

ROE PROPERTY SUBDIVISION,
RESUBDIVISION OF LOT 1

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 the dimensions of the ROW width for the unnamed ROW on the south side of LOT 2-A.
- C. Show and label the monument set or found at each subdivision corner.
- D. Dedicate the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the northwest corner of LOT 1-A and southwest corner of LOT 2-A to the City of Mobile, and list the amount of dedicated acreage.
- E. Show and label each and every Right-Of-Way and easement.
- F. Provide the Surveyor's and Owner's (notarized) signatures.
- G. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 24 - #74) LOTS 1-A and 2-A will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT 1 –700 sf and LOT 2 – 2,500 sf.
- 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. After all comments have been addressed 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.
- N. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and

City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.

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 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 2-lot, 0.5± acre subdivision which is located on the East side of Myrtlewood Lane, at the East terminus of Stein Avenue, in Council District 7. The purpose of this application is to create two (2) legal lots of record from one (1) legal lot of record. The applicant states the site is served by public water and sanitary sewer services. The existing legal lot of record was created as part of the Roe Property Subdivision, recorded in 1949.

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 du/ac, depending on the mix, types, and locations of the housing as specified by zoning.

Like LDR areas, MxDR 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.

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.

The applicant provided the following narrative regarding the request:

We are submitting a 2 lot subdivision along Myrtlewood to create 2 lots out of the existing property. It is our intention to build 2 single family residences with Lot 1-A facing Myrtlewood and placing small detached garage on the alley way side, therefore we have asked for an 8 foot side setback as this alley is not used nor improved and have shown a 12 foot setback on the opposite side to meet typical side setback conditions. All other setbacks are standard. It is our intent to build a home on Lot 2-A to face the unnamed road to the south and have adhered to a front and side street setback of 25 feet which meet the standard criteria. We ask that the 2 lot subdivision be considered as submitted to ensure the homesites flow with the existing conditions of the street. We understand this is a small right of way at Myrtlewood but believe we meet the character of the neighbors in the manner in which we have submitted.

As proposed, both lots have frontage onto Myrtlewood Lane, a minor street with curb and gutter requiring a 50-foot right-of-way width. The preliminary plat illustrates a non-compliant 33-foot right-of-way. As was required in 1980 for the adjacent Sigler Subdivision (also originally a Roe Property Subdivision lot), and in 1988 for Gaillard Oaks, across the street, dedication sufficient to provide 25 feet from the centerline should be required.

Proposed Lot 1-A abuts a public alley (no right-of-way width provided) to the North of the subject property. Historically, this alley provided pedestrian only access between Stein Avenue / Myrtlewood Lane and Avalon Street / Devendel Lane, as a stairway used to exist in the alley due to the change in elevation between the two sets of streets. The applicant has stated a desire to use a portion of the unimproved alley to access a proposed garage, and as such has requested a reduced setback along the alley of 8 feet. The applicant proposes a 12-foot setback on the opposite side, to provide the Zoning Ordinance minimum combined side yard setbacks. As Section V.D.9. of the Subdivision Regulations only provides for a 25-foot setback from abutting street rights-of-way, this section would have to be waived to allow the requested 8-foot setback along the alley. Section V.B.14. of the Subdivision Regulations requires a minimum right-of-way width for alleys of 20 feet, thus the plat should be revised to depict the existing alley width and, if necessary, the dedication of right-of-way to provide the minimum 20-foot width.

Proposed Lot 2-A abuts an unnamed right-of-way to the South, which the applicant intends to be the primary frontage for the lot. It should be noted that for addressing purposes, the lot will likely

be given an address number along Myrtlewood, not the unnamed street. Additionally, the unnamed street appears to provide access to the house located at 114 Myrtlewood. The right-of-way of the unnamed street is indicated as varying, however, plat should be revised to either indicate that the unnamed right of way has existing minimum width of 50', or dedication should be required to provide 25' from the centerline. The applicant could consider requesting a waiver of Section V.D.9. of the Subdivision Regulations to allow for the setback along the unnamed right of way to only be 20 feet, as would be allowed by the Zoning Ordinance.

Dedication of corner radii in compliance with Section V.D.6. of the Subdivision Regulations at both the Northwest corner of Lot 1-A and the Southwest corner of Lot 2-A, should be coordinated with the City Engineer and the Traffic Engineer, if determined necessary. In addition, the revision of minimum building setback lines adjusted for dedication will be required.

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, adjusted for dedication. As a means of access management, a note containing the Traffic Engineering comments should be placed on the Final Plat.

