

## 1b. 2011SP-011-001

BL2011-933 / MITCHELL  
**THE ACADEMY OF BELLEVUE**  
Map 155, Parcel(s) 088  
Council District 35 (Bo Mitchell)  
Staff Reviewer: Greg Johnson

A request to rezone from RS40 to SP-INS zoning and for final site plan approval for property located at 7836 Old Harding Pike, at the intersection of Learning Lane and Old Harding Pike (1.26 acres), to permit a daycare center for a maximum of 190 individuals, requested by Barge Cauthen & Associates Inc., applicant, Corporate Investors Partnership VIII LLC, owner (See also Community Plan Amendment Case # 2011CP-006-001).

**Staff Recommendation: APPROVE WITH CONDITIONS with approval of the associated community plan amendment; DISAPPROVE if the associated plan amendment is disapproved**

### **APPLICANT REQUEST - Permit daycare center for 190 individuals**

**Preliminary and Final SP** A request to rezone from Single-Family Residential (RS40) to Specific Plan – Institutional (SP-INS) zoning and for final site plan approval for property located at 7836 Old Harding Pike, at the intersection of Learning Lane and Old Harding Pike (1.26 acres), to permit a day care center for a maximum of 190 individuals.

### **Existing Zoning**

RS40 District ~~RS40~~ requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of .93 dwelling units per acre.

### **Proposed Zoning**

SP-INS District -Specific Plan-Institutional 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 institutional uses.

### **CRITICAL PLANNING GOALS** N/A

### **BELLEVUE COMMUNITY PLAN**

#### **Existing Policy**

**Residential Low-Medium Density (RLM)** RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

#### **Proposed Policy**

**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.

**Consistent with Policy?** The SP is not consistent with the existing RLM policy because of the proposed uses. RLM policy recommends low to medium density residential land uses. Within residential zoning districts, daycare center uses with more than 75 students require a Special Exception approval from the Board of Zoning Appeals. The day care center use can be permitted with conditions in non-residential zoning districts. The proposed SP would allow the use of the property for a maximum of 190 individuals and would not require any approvals from the BZA if the SP rezoning were to be approved by the Metro Council.

The proposed Office Transition policy is intended for areas bordering residential and commercial areas for small-scale office uses. The proposed day care use is considered among the acceptable uses within the OT policy.

**PLAN DETAILS** The proposed SP consists primarily of a site plan and a landscaping plan identifying the layout of the proposal on the lot and its relationship to surrounding development.

Day care center is the only permitted land use within this SP. Any standards not addressed by the SP must follow the standards of Commercial Limited (CL) zoning.

**Site Layout** The proposed building is one-story in height with a footprint of 13,800 square feet and is shown on the northeast side of the property adjacent to several single-family residential lots. Placement of the building in this location allows for the placement of the parking lot and outdoor play area away from the residential lots.

The SP proposes one vehicular access point to Learning Lane. This driveway connection leads to a side parking lot with sufficient parking to meet parking standards within the Zoning Code. A circular driveway is provided for pick-up and drop-off and is required by the Zoning Code for day care uses.

As this day care center will serve children, an outdoor play area is proposed at the front of the building along Learning Lane. This play area is required by the Zoning Code for day care uses.

**Vehicular access** The proposed driveway connection to Learning Lane would be situated adjacent to the intersection of Learning Lane and Old Harding Pike. At a community meeting for this project, traffic on these streets was cited as a concern of surrounding residents. In order to address possible traffic-related issues that could result from the proximity of the driveway and intersection, the applicant submitted a Traffic Impact Study (TIS) to address site access. Metro Public Works reviewed the TIS and generated conditions of approval for traffic-related improvements that are intended to mitigate traffic-related impacts of the proposed day care. The conditions address improvements to the intersection of Old Harding Pike and Learning Lane that are intended to improve traffic flow at peak times.

**Signage** Specific signs and sign standards are not proposed within the SP. Because the property is intended to provide an appropriate transition between residential development and commercial development, signage should not be intrusive to adjacent residential development. Conditions of approval have been added to limit ground sign height to a maximum height of six feet, which is similar to ground signs for surrounding commercial development.

