

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

Date: November 17, 2011

APPLICANT NAME

Zion Baptist Church

SUBDIVISION NAME

Zion Baptist Church Subdivision

DEVELOPMENT NAME

Zion Baptist Church Subdivision

LOCATION

2514 Halls Mill Road
(Northwest corner of Halls Mill Road and Pollard Lane)

**CITY COUNCIL
DISTRICT**

Council District 4

PRESENT ZONING

R-1, Single Family Residential & B-3, Commercial
Business District

PROPOSED ZONING

R-1, Single-Family Residential District

AREA OF PROPERTY

5.6± Acres

CONTEMPLATED USE

Subdivision Approval to create two legal lots of record from an existing two legal lots of record and two metes and bounds parcels; Planned Unit Development to allow multiple buildings on a single building site, Planning Approval to allow an existing church in an R-1, Single-Family Residential District, and rezoning from R-1, Single-Family Residential District and B-3, Community Business District, to R-1, Single-Family Residential District and to eliminate split zoning in a proposed subdivision.

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**

Immediate

ENGINEERING**COMMENTS**

Any work performed in the existing ROW (right-of-way) will require a Right of Way (ROW) permit from the Engineering Department and must comply with all City of Mobile ROW code and ordinance requirements. Any increase in impervious area in excess of 4,000 square feet will require detention. Need to dedicate 10' of additional ROW along Pollard St., or as otherwise approved by the City Engineer. Any site improvements requiring a building permit will require full compliance with City Code Chapter 57 including repairing any existing sidewalk panels and driveway curb cuts.

TRAFFIC ENGINEERING**COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Site plan does not illustrate adequate parking facilities and access for Lot 1 or Lot 2, therefore Traffic Engineering can not fully comment on recommendations.

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 60" Live Oak Tree located on the center of Lot 1. Preservation status is to be given to the 48" Live Oak Tree, 50" Live Oak Tree and 52" Live Oak Tree on Lot 2. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.

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 two legal lots of record from two existing legal lots of record and two metes and bounds parcels; Planned Unit Development to allow multiple buildings on a single building site, Planning Approval to allow an existing church in an R-1, Single-Family Residential District, and rezoning from R-1, Single-Family Residential District and B-3, Community Business District, to R-1, Single-Family Residential District to eliminate split zoning in a proposed subdivision.

The applicant states Zion Baptist Church is proposing the subdivision of property to allow the church to sell proposed Lot 2, while retaining the cemetery and building closest to Halls Mill Road (proposed Lot 1). The applicant states the church was established in 1848, burned down in 1979 and rebuilt in 1980. The applicant proposes to shift the zoning line and change the zoning from B-3, Commercial Business to R-1, Single-Family Residential to match the proposed interior lot line.

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 proposed lots, as depicted, meet the minimum size and frontage requirements as regulated by the Subdivision Regulations. The lot area sizes are depicted on the plat in square feet/acres, and this information should be retained on the Final Plat, if approved. The 25-foot minimum building setback line is depicted as well, and this should also be retained along all public street frontages on the Final Plat, if approved.

The proposed Lot 1 fronts Halls Mill Road and Pollard Lane. Halls Mill Road and Pollard Lane are both minor streets provided with curb and gutter. The preliminary plat depicts Pollard Lane with a 30-foot right-of-way, while Halls Mill Road is depicted with adequate right-of-way of 50-feet. Section V.B.14. of the Subdivision Regulations requires minor streets provided with curb and gutter to have a minimum right-of-way of 50 feet. However, if curb and gutter is not provided, a 60-foot right-of-way is required. Additionally, Section V.B.16. of the Subdivision Regulations requires a minimum curb radius at intersecting streets. As such, dedication sufficient to provide 25 feet from the centerline of Pollard Lane and compliance with Section V.B.16., in regards to curb radii should be required at the intersection of Halls Mill and Pollard Lane.

