



Agenda Item # 11

SUB-003146-2024 & MOD-003120-2024

View additional details on this proposal and all application materials using the following link:

[Applicant Materials for Consideration – Subdivision](#)

[Applicant Materials for Consideration – PUD Modification](#)

DETAILS

Location:

East terminus of Leighton Place Drive

Subdivision Name:

Leighton Village Subdivision, Phase III

Applicant / Agent:

195, LLC

Property Owner:

Rick Twilley and Kurt Bessonon

Current Zoning:

R-1, Single-Family Residential Suburban District

Future Land Use:

Low Density Residential

Applicable Codes, Policies, and Plans:

- Unified Development Code (UDC)
- Subdivision Regulations
- Map for Mobile Comprehensive Plan

Schedule for Development:

- Depends upon wetlands

Proposal:

- Subdivision approval to create fifteen (15) legal lots of record
- Modification of a previously approved Planned Unit Development

Commission Considerations:

- Subdivision approval with twelve (12) conditions.
- Major Modification of a previously approved Planned Unit Development with thirteen (13) conditions.

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PLANNING COMMISSION
VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

APPLICATION NUMBER <u>11</u> DATE <u>December 19, 2024</u>	
APPLICANT <u>Leighton Village Subdivision, Phase III</u>	
REQUEST <u>Subdivision, PUD Modification</u>	

SITE HISTORY

Since 2004, the subject site has had Subdivision and Planned Unit Development (PUD) applications before the Planning Commission, beginning with Oak Creek Subdivision, proposed for 69 lots, but denied at the April 1, 2004 meeting.

In July 2006, the Commission approved Leighton Place Subdivision, a standard 41-lot subdivision, but only 15 of the lots were recorded, as Leighton Place, Phase One.

In October 2013, the Commission approved Leighton Place Phase Two, a standard 15-lot subdivision which was never recorded.

In October 2016, the Commission approved Leighton Place Phase Two as a 29-lot private street gated subdivision, approved via an accompanying PUD. That subdivision was never recorded.

In September 2019, the Commission approved Leighton Village Subdivision, proposed for 30 lots, with an accompanying PUD to allow reduced front and side yard setbacks. The PUD was amended in October 2021 for 17 of the lots in the subdivision. That subdivision was never recorded.

In January 2023, the Commission approved Leighton Place Subdivision, Phase II as a 17-lot subdivision with an accompanying PUD to amend the previously approved PUD to allow reduced front and side yard setbacks and increased site coverage. That subdivision was recorded as Leighton Village Subdivision.

There are no Board of Zoning Adjustment cases associated with the site.

STAFF COMMENTS

Engineering Comments:

Subdivision

FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review):

- A. 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.
- B. Provide reference, on the map and the description, to a monumented corner.
- C. Provide and label the monument set or found at each subdivision corner.
- D. Add legible street names to the vicinity map.
- E. Provide a written description for the subdivision boundary.
- F. Revise the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information.
- G. NOTE #5 – delete “...to be maintained by the City of Mobile.”. Acceptance for public maintenance will be decided by the City Council.
- H. Revise the cul-de-sac to the required 60-foot radius.
- I. Delete NOTES 3 and 6 – 9 as they deal with Mobile County requirements. This proposed subdivision is located within the City of Mobile.

- J. National Wetlands Inventory (NWI) mapping, as shown on City of Mobile GIS information, indicates that there is potential for wetlands within the property or properties shown on this plat. Show and label the delineated wetlands, or provide a note stating that the wetlands shown on this plat are scaled from the NWI data and have not been delineated.
- K. Provide a note that a 25' riparian buffer may be required, during development, along the edge of anything considered by ADEM to be a water of the state.
- L. Show and label all flood zones. New maps went into effect on June 5, 2020.
- M. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an A, AE, or X (shaded) flood zone designation. BFE = 11.
- N. Provide a table of "PROPOSED WEIGHTED RUNOFF COEFFICIENT (Cw)" for each LOT. This number will be used to review the land disturbance permit for each structure.
- O. Add a note 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.
- P. Add a note 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.
- Q. 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.
- R. Add a note that all existing and 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.
- S. Add a note that all easements shall remain in effect until vacated through the proper Vacation process.
- T. Provide the as-built certification form, test reports, etc. and as-built plans for the proposed infrastructure prior to providing a copy of the FINAL PLAT to the Engineering Dept. for FINAL PLAT review.
- U. The street must be submitted for acceptance by the Mobile City Council prior to submitting the Final Plat for City Engineer signature.
- V. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.org prior to obtaining any signatures. No signatures are required on the drawing.

