

**SUBDIVISION &  
ZONING AMENDMENT STAFF REPORT****Date: October 19, 2017****APPLICANT NAME**

Faith Ministries, Inc.

**SUBDIVISION NAME**

Faith Ministries Subdivision

**LOCATION**6401 Overlook Road  
(Southwest corner of Overlook Road and Middle Ring Road).**CITY COUNCIL  
DISTRICT**

Council District 7

**PRESENT ZONING**

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

**PROPOSED ZONING**

B-2, Neighborhood Business District

**AREA OF PROPERTY**

1 Lot/4.0± Acres

**PRESENT ZONING**

Subdivision Approval to create a single legal lot of record from two metes-and-bounds parcels and a right-of-way proposed to be vacated; and Rezoning from R-1, Single-Family Residential District and B-2, Neighborhood Business District, to B-2, Neighborhood Business District, to allow the construction of a new church. **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.**

**ENGINEERING  
COMMENTS**

**Subdivision: FINAL PLAT COMMENTS** (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer):

- A. 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.
- B. List the amount of dedicated ROW acreage (square feet) at the NE corner of LOT 1.
- C. Show and label the existing 40' wide ROW that is being requested for ROW Vacation. The ENG Dept. has not received a copy of the ROW Vacation request.

- D. Include the recording data for the Vacated ROW on the Final Plat.
- E. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- F. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 19 - #67 LOT 1 will have to share the historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control). Coordinate with City Engineering Department staff to establish the exact amount that each Lot will receive prior to the submittal of the Final Plat from review and signatures.
- G. 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.
- H. 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.
- I. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved.
- J. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process.
- K. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing.
- L. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the ORIGINAL (with all other signatures) and one (1) copy (signatures not required) of the revised Final Plat to the Engineering Department.

**Rezoning:**

- 1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, 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 Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
- 2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.
- 3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance 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.
- 4. 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. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.

5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

## **TRAFFIC ENGINEERING**

### **COMMENTS**

Lot is limited to one curb cut to Overlook Road and two curb cuts to Middle Ring Road, with 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 2015-116 and City Code Chapters 57 and 64).

## **FIRE DEPARTMENT**

### **COMMENTS**

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code)

## **MAWSS**

### **COMMENTS**

No Comments

## **TIME SCHEDULE**

None provided

## **REMARKS**

The applicant is requesting Subdivision Approval to create a single legal lot of record from two metes-and-bounds parcels and a right-of-way proposed to be vacated; and Rezoning from R-1, Single-Family Residential District and B-2, Neighborhood Business District, to B-2, Neighborhood Business District, to allow the construction of a new church.

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 applicant is requesting an existing right-of-way that was originally planned to be a service road along Middle Ring Road to be vacated through the City Clerk's office. The applicant then wishes to utilize the vacated right-of-way in conjunction with the two parcels on either side of the right-of-way to build a new church. The lots size is provided in square feet and acres, and exceeds the minimum lot size requirements of Section V.D.2. of the Subdivision Regulations. If approved, this information should be retained on the Final Plat.

The site has frontage along Overlook Road and Middle Ring Road. Both Overlook Road and Middle Ring Road are minor arterial streets on the Major Street Plan. Overlook Road does not have curb and gutters, and should therefore have a minimum right-of-way of 60'. Middle Ring Road has curb and gutters, and should therefore have a 50' right-of-way minimum. As both streets meet or exceed the minimum required right-of-way, no further dedication will be required. The preliminary plat does illustrate dedication of the corner radius of Overlook Road and Middle Ring Road as required by Section V.D.6. of the Subdivision Regulations, and should be retained on the Final Plat, if approved.

The preliminary plat illustrates the 25' minimum building setback along both Overlook Road and Middle Ring Road. If approved, this should be retained on the Final Plat.

As a means of access management, the proposed lot should be limited to one curb cut to Overlook Road and two curb cuts to Middle Ring Road, with size, location and design of new curb cuts to be approved by Traffic Engineering and conform to AASHTO standards.

