

**COUNTY VACATION
STAFF REPORT****Date: April 19, 2018****NAME**

LHRP, LLC

LOCATION1651 North Schillinger Road
(West side of North Schillinger Road, 35'± South of Tara Drive).**REQUEST**

Request to vacate multiple easements in the Planning Jurisdiction.

REMARKS

The applicant is requesting vacation of multiple easements in the Planning Jurisdiction.

The site was originally the subject of a 3-lot subdivision approved at the April 4, 2013 meeting of the Planning Commission, which was subsequently recorded in Mobile County Probate Court on May 23, 2013 as LHRP Commercial Park Subdivision.

At its November 7, 2013 meeting the Planning Commission approved revision of the plat as a 2-lot subdivision, and recommended for approval the vacation of several drainage, drainage and utility, ingress/egress, and detention/common area easements. The revised plat was not recorded and the vacation process was not completed.

At its October 2, 2014 meeting the Planning Commission again approved the revised 2-lot subdivision along with their recommendation to approve vacating the aforementioned easements; however, this plat was also not recorded, and the vacation process again remained incomplete.

Most recently, at the December 1, 2016 meeting of the Planning Commission, the site again received approval of a 2-lot subdivision, but no information was submitted regarding the completion of the vacation process of the various easements. Approval of the subdivision was allowed to expire and the applicant now wishes to vacate an ingress and egress easement; two (2) 15' utility easements; a 15' drainage easement; two (2) 20' drainage and utility easements; a 258± square-foot drainage easement; a 2,609± square-foot drainage easement. The applicant states that they are unneeded and redundant as justification for the request.

It should be noted that, if vacation of the subject easements is approved by the Planning Commission, they will remain recorded on the LHRP Commercial Park Subdivision plat. As such, completion of a new subdivision process to revise the plat to remove the easements will be required.

It should also be noted that easement deeds were recorded in Mobile County Probate Court on August 25, 2014 and May 18, 2015 by the property owner, granting Alabama Power an easement to the entirety of Lots 1, 2, and 3 of the recorded LHRP Commercial Park Subdivision. The easement deeds grant Alabama Power authority to establish an easement anywhere, and at any time deemed necessary and appropriate on the subject site. Alabama Power does not yet appear

to have made use of this provision since no Alabama Power easement is illustrated or mentioned on the submitted drawing. Upon revision of the subdivision plat to remove the subject easements, a note acknowledging the Alabama Power easement deeds should be placed on the Final Plat.

The subject site is adjacent to three (3) properties, the owners of which have each signed affidavits acknowledging the applicant's Declaration of Vacation of Ingress, Egress, Drainage and Utility Easements. As such, it does not appear that approving the request will impose an adverse effect on the area and/or its inhabitants/property owners. Nevertheless, as mentioned, a new subdivision application will be required to remove the easements from the recorded plat.

RECOMMENDATION

The request is recommended for Holdover to the April 19, 2018 meeting, with the following to be submitted by March 20th:

- 1) submit a new Subdivision application to amend the plat to remove all easements proposed to be vacated.

Revised for the April 19th meeting:

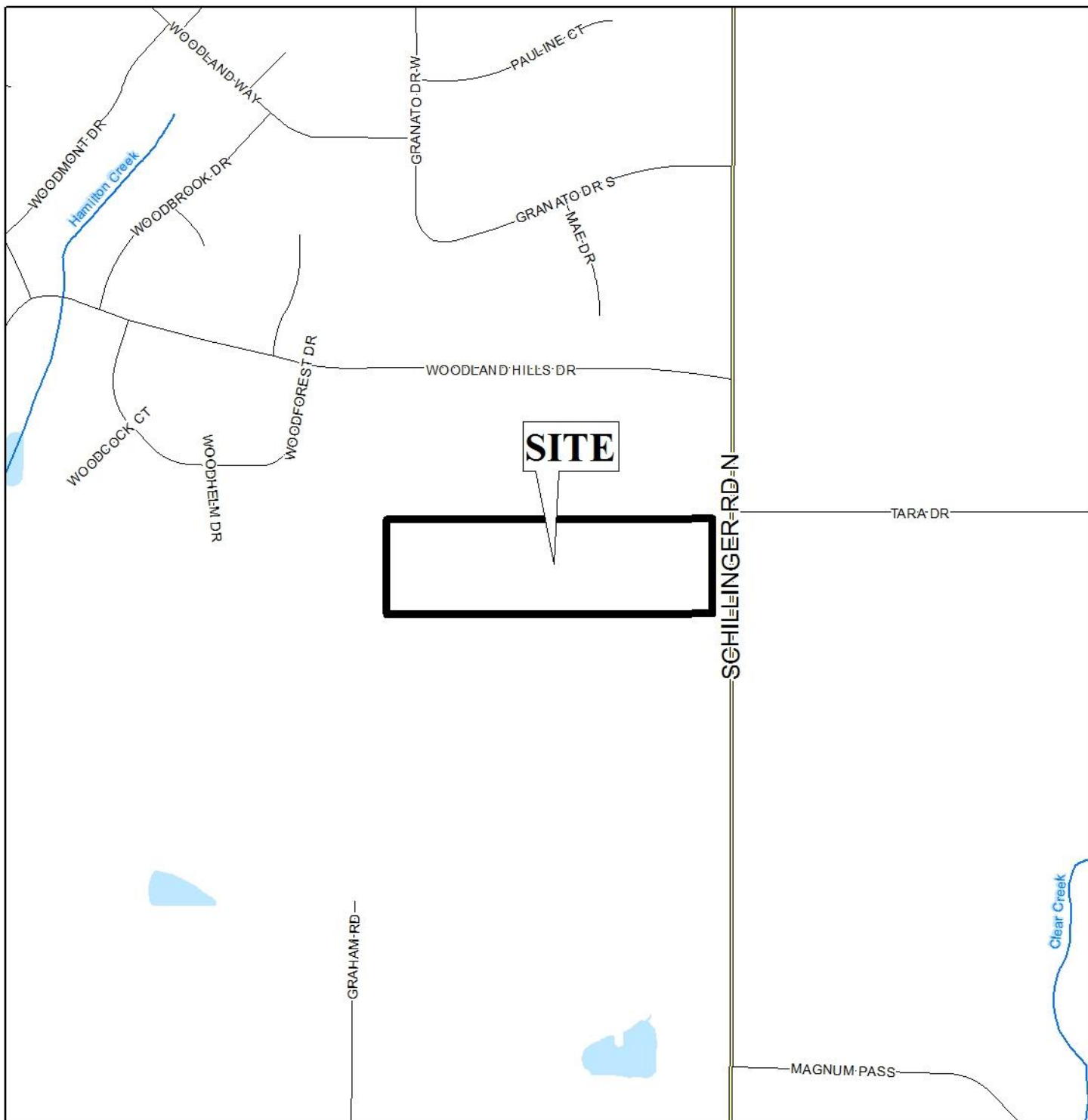
The vacation request was heldover from the March 15th meeting to allow the applicant to submit a new Subdivision application to amend the plat to remove all easements proposed to be vacated.

The Subdivision application was received by Planning and Zoning staff on April 16th, which did not allow staff enough time to review the request before the April 19th meeting. As such, it will be considered at the May 17th meeting of the Planning Commission.

