 # 1, 2, 3, 4, & 5 **SUB2011-00122, ZON2011-02614, ZON2011-02676, ZON2011-02615 & ZON2011-02991**
HOLDOVER/*REVISED*

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 to eliminate split zoning in a proposed subdivision and request to waive construction of a sidewalk along Halls Mill Road and Pollard Lane.

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.

Revised: *Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. As shown, the 10' asphalt drive is not wide enough to accommodate two-way traffic. A 14'-16' aisle is the minimum desirable width to designate an entrance as one-way. Also the gate at Halls Mill Road may prohibit circulation through the site if it is common practice to keep the gate closed or locked. Two-way traffic cannot occur between the maintenance building and the church; one-way traffic is very constrained. Parking stalls along Pollard Street are not accurately depicted in the site plan. Several of the "stalls" are less than 20' from the edge of the roadway. Any parking that requires backing into the right-of-way or parking within the right-of-way is not recommended. Excess asphalt and/or gravel surfaces within the right-of-way that are not permitted to be utilized as parking through a right-of-way use agreement should be removed. There is no existing designated handicap parking and the site plan does not show adequate facilities to account for handicap accessibility (for example, proper parking stall size, aisles and solid surface access to the structures).*

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-feet 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-feet 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
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"*.

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-feet minimum building setback line after dedication.

Revised for the December 15th meeting:

The Planning Commission held the matter over until the December 15, meeting, to allow the applicant to make the following revisions:

1) *dedication sufficient to provide 25 feet from the centerline of Pollard Lane;*
2) *illustration of 25-feet minimum building setback line after dedication;*
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;*
4) *submission of a sidewalk waiver application or illustration of a sidewalk on the site plan is required;*

5) *submittal of an acceptable, detailed narrative describing the project in detail as required in Section 64-5.D. of the Zoning Ordinance;*
6) *compliance with Section V.B.16., in regards to curb radii should be required at the intersection of Halls Mill and Pollard Lane; and,*
7) 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;"*
8) 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
9) 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*".

The applicant submitted revised detailed site plans; however, the plans illustrate several issues associated with the safety and welfare of the congregation of the church. The site plan illustrates approximately 23 parking spaces providing maneuvering within the right-of-way along Pollard Street and within the intersection of Halls Mill Road and Pollard Street; therefore, these parking spaces should be eliminated due to the proximity within the right-of-way. As the site plan submitted by the applicants, proposed Lot 2 provides ample space to provide the required parking for the church and the associated cemetery located on Lot 1. As stated in Traffic Engineering comments, "the 10' asphalt drive is not wide enough to accommodate two-way traffic. A 14'-16' aisle is the minimum desirable width to designate an entrance as one-way. Also the gate at Halls Mill Road may prohibit circulation through the site if it is common practice to keep the gate closed or locked. Two-way traffic cannot occur between the maintenance building and the church; one-way traffic is very constrained. Parking stalls along Pollard Street are not accurately depicted in the site plan. Several of the "stalls" are less than 20' from the edge of the roadway. Any parking that requires backing into the right-of-way or parking within the right-of-way is not recommended. Excess asphalt and/or gravel surfaces within the right-of-way that are not permitted to be utilized as parking through a right-of-way use agreement should be removed. There is no existing designated handicap parking and the site plan does not show adequate facilities to account for handicap accessibility (for example, proper parking stall size, aisles and solid surface access to the structures)."

As stated in the analysis provided by the applicant the seating capacity for the sanctuary is 300 seats. The Zoning Ordinance requires 75 parking spaces for 300 seats, and 76 parking spaces are depicted on the site plan. The proposed number of parking spaces meets the minimum

requirements; however, as previously stated several do not comply, as they back out into the right-of-way. Therefore, the provision of compliant parking spaces (75) and surface should be provided on Lot 2.

Also illustrated on the site plan are several large Live Oak trees located within the existing parking and/or maneuvering areas, which as noted from Urban Forestry comments, should be given preservation status and protected from removal or the continued compaction of the root system by the parking of vehicles. Therefore, the removal of parking spaces and maneuvering should be required within the critical root zone of all trees designated preservation status.

As stated in the initial report, in Section 64, Chart of Permitted Uses, cemeteries are not allowed within B-3 districts; 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 to comply with Section 64, Chart of Permitted Uses, would be appropriate.

