

**ZONING AMENDMENT
& SUBDIVISION STAFF REPORT**

Date: June 5, 2008

<u>APPLICANT NAME</u>	Amity Missionary Baptist Church
<u>SUBDIVISION NAME</u>	Amity Missionary Baptist Church Subdivision
<u>LOCATION</u>	South side of St. Stephen's Road, extending from Strange Avenue to Como Street, and Southwest corner of St. Stephen's Road and Como Street
<u>CITY COUNCIL DISTRICT</u>	District 1
<u>PRESENT ZONING</u>	R-1, Single-Family Residential, and B-2, Neighborhood Business Districts
<u>PROPOSED ZONING</u>	B-2, Neighborhood Business District
<u>AREA OF PROPERTY</u>	2 Lots / 1.2 ± Acres
<u>CONTEMPLATED USE</u>	Subdivision approval to create 2 lots, and Zoning approval to rezone the site from R-1, Single-Family Residential, and B-2, Neighborhood Business, to B-2, Neighborhood Business to eliminate split zoning for a proposed church. 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.
<u>REASON FOR REZONING</u>	Applicant is requesting rezoning of the site to eliminate split zoning for a proposed church.
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	No timeframe provided.
<u>ENGINEERING COMMENTS</u>	Must comply with all storm water and flood control ordinances. Cannot concentrate storm water runoff to an adjacent property without a release agreement or a private drainage easement. 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. Need to verify that there is sufficient capacity for the receiving drainage system to accept drainage from this property.

TRAFFIC ENGINEERING

COMMENTS

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Final approval for all driveways, proposed and existing will be given upon submittal of final plans. To eliminate conflicts in the parking areas some parking spots need to be removed or relocated. In the western lot the two spaces on the north side of the lot should be removed as well as the one parking space on the southeast end of the lot. In the east lot remove two spaces on the northwest end of the aisle located at the drive to eliminate conflicts with the driveway. Parking spaces located on the west side of the building on the south end of the aisle do not have adequate aisle width. Minimum aisle width is twenty-four feet. Changes should be made to accommodate the standard.

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, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate.

REMARKS

The applicant is requesting Subdivision approval to create 2 lots, and Zoning approval to rezone the site from R-1, Single-Family Residential, and B-2, Neighborhood Business, to B-2, Neighborhood Business to eliminate split zoning for a proposed church. Churches are allowed by right in B-2 districts.

The applicant intends to construct a church containing 228 seats in the sanctuary, and 27 seats in the choir. The church will have a ground floor area of 7,500 square feet. Parking for the church, which is based upon 1 space per 4 sanctuary (and choir) seats, will be provided on the church site as well as across Como Street. Thirty-six (36) of the required 64 parking spaces will be provided on the church site, while twenty-nine (29) spaces will be provided in the lot across Como Street. Because a portion of the required parking will be provided on a separate lot, an application for Planned Unit Development will also be required.

The site is currently vacant, and is bounded to the South, East and Northeast by residences, a church and vacant properties in an R-1 district, and to the Northwest and West by residences, vacant properties and businesses in a B-2 district.

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.

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. The accuracy of recommended land uses on the General Land Use Component map is limited due to the large scale of the map. 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 applicant's justification for rezoning is that the subdivision of the property to create two legal lots would create a split-zoned condition, which meets one of the stated conditions for rezoning.

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.

The site fronts onto St. Stephen's Road, a proposed major street, and onto Como and Strange Streets, both minor streets, however the right-of-way for Como is only 40-feet in width, which is below the minimum 50-feet normally required for minor streets. It appears that many streets in the vicinity have 40-foot right-of-ways. Dedication along Como Street may be necessary for proposed Lot 1, the parking lot, as insufficient right-of-way exists to provide a sidewalk on that side (the West side) of the street, which will serve as a stand-alone parking area: thus dedication sufficient to provide a City sidewalk should be required. Dedication will also be required on the East side of Como Street, at the Southeast corner where Como Street meets St. Stephen's Road: a radius of the lot corner in compliance with Section V.D.6. should be provided. The setback line for the remainder of Como Street should be adjusted to reflect a possible 50-foot wide right-of-way width, and the setback line should be depicted and labeled for all streets on the Subdivision plat.

