PLANNED UNIT DEVELOPMENT **& SUBDIVISION STAFF REPORT**

Date: March 1, 2018

DEVELOPMENT NAME	Somerby of Mobile Subdivision
SUBDIVISION NAME	Somerby of Mobile Subdivision
LOCATION	6924 Somerby Lane (North terminus of Somerby Lane).
<u>CITY COUNCIL</u> <u>DISTRICT</u>	District 4
PRESENT ZONING	B-1, Buffer Business District.
AREA OF PROPERTY	6 Lots / 1.2± Acres
<u>CONTEMPLATED USE</u>	Subdivision Approval to create six (6) legal lots of record and Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow the construction of six (6) single-family dwellings with reduced lot widths and reduced minimum building setbacks.

TIME SCHEDULE FOR DEVELOPMENT

Immediately.

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. REMOVE THE MOBILE COUNTY ENGINEERING DEPARTMENT NOTE. THIS PROPOSED SUBDIVISION IS LOCATED WITHIN THE CITY LIMITS. THE COUNTY ENGINEER NO LONGER SIGNS PLATS WITHIN THE MUNICIPAL LIMITS OF THE CITY OF MOBILE.
- B. 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.
- C. Remove the County Engineer's signature block from the Plat. The County Engineer no longer signs plats within the municipal limits of the City of Mobile.
- D. Provide and label the monument set or found at each subdivision corner.
- E. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.

- F. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, <u>Storm Water Management and Flood Control</u>); the <u>City of Mobile, Alabama Flood Plain</u> <u>Management Plan</u> (1984); and, the <u>Rules For Erosion and Sedimentation Control and Storm</u> <u>Water Runoff Control</u>.
- G. Add a note to the Plat stating 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 to the plat stating that all 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 to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process.
- K. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing.
- L. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the ORIGINAL (with all other signatures) and one (1) copy (signatures not required) of the revised Final Plat to the Engineering Department.

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

- 1. 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.
- 2. 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.
- 3. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

TRAFFIC ENGINEERING

<u>COMMENTS</u> Each lot is limited to one curb cut to Somerby Lane to be approved by Traffic Engineering and conform to AASHTO Standards.

URBAN FORESTRY COMMENTS

<u>COMMENTS</u> 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

<u>COMMENTS</u> 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).

<u>REMARKS</u> The applicant is seeking Subdivision Approval to create six (6) legal lots of record, and Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow the construction of six (6) single-family dwellings with reduced lot widths and reduced minimum building setbacks.

The site has been the subject of previous Subdivision and Planned Unit Development (PUD) Approvals, each of which has been amended over the years to re-plat various lots and accommodate changes to what has been developed as a gated, private street subdivision with shared access between multiple lots and a variety of age-restricted housing options for older residents, including one lot with multiple residential buildings. Re-zoning of the site from R-1, Single-Family Residential District to B-1, Buffer Business District to enable such a development was recommended for approval by the Planning Commission at its September 12, 2002 meeting and adopted by City Council at its November 5, 2002 meeting.

Most recently, the subject site was re-subdivided from nine (9) legal lots into three (3) legal lots, on which the development of 12 residential condominium units (four (4) attached dwelling units per lot) was proposed via an amended PUD. The requests were approved at the September 21, 2006 meeting of the Planning Commission, after which the Subdivision was recorded in Mobile County Probate Court on July 26, 2007; however, since that time, only one (1) of the lots has been developed with residential condominiums.

The applicant now wishes to subdivide the remaining two (2) lots of the most recent subdivision into six (6) legal lots, and is requesting PUD Approval to amend the existing PUD to allow reduced lot widths and a reduced minimum building setback line along the frontage of each lot for the proposed development of six (6) detached, single-family residences.

The site has been given a **Mixed 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 land use 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.

Mixed Density Residential areas should offer a mix of single-family homes, townhouses, 2- to 4-residential unit buildings, accessory dwellings, and low- to mid-rise, multi-family apartment buildings. The density varies between 6 and 10 dwelling units per acre, depending on the mix, types and locations of the housing as specified by zoning.

