

**PLANNING APPROVAL,
PLANNED UNIT DEVELOPMENT &
SUBDIVISION STAFF REPORT****Date: June 17, 2010**

<u>NAME</u>	New Shiloh Missionary Baptist Church
<u>SUBDIVISION NAME</u>	New Shiloh Missionary Baptist Church Subdivision, Plat #1
<u>LOCATION</u>	2756 Old Shell Road (Northwest corner of Old Shell Road and Bay Shore Avenue)
<u>CITY COUNCIL DISTRICT</u>	District 1
<u>PRESENT ZONING</u>	R-1, Single-Family Residential District
<u>AREA OF PROPERTY</u>	1 lot / 3.4± acres
<u>CONTEMPLATED USE</u>	Planning Approval to allow the expansion of an existing church in an R-1, Single-Family Residential district, Planned Unit Development approval to allow multiple buildings on a single building site, and Subdivision approval to create one legal lot of record.
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	Immediate.
<u>ENGINEERING COMMENTS</u>	Development of this site shall provide adequate drainage for the runoff that currently discharges across this property from adjacent properties and must not restrict the flow of runoff or cause ponding. Must comply with all storm water and flood control ordinances. The construction of any new dumpster pads will require connection to sanitary sewer, cannot discharge to storm sewer. Any work performed in the right of way will require a right of way permit.
<u>TRAFFIC ENGINEERING COMMENTS</u>	Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Move existing drive on Bay Shore Avenue farther north away from the intersection with Old Shell Road. Close existing substandard driveway on Old Shell Road.

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 North side of Lot 1. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.

Granting of Preservation status for the existing 60" Live Oak Tree will require a redesign of the access, maneuvering, and parking under the canopy of the tree.

Revised Urban Forestry Comments for the July 22, 2010 meeting

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).

Relocation of proposed tree plantings from under the canopy of existing 60" Live Oak Tree.

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 requesting Planning Approval to allow the expansion of an existing church in an R-1, Single-Family Residential district, Planned Unit Development approval to allow two buildings on a single building site, and Subdivision approval to create one legal lot. Churches require Planning Approval when located in R-1 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.

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 if any new construction is anticipated that will change an approved site plan, an application to amend an existing, approved PUD must be made prior to any construction activities.

It is very important to note that the Planning Approval and PUD review are site plan specific; therefore *any* future changes to the overall site plan must be submitted for PUD review. Additionally, if the site plan is changed from what is approved by the Planning Commission, a new application for Planning Approval will be required.

The applicant proposes to construct a new 776-seat church building which will replace the original church building. The old building will remain, and will be used for auxiliary church uses. Parking spaces and accessways will also be constructed.

The site fronts onto two streets, Old Shell Road and Bay Shore Avenue. Both streets are classified as minor streets as neither is on the Major Street Plan Component of the Comprehensive Plan. It should be noted, however, that Old Shell Road serves as a collector street, and, as such, experiences higher traffic volumes than an average minor street. Additionally, the intersection of Old Shell Road and Bay Shore Avenue becomes highly congested during peak hours in the school year, because it serves as a primary entrance to UMS-Wright Preparatory School, which is located directly across the street from the site. As such, access management to both streets is a concern.

Regarding the use of the site, it is currently being utilized as a church and parking. It should be noted that the vast majority of the area currently being utilized as parking is non-conforming. A large portion of the site is also wooded.

The land use in the immediate vicinity of the site is a blend of commercial and residential, and given the large scale nature of the school across Old Shell Road from the site, such a large building as is proposed would not be out of character for the area.

The proposed site plan depicts a number of improvements to the site to bring it into compliance, including new asphalt parking, with spaces and accessways of adequate width and size. There are a few issues that should be addressed, however.

The new parking area will already have access to Old Shell Road further to the West and away from the intersection of Old Shell Road and Bay Shore Avenue. Additionally, the new parking area will have access to Bay Shore Avenue at two points, both away from the previously mentioned intersection.

An existing, approximately 10-foot wide concrete driveway off of Old Shell Road is depicted to remain and connect to one of the new parking areas, and serve as a one-way exit to Old Shell Road. This exit to Old Shell Road is not only substandard in width, but it is also unnecessary. As stated earlier, Old Shell Road serves as a collector street. One direct accessway to Old Shell Road is sufficient, as traffic can access Bay Shore Avenue from the other two curb cuts, and then access Old Shell Road at the signalized intersection. As such, this existing curb-cut and one-way accessway should be deleted.

