

PLANNING APPROVAL STAFF REPORT**Date: June 1, 2006****NAME**

Jeffery Higginbotham

LOCATIONSouth side of Old Shell Road, 150'+ East of Wilroh Drive
East**CITY COUNCIL
DISTRICT**

District 7

PRESENT ZONING

R-1

AREA OF PROPERTY40,338 \pm square feet / 0.9 \pm acres**CONTEMPLATED USE**Planning Approval to allow a swimming club in an R-1,
Single-Family Residential district**TIME SCHEDULE
FOR DEVELOPMENT**

Immediately, to be completed for Summer 2006

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.

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.

REMARKS

The applicant is seeking Planning Approval to allow a swimming club in an R-1, Single-Family Residential district. Membership-based sports and recreation clubs require Planning Approval in R-1, R-2, R-3, B-1 and B-4 districts, and are allowed by right in B-2 and B-3 districts.

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 *"construct a swim club that would only be used for private parties. The Development plans include a small clubhouse, pool and parking to accommodate 15 autos."*

The applicant's description of the proposed use appears to be inconsistent with the Zoning Ordinance's intent of a membership-based sports and recreation club. To comply with the intent of the regulations, the "private parties" that would be held at the proposed swim club would have to be restricted to members and their invited guests. Thus, the applicant should provide additional information to staff regarding how the proposed swim club will operate under the parameters of the Zoning Ordinance.

The site is bounded to the East by a vacant lot and a single-family residence in an R-1 district, to North and West by single-family residences in an R-1 district, and to the South by single-family patio homes in an R-3, Multi-Family district. A subdivision and planned unit development application was recently approved for the vacant lot East of the site, which is proposed to be developed with 15 single-family homes.

The site fronts onto Old Shell Road, a proposed major street. A subdivision of the site in question, recorded in 2004, resulted in the provision of adequate right-of-way along the South side of Old Shell Road to meet minimum width requirements. It should be noted that widening of Old Shell Road, from Hillcrest Road to Schillingers Road, is currently projected to begin in fiscal year 2008.

A condition of the original subdivision approval, due to the site's fronting a proposed major street, is that the size, location and design of any curb-cut must be approved by Traffic Engineering and ALDOT. This condition will apply to the application in question.

The site plan shows that a 16 space parking area will be located approximately 225 feet South of Old Shell Road, and will be connected to Old Shell via a 24-foot wide drive. South of the parking area is the proposed 816 square foot clubhouse, and the 20 by 36 foot pool. The southernmost portion of the paved area around the pool is approximately 40 feet from the rear property line, and approximately 28 to 30 feet from the East and West property lines.

The proposed use of the site raises several concerns: 1) noise from the private parties; 2) hours of operation – hours available for rental; 3) on-site lighting; 4) stormwater detention; 5) discharge of water from the pool; 6) buffering of the use to protect adjacent residential uses; 7) on-site

dumpster or waste storage facility; 8) storage of pool chemicals; 9) location of pool pump/filter; and 10) pool safety fence. These items are discussed below.

Noise generation by parties hosted on the site may be of great concern for current and future neighbors of the site. It is natural to assume that some noise will be generated by people enjoying the pool, but associated activities for a party may include live bands or amplified music, which would generally be uncharacteristic for a single-family residential district. Furthermore, noise that continues into the evening or starts at early morning hours may be objectionable and generally out of character with existing adjacent residential development. Therefore the applicant should explain the proposed operation of the facility with regards to noise and hours that the facility will be available for rental.

Section 64-6. of the Zoning Ordinance requires that lighting be provided for off-street parking facilities containing more than ten spaces, if the parking facilities will be used after dark. Due to problems related to previous approvals of a similar nature regarding parking areas in residential districts, additional information regarding lighting for the parking area will be required. If lighting of the building, pool or parking area is proposed, the lighting must fully comply with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance; specifically, lighting for the site should be designed and placed so that it does not shine onto residential properties (use of “full cut-off” fixtures). The site plan should be revised to depict the location of proposed exterior light fixtures, and specification sheets should be provided regarding the proposed lighting fixtures.

The site slopes from Old Shell Road East and South towards the residences located within the Cobblestone subdivision. As the development of the site will increase surface parking and other impervious surface areas on the site, full compliance with the City’s Stormwater Ordinance may be necessary. If compliance with the Stormwater Ordinance requires the provision of a detention pond, the pond should be depicted on the site plan.

