

**ZONING AMENDMENT,
PLANNING APPROVAL &
SUBDIVISION STAFF REPORT**

Date: May 2, 2013

<u>NAME</u>	Independent Living Center Subdivision
<u>SUBDIVISION NAME</u>	Independent Living Center Subdivision
<u>LOCATION</u>	16750 Howells Ferry Road (Northwest corner of Howells Ferry Road and Erdman Avenue)
<u>CITY COUNCIL DISTRICT</u>	District 7
<u>PRESENT ZONING</u>	R-1, Single-Family Residential
<u>PROPOSED ZONING</u>	B-1, Buffer Business
<u>REASON FOR REZONING</u>	To allow an adult daycare facility.
<u>AREA OF PROPERTY</u>	8.2± Acres
<u>CONTEMPLATED USE</u>	<p>Subdivision approval to create one legal lot, Planning Approval to allow an adult daycare facility in a B-1, Buffer Business District, and Rezoning from R-1, Single-Family Residential District, to B-1, Buffer Business District, to allow an adult daycare facility.</p> <p>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.</p>
<u>TIME SCHEDULE</u>	None provided.
<u>ENGINEERING COMMENTS</u>	<p>The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. Provide a signature block and signature from the Traffic Engineering Department. 3. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm</p>

Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045)..

TRAFFIC ENGINEERING

COMMENTS

Driveway number, size, location, and design to be approved by Traffic Engineering and ALDOT, 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. Preservation status is to be given to the 60" Live Oak Tree located to the East side of existing Two-Story Metal Building. Any work on or under this tree 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.

MAWSS COMMENTS

MAWSS has only water services available.

REMARKS

The applicant is requesting Subdivision approval to create one legal lot of record from two existing metes-and-bounds parcels, Planning Approval to allow an adult daycare facility in a B-1, Buffer Business District, and Rezoning from R-1, Single-Family Residential to B-1, Buffer Business District, to allow an adult daycare facility. Adult daycare facilities require Planning Approval in B-1, Buffer Business Districts.

The applicant proposes to create one lot from two tax parcels, and obtain the appropriate Zoning and Planning Approvals necessary to operate an adult daycare facility.

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 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. It should be noted that Planning Approvals are site plan specific, thus any future changes will require a new approval.

Zoning review examines the site in relation to Section 64-9. of the Zoning Ordinance, which states that the intent of the Ordinance and corresponding Zoning Map is to carry out the

comprehensive planning objective of sound, stable and desirable development. It additional states that 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. 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.

B-1 districts are districts composed of land and structures occupied by or suitable for such uses as offices, studios and automobile storage (commercial), including parking lots. Although usually located between residential areas and business areas, these districts are in some instances free-standing in residential areas or they may include hospital, college or other public or semipublic groups and related uses. The district regulations are designed to protect and encourage the buffer character of the districts by limiting the permitted uses to dwellings and uses of a semi-commercial nature and to protect the abutting and surrounding residential areas by requiring certain minimum yard and area standards to be met, standards that are comparable to those called for in the residence districts.

The site has been used as a church for at least thirty years. It is bounded to the South across Howells Ferry Road by single-family residential and vacant land uses; to the West across Magnolia Way (private street) by single-family residential and vacant land uses; to the North by single-family residential use; and to the East across Erdman Avenue by single-family residential and vacant land uses.

The proposed rezoning is necessary to allow the proposed use as an adult day care facility and the site's 8.2± acre size adequately exceeds the 2-acre minimum size guideline for a new B-1 district. It is stated by the applicant that it is believed that there is an increased need for this type of facility within a residential atmosphere. As the existing facility covers far less than the 45% maximum site coverage allowed in B-1, and no expansion is proposed, and as all required setbacks are currently met, it would stand that the proposed rezoning would allow for a desirable development of the site in keeping with the comprehensive planning objective.

As previously stated, Planning Approval is required for the proposed use as an adult day care facility. The existing church received Planning Approval in 1992 to allow the two-story addition on the North side of the sanctuary.

Regarding the site itself, no improvements are proposed as part of the various requests being considered by the Planning Commission. Although not specifically noted on the site plan, the narrative provided furnishes calculations pertaining to parking compliance and notes indicating intentions to comply with other aspects of site compliance.

Parking calculations for 12 classrooms and kitchen instruction and music instruction (14 teaching stations) where 1.5 spaces per station are required, indicate 21 parking spaces required. With the proposed use of the existing sanctuary for a meeting/fellowship hall with a seating capacity of 155 persons, the parking requirement of one space per four seats indicates 39 parking spaces required. Total site parking required would be 60 spaces, and 167 on-site parking spaces are currently provided.

