

9. 2013SP-031-001

US BANK 4601 GALLATIN PIKE (PRELIM & FINAL)

Map 061-07, Parcel(s) 050

Council District 08 (Karen Bennett)

Staff Reviewer: Bob Leeman

A request to rezone from SP-MU to SP-MU and for final site plan approval for property located at 4601 Gallatin Pike, at the northwest corner of Gallatin Pike and Broadmoor Drive, (0.68 acres), to permit a 3,200 square foot bank and all other uses and standards of the MUL-A district in case of redevelopment of the site, requested by the Metro Planning Department, applicant; US Bank National Association, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Preliminary and Final SP to permit an existing bank.

Preliminary and final SP

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History

The Smith-Schultz SP for retail, retail storage, and coffee shop/refreshment counter was approved in 2006. Development of the site under this SP never occurred. In 2010, a 3,246 square foot financial institution was approved and constructed on the site because it was consistent with the use and form-based requirements of the Gallatin Pike SP, which was approved in 2007 and replaced the Smith-Schultz SP.

In 2013, the Gallatin Pike SP zoning district was declared invalid by the Tennessee Court of Appeals. Therefore, permits issued under the SP were not issued under a valid zoning district. Although the existing financial institution complied with the bulk standards of the Gallatin Pike SP at the time of approval, it does not meet the setback requirements of the Smith-Schultz SP, which remains the zoning district for this property. The existing setbacks also would not comply with the required build-to zone of the proposed 'A' zoning districts under application 2013Z-028PR-001. Because the building permit does not comply with the required setbacks and uses of the Smith-Schultz SP, nor the A district, it is now considered illegal, not a legally non-conforming. This proposed SP would allow the existing financial institution to be a legal use.

Existing Zoning

Specific Plan-Mixed Use (SP-MU) 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 uses in addition to office and/or commercial uses. *This SP includes 960 square feet of retail uses, 1,109 square feet of retail storage, and 531 square feet of coffee shop/refreshment counter.*

Proposed Zoning

Specific Plan-Mixed Use (SP-MU) 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 uses in addition to office and/or commercial uses. *This SP includes a 3,246 square financial institution.*

CRITICAL PLANNING GOALS

- Creates Walkable Neighborhoods
- Supports Infill Development

The existing financial institution promotes walkability through its front building entrance along the Gallatin Pike sidewalk and the placement of the associated parking and drive-thru to the side and rear of the lot. Because the site was previously developed and is in an existing neighborhood along a mixed use corridor, this is a strong example of infill development.

EAST NASHVILLE COMMUNITY PLAN

Detailed Policy

Mixed Use (MxU) is intended for buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial

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uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level and/or residential above.

General Policies

Community Corridor (CC) is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a "town center" of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Neighborhood General (NG) is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Consistent with Policy?

Yes. The existing SP is consistent with both land use policies. The financial institution use and development is consistent with the intent of the Mixed Use in Community Corridor (MxU in CC) policy. The Neighborhood General policy is a residential policy. The portion of the site within the NG policy does not include any of the existing building or parking lot. This area serves as a buffer between the financial institution use and the residential development to the west.

PLAN DETAILS

The financial institution was constructed with short setbacks along the Gallatin Pike and Broadmoor Drive street frontages, as required by the Gallatin Pike SP. Parking and drive-thru lanes were constructed to the side and rear of the building. The rear of the property, which is within the Neighborhood General policy, serves as a buffer area between the financial institution and the existing dwellings to the west. The existing building and associated parking do not encroach onto this portion of the site.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

No exception taken

STAFF RECOMMENDATION

Staff recommends approval with conditions. The proposed SP is consistent with the existing land use policies. Although it does not meet the setback requirements of the Smith-Schultz SP and the proposed A districts along Gallatin Pike, it is consistent with the intent of these zoning districts to activate the street frontage through the placement of buildings and pedestrian entrances with short setbacks and the placement of parking to the side and behind buildings.

CONDITIONS

1. Permitted land uses within this SP are limited to financial institution and all uses permitted under the MUL-A zoning district.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A zoning district as of the date of the applicable request or application.
3. Redevelopment of the site shall meet the standards, regulations and requirements for the MUL-A zoning district.
4. 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

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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 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.

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 conditions (9-0), Consent Agenda

Resolution No. RS2013-163

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013SP-031-001 is **Approved with conditions and disapproved without all conditions. (9-0)**

The proposal is consistent with the Community Corridor (CC) and Neighborhood General (NG) policies.

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