RECOMMENDATION ***Planned Unit Development:*** *The request for Planned Unit Development approval is recommended for holdover until the January 17, 2012, meeting with revisions due to the Planning Section by noon on Wednesday, December 28, 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** required parking spaces on Lot 2, 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) *approval of a sidewalk waiver 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. As shown, the 10' asphalt drive is not wide enough to accommodate two-way traffic. A 14'-16' aisle is the minimum desirable width to designate an entrance as one-way. Also the gate at Halls Mill Road may prohibit circulation through the site if it is common practice to keep the gate closed or locked. Two-way traffic cannot occur between the maintenance building and the church; one-way traffic is very constrained. Parking stalls along Pollard Street are not accurately depicted in the site plan. Several of the "stalls" are less than 20' from the edge of the roadway. Any parking that requires backing into the right-of-way or parking within the right-of-way is not recommended. Excess asphalt and/or gravel surfaces within the right-of-way that are not permitted to be utilized as parking through a right-of-way use agreement should be removed. There is no existing*

designated handicap parking and the site plan does not show adequate facilities to account for handicap accessibility (for example, proper parking stall size, aisles and solid surface access to the structures)"; 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 January 17, 2012, meeting with revisions due to the Planning Section by noon on Wednesday, December 28, 2011, to address the following:*

1) *revision of the site plan to show **ALL** required parking spaces on Lot 2, 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;*
2) *approval of a sidewalk waiver or illustration of a sidewalk on the site plan is required;*
3) *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;"*
4) *compliance with Traffic Engineering Comments: "Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. As shown, the 10' asphalt drive is not wide enough to accommodate two-way traffic. A 14'-16' aisle is the minimum desirable width to designate an entrance as one-way. Also the gate at Halls Mill Road may prohibit circulation through the site if it is common practice to keep the gate closed or locked. Two-way traffic cannot occur between the maintenance building and the church; one-way traffic is very constrained. Parking stalls along Pollard Street are not accurately depicted in the site plan. Several of the "stalls" are less than 20' from the edge of the roadway. Any parking that requires backing into the right-of-way or parking within the right-of-way is not recommended. Excess asphalt and/or gravel surfaces within the right-of-way that are not permitted to be utilized as parking through a right-of-way use agreement should be removed. There is no existing designated handicap parking and the site plan does not show adequate facilities to account for handicap accessibility (for example, proper parking stall size, aisles and solid surface access to the structures)"; and*
5) *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".

***Rezoning**: The request for Rezoning approval is recommended for holdover until the January 17, 2012, meeting with revisions due to the Planning Section by noon on Wednesday, December 28, 2011, to address the following:*

1) *rezoning of the entire development from B-3, Community Business to R-1, Single-Family Residential to allow with Planning Approval the allowed use of Lot 1 as a cemetery;*
2) *revision of the site plan to show **ALL** required parking spaces on Lot 2, 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) *approval of a sidewalk waiver 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. As shown, the 10' asphalt drive is not wide enough to accommodate two-way traffic. A 14'-16' aisle is the minimum desirable width to designate an entrance as one-way. Also the gate at Halls Mill Road may prohibit circulation through the site if it is common practice to keep the gate closed or locked. Two-way traffic cannot occur between the maintenance building and the church; one-way traffic is very constrained. Parking stalls along Pollard Street are not accurately depicted in the site plan. Several of the "stalls" are less than 20' from the edge of the roadway. Any parking that requires backing into the right-of-way or parking within the right-of-way is not recommended. Excess asphalt and/or gravel surfaces within the right-of-way that are not permitted to be utilized as parking through a right-of-way use agreement should be removed. There is no existing designated handicap parking and the site plan does not show adequate facilities to account for handicap accessibility (for example, proper parking stall size, aisles and solid surface access to the structures)";*
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"; and*

7) compliance with all codes and ordinances.

Subdivision: *The Subdivision request is recommended for holdover until the January 17, 2012, meeting with revisions due to the Planning Section by noon on Wednesday, December 28, 2011, to address the following:*

1) dedication sufficient to provide 25 feet from the centerline of Pollard Lane;
2) illustration of 25-feet minimum building setback line after dedication;
3) compliance with Section V.B.16., in regards to curb radii should be required at the intersection of Halls Mill and Pollard Lane; and
4) 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."

