

**SUBDIVISION &  
PLANNED UNIT DEVELOPMENT STAFF REPORT    Date: March 4, 2021**

<b><u>DEVELOPMENT NAME</u></b>	Wimbledon Park Subdivision, Resubdivision of Lot 20
<b><u>LOCATION</u></b>	3968 Wimbledon Park (North side of Wimbledon Park, 460'± West of South McGregor Avenue).
<b><u>CITY COUNCIL DISTRICT</u></b>	District 5
<b><u>PRESENT ZONING</u></b>	R-1, Single-Family Residential District
<b><u>AREA OF PROPERTY</u></b>	1 Lots / 0.1± Acre
<b><u>CONTEMPLATED USE</u></b>	Subdivision and Planned Unit Development Approval to amend a previously approved Subdivision and Planned Unit Development Approval to allow reduced setbacks and increased site coverage.
<b><u>TIME SCHEDULE FOR DEVELOPMENT</u></b>	Immediate
<b><u>ENGINEERING</u></b>	

**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. Provide and label the monument set or found at each subdivision corner.
- C. Provide a vicinity map.
- D. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- E. Provide the Surveyor's and Owner's (notarized) signatures.
- F. Add a note that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control; the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
- G. Add a note that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit.

- H. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved.
- I. Add a note that all existing and proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile.
- J. Add a note that all easements shall remain in effect until vacated through the proper Vacation process.
- K. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at [land.disturbance@cityofmobile.org](mailto:land.disturbance@cityofmobile.org) prior to obtaining any signatures. No signatures are required on the drawing.  
After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.

**Planned Unit Development:**

- 1. Label the PUD Site Plan.
- 2. ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN:
  - a. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Permitting Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
  - b. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.
  - c. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control; the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
  - d. Each Lot Owner shall be required to submit a Single Family Residential Affidavit application with the initial construction of a single family dwelling or other impervious surface (driveway, shed, slab, asphalt, gravel, etc.). The application shall include a site plan showing the proposed improvements and a verification that the amount of impervious area is less than or equal to the approved amount of impervious area.
  - e. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any

proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy.

- f. 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.
- g. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

## **TRAFFIC ENGINEERING**

### **COMMENTS**

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

## **FIRE DEPARTMENT**

### **COMMENTS**

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

## **REMARKS**

The applicant is requesting Subdivision and Planned Unit Development Approval to amend a previously approved Subdivision and Planned Unit Development Approval to allow reduced setbacks and increased site coverage. The site is located in Council District 5, and the applicant indicates it is served by public water and sanitary sewer systems.

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.

Planned Unit Development (PUD) review examines the site with regard to its location to ensure that it is generally compatible with neighboring uses; that adequate access is provided without generating excess traffic along minor residential streets in residential districts outside the PUD; and, that natural features of the site are taken into consideration. PUD review also examines the

design of the development to provide for adequate circulation within the development; to ensure adequate access for emergency vehicles; and, to consider and provide for protection from adverse effects of adjacent properties as well as provide protection of adjacent properties from adverse effects from the PUD.

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

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

The site has been given a Low Density Residential land use designation per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. 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.

The Low Density Residential designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline. The primary land use in the Low Density Residential districts is residential development where the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac.)

Low Density Residential neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as: complementary retail; parks and civic institutions, such as schools, community centers, neighborhood playgrounds; and, churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bike-able human scale.

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 site is part of the Wimbledon Park PUD/Subdivision, a 49-lot subdivision approved by the Planning Commission at its April 5, 1985 meeting and recorded in Mobile County Probate Court on July 9, 1985. The plat illustrates reduced building setback lines and increased building areas that are typically incompatible with R-1 zoning district requirements. The PUD/Subdivision has been amended on numerous occasions to modify building limits, allowing structures closer to the front, side and rear property lines; and, allowing increased site coverage. The request at hand is to further amend the PUD/Subdivision to modify the recorded building limits and allow construction of a covered patio with a 0'± rear yard setback, 3.5'± side yard setback, and an increase in site coverage to 43%±.

No plat was submitted as part of the subdivision request, but staff utilized the survey provided by the applicant to determine the site's compatibility with the Subdivision Regulations. A subdivision plat will be required for signatures, etc., prior to being recorded in Probate Court, per Section IV.C. of the Subdivision Regulations.

