SUBDIVISION, PLANNED UNIT DEVELOPMENT &, PLANNING APPROVAL

STAFF REPORT Date: January 4, 2018

APPLICANT NAME Ark of Safety Church

SUBDIVISION NAME Ark of Safety Subdivision

DEVELOPMENT NAME Ark of Safety Church

LOCATION 2700 First Avenue

(Northwest corner of Main Street and First Avenue, extending to the Southwest corner of Esau Avenue and

Main Street)

CITY COUNCIL

DISTRICT Council District 1

PRESENT ZONING R-1, Single-Family Residential District

AREA OF PROPERTY 1 Lot $/ 0.79 \pm$ Acre

CONTEMPLATED USE Subdivision Approval to create one legal lot of record from

three existing legal lots of record; Planned Unit Development Approval to allow multiple buildings on a single building site and reduced side street side yard setbacks; and Planning Approval to amend a previous Planning Approval to allow expansion of an existing church to consist of three modular buildings in an R-1,

Single-Family Residential District.

MAWSS COMMENTS No comments.

TIME SCHEDULE

FOR DEVELOPMENT Immediately upon permitting.

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. Dedicate the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the corner of Esau Ave. and Main St. and at the corner of First Ave. and Main St. to the City of Mobile, and list the amount of dedicated acreage.
- C. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- D. 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.
- E. 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.
- F. 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.
- G. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process.
- H. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing.
- I. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the ORIGINAL (with all other signatures) and one (1) copy (signatures not required) of the revised Final Plat to the Engineering Department.

Planned Unit Development: ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN:

- 1. 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).
- 2. 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.
- 3. 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.
- 4. 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.
- 5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

Planning Approval:

- 1. 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).
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- 3. 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.
- 4. 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.
- 5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

TRAFFIC ENGINEERING

Applicant/Owner appears to own nearby lots where additional offsite parking may occur. At time of any parking lot improvement, Lot is limited to one curb cut to Main Street and one curb cut to Esau Avenue, with 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.

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).

FIRE DEPARTMENT

<u>COMMENTS</u> 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).

REMARKSThe applicant is requesting Subdivision Approval to create one legal lot of record from three existing legal lots of record; Planned Unit Development Approval to allow multiple buildings on a single building site and reduced side street side yard setbacks; and Planning Approval to amend a previous Planning Approval to allow expansion of an existing church to consist of three modular buildings in an R-1, Single-Family Residential District.

The subject site consists of three contiguous legal lots of record. The applicant also owns two other vacant properties in the immediate neighborhood which are used as parking. The main site received Planning Approval in 1988 under previous ownership to allow the addition to the rear of the existing church for a fellowship hall and additional pews and classrooms, and to allow a parking lot across the street from the church. As the proposed modular buildings are proposed on the main site, the previous Planning Approval must be amended to allow such, and the site must be incorporated into one legal lot of record via the associated Subdivision. Since more than one structure will be on the final one lot, the Planned Unit Development is required to allow the multiple structures on the one lot.

The site has been given a Mixed Density Residential land use designation per the recently 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 areas, Mixed Density Residential 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 applicant states:

We are submitting a 1-lot subdivision for Ark of Safety Church so that they can encompass all of the lots they currently own into one legal lot. We are also submitting a PUD and Planning Approval as well for the church that has a seating capacity of 350. We have 3 modular buildings that will be located on the site for Sunday school classes and will be used for other events at the church. There is an existing parking area that we show striping for that we are asking to be grandfathered in. Our site plan shows that they do not currently have the adequate parking but the members currently park on-site during hours of operation. Our subdivision shows a reduced side street setback of 20 feet and we are asking this to be maintained for the future. The three (3) new buildings would be placed immediately once all permits were pulled. We are asking that since the Church has operated in an R-1 designation all of this time that we be consistent here and allow them to operate as they have for many years.

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 meets the minimum size requirements of the Subdivision Regulations. As on the preliminary plat, the Final Plat should retain the lot size in both square feet and acres, or a table should be furnished on the Final Plat providing the same information. The original front portion of the existing church building is nonconforming in that it only has a 5.8' front yard setback; a 6.3' side street side yard setback; and a 9.9' interior side yard setback. A 1990 Side Yard Setback Variance allowed for the addition to the rear of the building to maintain the existing side street setback. As a 20' side street setback is requested, which would be allowed by the Zoning Ordinance, but which would require a waiver of Section V.D.9. of the Subdivision Regulations, and as the existing setback is 6.3' along the entire length of the existing building, the allowance for such a reduced setback would not be out of the ordinary for this site along Main Street. The 25' setback should be retained along First Avenue and Esau Avenue.

