

**SUBDIVISION,
PLANNED UNIT DEVELOPMENT,
PLANNING APPROVAL &
SIDEWALK WAIVER STAFF REPORT**

Date: November 21, 2013

<u>NAME</u>	Redeemed Community Church Subdivision
<u>SUBDIVISION NAME</u>	Redeemed Community Church Subdivision
<u>LOCATION</u>	6254 Howells Ferry Road (North side of Howells Ferry Road, 500'± West of Grider Road)
<u>CITY COUNCIL DISTRICT</u>	District 7
<u>CURRENT ZONING</u>	R-1, Single-Family Residential
<u>AREA OF PROPERTY</u>	1 Lot / 6.3± Acres
<u>CONTEMPLATED USE</u>	Subdivision Approval to create a legal lot of record from an existing metes-and bounds parcel, Planned Unit Development approval to allow multiple buildings on a single building site, Planning Approval to allow a church in an R-1, Single-Family Residential District, and Sidewalk Waiver to waive construction of a sidewalk along Howells Ferry Road.
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	Immediate.
<u>ENGINEERING COMMENTS</u>	Subdivision: The following comments should be addressed prior to acceptance and signature by the City Engineer: a. Provide all of the required information on the Plat (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances). b. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). c. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) would be required prior to the issuance of a permit for any land disturbance activity. d. Provide a Drainage Easement for the existing drainage ditch. Size and location to be approved by the City Engineer. e. Provide and label the

POC, the POB, and the tie line in between the two points. f. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.

Planned Unit Development: 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 complete set of construction plans for any proposed site work – including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, 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 development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.

Planning Approval: No comments.

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

TRAFFIC ENGINEERING

COMMENTS

Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. If approved by the Board of Zoning Adjustment, three conditions should apply: 1) Aggregate surface for driveway should not extend into the right-of-way. A city standard curb-cut is required. 2) Parking spaces should be delineated by curb stops, as spaces can not be painted on aggregate surface. 3) Handicap parking spaces, as required, must be of appropriate surface material to provide accessibility to the building, including an accessible route from the space(s) to the building.

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).

MAWSS COMMENTS

MAWSS has water and sewer services available, but a Capacity Assurance application for sewer service has not been applied for. MAWSS cannot guarantee sewer service until the Capacity application is approved by Volkert Engineering, Inc.

FIRE DEPARTMENT

COMMENTS

All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

REMARKS

The applicant is requesting Subdivision approval to create a legal lot of record from an existing metes-and-bounds parcel, Planned Unit Development approval to allow multiple buildings on a single building site, Planning Approval to allow a church in an R-1, Single-Family Residential District, and Sidewalk Waiver to waive construction of a sidewalk along Howells Ferry Road.

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 purpose of the Subdivision application is to create a legal lot of record from an existing metes-and-bounds legal description. The plat illustrates the proposed one-lot, 6.3± acre subdivision located on the North side of Howells Ferry Road, 500'± West of Grider Road, in Council District 7. The applicant states that the site is served by well water and septic tank sanitary service. If approved, the applicant would be required to connect to public services. The proposed lot would meet the minimum requirements of the Subdivision Regulations for such facilities. The site was originally recorded as Parcel B, Resubdivision of Lot 35, Highland Garden and Orchard Subdivision, approved by the Commission in 1968. At some point afterward, the West 66' of the adjacent Parcel A of that subdivision was acquired by a past owner and made a part of the property via a metes-and-bounds legal description without going through the Subdivision process. As both properties have changed ownership several times, the inclusion of Parcel A in this application would be impracticable.

The site fronts Howells Ferry Road, a minor street with a compliant 60' right-of-way; therefore, no dedication would be required. As a means of access management, the site should be limited to one curb cut to Howells Ferry Road, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. As on the preliminary plat, the Final Plat should retain the labeling of the lot size in square feet and acres, or a table should be furnished on the Final Plat providing the same information. The plat illustrates a 30' minimum building setback line along Howells Ferry Road, and this should also be illustrated on the Final Plat.

The Subdivision would create a flag lot which is generally prohibited by Section V.D.1. of the Subdivision Regulations. However, as the original lot was a flag lot, and as the "pole" of the lot has expanded to a wider width, a waiver of Section V.D.1. would seem in order. Also, the proposed lot would exceed the maximum depth allowed by Section V.D.3. of the Subdivision

Regulations. Again, as this was the general configuration of the originally-approved lot, a waiver of this section of the Regulations would seem in order.

A portion of the lot's "pole" contains NWI wetlands associated with Clear Creek according to GIS data. The presence of wetlands would indicate that the area may be environmentally

sensitive; therefore, if approved, the approval of all applicable federal, state and local environmental agencies would be required prior to the issuance of any permits or land disturbance activities.

