

IAIN FROST SUBDIVISION, RESUBDIVISION OF LOTS 3 AND 4

Engineering Comments: Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits.

Fire-Rescue 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). Projects outside the City Limits of Mobile, yet within the Planning Commission Jurisdiction fall under the State or County Fire Code (2012 IFC).

MAWSS Comments: MAWSS has **No** water or sewer services available.

The preliminary plat illustrates the proposed 3-lot, 4.7 \pm acre subdivision which is located on the East side of Dykes Road South, 150' \pm South of Turmac Drive. The site is within the Planning Jurisdiction and the applicant states that the subdivision is served by public water and individual septic systems. The purpose of this application is to create 3 legal lots of record from 2 legal lots of record.

This property last appeared before the July 11, 2013 Planning Commission meeting in which the Commission approved a request to create four legal lots of record from four legal lots of record in order to alter the property's lot arrangement to its present configuration. The subdivision of the property reduced the depth of Lots 1 through 3 and increased the square footage of Lot 4. The final configuration of the property resulted in four lots with the largest lot consisting of two 45' \pm wide by 125' \pm long "flag poles" connecting the lot to Dykes Road South. At the time, Lots 1 through 3 were undeveloped, and Lot 4 consisted of a single family residence, with a pool, and pool house. A condition of approval was "that there shall be no future subdivision of Lot 4."

The applicant wishes to further subdivide two of the previous aforementioned lots (Lots 3 and 4) from two lots into three lots. Lots 1 and 2 are not included in this request.

As no justification was provided regarding the subdivision of Lot 4, and as no additional road frontage is being provided, staff cannot recommend approval of the request.

Based upon the proceeding, this application is recommended for Denial due to the following:

- 1) Previous Planning Commission approval included a condition of "no future subdivision of Lot 4";
- 2) No justification for the division was provided; and
- 3) No additional road frontage is proposed as part of the division.

Revised for the March 17, 2016 meeting:

This application was heldover from the February 18, 2016 meeting at the applicant's request. Since this meeting, the applicant has submitted a statement providing a justification regarding the need to resubdivide Lot 4 of the subject site. The applicant states that the access widths of the previously approved subdivision have not changed and exceed the standard 25' width required by the Subdivision Regulations, as the access widths are currently 45' in width. The applicant also indicated that flag lots are consistent within this area and that they are only requesting to resubdivide Lot 4 due to a change in circumstance that has occurred since the last subdivision approval of this site.

As stated, the applicant desires to resubdivide Lot 4 in order to sell their existing home so that they can downsize and build a smaller home on a proposed adjacent lot; hence, the need for the proposed Lots 4-A and 4-B. The applicant states that their current property has become "too big for them to manage." The applicant is aware of the condition that stated that "no future subdivision of Lot 4" would be permitted in the previous approval; however, the applicant states that they are only asking to amend the original note to read as "no future resubdivision of Lots 4-A and 4-B" due to circumstantial changes.

Section VII. of the Subdivision regulations allows subdivision modifications that demonstrate unusual difficulties or innovative design. The Regulations state that, "The difficulty or hardship must be inherent in the exceptional topographic or other extraordinary or exceptional characteristics of the tract proposed to be subdivided and shall not be the result of actions of the Subdivider." In the case of a proposed subdivision based on an innovative or unconventional design, the Regulations may allow for subdivision modifications that include "single family residential projects such as a cluster or Traditional Neighborhood Development subdivision or a subdivision of townhomes, terrace homes, or patio homes; a multiple-family residential project; or other building groups such as a shopping center, office park, or industrial park." Furthermore, a family division of land, a private street subdivision consisting of five (5) lots or fewer, may be permitted where the purpose of the subdivision is to divide the tract of land amongst family members.