No easements are indicated on the preliminary plat. If any easements are recorded on the site they should be indicated and labeled on the Final Plat, and a note should be placed on the Final Plat stating that no structure may be placed or constructed within any easement without permission of the easement holder, if applicable.

Finally, it should be noted that there is an existing structure visible in aerial photos of the site; however, in March 2020 demolition permits were issued for the removal of all structures from the site.

Based on the preceding, this application is recommended for Tentative Approval subject to the following conditions:

- 1) Waiver of Section V.D.9. of the Subdivision Regulations to allow for an 8-foot setback from the alley on the North side of proposed Lot 1-A, and a 20-foot setback from the unnamed right-of-way on the South side of proposed Lot 2-A;
- 2) Dedication to provide 25' from the centerline of Myrtlewood Lane;
- 3) Either illustration that the alley abutting Lot 1-A has a minimum 20' right-of-way, or dedication to provide 10' from the centerline as necessary;
- 4) Coordination with the City Engineer and the Traffic Engineering regarding the provision of a corner radius in compliance with Section V.D.6. of the Subdivision Regulations at both the Northwest corner of Lot 1-A and the Southwest corner of Lot 2-A, if a radius is determined necessary;
- 5) Revision of minimum building setbacks, adjusted for dedication;
- 6) Retention of the lot size in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information, adjusted for dedication;
- 7) Placement of a note on the Final Plat stating that no structure may be constructed or placed within any easement without permission of the easement holder, if applicable;

- 8) Compliance with the 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 the dimensions of the ROW width for the unnamed ROW on the south side of LOT 2-A. C. Show and label the monument set or found at each subdivision corner. D. Dedicate the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the northwest corner of LOT 1-A and southwest corner of LOT 2-A to the City of Mobile, and list the amount of dedicated acreage. E. Show and label each and every Right-Of-Way and easement. F. Provide the Surveyor's and Owner's (notarized) signatures. G. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 24 - #74) LOTS 1-A and 2-A will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT 1 – 700 sf and LOT 2 – 2,500 sf. 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. After all comments have been addressed 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. N. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.);
- 9) Placement of a note on the Final Plat stating the Traffic Engineering comments: (Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards);
- 10) Compliance with the 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

- 11) Compliance with the 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).)*

Revised for the August 20th meeting:

After discussion, the Planning Commission heldover the request until the August 20th meeting, as requested by the applicant. The applicant has since submitted a revised plat and additional information.

The applicant states:

I have worked up a sketch to illustrate the existing homes in the area including the house that was torn down on the property through a demo permit pulled as noted in the original staff report. We are asking for a mediation to our original request based on the information we received from the original submittal. We request that no dedication of right of way be required and that the placement of the future home be allowed to be located consistently with others in the area and the old home location. We have updated the plat to show a setback of 20 feet along Myrtlewood and a 25-foot setback along the unnamed road to the south. You can see in the overlay of homes along Myrtlewood that they are located very close to the right of way and well within 20 feet of the existing right of way. We are asking for the same consistency of the nature of the area. Please take this into consideration for the next staff report.

As detailed in the applicant's narrative, insufficient right-of-way widths and building setbacks do appear to exist in the area. This is a common occurrence with properties whose development or subdivision predate current subdivision regulations and does not necessarily constitute adequate reasoning for non-compliance.

It is important to note that the previous plat illustrated a compliant 25-foot front building setback along Myrtlewood Lane for both proposed lots, while the revised plat illustrates a 20-foot front building setback. Lot 2-A also fronts an unnamed drive to its South. The previous plat again illustrated a compliant 25-foot front setback for Lot 2-A along the unnamed drive, which is unchanged on the revised plat.

The applicant is requesting that no dedication be required along Myrtlewood Lane, in addition to the 20-foot minimum setback requested. However, Sigler Subdivision, immediately to the South of the subject site (across the unnamed drive) was recorded in Probate Court in 1980 showing dedication to provide 25' from the centerline of Myrtlewood Lane, as well as a 25' setback along the same frontage. Dedication was also required in 1988 for Gaillard Oaks, across the street, to provide 25 feet from the centerline. North of the intersection with Stein Avenue along Myrtlewood Lane, Laura Lee Place Subdivision (1980), Margaret Place Subdivision (1981), Barrett Subdivision (1986) and Kelley Subdivision (1995) all required dedication to provide 25 feet from the centerline of Myrtlewood Lane, and required a 25-foot front yard setback. Two corner lots were allowed to have a 20-foot side street side yard setback. Therefore, a waiver of dedication and

a reduced setback would be contrary to the existing character of the area and prior Planning Commission approvals.

