

**REZONING &
SUBDIVISION STAFF REPORT**

Date: August 7, 2003

APPLICANT NAME

Dr. Joan Friedlander

SUBDIVISION NAME

612 Shady Oak Drive Subdivision

LOCATION

612 Shady Oak Drive
(Southeast corner of Shady Oak Drive and
Gulfwood Drive East, extending to the West I-65
Service Road North)

PRESENT ZONING

R-1, Single-Family Residential

PROPOSED ZONING

B-1, Buffer Business

AREA OF PROPERTY

0.2± Acre 1 Lot

CONTEMPLATED USE

Professional Offices
It should be noted, however, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning Commission may consider zoning classifications other than that sought by the applicant for this property.

TIME SCHEDULE

Three Months after approvals

**ENGINEERING
COMMENTS**

Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.

**TRAFFIC ENGINEERING
COMMENTS**

Driveway number, sizes, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

**URBAN FORESTRY
COMMENTS**

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (City Code Chapters 57 and 64 and State Act 61-929).

REMARKS

The applicant is proposing use of the site for professional offices. The Zoning Ordinance allows professional offices in a B-1 district.

The applicant states that the site has become increasingly more difficult to rent as residential property, and that the commercial use would serve as a buffer to the residential neighborhood from the B-2 properties to the North and the Interstate to the East; and that the rezoning would “even-up” the B-1 zoning with the property across Shady Oak Drive.

This area is shown on the General Land Use component of the Comprehensive Plan as commercial. However, the Comprehensive Plan is meant to be a general guide, not a detailed lot and district plan or mandate for development. The Planning Commission and City Council may consider individual cases based on additional information such as the classification requested, the surrounding development, the timing of the request and the appropriateness and compatibility of the proposed use and zoning classification.

While the site is shown as commercial on the General Land Use component, as stated above, one of the aspects for the Commission and City Council to consider is the timing of the request. If rezoned, the site would be the only commercial property on the East side of Shady Oak Drive South of Gulfwood Drive East. The streets serve as a natural line of demarcation between the commercial properties to the North and West and the residential properties on the East side of Shady Oak Drive.

With regard to the proposed subdivision, the site currently exists as a metes and bounds parcel, as do many lots in this section of Spring Hill. The resubdivision is a necessary accompaniment to the proposed rezoning, but would not be required for the site to remain as it exists today.

If the subdivision was approved, regardless of the rezoning, limitations on curb cuts would be appropriate since the site is bounded by streets on three sides. Additionally, as the site is considered double fronting (Shady Oak Drive and West I-65 Service Road North) the required 25’ setback should be provided from both streets.

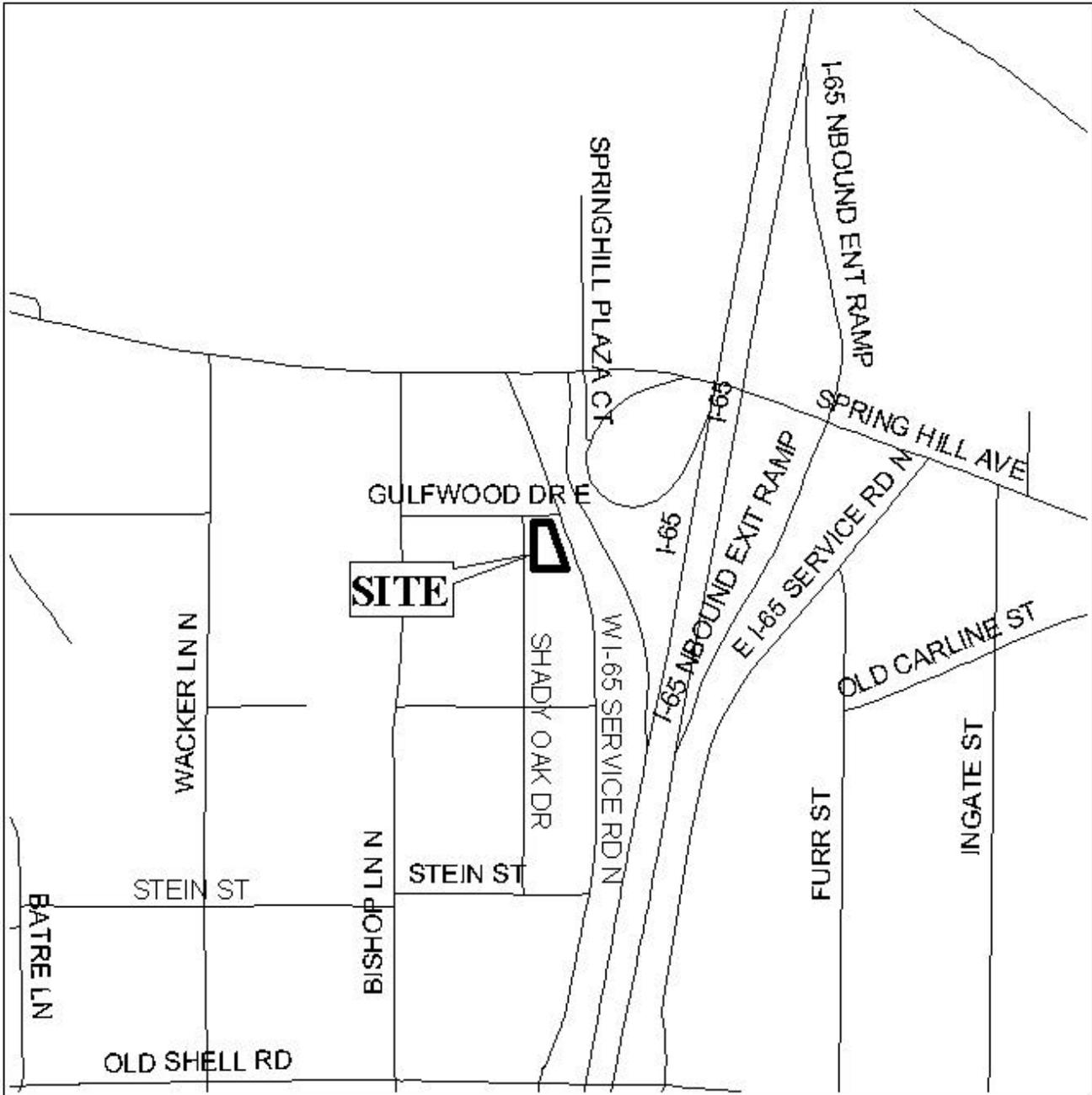
Also, Gulfwood Drive has a substandard right-of-way of 33’. It has been the policy of the Commission to require dedication sufficient to provide 25’ from centerline when granting any type of approval on a substandard right-of-way.