Based on the preceding the request is recommended for Approval subject to the following condition:

- 1) *Approval of the Subdivision request.*

LOCATOR MAP



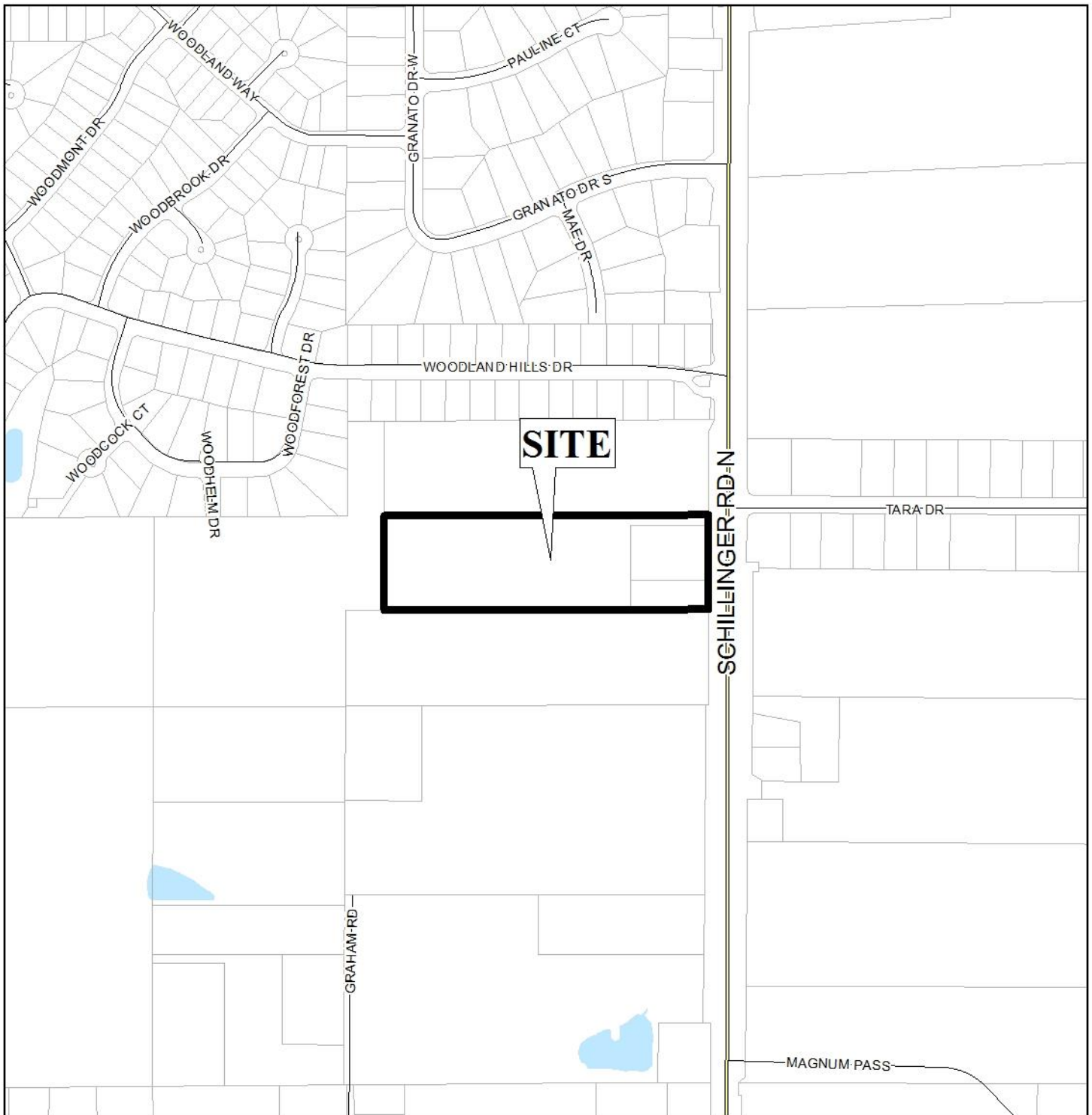
APPLICATION NUMBER 2 DATE April 19, 2018