Modification of Planned Unit Development

- A. Delete NOTES 3 and 6 – 9 as they deal with Mobile County requirements. This proposed subdivision is located within the City of Mobile.
- B. Revise the cul-de-sac radius to 60 feet.
- C. Add the following notes to the PUD MOD Site Plan sheet:
 1. 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 Permitting Department (251-208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
 2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.
 3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance 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.
 4. A 25' riparian buffer may be required, during development, along the edge of anything considered by ADEM to be a water of the state.

5. 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.
6. 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.
7. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

Traffic Engineering Comments:

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-3-12 of the City's Unified Development Code.

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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

Fire Department Comments:

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2021 International Fire Code). Fire apparatus access is required to be within 150' of all non-sprinklered commercial buildings and within 300' of all sprinklered commercial buildings. Fire water supply for all commercial buildings will be required to meet the guidance of Appendices B and C of the 2021 International Fire Code. The minimum requirement for fire hydrants is to be within 400' of non-sprinkled commercial buildings, within 600' of sprinkled commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.

Planning Comments:

Subdivision

The applicant is proposing a 15-lot, 3.35±-acre subdivision of the Future Development portion of the previously recorded Leighton Village Subdivision. The area was originally proposed as a 13-lot subdivision. The site is served by public water and sanitary sewer services.

The site is located at the East terminus of Leighton Place Drive, a public right-of-way with curb and gutter and a compliant 50-foot right of way. However, the preliminary plat indicates the street will terminate in a cul-de-sac with a 50-foot radius (100-foot diameter). As the Subdivision Regulations require a 60-foot radius (120-foot diameter) for a cul-de-sac, the plat should be revised to provide a cul-de-sac with a 60-foot radius. The street extension is not named, nor is the right-of-way width provided on the preliminary plat. If approved, the plat should be revised to label the proposed street extension with its name, right-of-way width, and label it as a public right-of-way.

All proposed lots meet the minimum size requirements of the Subdivision Regulations and are labeled with their sizes in square feet. If approved, the plat should be revised to label all lots with their sizes in both square feet and acres, or a table should be furnished on the Final Plat providing the same information. As the revision of the cul-de-sac to a 120-foot diameter will result in those lots around the cul-de-sac being slightly reduced in size, the plat should be revised to provide the revised sizes of those lots in both square feet and acres.

The lots are proposed to have a 20-foot minimum building setback line along the street frontage, as in previous phases of the Leighton Village development. Side yard setbacks are proposed as seven (7) feet (14 feet combined), and ten (10)-foot rear setbacks. As on the preliminary plat, the setback data should be retained on the Final Plat, if approved. The preliminary plat indicates a proposed 50% maximum lot coverage in the Site Data table. If approved the setback data and lot coverage data should be retained in the Site Data table on the Final Plat.

The preliminary plat indicates a Common Area within the Southern portion of the proposed subdivision. And the proposed subdivision is adjacent to a large Common Area/Detention Area recorded with the previous Leighton Village Subdivision. Therefore, Note #4 on the preliminary plat should be revised to state that the maintenance of the Common Areas/Detention Areas is the responsibility of the property owners and not the City of Mobile and placed on the Final Plat.

No easements are indicated on the preliminary plat. If easements are provided on the Final Plat, a note should be placed on the Final Plat stating that no structure may be constructed or placed in any easement without the permission of the easement holder.

A revised PUD site plan should be submitted to and approved by Planning and Zoning prior to signing the Final Plat for the subdivision.

Planned Unit Development Modification

The purpose of the Planned Unit Development (PUD) Modification under consideration is to amend the previously approved PUD to include the newly created lots. The previously approved PUD contained 13 lots, and 15 are now proposed; therefore, the PUD must be amended.

The applicant states the following concerning the MOD application:

While the final plat for the front two phases shows lots in the rear phase, for some reason the existing PUD did not account for these lots being developed and houses ultimately built. This PUD modification allows for that final phase to be constructed.

