

**SUBDIVISION &
PLANNED UNIT DEVELOPMENT
STAFF REPORT**

Date: March 4, 2021

DEVELOPMENT NAME Pherin Woods Subdivision, Resubdivision of Lots 2A and 4A

SUBDIVISION NAME Pherin Woods Subdivision, Resubdivision of Lots 2A and 4A

LOCATION 6130 and 6138 Pherin Woods Court
(North side of Pherin Woods Court, 90'± East of West Drive).

**CITY COUNCIL
DISTRICT** District 6

AREA OF PROPERTY 2 Lots / 0.6 ± Acre

CONTEMPLATED USE Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow reduced setbacks, and Subdivision approval to relocate the interior lot line between two (2) existing legal lots of record.

**TIME SCHEDULE
FOR DEVELOPMENT** None provided as no new development proposed.

**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. Provide the Surveyor's and Owner's (notarized) signatures.
- C. 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.
- D. 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.

- E. 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.
- F. 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.
- G. Add a note that all easements shall remain in effect until vacated through the proper Vacation process.
- H. 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 prior to obtaining any signatures. No signatures are required on the drawing.
- I. 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: 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 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).
- 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.

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 seeking Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow reduced setbacks in a residential subdivision, and Subdivision approval to relocate the interior lot line between two (2) existing legal lots of record. The site is located in Council District 6, and according to the applicant is served by public water and sanitary sewer.

The applicant is proposing the resubdivision of two existing legal lots of record in order to shift the common interior property line. As the site was previously approved as a Planned Unit Development, any changes to the previously approved PUD require a new application. No new development is proposed, and no modification of the previously approved setbacks are proposed.

The site has been given a Mixed 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.

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.

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.

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 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 frontage on Pherin Woods Court, a minor street with a compliant 50' right-of-way: therefore, no dedication would be required. As the original subdivision was approved with a 20' minimum front building setback, this should be retained on the Final Plat.

The applicant proposes to shift the common interior property line to the West thereby enlarging the area of existing Lot 4A and decreasing the area of existing Lot 2A. As on the preliminary plat, the lots should be labeled on the Final Plat with their areas in both square feet and acres, or a table should be furnished on the Final Plat providing the same information.

The two current lots were created in 2001 via the Resubdivision of Lots 2, 3 and 4 of Pherin Wood Subdivision. The recorded plat for that resubdivision contains a diagram for a typical lot configuration indicating a minimum eight-foot side yard setback on one side, and a minimum five-foot side yard setback on the other side. The rear yard setback is indicated to be a minimum of eight feet, and the previously-mentioned 20-foot minimum front building setback line is indicated. A similar diagram should be placed on the Final Plat. Also, the recorded plat contains two notes beside the diagram. One states "8'-0" SIDE YARD TO BE MAINTAINED AS INDICTAED, OPPOSITE SIDE YARD MAY BE 5'-0". WINDOW WALLS SHALL NOT BE LESS THAN 8'-0" FROM SIDE YARD PROPERTY LINE". The other note states "ADDITIONAL REAR YARD SETBACK FOR NON-HABITABLE DETACHED STRUCTURES MIN. 8'-0" FROM REAR PROPERTY LINE BE OBSERVED IN CONJUNCTION WITH REQUIRED SIDE YARD SETBACKS". These two notes should also be placed on the Final Plat beside the typical lot diagram. Although the recorded ten-foot drainage and utility easement along the rear of the two lots would take precedence over the eight-foot rear setback, the wording in the notes should remain as the easement could possibly be vacated at some point in the future.

As the proposed PUD does not request any increased site coverage allowance, a note should be placed on the Final Plat stating that the maximum site coverage by all structures on all lots shall not exceed 35% of the lot area, if approved.

The plat indicates various easements across the site. Therefore, a note should be required on the Final Plat stating that no structures shall be constructed or placed within any easement without permission of the easement holder.

As per the Traffic Engineering comments, the driveway number, size, location, and design are to be approved by Traffic Engineering and conform to AASHTO standards. A note should be required on the Final Plat stating these comments.

The applicant states the following concerning the PUD:

We are submitting a PUD application along with a Subdivision application for the property located on 6130 Pherin Woods Court. We are requesting that the previous setbacks be honored for the new application as per the purposed plat.