An existing concrete parking area, which was used for the original church building, is proposed to be modified. It is impossible to connect this existing lot to the new parking areas because of

space limitations on the site, and the parking spaces are needed to meet to the parking ration requirements of the Zoning Ordinance. Currently, the lot has a continuous curb cut along Old Shell Road. The applicants propose to correct this situation by closing the curb cut entirely. Access for the lot will be via an existing curb cut to Bay Shore Avenue.

The curb cut to Bay Shore Avenue is currently substandard, and should be brought to City of Mobile standards, including width of 24 feet. Additionally, the existing curb cut is located in an area of the site that should be dedicated in order for the site to comply with Section V.D.6. of the Subdivision Regulations regarding curb radii. As such, the curb cut should be relocated further to the North, and also be modified to meet City of Mobile standards for two-traffic. The alignment of the curb cut should correspond with the 24-foot wide accessway for the parking spaces. Lastly, there is no indication that curbs will be installed at this parking lot, as such, curbs or bumper stops will be required for all parking spaces.

All curb cut sizes and design must be approved by Traffic Engineering and conform to AASHTO standards.

As the new building represents at least a 50% expansion, full compliance with landscaping and tree planting requirements will be required. Additionally, Urban Forestry has granted preservation status for a 60-inch Live Oak Tree on the site, meaning that any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger. Urban Forestry has also commented that the granting of preservation status for the existing 60" Live Oak Tree will require a redesign of the access, maneuvering, and parking under the canopy of the tree. The redesign should be coordinated with the Planning Section and the Urban Forestry Section of the Urban Development Department to ensure compliance.

The site plan depicts a 6-foot high wooden privacy fence buffer between the site and the residentially zoned property to the West and North. This fence should be maintained, however, a notation should be made on the site plan that the fence will be no higher than 3 feet in height within the 25-foot front setback.

Because the proposed parking area will provide space for more than 10 cars, the parking lot will have to comply with Section 64-6.A.3.i. of the Zoning Ordinance regarding parking lot screening. The Ordinance requires a 3-foot high brick wall or evergreen hedge to screen the parking lot from view of residential properties across the street. Because the site directly across Old Shell Road is developed commercially as a school, the screening requirements can be waived along Old Shell Road. Similarly, the old Blue Bird Hardware store site is zoned commercially as B-2; as such, screening would not be required here. North of the old Blue Bird Hardware site, along Bay Shore Avenue, screening will be required. Additionally, the site will need to comply with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance regarding illumination of uses and arrangement of lights so as not to shine directly into traffic or residential properties.

No dumpster or information regarding trash service is indicated on the site plan. The site plan should be revised to depict the location of the dumpster pad with proper dumpster enclosure and

connection to the sanitary sewer, or a note should be placed on the site plan stating that waste removal will be by curbside cans. It should also be noted that if a dumpster will be used that there should be adequate maneuvering area for a front-loading garbage truck, and that the dumpster must meet all required setbacks.

Sidewalks are indicated on the site plan as either existing or proposed to be constructed.

Lastly regarding the site plan, the existing church sign is depicted as being within the right-of-way. The sign must be moved to a conforming location on the site with proper permits.

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 lot, as depicted, meets the minimum size and frontage requirements as regulated by the Subdivision Regulations. The lot area size is depicted, in square feet, on the plat, and this information should be retained on the final plat, if approved.

Part of the area proposed to be included in the lot appears to be city right-of-way. A 10-foot wide, 170-foot long strip of land was dedicated to the City of Mobile as a "10-foot lane" as depicted on the plat of Margaret McDonald's Subdivision of 1903. No evidence can be found that this Lane was ever vacated by the city, and still shows up on tax records as right-of-way. Additionally, a survey date June 14, 2007, by Byrd Surveying, Inc. (which is on file in a previous, expired Subdivision application) still indicates the 10-foot lane. As such, vacation of the 10-foot lane through the Mobile City Council must be accomplished prior to any permits being issued or signing of the plat.

As stated previously, the site fronts Old Shell Road to the South and Bay Shore Avenue to the East, and both streets are minor streets, provided with curb and gutter. Both streets are depicted with adequate rights-of-way to meet the requirements of Section V.B.14. of the Subdivision Regulations regarding right-of-way widths. Dedication will be required, however, in order for the site to meet the requirements of Section V.D.6. of the Subdivision Regulations regarding curb radii for corner lots.

Curb cuts should be limited in number and location to those shown on the approved PUD site plan, specifically, the site should be limited to one curb cut to Old Shell Road and three curb cuts to Bay Shore Avenue, with the size and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards.

