

10b. 2012SP-002-001

HICKORY MC INVESTMENTS, G.P. PROPERTY

Map 148, Parcel(s) 066

Council District 28 (Duane A. Dominy)

Staff Reviewer: Jason Swaggart

A request to rezone from RM6 to SP-IND zoning property located at Franklin Limestone Road (unnumbered), approximately 1,725 feet east of Antioch Pike (40.18 acres), and within the Floodplain Overlay District, to permit all uses permitted by the IWD zoning district and a heavy industrial use "asphalt plant" (including blasting and crushing of stone for sale/transfer from the site during site preparation for asphalt plant), requested by Clemmons & Associates LLC, applicant, Hickory MC Investments G.P., owner. (See also Community Plan Amendment Case # 2012CP-013-001).

Staff Recommendation: DISAPPROVE. If the Planning Commission approves the request then staff recommends that it be approved with all staff conditions.

APPLICANT REQUEST

Permit an asphalt plant and all other uses permitted by IWD zoning district.

Preliminary SP

A request to rezone from multi-family residential (RM6) to Specific Plan- Industrial (SP-IND) zoning property located at Franklin Limestone Road (unnumbered), approximately 1,725 feet east of Antioch Pike (40.18 acres), and within the Floodplain Overlay District, to permit all uses permitted by the IWD zoning district and a heavy industrial use "asphalt plant" (including blasting and crushing of stone for sale/transfer from the site during site preparation for asphalt plant).

Existing Zoning

RM6 District - RM6 is intended for single-family, duplex, and multi-family dwellings at a density of 6 dwelling units per acre. *Approximately 241 residential units would be permitted under RM6 (6 x 40.18 acres).*

Proposed Zoning

SP-IN District - Specific Plan-Industrial 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 industrial uses.

CRITICAL PLANNING GOALS

N/A

ANTIOCH-PRIEST LAKECOMMUNITY PLAN

Land Use Policies

Natural Conservation (NCO) policy is for mostly undeveloped areas characterized by the widespread presence of steeply sloping terrain, unstable soils, floodplains or other environmental features that are constraints to development at urban or suburban intensities. NCO areas are intended to be rural in character, with very low intensity development.

Residential Medium (RM) policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. The predominant development type is single-family homes, although other types of housing, such as townhomes, stacked flats or duplexes, may be appropriate.

Consistent with Policy?

No. Industrial uses proposed by this specific plan are not supported by the Natural Conservation and Residential Medium land use policies. While the applicant has submitted a request to amend the land use policy (2012CP-013-001) to a policy that would support the request, District Industrial, staff is recommending disapproval of the policy amendment. Staff is recommending disapproval of the associated policy amendment because the proposed industrial policy is not compatible with adjacent residential development, permitting uses that could have a significant negative impact on existing residential areas, as well as to environmentally sensitive Mill Creek. The area also has large undeveloped areas within industrial policy so creating more industrial areas at this time is inappropriate.

PLAN DETAILS

Currently, the site is vacant and covered by mature trees and vegetation. The northern and western portions of the site are adjacent to Mill Creek and are in the Floodplain Overlay District.

The proposed SP is a regulatory plan and does not include any specific development proposal. It would permit all uses permitted in the Industrial Warehousing District (IWD) as well as an asphalt plant. It would also permit blasting and crushing of stone for sale/transfer from the site during site preparation for the asphalt plant. Bulk standards would be based on zoning standards for the IWD zoning district. The plan provides additional standards including a 150 foot buffer along the property boundary adjacent to residentially zoned property. IWD zoning would normally only require a 50 foot landscape buffer. The SP also calls for a 20 foot buffer along Franklin Limestone Road.

Portions of the property contain floodway and floodplain associated with Mill Creek and is within the floodplain overlay. As proposed

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the SP prohibits development within the floodplain and provides appropriate stream buffers required by Metro Stormwater. The SP also identifies approximately six acres (all in floodplain) to be dedicated to Metro Parks. If Metro Parks does not accept the land area then it will remain private open space. The SP will also provide a greenway easement for the development of a future greenway along Mill Creek.

STAFF ANALYSIS

The proposed request is not consistent with the existing RM and NCO land use policies. The area around the subject site contains numerous heavy industrial uses including open mines as well as other asphalt plants. The area also has large areas within industrial policy that are undeveloped. The proposed industrial SP is *not* compatible with the existing adjacent single-family residential neighborhoods. Uses permitted by the proposed SP could have a significant impact on existing residential areas, as well as to environmentally sensitive Mill Creek. Because there are undeveloped areas with industrial policy that would permit the proposed SP within short distance of the subject site, then it is not appropriate to rezone more property for industrial uses, especially when it could have a significant impact on neighbors and environmentally sensitive areas such as Mill Creek.

STORMWATER RECOMMENDATION

Returned for corrections

- Provide a Site Layout.
- Provide a Water Quality Concept.
- Provide Room for Detention (if necessary).

