

**SUBDIVISION, PLANNING APPROVAL &
REZONING STAFF REPORT**

Date: April 19, 2012

APPLICANT NAME

Benjamin L. Torrance, Jr.

SUBDIVISION NAME

God's Kingdom Church Ministry Subdivision

DEVELOPMENT NAME

God's Kingdom Church Ministry Subdivision

LOCATION

2425 St Stephens Road
(Southeast corner of St Stephens Road and Brownlee
Street)

**CITY COUNCIL
DISTRICT**

Council District 1

PRESENT ZONING

R-1, Single-Family Residential, and B-2, Neighborhood
Business

PROPOSED ZONING

R-1, Single-Family Residential

AREA OF PROPERTY

1 Lot / 1.2± Acres

CONTEMPLATED USE

Subdivision Approval to create one legal lot of record from
eight legal lots of record, Planning Approval to allow an
addition to an existing church in an R-1, Single-Family
Residential District, and Rezoning from R-1, Single-Family
Residential District, and B-2, Neighborhood Business
District, to R-1, Single-Family Residential District, to
eliminate split zoning.

**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.**

**TIME SCHEDULE
FOR DEVELOPMENT**

None given

**ENGINEERING
COMMENTS**

1. A site visit showed that additional concrete has been
placed between the front of the building and the St. Stephens Road sidewalk without obtaining a
Land Disturbance Permit or submitting revised plans for BLD2011-01104. This work will need
to be approved through the land disturbance permit process. Detention will be required for the

work completed under permit BLD2011-01104 and the work that has not been permitted. 2. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile ROW code and ordinances. 3. Any and all proposed development within the property will need to be in conformance with the Storm Water Management and Flood Control Ordinance. 4. Detention will be required and will need to take into account any impervious area added since 1984.

TRAFFIC ENGINEERING

COMMENTS

Project site should be limited to one curb cut, either on St. Stephens Road or Brownlee Street, subject to ALDOT approval, with the size, location, and design to be approved by ALDOT (if applicable) and Traffic Engineering and conform to AASHTO standards. Right-of-way sidewalk should include the construction of a handicap ramp at the Southeast corner of St. Stephens Road and Brownlee Street. Parking lot should be constructed to meet City standards for surface material.

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 within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

REMARKS

The applicant is requesting Subdivision Approval to create one legal lot of record from eight legal lots of record, Planning Approval to allow an addition to an existing church in an R-1, Single-Family Residential District, and Rezoning from R-1, Single-Family Residential District, and B-2, Neighborhood Business District, to R-1, Single-Family Residential District, to eliminate split zoning. The applicant states that the site is served with public water and sanitary sewer facilities.

An addition is proposed in-line with and onto the rear of the existing church building. It is stated that the new seating capacity will be 155 members. The site plan submitted indicates the addition and expanded parking into adjacent vacant lots which the church owns, and proposed landscaping and tree plantings.

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. Stephens Road, a proposed major street, and onto Brownlee Street, a minor street. Brownlee Street has a current compliant 50' right-of-way; therefore, dedication would not be required. Regarding St. Stephens 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. Stephens 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. Stephens Road is a proposed major street, with a fairly narrow right-of-way, and as the site abuts a minor street (Brownlee) which primarily serves existing residences, access management is a concern. A note should be required on the Final Plat stating that access is limited to one curb cut to either St. Stephens Road or Brownlee Street, with the size, location, and design to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards. The 25' minimum building setback line should be illustrated on the Final Plat along St. Stephens Road, as on the preliminary plat. The preliminary plat illustrates a proposed 20' minimum building setback line along Brownlee Street instead of the standard 25' normally required by Section V.D.9. of the Subdivision Regulations. However, as the proposed addition to the church is in-line with the existing structure at 20.1' from the Brownlee Street right-of-way, and as the Zoning Ordinance allows a minimum of 20' for a side street yard setback, a waiver of Section V.D.9, would be appropriate. Therefore, the Final Plat should also illustrate the 20' minimum building setback line along Brownlee Street. The plat should be revised to illustrate the dedication of a radius curve at the intersection of St Stephens Road and Brownlee Street in compliance with Section V.D.6. of the Subdivision Regulations, with the exact size and location to be coordinated with Traffic Engineering.