The 25-foot minimum building line, as required by Section V.D.9. of the Subdivision Regulations is not depicted on the plat, and should be shown along all public right-of-way frontages, including any dedications, on the Final Plat, if approved. It should be noted that the existing structure will not meet the 25-foot minimum building setback, and, as such, it would be considered legal, non-conforming.

Finally, 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.

RECOMMENDATION

Planning Approval: The request is recommended for Holdover until the July 22, 2010 meeting, with revisions due by noon on July 9, 2010, to address the following:

- 1) revision of the site plan to replace dedication in compliance with Section V.D.6. of the Subdivision Regulations regarding curb radii;
- 2) revision of the site plan to delete the existing 10-foot drive off of Old Shell Road and the proposed new connecting one-way accessway;
- 3) revision of the site plan to modify the curb cut for the existing concrete parking lot at the Old Shell Road and Bay Shore Avenue intersection to meet City of Mobile standards (including 24-foot width requirements) and relocation of the curb cut further to the north to be out of any dedication area and align with the accessway for the parking spaces;
- 4) revision of the site plan to indicate whether or not curbs will be installed at the existing parking lot, if curbs will not be installed, bumper stops should be depicted;
- 5) placement of a note on the site plan stating that all curb cut sizes and designs must be approved by Traffic Engineering and comply with AASHTO standards;
- 6) revision of the site plan to depict a redesign of the access, maneuvering, and parking under the canopy of the 60-inch Live Oak tree which has been granted preservation status, with the redesign to be coordinated with the Planning Section and the Urban Forestry Section of the Urban Development Department to ensure compliance;
- 7) compliance with Engineering comments: *“Development of this site shall provide adequate drainage for the runoff that currently discharges across this property from adjacent properties and must not restrict the flow of runoff or cause ponding. Must comply with all storm water and flood control ordinances. The construction of any new dumpster pads will require connection to sanitary sewer, cannot discharge to storm sewer. Any work performed in the right of way will require a right of way permit”*;
- 8) revision of the site plan to add a note that the privacy fence will be no higher than 3 feet in height within the 25-foot front building setback;
- 9) revision of the site plan to depict parking lot screening along Bay Shore Avenue in compliance with Section 64-6.A.3.i. of the Zoning Ordinance;
- 10) placement of a note on the site plan stating that the development will comply with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance regarding illumination of uses and arrangement of lights so as not to shine directly into traffic or residential properties;
- 11) revision of the site plan to depict a dumpster with appropriate dumpster enclosure or placement of a note on the site plan stating that garbage pickup will be by curbside pickup service;

Planned Unit Development: The request is recommended for Holdover until the July 22, 2010 meeting, with revisions due by noon on July 9, 2010, to address the following:

- 1) revision of the site plan to replace dedication in compliance with Section V.D.6. of the Subdivision Regulations regarding curb radii;
- 2) revision of the site plan to delete the existing 10-foot drive off of Old Shell Road and the proposed new connecting one-way accessway;
- 3) revision of the site plan to modify the curb cut for the existing concrete parking lot at the Old Shell Road and Bay Shore Avenue intersection to meet City of Mobile standards (including 24-foot width requirements) and relocation of the curb cut further to the north to be out of any dedication area and align with the accessway for the parking spaces;
- 4) revision of the site plan to indicate whether or not curbs will be installed at the existing parking lot, if curbs will not be installed, bumper stops should be depicted;
- 5) placement of a note on the site plan stating that all curb cut sizes and designs must be approved by Traffic Engineering and comply with AASHTO standards;
- 6) revision of the site plan to depict a redesign of the access, maneuvering, and parking under the canopy of the 60-inch Live Oak tree which has been granted preservation status, with the redesign to be coordinated with the Planning Section and the Urban Forestry Section of the Urban Development Department to ensure compliance;
- 7) compliance with Engineering comments: *“Development of this site shall provide adequate drainage for the runoff that currently discharges across this property from adjacent properties and must not restrict the flow of runoff or cause ponding. Must comply with all storm water and flood control ordinances. The construction of any new dumpster pads will require connection to sanitary sewer, cannot discharge to storm sewer. Any work performed in the right of way will require a right of way permit”*;
- 8) revision of the site plan to add a note that the privacy fence will be no higher than 3 feet in height within the 25-foot front building setback;
- 9) revision of the site plan to depict parking lot screening along Bay Shore Avenue in compliance with Section 64-6.A.3.i. of the Zoning Ordinance;
- 10) placement of a note on the site plan stating that the development will comply with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance regarding illumination of uses and arrangement of lights so as not to shine directly into traffic or residential properties;
- 11) revision of the site plan to depict a dumpster with appropriate dumpster enclosure or placement of a note on the site plan stating that garbage pickup will be by curbside pickup service;