The preliminary plat illustrates a 25' easement on the proposed lot, but does not say what kind of easement it is. If approved, the type of easement should be labeled, as well as a note on the Final Plat stating that no structures may be erected in the easement.

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 applicant wishes to rezone the site to accommodate a proposed church. It should also be noted that the proposed subdivision would result in a split-zoned lot.

The site has been given a **Low Density Residential** (LDR) land use designation per the recently adopted Future Land Use Plan and Map. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting. This land use designation mostly applies to transportation corridors West of I-65 serving primarily the low-density (suburban) residential neighborhoods.

This designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.

The site is bounded to the West by vacant property zoned B-2, Neighborhood Business District; and to the North, East, and South by vacant and residentially developed properties zoned R-1, Single-Family Residential District.

It should be noted that a site plan was not submitted with the application depicting the proposed church layout, nor was information provided regarding the number of seats that the church would have.

The applicant should be aware that the site will be required to fully comply with all Zoning Ordinance requirements including, but not limited to: tree planting and landscape area; residential buffers; sufficient parking spaces with maneuvering areas; photometric plans at time of permitting if more than 25 parking spaces are to be provided; dumpster enclosure and connection to sanitary sewer, if applicable; sidewalks; etc.

It should be noted that the applicant has requested rezoning the property to B-2, Neighborhood Business District to allow a church, however a church would be allowed by right in a B-1, Buffer Business District. As such, and considering the fact that the property immediately abuts residentially used property, it may be more appropriate to approve rezoning the site to B-1, Buffer Business District.

## **RECOMMENDATION**

**Subdivision:** Based upon the preceding, the application is recommended for Tentative Approval, subject to the following:

- 1) retention of the dedication of the corner radius at Overlook Road and Middle Ring Road per Section V.D.6. of the Subdivision Regulations;
- 2) retention of the lot size in square feet and acres;
- 3) placement of a note on the Final Plat stating the lot should be limited to one curb cut to Overlook Road and two curb cuts to Middle Ring Road, with size, location and design of new curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 4) label the existing 25' easement with the type of easement;
- 5) placement of a note on the Final Plat stating that no structures are allowed in the easement;
- 6) compliance with Engineering comments (*FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer): A. 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. B. List the*

