

**PLANNED UNIT DEVELOPMENT  
& SUBDIVISION STAFF REPORT****Date: August 8, 2013****DEVELOPMENT NAME**

Cosgrove Subdivision

**SUBDIVISION NAME**

Cosgrove Subdivision

**LOCATION**

5467 Norden Drive South  
(West terminus of Lusann Drive extending to the West  
terminus of Norden Drive South)

**CITY COUNCIL****DISTRICT**

District 7

**AREA OF PROPERTY**

13 Lots / 5.6 ± acres (Subdivision)  
12 Lots / 5.3 ± acres (PUD)

**CONTEMPLATED USE**

Planned Unit Development Approval to allow reduced side  
yard setbacks for a proposed subdivision, and Subdivision approval to create 13 lots.

**TIME SCHEDULE****FOR DEVELOPMENT**

Project to start within one year, with build-out over 18  
months.

**ENGINEERING****COMMENTS****Subdivision**

The following comments should be addressed prior to review, acceptance and signature by the City Engineer:

- 1) Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes) including the Professional Land Surveyor seal and signature.
- 2) Provide a signature block and signature from the Planning Commission, Owner(s) (notarized), and the Traffic Engineering Department.
- 3) Provide a signature block for the City Engineer and the County Engineer.
- 4) 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).
- 5) 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).

- 6) All roadway, utility, and storm drainage improvements associated with the proposed ROW must be complete, tested, and accepted by the Engineer-of-Record.
- 7) Add a note to the Plat stating that any work performed within this development must comply with all Engineering Department Policy Letters.
- 8) The City Engineering Department must provide Final Inspection approval.
- 9) The City Council must accept the proposed roads and ROW for maintenance acceptance.
- 10) Any request for the vacation of a portion of any ROW and/or easement must be submitted to the City Clerk and approved by the City Council.
- 11) Show the Minimum Finished Floor Elevation (MFFE) for all lots within the development. Check with City Engineering Department on historic flooding conditions.
- 12) Provide a copy of the approved USACOE Section 404 permit for the filling of wetlands. Show all existing and proposed wetland boundaries.

**Planned Unit Development**

- 1) Add a note to the PUD drawing stating that any work performed in the existing Lusann Drive or Norden Drive South ROW (right-of-way) such as grading, drainage, driveways, sidewalks, utility connections, 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) Add a note to the PUD drawing stating that 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.
- 3) Add a note to the PUD drawing stating that any work performed within this development must comply with all Engineering Department Policy Letters.
- 4) Sidewalk along the frontage of public ROW is required, unless a waiver is approved.

**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**

MAWSS has water and sewer services available, but a Capacity Assurance application for sewer service has not been applied for. MAWSS cannot guarantee sewer service until the Capacity application is approved by Volkert Engineering Inc.

**REMARKS**

Planned Unit Development Approval to allow reduced side yard setbacks for a proposed subdivision, and Subdivision approval to create 13 lots. The site is located in Council District 7, and according to the applicant is served by public water and sanitary sewer.

The primary purpose of this application is to create a 12-lot subdivision with reduced side-yard setbacks, however, 13 lots are being created in order to accommodate changes to an existing right-of-way to allow the construction of a new road.

The majority of the site was originally considered by the Planning Commission at its June 6, 2013 meeting. The application was heldover until the August 8, 2013 meeting to allow for revisions to the street layout, to accommodate changes to the proposed new road. Since that initial meeting, the applicant has changed their proposal to include one existing adjacent lot (necessary for changes to the proposed road), and to request reduced side yard setbacks for the lots within the proposed Planned Unit Development. The applicant has requested that the original June 6 Subdivision be withdrawn.

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.

The site fronts onto two minor streets: Norden Drive South and Lusann Drive. Each of the existing streets have adequate rights-of-way. The development includes the construction of an extension of Lusann Drive, and the proposed right-of-way will comply with the minimum width requirements for streets with curb and gutter. Any new road construction must comply with Engineering Department requirements.

The site is zoned R-1, Single-Family Residential District, thus the single-family residential use is allowed by right. Furthermore, this district allows up to 35% site coverage and a 25-foot front yard setback and 8-foot side and rear yard setbacks.

