PLANNING APPROVAL
STAFF REPORT **Date: February 19, 2009**

NAME ICM Foundation

SUBDIVISION NAME Government Street Development Subdivision

LOCATION 1007 Government Street
(Southeast corner of Government Street and Chatham Street, extending to the North side of Church Street, 100'± East of Chatham Street)

CITY COUNCIL DISTRICT District 2

PRESENT ZONING R-1, Single-Family Residence District

AREA OF PROPERTY *1 lot / 0.8 acres ±*

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

TIME SCHEDULE FOR DEVELOPMENT None provided

ENGINEERING COMMENTS 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.

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 Planning Approval to allow a church in an R-1, Single-Family Residential District, and Subdivision approval to create three legal lots. Churches require Planning Approval when located in R-1 districts.

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.

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 is developed with three (3) structures, which are depicted on the submitted site plan and plat. The structure on proposed lot 1 was built circa 1960 (per MHDC), while the structures on proposed lots 2 and 3 were built circa 1860. The site is located within the Oakleigh Garden Historic District. The applicant proposes to sell lot 3, and has a sale pending according to the Engineer.

The site fronts onto Government Street, a major street, and two minor streets, Chatham Street and Church Street. All streets have adequate right-of-way.

The site was previously zoned a mix of commercial and multi-family districts (per Zoning maps prior to 1967, and from 1967). In 1984, the *Government Street Zoning Study* resulted in the commercial portion of the site (containing the church) being rezoned from B-2, Neighborhood Business, to R-3, Multi-Family. In 1992, the *Oakleigh Garden District Rezoning Study* resulted in the entire site being rezoned to R-1, Single-Family.

No information was provided regarding the existing church. Parking for churches is based upon 1 parking space per 4 pew seats, however, the site plan depicts no improvements and, in fact, the site has no paved parking. Parking occurs in the grassy area of proposed lots 1 and 2, and buses are stored on grass next to the existing structure on proposed lot 3. Typically the Planning Commission requires site improvements for churches located in residential areas, thus the application should be revised to show the site improved in accordance to the requirements of the Zoning Ordinance, or indicate where applications to the Board of Adjustments will be made for variances.

The Planning Approval site plan should also specifically indicate which lots are to be included within the approval. If multiple lots, shared parking, multiple buildings, etc. are included, then an application for Planned Unit Development will also be required.

Regarding the Subdivision, it appears that a parcel containing a single family residence (fronting Chatham, parcel R022906390004070.001.) was divided from the main church parcel in 1993, without benefit of the Subdivision process. The applicant should either provide evidence that the property was on a lot or tax parcel prior to the adoption of the Subdivision Regulations, or include the parcel with the application at hand (additional notification labels and fees will be required). It should be pointed out that the residential parcel in question is no longer owned by the party original to the 1993 purchase.

It should also be pointed out that the Subdivision plat should depict existing curb-cuts, if the applicant wishes to request that they remain.

Finally, information regarding the size of the lots in square feet has not been provided.

RECOMMENDATION

Planning Approval: The request is recommended for Holdover until the March 19, 2009 meeting, so that seven (7) copies of the site plan showing the following revisions can be submitted by March 4:

1) Revision of the site plan to depict full compliance with the requirements of the Zoning Ordinance regarding site improvements for the church, and/or depiction of variances that will be requested via the Board of Adjustment;
2) Depiction and labeling of existing curb-cuts that the applicant requests to remain; and
3) Revision of the site plan to clearly show which properties are included with the Planning Approval, and submission of an application for Planned Unit Development, if necessary for shared parking, multiple buildings, etc.

Subdivision: The request is recommended for Holdover until the March 19, 2009 meeting, so that seven (7) copies of the plat showing the following revisions can be submitted by March 4:

1) Revision of the plat to include parcel R022906390004070.001. or provision of documentation justifying its exclusion from the application;
2) Provision of additional labels, postage and lot fees regarding the item in condition # 1, if an additional lot must be created;
3) Depiction and labeling of existing curb-cuts that the applicant requests to remain; and
4) Labeling of the lots with their size in square feet.

Revised for the April 2nd meeting:

This request originally included a Subdivision application, however, the Subdivision was approved while the Planning Approval portion of the application was heldover from the February 19th meeting to allow the applicant to revise the site plan to depict full compliance with the requirements of the Zoning Ordinance and, if necessary, apply for Planned Unit Development approval.

The applicant failed to provide any revised information, and staff made an error in not including the application on the March 19th agenda for the Planning Commission.

RECOMMENDATION

***Planning Approval**: The request is recommended for Denial for the following reason:*

1) The applicant failed to provide revised documentation depicting compliance with the requirements of the Zoning Ordinance.