APPLICANT LHRP, LLC

REQUEST Vacation Request



LOCATOR ZONING MAP



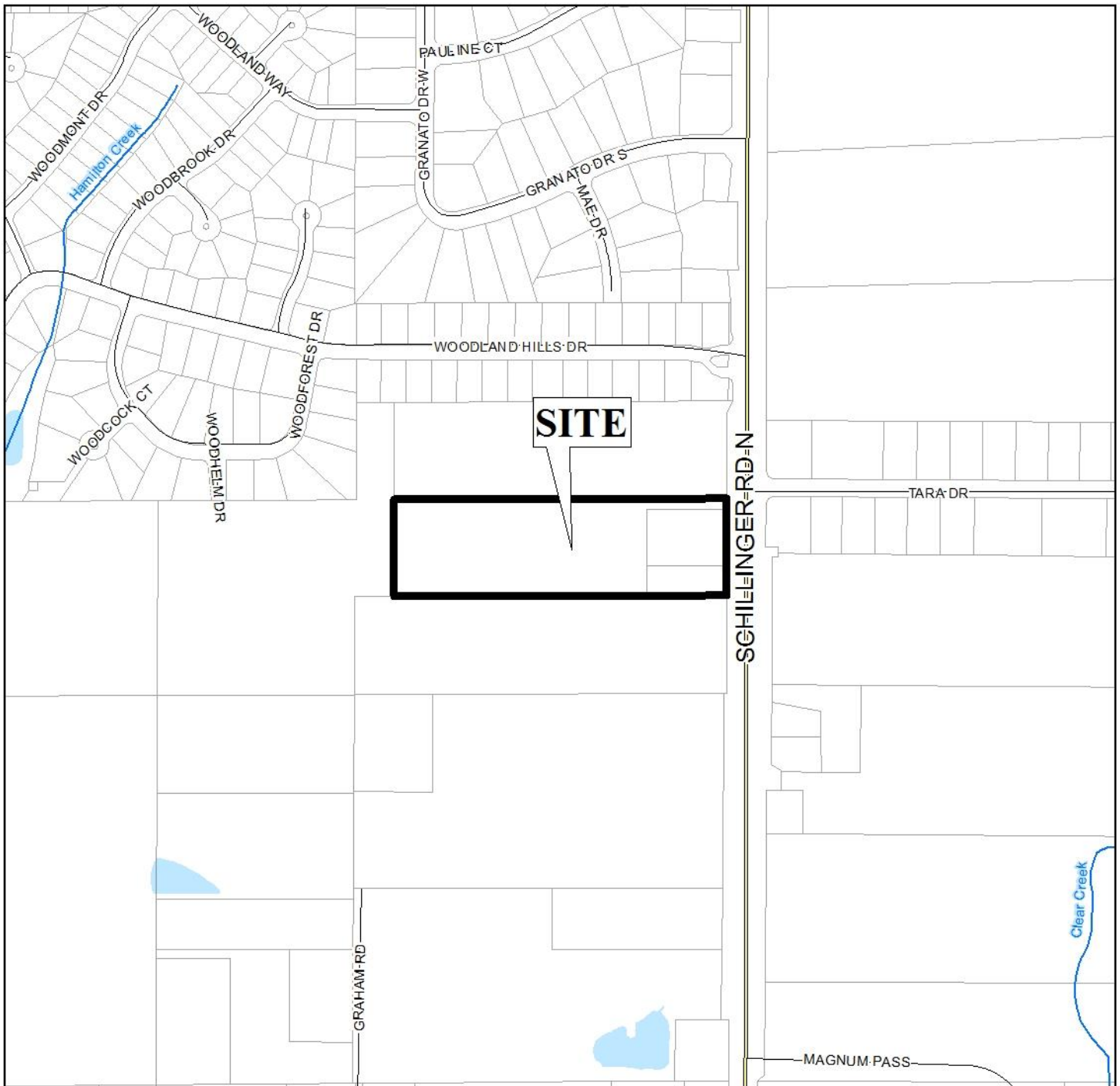
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FLUM LOCATOR MAP