For the PUD, the applicant is requesting that the standard 8-foot minimum side yard setback, with a combined side yard total of 20 feet, be reduced to a 5-foot minimum side yard setback, with a combined side yard total of only 10-feet. All other setback and site coverage aspects of development in an R-1 district would remain the same, per the narrative provided by the applicant.

It should be pointed out that Lot 12 abuts an existing, developed lot. Typically the side yard setback in PUDs is required to be at least 8 feet where the PUD abuts existing residential development. Therefore, a side yard setback of 8 feet should be required along the East boundary of Lot 12.

The applicant is proposing 12 lots as part of the Planned Unit Development. Each lot will meet the minimum area requirement for properties served by public water and sewer systems, however, Lots 1, 2, 3, 7, 8 and 9 will be less than 60-feet wide at the right-of-way. Proposed Lots 1, 2, 3, 7, 8 and 9 are located at curves of the new road, thus the lots will only have 25 to 54 feet of frontage, however, the minimum building setback line is located where the lots widen to 60 feet. Additionally, Lots 1, 2, and 9 will only have from 25 to 30 feet of frontage, and will be flag-type lots. A somewhat similar oddly shaped lot is located in the nearby West Hill Subdivision, a PUD approved by the Planning Commission at its August 17, 2006 meeting. A PUD gives the Planning Commission greater flexibility to consider unique designs and circumstances, and as such, the development as proposed falls into this category.

A thirteenth lot will also be created via the Subdivision process. The redesign of the Lusann Drive extension connection with Norden Drive South will result in a portion of the existing right-of-way of Norden Drive South no longer necessary, thus the applicant proposes to vacate the unused portion, of which half of it would go to the owner of the existing Lot 2, Block E, Hilltop Subdivision, Second Addition. The owner of the existing Lot has agreed to take part in the Subdivision in order to incorporate his half of the vacated right-of-way into the existing Lot. The thirteenth lot will not be part of the Planned Unit Development, as it is already developed.

The over all subdivision, as proposed, will require a waiver of Section V.D.1. of the Subdivision Regulations for proposed Lots 1, 2, and 9.

Access management is a concern due to the fact that each lot will have limited frontage. Each lot should be limited one curb-cut each, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards. Common areas are also proposed, and in order to facilitate access for maintenance, each common area should be limited one curb-cut each, with the size, design and location to be approved by Traffic Engineering and conform with AASHTO standards.

Multiple drainage and sanitary sewer easements exist on the site. A note should be placed on the final plat, if approved, stating that no structure may be built within any easements.

As common areas and detention basin common areas are proposed for the subdivision, a note should be placed on the Final Plat, if approved, stating that maintenance of the detention basin common areas, and any other common areas, are the responsibility of the subdivision's property owners.

A sidewalk waiver application was not submitted with the applications, thus sidewalks will be required within the development.

It appears that a portion of the site may be within the floodplain for Twelve Mile Creek, and the site abuts the floodway of Twelve Mile Creek. The applicant has additionally identified

wetlands on the site. The potential 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.

As the site abuts the floodway and drainage easement for Twelve Mile Creek, safety is of concern. A six-foot high wooden privacy fence should be placed along the rear of Lots 1-9, where they abut the floodway and drainage easement for Twelve Mile Creek. The fence should be provided as each lot is developed, subject to Engineering approval due to possible drainage issues.

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.

## **RECOMMENDATION**

**Subdivision:** Based upon the preceding, and with a waiver of Section V.D.1. of the Subdivision Regulations, the application is recommended for Tentative Approval, subject to the following conditions:

- 1) All new road construction must comply with Engineering Department requirements;
- 2) Placement of a note on the final plat stating that each lot and common area is limited to one (1) curb-cut each, with the size, design and location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 3) Placement of a note on the final plat stating that no structure may be built within any easements;
- 4) Depiction of the 25-foot minimum building setback line from all street frontages and where each lot is a minimum of 60-feet in width, as required by Sections V.D.2. and V.D.9. of the Subdivision Regulations;
- 5) The labeling of each lot with its size in square feet, or placement of a table on the plat with the same information;
- 6) Labeling of all common areas, including detention common areas, and placement of a note on the final plat stating that the maintenance of the common areas is the responsibility of the property owners;
- 7) Provision of sidewalks along all new streets within the development;
- 8) Compliance with Engineering comments (*The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1) Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes) including the Professional Land Surveyor seal and signature. 2) Provide a signature block and signature from the Planning Commission, Owner(s) (notarized), and the Traffic Engineering Department. 3) Provide a signature block for the City Engineer and the County Engineer. 4) 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). 5) 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). 6) All roadway, utility, and storm drainage improvements associated with the proposed ROW must be complete, tested, and accepted by the Engineer-of-Record. 7) Add a note to the Plat stating that any work performed within this development must comply with all Engineering Department Policy Letters. 8) The City Engineering Department must provide Final Inspection approval. 9) The City Council must accept the proposed roads and ROW for maintenance acceptance. 10) Any request for the vacation of a portion of any ROW and/or easement must be submitted to the City Clerk and approved by the City Council. 11) Show the Minimum Finished Floor Elevation (MFFE) for all lots within the development. Check with City Engineering Department on historic flooding conditions. 12) Provide a copy of the approved USACOE Section 404 permit for the filling of wetlands. Show all existing and proposed wetland boundaries.)*

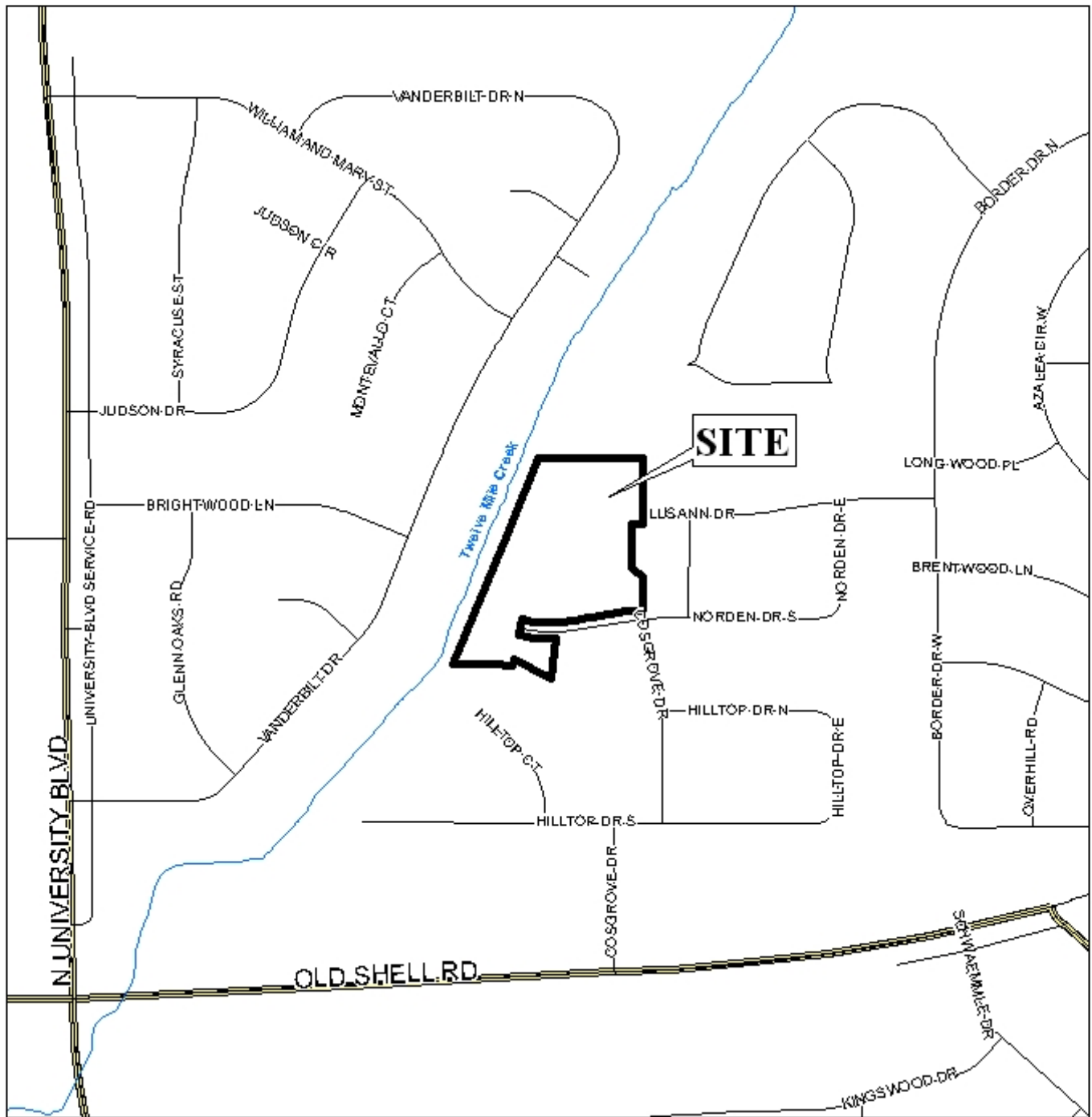
- 9) Compliance with Fire comments (*All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.*);
- 10) Compliance with Traffic Engineering comments (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.*);
- 11) Compliance with 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).*);
- 12) Approval of all applicable federal, state and local agencies regarding wetlands and floodplain issues prior to the issuance of any permits or land disturbance activities;
- 13) Placement of a note on the plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;
- 14) Submission of a revised PUD site plan prior to the signing of the final plat; and
- 15) Completion of the Subdivision process prior to any request for permits for new home-related land disturbance or construction.