Revised for the January 19th meeting:

The Planning Commission held the matter over from the December 15, meeting, to allow the applicant to make the following revisions:

1) *dedication sufficient to provide 25 feet from the centerline of Pollard Lane;*
2) *illustration of 25-feet minimum building setback line after dedication;*
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;*
4) *submission of a sidewalk waiver application or illustration of a sidewalk on the site plan is required;*
5) *submittal of an acceptable, detailed narrative describing the project in detail as required in Section 64-5.D. of the Zoning Ordinance;*
6) *compliance with Section V.B.16., in regards to curb radii should be required at the intersection of Halls Mill and Pollard Lane; and,*
7) 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;"*
8) 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
9) 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".

The applicant submitted revised detailed site plans; however, the plans still illustrate several issues associated with the safety and welfare of the congregation of the church. As the revised site plan submitted illustrates, proposed Lot 2 does provides ample parking spaces to meet the required parking for the church and the associated cemetery located on Lot 1. As stated in Traffic Engineering comments, "the 10' asphalt drive from Lot 1 to Lot 2 is not wide enough to accommodate two-way traffic. A 14'-16' aisle is the minimum desirable width to designate an entrance as one-way. There are designated handicap parking illustrated on the site plan; however, the site plan does not show adequate facilities to account for handicap accessibility (for example, proper parking stall size, aisles and solid surface access to the structures)."

As stated in the analysis provided by the applicant the seating capacity for the sanctuary is 300 seats. The Zoning Ordinance requires 75 parking spaces for 300 seats, and 89 parking spaces are depicted on the site plan. The proposed number of parking spaces meets the minimum requirements; however, as previously stated do not comply as they are illustrated as either grass or some other non-compliant surface. Therefore, the provision of compliant surface should be provided on the entire development.

Also illustrated on the site plan are several large Live Oak trees located within the existing parking and/or maneuvering areas, which as noted from Urban Forestry comments, should be given preservation status and protected from removal or the continued compaction of the root system by the parking of vehicles. Therefore, the removal of parking spaces and maneuvering should be required within the critical root zone of all trees designated preservation status.

As stated in the initial report, in Section 64, Chart of Permitted Uses, cemeteries are not allowed within B-3 districts; 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 to comply with Section 64, Chart of Permitted Uses, would be appropriate.

It should be noted that the Board of Zoning Adjustment heldover the applicant's request for Surface, Maneuvering & Access and Ratio Variances for the development. The Board was concerned that if a variance was approved it may not be justified due to the overall scope of operation and the decision made by the Planning Commission for Planned Unit Development, Planning Approval and Rezoning. It was stated in the Board meeting the owner wishes to sell the proposed Lot 2 to another religious organization to be used as a church and would retain proposed Lot 1, the structure on the lot would also be used as a church and meeting hall for the owner's religious organization; whereby, two religious organizations would be adjacent to each other and share parking facilities. However, on the revised site plan the structure on Lot 1 is

illustrated as an office with storage, not as a religious meeting hall as stated by the owner at the meeting. This would change the parking ratio for the structure and may increase the parking requirements for the development.

Also illustrated on the revised site plan are several large Live Oak trees located within the existing parking and/or maneuvering areas, which as noted from Urban Forestry comments, should be given preservation status and protected from removal or the continued compaction of the root system by the parking of vehicles. Therefore, the removal of parking spaces and maneuvering should be required within the critical root zone of all trees designated preservation status.

As stated in the initial report, in Section 64, Chart of Permitted Uses, cemeteries are not allowed within B-3 districts; 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 to comply with Section 64, Chart of Permitted Uses, would be appropriate.

In reference to the applicant stating that there is inadequate right-of-way for the placement of a sidewalk, it should be noted that the revised preliminary plat illustrates dedication along Pollard Street; therefore, adequate right-of-way will be available for the placement of a sidewalk. Also, the applicant states that existing utilities prevent the placement of a sidewalk; however, no utilities are illustrated on the site plan submitted. The applicant goes on to state the existing ditch location makes the placement of a sidewalk not feasible. Based on the cross-sections submitted by the applicant, it appears that the locations of the potential sidewalk would be on the outside edge of the ditches, and would therefore not be impacted by them. The cemetery location appears to run along the property line; however, it should be noted that the proposed site plan illustrates parking spaces along the property line; therefore it is possible to have a sidewalk not interfere with the cemetery.