As for the requested 20-foot reduced setback for Lot 1-A along Myrtlewood Lane, this would not be consistent with previous subdivision approvals by the Planning Commission. It should be noted, however that should the Planning Commission choose to allow a 20' setback along Myrtlewood Lane, a waiver of Section V.D.9. of the Subdivision Regulations will be required for both lots, in addition to a Front Yard Setback Variance for the proposed Lot 1-A. Furthermore, if no dedication is required, a waiver of Section V.B.14. of the Subdivision Regulations will be required.

For Lot 2-A, a side street side yard setback of 20 feet is allowed by right under the Zoning Ordinance, thus the requirement under the Subdivision Regulations could be waived by the Planning Commission. However, this is only true if Lot 2-A is addressed to the unnamed street, making it the primary frontage for the proposed lot. All other lots with frontage on the unnamed street have a Myrtlewood Lane street address. Therefore, it is instead recommended that a 25-foot setback along Myrtlewood Lane be required for Lot 2-A, and if the unnamed street will be considered a side street side yard, allow a 20-foot setback on that side of the lot.

The revised preliminary plat retains the deficiencies detailed in the previous staff report prepared for the July 16th meeting. The applicant's revised narrative did not provide sufficient reasoning such that Staff's recommendation be changed.

Should the Commission see fit to approve the request as illustrated on the revised preliminary plat, waivers from Sections V.D.9. and V.B.14. of the Subdivision Regulations would be necessary. A waiver of Section V.D.9. would allow for an 8-foot setback from the alley on the North side of proposed Lot 1-A. While a waiver from Section V.B.14. would grant reduced right-of-way widths along this portion of Myrtlewood Lane, the alley to the North of Lot 1-A, and the unnamed drive to the South of Lot 2-A.

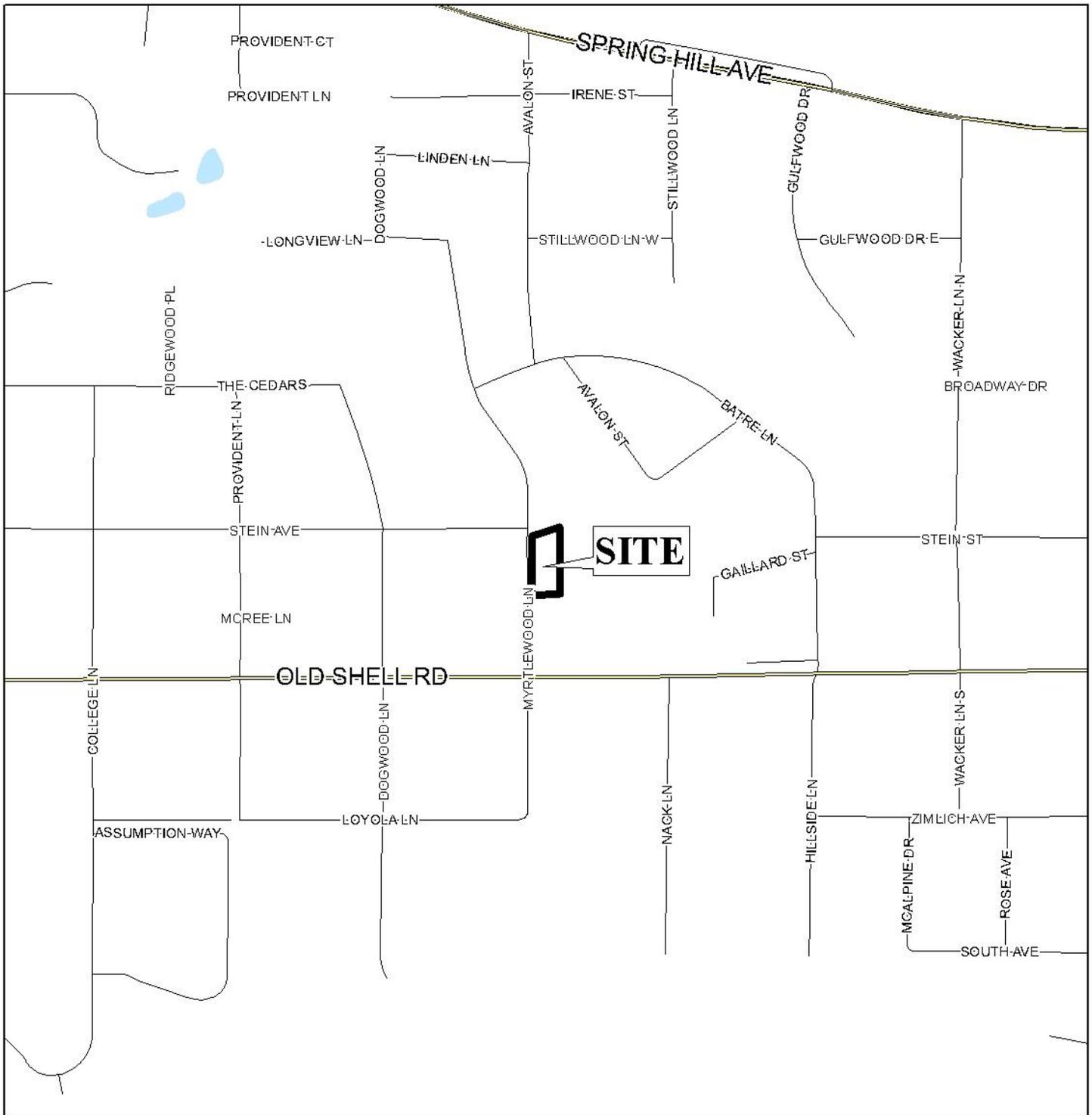
Based on the preceding, this application is recommended for Tentative Approval, with a waiver of Section V.D.9. of the Subdivision Regulation, subject to the following conditions:

- 1) Dedication to provide 25' from the centerline of Myrtlewood Lane;*
- 2) Either illustration that the alley abutting Lot 1-A has a minimum 20' right-of-way, or dedication to provide 10' from the centerline, as necessary;*
- 3) Coordination with the City Engineer and the Traffic Engineering regarding the provision of a corner radius in compliance with Section V.D.6. of the Subdivision Regulations at both the Northwest corner of Lot 1-A and the Southwest corner of Lot 2-A, if a radius is determined necessary;*
- 4) Revision of the Final Plat to illustrate a 25-foot front setback along Myrtlewood Lane for both lots, adjusted for dedication;*
- 5) Retention of the 8-foot setback from the alley on the North side of proposed Lot 1-A, adjusted for dedication;*
- 6) Retention of the 25-foot setback from the unnamed drive to the South of Lot 2-A;*
- 7) Retention of the lot size in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information, adjusted for dedication;*

- 8) Placement of a note on the Final Plat stating that no structure may be constructed or placed within any easement without permission of the easement holder, if applicable;
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- 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*
- 12) *Compliance with the 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)).*

LOCATOR MAP



APPLICATION NUMBER 1 DATE August 20, 2020

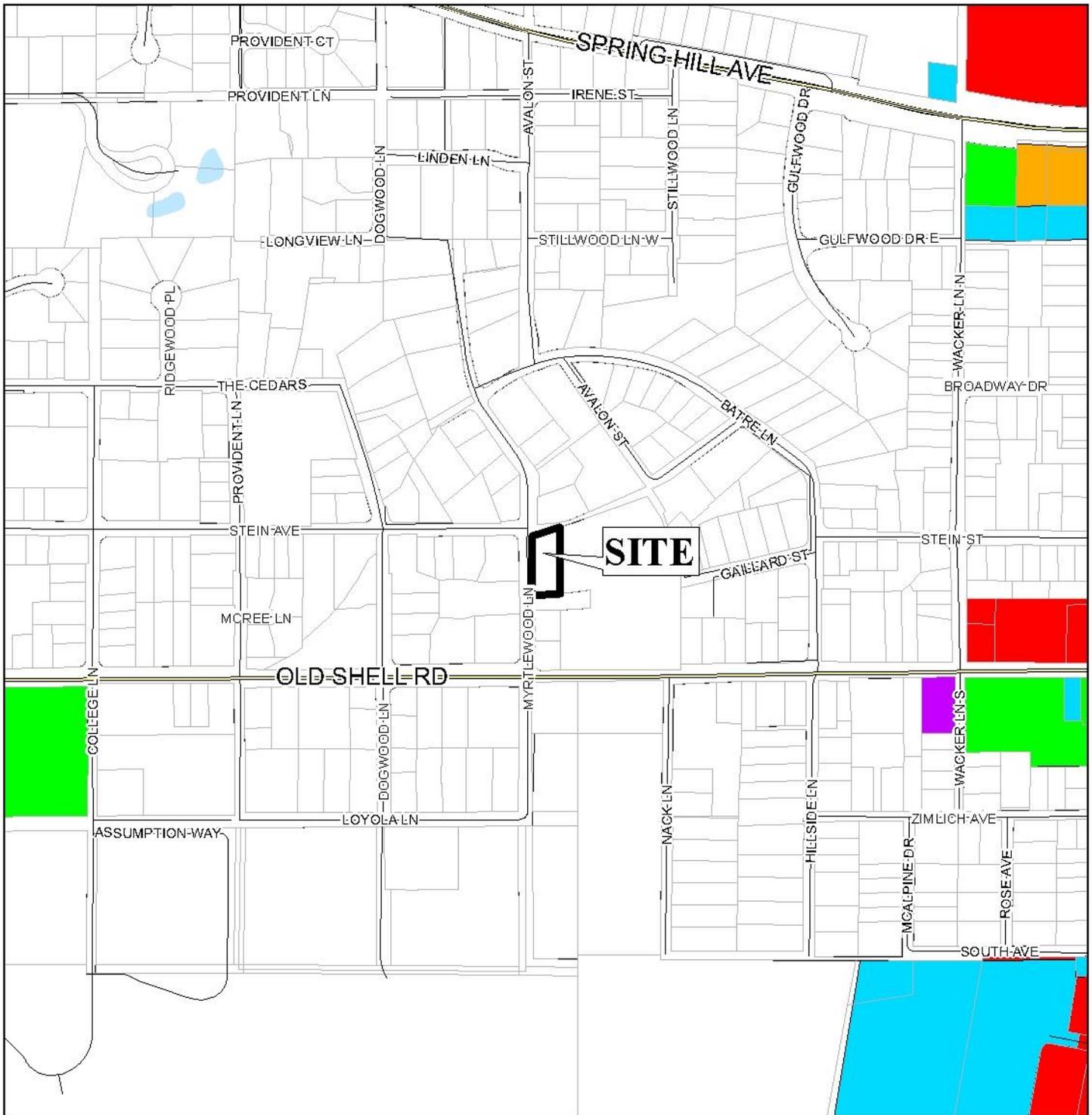
APPLICANT Roe Property Subdivision, Resubdivision of Lot 1

