

**PLANNING APPROVAL,
PLANNED UNIT DEVELOPMENT &
SUBDIVISION STAFF REPORT**

Date: October 2, 2008

NAME Elijah House Subdivision

SUBDIVISION NAME Elijah House Subdivision

LOCATION 1867 Duval Street
(South side of Duval Street, at the South terminus of Murray Hill Court [private street])

CITY COUNCIL DISTRICT District 3

PRESENT ZONING B-3, Community Business District

AREA OF PROPERTY 1 lot / 0.5 acres ±

CONTEMPLATED USE Planning Approval to allow an outreach program with housing to include prison release inmates in a B-3, Community Business District, Planned Unit Development approval to allow multiple buildings on a single building site, and Subdivision approval to create one legal lot.

TIME SCHEDULE FOR DEVELOPMENT Immediate

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. Final approval for all driveways, proposed and existing will be given upon submittal of final plans. The parking aisle width and internal drives are below city standards. The five parking stalls in the rear of the development on the west side could be brought to standard if the concrete slab is removed or if it is at or below grade. No turn around is shown for the two parallel stalls on the east side of the development. Circulation problems could be solved by extending the drive around the building to allow a one-way drive.
Revised for the December 4th meeting: Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Standard driveway radii are twenty feet. Changes should be made to the driveways shown to accommodate this 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).

Preservation status is to be given to the 54” Live Oak Tree located at the South East corner of the lot and the 46” Live Oak Tree located on the West side of the lot. Any work on or under these trees are to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.

Installation of the proposed asphalt drive and parking space along the West side of the existing structure will require cutting of roots inside the Critical Root Zone of the 48” Live Oak Tree. Due to the negative impact to the Critical Root Zone of 48” Live Oak Tree Urban Forestry is not in favor of the installation of the proposed asphalt drive and parking space.

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.

Revised for the December 4th meeting: Strongly recommend this project be held pending full investigation of possible building and fire code violations. Construction on property without permits.

REMARKS

The applicant is requesting Planning Approval to allow an outreach program with housing to include prison release inmates in a B-3, Community Business District, Planned Unit Development approval to allow multiple buildings on a single building site, and Subdivision approval to create one legal lot. Parole-based halfway-houses require Planning Approval when located in B-3 districts.

This application is a reincarnation of a previous group application that was withdrawn at the August 7, 2008 Planning Commission meeting. The first group application was originally submitted for the June 5, 2008 meeting due to the City receiving a complaint regarding the site in March 2008: investigation of the complaint found the site to be operating without any approvals from the City. A parking variance application was denied by the Board of Adjustments at its August 5, 2008 meeting because no representatives of the applicant attended the meeting (the applicant must wait 6 months prior to reapplying to the Board of Adjustments).

The review required for Planning Approval examines the applicant’s location and site plan with regard to transportation, parking and access, public utilities and facilities, traffic congestion and hazard, and to determine if the proposal is in harmony with the orderly and appropriate development of the district.

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 and Planning Approval are site plan specific, thus any changes to the site plan must be approved by the Planning Commission.

The applicant, Elijah House, is operating an outreach program for prison release inmates, providing housing (40 beds) and rehabilitation services. The site is composed of multiple buildings, containing: 1) two-story main building consisting of approximately 3,600 square feet, containing sleeping quarters; 2) one-story metal office building, approximately 98 square feet; 3) one-story masonry building, 1,832 square feet, used as a meeting area; and 4) a 940 square foot storage building. It appears that a small portion of the storage building may cross a property line and be partially located within the City's Baumhauer Park.

Information submitted with the application lists a maximum of 2 employees, with counseling services starting as early as 6 AM and ending as late as 9 PM. Residents are required to be on-site between 8 PM and 6 AM, during which time the premises are secured.

During a meeting held on September 22, 2008 with the Mayor, his Chief of Staff and the applicant, the applicant stated that the residents are limited to a 120 day stay, and that they are denied use of motor vehicles. The applicant additionally stated that he had been in operation for 8 years, however staff can only verify via Mobile County Revenue Department records that the site was purchased by the applicant in October 2003.

Review of business licenses for the site indicate that the site was used as an electrical contractor or equipment supply store in 1983, and that in 1994 the site was used as a mortuary (until approximately 2001). Use of the site as a 40-bed halfway house may constitute a "*change in occupancy*," requiring compliance with relevant Building and Fire codes. It should also be pointed out that review of aerial photos from 1997, 2002 and 2006 shows that several substantial additions were made to the existing building and overall site, only one of which appears to have a permit. The small metal (storage) building that is being used as an office was placed on the site after 2006, without a permit. Two more concrete slabs and have been poured since 2006, also without permits. It also appears that the 1,832 square foot masonry building used as a meeting area was constructed without appropriate permits.

