

PLANNING APPROVAL STAFF REPORT **Date: December 16, 2021**

NAME Blood Covenant Evangelistic Church Ministries, Inc.

LOCATION 2662 Fillingim Street
(North side of Fillingim Street, 100'± West of Mobile Street).

CITY COUNCIL DISTRICT District 1

PRESENT ZONING R-1, Single-Family Residential District

AREA OF PROPERTY 0.2± Acre

CONTEMPLATED USE Planning Approval to allow a church in an R-1, Single-Family Residential District.

TIME SCHEDULE FOR DEVELOPMENT February 2020

ENGINEERING COMMENTS

1. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.
2. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
3. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.

TRAFFIC ENGINEERING COMMENTS

If site is approved for the proposed use, Traffic Engineering would favorably consider the reduction of driveway radii to a dimension less than that required for commercial sites given its location within a residential area. Site is limited to one curb cut size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

All on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.

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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

FIRE DEPARTMENT

COMMENTS All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

REMARKS

The applicant is requesting Planning Approval to allow a church in an R-1, Single-Family Residential District. The subject site is surrounded by properties also zoned R-1, with some in use as single-family residences and various vacant properties. The subject site appears to have never been developed.

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.

It is very important to note that the Planning Approval review is site plan specific; therefore any future changes to the site plan or to the scope of operations for the veterinary clinic, must be submitted for Planning Approval review.

The site has been given a Mixed Density Residential land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

This designation applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single-family homes, townhouses, 2- to 4-residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 du/ac, depending on the mix, types, and locations of the housing as specified by zoning.

Like Low Density Residential areas, Mixed Density Residential areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses, schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map 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, where applicable, the zoning classification.

The applicant states the following concerning the request:

My name is Doris Bettis. I purchased lot (2662 Fillingim St. Mobile, ,Al. 36607)from the City of Mobile for a small church ministry. We will use the facility for worship services and community outreach.

Blood Covenant Evangelistic Church Ministries Inc. was located at 1119 Summerville St. until Dec. 31, 2020. We stayed there until our lease expired and we could no longer carry the expense of rent during this Covid-19 Pandemic as attendance dwindled. Presently we have 15 members.

We petitioned God for a lot in the vicinity to build a small church so we may continue to come together to worship. And He did. We have been a Church Ministry since March 8, 2006 and records can be found in Probate in the City of Mobile, Al. Our desire is to continue to be a light of hope in a community that needs Ecumenical and Moral Services.

Our deed of purchase through the City of Mobile clearly states that the lot can only be used as a public facility; that was previously improved with HUD Community Development Block funds.

We understand that the parking lot will have six (6) spaces to every four seats. However there will be some who will come in SUV's, Church Vans that can carry more people and will require more chairs in a sanctuary of a 30 X 50 Building than 24. Afterall, the building is a 30 X 50, not a 30 x 50. We have 57 chairs in our possession than we plan to use. Our purpose would be defeated if the church doesn't have room to grow. We hope to purchase other properties in the area for additional parking as our membership grows. In the meantime will adhere to your guidelines for those six parking slots that are included in the drawings. We will bear all these requirements in mind as we go forward.

It should be noted that the site plan submitted with this application indicates six on-site parking

spaces, but no sanctuary seating calculations were provided to substantiate the required number of on-site parking spaces. In conversations with the applicant subsequent to the application submission, it was revealed that the sanctuary would have a seating capacity of 67 persons, which would require 17 on-site parking spaces. As only six are provided, the applicant was advised that a Parking Ratio Variance would be required to allow the sub-standard parking capacity for the site. Such variance request has been submitted for the September 13th Board of Zoning Adjustment meeting; therefore, if the application at hand is approved, it should be subject to the approval of a Parking Ratio Variance. The site plan should be revised to provide the parking calculations based upon the 67-person seating capacity of the sanctuary.

The site plan indicates the proposed 30-foot by 50-foot church building with sufficient landscaping area and number of tree plantings. Tree plantings are not identified; therefore, if approved, a revised site plan indicating tree plantings by species should be submitted to and approved by staff prior to the submission for site development permits.

