

**PLANNED UNIT DEVELOPMENT,  
SUBDIVISION and  
REZONING STAFF REPORT**

**Date: November 21, 2013**

**DEVELOPMENT NAME**

Longleaf Gates Subdivision, Phase Two

**SUBDIVISION NAME**

Longleaf Gates Subdivision, Phase Two

North side of Girby Road extending to the East terminus of Whitebark Drive.

**CITY COUNCIL  
DISTRICT**

District 6

**AREA OF PROPERTY**

61 Lots / 42.2± Acres

**CONTEMPLATED USE**

Planned Unit Development Approval to allow a private street subdivision, Subdivision approval to create 61 legal lots of record from an existing metes and bounds parcel, *and Rezoning from R-2, Two-Family Residential, R-3, Multi-Family Residential, and B-2, Neighborhood Business, to R-1, Single-Family Residential, to eliminate split zoning within a single-family residential Subdivision.*

**TIME SCHEDULE  
FOR DEVELOPMENT**

None given.

**ENGINEERING  
COMMENTS**

**Subdivision:** The following comments should be addressed prior to acceptance and signature by the City Engineer: a.) Provide all of the required information on the Plat (i.e. signature blocks, signatures, certification statements, required notes, legend). b.) Add a note to the Plat stating that a Land Disturbance Permit will be required for any site improvements on the property. These improvements may require storm water detention. The Permit submittal shall be in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). c.) Add a signature for the Owner (notarized), Surveyor, Planning Commission and Traffic Engineer. d.) Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) would be required prior to the issuance of a permit for any land disturbance activity. e.) Add a note to the Plat that 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 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).

**Planned Unit Development:** 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 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). The applicant must also contact ALDOT – Ninth Division to see if any ALDOT Permits are required for this proposed project. 1) Any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. A flood study will be required for the proposed development. 2) A complete set of construction plans for the site work – including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. 3) It is recommended that the applicant consider revising Lots 11-13, and any others, to keep the Lots outside of the Special Flood Hazard Zones so that the property is not encumbered by the Flood Zone requirements. 4) Must comply with all Engineering Department Policy Letters: i.) 5-13-2009 Policy Letter (Car wash drains and dumpster pads to drain to Sanitary Sewer System) ii) 8-4-2004 Policy Letter (Video inspection of new Storm Sewer System Piping) iii.) 3-18-2004 Policy Letter (Additional subdivision street requirements).

**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 61-929 and City Code Chapters 57 and 64).

**FIRE DEPARTMENT****COMMENTS**

All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

**MAWSS COMMENTS**

No comments.

**REMARKS**

The applicant is seeking Planned Unit Development Approval to allow a private street subdivision, and Subdivision approval to create 61 legal lots of record from an existing metes and bounds parcel. The site is located in Council District 6, and according to the applicant is served by public water and sanitary sewer services.

The site is the Future Development area of Longleaf Gates Subdivision, Phase One, Revised Plat, which was approved by the Commission in April, 2009. That was a private street gated subdivision with reduced lot sizes, reduced front yard and side yard setbacks, and increased site coverage. The current application is for a private street subdivision in which all lot sizes meet the required minimum size, no reduced setbacks are proposed, and no increased site coverage allowance is proposed. As access is strictly via the existing street stub of Whitebark Drive in Phase One, the proposed phase would also be a gated subdivision, albeit the gates would be the

existing gates within Phase One. Since a private street is proposed, Planned Unit Development Approval is required.

Planned Unit Development review examines the site with regard to its location to ensure that it is generally compatible with neighboring uses; that adequate access is provided without generating excess traffic along minor residential streets in residential districts outside the PUD; and that natural features of the site are taken into consideration. PUD review also examines the design of the development to provide for adequate circulation within the development; to ensure adequate access for emergency vehicles; and to consider and provide for protection from adverse effects of adjacent properties as well as provide protection of adjacent properties from adverse effects from the PUD. PUD approval is site plan specific, thus any changes to the site plan / Subdivision plat will require approval by the Planning Commission.

Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set forth in the Subdivision Regulations for lot size, road frontage, lot configuration, etc.

