SUBDIVISION, PLANNING APPROVAL & SIDEWALK WAIVER STAFF REPORT

November 3, 2022

APPLICANT City of Mobile Board of Water and Sewer Commissioners

(Billy Joe McCrory, Agent)

SUBDIVISION NAME Nortons Lane Subdivision

LOCATION 951 Navco Road

(East side of Navco Road, 307'± South of Nortons Lane, extending to the Southwest corner of Nortons Lane and

Nortons Lane).

CITY COUNCIL

DISTRICT Council District 3

PRESENT ZONING R-3, Multi-Family Residential District

AREA OF PROPERTY 2 Lots / 16.04± Acres

CONTEMPLATED USE Subdivision Approval to create two (2) legal lots of record from one (1) metes-and-bounds parcel and six (6) legal lots of record, Sidewalk Waiver to waive construction of a sidewalk along Navco Road and Nortons Lane, and Planning Approval to allow the construction of two (2) storm water attenuation tanks in an R-3, Multi-Family Residential District.

TIME SCHEDULE

FOR DEVELOPMENT Immediately.

ENGINEERING

COMMENTS

Subdivision: 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 and label the monument set or found at each subdivision corner.
- C. Provide a written description for the subdivision boundary.
- D. Show and label Parcel A and B from Norton Woods Unit One subdivision MB 32, PG 92.
- E. Revise NOTES #1 to correct the FEMA FIRM number listed.

- F. Dedicate the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the northeast corner of LOT 2 to the City of Mobile, and list the amount of dedicated acreage (sf and ac).
- G. Show and label the BFE (Base Flood Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation.
- H. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo LOT 1 and LOT 2 will share the historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control). The lots will be allowed to add the following amount of impervious area before storm water detention is required: LOT 1 NONE and LOT 2 NONE.
- I. Add a note 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.
- J. Add a note 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.
- K. 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.
- L. Add a note that all existing and 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.
- M. Add a note that all easements shall remain in effect until vacated through the proper Vacation process.
- N. 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.

Sidewalk Waiver:

NAVCO RD. (100'):

It appears that there is sufficient room within the ROW, or within the property, for the construction of a sidewalk that could be approved through the ROW Permit process.

NORTONS LN. (along the East side of proposed LOT 1 and LOT 2):

It appears that there is sufficient room within the ROW, or within the property, for the construction of a sidewalk that could be approved through the ROW Permit process.

Planning Approval:

1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Permitting Department (251-208-6070) and must comply with the

- City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
- 2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.
- 3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance 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.
- 4. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy.
- 5. 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. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.
- 6. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

TRAFFIC ENGINEERING

COMMENTS Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

URBAN FORESTRY

COMMENTSProperty to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites 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). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

REMARKS The applicant is requesting Subdivision Approval to create two (2) legal lots of record from one (1) metes-and-bounds parcel and six (6) legal lots of record, Sidewalk Waiver to waive construction of a sidewalk along Navco Road and Nortons Lane, and Planning Approval to allow the construction of two (2) storm water attenuation tanks in an R-3, Multi-Family Residential District.

The site has been given a Low Density Residential (LDR) 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 to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.

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 of 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 the 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 plat illustrates the site has frontage along Navco Road and Nortons Lane, both of which are minor streets. Navco Road has no curb and gutter and is indicated to have a compliant 60-foot right-of-way; therefore, no dedication would be required along Navco Road. Nortons Lane has curb and gutter along both its Northern (East-West) segment and its Eastern (North-South)

segment. The plat indicates a right-of-way with a compliant 25-feet from the centerline of Nortons Lane along its Northern segment. It should be noted that when the existing six lots fronting Nortons Lane were created, ten feet of right-of way was dedicated to Nortons Lane, including the Eastern (North-South) segment. The Eastern segment of Nortons Lane is indicated to have a varying right-of-way width of less than 50-feet in most areas (30-feet in width for most of its length). Therefore, dedication would be required along the Eastern segment of Nortons Lane to provide 25-feet from the centerline of Nortons Lane, where currently less. The right-of-way width of all streets should be indicated on the Final Plat, if approved, after any required dedication.

A 25-foot radius curve should be dedicated at the intersection of the two portions of Nortons Lane. The plat indicates the 25-foot minimum building setback line for Lot 1 along Navco Road where the lot is only 50-feet wide. The plat should be revised to illustrate the 25-foot minimum building setback line blocked-out as measured from where Lot 1 is at least 60-feet wide. Both proposed lots meet the minimum size requirements of the Subdivision Regulations. It should be noted that the lot size label for Lot 1 on the preliminary plat incorrectly indicates 13.33± acres instead of 14.33± acres. The lot size labels in both square feet and acres should be retained on the Final Plat, adjusted for any required dedication, or a table should be furnished on the Final Plat providing the same information.

As per the Traffic Engineering comments, the driveway number, size, location, and design are to be approved by Traffic Engineering and conform to AASHTO standards. A note reflecting Traffic Engineering's comments should be required on the Final Plat and Planning Approval site plans, if approved.

There are no easements indicated on the preliminary plat. If any easements are illustrated on the Final Plat, a note should be placed on the Final Plat and Planning Approval site plan stating that no structures are allowed in any easement without the approval of the easement holder.

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 hazards; 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 the Planning Approval review is site plan-specific and limited to the scope of operations; therefore, any future changes to the site plan or scope of operations, as approved, by current or future applicants, must be submitted for Planning Approval.

