PLANNED UNIT DEVELOPMENT
& SUBDIVISION STAFF REPORT Date: August 2, 2012

DEVELOPMENT NAME McRee Place Subdivision

SUBDIVISION NAME McRee Place Subdivision

LOCATION 3916 Old Shell Road
(Northeast corner of Old Shell Road and Provident Lane)

CITY COUNCIL DISTRICT District 7

AREA OF PROPERTY 4 Lots / 1.3± Acres

CONTEMPLATED USE Planned Unit Development Approval to allow a private street subdivision with reduced front and side yard setbacks and increased site coverage, and Subdivision approval to create four legal lots of record from an existing metes and bounds parcel.

TIME SCHEDULE FOR DEVELOPMENT Immediately.

ENGINEERING COMMENTS ***Revised for the August 2nd meeting.*** *1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. 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. A complete set of construction plans for the site work (including drainage, utilities, grading, stormwater systems, paving) 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. 4. Drainage easements may be required to allow for existing and proposed runoff from the lots to the proposed Common Area (Detention) and the proposed outfall. Final size and location of the drainage easements to be coordinated with the Engineering Department. 5. Provide all of the required information on the Final Plat ((i.e. signature blocks, signatures, certification statements, legal description, required notes).*

TRAFFIC ENGINEERING COMMENTS ***Revised for the August 2nd meeting.*** *Traffic Engineering approves of the 10' curb radii with no rounded right-of-way dedication provided at the intersection of McRee Lane and Provident Lane. It has been stated that the curb-cuts for Lots 1-*

4 will be limited to one each, with access only from McRee Lane. The driveway size, location and design are to be approved by Traffic Engineering and conform to AASHTO standards. Since the proposed private street is on a relatively low volume road, the traffic volume accessing the site is very minimal, and the gate may only be closed at night, the 14' queue space is acceptable for this site.

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.

REMARKS The applicant is seeking Planned Unit Development Approval to allow a private street subdivision with reduced front and side yard setbacks and increased site coverage, and Subdivision approval to create four legal lots of record from an existing metes and bounds parcel. The site is located in Council District 7, and according to the applicant is served by public water and sanitary sewer.

The site currently contains a single-family dwelling which is proposed to be removed. Each of the four proposed lots would front on a private street. Since a private street is proposed and the lots are proposed to have reduced front and side yard setback, and increased site coverage allowance, 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.

The proposed lots, as depicted, meet the minimum size and frontage requirements as regulated by the Subdivision Regulations. The proposed 10-foot minimum building setback line is depicted and should be shown on the Final Plat, if approved. Each lot is labeled with its size in square feet on the plat. The plat should be revised to label each lot with its size in both square

feet and acres, or a table should be furnished on the Final Plat providing the same information, if approved.

The site has frontages on Old Shell Road and Provident Lane. Old Shell Road is no longer classified as a major street; therefore, no right-of-way dedication would be required. Provident Lane is a minor street with varying right-of-way width along the site. As a 50' right-of-way would be required, dedication to provide 25' from the centerline of Provident Lane would be required, or revision of the plat to indicate such currently exists. Revision of the size of the detention area may be necessary due to the dedication. The plat does indicate dedication is proposed along Provident Lane, but no dimension is provided. Also the proposed 10' side yard setback along Provident Lane is measured from the existing right-of-way line; therefore, the side yard setback line along Provident Lane should be revised to be measured from any required dedication. As per the Traffic Engineering comments, corner radii at the intersection of proposed McRee Lane and Provident Lane should be provided. Therefore, the plat should be revised to dedicate a 25' corner radius at the intersection of McRee Lane and Provident Lane. Dedication should also be required to provide a 25' corner radius at the intersection of Old Shell Road and Provident Lane. A note should be required on the Final Plat stating that each lot is limited to one curb cut to McRee Lane, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Also, a note should be required on the Final Plat stating that Lots 1 and 4 are denied access to Provident Lane. The detention area is a common area; therefore a note should be required on the Final Plat stating that the maintenance of the common area is the responsibility of the property owners.