PUBLIC WORKS RECOMMENDATION

- Construct 3 lane cross section on Franklin Limestone Rd, extended from nearby existing 3 lane cross section with transition per AASHTO and PW standards.
- Construct a 100 ft left turn lane at access drive with transition per MUTCD and AASHTO standards.
- Document & provide adequate sight distance at the proposed access location.
- Public Works supports the applicant’s request to relocate the existing truck restriction on Franklin Limestone to the east of the proposed driveway.
- It is anticipated that less than 100 daily trips will be generated by the applicant’s proposed use of this site, which (as indicated in the traffic table) is significantly less than what could be constructed under the current zoning and could be handled with fewer access points. Therefore the current proposal does not generate the need for a traffic impact study at this time. Should a Final SP plan be submitted that generates more than 100 daily trips, a traffic impact study may be required.

Maximum Uses in Existing Zoning District: **RM6**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential(220)	40.18	6 D	241 U	1603	123	150

*Floor area controlled by PUD

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Manufacturing (140)	40.18	0.80 F	1,400,192 SF Assumed 250 shift workers in pk hr	683 per 250 employees	117	120

*Floor area controlled by PUD

Traffic changes between Maximum: **RM6** and proposed **SP-IND**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	NA	-6	-30

STAFF RECOMMENDATION

Staff recommends that the request be disapproved as it is not consistent with the property’s land use policies nor is it appropriate given the proximity to single-family neighborhoods, and the fact that there is vacant industrial property within the area. *If the Planning Commission approves the request then staff recommends that it be approved with all staff conditions.*

CONDITIONS

1. This SP shall permit all uses permitted by the IWD zoning district and a heavy industrial use "asphalt plant" (including blasting and crushing of stone for sale/transfer from the site during site preparation for asphalt plant – temporary mineral extraction).
2. A sign shall be placed on the property at the exit informing drivers that right turns are prohibited.
3. Construct 3 lane cross section on Franklin Limestone Rd, extended from nearby existing 3 lane cross section with transition per AASHTO and PW standards.

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4. Construct a 100 ft left turn lane at access drive with transition per MUTCD and AASHTO standards.
5. Document & provide adequate sight distance at the proposed access location.
6. Public Works supports the applicant's request to relocate the existing truck restriction on Franklin Limestone to the east of the proposed driveway.
7. It is anticipated that less than 100 daily trips will be generated by the applicant's proposed use of this site, which (as indicated in the traffic table) is significantly less than what could be constructed under the current zoning and could be handled with fewer access points. Therefore the current proposal does not generate the need for a traffic impact study at this time. Should a Final SP plan be submitted that generates more than 100 daily trips, a traffic impact study may be required.
8. 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.
9. 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.
10. 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.
11. 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.

Mr. Swaggart presented the staff recommendation of disapproval.

Mr. Gee moved and Mr. Clifton seconded the motion to approve with conditions including the deletion of "all uses in the IWD district", inclusion of all staff conditions, and the additional conditions added by the applicant at the Planning Commission meeting. (9-0)

Resolution No. RS2012-30

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-002-001 is APPROVED WITH CONDITIONS, including the deletion of "all uses in the IWD district", inclusion of all staff conditions, and the additional conditions added by the applicant at the Planning Commission meeting and disapprove without conditions. (9-0)

Conditions of Approval:

1. The uses of this SP shall be limited to an asphalt plant and associated uses including temporary mineral extraction allowing blasting and crushing of stone for sale/transfer from the site during site preparation for asphalt plant.
2. A site layout, water quality concept and room for detention, if necessary, shall be provide to the Stormwater Management Division with final site plan.
3. Because blasting will take place near Mill Creek which contains endangered species, an environmental impact study shall be required with any final site plan.
4. A sign shall be placed on the property at the exit informing drivers that right turns are prohibited. Vehicles exiting the site shall be prohibited from turning right onto Franklin Limestone Road.
5. A three lane cross section on Franklin Limestone Rd, extended from nearby existing three lane cross section with transition per AASHTO and Public Works standards shall be required.

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6. The applicant shall work with Public Works to determine if a four lane cross section at the site entrance is appropriate
7. A 100 foot left turn lane at access drive with transition per MUTCD and AASHTO standards shall be constructed.
8. Adequate sight distance at the proposed access location shall be documented and provided.
9. A Traffic Impact Study may be required if a Final Site Plan is submitted that generates more than 100 vehicle trips per day.
10. A pre-blast survey of all structures within 1,000 feet of the blasting site shall be offered to all property owners.
11. A 150 foot no-build, no-disturb buffer area as shown on the SP plan shall be maintained.
12. A 20 foot landscape buffer along Franklin Limestone Road shall be required.
12. The existing asphalt plant near this SP district which is owned and operated by the owner/operator of this SP district shall cease operation once the new asphalt plant permitted with this SP District becomes operational.
13. 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.
14. 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.
15. 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.
16. 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.

With conditions, the proposed SP will be consistent with the Conservation (CO) and District-Industrial (D-IN) land use policies.”
