

**REZONING &
SUBDIVISION STAFF REPORT****Date: October 7, 2004****APPLICANT NAME**

Franklin Primary Health Center, Inc.

SUBDIVISION NAMEFranklin Primary Health Center Subdivision,
Resubdivision of**LOCATION****Subdivision:** 1303 Dr. Martin Luther King Jr. Ave.
(West side of Cuba Street, extending from Dr.
Martin Luther King Jr. Ave. to Lyons Street)**Rezoning:** Northwest corner of Lyons Street and
Cuba Street.**CITY COUNCIL
DISTRICT**

District 2

PRESENT ZONINGB-1, Buffer Business &
R-3, Multi-Family Residential**PROPOSED ZONING**

B-1, Buffer Business

AREA OF PROPERTY**Subdivision:** 3.3± Acres 1 Lots**Rezoning:** 1.24± Acres**CONTEMPLATED USE**Parking Lot Expansion at an Existing Health Care
Center

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

Immediate

**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 the expansion of parking facilities for an existing health care center. The property in question is currently zoned R-3, Multi-Family Residential; therefore, rezoning to B-1 is required. Additionally, the plan also incorporates the new parking facility site into the existing medical center site, hence the one lot subdivision.

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.

The proposed parking facility is desperately needed by the applicant. Additionally, the site of the proposed parking facility was previously occupied by an apartment development that was condemned and demolished. Allowing the expansion as proposed would not only fill a desperate need, but would improve the site and the neighborhood.

While the site may be appropriate for rezoning, there are concerns regarding buffering for the residential properties across Cuba Street and Lyons Street. The Zoning Ordinance requires that parking facilities located across minor streets from residential properties be screened from view with either an evergreen hedge or masonry wall, five and one-half feet tall, and setback five feet from the property line. The plan indicates a 6' aluminum fence on or near the Cuba Street and Lyons Street property lines. No further information was provided regarding the fence, however, based on the information provided, it does not appear that the fence will meet the requirements for screening as stated above.

As a side note, conditions placed on the previous rezonings, which prohibited connections between the properties, were required because there were two lots, one of which was zoned residentially. Via the current request, the residentially zoned property will be rezoned to B-1 and incorporated into the commercial site. In so doing, the prior conditions regarding any connections will no longer be applicable.

Other conditions from the prior approvals that should be maintained (and reiterated) are denial of access to Lyons Street and limitations on curb cuts to Dr. Martin Luther King Jr Avenue. Also, due to the inclusion of the Cuba Street frontage, a limitation on the number of curb cuts would now be appropriate. The conditions will be best addressed through the Subdivision.

