

**2009SP-017-001**

Kelly Driver Senior Retirement  
Map: 069-16 Parcel: 054  
Bordeaux/Whites Creek Community Plan  
Council District 2 – Frank R. Harrison  
Staff Reviewer: Jason Swaggart

A request to rezone from RS10 to SP-R zoning for property located at 3605 Hydes Ferry Pike, at the southwest corner of Hydes Ferry Pike and E. Stewarts Lane (5.43 acres), to permit 21 multi-family units and a community club-house, requested by Jared Gray, applicant, for Mark Driver, owner.

**Staff Recommendation: Disapprove**

**APPLICANT REQUEST** - Rezone to permit 21 multi-family residential units.

**Preliminary SP** A request to rezone from Single-Family Residential (RS10) to Specific Plan – Residential (SP-R) zoning for property located at 3605 Hyde’s Ferry Pike, at the southwest corner of Hyde’s Ferry Pike and E. Stewarts Lane (5.43 acres), to permit 21 multi-family units and a community club-house.

**Existing Zoning**

RS10 District - RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre.

**Proposed Zoning**

SP-R - Specific Plan-Residential 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 only one residential building type.*

**CRITICAL PLANNING GOALS** N/A

**BORDEAUX/WHITES CREEK COMMUNITY PLAN**

**Existing Policy**

**Residential Low Medium (RLM)** RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

**Consistent with Policy?** The density for the proposed residential development, approximately 3.9 units per acre, is consistent with the density anticipated in the policy. However, the proposed development is multi-family and is inconsistent with the surrounding single-family development pattern.

**PLAN DETAILS**

**Current Conditions** The parcel is located in the Bordeaux area at the southwest quadrant of the intersection of Hyde’s Ferry Road and Stewart’s Lane. The parcel is approximately 5.4 acres in size. The parcel is mostly vacant open field, but there is a wooded area located along a stream near the northeast corner of the property. A small house is situated near the southeastern corner next to Hydes Ferry Road. TVA lines and a gas line run along the northern property line along Stewart’s Lane and include easements which encumber a large portion of the property. The property also contains an old rock wall that runs approximately 400 feet in length westward from Hyde’s Ferry Road.

**Plan Proposal** The development is intended to provide housing targeted to retirees and seniors. The plan calls for the existing house to remain and for ten additional duplex units for a total of 21 units for an overall density of approximately 3.9 units per acre. A 1,300 sq. ft. club house is also proposed. The 20 duplex units and clubhouse are arranged in an oval pattern circling a central green. The development will be gated and vehicular access will be from a secured private drive off of Hyde’s Ferry Road. The drive is a loop which runs behind the units and clubhouse. Access for the existing house will remain at its present location onto Hyde’s Ferry.

The proposed units are small (625 sq. ft.) and are single-story with a single-car garage. Garages are located

at the rear of the unit along the private drive. Elevations for the units have not been provided, but elevations including material should be submitted with a final site plan.

A walking trail is shown along the northern property line within the utility easements. The area also identifies a garden area to be used by residents.

**Analysis** While the density of this proposal is consistent with the density anticipated in the area's RLM policy, the development is not consistent with development pattern of the surrounding area. The property is currently zoned for single-family residential, and the area immediately surrounding the site consists of single-family residences. The nature of the proposed development is multi-family, and is similar to a development that would be permitted in a RM4 district. Because the proposed development is not compatible with the surrounding area it is not appropriate at this location.

Ideally the property should be developed in a way that is more consistent with the surrounding area, which would include single-family lots. Under the existing RS10 district approximately 20 lots or cluster lots would be permitted. Because of the utility easements a large portion of the parcel cannot be developed so it would be difficult to achieve the permitted density under a regular or cluster lot subdivision. However, a PUD could allow lots to be clustered to a smaller size than what is permitted under a typical cluster lot subdivision if environmentally sensitive features are protected. Given the existing constraints on the property the project could still possibly achieve close to 20 units with a cluster lot PUD. To meet the PUD standards the development would have to protect the stream and the wooded area along the stream.

