

## 1b. 2014SP-019-001

### ELITE PHYSICAL THERAPY

Map 117-11, Parcel(s) 028

Council District 25 (Sean McGuire)

Staff Reviewer: Jason Swaggart

A request to rezone from R40 to SP-INS zoning for property located at 2001 Woodmont Boulevard, at the southwest corner of Woodmont Boulevard and Benham Avenue, (2.36 acres), to permit physical therapy, medical office and associated uses in the existing building, requested by Civil Site Design Group, applicant; Green Hills Property Partners, LLC, owner (See also Community Plan Application # 2014CP-010-002).

**Staff Recommendation: Approve with conditions and disapprove without all conditions.**

### APPLICANT REQUEST

**Preliminary SP to permit physical therapy, medical office and associated uses.**

#### Preliminary SP

A request to rezone from One and Two-Family Residential (R40) to Specific Plan – Institutional (SP-INS) zoning for property located at 2001 Woodmont Boulevard, at the southwest corner of Woodmont Boulevard and Benham Avenue, (2.36 acres), to permit physical therapy, medical office and associated uses in the existing building.

#### **Existing Zoning**

One and Two-Family Residential (R40) requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25 percent duplex lots. *R40 would permit a maximum of 2 lots with 2 duplex lots for a total of 4 units.*

The property at 2001 Woodmont Boulevard has been used for various office and limited institutional purposes over the past 33 years. The uses that were classified under “community assembly community facility” under the previous code were permitted through the Board of Zoning Appeals under conditional use permits. When the most recent Zoning Code was adopted in 1998, this category of uses was discontinued and the property became a lawful nonconforming use under Tennessee State Law. A letter from the Zoning Administrator detailing the history of this site follows this report.

The current property owners would like to have the property zoned in accordance with its use rather than continuing to go through future approval processes through the Board of Zoning Appeals. The property has most recently been used for a variety of wellness activities including physical therapy, massage therapy, and fitness classes. The prospective buyer wants to use the property in the same manner and will not be increasing the degree of nonconformity.

#### **Proposed Zoning**

Specific Plan-Institutional (SP-INS) 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 several uses, including physical therapy, medical office and uses associated with physical therapy.

### CRITICAL PLANNING GOALS

N/A

### GREEN HILLS-MIDTOWN COMMUNITY PLAN

#### **CURRENT POLICY**

Suburban Neighborhood Maintenance (T3 NM) policy is intended to preserve the general character of suburban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. T3 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood, in terms of its development pattern, building form, land use, and the public realm. Where not present, enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

#### **PROPOSED POLICY**

The proposal is to designate the property as a Special Policy Area within the Suburban Neighborhood Maintenance policy area that would support the continued limited institutional use of the property consistent with how it has been used in the past under the nonconforming use provisions of the Zoning Code.

#### Consistent with Policy?

Staff has determined that a policy amendment is not necessary. This is because the existing land use policy provides adequate guidance for and supports legally nonconforming uses.

## **PLAN DETAILS**

The property is located on the southwest corner of Woodmont Boulevard and Benham Avenue. Benham Avenue is unimproved. A residential SP was recently approved on the southeast corner of Benham Avenue. The plan calls for a pedestrian walkway within the ROW from Woodmont to Graybar Lane. The subject property is currently developed and contains a two story 16,700 square foot building and associated parking.

This site has not been used as a residential structure since the late 1960s. The physical therapy and associated uses were permitted under previous zoning. The uses are currently nonconforming, but are protected by state statute.

### Site Plan

The plan limits the floor area on the site to the current size of the existing building (16,700 square feet). The only improvement shown on the plan includes a new 17 space parking lot. The lot is located in front of the building approximately 80 feet from Woodmont.