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

- 1) Depiction and labeling of the front (25 feet +), side (5 feet) and rear (8 feet) setbacks for all lots, with the exception of Lot 12, which will have a side yard setback on the East boundary of 8 feet, and a side yard setback of 5 feet on the West boundary;
- 2) Depiction of the 25-foot minimum building setback line from all street frontages and where each lot is a minimum of 60-feet in width;
- 3) Labeling of the maximum site coverage (35%) allowed for all lots;
- 4) Labeling of each lot with its size in square feet, or placement of a table on the plat with the same information;
- 5) Revision of the site plan to depict and label the provision of a six-foot high wooden privacy fence placed along the rear of Lots 1-9, where they abut the floodway and drainage easement for Twelve Mile Creek, to be constructed as each lot is developed, subject to Engineering approval due to possible drainage issues;
- 6) All new road construction must comply with Engineering Department requirements;

- 7) Placement of a note on the site plan stating that each lot and common area is limited to one (1) curb-cut each, with the size, design and location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 8) Placement of a note on the site plan stating that no structure may be built within any easements;
- 9) Labeling of all common areas, including detention common areas, and placement of a note on the final plat stating that the maintenance of the common areas is the responsibility of the property owners;
- 10) Provision of sidewalks along all new streets within the development, or application to the Planning Commission for a sidewalk waiver;
- 11) Compliance with Engineering comments *(1) Add a note to the PUD drawing stating that any work performed in the existing Lusann Drive or Norden Drive South ROW (right-of-way) such as grading, drainage, driveways, sidewalks, utility connections, 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) Add a note to the PUD drawing stating that 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. 3) Add a note to the PUD drawing stating that any work performed within this development must comply with all Engineering Department Policy Letters. 4) Sidewalk along the frontage of public ROW is required, unless a waiver is approved.)*
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- 14) Compliance with 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).);*
- 15) Approval of all applicable federal, state and local agencies regarding wetlands and floodplain issues prior to the issuance of any permits or land disturbance activities;
- 16) Approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;
- 17) Submission of a revised PUD site plan prior to the signing of the final plat;
- 18) Completion of the Subdivision process prior to any request for permits for new home-related land disturbance or construction; and
- 19) Compliance with all other municipal codes and ordinances.

