

CHINABERRY SUBDIVISION

Engineering Comments: FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer):

- 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. Dedicate the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the northeast corner of LOT 1 to the City of Mobile, and list the amount of dedicated acreage.
- D. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- E. Provide the Surveyor's Certificate and Signature.
- F. Provide the Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- G. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 24 - #74) LOT 1 will receive 1,500 sf of historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control).
- H. Add a note to the SUBDIVISION PLAT stating 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.
- I. Add a note to the Plat stating 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.
- J. 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.
- K. Add a note to the plat stating that all 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.
- L. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process.
- M. Provide a copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Engineering Dept. for review. No signatures are required on the drawing. Place the information for the Subdivision Plat on the PLAT Review sign-in sheet.
- N. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the red-line markup, the ORIGINAL (with all other signatures) and one (1) copy of the revised original (signatures not required) of the revised Final Plat to the Engineering Department. Place the information for the Subdivision Plat on the PLAT Review sign-in sheet.

Traffic Engineering Comments: Lot is denied access to Old Shell Road and limited to one curb cut to Wacker Lane with 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 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site 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. (2012 International Fire Code)

The plat illustrates the proposed 0.5 acre \pm , 1 lot subdivision which is located at the Southwest corner of Old Shell Road and Wacker Lane South, and is in Council District 7. The applicant states that the subdivision is served by both public water and sanitary sewer.

The purpose of this application is to create one legal lot from one parcel, as noted in the September 20, 2018 approval of the rezoning request by the Planning Commission. The rezoning request was ultimately adopted by the City Council at their November 13, 2018 meeting.

The site has been given a Mixed Density Residential (MxDR) land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

This designation applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4-residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 dwelling units per acre, depending on the mix, types, and locations of the housing as specified by zoning.

Like Low Density Residential areas, Mixed Density Residential areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses, schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others

the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

The site has frontage on two minor streets, Old Shell Road and Wacker Lane South. Old Shell Road has a compliant right-of-way, however, Wacker Lane South does not. It appears that the Planning Commission has consistently required right-of-way dedication for properties being newly developed or redeveloped on Wacker Lane North (across Old Shell Road), and for nearby properties on Zimlich Avenue and Bishop Lane South (south of Old Shell Road). Dedication along Wacker Lane South to provide 25-feet from centerline would be approximately 8.5 feet, if approved.

Access management is a concern due to the site's location along Old Shell Road. As per Traffic Engineering comments, the lot is denied access to Old Shell Road and limited to one curb cut to Wacker Lane, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

The preliminary plat depicts the compliant lot size in both square feet and acres. This information should be retained on the Final Plat, if approved.

The 25-foot minimum building setback line, required in Section V.D.9. of the Subdivision Regulations, is not shown for the lot, but would be required on the final plat, if approved. It should be noted, however, that the sideyard setback along Wacker Lane South may be reduced to 20-feet, under the allowances of the Zoning Ordinance. Thus a waiver of Section V.D.9. for the setback along Wacker Lane South, to allow the 20-foot setback of the Zoning Ordinance, may be considered.

Finally, it should be noted that Sections V.B.16. and V.D.6. of the Subdivision Regulations may require the provision of a corner radius. Engineering comment "C" above also notes the requirement for a corner radius.

Based upon the preceding, and with a waiver of Section V.D.9. of the Subdivision Regulations, for the setback along Wacker Lane South, the application is recommended for Tentative Approval, subject to the following conditions:

- 1) Dedication of right-of-way sufficient to provide 25-feet from centerline along Wacker Lane South;
- 2) Revision of the plat to depict a 25-foot setback along the Old Shell Road frontage, and a 20-foot setback along the Wacker Lane South frontage;
- 3) Coordination with the City Engineer to determine if the dedication of a corner radius is required;
- 4) Revision of the plat to reflect any changes to lot size information required by right-of-way dedication;
- 5) Compliance with Traffic Engineering comments, and placement of the comments as a note on the final plat (*Lot is denied access to Old Shell Road and limited to one curb cut to*