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.

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.

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 site is zoned R-1, Single-Family Residential and contains a single-family residence, swimming pool, and two smaller storage buildings. The proposed church would use the dwelling as a church and proposes to construct a 30' by 60' building adjacent to the dwelling to also be used for church services and classrooms. As the site would then become commercial in nature, Planned Unit Development Approval is required for the multiple buildings on the site, and Planning Approval is required to allow the church in an R-1, Single-Family Residential District.

Other churches have been allowed in R-1 districts along Howells Ferry Road via Planning Approval. In those instances, the building sites were situated much closer to the road and not imbedded within areas as densely populated as the subject site. However, due to the fact that the building site is densely wooded, this would serve as a natural buffer between the church and residential properties. With sufficient buffering, the proposed church could be considered harmonious with the neighborhood.

The site plans submitted illustrate the existing and proposed structures, parking area, and 24'-wide entrance drive. A portion of the entrance drive encroaches onto the Northwest corner of the adjacent property to the East; therefore the site plans should be revised to relocate the drive in that area so as to eliminate this encroachment. A note with the applications indicates that the church seating capacity would be 150 people which would require 38 parking spaces. The site plan should be revised to include these calculations. The site plans indicate 39

compliant-sized parking spaces with compliant access and maneuvering area but do not indicate bumper stops or curbing around the parking area. Therefore, the site plans should be revised to indicate such. No handicap accessible parking spaces are depicted. If accessible spaces are required, they must be shown on the site plan, including the required access aisle. It should be noted that a Paving Surface Variance request has been submitted to allow aggregate paving surfaces on the site instead of the required asphalt, concrete or approved alternative paving surfaces, to be heard at the December 2nd Board of Zoning Adjustment meeting.

No landscaping or tree planting plans were submitted. However, as the site is heavily wooded, any required tree plantings should be coordinated with Urban Forestry. The applicant has not illustrated if there are sufficient trees on site that can be counted for credit towards compliance. It should be noted that a Tree Planting Variance has also been submitted to allow relief from the required tree plantings due to the heavily-wooded nature of the site, scheduled to be heard in conjunction with the Paving Surface Variance request. As the site is surrounded by residential use, a buffer in compliance with Section 64-4.D.1. of the Zoning Ordinance should be provided where the site adjoins residential properties. And as the site is adjacent to R-1 zoning and use, lighting of the parking area and site must comply with Sections 64-6.A.3.c. and 64-6.A.8. of the Zoning Ordinance, and the site plan should be revised to provide such a note. As more than 25 parking spaces are being provided, a photometric plan will be required as part of the permitting process.

The site plans should also be revised to illustrate the proposed 30' minimum building setback line along Howells Ferry Road.

No public sidewalk is proposed along Howells Ferry Road. Should the associated Sidewalk Waiver be denied, the site plans should be revised to indicate a City-standard sidewalk along Howells Ferry Road.

No dumpster is indicated on the site plans, nor is there a note on the site plans indicating that no dumpster will be utilized. Therefore, the site plans should be revised to either indicate a compliant dumpster with screening and sanitary sewer drainage connection or a note should be placed on the site plans indicating that there will be no dumpster utilized and also indicating what type of garbage collection will be utilized.

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.

With regard to the Sidewalk Waiver request, the applicant states that this is an older residential area with larger, wider lots and there is no pedestrian traffic along Howells Ferry Road. It is further stated that Howells Ferry Road does not have concrete curb and gutter and there is an open ditch in the area where the sidewalk would be located. It is also stated that there are no other sidewalks in this area. Pertinent to the request, there are no other sidewalks along that side of Howells Ferry Road within approximately 1,100' of the site, and the open ditch has steep shoulders and an open 36" concrete drainage pipe and headwall. However, City Engineering has

determined that it appears that there is sufficient room within the ROW, or within the property, for the construction of a sidewalk that could be approved through the ROW Permit process.

RECOMMENDATION

Subdivision: With waivers of Sections V.D.1. and V.D.3., the plat meets the minimum requirements of the Subdivision Regulations and is recommended for tentative approval, subject to the following conditions:

- 1) placement of a note on the Final Plat stating that the site is limited to limited to one curb cut to Howells Ferry Road, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) retention of the labeling of the lot size in square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
- 3) retention of the 30' minimum building setback line along Howells Ferry Road;
- 4) subject to the Engineering comments;
- 5) subject to the Traffic Engineering comments: *[Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. If approved by the Board of Zoning Adjustment, three conditions should apply: 1) Aggregate surface for driveway should not extend into the right-of-way. A city standard curb-cut is required. 2) Parking spaces should be delineated by curb stops, as spaces can not be painted on aggregate surface. 3) Handicap parking spaces, as required, must be of appropriate surface material to provide accessibility to the building, including an accessible route from the space(s) to the building.];*
- 6) subject to 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 61-929 and City Code Chapters 57 and 64)];*
- 7) subject to the Fire Department comments: *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile);*
- 8) 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;
- 9) placement of a note on the Final Plat stating that the approval of all applicable Federal, state and local environmental agencies would be required prior to the issuance of any permits or land disturbance activities; and
- 10) submission to Planning of two (2) copies each of a revised PUD and Planning Approval site plan indicating compliance with the approval conditions of those applications, and the Sidewalk Waiver decision, prior to the signing of the Final Plat.