Like Low Density Residential areas, Mixed Density Residential areas may also 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, 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 <u>site-plan specific</u>, 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 proposed lots have frontage on Somerby Lane, a private street with curb and gutter and a previously recorded 47' right-of-way. A similar right-of-way is illustrated on the preliminary plat and should be retained on the Final Plat, if approved.

While the private street is already developed, it remains part of the larger PUD site to which the proposed Subdivision belongs. As such, a note should be provided on the Final Plat, if approved, stating that maintenance of the private street(s) is the responsibility of the property owners. An additional note should be placed on the Final Plat stating that, if the private street(s) is/are not

maintained to City standards inasmuch as it/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 street(s) is/are dedicated.

The proposed lots would be substandard in width. Section V.D.2. of the Subdivision Regulations requires lots to be at least 60' wide at the building setback line, exclusive of drainage easements. Previous amendments to the overall PUD site provided for reduced lot widths and, in keeping with the design of the site, approval of the request may also be appropriate. Doing so requires a waiver of Section V.D.2. and approval of the PUD request.

The proposed lots meet the minimum size requirements for lots served by public water and sanitary sewer systems, and are appropriately illustrated in square feet and acres on the preliminary plat. This information should be retained on the Final Plat, if approved; or, the provision of a table providing the same information of the Final Plat may suffice.

Common areas are required for the overall PUD site from which the proposed subdivision is derived, but their illustration is not necessary on the preliminary plat. However, in maintaining consistency across all amendments to the original Subdivision and PUD, a note should be placed on the plat stating that the maintenance of all common areas, including any detention areas, is the responsibility of the property owners.

A 10' minimum building setback line is illustrated on the preliminary plat, per the PUD request. Section V.D.9. of the Subdivision Regulations requires a 25' minimum building setback for all lots, as does Section 64-3.E.1.e. of the Zoning Ordinance. Approval of the previous subdivision request also required a 25' minimum building setback; however, previous PUD approval of the overall PUD site allowed the reduced 10' minimum building setback and a majority of the residences within the PUD were developed as such. As a result, a waiver of Section V.D.9. of the Subdivision Regulations, as well as approval of the PUD, will be required to facilitate a reduced minimum building setback on the Final Plat. If approved, this information should be retained on the Final Plat.

Additional side and rear yard setbacks are illustrated on the preliminary plat and exceed the minimum requirements of Section 64-3.E.1.e. of the Zoning Ordinance regarding yard requirements in a B-1, Buffer Business District.

Regarding access management, a note should be placed on the Final Plat, if approved, stating each lot should be limited to one (1) curb cut, with any changes in their sizes, locations, or designs to be approved by Traffic Engineering and conform to AASHTO standards.

A 5' drainage, utility and landscape easement is illustrated along the frontage of each lot, and a 10' drainage and utility easement is illustrated along the rear yard of each lot. If approved, a note should be placed on the Final Plat stating no structures shall be built in any easement.

Regarding the PUD request, the applicant, as mentioned, proposes the development of six (6) detached, single-family dwellings with reduced lot widths and reduced minimum building setbacks.

The site plan illustrates six (6) identical, $2,596\pm$ square-foot single-family dwellings. A 10' minimum building setback line is illustrated and reflects a similar design standard throughout the overall PUD site, thus facilitating approval of the request for reduced front yard setbacks. This information should be retained on any revised site plan submitted for review of any land disturbing or construction activities.

Side and rear yard setbacks for each lot are depicted on the site plan and meet the minimum yard requirements for lots within a B-1, Buffer Business District, per Section 64-3.E.1.e. of the Zoning Ordinance. This information should be retained on any revised PUD site plan.

The maximum building site coverage by all buildings within a B-1, Buffer Business District, is 45%, per Section 64-3.E.1.c. of the Zoning Ordinance. The site coverage of each proposed dwelling is depicted as being $35\%\pm$ or less, thus meeting site coverage limitations. This information should be depicted on a revised PUD site plan.