The site plan indicates a City-standard public sidewalk and driveway are proposed for the site. A note on the site plan indicates that no dumpster will be provided, and that refuse collection will be via curb-side service. A residential buffer consisting of a six-foot high wooden privacy fence is indicated around the site, dropping to three feet in height toward the street frontage. No specific front yard setback is indicated for the six-foot high fence; therefore, the site plan should be revised to indicate the 25-foot setback for the six-foot portion of the fence. The site plan should be revised to also indicate the standard 25-foot minimum building setback line.

Ordinarily, in instances where churches are proposed in R-1 districts when a viable site plan is presented with a Planning Approval application, the Commission has been agreeable to the request. However, in this instance, the lack of sufficient on-site parking tends to cast doubt upon the practicality of allowing the church operation on the site due to the fact that the size of the site cannot provide further parking area. Furthermore, if the congregation does meet with the number of members (67) as given, on-street parking could become problematic for the surrounding neighborhood. Therefore, staff recommends that the Commission take into consideration all factors as may be presented by the applicant and public to reach a decision on this matter.

RECOMMENDATION:

When considering the application, the Commission should bear in mind the following:

- a. the proposal will / will not be appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities;
- b. the proposal will / will not cause undue traffic congestion or create a traffic hazard; and
- c. the proposal will / will not be in harmony with the orderly and appropriate development of the district in which the use is located.

Revised for the September 16th meeting:

This application was heldover from the August 19th meeting to allow the Board of Zoning Adjustment (BOA) to hear the associated Parking Ratio Variance request at its September 13th meeting before making a decision. However, the BOA meeting originally scheduled for September 13th was re-scheduled for September 20th. Therefore, staff recommends that this application be heldover to the Commission’s meeting of October 7th to allow the Board of Zoning Adjustment (BOA) to hear the associated Parking Ratio Variance request.

RECOMMENDATION:

This application is recommended for holdover to the October 7th meeting to allow the Board of Zoning Adjustment to hear the associated Parking Ratio Variance request at its September 20th meeting.

Revised for the October 7th meeting:

This application was heldover from the September 16th meeting to allow the Board of Zoning Adjustment to hear the associated Parking Ratio Variance request at its September 20th meeting. The applicant was not present at that meeting and the request was heldover to the Board’s October 4th meeting. At the time of this report the Board’s October meeting has yet to occur. The Commission should take the Board’s decision in mind when hearing this case, as well as Staff’s recommendation.

RECOMMENDATION:

When considering the application, the Commission should bear in mind the following:

- a. the proposal will / will not be appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities;*
- b. the proposal will / will not cause undue traffic congestion or create a traffic hazard; and*
- c. the proposal will / will not be in harmony with the orderly and appropriate development of the district in which the use is located.*

Revised for the December 16th meeting:

This application was heldover from the October 7th meeting to allow the Board of Zoning Adjustment to hear the Parking Ratio Variance request at its December 6th meeting. The applicant presented a revised site plan indicating a reduced sanctuary seating capacity which resulted in fewer parking spaces being required. The proposed on-site parking is now compliant with the

requirements of the Zoning Ordinance, and the variance request was withdrawn as it is no longer needed.

The revised site plan indicates a smaller proposed sanctuary at 24 feet by 36 feet, with a reduced seating capacity of 30 seats, which requires eight on-site parking spaces. The site plan now indicates nine compliant on-site parking spaces proposed.

The driveway curb cut has been revised to a compliant 24-foot width for two-way traffic as per the original Traffic Engineering comments. Landscaping calculations indicate compliance with the landscaping requirements of the Zoning Ordinance. The site plan lacks one frontage tree, and tree species are not identified on the site plan, thus the site plan should be revised to provide one more frontage tree, and all trees should be identified by species to be in compliance with Section 64-4.E. of the Zoning Ordinance. The site plan should also illustrate the 25-foot minimum building setback line.

As per the Traffic Engineering comments, the site is limited to one curb cut with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. All on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance. Note #13 on the site plan should be revised to specifically state the Traffic Engineering comments.