The applicant has not provided sufficient reasoning to justify the approval of the sidewalk waiver. There is no reason why a sidewalk cannot be built to City of Mobile standards; it is simply the applicant's wish to not construct a sidewalk.

RECOMMENDATION ***Planned Unit Development:*** *The request for Planned Unit Development approval is recommended for approval, subject to the following conditions:*

1) *revision of the site plan to show **ALL** required parking spaces on Lot 2, including, but not limited to, dimensions of parking stalls or drive aisles, indicate paving materials, and indicate the seating capacity of both churches and other information needed to ensure parking compliance;*
2) *approval of a sidewalk waiver or illustration of a sidewalk on the site plan;*
3) *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;"

4) *compliance with Traffic Engineering Comments: "Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. As shown, the 10' asphalt drive is not wide enough to accommodate two-way traffic. A 14'-16' aisle is the minimum desirable width to designate an entrance as one-way. Also the gate at Halls Mill Road may prohibit circulation through the site if it is common practice to keep the gate closed or locked. Two-way traffic cannot occur between the maintenance building and the church; one-way traffic is very constrained. Parking stalls along Pollard Street are not accurately depicted in the site plan. Several of the "stalls" are less than 20' from the edge of the roadway. Any parking that requires backing into the right-of-way or parking within the right-of-way is not recommended. Excess asphalt and/or gravel surfaces within the right-of-way that are not permitted to be utilized as parking through a right-of-way use agreement should be removed. There is no existing designated handicap parking and the site plan does not show adequate facilities to account for handicap accessibility (for example, proper parking stall size, aisles and solid surface access to the structures)"; and*
5) *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 approval, subject to the following conditions:*

1) *revision of the site plan to show **ALL** required parking spaces on Lot 2, including, but not limited to, dimensions of parking stalls or drive aisles, indicate paving materials, and indicate the seating capacity of the both churches and other information needed to ensure parking compliance;*
2) *the inclusion of Lot 1 in the Planning Approval to allow a cemetery in an R-1, Single-Family Residential district;*
3) *approval of a sidewalk waiver or illustration of a sidewalk on the site plan;*
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;"*
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gate at Halls Mill Road may prohibit circulation through the site if it is common practice to keep the gate closed or locked. Two-way traffic cannot occur between the maintenance building and the church; one-way traffic is very constrained. Parking stalls along Pollard Street are not accurately depicted in the site plan. Several of the "stalls" are less than 20' from the edge of the roadway. Any parking that requires backing into the right-of-way or parking within the right-of-way is not recommended. Excess asphalt and/or gravel surfaces within the right-of-way that are not permitted to be utilized as parking through a right-of-way use agreement should be removed. There is no existing designated handicap parking and the site plan does not show adequate facilities to account for handicap accessibility (for example, proper parking stall size, aisles and solid surface access to the structures)"; 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".*

***Rezoning**: The request for Rezoning approval as requested is recommended for denial; however, the approval to rezone the entire development to R-1, Single-Family Residential is suggested with the following conditions:*

1) *rezoning of the entire development from B-3, Community Business to R-1, Single-Family Residential to allow with Planning Approval the allowed use of Lot 1 as a cemetery;*
2) *revision of the site plan to show **ALL** required parking spaces on Lot 2, including, but not limited to, dimensions of parking stalls or drive aisles, indicate paving materials, and indicate the seating capacity of both churches and other information needed to ensure parking compliance;*
3) *approval of a sidewalk waiver or illustration of a sidewalk on the site plan;*
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;"*
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the right-of-way or parking within the right-of-way is not recommended. Excess asphalt and/or gravel surfaces within the right-of-way that are not permitted to be utilized as parking through a right-of-way use agreement should be removed. There is no existing designated handicap parking and the site plan does not show adequate facilities to account for handicap accessibility (for example, proper parking stall size, aisles and solid surface access to the structures)";

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7) *compliance with all codes and ordinances.*