The sizes of the proposed lots, as mentioned, meet the minimum size requirements of the Subdivision Regulations as well as the Zoning Ordinance for lots located in B-1, Buffer Business Districts. The lot sizes are also illustrated in both square feet and acres on the site plan and should be retained on any revised site plan; or, provision of a table providing the same information on any revised site plan may suffice.

The site plan illustrates a right-of-way width similar to that depicted on the preliminary plat for the existing private street, Somerby Lane, which should be retained on any revised PUD site plan, if approved. Also, in coordination with the Subdivision plat, a note should be provided on the PUD site plan, if approved, stating that maintenance of the private street(s) is the responsibility of the property owners. An additional note should be placed on the Final Plat stating that, if the private street(s) is/are not maintained to City standards inasmuch as it/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 street(s) is/are dedicated.

It should be noted that the City does not provide garbage and/or trash services to properties located on a private road or street. Given that the subject site is accessed via the private Somerby Lane, garbage and/or trash service(s) are the responsibility of the property owners. While it is not seemingly typical of single-family dwellings on individual lots to utilize a shared dumpster, if such a waste service is provided then it will need to meet the enclosure and sanitary sewer connection requirements of Section 64-4.D.9. of the Zoning Ordinance and be illustrated on a revised site plan.

As previously mentioned, common areas are required for the overall PUD site, from which the proposed subdivision is derived, but their illustration is not necessary on the preliminary plat nor should it be necessary on the PUD site plan at hand. However, in maintaining consistency across all amendments to the original Subdivision and PUD, a note should be placed on the site plan stating that the maintenance of all common areas, including any detention areas, is the responsibility of the property owners.

In coordination with the Subdivision request a note should also be placed on the PUD site plan, if approved, stating each lot should be limited to one (1) curb cut, with any changes in their sizes, locations, or designs to be approved by Traffic Engineering and conform to AASHTO standards.

A 5' drainage, utility and landscape easement is illustrated along the frontage of each lot, and a 10' drainage and utility easement is illustrated along the rear yard of each lot. If approved, a note should be placed on the site plan stating no structures shall be built in any easement.

Finally, no trees or landscape areas are illustrated on the site plan. Full compliance with the tree and landscape area ordinances was required for several of the previously amended PUD requests, and sites within a commercial district, such as a B-1, Buffer Business District, are typically required to comply with tree and landscape area ordinances. However, the subject site is proposed to be developed with single-family residences, and is a use of the land that, if located in an R-1, Single-Family Residential District would not require compliance with tree and landscape area ordinances. Additionally, it appears trees and landscaping was mostly required for development of the commercially-developed portion of the PUD site (i.e. the age-restricted apartment complex). As such, compliance with tree and landscape area ordinances should not be required at this time; however, it should be noted that any trees or landscaping provided on the site should be illustrated on a revised site plan.

RECOMMENDATION

Subdivision: With waivers of Sections V.D.2. and V.D.9., the plat meets the minimum requirements of the Subdivision Regulations and is recommended for Tentative Approval, subject to the following conditions:

- 1) retention of the 47' right-of-way along Somerby Lane on the Final Plat;
- 2) placement of a note on the Final Plat stating that maintenance of the private street is the responsibility of the property owners;
- placement of a note on the Final Plat stating that, if the private street is not maintained to City standards, 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 street is dedicated for public use;
- 4) retention of the lot sizes in both square feet and acres on the Final Plat, or, provision of a table on the Final Plat providing the same information;
- 5) placement of a note on the Final Plat stating that the maintenance of all common areas, including any detention areas, is the responsibility of the property owners
- 6) retention of the 10' minimum building setback line on the Final Plat;
- placement of a note on the Final Plat stating each lot is limited to one curb cut, with any changes to their sizes, locations or designs to be approved by Traffic Engineering and conform to AASHTO standards;
- 8) placement of a note on the Final Plat stating no structures shall be constructed in any easement;
- 9) 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) REMOVE THE MOBILE COUNTY ENGINEERING DEPARTMENT NOTE. THIS PROPOSED SUBDIVISION IS LOCATED WITHIN THE CITY LIMITS. THE COUNTY ENGINEER NO LONGER SIGNS PLATS WITHIN THE MUNICIPAL LIMITS OF THE CITY OF MOBILE. B) 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. C) Remove the County Engineer's signature block from the Plat. The County Engineer no longer signs plats within the municipal limits of the City of Mobile. D) Provide and label the monument set or found at each subdivision corner. E) Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. F) Add a note to the SUBDIVISION PLAT stating 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 to the Plat stating 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 to the plat stating that all 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 to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process. K) Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing. L) After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the ORIGINAL (with all other signatures) and one (1) copy (signatures not required) of the revised Final Plat to the Engineering Department.);