RECOMMENDATION:

Staff recommends to the Planning Commission the following findings of facts for Approval of the Planning Approval:

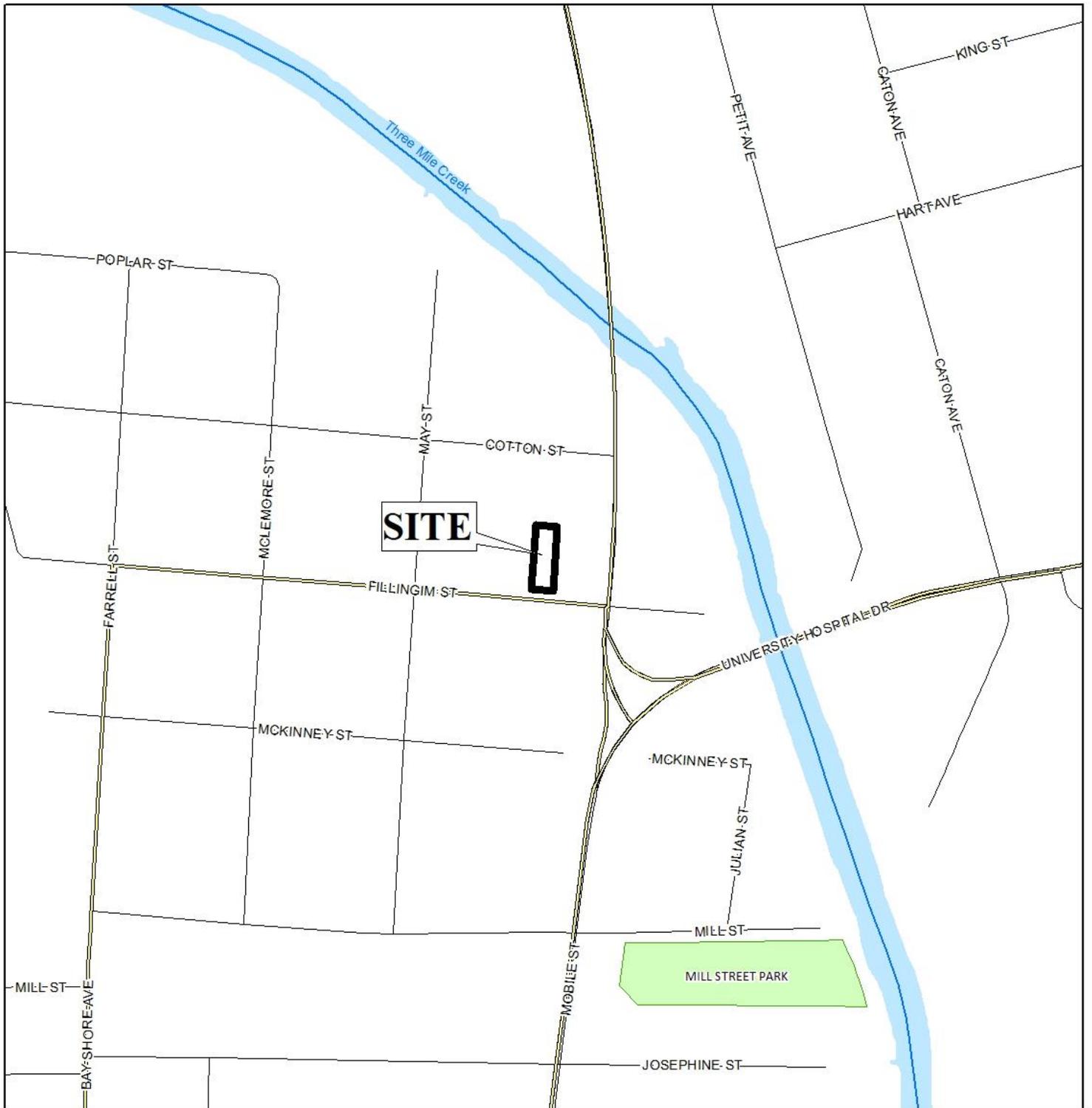
- a) the proposal will be appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, because the existing infrastructure is sufficient to service the proposed use;
- b) the proposal will not cause undue traffic congestion or create a traffic hazard, because sufficient on-site parking is proposed; and
- c) the proposal will be in harmony with the orderly and appropriate development of the district in which the use is located, because it will be on a small site with a small congregation.

