

**PLANNED UNIT DEVELOPMENT  
& ZONING AMENDMENT STAFF REPORT****Date: December 21, 2017****APPLICANT NAME**

Dewberry/Preble-Rish

**DEVELOPMENT NAME**

Longleaf Gates Subdivision, Phase Two

**LOCATION**

6050 Whitebark Drive  
(North side of Girby Road, 125'± East of Bristlecone Drive, extending to the East terminus of Whitebark Drive).

**CITY COUNCIL  
DISTRICT**

District 6

**PRESENT ZONING**

R-2, Two-Family Residential District, R-3, Multiple-Family Residential District, and B-2, Neighborhood Business District

**PROPOSED ZONING**

R-2, Two-Family Residential District

**AREA OF PROPERTY**

42.2± Acres

**CONTEMPLATED USE**

Planned Unit Development approval to amend a previously approved Planned Unit Development to allow a private street subdivision, and Rezoning from R-2, Two-Family Residential District, R-3, Multiple-Family Residential District and B-2, Neighborhood District, to R-2, Two-Family Residential District to allow a single-family residential subdivision and eliminate split zoning.

**It should be noted, however, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning Commission may consider zoning classifications other than that sought by the applicant for this property.**

**TIME SCHEDULE  
FOR DEVELOPMENT**

Not specified.

**ENGINEERING  
COMMENTS**

**Planned Unit Development: ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN:**

1. Any work performed in the existing Public 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 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. 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.
5. 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.
6. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

**Rezoning:** No comments.

## **TRAFFIC ENGINEERING**

### **COMMENTS**

Direct access to Girby Road is denied for all lots and common areas. Each lot and common area (as needed to maintenance) should be limited to one curb cut each with size, location and design to 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).

## **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).

## **MAWSS COMMENTS**

No comments.

**REMARKS**

The applicant is requesting Planned Unit Development approval to allow a private street subdivision, and Rezoning approval to rezone the site from R-2, Two-Family Residential District, R-3, Multiple-Family Residential District and B-2, Neighborhood Business District, to R-2, Two-Family Residential District to allow a single-family residential subdivision and eliminate split zoning.

The site has been given a **Low Density Residential** land use designation per the recently adopted Future Land Use Plan and Map. 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 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 FLUM 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 FLUM 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 FLUM 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 the Future Development area of Longleaf Gates Subdivision, Phase One, Revised Plat, approved by the Planning Commission at its April 16, 2009 meeting. Planned Unit Development (PUD) approval was also granted to amend a previously approved PUD to allow a gated, private street subdivision with reduced lot sizes, reduced front yard and side yard setbacks, and increased site coverage. Phase Two of the subdivision proposed 61 legal lots, and a PUD proposed extension of the gated, private street subdivision without reduced lot sizes, front or side yard setbacks, or increased site coverage. Both requests were approved at the November 21, 2013 meeting of the Planning Commission along with recommendation of approval of rezoning of the site to R-1, Single-Family Residential District, to eliminate split-zoning, but the requests have since expired.

Most recently, the applicant requested approval of a 52-lot subdivision at the November 2, 2017 meeting of the Planning Commission. However, per the Subdivision staff report, access to the

site from Girby Road is to be prohibited. Without additional access to the site, extending Whitebark Drive, which is a private street, is necessary; thus, additional PUD review is required. Additionally, since gates limit access to Phase One, they will also limit access to Phase Two which also requires PUD review. Furthermore, expiration of the previous Rezoning approval requires a new zoning amendment recommendation by the Planning Commission. As such, the November 2<sup>nd</sup> subdivision request was heldover to the December 7, 2017 meeting to address extant split-zoning of the site and the amendments to the previously approved PUD; and, subsequently, the December 7<sup>th</sup> subdivision request was heldover to the January 4, 2018 meeting at the applicant's request.

PUD and Rezoning applications were received by Staff prior to the December 7<sup>th</sup> meeting, but an administrative error regarding filing deadlines delayed their review to the December 21<sup>st</sup> meeting of the Planning Commission. As a result of the delay, the proposed Subdivision was recommended for approval subject to the approval of the requests at hand, but has again been heldover at the applicant's request to address concerns regarding adjacent property ownership and access to Whitebark Drive, a privately owned street. It should be noted that, until such concerns are resolved, holdover of the PUD and Rezoning requests will also be appropriate.

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.

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 plan provided by the applicant is similar to the most recently submitted preliminary subdivision plat, whereon 52 lots and two (2) common areas are proposed, and are to be accessed by the aforementioned extension of White Bark Drive, as well as an additional, proposed private street, Pinyon Drive. A private street stub labeled "Magpie Drive" is also proposed. Each lot would meet the minimum size requirements for lots served by public water and sanitary sewer systems, and no reduced setbacks or increased lot coverages are being requested; however, labeling of the lot sizes in both square feet and acres should be required on a revised PUD site plan, or provision of a table on the PUD site plan providing the same information should suffice.