As on the preliminary plat, the lot should be labeled on the Final Plat with its size in square feet and acres, adjusted for any required dedication, or a table should be furnished on the Final Plat providing the same information. Also, a note should be required on the Final 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.

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. Planning Approval is site plan and use specific, thus any future changes to the site or operation of the facilities will require additional Planning Approval.

As illustrated on the site plan, proposed improvements to the property include the building addition, expanded paved parking, and landscaping and tree plantings. Compliant sidewalks are proposed along the street frontages in the public right-of-way. The site plan indicates parking meeting the 39 spaces required for 155 church members, and indicates compliance with the tree planting requirements. Landscaping calculations indicate compliance with the total site requirement; however, a shortage of frontage landscaping is indicated. This appears at first to be due to the fact that concrete pavement was placed in the front yard area, in excess of what was approved by a 2011 land disturbance permit. However, the front landscape area calculations appear incorrect and should be revised to also include that portion of the site in the setback area

along Brownlee Street. Trees are proposed in existing concrete; therefore, the site plan should be revised to properly locate trees in landscape areas. A note on the site plan indicates that a variance will be sought for the frontage landscaping deficiency.

There is no dumpster indicated on the site plan; therefore, the site plan should be revised to indicate a compliant dumpster or a note should be placed on the site plan indicating that garbage collection will be curb-side or via private collection services.

Since the site is adjoined on the South and East by residential use and zoning, a protection buffer in compliance with Section 64-4.D.1. of the Zoning Ordinance should be illustrated. And as required by Section 64-6.A.3.c of the Zoning Ordinance, any lighting for the parking lot shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic.

The site plan should be revised to depict proposed HVAC units and generators (if planned) meeting building setbacks. Parking bumpers or curbing and gutters should be depicted in the parking area to protect the landscaping area, and any required detention area should also be depicted.

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 is 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. 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. It should be noted that only the extreme Northern portion of the site is depicted as commercial on the General Land Use Component.

The site is bounded by R-1 districts in all directions, both adjacent to the site and across St. Stephens Road and Brownlee Street, with the uses being entirely R-1, except for the nonconforming R-3, Multi-Family Residential apartments adjacent on the East side.

With that said, the rezoning of the property to R-1, Single-Family Residential, would be appropriate, given the zoning and use of the surrounding area and the fact that the subdivision of the property into a single lot necessitates the elimination of split zoning.

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

Subdivision: With a waiver of Section V.D.9. of the Subdivision Regulations, this application is recommended for Tentative Approval, subject to the following conditions:

- 1) placement of a note on the Final Plat stating that the site is limited to one curb cut, either on St. Stephens Road or Brownlee Street, subject to ALDOT approval, with the size, location, and design to be approved by ALDOT (if applicable) and Traffic Engineering and conform to AASHTO standards;
- 2) placement of a note on the Final Plat stating that the right-of-way sidewalk should include the construction of a handicap ramp at the Southeast corner of St. Stephens Road and Brownlee Street;
- 3) illustration of the 25' minimum building setback line along St. Stephens Road;
- 4) illustration of the 20' minimum building setback line along Brownlee Street;
- 5) dedication of a radius curve at the intersection of St. Stephens Road and Brownlee Street in compliance with Section V.D.6. of the Subdivision Regulations, with the exact size and location to be coordinated with Traffic Engineering;
- 6) labeling of the lot with its size in square feet and acres, adjusted for any required dedication, or the furnishing of a table on the Final Plat providing the same information;
- 7) placement of a note on the Final Plat stating that approval of all applicable Federal, state and local agencies for endangered, threatened or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;
- 8) compliance with Engineering comments: *(1. A site visit showed that additional concrete has been placed between the front of the building and the St. Stephens Road sidewalk without obtaining a Land Disturbance Permit or submitting revised plans for BLD2011-01104. This work will need to be approved through the land disturbance permit process. Detention will be required for the work completed under permit BLD2011-01104 and the work that has not been permitted. 2. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile ROW code and ordinances. 3. Any and all proposed development within the property will need to be in conformance with the Storm Water Management and Flood Control Ordinance. 4. Detention will be required and will need to take into account any impervious area added since 1984.);*
- 9) compliance with the 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);*
- 10) compliance with the Fire Department comments: *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile); and*
- 11) submittal of a revised Planning Approval site plan prior to the signing of the Final Plat.