# LOCATOR MAP



APPLICATION NUMBER 23 & 24 DATE August 8, 2013

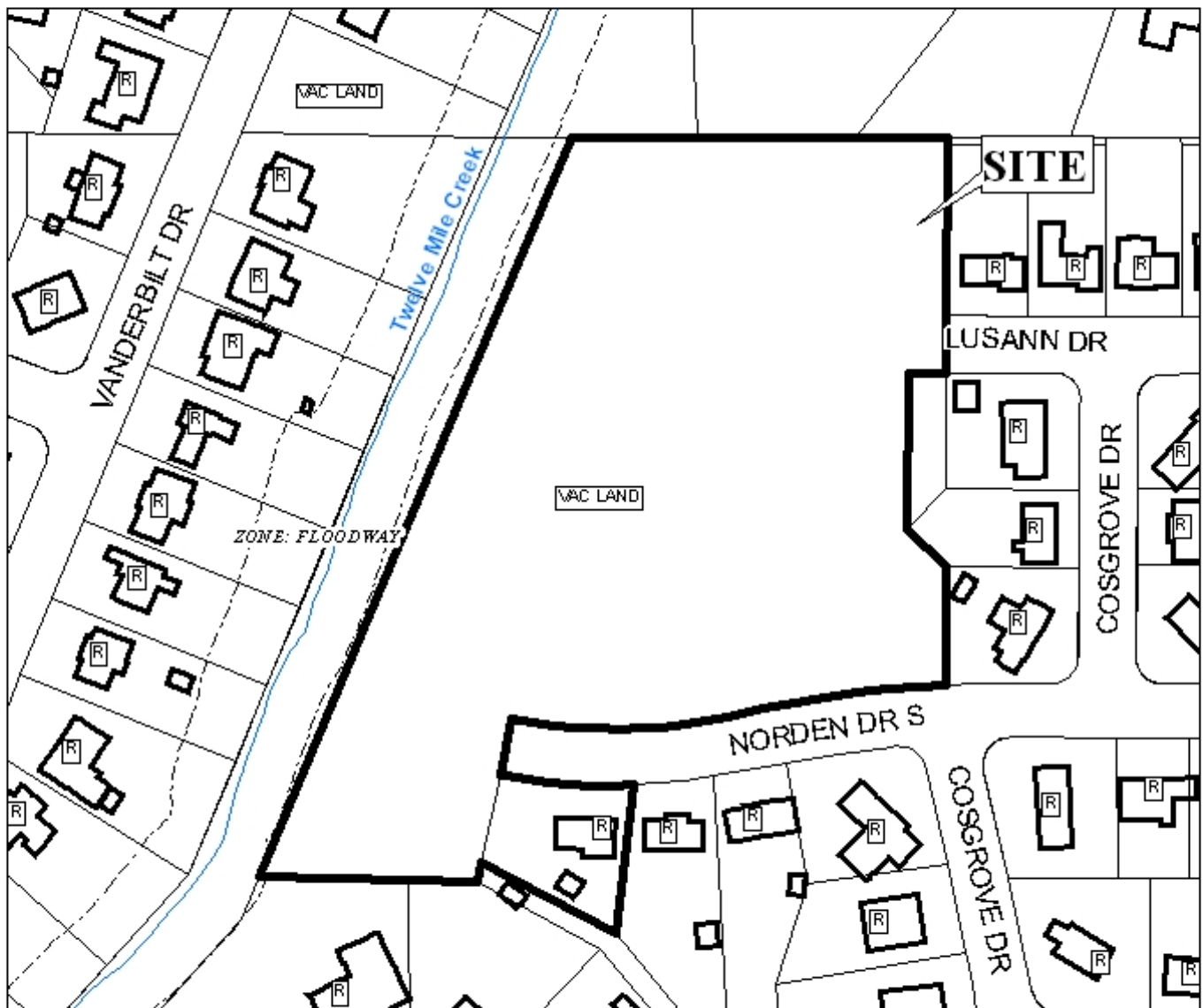
APPLICANT Cosgrove Subdivision

REQUEST Subdivision, Planned Unit Development





# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residences.