Regarding St. Stephen's Road, the Major Street Plan component of the Comprehensive Plan lists St. Stephen's as a link in the proposed *Congress-Donald Street-Moffett Road* connection, and it is further stated in the plan that the "*existing right-of-way for St. Stephen's Road will be utilized.*" St. Stephen's Road has a 60-foot wide right-of-way at this location, and based upon the previous sentence, no additional right-of-way will be required.

As St. Stephen's Road is a proposed major street, with a fairly narrow right-of-way, and as the site abuts two minor streets that primarily serve existing residences, access management is a concern. The applicant is proposing one curb-cut for proposed Lot 1 onto Como Street, and one curb-cut for Lot 2 onto Como Street and one curb-cut onto Strange Avenue. No curb-cuts are proposed onto St. Stephen's Road. Traffic Engineering has reviewed the site plan provided with the application, and has concerns regarding the layout of the parking area. As an application for Planned Unit Development will be required, a revised site plan should be prepared reflecting the comments provided by Traffic Engineering.

The Subdivision plat, in addition to not showing the required minimum building setback, does indicate the size of each lot. The plat should be revised to depict the size of each lot in square feet, adjusted for any required dedication.

The site will abut residential zones to the South, thus a vegetative buffer or fence in compliance with Section 64-4.D.1. of the Zoning Ordinance will be required. The site plan should be modified to reflect either a fence or 10-foot wide vegetative buffer.

It should also be pointed out that some of the required landscape and frontage trees are placed in what could be the future right-of-way of Como Street, should a 50-foot wide right-of-way be required.

Finally, the geographic area defined by the city of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

RECOMMENDATION

Rezoning: Based upon the preceding, the Rezoning request is recommended for Holdover until the July 10th meeting, with all revisions due by June 16th, to allow for the following:

- 1) Submission of an application for Planned Unit Development by the June 16th application deadline (for the July 24th meeting), to address parking on an adjacent lot (with the site plan reflecting conditions below);
- 2) Revision of the site plan for the Zoning application to reflect Traffic Engineering comments (*To eliminate conflicts in the parking areas some parking spots need to be removed or relocated. In the western lot the two spaces on the north side of the lot should be removed as well as the one parking space on the southeast end of the lot. In the east lot remove two spaces on the northwest end of the aisle located at the drive to eliminate conflicts with the driveway. Parking spaces located on the west side of the building on the south end of the aisle do not have adequate aisle width. Minimum aisle width is twenty-four feet. Changes should be made to accommodate the standard.*);
- 3) Revision of the site plan to reflect dedication along Como Street sufficient to provide a City-standard sidewalk along the West side, as well as the corner radius for the Southeast corner of Como Street and St. Stephen's Road that complies with Section V.D.6. of the Subdivision Regulations;
- 4) Revision of the site plan to depict and label the minimum building setback line from all streets, modifying the setback line along Como Street to accommodate a possible 50-foot wide right-of-way;
- 5) Revision of the site plan to depict a sidewalk along the West side of Como Street;
- 6) Revision of landscape area calculations to reflect changes in the size of the site due to right-of-way dedication; and
- 7) Revision of the site plan to depict and label a buffer that complies with Section 64-4.D.1. of the Zoning Ordinance, where the site abuts residentially zoned property.