- Wacker Lane with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);.
- 6) compliance with Engineering comments (*FINAL PLAT COMMENTS* (should be addressed prior to submitting the *FINAL PLAT* for review and/or signature by the City Engineer): 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. Dedicate the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the northeast corner of LOT 1 to the City of Mobile, and list the amount of dedicated acreage. D. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. E. Provide the Surveyor's Certificate and Signature. F. Provide the Owner's (notarized), Planning Commission, and Traffic Engineering signatures. G. Add a note to the *SUBDIVISION PLAT* stating that as shown on the 1984 aerial photo (FLIGHT 24 - #74) LOT 1 will receive 1,500 sf of historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control). H. Add a note to the *SUBDIVISION PLAT* stating 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. I. Add a note to the Plat stating 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. J. 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. K. Add a note to the plat stating that all 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. L. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process. M. Provide a copy of the *FINAL SUBDIVISION PLAT* and *LETTER OF DECISION* to the Engineering Dept. for review. No signatures are required on the drawing. Place the information for the Subdivision Plat on the *PLAT Review* sign-in sheet. N. After addressing all of the *FINAL SUBDIVISION PLAT* review comments provide the red-line markup, the *ORIGINAL* (with all other signatures) and one (1) copy of the revised original (signatures not required) of the revised Final Plat to the Engineering Department. Place the information for the Subdivision Plat on the *PLAT Review* sign-in sheet.
- 7) Compliance with 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 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.*); and
- 8) Compliance with Fire comments (*All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code)*).

Revised for the December 5 meeting:

The application was heldover from the November 7, 2019 meeting of the Planning Commission, at the request of the applicant.

The applicant submitted documentation to support requests for a waiver of the dedication requirements along Wacker Lane, setback requirements, and for the corner radius requirement at the Old Shell Road / Wacker Lane intersection.

The applicant submitted the following narrative explaining their requests:

The planning and zoning staff report recommends our application for tentative approval subject to several conditions beginning on the bottom of page 3 of their report. We are asking that the following conditions not be included in our approval:

- 1. Dedication of right-of-way sufficient to provide 25-feet from centerline along Wacker Lane South.*
- 2. Revision of the plat to depict a 25-foot setback along the Old Shell Road frontage,*
- 3. Coordination with the City Engineer to determine if the dedication of a corner radius is required.*
- 4. [This condition would be inapplicable if our request to remove item 1 above is granted]*

The Mobile Historic Development Commission holds a facade and grounds easement for this property. In our pursuit to redevelop this property, we have submitted to the Mobile Historic Development Commission, the Alabama Historic Commission and the Secretary of the Interior (National Park Service).

Our request to exclude the above-mentioned conditions is based on the following reasons:

- 1. The additional R.O.W. required along Wacker will impact the easement held by MHDC - the retaining wall. It will also impact the 5 large trees along Wacker that the National Park Service is directing us to preserve.*
- 2. The requirement to depict a 25-foot setback along Old Shell Road the existing building (not even including the porch) is within +/-13' of the property line along Old Shell Road.*
- 3. The dedication of a corner radius will impact the easement held by MHDC - the retaining wall.*

Additionally, the applicant provided the following information from the Properties Committee Chair of the Mobile Historic Development Commission:

The Properties Committee of the Mobile Historic Development Commission holds a facade and grounds easement on 3703 Old Shell Road. Previously the Committee approved a proposed repair/replacement of materials in kind; a brick addition connected by a hyphen to the principal building; the removal of a later shed-roofed addition; and a small rear shed-roofed addition to replace the aforementioned. Approval was also given to alter the site, but to retain the historic features to the greatest extent possible.

The MHDC is concerned any required right-of-way or setback on the eastern perimeter of the lot and further alteration of the site will be detrimental to the historic nature of the property. Right-of-way dedication would impact the historic kneewall and pedestrian gate access onto Wacker Lane. Both right-of-way and minimum setback requirements could potentially impact the historic brick pathways and plantings at the northeast corner of the lot.

The Planning Commission can waive requirements of the Subdivision Regulations, including:

- Section V.B.14. – *Right-of-Way Widths*;
- Section V.B.16. – *Curb Radii*;
- Section V.D.6. – *Property Lines at Corners*;
- Section V.D.9. – *Minimum Front Yard Setback*.

However, the requirements of the Zoning Ordinance would still apply, thus a 25-foot front yard setback along Old Shell Road would be required, but the side yard setback along Wacker Lane could be reduced to 20 feet (*with or without setback to accommodate possible future widening*). The setback requirements of the Subdivision Regulations and the Zoning Ordinance only impact new construction of vertical structures, not site elements such as parking areas or existing buildings (*unless they are expanded*).

Should the Commission wish to reduce the setback requirements of the Subdivision Regulations, it should be noted that a reduction below that allowed by the Zoning Ordinance will require a variance application of the Board of Zoning Adjustment.