**Community Meeting** A community meeting to discuss this SP proposal and associated plan amendment was held on May 16, 2011. Approximately 13 people were in attendance. A number of issues were raised including traffic and vehicular access to the site.

#### **STORMWATER RECOMMENDATION**

1. Provide Grading Permit fee (\$815), NOC, Detention Agreement, Long Term plan, Dedication of Easement, and recording fees.
2. For the erosion control measures, consider adding check dams (and detail) to the ditch.
3. For the outlet structure detail, a 36" pipe was noted on the plans. Show outlet diversion detail (no internal bypass was observed). Unsure if the outlet diversion and pond outlet structure are the same. Be sure to include all updated water quality details.
4. The roof drains and tie-in locations were not clearly shown on plans. Also, better delineate these locations on the drainage maps. Double check pipe calculations after showing roof tie-ins.
5. All inlets were shown to be in sag, which was not observed on the plans. Based on the grading, it doesn't appear that inlets 7 and 13 collect any drainage.
6. For the storm structures, include the flows from pond outlet and pipe bypass within the calculations.
7. The proposed roadside ditch is too flat. Provide ditch and trench sizing calculations. Consider revising the ditch layout.
8. Double check the pre Tc calculations (should be longer than 100') and post CN's for basins B and C (use a value equal or greater than the existing CN).
9. Show clean-outs for underground detention on plans (add detail).
10. Routing / hydrograph combinations do not appear correct (some areas may be shown as bypass). If adding basins to the pond, update water quality calculations.

**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.

1. The applicant shall employ a trained traffic control officer/manager to work with the Harpeth Valley Elementary School administration and crossing guards to improve the arrival and dismissal traffic management program for Harpeth Valley Elementary School. In addition, the traffic control officer shall be responsible for actively managing the traffic entering and exiting the Bellevue Academy daycare site during the arrival and dismissal times of Harpeth Valley Elementary School. The requirement to provide active traffic management by the applicant may be re-evaluated in the future by the Metro Traffic Engineer at the request of the applicant.
2. The applicant shall connect the existing sidewalk that terminates at the eastern property line on Old Harding Pike to the sidewalk planned within the proposed Bellevue Academy site. Approximately 230 feet of new sidewalk shall be provided along the property frontage and continue the sidewalk along Learning Lane terminating at the existing sidewalk at the Harpeth Valley Elementary School exit drive. Pedestrian facilities should be provided for the existing crosswalk at the signalized intersection. Pedestal poles with pushbuttons

and countdown pedestrian signal heads shall be provided on the northwest and southwest corners of the intersection. All pedestrian facilities shall conform to Metro and ADA standards.

3. When directed by the Metro Traffic Engineer, the applicant shall convert the eastbound through lane at the intersection of Learning Lane and Old Harding Pike into a shared left turn/through lane. This will include adding a three section signal head for left turns, realigning the existing signal heads, and striping a 2'x4' white lane line extension. The signal timing shall be adjusted to include eastbound/westbound split signal phasing. The decision to implement this modification shall be based upon a favorable recommendation from the supplemental traffic letter/report that will be required of the applicant. These improvements shall be bonded when the project is permitted for construction.
4. The applicant shall submit a traffic letter/report along with supporting documentation completed by the applicant's traffic engineer to Metro Public Works for review and approval. The study shall describe and evaluate the operation of the development during arrival and dismissal of Harpeth Valley Elementary School and shall be submitted at least six months following the issuance of the use and occupancy permit. At the discretion of the Metro Traffic Engineer, the applicant may be required to submit the report at an earlier time. Based on the findings of the report, additional conditions may be required and may include: modification/relocation of the proposed driveway/access, modification to the traffic management plan, or further modification to the traffic signal operation. If additional conditions are required or if the development is not operating at full capacity six months after the use and occupancy permit is issued, the Metro Traffic Engineer may require additional future analysis of the driveway operation.
5. The applicant shall modify the operation of the existing traffic signal at the intersection of Learning Lane and Old Harding Pike. This shall include installing vehicle detection for the Old Harding Pike approaches and adding a right turn overlap phase and signal head for the southbound right turn movement from Old Harding Pike onto Learning Lane. Signal operation & timing changes shall be developed to accommodate the Harpeth Valley Elementary School and the Bellevue Academy daycare traffic.