REQUEST Subdivision



NTS

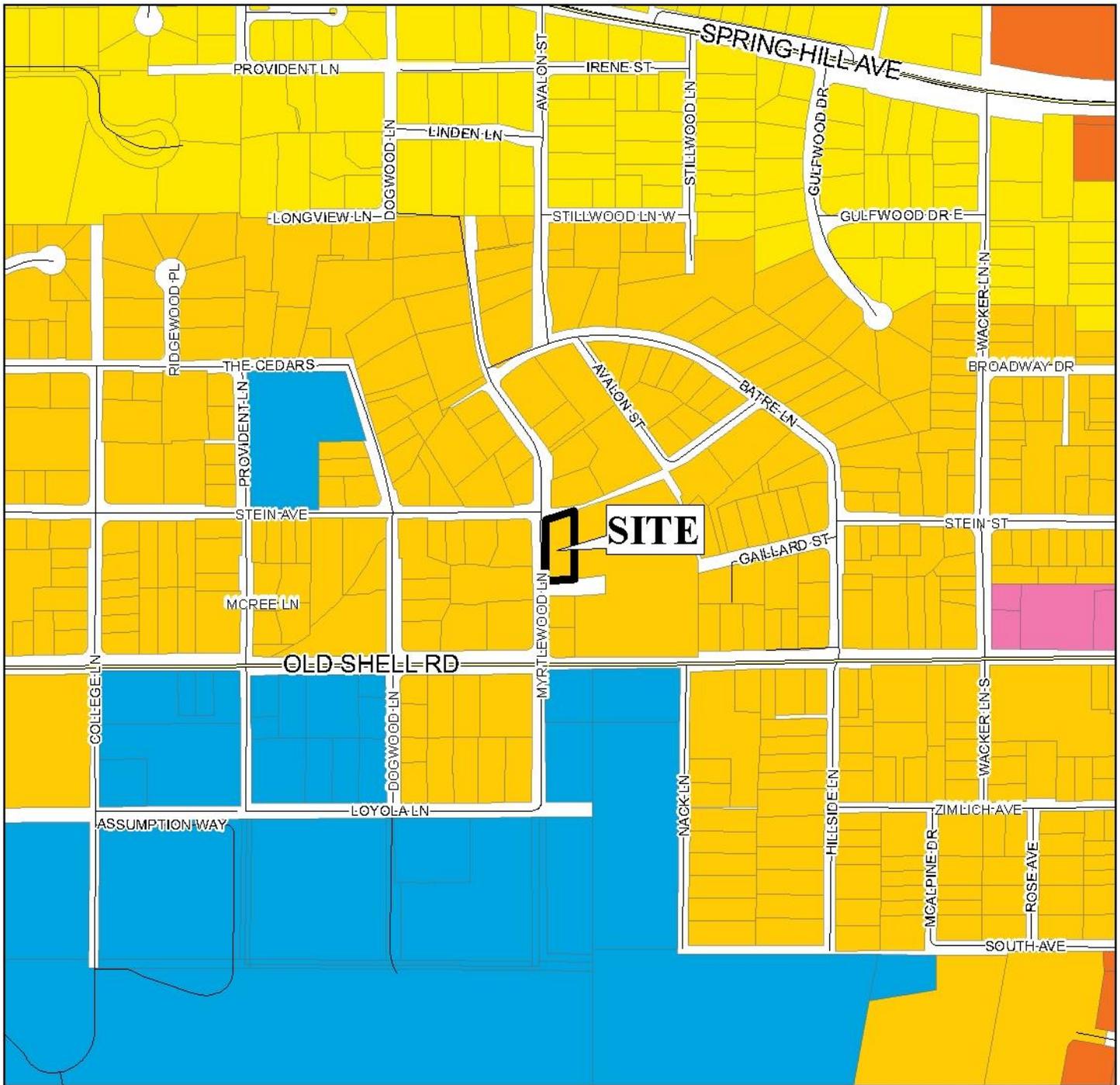
LOCATOR ZONING MAP



APPLICATION NUMBER 1 DATE August 20, 2020
 APPLICANT Roe Property Subdivision, Resubdivision of Lot 1