It should first be noted that the site is still split-zoned. Most of the site is zoned R-2, Two-Family Residential. There is an area of R-3, Multi-Family Residential, and B-2, Neighborhood Business, along the Eastern boundary of the subdivision, outside of any proposed lots but within a large common area. The 2009 subdivision approval specifically required rezoning applications to correct the split zoning within this area be submitted in conjunction with other future applications, but such was not submitted with this application. Since the subdivision is intended as a single-family development, it is recommended that the rezoning request be to R-1, Single-Family Residential.

The proposed lots, as depicted, meet the minimum size and frontage requirements as regulated by the Subdivision Regulations. The proposed 25' minimum building setback line is depicted and should also be shown on the Final Plat, if approved. Each lot is labeled with its size in square feet and acres and this, too, should also be shown on the Final Plat, or a table should be furnished on the Final Plat providing the same information, if approved. As the area containing the proposed lots is zoned R-2, a note should be required on the Final Plat stating that each lot is limited to 40% maximum site coverage by all structures.

A note on the plat indicates that a 10' drainage and utility easement is dedicated along the front of all lots and along the side of lot lines abutting a right-of-way. Other lots are indicated to have an easement crossing the lots. Although the 25' minimum building setback line would negate the construction of any structure within the dedicated 10' easement within the setback, a note should be required on the Final Plat stating that no structure may be constructed within any easements.

The site has frontage on Girby Road, a component of the Major Street Plan with a planned 100' right-of-way. As the plat indicates a current right-of-way width varying from 80' to 90' along the Girby Road frontage, dedication would be required to provide 50' from the centerline of Girby Road. Revision of the labeled size of the Southern common area may be necessary due to the dedication. Proposed streets within the subdivision are indicated to have a compliant 50'

right-of-way, and cul-de-sacs to have a compliant 60' radius as required by Section V.B.14. of the Subdivision Regulations for closed-end streets without a central median. As a means of access control, a note should be required on the Final Plat stating that each lot and common area is limited to one curb cut, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. A note should also be required on the Final Plat stating that the Southern common area is denied direct access to Girby Road.

As all streets within the subdivision are to be private streets, the development of such should be in compliance with Section VIII of the Subdivision Regulations pertaining to private streets. Section VIII.E.1.a. does not allow private streets to serve adjacent properties, and it appears that the street stub in the Northwest portion appears to serve property not owned by the applicant. The 2009 approval conditioned additional street-stub connections will be required to adjacent public streets and landlocked properties (for emergency access only). Therefore, this stub should be replaced by a compliant 60' radius cul-de-sac with a shortened street stub labeled as "emergency access only" leading to the vacant property to the West. As on the plat, the streets should be labeled as "Private Street" on the Final Plat. A note would be required on the Final Plat stating that maintenance of the private streets is the responsibility of the property owners. And a note should be required on the Final Plat stating that if the private streets are not constructed and maintained to the appropriate City standard, and ultimately dedicated for public use and maintenance, 100 percent of the cost of the improvements required to bring the street up to the prevailing standards shall be assessed to the property owners at the time the private streets are dedicated, with the assessment running with the land to any subsequent property owners.

A large portion of the site is indicated to be common areas. The area adjacent to the East side of Lot 18 is not identified, but a telephone conversation with the engineer indicates this is to also be a common area; therefore, the plat should be revised to label this area as such with its size in square feet and acreage. A note should be required on the Final Plat stating that the maintenance of the common areas (detention areas) is the responsibility of the property owners.

Wetlands and a floodplain associated with Campground Creek are present on the site. The presence of floodplains and wetlands 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.

The geographic area defined by the City of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

Two copies of a revised site plan incorporating all conditions of approval for the PUD should be furnished to Planning prior to signing the Final Plat for the Subdivision.

With minor revisions, the Subdivision and PUD could be considered for approval. However, due to the fact that the correction of the split zoning was a condition of the approval for Phase One and no rezoning application was ever submitted, both applications should be heldover to the November 21<sup>st</sup> meeting to allow the applicant to submit such rezoning application, and to make revisions to the plat and site plan. The rezoning application, revised plat and revised site plan should be submitted no later than October 21<sup>st</sup>.