APPLICATION NUMBER 23 & 24 DATE August 8, 2013

APPLICANT Cosgrove Subdivision

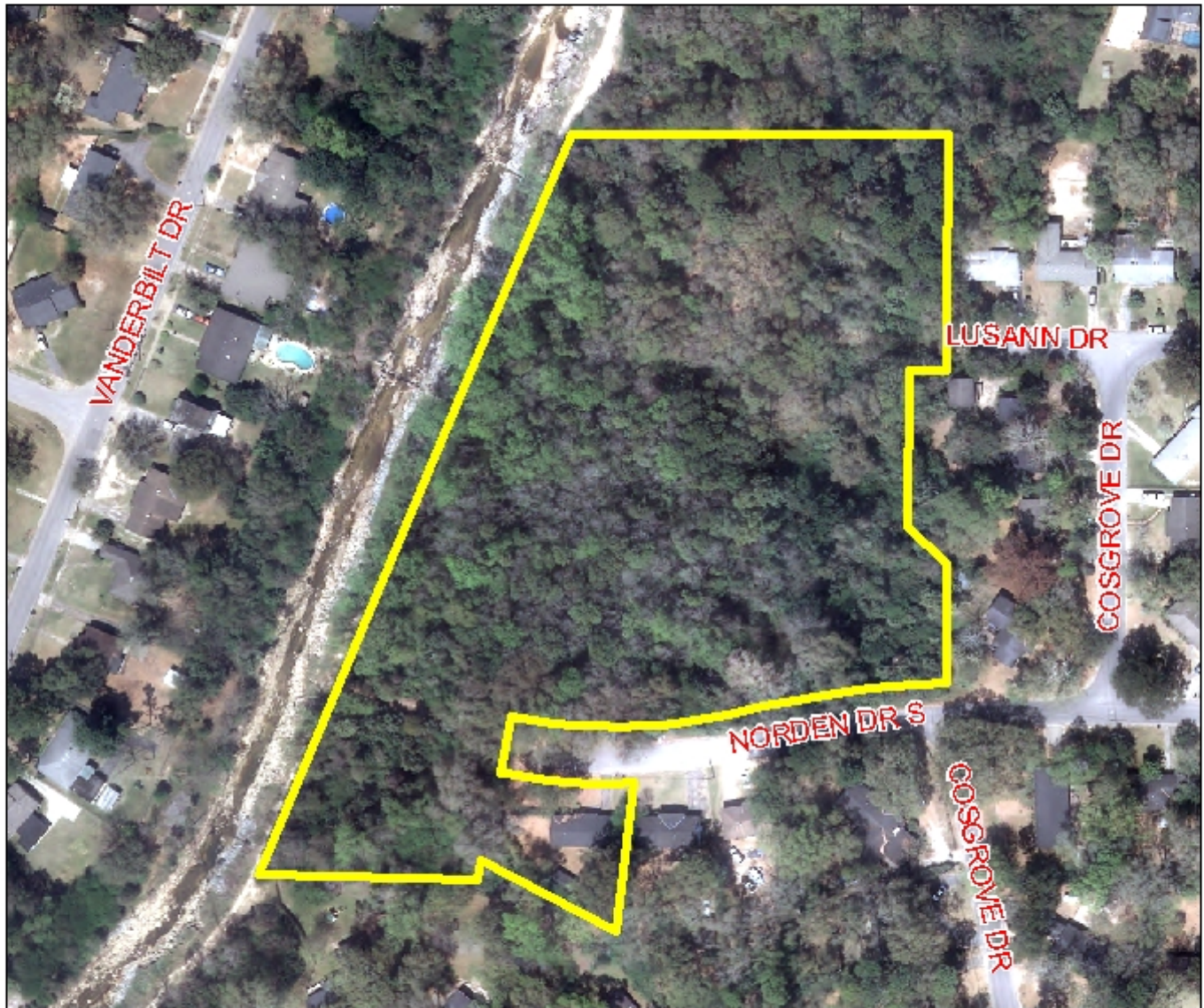
REQUEST Subdivision, Planned Unit Development

