

**ZONING AMENDMENT,
PLANNED UNIT DEVELOPMENT &
SUBDIVISION STAFF REPORT**

Date: July 19, 2007

DEVELOPMENT NAME

Franklin Primary Health Center, Inc.

SUBDIVISION NAME

Franklin Primary Health Center Subdivision, Unit Two

LOCATION

1306, 1312, & 1316 Dr. Martin Luther King, Jr. Avenue
(Northeast corner of Dr. Martin Luther King Jr. Avenue
and Peach Street).

**CITY COUNCIL
DISTRICT**

District 1

PRESENT ZONING

R-1, Single-Family Residential District and B-1, Buffer
Business District

PROPOSED ZONING

B-1, Buffer Business District

AREA OF PROPERTY

1 Lot / 0.7 \pm Acres Subdivision
1 Lot / 0.7 \pm Acres Rezoning
2 Lots / 4.0 \pm Acres PUD

CONTEMPLATED USE

Subdivision Approval to create 1 lot, Planned Unit
Development Approval to allow off-site parking for an
existing medical clinic, and Rezoning from R-1, Single
Family Residential to B-1, Buffer Business District, to
allow a parking lot.

**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**

Immediate

ENGINEERING

COMMENTS

It is the responsibility of the applicant to look up the site in
the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If
the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or
deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans
and/or plat, and no work/disturbance can be performed without a permit from the Corps of
Engineers. Must comply with all storm water and flood control ordinances. 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. Any parking lot aisles under twenty-four feet must be signed and marked for one-way traffic or widened to twenty-four feet to accommodate two-way traffic.

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**

All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, with local amendments, and the 2003 International Existing Building Code.

REMARKS

The applicant is requesting Subdivision Approval to create 1 lot, Planned Unit Development Approval to allow off-site parking for an existing medical clinic, and Rezoning from R-1, Single Family Residential to B-1, Buffer Business District, to allow a parking lot. Parking lots are allowed by right in B-1 districts.

The purpose of this application is to create additional parking for the Franklin Primary Health Center located on the South side of Dr. Martin Luther King, Jr. Avenue. Planned Unit Development approval is required to link off-site parking to the main health center facility.

The parking lot, as proposed, will contain 66 parking spaces, and will have one curb-cut onto Dr. Martin Luther King, Jr. Avenue and one curb-cut onto Peach Street. A six-foot high privacy fence is proposed along the Northern and Eastern boundaries of the parking lot site where it abuts R-1 zoned properties, in compliance with Section 64-4.D.1. of the Zoning Ordinance.

The site is currently vacant, though it appears that it is being used for parking by adjacent uses. North of the site are residential uses in an R-1 district, while East of the site are residential and commercial uses in R-1 and B-2 districts. South, across the street from the site, is the Franklin Primary Health Center in a B-1 district, while West of the site are commercial and residential uses in an R-1 district.

Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set forth in the Subdivision Regulations for lot size, road frontage, lot configuration, etc.

Planned Unit Development review examines the site with regard to its location to ensure that it is generally compatible with neighboring uses; that adequate access is provided without generating

excess traffic along minor residential streets in residential districts outside the PUD; and that natural features of the site are taken into consideration. PUD review also examines the design of the development to provide for adequate circulation within the development; to ensure adequate access for emergency vehicles; and to consider and provide for protection from adverse effects of adjacent properties as well as provide protection of adjacent properties from adverse effects from the PUD. PUD approval is site plan specific, thus any changes to the site plan (including the existing Franklin Health Care Center site) must be approved by the Planning Commission.

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.

Regarding the zoning application, the entire subdivision site appears to be depicted as commercial 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.

The proposed one-lot subdivision will result in a split-zone condition, thus the rezoning of the site is necessary to correct the condition.

