

BAYOU ISLAND SUBDIVISION

Engineering Comments: Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.

The plat illustrates the proposed 19.3 acre \pm , 15 lot subdivision which is located on the north side of Hamilton Boulevard, 2/10 mile \pm west of the south terminus of Viking Way. The subdivision is served by both public water and sanitary sewer.

The purpose of this application is to create 15 lots from one existing lot, and a portion of an existing lot. The applicant is additionally requesting that the subdivision be a private gated community.

The site was most recently approved, with conditions, as an 8-lot subdivision in October 2004; the applicant, however, never completed the subdivision process.

The site fronts Hamilton Boulevard, a planned major street. The current right-of-way width adjacent to the site varies, and in some cases appears to be less than the Major Street Plan recommended width of 100 feet. Therefore, the dedication of additional right-of-way to provide 50 feet from the centerline of Hamilton Boulevard should be required. The 25-foot minimum building setback lines depicted on the plat may need to be adjusted to reflect the dedication.

As the site fronts a major street, access management is a concern. The proposed subdivision will result in two lots with frontage on Hamilton Boulevard, and the remaining lots accessing Hamilton Boulevard via a private driveway. Lots 1 and 2, fronting onto Hamilton Boulevard, should be limited to one curb-cut each due to their limited frontage width. The proposed private driveway should be limited to one access point onto Hamilton Boulevard. The location, size, and design of any curb-cuts or driveway access points onto Hamilton Boulevard must be approved by County Engineering.

The applicant is requesting that the proposed subdivision be a gated community with a private street. The gated community will include over 4 acres (estimated) of common area, which will separate the majority of the lots from Hamilton Boulevard. Section VIII. of the Subdivision Regulations permits modifications to standard regulatory requirements under three circumstances: 1) Unusual difficulties, generally related to natural circumstances, where the normal application of the Regulations would cause undue hardship; 2) Innovative design, which can include cluster or Traditional Neighborhood Development subdivisions, as well as townhomes, terrace houses, multi-family projects, and commercial development; or 3) Family subdivisions, which allow a private street to serve up to 5 lots. The proposed provision of a large natural common area and a gate for the subdivision indicates "innovative" design, however, if the subdivision is approved, the gate must remain operational and in use as a condition of the continuation of private street status.

The site is located along Alligator Bayou, a tributary of Dog River, and much of the site appears to be within the 100-year floodplain. Wetlands associated with the bayou may occur on the site

as well. The design of the proposed subdivision appears to acknowledge the potential presence of floodplains and wetlands by providing a large common area that includes these natural features. Furthermore, as the presence of wetlands and floodplains indicate that the area may be environmentally sensitive, the approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits. It should also be noted that maintenance of the proposed common area will be the responsibility of property owners.

The design of the proposed subdivision shows a private “driveway” serving a minimum of 13 lots. The driveway will be approximately 1300 feet long, and as currently designed lacks a cul-de-sac at its terminus. Section V.B.6. of the Subdivision Regulations states that closed-end streets should generally not exceed 600 feet in length, and that they should have a turn-around at the termination point, unless it is anticipated that the street will be extended onto adjacent property. Previous applications with long cul-de-sac streets have been approved, provided an intermediate turn-around is provided around the 600-foot location as well as at the end of the street. The private “driveway” is labeled as a “50’ R/W Private Driveway and Utility Easement” on the plat, but is not actually depicted as a 50-foot wide right-of-way. Section VIII.E.2.c. of the Subdivision Regulations requires that private streets be provided as private rights-of-ways, rather than easements, to ensure accessibility to all properties that are to have access to the private street. Furthermore, the provision of a private right-of-way will clearly delineate the proposed “common area” from the “50’ R/W Private Driveway and Utility Easement.” Therefore if the subdivision is approved, the note on the plat should be revised to reflect the Subdivision Regulations’ requirements. Furthermore, the proposed private street must be built to the minimum standards listed in the Section.