The lot has frontage along Wimbledon Park, a minor street with curb and gutter with a recorded 45' right-of-way. Typically, minor streets with curb and gutter require a 50' right-of-way, but this has not been a requirement of previous amendments to the PUD/Subdivision. As such, no additional dedication should be required; however, the Final Plat and PUD site plan should depict the 45' right-of-way, if approved.

The lot does not meet the minimum size requirements for lots served by public water and sanitary sewer systems in an R-1 zoning district, and the size of the lot is not labeled in either square feet or acres. While previous PUD/Subdivision approval of the substandard lot may again facilitate approval of the subdivision request, a waiver of Section V.D.2. of the Subdivision Regulations will be required. Also, the Final Plat and PUD site plan should depict the lot's size in both square feet and acres, if approved; or, provision of a table on the plat and site plan with the same information may suffice.

No minimum building setback line is illustrated along Wimbledon Park on the original plat, but the building area plan on the recorded plat limits main structures on even-numbered lots to 37' from the front property line. The survey illustrates that the existing dwelling is set back 39'± from the front property line and is consistent with the original requirement, but a waiver of Section V.D.9. of the Subdivision Regulations will still be required.

Regarding access management, a note reflecting Traffic Engineering's comments should be required on both the Final Plat and PUD site plan, if approved.

The survey does not provide all of the specifications for Final Plat approval regarding the general form, information to be shown, or attendant items required by Section IV.C. of the Subdivision Regulations. Such requirements include the items, notes, and certifications that should be placed on a subdivision plat. As such, the Final Plat should provide all the information required by Section IV of the Subdivision Regulations, along with any additional information required by the Engineering Department, if approved.

Regarding the PUD, the site plan illustrates that the site was not developed in accordance with the approved PUD/Subdivision. The location of residential structures on even-numbered lots is limited to the west side of the rear of the lot with 0' and 10' side yard setbacks, and 10' rear yard setbacks; the construction of garages is limited to the east side of the lot's frontage with 0' side yard setbacks and 5' front yard setbacks; and, it appears site coverage is limited to 35%. The existing two-story, single-family dwelling was built opposite from the required building area, along the west property line toward the street frontage; and with opposite setbacks (0' along the west property line, and 10' along the east property line). Approving the PUD request would amend the building area and setback requirements, which is how the lots on the north side of Wimbledon Park are developed. Approving the request will also allow reduced setbacks for a proposed covered patio whose gross floor area when combined with the existing structure will exceed the 35% maximum site coverage limitation.

Deviation from the recorded building area and setbacks is not uncommon within the subdivision, with many of the existing dwellings having been constructed without Planning Commission approval. However, since at least 2003, amendments to the PUD/Subdivision have required Planning Commission approval. The request is consistent with such amendments; thus, approval may be appropriate.

If approved, the reduced setbacks and site coverage should be depicted on the PUD site plan, or provision of a table with the same information may suffice.

Finally, it should be noted that an accessory structure is visible in recent aerial photos, in the northwest corner of the lot. The survey and site plan do not illustrate any additional accessory structure, besides the proposed covered patio. Staff also does not find where demolition of the structure was permitted. If the structure has been demolished, an after-the-fact demolition permit may be required; however, if the structure is on site, it may impact the PUD and Subdivision requests such that a holdover may be necessary to allow the applicant time to submit a revised site plan to illustrate all existing and proposed structures.

## **RECOMMENDATION**

**Subdivision:** Based on the preceding, and with waivers of Sections V.D.2. and V.D.9. of the Subdivision Regulations, staff recommends Tentative Approval of the subdivision request subject to the following conditions:

- 1) Provision of a subdivision plat compliant with Section IV.C. of the Subdivision Regulations;
- 2) Depiction of the right-of-way along Wimbledon Park on the Final Plat;
- 3) Provision of the size of the lot in square feet and acres on the Final Plat, or provision of a table on the Plat with the same information;
- 4) Compliance with 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. Provide and label the monument set or found*

at each subdivision corner. C. Provide a vicinity map. D. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. E. Provide the Surveyor's and Owner's (notarized) signatures. F. Add a note that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control; the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. G. Add a note that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. H. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved. I. Add a note that all existing and proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile. J. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. K. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at [land.disturbance@cityofmobile.org](mailto:land.disturbance@cityofmobile.org) prior to obtaining any signatures. No signatures are required on the drawing. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.);

- 5) Placement of a note on the plat stating Traffic Engineering comments: (Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.)
- 6) 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 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.);
- 7) Compliance with 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). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.);
- 8) Provision of a revised PUD site plan, as appropriate, prior to signing of the Final Plat; and,
- 9) Full compliance with all other municipal codes and ordinances.