**RECOMMENDATION**

**Subdivision:** Based on the preceding, the subdivision is recommended for holdover to the meeting of November 21<sup>st</sup> in order to allow the applicant to submit a rezoning application to eliminate the split zoning within the Eastern portion of the site, and to revise the plat to address the following items:

- 1) illustration of the required dedication along Girby Road to provide 50' from the centerline;
- 2) revision of the labeled size of the Southern common area following the required dedication along Girby Road;
- 3) revision of the plat to label the area adjacent to the East of Lot 18 as a common area and also labeled with its size in square feet and acreage;
- 4) revision of the plat to indicate a compliant 60' radius cul-de-sac instead of a street-stub at the West terminus of Magpie Drive, with a shortened street-sub off it labeled "emergency access only" leading to the vacant property to the West.

**Planned Unit Development:** Based upon the preceding, the PUD application is recommended for holdover to the meeting of November 21<sup>st</sup> in order to allow the applicant to submit a rezoning application to eliminate the split zoning within the Eastern portion of the site, and to revise the site plan to address the following items:

- 1) illustration of the required dedication along Girby Road to provide 50' from the centerline;
- 2) revision of the labeled size of the Southern common area following the required dedication along Girby Road;
- 3) revision of the site plan to label the area adjacent to the East of Lot 18 as a common area and also labeled with its size in square feet and acreage;
- 4) revision of the site plan to indicate a compliant 60' radius cul-de-sac instead of a street-stub at the West terminus of Magpie Drive, with a shortened street-sub off it labeled "emergency access only" leading to the vacant property to the West.

***Revised for the November 21<sup>st</sup> meeting:***

*The Subdivision and Planned Unit Development applications were heldover from the October 3rd meeting to allow the applicant to submit a Rezoning application to eliminate the split zoning within the Eastern portion of the site, and to address the following items:*

- 1) illustration of the required dedication along Girby Road to provide 50' from the centerline;*
- 2) revision of the labeled size of the Southern common area following the required dedication along Girby Road;*
- 3) revision of the site plan and plat to label the area adjacent to the East of Lot 18 as a common area and also labeled with its size in square feet and acreage;*
- 4) revision of the site plan and plat to indicate a compliant 60' radius cul-de-sac instead of a street-stub at the West terminus of Magpie Drive, with a shortened street-stub off it labeled "emergency access only" leading to the vacant property to the West.*

*The applicant submitted the Rezoning application and addressed most of the items listed. The revision of the labeled size of the Southern common area following the required dedication along Girby Road was not made, and the shortened street-stub off the West terminus of Magpie Drive leading to the vacant land locked property to the West was not labeled "emergency access only". With minor revisions, the Subdivision and PUD could be considered for approval, subject to the Rezoning being approved. It should be noted that, since the Rezoning would change the over-all zoning on the site to R-1, the Subdivision should be limited to 35% maximum site coverage by all structures on any lot.*

*Concerning the Rezoning, the site has been the subject of prior Rezoning for various proposed projects on it and the adjoining property to the East. As a result, most of the site was rezoned to R-2, Multi-Family Residential, in July, 2005. However, a small portion on the East side remained R-3, Multi-Family Residential, and B-2, Neighborhood Business, remnants of Rezoning done in 1980 and 1983 respectively. Since the Subdivision cannot be approved if there is split zoning within, and since the proposed use is for single-family residential lots, all of which exceed the minimum 7,200 square-foot requirement, staff recommended rezoning of the entire site to R-1, Single-Family Residential, and that is what the applicant submitted.*

*The Zoning Ordinance states that an amendment is to be made only when one or more of the following conditions prevail: there is a manifest error in the ordinance; changes in conditions in a particular area make a change in the ordinance necessary and desirable; an increased need for business or industrial sites in addition to sites that are available, make it necessary and desirable to rezone an area or extend the boundaries of an existing district; the subdivision of land into urban building sites makes reclassification necessary and desirable.*

*The applicant sites that, due to multiple zoning districts within the development, a condition was placed on the 2009 subdivision approval of Longleaf Gates, Phase One, which required in any future applications, the rezoning be done to correct the split zoning. In this instance, the rezoning is necessitated by the subdivision of the land into residential building sites and to eliminate split zoning; therefore, the Rezoning request to R-1 would be justified.*

