



Legislation Details (With Text)

File #: ORD. 2016-211 **Version:** 1 **Name:**

Type: Ordinance **Status:** Adopted

File created: 8/15/2016 **In control:** City Council

On agenda: 9/12/2016 **Final action:** 9/12/2016

Title: To conditionally rezone the properties in the blocks bounded by North 24th Street, T Street, U Street, North 26th Street, Nine Mile Road and Fairmount Avenue from the B-2 Community Business District, R-6 Single-Family Attached Residential District and R-5 Single-Family Residential District to the B-5C Central Business District (Conditional), upon certain terms and conditions.

Sponsors: Mayor Jones (By Request)

Indexes: Rezoning

Code sections:

Attachments: 1. Ord. No. 2016-211, 2. Staff Report, 3. Location Map, 4. Surveys, 5. Proffers, 6. Plans, 7. Power of Attorney, 8. Application & Applicant's Report, 9. Petition of Opposition, 10. Letters of Support, 11. Letters of Concern

Date	Ver.	Action By	Action	Result
9/12/2016	1	City Council	adopted	
9/6/2016	1	Planning Commission	recommended for approval	Pass
8/15/2016	1	City Council	introduced and referred	

To conditionally rezone the properties in the blocks bounded by North 24th Street, T Street, U Street, North 26th Street, Nine Mile Road and Fairmount Avenue from the B-2 Community Business District, R-6 Single-Family Attached Residential District and R-5 Single-Family Residential District to the B-5C Central Business District (Conditional), upon certain terms and conditions.

O & R Request

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: To conditionally rezone the properties at the intersection of Nine Mile Road and 25th Street from the B-2 Community Business District and R-6 Single-Family Attached Residential District to the B-5C Central Business District (Conditional), upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To conditionally rezone the properties in the blocks bounded by North 24th Street, T Street, U Street, North 26th Street, Nine Mile Road and Fairmount Avenue from the B-2 Community Business District, R-6 Single-Family Attached Residential District and R-5 Single-Family Residential District to the B-5C Central Business District (Conditional), upon certain terms and conditions.

REASON: The subject properties are zoned B-2 Community Business, R-6 Single-Family Attached Residential and R-5 Single-Family Residential, which do not permit the proposed grocery store and multi-family dwelling uses or layout. A rezoning to B-5 has been requested to permit the proposed uses and reduce the parking requirement associated with the proposed uses.

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 applicant, Church Hill North Retail Center, Inc., has partnered with RRHA to develop a plan to redevelop and revitalize approximately 3.33 acres in an area known as the Church Hill Redevelopment Area. The applicant proposes a pedestrian-oriented, mixed-used development including a grocery store, retail space, and may include a neighborhood clinic, restaurant space, and multifamily housing, all with associated parking. The site consists of forty (40) parcels that are currently unimproved.

The subject properties are currently zoned B-2, R-6 and R-5. Neighboring properties include a mixture of uses. Properties near the southern property line of the property include retail properties zoned B-2 and vacant lots. The remainder of the Property is surrounded by mostly vacant lots zoned R-6. The request is rezone all the subject properties to B-5 Central Business District.

The applicant has proffered that the properties will be developed in accordance with a conceptual layout, which is attached to the proposed rezoning ordinance. The conceptual layout shows an approximately 25,000 square foot grocery store, a number of smaller retail spaces with dwelling uses above, attached to the grocery store and fronting on Fairmount Avenue, a possible restaurant northwest of the traffic circle and additional commercial and multi-family dwelling uses north of the Nine Mile Road intersection with T Street and N. 26th Street. The layout shows parking located behind the proposed buildings fronting on Nine Mile Road and Fairmount Avenue.

In addition to the rezoning request, the applicant has petitioned to close an alley between T Street and Fairmount Avenue and the alley between North 25th Street and North 26th Street. There is also a request to close the portion of North 25th Street that runs from the Nine Mile Road traffic circle to T Street.

The Master Plan was amended in 2003 to specifically recommend Community Commercial land uses for the subject properties. This land use designation identifies primary land uses that include office, retail, personal service and other commercial and service uses, intended to provide the shopping and service needs of residents of a number of nearby neighborhoods or sections of the City. This category includes a broader range of uses of greater scale and intensity, with greater vehicular access and orientation, but are also compatible with nearby residential areas. (page 134)

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

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

BUDGET AMENDMENT NECESSARY: None

REVENUE TO CITY: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: August 15, 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.

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: Willy Thompson, Senior Planner; Land Use Administration (Room 511); 646-5734