



Agenda Item #: 1 - HOLDOVER

SUB-002586-2023

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

1154 Athey Road

Subdivision Name::

Athey Place Subdivision

Applicant / Agent:

Joe Phiem Dinh & Vit Ma Nguyen

Property Owner:

Joe Phiem Dinh & Vit Ma Nguyen

Current Zoning:

R-1, Single-Family Residential Suburban

Future Land Use:

Low Density Residential

Applicable Codes, Policies, and Plans:

- Unified Development Code
- Subdivision Regulations
- Map for Mobile Comprehensive Plan

Proposal:

- Subdivision approval to create four (4) legal lots from one (1) existing metes-and-bounds parcel.

Commission Considerations:

- Subdivision proposal with eleven (11) conditions.

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ATHEY PLACE SUBDIVISION



APPLICATION NUMBER 1 DATE September 7, 2023



HOLDOVER COMMENTS

This application was heldover from the Planning Commission's August 17th meeting to allow the applicant to revise the subdivision to four (4) lots instead of the originally-proposed five (5) lots. The applicant has submitted a revised preliminary plat indicating four (4) proposed lots.

HOLDOVER CONSIDERATIONS

PLANNING COMMENTS: (REVISED FOR THE SEPTEMBER 7th MEETING)

The subject site has linear frontage on Athey Road, a minor street with curb and gutter, and a compliant 50-foot right-of-way; therefore, no dedication would be required along Athey Road. The site also has closed-end frontage on Barker Drive West and Middle Ring Court. As on the preliminary plat, the street names and right-of-way widths of all abutting streets should be retained on the Final Plat.

As per Section 6.B.3 of the Subdivision Regulations, a turnaround is required for new lots at the end of a closed-end street. However, as access to Middle Ring Court is proposed to be denied, no turnaround would be required within Lot 4. No turnaround is required at the Southern terminus of Barker Drive West due to its short length.

A minimum building setback line of at least 25 feet should be retained along Athey Road for Lots 1 and 2, and from the South terminus of Barker Drive West for Lots 3 and 4 on the Final Plat. A 25-foot minimum building setback line should be retained on the Final Plat for Lot 4 as blocked-out from the West terminus of Middle Ring Court. The notes on the preliminary plat stating that "Access to Middle Ring Road is denied" should be corrected to state "Access to Middle Ring Court is denied".

The subject site is served by public water and sanitary sewer services, and the proposed lots exceed the minimum size requirements of the Subdivision Regulations. As on the preliminary plat, the lot size labels in both square feet and acres should be retained on the Final Plat, or a table should be furnished on the Final Plat providing the same information.

All proposed lots contain drainage and utility easements; therefore, the note on the preliminary plat stating that no structure may be constructed or placed within any easement without the permission of the easement holder should be retained on the Final Plat, if approved.

If the Planning Commission considers approving the Subdivision request, the following conditions could apply:

- 1) *Retention of the names and right-of-way widths of all abutting streets on the Final Plat;*
- 2) *Retention of at least a 25-foot minimum building setback line along Athey Road for Lots 1 and 2, and as blocked-out from the South terminus of Barker Drive West for Lots 3 and 4;*
- 3) *Retention of at least a 25-foot minimum building setback line on Lot 4 as blocked-out from the West terminus of Middle Ring Court;*
- 4) *Revision of the two (2) notes stating "Access to Middle Ring Road is denied" to state "Access to Middle Ring Court is denied";*
- 5) *Retention of the lot size labels in both square feet and acres on the Final Plat, or the furnishing of a table on the Final Plat providing the same information;*
- 6) *Retention on the Final Plat of the note stating that no structure may be constructed or placed within any easement without the permission of the easement holder;*
- 7) *Compliance with all **revised** Engineering comments noted in this staff report;*
- 8) *Retention of the note on the Final Plat stating the Traffic Engineering comments noted in this staff report;*
- 9) *Compliance with all Urban Forestry comments noted in this staff report; and,*
- 10) *Compliance with all Fire Department comments noted in this staff report.*

SITE HISTORY

The subject site was granted a Special Exception Variance in 1976 by the Board of Zoning Adjustment to allow a trailer on the property for six (6) months. Otherwise, there have been no other cases before the Board or Planning Commission.

