

PLANNING APPROVAL STAFF REPORT**Date: June 15, 2006****NAME**

Over Flow Ministries, Inc. (Wilbert Hardy, Pastor)

LOCATION1201 North Drive
(Southwest corner of North Drive and an unopened,
unnamed public right-of-way)**CITY COUNCIL
DISTRICT**

District 3

PRESENT ZONING

R-1

AREA OF PROPERTY30,000 \pm square feet / 0.7 \pm acres**CONTEMPLATED USE**Planning Approval to allow a church with child day care
activities in an R-1, Single-Family Residential District**TIME SCHEDULE
FOR DEVELOPMENT**

Immediately

**ENGINEERING
COMMENTS**

Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands.

**TRAFFIC ENGINEERING
COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Minimum driveway width is twenty-four feet. Minimum parking standards require dimensions of nine-foot wide spaces and nineteen feet long with a minimum parking aisle width of twenty-four feet. Accommodations should be made to meet the minimum requirements.

**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 commercial projects shall comply with the 2003 International Fire Code and Appendices B through G, as adopted by the City of Mobile on July

6, 2004. All One- or Two-Family residential developments shall comply with Appendices B, C, and D of the 2003 International Fire Code, as adopted by the City of Mobile on July 6, 2004.

REMARKS

The applicant is seeking Planning Approval to allow a church with child day care activities in an R-1, Single-Family Residential District. Churches and their accessory uses are allowed with Planning Approval in an R-1 district.

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.

The applicant proposes to use *"the existing property as a church and a small day care center. We do not plan to do any construction on this property since it already meets our needs."* The applicant also states that the congregation has 15 members, and that the church *"would also like to meet the needs of the community by providing day care services to those who need it."*

The site fronts onto North Drive, a minor street with an adequate right-of-way. The site is bounded to the East by an unopened right-of-way, a vacant lot and single-family residences, to the North and South by single-family residences, and to the West by a vacant lot and by single-family residences, all located in an R-1 district.

A use variance was granted in March 1973 to allow the site to be used as a child day care. The original 1973 approval limited the operation of the day care to a total of 10 children and 2 adults.

The existing structure on the premises appears to have been originally constructed as a single-family home. Improvements made to the structure to accommodate the day care use remain.

A paved parking area exists on the site, as depicted on the site plan, and is marked to provide 11 parking spaces. It should be noted that 1997 aerial photographs indicate that the parking area was still a front yard, while the 2002 aerial photographs indicate what appears to be relatively new asphalt parking across the front of the property. Furthermore, it appears that the marked parking spaces do not meet the minimum size requirements of Section 64-6. of the Zoning Ordinance, and the maneuvering area also appears to be substandard. Review of the permit history for the site shows that the parking area was not permitted by Urban Development.

As the existing paved parking area is substandard, it may not be adequate for the proposed use. The building has 2,100 square feet of interior space, thus 7 parking spaces would be required to service the proposed use. The parking lot, as designed, does not have adequate maneuvering area on the property, nor are the marked parking spaces adequately sized per the requirements of the ordinance. It appears that use of the parking area would require maneuvering within the public right-of-way.

Existing fences and vegetative buffers on the side and rear property lines should be maintained in order to minimize conflicts with existing and future adjacent residential uses.

RECOMMENDATION

Planning Approval: Based upon the preceding, the request is recommended for Holdover until the July 20th meeting, to allow for the provision of the following information by June 27th: 1) revised site plan, drawn to scale, showing parking area designed to comply with the Zoning Ordinance; 2) revision of the site plan, if necessary, to depict stormwater detention facilities that may be required due to the parking area; and 3) revision of the site plan to depict compliance with the tree and landscaping requirements of the Zoning Ordinance.

Revised for the July 20th meeting:

The applicant has not provided the requested information to Urban Development, however, the applicant did indicate that they were working to secure the design services necessary to prepare the revisions as requested.

RECOMMENDATION

Planning Approval: Based upon the preceding, the request is recommended for Holdover until the August 17th meeting, to allow for the provision of the following information by July 24th: 1) revised site plan, drawn to scale, showing parking area designed to comply with the Zoning Ordinance; 2) revision of the site plan, if necessary, to depict stormwater detention facilities that may be required due to the parking area; and 3) revision of the site plan to depict compliance with the tree and landscaping requirements of the Zoning Ordinance.

If the applicant will not be able to provide the information to Urban Development by July 24th, the applicant should provide a letter requesting another holdover, and specifying the meeting date for the holdover. The holdover request letter should also include mailing labels and postage fees for all adjacent property owners notified when the application was originally submitted.