### **RECOMMENDATION**

***Subdivision:*** *Based upon the preceding, the plat meets the minimum requirements of the Subdivision Regulations and is recommended for tentative approval, subject to the following conditions:*

- 1) completion of the Rezoning process prior to signing the Final Plat;*
- 2) revision of the Current Zoning classification on the plat to R-1;*
- 3) retention of the 25' minimum building setback line on the Final Plat;*
- 4) revision of the plat to show the cul-de-sac at the West terminus of Magpie Drive, in agreement with the PUD and Rezoning site plans;*
- 5) retention of the labeling of the all lots and common areas with their sizes in square feet and acres, revised for any required dedication, or the furnishing of a table on the Final Plat providing the same information;*
- 6) placement of a note on the Final Plat stating that each lot is limited to 35% maximum site coverage by all structures;*

- 7) *placement of a note on the Final Plat stating that no structures may be constructed within any easements;*
- 8) *dedication sufficient to provide 50' from the centerline of Girby Road;*
- 9) *placement of a note on the Final Plat stating that each lot and common area is limited to one curb cut, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;*
- 10) *placement of a note on the Final Plat stating that the Southern common area is denied direct access to Girby Road;*
- 11) *placement of a note on the Final Plat stating that private streets shall be developed in compliance with Section VIII of the Subdivision Regulations;*
- 12) *labeling of all streets as "Private Street" on the Final Plat;*
- 13) *placement of a note on the Final Plat stating that maintenance of the private streets is the responsibility of the property owners;*
- 14) *placement of a note on the final Plat stating that if the private streets are not constructed and maintained to the appropriate City standard, and ultimately dedicated for public use and maintenance, 100 percent of the cost of the improvements required to bring the streets up to the prevailing standards shall be assessed to the property owners at the time the private streets are dedicated, with the assessments running with the land to any subsequent property owners;*
- 15) *placement of a note on the Final Plat stating that the maintenance of all common areas (detention areas) is the responsibility of the property owners;*
- 16) *placement of a note on the Final Plat stating that the approval of all applicable Federal, state and local agencies would be required prior to the issuance of any permits or land disturbance activities;*
- 17) *placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;*
- 18) *compliance with the Engineering comments;*
- 19) *compliance with the Traffic Engineering comments: (Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 20) *compliance with 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 61-929 and City Code Chapters 57 and 64);*
- 21) *compliance with the Fire Department comments: (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.); and*
- 22) *furnishing of two (2) copies of a revised PUD site plan incorporating all conditions of approval of the PUD to Planning prior to signing the Final Plat.*

***Planned Unit Development:*** *Based upon the preceding, the PUD is recommended for Approval, subject to the following conditions:*

- 1) *completion of the Rezoning process;*
- 2) *revision of the Current Zoning classification on the site plan to R-1;*
- 3) *revision of the site plan to show the cul-de-sac at the West terminus of Magpie Drive;*
- 4) *retention of the 25' minimum building setback line on the site plan;*