The applicant proposes to maintain the setbacks as were approved via the previous PUD for the site. Given the size of the proposed lots, reduced side yard setbacks may not be necessary. However, in order to maintain the character of the overall development, allowing setbacks as proposed would be appropriate.

If approved, the site plan should be revised to add the typical lot diagram and notes as mentioned above for the Subdivision.

As the purpose of this application is to simply shift the common interior property line between two existing legal lots of record, the impact, if any, by such a change would be negligible.

RECOMMENDATION

Subdivision: This application is recommended for Tentative Approval, subject to the following conditions:

- 1) retention of the 20' minimum front building setback on the Final Plat;
- 2) retention of the lot size labels in both square feet and acres on the Final Plat, or the furnishing of a table on the Final Plat providing the same information;
- 3) placement of a typical lot diagram on the Final Plat indicating a minimum eight-foot side yard setback on one side, a minimum five-foot side yard setback on the other side, and eight-foot rear yard setback, and the 20-foot minimum front building setback line;
- 4) placement of a note on the Final Plat beside the typical lot diagram stating " 8'-0" SIDE YARD TO BE MAINTAINED AS INDICTAED, OPPOSITE SIDE YARD MAY BE 5'-0". WINDOW WALLS SHALL NOT BE LESS THAN 8'-0" FROM SIDE YARD PROPERTY LINE";
- 5) placement of a note on the Final Plat beside the typical lot diagram stating "ADDITIONAL REAR YARD SETBACK FOR NON-HABITABLE DETACHED STRUCTURES MIN. 8'-0" FROM REAR PROERTY LINE BE OBSERVED IN CONJUNCTION WITH REQUIRED SIDE YARD SETBACKS";
- 6) placement of a note on the Final Plat stating that the maximum site coverage by all structures on all lots shall not exceed 35% of the lot area;
- 7) placement of a note on the Final Plat stating that no structures shall be constructed or placed within any easement without permission of the easement holder;
- 8) subject to 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. Provide the Surveyor's and Owner's (notarized) signatures. C. 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. D. 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. E. 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. F. 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. G. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. H. 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 prior to obtaining any signatures. No signatures are required on the drawing. I. 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.);

- 9) placement of a note on the Final Plat stating the Traffic Engineering comments: *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 10) 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 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.);*
- 11) subject to 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). 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.);*
- 12) placement of a note on the Final Plat stating that the site is limited to an approved Planned Unit Development; and
- 13) submittal to and approval by Planning and Zoning of two (2) copies of a revised PUD site plan prior to the signing of the Final Plat.

Planned Unit Development: Based upon the preceding, staff recommends to the Planning Commission the following findings of facts for Approval of the Planned Unit Development:

- a) the proposal promotes the objective of Creative design (to encourage innovative and diversified design in building form and site development), because it allows for simple relocation of a common interior lot line;
- b) the proposal promotes the objectives of Flexibility (to permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations), because building setbacks can be reduced and still retain standard site coverage allowances and setbacks from properties outside the PUD;
- 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), because the proposed site plan is very similar to that of the previously approved Planned Unit Development;
- d) the proposal promotes the objective of Public services (to encourage optimum use of available public utilities, streets and community facilities), because no new public infrastructure must be constructed to develop the site as planned.

