

**PLANNING APPROVAL
STAFF REPORT****Date: December 16, 2010**

<u>NAME</u>	Mobile Terrace Christian Center Subdivision
<u>SUBDIVISION NAME</u>	Mobile Terrace Christian Center Subdivision
<u>LOCATION</u>	7154 Ninth Street (North side of Ninth Street, 200'± East of Lincoln Boulevard)
<u>CITY COUNCIL DISTRICT</u>	District 7
<u>PRESENT ZONING</u>	R-1, Single-Family Residence District
<u>AREA OF PROPERTY</u>	1 lot / 0.11 acres ±
<u>CONTEMPLATED USE</u>	Planning Approval to allow a church facility in an R-1, Single-Family Residential District, and Subdivision approval to create one legal lot.
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	Immediate
<u>ENGINEERING COMMENTS</u>	Must comply with all storm water and flood control ordinances. Detention must be provided for all impervious area(s) added to the site in excess of 4,000 square feet. Any work performed in the right of way will require a right of way permit in addition to any required land disturbance permit. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer. Driveway radii shall not extend beyond the projected property line at the edge of pavement, without written authorization from adjacent property owner to do so.
<u>TRAFFIC ENGINEERING COMMENTS</u>	Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.
<u>URBAN FORESTRY COMMENTS</u>	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.

MAWSS COMMENTS

MAWSS has water and sewer services available, but a Capacity Assurance application for additional sewer service has not been applied for. MAWSS cannot guarantee additional sewer service until a Capacity application is approved by Volkert Engineering Inc.

REMARKS

The applicant is requesting Planning Approval to allow a church facility in an R-1, Single-Family Residential District, and Subdivision approval to create one legal lot. Church-related facilities require Planning Approval when located in R-1 districts.

The applicant, the Mobile Terrace Christian Center, proposes to complete the reconstruction of a building for use as a youth center. The church's main facility is located at the corner of Cody Road North and Eighth Street, about 500 feet from the site in question.

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 fronts Ninth Street, a minor street with a 30-foot right-of-way. The right-of-way width for Ninth Street does not meet the current minimum standards of the Subdivision Regulations, which are 50-feet for a right-of-way. All of the area within the neighborhood known as Mobile Terrace has substandard right-of-ways for its East/West streets, thus dedication may be impractical at this time: it is recommended that the 25-foot minimum building setback line shown on the preliminary plat be revised to be setback so that it is a total of 50-feet from the centerline of Ninth Street.

Regarding access to Ninth Street, the applicant is proposing a total of two curb-cuts for the proposed 50-foot wide lot, so that three parking spaces can be provided for the site. Typically, a lot of this size would be limited to one curb-cut, however, the lot is being created from two 25-foot lots of record. None the less, it is recommended that the site be limited to one curb-cut, with the size, design and location of the curb-cut to be approved by Traffic Engineering, and conform to AASHTO standards.

It should be pointed out that the limited right-of-way width may prohibit the provision of a sidewalk in front of the building. No sidewalk is shown on the site plan, and there are no

sidewalks in the vicinity, however, the applicant has not applied for a sidewalk waiver, and the Subdivision Regulations do require the provision of a sidewalk.

The lot, as proposed, will be approximately 50-feet wide and approximately 100 feet deep, or 4975 square feet. The lot will not meet the minimum width or size requirements of the Subdivision Regulations, thus a waiver of Section V.D.2. will be required for approval.

The existing structure on the site was limited to walls at the time of annexation into the City in 2008, however, at some point in the past it had been previously used as a community center, according to the applicant. In late 2008, permits were issued without zoning review to allow reconstruction of the building. In 2009, a new permit was requested and denied during the zoning review, as staff determined that the work was not for a single-family residence as previously permitted. A 2010 permit request was again denied during the zoning review. The building currently has a new roof, a new porch, and bare rafters on the interior: additional work will be required to allow the building to obtain a certificate of occupancy. As work has already been undertaken at the site, but as no inspections for building code compliance have been undertaken, work to date may not comply with the requirements of the applicable building and fire codes. Furthermore, it is likely that work was undertaken beyond the scope of the permit that was issued in 2008, and which may have continued without appropriate permits.

The structure is approximately 1,960 square feet, thus 7 parking spaces would normally be required. The applicant is proposing 3 parking spaces and has also submitted an application for a parking ratio variance for consideration by the Board of Zoning Adjustment at its January 2011 meeting.

