

2009SP-013-001

Universal Robotics
Map: 135-00 Parcel: 334
Antioch/Priest Lake Community Plan
Council District 29 – Vivian Wilhoite
Staff Reviewer: Jason Swaggart

A request to change from R10 to SP-MU zoning property located at 2518 Old Smith Springs Road, approximately 1,090 feet east of Ned Shelton Road (2.29 acres), to permit a single-family residence with guest house, and detached garage, and a two story, 7,600 square foot office building, requested by Looney Ricks Kiss Architects, applicant, for Benno Von Hopffgarten, owner.

Staff Recommendation: Disapprove

APPLICANT REQUEST - Preliminary SP

A request to change from One and Two-Family Residential (R10) to Specific Plan-Mixed Use (SP-MU) zoning for property located at 2518 Old Smith Springs Road, approximately 1,090 feet east of Ned Shelton Road (2.29 acres), to permit a single-family residence, guest house, detached garage and a two-story, 7,600 square foot office building.

Existing Zoning

R10 District - R10 requires a minimum 10,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots. *Under the existing R10 zoning the 2.29 acres would permit a maximum 10 lots with 2 duplex lots for a total of 12 residential dwelling units.*

Proposed Zoning

SP-MU - Specific Plan-Mixed Use 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 office uses.*

CRITICAL PLANNING GOALS N/A

ANTIOCH/PRIEST LAKE COMMUNITY PLAN

Existing Policy

Neighborhood General (NG) 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? No. The Neighborhood General policy may allow office uses to serve as a "transitional" use - to create a transition between residential development and intense mixed-use centers and/or incompatible zoning districts. As a transitional use, the office development would then be created - through site design and building design - to provide a transition, considering the location and orientation of buildings, parking, access, etc. Subsequently areas requiring this type of transition are called out by a Detailed Neighborhood Design Plan (DNDP) or special policy within the Neighborhood General policy. This property is not in a DNDP or a special policy because at present a transition is not needed. There are no intense mixed-use centers or incompatible zoning districts present that need to be separated - by transitional office - from the existing residential.

PLAN DETAILS

Deferral Update This request has been deferred several times so that the council representative and the applicant could meet with the community. On October 6, 2009, the applicant submitted a letter to the Planning Commission. The letter included a list of conditions which the applicant and the community have agreed, and the applicant had committed to follow. Conditions pertain to use, design of the office, parking, buffering and lighting. These conditions are not part of staff's recommendation because the applicant and

community are still working together and the exact wording of the conditions may be finalized at a later date. Once conditions have been finalized the Councilmember will amend the bill to include the conditions.

Plan Proposal The property, zoned for one and two-family residential and proposed for Specific Plan – Mixed Use, is approximately 2.29 acres in size. It is located on the north side of Smith Springs Road, west of Bell Road. The property is developed and consists of a single-family house, a guest house, a detached garage and pool. The house is set back approximately 180 feet from Smith Springs Road and the front yard contains a variety of mature trees, and an iron fence that runs the length of the front property line.

The intent of this SP is to allow for the residential property to also be used for office and research activities associated with Universal Robotics. The SP calls for the existing house, guest house, garage and pool to remain, and permits an additional office building. Residential would continue to be a permitted use, but office would also be permitted within all structures. The SP would also permit a Bed and Breakfast Inn or Homestay within any of the permitted structures.

The proposed Bed and Breakfast Inn or Homestay is not a listed use in the Metro Zoning Code. Since it is not a listed use, the SP should define the use and provide parameters for the use. The Zoning Code does permit Rural Bed and Breakfast Homestay uses as a Special Exception (SE), which could be similar to the proposed use. While most of the conditions of the SE for a Rural Bed and Breakfast Homestay would not be appropriate with this SP, the requirement that the property be owner occupied should be required as specified in Section 17.16.160.A.2.

The SP would permit office within any structure; however, it limits this use to a maximum of 7,600 square feet total within this SP. In addition to the existing structures, the SP proposes an additional structure at the rear of the property behind the main house to be used for office use.

Access would be provided from the existing drive and an additional drive closer to the eastern property line. Although a sidewalk would typically be required at this location if this type of development were proposed without an SP, there is no sidewalk shown along Smith Springs Road within the SP. The plan proposes that no sidewalk be required. If approved, staff is recommending a condition that a sidewalk be required, or that a contribution to the sidewalk fund be made in lieu of construction of a sidewalk along the property frontage.

Analysis The proposed SP is not consistent with the Antioch/Priest Lake Community plan’s Neighborhood General land use policy. The policy is mostly intended for residential uses calling for a mixture of housing types, but it does also provide for office uses under certain circumstances. Those circumstances include a DNDP or special policy specifically calling for office uses to provide a transition between uses or zoning districts that are not compatible with residential development. This circumstance is not present at this site, and therefore a transitional use is not needed.

STORMWATER RECOMMENDATION Preliminary SP approved.

PUBLIC WORKS RECOMMENDATION All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans.

Maximum Uses in Existing Zoning District: **R10**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Detached(210)	2.29	4.63 D	10 Lots	96	8	11

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

Land Use (ITE)	Acres	FAR/Density	Total Floor	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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Code)			Area/Lots/Units			
Single-Family (210)	2.29	0.43 D	1 Unit	10	1	2

Maximum Uses in Proposed 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
General Office	2.29	0.076 F	7,600 Sq. Ft.	184	24	24

Traffic changes between maximum: **R10** and proposed **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	2.29	n/a	n/a	+98	+17	+15

STAFF RECOMMENDATION Staff recommends that the request be disapproved. The circumstances for which the Neighborhood General policy would call for a transitional use are not present, and the proposed office use would not be compatible with the surrounding residential uses.