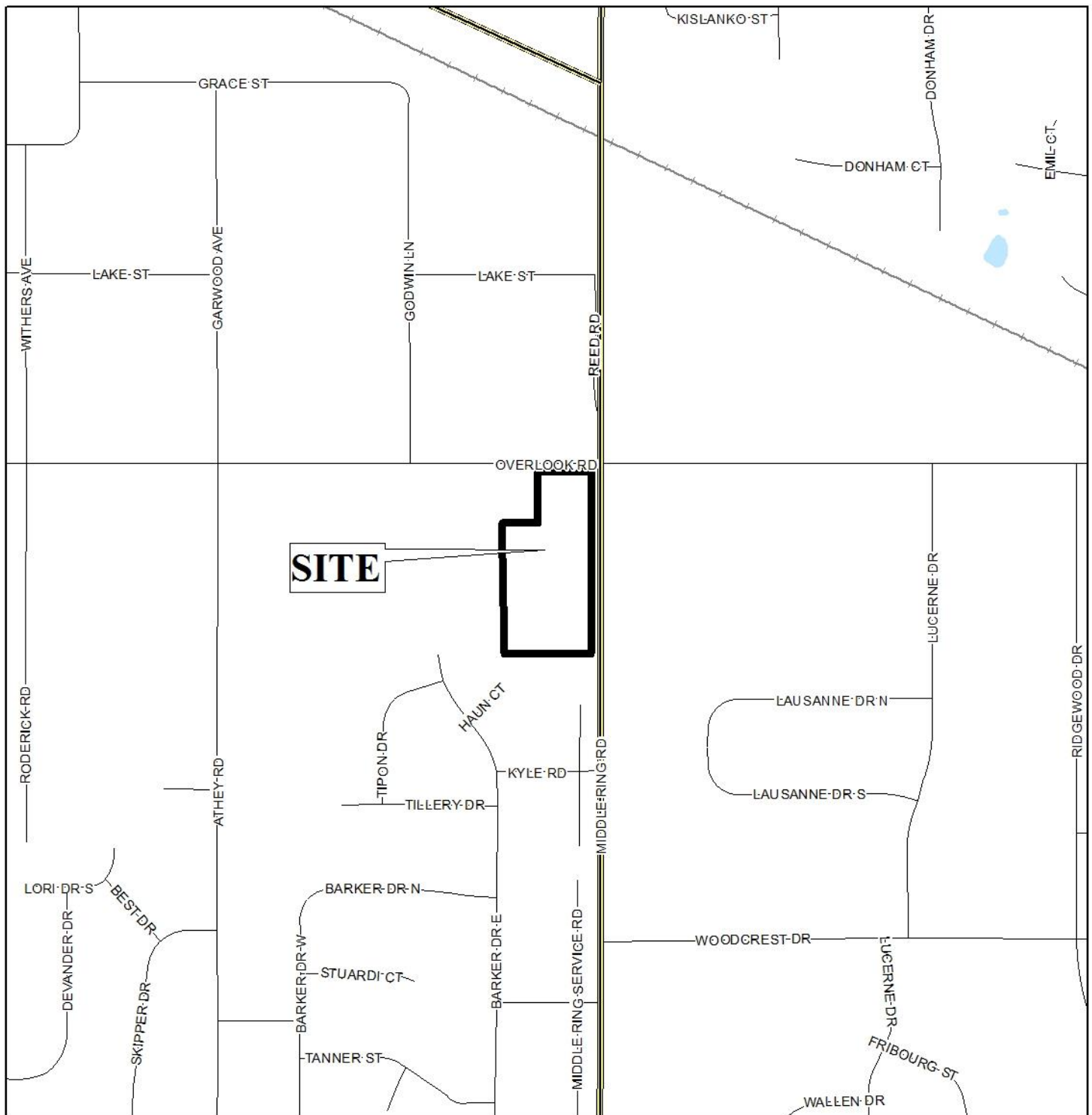
amount of dedicated ROW acreage (square feet) at the NE corner of LOT 1. C. Show and label the existing 40' wide ROW that is being requested for ROW Vacation. The ENG Dept. has not received a copy of the ROW Vacation request. D. Include the recording data for the Vacated ROW on the Final Plat. E. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. F. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 19 - #67 LOT 1 will have to share the historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control). Coordinate with City Engineering Department staff to establish the exact amount that each Lot will receive prior to the submittal of the Final Plat from review and signatures. G. 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. H. 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. I. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved. J. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process. K. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing. L. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the ORIGINAL (with all other signatures) and one (1) copy (signatures not required) of the revised Final Plat to the Engineering Department.);

- 7) compliance with Traffic Engineering comments (Lot is limited to one curb cut to Overlook Road and two curb cuts to Middle Ring Road, with 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.);
- 8) 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 2015-116 and City Code Chapters 57 and 64).);
- 9) compliance with Fire comments (All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code)); and
- 10) completion of the right-of-way vacation process prior to the signing of the Final Plat.

**Rezoning:** Based upon the preceding, the application is recommended for Approval to **B-1, Buffer Business District**, 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 14 DATE October 19, 2017