With the completed porch improvements, the total site coverage of the building will be 41.7%, which is above the 35% allowed within R-1 districts. A variance for site coverage should be required, if the Planning Approval is approved. Furthermore, the structure encroaches into front and side yard setbacks, thus variances are needed for those encroachments. Finally, it appears that a ramp on the East side of structure actually crosses a property line, encroaching onto property not owned by the applicant.

No information is provided regarding tree and landscape compliance. If the site does not meet the minimum requirements of the Zoning Ordinance, variances will be required. Also, no fence or other buffers are depicted, and such buffers are typically required when a non-residential use is allowed within a residential district.

The proposed parking area will require that vehicles back into the right-of-way, which is prohibited by Section 64-6.A.2. of the Zoning Ordinance except for single family and duplex uses. Therefore a variance will also be required for the proposed back-out parking.

There is no indication on the site plan as to how waste from the proposed youth center will be removed. If a dumpster will be used, it must be shown on the site plan, or a note must be placed on the plan indicating how waste will be removed from the site.

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.

While it is clear that the structure is not designed for residential use, it is also clear that the site and the proposed improvements are not necessarily adequate to comply with the requirements of the Zoning Ordinance, and that without additional land for parking, it may not be in harmony with the neighborhood.

RECOMMENDATION

Subdivision: With a waiver of Section V.D.2., the request is recommended for Tentative Approval, subject to the following conditions:

- 1) Revision of the plat to depict the minimum setback line to allow for future dedication to provide 25-feet from the centerline of Ninth Street;
- 2) Placement of a note on the final plat stating that the lot is limited to one curb-cut, with the size, design and location to be approved by Traffic Engineering and to conform to AASHTO standards;
- 3) Compliance with Engineering comments (*Must comply with all storm water and flood control ordinances. Detention must be provided for all impervious area(s) added to the site in excess of 4,000 square feet. Any work performed in the right of way will require a right of way permit in addition to any required land disturbance permit. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer. Driveway radii shall not extend beyond the projected property line at the edge of pavement, without written authorization from adjacent property owner to do so.*); and
- 4) Placement of a note on the plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species prior to the issuance of any permits or land disturbance activities.

Planning Approval: The request is recommended for Denial for the following reasons:

- 1) Improvements made to the non-residential structure appear to have gone beyond the scope of the erroneously issued permit in 2008, and perhaps continued into 2009 and 2010, and as no inspections have taken place, the improvements may not meet building code and fire code requirements for “assembly” structures;
- 2) The structure does not meet any required setbacks and, in fact, site improvements encroach onto an adjacent property;
- 3) The structure and improvements since 2008 have resulted in a site coverage that exceeds the maximum allowed of 35% in an R-1 district;
- 4) An inadequate number of parking spaces is proposed, and those that are proposed will require backing into a public right-of-way;
- 5) No information is provided regarding tree and landscape compliance;
- 6) No buffers are proposed or depicted where the site abuts existing residential uses; and

- 7) The proposed youth center is not compatible with the residential character of the area due to the substandard lot size, increased site coverage, inadequate setbacks, inadequate parking, and lack of adequate landscaping or buffering.

Revised for the January 20th meeting:

The Planning Approval request was heldover from the December 16th meeting to allow the applicant to meet with neighbors regarding the proposed use, to allow the applicant to address concerns expressed by Planning staff, and to allow the Board of Zoning Adjustment to make a determination regarding various site variances necessary to allow the proposed use to operate as proposed: the one lot Subdivision request was approved by the Planning Commission at the December 16th meeting.

On January 3, 2011, the Board of Zoning Adjustment approved a variance to allow three on-site parking spaces for a 2,064 square-foot church youth annex with nose-in/back-out maneuvering in the right-of-way, with a 20-foot front yard setback and 4-foot 10-inch side yard setback, and 42% site coverage in an R-1, Single-Family Residential District. The Board limited the approval to the use of the site as a church youth center only. Any new uses, including use as a church, will require new approval from the Board.

As the Board of Zoning Adjustment approvals have resolved a majority of the site-based issues, it is left to the Planning Commission to determine if the proposed use as a youth center is compatible with the neighborhood.

The site historically was a community facility serving Mobile Terrace, however, the facility has not been used in several years. Aerial photos indicate that a portion of the roof may have been missing as early as 2002, and by 2006 the entire roof structure was gone, leaving only the four cinderblock walls.

The proposed youth center may generate noise levels greater than typically associated with a single-family residence, due to the number of people at the facility, and the possible associated vehicular traffic. The hours of operation may also be an issue if the facility is open to early or stays open too late. The congregation of children, especially outside, may additionally create noise and other nuisances not typical of a residential neighborhood.