Planning Approval: Based on the preceding, the application is recommended for Approval, subject to the following conditions:

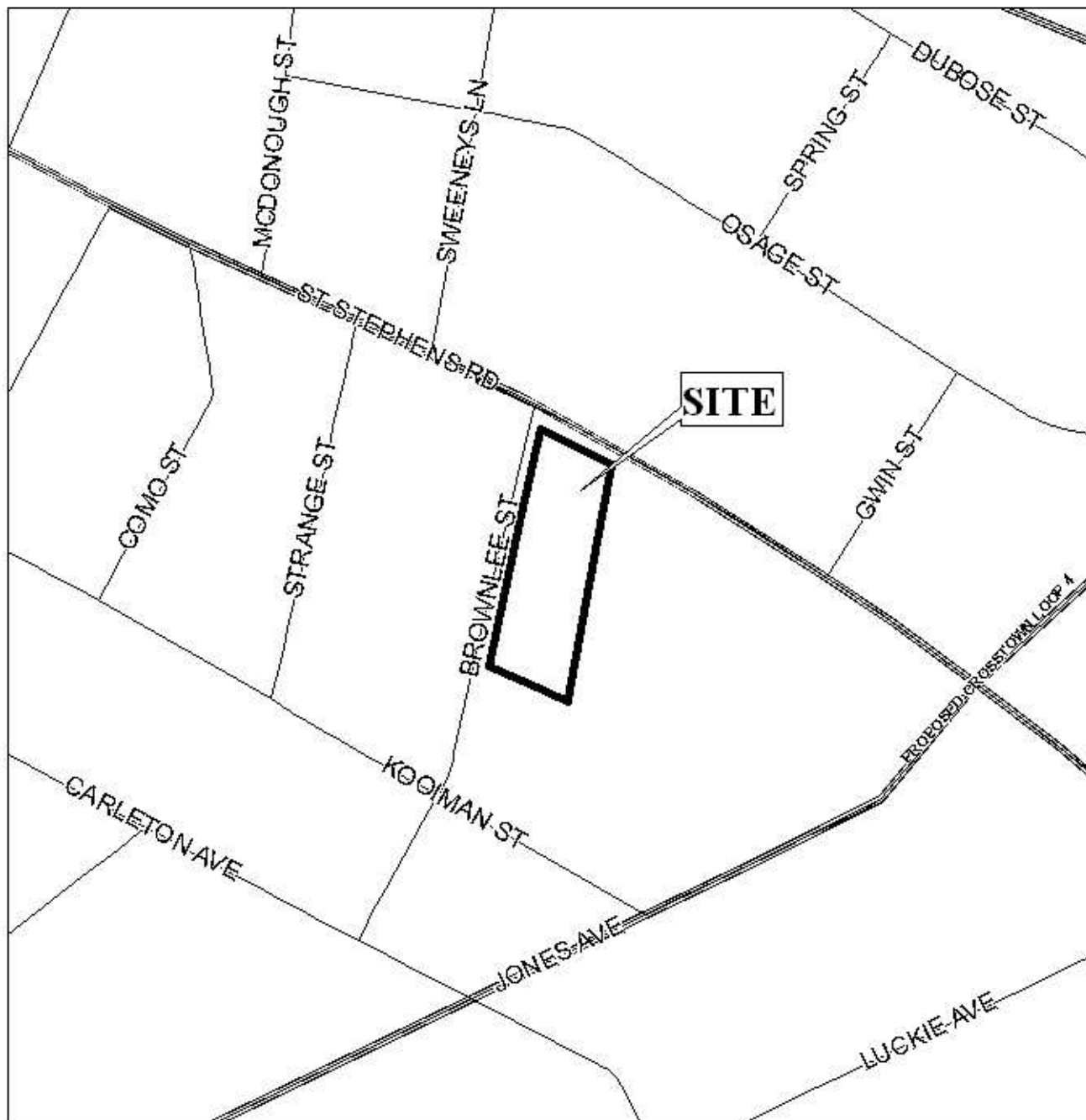
- 1) completion of the Subdivision process prior to the issuance of any permits or land disturbance activities;
- 2) the site is limited to one curb cut, subject to ALDOT approval, with the size, location, and design to be approved by ALDOT (if applicable) and Traffic Engineering and conform to AASHTO standards; (if access to St. Stephens Road is denied by ALDOT, a new Planning Approval will be required for a new site plan);
- 3) revision of the site plan to indicate a handicap ramp on the right-of-way sidewalk at the Southeast corner of St. Stephens Road and Brownlee Street;
- 4) full compliance with the landscaping and tree planting requirements of the Zoning Ordinance, including revision of landscaping calculations and revision of the site plan to properly locate trees in the landscaped area;
- 5) revision of the site plan to indicate parking bumpers or curbing and gutters in the parking area to protect landscaped areas;
- 6) revision of the site plan to depict HVAC units and generators meeting required setbacks;
- 7) revision of the site plan to indicate any required detention area;
- 8) revision of the site plan to depict a compliant dumpster, or the placement of a note on the site plan stating that garbage collection will be curb-side or via a private collection service;
- 9) revision of the site plan to depict a protection buffer in compliance with Section 64-4.D.1. of the Zoning Ordinance;
- 10) placement of a note on the site plan stating that any lighting for the parking lot shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic, per Section 64-6.A.3.c of the Zoning Ordinance;
- 11) provision of sidewalks along St. Stephens Road and Brownlee Street;
- 12) placement of a note on the site plan stating that approval of all applicable Federal, state and local agencies for endangered, threatened or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;
- 13) compliance with the Engineering comments: *(1. A site visit showed that additional concrete has been placed between the front of the building and the St. Stephens Road sidewalk without obtaining a Land Disturbance Permit or submitting revised plans for BLD2011-01104. This work will need to be approved through the land disturbance permit process. Detention will be required for the work completed under permit BLD2011-01104 and the work that has not been permitted. 2. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile ROW code and ordinances. 3. Any and all proposed development within the property will need to be in conformance with the Storm Water Management and Flood Control Ordinance. 4. Detention will be required and will need to take into account any impervious area added since 1984.);*