Planned Unit Development: Based upon the preceding, this request is recommended for approval, subject to the following conditions:

- 1) revision of the site plan to eliminate the driveway encroachment onto the Northwest corner of the adjacent residential property to the East;
- 2) revision of the site plan to include the parking requirement calculations;

- 3) revision of the site plan to indicate either bumper stops within or curbing around the parking area;
- 4) revision of the site plan to show any required handicap accessible parking;
- 5) revision of the site plan to indicate what type of pavement surfacing will be provided, in compliance with the Zoning Ordinance;
- 6) revision of the site plan to include landscaping calculations;
- 7) revision of the site plan to include tree planting calculations, including tree credits, to be coordinated with Urban Forestry, and based upon the decision of the Board of Zoning Adjustment;
- 8) revision of the site plan to illustrate a buffer, in compliance with Section 64-4.D.1. of the Zoning Ordinance, where the site adjoins residential properties;
- 9) placement of a note on the site plan stating that lighting of the parking area and site must comply with Sections 64-6.A.3.c. and 64-6.A.8. of the Zoning Ordinance, including the provision of a photometric plan;
- 10) revision of the site plan to illustrate the 30' minimum building setback line along Howells Ferry Road;
- 11) revision of the site plan to illustrate a compliant City-standard sidewalk along Howells Ferry Road, should the Sidewalk Waiver be denied;
- 12) revision of the site plan to either indicate a compliant dumpster with screening and sanitary sewer drainage connection or the placement of a note on the site plan indicating that there will be no dumpster utilized and also indicating what type of garbage collection will be utilized;
- 13) placement of a note on the site plan 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;
- 14) placement of a note on the site plan stating that the approval of all applicable Federal, state and local environmental agencies regarding wetland issues would be required prior to the issuance of any permits or land disturbance activities;
- 15) subject to the Engineering comments:
- 16) subject to the Traffic Engineering comments: *[Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. If approved by the Board of Zoning Adjustment, three conditions should apply: 1) Aggregate surface for driveway should not extend into the right-of-way. A city standard curb-cut is required. 2) Parking spaces should be delineated by curb stops, as spaces can not be painted on aggregate surface. 3) Handicap parking spaces, as required, must be of appropriate surface material to provide accessibility to the building, including an accessible route from the space(s) to the building.];*
- 17) subject to 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 61-929 and City Code Chapters 57 and 64)];*
- 18) subject to the Fire Department comments: *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile);*
- 19) submission to Planning of two (2) copies of a revised site plan indicating compliance with all approval conditions, and the Sidewalk Waiver decision, prior to the signing of the Final Plat; and

20) full compliance with all municipal codes and ordinances.