As proposed, each lot will meet the minimum lot size of 7,200 square feet, with 10,909 square feet being the smallest of the four lots, before any required dedication. The lots are larger than some of those adjacent and within the immediate neighborhood, so the proposed subdivision would be compatible with the area. As far as the reduced side street setbacks of 10' along Provident Lane, proposed Lots 1 and 4 have adequate width and area to allow a 20' side street setback (the standard for a lot 60' or wider) along the public street. Therefore, the plat and site plan should be revised to indicate a 20' setback off Provident Lane, after any required dedication. The proposed 10' front yard setback off the private street and the 5' setback off the interior side yards would be justified under the innovative design allowances of Section VIII.C. of the Subdivision Regulations.

With regard to the proposed private street, it should be noted that McRee Lane does not appear to meet minimum Fire Code requirements. A 48' right-of-way is indicated; however, Section VIII.E.2.c of the Subdivision Regulations requires a 50' right-of-way, but Section VIII.B. allows for modification if unusual difficulties or exceptional and undue hardship would be imposed by the standard. In this instance, no difficulties seem to be imposed as the lot sizes are large enough to allow the full 50' right-of-way. Therefore, the plat and site plan should be revised to indicate a 50' right-of-way for the private street and compliance with IFC requirements. The proposed one-lane drive pavement width of 11' is allowed by Section VIII.E.2.c of the Regulations, but the site plan should be revised to indicate a one-way traffic circulation with the Southern curb cut marked as "in", and the Northern curb cut marked as "out".

No gates are indicated on the site plan for the private street. If gates are proposed, they should be indicated on the site plan meeting the vehicle stacking requirements of Section 64-4.F.2. of the Zoning Ordinance. If the development is to have a perimeter fence or wall, such should be

shown on the site plan. Compliant public sidewalks should be indicated along Old Shell Road and Provident Lane, or a Sidewalk Waiver application should be submitted. The building footprints should also be removed from the site plan.

Regarding the increased building site coverage to 50%, the detention area capacity should be certified to be able to handle the increased run-off after the revision of the detention area following any required frontage dedications. A note should be required on the Final Plat and site plan stating that each lot is limited to 50% maximum site coverage by all structures.

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.

Due to the numerous revisions of the plat and site plan required in order for staff to conduct an accurate review of the proposed subdivision and PUD, it is recommended that both applications be heldover to the meeting of August 2nd to allow the applicant to submit such revisions.

RECOMMENDATION

Subdivision: Based on the preceding, the subdivision is recommended for holdover to the August 2nd meeting to allow the applicant to revise the plat to address the following items:

1) revision of the plat to label each lot with its size in square feet and acres, after any required dedication, or the furnishing of a table on the plat providing the same information;
2) revision of the plat to indicate any required dedication to provide 25’ from the centerline of Provident Lane, or revision of the plat to indicate such currently exists;
3) revision of the plat to illustrate a 20’ side yard setback for Lots 1 and 4 along Provident Lane, as measured from any required dedication;
4) revision of the plat to indicate dedication of 25’corner radii at the intersection of McRee Lane and Provident Lane;
5) revision of the plat to indicate dedication to provide a 25’ corner radius at the intersection of Old Shell Road and Provident Lane; and
6) revision of the plat to indicate a 50’ right-of-way for McRee Lane, in compliance with Section VIII.E.2.c of the Subdivision Regulations, and showing the private street in compliance with IFC requirements.

Planned Unit Development: Based upon the preceding, the PUD application is recommended for holdover to the August 2nd meeting to allow the applicant to revise the site plan to address the following items:

1) revision of the site plan to illustrate the site configuration after any required street frontage dedications;

2) revision of the site plan to illustrate a 20' building setback line for Lots 1 and 4 off Provident Lane, after any required dedication;
3) verification that the detention area can accommodate the increased site coverage after losing any area from required dedications;
4) revision of the site plan to indicate a 50' right-of-way for McRee Lane, in compliance with Section VIII.E.2.c of the Subdivision Regulations, and showing the private street in compliance with IFC requirements;
5) revision of the site plan to indicate gates, if planned, on the private street meeting the vehicle stacking requirements of Section 64-4.F.2. of the Zoning Ordinance;
6) revision of the site plan to illustrate a perimeter fence or wall, if planned;
7) revision of the site plan to illustrate compliant public sidewalks along Old Shell Road and Provident Lane, or the submittal of a Sidewalk Waiver application; and
8) revision of the site plan to omit the building footprints.