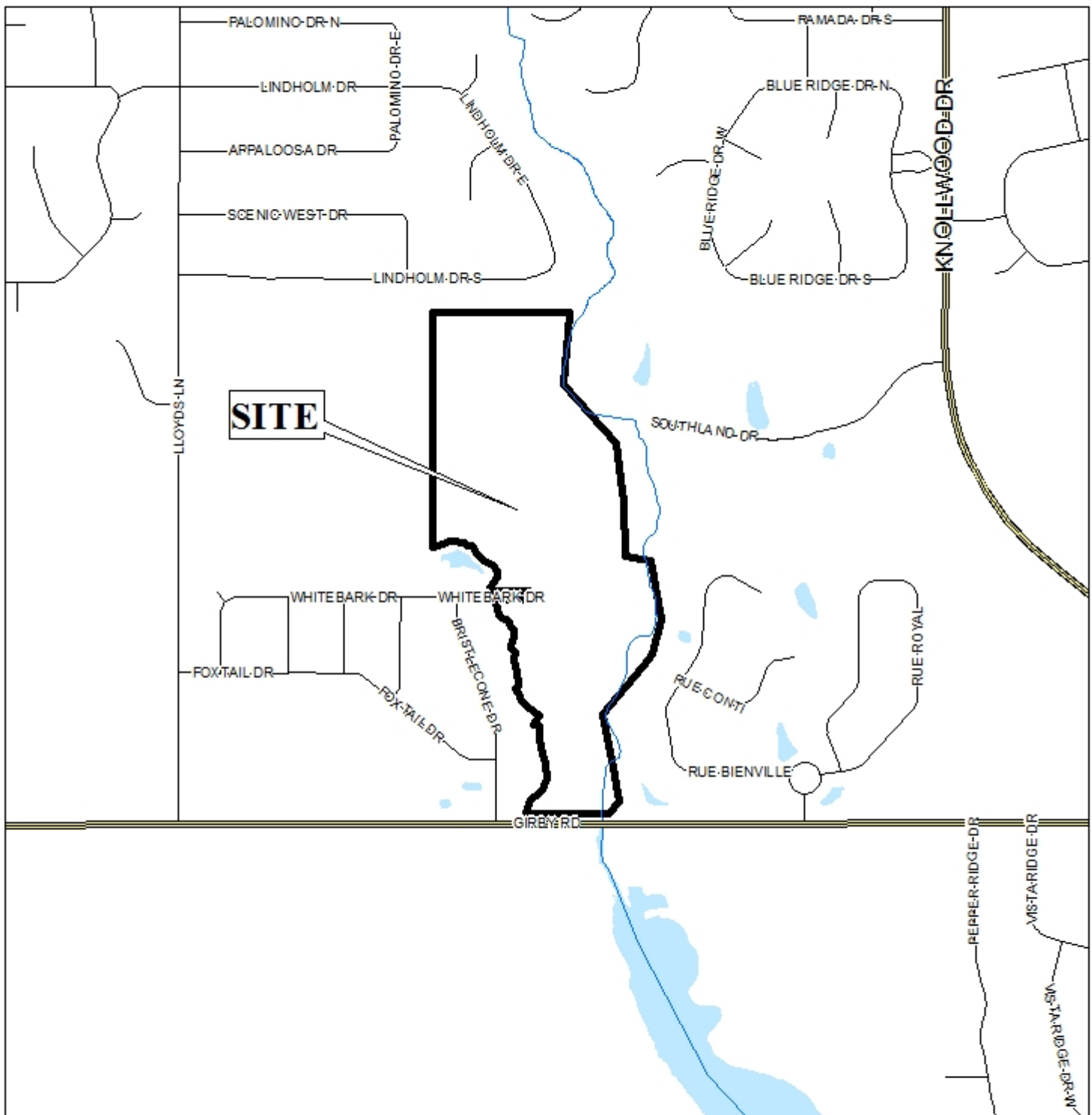
- 5) *retention of the labeling of all lots and common areas with their sizes in square feet and acres, revised for any required dedication, or the furnishing of a table on the site plan providing the same information;*
- 6) *placement of a note on the site plan stating that each lot is limited to 35% maximum site coverage;*
- 7) *placement of a note on the site plan stating that no structures may be constructed within any easements;*
- 8) *placement of a note on the site plan stating that each lot and common area is limited to one curb cut, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;*
- 9) *placement of a note on the site plan stating that the Southern common area is denied direct access to Girby Road;*
- 10) *compliance with the Engineering comments;*
- 11) *compliance with the Traffic Engineering comments: (Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 12) *compliance with 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 61-929 and City Code Chapters 57 and 64);*
- 13) *compliance with the Fire Department comments: (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.); and*
- 14) *full compliance with all municipal codes and ordinances; and*
- 15) *furnishing of two (2) copies of a revised PUD site plan incorporating all conditions of approval of the PUD to Planning prior to signing the Final Plat.*

**Rezoning:** *Based upon the preceding, it is recommended that the request for R-1 zoning be approved, subject to the following condition:*