Revised for the August 17th meeting:

The applicant has not provided the requested information to Urban Development, however, the applicant did indicate that they were working to secure the design services necessary to prepare the revisions as requested.

RECOMMENDATION

Planning Approval: Based upon the preceding, the request is recommended for Holdover until the September 21st meeting, to allow for the provision of the following information by August 29th: 1) revised site plan, drawn to scale, showing parking area designed to comply with the Zoning Ordinance; 2) revision of the site plan, if necessary, to depict stormwater detention facilities that may be required due to the parking area; and 3) revision of the site plan to depict compliance with the tree and landscaping requirements of the Zoning Ordinance.

Revised for the September 21st meeting:

The applicant has submitted a revised site plan depicting a total of four (4) parking spaces in the existing paved area, with one-way circulation, and proposed landscaping for the public right-of-way. The applicant has also provided a floor plan for the existing building, depicting a total of twelve (12) seats within the church sanctuary; the applicant was advised of the parking ratio of one space per 4 pew seats, hence the provision of the floor plan for the building.

Traffic Engineering has revised their comments as follows:

Traffic Engineering Comments: *Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. The south driveway should be narrowed for one-way traffic flow. As shown it is wide enough for two-way traffic and may encourage traffic flow in the wrong direction. As shown the parking stalls do not meet the minimum standards to allow cars to properly maneuver out of the stall and through the parking lot. Changes should be made to the parking layout to meet minimum standards.*

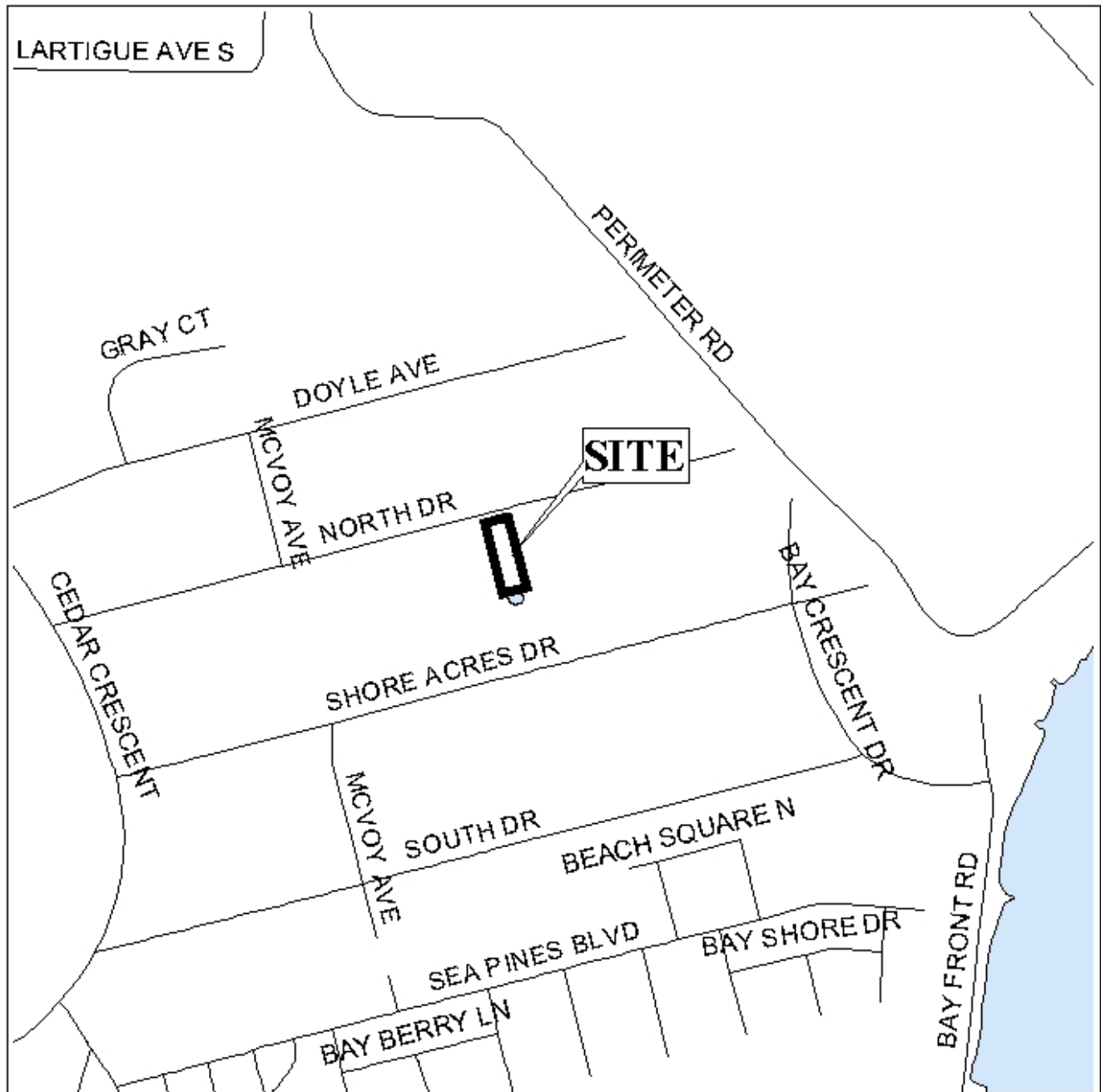
It should be pointed out that the right-of-way width for North Drive is 80-feet, which exceeds the minimum requirement of 60-feet for roads lacking curb and gutter. It is possible that some of the right-of-way for North Drive could be vacated by the City and returned to the site in question. Furthermore, the unopened right-of-way immediately East of the site could be vacated by the City and used to increase the width of the site in question, should future expansion be desired. It should be noted, however, that the applicant is responsible for initiating the street vacation process, and that any changes to the site plan or scope of operation of the church facility will require a new Planning Approval application.