Subdivision: The request is recommended for Holdover until the July 22, 2010 meeting, with revisions due by noon on July 9, 2010, to address the following:

- 1) beginning of the vacation process for the 10-foot lane right-of-way;
- 2) dedication sufficient for the lot to comply with Section V.D.6. of the Subdivision Regulations regarding curb radii;
- 3) depiction of the 25-foot minimum building line along all rights-of-way including any dedications;
- 4) retention of the labeling of the lot area size in square feet on the Final Plat;

- 5) placement of a note on the Final Plat stating that the lot is limited to one curb cut to Old Shell Road and three curb cuts to Bay Shore Avenue, with the size, location, and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards; and
- 6) placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

Revised for the July 22, 2010 meeting

The applicant has submitted revised plans for these applications. The applicant has revised the plan to correct the deficiencies from the previous submittal. Urban Forestry has indicated that the changes to the site plan to protect the 60" live oak tree are adequate and acceptable. Urban Forestry has also indicated that the proposed tree plantings under the canopy area of the proposed tree are not acceptable, and should be redesigned to move the plantings from under the canopy.

Regarding the Subdivision application, the preliminary plat indicates that the corner radii will be dedicated, but does not label the dedication as such. The plat should be revised to label the right-of-way dedication.

A note placed on the site plan regarding lighting appears to have a minor typing error, instead of referencing Section 64-4.A.2. of the Zoning Ordinance, the note references "Section 64-74.A.2." This should be corrected on the revised site plan.

It should be noted that the applicants have begun the process to vacate the 10-foot lane right-of-way, and this process should be completed and the quit-claim deed recorded prior to signing of the Final Plat and issuing of any permits.

Planning Approval: *The request is recommended for tentative approval subject to the following conditions:*

- 1) *revision of the note regarding site lighting to reference Section 64-4.A.2. of the Zoning ordinance instead of "Section 64-74.A.2.";*
- 2) *full compliance with landscaping and tree planting requirements;*
- 3) *completion of the vacation process for the 10-foot lane right-of-way prior to any permits being issued;*
- 4) *completion of the Subdivision process;*
- 5) *obtaining a sign permit for the relocation of the existing sign on the right-of-way;*
- 6) *full compliance with engineering comments: "Development of this site shall provide adequate drainage for the runoff that currently discharges across this property from adjacent properties and must not restrict the flow of runoff or cause ponding. Must comply with all storm water and flood control ordinances. The construction of any new dumpster pads will require connection to sanitary sewer, cannot discharge to storm sewer. Any work performed in the right of way will require a right of way permit;"*

- 7) *provision of two copies of the revised site plan to the Planning Section of the Urban Development Department prior to the issuance of any permits; and*
- 8) *full compliance with all municipal codes and ordinances.*