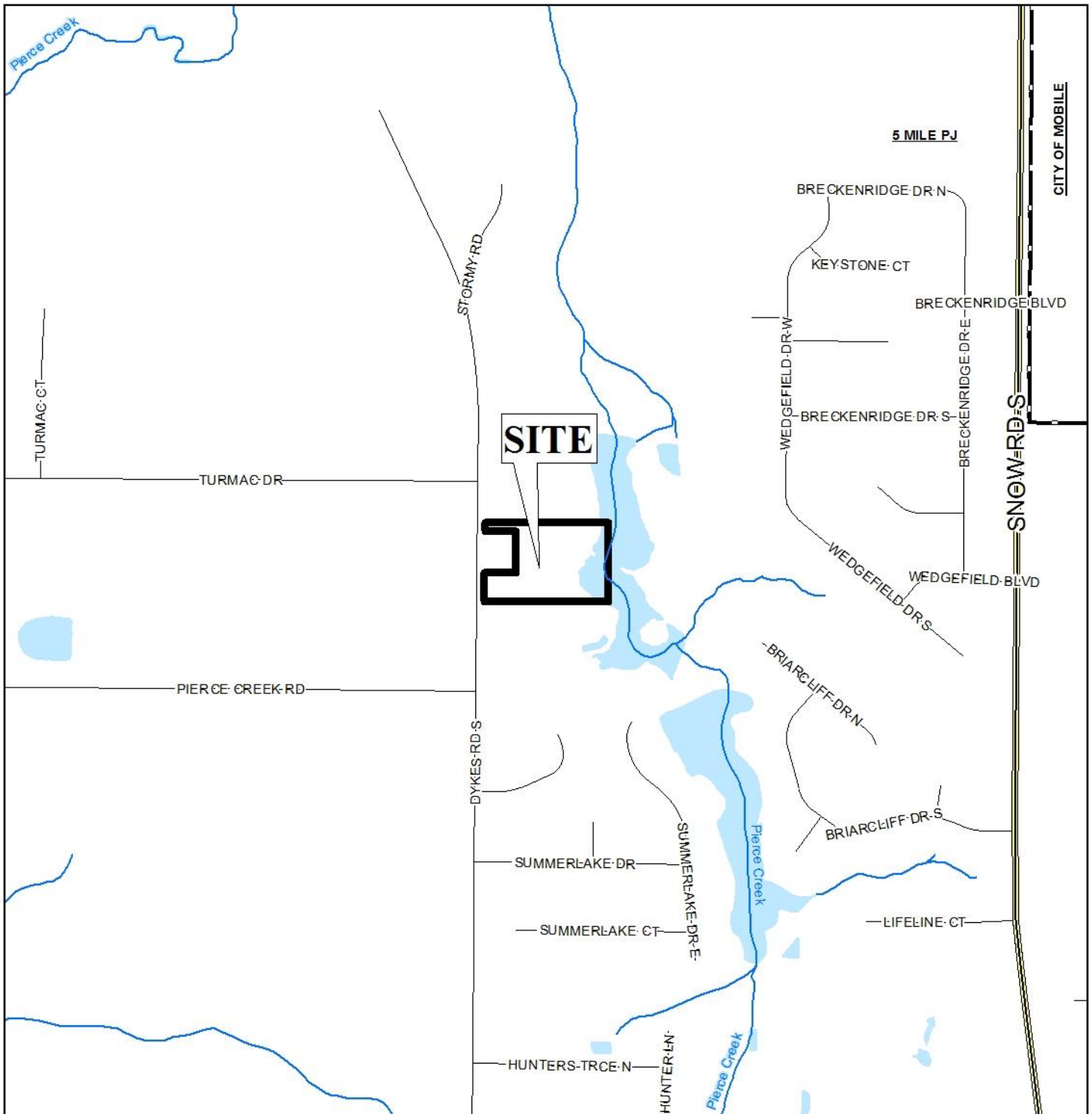
To resubdivide the lot in this instance is not as simple as amending the note of the previously approved request to read as "No future subdivision of Lots 4-A and 4-B," as the Final plat and all required conditions have been recorded with Mobile County Probate Court. Furthermore, the site, as discussed in the aforementioned statement, does not present any physical constraints or issues that would call for further subdivision of Lot 4. Nor, is the resubdivision one that is of an innovative or unconventional design or a family division. Additionally, a revised preliminary plat was not received by staff indicating that additional road frontage will be provided as part of the resubdivision request.

