

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

**Date: November 17, 2011**

<b><u>NAME</u></b>	New Hope Baptist Church
<b><u>SUBDIVISION NAME</u></b>	New Hope Baptist Church Subdivision
<b><u>LOCATION</u></b>	1270 & 1272 Pecan Street, 605 & 608 Live Oak Street, 1261 & 1263 Persimmon Street (Northeast corner of Pecan Street and Live Oak Street extending to the Southeast corner of Pecan Street and Persimmon Street; and West side of Live Oak Street, 120'± South of Persimmon Street)
<b><u>CITY COUNCIL DISTRICT</u></b>	District 2
<b><u>PRESENT ZONING</u></b>	R-2, Two-Family Residential District
<b><u>AREA OF PROPERTY</u></b>	1 lot / 3.4± acres
<b><u>CONTEMPLATED USE</u></b>	Planning Approval to allow the expansion of a church and construction of off-site parking for church use in an R-2, Two-Family Residential District; Planned Unit Development approval to allow reduced front yard setbacks and side-street side yard setbacks and off-site parking; and Subdivision approval to create two legal lots of record.
<b><u>TIME SCHEDULE FOR DEVELOPMENT</u></b>	Immediate.

**ENGINEERING  
COMMENTS**

1. Any work performed in the existing ROW (right-of-way) will require a Right of Way (ROW) permit from the Engineering Department and must comply with all City of Mobile ROW code and ordinance requirements. 2. Any increase in impervious area in excess of 4,000 square feet will require detention. 3. Need engineer's analysis of the capacity of the receiving storm system to ensure that the receiving system is capable of handling the additional flow; or provide minimum detention for the 100 year storm event with a release rate for the 2 year storm. 4. Drainage of onsite runoff from Lot 2 needs to tie into the existing drainage system on Live Oak St instead of tying into the proposed system on Lot 1. 5. At the intersection of Persimmon St and Live Oak St need to provide dedication of a minimum radius of 25', or as otherwise approved by the City Engineer. 6. Any site improvements requiring a building permit will require full compliance with City Code Chapter 57 including repairing any existing sidewalk panels and driveway curb cuts.

**TRAFFIC ENGINEERING****COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Driveway access to Persimmon Street should be limited to one driveway, centrally located to avoid conflict with the adjacent speed bumps in the roadway. The proposed driveway on Pecan Street should be narrowed to 14'-16' for one-way traffic. There is no other indication that the aisle is one-way northbound, other than the arrow at the driveway. Aisle should be designated as one-way and wrong way vehicles should be deterred from entering, using angled parking for example. Traffic Engineering is concerned with the line of sight through the double 90° turns within the site. The building and privacy fence obstruct the view of oncoming traffic and parking vehicles through the curves. Traffic Engineering is also concerned with the location of the dumpsters and how they will be accessed. Parking stall widths should be 9' minimum for both lots. The 5' offset within the aisle in the northeast corner of Lot 1 should be eliminated, as it reduces the effective aisle width to approximately 20' for two-way traffic.

**URBAN FORESTRY****COMMENTS**

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).

**FIRE DEPARTMENT****COMMENTS**

All 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 Planning Approval to allow the expansion of a church and construction of off-site parking for church use in an R-2, Two-Family Residential District; Planned Unit Development approval to allow reduced front yard setbacks and side-street side yard setbacks and off-site parking; and Subdivision approval to create two legal lots of record. Churches require Planning Approval when located in R-2 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 246-seat addition to an existing church building which will consist of a new sanctuary and offices/classrooms. The existing building will remain, and will be used for auxiliary church uses. It should be noted that the existing building is a nonconforming structure because of the reduced setbacks. Parking spaces and accessways will also be constructed, including an off-site parking facility across Live Oak Street from the church building.