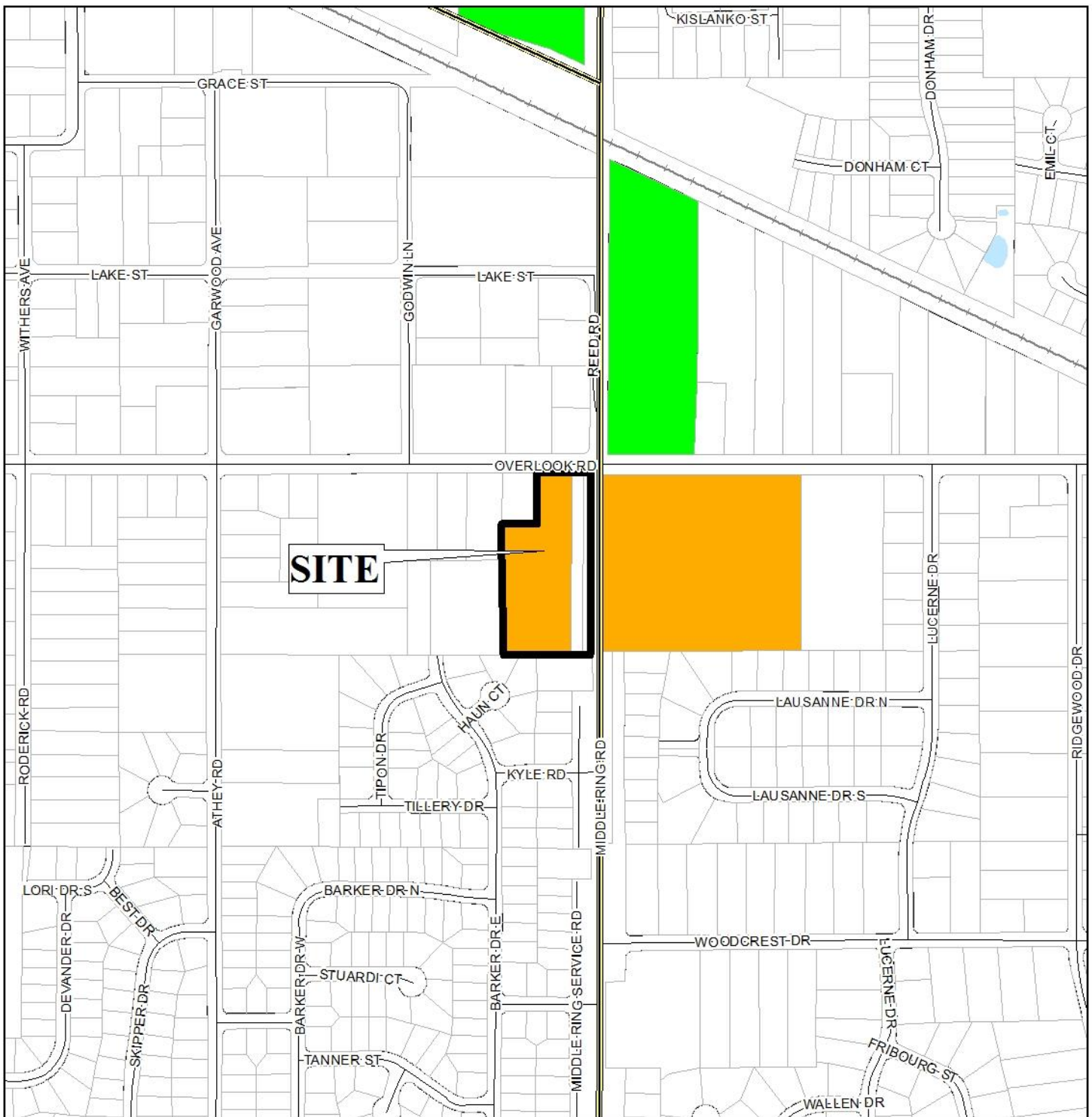
APPLICANT Faith Ministries Subdivision

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



NTS

# LOCATOR ZONING MAP



APPLICATION