

**PLANNING APPROVAL &
SUBDIVISION STAFF REPORT****Date: November 1, 2007**

<u>DEVELOPMENT NAME</u>	Sivaporn & Varin Nimityongskul
<u>SUBDIVISION NAME</u>	Nimit Subdivision
<u>LOCATION</u>	4567 Airport Boulevard (Southeast corner of Airport Boulevard and Summit Drive)
<u>CITY COUNCIL DISTRICT</u>	District 5
<u>PRESENT ZONING</u>	R-1, Single-Family Residential
<u>AREA OF PROPERTY</u>	1 lot / 0.8± Acres
<u>CONTEMPLATED USE</u>	Planning Approval to allow a meditation center in an R-1, Single-Family Residential district, and Subdivision approval to create one lot.
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	Not provided.
<u>ENGINEERING COMMENTS</u>	Provide storm water detention for all impervious area in excess of 4000 sq ft constructed post-1984, when the storm water ordinance was implemented. 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.
<u>TRAFFIC ENGINEERING</u>	Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.
<u>URBAN FORESTRY COMMENTS</u>	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 Planning Approval to allow a meditation center in an R-1, Single-Family Residential district, and Subdivision approval to create one lot. The Zoning Ordinance requires Planning Approval for the location of a church in residential districts. The site is located in Council District 5, and the applicant states that the site is served by public water and sanitary sewer facilities.

The applicant specifically wishes to utilize the existing single-family residence as a meditation center, to accommodate up to 15 people a maximum of twice a week.

The site is bounded to the North, South, East and West by single-family residences in an R-1 district. A small R-3, Multi-Family Residential District is located to the Northeast of the site, across Airport Boulevard from the site.

The review required for Planning Approval examines the applicant's location and site plan with regard to transportation, parking and access, public utilities and facilities, traffic congestion and hazard, and to determine if the proposal is in harmony with the orderly and appropriate development of the district. It is very important to note that the Planning Approval review is site plan specific; therefore, any future changes to the site plans, as approved, by current or future applicants must be submitted for Planning Approval review.

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 plat illustrates the proposed 0.8-acre \pm , 1-lot subdivision, which has frontage onto Airport Boulevard and Summit Drive. Airport Boulevard is a proposed major street with adequate right-of-way, while Summit Drive is a minor street with a 50-foot wide right-of-way.

Access management is a concern due to the fact that the lot has frontage on a major street and a minor street that is lined with residences. It appears that the site currently has one curb-cut onto Airport Boulevard and three curb-cuts onto Summit Drive. Normally, a lot of this size would be limited, perhaps, to one curb-cut onto Airport Boulevard and one curb-cut onto Summit Drive, or preferably two curb-cuts onto Summit Drive and no curb-cuts onto Airport Boulevard.

The 25-foot minimum building setback line from all street frontages is not shown on the preliminary plat or Planning Approval site plan but would be required on the final plat and site plan, if approved.

Section V.D.6. of the Subdivision Regulations states that "*where necessary by reason of curb radii, property lines at street intersection corners shall be arcs having radii of at least 10 feet, or*

shall be chords of such arcs.” The Subdivision plat and Planning Approval site plan should be revised to reflect this requirement of the Subdivision Regulations.

Regarding the existing buildings and the site, the site currently has a 2,272 square foot single-family dwelling, and four other freestanding structures that include a carport/garage, two wood frame storage buildings, and a covered wood deck and patio. Three of the four accessory structures are within the minimum side or rear setbacks. The applicant states that the three enclosed accessory structures will not be used for meditation purposes, and will remain as storage uses. It should also be pointed out, however, that the house itself may not meet building code requirements due to a change from a residential use to an “assembly” use, thus an architect or engineer may be needed to prepare plans to obtain appropriate permits to bring the building into appropriate building and fire code compliance.

Regarding the site improvements, it appears that the only improvements proposed by the applicant include the provision of 4 parking spaces with a crushed gravel surface, and alteration of the curb-cut onto Airport Boulevard to meet city standard. The proposed parking surface would not meet Zoning Ordinance requirements (which requires a paved surface), thus a variance would be required. The existing concrete driveway, ranging from 9 to 12 feet in width, would also not meet the requirements of the Zoning Ordinance, and would also likely not comply with the 2003 International Fire Code regarding fire truck access.

