

**PLANNING APPROVAL  
& SUBDIVISION STAFF REPORT****Date: October 2, 2014**

<b><u>DEVELOPMENT NAME</u></b>	Townsend Family Division Subdivision
<b><u>SUBDIVISION NAME</u></b>	Townsend Family Division Subdivision
<b><u>LOCATION</u></b>	2643 Bear Fork Road (East side of Bear Fork Road, 1.3 ± mile North of Moffett Road)
<b><u>CITY COUNCIL DISTRICT</u></b>	Council District 1
<b><u>PRESENT ZONING DISTRICT</u></b>	R-1, Single-Family Residential
<b><u>AREA OF PROPERTY</u></b>	2 lots / 5.0 ± Acres
<b><u>CONTEMPLATED USE</u></b>	Planning Approval to allow an existing mobile home in an R-1, Single-Family Residential District, and Subdivision Approval to create a 2-lot family subdivision.
<b><u>TIME SCHEDULE FOR DEVELOPMENT</u></b>	Immediate
<b><u>ENGINEERING COMMENTS</u></b>	<b>Planning Approval:</b> A Land Disturbance permit will be required for any land disturbing activity in accordance with the of the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045), latest edition. Storm water detention may be required.

**Subdivision:** The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer:

- A. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with the of the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045), latest edition. Storm water detention may be required for any existing development (since 1984) that did not receive Land Disturbance permitting and for any future addition(s) and/or land disturbing activity.
- B. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 23 - #65) each lot will receive the following historical credit of impervious area towards stormwater detention requirement per the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045), latest

edition, as follows: LOT 1 – Coordinate with City Engineering Department staff to establish the exact amount; LOT 2 –NONE.

- C. 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.
- D. Show and label all flood zones.
- E. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation.
- F. Show and label each and every Right-Of-Way and easement.
- G. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- H. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.

### **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 (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 requesting Planning Approval to allow a mobile home in an R-1, Single-Family Residential District, and Subdivision Approval to create a 2-lot family subdivision. The site is located in Council District 1, and according to the applicant is served by public water and individual septic systems.

The applicant states that Mrs. Townsend and her husband live on the proposed Lot 1 and her son lives on the proposed Lot 2. Her son and husband are both disabled from time spent in the military and the proximity of the existing trailer and her home allows for her to help care for them both.

It is important to note that this site, which was annexed into the city in 1985, appeared before the Board of Zoning Adjustment at its January 8, 2002 meeting where the Board granted a time-limited approval for an existing mobile home that was illegally placed on the site with the following condition:

- 1) *that the Mobile Home remain on the subject property for a term not to exceed three years;*

The time limited approval was granted for the temporary use of the existing trailer until a house was constructed. The Board approved the previous case with this in mind; however, it appears that the applicant replaced the existing single-wide mobile home with another mobile home instead of a house, sometime between 2002 and 2006, per GIS aerial photos. Although there appears to be a hardship presented by the applicant, it should be pointed out that this does not change the fact that the trailer was placed on the site **illegally** without proper permitting and approvals. Furthermore, the previous variance application gave them knowledge of the requirements regarding mobile homes.

The review required for Planning Approval examines the applicant's location and site plan with regard to transportation, parking and access, public utilities and facilities, traffic congestion and hazard, and to determine if the proposal is in harmony with the orderly and appropriate development of the district. It is very important to note that Planning Approval is site plan AND use specific, thus any future changes to the site or proposed use will require additional Planning Approval.

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.

In accordance with the Subdivision Regulations, both proposed lots exceed the minimum size requirements. The 25' minimum building setback line is depicted on the plat; however, it should be pointed out that the existing mobile home on the proposed Lot 2 does not appear compliant with the 25' minimum building setback. As a result, the illegally placed structure should be moved to a compliant location. A note reflecting this requirement should appear on the Final Plat, if approved.

As illustrated on the site plan, it appears that current access to the site is via an existing gravel drive within a 30' ingress/egress easement which begins at Bear Fork Road. It should be pointed out that it appears a portion of the existing mobile home on the proposed Lot 2 may actually reside within the easement. If approved, a note should be placed on the Final Plat stating that no permanent structures can be placed or erected within any easement and the structure should be relocated to a compliant location. As a means of access management, both lots should be limited to 1 curb-cut to the existing drive with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards.

GIS data depicts a portion of the site within the X-Shaded Flood Zone and wetlands associated with Eight Mile Creek. The proximity of the site to water may mean that the site is environmentally sensitive, thus approvals from local, state and federal agencies for flood zone and wetland issues may be required prior to development. A note regarding these requirements should appear on the Final Plat if approved.

