

13. 2011SP-027-001

BL2011-66 / DAVIS

JOSLIN PET SERVICES (PRELIM & FINAL)

Map 072-07, Part of Parcel(s) 131-132

Council District 07 (Anthony Davis)

Staff Reviewer: Jason Swaggart

A request to rezone from MUL to SP-C zoning and for final site plan approval for a portion of properties located at 2300 and 2302 Riverside Drive, at the intersection of Riverside Drive and McGavock Pike (0.19 acres), to permit an animal boarding facility and all other uses permitted by the MUL zoning district, requested by Joslin Pet Services and the Metro Planning Department, applicants, DC Partners, LLC, owner.

Staff Recommendation: APPROVE WITH CONDITIONS and DISAPPROVE without all Planning Commission required conditions

APPLICANT REQUEST - Rezoning to permit an animal boarding facility and final site plan.

Zone Change and Final Site Plan Approval - A request to rezone from Mixed-Use Limited (MUL) to Specific Plan – Commercial (SP-C) zoning and for final site plan approval for a portion of properties located at 2300 and 2302 Riverside Drive, at the intersection of Riverside Drive and McGavock Pike (0.19 acres), to permit an animal boarding facility and all other uses permitted by the MUL zoning district.

Existing Zoning

MUL District - Mixed Use Limited is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

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 uses.

CRITICAL PLANNING GOALS - N/A

EAST NASHVILLE COMMUNITY PLAN

Land Use Policy

Neighborhood Center (NC) - NC is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize. Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial uses.

Consistent with Policy? - Yes. This request is to add one new use to the list of uses already permitted in the MUL zoning district. The proposed Animal Boarding Facility is a use supported by the land use policy. The area to be rezoned consists of a portion of an existing commercial building that includes various uses. The intersection of Riverside Drive and McGavock Pike is already an active center for the surrounding area, and the proposed animal boarding facility will provide additional services for the area. The plan also provides site improvements such as landscaping which will help soften the visual impact of the hardscape consistent with the policy. This site is within the Economic Development Incentive Area. Because the proposed SP is consistent with the policy, the Planning Department is co-sponsoring the application consistent with the approved Economic Development Incentive policy.

REQUEST DETAILS

The request is to rezone a portion of two parcels from MUL to SP in order to permit an animal boarding facility and all uses permitted by the MUL zoning district. The properties are located at the northwest corner of Riverside Drive and McGavock Pike in Inglewood. The properties are developed with a building located along Riverside Drive and McGavock Pike, consisting of various commercial uses, and a structure behind the larger building that is used for storage. The two properties subject to this zone change contain approximately 0.66 acres (28,749 square feet), and the total area proposed in the SP is approximately 0.19 acres (8,276 square feet).

Site Plan - The plan identifies the area and building proposed to be rezoned to SP. The plan limits the animal boarding use to 1,600 square feet. Other permitted uses would be limited by the bulk regulations for the MUL zoning district. An outdoor play area is shown at the rear of the building and will be enclosed by an eight foot solid privacy fence. The plan identifies an existing hedge row that is approximately seven feet in width and eight

feet tall along the northern and eastern perimeter of the outdoor play area. Additional landscaping is proposed along Riverside Drive and McGavock Pike in above-ground planters.

Parking for the SP will be provided outside the SP boundary but on the same property. The parking area will be located just west of the SP and will also provide additional parking for the rest of the commercial spaces within the building but outside of the SP. The proposed animal boarding facility requires five parking spaces. The offsite parking area will have to provide a minimum of five parking spaces and be constructed prior to the issuance of any building permits. The SP also requires that any change in use will require an updated parking agreement that shall be approved by the Planning Department.

The proposed SP will not permit any free-standing signage. Building signs are limited to one building sign along Riverside Drive and one building sign along McGavock Pike. The SP limits the area of any sign to 48 square feet.

ANALYSIS

Staff has no issues with the proposed SP district. The SP permits uses that are consistent with the site's Neighborhood Center Land Use policy. Because the proposed SP is for an existing building, major modifications are neither proposed nor needed; however, the plan does propose some new landscaping along Riverside Drive and McGavock Pike which will improve the appearance along these roadways.

Due to the nature of the animal boarding facility use, it is important to ensure that adjacent residential properties are adequately protected. The closest residential structure will be approximately 79 feet away from the structure proposed for the animal boarding facility. In order to minimize any negative impacts the SP prohibits overnight boarding. The solid eight foot tall fence and dense vegetation between the outside play area and closest house will also help buffer any daytime noise. Given the existing site conditions, *staff believes that the restricted hours and the eight foot tall solid fence combined with a solid row of evergreen plants will provide reasonable buffering to compensate for the lack of separation, provided the impacted property owners believe that the visual and noise impacts of the facility would be mitigated.*

While the SP does not propose any on-site parking, adequate parking is required off-site directly adjacent to the site. The Zoning Code currently permits off-site parking in similar situations. The off-site parking area will also provide parking for other businesses in the area. It is also important to note that approximately three parking spaces are currently located within the SP boundary. These spaces are along McGavock Pike and are pull-in spaces, requiring reversing onto McGavock to exit. This is an unsafe situation and the applicant has proposed to close the spaces and replace them with landscaping in above ground planters in order to restrict vehicular access to the area.

As proposed, there are no major issues with the request. The primary concern is that the adjacent residents are not negatively impacted by the possible noise associated with the proposed animal boarding facility use. While staff finds that the proposed restrictions coupled with the existing fencing and landscaping should provide good protection, staff also feels that the voices of the residents who may be impacted by this proposal should be considered. At the time this report was written, staff has received no comments regarding this matter. Since concerns have not been received, staff recommends approval as the request is consistent with the property's land use policy.

STORMWATER RECOMMENDATION No grading permit required

PUBLIC WORKS RECOMMENDATION No Exceptions Taken

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.

STAFF RECOMMENDATION

Staff recommends approval with conditions ad the proposed request is consistent with the Neighborhood Center land use policy and disapproval without all Planning Commission required conditions.

CONDITIONS

1. No Use and Occupancy Permit (U&O) shall be issued until the offsite parking area is constructed and approved by the Metro Codes Department, or the applicant provides adequate parking at another location that is approved by the Metro Planning Commission.
2. Landscaping shall not be removed, and dead plants shall be replaced within 30 days.

3. 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 MUL zoning district as of the date of the applicable request or application.
4. 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.
5. Minor modifications to the SP development plan or final site 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.
6. 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 with conditions and disapproved without all Planning Commission required conditions. (6-0), Consent Agenda

Resolution No. RS2011-248

"BE IT RESOLVED by The Metropolitan Planning Commission that 2011SP-027-001 is **APPROVED WITH CONDITIONS** and **DISAPPROVED WITHOUT ALL PLANNING COMMISSION REQUIRED CONDITIONS. (6-0)**

Conditions of Approval:

1. No Use and Occupancy Permit (U&O) shall be issued until the offsite parking area is constructed and approved by the Metro Codes Department, or the applicant provides adequate parking at another location that is approved by the Metro Planning Commission.
2. Landscaping shall not be removed, and dead plants shall be replaced within 30 days.
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6. 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 SP, with conditions, is consistent with the Neighborhood Center land use policy.”