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

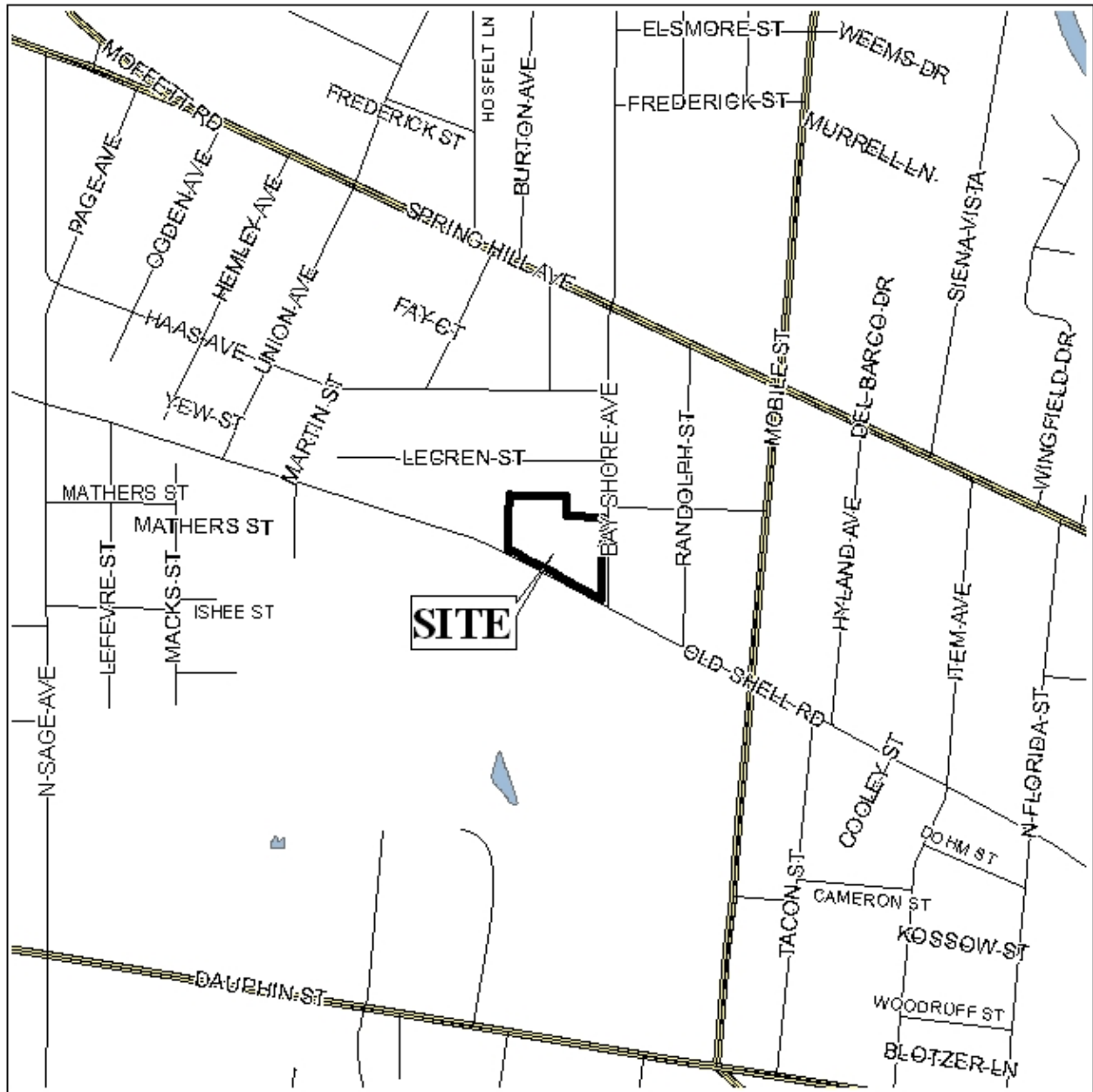
- 1) *revision of the note regarding site lighting to reference Section 64-4.A.2. of the Zoning ordinance instead of "Section 64-74.A.2.";*
- 2) *full compliance with landscaping and tree planting requirements;*
- 3) *completion of the vacation process for the 10-foot lane right-of-way prior to any permits being issued;*
- 4) *completion of the Subdivision process;*
- 5) *obtaining a sign permit for the relocation of the existing sign on the right-of-way;*
- 6) *full compliance with engineering comments: "Development of this site shall provide adequate drainage for the runoff that currently discharges across this property from adjacent properties and must not restrict the flow of runoff or cause ponding. Must comply with all storm water and flood control ordinances. The construction of any new dumpster pads will require connection to sanitary sewer, cannot discharge to storm sewer. Any work performed in the right of way will require a right of way permit;"*
- 7) *provision of two copies of the revised site plan to the Planning Section of the Urban Development Department prior to the issuance of any permits; and*
- 8) *full compliance with all municipal codes and ordinances.*

Subdivision: *The request is recommended for tentative approval subject to the following conditions:*

- 1) *completion of the vacation process for the 10-foot lane right-of-way prior to signing of the final plat or any permits being issued;*
- 2) *labeling of the dedication sufficient for the lot to comply with Section V.D.6. of the Subdivision Regulations regarding curb radii;*
- 3) *retention of the 25-foot minimum building line along all rights-of-way including any dedications;*
- 4) *retention of the labeling of the lot area size in square feet on the Final Plat;*
- 5) *full compliance with engineering comments: "Development of this site shall provide adequate drainage for the runoff that currently discharges across this property from adjacent properties and must not restrict the flow of runoff or cause ponding. Must comply with all storm water and flood control ordinances. The construction of any new dumpster pads will require connection to sanitary sewer, cannot discharge to storm sewer. Any work performed in the right of way will require a right of way permit;"*
- 6) *retention of a note on the Final Plat stating that the lot is limited to one curb cut to Old Shell Road and three curb cuts to Bay Shore Avenue, with the size, location, and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards; and*