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. A note reflecting this requirement should be placed on the Final Plat, if approved.

With regard to allowing the existing mobile home to remain on the proposed lot, as there does not appear to be other properties in the immediate vicinity that contain mobile homes, the existing mobile home is not in harmony with the development of the district. The subject site has been within the city and its zoning jurisdiction for 29 years, and the applicant was fully aware of the limitations regarding mobile homes within R-1 districts.

**RECOMMENDATION**

**Subdivision:** This application is recommended for denial for the following reasons:

- 1) The proposed subdivision does not front onto a paved public or private street, as required in Section V.D.4. of the Subdivision Regulations; and
- 2) The existing mobile home appears to encroach within the 30' ingress/egress easement and the 25' minimum building setback line.

**Planned Approval:** This application is recommended for denial for the following reasons:

- 1) The previous 2002 Variance approval from the Board of Zoning Adjustment only allowed the previous mobile home to remain on the site a temporary time not to exceed three years. The applicant subsequently placed another mobile home on the property illegally; and
- 2) The majority of the other properties in the vicinity appear to have been developed in compliance with R-1, Single-Family Residential district guidelines.

***Revised for the November 6<sup>th</sup> meeting:***

*The application was held over from the October 2<sup>nd</sup> meeting at the applicant's request. Since that time, no additional information was received and, as such, the previous recommendation of denial remains.*

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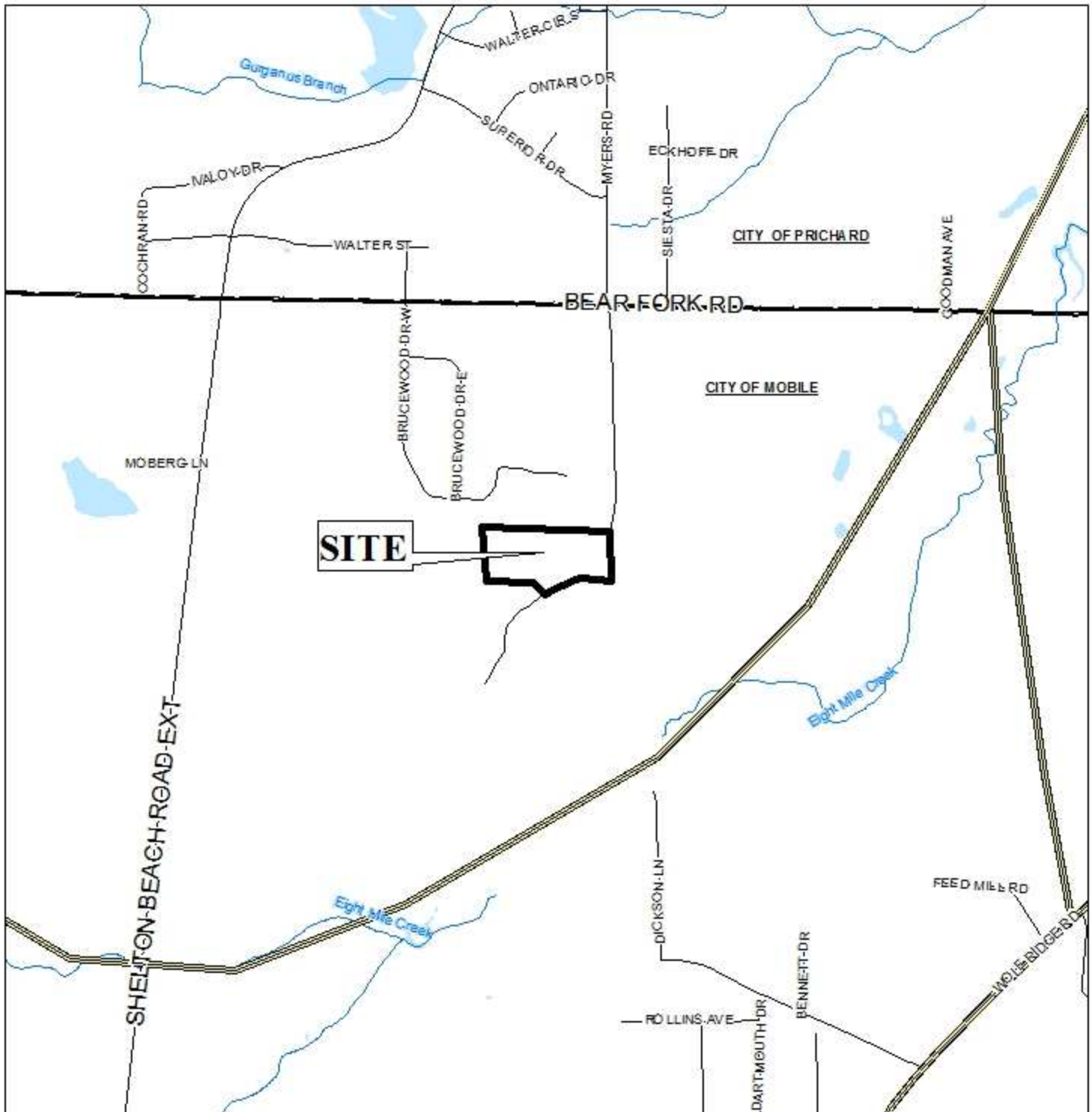
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# LOCATOR MAP