The Approval is subject to the following conditions:

- 1) revision of the site plan to provide one more frontage tree, and identification of the species of all proposed trees;
- 2) revision of the site plan to illustrate the 25-foot minimum building setback line;
- 3) revision of note #13 on the site plan to specifically state the Traffic Engineering comments: (the site is limited to one curb cut with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. All on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);

- 4) *submittal to and approval by Planning and Zoning of a revised site plan prior to submittal for development permits; and*
- 5) *full compliance with all municipal codes and ordinances.*

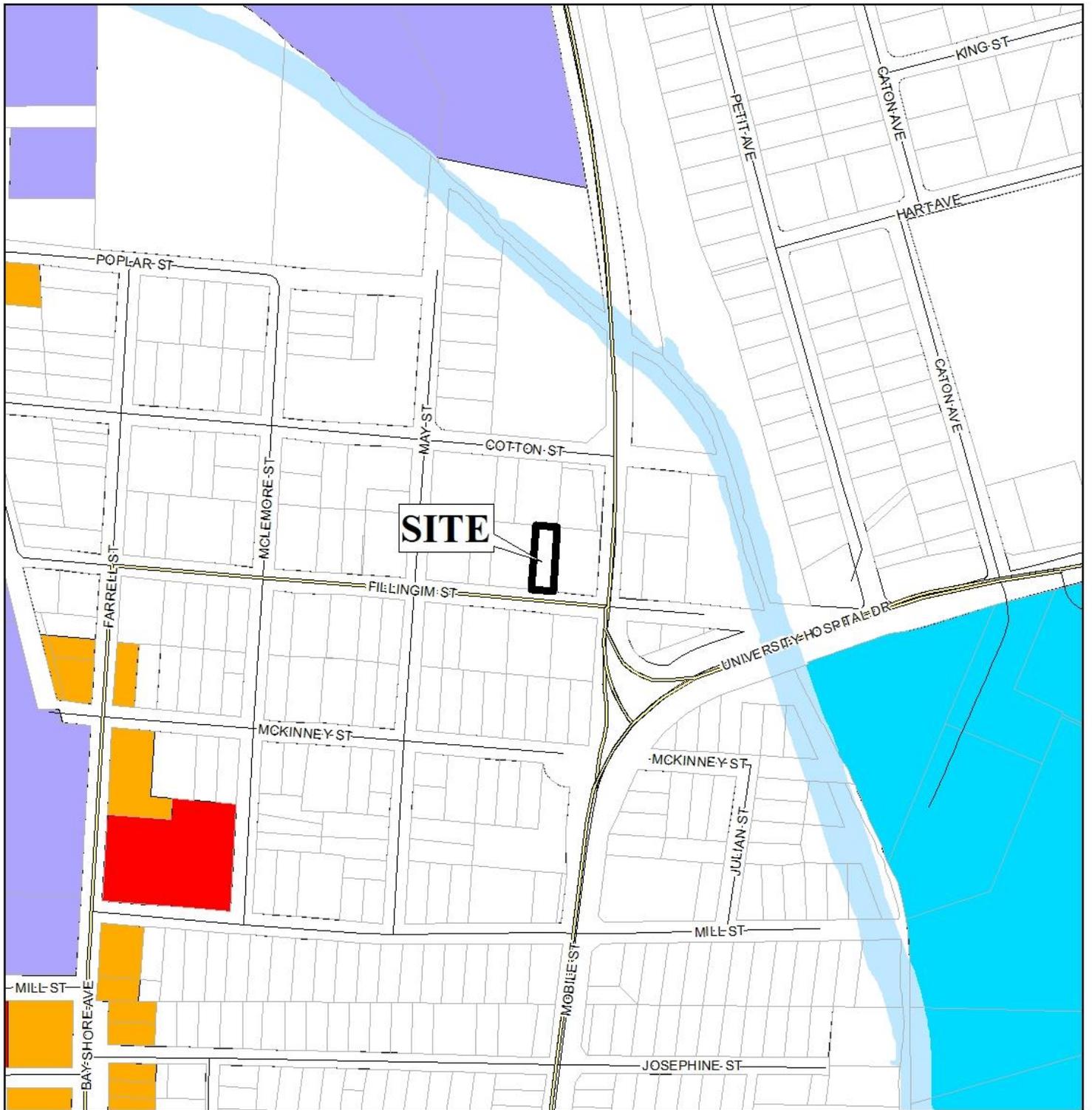
LOCATOR MAP



APPLICATION NUMBER 1 DATE December 16, 2020
APPLICANT Blood Covenant Evangelistic Church Ministries, Inc.
REQUEST Planning Approval