With regard to the general compatibility of the use, the meditation center would likely be a relatively “quiet” neighbor and might generally be conducive to location in a residential area. However, as parking improvements and, most likely, building code improvements would be required to accommodate the proposed use, the general compatibility appears to be less favorable.

As this use would be the first non-residential use of the site, full compliance with the tree and landscaping aspects of the Zoning Ordinance would be required. A privacy fence, in conformance with Section 64-4.D.1., should also be provided where the site abuts existing single-family residences to the East and South.

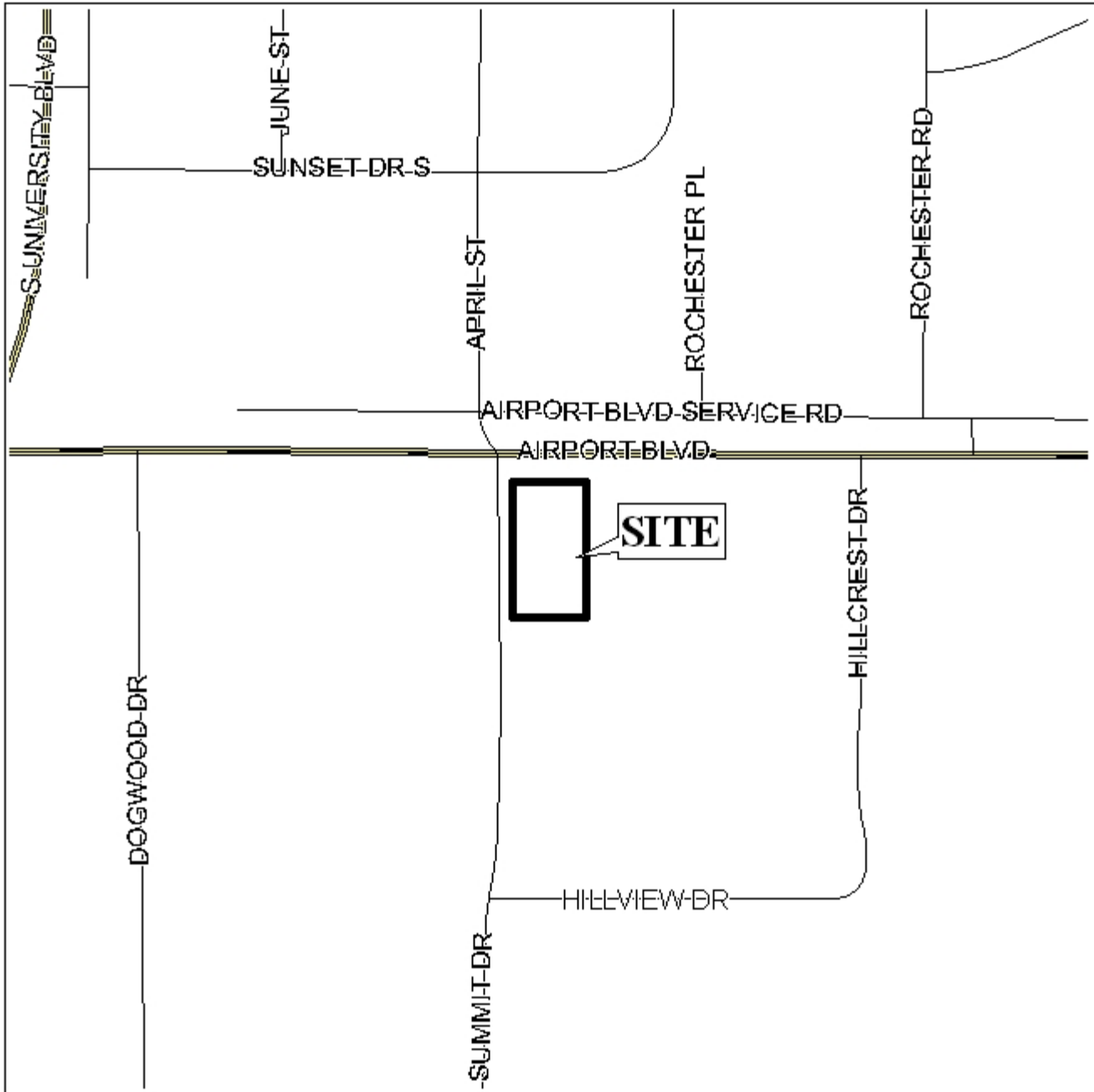
RECOMMENDATION

Planning Approval: Based on the preceding, it is recommended that this application be Denied for the following reasons:

- 1) The proposed use, and subsequent required modifications to the site and the building, may preclude any future single-family residential use of the site, and set the stage for future rezoning or use variance requests;
- 2) Site plan does not reflect compliance with the parking surface and maneuvering requirements of the Zoning Ordinance;
- 3) Site plan does not reflect compliance with the tree and landscaping requirements of the Zoning Ordinance; and
- 4) Site plan does not reflect compliance with the buffering requirements of the Zoning Ordinance.

Subdivision: The plat is recommended for Denial based upon the Planning Approval.

LOCATOR MAP



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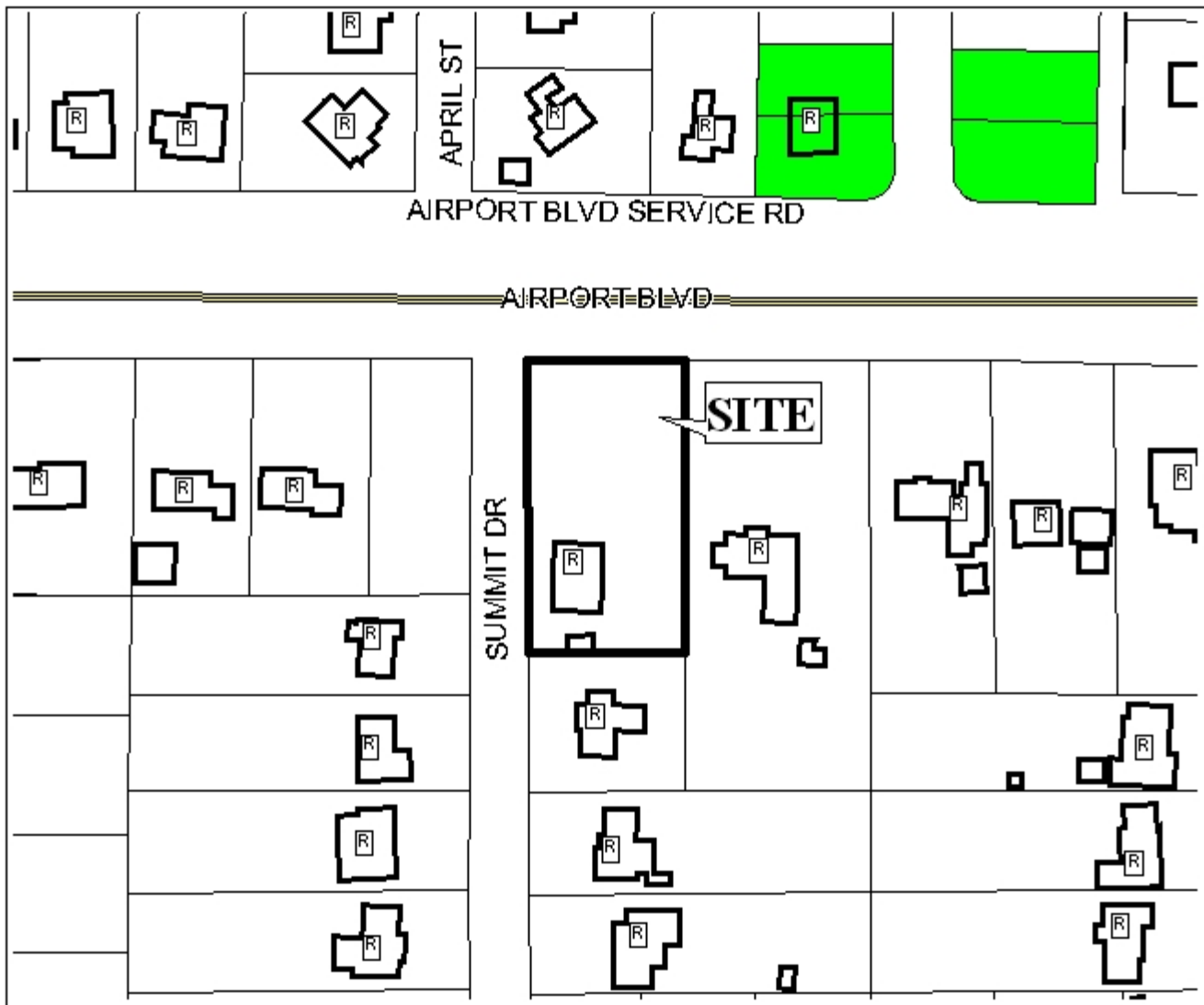
APPLICANT Nimit Subdivision

REQUEST Subdivision, Planning Approval



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by residential land use.