The site has frontages on First Avenue, Main Street and Esau Avenue, all minor streets with adequate rights-of-way; therefore, no street frontage dedications would be required. Normally, a 25' corner radius dedication would be required at street intersections if not already provided. However, as the existing church building encroaches into that area, dedication would not be practicable in this instance at the intersection of First Avenue and Main Street. And as existing parking spaces would be impacted by such dedication at the intersection of Main Street and Esau Avenue, dedication in that area should not be required. Therefore, a waiver of Section V.D.6. of the Subdivision Regulations may be appropriate.

As a means of access management, a note should be required on the Final Plat stating that the subdivision is limited to one curb cut to Main Street and one curb cut to Esau Avenue, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

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. PUD approval expires within one year if no approvals are obtained.

The PUD addresses the multiple structures on the proposed single lot. The site plan indicates the existing church and parking lot and the three proposed modular buildings in an existing vacant area. The buildings are indicated to meet the required 10' setback off adjacent residential property to the West, and 23'± off adjacent residential property to the South. Total site coverage by all structures calculates to be slightly over 31% and within the 35% allowed in R-1 districts.

The site plan indicates an existing noncompliant dumpster placed within the parking area and within the 25' minimum building setback from Esau Avenue. As there is adequate room within the vacant area to the West of the parking area to re-locate the dumpster, the site plan should be revised to indicate the dumpster in compliance with Section 64-4.D.9. of the Zoning Ordinance, to include curbing, enclosure and sanitary sewer connection. No public sidewalk is indicated along Esau Avenue. Therefore, the site plan should be revised to indicate a compliant City standard sidewalk along Esau Avenue, or a Sidewalk Waiver should be requested.

The church has a seating capacity of 350 which would require 88 parking spaces. Currently 36 spaces are provided on the main site. But the 1990 Variance previously mentioned also allowed for a reduced parking ratio and off-site parking. Since the current proposed project does not increase the required parking, no additional parking should be required. That Variance also allowed the rear addition to the main sanctuary to be within required setbacks and also allowed for no residential buffering. However, a 6' wooden privacy fence should be provided along the West and South boundaries of the vacant area where the modular buildings are proposed, reducing to no more than 3' high within the 25' setback along Esau Avenue.

A review of Google and aerial photographs of the site indicate closed gates to the parking area along Esau Avenue. A note should be placed on the site plan stating that these gates are to remain closed. The substandard curb cut along Main Street in the middle of the parking area should be enlarged to a minimum width of 24' to allow a more orderly two-way traffic flow. That curb cut is also indicated in photographs to be gated, but open. Therefore, a note should be required on the site plan stating that those gates are to remain open during the hours of operation of all church activities.

The site plan indicates a shortage of frontage landscaping for the over-all site. However, as the sanctuary extends to within 5.8' of the front property line along First Avenue and approximately 6.5' of the Main Street property line, there is no space in those areas to provide additional frontage landscaping. Within the parking area, no additional frontage landscaping can be provided without the removal of parking stalls along the Main Street and Esau Avenue frontages. The site plan does indicate compliance with the tree planting requirements except along the front (First Avenue) and the side of the sanctuary (Main Street) where there is no room to plant trees due to the nonconforming setbacks. .

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 hazards; 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 and limited to the scope of operations; therefore any future changes to the site plan or scope of operations, as approved, by current or future applicants must be submitted for Planning Approval.

As the only proposed changes to the site are the addition of the three proposed modular buildings, to be used for Sunday School classes and other church related activities, and as the site has been used for a church for many years, the request for Planning Approval would seem to be in harmony with the orderly and appropriate development of the district. The site plan should be revised to specifically address the same items to be revised on the PUD site plan.

RECOMMENDATION

Subdivision: Based upon the preceding, and with a waiver of Section V.D.6. of the Subdivision Regulations (along Main Street), the application is recommended for Tentative Approval, subject to the following conditions:

- 1) retention of the lot size label in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
- 2) retention of the 20' minimum building setback line along Main Street;
- 3) retention of the 25' minimum building setback line along First Avenue and Esau Avenue;
- 4) placement of a note on the Final Plat stating that the subdivision is limited to one curb cut to Main Street and one curb cut to Esau Avenue, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 5) compliance with the Engineering comments: [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.