- 10) compliance with Traffic Engineering comments: (*Each lot is limited to one curb cut to Somerby Lane to be approved by Traffic Engineering and conform to AASHTO Standards.*);
- 11) 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).*);
- 12) 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).);
- 13) provision of two (2) revised copies of the PUD site plan to the Planning and Zoning Department prior to signing of the Final Plat;
- 14) completion of the subdivision process prior to any requests for land disturbance or construction permits; and,
- 15) compliance with all municipal codes and ordinances.

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

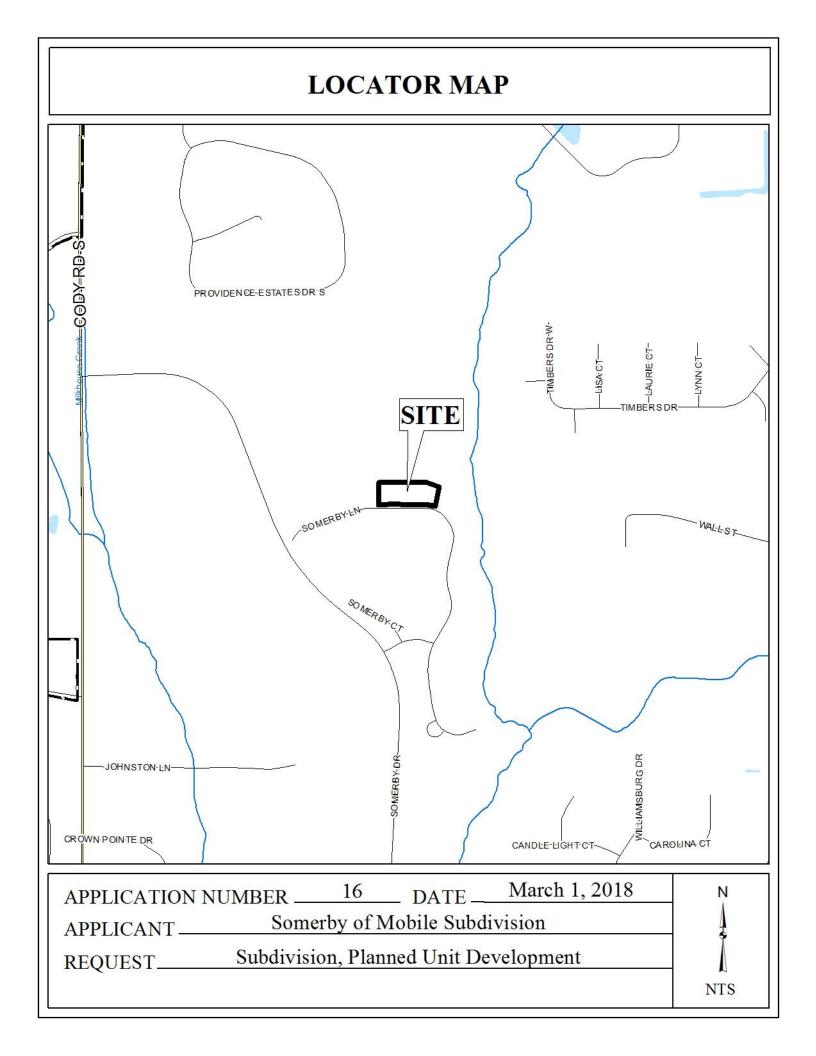
- a) the proposal promotes the objective of creative design in that it maintains the concept of the innovative subdivision of the overall site, which includes a gated community with a variety of housing options;
- b) the proposal promotes the objective of flexibility by facilitating denser infill of an existing Planned Unit Development, which is achieved by allowing smaller lot sizes with reduced setbacks and greater site coverage;
- c) the proposal promotes the objective of efficient land use by developing the site with single-family residential dwellings whose impact on the use of the land is less demanding of resources than denser multi-family developments;
- d) the proposal promotes the objective of environment by limiting impact of the development to existing, partially developed land where no additional clearing or alteration of the landscape is required;
- e) the proposal promotes the objective of open space by maintaining the side and rear yard requirements of sites within B-1, Buffer Business Districts; and,
- f) the proposal promotes the objective of public services by precluding itself from public street and waste management services in favor of private street maintenance and management.