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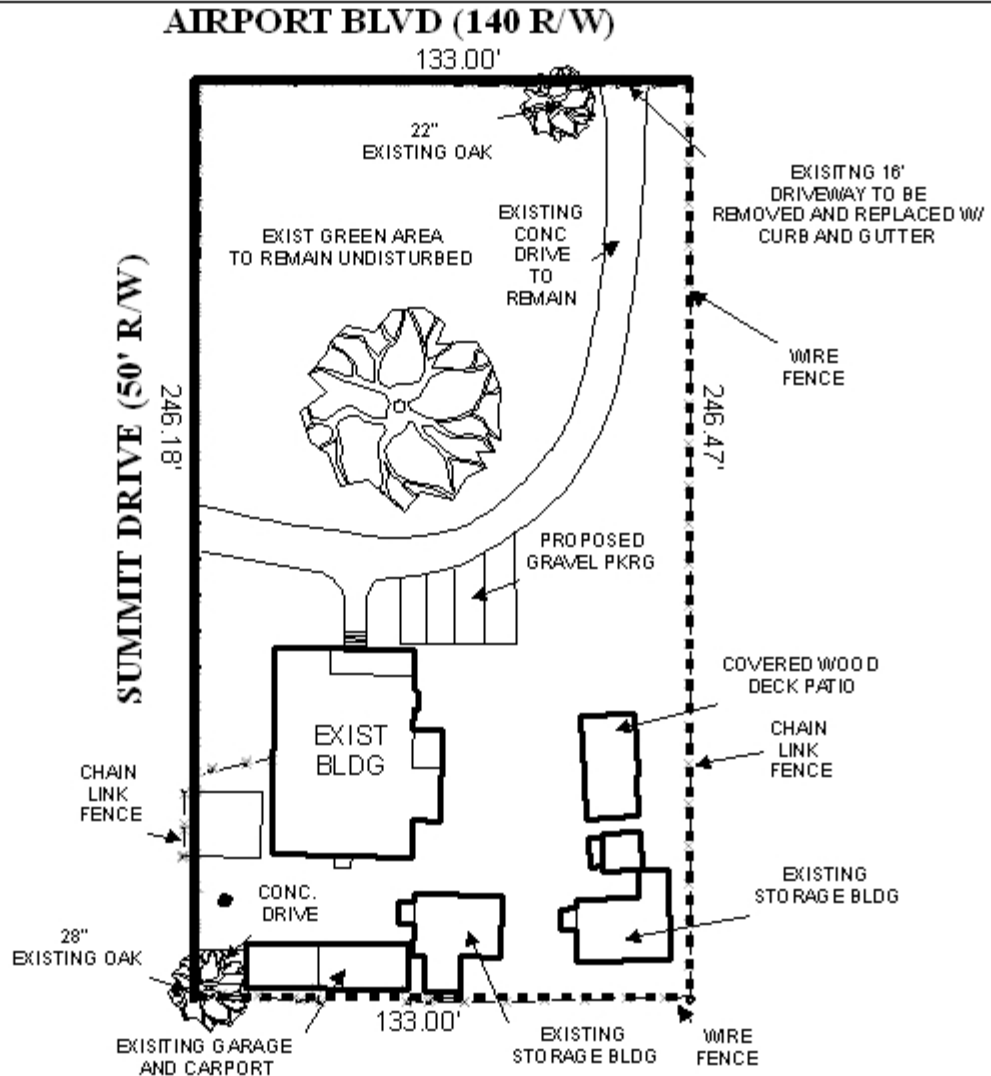
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LEGEND

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	NTS
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SITE PLAN



This site illustrates existing buildings with proposed parking.

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