Not shown on the site plan are tree, buffer, and sidewalk compliance, but the narrative notes that such compliance is intended. A Sidewalk Waiver may be sought in the future due to ditches along Howells Ferry Road and Erdman Avenue.

It is noted in the narrative that City garbage collection is intended to be utilized instead of an on-site dumpster, but if that changes, a compliant dumpster will be added. Since the City does not provide non-residential collection services outside the downtown area, a note should be placed on the site plan stating that garbage collection will be via a private collection service. Otherwise, a compliant dumpster must be provided. It is also noted that bumper stops will be added to all parking spaces where there are no existing concrete curbs.

The site is bordered to the South by Howells Ferry Road with a compliant 80' right-of-way, and to the East by Erdmann Avenue, with a compliant 50' right-of-way. Therefore, no dedication would be required. However, dedication should be required to provide a 25' radius curve at the intersection of Howells Ferry Road and Erdman Avenue. Magnolia Way, a private street associated with Magnolia Springs Estates Subdivision, borders the West side of the site. As this is a privately-maintained street, access to it should be denied. As a means of access management, a note should be placed on the Final Plat stating that the site is limited to two curb cuts to Erdman Avenue, with the size, location, and design to be approved by Traffic Engineering, and conform to AASHTO standards. A note should also be required on the Final Plat stating that direct access to Howells Ferry Road is denied.

The plat should be revised to indicate the 25' minimum building setback line along Howells Ferry Road and Erdman Avenue. The plat should also be revised to label the lot with its size in both square feet and acres.

As the site adjoins residential sites, a note should be required on the Final Plat stating that a buffer, in compliance with Section V.A.8. of the Subdivision Regulations, must be provided where the lot adjoins residentially developed property.

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 this site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

RECOMMENDATION

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

- 1) 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. Preservation status is to be given to the 60" Live Oak Tree located to the East side of existing Two-Story Metal Building. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger);

- 2) completion of the Subdivision process prior to any request for permits; and
- 3) full compliance with all municipal codes and ordinances.

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

- 1) 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. Preservation status is to be given to the 60" Live Oak Tree located to the East side of existing Two-Story Metal Building. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger);*
- 2) compliance with Engineering comments: *(The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. Provide a signature block and signature from the Traffic Engineering Department. 3. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045);*
- 3) compliance with Traffic Engineering comments: *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards);*
- 4) 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.);*
- 5) placement of a note on the site plan stating that the site is limited to two curb-cuts to Erdman Avenue, with the size, design and location to be approved by Traffic Engineering, and to comply with AASHTO standards;
- 6) placement of a note on the site plan stating that the site is denied access to Magnolia Way (private street), and Howells Ferry Road;
- 7) revision of the site plan to depict a 25'-minimum building setback line along Howells Ferry Road and Erdman Avenue;
- 8) dedication to provide a 25' radius curve at the intersection of Howells Ferry Road and Erdman Avenue;
- 9) revision of the site plan to indicate a compliant dumpster, or placement of a note on the site plan stating that no dumpster will be utilized and specifying what type of garbage collection will be utilized other than City-provided services;
- 10) revision of the site plan to indicate full compliance with the parking, tree planting, landscaping and buffer requirements of the Zoning Ordinance;
- 11) revision of the site plan to indicate a City standard sidewalk along Howells Ferry Road and Erdman Avenue, or the submittal and approval of a Sidewalk Waiver application;
- 12) completion of the Subdivision process prior to any request for permits;

- 13) full compliance with all municipal codes and ordinances; and
- 14) submittal of two (2) copies of a revised Planning Approval site plan indicating compliance with the above conditions prior to signing the Final Plat.

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

- 1) dedication to provide a 25' radius curve at the intersection of Howells Ferry Road and Erdman Avenue;
- 2) placement of a note on the Final Plat stating that access is denied to Magnolia Way (private street) and Howells Ferry Road;
- 3) placement of a note on the Final Plat stating that the site is limited to two curb cuts to Erdman Avenue, with the size, location, and design to be approved by Traffic Engineering, and conform to AASHTO standards;
- 4) revision of the plat to indicate a 25' minimum building setback line along Howells Ferry Road and Erdman Avenue;
- 5) revision of the plat to label the lot with its size in square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
- 6) placement of a note on the on the Final Plat stating that a buffer, in compliance with Section V.A.8. of the Subdivision Regulations, must be provided where the lot adjoins residentially developed property;
- 7) placement of a note on the Final Plat stating that development of this site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
- 8) compliance with Traffic Engineering comments: *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards);*
- 9) compliance with Engineering comments: *(The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. Provide a signature block and signature from the Traffic Engineering Department. 3. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045);*
- 10) 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.);*
- 11) 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. Preservation status is to be given to the 60" Live Oak Tree located to the East side of existing Two-Story Metal Building. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger); and*
- 12) submission of two (2) copies of a revised Planning Approval site plan prior to the signing of the Final Plat.

