

**REZONING,
PLANNED UNIT DEVELOPMENT
SIDEWALK WAIVER &
SUBDIVISION STAFF REPORT**

Date: October 18, 2007

APPLICANT NAME Orchard Baptist Church

DEVELOPMENT NAME Orchard Baptist Church

SUBDIVISION NAME Orchard Baptist Church Subdivision

LOCATION 6960 Overlook Road
(Southeast corner of Overlook Road and Howells Ferry Road).

CITY COUNCIL DISTRICT Council District 7

AREA OF PROPERTY 11 Lot / 7.0± Acres

PRESENT ZONING R-1, Single-Family Residential &
B-2, Neighborhood Business

PROPOSED ZONING B-1, Buffer Business District

CONTEMPLATED USE Rezoning from R-1, Single-Family Residential, and B-2, Neighborhood Business, to B-1, Buffer Business, to eliminate split zoning in a proposed one-lot subdivision for a church. Planned Unit Development Approval to allow four buildings on a single building site, and Subdivision approval to create one legal lot of record.

REASON FOR REZONING The reason for rezoning provided by the applicant reads as follows: to eliminate split zoning of a proposed one-lot subdivision

TIME SCHEDULE FOR DEVELOPMENT Immediate

ENGINEERING COMMENTS All storm drainage must tie to City storm drainage system or release agreement required to be concentrated onto adjacent property owner. Downstream drainage system should be analyzed to verify capacity to convey additional runoff. Detention is required for all impervious area constructed post-1984. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they

should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit.

Sidewalk waiver: Based on information provided by applicant, City standard sidewalk is not constructible at this location.

TRAFFIC ENGINEERING

COMMENTS

Driveway number, size, location, and design to be approved by Traffic Engineering 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).

FIRE DEPARTMENT

COMMENTS

All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate.

REMARKS

The applicant is seeking Rezoning from R-1, Single-Family Residential, and B-2, Neighborhood Business, to B-1, Buffer Business, to eliminate split zoning in a proposed one-lot subdivision for a church. Planned Unit Development Approval to allow four buildings on a single building site, and Subdivision approval to create one legal lot of record. The site is located in Council District 7, and according to the applicant is served by public water and sanitary sewer.

The purpose of this application is to create a single lot of record – the application is the result of a recent subdivision approved by the Planning Commission, Overlook Station Subdivision. Rezoning is required for two reasons; one, the subdivision as proposed would result in a split zoned property; and two, to provide a zoning classification appropriate for the existing use as a church. The PUD is required because there multiple buildings on multiple lots/parcels that will be incorporated into a single lot or building site.

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 / Subdivision plat will require approval by the Planning Commission.

Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent

developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set forth in the Subdivision Regulations for lot size, road frontage, lot configuration, etc.

There are several issues with the Rezoning and Planned Unit Development applications as submitted. First and foremost, the site plans submitted do not include any dimensions of improvements. This lack of dimensions makes it virtually impossible to review; and, since these applications are site plan specific, virtually impossible to ensure compliance with the approved plans.

Also, there appear to be some discrepancies between parcel dimensions illustrated on the proposed plat and those of common parcel lines with Overlook Station Subdivision. These discrepancies should be corrected.

Another issue is that the required narrative describing the proposal is incomplete and does not provide adequate information. While there is information about the attendance and number of pews, neither of these provide seating capacity of the sanctuary which determines parking requirements. The narrative includes a statement about members parking across the street; however that property was not included in the application, nor are the uses of the various buildings specified.

In essence, the plans submitted are incomplete and cannot at this time be reviewed.

RECOMMENDATION

Subdivision: Based on the preceding, the application is recommended for HOLDOVER until the November 15 meeting to be considered simultaneously with the Rezoning and Planned Unit Development applications, and to allow the applicant to correct any potential discrepancies of parcel dimensions and those of common parcel lines with Overlook Station Subdivision.

Rezoning: Based on the preceding, the application is recommended for HOLDOVER until the November 15 meeting to be considered simultaneously with the Planned Unit Development application.

Planned Unit Development: Based upon the preceding, this application is recommended for HOLDOVER until the November 15 meeting to allow the applicant to revise the plan to provide All dimensions for plan review, include all properties associate with the church and used for church functions (parking, services, classrooms, etc)

Sidewalk Waiver: Based on the preceding, the application is recommended for HOLDOVER until the November 15 meeting to be considered simultaneously with the Rezoning and Planned Unit Development applications.

All revisions and/or corrections, including any additional documentation, notification labels and fees and/or lot fees to be submitted by October 29th.