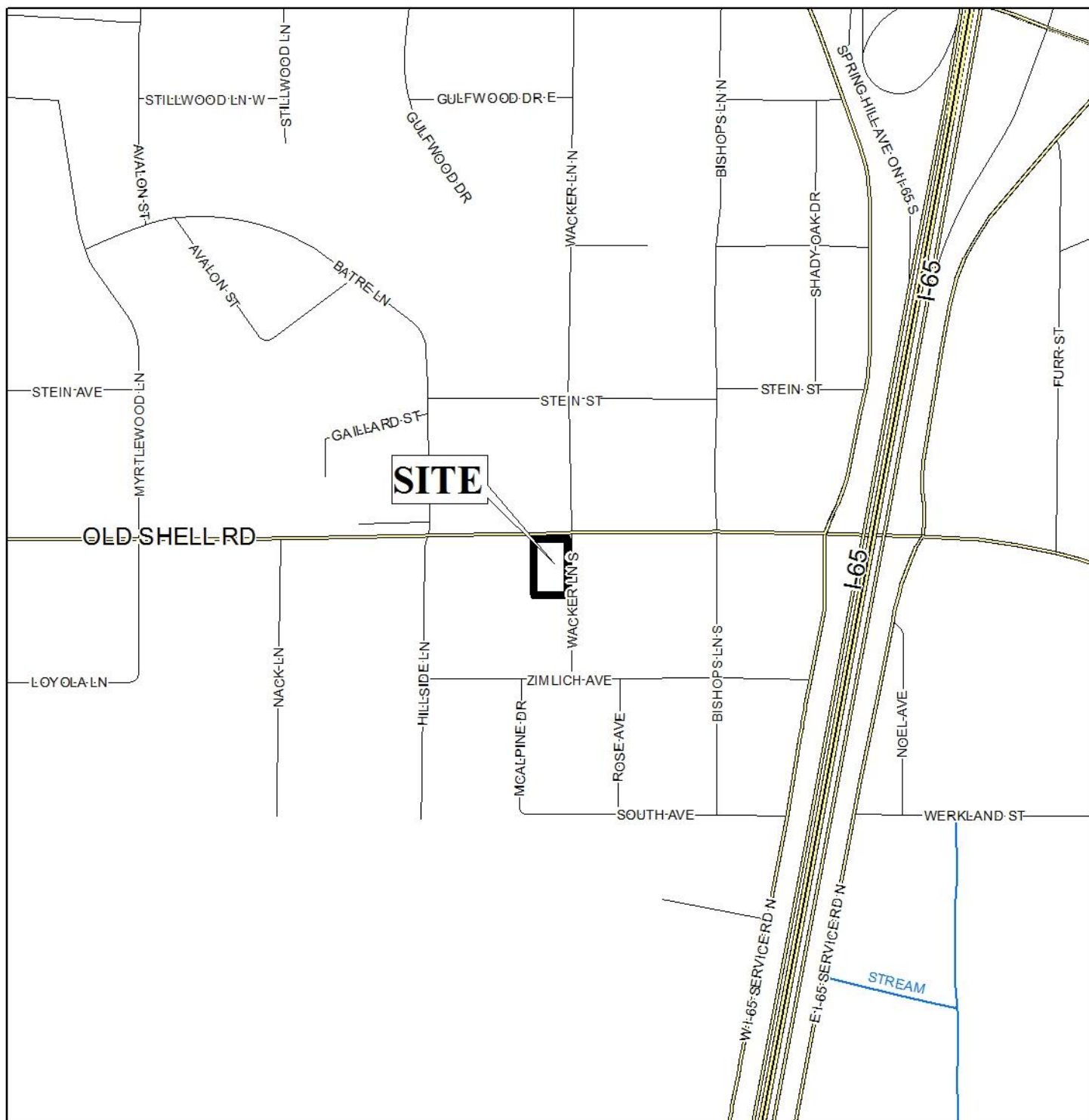
Given the unique issues of this site due to its historic nature, a waiver of the standard requirements of the Subdivision Regulations may be appropriate.