The application was heldover to allow the Councilperson to meet with the applicant and neighbors.

RECOMMENDATION **Rezoning:** based on the preceding, it is recommended that this application be denied.

Subdivision: the plat meets the minimum requirements of the Subdivision Regulations and is recommended for Tentative Approval subject to the following conditions: 1) dedication of right-of-way along Gulfwood Drive sufficient to provide 25’ from centerline; 2) placement of a note on the final plat stating that the site is limited to one curb cut, size, location and design to be approved by the Traffic Engineering Department; and 3) placement of the required 25’ setback(s) on the final plat.

LOCATOR MAP



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APPLICANT Dr. Friedlander

REQUEST Rezoning and Subdivision



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



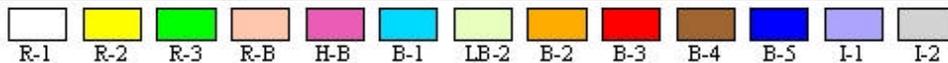
The site is located on the west side of Interstate 65 in an area of mixed land use. Offices are to the north and west and single-family residential dwellings are to the south.

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LEGEND

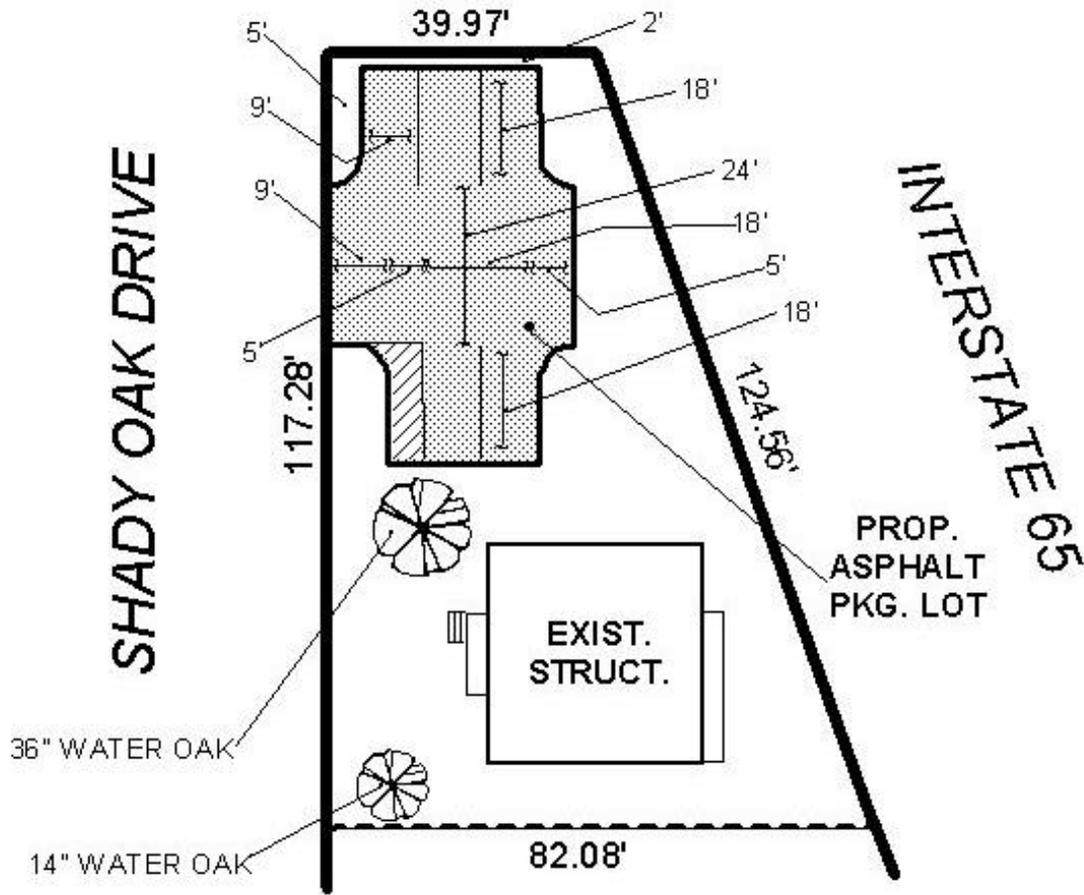


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SITE PLAN

GULFWOOD DRIVE EAST



The site is located at the Southeast corner of Shady Oak Drive and Gulfwood Drive East, extending to the West I-65 Service Road North. The plan illustrates the existing structure and proposed parking.

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USE/REQUEST Rezoning and Subdivision



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