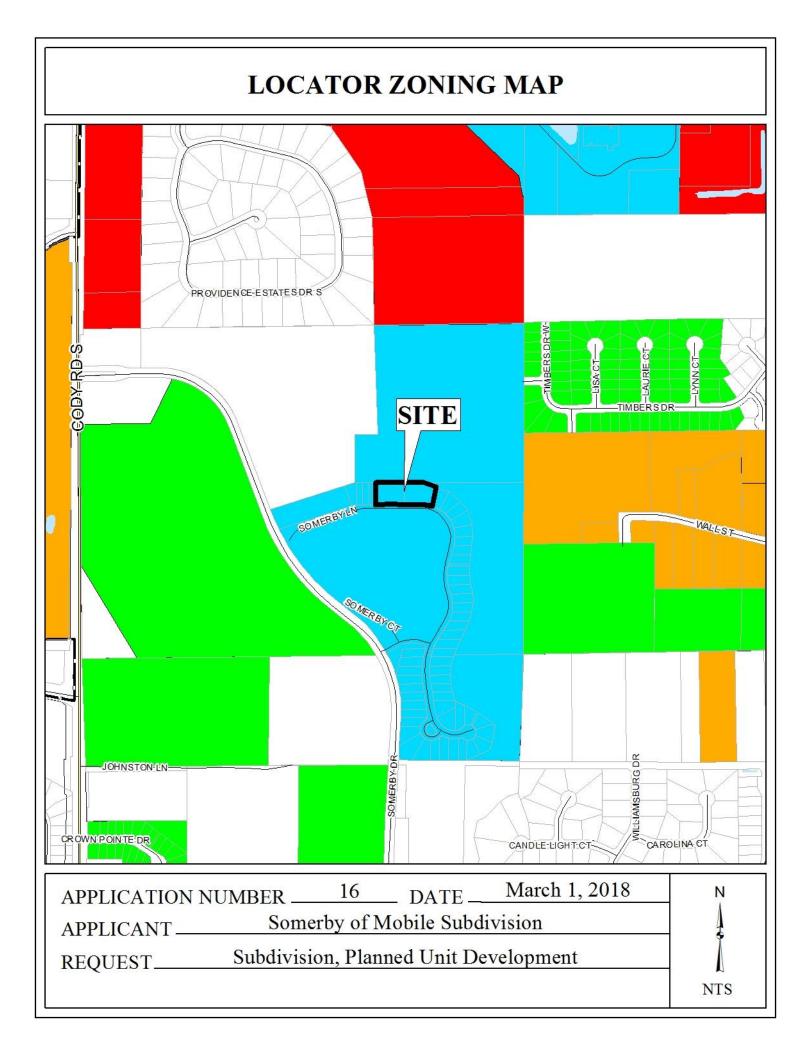
The approval is subject to the following conditions:

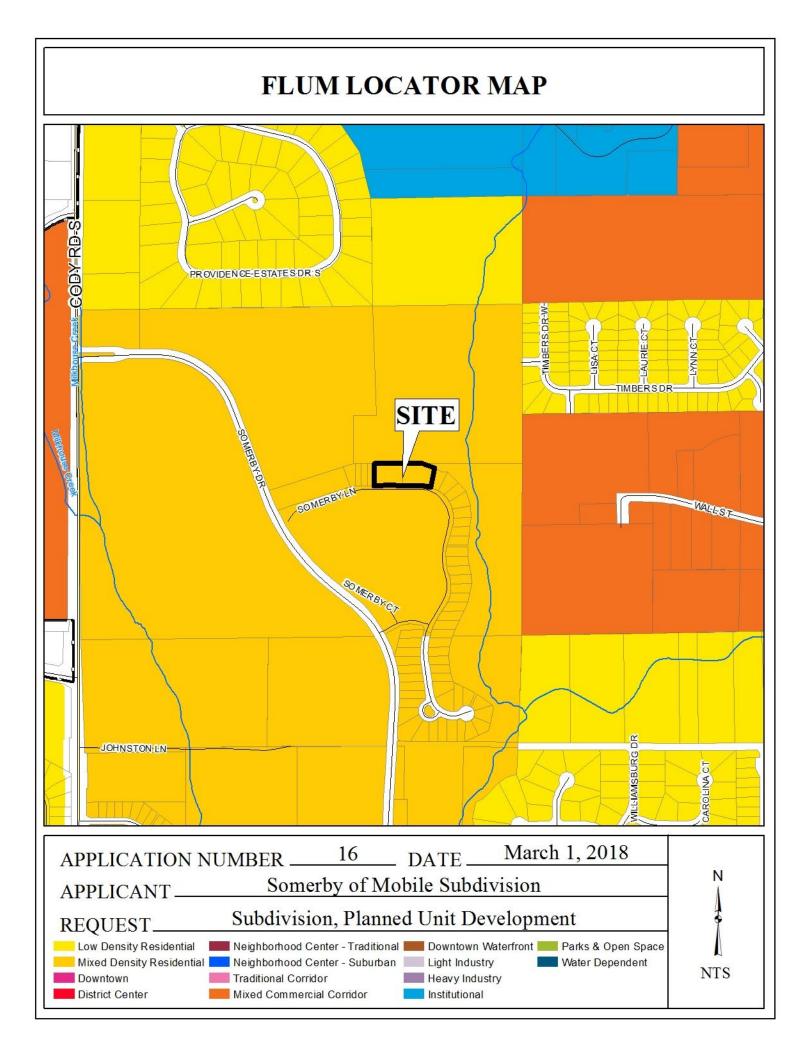
- 1) retention of the 10' minimum building setback line on the PUD site plan;
- 2) retention of the side and rear yard setbacks on the PUD site plan;
- 3) revision of the site plan to illustrate the 45% maximum allowable site coverage for each proposed dwelling;
- 4) retention of the lot sizes in square feet and acres on the PUD site plan, or provision of a table on the site plan providing the same information;
- 5) retention of the 47' right-of-way on the PUD site plan;
- 6) placement of a note on the site plan stating that maintenance of the private street is the responsibility of the property owners;
- placement of a note on the site plan stating that, if the private street is not maintained to City standards, 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 street is dedicated for public use;
- 8) placement of a note on the site plan stating that the maintenance of all common areas, including any detention areas, is the responsibility of the property owners;
- placement of a note on the site plan stating each lot is limited to one curb cut, with any changes to their sizes, locations or designs to be approved by Traffic Engineering and conform to AASHTO standards;
- 10) placement of a note on the site plan stating no structures shall be constructed in any easement;
- 11) compliance with Engineering comments: (ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: 1) 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