The request to resubdivide Lot 4 appears to be based on a premise of "want" rather than on a premise of an unusual difficulty or innovative design, and is not part of a family subdivision.

Based upon the preceding, this application is recommended for denial for the following reasons:

- 1) Previous Planning Commission approval specifically included a condition of "No future subdivision of Lot 4;"*
- 2) The applicant's justification does not support a hardship based on the constraints of the site itself, an innovative design, or a family division of land, and is based purely on economics and the desire to do so; and*
- 3) No additional road frontage is proposed as part of the division.*

LOCATOR MAP



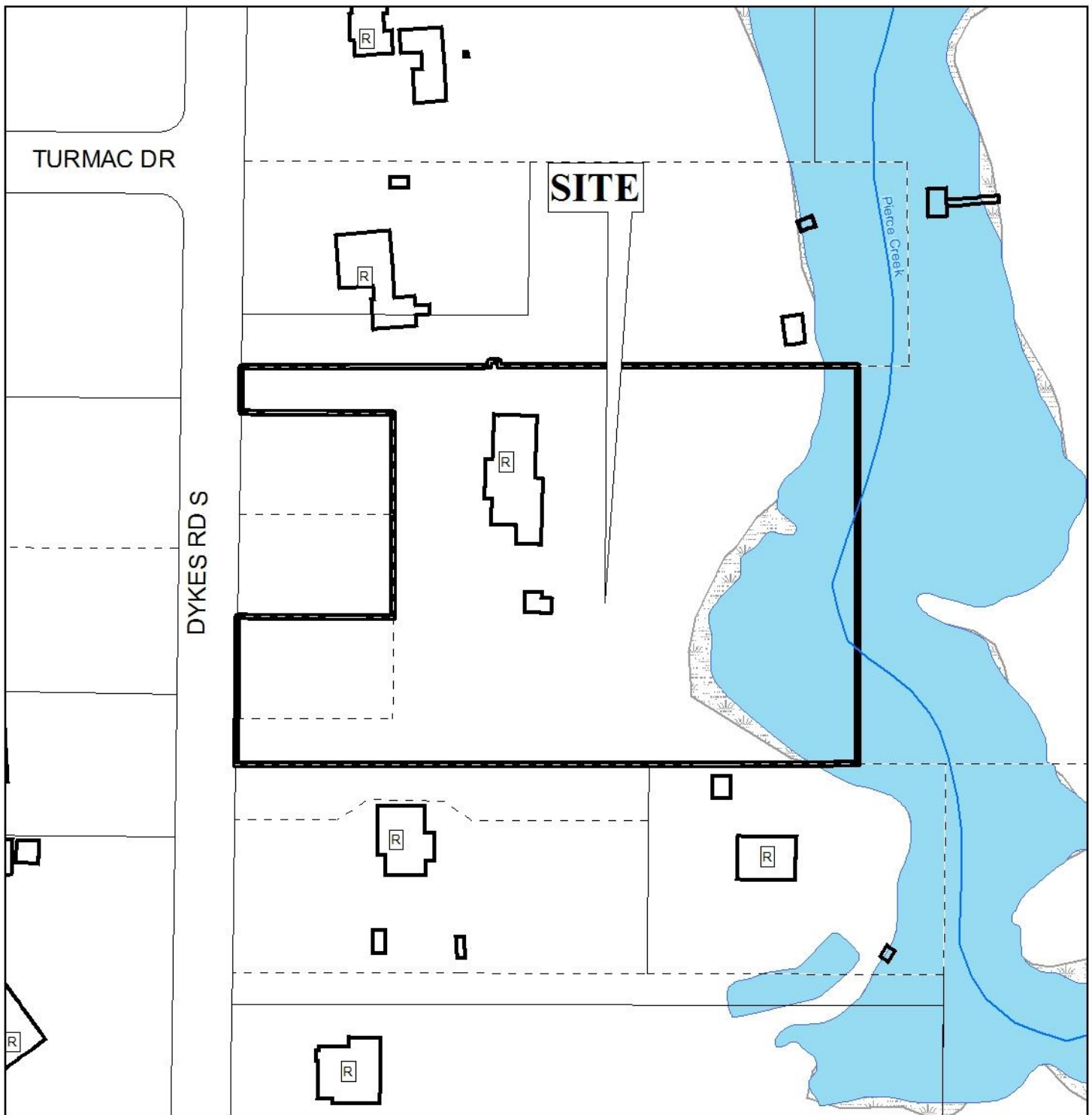
APPLICATION NUMBER 1 DATE March 17, 2016