Regarding the proposed common areas, their sizes should also be provided in both square feet and acres on a revised PUD site plan; or, the applicant may provide a table on the PUD site plan providing this information. Also, a note should be provided on the PUD site plan stating that the maintenance of all common areas is the responsibility of the property owners and not the City of Mobile.

The 25' minimum building setback line is illustrated along the street frontages of all proposed lots, but is not labeled; and no building setback line is illustrated along Girby Road. As such, revision of the PUD site plan to illustrate the 25' minimum building setback line along all street frontages should be required.

Sufficient right-of-way dedication is illustrated along all existing and proposed street frontages and, per Subdivision review, should be retained on the Final Plat, if approved. Such dedications should also be retained on the PUD site plan.

As mentioned, and as iterated in the Subdivision staff report, all streets and street extensions within Phase Two of the development are to be private streets. As such, their development should be in compliance with Section VIII of the Subdivision Regulations regarding private streets.

The proposed private Pinyon Drive is provided with cul-de-sacs at both terminuses in compliance with Section VIII.E.1.a. of the Subdivision Regulations. They also appear to comply with Section V.B.14. regarding the required 120' turnaround right-of-way diameter.

It should be noted that Section VIII.E.1.a. does not allow private streets to serve adjacent properties and the proposed street stub labeled "Magpie Drive" would be accessible by property not owned by the applicant. The 2009 approval of the overall subdivision conditioned additional street-stubs to connect adjacent public streets and landlocked properties for emergency access only; therefore, the Magpie Drive street stub should be labeled as "emergency access only" leading to the vacant property to the West. Also, labels indicating the private status of the proposed street and street stub(s) should be retained on the PUD site plan.

If approved, a note should be provided on the PUD site plan stating that maintenance of the private streets is the responsibility of the property owners. An additional note should be placed on the PUD site plan stating that, if the private streets are not constructed and maintained to City standards inasmuch as they could ultimately be dedicated for public use and maintenance, then 100 percent of the cost of the improvements required to do so shall be assessed to the property owners at the time the private streets are dedicated.

In coordination with the proposed Subdivision plat, a note should be placed on the PUD site plan stating each lot and common area is limited to one curb cut, with any changes in their sizes, locations, or designs to be approved by Traffic Engineering and conform to AASHTO standards. An additional note denying direct access to Common Area 2 from Girby Road should also be provided on the PUD site plan, if approved.

Multiple easements are illustrated on the PUD site plan, including a 10' sanitary sewer easement along the East property line and a 30' sewer easement along Girby Road. A note stating a 10' drainage and utility easement is dedicated along the frontage of all proposed lots and along lot lines abutting a right-of-way is also provided. As such, if approved, an additional note should be required on the revised PUD site plan stating no structures shall be constructed in any easement.

Wetlands associated with Campground Creek occur on various portions of the site. Additionally, the site appears to be partially located in the flood zone as depicted on FEMA maps, and thus may be subject to flooding. The presence of wetlands and floodplains indicate that the area may be environmentally sensitive; therefore, the approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits or land disturbance activities.

Regarding rezoning, Section 64-9. of the Zoning Ordinance states that the intent of the Ordinance and corresponding Zoning Map is to carry out the comprehensive planning objective of sound, stable and desirable development. While changes to the Ordinance are anticipated as the city grows, the established public policy is to amend the ordinance only when one or more of the following conditions prevail: 1) there is a manifest error in the Ordinance; 2) changing conditions in a particular area make a change in the Ordinance necessary and desirable; 3) there is a need to increase the number of sites available to business or industry; or 4) the subdivision of land into building sites makes reclassification of the land necessary and desirable.

Rezoning of the site has occurred several times over the years, the most recently adopted zoning district being R-2, Two-Family Residential District, which was approved at the July 26, 2005 meeting of the Mobile City Council. Two portions of the property to the East, however, were excluded from this rezoning, perhaps having been acquired by the applicant at a later date. As such, they have retained their most current zoning district classifications of R-3, Multiple-Family Residential, and B-2, Neighborhood Business District; the implication being that previous Subdivision of the property as a Future Development has resulted in a situation of split-zoning. Such a situation satisfies the condition that amending the Zoning Map would be appropriate inasmuch as the subdivision of land into building sites makes reclassification of the land necessary and desirable. Approving the Rezoning request would, therefore, be justified.

## **RECOMMENDATION**

**Planned Unit Development:** Based on the preceding, the Planned Unit Development is recommended for Holdover to the January 4, 2018 meeting, with revisions submitted by December 28, 2017, to allow the applicant time to address the concerns regarding adjacent property ownership and access to Whitebark Drive, as well as to address the following:

- 1) revision of the site plan to label the sizes of the proposed lots and common areas in both square feet and acres, or provision of a table on the site plan providing the same information;
- 2) placement of a note on the site plan stating that the maintenance of all common areas is the responsibility of the property owners and not the City of Mobile;
- 3) revision of the site plan to illustrate the 25' minimum building setback line along all street frontages;
- 4) placement of a note on the site plan stating the development of the private streets shall be in compliance with Section VIII of the Subdivision Regulations;
- 5) revision of the site plan to label Magpie Drive with "emergency access only";
- 6) placement of a note on the site plan stating that maintenance of the private streets is the responsibility of the property owners and not the City of Mobile;

