

**PLANNED UNIT DEVELOPMENT
& SUBDIVISION STAFF REPORT****Date: October 16, 2008****DEVELOPMENT NAME**

Paul Persons Subdivision, Resubdivision of

SUBDIVISION NAME

Paul Persons Subdivision, Resubdivision of

LOCATION

4474 Halls Mill Road
(North side of Halls Mill Road, 4/10 mile± West of the
North terminus of Riviere Du Chien Road)

CITY COUNCIL**DISTRICT**

District 4

AREA OF PROPERTY

3 Lots / 5.2± Acres

CONTEMPLATED USE

Planned Unit Development Approval to amend a
previously approved Planned Unit Development to allow two buildings on a single building site
and shared access between three building sites, and Subdivision Approval to create 3 lots.

TIME SCHEDULE**FOR DEVELOPMENT**

Immediate.

ENGINEERING**COMMENTS**

It is the responsibility of the applicant to look up the site in
the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If
the COM GIS show wetlands on the site, it is the responsibility of the applicant to confirm or
deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans
and/or plat, and no work/disturbance can be performed without a permit from the Corps of
Engineers. Must comply with all storm water and flood control ordinances. Must provide
detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work
performed in the right of way will require a right of way permit.

TRAFFIC ENGINEERING**COMMENTS**

Driveway number, size, location, and design to be
approved by Traffic Engineering and conform to AASHTO standards. Final approval for all
driveways, proposed and existing will be given upon submittal of final plans.

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 must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate.

REMARKS

The applicant is seeking Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow two buildings on a single building site and shared access between three building sites, and Subdivision Approval to create 3 lots. The site is located in Council District 4, and according to the applicant is served by public water and sanitary sewer.

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.

Planned Unit Development review, stated in Section 64-5. of the Zoning Ordinance, 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 must be approved by the Planning Commission.

The site has been the subject of numerous applications before the Commission, dating back to 1999 when the lot was created. The various incarnations are too numerous to describe individually; suffice it to say that the site is a single lot of record, zoned B-3, with an existing PUD Approval to allow multiple buildings on a single building site with shared access.

The application now before the Commission is to subdivide the existing lot into multiple lots, while maintaining the shared access via a non-exclusive easement for ingress and egress. While there are apparently no proposed improvements at this time, the change from a single lot to multiple lots has an impact on the PUD, and thus The subdivision portion of this report was heldover from the September 4 meeting to allow submission of the PUD application.

It should also be noted that one of the previous applications was very similar to the application now before the Commission, with the exception that instead of a flag lot, proposed Lot B would not have had frontage on Halls Mill Road, and access to all lots would have been via the existing central drive. The staff recommended that the central drive be a private street. Applications were revised to provide the private street, however as revised, the minimum standards were not met – even though compliance was possible. The applicant subsequently submitted a PUD to allow multiple buildings on a single lot, which was approved. Months later the applicant had to request and amendment to the PUD because an area that was illustrated on the originally approve

plan as a gravel pipe lay down yard was in fact being used as a gravel parking area. With that amendment, the parking area was required to be paved.

The plan now before the Commission still does not propose a private street.

The applicant has submitted a statement with the application stating that the presence of existing flag lots in the area and numerous lots that exceed the width to depth ratio should justify consideration of approval. While there are existing flag lots to the south and east of the site, they were approved prior to the adoption of the flag lot amendment to the Subdivision Regulations. Further, there are extenuating circumstances with that particular property which would not be applicable to the site in question.

While a private street development would be more appropriate, logical, and ultimately to the developer's benefit, with conditions, arguably the plat/plan as submitted could accomplish many of the same desired results. If the central drive is considered a circulation drive, and no other curb cut is allowed to Halls Mill Road, access management would be accomplished.

As all three lots exceed the width to depth ratio, waiver of Section V.D.3 would be required. Additionally, given the configuration of lots A and B, if approved, a note should be placed on the final plat stating there shall be no future resubdivision of Lots A & B. Further, as Lot C also requires a waiver of V.D.3, any future resubdivision would either increase the width to depth ratio or require yet another flag lot. Therefore, resubdivision of Lot C should also be prohibited.

As stated previously, PUD approvals are site plan specific. Therefore, any development/construction on any of the proposed lots will necessitate new PUD application(s) for the entire development.