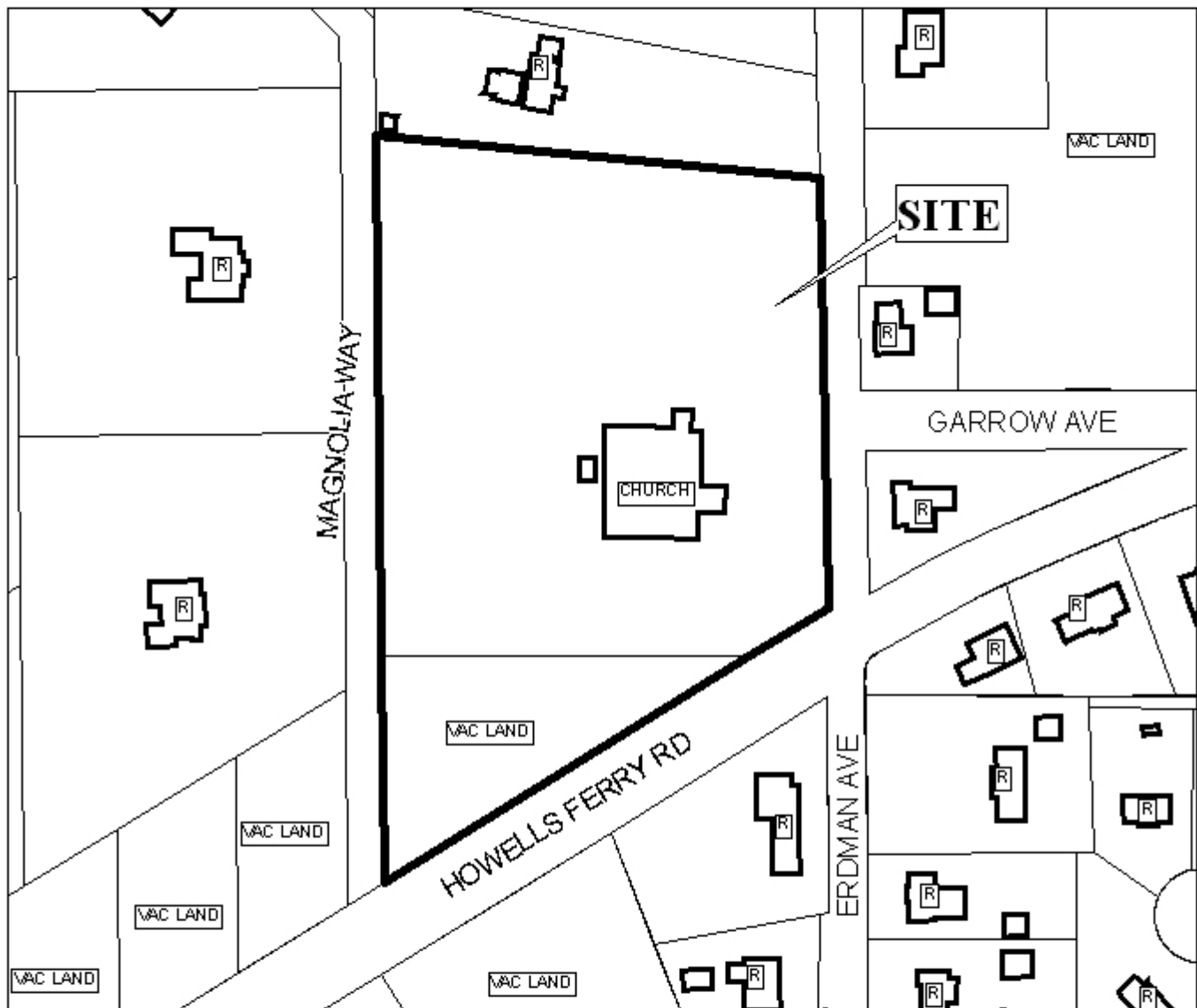
LOCATOR MAP



APPLICATION NUMBER 14, 15 & 16 DATE May 2, 2013
APPLICANT Independent Living Center Subdivision
REQUEST Subdivision, Planning Approval, Rezoning from R-1 to B-1



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residences.

