SUBDIVISION, PLANNED UNIT DEVELOPMENT, PLANNING APPROVAL, & SIDEWALK WAIVER STAFF REPORT Date: November 7, 2019

NAME	West Bay Academy Subdivision, Addition to
SUBDIVISION NAME	West Bay Academy Subdivision, Addition to
LOCATION	1564 & 1568 Hurtel Street and 1567, 1569, & 1577 Forrest Street (Northeast corner of Hurtel Street and Antwerp Street, extending to the Southeast corner of Forrest Street and Antwerp Street)
CITY COUNCIL DISTRICT	District 3
PRESENT ZONING	R-1, Single Family Residential District
AREA OF PROPERTY	1 Lot / 1.6± Acres
CONTEMPLATED USE	Subdivision approval to create one legal lot of record, Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow multiple buildings on a single building site, Planning Approval to amend a previously approved Planning Approval to allow the operation of a church with a daycare in an R-1, Single-Family Residential District, and Sidewalk Waiver for construction of a sidewalk along Forrest Street.
TIME SCHEDULE	Not Specified.

ENGINEERING COMMENTS

Subdivision:

FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer):

A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale,

bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors.

B. Add street names to the vicinity map.

C. Dedicate the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the northeast and northwest corner of LOT 1to the City of Mobile, and list the amount of dedicated acreage.

D. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.

E. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 28 - #78) LOT 1 will receive historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control). Coordinate with City Engineering Department staff to establish the exact amount prior to the submittal of the Land Disturbance Permit application.

F. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.

G. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit.

H. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved.

I. Add a note to the plat stating that all proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile.

J. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process.

K. Provide a copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Engineering Dept. for review. No signatures are required on the drawing. Place the information for the Subdivision Plat on the PLAT Review sign-in sheet.

L. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the red-line markup, the ORIGINAL (with all other signatures) and one (1) copy of the revised original (signatures not required) of the revised Final Plat to the Engineering Department. Place the information for the Subdivision Plat on the PLAT Review sign-in sheet.

Planned Unit Development:

1. Label the drawing submitted with the PUD application as PUD SITE PLAN.
2. ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN:
    a. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).

b. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.
c. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
d. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy.
e. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.
f. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

Sidewalk Waiver:
Forrest Street: It appears that there is sufficient room within the ROW, or within the property, for the construction of a sidewalk that could be permitted through the ROW Permit process.

TRAFFIC ENGINEERING COMMENTS

Site is limited to its existing number of curb cuts with any changes to size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance. If on street parking becomes an issue during pick-up/drop-off at the daycare, on street parking restrictions may have to be installed (or expanded) based on the width the streets or if visibility is impaired at the intersection of Antwerp Street and Forrest Street.

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 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.

FIRE DEPARTMENT COMMENTS All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code)

REMARKS The applicant is requesting Subdivision approval to create one legal lot of record, Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow multiple buildings on a single building site, Planning Approval to amend a previously approved Planning Approval to allow the operation of a church with a daycare in an R-1, Single-Family Residential District, and Sidewalk Waiver for construction of a sidewalk along Forrest Street.

The site was most recently before the Planning Commission at its January 3, 2019 meeting, where the site obtained a one-lot Subdivision, Planned Unit Development, Planning Approval, Rezoning, and Sidewalk waivers for the majority of the site. The applicant has purchased adjacent properties to the existing church/daycare, and would like to incorporate the new property into the operation.

The site has been given a Mixed Density Residential (MxDR) land use designation, per the adopted Future Land Use Plan and Map. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

This designation applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4-residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 du/ac, depending on the mix, types, and locations of the housing as specified by zoning.

Like Low Density Residential (LDR) areas, MxDR areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses, schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

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.

PUD 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.

In pursuit of these purposes, the objectives to be met by a PUD are as follows: a) to encourage innovative and diversified design in building form and site development; b) flexibility, to permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations; c) to encourage the most efficient and sustainable use of land, especially tracts in the inner part of the city that remain undeveloped or that are appropriate for re-development; d) to preserve and protect as urban amenities the natural features and characteristics of land; e) to encourage the provision of common open space through efficient site design; and, f) to encourage optimum use of available public utilities, streets and community facilities.

PUD approval is **site-plan specific**, thus any changes to the site plan / Subdivision plat will require approval by the Planning Commission. Also, PUD approvals expire within one (1) year if no permits for the development are obtained.

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 site has frontage onto Hurtel Street, Antwerp Street, and Forrest Avenue, all minor streets requiring a 50' right-of-way width. Hurtel Street and Forrest Street reflect a compliant 50' right-of-way-width and, if approved, should be retained on the Final Plat. A 45' right-of-way width is shown for Antwerp Street. In lieu of dedication to provide 25' from the centerline of Antwerp Street, an increased setback was required along this street as a part of the previous Subdivision approval, and the preliminary plat illustrates the same.