The site is immediately to the north of Baumhauer Park, a public park. To the north of the site, across Duval Street, is a large apartment complex. Otherwise, the site is bounded primarily by commercial uses in a B-3 district.

Due to the proximity of the site to the park, the provision of privacy fencing, to supplement the existing chain link fence, between the site and the park may be appropriate.

The site fronts onto Duval Street, a proposed major street. The existing right-of-way width for Duval Street is 50 feet, but as a major street, the right-of-way width should be 80 feet, according to the Major Street Plan component of the Comprehensive Plan. Sufficient right-of-way should

be dedicated along Duval Street to provide 40-feet, as measured from the centerline of Duval Street, and is shown on the site plan and plat.

The existing facility provides 40 beds, and is proposing to provide 10 marked parking spaces on the site. The Zoning Ordinance does not clearly delineate the requirements for parking for a residential outreach program, however, a “*College fraternity/sorority/dormitory*” requires one (1) parking space per two (2) beds, while a “*Domiciliary, nursing home, and other residential care facilities*” requires one (1) parking space per four (4) beds, while a “*Theater, auditorium, gymnasium, stadium, and other places of public assembly*” requires one (1) parking space per four (4) seats. As the site is primarily a residence for prison release inmates who are prohibited from driving, and as the applicant states that they only have two employees, it would seem that a parking ratio range of one (1) space per four (4) beds to one (1) space per ten (10) beds would be reasonable, thus a minimum of four (4) parking spaces and maximum of ten (10) spaces should be provided. It should be pointed out, however, that the dedication requirements for the Duval Street right-of-way will result in a portion of the maneuvering space for the parking to be within the right-of-way, which is not allowed by the Zoning Ordinance.

The tree and landscape plan provided with the application shows existing and proposed trees and landscape areas. One of the existing trees crosses a property line, thus only half credit can be given for that tree. Another tree will be impacted by the proposed storm water detention area, thus that tree cannot be counted for credit. The existing live oak on the West side will be impacted by the proposed parking expansion, however, if only 4 parking spaces are required, access on this side can potentially be eliminated. Due to the half credit and no credit tree issues mentioned, five (5) new trees must be added on site, all of which may be understory trees. The site plan should be revised to show additional trees.

No dumpster is depicted on the site plan. If a dumpster is used, it must be depicted on the site plan, or a statement must be placed on the site plan indicating that no dumpster is used.

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.

Comments from Traffic Engineering and Urban Forestry indicate that a redesign of the site may be advisable prior to final approval by the Planning Commission.

Finally, the applicant should be made aware that full compliance with all applicable Building and Fire codes will be required as part of any approval obtained via the Planning process. Furthermore, Land Disturbance and Paving permits will be required for the landscaping and tree planting compliance activities and the improvements to the parking and circulation on the site, and a Building permit will be required for the wooden privacy fence.

RECOMMENDATION

Planning Approval: The request is recommended for Holdover until November 6, with revisions due by Oct 17th, to allow for the following:

- 1) Revision of the site plan to show only 4 parking spaces, meeting AASHTO design requirements to the greatest extent feasible, and to address Traffic Engineering and Urban Forestry comments contained within the Staff Report;
- 2) Depiction of concrete wheel stops or curbing to ensure that vehicles will not encroach upon any required landscape areas or adjacent property;
- 3) Revision of the site plan to provide 5 additional understory trees;
- 4) Revision of the site plan to depict and label a 6-foot high wooden privacy fence along the rear of the property where it abuts Baumhauer Park; and
- 5) Revision of the site plan to depict a dumpster, or the addition of a note stating that no dumpster is used.

Planned Unit Development: The request is recommended for Holdover until November 6, with revisions due by Oct 17th, to allow for the following:

- 1) Revision of the site plan to show only 4 parking spaces, meeting AASHTO design requirements to the greatest extent feasible, and to address Traffic Engineering and Urban Forestry comments contained within the Staff Report;
- 2) Depiction of concrete wheel stops or curbing to ensure that vehicles will not encroach upon any required landscape areas or adjacent property;
- 3) Revision of the site plan to provide 5 additional understory trees;
- 4) Revision of the site plan to depict and label a 6-foot high wooden privacy fence along the rear of the property where it abuts Baumhauer Park; and
- 5) Revision of the site plan to depict a dumpster, or the addition of a note stating that no dumpster is used.

