

ZONING AMENDMENT STAFF REPORT**Date: February 5, 2009****NAME**

Bobby Young

LOCATION1217 Government Street
(Southeast corner of Government Street and South Georgia Avenue)**CITY COUNCIL
DISTRICT**

District 2

PRESENT ZONING

B-1, Buffer Business District

PROPOSED ZONING

B-1, Buffer Business District

AREA OF PROPERTY

1.57 ± Acres

CONTEMPLATED USE

Rezoning from B-1, Buffer Business District, to B-1, Buffer Business District, to remove certain conditions and allow renovation and remodeling of an existing building for use as a medical office.

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
FOR DEVELOPMENT**

None given.

**ENGINEERING
COMMENTS**

Must comply with all storm water and flood control ordinances. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right of way will require a right of way permit.

**TRAFFIC ENGINEERING
COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. One-way aisle width does not provide adequate aisle width for ninety-degree parking stalls. The required aisle width for ninety-degree parking is twenty-four feet. Standard driveway widths for one-way drives are sixteen feet. Both driveways should be narrowed to sixteen feet with twenty foot radii and converted to one-way only traffic with traffic entering through the southern drive and exiting from the northern drive. The parking aisles on the southern parking lot should be changed to angle parking to accommodate the narrow aisle width.

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 (State Act 61-929 and City Code Chapters 57 and 64).

FIRE DEPARTMENT**COMMENTS**

Must comply with the following sections of the 2003 International Fire Code: B105.1 Fire Flow Requirements; C103.1 Fire Hydrants Available; D103.4 Dead Ends.

REMARKS

The applicant is requesting rezoning from B-1, Buffer Business District, to B-1, Buffer Business District, to remove certain conditions and allow renovation and remodeling of an existing building for use as a medical office. Specifically, the applicant wishes to remove the stipulation from the original rezoning that states that the rezoning is “limited to the site plan as submitted.” The site was previously utilized as a medical office from Franklin Primary Health Clinic, but is currently vacant.

The site is bounded to the North, across Government Street, by single-family residences and some vacant B-1 zoned properties. To the East and South, the site is bounded by single-family residences in an R-1 district. To the West, across Georgia Avenue, the site is bounded by an R-3, Multiple-family residential district containing the Murray House Retirement Home and All Saints Episcopal Church. Further, this site is located within the Oakleigh Garden Historic District.

The site appears to be depicted as commercial and residential on the General Land Use Component of the Comprehensive Plan, which is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. Moreover, the General Land Use Component allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and zoning classification.

As stated in Section 64-9 of the Zoning Ordinance, the intent of the Ordinance and corresponding Zoning Map is to carry out the comprehensive planning objective of sound, stable and desirable development. While changes to the Ordinance are anticipated as the city grows, the established public policy is to amend the ordinance only when one or more of the following conditions prevail: 1) there is a manifest error in the Ordinance; 2) changing conditions in a particular area make a change in the Ordinance necessary and desirable; 3) there is a need to increase the number of sites available to business or industry; or 4) the subdivision of land into building sites makes reclassification of the land necessary and desirable.

In this case, the applicant wishes to make minor changes to the vacant building in order to occupy the building for a medical office, the building’s previous use. The site was originally rezoned from R-1 and B-1 split zoning to B-1 zoning in 1998. The approved ordinance

amendment specified that the rezoning was subject to the “site plan as submitted” as well as a 6 foot high privacy fence on the South property line.

As per the applicant, the changes will be as follows: “modification of the parking lot, a relocated porte-cochere, generator pad and enclosure, and dumpster pad and enclosure.” The applicant further states that the second story portion of the structure on the southeast corner of the building will be removed and the exterior walls will be made to match existing walls. The applicant further states that new landscaping in compliance with the ordinance will be provided.

As the proposed use of medical office is the same as the previous use at the site, and the fact that the site will be reduced in scope, as well as renovated, amending the rezoning would seem to be appropriate. One concern is the location of the new dumpster pad and enclosure. Section 64-4.D.1 of the Zoning Ordinance requires a protection buffer strip of 10 feet where commercially zoned property abuts residentially zoned property. In this case, the dumpster pad and enclosure are shown to be within the 10 foot protection buffer, and therefore, the dumpster pad and enclosure should be relocated outside of the 10 foot buffer.

RECOMMENDATION

Based on the preceding, this application is recommended for approval subject to the following conditions:

- 1) Provision of a buffer in compliance with Section 64-4.D.1 of the Zoning Ordinance;
- 2) Relocation of the dumpster pad and enclosure outside of the 10 foot buffer;
- 3) Compliance with Section 64-6.A.3(i) of the Zoning Ordinance regarding parking lot screening;
- 4) Approval from the Architectural Review Board for all exterior work, to include buffer fencing;
- 5) Compliance with traffic engineering comments: *One-way aisle width does not provide adequate aisle width for ninety-degree parking stalls. The required aisle width for ninety-degree parking is twenty-four feet. Standard driveway widths for one-way drives are sixteen feet. Both driveways should be narrowed to sixteen feet with twenty foot radii and converted to one-way only traffic with traffic entering through the southern drive and exiting from the northern drive. The parking aisles on the southern parking lot should be changed to angle parking to accommodate the narrow aisle width;*
- 6) Compliance with landscaping and tree planting requirements; and
- 7) Full compliance with all municipal codes and ordinances.

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by miscellaneous land use.

APPLICATION NUMBER 16 DATE February 5, 2009

APPLICANT Bobby Young

REQUEST Rezoning From B-1 to B-1

LEGEND

R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8	R-9	R-10	R-11	R-12	R-13	R-14	R-15	R-16	R-17	R-18	R-19	R-20	R-21	R-22	R-23	R-24	R-25	R-26	R-27	R-28	R-29	R-30	R-31	R-32	R-33	R-34	R-35	R-36	R-37	R-38	R-39	R-40	R-41	R-42	R-43	R-44	R-45	R-46	R-47	R-48	R-49	R-50	R-51	R-52	R-53	R-54	R-55	R-56	R-57	R-58	R-59	R-60	R-61	R-62	R-63	R-64	R-65	R-66	R-67	R-68	R-69	R-70	R-71	R-72	R-73	R-74	R-75	R-76	R-77	R-78	R-79	R-80	R-81	R-82	R-83	R-84	R-85	R-86	R-87	R-88	R-89	R-90	R-91	R-92	R-93	R-94	R-95	R-96	R-97	R-98	R-99	R-100
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