The preliminary plat illustrates 25' minimum building setback lines along all street frontages. It should be noted that the existing church building encroaches in the 25' setback along Hurtel and Antwerp Streets. If approved, the 25' setbacks should be retained on the Final Plat, except along Antwerp Street, where the 30' minimum setback should be retained.

The proposed lots each exceeds the 7,200 square foot minimum lot size requirements for lots served by public water and sanitary sewer systems. The preliminary plat provides the lot size in square feet and acres. If approved, the lot size information should be retained on the Final Plat.

As a means of access management, a note should be placed on the Final Plat stating the site is limited to its existing number of curb cuts with any changes to size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance. If on street parking becomes an issue during pick-up/drop-off, on street parking restrictions may have to be installed (or expanded) based on the width the streets or if visibility is impaired at the intersection of Antwerp Street and Forrest Street.

The subject site is bounded to the West by R-1, Single Family Residential Districts, to the South by R-3, Multiple Family Residential Districts, to the East by B-2, Neighborhood Business District and R-1, Single Family Residential Districts and to the North by R-1, Single Family Residential Districts.

The site plan depicts the one (1) proposed lot, three (3) existing buildings, and 15 existing asphalt parking spaces and a large slab that reflects the footprint of two buildings recently removed. The site plan also indicates several existing trees, many which are large live oak trees and an existing privacy fence along a portion of the North property line where the site abuts residentially zoned and used property. To maintain a residential buffer, the fence should extend along the entire Eastern boundary where the site abuts residentially zoned and used property.

Regarding the Planning Approval, the applicant states:

> *a. The proposal will be appropriate with regard to transportation and access, due to not adding any new access or employees. Wast disposal is picked up in cans, water supply will not change.*
> *b. The proposal will not cause traffic congestion, no new employees.*
> *c. This is an existing Church and state licensed Child care center, no new construction.*

Regarding the Planned Unit Development, the applicant states:

> *West Bay Academy is an existing state licensed daycare and Church that has purchased the adjacent property with an existing building they are remodeling for use in the day care. No new construction is planned, no additional employees, no additional parking or entrances.*

While the applicant does not specifically state the number of seats in the church, or the number of employees who work at the daycare, it is stated that the new building will be used to accommodate the daycare, with no new teachers; therefore the amount of required parking will not be altered from the previous approval.

Furthermore, it appears that with the demolition (without permits) of the structure at 1564 Hurtel Street, the addition of the structure at 1577 Forrest Street, and the proposed addition of the structure at 1567 Forrest Street, that the building footprint has increased/decreased by more than

50%, thus requiring the site to come into full compliance with tree planting and landscape area requirements. No landscape area information is provided, but several existing trees are depicted on the site plan. If approved, the site should be required to come into full compliance with tree planting and landscape area requirements.

The applicant has also requested a sidewalk waiver and states the following:

> *The area along Hurtel Street is 80% existing asphalt and concrete, we feel the remaining impervious area should remain to allow water to the large Live Oaks that are there.*
>
> *The area along Antwerp Street has six large Live Oaks on the property line, as the trees grow it would cause the sidewalk to buckle and could be a trip hazzard.*
>
> *The area along Forrest Street, and adjacent to this property is small residential homes, no existing sidewalks and not a lot of existing area to put a sidewalk.*

It should be noted that the Mobile City Council adopted a "complete streets" policy on May 31, 2011. The purpose of the complete streets policy is to support the design and construction of streets to enable safe access to all users, including pedestrians, bicyclists, transit riders, motorists, commercial and emergency vehicles, and for people of all ages and abilities.

The majority of the site was granted a sidewalk waiver by the Planning Commission in January, so the application at hand is limited to the street frontage of the newly incorporated property along Forrest Street. Given that a sidewalk waiver has been approved for the remainder of the property, it seems it would be appropriate for the additional property as well.

Expansion of the church/daycare use to the building at 1567 Forrest Street will likely require a range of building-related permits for the conversion from a multi-tenant dwelling. Furthermore, if this structure will be used for a daycare, site improvements may be needed for vehicle and pedestrian circulation, thus land disturbance permits may be required. Also, it appears that the building slab at 1564 Hurtel Street is being used for parking and a dumpster – all without use approvals or permits.

RECOMMENDATION:

Subdivision: Based upon the preceding, this application is recommended for Holdover to the December 5, 2019 meeting with revisions due by November 21st, to address the following:

1) Revision of the site plan to depict parking that is being utilized on the building slab of 1564 Hurtel Street;
2) Revision of the site plan to depict any existing and/or proposed improvements around the proposed new daycare structure;
3) Revision of the site plan to illustrate any and all dumpsters on the site; and
4) Revision of the site plan to demonstrate that the development will fully comply with tree planting and landscape area requirements.