Subdivision: The request is recommended for Holdover until November 6, to coincide with the Planning Approval and PUD applications.

Revised for the December 4th meeting:

The application was heldover from the October 2nd meeting to the December 4th meeting, at the applicant's request, to allow time for site plan revisions and to allow the applicant to hire a consultant to investigate possible Building and Fire Code compliance issues.

The revised site plans depict compliance with the Holdover conditions, with the exception of addressing the waste disposal (dumpster) issue. The PUD and Planning Approval site plans should be revised to indicate the location of any proposed dumpster (with proper screening), or a note should be placed on the site plan stating that no dumpster will be used.

Regarding the compliance with the tree requirements of the Zoning Ordinance, it appears that several of the proposed magnolia trees will be within 15-feet of overhead power lines on the property. Urban Forestry requests that the magnolia trees be moved to be at least 15-feet from overhead power lines, or that live oaks or crepe myrtles be substituted if the applicant wishes to keep the trees in the proposed locations.

The site plan depicts two curb-cuts for the site. The site should be limited to two curb-cuts, with the size, design and location to be approved by Traffic Engineering and to conform to the greatest extent possible with AASHTO standards.

It should be noted that land disturbance, paving and building permits will be required for the proposed landscaping, paving, and fencing site improvements. Additional building permits will be required to bring the existing buildings up to code for the change of occupancy issues (from a funeral home to the current use). The applicant should also be made aware that the change of occupancy has potentially created significant life/safety issues that need immediate attention (*see revised Fire Department comments*), thus it is recommended that any approval by the Planning Commission should include a requirement to move forward with addressing possible life/safety issues as they relate to Building and Fire Code compliance. Approval of the project by the Planning Commission does not supersede compliance with any Building or Fire Code requirements, and continued operation of the facility will not be possible without approval by Building and Fire Code officials.

Finally, the applicant should be aware that any future development of the site not depicted on the plans, or any increase in the number of parolees detailed with this application will require new Planning Approval and PUD applications.

RECOMMENDATION

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

- 1) Use is limited to 40-bed maximum parole-based housing, outreach and rehabilitation services;
- 2) Continued operation subject to approval by the Building and Fire Code officials;
- 3) Revision of the site plan to either indicate the location of a dumpster, if used, or placement of a note on the site plan stating how waste from the site is handled;
- 4) Revision of the site plan to either move the proposed magnolia trees so that they are at least 15-feet from any overhead power line, or to show substitution of live oaks or crepe myrtles;
- 5) Compliance with 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). Preservation status is to be given to the 54" Live Oak Tree located at the South East corner of the lot and the 46" Live Oak Tree located on the West side of the lot. Any work on or under these trees are to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.*);
- 6) Compliance with revised Traffic Engineering comments (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Standard driveway radii are twenty feet. Changes should be made to the driveways shown to accommodate this standard.*);
- 7) Provision of a one revised Planning Approval site plan to the Planning Section prior to the signing of the final plat or application for any permits for site work or building improvements; and
- 8) Application for permits for site improvements to be made within 1 month, and to be accompanied by applications for the appropriate building permits to bring existing structures up to the relevant Building and Fire codes (due to life/safety issues).

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

- 1) Revision of the site plan to either indicate the location of a dumpster, if used, or placement of a note on the site plan stating how waste from the site is handled;
- 2) Revision of the site plan to either move the proposed magnolia trees so that they are at least 15-feet from any overhead power line, or to show substitution of live oaks or crepe myrtles;
- 3) Compliance with 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). Preservation status is to be given to the 54" Live Oak Tree located at the South East corner of the lot and the 46" Live Oak Tree located on the West side of the lot. Any work on or under these trees are to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.*);
- 4) Compliance with revised Traffic Engineering comments (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Standard driveway radii are twenty feet. Changes should be made to the driveways shown to accommodate this standard.*);
- 5) Provision of a one revised PUD site plan to the Planning Section prior to the signing of the final plat or application for any permits for site work or building improvements; and
- 6) Application for permits for site improvements to be made within 1 month, and to be accompanied by applications for the appropriate building permits to bring existing structures up to the relevant Building and Fire codes (due to life/safety issues).