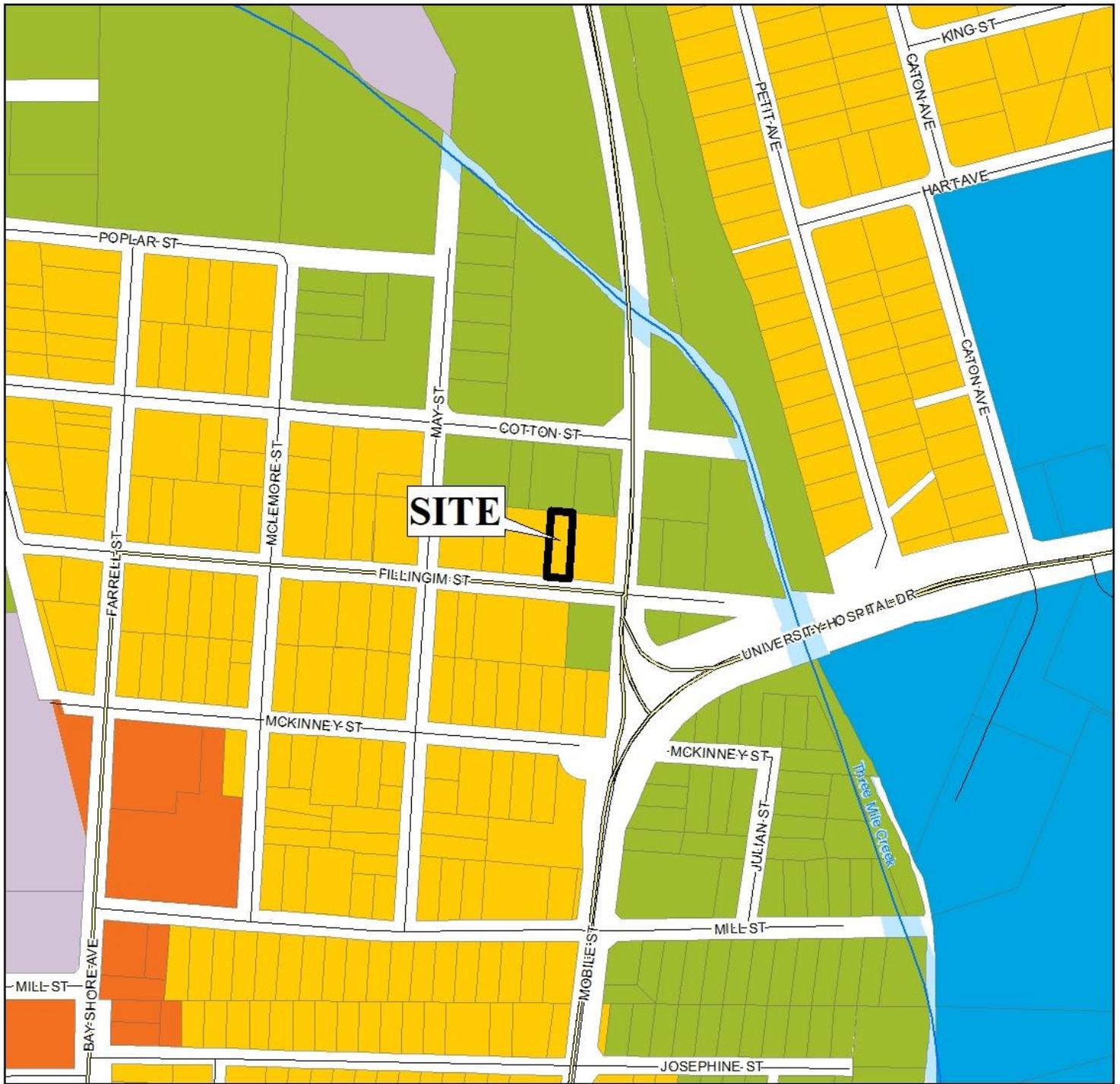
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