed in this SP include all uses permitted in the CL zoning district with the exception of the following uses:

- Automobile convenience
- Bar or nightclub
- Hotel/motel
- Amateur radio antenna
- Satellite dish
- Bus transfer station
- Community Amusement (outside)
- Park and ride lot
- Power/gas substation

The proposed commercial uses, such as restaurant, new auto sales, retail, home improvement sales and personal care services are not consistent with the OT land use policy. If this SP is approved, the uses permitted need to be those permitted in the OL zoning district in order to be consistent with the land use policy. The office uses would form a transition between the residential uses to the north of the property and the commercial uses across Highway 70 South.

Building Materials The plan includes a description of building materials. Building façades visible from Highway 70 South and Harpeth Valley road will consist of brick, stone, stucco, EIFS, Split face concrete block or fiber cement/ architectural siding. Smooth concrete block, vinyl siding, aluminum siding and sheet metal are prohibited for any façade visible from public road view.

Signs The plan proposes that all signage permitted in the zoning code, with the exception of a pole sign be permitted in this SP. Staff is recommending that, if approved, more restrictive sign standards be made a part of this SP. In addition to signs prohibited by Section 17.32.050 of the Zoning Code, staff recommends the following if this SP were to be approved:

- 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 building signs and freestanding ground signs.
- Building signs are attached directly to, or supported by brackets attached directly to a principal building. One building sign per business will be permitted. Signs can be up to 5% of the façade square footage for the first floor, (the first floor is a maximum height of 14 feet for purposes of determining signage) or 50 square feet, which ever is smaller.

- 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. There is a limit of two ground signs for this project, one per frontage and each a maximum of 28 square feet in size.
- 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.
- The design and alignment of signs on multiple use buildings shall compliment each other such that visual unity effect is achieved. An overall sign program for multiple tenant buildings will be required with the final site plan.

ANALYSIS Currently, there is a Commercial PUD on this property that was adopted in 1985, to permit a landscape business. Across Highway 70 South there is a gas station and a martial arts studio in the R40 district and a restaurant in the Shopping Center Regional (SCR) district. The gas station and studio are legally non-conforming uses. A retail use was in place prior to the studio. In December 1988, the Board of Zoning Appeals approved the studio as a use that would not increase the degree of non-compliance. The properties across Harpeth Valley Road were rezoned to Office Limited (OL) district in 1999 which is a zoning district that would meet the OT policy.

During the recent storm events, the property at 7734 Highway 70 South, the office park and the commercial uses across Highway 70 South were severely impacted. The flooding closed this intersection for several days. It is recommended that this request be deferred while staff continues the evaluation of impacts of development in the Floodplain Overlay District. If the applicant does not wish to defer, then it is recommended that this zone change request be disapproved.

If the SP is approved, the uses of the SP need to be restricted to those uses permitted in the OL zoning district in order to comply with the OT land use policy.

HARPETH VALLEY UTILITY DISTRICT This property is within the Harpeth Valley Utility District. Prior to an application for final site plan approval, the applicant will need to obtain a sewer and water availability letter from the Utility District. Any requirements of the Harpeth Valley Utility District shall be met prior to final site plan approval.

PUBLIC WORKS RECOMMENDATION

- 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.
- 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 Hwy 70 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.

Typical Uses in Existing Zoning District: **R40 PUD**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Greenhouse/Nursery (817)	3.37	-	2,868 SF	104	4	11

*Floor area controlled by PUD

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping (814)	3.37	0.165	24,221 SF	1074	27	80

Traffic changes between typical: **R40 PUD** and proposed **CL**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+970	+23	+69

Maximum Uses in Existing Zoning District: **R40 PUD**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Greenhouse/Nursery (817)	3.37	-	2,868 SF*	104	4	11

*Floor area controlled by PUD

Maximum Uses in Proposed Zoning District: **CL**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center(820)	3.37	0.6	88,078 SF	6254	143	585

Traffic changes between maximum: **R40 PUD** and proposed **CL**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+6150	+139	+574

STORMWATER RECOMMENDATION Preliminary SP approved.

FIRE MARSHAL RECOMMENDATION Approved as a sprinklered project.

This approval is for the concept plans only. The developer shall provide the Fire Marshal's office with additional details before the development plans can be approved.

STAFF RECOMMENDATION Staff recommends that this request and the associated PUD cancellation be deferred while staff continues the evaluation of impacts of development in the Floodplain Overlay Districts. If this request is not deferred, then staff recommends disapproval.

CONDITIONS (if approved)

- The applicant shall submit a corrected copy of the plan to include the following:
 - Orient the building closest to the street towards the streets and show pedestrian access to the sidewalk.
 - Show the FO District on the plan. Provide details of the impact of the development on the FO.
 - A revised list of uses to include only those uses permitted in the OL zoning district.
- Permitted signs shall include building signs and freestanding ground 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 one sign per business. Up to two ground signs, including one per frontage, at a maximum of 28 square feet in size and six feet in height, shall be permitted for the development.

3. 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.
4. An overall sign program for multiple tenant buildings will be required with the final site plan.
5. Prior to an application for final site plan approval, the applicant shall obtain a sewer and water availability letter from the Utility District. Any requirements of the Harpeth Valley Utility District shall be met prior to final site plan approval.
6. Prior to final site plan approval, the requirements of the Public Works Department shall be met.
7. The uses of this SP shall be limited to uses permitted in the OL zoning district.
8. 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 OL zoning district as of the date of the applicable request or application.
9. 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. 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.
10. 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.
11. 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.

Approved (9-0), Consent Agenda

Resolution No. RS2010-87

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010SP-011-001 is **DISAPPROVED. (9-0)**

The proposed commercial SP is not consistent with the Bellevue Community Plan's Office Concentration and Natural Conservation policies which apply to the property. The proposed SP also impacts a majority of the floodplain on the property.”