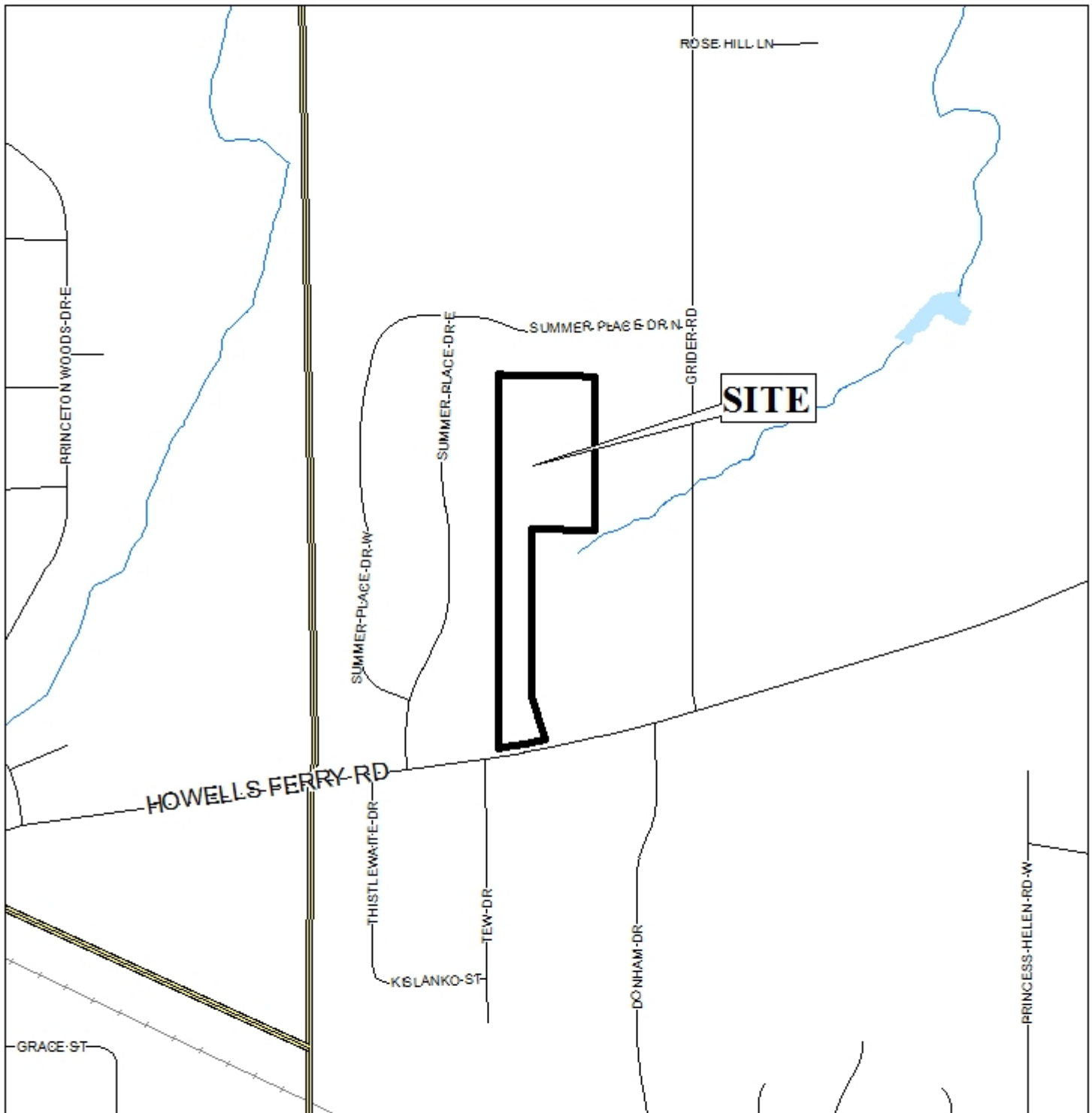
Planning Approval: Based upon the preceding, this request is recommended for approval, subject to the following conditions:

- 1) revision of the site plan to eliminate the driveway encroachment onto the Northwest corner of the adjacent residential property to the East;
- 2) revision of the site plan to include the parking requirement calculations;
- 3) revision of the site plan to indicate either bumper stops within or curbing around the parking area;
- 4) revision of the site plan to show any required handicap accessible parking;
- 5) revision of the site plan to indicate what type of pavement surfacing will be provided, in compliance with the Zoning Ordinance;
- 6) revision of the site plan to include landscaping calculations;
- 7) revision of the site plan to include tree planting calculations, including tree credits, to be coordinated with Urban Forestry, and based upon the decision of the Board of Zoning Adjustment;
- 8) revision of the site plan to illustrate a buffer, in compliance with Section 64-4.D.1. of the Zoning Ordinance, where the site adjoins residential properties;
- 9) placement of a note on the site plan stating that lighting of the parking area and site must comply with Sections 64-6.A.3.c. and 64-6.A.8. of the Zoning Ordinance, including the provision of a photometric plan;
- 10) revision of the site plan to illustrate the 30' minimum building setback line along Howells Ferry Road;
- 11) revision of the site plan to illustrate a compliant City-standard sidewalk along Howells Ferry Road, should the Sidewalk Waiver be denied;
- 12) revision of the site plan to either indicate a compliant dumpster with screening and sanitary sewer drainage connection or the placement of a note on the site plan indicating that there will be no dumpster utilized and also indicating what type of garbage collection will be utilized;
- 13) placement of a note on the site plan 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;
- 14) placement of a note on the site plan stating that the approval of all applicable Federal, state and local environmental agencies regarding wetland issues would be required prior to the issuance of any permits or land disturbance activities;
- 15) subject to the Engineering comments;
- 16) subject to the Traffic Engineering comments: *[Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. If approved by the Board of Zoning Adjustment, three conditions should apply: 1) Aggregate surface for driveway should not extend into the right-of-way. A city standard curb-cut is required. 2) Parking spaces should be delineated by curb stops, as spaces cannot be painted on aggregate surface. 3) Handicap parking spaces, as required, must be of appropriate surface material to provide accessibility to the building, including an accessible route from the space(s) to the building.];*

- 17) subject to 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 61-929 and City Code Chapters 57 and 64)]*;
- 18) subject to the Fire Department comments: *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile)*;
- 19) submission to Planning of two (2) copies of a revised site plan indicating compliance with all approval conditions, and the Sidewalk Waiver decision, prior to the signing of the Final Plat; and
- 20) full compliance with all municipal codes and ordinances.