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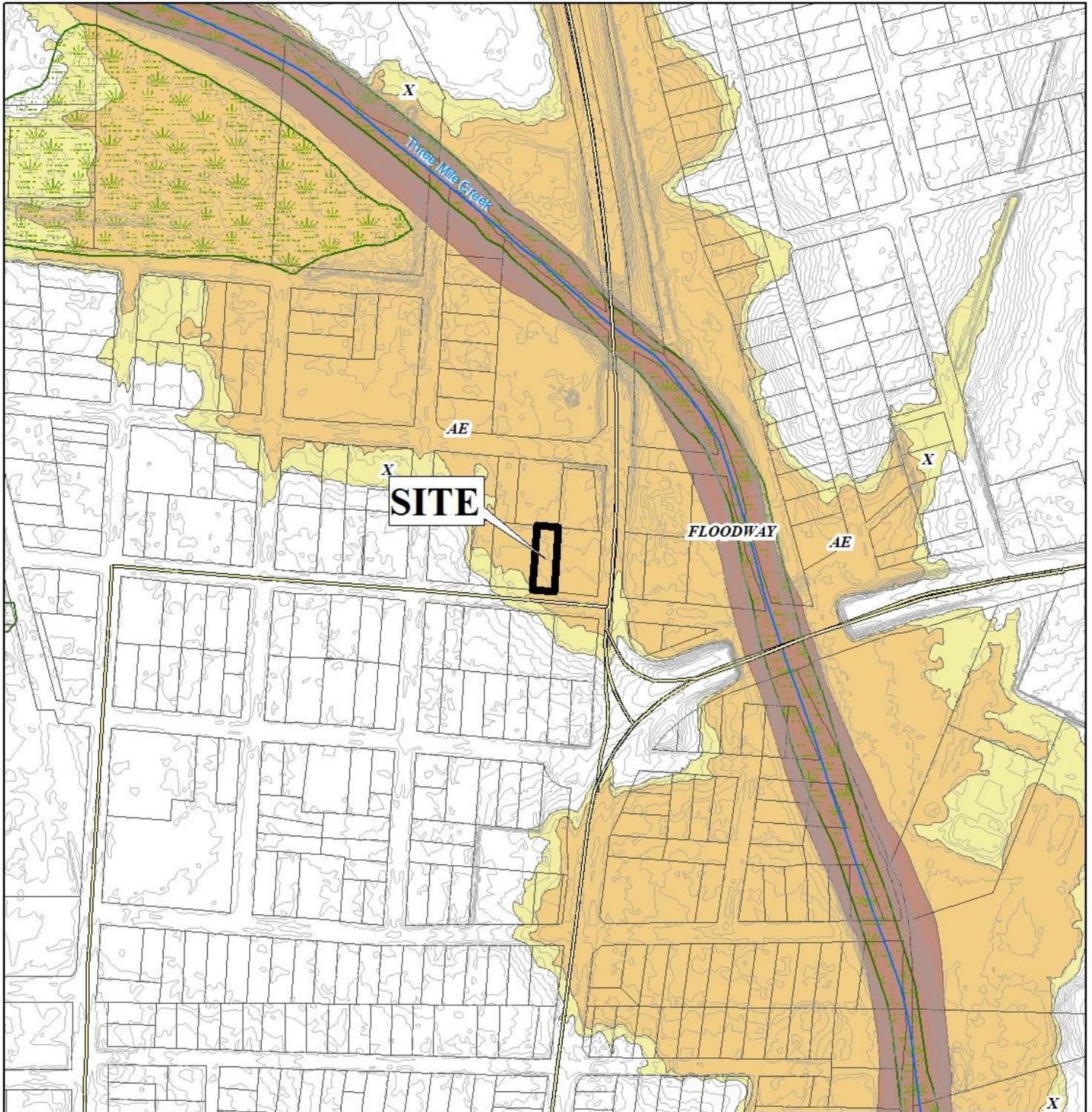
REQUEST Planning Approval