The site plan submitted is almost identical to the preliminary plat and site plan approved with the January 5, 2023 PUD, and contains the same information as on the accompanying preliminary plat. Therefore, any required revisions would be the same as on the preliminary plat.

The site plan should be revised to provide a cul-de-sac with a 60-foot radius. The street extension is not named, nor is the right-of-way width provided on the site plan. If approved, the site plan should be revised to label the proposed street extension with its name, right-of-way width, and to label it as a public right-of-way.

The lots are labeled with their sizes in square feet only. If approved, the site plan should be revised to label all lots with their sizes in both square feet and acres, or a table should be furnished on the site plan providing the same information. As the revision of the cul-de-sac to a 120-foot diameter will result in those lots around the cul-

de-sac being slightly reduced in size, the site plan should be revised to provide the revised sizes of those lots in both square feet and acres.

The lots are proposed to have a 20-foot minimum building setback line along the street frontage, as in previous phases of the Leighton Village development. Side yard setbacks are proposed as seven (7) feet (14 feet combined), and ten (10)-foot rear setbacks. The setback data should be retained on the site plan, if approved. The site plan indicates a proposed 50% maximum lot coverage in the Site Data table. If approved the setback data and lot coverage data should be retained in the Site Data table on the site plan.

The site plan should be revised to indicate a City-standard public sidewalk along both sides of the proposed street within the right-of-way, unless a Sidewalk Waiver application is submitted to and approved by the Planning Commission.

The site plan indicates a Common Area within the Southern portion of the proposed subdivision. And the proposed subdivision is adjacent to a large Common Area/Detention Area recorded with the previous Leighton Village Subdivision. Therefore, Note #4 on the site plan should be revised to state that the maintenance of the Common Areas/Detention Areas is the responsibility of the property owners and not the City of Mobile. No easements are indicated on the site plan. If easements are provided within the site, a note should be placed on the site plan stating that no structure may be constructed or placed in any easement without the permission of the easement holder.

A revised PUD site plan should be submitted to and approved by Planning and Zoning prior to signing the Final Plat for the accompanying subdivision.

SUBDIVISION CONSIDERATIONS

Standards of Review:

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.

Considerations:

Based on the preceding, if the Subdivision request is considered for approval, the following conditions could apply:

1. Revision of the cul-de-sac to provide a 60-foot radius (120-foot diameter);
2. Revision of the plat to label the proposed street extension with its name and right-of-way width, and labeled as a public right-of-way;
3. Revision of the plat to label all lots with their sizes in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
4. Revision of the plat to provide the revised sizes of the lots around the enlarged cul-de-sac in both square feet and acres;
5. Retention of the setback data and site coverage data in the Site Data table on the Final Plat;
6. Revision of Note #4 to state that the maintenance of the Common Areas/Detention Areas is the responsibility of the property owners and not the City of Mobile on the Final Plat;
7. Placement of a note on the Final Plat stating that no structure may be constructed or placed in any easement without the permission of the easement holder, if applicable;

8. Submittal to and approval by Planning and Zoning of a revised PUD site plan prior to signing the Final Plat;
9. Compliance with all Engineering comments noted in this staff report;
10. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
11. Compliance with all Urban Forestry comments noted in this staff report; and,
12. Compliance with all Fire Department comments noted in this staff report.

PLANNED UNIT DEVELOPMENT MODIFICATION CONSIDERATIONS

Standards of Review:

The Unified Development Code (UDC) in 64-5-8-B.2.(b)(5) states the following concerning Planned Unit Development Modifications:

Approval Criteria. The Planning Commission shall not recommend a major modification for approval, and the City Council shall not approve the modification, unless the proposed modification:

1. Is consistent with all applicable requirements of this Chapter;
2. Is compatible with the character of the surrounding neighborhood;
3. Will not impede the orderly development and improvement of surrounding property;
4. Will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood:
 - a. In making this determination, the Planning Commission and City Council shall consider the location, type and height of buildings or structures, the type and extent of landscaping and screening, lighting, hours of operation or any other conditions that mitigate the impacts of the proposed development; and
 - b. Includes adequate public facilities and utilities;
5. Is subject to adequate design standards to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;
6. Is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
7. Shall not be detrimental or endanger the public health, safety or general welfare.
8. Benefits Consideration. In addition, consideration should also be given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