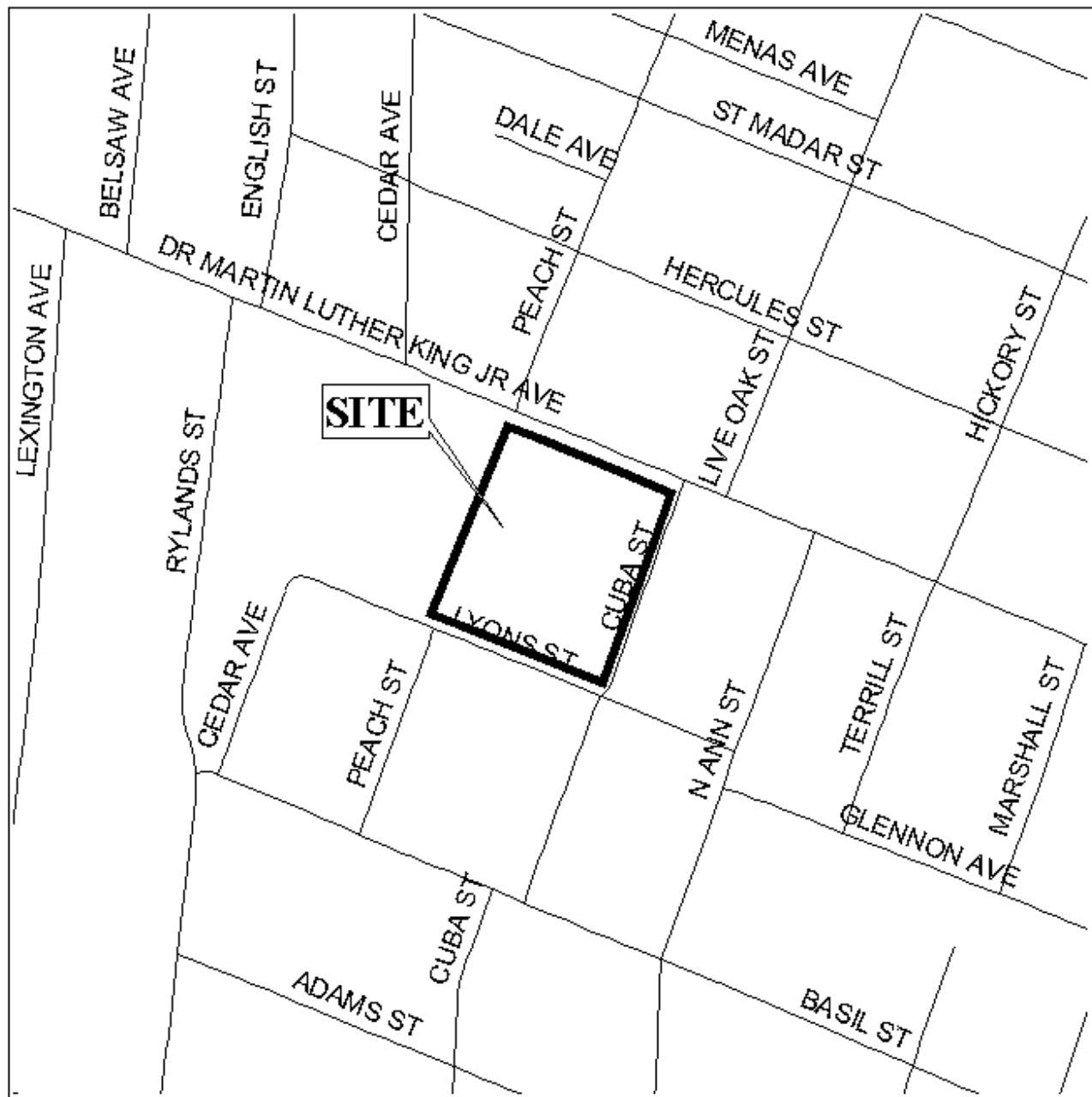
RECOMMENDATION

Rezoning: based on the preceding, it is recommended that this application be approved subject to the following conditions: 1)

provision of screening of parking facilities as required by Section VI.3.i of the Zoning Ordinance; 2) completion of the subdivision process; and 3) full compliance with all municipal codes and ordinances.

Subdivision: the plat meets the minimum requirements of the Subdivision Regulations and is recommended for Tentative Approval subject to the following conditions: 1) completion of the rezoning process prior to recording of the final plat; 2) placement of a note on the final plat stating that access to Lyons Street is denied; 3) placement of a note on the final plat stating that access to Dr. Martin Luther King Jr Avenue is limited to a maximum of two curb cuts, size, location and design to be approved by the Traffic Engineering Department; and 4) placement of a note on the final plat stating that access to Cuba Street is limited to a maximum of two curb cuts, size, location and design to be approved by the Traffic Engineering Department.

LOCATOR MAP



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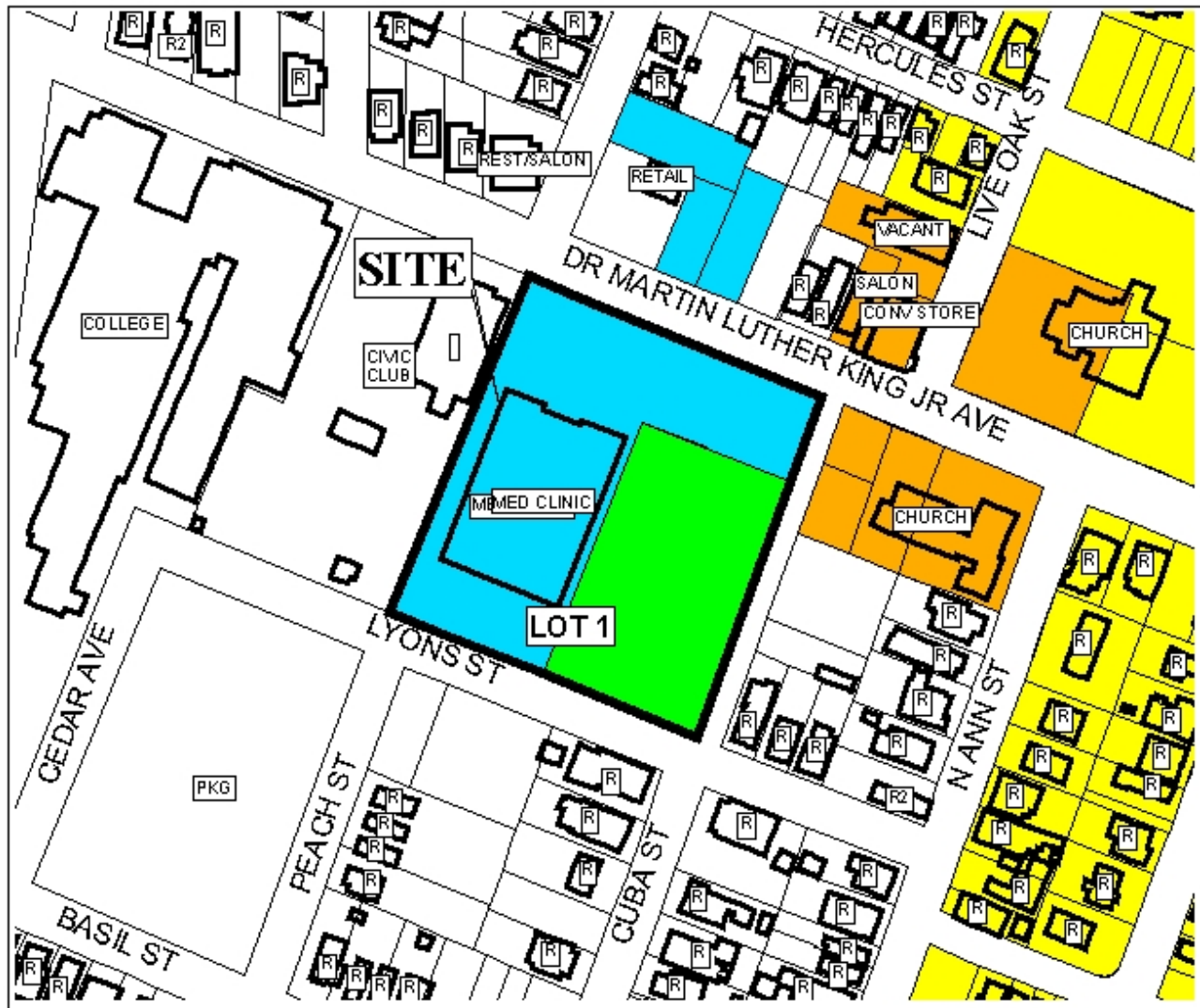
APPLICANT Franklin Primary Health Center, Inc.