Revised for the August 2 meeting:

These applications were heldover from the July 5th meeting to allow the applicant to address the above items.

A revised plat and site plan were submitted, either addressing the requested items, or substantiating reasoning for not incorporating them into the revisions.

As proposed, an additional 8' of right-of-way would be dedicated along Provident Lane, which may not be sufficient to meet the full 25' from centerline, but which would allow for an increased vegetative margin and the construction of a City-standard 4' wide sidewalk, as shown on the site plan. Although the full 25' from centerline of Provident Lane may not be provided, the increase would provide more right-of-way width than is currently present in much of surrounding older portion of Spring Hill, and would allow for the construction of a sidewalk, which would be important considering the proximity to Mary B. Austin School and St. Paul's Episcopal School, both with associated pedestrian traffic. However, no sidewalk is indicated along Old Shell Road; therefore, the site plan should be revised to also indicate a compliant sidewalk along Old Shell Road.

The 10' building setback is still indicated on Lots 1 and 4 along Provident Lane, adjusted for dedication. However, as neither lot has a lot to its rear facing Provident Lane, the Zoning Ordinance would only require a 12' setback off Provident Lane. And as one of the purposes of the PUD is to allow reduced setbacks in an innovative subdivision, the allowance of the 10' side street setback would be justified.

McRee Lane has been revised to the required 50' right-of-way with a 24' drive width. Instead of the requested 25' corner radii at the intersection of McRee Lane and Provident Lane, 10' radii are indicated. However, Traffic Engineering has commented that such are approved and no rounded right-of-way dedication would be required. Also, the site plan has been revised to indicate a gate at the entrance to McRee Lane, being approximately 14' from the North-bound traffic lane of Provident Lane. This allows only approximately 14' of vehicle queuing from Provident Lane, and approximately 2' from the right-of-way of Provident Lane, after dedication. The Zoning Ordinance normally requires a 51' vehicle queuing space from the right-of-way line. However, Traffic Engineering has determined that, since the proposed private street is on

a relatively low volume road, the traffic volume accessing the site is very minimal, and the gate may only be closed at night, the 14' queue space is acceptable for this site. Concerning the proposed entrance gate, it is stated that the gate would be operable and only closed at night. If this application is approved, a condition should be placed upon the approval that the gate is to remain open during the daytime and only be closed at night.

As this is to be a gated, private street subdivision, Section VIII. of the Subdivision Regulations permits modifications to standard regulatory requirements under three circumstances: 1) Unusual difficulties, generally related to natural circumstances, where normal application of the Regulations would cause undue hardship; 2) innovative design, which can include cluster or Traditional neighborhood Development subdivisions, as well as town homes, terrace houses, multi-family projects, and commercial development; or 3) Family subdivisions, which allow a private street to serve up to 5 lots. The proposed provision of a gate for the subdivision indicates "innovative" design; however, if the subdivision is approved, the gate must remain operational and in use as a condition of the continuation of private street status.

Section VIII.E.2.f. of the Subdivision Regulations requires that a legal covenant be recorded with the Final Plat in Mobile County Probate Court, that: 1) provides for continuing maintenance of the street by an owners' association or other entity; 2) grants right of ingress and egress for emergency and utility maintenance vehicles; and 3) saves harmless the governing body from damages to any owner within the association arising or which may arise out of the existence of such a private street. Furthermore, each and every owner of property abutting upon and with legal access to the proposed private street shall be a part to such document and agreement.

Section VIII.E.2.i. of the Regulations additionally requires that a sign shall be posted and maintained at the entrance to the private street, with the sign including the street name, and identifying the street as a private street. The sign shall be constructed to City standards, and must be approved by Traffic Engineering.

