

14. 2015SP-011-001

PLUM ORCHARD

Map 171, Parcel(s) 041-042, 071, 072, 100, 105, 114
Map 171-02, Parcel(s) 005, 006 and P/O 002, 003 and 004
Council District 04 (Brady Banks)
Staff Reviewer: Jason Swaggart

A request to rezone from R40 to SP-R zoning for properties located at 500, 524, 532, 554, 558, 552, 556 Church Street East, 5665, 5669, 5671 Valley View Road and 5693 and 5689 Cloverland Drive, (17.58 acres), to permit up to 78 single-family residential lots, Dale and Associates, Inc., applicant for various property owners.

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

APPLICANT REQUEST

Preliminary SP to permit up to 78 single-family lots.

Preliminary SP

A request to rezone from One and Two-Family Residential (R40) to Specific Plan – Residential (SP-R) zoning for properties located at 500, 524, 532, 554, 558, 552, 556 Church Street East, 5665, 5669, 5671 Valley View Road and 5693 and 5689 Cloverland Drive, (17.58 acres), to permit up to 78 single-family residential lots.

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 19 lots with 4 duplex lots for a total of 23 units.*

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.

History

On October 23, 2014, the Planning Commission recommended disapproval of a SP to permit up to 107 residential units. That plan included 24 detached residential units and 83 attached residential units. The Commission did not support the proposal primarily because they did not find that it was consistent with the land use policy or provide an appropriate transition.

CRITICAL PLANNING GOALS

- Supports Infill Development
- Provides a Range of Housing Choices
- Creates Walkable Neighborhoods

The area is served by roads water and sewer. Development in areas with existing infrastructure is more appropriate than development in areas not served with infrastructure because it does not burden Metro with the cost of extending and maintaining new infrastructure. The request provides for an additional housing option in the area. Additional housing options are important to serve a wide range of people with different housing needs. The plan calls for an internal sidewalk system as well as new sidewalks along Church Street and Cloverland Drive.

SOUTHEAST 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.

DRAFT Preferred Future Policy

No change is proposed to the existing policy.

Consistent with Policy?

Yes. The plan calls for single-family lots only with an overall density of approximately 4.4 units per acre. The policy supports a variety of residential types including single-family. The policy also supports up to 20 units per acre so the proposed density is on the lower end of the supported density range.

While the policy supports single-family uses as well as up to 20 units per acre, it calls for development to fit within the general character of the surrounding area. The policy also supports development that provides appropriate transitions

between different land uses and development patterns. This site sits between a higher density apartment complex to the west and a single-family neighborhood to the north and east. The site is an ideal location for a transition between the two areas. The plan provides a transition by maintaining the single-family lot development pattern while providing smaller lots transitioning from the more intense multi-family residential to the less intense single-family residential.

PLAN DETAILS

The approximately 17 acre site is located on the northwest quadrant of Church Street East and Cloverland Drive. It consists of several properties and portions of properties. Several of the lots contain single-family homes and a large portion of the site consists of dense wooded areas. There is a small stream that bisects the property.

Site Plan

As proposed the plan calls for 78 single-family lots. The average lot size is 5,000 square feet and the minimum lot size is 4,000 square feet. A majority of the lots (54) front onto new streets. Eighteen lots front onto Church Street, and six lots front onto Cloverland Drive.

Vehicular access in and out of the development is proposed from two points along Church Street. No access is proposed onto Cloverland Drive. A majority of the lots would be accessed from alleys that are located at the rear of the lots. Eight lots would have access from the front via shared driveways (five drives). As proposed all new streets and alleys will be public. The plan proposes five foot wide sidewalks with a four foot wide planting strip. Sidewalks along Church and Cloverland will be consistent with the Major and Collector Street Plan.

The plan requires that corner lots have a primary façade along the main street and a secondary façade and secondary doorway or other feature facing the secondary street that requires the home to address the street. The plan also provides examples of homes, including corner lot homes, and specifies building materials, primarily brick, stone and other masonry products. Vinyl is prohibited. The plan encourages homes to have front porch entrances that are elevated above the street. The plan requires a 20 foot front setback from Church Street and Cloverland Drive. As proposed all homes must have a minimum floor area of 3,100 square feet and a maximum height of three stories.