The site fronts onto three streets, Pecan Street, Live Oak Street, and Persimmon Street. Both Pecan Street and Persimmon Street are minor streets, provided with curb and gutter, and both are provided with adequate 50-foot wide rights-of-way. Live Oak Street is proposed major street (Cross-Town Loop 2) as shown on the Major Street Plan Component of the Comprehensive Plan. Live Oak Street is depicted with an existing 50-foot right-of-way, however, the Major Street Plan and Section V.B.14. of the Subdivision Regulations require a 100-foot right-of-way.

Regarding the use of the site, it is currently being utilized as a church with non-conforming aggregate parking. The land use in the immediate vicinity of the site is mostly single-family residential, with some two-family. Given that a church has operated at this site for many years, the land use could be considered appropriate.

The proposed layout of the site and improvements presents a problem. The applicant is proposing that the addition have a building setback of 8.5 feet along Live Oak Street. Ordinarily, a 20-foot side-street side yard setback would be required. In this case, however, Live Oak Street, as previously mentioned, is a proposed major street, which requires a 100-foot right-of-way. The existing right-of-way is only 50 feet, therefore, at a minimum, 25 feet should be preserved with a building setback line to prevent any new buildings or additions from being constructed in the future widening area. As such, the reduced side-street side yard should be denied.

The applicant is also requesting a 5-foot front yard setback along Pecan Street, presumably due to the existing non-conforming nature of the existing building. As the existing building is non-conforming, and no new buildings or building expansions are proposed in the area of the property along Pecan Street, there is no need for a reduced setback, and, as such, the request for a reduced 5-foot front yard setback along Pecan Street should be denied.

The applicant has proposed an 8-foot side yard setback along the eastern side of the site. A proposed "covered drive thru" is shown on the site plan. The drive thru is depicted as being within two feet of the side property line. The Zoning Ordinance, as per Section 64-4.D.1. requires, in addition to a buffer fence, a 10-foot restricted use buffer between the site and residentially utilized properties. While parking may be placed within the buffer, structures may

not be. Additionally, the covered drive thru takes up accessible parking space area, and may not be compliance with the Americans with Disabilities Act (ADA). Further regarding the restricted use buffer area, the dumpster, as shown, is located within the buffer. Due to the layout of the site, and the absolute bare minimum amount of parking provided, the dumpster cannot be moved without causing the site to be deficient on parking.

There are also other issues with the site plan, as presented. The layout does not allow adequate space for frontage trees to be planted along Pecan Street and a sizable portion of Live Oak Street. Tree Plantings are required due to the addition being more than 50% or greater in floor area. Further, the two angled parking spaces nearest to Pecan Street on the south end of the site do not appear to allow adequate maneuvering space without having vehicles to back-out into the right-of-way. Also, a covered porch is shown within the right-of-way of Pecan Street, which would not be allowed to remain.

The site plan also does not depict parking lot screening as required by Section 64-4.A.3.i. of the Zoning Ordinance. This screening would be required along Persimmon Street and Live Oak Street due to residential properties across the street. Additionally, the site would 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. Additionally, the off-site parking lot on the proposed Lot 2 does not indicate proper buffering as required by Section 64-4.D.1. of the Zoning Ordinance.

Given this information, and the requests for reduced setbacks, it would appear that this site is proposed to be over-built, and, as such, this site plan should not be approved.

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

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 lots, as depicted, meet 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.

As stated previously, the site fronts onto three streets, Pecan Street, Live Oak Street, and Persimmon Street. Both Pecan Street and Persimmon Street are minor streets, provided with curb and gutter, and both are provided with adequate 50-foot wide rights-of-way. Live Oak Street is proposed major street (Cross-Town Loop 2) as shown on the Major Street Plan Component of the Comprehensive Plan. Live Oak Street is depicted with an existing 50-foot right-of-way, however, the Major Street Plan and Section V.B.14. of the Subdivision Regulations require a 100-foot right-of-way. Given the narrowness of the lots, as well as existing buildings, neither dedication of the required right-of-way nor a 50-foot setback for either Lot 1 or Lot 2 is practicable. However, the Major Street Plan designation must be respected. As such, and with a

waiver of Section V.B.14. of the Subdivision Regulations, a 35-foot setback should be required along Live Oak Street for Lot 1 and Lot 2. Although the standard minimum building setback line as required by Section V.D.9. of the Subdivision Regulations is only 25 feet, a 40-foot setback would preserve 25 feet for future widening and an additional 15 feet as a future building setback. It should be noted that a building setback line does not preclude parking and maneuvering areas from being placed in the setback area.

