Legislation Details (With Text)

File #:	ORD. 2016-238	**Version:**	1	**Name:**	
Type:	Ordinance			**Status:**	Adopted
File created:	6/28/2016			**In control:**	City Council
On agenda:	10/10/2016			**Final action:**	10/10/2016
Title:	To authorize the special use of the property known as 2925 West Leigh Street for the purpose of a single-family attached dwelling, upon certain terms and conditions.				
Sponsors:	Mayor Jones (By Request)				
Indexes:	Special Use Permit				
Code sections:					
Attachments:	1. Ord. No. 2016-238, 2. Staff Report, 3. Location Map, 4. Application & Applicant's Report, 5. Schedule A, 6. Letter of Support				

Date	Ver.	Action By	Action	Result
10/10/2016	1	City Council	adopted	
10/3/2016	1	Planning Commission	recommended for approval	Pass
9/12/2016	1	City Council	introduced and referred	

To authorize the special use of the property known as 2925 West Leigh Street for the purpose of a single-family attached dwelling, upon certain terms and conditions.

O & R Request

DATE: June 29, 2016 **EDITION: 1**

TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor (Patron: Mayor, by Request)
(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: Peter L. Downey, Deputy Chief Administrative Officer for Economic Development and Planning

FROM: Mark A. Olinger, Director, Department of Planning and Development Review

SUBJECT: Special use permit for 2925 West Leigh Street for the continuation of single-family dwelling use

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 2925 West Leigh Street for the purpose of a single-family attached dwelling, upon certain terms and conditions.

REASON: The subject property is zoned M-1 Light Industrial, which does not permit residential uses. The property retains nonconforming rights as a single-family dwelling as it was constructed in 1923 prior to zoning regulations. However, according to the Zoning Ordinance should a building devoted to a nonconforming use be damaged by fire, explosion, act of God or the public enemy to the extent of 60 percent or less of its replacement value it cannot be rebuilt and used for a nonconforming use. The applicant has requested a special use permit to memorialize the existing single-family use as a conforming use that would not be subject to this provision.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its September 6, 2016, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is a 0.056 acre parcel improved with a single-family attached dwelling constructed in 1923. The property is located in the Scott's Addition neighborhood in the block bound by West Leigh Street, North Boulevard, West Clay Street and Altamont Avenue. The property is served by a public alley that provides access to a parking space at the rear of the property.

The property is currently located in the M-1 Light Industrial zoning district, which does not permit residential uses. There are two blocks of similar residential buildings in Scott's Addition that were constructed prior to the prohibition on residential uses by the adoption of the M-1 district. These properties retain nonconforming rights to continue to be used for residential purposes under the nonconforming regulations in the Zoning Ordinance. One of these regulations states that a building cannot be rebuilt and used for a nonconforming use if the building devoted to a nonconforming use is damaged by fire, explosion, act of God or the public enemy to the extent of 60 percent or less of its replacement value. The applicant would like to remove the nonconforming status of the existing single-family attached dwelling because it has prevented the property owner from being able to obtain a Fannie Mae mortgage.

The subject property is surrounded by single-family attached dwellings to the east and west. Industrial and commercial uses are located to the north and south of the subject property. All of the surrounding property is also located in the M-1 Light Industrial zoning district.

The Master Plan designates the subject property and all of the Scott's Addition neighborhood for Industrial land uses. Primary uses for the Industrial designation include "a wide variety of manufacturing, processing, research and development, warehousing, distribution office-warehouse and service uses. Office, retail and other uses that complement industrial areas are often secondary support uses" (p. 135).

FISCAL IMPACT: The Department Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

COST TO CITY: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

REVENUE TO CITY: $300 application fee

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: July 25, 2016

CITY COUNCIL PUBLIC HEARING DATE: September 12, 2016

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, September 6, 2016

AFFECTED AGENCIES: Office of Chief Administrative Officer; Law Department (for review of draft ordinance); and City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORDINANCES: None.

ATTACHMENTS: Application Form, Applicant's Letter, Draft Ordinance, Survey

STAFF: Lory Markham, Principal Planner; Land Use Administration (Room 511); 646-6309

PDR O&R No. 16-17