Planned Unit Development: Based upon the preceding, this application is recommended for Holdover to the December 5, 2019 meeting with revisions due by November 21st, to address the following:

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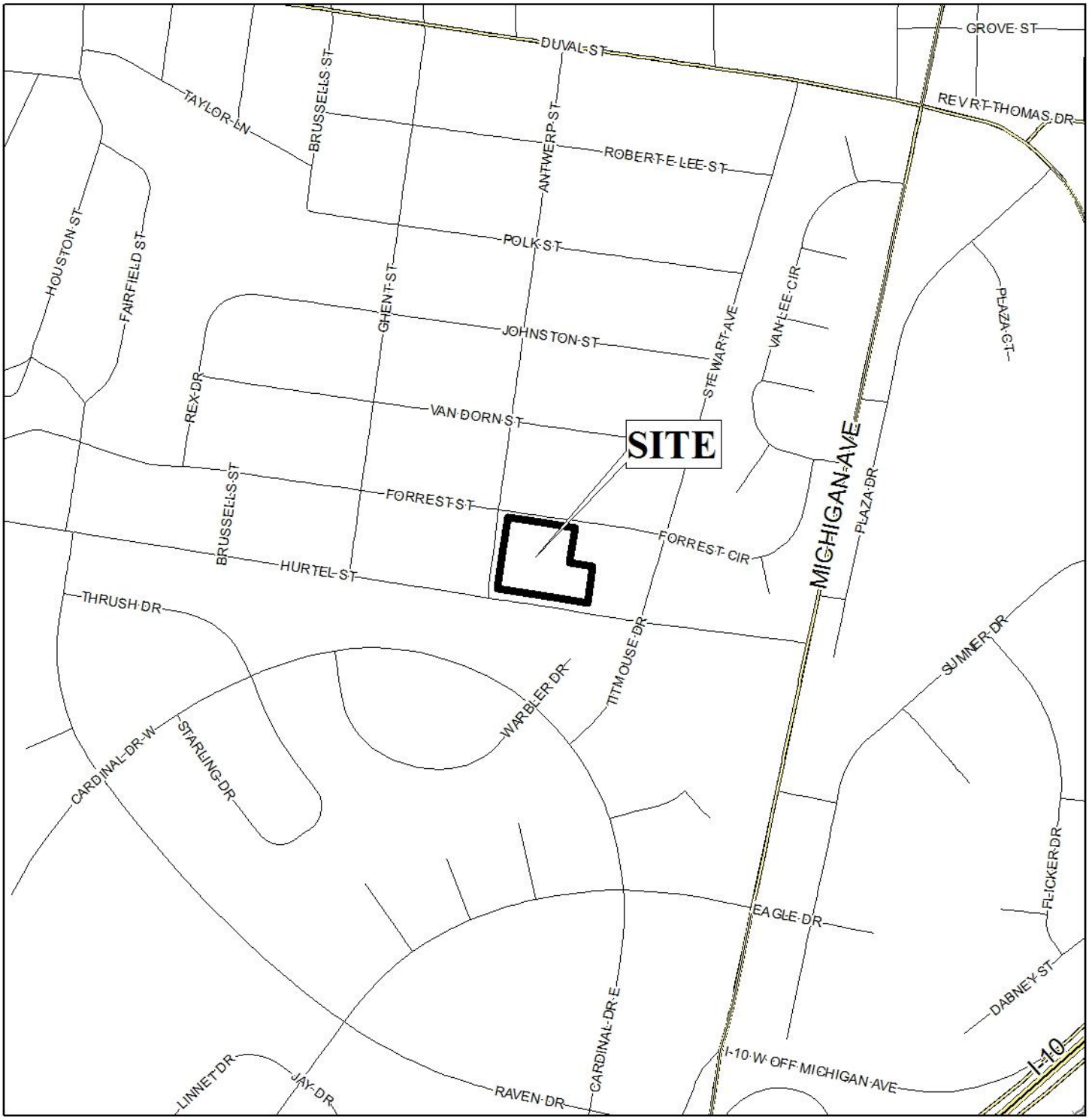
3) Revision of the site plan to illustrate any and all dumpsters on the site; and
4) Revision of the site plan to demonstrate that the development will fully comply with tree planting and landscape area requirements.

Sidewalk Waiver: Based upon the preceding, this application is recommended for Holdover to the December 5, 2019 meeting to be heard concurrently with the Subdivision, Planned Unit Development, and Planning Approval applications.