Open space is provided throughout the plan. A majority of the open space is informal including stormwater areas, buffer areas and stream buffers. The plan does identify an active open area at the intersection of Church and Cloverland.

The plan provides a preliminary grading plan, which would require minimal grading. Homes would be specifically designed for each lot in order to minimize grading. The plan limits the height of retaining walls to three feet from pre-development grade.

ANALYSIS

The plan is consistent with the land use policy and meets several critical planning goals. The plan provides a transition by maintaining the single-family lot development pattern while providing smaller lots transitioning from the more intense multi-family use west of the site to the less intense single-family north and east of the site. A key feature of the plan is that it minimizes grading. This would be accomplished by requiring that homes be designed for each lot. Typically new homes within new, large subdivisions are not specially designed for a particular lot. This often results in excessive, mass grading because the home design requires a slab on grade foundation. The proposed SP would not permit this type of construction. A condition of staff approval, which is also indicated on the plan, would require Council approval if the grading plan included with any final site plan significantly deviates from the current preliminary grading plan or if the Planning Commission determines that proposed grading would deviate from the plans intent to minimize grading. The note/requirement is as follows:

The grading plan shall be consistent with the preliminary SP and shall not have any retaining walls in excess of three feet in height. Homes must be specifically designed to fit on each lot. Lots 30 thru 42 and Lots 63 through 67 must have tucked under or detached garages or other specific designs as required to achieve the elevation difference across the lot.

As proposed the plan sets a minimum floor area for any home. This is not appropriate as a zoning requirement and staff is recommending that it be removed from the SP.

FIRE MARSHAL'S OFFICE

Approve with conditions

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

PUBLIC WORKS RECOMMENDATION

In accordance with the recommendations of the traffic impact study and the technical memorandum from the traffic engineer dated December 15, 2014, the following improvements shall be required:

- Extend the southbound right turn lane on Cloverland Drive approximately 200 feet and provide taper to AASHTO standards.

- The final design of each of the streets providing access to the residential lots should be completed such that departure sight triangles, as specified by AASHTO, will be clear of all potential sight obstructions, including horizontal and vertical curvature, landscaping, monument signs, etc.
- Sidewalk should be provided along the project site frontage on Church Street East and Cloverland Drive.
- Pedestrian facilities should be provided at the intersection of Church Street East and Cloverland Drive/Jones Parkway for crossing the west leg of Church Street East. Specifically, a crosswalk should be provided for the west leg between the southwest corner and the channelized right turn island on the northwest corner. A crosswalk across the southbound right turn lane should be provided. ADA compliant pedestrian signals and pushbuttons should be provided for the crosswalk on the west leg. Curb ramps with detectable warning should be provided for the northwest and southwest corners. Pedestrian pushbutton poles or pedestrian pedestal poles may be required for the southeast and southwest corners in order to provide ADA compliance for the existing crosswalk. Developer shall design signal plan and submit to Metro traffic engineer for approval.
- Install a Pedestrian Crossing (W11-2) warning sign with a diagonal downward pointing arrow (W16-7P) plaque at the crosswalk for the southbound right turn lane.
- The signal timing and phasing should be modified for the AM peak period to provide a shorter cycle length in order to reduce the intersection control delay.

STORMWATER RECOMMENDATION

Approve with conditions

WATER SERVICES

Approved

Approved as Preliminary SP only. Applicant must submit Construction plans and pay Capacity Fees before Final SP is approved.

METRO SCHOOL BOARD REPORT

Projected student generation existing R40 district: 2 Elementary 1 Middle 1 High

Projected student generation proposed SP-R district: 8 Elementary 4 Middle 4 High

The proposed SP-MR zoning district could generate 12 more students than what is typically generated under the existing R40 zoning district. Students would attend Granbery Elementary, Oliver Middle School, and Overton High School. Granbery and Overton are over capacity and there is no additional capacity within the cluster for additional elementary or high school students. This information is based upon data from the school board last updated October 2014.

