

5. 2011SP-028-001

BL2011-71 / BAKER

TOWNS AUTO SALES

Map 091-13, Parcel(s) 355

Council District 20 (Buddy Baker)

Staff Reviewer: Greg Johnson

A request to rezone from CS to SP-A zoning and for final site plan approval for property located at 5909 Charlotte Pike, approximately 1,235 feet west of Oceola Avenue (0.75 acres), to permit auto repair, automobile sales (used) and all other uses permitted by the CS District, requested by Hamid Rabiee, applicant, Carl and Denise Guye, owners.

Staff Recommendation: APPROVE the SP WITH CONDITIONS and disapprove without conditions

APPLICANT REQUEST - Permit vehicle sales and repair uses and all other uses permitted by CS district.

Preliminary and final SP

A request to rezone from Commercial-Service (CS) to Specific Plan – Auto (SP-A) zoning and for final site plan approval for property located at 5909 Charlotte Pike, approximately 1,235 feet west of Oceola Avenue (0.75 acres), to permit auto repair, auto sales, used, and all other uses permitted by the CS District.

Existing Zoning

CS District – Commercial Service is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

Proposed Zoning

SP-A District – Specific Plan-Auto 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 automobile uses.

CRITICAL PLANNING GOALS

N/A

WEST NASHVILLE COMMUNITY PLAN

T4 Urban Mixed Use Neighborhood (T4 MU) policy is intended to preserve, enhance, and create urban mixed use neighborhoods characterized by a development pattern that contains a diverse mix of residential and nonresidential land uses, and that are envisioned to remain or develop in a mixed use pattern. T4 MU areas are areas intended to be mixed use in nature with the presence of commercial and even light industrial uses, but also a significant amount of moderate to high density residential development.

Consistent with Policy?

The T4 Urban Mixed Use Neighborhood (T4 MU) policy promotes a combination of residential and non-residential development and would permit an expansion of auto-related land uses on the subject site, subject to the design intent of the land use policy. The T4 MU policy promotes walkable neighborhoods with buildings placed close to the street and with land uses that are appropriate within mixed use neighborhoods. Because of this intent, Planning staff recommends the MUL-A zoning district for future development on the site. Instead of requesting all uses of the CS district, the request should be amended to all uses of the MUL-A district. MUL-A is more consistent with the recommended land uses and building form of the T4 MU policy than the CS zoning district.

PLAN DETAILS

In 2006, a Council bill removed most automobile-related uses from the list of uses permitted under the CS zoning classification. This SP request proposes to have auto rental and leasing uses added back to the uses permitted for the subject property.

Site plan

The applicant operates an auto sales use on the property adjacent to the proposed SP site and wishes to expand the business to the site. The SP will only apply to the new lot.

According to the site plan, the expansion of the adjacent business will occupy the existing building and the parking area along Charlotte Pike. The existing building will be used as an accessory office for vehicle financing. The front parking area will be used for visitor and employee parking and for additional vehicle display area. The rear yard area behind the existing building consists primarily of unimproved lawn. The applicant does not intend

to improve this area as part of the expansion of the business.

The site currently does not include any physical separation between the front parking area and the street, except for several small parking space barriers. As part of the SP request, the applicant proposes to construct a decorative fence with landscaping along the property frontage. This type of frontage already exists along the frontage of the adjacent auto sales business. Sidewalk will also be extended along the property frontage.

The site plan also illustrates the intent to consolidate access to the auto sales business. The existing driveway to Charlotte Pike on the SP property will be closed. Access to Charlotte Pike will be shared with the adjacent property. Because the current business intends to use two existing lots and remove direct vehicular access from one lot, cross-access must be formalized through either a consolidation plat to combine the two lots or a cross-access easement that grants access to the SP lot.

Parking

The existing building on the site will be used as an accessory office to the primary sales office on the adjacent property. This accessory office will be used as a financing office and will have a maximum of one employee. Because of the minimal use of this building, the required number of parking spaces for this building can be reduced. Five parking spaces, including one accessible parking space, are proposed within the SP. The proposed number of parking spaces is a sufficient number of spaces for the proposed accessory office and vehicle display area on the site.

Signage

According to the SP, no new ground signage is proposed. Signage within the SP shall follow the standards of the MUL-A zoning district.

Future Development

As stated in the policy section, the land use policy in this location allows for a variety of land uses, but envisions a mixed-use neighborhood with a high level of walkability in this location. An auto-related use is acceptable within this policy. However, future redevelopment of the site should be required to meet the form-based intent of the land use policy. Because of this, a condition of approval has been added to include a fall-back zoning district of CS for the current use and a future fall-back zoning district of MUL-A. The future fall-back district will be in-place when the site redevelops or development within the site expands beyond a certain point as specified in the Zoning Code.

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.
- If any construction is required to be completed in the public Right of Way then a permit must be obtained from the Metro Public Works Permit office. Contact MPW Permit office at (615) 862-8782.
- Indicate solid waste plan – dumpster and recycling container locations. Provide turning template for SU-30.
- The existing and proposed sidewalks shown on the plans along Charlotte Pike must be located in the public right of way. Dedicate right of way to fully encompass the public sidewalk. Dedication may be accomplished by instrument.
- Driveway ramp connection to Charlotte Pike to be Public Works Standard ST-325.
- Revise plan to include Public Works standard details ST-210 and ST-325.

STAFF RECOMMENDATION

Staff recommends approval with conditions of the preliminary and final SP, and disapproval of the preliminary SP without all conditions of approval.

CONDITIONS

1. Permitted land uses within the SP shall be automobile sales (used), automobile repair, and all other uses permitted by the MUL-A zoning district.
2. Prior to permit approval, a plat combining the SP lot with the adjacent auto sales lot, or a cross-access easement granting access through the adjacent lot to Charlotte Pike, shall be recorded.
3. The preliminary SP shall comply with conditions of approval from Metro Public Works, including the dedication of right-of-way along Charlotte Pike to a minimum distance of 50 feet from centerline as specified by the Major and Collector Street Plan.

4. Ground signage on the SP site shall follow the standards of the MUL-A zoning district.
5. The following note shall be added to the site plan: Auto related uses shall be consistent with the approved site plan. Minor modifications to the site plan may be approved by the Planning Commission including changes in use but shall be subject to the standards, regulations and requirements of the CS zoning district. Expansions of 25 percent of the total floor area of the originally approved final site plan or total redevelopment shall meet the standards, regulations and requirements for the MUL-A zoning district. Minor modifications may require a new final site plans and expansions of 25 percent of the total floor area of the approved site plan or total redevelopment shall require that a final site plan be approved by the Planning Commission.
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. 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.
8. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

Approved the SP with conditions and disapproved without conditions. (8-0), Consent Agenda

Resolution No. RS2012-24

"BE IT RESOLVED by The Metropolitan Planning Commission that 2011SP-028-001 is **APPROVED WITH CONDITIONS, and disapproved without conditions. (8-0)**

Conditions of Approval:

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2. Prior to permit approval, a plat combining the SP lot with the adjacent auto sales lot, or a cross-access easement granting access through the adjacent lot to Charlotte Pike, shall be recorded.
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With the proposed conditions of approval, the proposed SP will be consistent with the T4 Urban Mixed Use Neighborhood land use policy.”