Maximum Uses in Existing Zoning District: **RS40**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	1.26	0.93 D	1 L	10	1	2

Maximum Uses in Proposed Zoning District: **SP-MNR**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Day Care (565)	1.26	-	190 Children	859	144	133

Traffic changes between maximum: **RS40** and proposed **SP-MNR**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+849	+143	+131

**STAFF RECOMMENDATION** If the associated plan amendment is approved, staff recommends approval of the SP request. Approval is recommended because the proposed land use is consistent with the Office Transition policy. Additionally, traffic-related conditions of approval from Metro Public Works have been proposed to address traffic movement within the surrounding center. Staff recommends disapproval if the plan amendment is disapproved.

**CONDITIONS**

1. A fence will be required to surround all play areas as required by the Zoning Code.
2. Freestanding signs shall be limited to ground signs with a height to a maximum of 6 feet. No pole signs shall be permitted. All other signage standards shall comply with the CL standards of the Zoning Code.
3. Note No. 5 on page C-1.00 shall be changed to read as follows: "Proposed daycare will serve a maximum of 190 individuals."

4. A type C landscape buffer shall be provided along property lines shared with single-family residential lots.
5. Should the proposed day care use transition to general office use or commercial use, a maximum of one row of parking shall be permitted in front of the building along Learning Lane.
6. Prior to building permit approval, a plat shall be recorded to align the front property line according to the right-of-way dedication shown on the preliminary site plan.
7. Comments listed above from Metro Public Works and Metro Stormwater shall be addressed on the corrected copy of the preliminary SP plan.
8. All requirements of Chapter 17.24 (Landscaping, buffering and tree replacement) of the Metro Zoning Code for CL zoning shall be met with any final site plan within the SP.
9. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Metro Council approval, the property shall be subject to the standards, regulations and requirements of the CL zoning district.
10. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the 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.
11. 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.
12. 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. Johnson presented the staff recommendation of approval with conditions with approval of the associated community plan amendment; disapproval if the associated plan amendment is disapproved.

Ms. LeQuire stated that she would be comfortable supporting this with a pervious parking lot and noted that she would really like to see a larger play area.

Mr. Bernhardt stated that the parking could be limited to the maximum required by the Code and dedicate the extra space to a play area.

Mr. Gee stated that they meet stormwater requirements and they are limiting themselves to less than what might typically be required on impervious surfaces?

Mr. Bernhardt stated that 54% is the maximum.

Mr. Gee stated that he does not want to put a condition in there regarding pervious pavement as there are cost implications to that.

Mr. Gee stated that he would like to see as much pervious pavement as possible and does not know if he will support this or not.

Councilmember Gotto stated that he disagrees, if this is going to be approved, we need to ask for as much pervious pavement as possible. He also stated that he would like to see a larger play area and he does not like

the building being jammed back against the houses. It would work much better if it was located towards the middle or the front of the site. Councilmember Gotto also stated that the dumpster location is bad.

Ms. LeQuire asked for clarification on the play area location.

Mr. Johnson clarified.

**Mr. Clifton moved and Mr. Gee seconded the motion to approve staff recommendation. (7-0)**

**Resolution No. RS2011-134**

**“BE IT RESOLVED** by The Metropolitan Planning Commission that 2011SP-011-001 is **APPROVED WITH CONDITIONS. (7-0)**

**Conditions of Approval:**

1. A fence will be required to surround all play areas as required by the Zoning Code.
2. Freestanding signs shall be limited to ground signs with a height to a maximum of 6 feet. No pole signs shall be permitted. All other signage standards shall comply with the CL standards of the Zoning Code.
3. Note No. 5 on page C-1.00 shall be changed to read as follows: “Proposed daycare will serve a maximum of 190 individuals.”
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12. 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 land use is consistent with the Office Transition policy. Traffic-related conditions of approval from Metro Public Works address traffic movement within the surrounding center.”**