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

1) *dedication sufficient to provide 25 feet from the centerline of Pollard Lane;*
2) *illustration of 25-feet minimum building setback line after dedication;*
3) *compliance with Section V.B.16., in regards to curb radii should be required at the intersection of Halls Mill and Pollard Lane; and*
4) *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."*

Sidewalk Waiver: *Based upon the preceding, this application for waiver of the sidewalks along Hall Mill Road and Pollard Street are recommended for denial.*

Revised for the February 16th meeting:

The Planning Commission held the matter over from the January 19th, meeting, to allow the applicant to meet with the Planning staff and Planning Commission attorney. Staff met with the applicant and surveyor and discussed staff's conditions of approval.

Recommendations remain the same as the previous conditions for approval.

RECOMMENDATION ***Planned Unit Development:*** *The request for Planned Unit Development approval is recommended for approval, subject to the following conditions:*

1) *revision of the site plan to show **ALL** required parking spaces on Lot 2, including, but not limited to, dimensions of parking stalls or drive aisles, indicate paving materials, and indicate the seating capacity of both churches and other information needed to ensure parking compliance;*
2) *approval of a sidewalk waiver or illustration of a sidewalk on the site plan;*
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5) *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 approval, subject to the following conditions:*

1) *revision of the site plan to show **ALL** required parking spaces on Lot 2, including, but not limited to, dimensions of parking stalls or drive aisles, indicate paving materials, and indicate the seating capacity of the both churches and other information needed to ensure parking compliance;*
2) *the inclusion of Lot 1 in the Planning Approval to allow a cemetery in an R-1, Single-Family Residential district;*
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Subdivision: *Based upon the preceding, the application is recommended for Tentative Approval, subject to the following conditions:*

1) *dedication sufficient to provide 25 feet from the centerline of Pollard Lane;*
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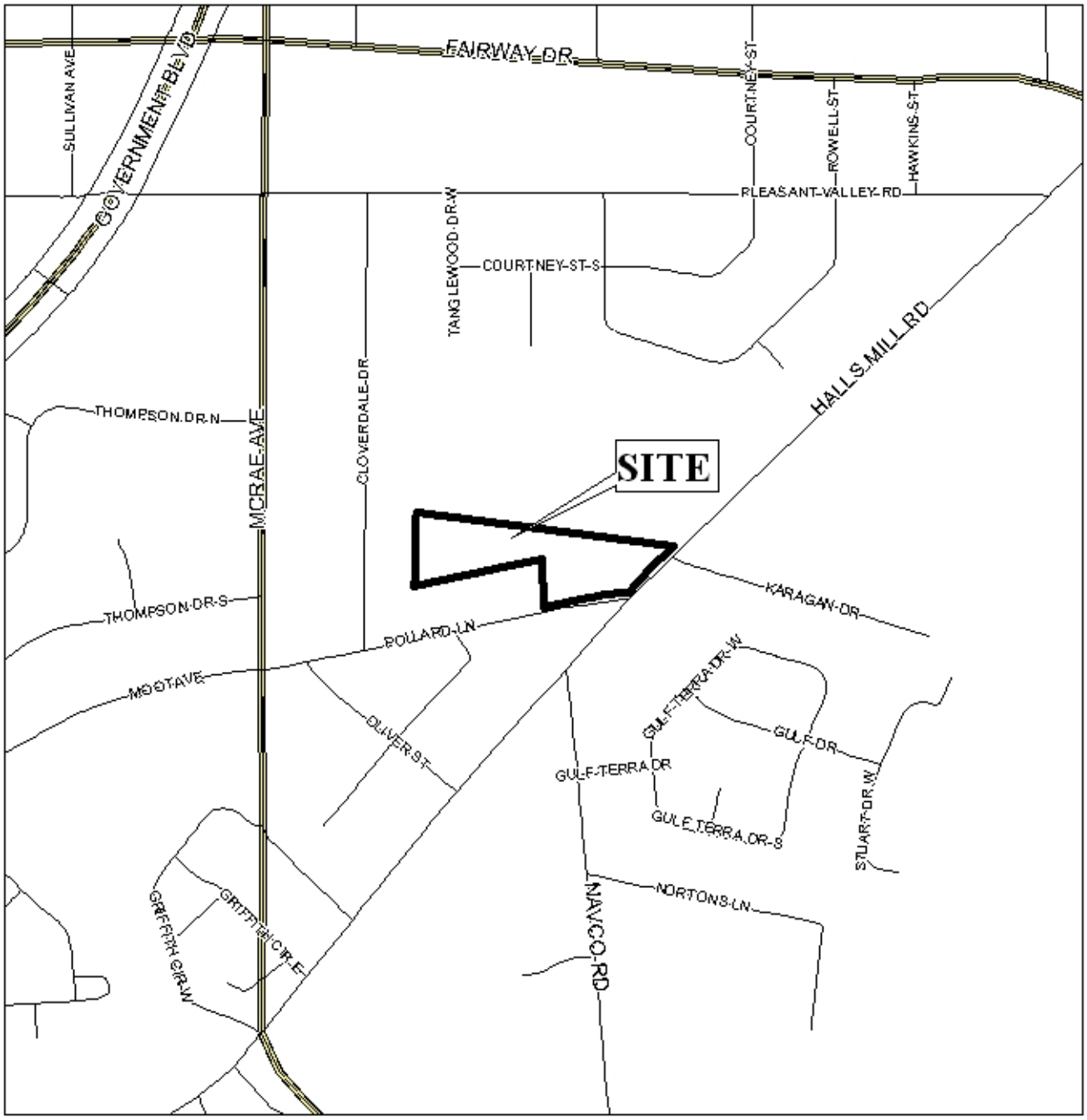
Sidewalk Waiver: *Based upon the preceding, this application for waiver of the sidewalks along Hall Mill Road and Pollard Street are recommended for denial.*