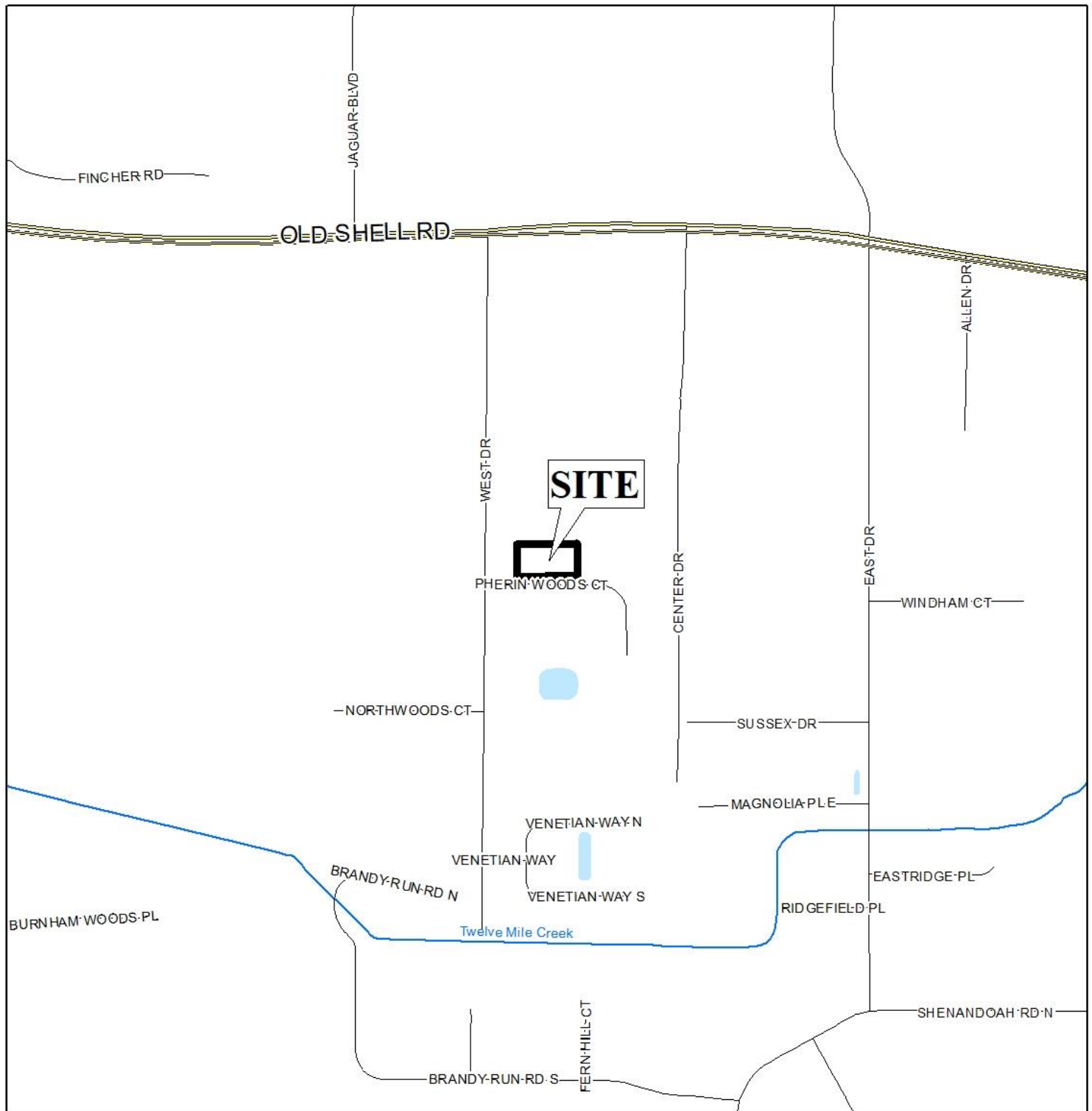
Based upon the preceding, this application is recommended for Approval, subject to the following conditions:

- 1) retention of the 20' minimum front building setback on the site plan;

- 2) retention of the lot size labels in both square feet and acres on the site plan, or the furnishing of a table on the site plan providing the same information;
- 3) placement of a typical lot diagram on the site plan indicating a minimum eight-foot side yard setback on one side, a minimum five-foot side yard setback on the other side, and eight-foot rear yard setback, and the 20-foot minimum front building setback line;
- 4) placement of a note on the site plan beside the typical lot diagram stating “ 8’-0” SIDE YARD TO BE MAINTAINED AS INDICTAED, OPPOSITE SIDE YARD MAY BE 5’-0”. WINDOW WALLS SHALL NOT BE LESS THAN 8’-0” FROM SIDE YARD PROPERTY LINE”;
- 5) placement of a note on the site plan beside the typical lot diagram stating “ADDITIONAL REAR YARD SETBACK FOR NON-HABITABLE DETACHED STRUCTURES MIN. 8’-0” FROM REAR PROERTY LINE BE OBSERVED IN CONJUNCTION WITH REQUIRED SIDE YARD SETBACKS”;
- 6) placement of a note on the site plan stating that the maximum site coverage by all structures on all lots shall not exceed 35% of the lot area;
- 7) placement of a note on the site plan stating that no structures shall be constructed or placed within any easement without permission of the easement holder;
- 8) subject to the 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 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). 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.);*
- 9) placement of a note on the site plan stating the Traffic Engineering comments: *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 10) 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 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.);*