The SP proposes the following uses:

- Single and two-family residential;
- Physical therapy;
- Sports training & fitness;
- Nutrition and wellness services;
- Therapeutic massage and aesthetics (skin care) services, provided that these uses shall be provided only as an accessory use to other permitted uses, and no more than 2,000 square feet of the building may be used for aesthetics services that are not part of the uses permitted under the other sections hereof;
- Chiropractic and acupuncture services;
- In-office medical services including medical imaging and any other in-office procedures, not more than 2 physicians and/or midlevel providers (nurse practitioners or physician's assistant), at any one time may provide medical services. No more than 6,000 square feet of the building may be used for medical office use.
- Incidental sales of items that are accessory to another permitted use. Incidental sales shall not be permitted when the primary, permitted use to which such sales is an accessory is not in operation.

## **ANALYSIS**

Staff recommends approval with conditions. The Zoning Administrator has indicated that the current and proposed uses are permitted today, as they are protected by state statute.

Staff has included conditions to the approval. Staff conditions of approval include a condition to require a sidewalk along Woodmont Boulevard and to provide an internal walkway connection to that sidewalk. While there are no sidewalks in the immediate area, the SP that was recently approved on the opposite side of Benham includes a sidewalk along Woodmont and also includes a pedestrian path within the unimproved ROW of Benham. Since the neighboring plan is providing sidewalks, a sidewalk with this project will help extend the pedestrian network in an area where it is needed.

## **FIRE MARSHAL'S OFFICE**

N/A

## **PUBLIC WORKS RECOMMENDATION**

### **Approved with conditions**

- 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 sidewalks are required, then they should be shown on the plan per Public Works standards with the required curb and gutter and grass strip.

## **STORMWATER RECOMMENDATION**

Approved

## **WATER SERVICES**

Approved

## **STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

## **CONDITIONS**

1. Uses shall be limited to all uses identified in the SP.
2. Any future residential shall be subject to all Zoning Code and Subdivision Regulations and notice requirements for the R40 zoning district as of the date of the applicable request or application.
3. Prior to the issuance of any use permits, a sidewalk shall be provided along Woodmont Boulevard. The sidewalk shall be consistent with the Major and Collector Street Plan.

4. Prior to the issuance of any use permits, an internal walkway connection shall be made from the building entrance to the required sidewalk along Woodmont Boulevard.
5. All landscaping shall meet current landscaping requirements of the Metro Zoning Code, including tree protection and placement.
6. Signage shall be limited to signage permitted within the ON zoning district, except that any ground sign shall be monument type, shall not be more than five feet in height and shall not be illuminated.
7. Hours of operation shall be limited to the specific hours cited on the SP plan.
8. Screening for the northern parking lot shall be provided and must be approved by planning staff prior to the approval of any final site plan or building permit approval. Screening shall include a three foot tall knee wall. Landscaping shall be provided in front of the wall and shall meet 17.24.150 of the Metro Zoning Code.
9. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the ON zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
10. 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.
11. 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.

Approve with conditions and disapprove without all conditions. (8-0), Consent Agenda

**Resolution No. RS2014-299**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2014SP-019-001 is **Approved with conditions and disapproved without all conditions. (8-0)**"

**CONDITIONS**

1. **Uses shall be limited to all uses identified in the SP.**
2. **Any future residential shall be subject to all Zoning Code and Subdivision Regulations and notice requirements for the R40 zoning district as of the date of the applicable request or application.**
3. **Prior to the issuance of any use permits, a sidewalk shall be provided along Woodmont Boulevard. The sidewalk shall be consistent with the Major and Collector Street Plan.**
4. **Prior to the issuance of any use permits, an internal walkway connection shall be made from the building entrance to the required sidewalk along Woodmont Boulevard.**
5. **All landscaping shall meet current landscaping requirements of the Metro Zoning Code, including tree protection and placement.**
6. **Signage shall be limited to signage permitted within the ON zoning district, except that any ground sign shall be monument type, shall not be more than five feet in height and shall not be illuminated.**
7. **Hours of operation shall be limited to the specific hours cited on the SP plan.**
8. **Screening for the northern parking lot shall be provided and must be approved by planning staff prior to the approval of any final site plan or building permit approval. Screening shall include a three foot tall knee wall. Landscaping shall be provided in front of the wall and shall meet 17.24.150 of the Metro Zoning Code.**
9. **If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the ON zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.**
10. **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.**
11. **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.**