LOCATOR MAP



APPLICATION NUMBER 1, 2, 3, 4 & 5 DATE February 16, 2012

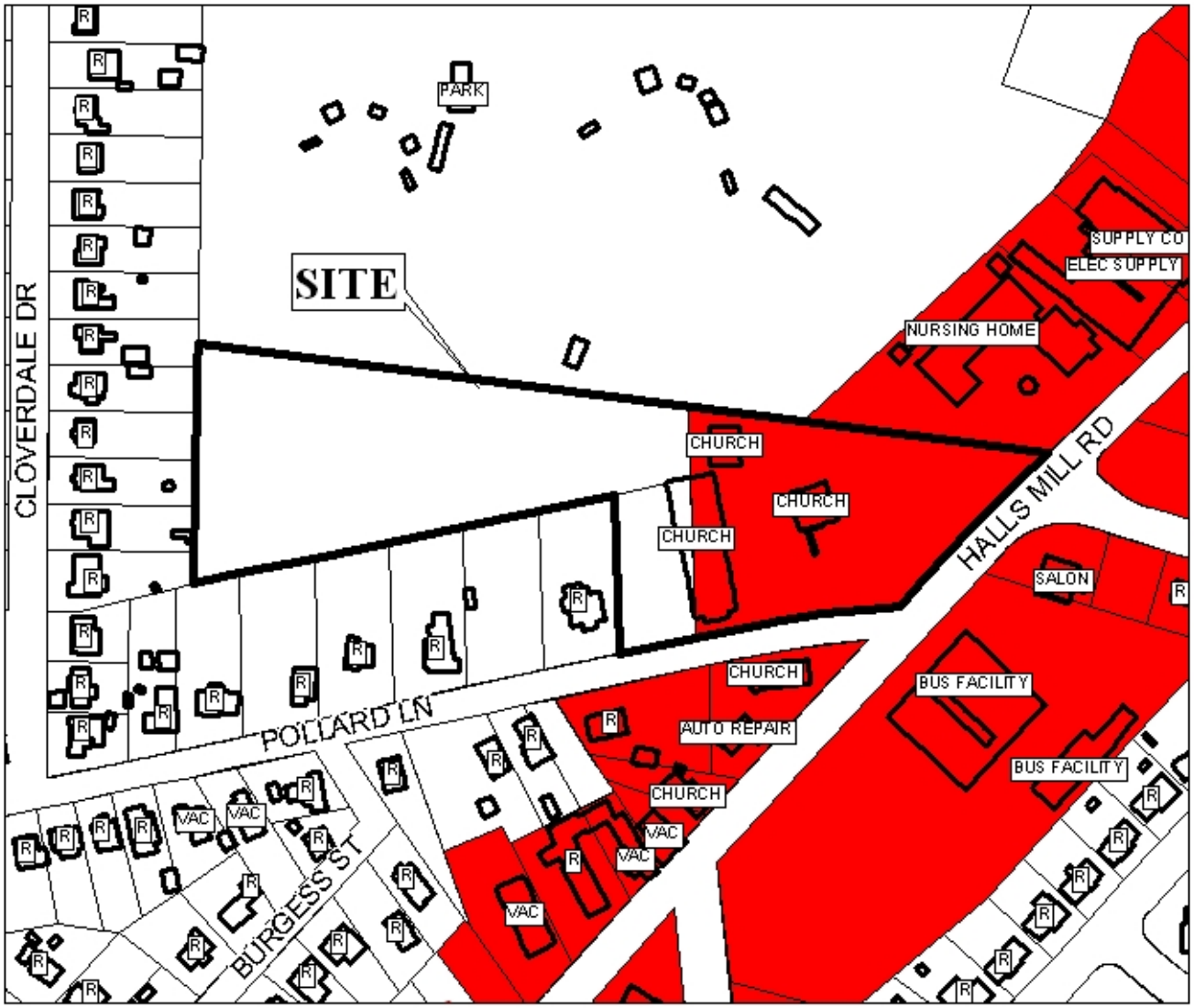
APPLICANT Zion Baptist Church Subdivision