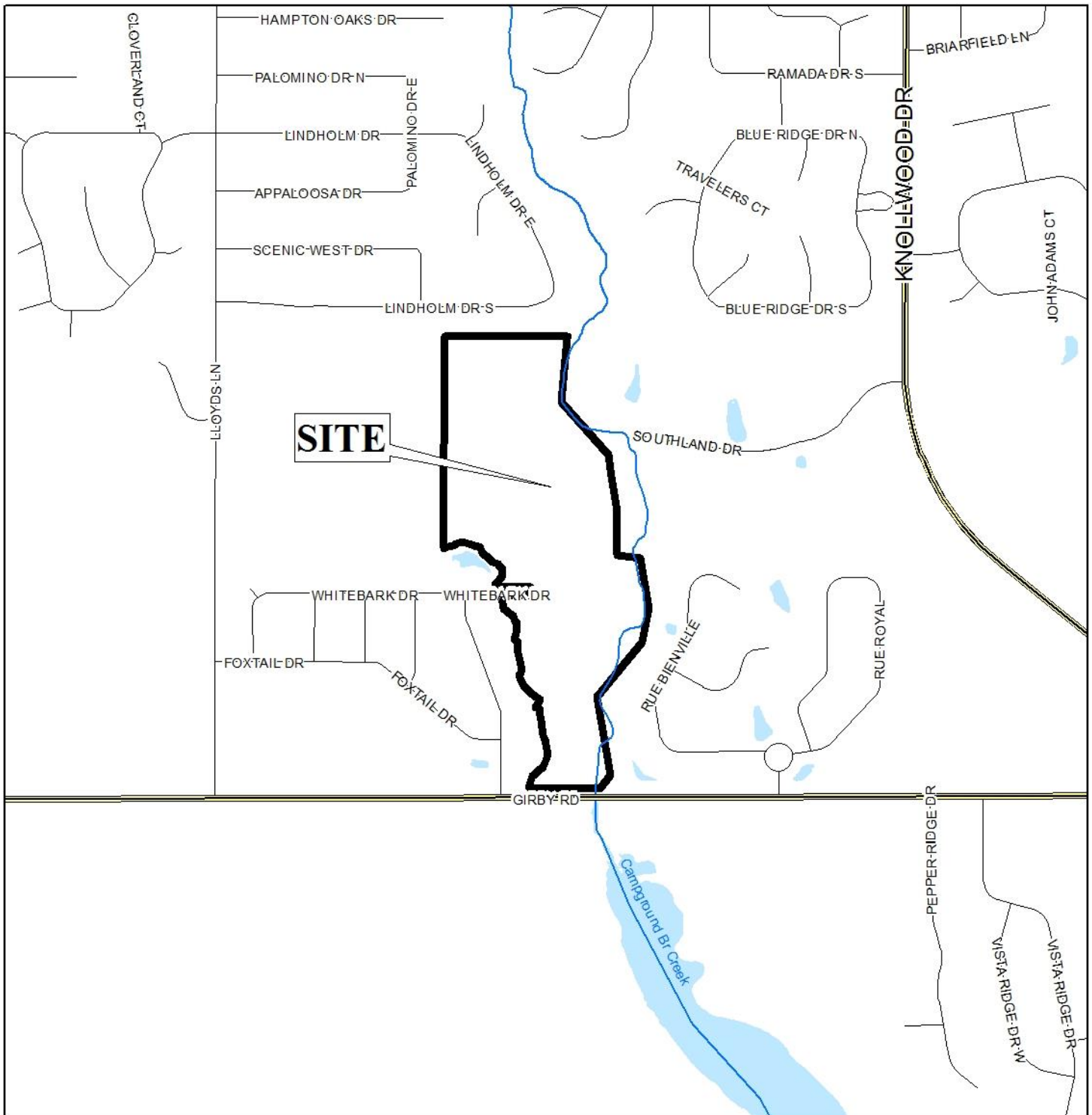
- 7) placement of a note on the site plan stating that, if the private streets are not constructed and maintained to City standards inasmuch as they could ultimately be dedicated for public use and maintenance, then 100 percent of the cost of the improvements required to do so shall be assessed to the property owners at the time the private streets are dedicated;
- 8) placement of a note on the site plan stating each lot and common area is limited to one curb cut, with any changes in their sizes, locations, or designs to be approved by Traffic Engineering and conform to AASHTO standards;
- 9) placement of a note on the site plan stating that direct access to Common Area 2 from Girby Road is denied;
- 10) placement of a note on the site plan stating that no structures shall be constructed in any easement;
- 11) compliance with Engineering comments: *(ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: 1) Any work performed in the existing Public 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 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) 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. 5) 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. 6) The proposed development must comply with all Engineering Department design requirements and Policy Letters.);*
- 12) compliance with Traffic Engineering comments: *(Direct access to Girby Road is denied for all lots and common areas. Each lot and common area (as needed to maintenance) should be limited to one curb cut each with size, location and design to conform to AASHTO standards.);*
- 13) 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).); and,*

- 14) 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).)*

**Rezoning:** Based on the preceding, the Rezoning request is recommended for Holdover to the January 4, 2018 meeting to allow the applicant time to address the concerns regarding adjacent property ownership and access to Whitebark Drive.



