

PLANNED UNIT DEVELOPMENT,
SUBDIVISION &
SIDEWALK WAIVER REQUEST
STAFF REPORT

Date: October 7, 2010

<u>NAME</u>	The Learning Tree
<u>SUBDIVISION NAME</u>	Primo Commercial Park Subdivision, Resubdivision of Lots 7 & 8
<u>LOCATION</u>	5459 Able Court (Southeast corner of Able Court and Cottage Hill Road)
<u>CITY COUNCIL DISTRICT</u>	District 4
<u>PRESENT ZONING</u>	B-3, Community Business District
<u>AREA OF PROPERTY</u>	1 Lot / 1.3 \pm Acres
<u>CONTEMPLATED USE</u>	Planned Unit Development approval to allow multiple buildings on a single building site, Subdivision approval to create 1 lot, and Sidewalk Waiver approval to waive construction of sidewalks along Able Court and Cottage Hill Road.
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	New construction to begin within 90 days of approval.
<u>ENGINEERING COMMENTS</u>	<p>Show Minimum Finished Floor Elevation on each lot on Plat. Also show the FFE on the plat for the existing buildings. There is to be no fill placed within the limits of the flood plain without providing compensation. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit.</p> <p>There does not appear to be an engineering reason why a City standard sidewalk can not be constructed.</p>
<u>TRAFFIC ENGINEERING COMMENTS</u>	Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

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 must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate.

REMARKS

The applicant is requesting Planned Unit Development approval to allow multiple buildings on a single building site, Subdivision approval to create 1 lot, and Sidewalk Waiver approval to waive construction of sidewalks along Able Court and Cottage Hill Road. Planned Unit Development approval is required to allow multiple buildings on a single building site.

The applicant intends to construct a 2,274 square foot addition to the existing day care facility, however, during the course of a predevelopment meeting, it was determined that Planned Unit Development approval was required due to three existing storage sheds placed on the property by the applicant without permits: the applicant wishes to retain the storage sheds. The site is also composed of two lots, and the applicant intends to combine them into one lot, as both lots are required to accommodate the existing building and parking. The day care facility will have a total of seven (7) teaching stations upon completion of the expansion.

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 any changes to the site plan must be approved by the Planning Commission.

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 fronts Cottage Hill Road, a planned major street, and Able Court, a minor street. The Major Street Plan component of the Comprehensive Plan calls for 100-feet of right-of-way for Cottage Hill Road: the existing width of the right-of-way is not depicted on the preliminary plat, as required, but GIS data appears to indicate that the right-of-way exceeds the minimum requirements at this location. Able Court has the minimum required 50-foot right-of-way. The plat should be revised to label the right-of-way width of Cottage Hill Road.

Access management is a concern due to the proximity to a proposed major street and due to existing topographic conditions. The site has two existing curb-cuts onto Able Court, and no additional curb-cuts are proposed. A note should be placed on the site plan and plat stating that direct access to Cottage Hill Road is denied, and that the site is limited to the two existing curb-cuts onto Able Court.

Parking for day care facilities is determined utilizing a ratio of one and one half parking spaces per teaching station. A total of seven (7) teaching stations will exist within the building upon completion of the expansion, thus eleven parking spaces will be required: aerial photos indicate that thirteen exist on the site (although the 2006 aerials do not appear to show any parking spaces compliant with the requirements of the Americans with Disabilities Act). The site plan should be revised to depict all paved parking spaces.

It should be pointed out that it appears that in the past, a portion of the landscape area of the site has been used for parking. Parking on unpaved surfaces is specifically not allowed per the requirements of the Zoning Ordinance, thus the applicant should ensure that all parking occur on paved surfaces.

The site adjoins Spencer Branch of Moore Creek and as such the area may be considered environmentally sensitive. Portions of the site may also be within the floodway and flood plain for the creek. Therefore, the approval of all applicable federal, state and local agencies will be required due to possible environmental and floodplain issues.