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|---------------------------|-----------------------------------|---------------------|--------------------|
| Low Density Residential | Neighborhood Center - Traditional | Downtown Waterfront | Parks & Open Space |
| Mixed Density Residential | Neighborhood Center - Suburban | Light Industry | Water Dependent |
| Downtown | Traditional Corridor | Heavy Industry | |
| District Center | Mixed Commercial Corridor | Institutional | |



NTS

ENVIRONMENTAL LOCATOR MAP



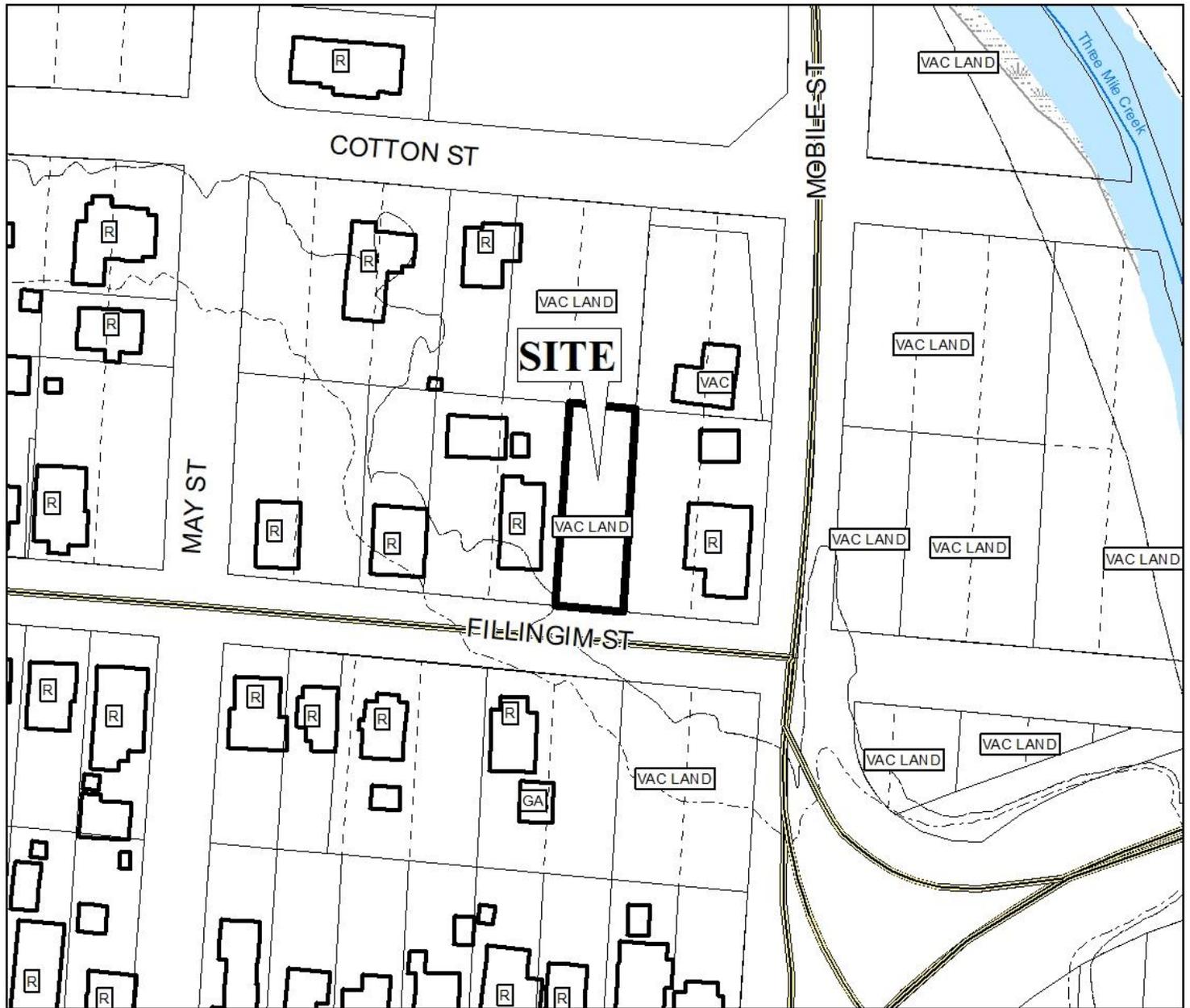
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units and vacant lands.