STAFF COMMENTS

Engineering Comments:

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 and label the monument set or found at each subdivision corner.
- C. Delete the last sentence of the eighth NOTE – “CERTIFICATION IS TO BE SUBMITTED TO THE PLANNING SECTION OF URBAN DEVELOPMENT AND COUNTY ENGINEERING.”
- D. Dedicate Public ROW for one half of a permanent turnaround at the west end of Middle Ring Ct. (cul-de-sac or hammerhead as approved by City Engineer). Coordinate the layout and dimensions with Engineering Dept. and the current requirements of the International Fire Code.
- E. Update the SITE DATA table.
- F. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 19 - #68) LOTS 1-5 will share the historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control). The lots will be allowed to add the following amount of impervious area before storm water detention is required: LOT 1 – 2,000 sf, LOT 2 – 2,000 sf, LOT 3 – 2,000 sf, LOT 4 – 2,000 sf, and LOT 5 – 2,000 sf.
- G. 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.

Revised for the September 11th meeting:

REVISED 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 and label the monument set or found at each subdivision corner.*
- C. *Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 19 - #68) LOTS 1-4 will share the historical credit of existing (1984) impervious area towards stormwater detention*

requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control). The lots will be allowed to add the following amount of impervious area before storm water detention is required: LOT 1 – 2,500 sf, LOT 2 – 2,500 sf, LOT 3 – 2,500 sf and LOT 4 – 2,500 sf.

- D. *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.*

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 [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 commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

Planning Comments:

The purpose of this request is to create five (5) legal lots from one (1) existing metes-and-bounds parcel.

The subject site has linear frontage on Athey Road, a minor street with curb and gutter, and a compliant 50-foot right-of-way; therefore, no dedication would be required along Athey Road. The site also has closed-end frontage on Barker Drive West and Middle Ring Court. The plat should be revised to label all abutting streets with their right-of-way widths and the plat should be revised to correctly label Barker Drive West as such; not West Barker Drive.

As per Section 6.B.3 of the Subdivision Regulations, a turnaround is required for new lots at the end of a closed-end street. As per the Engineering comments, a public right-of-way for one-half of a permanent turnaround should be dedicated at the west end of Middle Ring Ct. (cul-de-sac or hammerhead as approved by City Engineer). The layout and dimensions are to be coordinated with City Engineering Dept. and the current requirements of the International Fire Code. No turnaround is required at the Southern terminus of Barker Drive West due to its short length.

A minimum building setback line of at least 25 feet should be retained along Athey Road for Lots 1 and 2, and from the South terminus of Barker Drive West for Lots 3 and 4 on the Final Plat. The plat should be revised to indicate a minimum building setback line of at least 25 feet as measured from any required turnaround dedication for Lot 5 at the end of Middle Ring Court.

The subject site is served by public water and sanitary sewer services, and the proposed lots exceed the minimum size requirements of the Subdivision Regulations. As on the preliminary plat, the lot size labels in both square feet and acres should be retained on the Final Plat, revised for any required dedication, or a table should be furnished on the Final Plat providing the same information.

All proposed lots contain drainage and utility easements; therefore, a note should be required on the Final Plat stating that no structure may be constructed or placed within any easement without the permission of the easement holder, if approved.

As per the Traffic Engineering comments, the driveway number, size, location, and design are to be approved by Traffic Engineering and conform to AASHTO standards. A note should be required on the Final Plat stating these comments.

SUBDIVISION CONSIDERATIONS

Standards of Review:

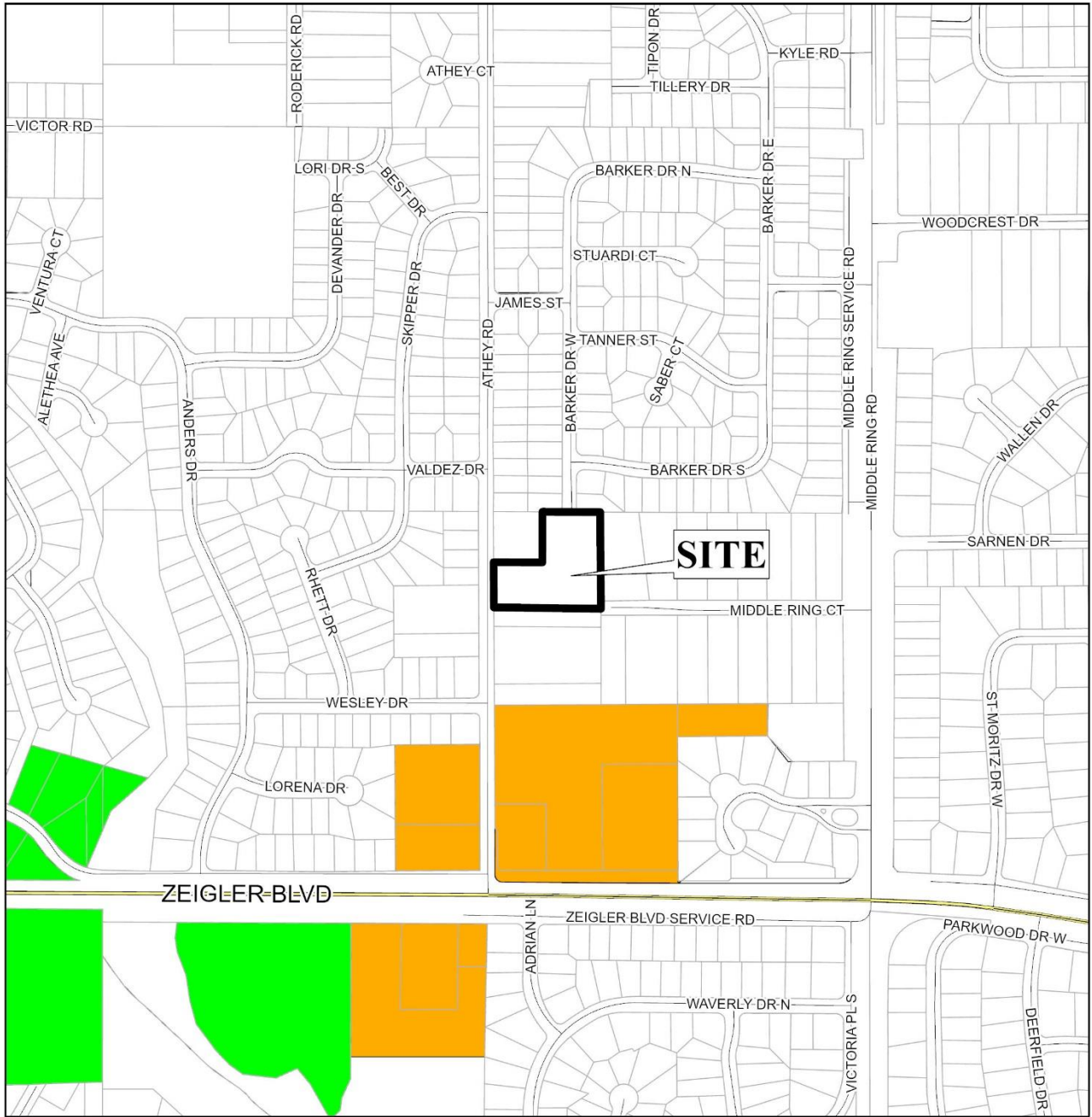
Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set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

Considerations:

If the Planning Commission considers approving the Subdivision request, the following conditions could apply:

- 1) Dedication and construction of one-half of a permanent turnaround at the end of Middle Ring Court, with the layout and dimensions to be coordinated with Engineering Dept. and the current requirements of the International Fire Code;
- 2) Revision of the plat to correctly label Barker Drive West instead of West Barker Drive;
- 3) Revision of the plat to label all abutting streets with their right-of-way widths;
- 4) Retention of at least a 25-foot minimum building setback line along Athey Road for Lots 1 and 2, and from the South terminus of Barker Drive West for Lots 3 and 4;
- 5) Revision of the plat to indicate a minimum building setback line of at least 25 feet as measured from any required turnaround dedication for Lot 5 at the end of Middle Ring Court;
- 6) Retention of the lot size labels in both square feet and acres on the Final Plat, adjusted for any required dedication, 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 no structure may be constructed or placed within any easement without the permission of the easement holder;
- 8) Compliance with all Engineering comments noted in this staff report;
- 9) Placement of a note on the Final Plat stating the Traffic Engineering comments noted in this staff report;
- 10) Compliance with all Urban Forestry comments noted in this staff report; and,
- 11) Compliance with all Fire Department comments noted in this staff report.