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

- 1) Dedication of right-of-way along Duval Street, as depicted, to provide 40-feet from centerline;
- 2) Placement of a note on the plat stating that the site is limited to two curb-cuts, with the size, design and location to be approved by Traffic Engineering and to conform to the greatest extent possible with AASHTO standards;
- 3) Placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
- 4) Provision of one revised Planning Approval site plan and one revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final plat; and
- 5) Completion of the Subdivision process prior to making any applications for permits.

LOCATOR MAP



APPLICATION NUMBER 1 & 2 & 3 DATE December 4, 2008

APPLICANT Elijah House Subdivision

REQUEST Subdivision, Planning Approval, PUD



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



A veterinarian is located to the west of the site, apartments are to the north, a vacant building to the east, and Baumhauer-Randle Park is to the south.

APPLICATION NUMBER 1 & 2 & 3 DATE December 4, 2008

APPLICANT Elijah House Subdivision

REQUEST Subdivision, Planning Approval, PUD

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

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



A veterinarian is located to the west of the site, apartments are to the north, a vacant building to the east, and Baumhauer-Randle Park is to the south.

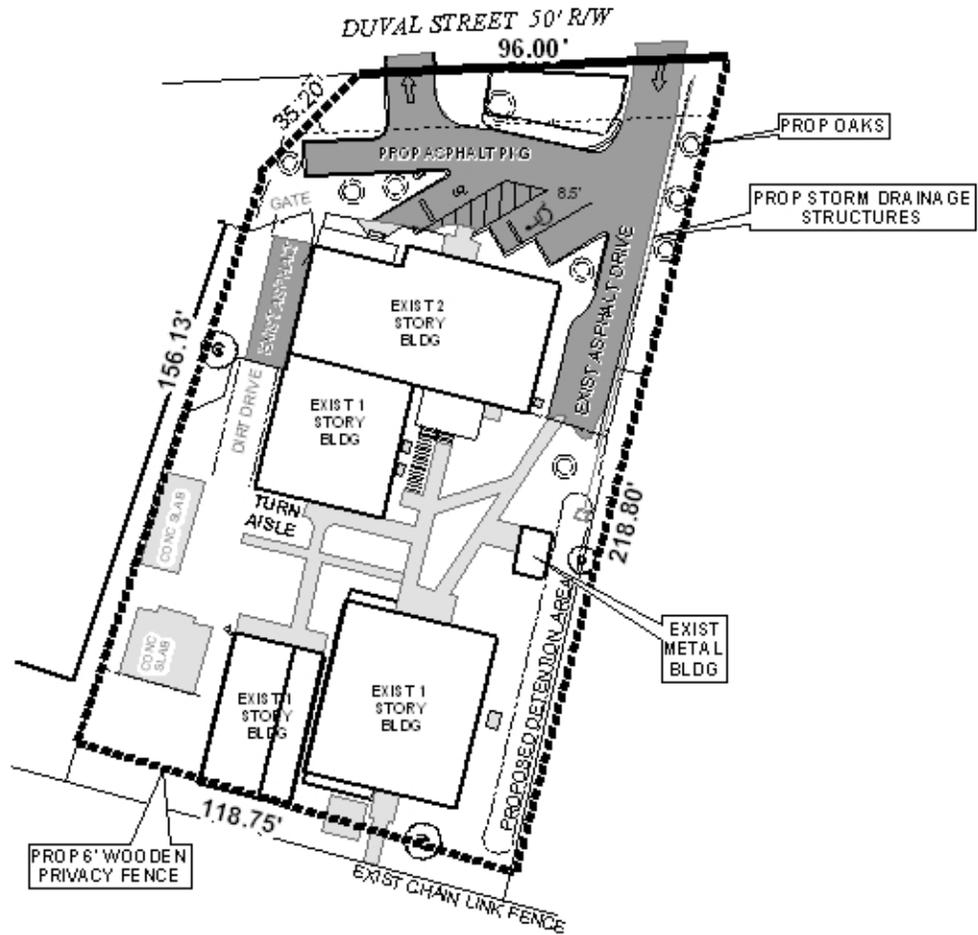
APPLICATION NUMBER 1 & 2 & 3 DATE December 4, 2008

APPLICANT Elijah House Subdivision

REQUEST Subdivision, Planning Approval, PUD



SITE PLAN



The site plan illustrates the existing buildings, drives, proposed drives, and proposed parking

APPLICATION NUMBER 1 & 2 & 3 DATE December 4, 2008

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NTS