REQUEST Subdivision, PUD, Planning Approval, Rezoning from R-1 and B-3 to R-1, Sidewalk Waiver

N

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 1, 2, 3, 4 & 5 DATE February 16, 2012

APPLICANT Zion Baptist Church Subdivision

REQUEST Subdivision, PUD, Planning Approval, Rezoning from R-1 and B-3 to R-1, Sidewalk Waiver

N

NTS

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

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 1, 2, 3, 4 & 5 DATE February 16, 2012

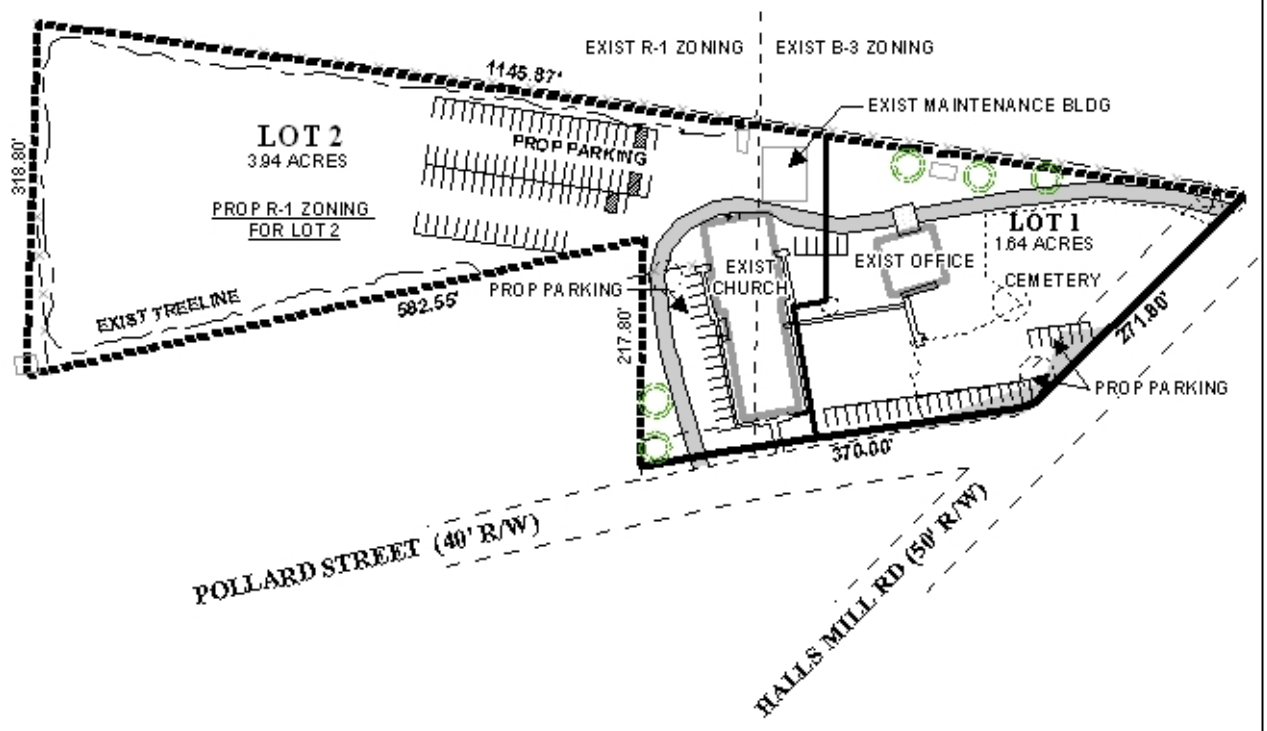
APPLICANT Zion Baptist Church Subdivision