The accompanying site plan is incomplete, in that, it does not indicate parking, dumpster location, landscaping & trees and lighting. Current aerials illustrate four curb cuts to the development, two to Halls Mill Road and two to Pollard Lane. Reduction of curb cuts would be an improvement to access, and a note should be placed on the Final Plat, if approved, however, the site plan submitted does not illustrate parking, access or curb cuts to the existing development.

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.

As previously stated, approval of the Subdivision Request would result in a lot split zoned R-1, Single Family Residential, and B-3, Commercial Business District. As such, rezoning application is included to eliminate the split zoning by requesting rezoning to R-1 for proposed Lot 2.

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.

It should be noted that the rezoning site is depicted as commercial 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. However, the primary reason for this application is to eliminate the split-zoning created by the subdivision; thus, it will have minimal impact on the surrounding area.

The applicant states that condition number four of the acceptable conditions for rezoning is occurring at this site, as was previously mentioned. As such, rezoning would seem to be appropriate for the entire development. Since proposed Lot 1 is an existing cemetery as stated by the applicant, it would be appropriate to include this area to be rezoned to R-1 as well. As stated in the Section 64, Chart of Permitted Uses, cemeteries are NOT allowed within B-3 districts by-right; but are allowed with Planning Approval in R-A, R-1, R-2 & R-3 districts.

As, the Planning Commission may consider zoning classifications other than that sought by the applicant, in this particular case rezoning the entire development to R-1 should be considered.

As stated in Section 64-5 of the Zoning Ordinance, 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 is site plan specific, thus any changes to the site plan must be approved by the Planning Commission.

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.

Currently, the site is developed with three structures; however, the site plan does not illustrate uses associated with any structure nor any parking or other improvements. The applicant states in the application narrative the church (11,000 square feet) holds 300 people at full capacity. The applicant also states the parishioner's park on the side street and on grass located next to the church, which is accessed by an asphalt drive. Landscaping and trees are not illustrated on the site plan, which would illustrate the size and type of trees that could be used for credits and if the site meets the minimum requirements of the Ordinance. As such, full compliance with the landscaping and tree planting requirements of the zoning ordinance could be required.

No reviews can be done until the applications are complete with ALL required documentation.

While only Lot 2 is proposed to be zoned R-1, the applicant illustrates no improvements to the site, such as surface for parking, lighting, buffering and the provision of dumpster facilities. The site abuts a residentially zoned and developed district to the south and east, to the north is Maitre Park; as such, a buffer compliance with Section 64-4.D.1. of the Zoning Ordinance should be provided.

It should be noted that sidewalks do not exist and are not proposed; therefore, the submission of a sidewalk waiver application or the illustration of sidewalks would be required.

RECOMMENDATION

Planned Unit Development: The request for Planned Unit Development approval is recommended for holdover until the December 15, 2011, meeting with revisions due to the Planning Section by noon on Wednesday, November 23, 2011, to address the following:

- 1) submittal of an acceptable, detailed narrative describing the project in detail as required in Section 64-5.D. of the Zoning Ordinance;
- 2) revision of the site plan to show **ALL** improvements on the site, including, but not limited to, dimensions of parking stalls or drive aisles, indicate paving materials, and indicate the seating capacity of the church and other information needed to ensure parking compliance;
- 3) submission of a sidewalk waiver application or illustration of a sidewalk on the site plan is required;
- 4) compliance with Urban Forestry Comments: *“Preservation status is to be given to the 60” Live Oak Tree located on the center of Lot 1. Preservation status is to be given to the 48” Live Oak Tree, 50” Live Oak Tree and 52” Live Oak Tree on Lot 2. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;”*
- 5) compliance with Traffic Engineering Comments: *“Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Site plan does not illustrate adequate parking facilities and access for Lot 1 or Lot 2, therefore Traffic Engineering can not fully comment on recommendations”. and*
- 6) compliance with Engineering Comments: *“Any work performed in the existing ROW (right-of-way) will require a Right of Way (ROW) permit from the Engineering Department and must comply with all City of Mobile ROW code and ordinance requirements. Any increase in impervious area in excess of 4,000 square feet will require detention. Need to dedicate 10’ of additional ROW along Pollard St., or as otherwise approved by the City Engineer. Any site improvements requiring a building permit will require full compliance with City Code Chapter 57 including repairing any existing sidewalk panels and driveway curb cuts”.*