Revised for November 15, 2007 Meeting

The applicant has submitted a revised plat and site plan addressing several of the issues referenced as reasons for holdover. The revised plat and illustrative drawing (which included Overlook Station Subdivision, reflected corrections to some of the discrepancies between the original plat submitted and the common parcel lines with Overlook Station Subdivision through illustration. However, dimensions along the South and East property lines are not reflected on the illustrative drawing, or are still either in conflict, inaccurate, or at a minimum confusing when reviewed in conjunction with the plat for the subdivision in question.

While these discrepancies are still of concern, the illustrative drawing clearly reflects the correlation between the subdivisions, and thus, corrections/revisions can easily be addressed on the final plat prior to signatures for recordation.

If the subdivision is approved, the recommendation for approval of the rezoning request would be appropriate to correct what would become a split zoned parcel.

The revised site plan illustrates a proposed expansion of parking facilities, which will provide a total of 116 parking spaces on site. The plan indicates that the seating for the church is 500, requiring a minimum of 125 parking spaces. Given the layout of the proposed expansion, it appears that an additional 9 spaces could easily be accommodated in the southern portion of the expanded facilities.

Another issue is that the plan reflects a 320'± continuous curb cut. As shown on the plan, the curb cut would effectively allow direct ingress and egress for 11 parking spaces, and only has an 18-20' wide "formal" entrance into the parking facility. While it appears that this access may be existing, the extensive expansion to the parking facility should be adequate to require modifications to the curb cut and entrances.

While the revised and expanded parking facility provides all required parking on site, there are still buildings owned and occupied by the church on property located across Overlook Road. One of the reasons stated for the prior holdover was the inclusion of that property in the PUD. The applicant did not include that property, and provided no information as to why it was not included. Inclusion of those properties is necessary to "tie" the properties together should there be a future separation and to ensure adequate parking and access are provided for both sites. This may also necessitate a subdivision application for those properties located across Overlook Road.

While it is desirable that all applications be considered and acted upon at the same time, given time constraints – of the applicant and imposed by state code, action must be taken on the subdivision (or the applicant request holdover).

RECOMMENDATION

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

1. correction/depiction of dimensions along the South and East property lines, to coincide with those from Overlook Station Subdivision;
2. placement of a note on the final plat stating that the site is limited to a maximum of three, 24' wide curb cuts, size, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
3. removal of extraneous paving materials from the continuous curb cut and installation of landscape material, to coincide with redesigned and approved 24' wide curb cuts.

Rezoning: Based on the preceding, the application is recommended for approval, subject to the following conditions:

1. the site is limited to a maximum of three, 24' wide curb cuts, size, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
2. removal of extraneous paving materials from the continuous curb cut and installation of landscape material, to coincide with redesigned and approved 24' wide curb cuts;
3. completion of the subdivision process prior to the issuance of any permits;
4. development limited to an approved PUD; and
5. full compliance with all municipal codes and ordinances.

Planned Unit Development: Based upon the preceding, this application is recommended for HOLDOVER until the December 20 meeting to allow the applicant to revise the plan to include all properties associated with the church and used for church functions (parking, services, classrooms, etc), and illustrate revisions to parking facilities as referenced in the remarks section of this report.

Sidewalk Waiver: Based on the preceding, the application is recommended for Approval based on City Engineering's agreement with the applicant's contention.

All revisions and/or corrections, including any additional documentation, notification labels and fees and/or lot fees to be submitted by November 26th.

Revised for December 20, 2007 Meeting

As the subdivision, rezoning and sidewalk waiver were all approved November 15, the application still before the Commission is the Planned Unit Development.

The applicant has submitted a revised plan that reflects the church properties across Overlook Road, however there are still several issues that have not been addressed. The revised plan does not accurately depict property lines for the church property on the North side of Overlook Road; does not include revisions to access for the property on the South side of Overlook Road, as were conditioned by the rezoning and subdivision approvals; does not include additional parking spaces to meet minimum requirements; proposes parking spaces that are not accessible due to a power pole and guy wire. Additionally, as noted for the November 15th meeting, the site on the North side of Overlook consists of multiple parcels and should have had a subdivision application.

Additionally, the property on the North side of Overlook is shown to have 20+ parking spaces that appear to be located at least partially in the right-of-way, or at a minimum have all their maneuvering in the right-of-way. As these parking facilities are existing, removal at this time may not be justified based on the scale of the project before the Commission. However, any future expansion/construction on either site should require elimination of those spaces, including removal of paving material, installation of appropriate curb cuts (to be approved by Traffic Engineering), installation of landscape materials and construction of a city standard sidewalk.