Dedicate the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the corner of Esau Ave. and Main St. and at the corner of First

Ave. and Main St. to the City of Mobile, and list the amount of dedicated acreage. C. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. D. 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. E. 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. F. 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. G. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process. H. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing. I. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the ORIGINAL (with all other signatures) and one (1) copy (signatures not required) of the revised Final Plat to the Engineering Department.];

- 6) compliance with the Traffic Engineering comments: (Applicant/Owner appears to own nearby lots where additional offsite parking may occur. At time of any parking lot improvement, Lot is limited to one curb cut to Main Street and one curb cut to Esau Avenue, with 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.);
- 7) compliance with the 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);
- 8) compliance with the 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); and
- 9) provision of three (3) revised Planned Unit Development site plans and three (3) revised Planning Approval site plans to the Planning & Zoning staff prior to the signing of the Final Plat.

Planned Unit Development: Based upon the preceding, the application is recommended for Approval, subject to the following:

- 1) revision of the site plan to provide a dumpster, in compliance with Section 64-4.D.9. of the Zoning Ordinance, to include curbing, enclosure and sanitary sewer connection;
- 2) revision of the site plan to provide a City-standard sidewalk along the Esau Avenue right-of-way, or the obtaining of a Sidewalk Waiver;

- 3) revision of the site plan to provide a 6' high wooden privacy fence along the property lines to the West and South of the three modular buildings, reducing to no more than 3' high within the 25' setback along Esau Avenue;
- 4) placement of a note on the site plan stating that the vehicle gates along Esau Avenue are to remain closed;
- 5) revision of the site plan to provide a 24' wide curb cut at the Main Street parking area entrance drive;
- 6) placement of a note on the site plan stating that gates at the Main Street entrance drive are to remain open during the hours of operation of all church activities;
- 7) compliance with the tree planting plan as presented on the site plan;
- 8) placement of a note on the site plan stating that the site is limited to one curb cut to Main Street and one curb cut to Esau Avenue, with 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;
- 9) revision of the site plan to label the site with its size in both square feet and acres, or the furnishing of a table on the site plan providing the same information;
- 10) revision of the site plan to illustrate the 20' minimum building setback line along Main Street and the 25' minimum building setback lines along First Avenue and Esau Avenue;
- 11) compliance with Engineering comments: [ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: 1. 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). 2. 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. 3. 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. 4. 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. 5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.];
- 12) compliance with the Traffic Engineering comments: (Applicant/Owner appears to own nearby lots where additional offsite parking may occur. At time of any parking lot improvement, Lot is limited to one curb cut to Main Street and one curb cut to Esau Avenue, with 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.);

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- 14) compliance with the 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); and
- 15) provision of three (3) revised Planned Unit Development site plans to Planning & Zoning staff prior to the signing of the Final Plat for the Subdivision.

Planning Approval: Based upon the preceding, the application is recommended for Approval, subject to the following:

- 1) revision of the site plan to provide a dumpster, in compliance with Section 64-4.D.9. of the Zoning Ordinance, to include curbing, enclosure and sanitary sewer connection;
- 2) revision of the site plan to provide a City-standard sidewalk along the Esau Avenue right-of-way, or the obtaining of a Sidewalk Waiver;
- 3) revision of the site plan to provide a 6' high wooden privacy fence along the property lines to the West and South of the three modular buildings, reducing to no more than 3' high within the 25' setback along Esau Avenue;
- 4) placement of a note on the site plan stating that the vehicle gates along Esau Avenue are to remain closed;
- 5) revision of the site plan to provide a 24' wide curb cut at the Main Street parking area entrance drive;
- 6) placement of a note on the site plan stating that gates at the Main Street entrance drive are to remain open during the hours of operation of all church activities;
- 7) compliance with the tree planting plan as presented on the site plan;
- 8) placement of a note on the site plan stating that the site is limited to one curb cut to Main Street and one curb cut to Esau Avenue, with 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;
- 9) revision of the site plan to label the site with its size in both square feet and acres, or the furnishing of a table on the site plan providing the same information;
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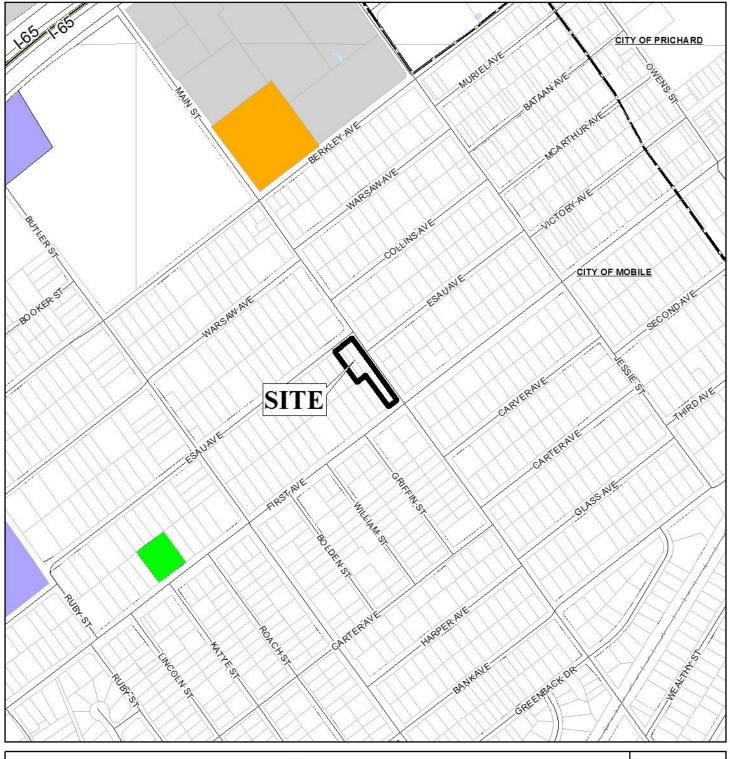
LOCATOR MAP