The following items from Section VIII.E.2. will be required on the Final Plat, if approved with a private street: 1) designation on the plat of utility easements acceptable to the appropriate provider of utility services within the subdivision; 2) a note on the plat stating that the street is privately maintained and not dedicated to the public; and 3) a note on the plat stating that if the private street is not constructed and maintained to the appropriate City standard, and is ultimately dedicated for public use and maintenance, 100 percent of the cost of the improvements required to bring the street up to the prevailing standard shall be assessed to the property owners at the time the private street is dedicated, with the assessment running with the land to any subsequent property owners.

No corner dedication is indicated to provide the requested 25' corner radius at the intersection of Old Shell Road and Provident Lane. However, it is indicated that adequate right-of-way exists along the North side of Old Shell Road to provide a 25' radius corner, if needed. Therefore, no dedication should be required.

An 8'-8" high wall is proposed to be placed by the developer along the Provident Lane property line, and fences 6' to 8' high are proposed along the rear property lines of the individual lots, as developed. While the fences would meet the 8' maximum height allowance for fences and walls, the wall along Provident Lane would be 8" in excess of the allowable height. However, as this is

an innovative subdivision with a private street, reduced setbacks within the development, and reduced side yard setbacks along Provident Lane, the allowance of the excess height would be justified.

RECOMMENDATION

Subdivision: *Based on the preceding, this application is recommended for tentative approval, subject to the following conditions:*