Subdivision: The Subdivision request is recommended for Holdover until the July 10th meeting, with all revisions due by June 16th, to allow for the following:

- 1) Revision of the plat to reflect dedication along Como Street to provide a City-standard sidewalk along the West side, as well as the corner radius for the Southeast corner of Como Street and St. Stephen's Road that complies with Section V.D.6. of the Subdivision Regulations;
- 2) Revision of the plat to depict and label the minimum building setback line from all streets, modifying the setback line along Como Street to accommodate a possible 50-foot wide right-of-way; and
- 3) Revision of the plat to label each lot with its size in square feet, adjusted for any required dedication.

Revised for the July 10th meeting:

A revised site plan was provided by the applicant, as was an application for Planned Unit Development for off-site parking on an adjacent lot (to be heard at the July 24th meeting of the Planning Commission).

The revised site plans and plat reflect nearly all of the requirements with the exception of the minimum building setback line and lot size area. The site plans and plat should be revised to depict and label the 25-foot minimum building setback line from all street frontages, and to label the size of each lot in square feet.

The applicant also requested a variance from the Board of Zoning Adjustment to waive one parking space: the church requires 64 parking spaces, but is only able to provide 63 parking spaces. The Board of Zoning Adjustment was scheduled to hear the request at its July 7, 2008 meeting.

Parking areas for the sites should comply with the screening requirements of Section 64-6.A.3.i. of the Zoning Ordinance, where adjacent to residential districts. Additionally, any lighting of the sites and parking areas must comply with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance.

Regarding the tree and landscape requirements, the site plan should be revised to show calculations for the requirements for each lot separately. This condition should be required for the PUD site plan.

Finally, if a dumpster will be provided for the church, it should be depicted on the site plan. This condition should be required for the PUD site plan.

RECOMMENDATION

Rezoning: *Based upon the preceding, the Rezoning request is recommended for Approval subject to the following conditions:*

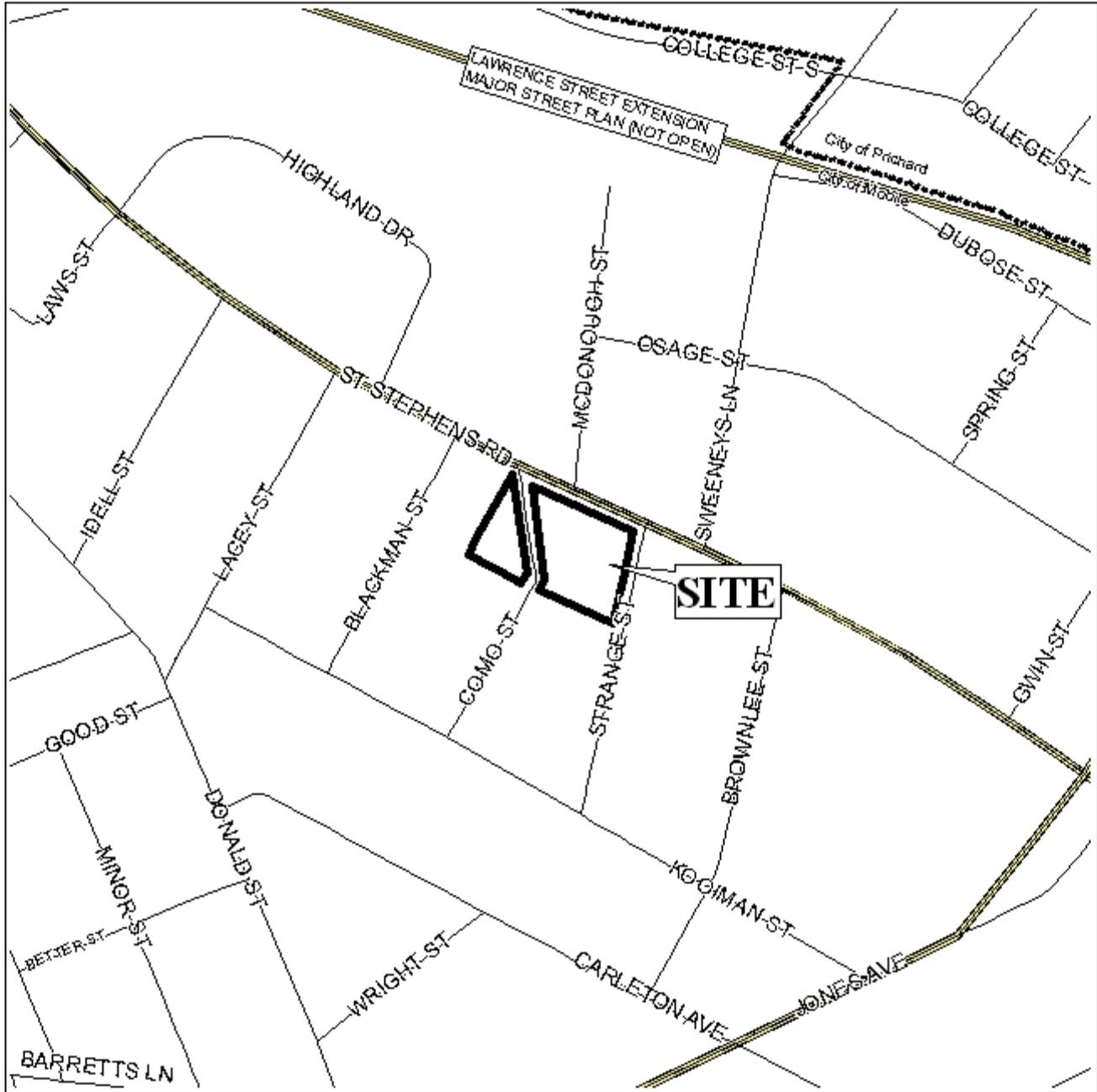
- 1) *Provision of a 6-foot high wooden privacy fence in compliance with Section 64-4.D.1. of the Zoning Ordinance, except within the required 25-foot minimum building setback (where the fence shall be 3-feet high);*
- 2) *Compliance with parking area screening requirements of Section 64-6.A.3.i. of the Zoning Ordinance;*