Based upon the preceding, and with a waiver of Sections V.B.14., V.B.16., V.D.6. and V.D.9. of the Subdivision Regulations, the application is recommended for Tentative Approval, subject to the following conditions:

- 1) Revision of the plat to depict a 25-foot setback along the Old Shell Road frontage, or as may be approved by the Board of Zoning Adjustment, if requested;
- 2) Revision of the plat to depict a 20-foot setback along the Wacker Lane South frontage, reflecting additional setback sufficient to provide 25-feet from centerline along Wacker Lane South, or as may be approved by the Board of Zoning Adjustment, if requested;
- 3) Coordination with the City Engineer regarding any corner radius is requirements;
- 4) Compliance with Traffic Engineering comments, and placement of the comments as a note on the final plat (*Lot is denied access to Old Shell Road and limited to one curb cut to Wacker Lane with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.*);
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LOCATOR MAP



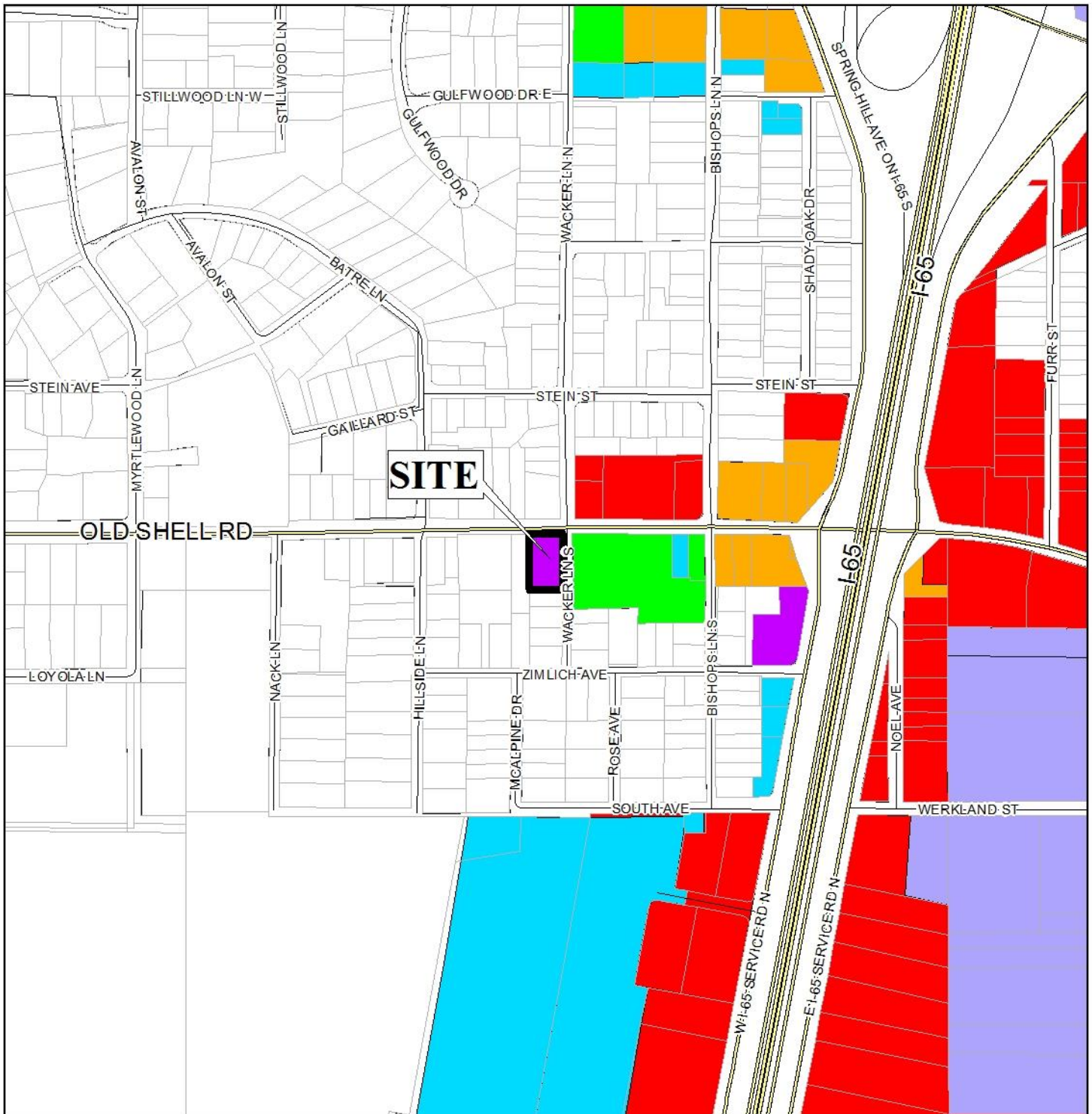
APPLICATION NUMBER 1 DATE December 5, 2019