Planning Approval: The request for Planning Approval is recommended for holdover until the December 15, 2011, meeting with revisions due to the Planning Section by noon on Wednesday, November 23, 2011, to address the following:

- 1) submittal of an acceptable, detailed narrative describing the project in detail as required in Section 64-5.D. of the Zoning Ordinance;
- 2) revision of the site plan to show ALL improvements on the site, including, but not limited to, dimensions of parking stalls or drive aisles, indicate paving materials, and indicate the seating capacity of the church and other information needed to ensure parking compliance;
- 3) submission of a sidewalk waiver application or illustration of a sidewalk on the site plan is required;
- 4) compliance with Urban Forestry Comments: *"Preservation status is to be given to the 60" Live Oak Tree located on the center of Lot 1. Preservation status is to be given to the 48" Live Oak Tree, 50" Live Oak Tree and 52" Live Oak Tree on Lot 2. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;"*
- 5) compliance with Traffic Engineering Comments: *"Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Site plan does not illustrate adequate parking facilities and access for Lot 1 or Lot 2, therefore Traffic Engineering can not fully comment on recommendations".* and
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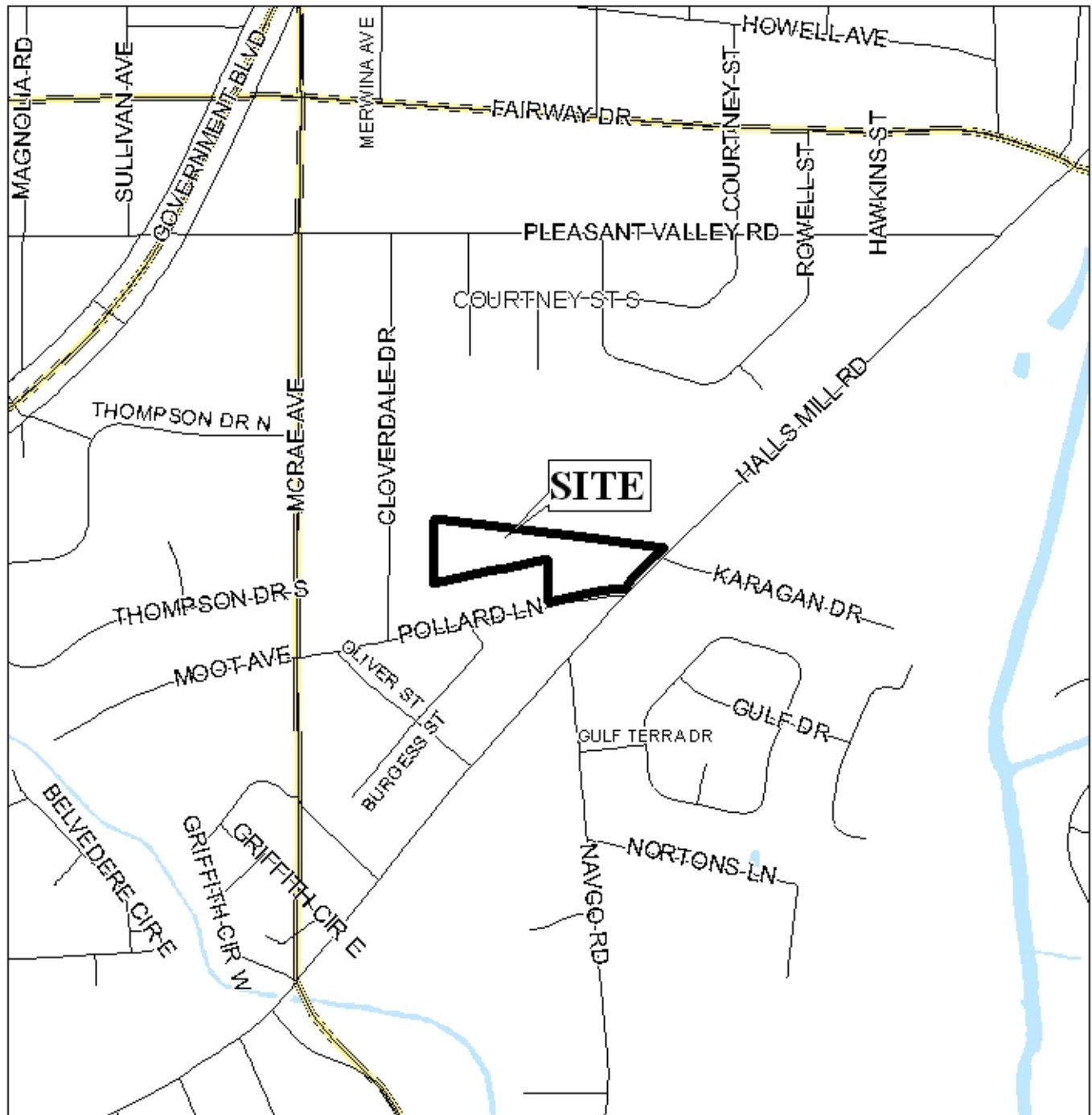
Rezoning: The request for Rezoning approval is recommended for holdover until the December 15, 2011, meeting with revisions due to the Planning Section by noon on Wednesday, November 23, 2011, to address the following:

- 1) submittal of an acceptable, detailed narrative describing the project in detail;
- 2) compliance with Urban Forestry Comments: *"Preservation status is to be given to the 60" Live Oak Tree located on the center of Lot 1. Preservation status is to be given to the 48" Live Oak Tree, 50" Live Oak Tree and 52" Live Oak Tree on Lot 2. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;"* and
- 3) revision of the site plan to show ALL improvements on the site, including, but not limited to, dimensions of parking stalls or drive aisles, indicate paving materials, and indicate the seating capacity of the church and other information needed to ensure parking compliance.

Subdivision: The Subdivision request is recommended for holdover until the December 15, 2011, meeting with revisions due to the Planning Section by noon on Wednesday, November 23, 2011, to address the following:

- 1) dedication sufficient to provide 25 feet from the centerline of Pollard Lane;
- 2) compliance with Section V.B.16., in regards to curb radii should be required at the intersection of Halls Mill and Pollard Lane;
- 3) placement of a note on the Final Plat stating compliance with Urban Forestry Comments:
“Preservation status is to be given to the 60” Live Oak Tree located on the center of Lot 1. Preservation status is to be given to the 48” Live Oak Tree, 50” Live Oak Tree and 52” Live Oak Tree on Lot 2. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;” and
- 4) illustration of 25-foot minimum building setback line after dedication.