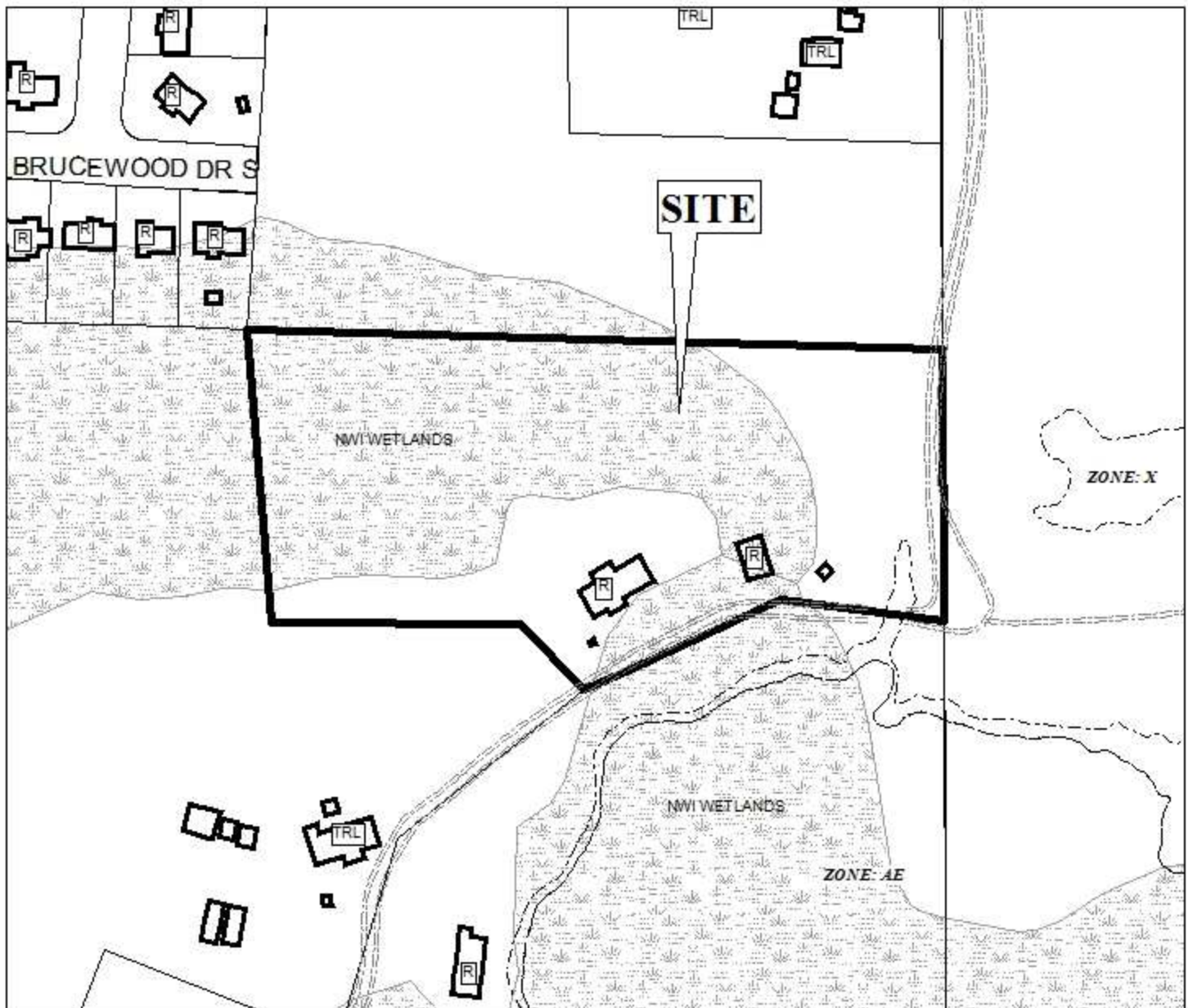
APPLICATION NUMBER 1 DATE November 6, 2014