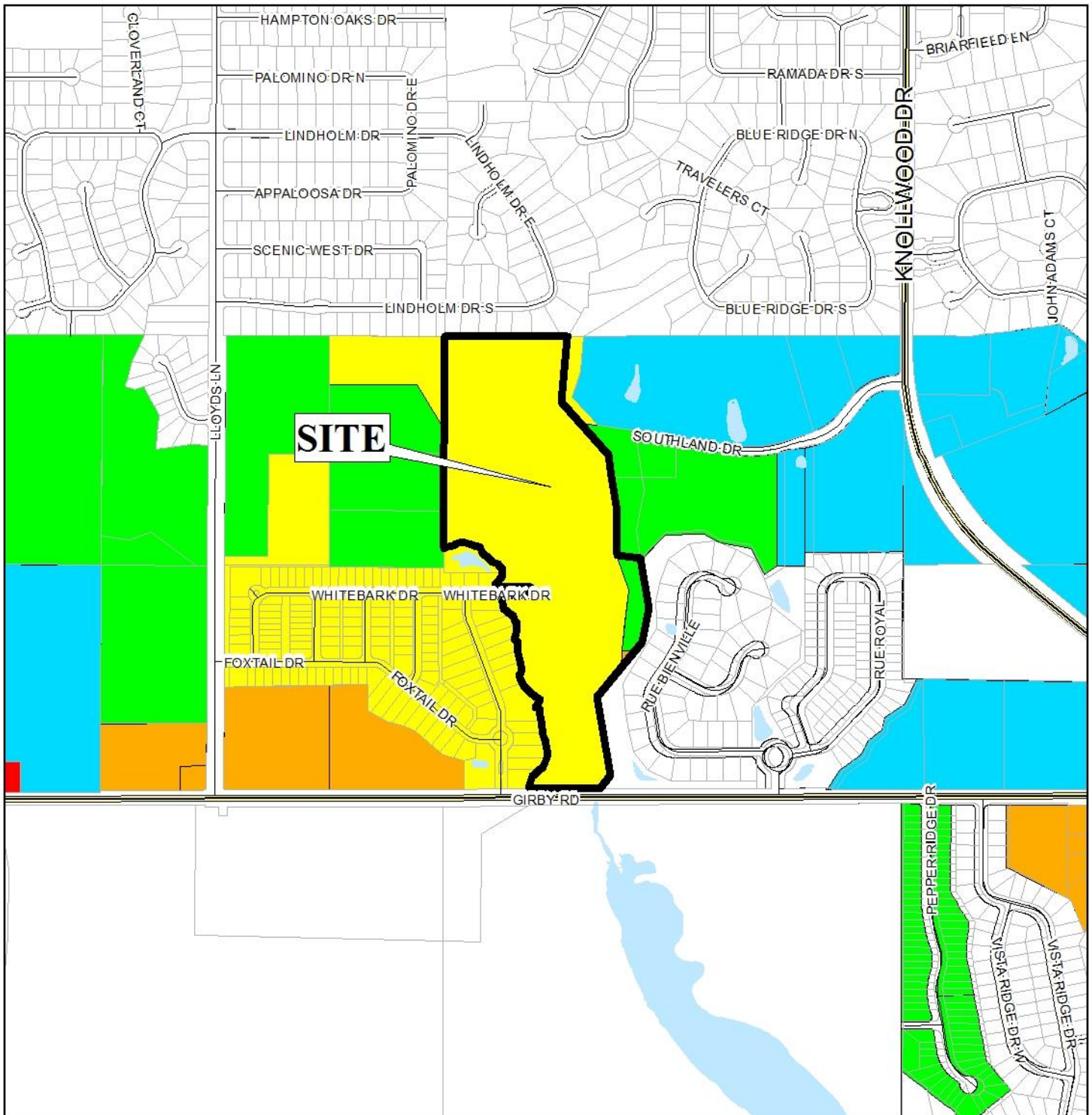
# LOCATOR MAP



APPLICATION NUMBER 14 DATE December 21, 2017  
 APPLICANT Dewberry/ Preble-Rish  
 REQUEST PUD, Rezoning from R-2, R-3 & B-2 to R-2