Section VIII.E.2.f. of the Subdivision Regulations requires that a legal covenant be recorded with the Final Plat in Mobile County Probate Court, that: 1) provides for continuing maintenance of the street by an owners’ association or other entity; 2) grants right of ingress and egress for emergency and utility maintenance vehicles; and 3) saves harmless the governing body from damages to any owner within the association arising or which may arise out of the existence of such a private street. Furthermore, each and every owner of property abutting upon and with legal access to the proposed private street shall be a part to such document and agreement.

Section VIII.E.2.i. of the Regulations additionally requires that a sign shall be posted and maintained at the entrance to the private street, with the sign including the street name, and identifying the street as a private street. The sign shall be constructed to City standards, and must be approved by the City and County Engineers.

The proposed subdivision will result in lots with a range of depth to width ratios, primarily due to the desire to provide frontage onto Alligator Bayou. Section V.D.3. of the Subdivision Regulations recommends a maximum depth to width ratio of 3.5 (depth is 3.5 times the width of the lot). Depth to width ratios for parcels in the area vary widely, and the area is potentially environmentally sensitive, thus a waiver of Section V.D.3. could be considered appropriate.

The following items from Section VIII.E.2. will be required on the Final Plat, if approved with a private street: 1) designation on the plat of utility easements acceptable to the appropriate provider of utility services within the subdivision; 2) a note on the plat stating that the street is

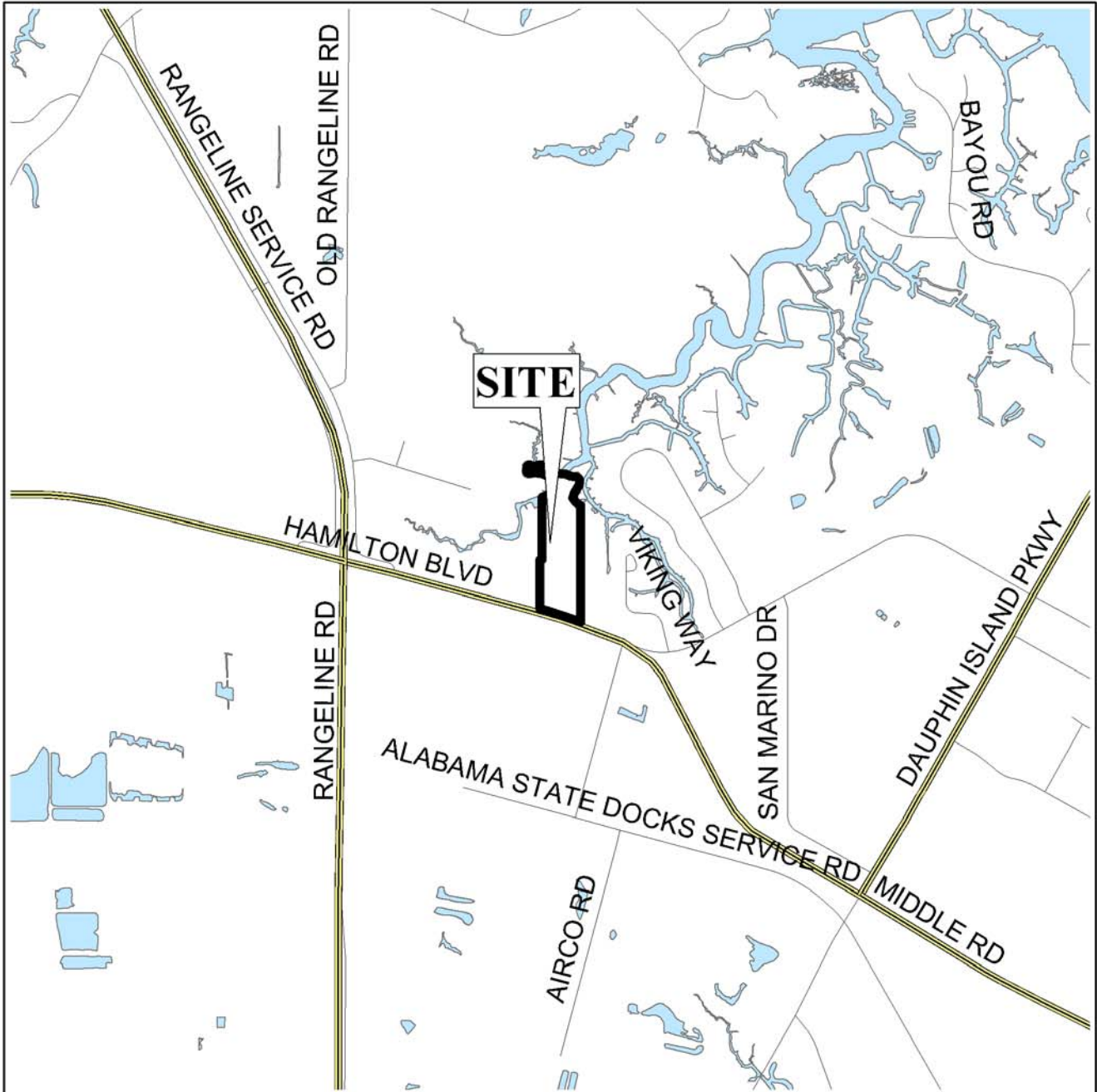
privately maintained and not dedicated to the public; and 3) a note on the plat stating that if the private street is not constructed and maintained to the appropriate Mobile County standard, and is ultimately dedicated for public use and maintenance, 100 percent of the cost of the improvements required to bring the street up to the prevailing standard shall be assessed to the property owners at the time the private street is dedicated, with the assessment running with the land to any subsequent property owners.