Compliance with Section V.B.16. regarding curb radii at the corner of Persimmon Street and Live Oak Street should be required, as well as at the corner of Pecan Street and Live Oak Street, as much as practicable due to the existing building.

Regarding the Pecan Street frontage, the Plat indicates a 5-foot minimum building setback line. As previously stated, this is presumably due to the non-conforming nature of the existing building. Placing a 25-foot setback line along Pecan Street will not require the existing building to be removed. In fact, the existing building would remain “grandfathered.” The 25-foot setback line would apply to new structures only. As such, the 25-foot minimum building line should be required along Pecan Street.

The 25-foot minimum building setback line is shown along the Persimmon Street frontage of Lot 1, and this should remain on the Final Plat, if approved.

The Plat also depicts an 8-foot setback line along the side property line. This should be removed as the requirements of the Zoning Ordinance will dictate the building setback for this property line. Also, due to the current and proposed uses of this site, a note should be placed on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations.

Access management for the site is a concern. The proposed Lot 2 should be limited to one curb cut to Live Oak Street. Regarding Lot 1, the site should be limited to one curb cut each to Persimmon Street, Live Oak Street, and Pecan Street. The size, design, and exact location off all curb cuts must be approved by Traffic Engineering and conform to AASHTO standards.

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 denial due to the following reasons:

- 1) the site plan, as proposed, has several deficiencies that cannot be corrected due to the possible over-build of the site;
- 2) the site plan is not in compliance with the Comprehensive Plan because of lack of preservation of area for the proposed Cross Town Loop 2 of the major Street Plan.

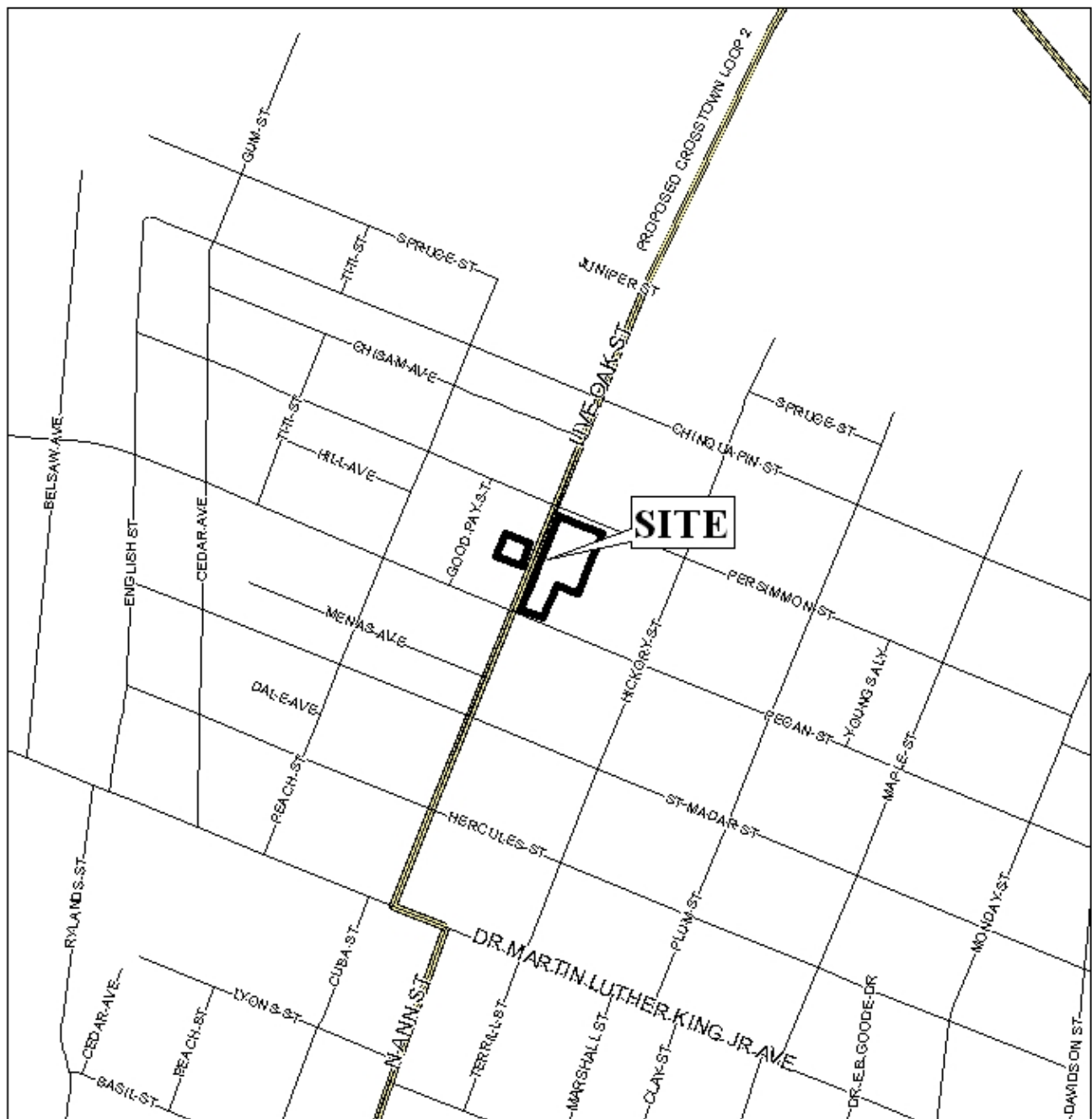
**Planned Unit Development:** The request is recommended for denial due to the following reasons:

- 1) the site plan, as proposed, has several deficiencies that cannot be corrected due to the possible over-build of the site;
- 2) the site plan is not in compliance with the Comprehensive Plan because of lack of preservation of area for the proposed Cross Town Loop 2 of the major Street Plan.

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

- 1) depiction of a 25-foot minimum building setback line along the Pecan Street and Persimmon Street frontages;
- 2) depiction of a 40-foot minimum building setback line along the Live Oak Street frontage;
- 3) compliance with Section V.B.16. of the Subdivision Regulations at the corner of Live Oak Street and Persimmon Street and as much as practicable at Live Oak Street and Pecan Street;
- 4) placement of a note on the final plat limiting Lot 1 to one curb cut each to Persimmon Street, Live Oak Street, and Pecan Street and Lot 2 to one curb cut to Live Oak Street with the size, design, and exact location off all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 5) removal of the 8-foot setback line along the eastern side property line;
- 6) compliance with Engineering comments: *"1. Any work performed in the existing ROW (right-of-way) will require a Right of Way (ROW) permit from the Engineering Department and must comply with all City of Mobile ROW code and ordinance requirements. 2. Any increase in impervious area in excess of 4,000 square feet will require detention. 3. Need engineer's analysis of the capacity of the receiving storm system to ensure that the receiving system is capable of handling the additional flow; or provide minimum detention for the 100 year storm event with a release rate for the 2 year storm. 4. Drainage of onsite runoff from Lot 2 needs to tie into the existing drainage system on Live Oak St instead of tying into the proposed system on Lot 1. 5. At the intersection of Persimmon St and Live Oak St need to provide dedication of a minimum radius of 25', or as otherwise approved by the City Engineer. 6. Any site improvements requiring a building permit will require full compliance with City Code Chapter 57 including repairing any existing sidewalk panels and driveway curb cuts;"*
- 7) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations; and
- 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.

## LOCATOR MAP



APPLICATION NUMBER 16, 17 & 18 DATE November 17, 2011

APPLICANT New Hope Baptist Church Subdivision

REQUEST Subdivision, Planned Unit Development, Planning Approval



NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential land use.