CONDITIONS

1. A sidewalk shall be required along the property frontage of Smith Springs Road, or a contribution to the pedestrian network may be made in lieu of construction as specified in Section 17.20.120 of the Metro Zoning Code. Any sidewalk shall meet all Public Works' design standards. The sidewalk shall be shown on the final site plan, or the fee must be paid prior to the issuance of any building permits.
2. Plans for solid waste disposal and recycling collection. Solid waste disposal and recycling collection to be approved by the Department of Public Works Solid Waste Division.
3. Construct minimum driveway ramp width not less than fifteen (15') feet.
4. Locate proposed driveway outside of the Smith Springs Road / Old Smith Springs Road curb return street corners, and clear of utility poles, drainage structures, signs, fire hydrants, etc.
5. The Planning Commission shall approve a final site plan for any Bed and Breakfast Inn or Homestay to determine the appropriate number of rooms, traffic impacts, and to determine if any additional conditions are necessary to address neighborhood compatibility. Prior to a final site plan approval for the Bed and Breakfast Inn or Homestay use, the use shall be defined in the SP, and any proposed Bed and Breakfast Inn or Homestay shall be owner occupied as specified in Section 17.16.160.A.2 of the Metro Zoning Code.
6. 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 MUN zoning district as of the date of the applicable request or application.
7. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and 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.

8. 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.
9. 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.
10. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities Act.

Mr. Gee stepped out of the meeting at 4:23 p.m.

Mr. Swaggart presented and stated that staff is recommending disapproval.

Mr. Alan Peters, 1127 Winding Way, spoke in favor of the proposed development.

Mr. Tim Bewley, 119 Elnora Drive, spoke in favor of the proposed development.

Mr. Greg Tidwell, 3306 Long Blvd., spoke in favor of the proposed development.

Mr. Houston Hill, 6861 Burkitt Road, spoke in favor of the proposed development.

Ms. Stacy Yates, 2956 Harbor Lights Drive, spoke in favor of the proposed development.

Mr. Shawn Henry, 315 Deadrick Street, spoke in favor of the proposed development.

Mr. Gotto acknowledged and commended Councilmember Wilhoite for her work in obtaining a favorable consensus for this development. He too acknowledged the compromises of both the applicant and the community. He agreed that the requested rezoning could be considered transitional and that it was a use compatible to this area. He explained that he would be supporting the request.

Dr. Cummings requested that staff further explain their definition of transitional uses in relation to the requested development and their recommendation to disapprove.

Mr. Swaggart explained staff's interpretation of transitional uses to the Commission.

Mr. Bernhardt added that both timing and policy interpretation play roles in determining whether a use is considered transitional. He further explained that staff based their recommendation on the issue that a neighborhood center was anticipated for this area, however did not currently exist.

Mr. Tyler expressed concerns with the size of the proposed office building and the number of employees that would be traveling to and from the location. He questioned whether a condition was included in the plan that would limit the number of employees.

Mr. Swaggart explained that the plan did not contain a limit on the number of employees however did

contain a restriction on the total square footage allowed for the office building.

Mr. Tyler requested additional information on the parking component included in the plan.

Mr. Swaggart explained the parking component to the Commission.

Mr. Ponder explained he was favoring the proposal, however, expressed concerns with individually approving single parcels for an area that could potentially be rezoned to the requested use sometime in the future.

Mr. Gotto moved and Ms. Jones seconded the motion, to approve with conditions Zone Change 2009SP-013-001, including the conditions presented by the applicant at the meeting.

**(6-0-1) Yes – Gotto, Tyler, Cummings, McLean, Ponder, Jones
Abstain – Gee**

Resolution No. RS2009-138

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-013-001 is **APPROVED WITH CONDITIONS, including the conditions presented by the applicant at the meeting. (6-0-1)**

Conditions of Approval:

1. A sidewalk shall be required along the property frontage of Smith Springs Road, or a contribution to the pedestrian network may be made in lieu of construction as specified in Section 17.20.120 of the Metro Zoning Code. Any sidewalk shall meet all Public Works’ design standards. The sidewalk shall be shown on the final site plan, or the fee must be paid prior to the issuance of any building permits.
2. Plans for solid waste disposal and recycling collection. Solid waste disposal and recycling collection to be approved by the Department of Public Works Solid Waste Division.
3. Construct minimum driveway ramp width not less than fifteen (15') feet.
4. Locate proposed driveway outside of the Smith Springs Road / Old Smith Springs Road curb return street corners, and clear of utility poles, drainage structures, signs, fire hydrants, etc.
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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.

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9. 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.

Conditions presented by applicant:

1. Office use for software company only (in effect limiting the business use to my company, Universal Robotics).
2. Office structure will appear to be a wooden barn-like building.
3. Change barn (office) maximum height from 45 ft. to 35 ft. measured from grade at the back of the building.
4. Parking area surface behind the barn (office) will be pavers.
5. North property line buffer will be densely planted evergreens to a depth of 50 ft.
6. Parking area lighting behind the barn (office) will be ground level.

The proposed SP-MU district is consistent with the Antioch/Priest Lake Community Plan's Neighborhood General policy as it will provide a transition between the more intense Community Center policy on the south side of Smith Springs Road and the single-family residential area immediately north of the proposed SP."