Sidewalk Waiver: Based upon the preceding, the Sidewalk Wavier is recommended for **denial**.

LOCATOR MAP



APPLICATION NUMBER 14, 15, 16 & 17 DATE November 21, 2013

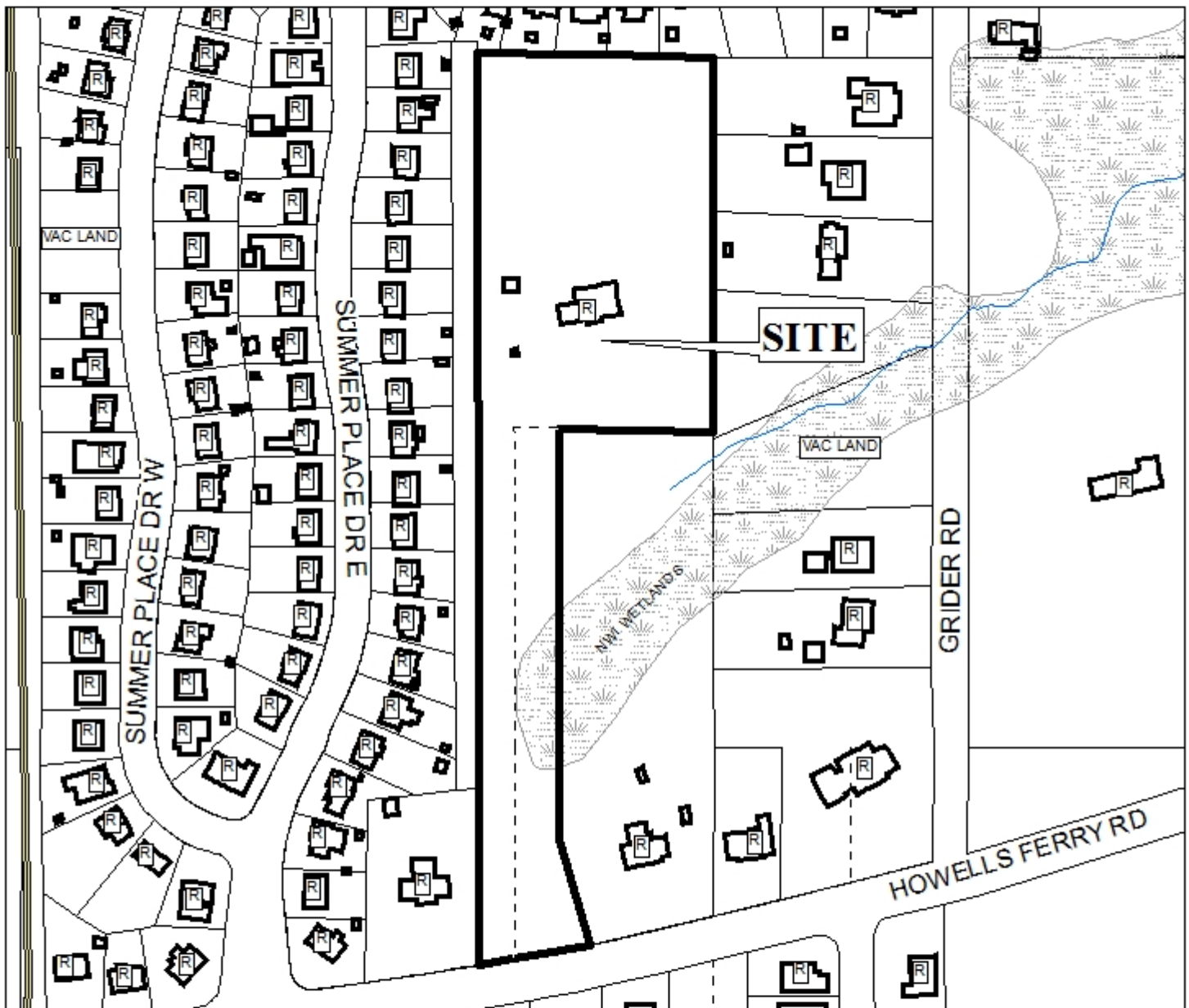
APPLICANT Redeemed Community Church Subdivision

REQUEST Subdivision, PUD, Planning Approval, Sidewalk Waiver



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



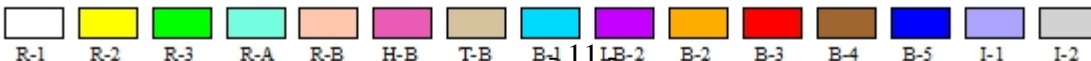
The site is surrounded by single family residential units.