- 3) *Compliance with the site and parking area lighting requirements of Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;*
- 4) *Compliance with the tree and landscaping requirements of the Zoning Ordinance; and*
- 5) *Full compliance with all municipal codes and ordinances.*

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

- 1) *Dedication of sufficient right-of-way along Como Street to provide a City-standard sidewalk along the West side, as well as the corner radius for the Southeast corner of Como Street and St. Stephen's Road that complies with Section V.D.6. of the Subdivision Regulations, as depicted;*
- 2) *Depiction and labeling of the 25-foot minimum building setback line from all streets, including the setback line along Como Street to reflect dedication;*
- 3) *Placement of a note on the plat stating that Lot 1 is limited to one curb-cut onto Como Street, that Lot 2 is limited to one curb-cut onto Como Street and one curb-cut onto Strange Avenue, with the size, design and location of all curb-cuts to be approved by Traffic Engineering and conform with AASHTO standards;*
- 4) *Revision of the plat to label each lot with its size in square feet, adjusted for any required dedication; and*
- 5) *Placement of a note on the plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.*

LOCATOR MAP



APPLICATION NUMBER 8 & 9 DATE July 10, 2008

APPLICANT Amity Missionary Baptist Church

REQUEST Subdivision, Rezoning from R-1 and B-2 to B-2



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous land use

APPLICATION NUMBER 8 & 9 DATE July 10, 2008

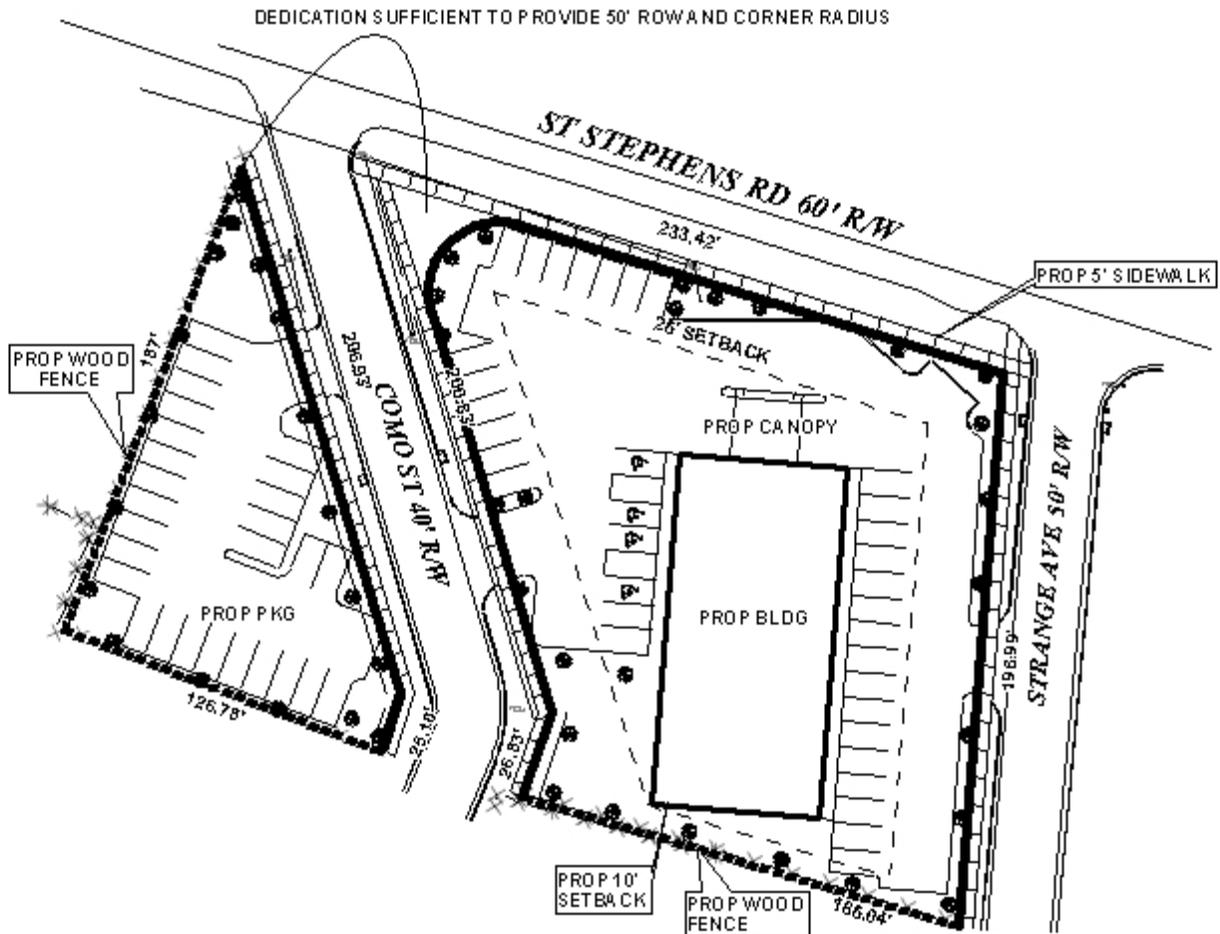
APPLICANT Amity Missionary Baptist Church

REQUEST Subdivision, Rezoning from R-1 and B-2 to B-2



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 the proposed building, parking, and sidewalks