Revised for the May 7th meeting:

The applicant requested that the application be heldover from the April 7th meeting in order to allow time for a new consultant to take the project over and submit any required revisions or additional applications. No revisions or additional applications were submitted.

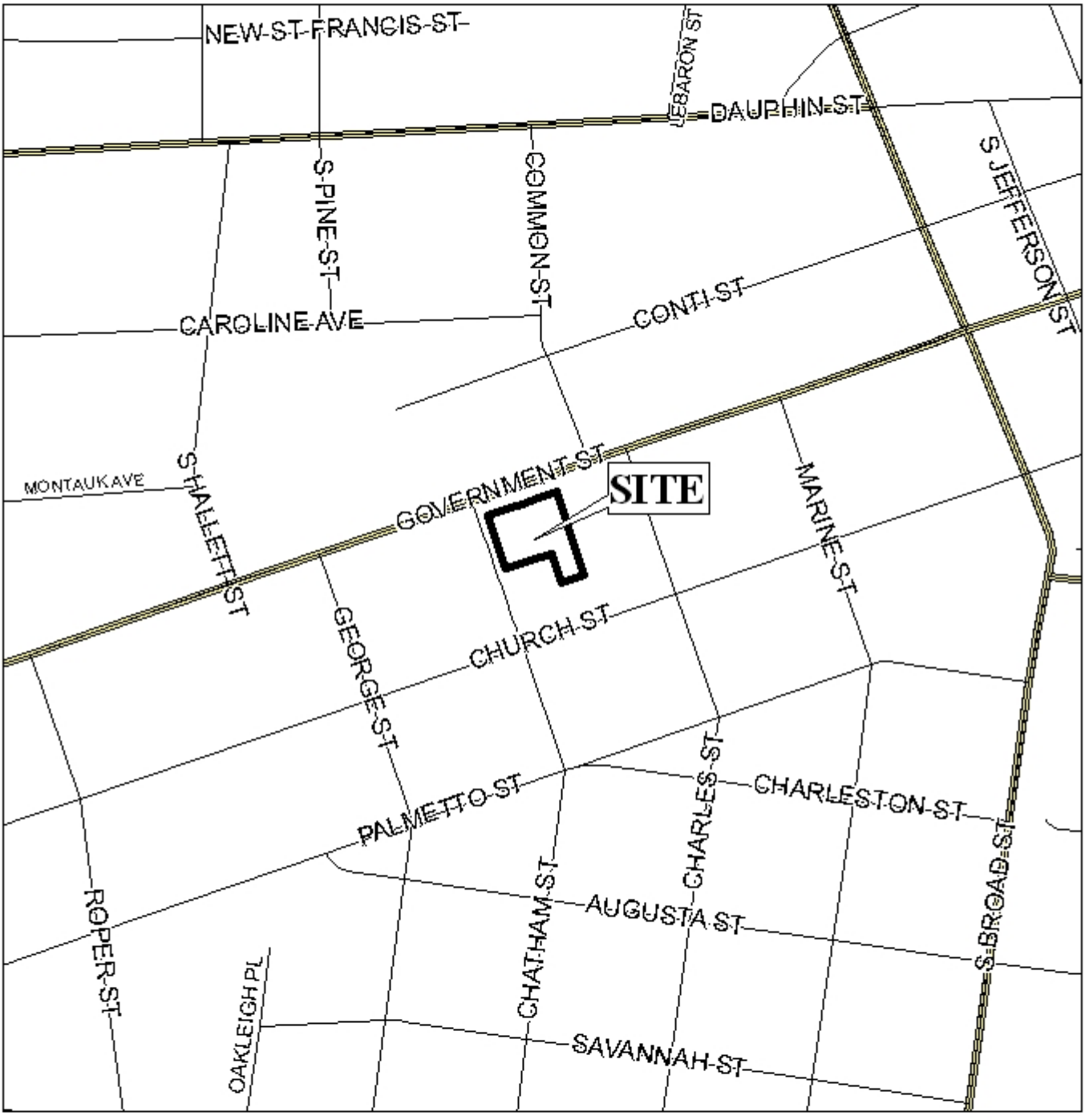
If the applicant wishes to continue to operate the church, staff suggests that the applicant withdraw the application and resubmit a new package, including an application for Planned Unit Development by the May 18 application deadline.