The subdivision and rezoning site fronts onto Dr. Martin Luther King, Jr. Avenue and Peach Street, both minor streets with adequate rights-of-way. Access management is a concern as it relates to the use of the site in relation to the use of adjacent properties. Dr. Martin Luther King, Jr. Avenue is a mixture of commercial and residential uses, while Peach Street is primarily a residential street. The proposed parking lot site plan depicts access onto Peach Street, however, encouraging access from a commercial parking lot onto a primarily residential street is not desirable, especially due to the fact that a traffic calming circle occurs on Peach Street immediately North of the site at the intersection of Peach and Hercules Streets. Therefore it is recommended that the PUD and Zoning site plan be revised to remove the proposed curb-cut onto Peach Street. The proposed one lot subdivision should be limited to one curb-cut onto Dr. Martin Luther King, Jr. Avenue, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards.

Section 64-4.A.3.i. of the Zoning Ordinance requires that parking areas separated from an R-1 area (across Peach Street) shall have a brick wall or evergreen hedge of a minimum height of five and one half feet and a maximum of eight feet, placed five feet inside the street property line. The PUD and Zoning site plan should be revised to reflect this requirement.

Section 64-4.A.3.c. of the Zoning Ordinance requires that parking areas with more than 10 spaces shall be illuminated during their operation, and that the lighting should be so arranged and directed that it does not shine directly into adjacent residences or the public right of way.

As a commercial parking lot, full compliance with the tree and landscaping requirements of the Zoning Ordinance will be necessary. Existing trees on the site may reduce the number of new trees required, however, no calculations regarding required trees and tree credits have been provided. Detailed landscaping information will be required prior to the issuance of permits for construction.

The site is currently unpaved and undeveloped. New construction may require compliance with the Engineering Department's storm water and flood control regulations. If a storm water detention facility is required, the site plan should be revised to depict the facility.

Any existing curb-cuts that will not be used for the parking lot should be removed and the right-of-way area restored to grass or other acceptable ground cover.

Finally, it would be beneficial if the site plan directed pedestrians to the Peach Street / Dr. Martin Luther King, Jr. Avenue intersection to cross the street to the health center.

RECOMMENDATION

Rezoning: The rezoning request is recommended for Approval, subject to the following conditions:

- 1) the site is denied direct access to Peach Street;
- 2) the provision of residential adjacency buffers, as required by the Zoning Ordinance; and
- 3) full compliance with all municipal codes and ordinances.

Planned Unit Development: The PUD request is recommended for Approval, subject to the following conditions:

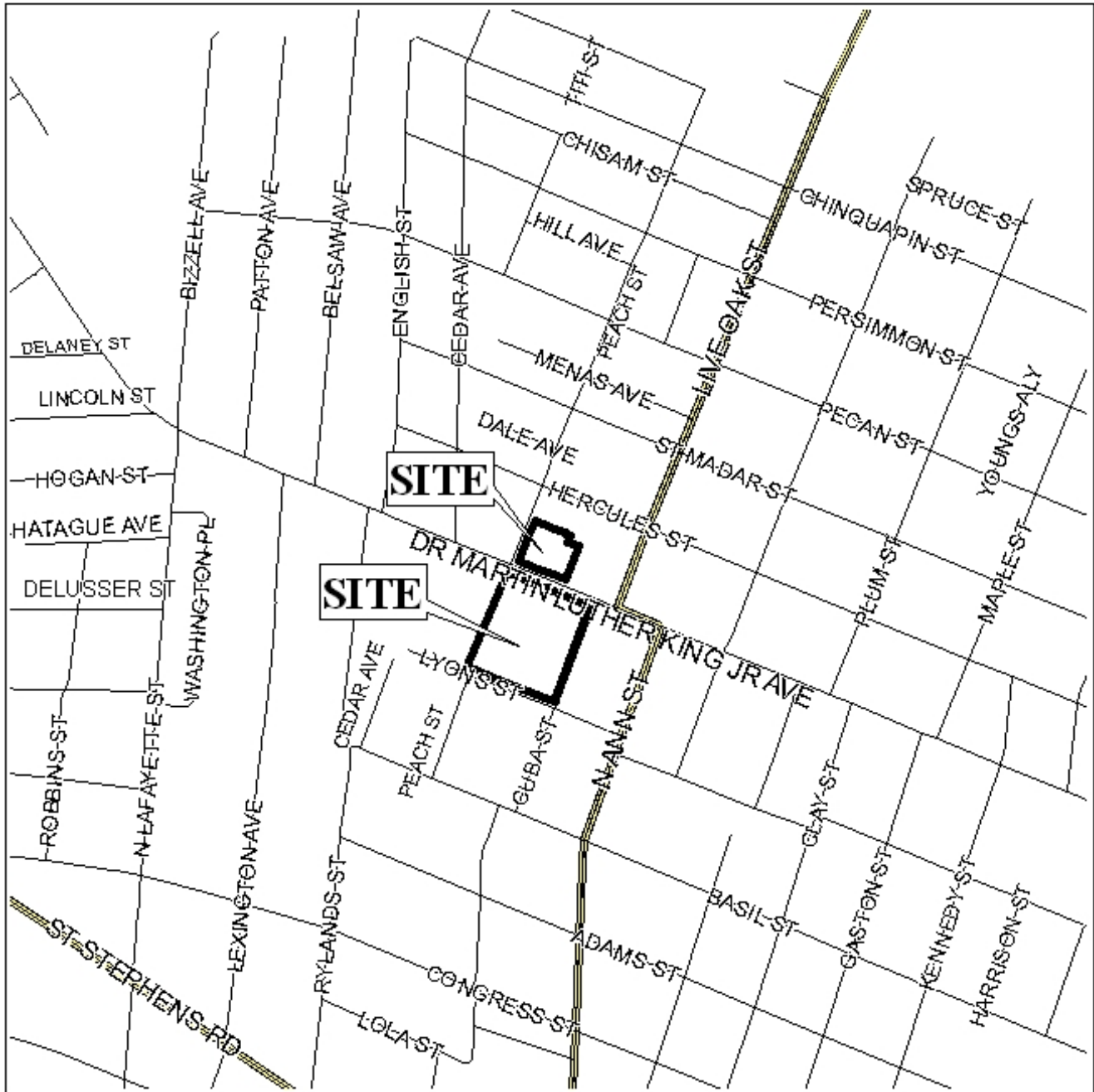
- 1) placement of a note on the site plan stating that PUD approval is site plan specific, and that any changes to the site plan, including the existing health center facility, will require a new application to the Planning Commission;
- 2) revision of the site plan for the proposed parking lot to depict one curb-cut onto Dr. Martin Luther King, Jr. Avenue, and no curb-cut onto Peach Street;
- 3) revision of the site plan to depict parking area buffering in compliance with Section 64-4.A.3.i. of the Zoning Ordinance, where the proposed parking lot abuts or is across the street from residential zoning districts;
- 4) revision of the site plan to place the requirements of Section 64-6.A.3.c., *Lighting*, as a note on the site plan: *"If parking areas contain ten (10) or more cars, lighting shall be provided and maintained during their operation, and shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic."*
- 5) revision of the site plan to depict compliance with the tree and landscaping requirements of the Zoning Ordinance for the proposed parking area;
- 6) revision of the site plan to depict a storm water detention area for the proposed parking area, if required;
- 7) revision of the site plan for the proposed parking area to depict complete removal of any existing, unused curb-cuts, and provision of appropriate landscaping for those areas;

- 8) revision of the site plan to direct pedestrian traffic from the proposed parking area to the intersection of Peach Street and Dr. Martin Luther King, Jr. Avenue for street crossing to the health center;
- 9) provision of a revised PUD site plan (and parking area specific site plan) to the Planning Section of Urban Development prior to the signing of the final subdivision plat; and
- 10) full compliance with all other municipal codes and ordinances.

Subdivision: The Subdivision request is recommended for Tentative Approval, subject to the following conditions:

- 1) placement of a note on the final plat stating that the lot is limited to one curb-cut onto Dr. Martin Luther King, Jr. Avenue, with the size, design and location to be approved by Traffic Engineering, and in conformance with AASHTO standards; and
- 2) revision of the plat to label the lot with its size in square feet.