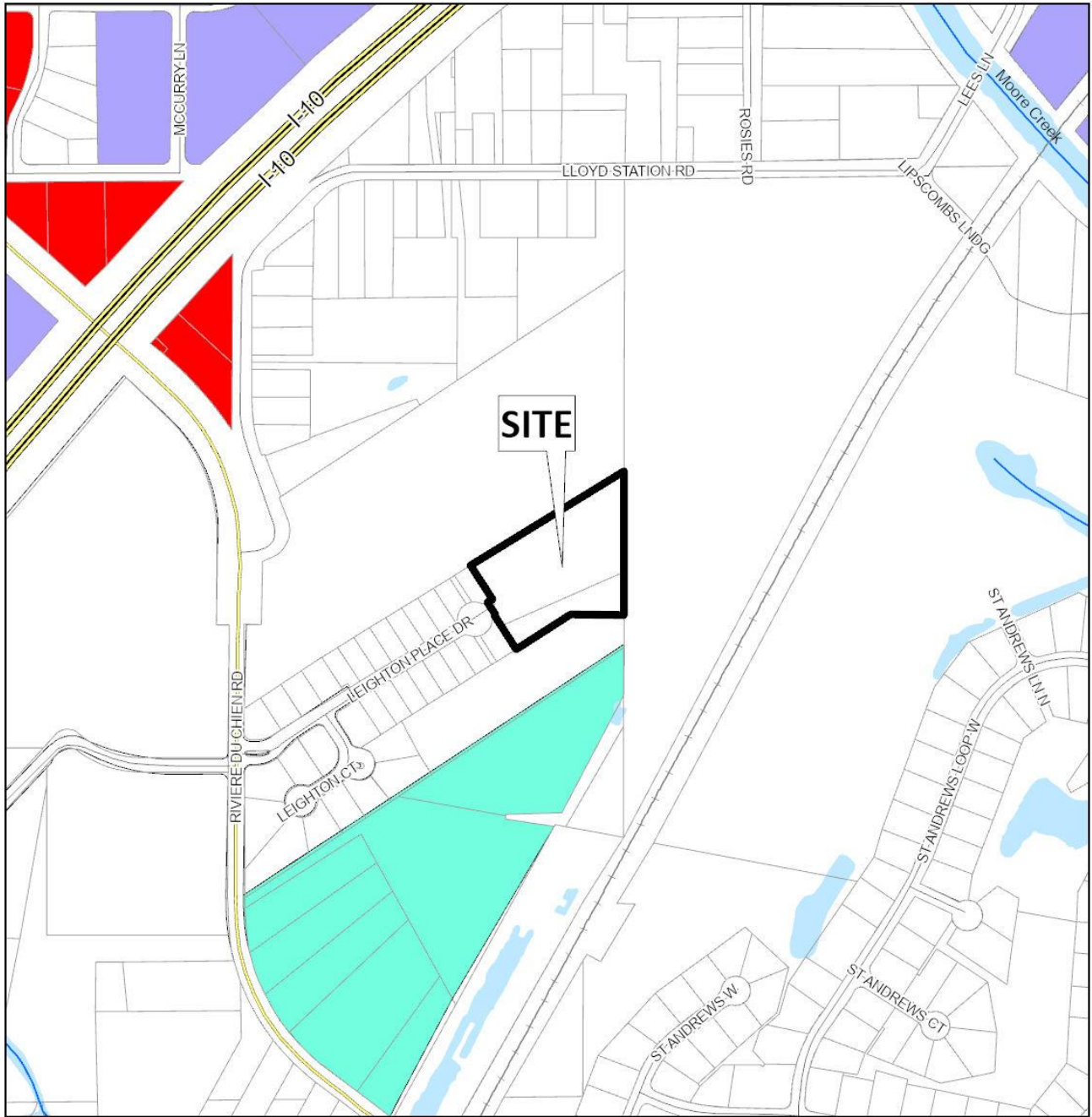
Considerations:

If the Planning Commission considers a recommendation of approval of the Modified Planned Unit Development, the following findings should be present:

1. Revision of the cul-de-sac to provide a 60-foot radius (120-foot diameter);
2. Revision of the site plan to label the proposed street extension with its name and right-of-way width, and labeled as a public right-of-way;
3. Revision of the site plan to label all lots with their sizes in both square feet and acres, or the furnishing of a table on the site plan providing the same information;
4. Revision of the site plan to provide the revised sizes of the lots around the enlarged cul-de-sac in both square feet and acres;
5. Retention of the setback data and site coverage data in the Site Data table;
6. Revision of the site plan to indicate a City-standard public sidewalk along both sides of the proposed street within the right-of-way;