The applicant has stated that the neighborhood children will walk to the site, yet there are no sidewalks in the vicinity, and the street is substandard in width. As only three parking spaces will be provided, extra vehicles may end up parking along the street, and as the provided parking will require backing into the street, traffic congestion may be increased along Ninth Street.

The site is currently unbuffered where it abuts residences to the North and the West. A six-foot high wooden privacy fence should be required on the North and West sides, except within the 25-foot setback, where the fence shall not exceed 3-feet in height.

Regarding tree and landscaping compliance, the applicant must provide 1 frontage tree, 4 perimeter trees, 1 parking tree, and a minimum of 600 square feet of total landscape area, of which at least 360 square feet must be between the building and the street.

It is assumed that waste will be generated by the proposed youth facility. The applicant should indicate if waste removal will be via a public or private service, and if a dumpster or curb-side containers will be used.

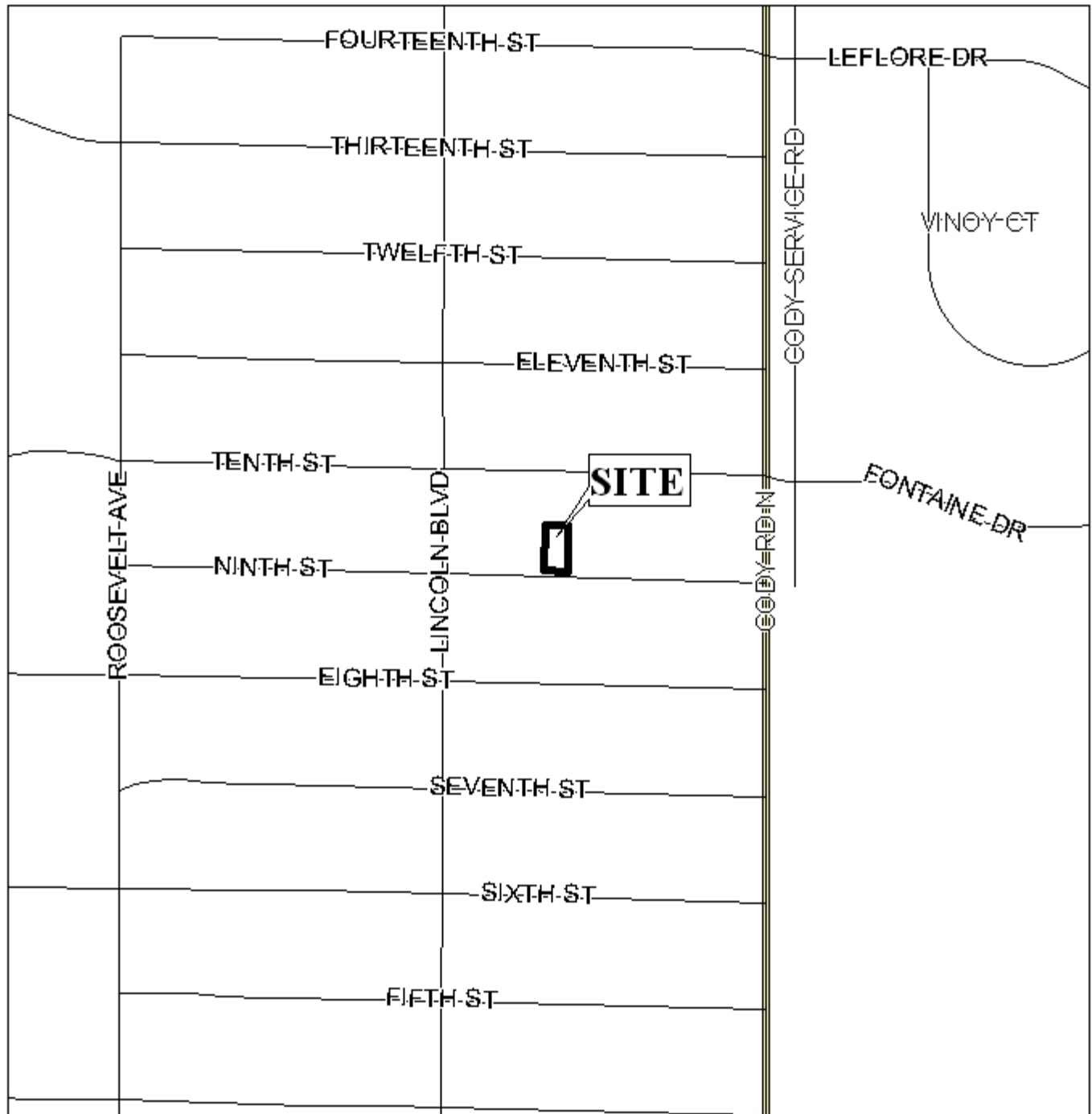
Finally, it appears that no inspections were made associated with the building or electrical permits for this site in the Tidemark permitting system. .