LOCATOR MAP



APPLICATION NUMBER 8 DATE November 7, 2019

APPLICANT West Bay Academy Subdivision, Addition to

REQUEST Subdivision, PUD, Planning Approval, Sidewalk Waiver

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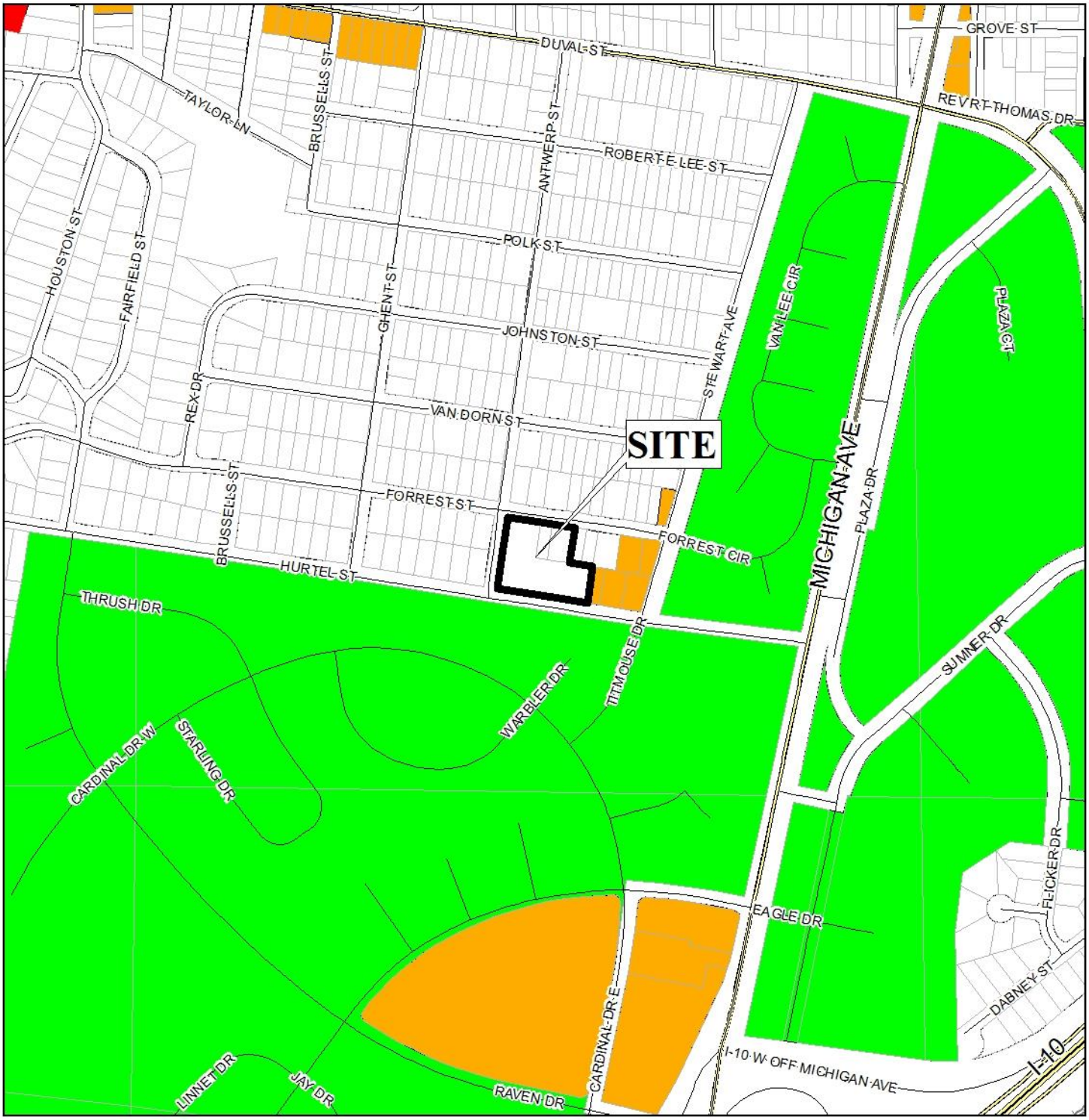
NTS