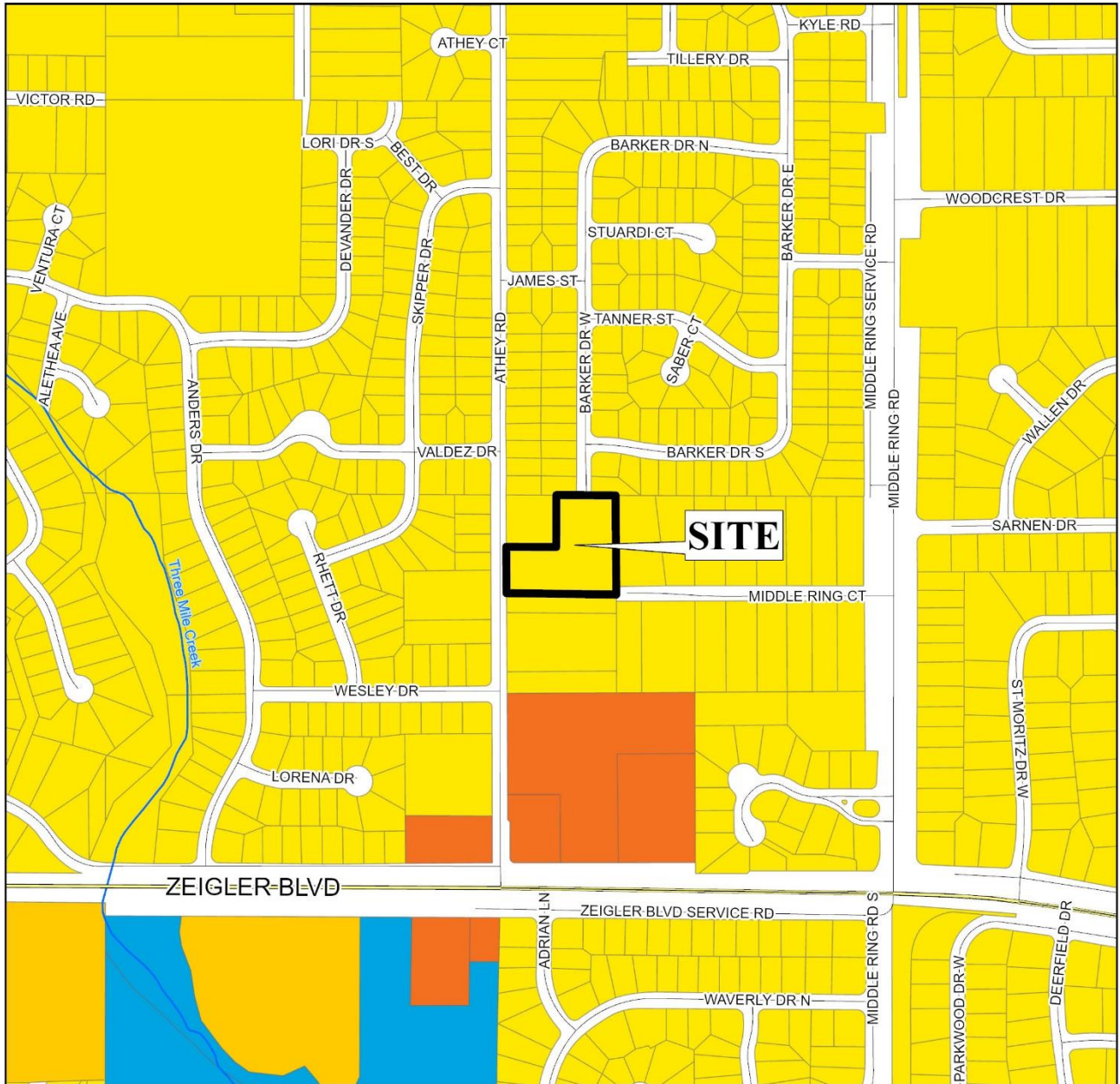
LOCATOR ZONING MAP



APPLICATION NUMBER 1 DATE September 7, 2023
 APPLICANT Athey Place Subdivision
 REQUEST Subdivision