City regulations require that water drained from a swimming pool be discharged using one of the following methods: 1) drainage into an on-site storm drain that is linked to the City’s stormwater drainage system; 2) used for onsite irrigation (limitations based upon pool size); or 3) discharge into the sanitary sewer system. The applicant should be prepared to state which method will be used for the site.

Because the site abuts residential uses to the East, South and West, a protection buffer in conformance with Section 64-4.D. is required. The required protection buffer may be a 10-foot wide planting strip or a six (6) feet high privacy fence (except for the portion of the fence within the 25-foot setback line, which can only be 3-feet tall). The site plan should be revised to depict the required protection buffer.

As the applicant is proposing to utilize the site for private parties, some sort of private garbage removal service will be required. There currently is no indication on the site plan regarding the proposed location of any dumpster or other waste storage facility. If the applicant utilizes a dumpster, the location of the storage area for the dumpster must be indicated on the site plan, and

the location and required screening must comply Section 64-4.D.9. of the Zoning Ordinance, as well as with all other applicable regulations.

Pools require periodic chemical treatment, and usually have a pump and filter system. If a separate storage structure will be provided for the storage of chemicals, and/or for the pump and filter system, it should be depicted on the site plan.

All residential pools built within the City are required to have a fence around the pool with a self-closing and latching gate. The fence is required because pools represent an “attractive nuisance” – they tend to attract children and thus may be a safety hazard if a child enters the pool without adult supervision. The site plan should be revised to reflect the location of any required safety-related fencing.

Finally, while not required by the Zoning Ordinance, handicap accessible parking spaces may be required by other regulations; therefore they should be depicted on the site plan. A wheelchair accessible route from the parking area to the clubhouse and pool may also be required.

RECOMMENDATION

Planning Approval: based on the preceding, it is recommended that the application be Heldover until the July 6th meeting so that the following can be submitted by June 14th: 1) information regarding how the proposed swim club will operate under the membership-based parameters of the Zoning Ordinance; 2) operating schedule and rules of operation regarding noise; 3) revision of the site plan to depict on-site lighting, and the provision of any associated information regarding the lighting fixtures; 4) revision of the site plan to show any required on-site detention facilities; 5) statement regarding the selected method for draining the pool; 6) revision of the site plan to depict the necessary residential adjacency buffers; 7) revision of the site plan to depict any dumpster facilities; 8) depiction of any additional structures proposed for chemical storage or pump/filter location; 9) depiction of the required safety-fence; and 10) depiction of any required handicap accessible parking facilities and additional sidewalks necessary to provide handicap circulation on site.

Revised for the July 6th meeting:

A revised site plan depicts the following changes: 1) total number of parking spaces reduced from 16 to 10 spaces; 2) the pool and clubhouse have been moved so that the pool is 125 feet ± from the rear property line, compared to 45 feet ± as originally proposed; 3) a six-foot high privacy fence is depicted along the East, South and West perimeters of the site; 4) a landscape buffer is depicted adjacent to the privacy fence, extending from the parking area South along the side and rear property lines, for additional buffering and noise attenuation; 5) lighting has been depicted a minimum of 115 feet ± from the rear property line, and located to minimize any potential impacts to adjacent residential properties; 6) a security fence is depicted around the pool; 7) a small utility building is depicted adjacent to the pool, which will house the pool pump and chemicals; 8) the dumpster location has been identified on the site plan; 9) a preliminary detention pond location has been identified; and 10) the applicant states that no live bands will be permitted at the location.

The proposed location of the detention basin is subject to revision, after consultation with the Engineering Department. The Engineering Department has indicated that the existing ditch on the South side of the property may not be able to accommodate additional drainage. The applicant will be required to comply with the City's stormwater and flood control ordinances.

It should also be noted that the pool drainage issue will be addressed during the building permitting and inspection process.

The applicant has provided information regarding the operation of the private club. Total membership will be limited to 50 "family" memberships and 50 "single" memberships. The applicant will require an application fee and an annual membership fee, and there will be an additional fee per person to swim. Membership is not automatically renewed every year; instead the applicant will require a new application for membership and annual fee every year.

