

2014SP-027-001

4500 ILLINOIS AVENUE SP

Map 091-12, Parcel(s) 319

Council District 20 (Mary Carolyn Roberts)

Staff Reviewer: Lisa Milligan

A request to rezone from R6 to SP-R zoning for properties located at 4500 Illinois Avenue, approximately 300 feet east of 46th Avenue North, (0.17 acres), to permit up to 2 residential units, requested by Dale & Associates, applicant; Regal Homes Co., owner.

Staff Recommendation: Disapprove.

APPLICANT REQUEST

Permit a residential development with up to 2 units.

Preliminary SP

A request to rezone from One and Two-Family Residential (R6) to Specific Plan – Residential (SP-R) zoning for property located at 4500 Illinois Avenue, approximately 300 feet east of 46th Avenue North, (0.17 acres), to permit up to 2 residential units.

Existing Zoning

One and Two-Family Residential (R6) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25 percent duplex lots. *R6 would permit a maximum of 1 lot for a total of 1 unit.*

Proposed Zoning

Specific Plan – Residential (SP-R) 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

WEST NASHVILLE COMMUNITY PLAN

T4 Urban Neighborhood Maintenance (T4 NM) is intended to preserve the general character of existing urban residential neighborhoods. T4 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. T4 NM areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Consistent with Policy?

No. The Urban Neighborhood Maintenance policy is intended to preserve the general character of existing neighborhoods. While there are many two-family dwellings within the neighborhood, the zoning does not anticipate that all lots within an R zoning district will be eligible for two-family units. A mix of one-family and two-family dwelling units is appropriate within R zoning districts and consistent with the land use policy for the area. The lot can currently be developed as a one-family dwelling, which is consistent with the policy for the area.

PLAN DETAILS

The site is located at 4500 Illinois Avenue, on the north side of Illinois Avenue and east of 46th Avenue N. The site is approximately 0.17 acres in size and is currently vacant.

Site Plan

The plan proposes two detached single-family dwellings. The units are proposed to have access from the alley and each unit features a two-car garage. A sidewalk is proposed from the front of each unit to the street. There are currently no sidewalks along this portion of Illinois Avenue.

The applicant has proposed architectural standards for the dwelling units. The units are limited in height to two stories in 35 feet. Building facades fronting a street shall provide a minimum of one principal entrance and a minimum of 25% glazing. Windows shall be vertically oriented and EIFS and vinyl siding are prohibited as building materials. A raised foundation is required for all units.

ANALYSIS

The proposed SP to allow for a two-family dwelling is inconsistent with the T4 Urban Neighborhood Maintenance policy area. While the existing zoning of R6 allows for single-family units, detached accessory dwelling units and two-family units, two-family units are only allowed if certain conditions are met. The lot must meet the minimum standards of the Zoning Ordinance in regards to lot area and the lot must also meet the standards of Section 17.16.030(D) as follows:

1. The lot is legally created and is of record in the office of the county register prior to August 1, 1984;
2. The lot is created by the subdivision of a parcel of land in existence prior to August 1, 1984 into no more than three lots; or
3. The lot is part of a subdivision having preliminary approval by the metropolitan planning commission on or before August 15, 1984, and having commenced any substantial site development or infrastructure improvements, such as utilities and streets, and a portion of such subdivision is recorded in the office of the county register prior to April 1, 1985; or
4. The following:
 - a. The lot is part of a subdivision,
 - b. The subdivision has been approved by the metropolitan planning commission, and
 - c. The total number of lots permitting two-family dwellings within the subdivision shall be limited to not more than twenty-five percent of the total number of lots within the subdivision, and
 - d. The total number of lots within the subdivision permitting two-family dwellings shall be computed by disregarding and eliminating any and all fractions of a permitted two-family dwelling which results from the application of the twenty-five percent limitation to the total number of lots within the subdivision, and
 - e. The lots permitting two-family dwellings are identified on the final plat and the locations of the two-family dwellings have been approved by the metropolitan planning commission so as to minimize the impact on any existing single family development, and
 - f. The final subdivision plat has been recorded in the office of the county register; or
5. The lot is part of a planned unit development authorizing two-family structures as enacted by the metropolitan council.