The site is located in the County, thus a note should be placed on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.

Finally, the legal description appears to have an error regarding the point of beginning for the site. Corrections should be included on the Final Plat, if approved.

With a waiver of Section V.D.3., the plat is recommended for Tentative Approval subject to the following conditions: 1) dedication of right-of-way sufficient to provide 50 feet from the centerline of Hamilton Boulevard, with adjustment of the 25-foot minimum building setback line as necessary; 2) placement of a note on the Final Plat stating that Lots 1 and 2 are limited to one curb cut each onto Hamilton Boulevard, and that the private driveway is limited to one access point onto Hamilton Boulevard, with curb-cut sizes, location and design to be approved by County Engineering; 3) approval of all applicable federal, state and local agencies regarding the wetlands and floodplain issues prior to the issuance of any permits; 4) placement of a note on the Final Plat stating that maintenance of all common areas is the responsibility of the property owners; 5) redesign of the proposed private driveway to provide intermediate and terminating turn-arounds, with adjustments in the right-of-way width as necessary, in conformance with Section V.B.6. of the Subdivision Regulations; 6) provision of a private right-of-way in conformance with Section VIII.E.2.c., and in order to delineate the common area from the private road; 7) placement of a note on the plat stating that the street is privately maintained and not dedicated to the public; 8) placement of a note on the plat stating that if the private street is not constructed and maintained to the appropriate Mobile County standard, and is ultimately dedicated for public use and maintenance, 100 percent of the cost of the improvements required to bring the street up to the prevailing standard shall be assessed to the property owners at the time the private street is dedicated, with the assessment running with the land to any subsequent property owners; 9) designation on the plat of utility easements acceptable to the appropriate provider of utility services within the subdivision, in conformance with Section VIII.E.2.d.; 10) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; 11) provision of a legal covenant, in conformance with Section VIII.E.2.f. of the Subdivision Regulations; 12) provision of a street sign in conformance with Section VIII.E.2.i. of the Regulations, and; 13) correction of the Legal Description's point of beginning reference.