**Planned Unit Development:** Staff recommends the following Findings of Fact for Approval:

- a. the proposal promotes the objective of Creative design (to encourage innovative and diversified design in building form and site development) in that it maintains the concept of the innovative subdivision of the overall site;
- b. the proposal promotes the objective of Flexibility (to permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations),

which is achieved by allowing a smaller lot size with reduced setbacks and greater site coverage;

- c. the proposal promotes the objective of Efficient land use (to encourage the most efficient and sustainable use of land, especially tracts in the inner part of the city that remain undeveloped or that are appropriate for redevelopment) by limiting the impact of further development of the site to a use whose impact on the land is less demanding of resources than denser multi-family developments;
- d. the proposal promotes the objective of Environment (to preserve and protect as urban amenities the natural features and characteristics of the land) by limiting impact of the development to existing, developed land where no additional clearing or alteration of the landscape is required;
- e. the proposal promotes the objective of Open space (to encourage the provision of common open space through efficient site design), because there will be little new development within the open space of the site; and,
- f. the proposal promotes the objective of Public services (to encourage optimum use of available public utilities, streets and community facilities), because the development is already served by public services and utilities, and should not increase the need for such services beyond what the site has required.

The Approval should be subject to the following conditions:

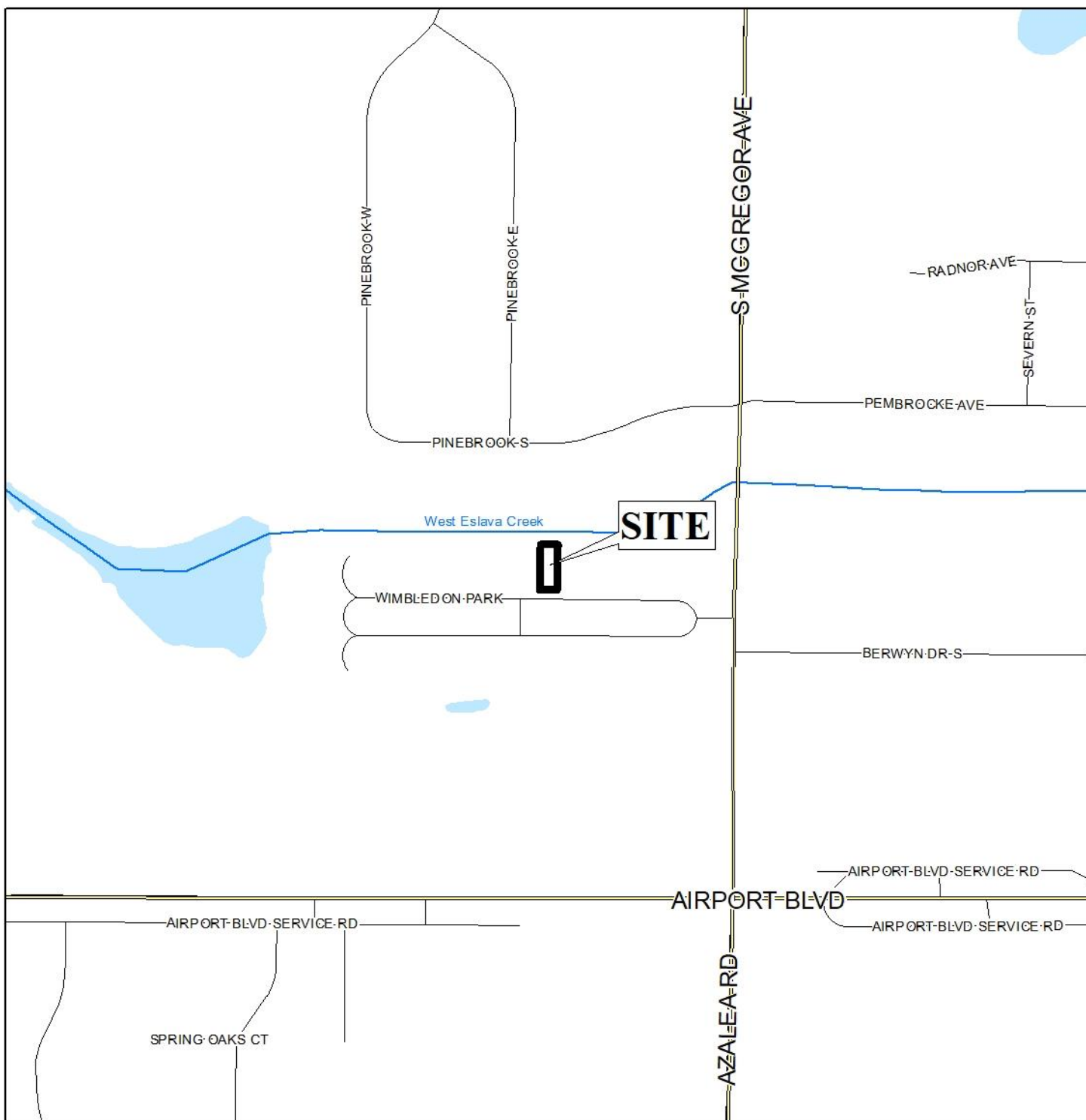
- 1) Depiction of the right-of-way along Wimbledon Park on a revised site plan;
- 2) Provision of the size of the lot in square feet and acres on the site plan, or provision of a table on the site plan with the same information;
- 3) Depiction of all applicable setbacks on the site plan, or provision of a table with the same information;
- 4) Depiction of the increased site coverage on the site plan, or provision of a table with the same information;
- 5) Revision of the site plan to illustrate all structures on site, or obtain an after-the-fact demolition permit;
- 6) Compliance with Engineering comments (*1. Label the PUD Site Plan. 2. ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: a. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Permitting Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). b. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work. c. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. d. Each Lot Owner shall be required to submit a Single Family Residential Affidavit application with the initial*



