

**ZONING AMENDMENT
& SUBDIVISION STAFF REPORT****Date: May 21, 2015****APPLICANT NAME**

Alabama Baptist Children's Home c/o Dana Watson

SUBDIVISION NAME

Alabama Baptist Children's Home Subdivision

LOCATION

Southwest corner of University Boulevard Service Road and Aurelia Street, extending to the Northwest corner of O'Cain Street and University Boulevard Service Road.

**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONING

B-1, Buffer Business District

AREA OF PROPERTY

1 Lot / 1.3± Acres

CONTEMPLATED USE

Subdivision approval to create 1 legal lot of record, and Zoning approval to rezone the site from R-1, Single-Family Residential District to B-1, Buffer Business District, to allow a shelter for women and children.

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 provided

ENGINEERING**COMMENTS**

Subdivision: The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer:

- A. Add a vicinity map.
- B. Provide and label the POB.
- C. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors.

- D. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance 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.
- E. Add a note to the Plat stating that 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.
- F. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- G. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved.
- H. Provide an updated Plat to Engineering Dept. for review prior to submittal for City Engineer's signature.
- I. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.

TRAFFIC ENGINEERING

COMMENTS

Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any new 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 (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. As per Appendix D, Section D107.1, one and two family developments with more than 30 dwelling units shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.

REMARKS

The applicant is requesting Subdivision approval to create one legal lot of record from six legal lots of record and one metes-and-bounds parcel, and rezoning the site from R-1, Single-Family Residential District to B-1, Buffer Business District, to allow a shelter for women and children.

The site is currently vacant, and is bounded to the North and East by B-1, Buffer Business District; to the West and South by R-1, Single-Family Residential District.

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 appears to be depicted as 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. The accuracy of recommended land uses on the General Land Use Component map is limited due to the large scale of the map. 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.

The applicant wishes to build a 7,000 square foot building which is proposed to provide shelter for up to eight families comprised of single mothers and their children. In addition to the living areas, the applicant wishes to have office spaces for case managers and other staff. No site plan was submitted with the rezoning application.

The applicant states that the rezoning request should be because, "It is obvious that property along University Boulevard is changing from residential to business." While there are several properties to the North and East of the site that are zoned B-1, Buffer Business District, those sites have been commercially zoned since 1988 and 1979 respectively. If the area surrounding the subject site were truly transitioning from residential to business, more properties would have been rezoned since 1988.

Section 64-9.A.2.b. of the Zoning Ordinance states that a proposed new B-1 district should contain at least 2 acres, unless the site abuts an existing B-2, B-3, B-4, I-1, or I-2. The subject site is 1.34± acres in size, and only abuts R-1, Single-Family Residential, but is across Aurelia Street from an existing B-1, Buffer Business District. If approved, it appears that the existing character of the residential development may be changed, and therefore more susceptible to having other residentially zoned properties converted to a commercial designation.

A sidewalk will be required at such a time as the site is developed, unless a Sidewalk Waiver application is approved by the Planning Commission.

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 preliminary plat submitted does provide the lot size in square feet and acres, and it should be noted that the proposed lot exceeds the minimum required lot size in Section V.D.2. of the

Subdivision Regulations. The lot size should be retained on the Final Plat in square feet and acres, if approved.

The site fronts onto Aurelia Street, University Boulevard Service Road, and O'Cain Street. Aurelia Street and O'Cain Street are both minor streets with curb and gutter, and should therefore have right-of-ways of 50'. The preliminary plat illustrates Aurelia Street and O'Cain Street with existing 50' right-of-ways, making no dedications necessary. University Boulevard is a major street and should therefore have a right-of-way of 100'. The preliminary plat illustrates University Boulevard Service Road as having a right-of-way of 50', which would indicate that perhaps there is sufficient right-of-way at this time; however, the preliminary plat should be revised to accurately reflect the right-of-way for University Boulevard.

As a means of access management, the lot should be limited to one curb cut to University Boulevard Service Road with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

The 25-foot minimum building setback is depicted for the proposed lot, and should be retained on the Final Plat, if approved.

The preliminary plat illustrates a 7.5' utility easement surrounding the property. A note should be placed on the Final Plat, if approved, stating that no permanent structures are to be erected within any easement.

The applicant's narrative states that there is an existing 7' high block wall along the West property line, however the preliminary plat illustrates a 0.6' high block wall. The preliminary plat should be revised to accurately illustrate the height of the wall.