The hours of operation for the club will be in three distinct sessions: 9:00 AM to Noon, 1:00 PM until 4:00 PM, and 5:30 PM until 8:30 PM. No more than 6 memberships will be allowed to use the pool for one session per day in order to minimize the total number of users during any particular session; no more than 18 memberships will use the site per day.

There will be facility rules dealing with swimming codes of conduct, pool area use, parking area use, play area use, diving board and slide use, clubhouse use, and guests. The applicant also states that membership rules will include a rule stating that parents will not be allowed to leave their children at the pool unsupervised.

As previously stated in the staff report, Planning Approval is site plan and use specific, thus any future changes to the site or operation of the facilities (changes in the number of memberships, hours of operation, rules of membership, etc.) will require additional Planning Approval. Furthermore, a copy of the "by-laws" for the swimming club should be recorded in Mobile County Probate Court, and a copy of the recorded by-laws provided to Urban Development for its files.

RECOMMENDATION

Planning Approval: *based on the preceding, this application is recommended for Approval, subject to the following conditions: 1) development of the site and operation of the private club, as proposed in the revised information; 2) provision of an evergreen landscape screen, where vegetative screening is depicted on the revised site plan; 3) full compliance with all other municipal codes and ordinances; 4) provision of a revised site plan to the Planning Section of Urban Development prior to the issuance of a final certificate of occupancy, if revisions are required as part of the compliance process identified in condition #3; and 5) provision of a copy of the by-laws for the swim club to Urban Development, as recorded in Mobile County Probate Court, prior to the issuance of a final certificate of occupancy.*

LOCATOR MAP



APPLICATION NUMBER Holdover DATE July 6, 2006

APPLICANT Jeffery Higginbotham

REQUEST Planning Approval



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential dwellings.

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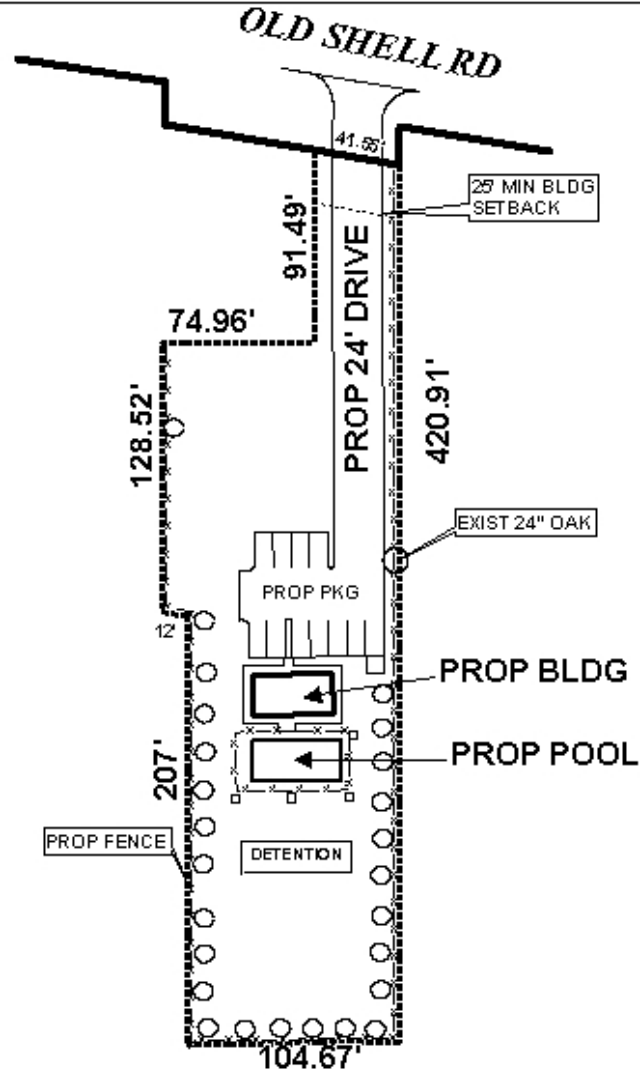
REQUEST Planning Approval

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 is located on the South side of Old Shell Road, 150' East of Wilroh Drive East. The plan illustrates the proposed building, parking, and pool.

APPLICATION NUMBER Holdover DATE July 6, 2006
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 REQUEST Planning Approval

