

### 3. 2011SP-016-001

BL2011-18 / MATTHEWS

#### **4608 ASHLAND CITY HIGHWAY**

Map 057, Part of Parcel(s) 120

Map 068, Part of Parcel(s) 062 and Part of 085

Council District 01 (Lonnell Matthews, Jr.)

Staff Reviewer: Jason Swaggart

A request to rezone from AR2a to SP-MU zoning and for final site plan approval for part of properties located at 4608 Ashland City Highway and part of properties located at Ashland City Highway (unnumbered), approximately 3,450 feet west of Briley Parkway (2.99 acres), to permit Building Contractor Supply and all uses permitted in the AR2a zoning district, requested by Charles Huddleston, owner.

**Staff Recommendation: DISAPPROVE**

#### **APPLICANT REQUEST -Zone change to permit contractor supply and all other uses permitted in the AR2a zoning district and for final site plan approval**

**Preliminary SP and Final Site Plan** A request to rezone from Agricultural and Residential (AR2) to Specific Plan – Mixed Use (SP-MU) zoning and for final site plan approval for part of properties located at 4608 Ashland City Highway and Ashland City Highway (unnumbered), approximately 3,450 feet west of Briley Parkway (2.99 acres), to permit Building Contractor Supply and all uses permitted in the AR2a zoning district.

#### **Existing Zoning**

AR2a District - Agricultural/Residential requires a minimum lot size of two acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan.

#### **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 in addition to office and/or commercial uses.

**DEFERRAL** This request was originally submitted for Commercial-Service (CS) zoning, but the applicant later amended the application to SP. The request has been deferred from two previous meetings (June 23, 2011 and July 28, 2011). The applicant requested the last deferral in order to meet with the community. Since that time, the acreage requested to be rezoned has been reduced from 5.61 acres to 2.9 acres. The SP now covers a portion of three properties (map 068, parcel 62 and 85, and map 057, parcel 120), where the previous included all of map 068, parcel 62. The reduced size and shifting of the SP boundary are the results of community meetings with the Councilmember.

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

#### **BORDEAUX/WHITES CREEK COMMUNITY PLAN**

**Residential Low Medium (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.

**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 proposed Specific Plan District would permit some uses consistent with the land use policies, the primary intent is to permit a non-residential use (Building Contractor Supply) that is not consistent with the RLM policy.

**PLAN DETAILS** The portion of properties proposed to be rezoned from AR2a to SP-MU are located on the north side of Ashland City Highway, west of Briley Parkway. The area contains numerous structures and equipment and is currently being used for building contractor supply (construction business) and for agricultural related activities.

The properties are currently zoned AR2a which does not permit commercial uses such as the existing construction business. The owner has been cited by Metro Codes for using the property for uses not permitted under the zoning district, as well as for the accumulation of motor vehicles, equipment and open storage. The property owner is currently working with the Codes department on all existing violations, but because the construction business is not permitted in the AR2a zoning district, the applicant has requested a SP in order to keep the business at this location.

SP Site Plan The plan does not propose any specific construction of new buildings, but is a regulatory plan which will limit current and future use of the district. As proposed the district would permit building contractor supply as well as all other uses permitted by the AR2a zoning district.

The SP would also permit outdoor storage. Any outside storage would not be permitted within 25 feet of the property boundary with map 068, parcel 61 or within 800 feet of Ashland City Highway.

The SP would prohibit signage. Other standards which are not specified in the proposed SP, including bulk, parking and landscaping would be subject to the standards, regulations and requirements of the AR2A zoning district. At this time no new construction is proposed; however, any future construction within the district will require review by planning staff and could require approval by the Planning Commission and/or Council.

**STORMWATER RECOMMENDATION** No sign off is required

**PUBLIC WORKS RECOMMENDATION** Approve with conditions

Prior to any building permit or final site plan approval a comprehensive traffic study and development plan may be required to determine the number and location of access points along with any off-site conditions that may be necessary to mitigate traffic impact.

**STAFF RECOMMENDATION** Staff recommends disapproval because the proposed SP permits a non-residential use that is not consistent with the properties Residential Low Medium land use policy.

**CONDITIONS (If Approved)**

1. Outdoor storage is permitted but shall not be within 25 feet of the property boundary with map 068, parcel 61 or within 800 feet of Ashland City Highway.
2. Signage shall not be permitted.
3. Uses permitted by this SP district include Building Contractor Supply and all uses permitted by the AR2a zoning district.
4. Any new construction in the district shall require approval by the planning department and may require approval from the Planning Commission.
5. Prior to any building permit or final site plan approval a comprehensive traffic study and development plan may be required to determine the number and location of access points along with any off-site conditions that may be necessary to mitigate traffic impact.
6. 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 AR2a zoning district as of the date of the applicable request or application.
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.

Disapproved, Consent Agenda (7-0-1)

**Resolution No. RS2011-195**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011SP-016-001 is  
**DISAPPROVED. (7-0-1)**”

**The proposed SP district would permit a non-residential use that is not consistent with the property's Residential Low Medium land use policy.”**