FLUM LOCATOR MAP



APPLICATION NUMBER 1 DATE September 7, 2023

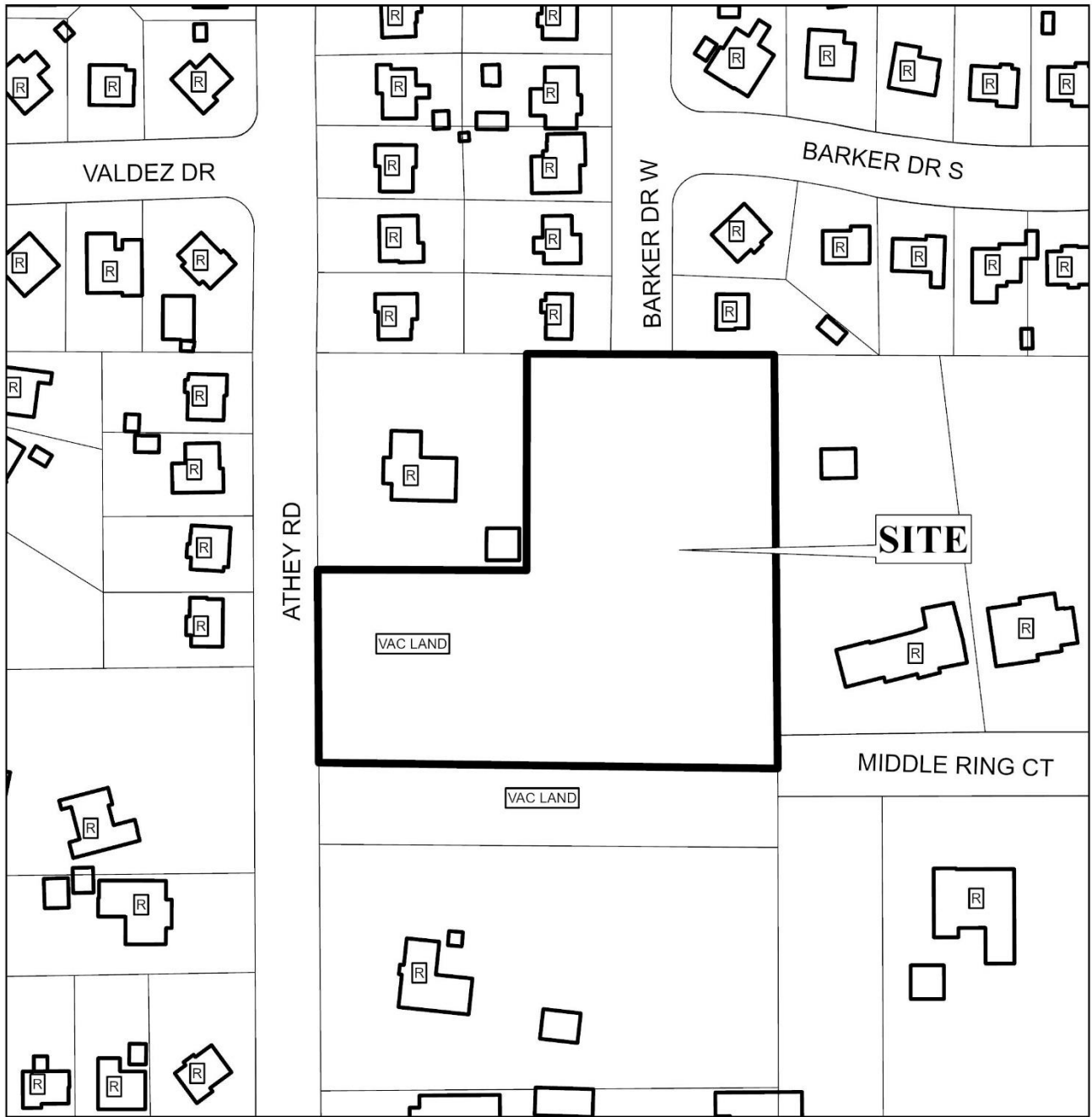
APPLICANT Athey Place Subdivision

REQUEST Subdivision

 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	



ATHEY PLACE SUBDIVISION

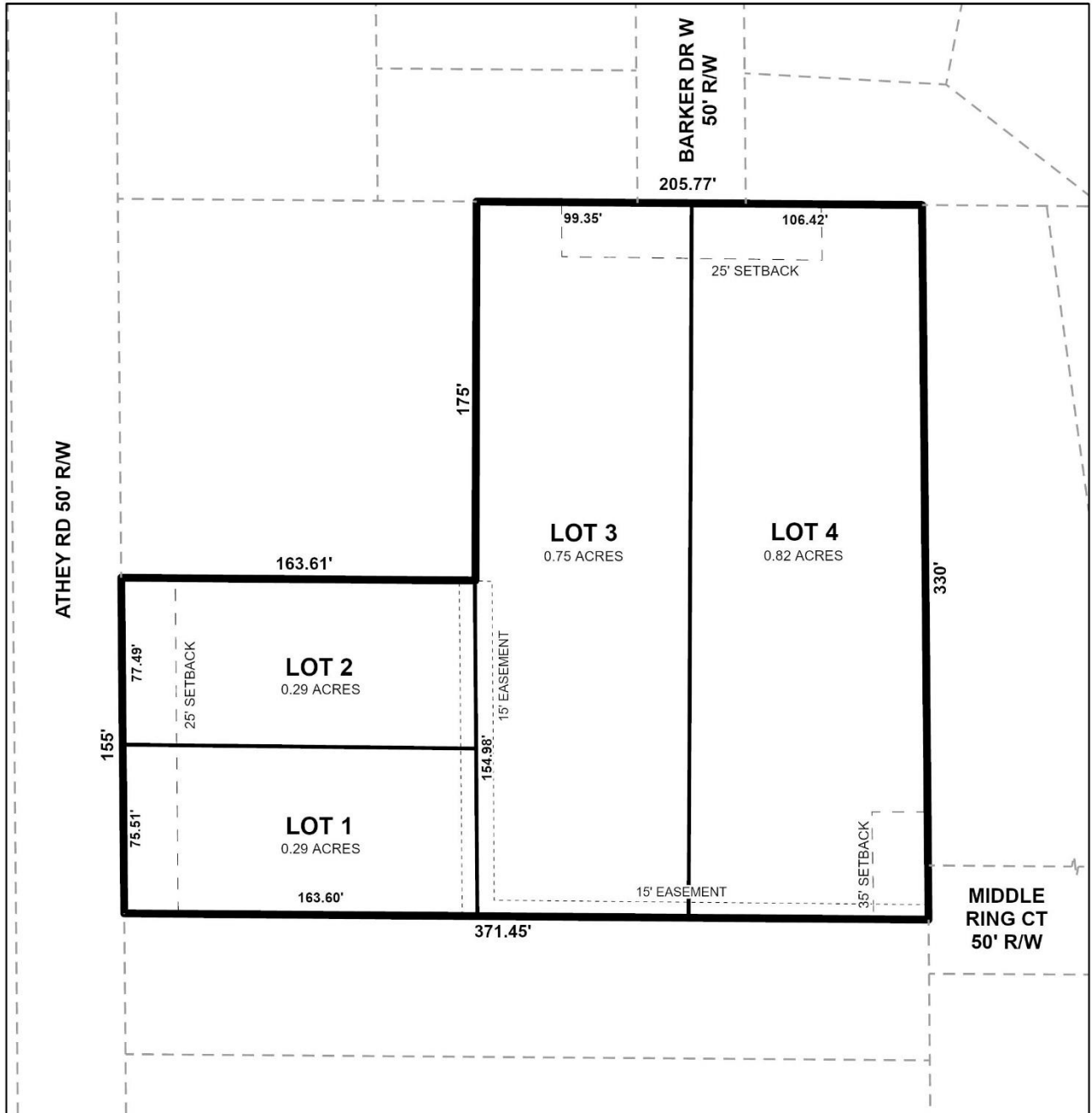


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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



DETAIL SITE PLAN



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 APPLICANT Athey Place Subdivision
 REQUEST Subdivision



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.