APPLICANT Chinaberry Subdivision

REQUEST Subdivision



LOCATOR ZONING MAP



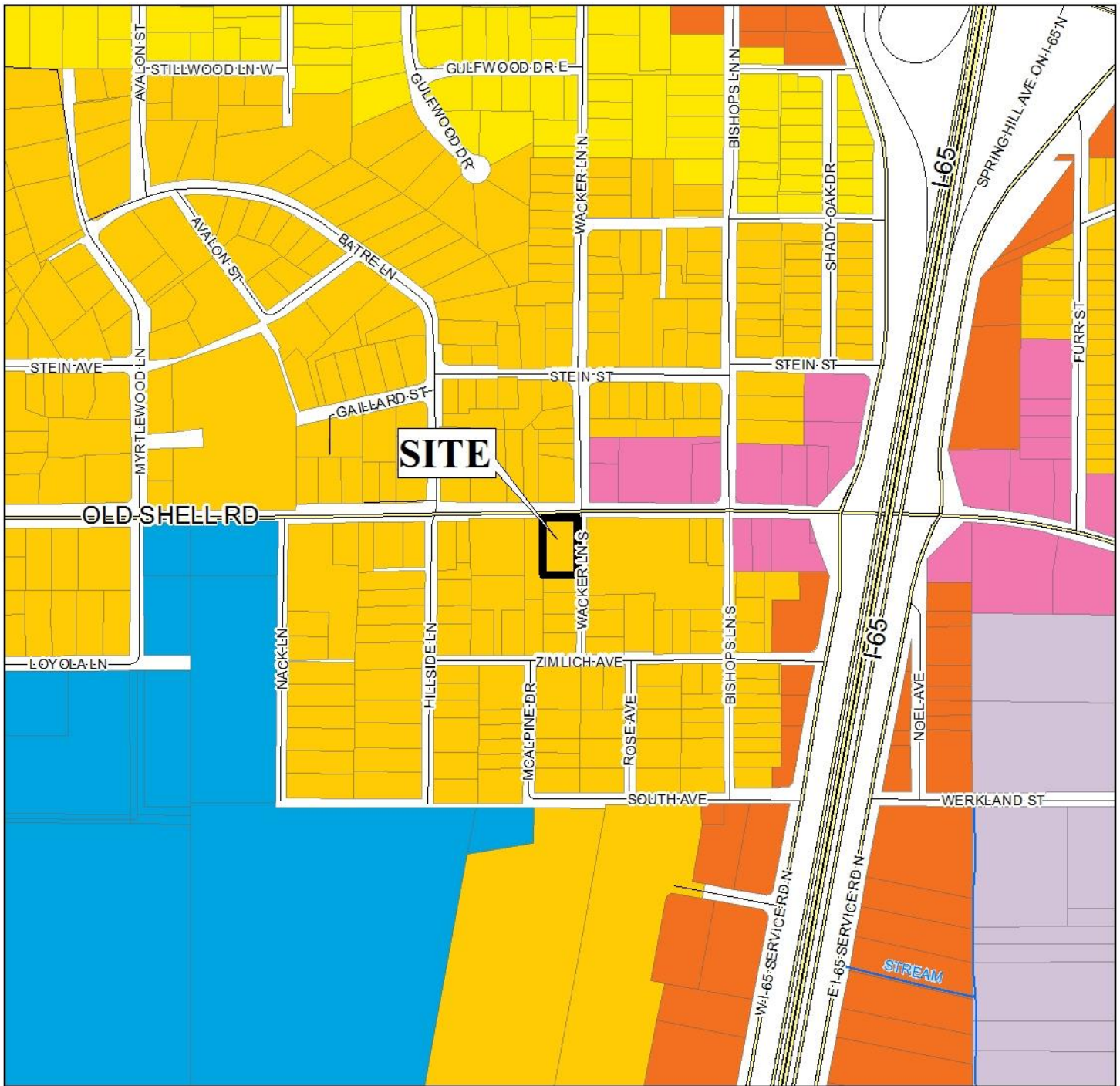
APPLICATION NUMBER 1 DATE December 5, 2019