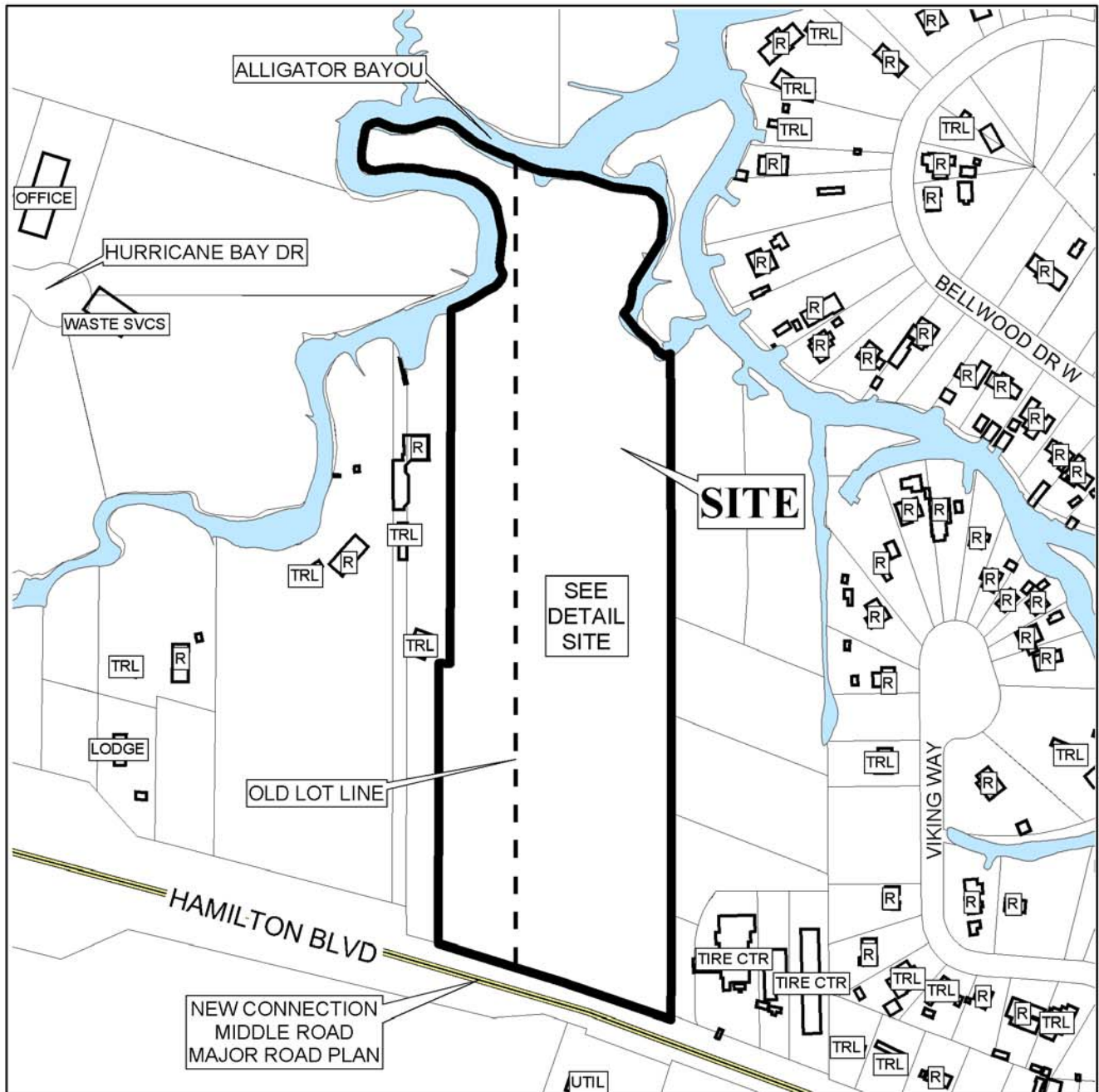
LOCATOR MAP



APPLICATION NUMBER 3 DATE September 1, 2005
APPLICANT Bayou Island Subdivision
REQUEST Subdivision