*construction of a single family dwelling or other impervious surface (driveway, shed, slab, asphalt, gravel, etc.). The application shall include a site plan showing the proposed improvements and a verification that the amount of impervious area is less than or equal to the approved amount of impervious area. e. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy. f. 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. g. The proposed development must comply with all Engineering Department design requirements and Policy Letters.);*

- 7) Placement of a note on the site plan stating Traffic Engineering comments: (Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.);
- 8) 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 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.);
- 9) Compliance with 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). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.);
- 10) Provision of a revised PUD site plan, as appropriate, prior to signing of the Final Plat;
- 11) Completion of the Subdivision process prior to the approval of any permits for land disturbing or construction; and,
- 12) Full compliance with all other municipal codes and ordinances.

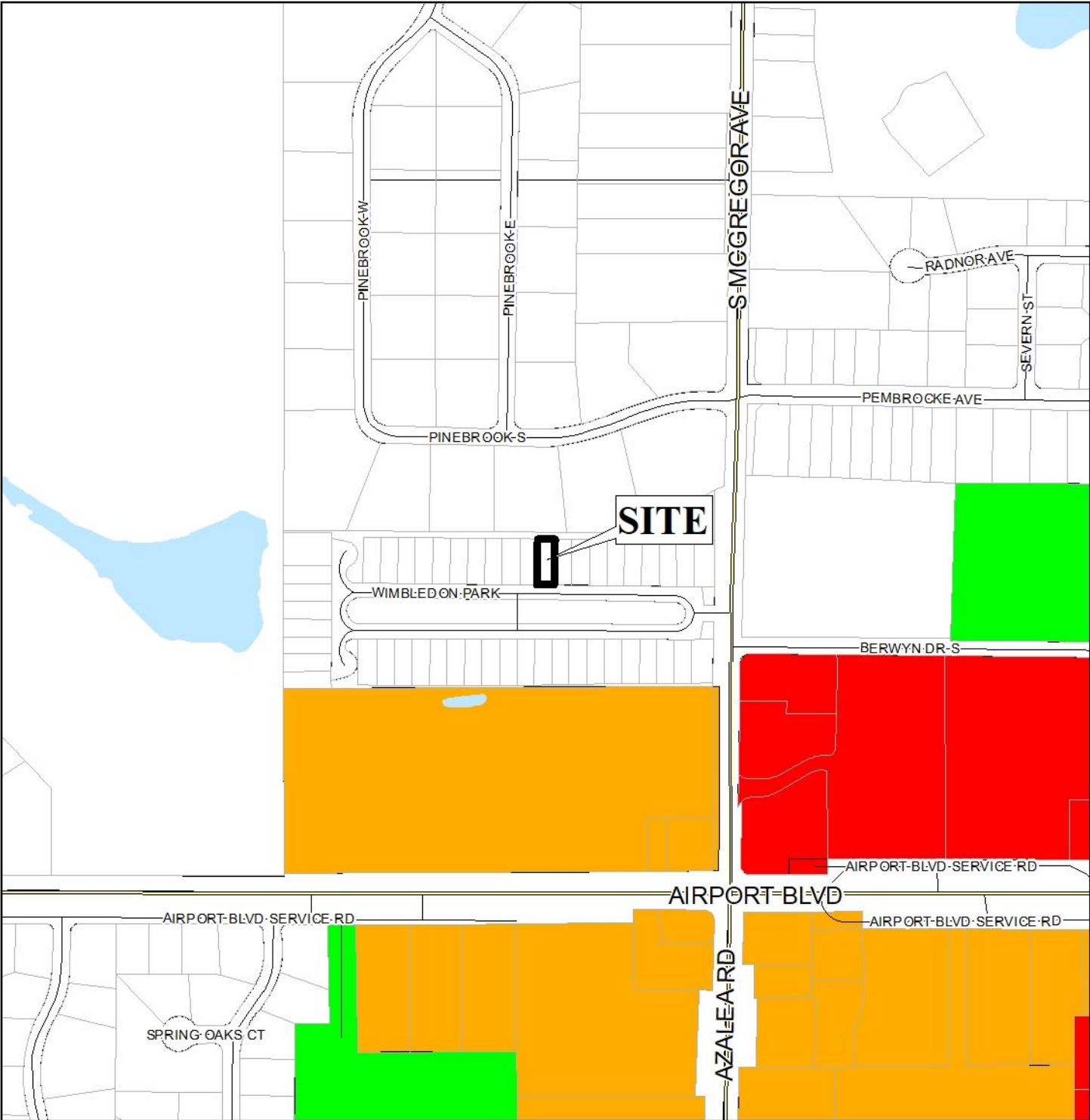
# LOCATOR MAP



APPLICATION NUMBER 4 DATE March 4, 2021  
 APPLICANT Wimbledon Park Subdivision Resubdivision of Lot 20  
 REQUEST Subdivision, Planned Unit Development