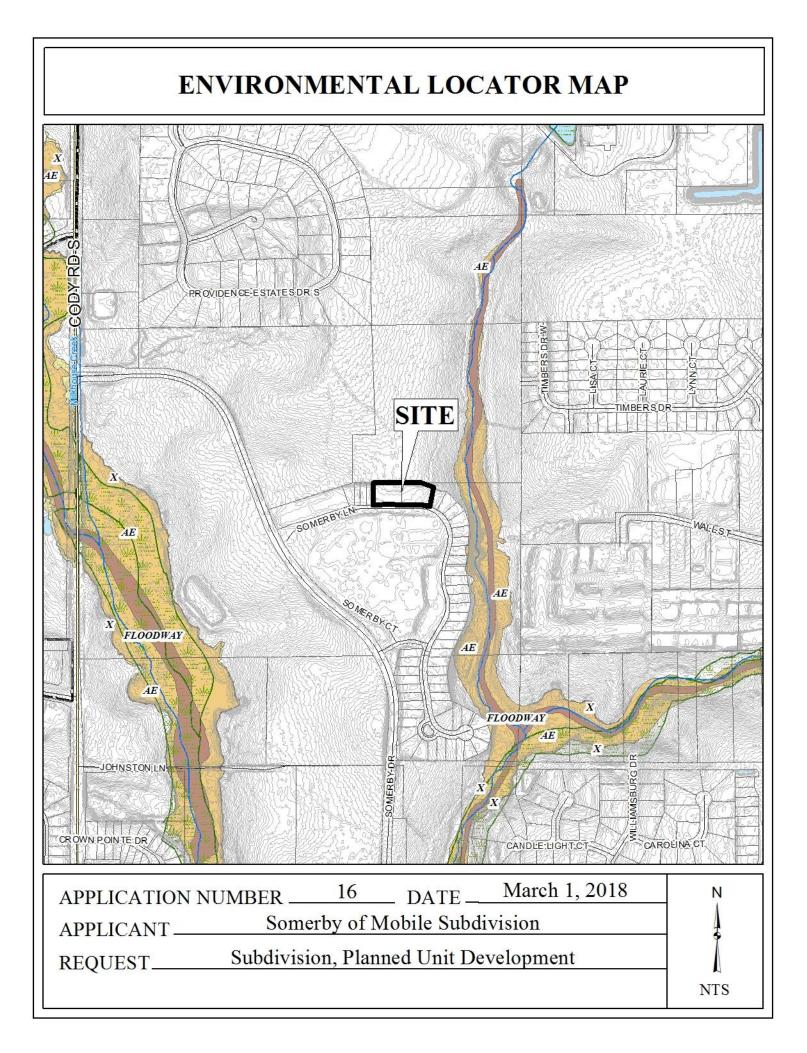
the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy. 2) The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals. 3) The proposed development must comply with all Engineering Department design requirements and Policy Letters.);