BAYOU ISLAND SUBDIVISION



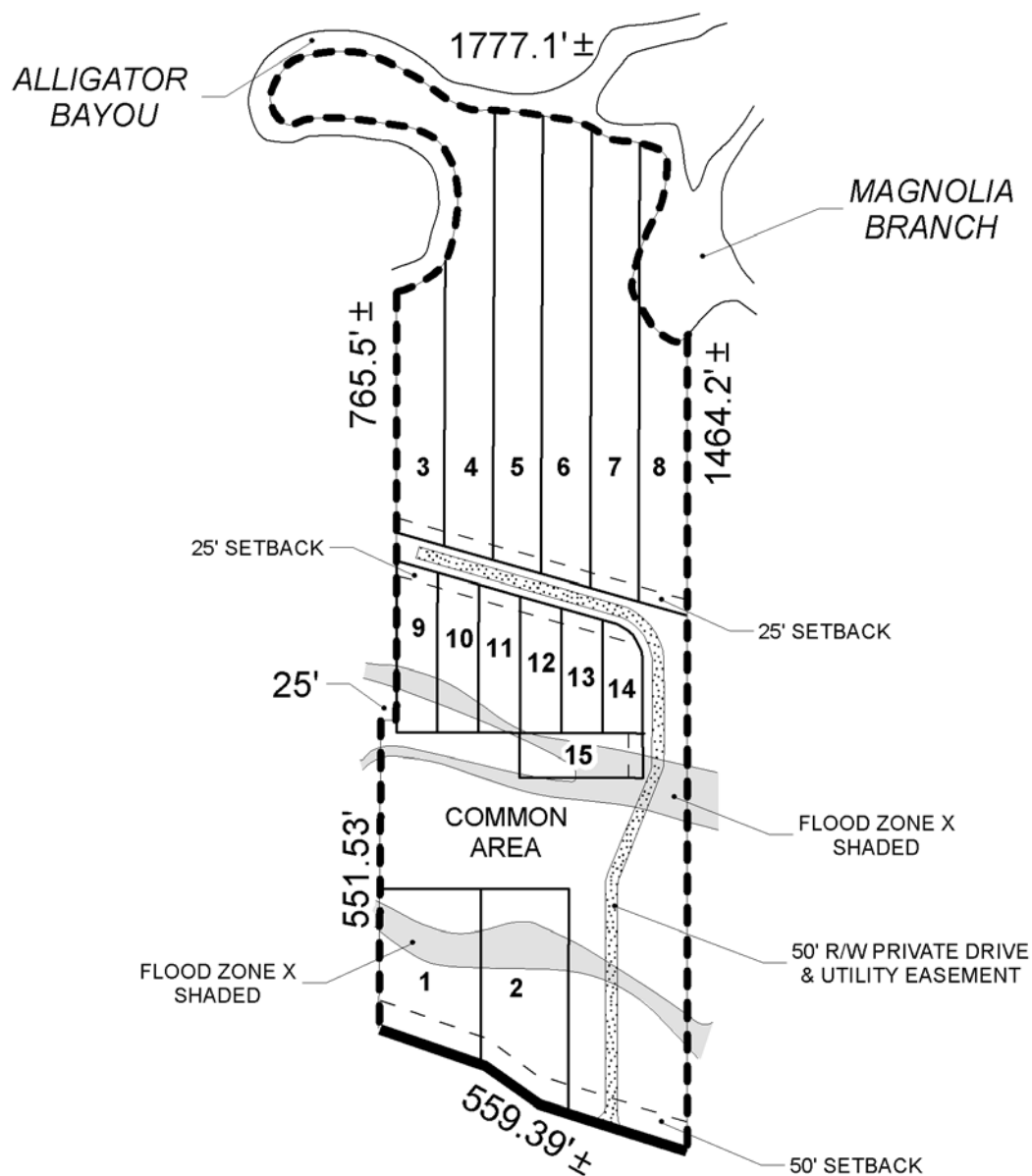
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LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2



DETAIL SITE PLAN



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