7. Revision of Note #4 to state that the maintenance of the Common Areas/Detention Areas is the responsibility of the property owners and not the City of Mobile;
8. If easements are indicated on the site plan, placement of a note on the site plan stating that no structure may be constructed or placed in any easement without the permission of the easement holder;
9. Submittal to and approval by Planning and Zoning of a revised PUD site plan prior to signing the Final Plat of the associated subdivision;
10. Compliance with all Engineering comments noted in this staff report;
11. Placement of a note on the site plan stating all Traffic Engineering comments noted in this staff report;
12. Compliance with all Urban Forestry comments noted in this staff report; and,
13. Compliance with all Fire Department comments noted in this staff report.

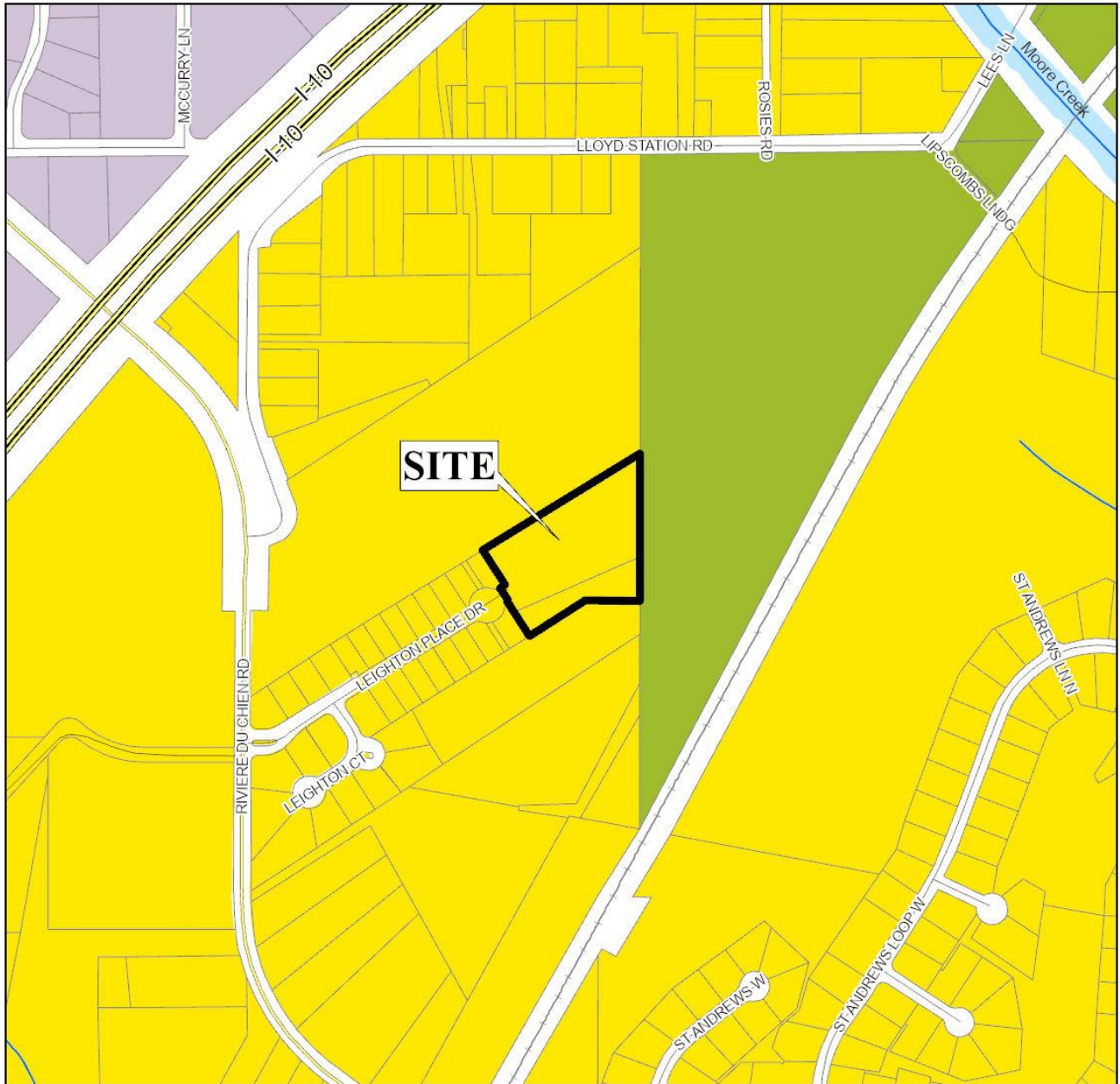
LOCATOR ZONING MAP



APPLICATION NUMBER	11	DATE	December 19, 2024
APPLICANT	Leighton Village Subdivision, Phase III		
REQUEST	Subdivision, PUD Modification		



FLUM LOCATOR MAP



APPLICATION NUMBER 11 DATE December 19, 2024

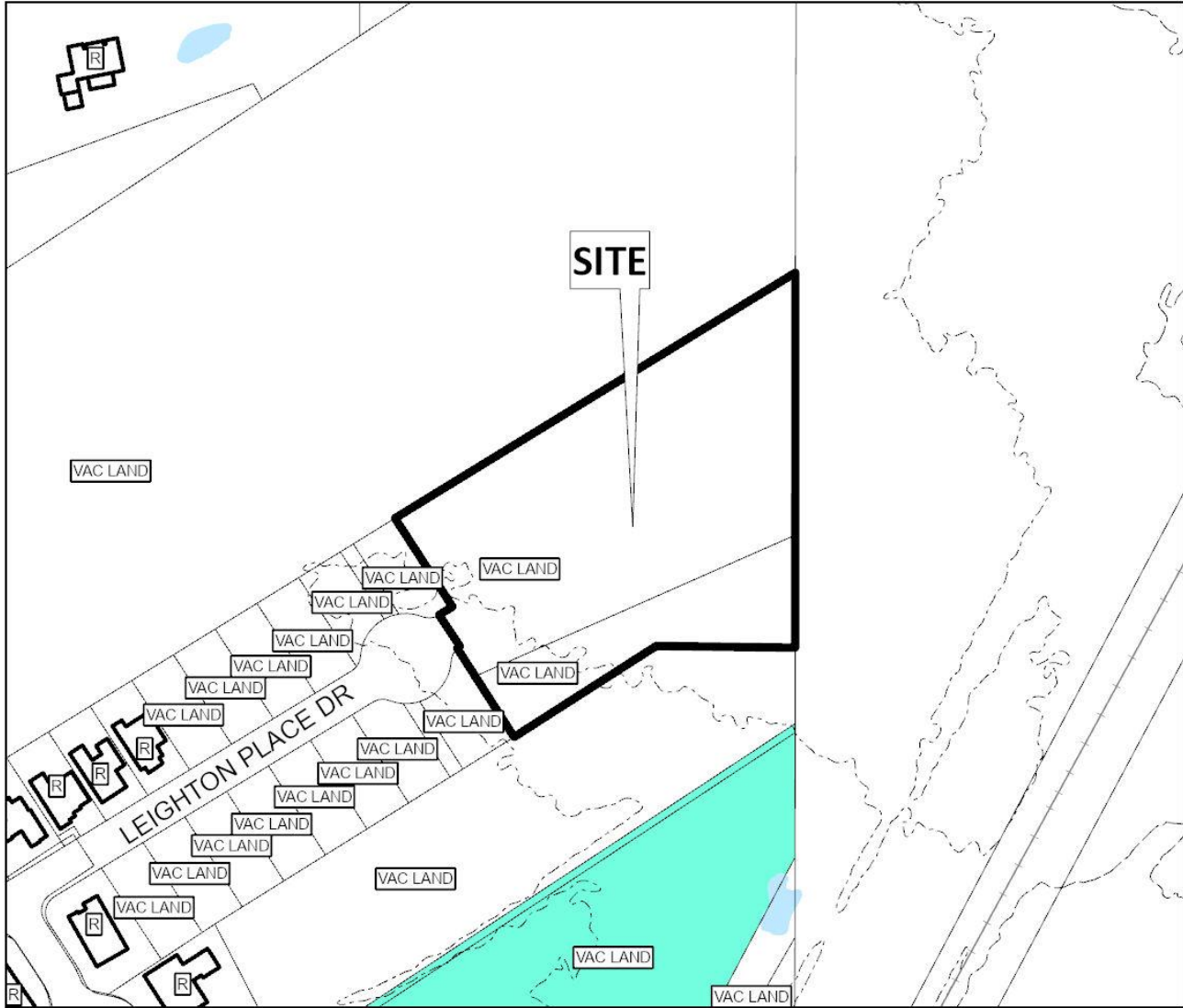
APPLICANT Leighton Village Subdivision, Phase III