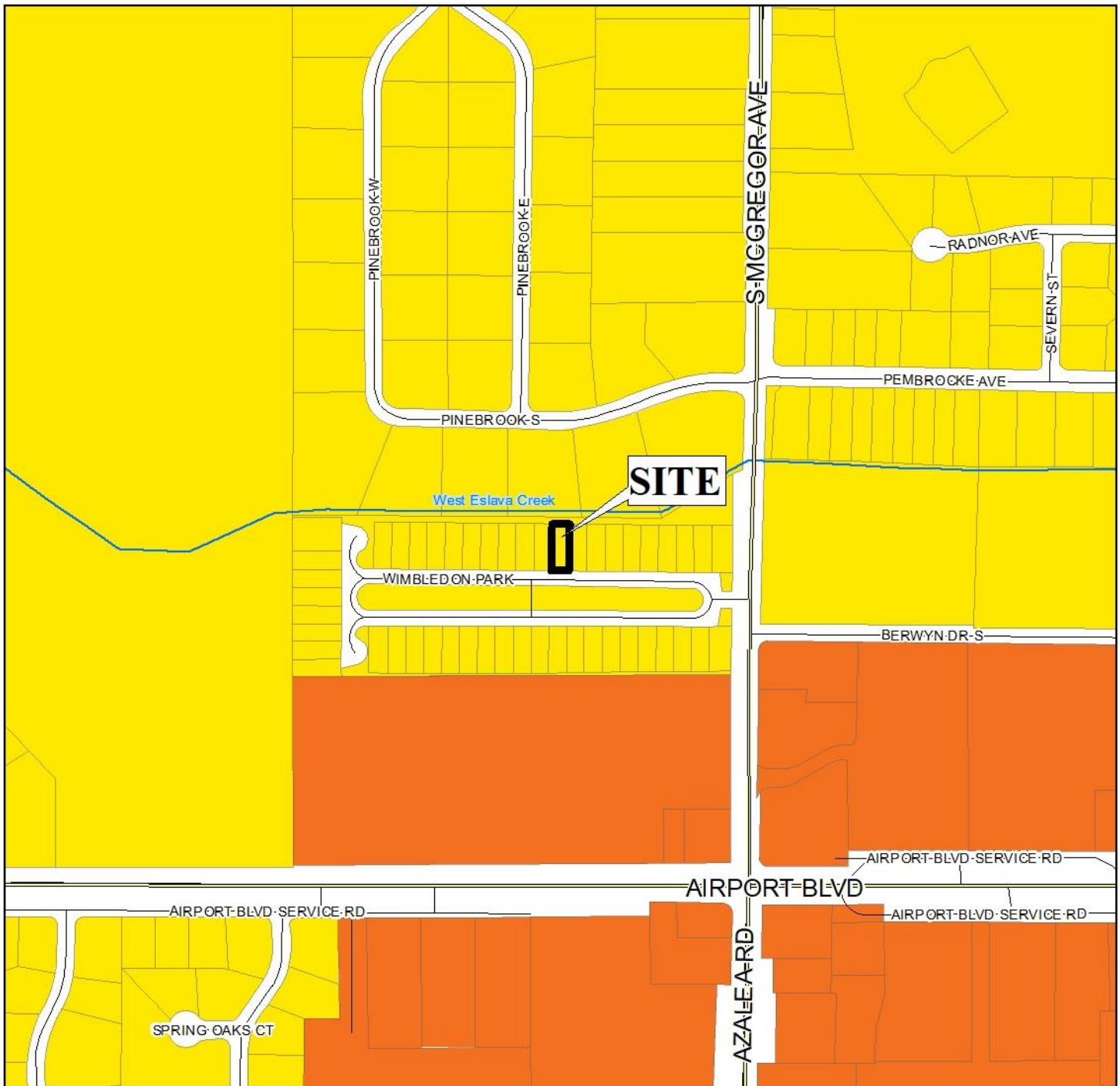
# LOCATOR ZONING MAP



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# FLUM LOCATOR MAP