LOCATOR ZONING MAP



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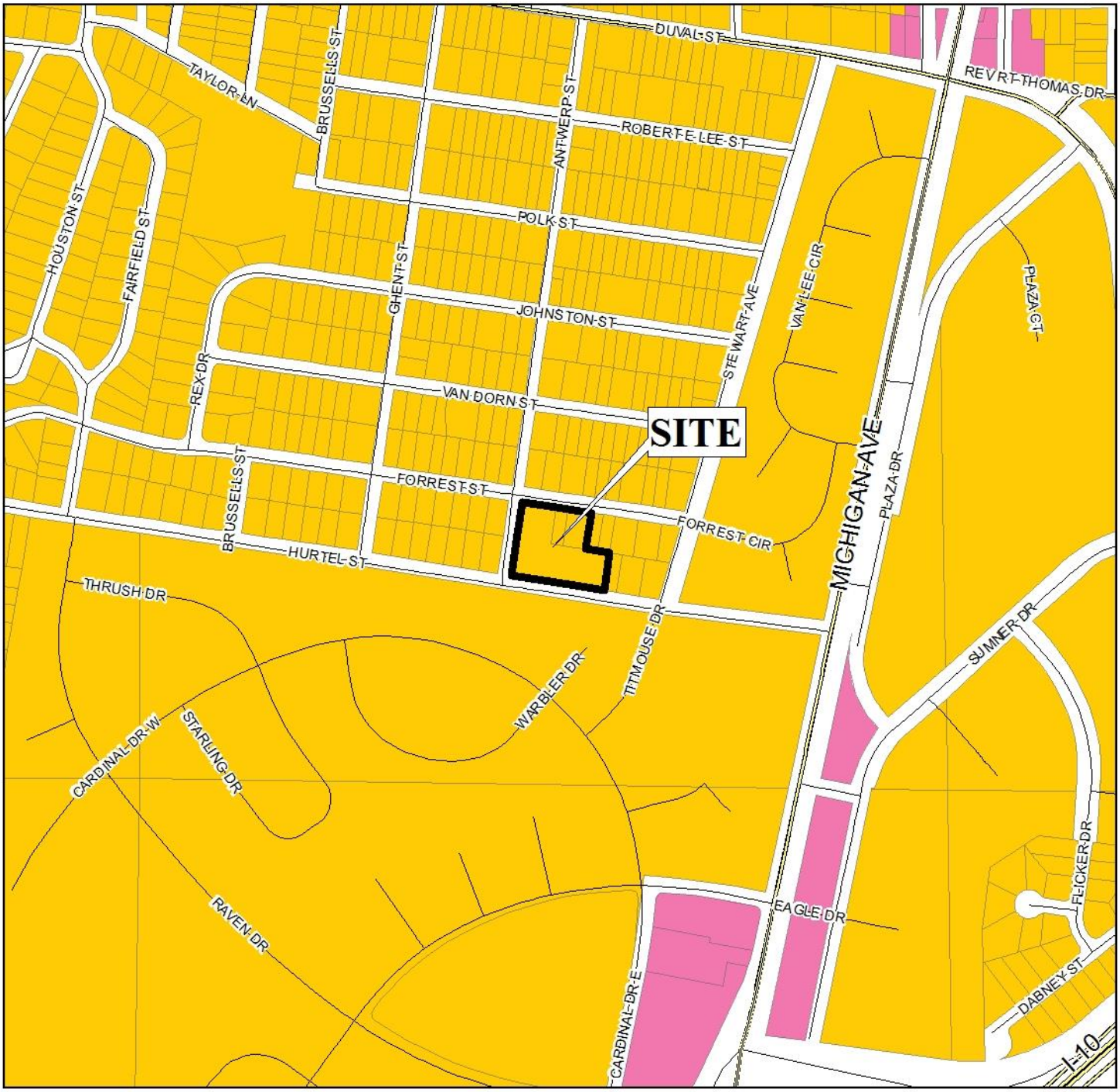
NTS