LOCATOR MAP



APPLICATION NUMBER 37, 38, & 39 DATE July 19, 2007

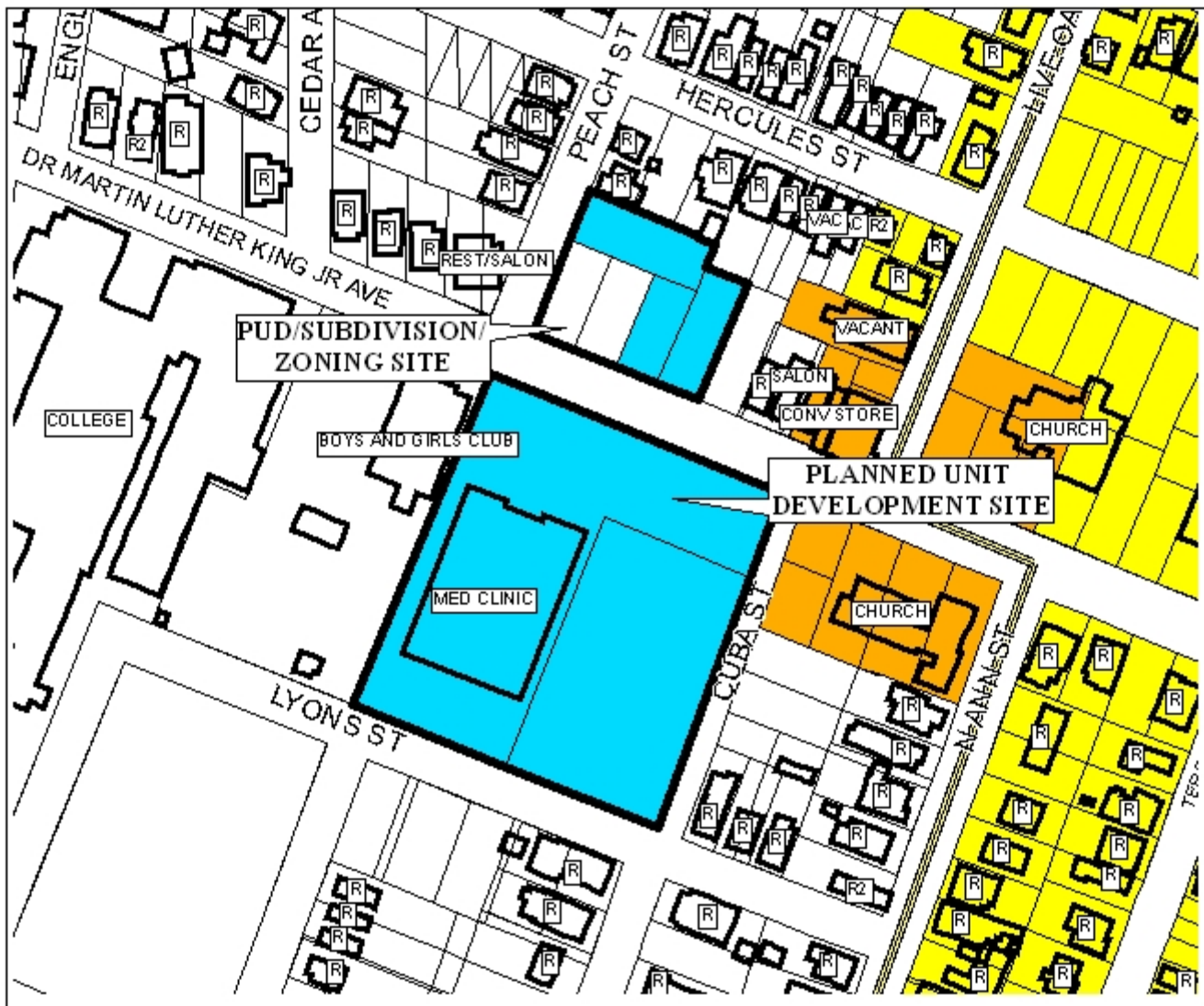
APPLICANT Franklin Primary Health Center, Inc.