As previously mentioned, the PUD is required due to multiple structures on the site. Three storage sheds were placed on the property without permits, and two of these sheds are located within drainage/utility easements and floodplains, and less than 8-feet from the property line. The applicant should be required to obtain after the fact permits for all sheds, and the sheds located within the drainage/utility easements should be located to be outside of the easements and meet any required setbacks. Any sheds within the floodplain must comply with the applicable requirements.

No dumpsters are depicted on the site, however, aerial photos indicate that a dumpster may in fact exist on the site. The site plan should be revised to depict any existing or proposed dumpsters.

The existing play areas are not depicted on the site plan, and it also appears that existing chain link fences were replaced with wooden privacy fences, without the appropriate permits. Permits should be obtained for any new fencing placed on the property.

The plat and site plan do not indicate the size of the proposed lot. Both should be revised to include the lot size in square feet.

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.

Finally, the applicant is requesting the waiver of the sidewalk requirements for Cottage Hill Road and Able Court. Aerial photographs show that there are no sidewalks on the South side of Cottage Hill Road within 1000 feet to the East or West of Able Court. Sidewalks are intermittent on the North side of Cottage Hill Road. Within Able Court, the only sidewalk occurs adjacent to one business located across the street from the site in question. The applicant states that a sidewalk is not necessary along either street due to a lack of businesses that generate pedestrian traffic. City Engineering states that there does not appear to be an engineering reason why a City standard sidewalk can not be constructed.

RECOMMENDATION

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

- 1) Revision of the site plan to depict the relocation of two of the existing storage sheds to meet all minimum setback requirements and to be outside of any drainage/utility easements, and the obtaining of building permits for all three sheds at the time of permitting for the building addition;
- 2) Revision of the site plan to depict the existing play areas;
- 3) Revision of the site plan and plat to label the right-of-way width of Cottage Hill Road;;
- 4) Revision of the site plan to depict all parking spaces (and review to ensure compliance with the requirements of the Americans with Disabilities Act);
- 5) Revision of the site plan to depict any existing or proposed dumpsters;
- 6) Placement of a note on the site plan and plat stating that the lot is limited to the two existing curb-cuts onto Able Court, and that direct access to Cottage Hill Road is denied;
- 7) The obtaining of a permit at the time of permitting for the building addition for the wooden privacy fence that was placed on the property;
- 8) Full compliance with the Traffic Engineering comments (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards*);
- 9) Full compliance with Engineering comments (*Show Minimum Finished Floor Elevation on each lot on Plat. Also show the FFE on the plat for the existing buildings. There is to be no fill placed within the limits of the flood plain without providing compensation. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit*);
- 10) Full compliance with 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)*);
- 11) Labeling of the lot size in square feet;
- 12) Provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final plat or the obtaining of permits; and
- 13) Full compliance with all municipal codes and ordinances.

Subdivision: Based upon the preceding, this application is recommended for Tentative Approval, subject to the following conditions:

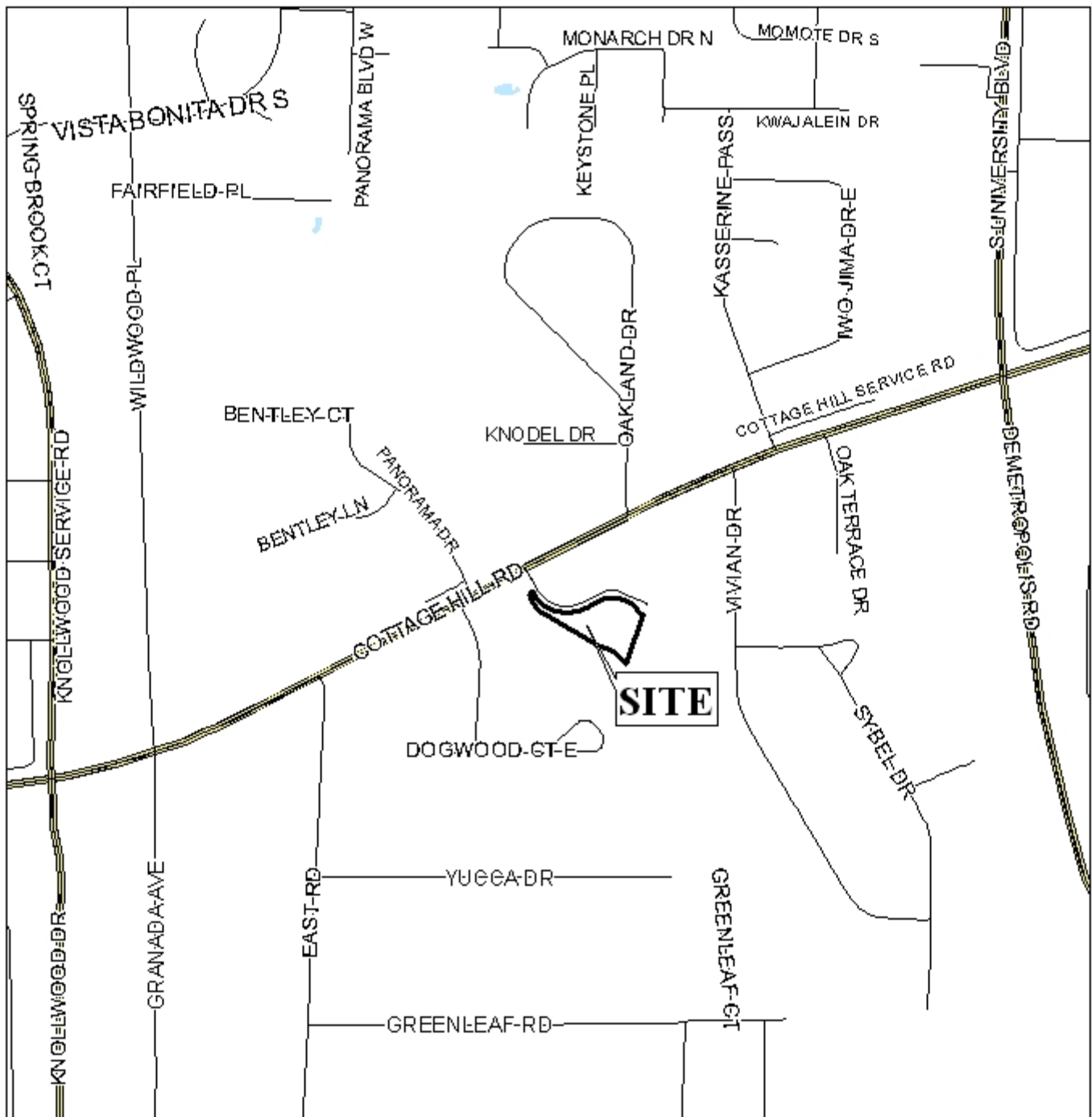
- 1) Revision of the plat to label the right-of-way width of Cottage Hill Road;
- 2) Placement of a note on the plat stating that the lot is limited to the two existing curb-cuts onto Able Court, and that direct access to Cottage Hill Road is denied;

- 3) Full compliance with the Traffic Engineering comments (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards*);
- 4) Full compliance with Engineering comments (*Show Minimum Finished Floor Elevation on each lot on Plat. Also show the FFE on the plat for the existing buildings. There is to be no fill placed within the limits of the flood plain without providing compensation. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit*);
- 5) Full compliance with 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)*);
- 6) Labeling of the lot size in square feet;
- 7) Placement of a note on the plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, prior to the issuance of any permits or land disturbance activities;
- 8) Placement of a note on the plat stating that development must comply with all applicable federal, state and local regulations relating to floodplain development; and
- 9) Provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final plat or the obtaining of permits.

Sidewalk Waiver: The Sidewalk Waiver request is recommended for denial due to the following reason:

- 1) There does not appear to be an engineering reason why a City standard sidewalk can not be constructed.