 REQUEST Subdivision



FLUM LOCATOR MAP



APPLICATION NUMBER 1 DATE August 20, 2020

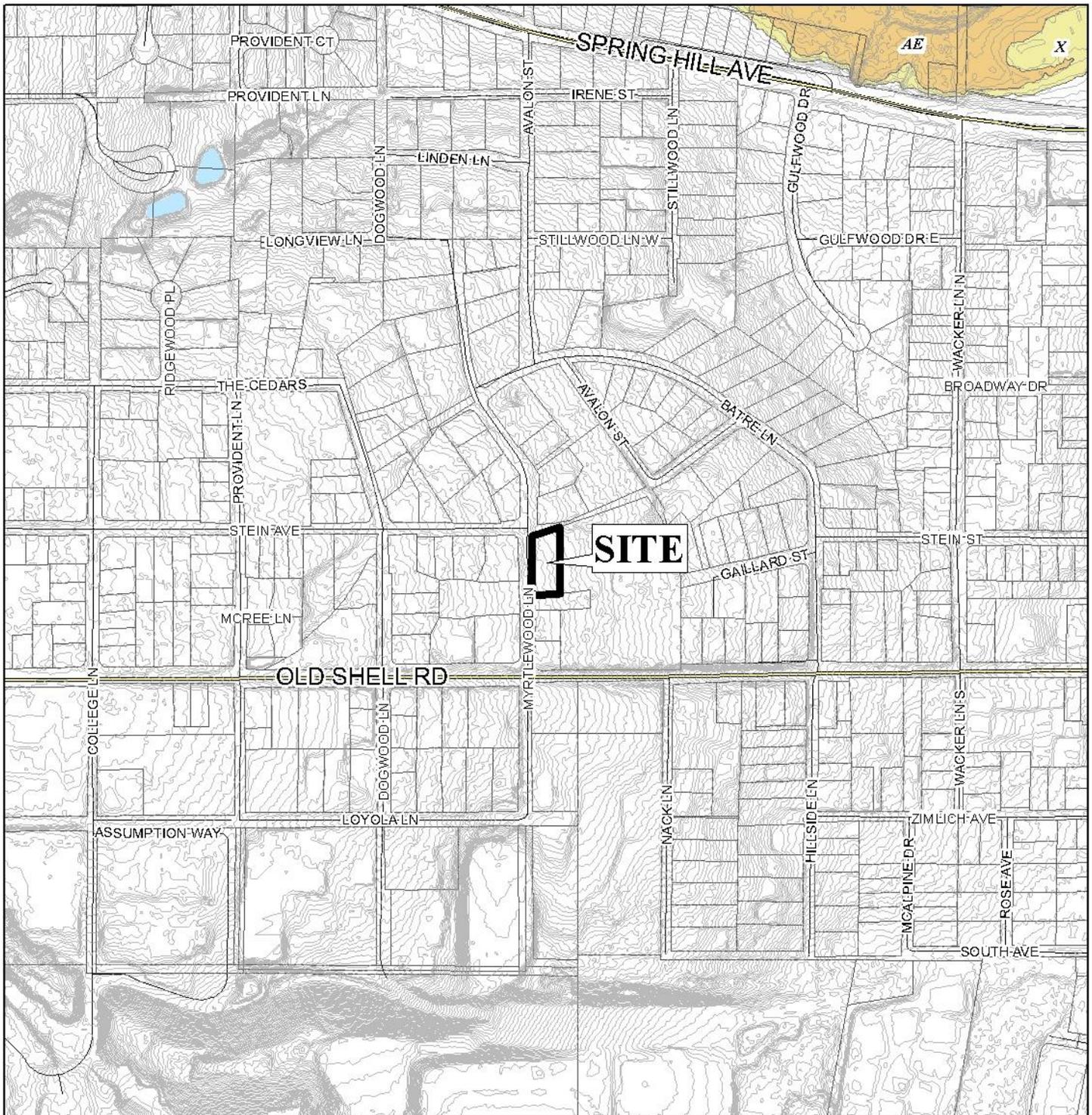
APPLICANT Roe Property Subdivision, Resubdivision of Lot 1