- 1) *full compliance with all municipal codes and ordinances.*



# LOCATOR MAP



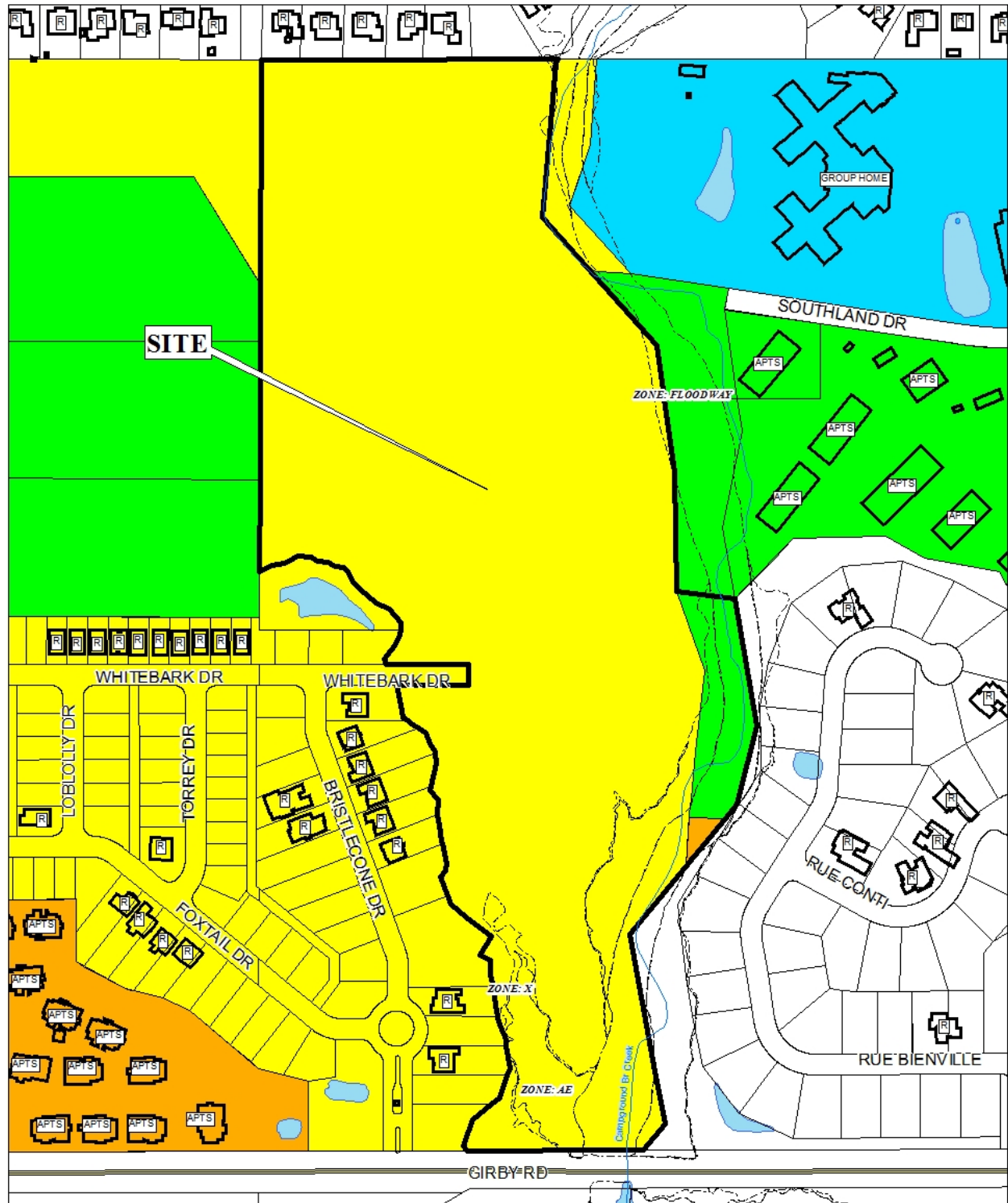
APPLICATION NUMBER 23, 24 & 25 DATE November 21, 2013

APPLICANT Longleaf Gates Subdivision, Phase Two

REQUEST Subdivision, Planned Unit Development, Rezoning



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential land use units.

APPLICATION NUMBER 23, 24 & 25 DATE November 21, 2013

APPLICANT Longleaf Gates Subdivision, Phase Two

REQUEST Subdivision, Planned Unit Development, Rezoning

LEGEND															
	R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2



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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential land use units.