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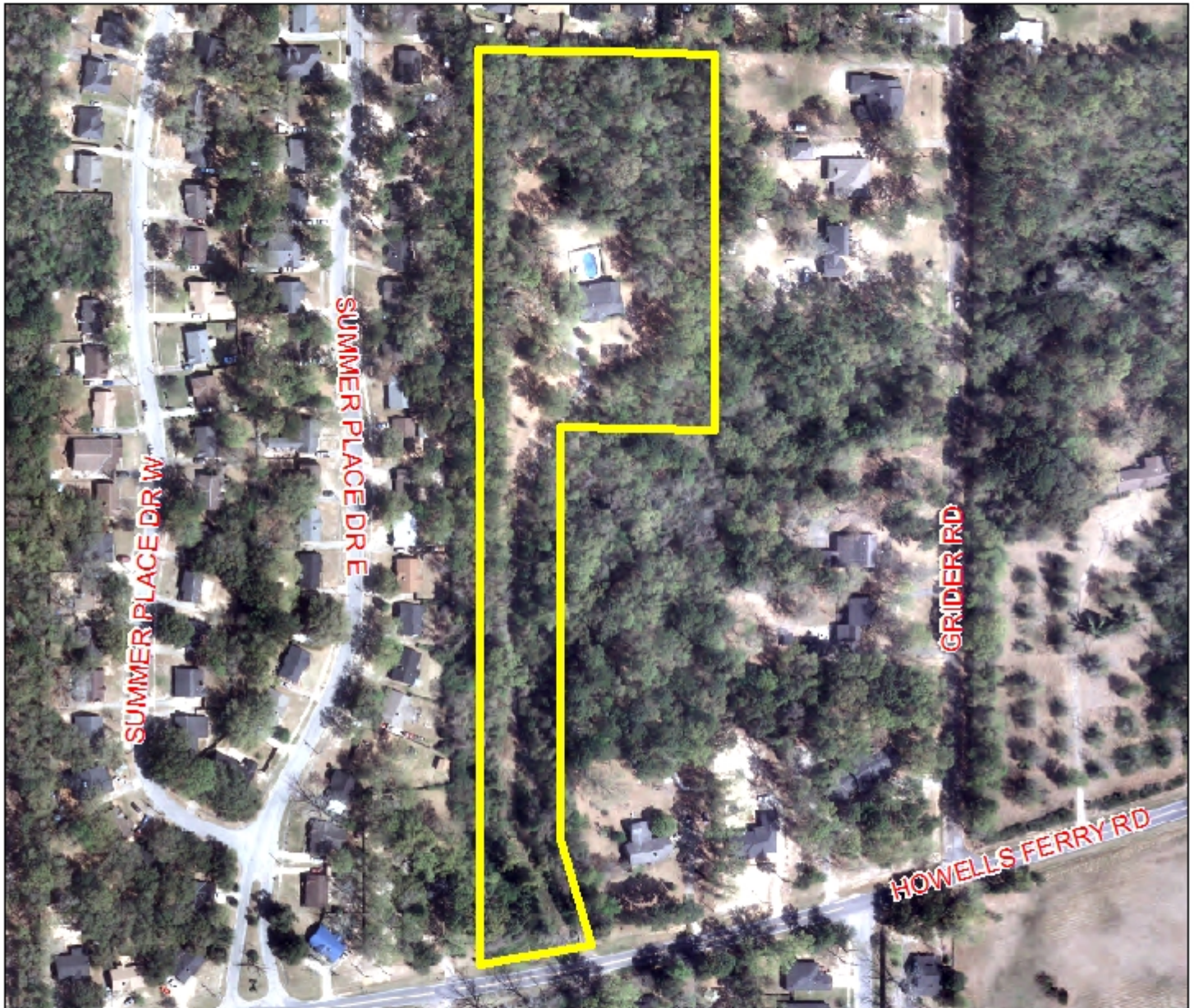
REQUEST Subdivision, PUD, Planning Approval, Sidewalk Waiver