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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL

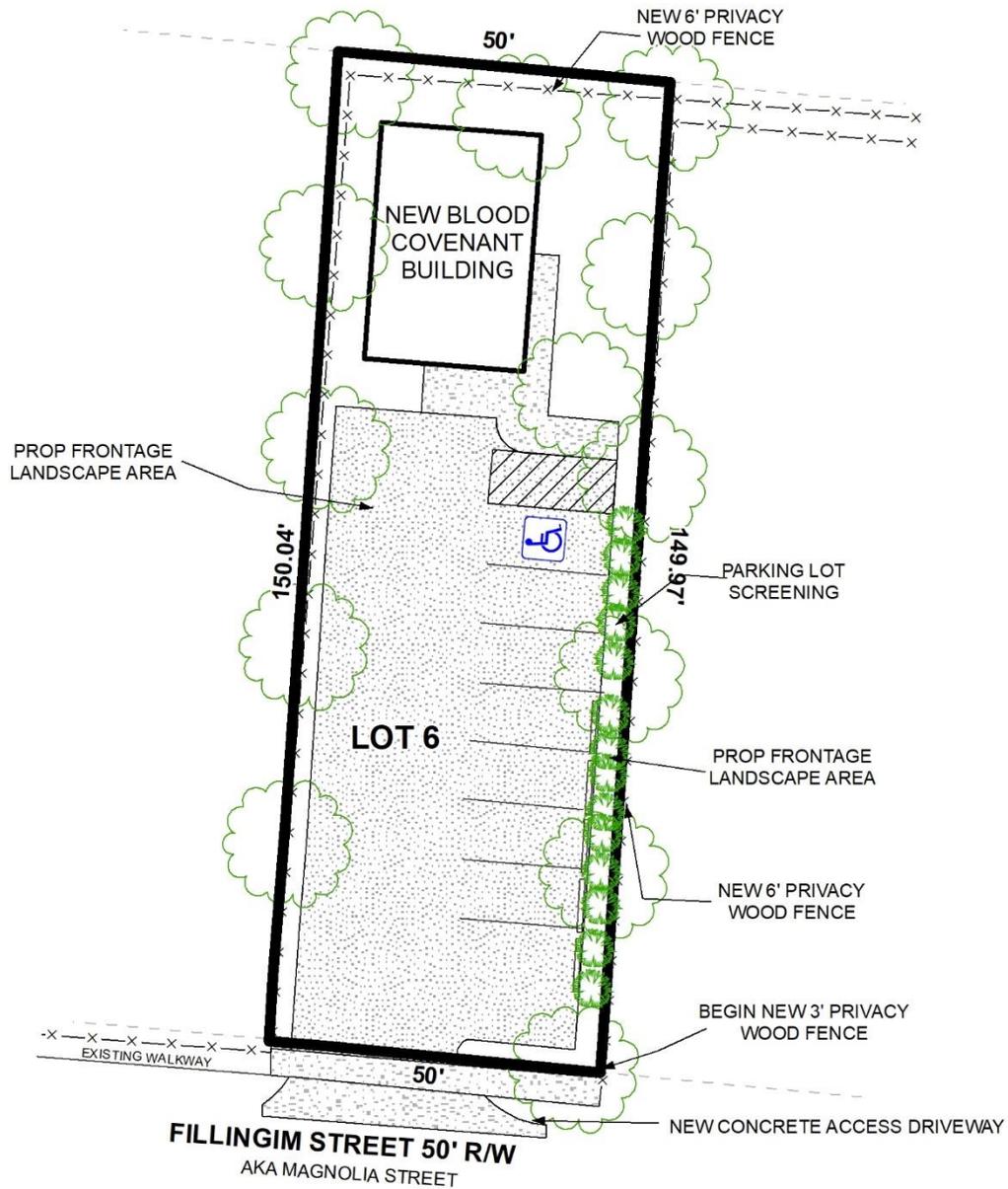


The site is surrounded by residential units and vacant lands.

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SITE PLAN



The site plan illustrates the proposed building, fencing, concrete access, and parking area.

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