

This request was converted to SP at Council. SP No. 2012SP-014-001 Council Bill No. 2012-143

5. 2012Z-004PR-002
200, 202, 204 & 206 OCEOLA AVENUE
Map 103-02, Parcel(s) 032-035
Council District 20 (Buddy Baker)
Staff Reviewer: Jason Swaggart

A request to rezone from the R6 to OL district properties located at 200, 202, 204 and 206 Oceola Avenue, at the northeast corner of Oceola Avenue and Burgess Avenue (0.91 acres), requested by DHJ Associates, Paul and Michele Somers, and Somers Properties LLC, owners.

Staff Recommendation: APPROVE and direct staff to initiate a policy amendment; disapprove without policy amendment

APPLICANT REQUEST
Rezone from residential to office

Zone Change

A request to rezone from One and Two Family Residential (R6) to Office Limited (OL) district properties located at 200, 202, 204 and 206 Oceola Avenue, at the northeast corner of Oceola Avenue and Burgess Avenue (0.91 acres).

Existing Zoning

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% duplex lots.

Proposed Zoning

Office Limited (OL) is intended for moderate intensity office uses.

HISTORY and UPDATE

A zone change (2012SP-004PR-001) for the subject properties was heard at the February 23, 2012, Planning Commission meeting. The request was for Commercial Service (CS). Staff recommended disapproval, and the Planning Commission recommended that Council disapprove the request. The associated Council Bill, BL2012-104, was deferred indefinitely and a new bill (BL2012-125) was filed for Mixed Use Limited (MUL). The bill for MUL was passed on first reading and referred back to the Planning Commission; however, it was subsequently withdrawn. A new bill (BL2012-143) has now been filed for OL and is reflected in this report and recommendation.

CRITICAL PLANNING GOALS

N/A

WEST NASHVILLE COMMUNITY PLAN

Suburban Neighborhood Evolving (T3 NE) policy is intended to create suburban neighborhoods that are compatible with the general character of classic suburban neighborhoods as characterized by their building form, land use and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern will have higher densities than classic suburban neighborhoods and/or smaller lot sizes, with a broader range of housing types providing housing choice. This reflects the scarcity of easily developable land (without sensitive environmental features) and the cost of developing housing - challenges that were not faced when the original classic, suburban neighborhoods were built.

Consistent with Policy?

No. The Suburban Neighborhood Evolving policy is a residential policy. The proposed OL zoning district permits moderately intense office development and is not consistent with the residential policy. While the policy does not support the proposed zoning district, the properties location would make it suitable for transitional uses such as the uses permitted by the OL zoning district. The subject properties are bounded on two sides (north and east) by commercial uses and mixed-use policies. The remaining sides of the site are mostly zoned for residential. The mixed-use policy along White Bridge Road permits a variety of intense residential and non-residential uses. The subject properties could be used as a transitional area between the more intense area along White Bridge Road and the residential area along Ocoola. Staff could support a special transitional policy for the subject properties. If the Planning Commission directs staff to change the policy from T3-NE to a special transitional policy, then staff could support the proposed OL

zoning district. Staff is recommending that if the Commission agrees that a special transitional policy is appropriate, then this zone change to OL can be recommended for approval with direction to staff to initiate a housekeeping policy amendment that would be brought back to the Commission at a later date for approval.

PUBLIC WORKS RECOMMENDATION

- Traffic study may be required at time of development

Typical Uses in Existing Zoning District: **R6**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.91	7.71 D	7 L	67	6	8

Typical Uses in Proposed Zoning District: **OL**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.91	0.117 F	4,637 SF	126	17	17

Traffic changes between typical: **R6** and proposed **OL**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+59	+11	+9

Maximum Uses in Existing Zoning District: **R6**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.91	7.71 D	7 L	67	6	8

Maximum Uses in Proposed Zoning District: **OL**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office ()	0.91	0.75 F	29,729 SF	525	72	113

Traffic changes between maximum: **R6** and proposed **OL**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+458	+66	+105

STAFF RECOMMENDATION

Staff recommends that the request for OL be approved if the Planning Commission finds that a special transitional policy is appropriate at this location and that the Commission direct staff to amend the existing T3

Neighborhood Evolving policy to a transitional policy that would support the proposed zoning district. If the Planning Commission does not find that a transition policy is appropriate at this location and does not direct staff to amend the policy then staff recommends that the request be disapproved.

Mr. Swaggart presented the staff recommendation of approval.

Shawn Henry, 315 Deaderick Street, spoke in support of staff recommendation and noted that the issues raised have been addressed.

Carl Dreifuss, 5633 Oceola Avenue, spoke in support of staff recommendation.

David Cotton, 209 Oceola Avenue, spoke against staff recommendation and noted that this zoning allows for a lot of businesses that can have a negative effect on a residential neighborhood.

Shawn Henry stated that financial institutions would not be allowed in OL zoning and asked for approval.

Dr. Cummings moved and Councilmember Claiborne seconded the motion to close the Public Hearing. (7-0)

Councilmember Claiborne stated that this seems to be a practical way to allow the property owners to develop the property with little intrusion to the character of the neighborhood.

Mr. Swaggart clarified that financial institutions and similar uses such as check cashing are allowed in OL zoning.

Dr. Cummings noted that if financial institutions are allowed, then she would have a hard time supporting the proposal due to the long hours those businesses keep.

Mr. Clifton expressed concerns with the possible financial uses that are similar to retail uses.

Mr. Gee expressed agreement with Mr. Clifton.

Mr. Dalton also expressed agreement with Mr. Clifton and noted that he is in support of this in general, but does have concerns with the effect of financial institutions on the neighborhood.

Ms. LeQuire inquired if MUN zoning was considered.

Mr. Swaggart clarified that MUN was considered, but it does not allow parking.

Councilmember Claiborne noted that in order for this property owner to be able to develop the land, he has to have some way to rezone. The solution is to go back and do an SP and look at the allowed uses and let the Councilmember and the property owner pick options that are acceptable to the neighborhood and develop it that way.

Mr. Bernhardt stated that a better solution might be to do a text amendment to remove financial institutions from OL zoning, instead of going to an SP.

Mr. Clifton noted that an SP cost money over time; is an SP realistic for this property?

Mr. Bernhardt clarified that in this case there would be no additional expense for the applicant.

Mr. Clifton moved and Mr. Dalton seconded the motion to disapprove rezoning to OL and approve a rezoning to SP that permits all uses of the OL zoning district except financial related uses and directed staff to initiate a housekeeping amendment to the land use policy. (7-0)

Resolution No. RS2012-79

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012Z-004PR-002 is DISAPPROVED FOR OL ZONING, APPROVED FOR SP ZONING THAT PERMITS ALL USES OF THE OL ZONING DISTRICT EXCEPT FINANCIAL RELATED USES AND DIRECT STAFF TO INITIATE A HOUSEKEEPING AMENDMENT TO THE LAND USE POLICY. (7-0)