FLUM LOCATOR MAP



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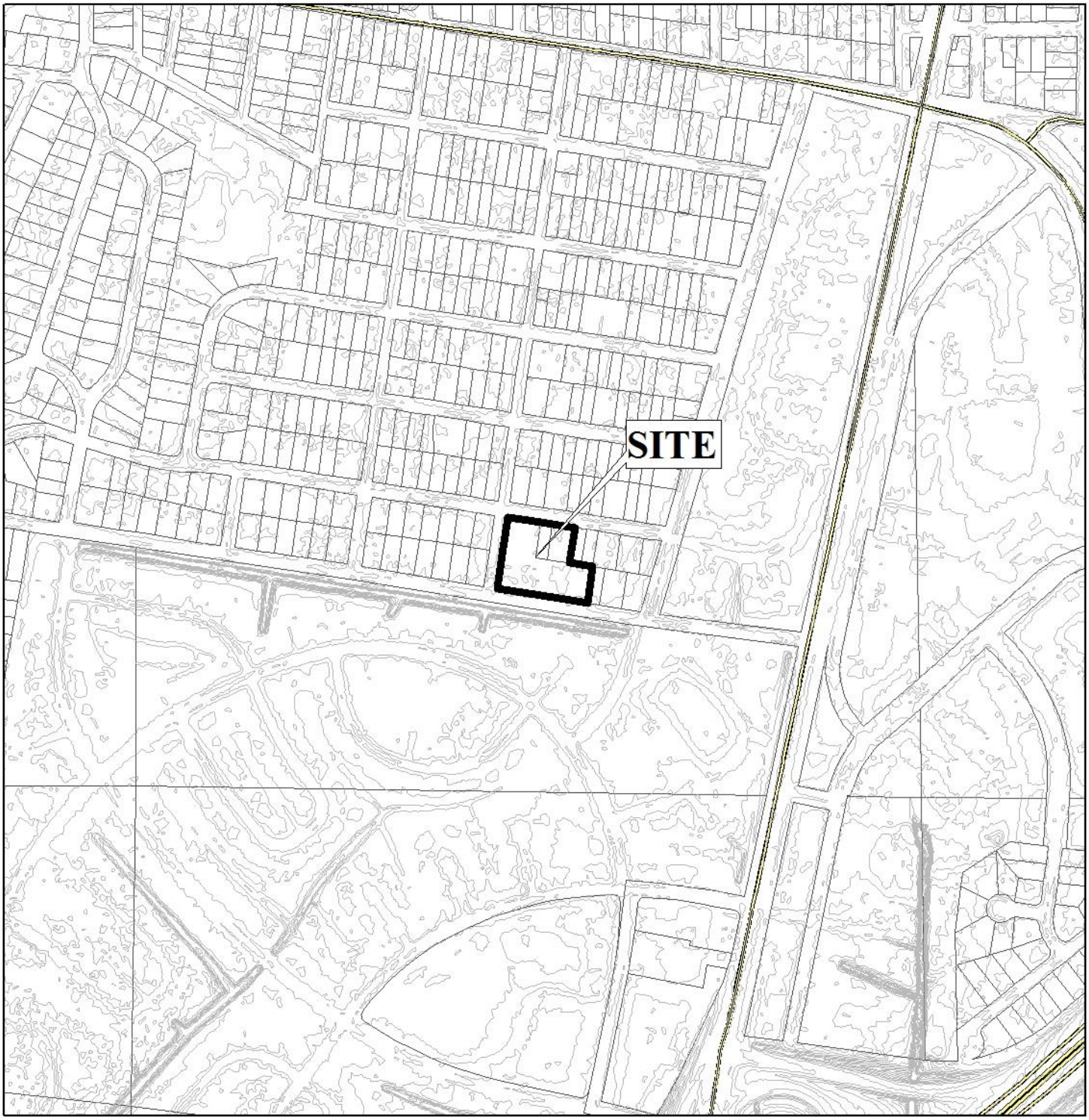
- Low Density Residential
- Mixed Density Residential
- Downtown
- District Center
- Neighborhood Center - Traditional
- Neighborhood Center - Suburban
- Traditional Corridor
- Mixed Commercial Corridor
- Downtown Waterfront
- Light Industry
- Heavy Industry
- Institutional
- Parks & Open Space
- Water Dependent

N

NTS

ENVIRONMENTAL LOCATOR MAP



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PLANNING COMMISSION
VICINITY MAP - EXISTING ZONING

The site is surrounded by residential units.

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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6

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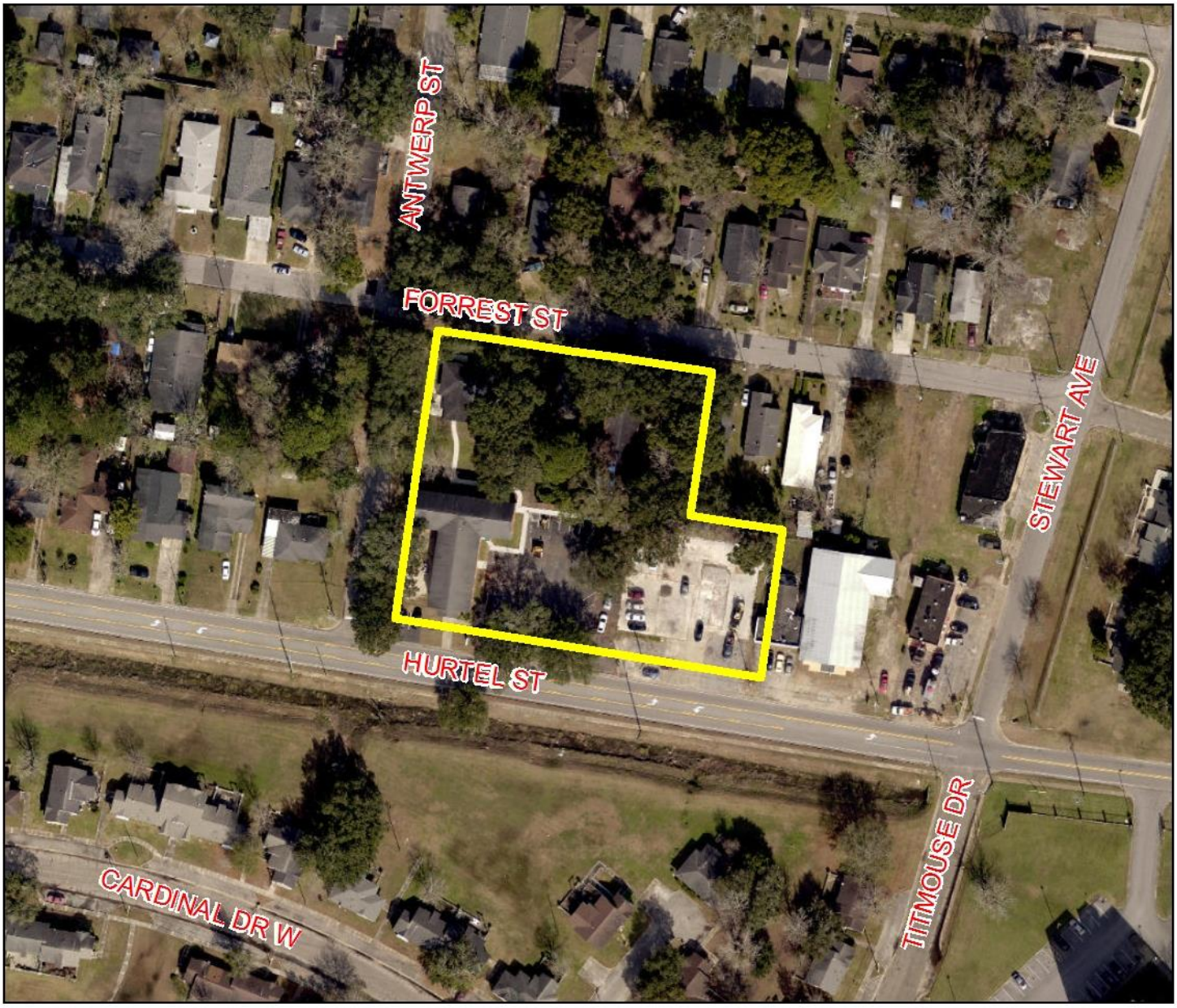
NTS