APPLICATION NUMBER 2 DATE April 19, 2018

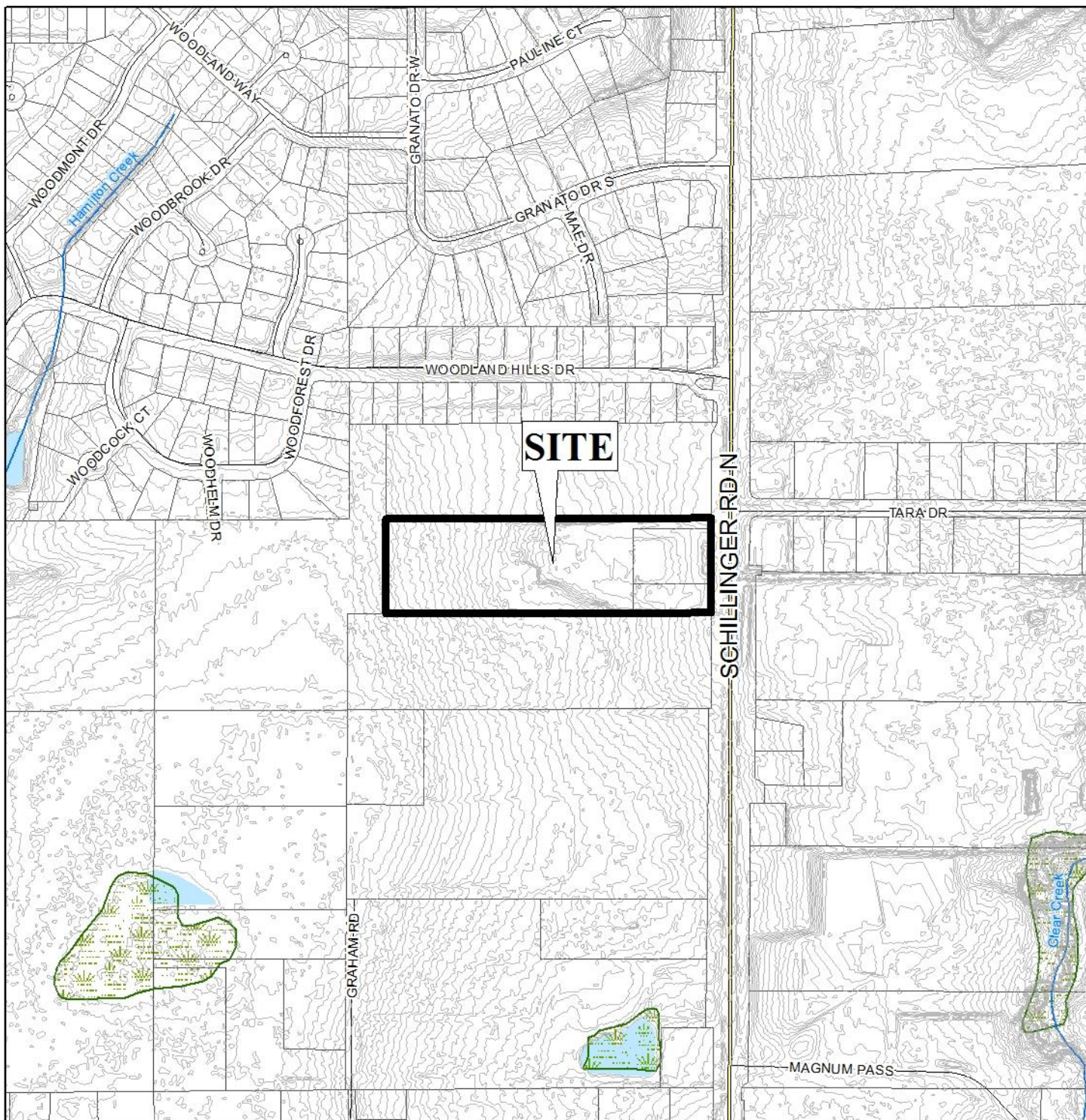
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed Commercial Corridor	Institutional	