As determined by the Zoning Administrator, the lot does not meet the criteria outlined above to be eligible for a two-family unit. The lot was created from the platting of right-of-way that was abandoned in 1992. The plat was recorded in 2014. Therefore, the lot is not eligible.

The R zoning district is designed to create a mixture of housing types, including one-family dwellings, two-family dwellings, and detached accessory dwelling units. This lot would be eligible for a detached accessory dwelling unit given the improved alley abutting the rear of the lot. Rezoning of one lot to an SP to allow for a two-family dwelling that is otherwise not allowed by the Zoning Ordinance is inappropriate, particularly given that another option is available to permit an accessory dwelling unit on the site. The R zoning has standards to create a mixture of housing types within a neighborhood and does not guarantee that every lot will be eligible for development as a two-family dwelling.

FIRE MARSHAL RECOMMENDATION

Approved

- Fire Code issues for the structures will be addressed at permit application review.

STORMWATER RECOMMENDATION

Approved

WATER SERVICES RECOMMENDATION

Approved with conditions

- Approved as Preliminary SP, Must pay required Capacity Fees before Final SP or Plat Stage

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.

TRAFFIC AND PARKING RECOMMENDATION

No exception taken

No traffic table was prepared for this case, as it is not expected to generate significant additional traffic.

METRO SCHOOL BOARD REPORT

Projected student generation existing R6 district: 0 Elementary 0 Middle 0 High

Projected student generation proposed SP-R district: 0 Elementary 0 Middle 0 High

The proposed SP-R zoning district is not anticipated to generate any additional students than the existing R6 zoning.

STAFF RECOMMENDATION

Staff recommends disapproval as the request is inconsistent with the land use policy for the area. The existing zoning is intended to create a mixture of one-family dwellings, two-family dwellings and detached accessory dwelling units.

Not all lots are intended to be developed as two-family dwellings and it would be inappropriate to utilize an SP to avoid a specific section of the Zoning Code when another option is available to provide an accessory dwelling unit on the lot.

CONDITIONS (if approved)

1. Permitted land uses shall be limited to 2 dwelling units.
2. Access shall be limited to the alley. No access shall be allowed from Illinois Avenue.
3. Sidewalks shall be required along Illinois Avenue. Provide a 4 foot grass strip and 5 foot sidewalk.
4. On the corrected set, update the architectural standards to require a raised foundation a minimum of 18 inches and a maximum of 36 inches for each unit.
5. On the corrected set, update the access note to reference Illinois Avenue.
6. On the corrected set, update the fallback zoning to R6.
7. Add the following note to the plan/plat: The final site plan/building permit site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.
8. 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 R6 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
9. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
10. 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 or with final site plan application.
11. 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.
12. 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.

Ms. Milligan presented the staff recommendation of disapproval.

Roy Dale, 516 Heather Place, spoke in favor of the application.

Chairman McLean closed the Public Hearing.

Council Lady Allen expressed hesitation to SP a single lot in the midst of something that feels a bit like spot zoning. She spoke in favor of staff recommendation as it does appear there are other good options that could be done with this.

Mr. Clifton agreed with not over-using SP, particularly on a case-by-case, lot-by-lot basis but he also explained that Roy Dale made a compelling case.

Ms. Farr agreed with spot zoning concerns but also feels there are a lot of unique characteristics associated with this lot that might warrant reconsidering.

Ms. Blackshear stated it is not consistent with the general character of the neighborhood because neighborhood maintenance isn't intended for every lot to be the same.

Mr. Clifton moved and Mr. Gee seconded the motion to approve with conditions and disapprove without all conditions. (9-0)

Ms. Blackshear left the meeting at 5:40 p.m.

Mr. Gee stepped out of the meeting at 5:41 p.m.

Resolution No. RS2016-57

"BE IT RESOLVED by The Metropolitan Planning Commission that 2014SP-027-001 is **Approved with conditions and disapproved without all conditions. (9-0)**"

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