

2009SP-032-001

Glendale Condos

Map: 118-09-D Parcels: 001 - 020

Map: 118-09-D Parcels: 021, 022, 023, 024, 025

Green Hills/Midtown Community Plan

Council District 25 – Sean McGuire

Staff Reviewer: Jason Swaggart

A request to rezone from R10 to SP-R and for final site plan approval for property located at 1112 Clifton Lane, at the northeast corner of Clifton Lane and Granny White Pike, to permit 25 existing dwelling units where 20 dwelling units were legally approved by the Codes Administration Department (2.09 acres), requested by Councilmember Sean McGuire and James U. Rust IV, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Preliminary SP - Rezone to permit 25 multi-family residential units.

A request to rezone from One and Two-Family Residential (R10) to Specific Plan-Residential (SP-R) and for final site plan approval for property located at 1112 Clifton Lane, at the northeast corner of Clifton Lane and Granny White Pike, to permit 25 existing dwelling units where 20 dwelling units were legally approved by the Codes Administration Department (2.09 acres).

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.

Proposed Zoning

SP-R District - 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

GREEN HILLS/M IDTOWN 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? Yes. While the density is above the two to four units called for by the RLM policy, when this policy was applied to this area, this and other pre-existing multi-family developments were already in place. This zone change proposal does not seek to add additional units over what has existed for many years. When this community plan was updated, it was common practice to apply policies representing the general character of the broader area rather than applying a more intense policy to each individual multi-family development.

PLAN DETAILS

Current Conditions The property is located at the northeast intersection of Granny White Pike and Clifton Lane. It is developed and consists of a single large structure containing 25 multi-family units.

According to the applicant, he purchased all 25 units in 2007. Most of the units were then sold, but some others needed renovation. When he attempted to pull permits for their renovation, Codes could not find where some of the units had ever been permitted, and the permits were denied. Records indicate that the property was only issued permits for 20 units in the early 1950's, and that the five units were built illegally by a previous land owner. While it is not clear exactly when this occurred, it is believed to have happened sometime in the 1950's. The proposed SP will make the additional five units legal, permitting renovations.

Plan Proposal The plan does not propose any changes to the property, but only recognizes what currently

exists. Consequently the plan identifies the existing structure consisting of 25 units and parking areas.

Analysis Since the SP is only to recognize what currently exists, and it does not propose any new development then staff has no concern with the request. If any new development is proposed in the future, then additional right-of-way, and sidewalks should be required along Granny White Pike, and Clifton Lane.

STORMWATER RECOMMENDATION Approved – No Stormwater permit required.

PUBLIC WORKS RECOMMENDATION No Exceptions Taken

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
Low-Rise Res. Condo/Townhome (230)	2.09	-	20 U*	159	15	17

*As legally permitted by the Codes Administration Department

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Low-Rise Res. Condo/Townhome (230)	2.09	-	25 U	193	18	20

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+5 U	+34	+3	+3

METRO SCHOOL BOARD REPORT

Schools Over/Under Capacity Since the SP only recognizes what currently exists then no new students would be generated from this request.

STAFF RECOMMENDATION Staff recommends approval with conditions of the request. The request does not change what currently exist, and will have no additional impact to the surrounding area.

CONDITIONS

1. Uses in this SP district are limited to 25 multi-family units.
2. New sidewalks are not required with this request, and the sidewalks identified along Granny White Pike and Clifton Lane shall be removed from the site plan. If the property is redeveloped, then sidewalks shall be required at that time.
3. 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 RM15 zoning district as of the date of the applicable request or application.
4. 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.
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.
 7. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities Act.

Approved with conditions, (9-0) *Consent Agenda*

Resolution No. RS2009-160

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-032-001 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Uses in this SP district are limited to 25 multi-family units.
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4. 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.
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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.
7. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities Act.

The proposed SP-R district only recognizes what currently exist and is consistent with the Green Hills/Midtown Community Plan which also recognizes conditions which existed prior to the policy being applied.