LOCATOR MAP



APPLICATION NUMBER 12,13,14&15 DATE November 17, 2011

APPLICANT Zion Baptist Church Subdivision

Subdivision, Planning Approval, PUD, Rezoning from

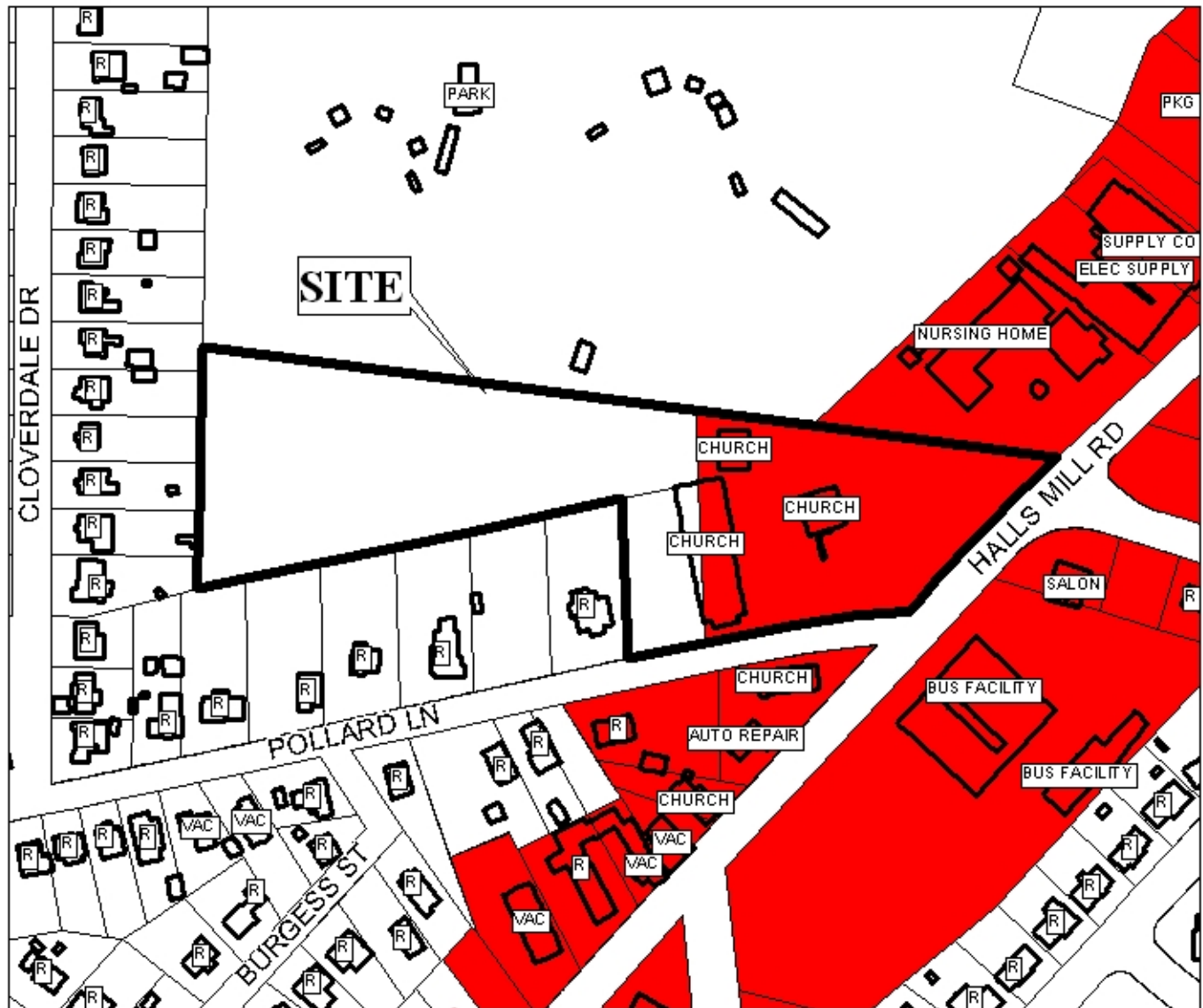
REQUEST R-1 and B-3 to R-1

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NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



There is a nursing home to the northeast of the site, Maitre Park is to the north, and single family residential units are to the south and west.

APPLICATION NUMBER 12,13,14&15 DATE November 17, 2011

APPLICANT Zion Baptist Church Subdivision

Subdivision, Planning Approval, PUD, and Rezoning from R-1

REQUEST and B-3 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
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NTS



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



There is a nursing home to the northeast of the site, Maitre Park is to the north, and single family residential units are to the south and west.