RECOMMENDATION

Subdivision: The request is recommended for Tentative Approval, subject to the following conditions:

- 1) illustration of the 25' minimum building setback line along all frontages;
- 2) retention of the lot size in square feet and acres;
- 3) revision of the Final Plat to illustrate University Boulevard has a compliant right-of-way of at least 100';
- 4) placement of a note on the Final Plat stating that no structures are allowed in any easement;
- 5) full compliance with Engineering comments: *(The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer: A. Add a vicinity map. B. Provide and label the POB. C. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. D. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in*

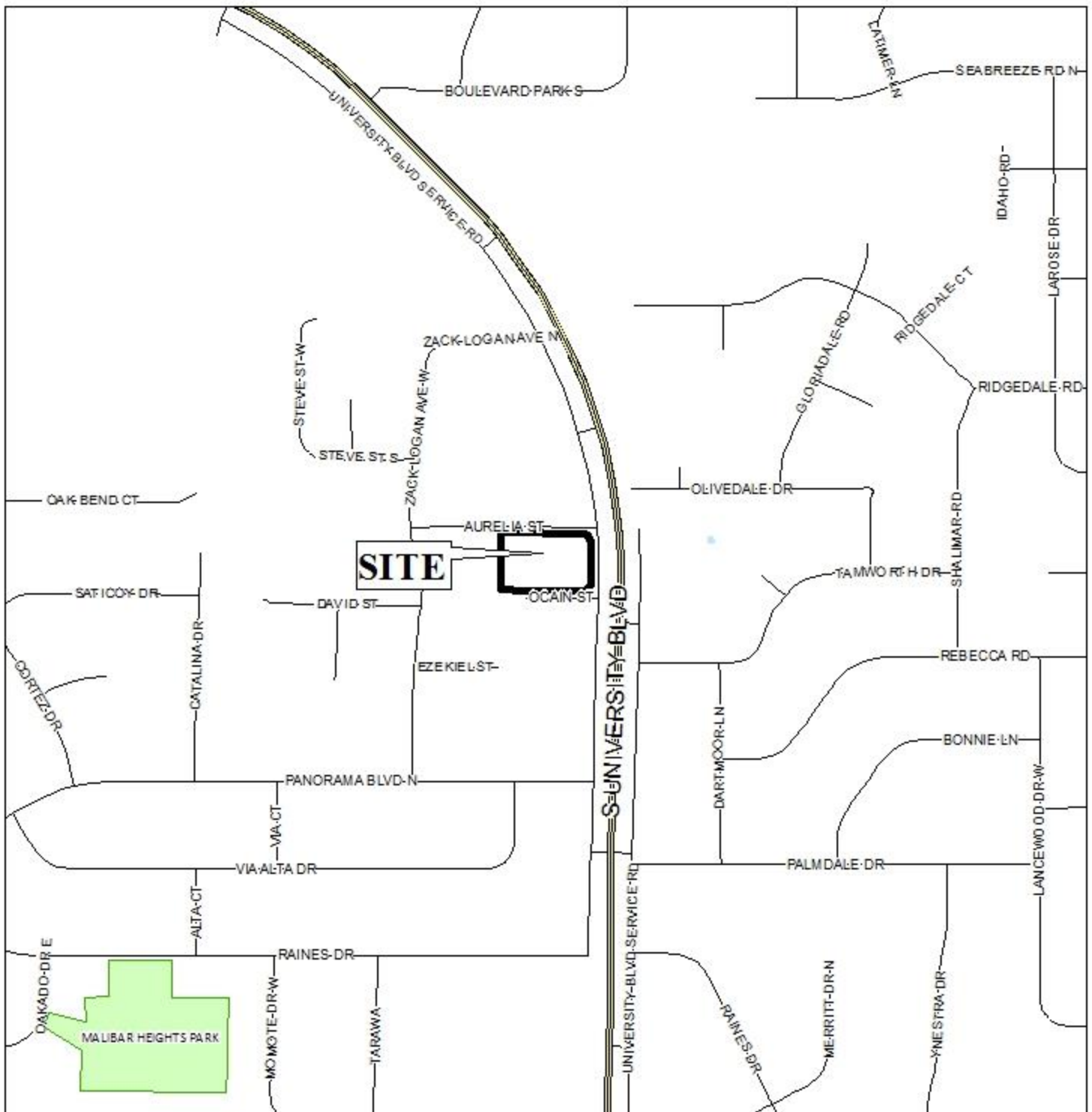
accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. E. Add a note to the Plat stating that the approval of all applicable 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. F. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. G. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved. H. Provide an updated Plat to Engineering Dept. for review prior to submittal for City Engineer's signature. I. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.);