PLANNING COMMISSION
VICINITY MAP - EXISTING AERIAL



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NTS

SITE PLAN

The site plan illustrates the proposed fence, the existing fences, existing buildings and setbacks.

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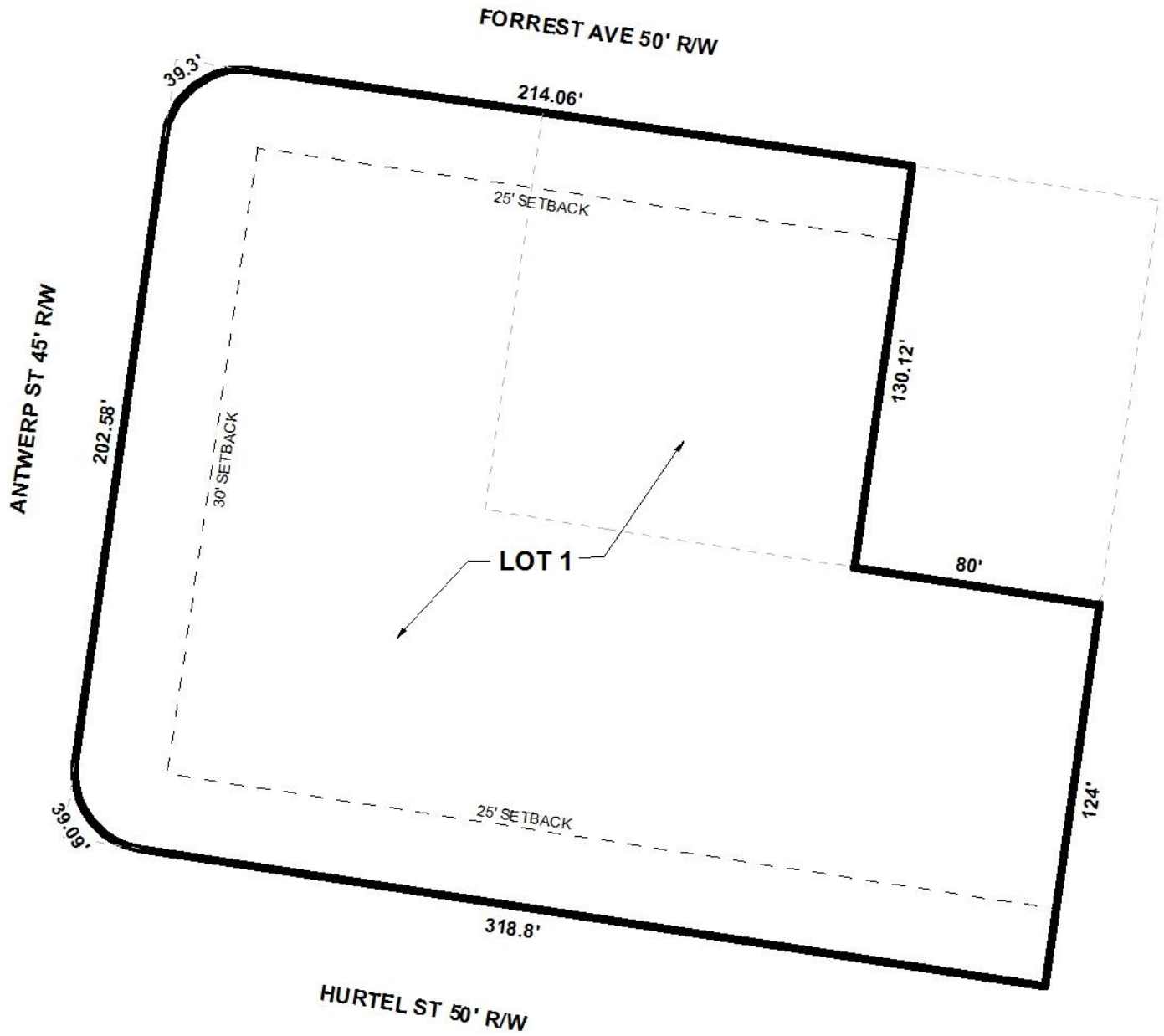
DETAIL SITE PLAN