LOCATOR MAP



APPLICATION NUMBER 16,17,&18 DATE October 7, 2010

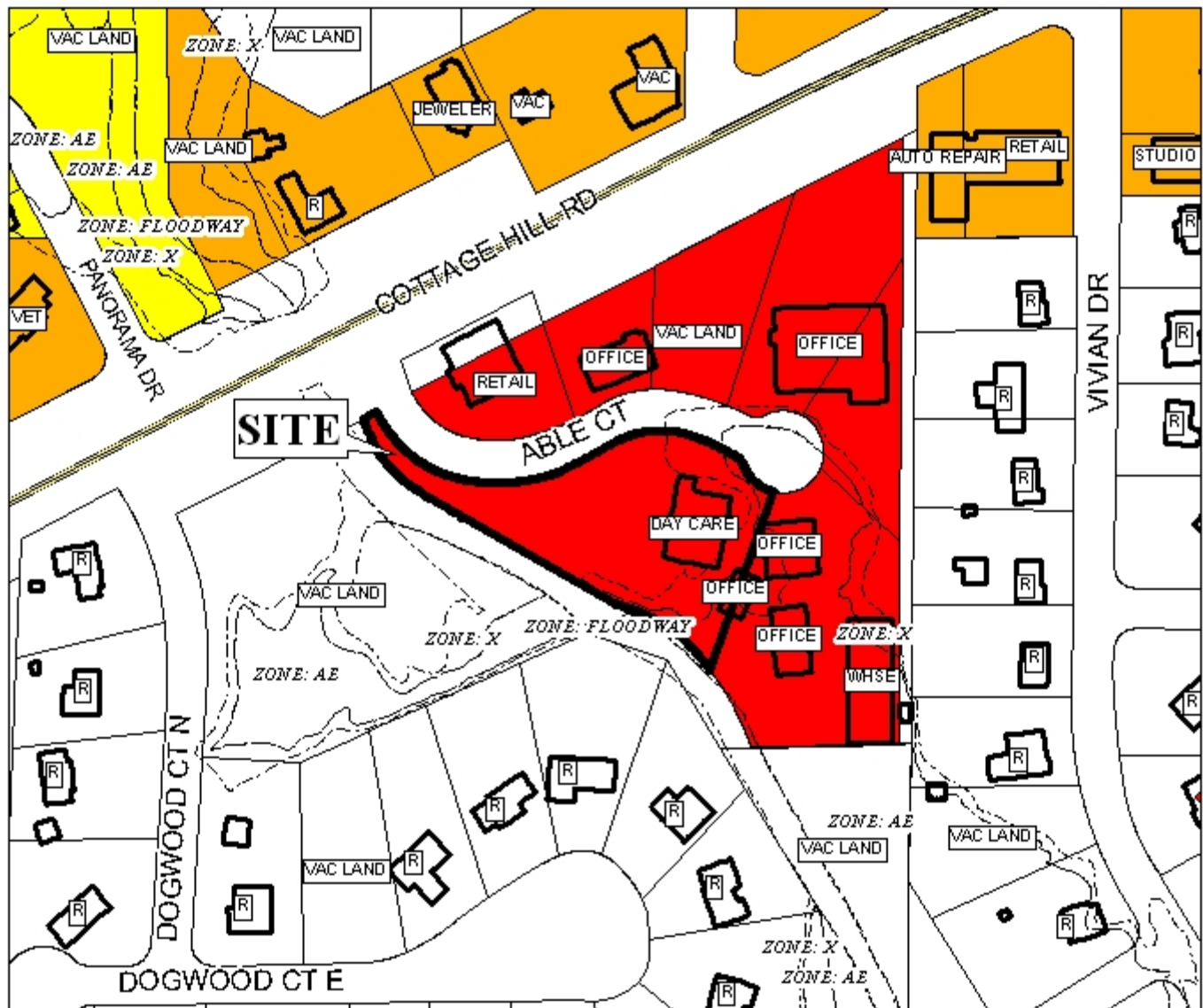
APPLICANT Primo Commercial Park Subdivision, Resubdivision of Lots 7 & 8

REQUEST Subdivision, PUD, Sidewalk Waiver



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



There are single family residential units located to the southwest of the site, a retail business is to the northwest, and offices are to the east.

