

#### **4. 2012SP-007-001**

##### **DOLLAR GENERAL**

Map 096, Parcel(s) 059-060

Council District 14 (James Bruce Stanley)

Staff Reviewer: Greg Johnson

A request to rezone from SP-MU to SP-C zoning properties located at 541 and 551 Stewarts Ferry Pike, approximately 1,130 feet west of Lauer Drive (4.57 acres), and within the Floodplain Overlay District, to permit a 12,480 square foot retail use, replacing 20 townhomes and a 4,000 square foot warehouse previously approved, requested by Dale & Associates, applicant, Heritage Bank, owner.

**Staff Recommendation: APPROVE WITH CONDITIONS and disapprove without all conditions**

#### **APPLICANT REQUEST**

##### **Permit retail uses**

##### Preliminary SP

A request to rezone from Specific Plan – Mixed Use (SP-MU) to Specific Plan – Commercial (SP-C) zoning properties located at 541 and 551 Stewarts Ferry Pike, approximately 1,130 feet west of Lauer Drive (4.57 acres), and within the Floodplain Overlay District, to permit a 12,480 square foot retail use, replacing 20 townhomes and a 4,000 square foot warehouse previously approved.

##### Existing Zoning

Specific Plan – Mixed Use (SP-MU) District 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 and warehouse uses.

##### Proposed Zoning

Specific Plan – Commercial (SP-C) District 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 retail uses.

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

#### **DONELSON – HERMITAGE COMMUNITY PLAN**

##### **Commercial Mixed Concentration (CMC)**

CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.

##### **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?

Yes. The CMC policy permits all types of retail uses, including the proposed retail use. CMC policy also includes design principles including recommendations for providing substantial landscaping along parking lot frontages and within parking areas and constructing sidewalk along property frontages. The site plan illustrates the intent to meet these design principles through the construction of sidewalk and the inclusion of landscaping along the street frontage and surrounding the parking areas.

The NCO policy is generally applied to environmentally-sensitive features. The site is bisected by the floodway boundary, which is the reason for the application of the NCO policy. A portion of the proposed development is located within the required floodway buffers, but not within the floodway or floodplain. The applicant will be required to receive approval from the Metro Stormwater Management Committee prior to developing within these buffers. The applicant proposes a significant number of tree plantings within the floodway buffers for mitigation of the proposed development.

#### **PLAN DETAILS**

Shown below is a table comparing currently-approved SP to the proposed SP in terms of the proposed impact of

development.

	Current SP	Proposed SP	Percent change
Total Land Disturbance	2.826 acres	1.981 acres	<b>30.0% reduction</b>
Total Floor Area (FAR)	18,421 square feet	12,480 square feet	<b>32.2% reduction</b>
Total Impervious Area	1.668 acres	0.909 acres	<b>45.5% reduction</b>
Total Green Space	2.890 acres	3.649 acres	<b>26.2% increase</b>
Land uses	20 townhomes and 4,000 square feet of warehouse	12,480 square feet of retail	

In terms of land disturbance, FAR, and impervious area, the construction of the proposed SP would have less impact on the site than the approved SP. Although not calculated on the plan by the applicant, the proposed SP will have a smaller footprint in the floodway buffer than the approved SP.

#### Zoning History

In 2007, an SP was approved for this property for 20 townhomes and 4,000 square feet of warehouse space. That plan was not constructed. Although the current request is also for an SP zoning district, the requested commercial land uses are significantly different than the residential and warehouse uses proposed under the currently-approved SP. Prior to the currently-approved SP, the site was in the CS zoning district, which would have permitted the proposed retail use, subject to any necessary variances from the Stormwater Management Committee.

#### Existing Conditions and Site Plan

The site is currently vacant and vegetated. The front of the site, where development is proposed, is bisected by floodway. Under the proposed SP, a retail use is proposed that will occupy the front of the site along Stewarts Ferry Pike. One access driveway will connect the business to Stewarts Ferry Pike.

#### Floodway and Floodway Buffers

The proposed development is not within the floodway or floodplain. However, a portion of the proposed development is located within the floodway buffers. Development within the floodway buffers is not permitted by Metro Stormwater regulations. The applicant has applied for a variance to the Metro Stormwater Management Committee to permit development within the floodway buffers. A similar variance was approved by the Stormwater Management Committee with the previous SP from 2007. The current SP proposal would require a smaller buffer encroachment than what was approved under the currently-approved SP. The applicant proposes substantial tree planting within the buffer as mitigation to the disturbance of the floodway buffers.

#### Street Frontage

Two rows of parking are shown along the street frontage with additional parking along the side and rear of the proposed retail building. To be consistent with the CMC land use policy, the applicant proposes a significant amount of landscaping along the Stewarts Ferry Pike street frontage to provide visual and physical separation between the parking area and the street frontage.

#### Greenway Easement

The site is identified by the Donelson-Hermitage Community Plan as a possible location for a greenway along McCrory Creek. The applicant has added a note to the plan requiring the dedication of a greenway easement along the creek with the final plat.

#### Signage

A signage plan and signage standards were not addressed in the SP proposal. The retail use will likely include a proposal for a ground sign. Any ground signs for the proposed use shall have a maximum height of 6 feet with a maximum display surface area of 36 square feet.

#### **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.
- Construct left turn lane by extending existing left turn lane on Stewarts Ferry Pike past proposed access drive with transitions per Manual on Uniform Traffic Control Devices (MUTCD) and American Association of State Highway and Transportation Officials (AASHTO) standards.

Maximum Uses in Existing Zoning District: **SP-MU**

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)	4.57	-	20 U	245	14	29

Maximum Uses in Existing Zoning District: **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Self-Storage Facility (151)	4.57	-	4,000 SF	10	1	2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (817)	4.57	-	12,480 SF	572	18	52

Traffic changes between maximum: **SP-MU** and proposed **SP-C**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+317	+3	+21

**METRO STORMWATER RECOMMENDATION**

- Show undisturbed buffers (or provide variance).
- Add Buffer Note to plans:  
(The buffer along waterways will be an area where the surface is left in a natural state, and is not disturbed by construction activity. This is in accordance with the Stormwater Management Manual Volume 1 - Regulations.)
- Add Preliminary Note to plans:  
(This drawing is for illustration purposes to indicate the basic premise of the development. The final lot count and details of the plan shall be governed by the appropriate regulations at the time of final application.)

**STAFF RECOMMENDATION**

Staff recommends approval with conditions of the SP request. The proposed retail use is consistent with the CMC zoning district. Although some development is proposed within the NCO policy, development must receive approval from the Metro Stormwater Management Committee to permit construction within the floodway buffers.

**CONDITIONS**

1. Ground signs shall have a maximum height of 6 feet and a maximum display area of 36 square feet.
2. The proposal shall comply with comments listed above from Metro Public Works and Metro Stormwater.
3. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works.
4. This SP shall permit retail uses only.
5. 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.

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. 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.

Approved with conditions and disapproved without all conditions. (7-0), Consent Agenda

**Resolution No. RS2012-52**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-007-001 is **APPROVED WITH CONDITIONS and disapproved without all conditions. (7-0)**

**Conditions of Approval:**

1. Ground signs shall have a maximum height of 6 feet and a maximum display area of 36 square feet.
2. The proposal shall comply with comments listed above from Metro Public Works and Metro Stormwater.
3. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works.
4. This SP shall permit retail uses only.
5. 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.
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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.

**The proposed SP is consistent with the Commercial Mixed Concentration land use policy.”**