NUMBER 14 DATE October 19, 2017

APPLICANT Faith Ministries Subdivision

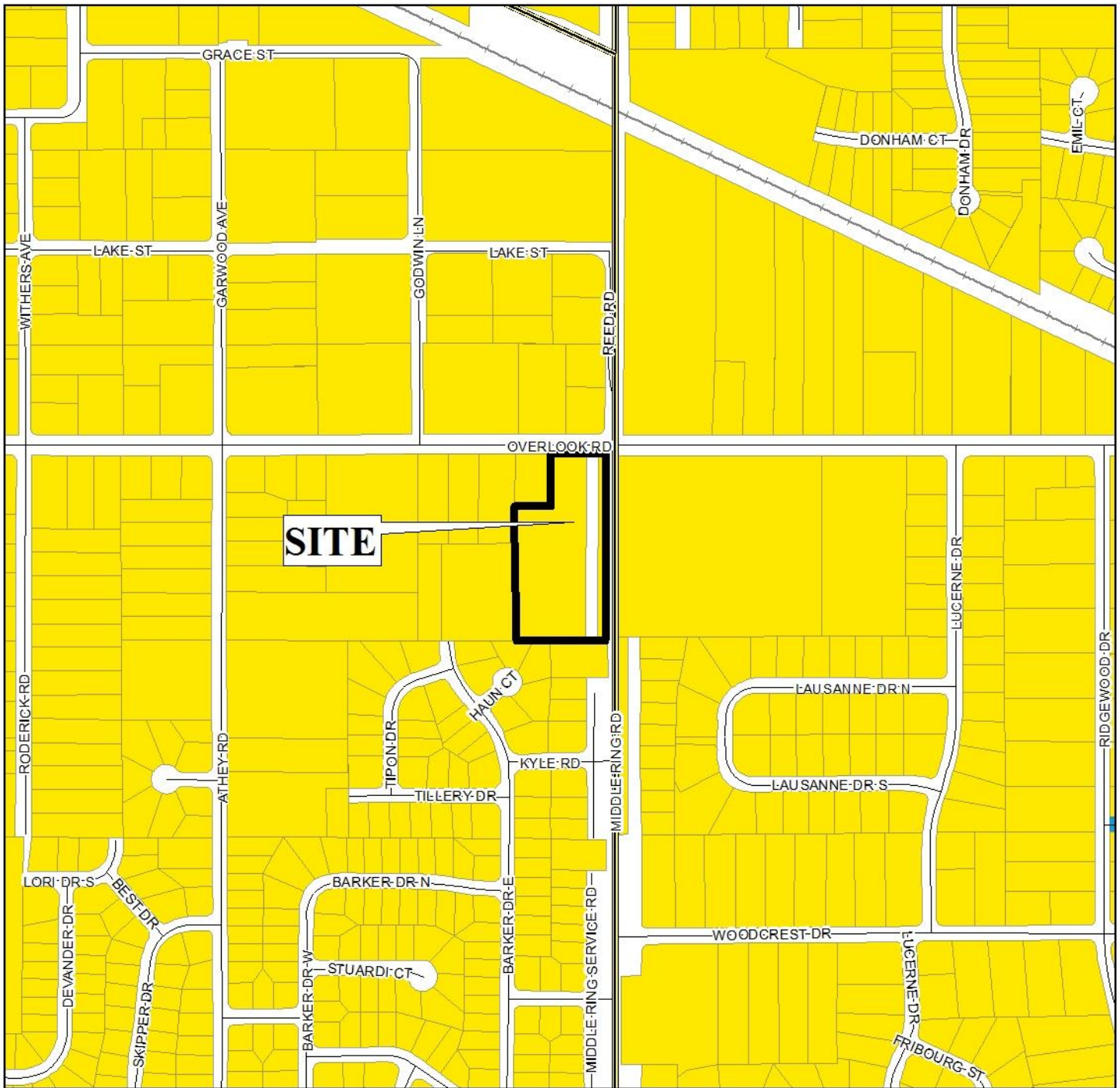
REQUEST Subdivision, Rezoning from R-1 and B-2 to B-2