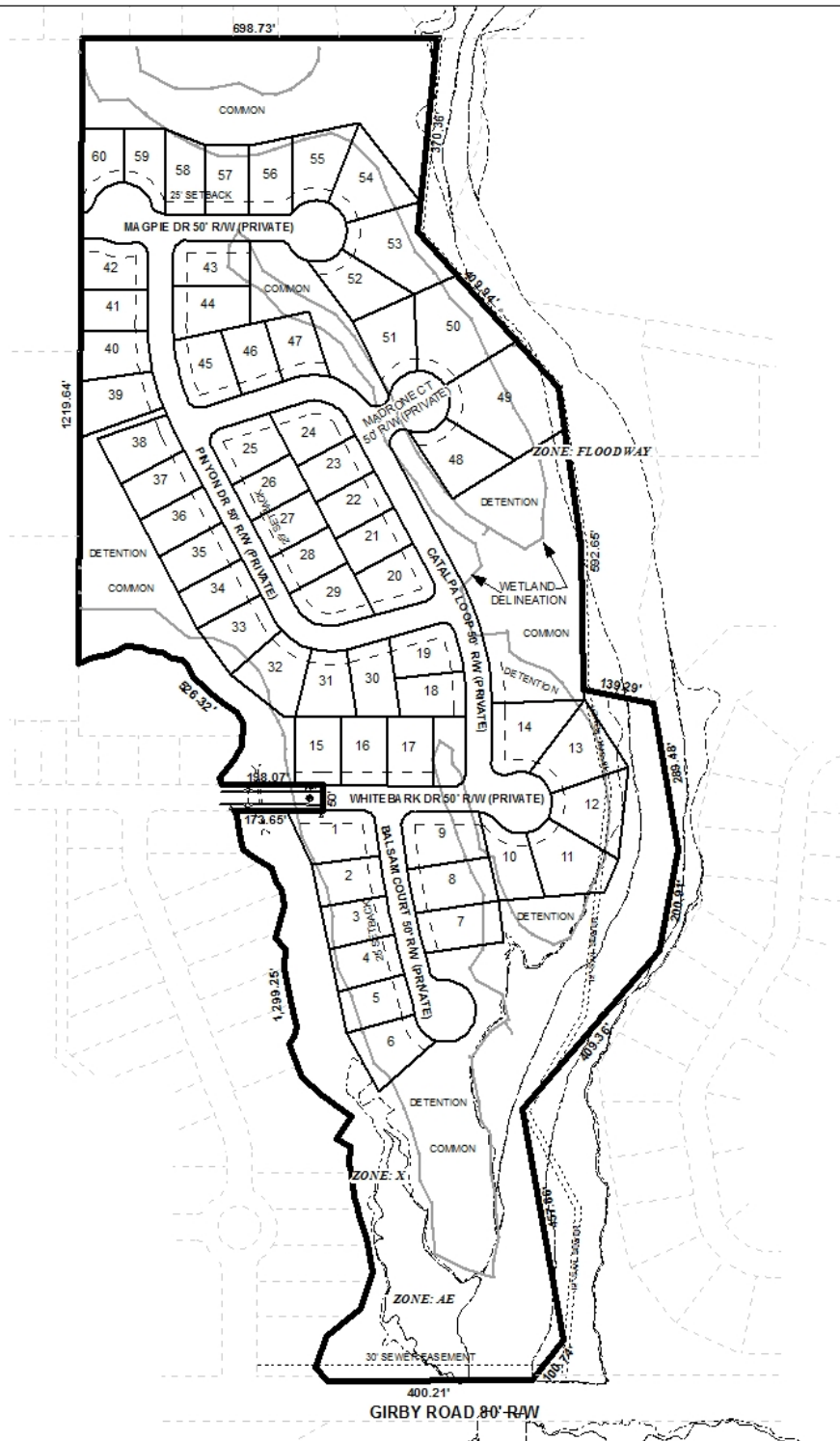
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# SITE PLAN



The site illustrates the proposed lots, setbacks, easements, wetlands, and flood zones.