The site fronts onto Halls Mill Road, a collector street requiring a minimum of 70' of right-of-way. The plat illustrates the existing right-of-way as variable, with no minimum or maximum listed. It appears however, based on dimensions on the plat, that there is only 30' from centerline on this side of Halls Mill Road at this location. However, given the multiple approvals with no requirement for dedication, dedication would not be appropriate at this time.

Given its location, the site would be considered 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 flood zone(s) should be indicated on the plat, if approved.

The site may contain federally listed endangered or threatened species, such as the gopher tortoise, or 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 flora and fauna.

RECOMMENDATION

Subdivision: Based upon the preceding, and with a waiver of Section V.D.3, this application is recommended for Tentative Approval subject to the following:

- 1) placement of a note on the final plat stating that the subdivision is limited to the one existing, common, shared curb cut;
- 2) placement of a note on the final plat stating that the central circulation drive shall be maintained by the property owner;
- 3) placement of a note on the final plat stating that there shall be no future resubdivision of Lots A, B, or C;
- 4) placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
- 5) the applicant receive the approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits or land disturbance activities;
- 6) compliance with Engineering Comments (It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS show wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all storm water and flood control ordinances. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right of way will require a right of way permit)
- 7) submission of a revised PUD site plan prior to signing of the Final Plat;

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

- 1) revision of the site plan to include a note stating that the PUD is site plan specific, and any development or construction on any of the lots will require new PUD application(s) for the entire development;
- 2) revision of the site plan to include a note stating that the subdivision is limited to the one existing, common, shared curb cut;
- 3) revision of the site plan to include a note stating that the central circulation drive shall be maintained by the property owner;
- 4) revision of the site plan to include a note stating that there shall be no future resubdivision of Lots A, B, or C;
- 5) compliance with Engineering Comments (It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS show wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all storm water and flood control ordinances. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right of way will require a right of way permit)
- 6) full compliance with all municipal codes and ordinances

LOCATOR MAP



APPLICATION NUMBER 29 & 30 DATE October 16, 2008

APPLICANT Paul Persons Subdivision, Resubdivision of

REQUEST Subdivision, Planned Unit Development



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surround by miscellaneous land use.

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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	NTS
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

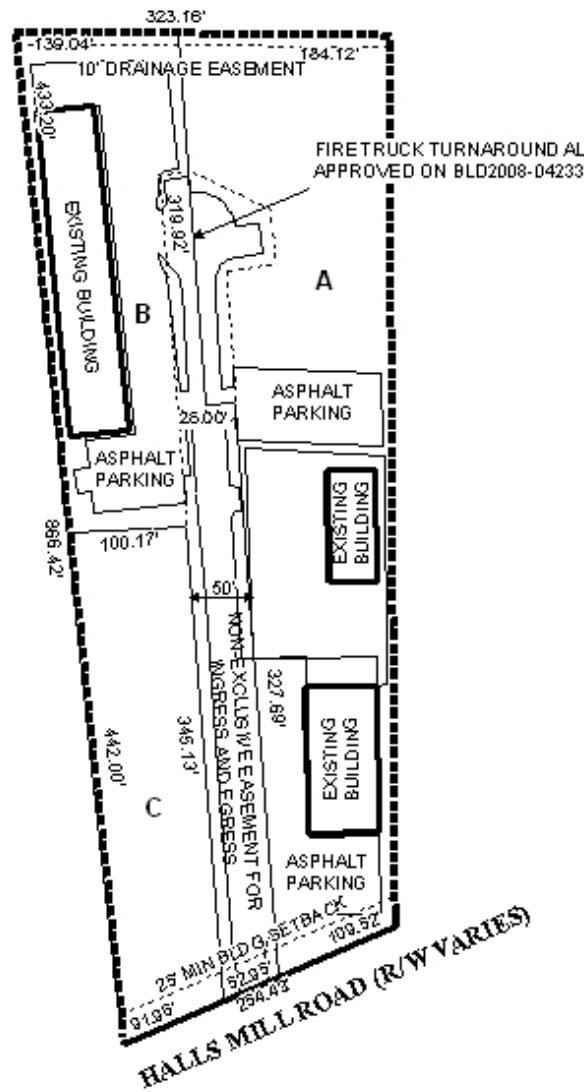


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NTS

SITE PLAN



This site plan illustrates proposed subdivision and planned unit development.

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N

 NTS