REQUEST Rezoning from R-3 to B-1, Subdivision



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential units. A civic club and a school are located to the west of the site.

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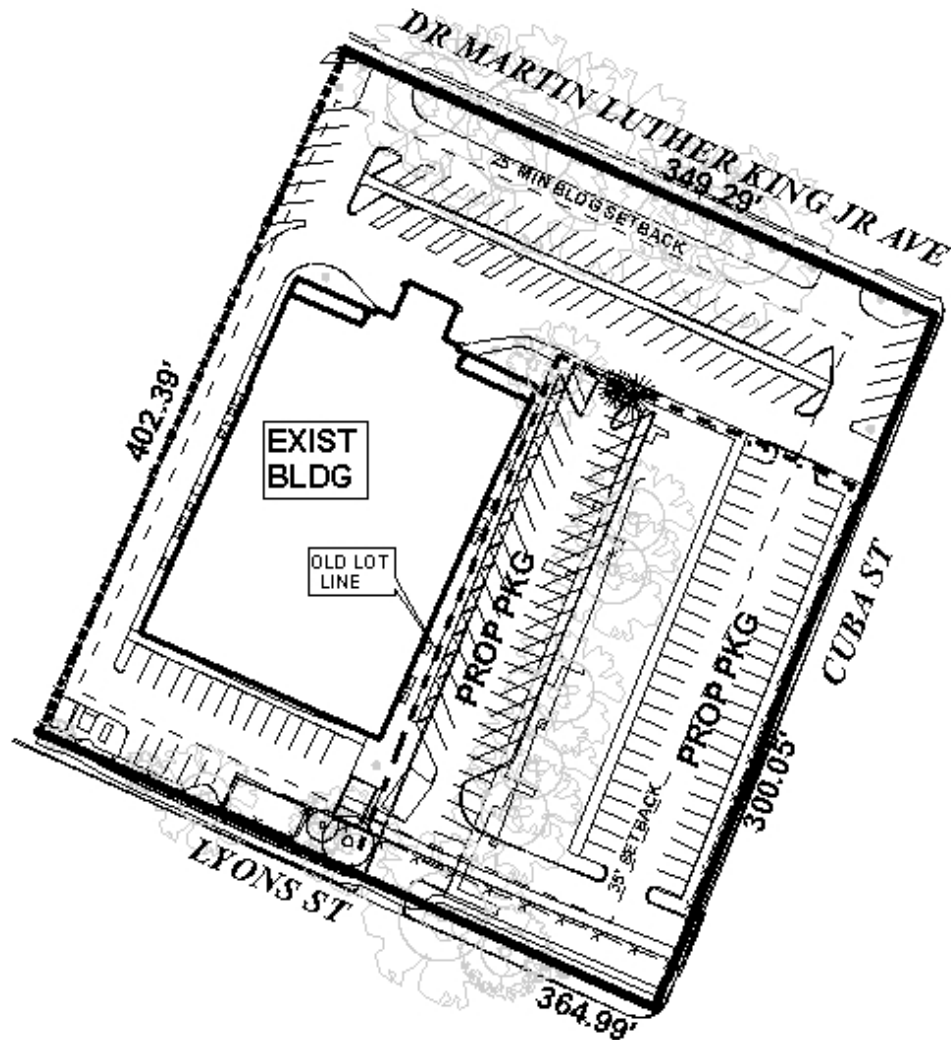
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LEGEND R-1 R-2 R-3 R-A R-B H-B B-1 LB-2 B-2 B-3 B-4 B-5 I-1 I-2 NTS



SITE PLAN



The site plan illustrates the existing building, parking, and landscaping, along with the proposed parking area.

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