- 6) full compliance with Traffic Engineering comments (Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 7) full compliance with 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).; and*
- 8) compliance with Fire 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. As per Appendix D, Section D107.1, one and two family developments with more than 30 dwelling units shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.).*

Rezoning: Based upon the preceding, the Rezoning request is recommended for Denial for the following reasons:

- 1) the subject site does not meet the size criteria for a new zoning district as stated in Section 64-9.A.2.b. of the Zoning Ordinance;
- 2) approval of the rezoning could alter the character of the existing residential neighborhood; and
- 3) no site plan indicating the proposed development of the site was submitted, as required by Section 64-9.B.2.b. of the Zoning Ordinance.

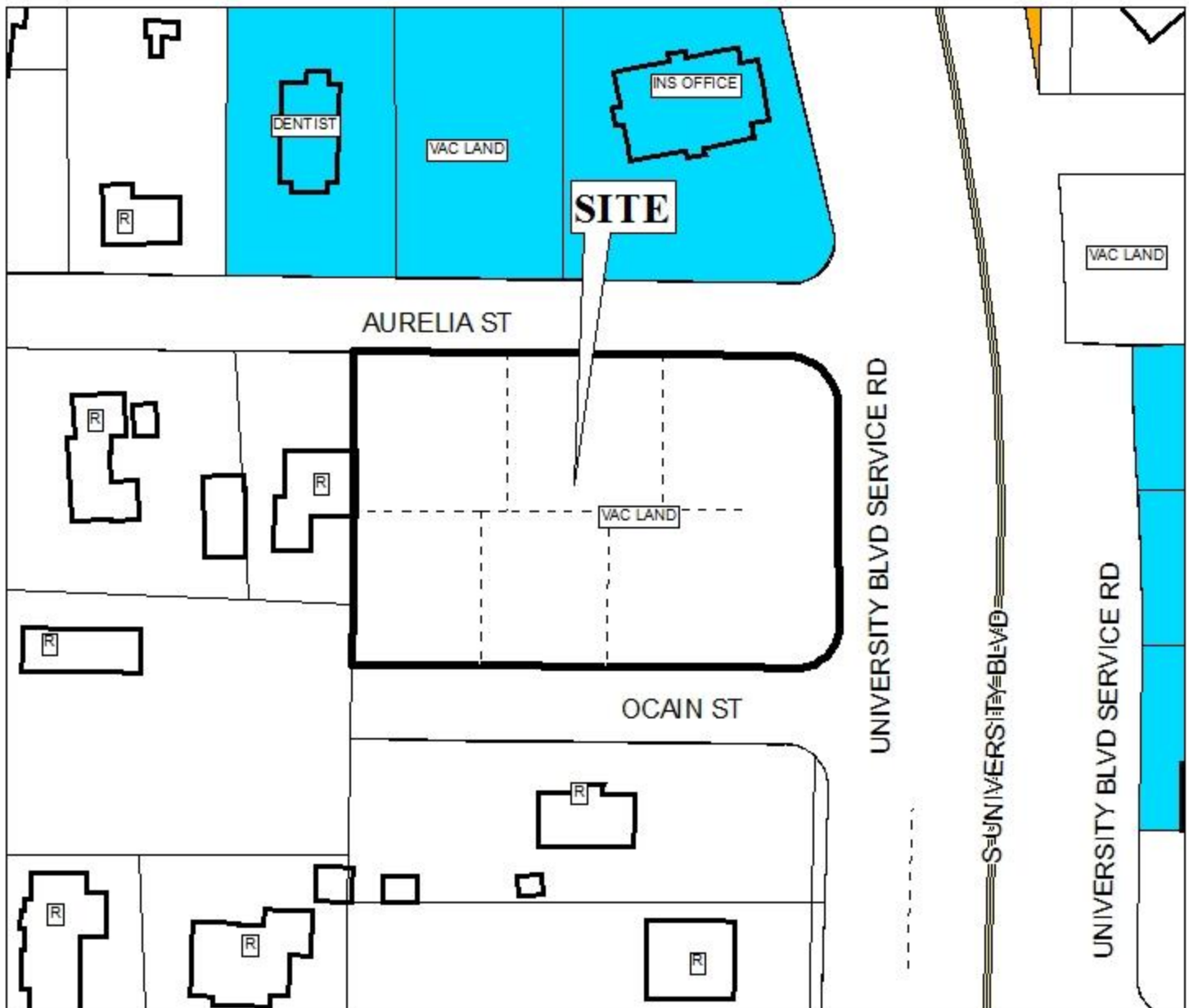
LOCATOR MAP



APPLICATION NUMBER 13 DATE May 21, 2015
 APPLICANT Alabama Baptist Children's Home Subdivision
 REQUEST Subdivision, Rezoning from R-1 to B-1



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units to the north, and residential units to the south and west.