Finally, the provision of landscaping should be coordinated with Urban Forestry to ensure compliance with the Zoning Ordinance.

RECOMMENDATION

Planning Approval: *Based upon the preceding, the request is recommended for Approval, subject to the following conditions: 1) improvements to and use of the site are limited to the revised site plan and floor plan as submitted; 2) any expansion of the use (such as an increase in the size of the congregation) or modification to the site, including the provision of additional parking, will require full compliance with the Zoning Ordinance, including parking that fully meets the standards within the Ordinance, and will require a new application for Planning Approval; 3) coordination with Urban Forestry to ensure compliance with the tree and landscaping requirements of the Zoning Ordinance; and 4) full compliance with all other municipal codes and ordinances.*

LOCATOR MAP



APPLICATION NUMBER Holdover DATE September 21, 2006

APPLICANT Over Flow Ministries, Inc. (Wilbert Hardy, Pastor)

REQUEST Planning Approval



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential dwellings.

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REQUEST Planning Approval

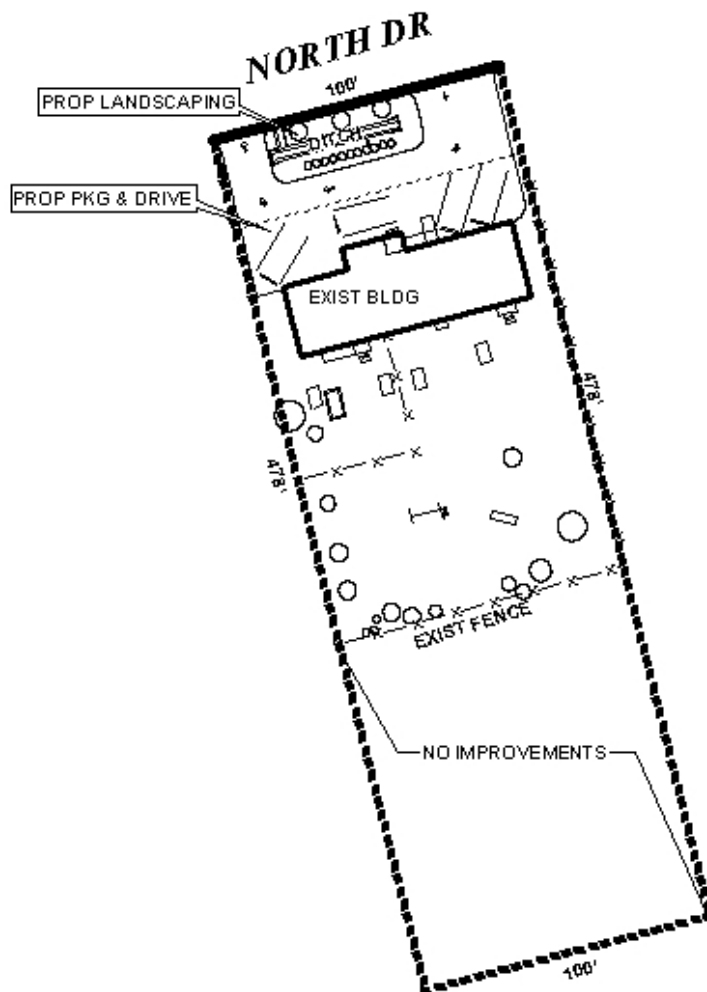
LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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SITE PLAN



The site plan illustrates the existing building, proposed drive, parking, and landscaping

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 REQUEST Planning Approval



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