# LOCATOR ZONING MAP



APPLICATION NUMBER 14 DATE December 21, 2017

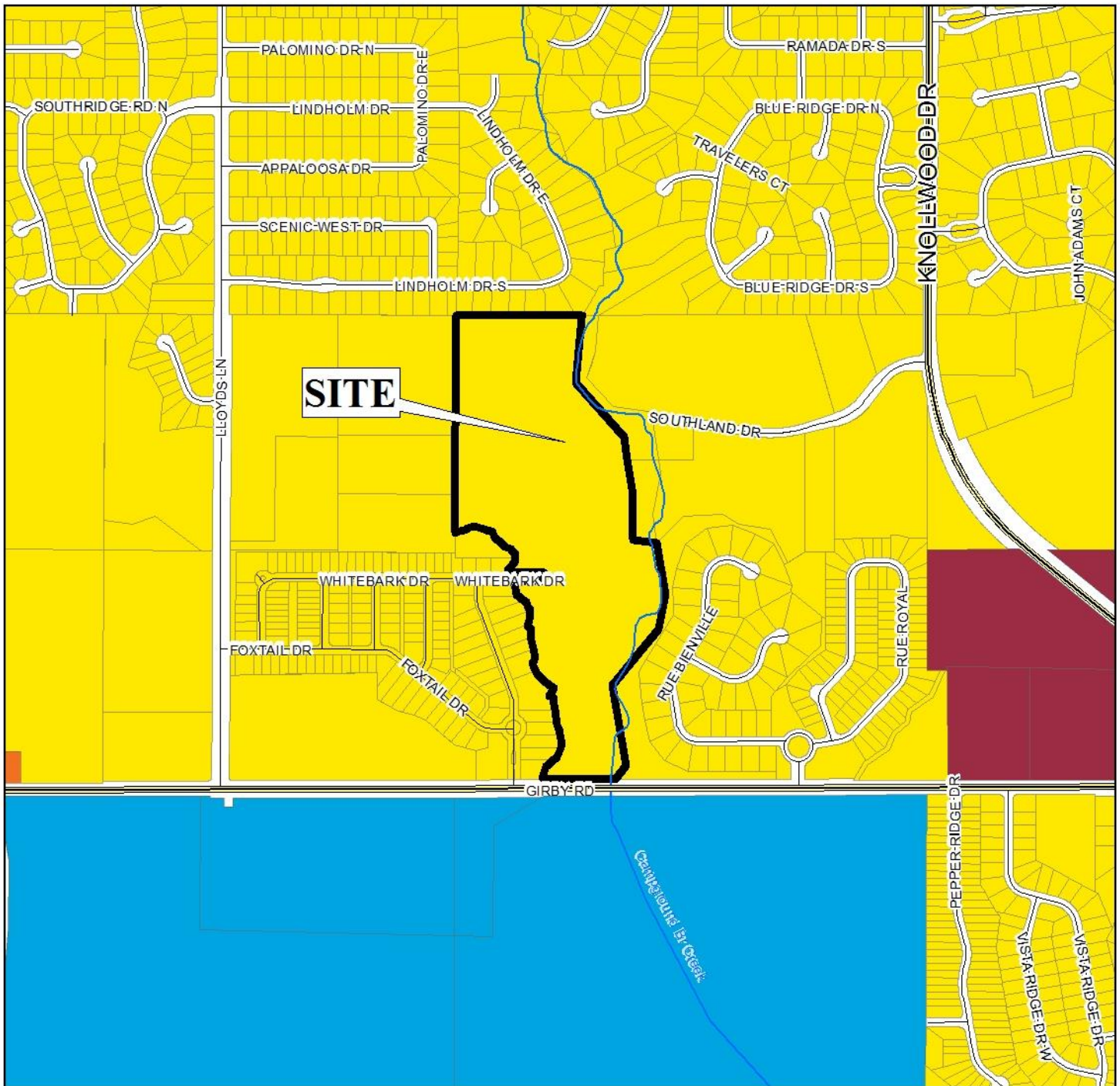
APPLICANT Dewberry/ Preble-Rish

REQUEST PUD, Rezoning from R-2, R-3 & B-2 to R-2





# FLUM LOCATOR MAP



APPLICATION NUMBER 14 DATE December 21, 2017

APPLICANT Dewberry/ Preble-Rish

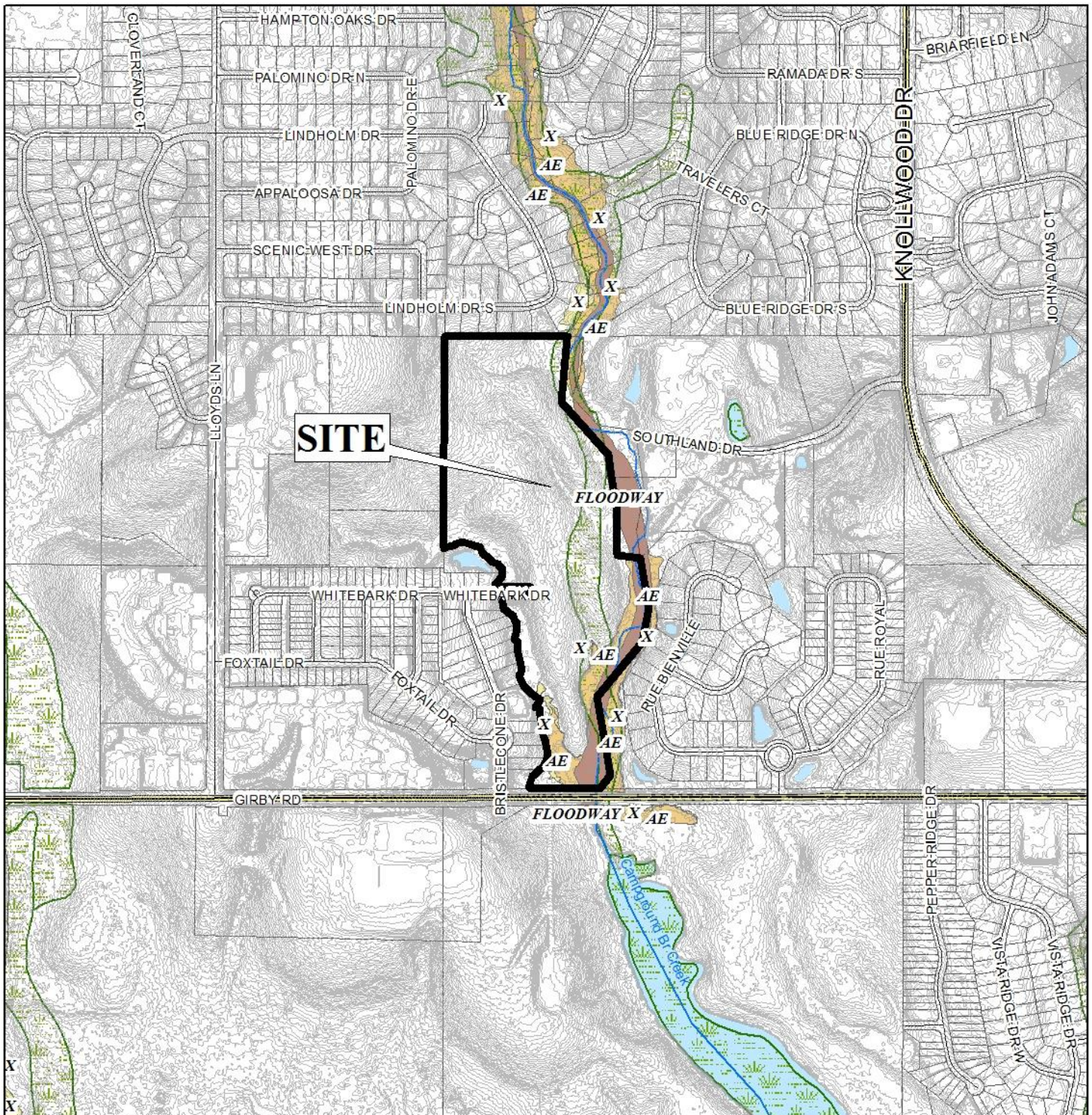