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 August 20, 2020

APPLICANT Roe Property Subdivision, Resubdivision of Lot 1

REQUEST Subdivision



NTS

ROE PROPERTY SUBDIVISION, RESUBDIVISION OF LOT 1



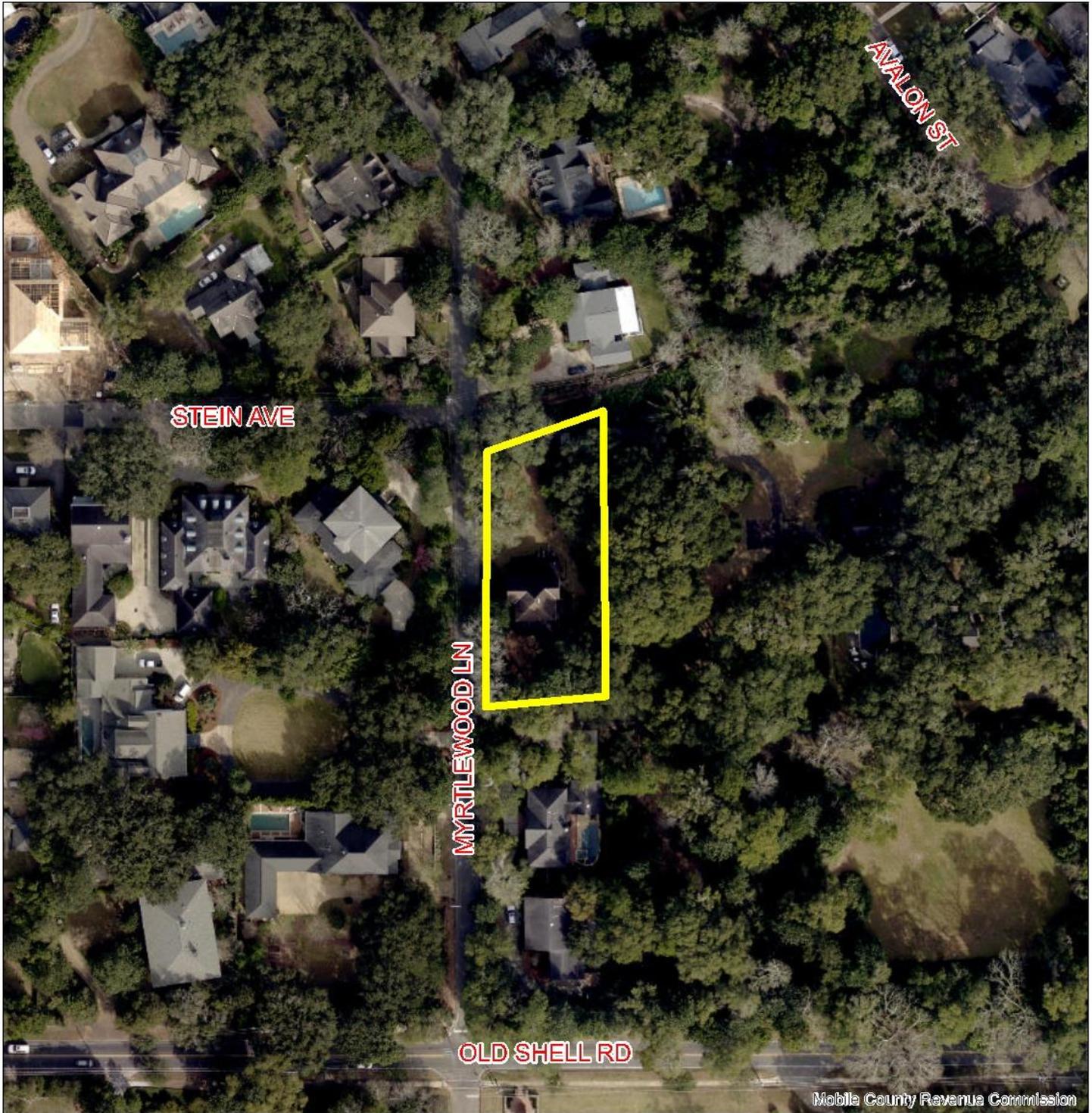
APPLICATION NUMBER 1 DATE August 20, 2020