APPLICANT Chinaberry Subdivision

REQUEST Subdivision



FLUM LOCATOR MAP



APPLICATION NUMBER 1 DATE December 5, 2019

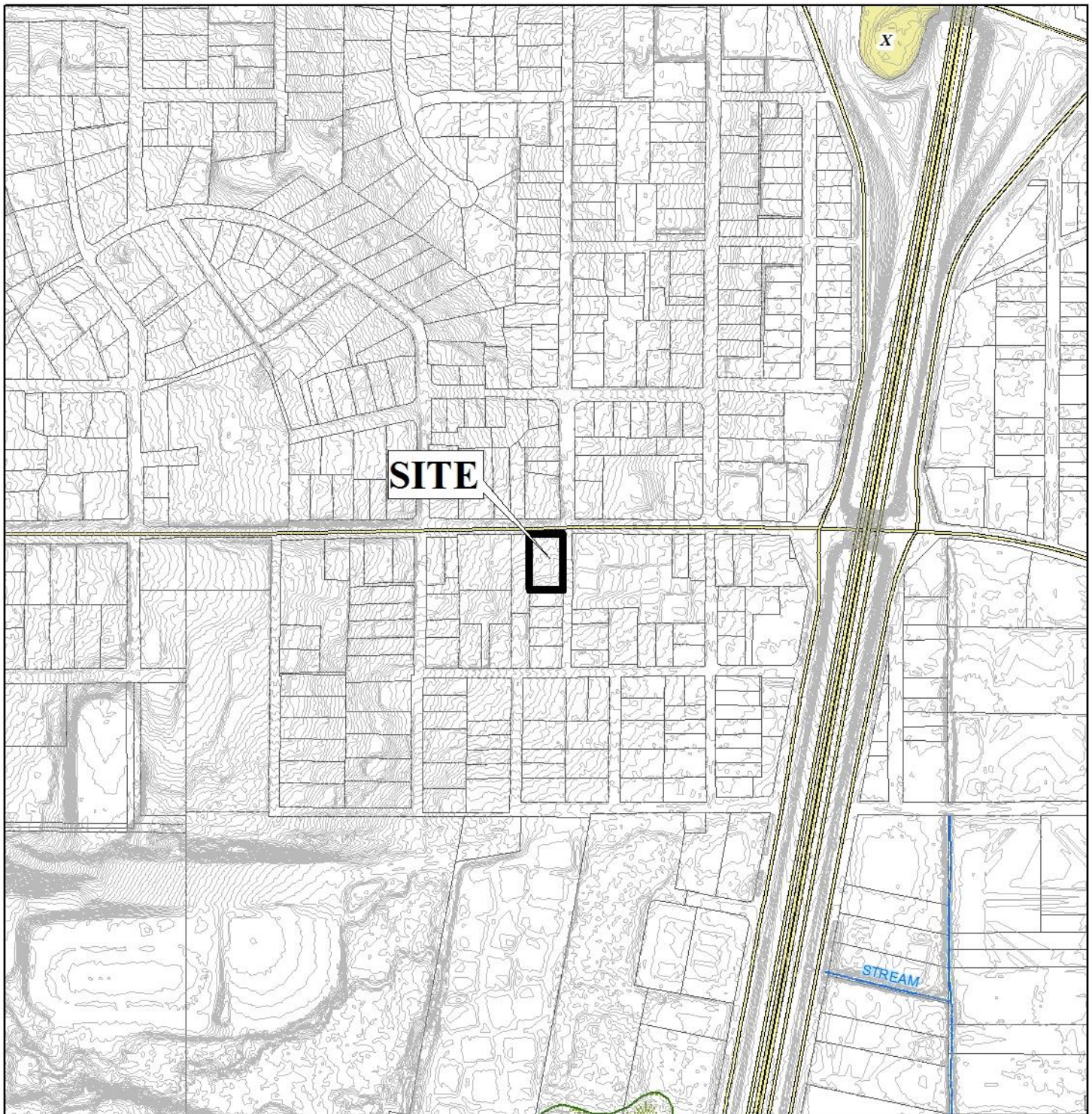
APPLICANT Chinaberry Subdivision

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	



ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 1 DATE December 5, 2019

APPLICANT Chinaberry Subdivision

REQUEST Subdivision



CHINABERRY SUBDIVISION



APPLICATION NUMBER 1 DATE December 5, 2019

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



CHINABERRY SUBDIVISION



APPLICATION NUMBER 1 DATE December 5, 2019



DETAIL SITE PLAN

OLD SHELL RD 50' R/W

112'

DWELLING

BUILDING

LOT 1

191.32'

195.80'

WACKER LN 33' R/W

111.60'

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APPLICANT Chinaberry Subdivision

REQUEST Subdivision