REQUEST PUD, Rezoning from R-2, R-3 & B-2 to R-2

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





# ENVIRONMENTAL LOCATOR MAP



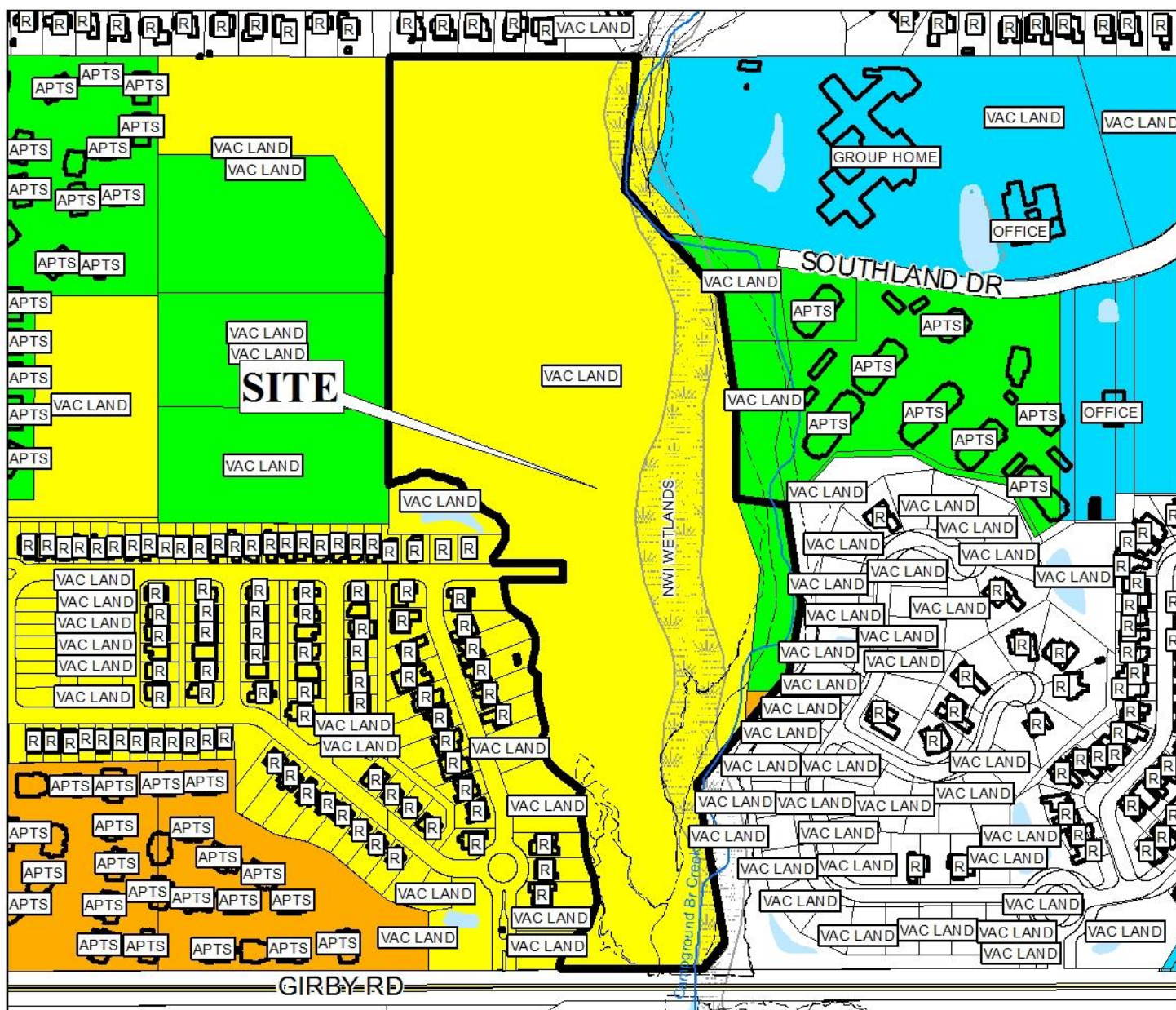
APPLICATION NUMBER 14 DATE December 21, 2017  
 APPLICANT Dewberry/ Preble-Rish  
 REQUEST PUD, Rezoning from R-2, R-3 & B-2 to R-2