- 7) *retention of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.*

LOCATOR MAP



APPLICATION NUMBER 4,5&6 DATE July 22, 2010

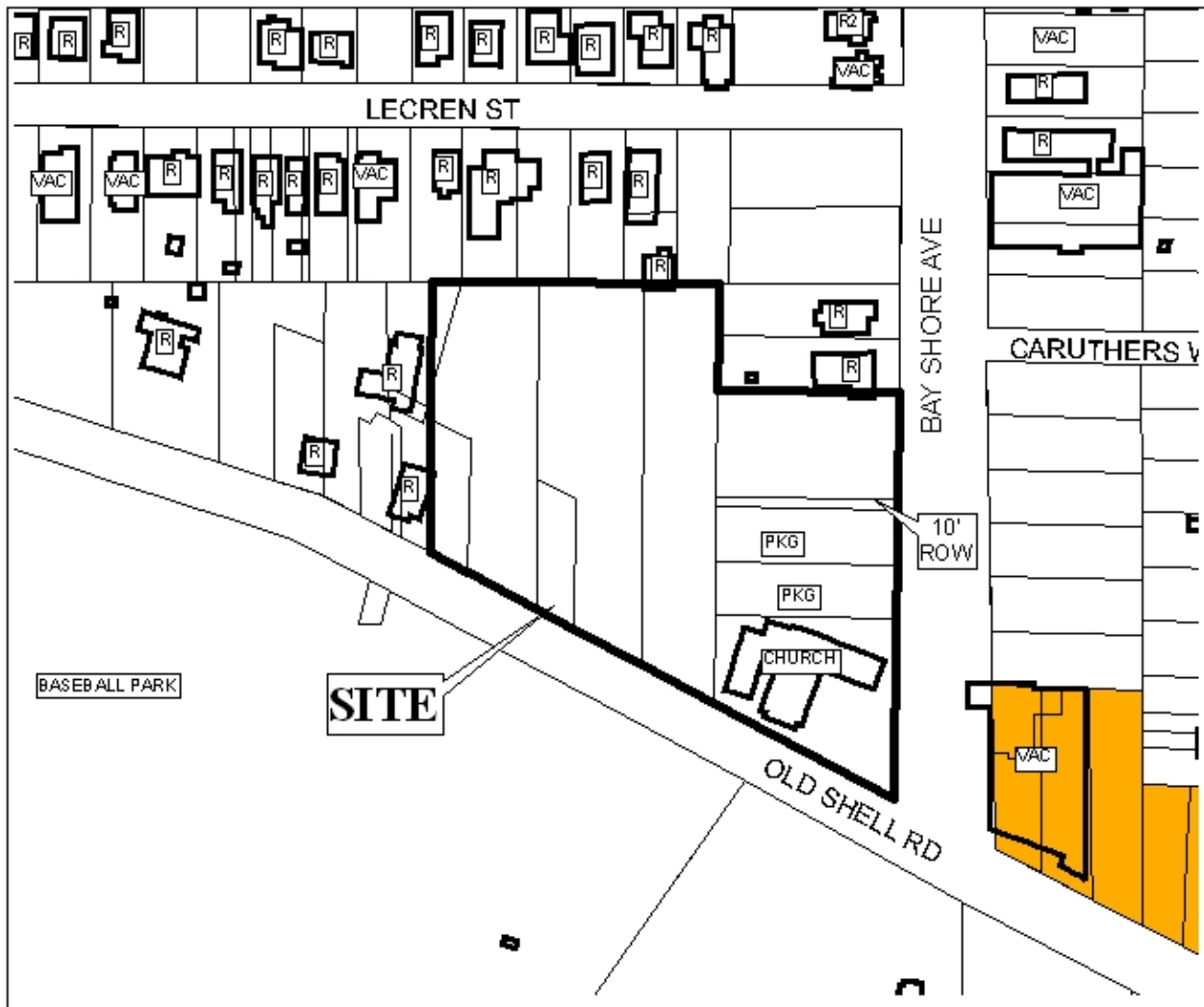
APPLICANT New Shiloh Missionary Baptist Church Subdivision, Plat #1

REQUEST Subdivision, Planned Unit Development, Planning Approval



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



A baseball park and school are to the south of the site, vacant commercial land uses are to the southeast, single family residential units are located to the west and north of the site, and duplexes are to the north.