NTS



# FLUM LOCATOR MAP



APPLICATION NUMBER 14 DATE October 19, 2017

APPLICANT Faith Ministries Subdivision

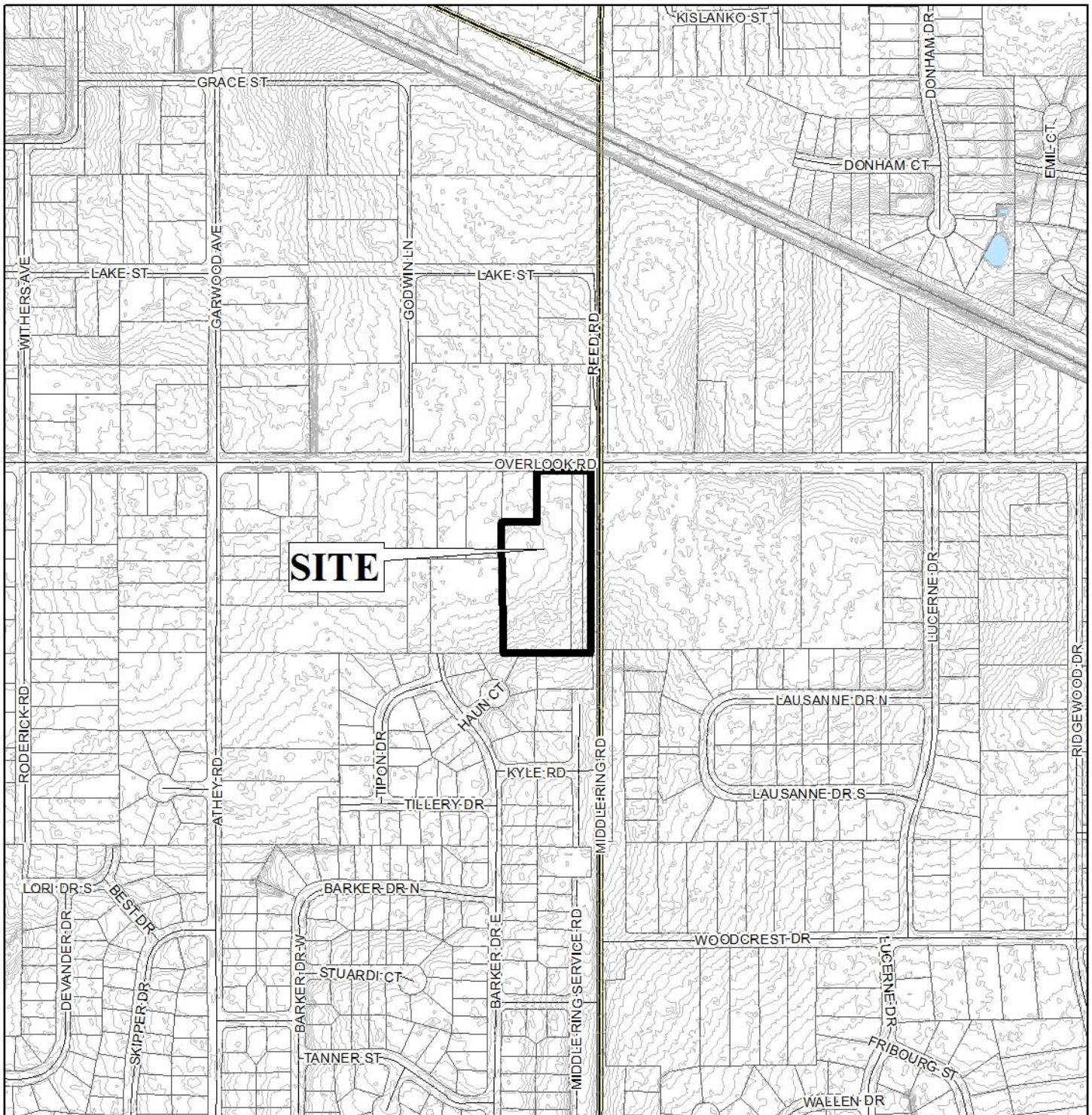
REQUEST Subdivision, Rezoning from R-1 and B-2 to B-2

Low Density Residential	Neighborhood Center- Traditional	Downtown Waterfront	Water Dependent
Mixed Density Residential	Traditional Corridor	Light Industry	Parks & Open Space
Downtown	Neighborhood Center- Suburban	Heavy Industry	
District Center	Mixed Commercial Corridor	Institutional	





# ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 14 DATE October 19, 2017

APPLICANT Faith Ministries Subdivision

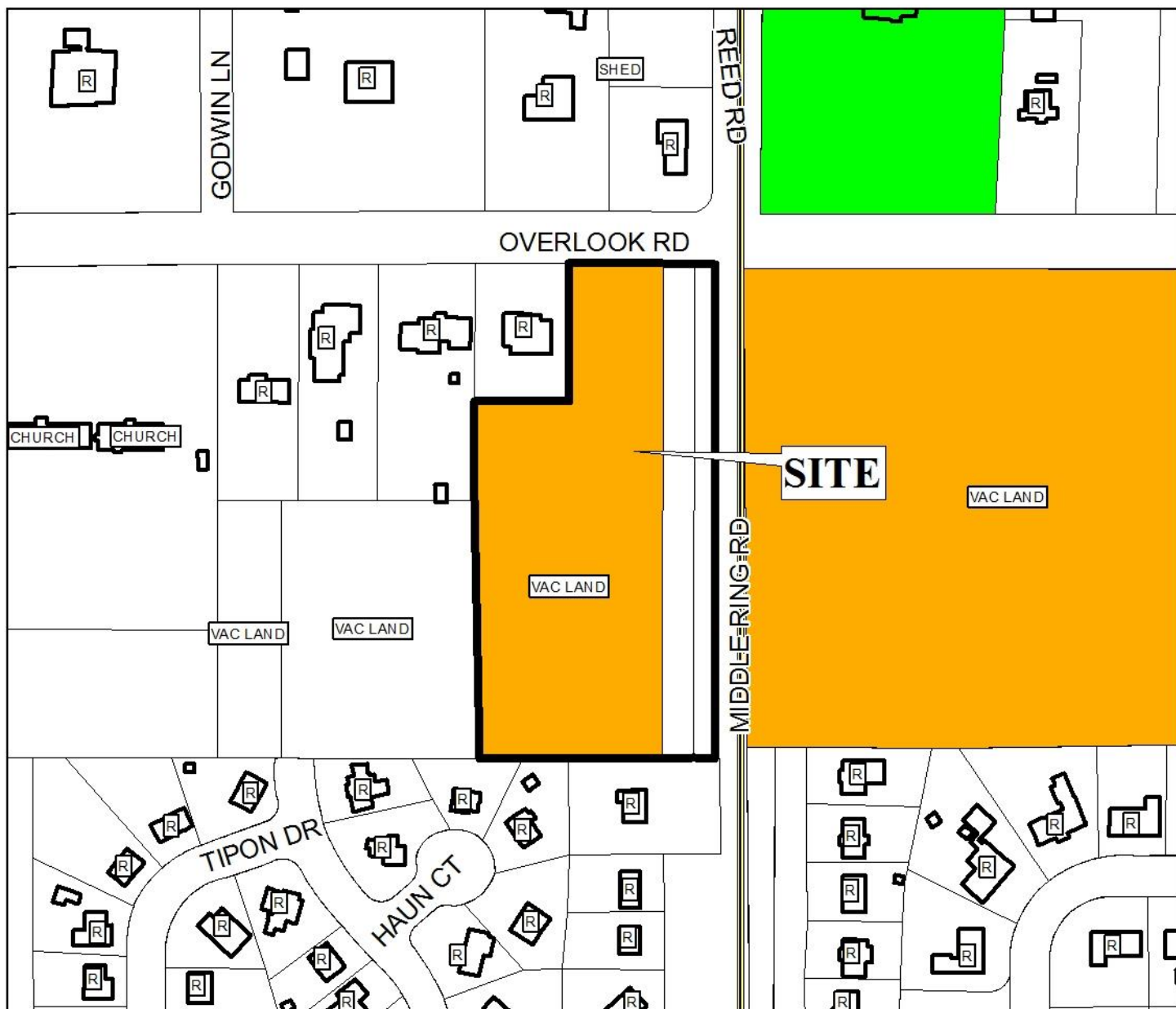
REQUEST Subdivision, Rezoning from R-1 and B-2 to B-2