REQUEST Subdivision, PUD, Planning Approval, Rezoning from R-1 and B-3 to R-1, Sidewalk Waiver

N

NTS

SITE PLAN



The site plan illustrates the existing church and proposed improvements.

APPLICATION NUMBER 1, 2, 3, 4 & 5 DATE February 16, 2012

APPLICANT Zion Baptist Church Subdivision

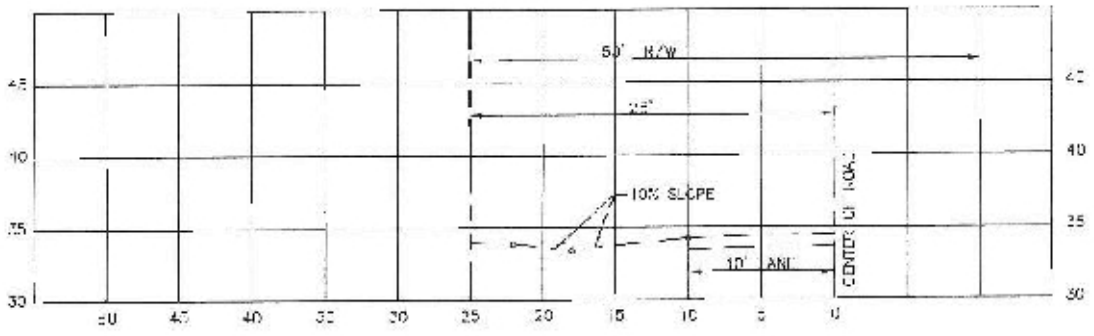
REQUEST Subdivision, PUD, Planning Approval, Rezoning from R-1 and B-3 to R-1, Sidewalk Waiver

N

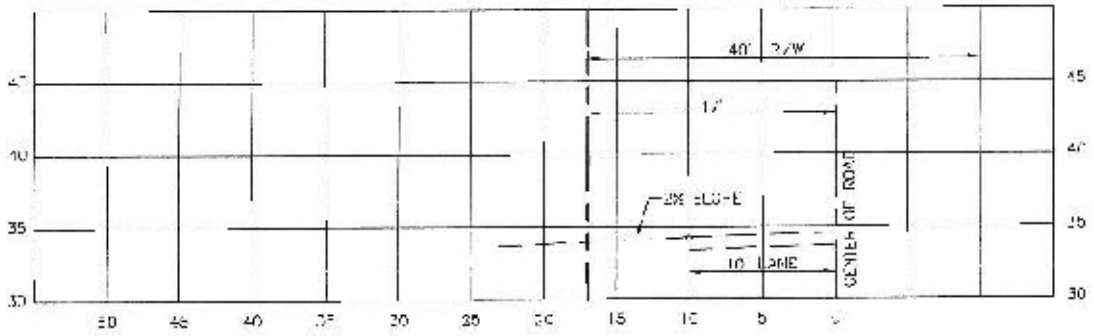
NTS

SIDEWALK CROSS SECTION DETAIL

HALLS MILL ROAD



POLLARD STREET



TYPICAL SECTION IN FRONT OF PROPERTY

SCALE : 1"=10'

APPLICATION NUMBER 1, 2, 3, 4 & 5 DATE February 16, 2012

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N

NTS