- 14) compliance with the 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);*
- 15) compliance with the Fire Department comments: *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile);*
- 16) proper permitting of the concrete plaza in front of the existing building and proper permitting of any fencing;
- 17) submittal of a revised site plan prior to the signing of the Final Plat and prior to the submittal for land disturbance permits; and
- 18) full compliance with all municipal codes and ordinances.

Rezoning: Based on the preceding, the application is recommended for Approval, subject to the following conditions:

- 1) completion of the subdivision process; and
- 2) full compliance with all municipal codes and ordinances

LOCATOR MAP



APPLICATION NUMBER 11, 12 & 13 DATE April 19, 2012

APPLICANT Benjamin Torrance

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



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential land use.

APPLICATION NUMBER 11, 12 & 13 DATE April 19, 2012

APPLICANT Benjamin Torrance

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

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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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential land use.

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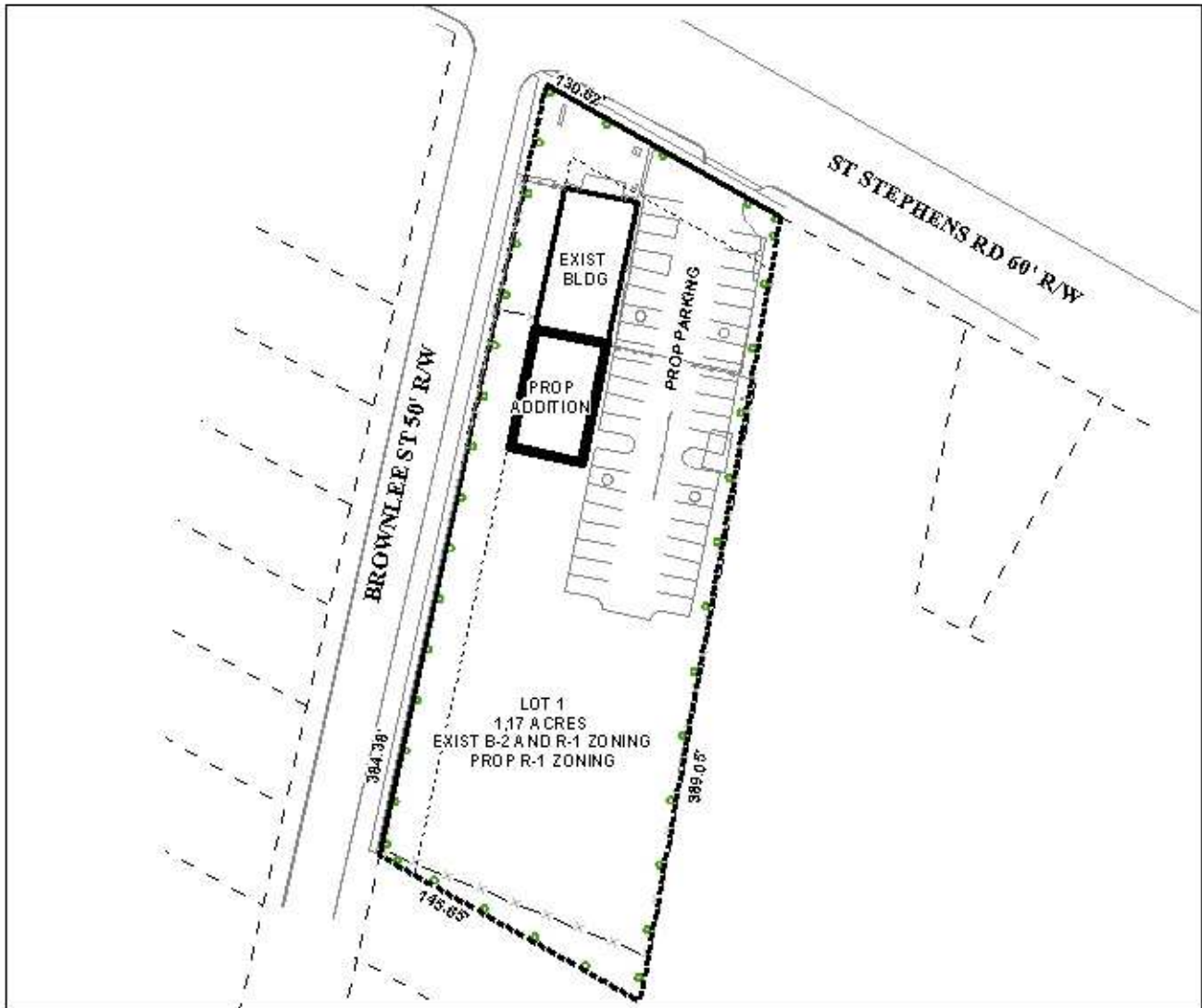
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NTS

SITE PLAN



The site plan illustrates the existing building, proposed building addition, and parking.

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