APPLICATION NUMBER 4,5&6 DATE July 22, 2010

APPLICANT New Shiloh Missionary Baptist Church Subdivision, Plat #1

REQUEST Subdivision, Planned Unit Development, Planning approval

LEGEND

R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8	R-9	R-10	R-11	R-12	R-13	R-14	R-15	R-16	R-17	R-18	R-19	R-20	R-21	R-22	R-23	R-24	R-25	R-26	R-27	R-28	R-29	R-30	R-31	R-32	R-33	R-34	R-35	R-36	R-37	R-38	R-39	R-40	R-41	R-42	R-43	R-44	R-45	R-46	R-47	R-48	R-49	R-50	R-51	R-52	R-53	R-54	R-55	R-56	R-57	R-58	R-59	R-60	R-61	R-62	R-63	R-64	R-65	R-66	R-67	R-68	R-69	R-70	R-71	R-72	R-73	R-74	R-75	R-76	R-77	R-78	R-79	R-80	R-81	R-82	R-83	R-84	R-85	R-86	R-87	R-88	R-89	R-90	R-91	R-92	R-93	R-94	R-95	R-96	R-97	R-98	R-99	R-100
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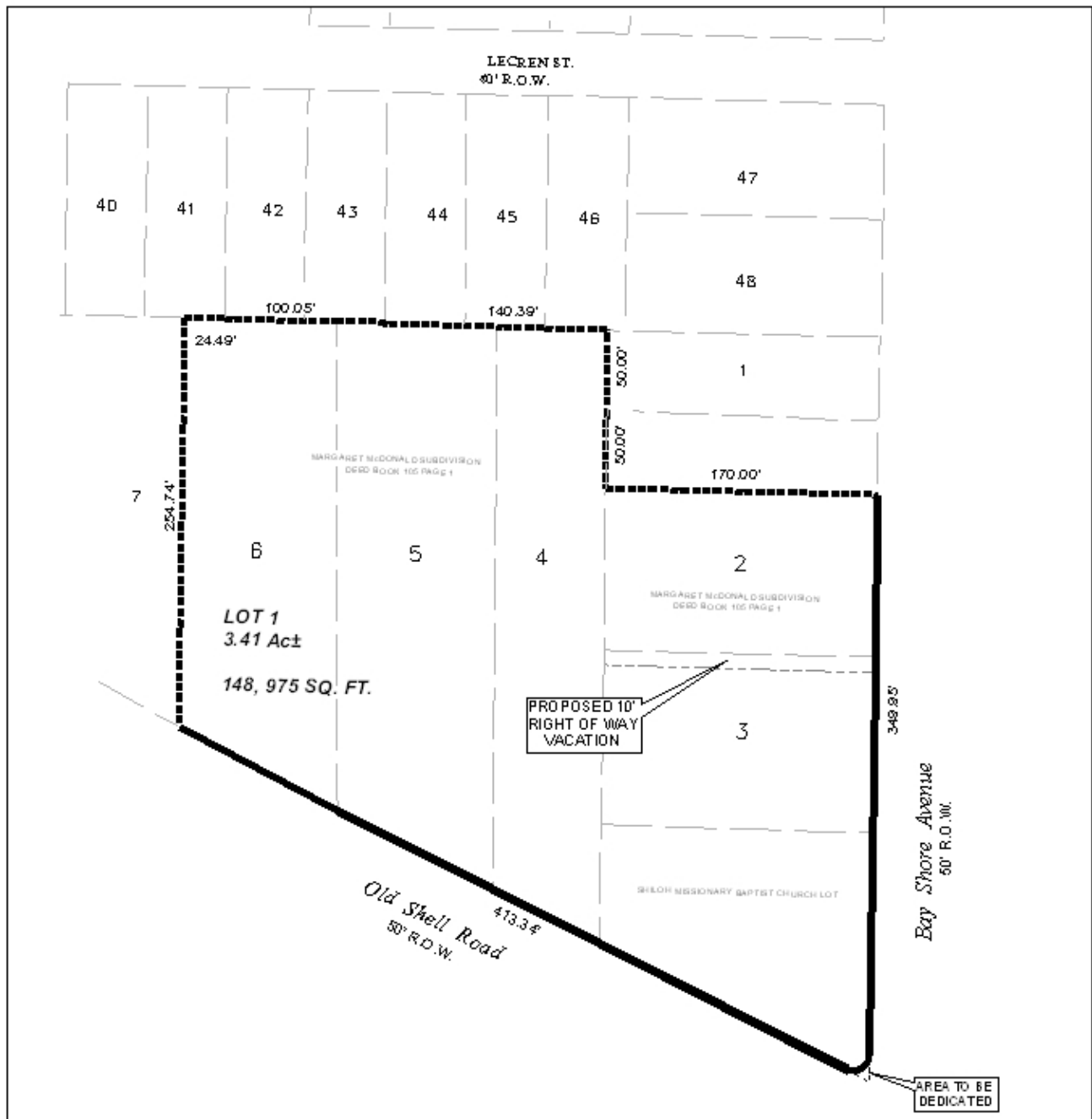
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REQUEST Subdivision, Planned Unit Development, Planning approval