REQUEST Subdivision, PUD Modification


- | | | | |
|---------------------------|-----------------------------------|---------------------|--------------------|
| Low Density Residential | Neighborhood Center - Traditional | Downtown Waterfront | Parks & Open Space |
| Mixed Density Residential | Neighborhood Center - Suburban | Light Industry | Water Dependent |
| Downtown | Traditional Corridor | Heavy Industry | |
| District Center | Mixed Commercial Corridor | Institutional | |



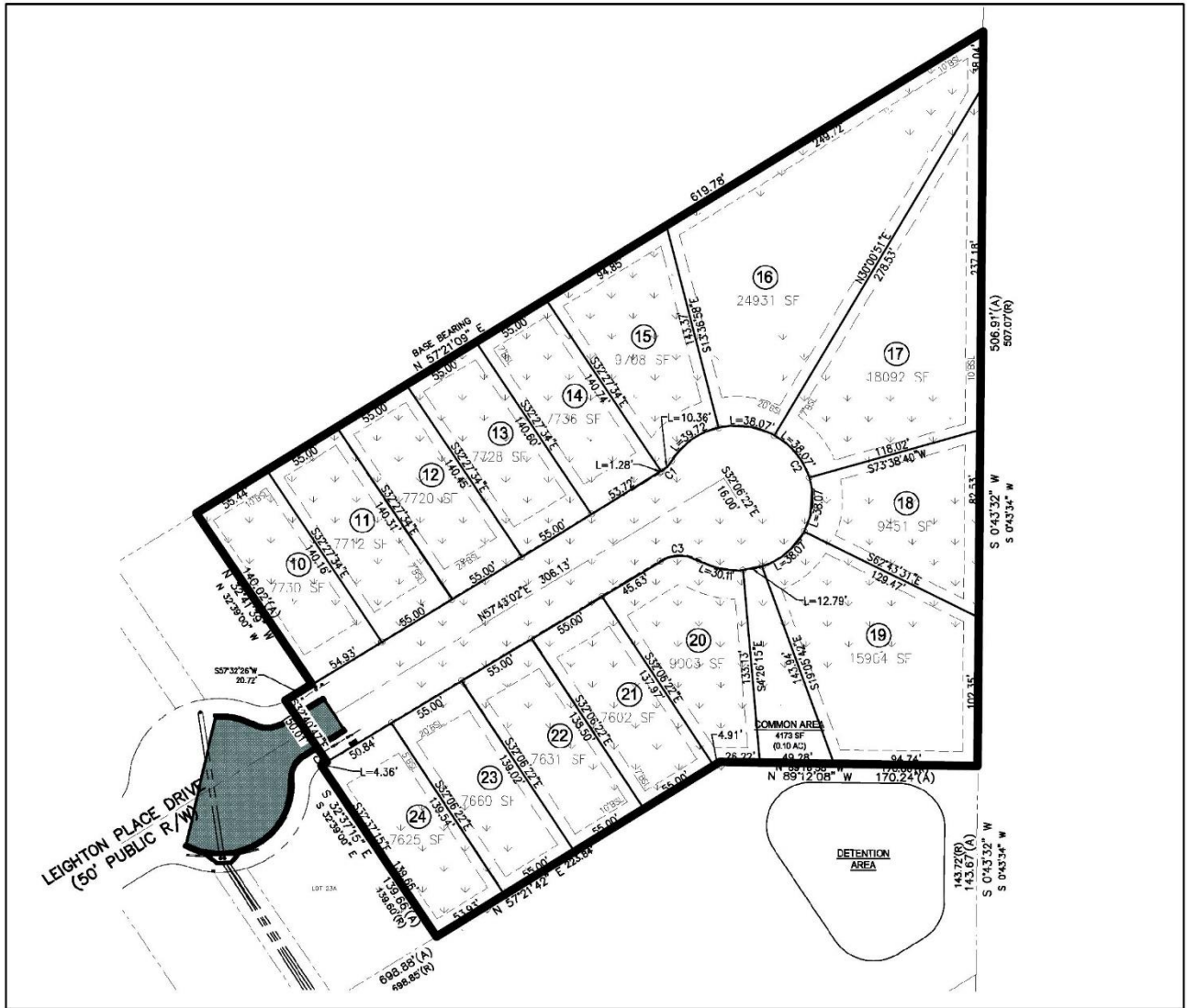
PLANNING COMMISSION VICINITY MAP - EXISTING ZONING