- 11) subject to 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). 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.); and*
- 12) submittal to and approval by Planning and Zoning of two (2) copies of a revised PUD site plan prior to the signing of the Final Plat for the associated Subdivision; and
- 13) full compliance with all other municipal codes and ordinance.

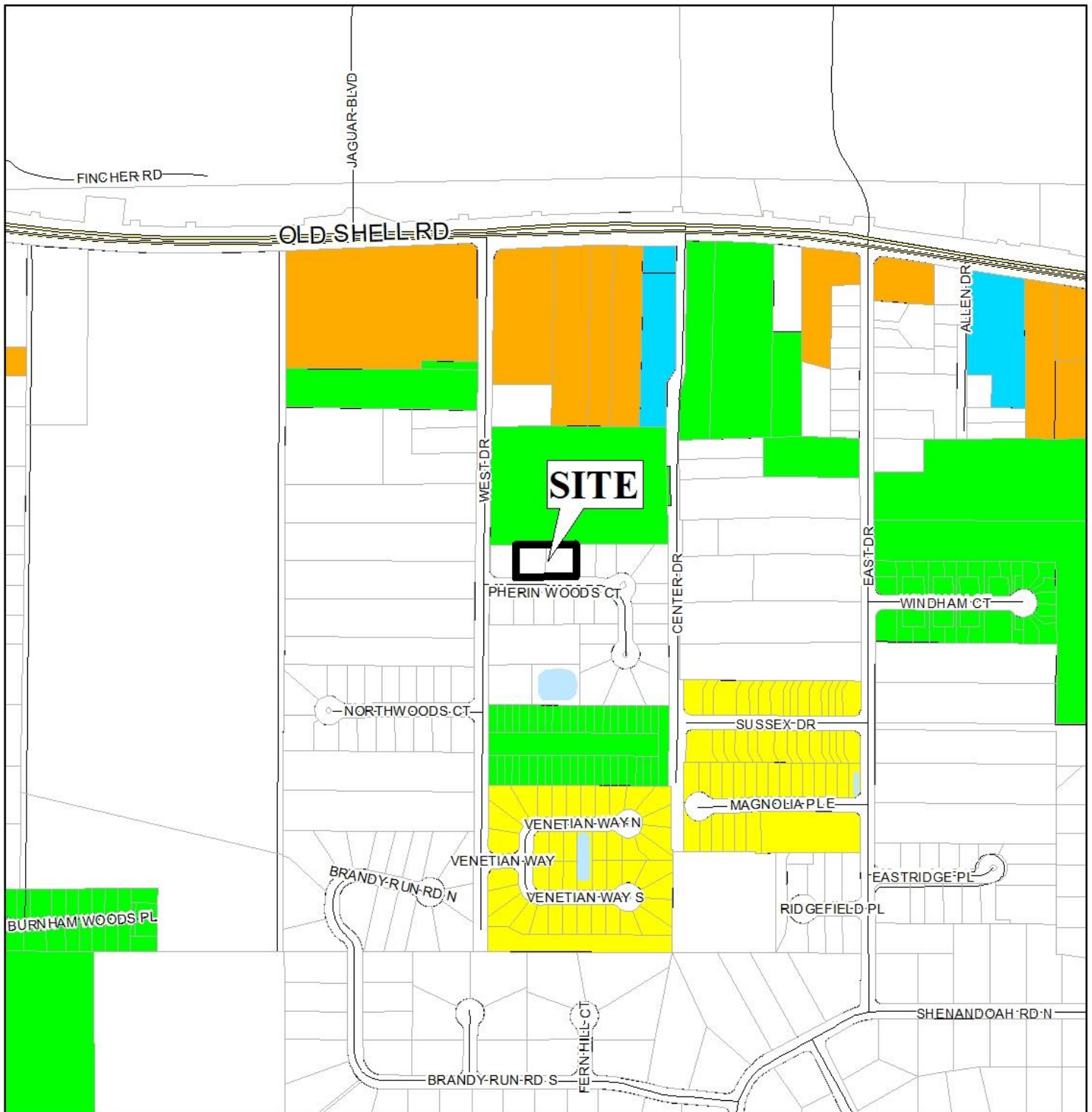
LOCATOR MAP



APPLICATION NUMBER 6 DATE March 4, 2021
APPLICANT Pherin Woods Subdivision, Resubdivision of Lots 2A and 4A
REQUEST Subdivision, Planned Unit Development



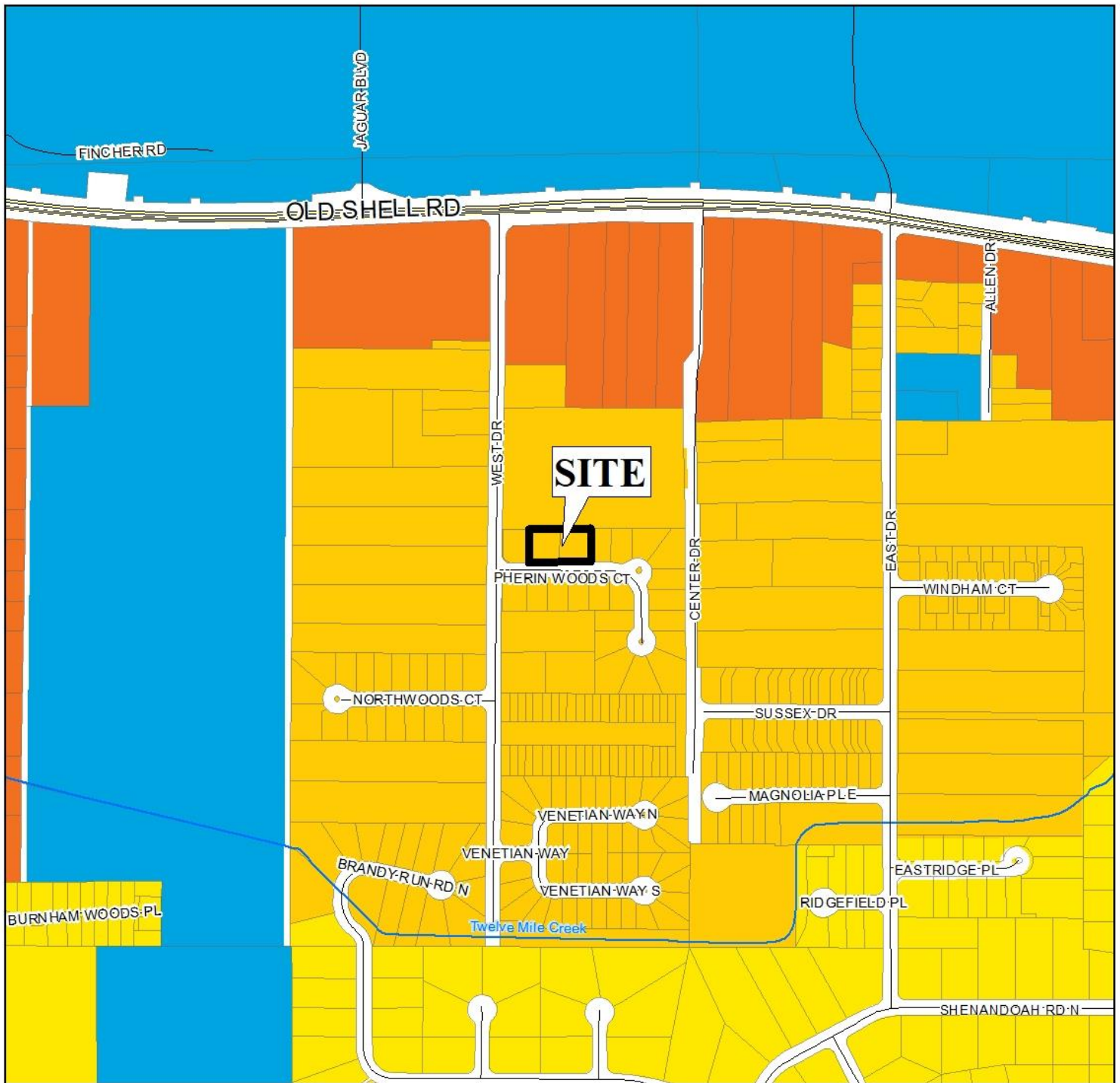
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