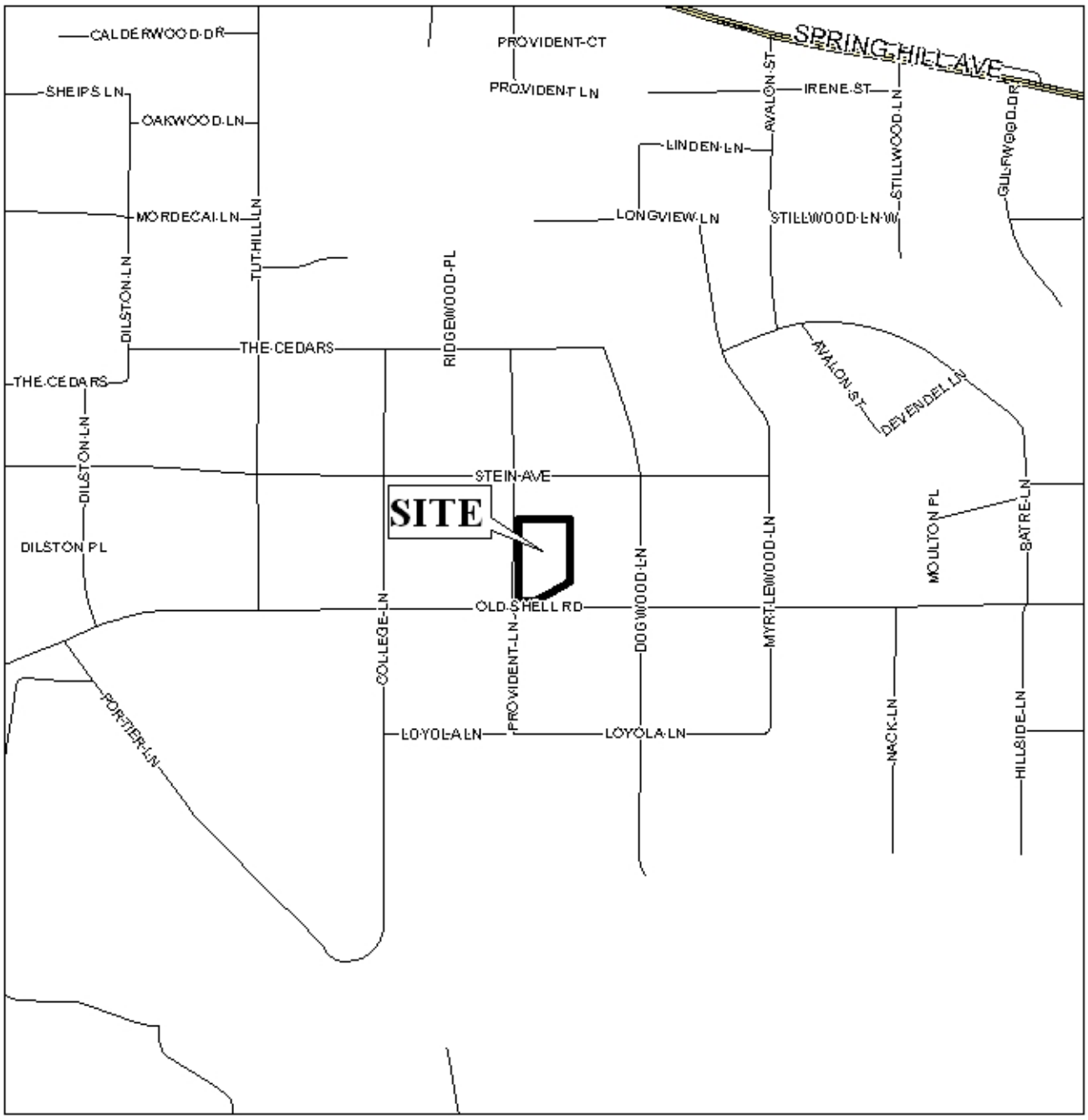
1) *dedication of 8' along Provident Lane from the current right-of-way line;*
2) *depiction of the 10' building setback line along Provident Lane, as measured from any required dedication;*
3) *depiction of the 10' building setback line around McRee Lane;*
4) *illustration of the 5' common internal property line and 8' rear property line building setbacks (0' along the detention pond);*
5) *placement of a note on the final Plat stating that each lot is limited to 50% maximum site coverage by all structures;*
6) *labeling of each lot with its size in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;*
7) *placement of a note on the Final Plat stating that each lot is limited to one curb cut to McRee Lane, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;*
8) *placement of a note on the Final Plat stating that all lots are denied direct access to Provident Lane and Old Shell Road;*
9) *placement of a note on the Final Plat stating that the maintenance of the common area is the responsibility of the property owners;*
10) *compliance with Section VIII. Of the Subdivision Regulations regarding the provision of a private street;*
11) *designation on the Final Plat of utility easements acceptable to the appropriate provider of utility services within the subdivision;*
12) *placement of a note on the Final Plat stating that the street is privately maintained and not dedicated to the public;*
13) *placement of a note on the Final Plat stating that if the private street is not constructed and maintained to the appropriate City standard, and is ultimately dedicated for public use and maintenance, 100 percent of the cost of improvements required to bring the street up to the prevailing standard shall be assessed to the property owners at the time the private street is dedicated, with the assessment running with the land to any subsequent property owners;*
14) *placement of a note on the Final Plat stating that the gate must remain operational and in use as a condition of the continuation of private street status;*
15) *placement of a note on the Final Plat stating that the gate must remain open during daytime hours and may only be closed at night;*
16) *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;*
17) *submittal of two copies of a revised PUD site plan prior to signing the Final Plat;*

18) *subject to the Engineering Comments: [1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. 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. A complete set of construction plans for the site work (including drainage, utilities, grading, stormwater systems, paving) 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. 4. Drainage easements may be required to allow for existing and proposed runoff from the lots to the proposed Common Area (Detention) and the proposed outfall. Final size and location of the drainage easements to be coordinated with the Engineering Department. 5. Provide all of the required information on the Final Plat ((i.e. signature blocks, signatures, certification statements, legal description, required notes)]; and*
19) *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).*

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

1) *revision of the site plan to also indicate a sidewalk along Old Shell Road;*
2) *revision of the site plan to illustrate any easements which may be required by the Subdivision;*
3) *placement of a note on the site plan stating that each lot is limited to 50% site coverage by all structures;*
4) *illustration of all front, side and rear setbacks, as proposed;*
5) *illustration of all walls and fences, as proposed;*
6) *completion of the Subdivision process; and*
7) *full compliance with all other municipal codes and ordinances.*