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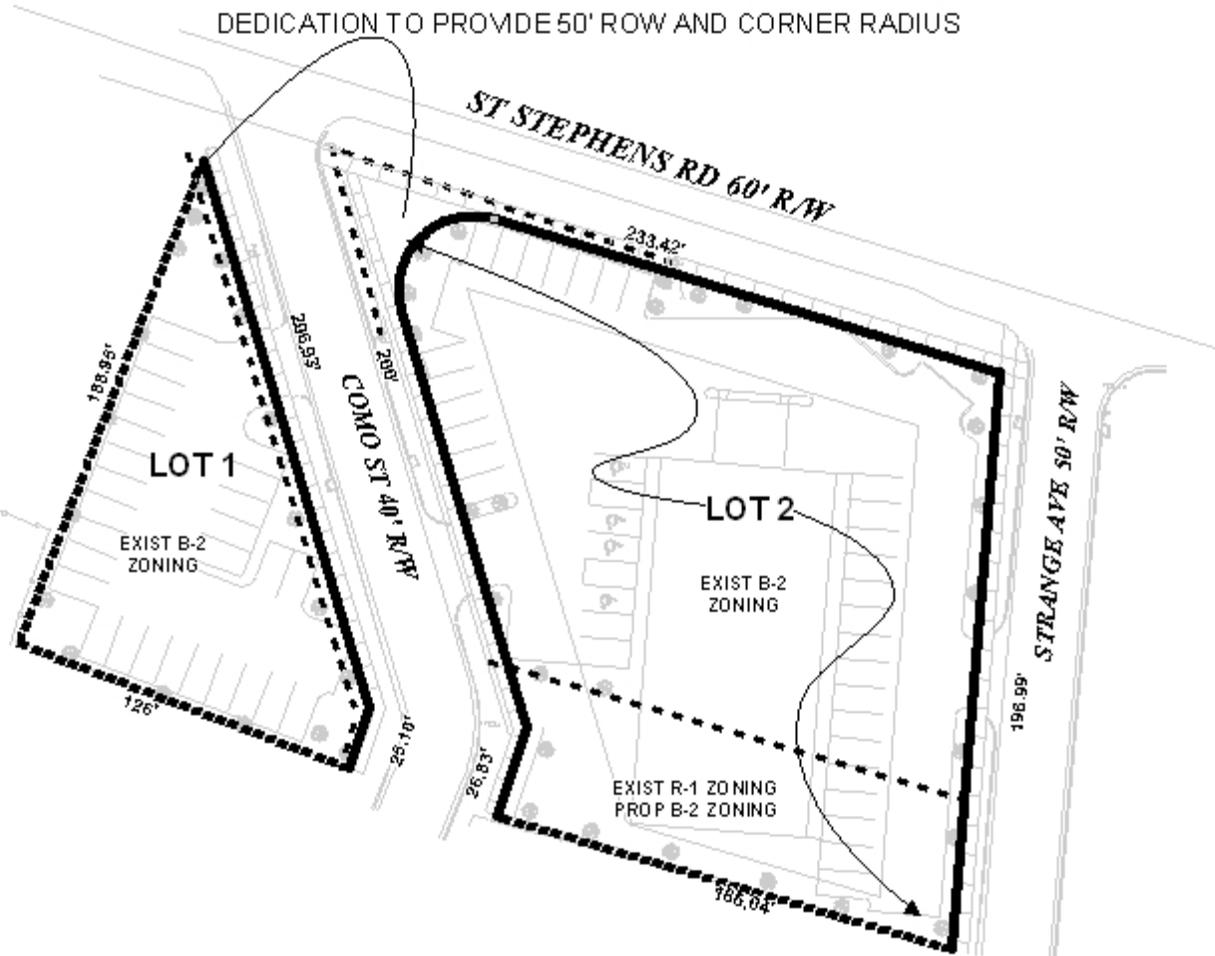
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REQUEST Subdivision, Rezoning from R-1 and B-2 to B-2



NTS

SUBDIVISION AND ZONING DETAIL



APPLICATION NUMBER 8 & 9 DATE July 10, 2008

APPLICANT Amity Missionary Baptist Church

REQUEST Subdivision, Rezoning from R-1 and B-2 to B-2



NTS