ENVIRONMENTAL LOCATOR MAP



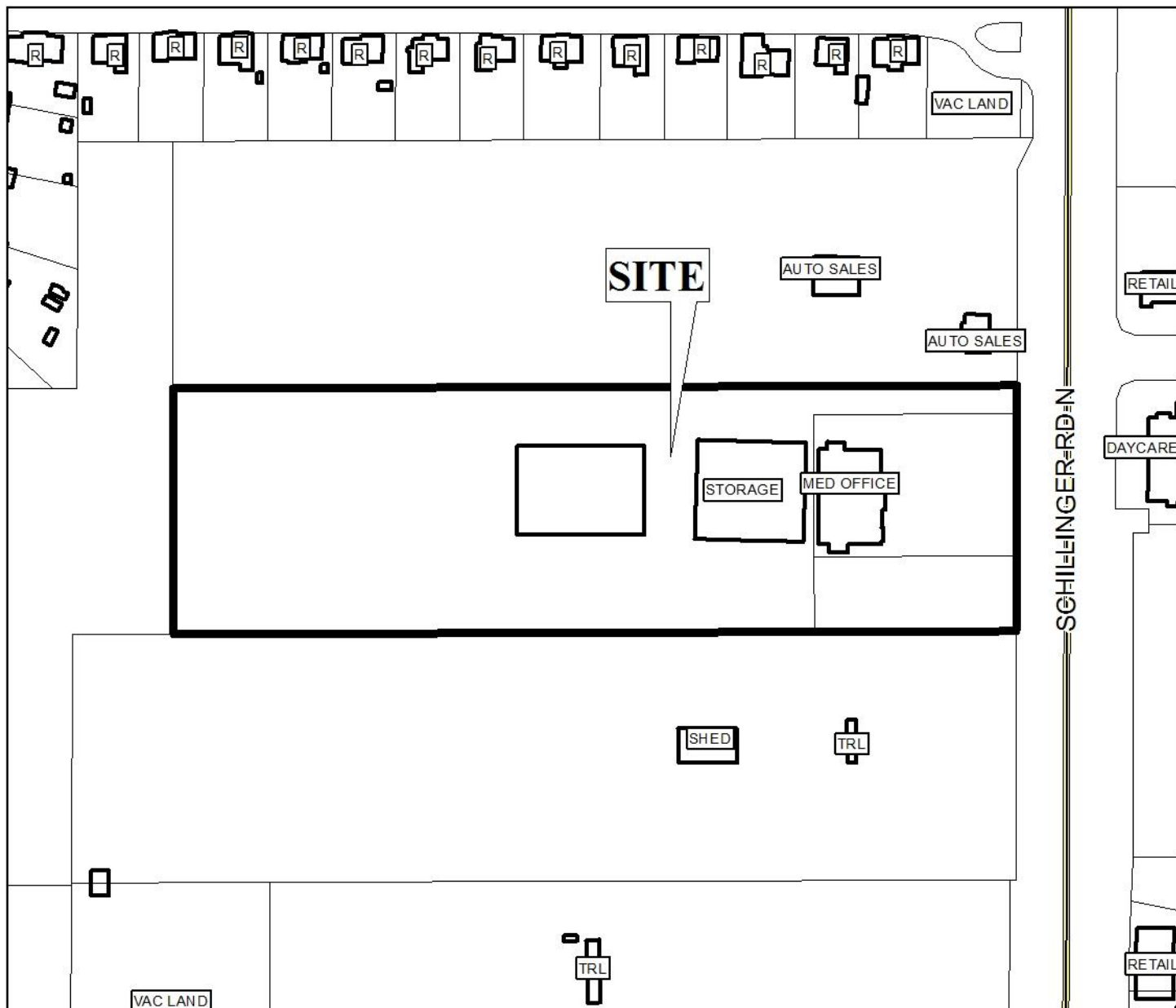
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units.

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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



PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial and residential units.

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