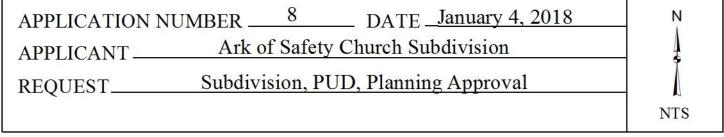


APPLICATION 1	NUMBER8	DATE_	January 4, 2018		
APPLICANT	Ark of Sa	fety Church Sul	odivision		
REQUEST	Subdivision, PUD, Planning Approval				

NTS

LOCATOR ZONING MAP



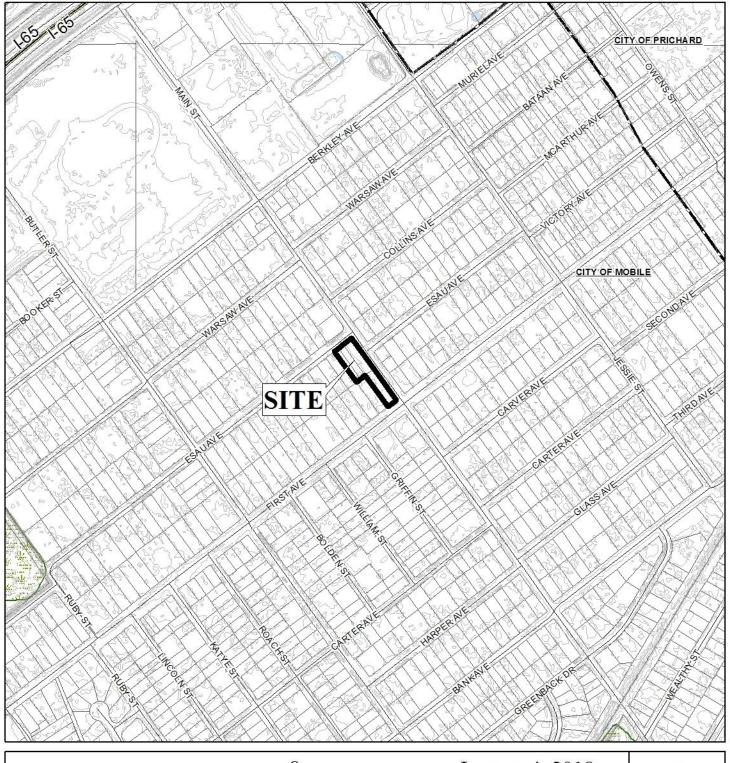


FLUM LOCATOR MAP



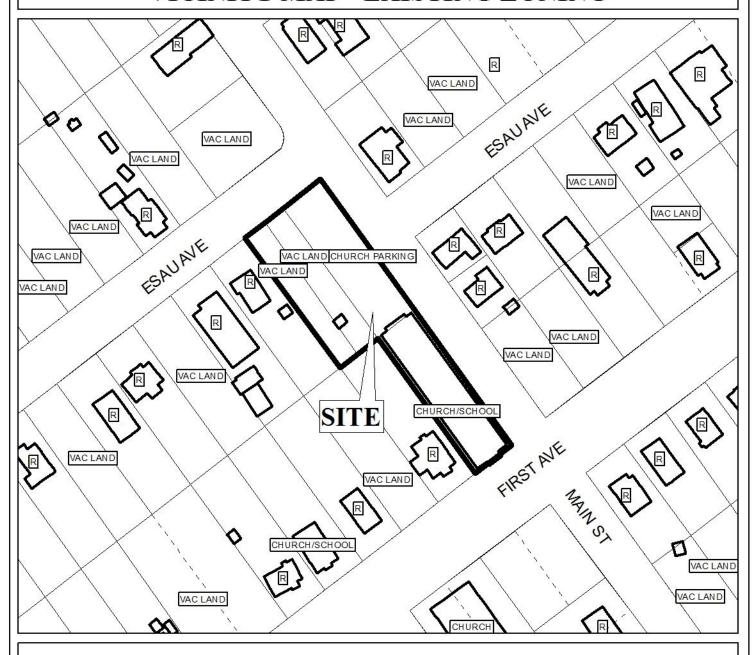


ENVIRONMENTAL LOCATOR MAP

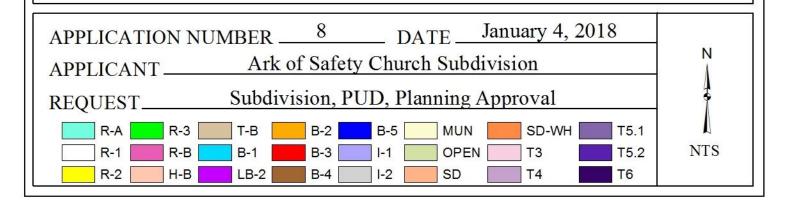


APPLICATION N	UMBER8	DATE_	January 4, 2018	N
APPLICANT Ark of Safety Church Subdivision				. I
REQUEST Subdivision, PUD, Planning Approval				
				NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.



PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL

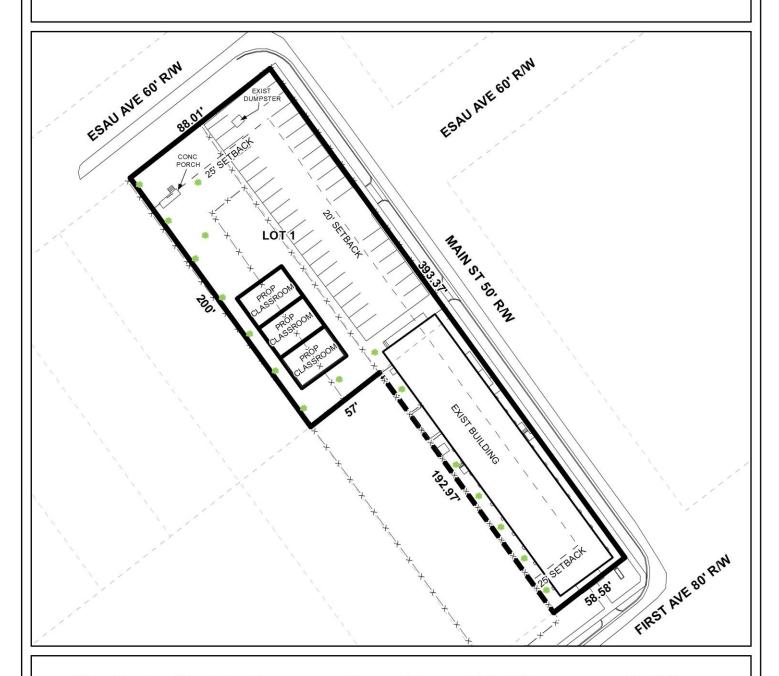


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APPLICATION	NUMBER8	DATE_	January 4, 2018
APPLICANT_	Ark of Sa	fety Church Sul	odivision
REQUEST		, PUD, Plannin	2 Approval
REQUEST	20000111222	, 1 0 2 , 1 1 1 1 1 1 1	2116610 / 411



SITE PLAN



The site plan illustrates the proposed lot, parking, exist building, proposed buildings, and setback.

APPLICATION NUMBER 8 DATE January 4, 2018	Ŋ			
APPLICANT Ark of Safety Church Subdivision				
REQUEST Subdivision, PUD, Planning Approval				
	NTS			