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LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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NTS





# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential land use.

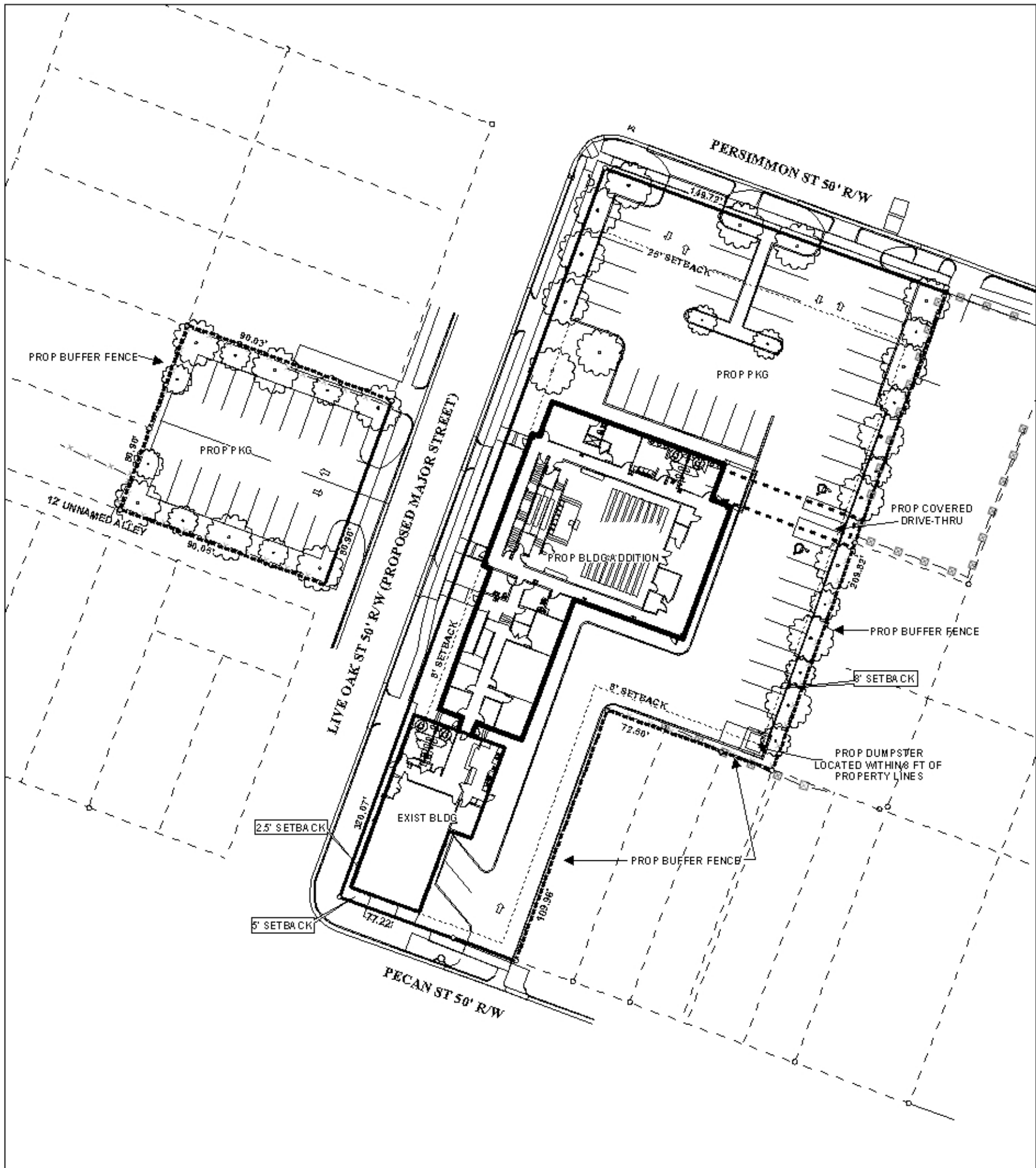
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SITE PLAN



The site plan illustrates the proposed building and parking.

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