APPLICATION NUMBER 14, 15 & 16 DATE May 2, 2013

APPLICANT Independent Living Center Subdivision

REQUEST Subdivision, Planning Approval, Rezoning from R-1 to B-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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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

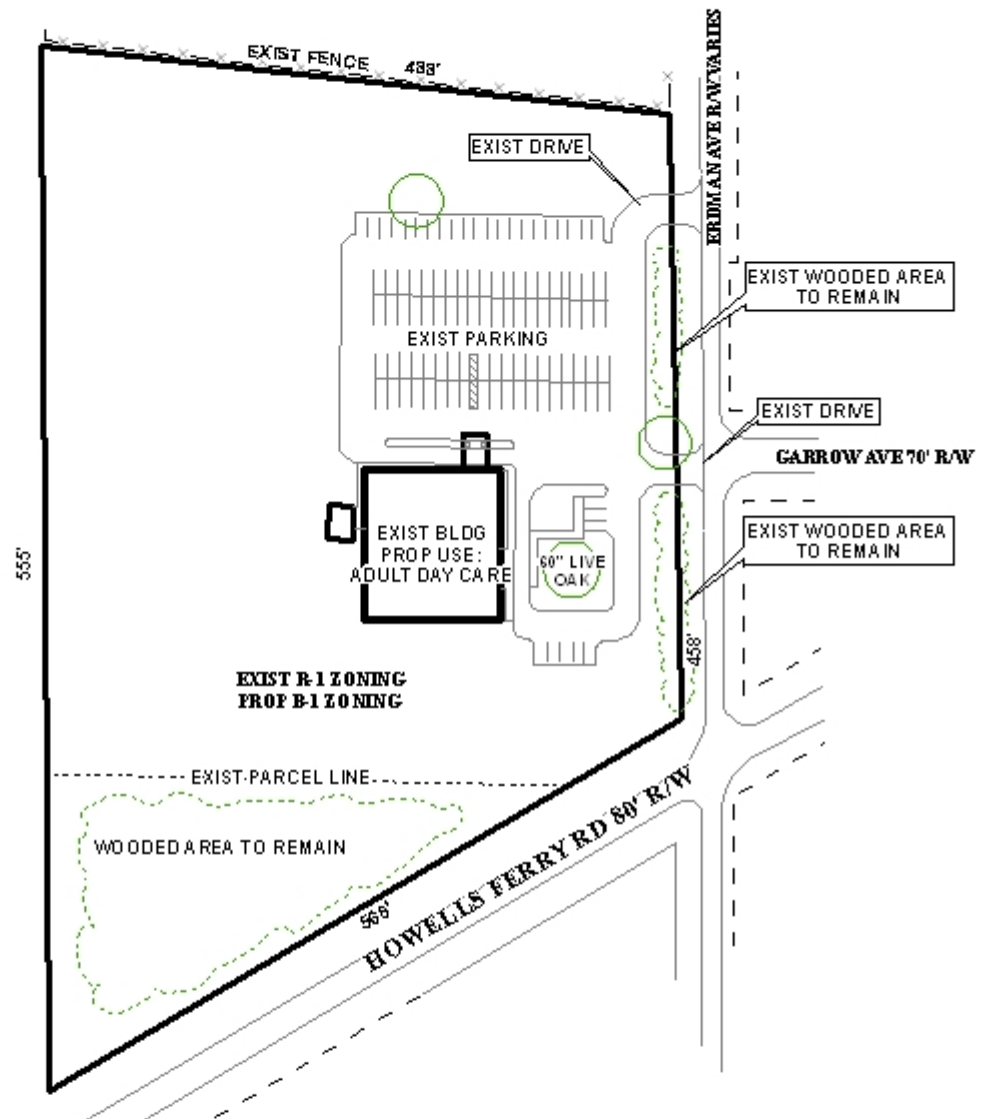


The site is surrounded by single family residences.

APPLICATION NUMBER 14, 15 & 16 DATE May 2, 2013
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REQUEST Subdivision, Planning Approval, Rezoning from R-1 to B-1

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NTS

SITE PLAN



The site plan illustrates the existing development.

APPLICATION NUMBER 14, 15 & 16 DATE May 2, 2013
 APPLICANT Independent Living Center Subdivision
 REQUEST Subdivision, Planning Approval, Rezoning from R-1 to B-1

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 NTS