APPLICATION NUMBER 16,17,&18 DATE October 7, 2010

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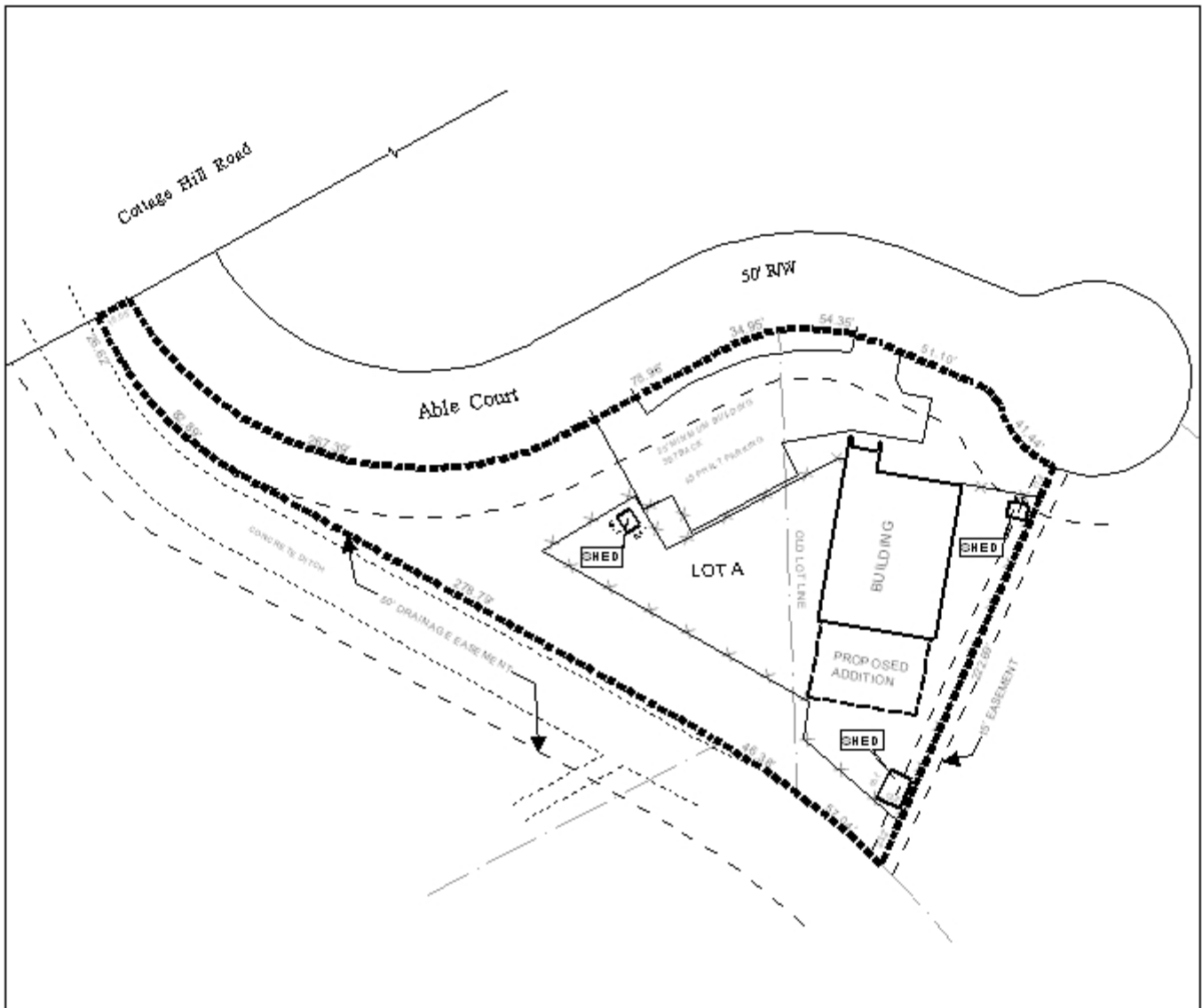
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SITE PLAN



The site plan illustrates the proposed addition, existing buildings, building setbacks, and proposed lot configuration.