REQUEST Subdivision, Planned Unit Development, Rezoning from R-1 and B-1 to B-1



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



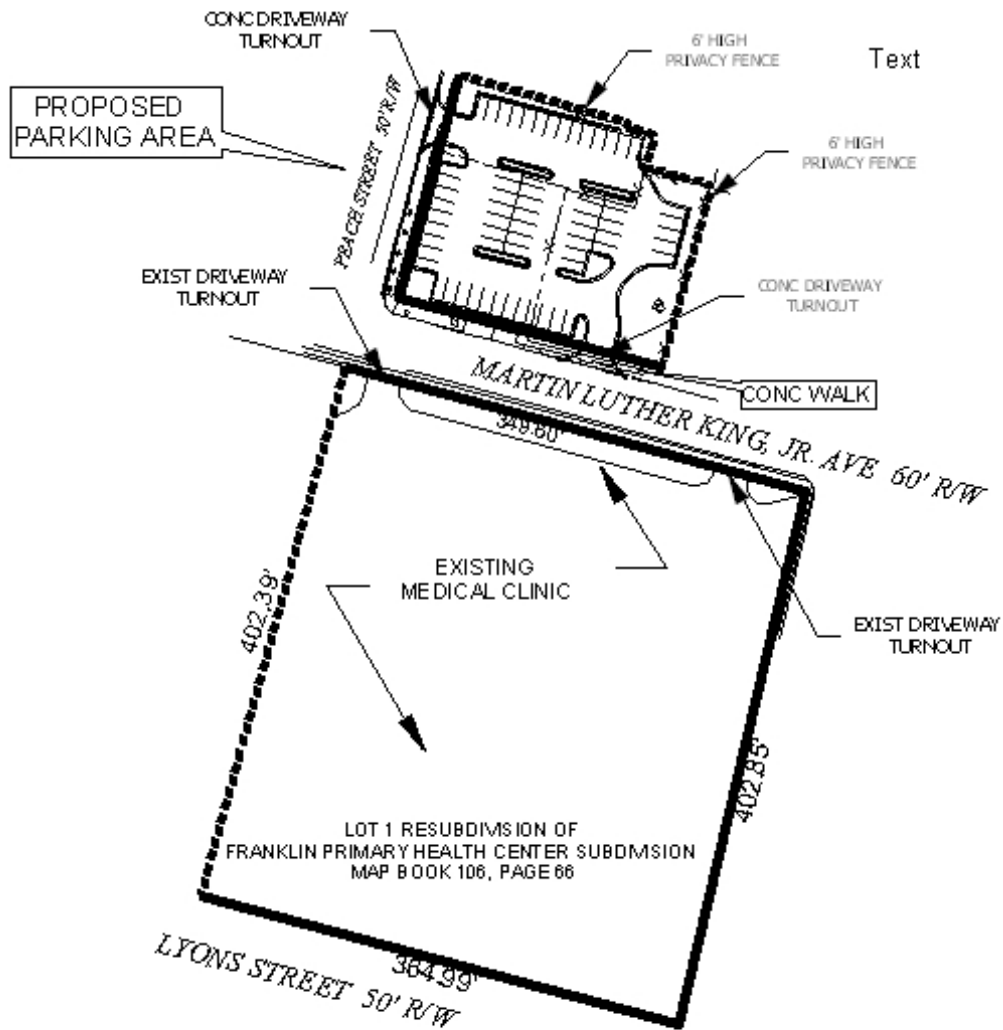
Single family residential units are located to the north and south of the site, a convenience store, salon, and church are to the east, and a college is to the west.