LEGEND



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

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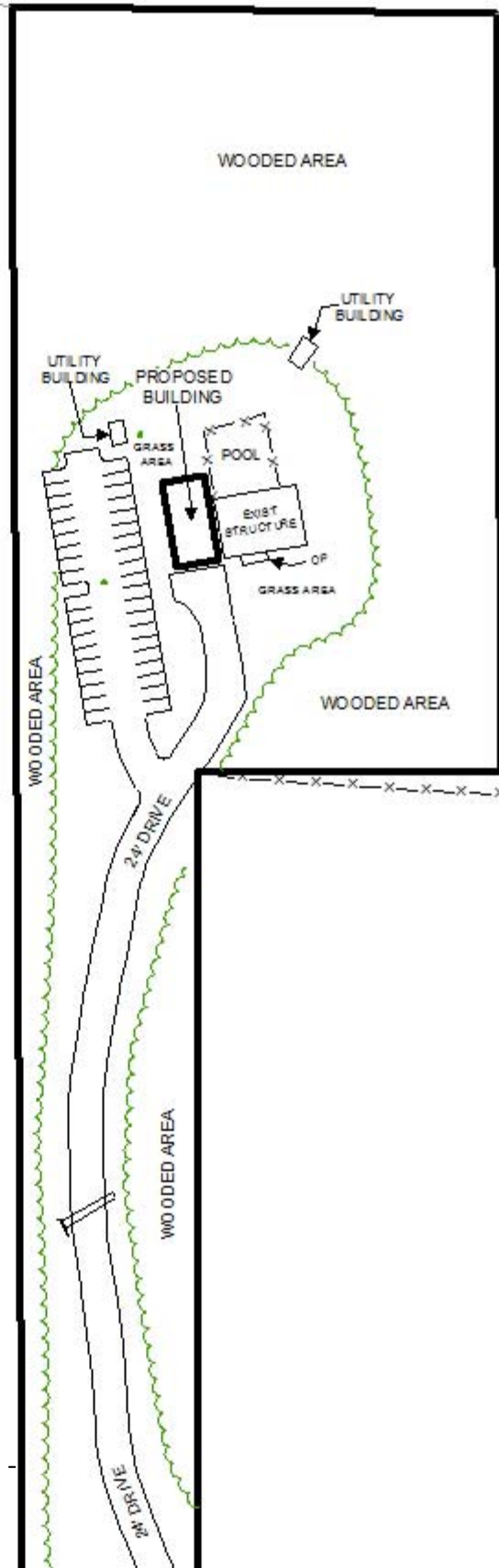
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REQUEST Subdivision, PUD, Planning Approval, Sidewalk Waiver