RECOMMENDATION

Based on the applicant's failure to revise the plan as previously indicated – or provide justification not to do so, and the fact that PUD approval is site plan specific, there is little to no option but to recommended yet another holdover or denial.

Revised for January 17, 2007 Meeting

After discussion with the applicant's engineer, it appears that there have been misunderstandings/miscommunications throughout the process. The applicant is not proposing any immediate improvements, but rather is simply subdividing the property to sell a portion – and rezoning portions to eliminate split zoning created by the subdivision.

The applicant has submitted a revised site plan illustrating the overall church property, and existing improvements located thereon. In discussion with the staff it was determined that given the fact NO improvements are proposed at this time, approval of the PUD conditional upon compliance with all conditions placed on the rezoning and subdivision, as well as conditions that would be appropriately applicable for any such future application.

Recommendation *Based on the preceding, it is recommended that this application be approved subject to the following conditions:*

- 1. any future improvements to the site(s) will require a new PUD application;*
- 2. future improvements will necessitate compliance with conditions placed on the rezoning and subdivision; and*
- 3. future improvements to property on the North side of Overlook will also necessitate a subdivision application to incorporate all parcels into one legal lot of record (and dependent upon when the parcels were established, may also require inclusion of the remainder of the parcel(s)).*

LOCATOR MAP



APPLICATION NUMBER 3 DATE January 17, 2008

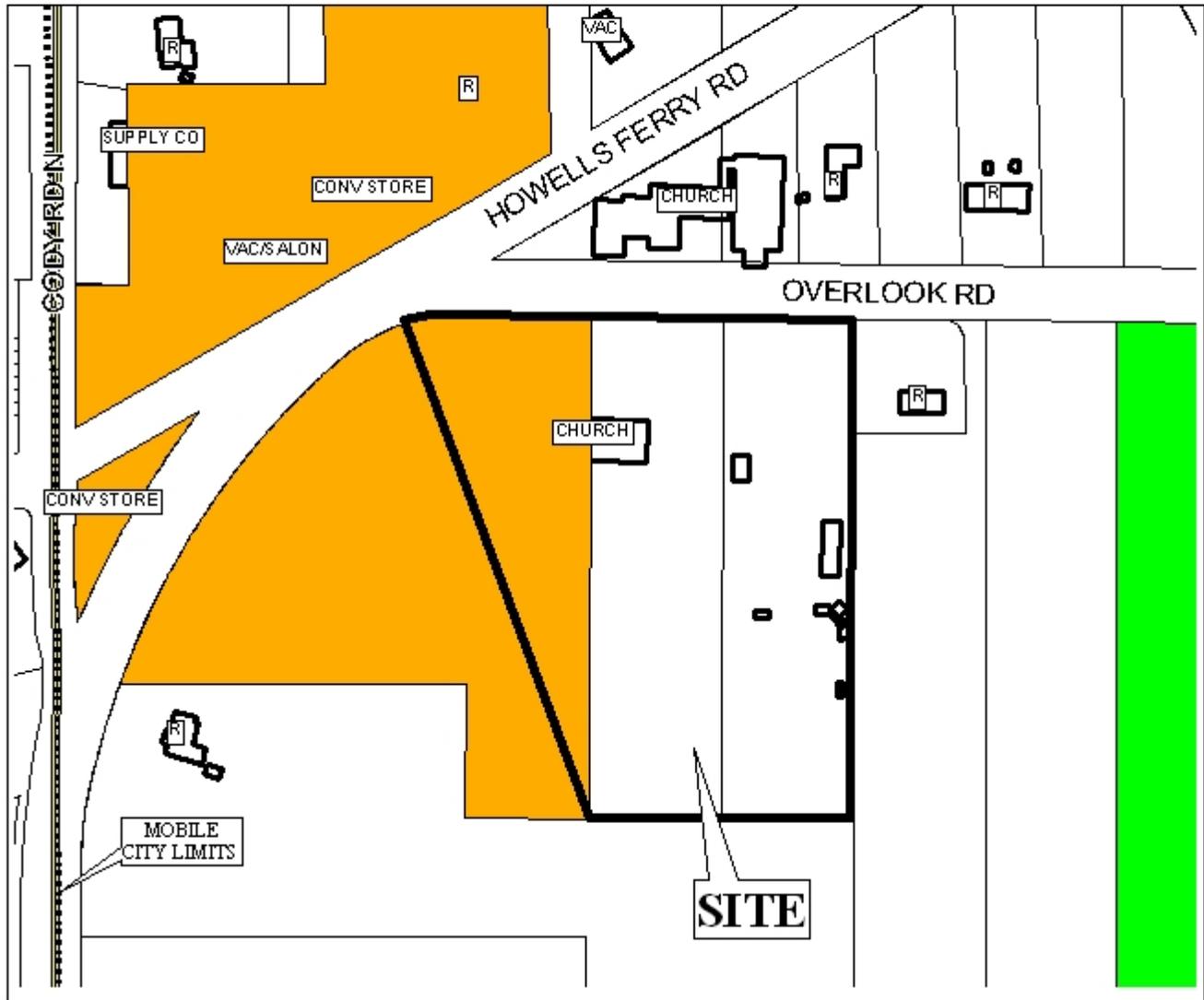
APPLICANT Orchard Baptist Church

REQUEST Planned Unit Development



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



There is a salon and convenience stores to the west of the site, a church to the north, and single family residential units are to the east and south.

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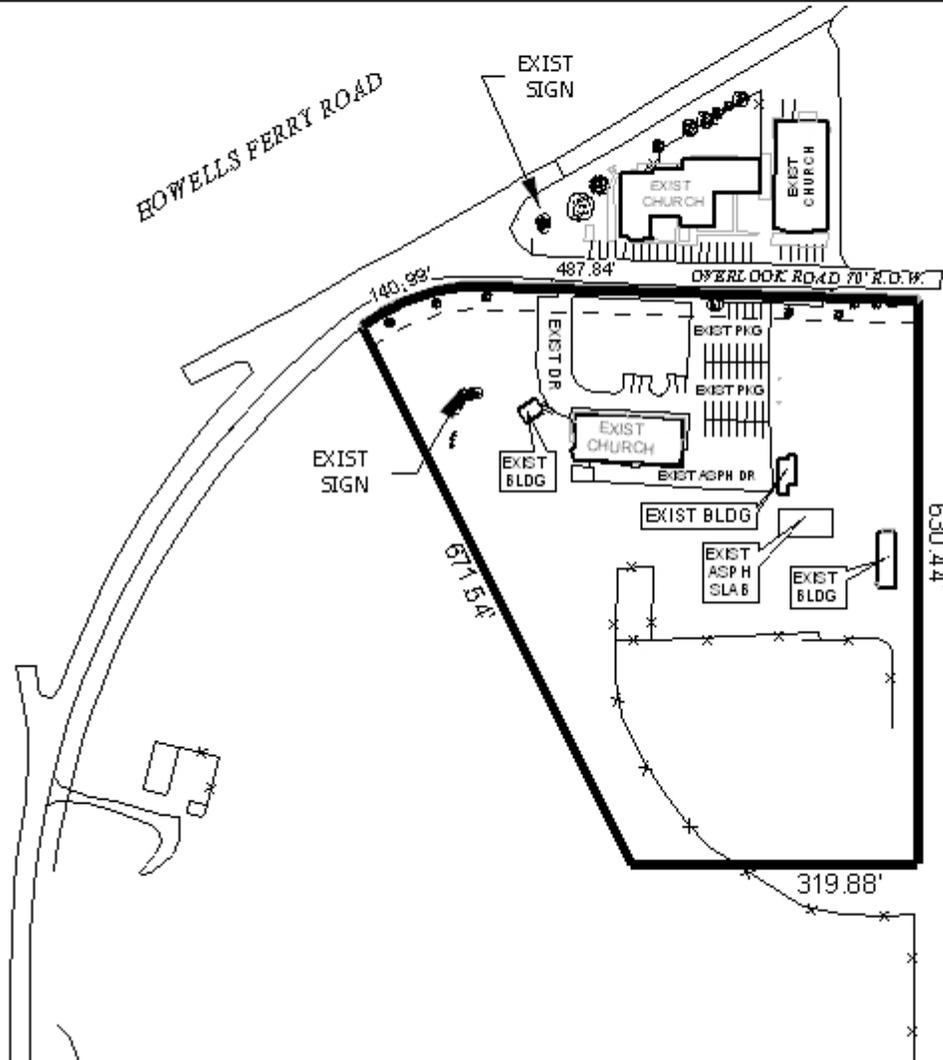
APPLICANT Orchard Baptist Church

REQUEST Planned Unit Development

LEGEND																NTS
	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	



SITE PLAN



The site plan illustrates existing buildings, existing parking, proposed parking, and adjacent buildings and parking.

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