# PLANNING COMMISSION

## VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

APPLICATION NUMBER 14 DATE December 21, 2017

APPLICANT Dewberry/ Preble-Rish

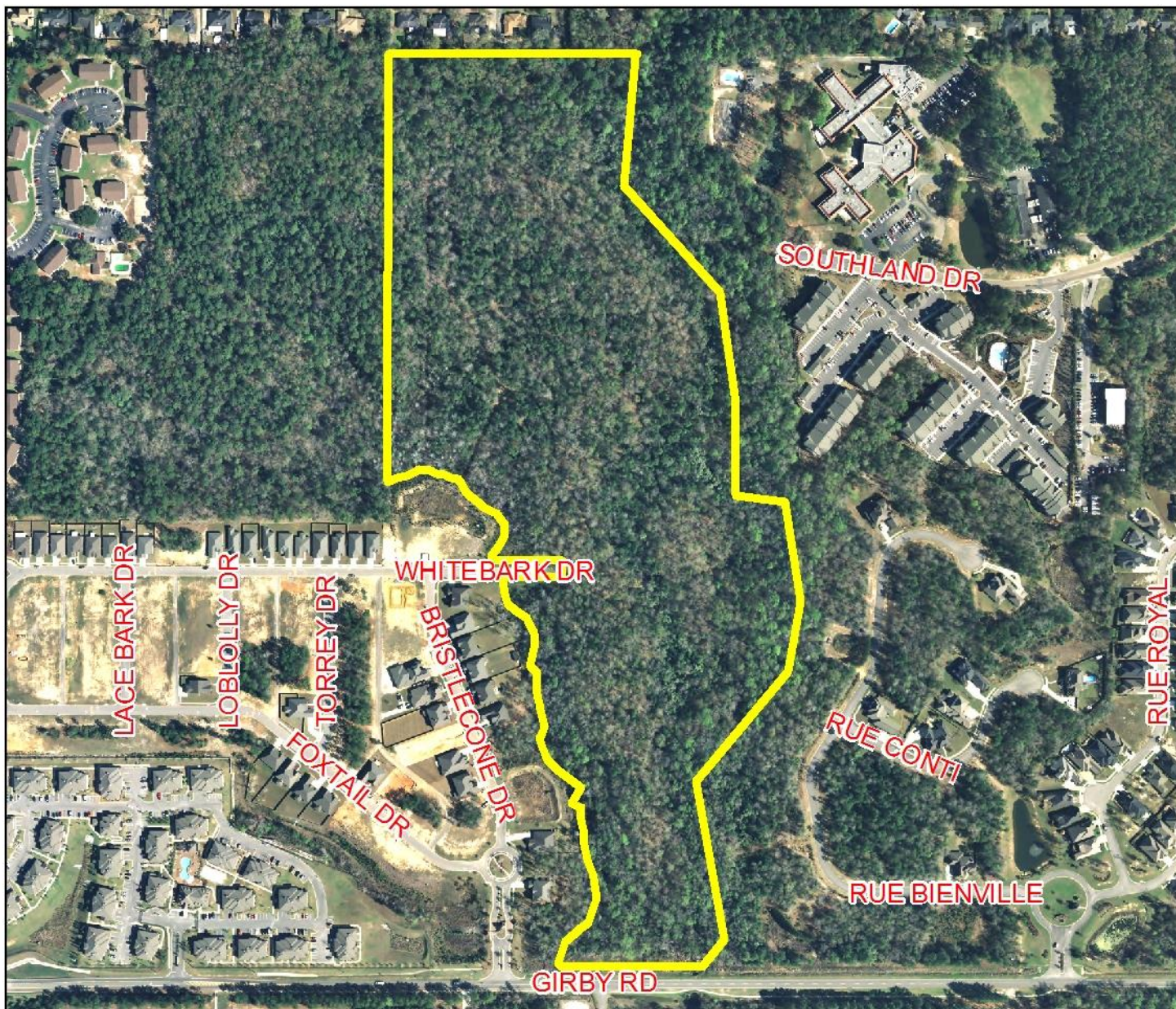
REQUEST PUD, Rezoning from R-2, R-3 & B-2 to R-2