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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 ZONING

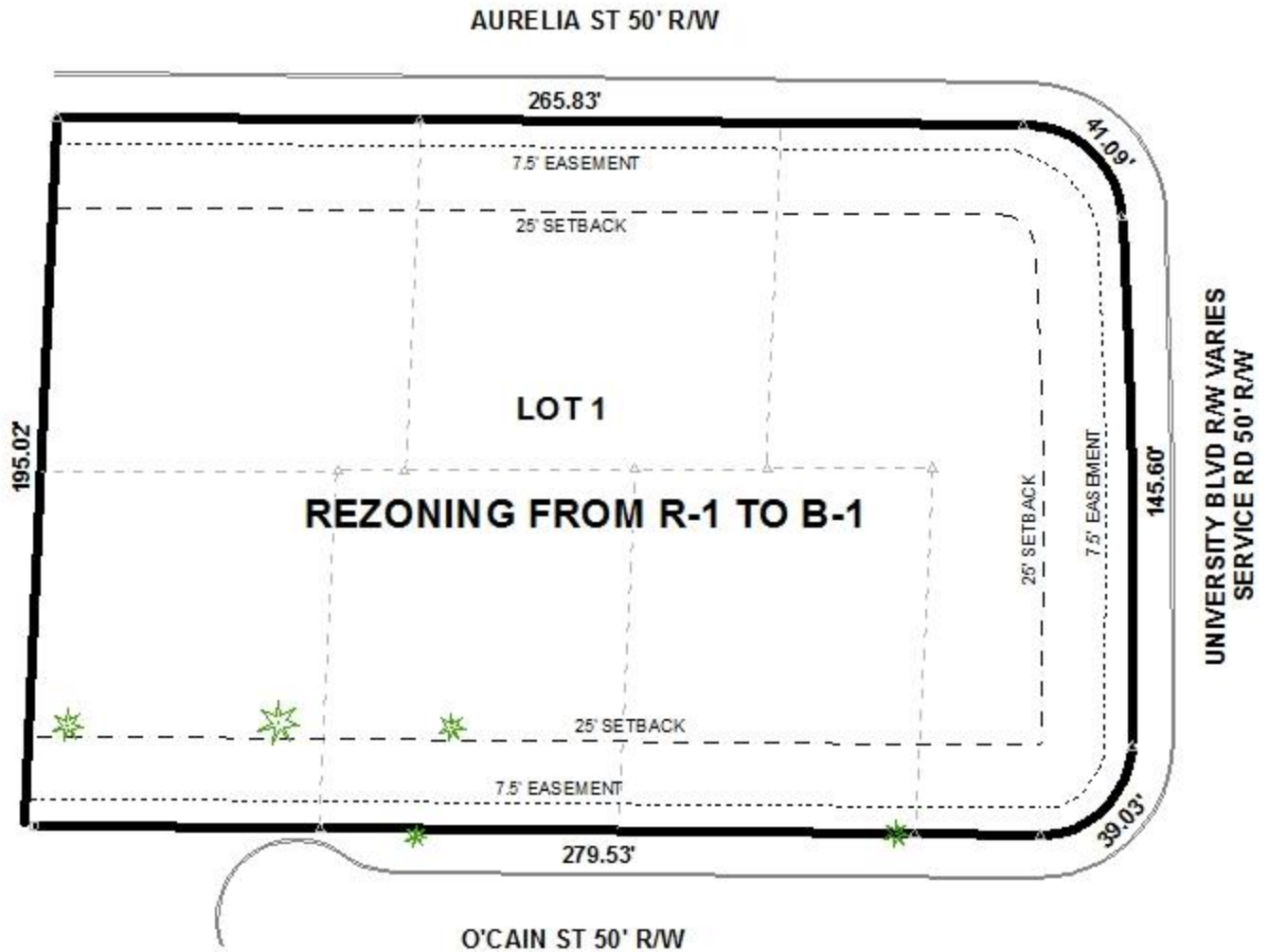


The site is surrounded by commercial units to the north, and residential units to the south and west.

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SITE PLAN



The site plan illustrates the proposed lot, setbacks, trees, and easements.

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