LOCATOR MAP



APPLICATION NUMBER 9 & 10 DATE August 2, 2012

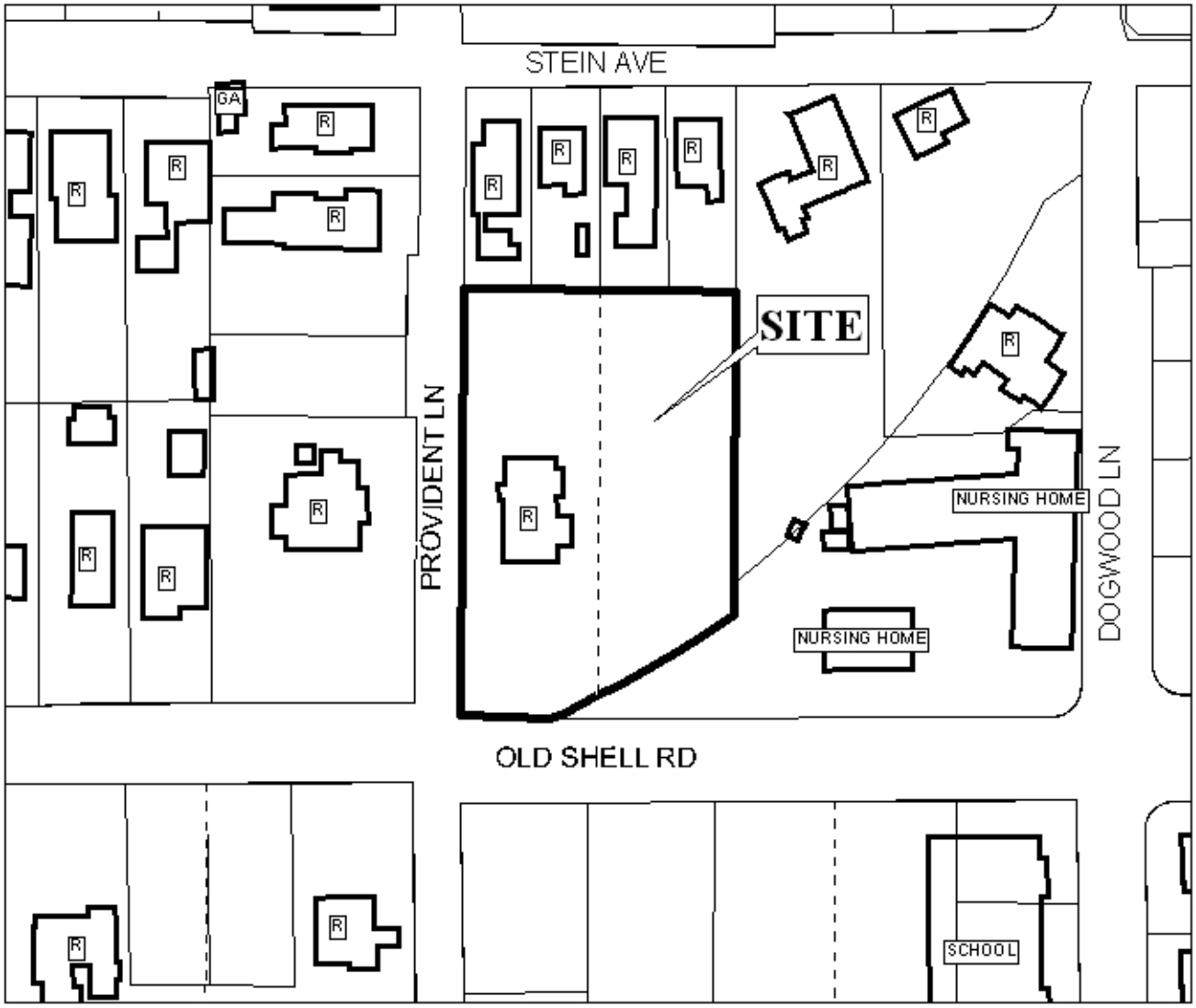
APPLICANT McRee Place Subdivision

REQUEST Subdivision, Planned Unit Development

N

NTS

PLANNING COMMISSION
VICINITY MAP - EXISTING ZONING



Residential units are located to the west and north of the site. A nursing home is located to the east of the site. A school is located to the south of the site.