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



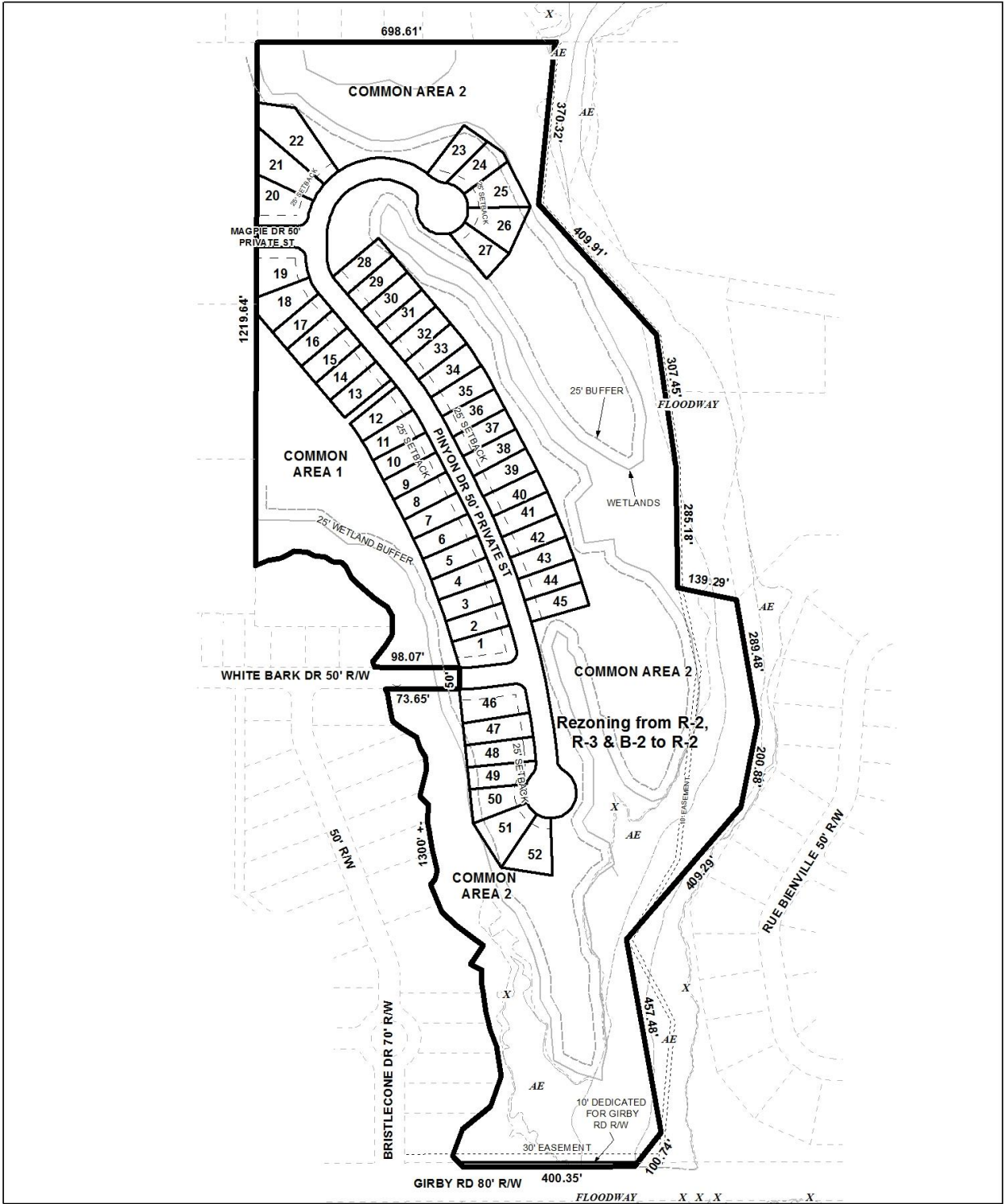
The site is surrounded by residential units.

APPLICATION NUMBER 14 DATE December 21, 2017  
 APPLICANT Dewberry/ Preble-Rish  
 REQUEST PUD, Rezoning from R-2, R-3 & B-2 to R-2





SITE PLAN



The site plan illustrates the proposed lots, setbacks, and easements.

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REQUEST	PUD, Rezoning from R-2, R-3 & B-2 to R-2		