#### **STORMWATER RECOMMENDATION** Approved

#### **PUBLIC WORKS RECOMMENDATION**

1. 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.
2. Provide pavement detail for private street / drive.
3. Construct traffic island on private street / drive at project access to accommodate two-way traffic flow.
4. Along Hyde's Ferry Road, sidewalks are to be constructed per the Department of Public Works standard and specifications. Extend sidewalk construction to property corners. Construct ramp for driveway access to Hyde's Ferry Road.
5. The solid waste collection and disposal plan is to be reviewed and approved by the Department of Public Works Solid Waste Division.

#### **METRO SCHOOL BOARD REPORT**

Projected student generation      3 Elementary      2 Middle      1 High

**Schools Over/Under Capacity** Students would attend Bordeaux Elementary School, Brick Church Middle School, and Whites Creek High School. Bordeaux Elementary has been identified as being over capacity by the Metro School Board; however, *there is capacity for additional elementary students within the cluster.*

**STAFF RECOMMENDATION** Staff recommends disapproval of the request. The proposed development plan is not consistent with the development pattern of the surrounding area.

#### **CONDITIONS**

1. Uses in this SP district are limited to 21 multi-family units and community facility. *While the applicant is intent on targeting seniors and retirees, Metro cannot enforce who ultimately resides in the development.*
2. Revise purpose note on cover sheet to reflect intent of the proposal. Purpose note shall indicate that the proposal is to permit 21 multi-family units and a community club-house. This change shall be made on development plan.

3. As proposed the existing house could not be platted as an individual lot under the current Subdivision Regulations. The existing structure shall be incorporated into the overall development proposal. At a minimum it shall be connected to the central development by a sidewalk. This change shall be included on the final site plan.
4. The final site plan shall include a landscape plan. Landscape plan shall include proposed plantings, and details for landscape buffer yards.
5. The final site plan shall identify and label all proposed fence and walls. No chain link or vinyl fencing shall be permitted.
6. A sidewalk is required along Hyde's Ferry Road. Construction details for the portion of sidewalk that crosses the blue line stream shall be provided with the final site plan.
7. At a minimum there shall be two parking spaces per unit, and at least five guest spaces. The final site plan shall identify all parking spaces consistent with this condition.
8. Elevations for all structures shall be provided with the final site plan.
9. Prior to final site plan approval the Metro Historic Commission shall review the existing wall on the site and determine its historical status, and if the wall can be relocated.
10. 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 RM4 zoning district as of the date of the applicable request or application.
11. 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.
12. 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.
13. 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.
14. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities Act.

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

Mr. Bernhardt offered that the development was not inconsistent with the comprehensive plan, however, was considered inconsistent with the character of the area. He then offered that the developer had made

significant changes in an effort to make the proposal more conducive and compatible to development patterns of the surrounding area.

Ms. Joan Gilmore, 2987 McLemore Circle, spoke in favor of the proposed development.

Mr. Jared Gray, 8170 Coley Davis Road, spoke in favor of the proposed development.

Mr. Mark Driver, 3698 Hwy 49 E, spoke in favor of the proposed development.

Mr. McLean questioned whether the units would be rented or sold after their completion.

Mr. Driver explained his intentions for the proposed units to the Commission.

Mr. Gotto spoke of baby boomers and the need for the proposed housing type. He acknowledged staff's concern and their recommendation to disapprove, however, spoke on how the proposal fits the Subarea plan and was supported by the community, as well as the Councilmember. He stated he would be supporting the plan.

Mr. Tyler questioned whether other multi-family units were located within this area.

Mr. Swaggart explained the location of the nearest multi-family units within the area.

Mr. Tyler requested additional information pertaining to the proposal's setbacks, design and layout as well as any landscaping plans that were included in the proposal.

Mr. Swaggart explained these plans to the Commission.

Mr. Clifton stated that the proposal would be an asset as it provides additional housing choices for the area. He stated he would support the proposal with the staff conditions.

Mr. Dalton stated he is in support with staff conditions.

Mr. Clifton moved and Mr. Dalton seconded the motion, which passed unanimously, to approve with staff conditions Zone Change 2009SP-017-001. **(6-0)**

#### **Resolution No. RS2009-149**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2009SP-017-001 is **APPROVED WITH CONDITIONS. (6-0)**

#### **Conditions of Approval:**

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13. 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.
14. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities Act.

**The proposed SP-R is consistent with the Bordeaux/Whites Creek Community Plan's Residential Low Medium policy."**