

9. 2012SP-030-001

BL2012-309 / JERNIGAN
IRIS AVENUE (PRELIM & FINAL)
Map 053-16, Parcel(s) 048
Council District 11 (Darren Jernigan)
Staff Reviewer: Jason Swaggart

A request to rezone from Mixed Use Limited (MUL) to Specific Plan – Auto (SP-A) zoning and for final site plan approval for property located at 100 Iris Avenue, at the northeast corner of Iris Avenue and Old Hickory Boulevard (0.24 acres), to permit the sale of new and used tires and all uses of the MUL zoning district, requested by Jean Y. Oatsvall, Trustee, and the Metro Planning Department, applicants.

Staff Recommendation: Approve the SP with conditions and disapprove without all conditions

APPLICANT REQUEST

Permit the sale of new and used tires and all other uses permitted by the MUL district.

SP Development Plan and Final Site Plan

A request to rezone from Mixed Use Limited (MUL) to Specific Plan – Auto (SP-A) zoning and for final site plan approval for property located at 100 Iris Avenue, at the northeast corner of Iris Avenue and Old Hickory Boulevard (0.24 acres), to permit the sale of new and used tires and all uses of the MUL zoning district.

Existing Zoning

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

Proposed Zoning

Specific Plan-Auto (SP-A) 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

DONELSON-HERMITAGE COMMUNITY PLAN

Suburban Mixed Use Corridor (T3 CM) policy is intended to enhance suburban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor, placing commercial uses at intersections with residential uses between intersections; creating buildings that are compatible with the general character of suburban neighborhoods; and a street design that moves vehicular traffic efficiently while accommodating sidewalks, bikeways, and mass transit.

Consistent with Policy?

Yes. The Suburban Mixed-Use policy promotes a variety of land uses from residential to commercial including auto related uses.

PLAN DETAILS

The intent of this request is to permit the sales of new and used tires on the subject site. It also permits all uses permitted within the MUL zoning district. The subject site, which is approximately a quarter acre, is located in the former City of Lakewood at the northwestern quadrant of Old Hickory Boulevard and Iris Avenue. The property is currently developed and contains several structures that will be reused through this SP.

Specific Plan Proposal

The proposed SP permits the sales of new and used tires as well as all uses permitted by the MUL zoning district. The plan which is a regulatory document also contains limitations intended to ensure that the use does not become a nuisance as well as standards that will guide any future development of the site. The conditions are as follows:

1. Permitted uses within this SP shall be limited to new and used tire sales and all uses permitted by the MUL zoning district. Any additional uses shall require Council approval.
2. No new driveways shall be permitted onto Old Hickory Boulevard.
3. All bulk standards of the MUL zoning district shall apply unless otherwise specified below.
4. Outdoor display is permitted but is limited to four displays of six tires.

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5. Signage:

a. No more than two building signs shall be permitted within the district. One building sign shall be permitted along the building façade fronting onto Old Hickory Boulevard and one along the building façade fronting onto Iris Avenue.

b. No building sign shall be larger than 4 feet wide and 4 feet high.

c. One awning sign along the building façade fronting Old Hickory Boulevard shall be permitted, but shall be limited to 12 square feet.

6. Changing tires in front of the building is permitted.

7. Solid waste and recycling containers shall meet zoning code requirements.

8. 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.

9. 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 re-approval by the Planning Commission and/or Metro Council.

Staff Analysis

As stated above the request is consistent with the Urban Mixed-Use Corridor land use policy. While the uses permitted by the SP are consistent with the land use policy staff has one minor issue with the request. As proposed the zoning would permit outdoor display. Outdoor display or storage is not permitted in most circumstances within commercial zoning districts. In order to clean up the appearance of Metro's commercial corridors, outdoor display and storage have never been encouraged by Planning. As a policy Planning has always recommended against auto use zonings permitting outdoor display or storage. Permitting outdoor display and/or storage would not be appropriate and could set a bad precedence since it is not permitted in other commercial districts. To address this issue staff is recommending that the zoning prohibit outdoor display as well as outdoor storage.

STORMWATER RECOMMENDATION

Approve

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions. As proposed the request is consistent with the Urban Mixed-Use Corridor land use policy. Staff recommends disapproval without all staff conditions.

CONDITIONS

1. Permitted land uses within shall be new and used tire sales and all uses permitted within the MUL zoning district.

2. Outdoor display or storage shall not be permitted. Regulatory item number four shall be deleted from the SP plan and replaced with, "Outdoor display or storage shall not be permitted."

3. 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.

4. 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.

5. 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 SP approval with conditions and disapproval without all conditions.

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Jay Voorhees, 130 Hadley Avenue, spoke against rezoning stating that the business was established without proper process for zoning to begin with, there is overall lack of confidence for the SP to be maintained, and this is another business that will detract from the corridor.

Kathy McKellar, 112 28th Street, spoke against the proposal.

Councilmember Claiborne moved and Mr. Gee seconded the motion to close the Public Hearing. (7-0)

Councilmember Claiborne asked for clarification on conditions.

Mr. Gee spoke against the proposal and noted that this seems to be a misuse of the SP tool.

Mr. Dalton agreed with Mr. Gee and stated that he is not in support.

Dr. Cummings moved and Mr. Gee seconded the motion to disapprove. (7-0)

Resolution No. RS2012-223

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-030-001 is Disapproved. (7-0)