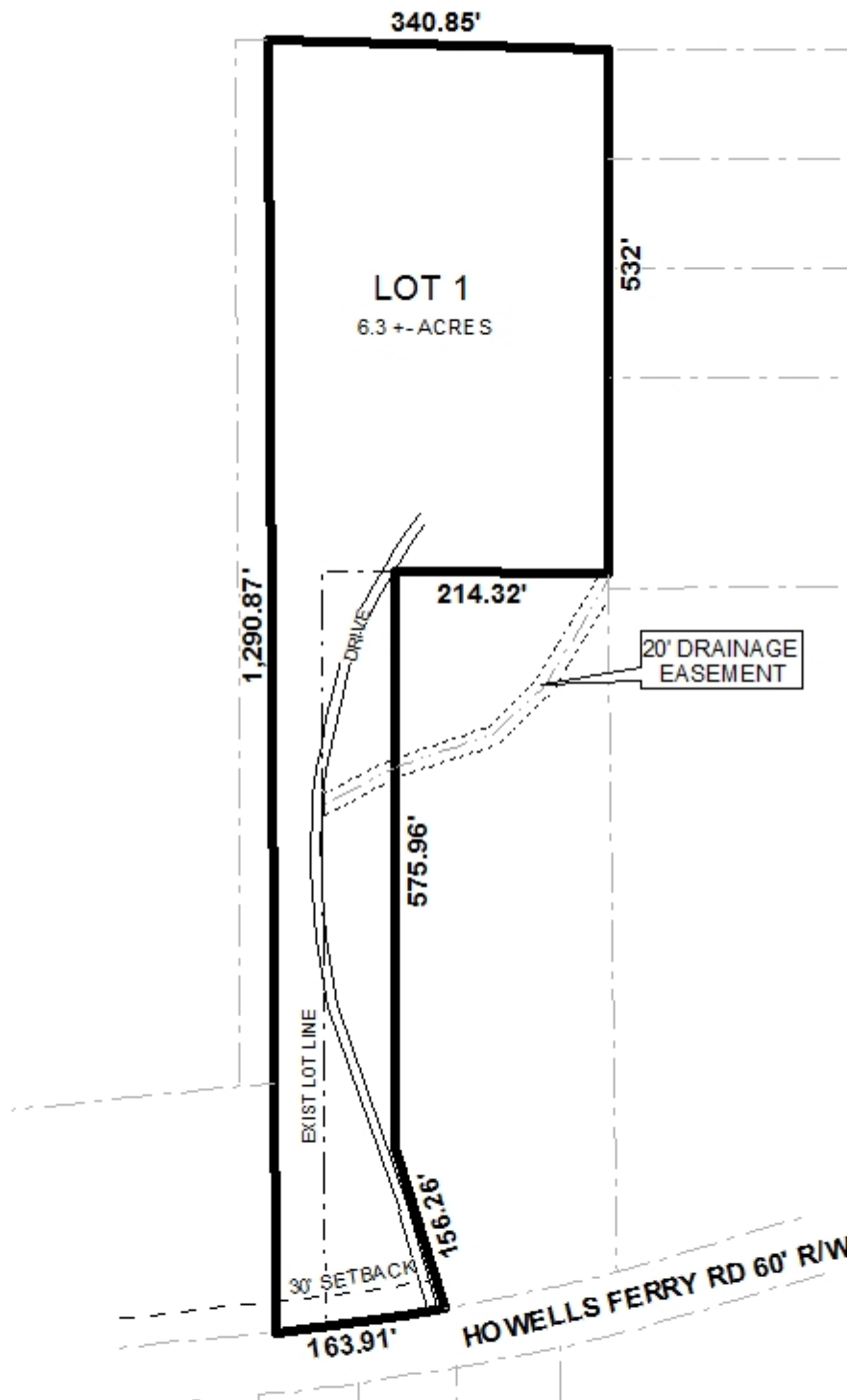


NTS

SITE PLAN



DETAIL SITE PLAN



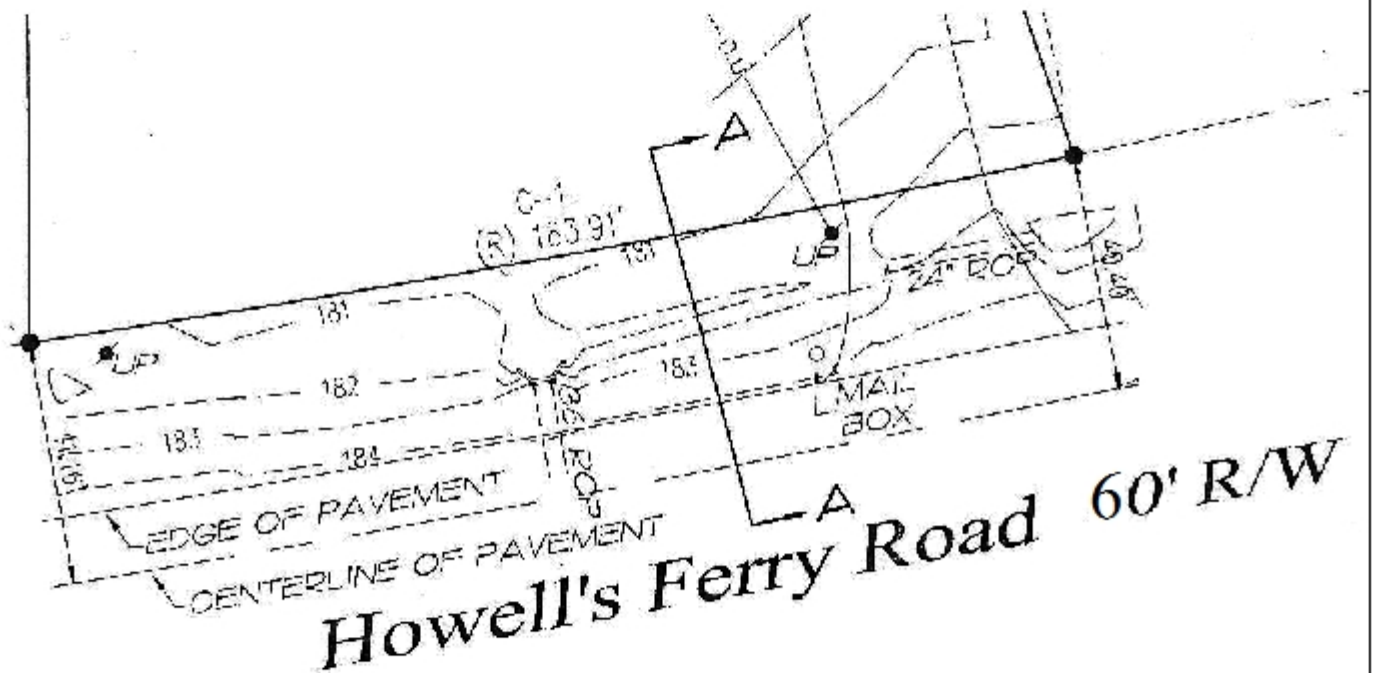
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DETAIL SITE PLAN



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