APPLICANT Iain Frost Subdivision, Resubdivision of Lots 3 & 4

REQUEST Subdivision



IAIN FROST SUBDIVISION, RESUBDIVISION OF LOTS 3 & 4

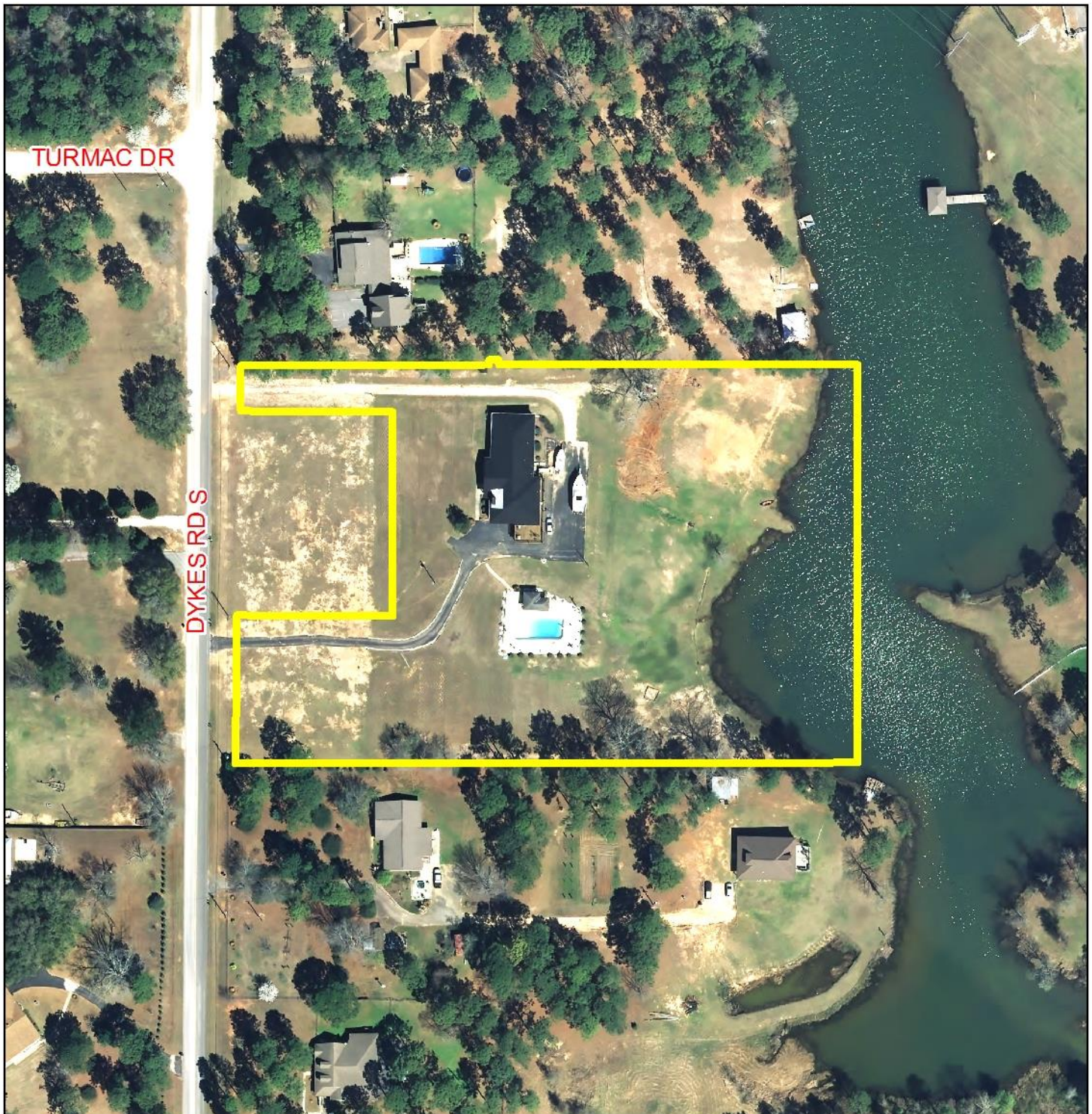


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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