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



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

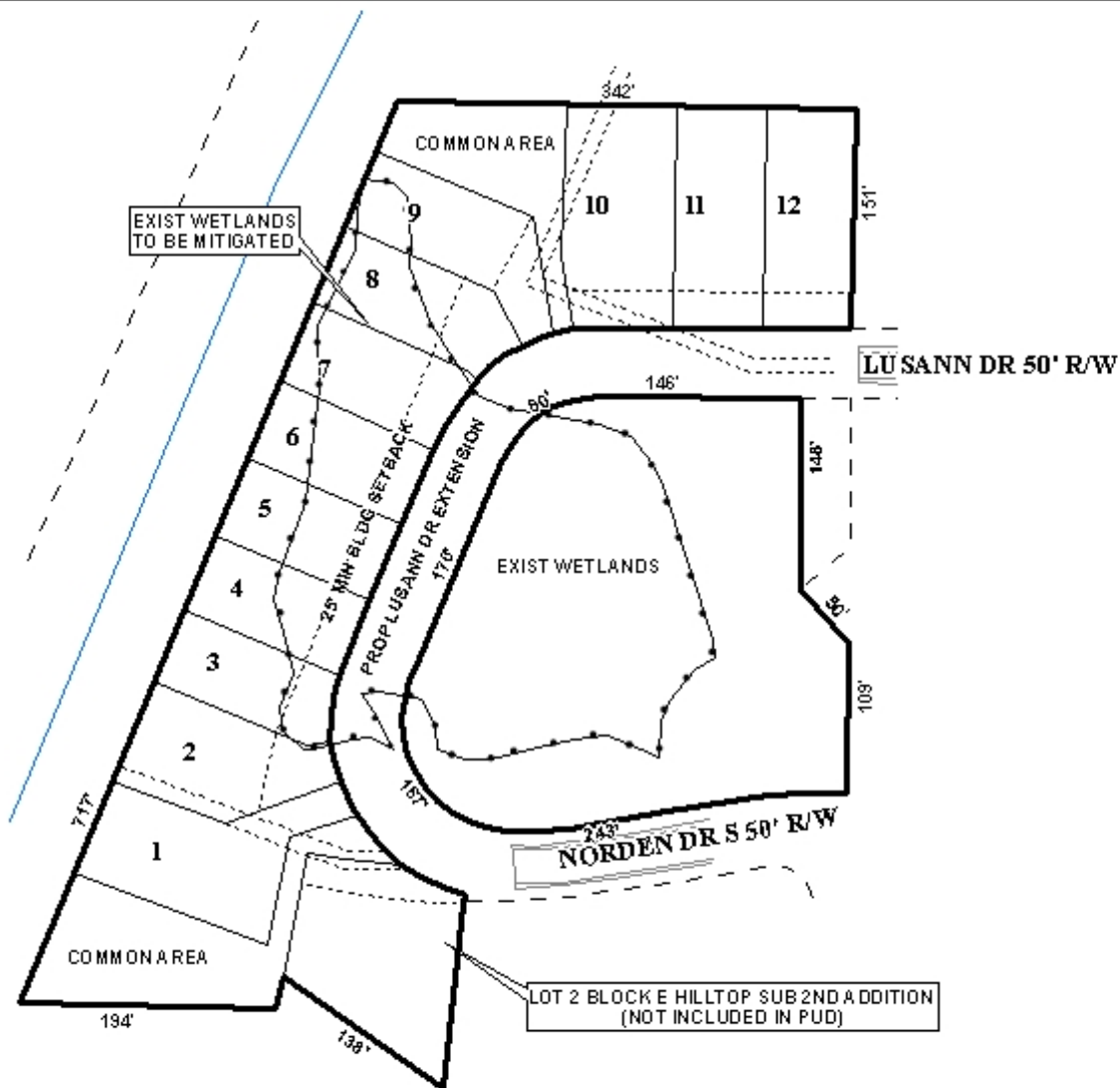


The site is surrounded by single-family residences.

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REQUEST Subdivision, Planned Unit Development

N  
NTS

## SITE PLAN



The site plan illustrates the proposed development.

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NTS