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Subdivision, Planned Unit Development, Rezoning from R-1
 REQUEST and B-1 to B-1

LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2	NTS
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SITE PLAN



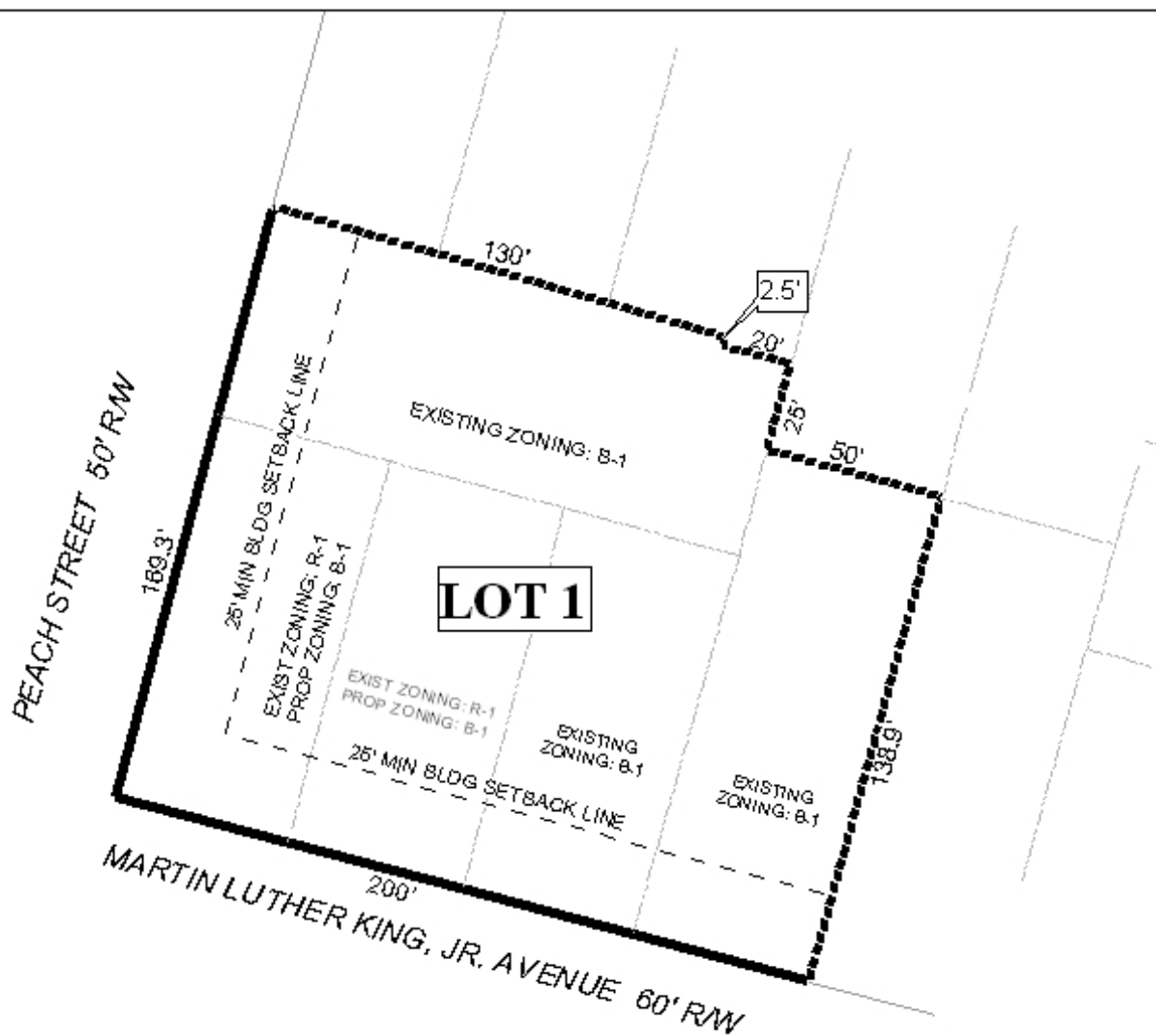
The site plan illustrates parking, concrete driveway turnouts, and concrete walk.

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 REQUEST Subdivision, PUD, Rezoning from R-1 and B-1 to B-1



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SUBDIVISION AND ZONING DETAIL



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REQUEST Subdivision, PUD, Rezoning from R-1 and B-1 to B-1



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