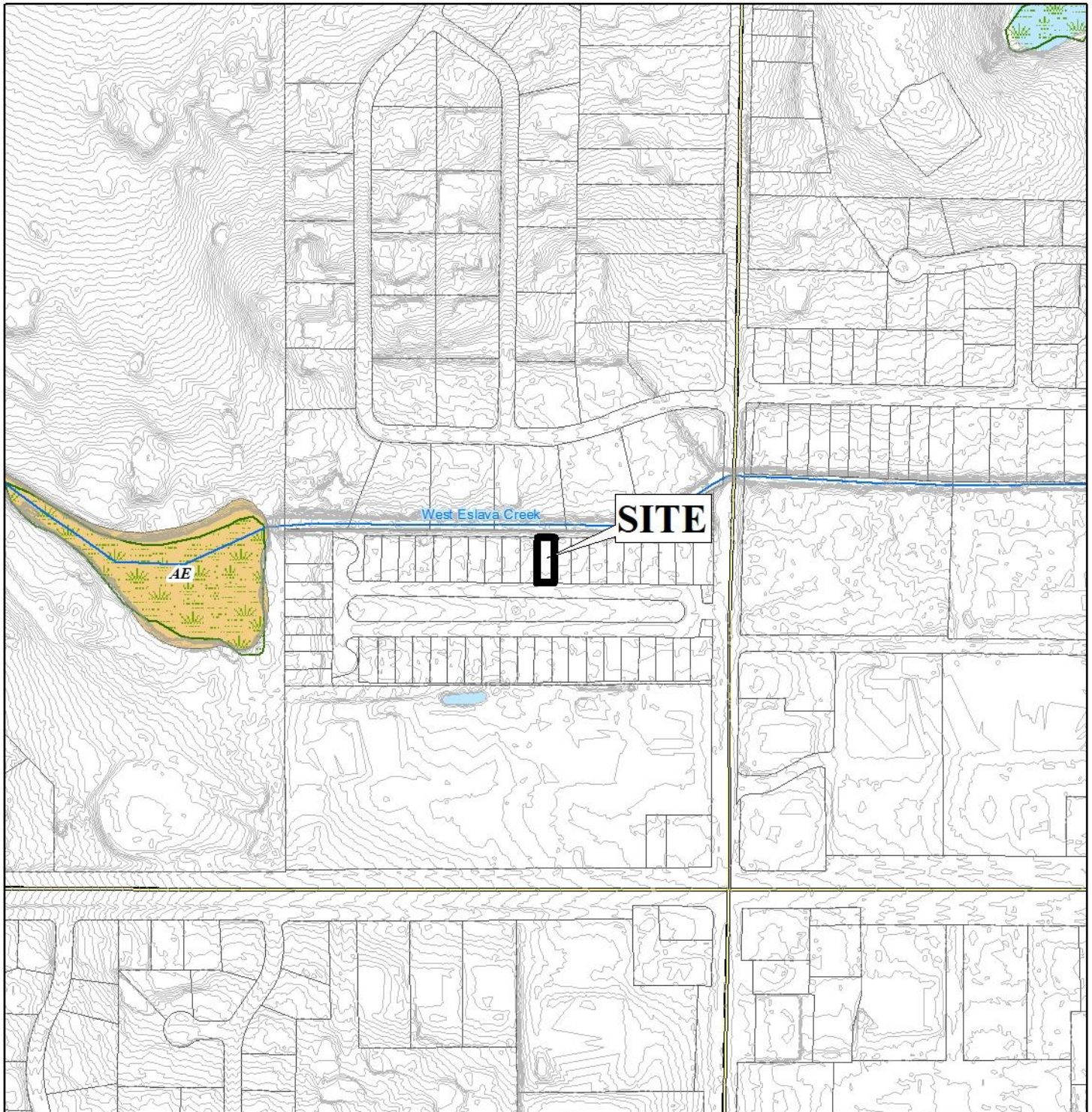
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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