RECOMMENDATION

***Planning Approval**: The request is recommended for Denial for the following reason:*

1) *The applicant failed to provide revised documentation depicting compliance with the requirements of the Zoning Ordinance.*

LOCATOR MAP



APPLICATION NUMBER 1 DATE May 7, 2009

APPLICANT ICM Foundation

REQUEST Planning Approval

N

NTS

PLANNING COMMISSION
VICINITY MAP - EXISTING ZONING

The site is surrounded by mixed land use.

APPLICATION NUMBER 1 DATE May 7, 2009

APPLICANT ICM Foundation

REQUEST Planning Approval

N

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

The site is surrounded by mixed land use.

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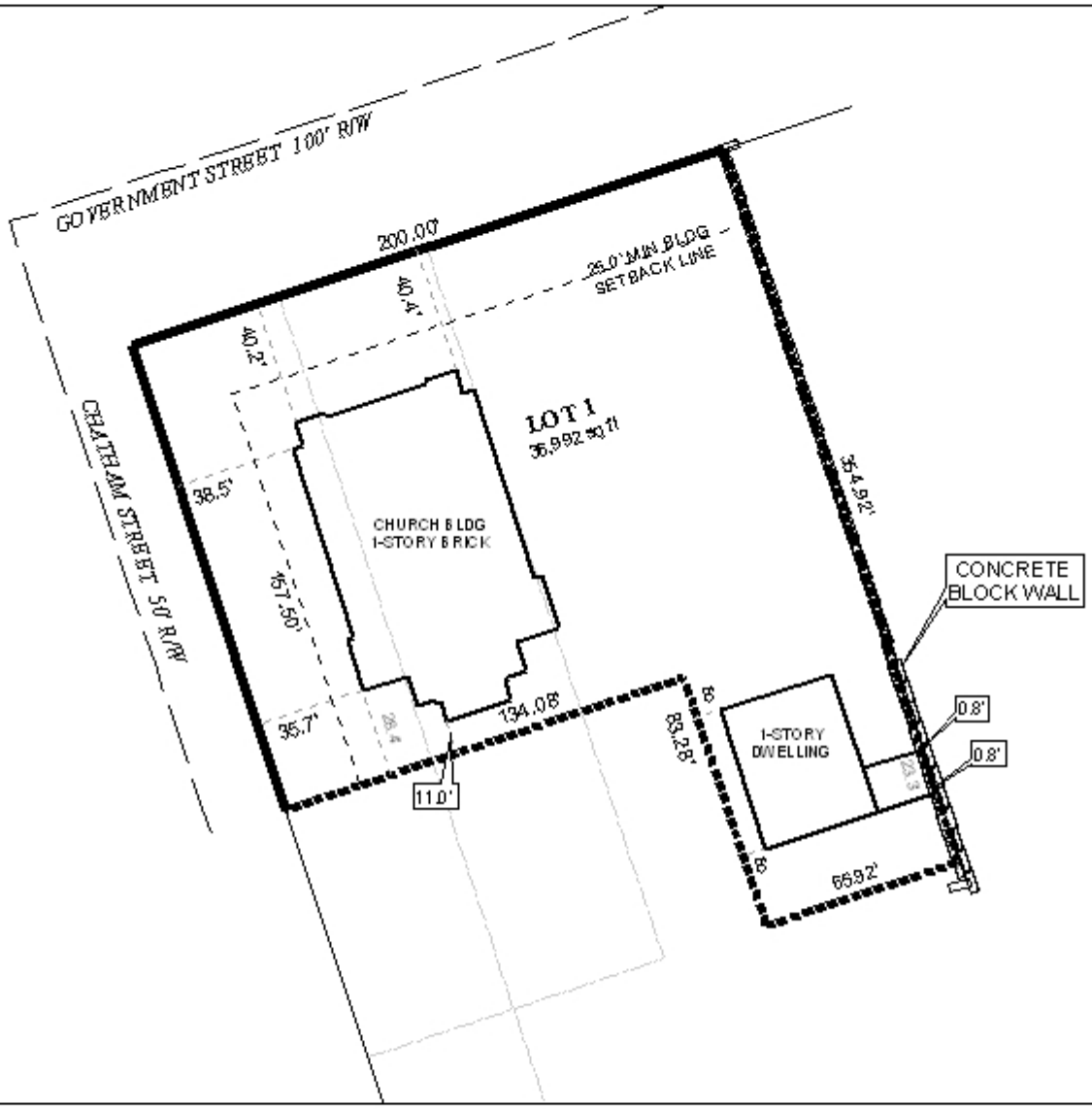
REQUEST Planning Approval

N

NTS

SITE PLAN



The existing buildings and setbacks are illustrated in the site plan.

APPLICATION NUMBER 1 DATE May 7, 2009

APPLICANT ICM Foundation

REQUEST Planning Approval

N

NTS