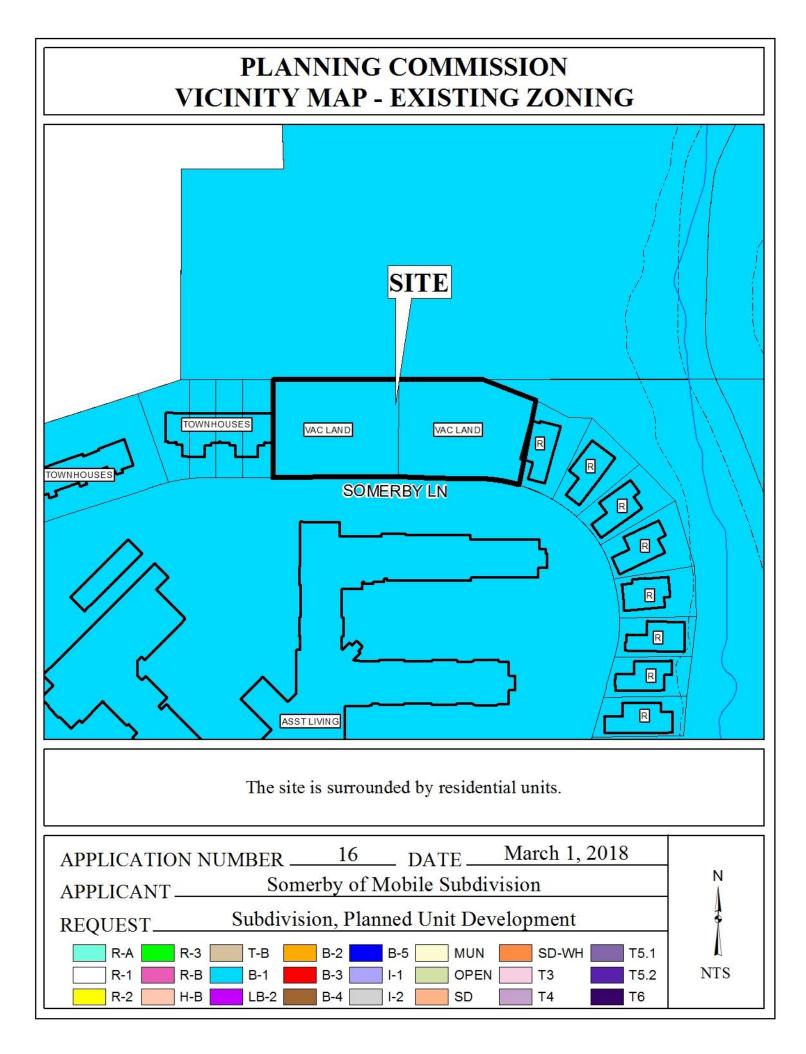
- 12) compliance with Traffic Engineering comments: (*Each lot is limited to one curb cut to Somerby Lane to be approved by Traffic Engineering and conform to AASHTO Standards.*);
- 13) compliance with Urban Forestry comments: (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 2015-116 and City Code Chapters 57 and 64).*);
- 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).);
- 15) provision of two (2) revised copies of the PUD site plan to the Planning and Zoning Department prior to signing of the Final Plat;
- 16) completion of the subdivision process prior to any requests for land disturbance or construction permits; and,
- 17) compliance with all municipal codes and ordinances.



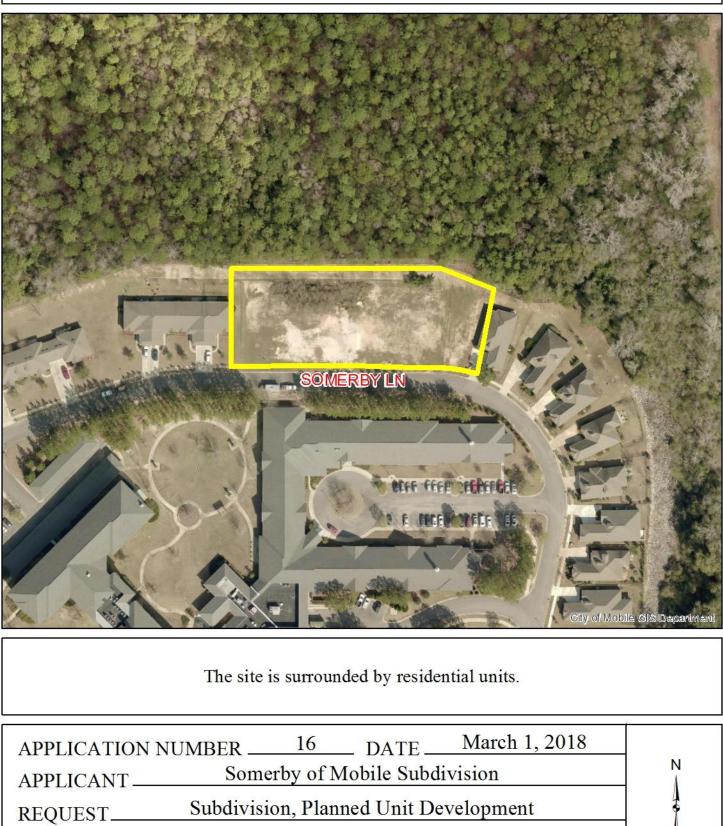








PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



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