The site is surrounded by residential units.

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<table style="width: 100%; font-size: small;"> <tr> <td> R-A</td> <td> R-3</td> <td> B-1</td> <td> B-2</td> <td> B-5</td> <td> ML</td> <td> I-2</td> <td> OPEN</td> <td> T-3</td> <td> T-5.2</td> </tr> <tr> <td> R-1</td> <td> R-B</td> <td> T-B</td> <td> B-3</td> <td> CW</td> <td> MH</td> <td> PD</td> <td> SD</td> <td> T-4</td> <td> T-6</td> </tr> <tr> <td> R-2</td> <td> H-B</td> <td> LB-2</td> <td> B-4</td> <td> MM</td> <td> I-1</td> <td> MUN</td> <td> SD-WH</td> <td> T-5.1</td> <td></td> </tr> </table>		 R-A	 R-3	 B-1	 B-2	 B-5	 ML	 I-2	 OPEN	 T-3	 T-5.2	 R-1	 R-B	 T-B	 B-3	 CW	 MH	 PD	 SD	 T-4	 T-6	 R-2	 H-B	 LB-2	 B-4	 MM	 I-1	 MUN	 SD-WH	 T-5.1	
 R-A	 R-3	 B-1	 B-2	 B-5	 ML	 I-2	 OPEN	 T-3	 T-5.2																						
 R-1	 R-B	 T-B	 B-3	 CW	 MH	 PD	 SD	 T-4	 T-6																						
 R-2	 H-B	 LB-2	 B-4	 MM	 I-1	 MUN	 SD-WH	 T-5.1																							

SITE PLAN



The site plan illustrates the proposed lots, setbacks, and common area.

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ZONING DISTRICT CORRESPONDENCE MATRIX			LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRU)
RESIDENTIAL - AG	R-A															
ONE-FAMILY RESIDENCE	R-1		■				■		■					□		
TWO-FAMILY RESIDENCE	R-2		■				■		■					□	○	
MULTIPLE-FAMILY	R-3		○	■			■	■	■					□	○	
RESIDENTIAL-BUSINESS	R-B			○			■		■					□	○	
TRANSITIONAL-BUSINESS	T-B			○		■	■	■	■					□	○	
HISTORIC BUSINESS	H-B				■		■		■					□		
VILLAGE CENTER	TCD						■	■						□		
NEIGH. CENTER	TCD						■	■						□		
NEIGH. GENERAL	TCD						■							□		
DOWNTOWN DEV. DDD	T-6				■									□		
DOWNTOWN DEV. DDD	T-5.1				■		■		□					□		
DOWNTOWN DEV. DDD	T-5.2				■		■							□		
DOWNTOWN DEV. DDD	T-4				■		■		□					□		
DOWNTOWN DEV. DDD	T-3				■		■							□		
DOWNTOWN DEV. DDD	SD-WH										○	○		□		
DOWNTOWN DEV. DD	SD		○	○	○	○	○	○	○		○	○		□		
BUFFER BUSINESS	B-1			□			□	■	■	■				□	○	
NEIGH. BUSINESS	B-2			○			□	■	■	■				□	○	
LIMITED BUSINESS	LB-2			○			□	■	■	■				□	○	
COMMUNITY BUSINESS	B-3				■					■			○	□	○	
GEN. BUSINESS	B-4				■					■			○	□	○	
OFFICE-DISTRIBUTION	B-5									■	■			□	□	
LIGHT INDUSTRY	I-1										■			□	□	□
HEAVY INDUSTRY	I-2											■		□	□	□

Zoning District Correspondence Matrix

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)

Residential Land Use

LOW DENSITY RESIDENTIAL (LDR)

This designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.