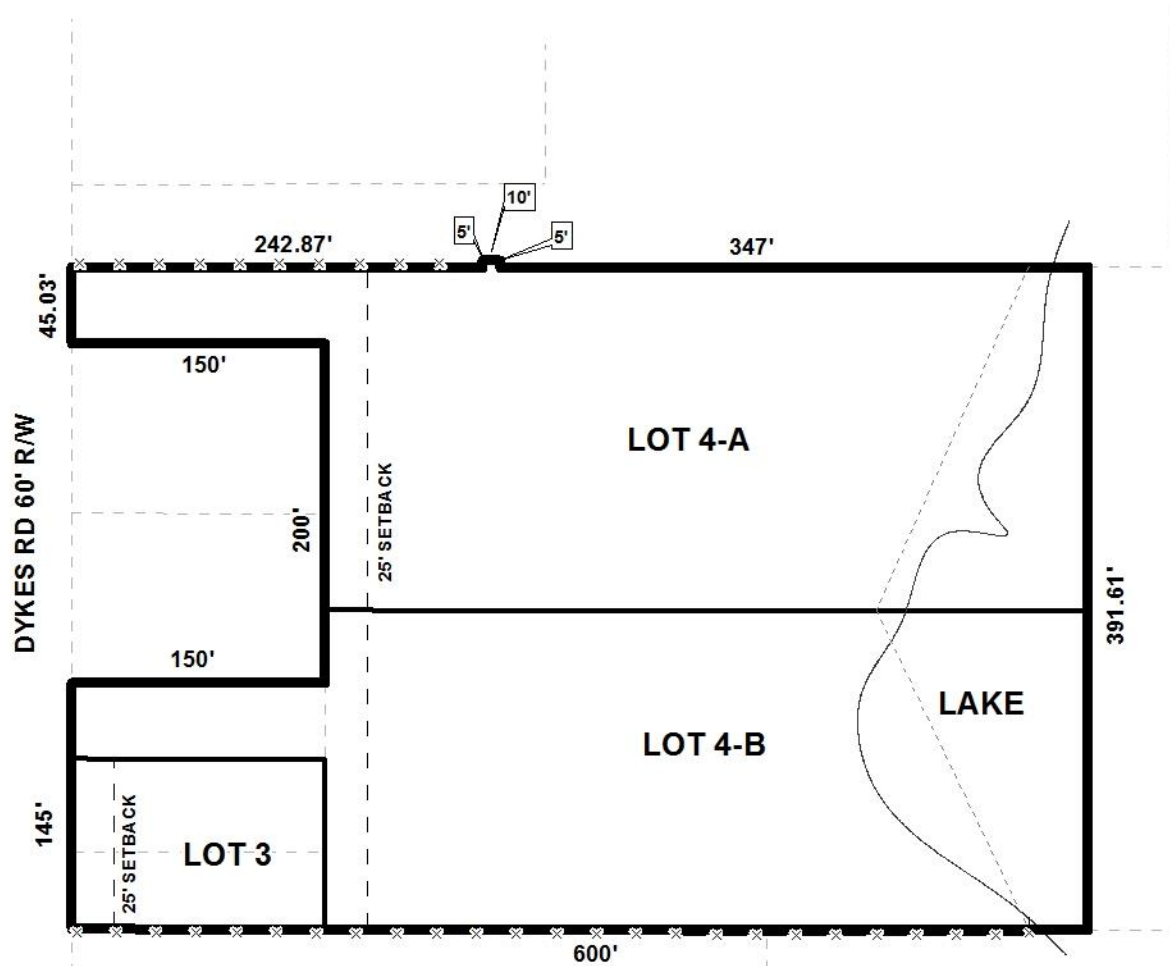
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DETAIL SITE PLAN



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