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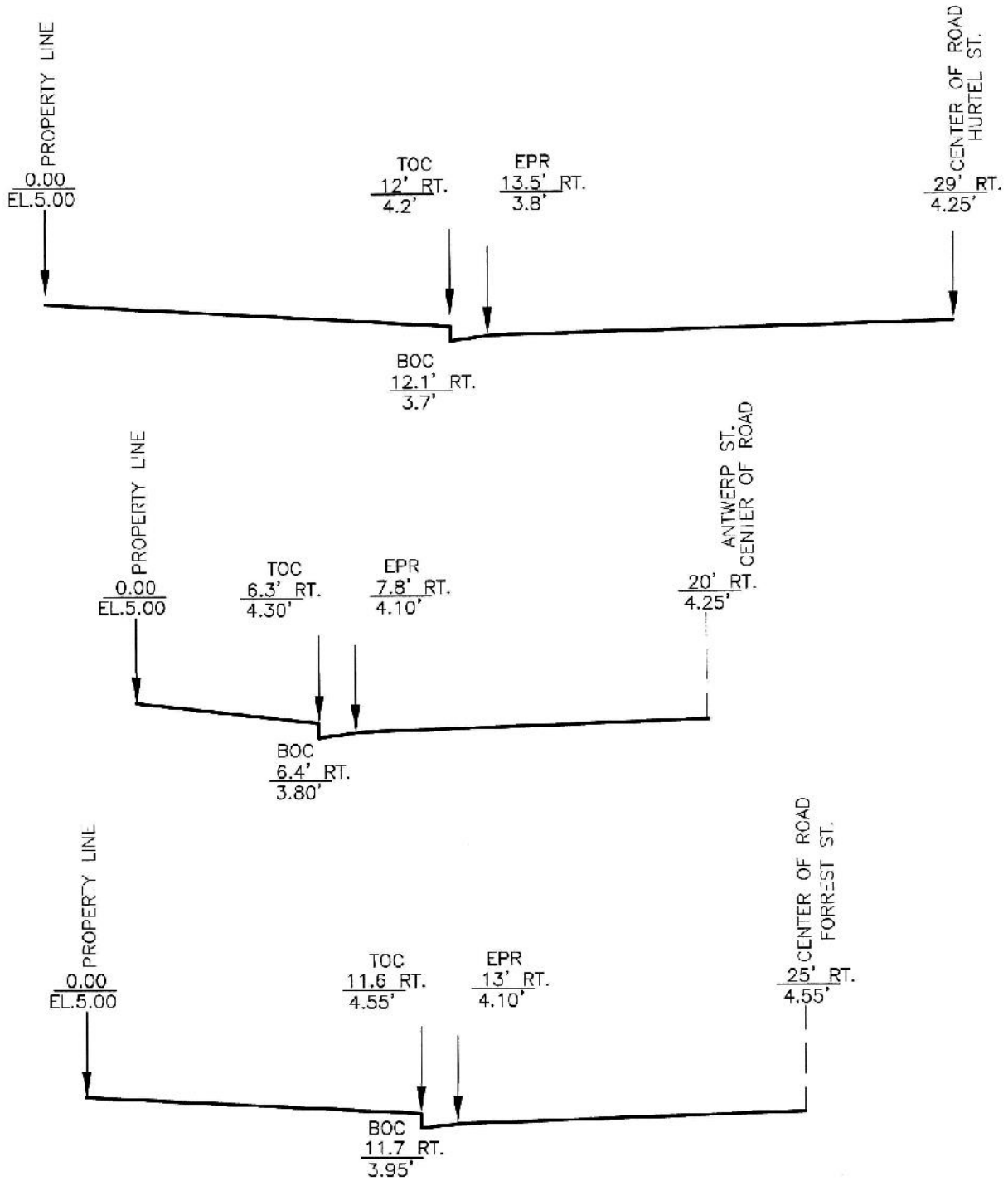
DETAIL SITE PLAN



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