RECOMMENDATION

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

- 1) The use is not in harmony with the residential nature of the area, due to potential noise, congregation and hours of operation issues;*
- 2) The use and associated parking will create congestion along a substandard street; and*
- 3) The location of a youth facility on a street lacking sidewalks will generate hazards for children as they walk in the streets to and from the facility.*

LOCATOR MAP



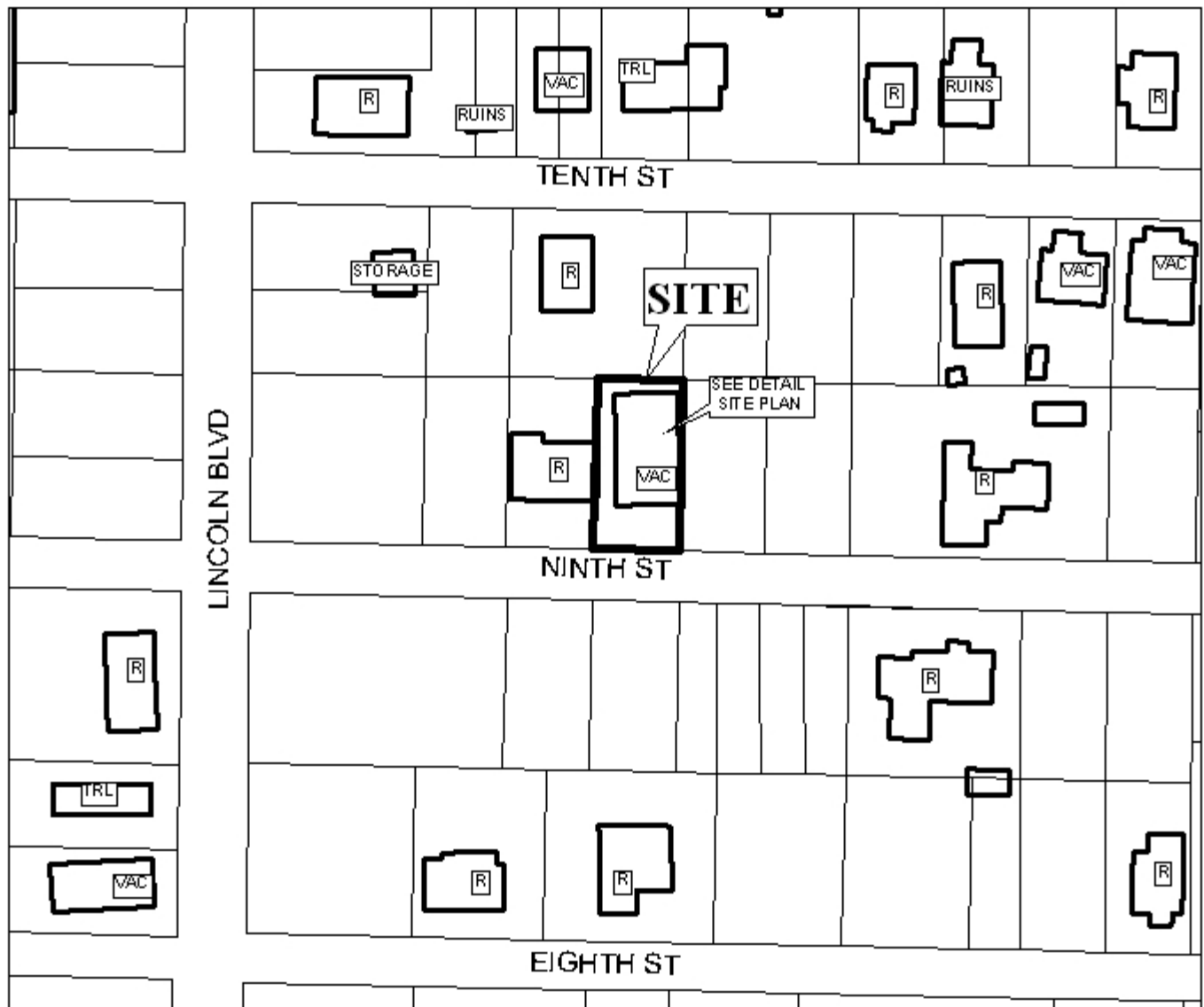
APPLICATION NUMBER 7 DATE January 20, 2011

APPLICANT Mobile Terrace Christian Center Subdivision

REQUEST Planning Approval



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units and vacant land.