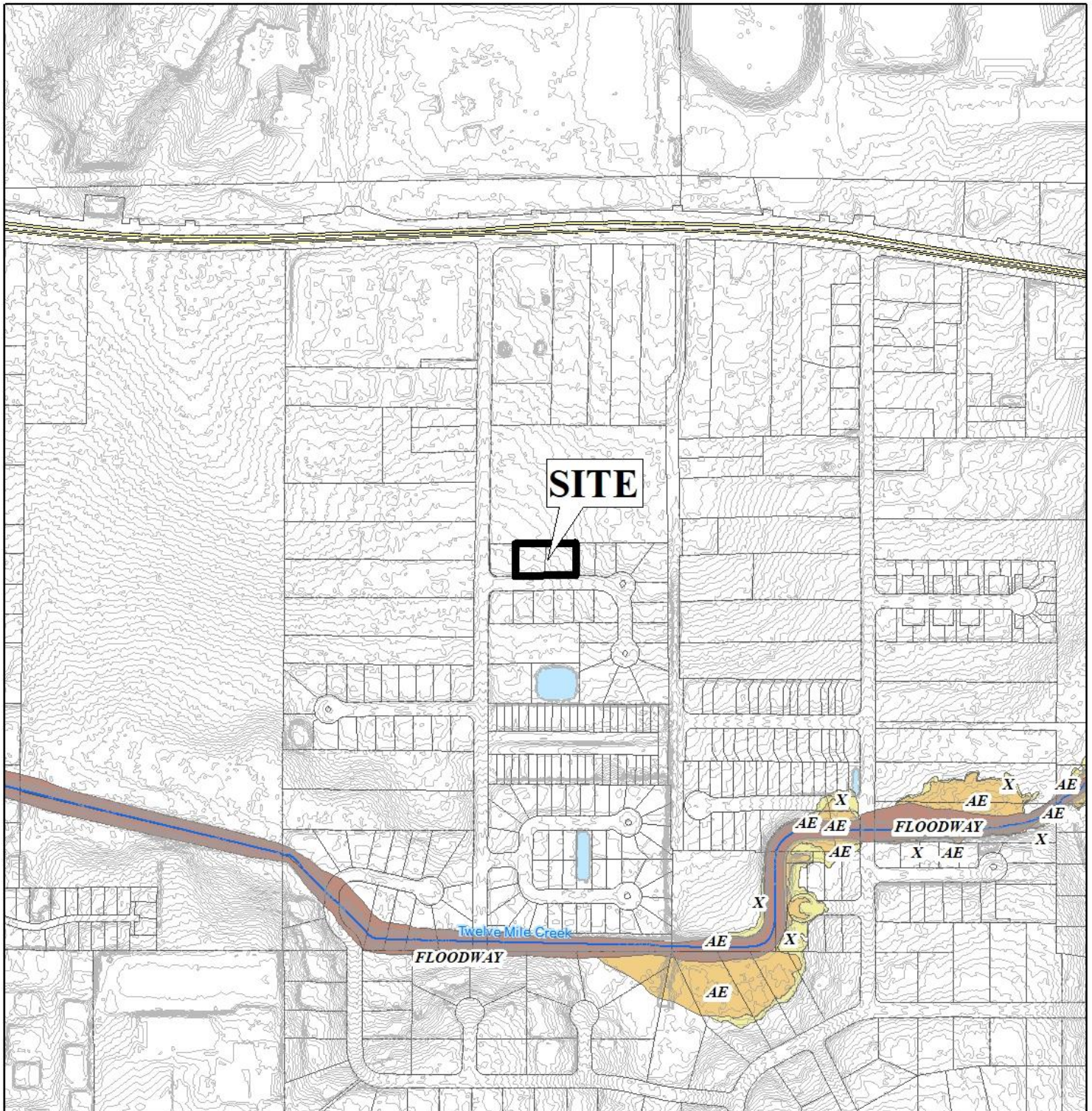
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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



NTS

ENVIRONMENTAL LOCATOR MAP



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units, vacant land, and apartments.