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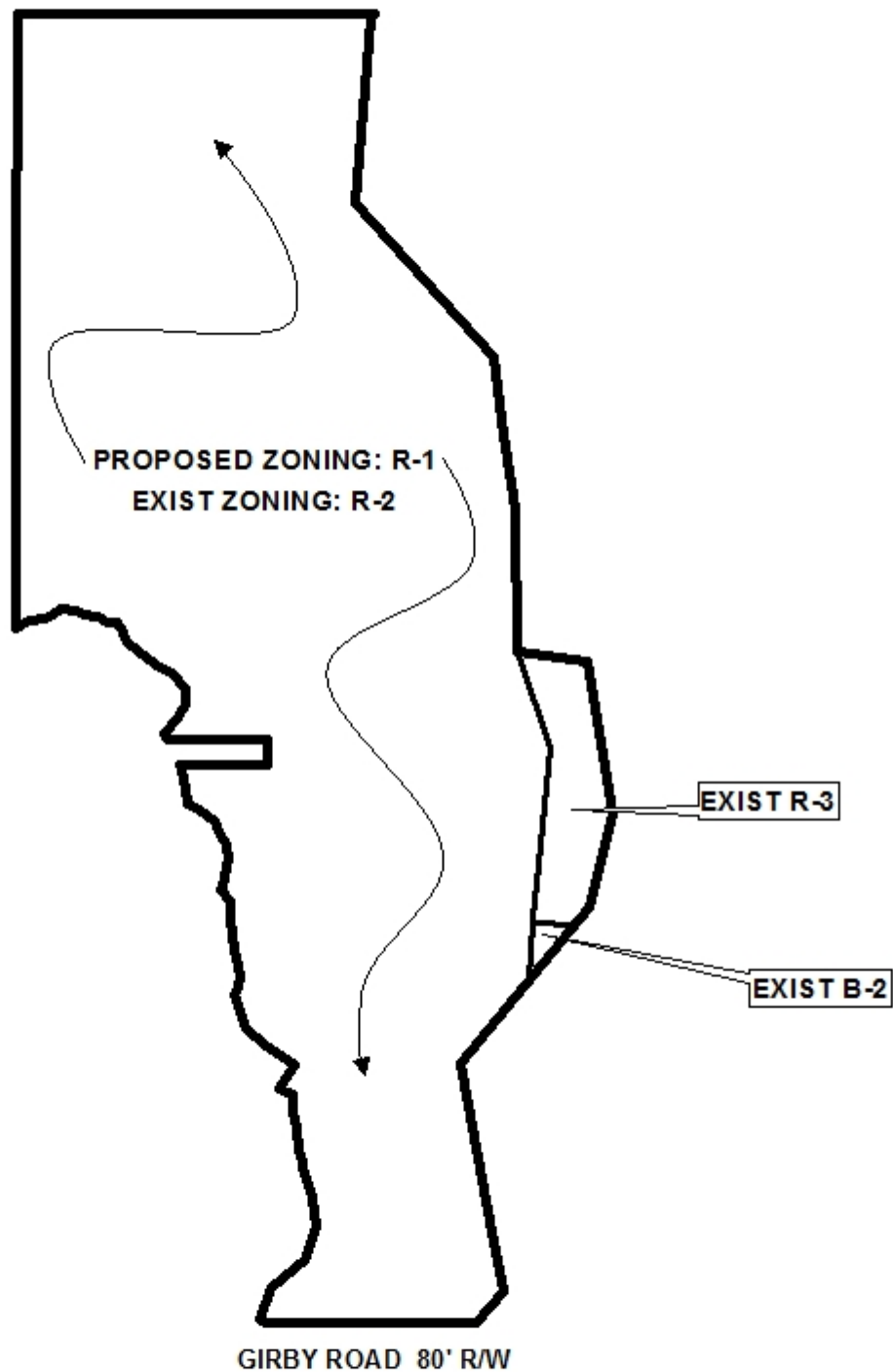
REQUEST Subdivision, Planned Unit Development, Rezoning



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## ZONING DETAIL



APPLICATION NUMBER 23, 24 & 25 DATE November 21, 2013

APPLICANT Longleaf Gates Subdivision, Phase Two

REQUEST Subdivision, Planned Unit Development, Rezoning