APPLICANT Townsend Family Division Subdivision

REQUEST Subdivision, Planning Approval



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

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REQUEST Subdivision, Planning Approval

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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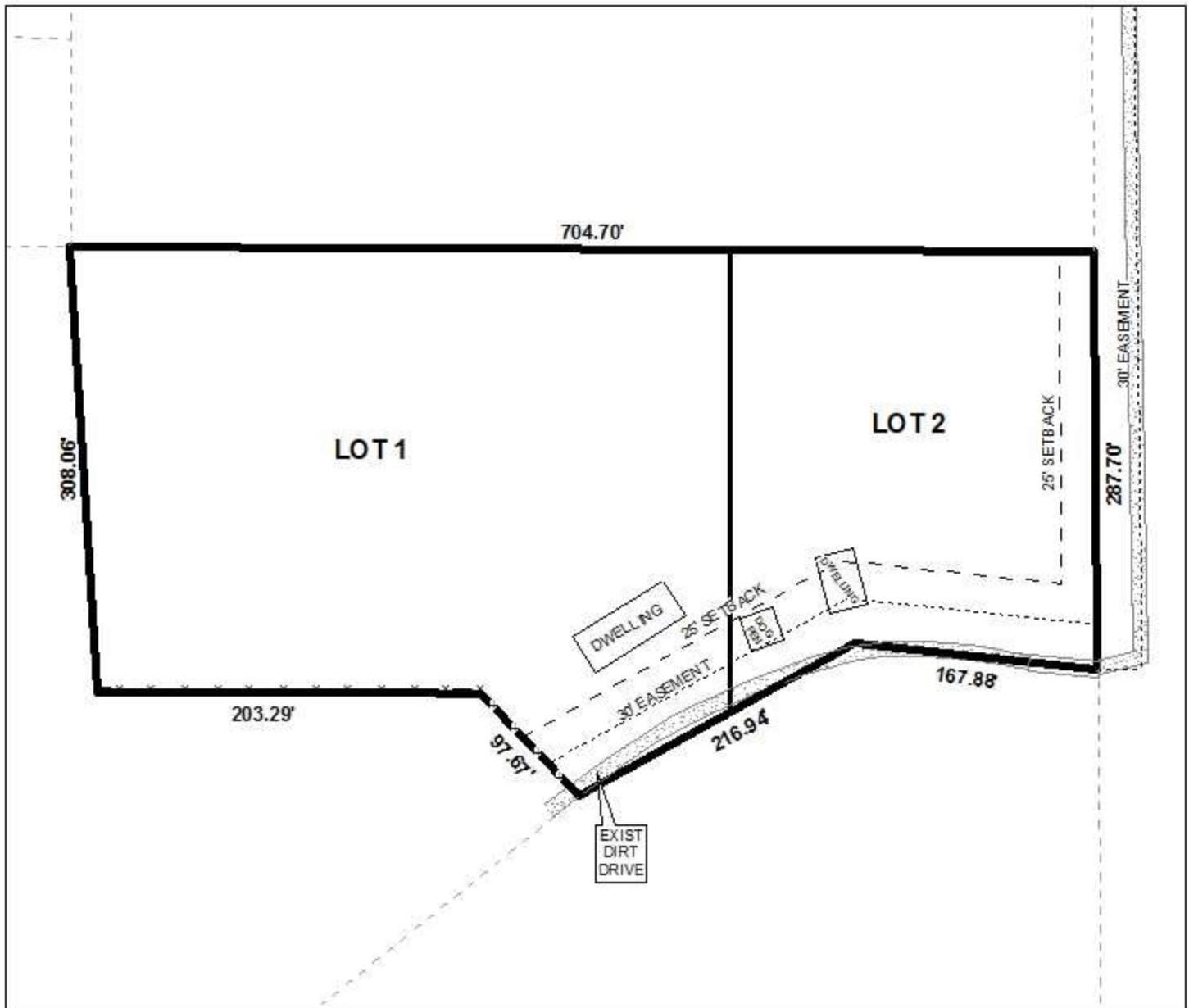
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# SITE PLAN



The site illustrates the proposed lots, existing buildings, setback, and easement.

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