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SUBDIVISION DETAIL



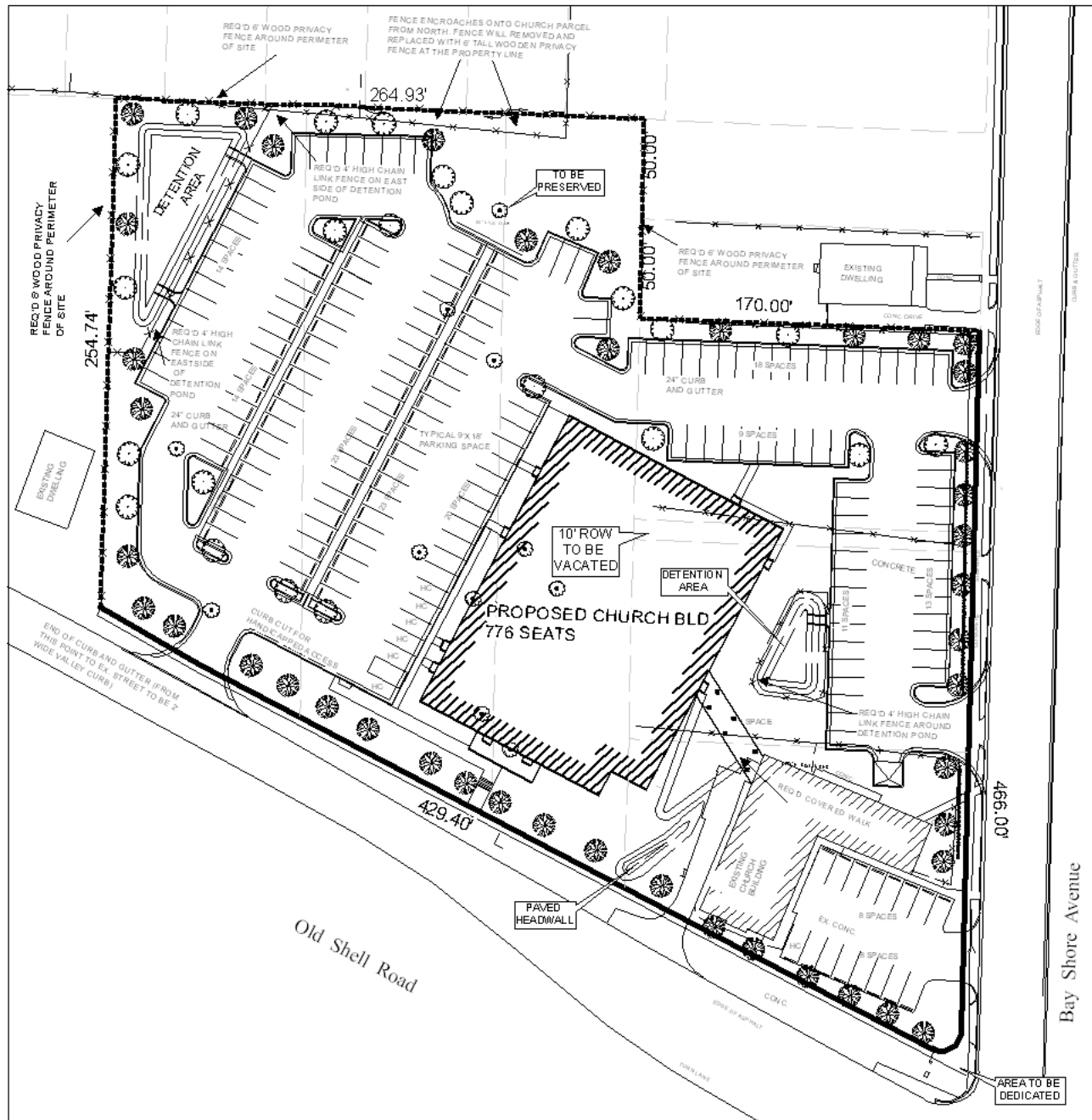
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REQUEST Subdivision, Planned Unit Development, Planning Approval



SITE PLAN



Proposed buildings, parking, landscaping, and sidewalks are illustrated in the site plan.

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