APPLICATION NUMBER 7 DATE January 20, 2011

APPLICANT Mobile Terrace Christian Center Subdivision

REQUEST Planning Approval

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
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units and vacant land.

APPLICATION NUMBER 7 DATE January 20, 2011

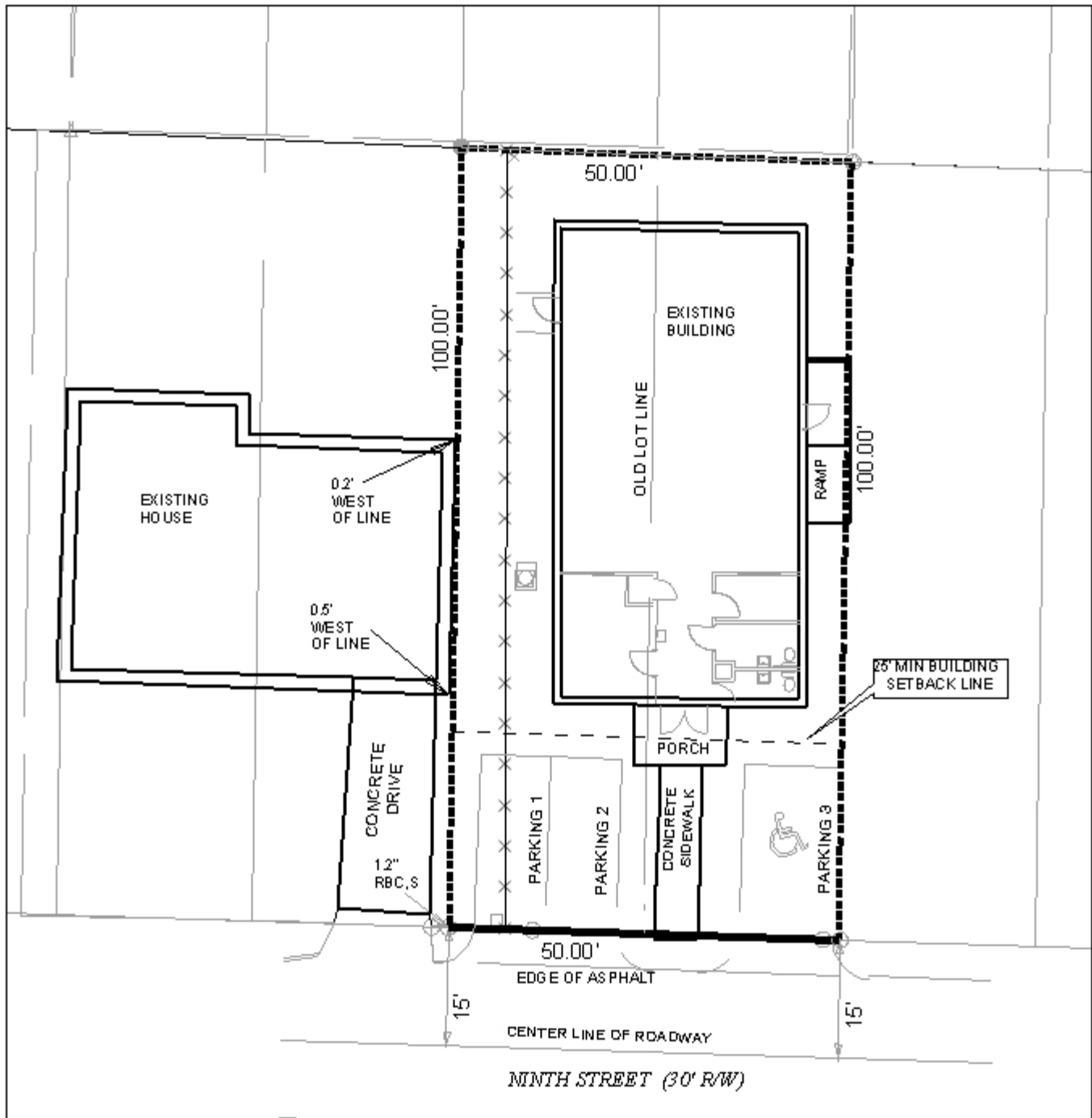
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NTS

DETAIL SITE PLAN



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