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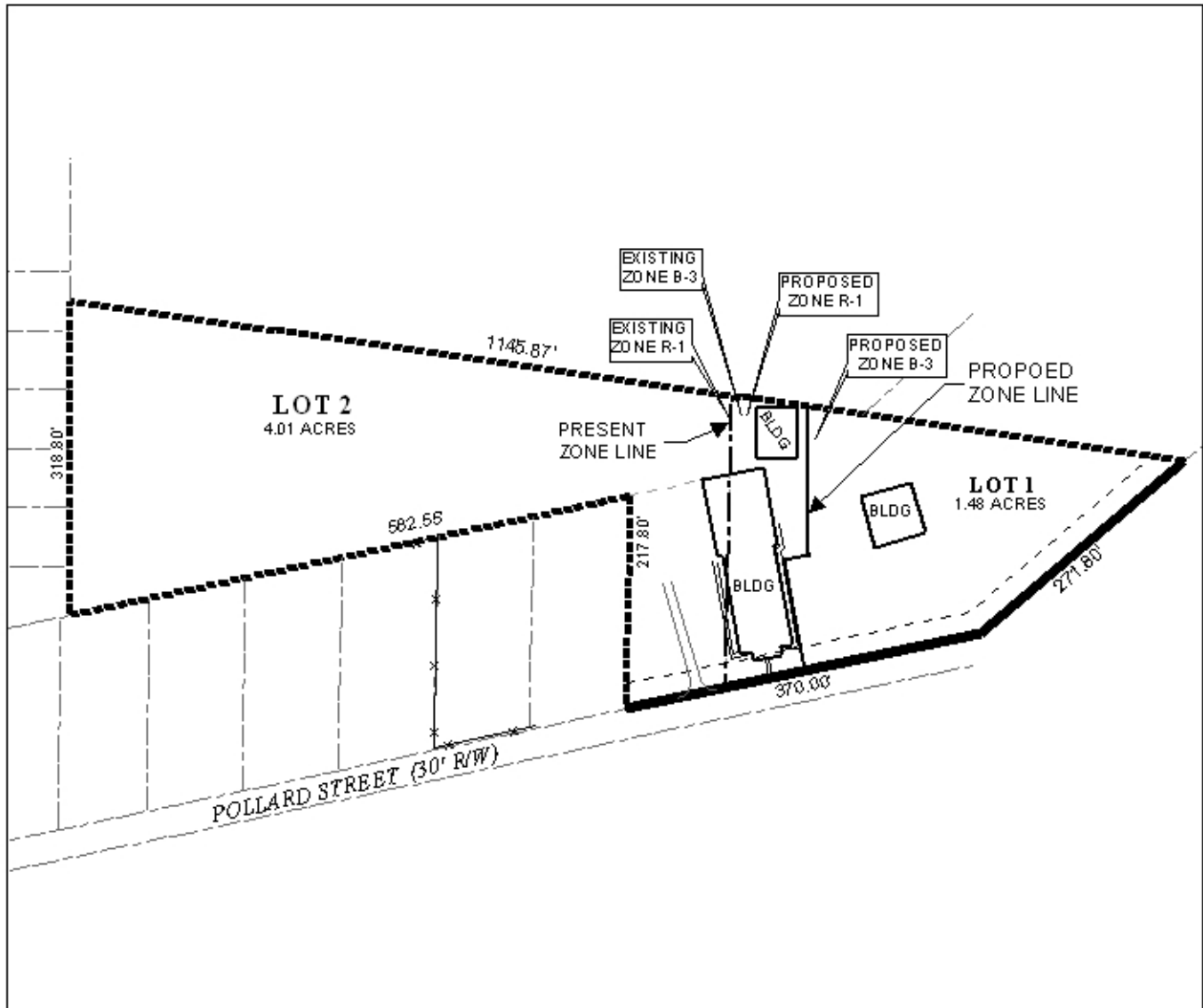
Subdivision, Planning Approval, PUD, and Rezoning from R-1

REQUEST and B-3 to R-1



NTS

SITE PLAN



The site plan illustrates existing and proposed zoning, building location and, proposed lot configuration.

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APPLICANT Zion Baptist Baptist Church Subdivision

Subdivision, PUD, Planning Approval, Rezoning from

REQUEST R-1 and B-3 to R-1



NTS