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 REQUEST Subdivision, Planned Unit Development

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

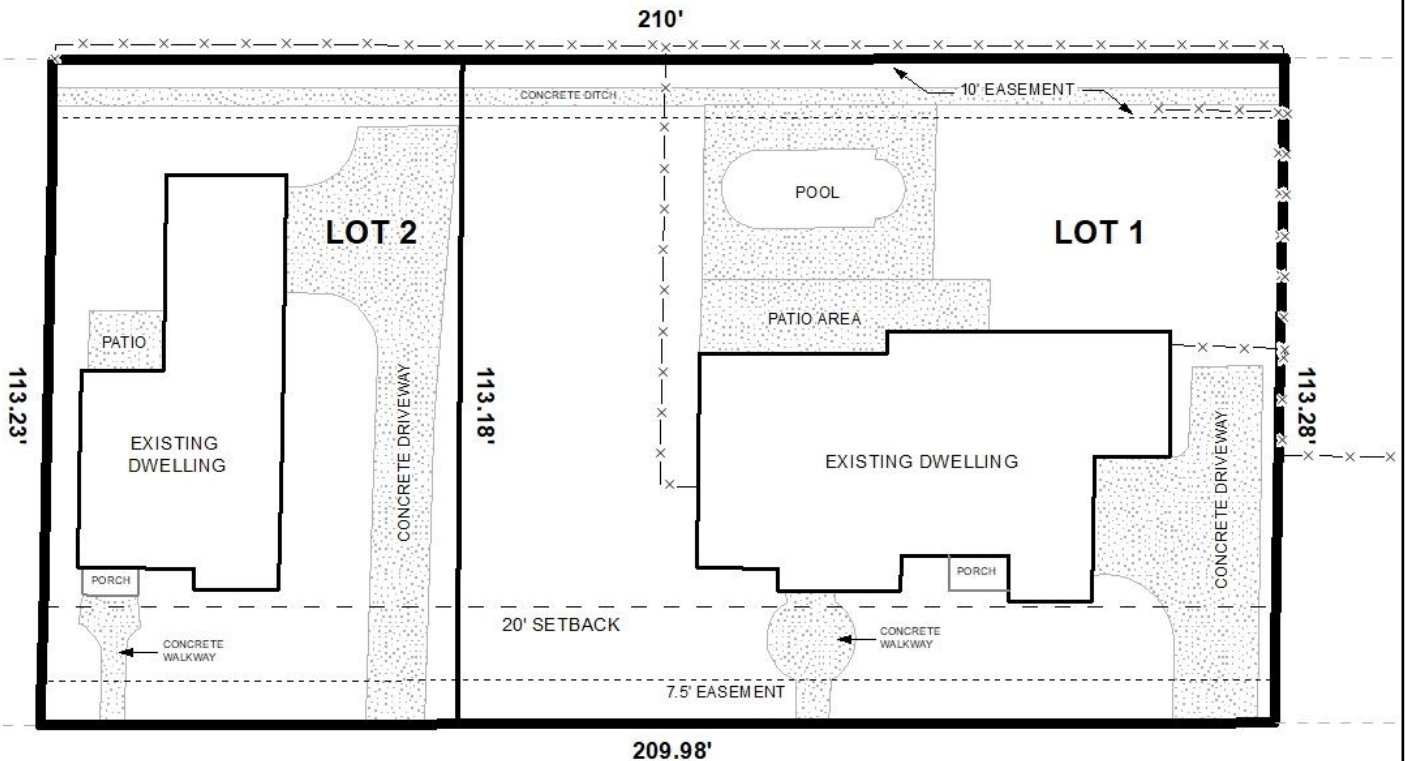


The site is surrounded by single family residential units, vacant land, and apartments.

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SITE PLAN



The site plan illustrates existing buildings, easements, surfaces and previously approved setback, as well as proposed lots.

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