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REQUEST Subdivision, Planned Unit Development

N

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

PLANNING COMMISSION
VICINITY MAP - EXISTING ZONING

Residential units are located to the west and north of the site. A nursing home is located to the east of the site. A school is located to the south of the site.

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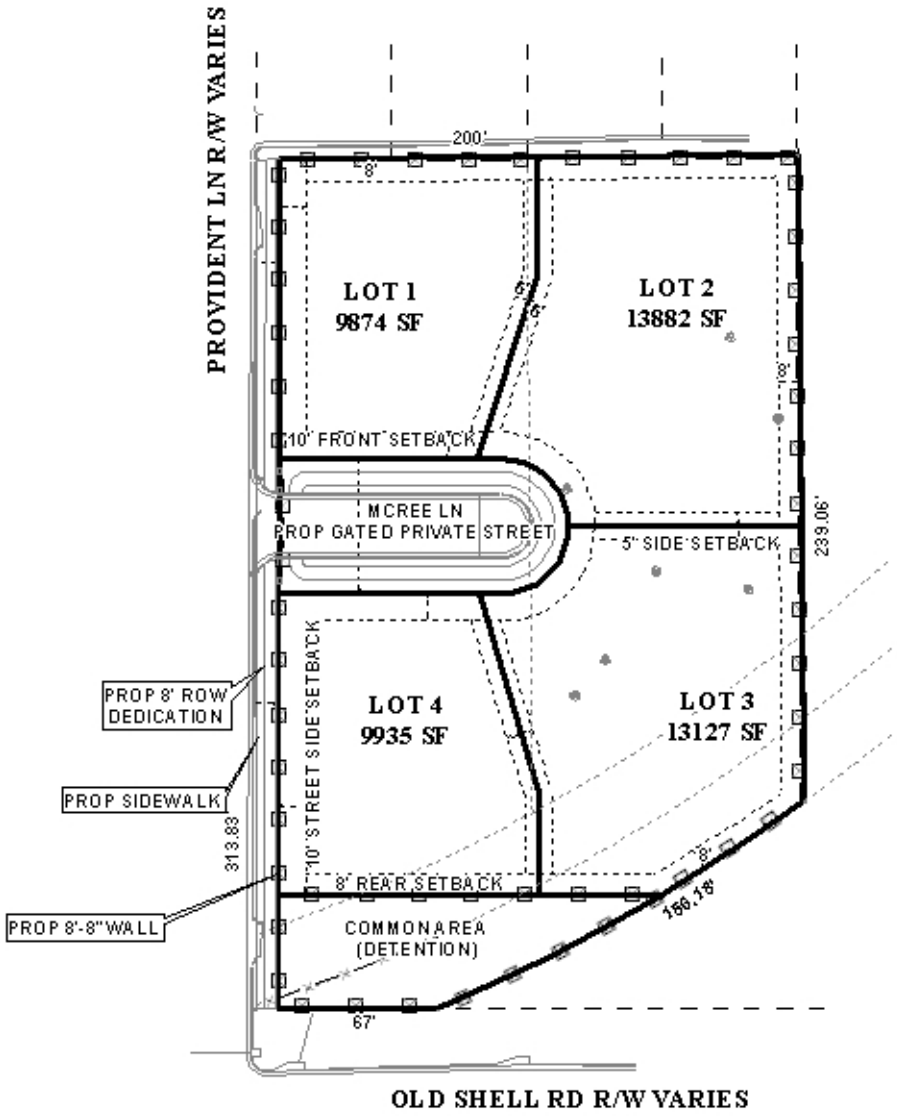
N

NTS

SITE PLAN



The site plan illustrates the proposed private street subdivision.

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N

NTS