Fiscal Liability

The fiscal liability of six new elementary students is \$129,000 (\$21,500 per student). The fiscal liability of three new high school students is \$108,000 (\$36,000 per student). This is only for information purposes to show the potential impact of this proposal, it is not a staff condition of approval.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions as the request is consistent with the Southeast Community Plan and meets several critical planning goals.

CONDITIONS

1. Uses shall be to a maximum of 78 single-family lots.
2. Prior to final site plan application, demonstrate that the remainder of parcels 002, 003, 004 can be consolidated and include 40,000 square feet without modifying the SP plan, or consolidate the remainders into the open space for the SP.
3. Prior to the approval of any final site plan, any additional right-of-way along Church Street East and/or Cloverland needed to meet the Major and Collector Street plan shall be shown on the plan, and shall be dedicated with the final plat.
4. Sidewalks along Church Street and Cloverland Drive must be consistent with the Major and Collector Street Plan and shown on the final site plan.
5. Comply with all Public Works requirements.
6. 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 RS5 zoning district as of the date of the applicable request or application.
7. The grading plan shall be consistent with the preliminary SP and shall not have any retaining walls in excess of three feet in height. Homes must be specifically designed to fit on each lot. Lots 30 thru 42 and Lots 63 through 67 must have tucked under or detached garages or other specific designs as required to achieve the elevation difference across the lot.
8. A revised preliminary SP plan shall be submitted prior to final site plan approval removing the minimum floor area note.
9. 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.

January 8, 2015, Planning Commission Minutes

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.

Mr. Swaggart presented the staff recommendation of approval with conditions and disapproval without all conditions.

Mr. Haynes recused himself but remained in the room to maintain a quorum.

Tom White spoke in favor of the application due to many positive changes made including a decrease in the number of units and a greater buffer area.

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

Councilman Banks spoke in favor of the application and noted the reduction in the number of units from 300 to 78 with single family only.

Robert Shelton, 552 Church Street E, spoke in favor of the application.

Loretta Shelton, 552 Church Street E, spoke in favor of the application,

Amy Greer, 5801 Cloverland Drive, spoke in opposition to the application and noted that the developer is not in tune with what is going on with the current traffic situation; density is still too high.

David Hoover, 5811 Cloverland Drive, spoke in opposition to the application due to density and traffic concerns.

Charles Blackwood, 5650 Cloverland Drive, spoke in opposition to the application due to a 20' setback, no green space, and not kid friendly.

Betsy Stubblefield, 5711 Cloverhill Drive, spoke in opposition to the application and noted that it is not an appropriate transition; it would be an urban look in a suburban area.

Brenda Martin, 5680 Cloverland Drive, spoke in opposition to the application and noted that the infrastructure wasn't there in the past and it still isn't there currently.

Jerry Stubblefield, 5711 Cloverhill Drive, spoke in opposition to the application due to traffic issues; requested a deferral.

Tom White clarified that this is 4.4 units per acre, all single, detached units, and a greater buffer area provided.

Roy Dale noted that there are massive amounts of open space on this plan.

Chairman McLean closed the Public Hearing.

Councilman Banks spoke in favor of the application and noted that this proposal won't affect the neighborhoods as much as the prior proposal would have.

Mr. Gee spoke in favor of the application due to the connectivity opportunities that will be provided.

Mr. Clifton stated that while he understands the neighbors' reluctance to see this much of a change, he is impressed with the amount of positive changes made in the plan and will support staff recommendation of approval with conditions.

Ms. Farr spoke in favor of the application and noted that it is a considerable improvement.

Ms. LeQuire noted that no single development will solve the infrastructure problem; will ask each developer to do what they can.

Mr. Gee moved and Mr. Clifton seconded the motion to approve with conditions and disapprove without all conditions. (4-1-1) Mr. Haynes recused himself. Ms. LeQuire voted against.

Resolution No. RS2015-6

“BE IT RESOLVED by The Metropolitan Planning Commission that 2015SP-011-001 is **Approved with conditions and disapproved without all conditions. (4-1-1)”**

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