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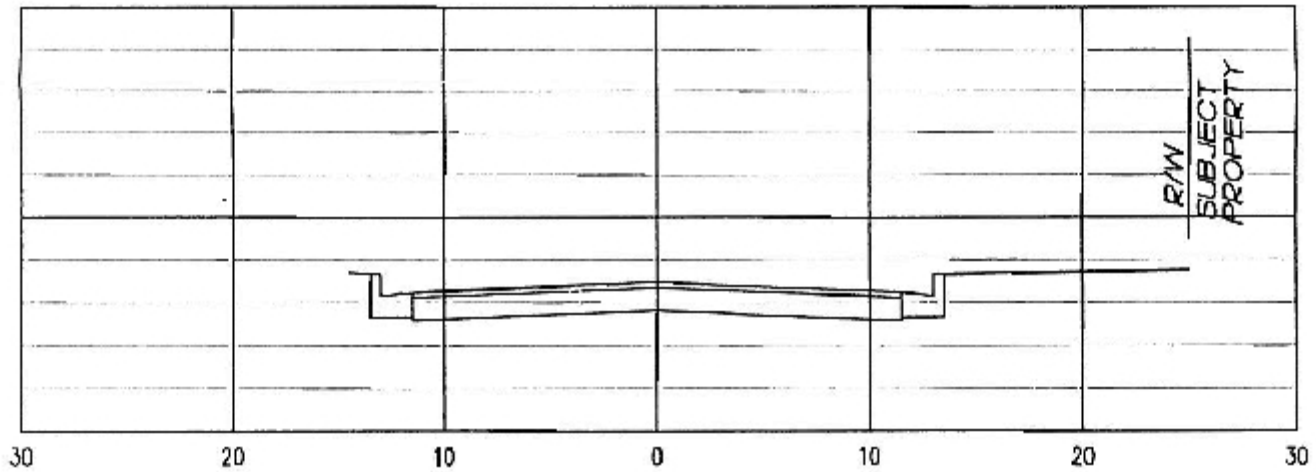
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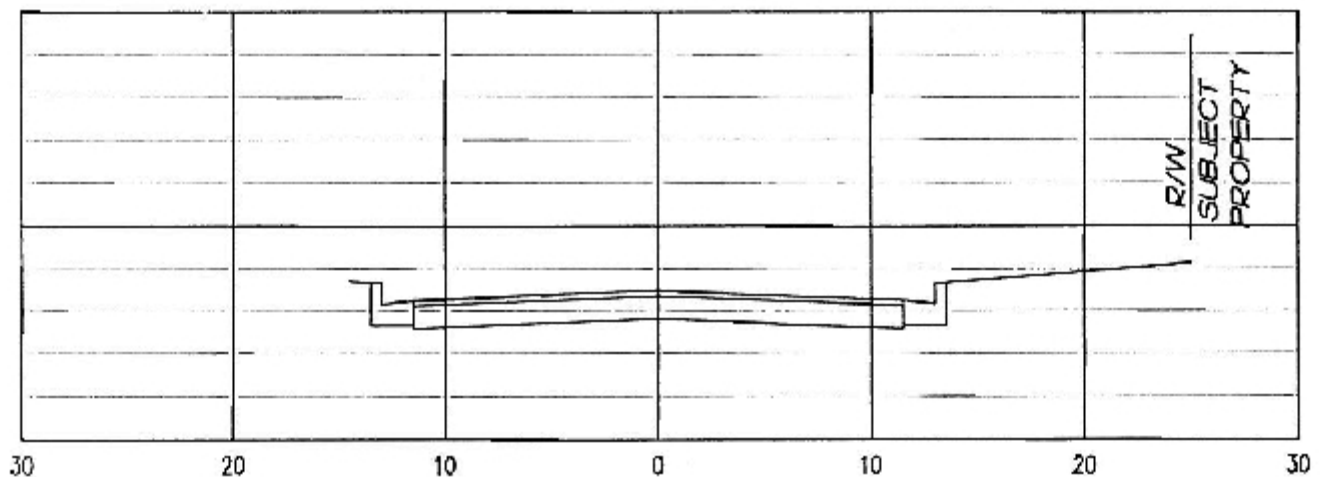


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DETAIL SITE PLAN



SECTION A-A



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