 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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ROE PROPERTY SUBDIVISION, RESUBDIVISION OF LOT 1

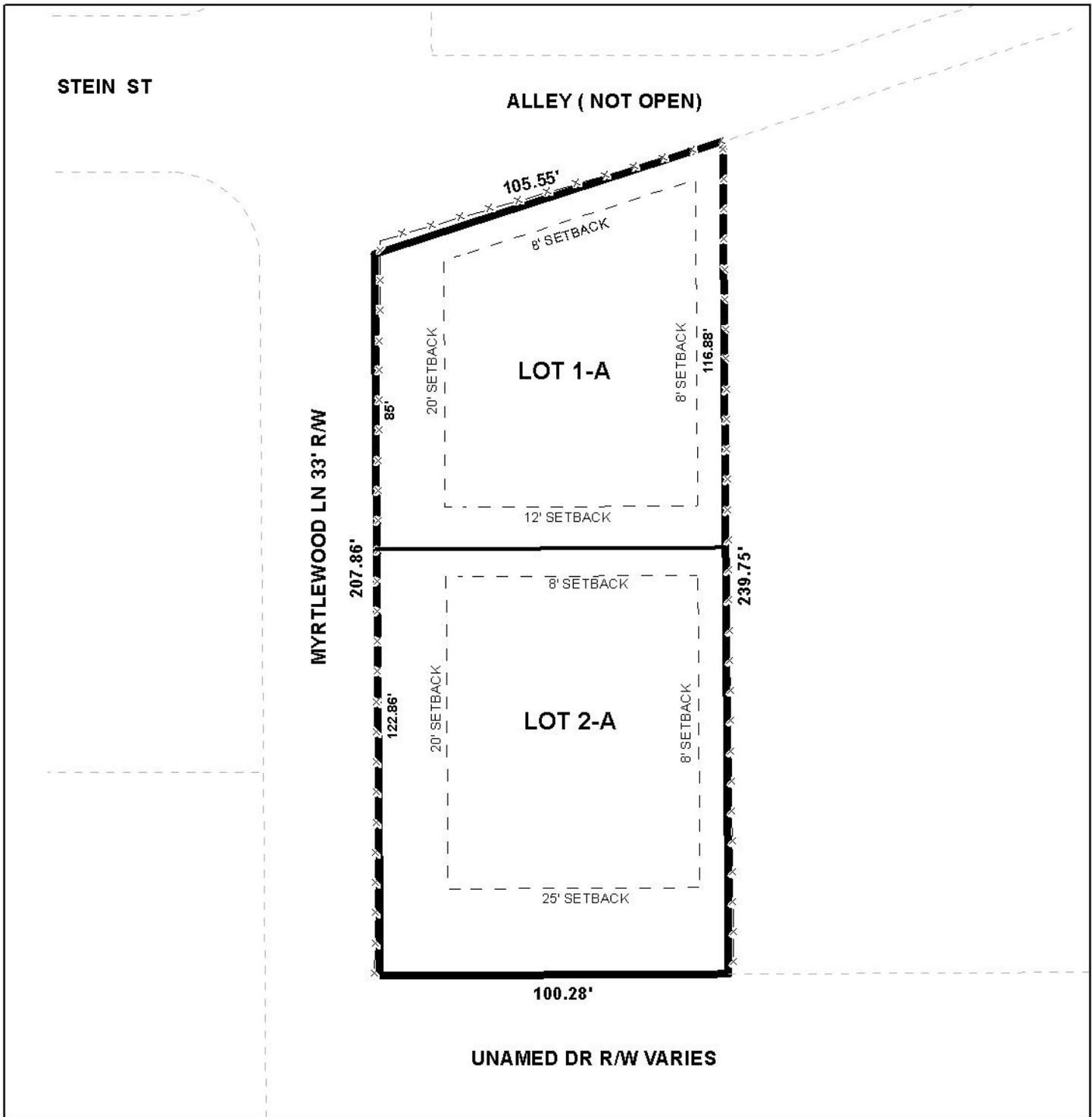


APPLICATION NUMBER 1 DATE August 20, 2020



NTS

DETAIL SITE PLAN



APPLICATION NUMBER 1 DATE August 20, 2020

APPLICANT Roe Property Subdivision, Resubdivision of Lot 1

REQUEST Subdivision



NTS