# ENVIRONMENTAL LOCATOR MAP

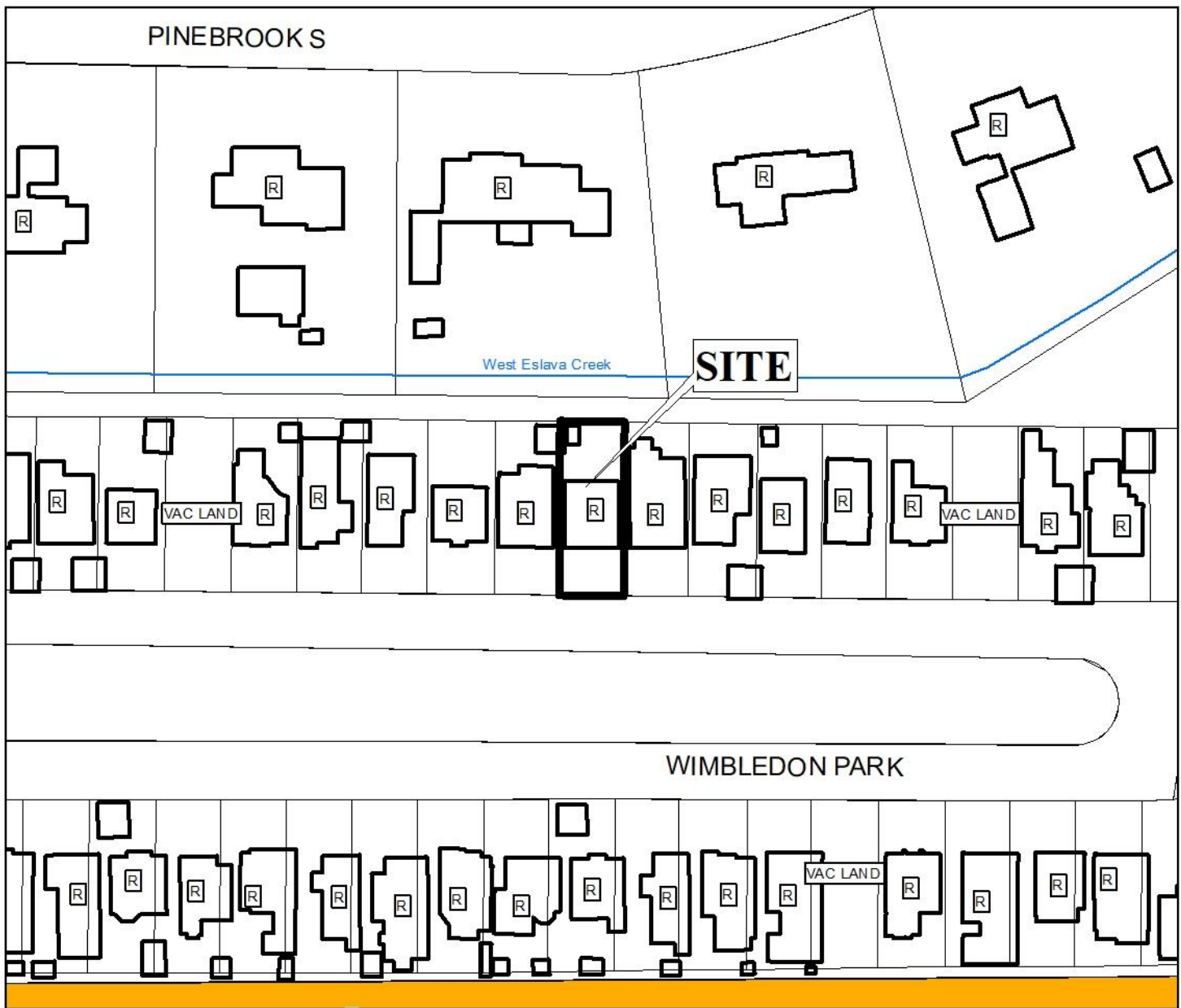


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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units and vacant lands.

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





# PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL

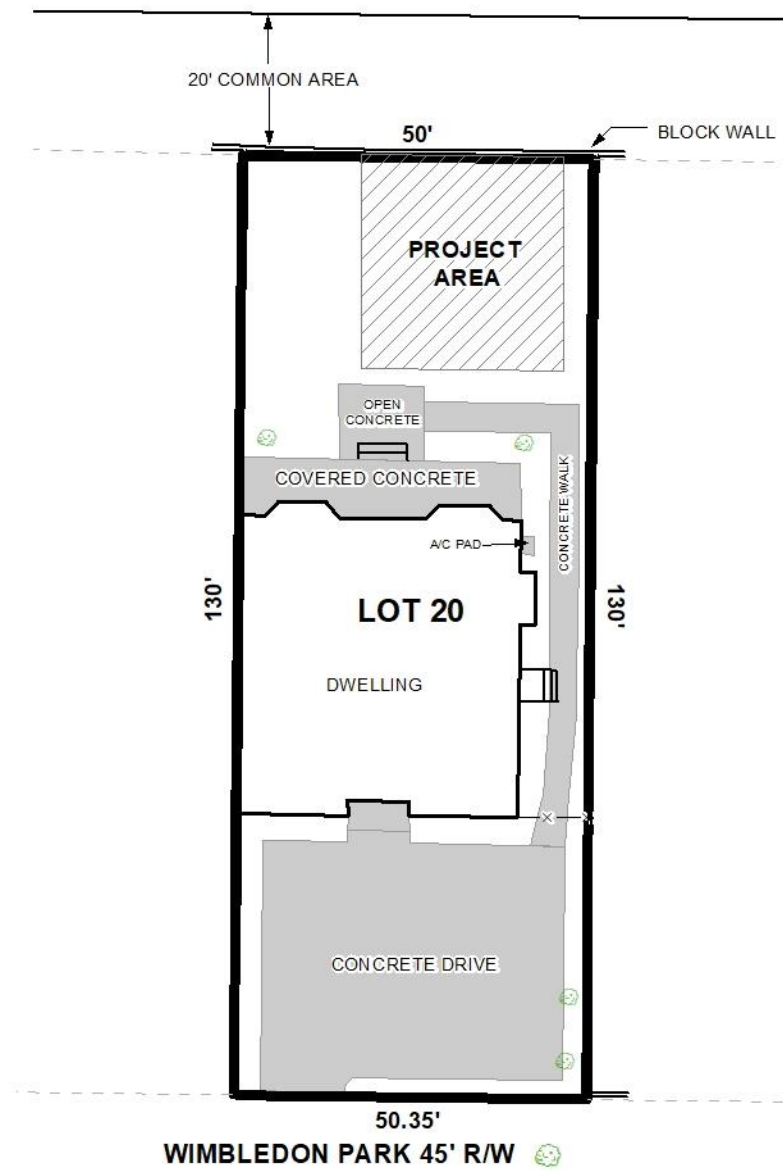


The site is surrounded by single family residential units and vacant lands.

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# SITE PLAN



The site plan illustrates existing dwelling and surfaces, as well as proposed project area.

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