NTS



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

APPLICATION NUMBER 14 DATE October 19, 2017

APPLICANT Faith Ministries Subdivision

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

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 AERIAL

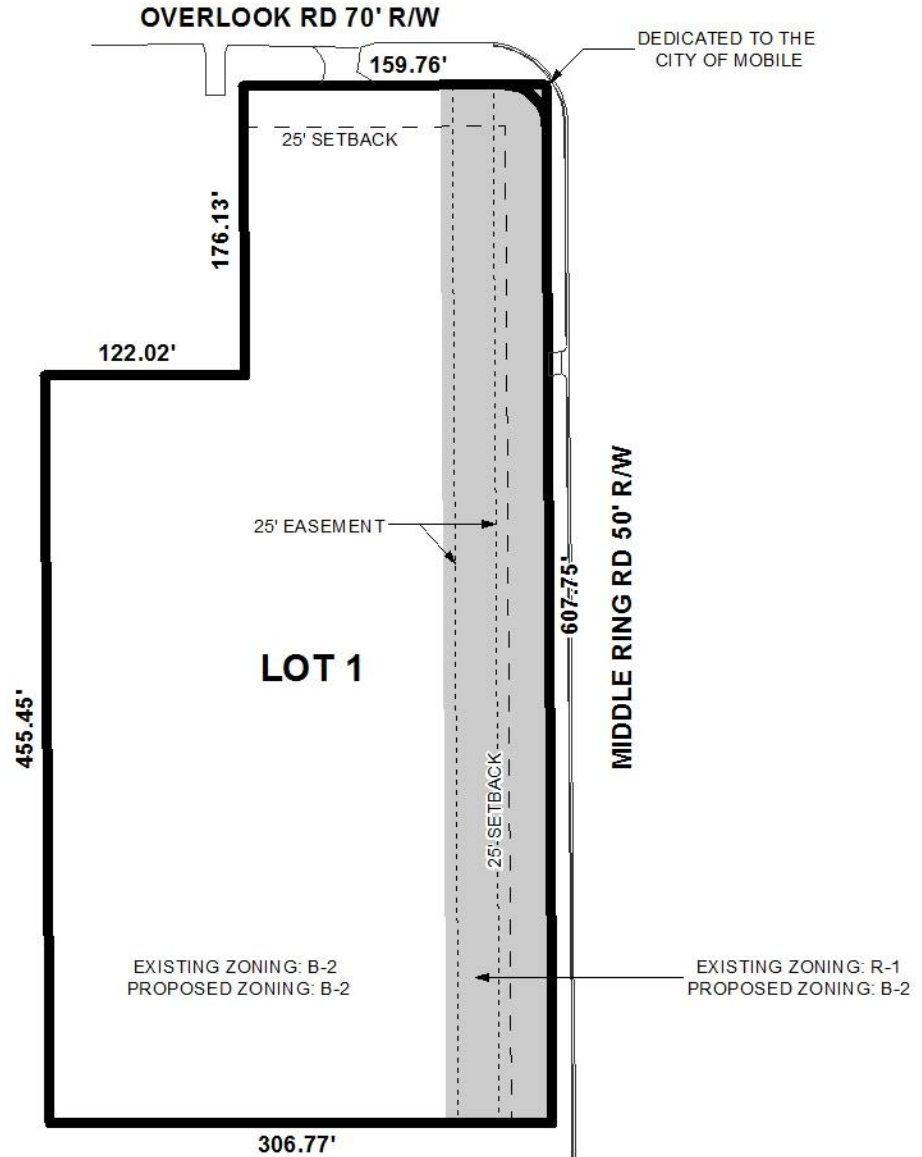


The site is surrounded by residential units.

APPLICATION NUMBER 14 DATE October 19, 2017  
 APPLICANT Faith Ministries Subdivision  
 REQUEST Subdivision, Rezoning from R-1 and B-2 to B-2



# SITE PLAN



The site plan illustrates the easement, setbacks, and proposed zoning changes.

APPLICATION NUMBER 14 DATE October 19, 2017

APPLICANT Faith Ministries Subdivision

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



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