Regarding Planning Approval, the applicant states the following:

PLAN CONSISTENCY:

THE OWNER WANTS TO BUILD TWO STORM WATER ATTENUATION TANKS ON THIS SITE, PROVIDING THE RESIDENTS OF MOBILE A NECESSARY SERVICE. IT WILL NOT DISRUPT TRAFFIC OR THE CURRENT RESIDENTS.

The site plan illustrates two (2) proposed 250-foot± diameter stormwater attenuation tanks with an access drive off the Eastern portion of Nortons Lane leading to a drive around and between both tanks. No driveway dimensions or surfacing information is provided on the site plan. Therefore, the site plan should be revised to indicate a drive with compliant width and paving surface. The site plan does not reflect any dedications or revisions which may be required by the Subdivision review, and the site plan should be revised to reflect such. In particular, the 25-foot minimum building setback line revision required for dedication may impact the location of the Southern tank.

A buffer of varying width (50-foot minimum) is indicated on the site plan, but its type is not identified. The site plan should be revised with a note stating that the buffer will remain in an undisturbed, vegetative state. No landscaping or tree planting calculations are provided on the site plan. As the North, West and South sides of the site contain a buffer of at least 50-feet, which should remain wooded and undisturbed, only frontage trees should be required along the North-South segment of Nortons Lane.

No fencing is indicated on the site plan. If fencing is to be provided, the site plan should be revised to indicate such, with a note on the site plan stating that fencing shall not exceed eight (8) feet in height. Only chain link fencing more than three (3) feet in height would be allowed within the 25-foot minimum building setback along any frontage. No access gate is indicated at the entrance drive. If a gate is to be provided, the site plan should be revised to indicate such, with either the gate set back to allow a 60-foot vehicle queuing space from the front property line within the property, or the placement of a note on the site plan stating that the gate will be electrically operated.

A revised Planning Approval site plan should be submitted to and approved by Planning and Zoning prior to signing the Final Plat.

It should be noted that the Mobile City Council adopted a "complete streets" policy on May 31, 2011. The purpose of the complete streets policy is to support the design and construction of streets to enable safe access to all users, including pedestrians, bicyclists, transit riders, motorists, commercial and emergency vehicles, and for people of all ages and abilities.

The applicant states that the following concerning the Sidewalk Waiver request:

The East side of Navco Road: There is no sidewalk along Navco Road between Cottage Hill Road and McVay Drive North. Since the subject property is less than 100' wide we are requesting a Sidewalk Waiver.

The West side of Nortons Lane that runs North-South: That portion of Nortons Lane dead ends about halfway down the subject property and primarily provides access to the fenced property on the East side of Nortons Lane. There are several piles of debris. There are no structures/destinations for pedestrians along this portion of Nortons Lane and no reason to encourage foot traffic in this area.

However, the requirement that a sidewalk be provided in conjunction with the development of the site is not contingent upon there not being any pedestrian traffic within the area or destinations for

pedestrian traffic, but rather physical limitations and restriction of the site itself which would make the provision of a sidewalk undesirable. Additionally, sidewalks are not intended to serve just current development, but will serve for future development and connectivity. As per the Engineering comments concerning both areas for which the waiver is requested, it appears that there is sufficient room within the ROW, or within the property, for the construction of a sidewalk that could be approved through the ROW Permit process.

RECOMMENDATION

Subdivision: The application is recommended for Tentative Approval, subject to the following conditions:

- 1) dedication to provide 25-feet from the centerline of Nortons Lane along its Southern (North-South) segment where currently less;
- 2) retention of the right-of-way width labels on all streets after any required dedication;
- 3) dedication to provide a 25-foot radius curve at the intersection of the two segments of Nortons Lane, after any dedication;
- 4) revision of the plat to illustrate the 25-foot minimum building setback line along Navco Road for Lot 1 blocked-out as measured from where that lot is at least 60 feet wide;
- 5) revision of the plat to illustrate the 25-foot minimum building setback line as measured from any required dedication;
- 6) retention of the lot size labels in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
- 7) if any easement are to be provided, placement of a note on the Final Plat stating that no structure may be constructed or placed in any easement without the permission of the easement holder;
- 8) compliance with 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 and label the monument set or found at each subdivision corner. C. Provide a written description for the subdivision boundary. D. Show and label Parcel A and B from Norton Woods Unit One subdivision MB 32, PG 92. E. Revise NOTES #1 to correct the FEMA FIRM number listed. F. Dedicate the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the northeast corner of LOT 2 to the City of Mobile, and list the amount of dedicated acreage (sf and ac). G. Show and label the BFE (Base Flood Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. H. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo LOT 1 and LOT 2 will share the historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control). The lots will be allowed to add the following amount of impervious area before storm water detention is required: LOT 1 – NONE and LOT 2 – NONE. I. Add a note 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. J. Add a note 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. K. 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. L. Add a note that all existing and 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. M Add a note that all easements shall remain in effect until vacated through the proper Vacation process. N. 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.);

- 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 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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit);
- 11) compliance with 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). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.); and,
- 12) submittal to and approval by Planning and Zoning of a revised Planning Approval site plan prior to signing the Final Plat.

Planning Approval: Staff recommends to the Planning Commission the following Findings of Fact for Approval of the Planning Approval:

- a. the proposal will be appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, because services exist in the area currently;
- b. the proposal will not cause undue traffic congestion or create a traffic hazard, because the use of the facility will require only minimal manpower and traffic; and
- c. the proposal will be in harmony with the orderly and appropriate development of the district in which the use is located, because the facility will provide a public service to the surrounding area.

The approval should be subject to the following conditions:

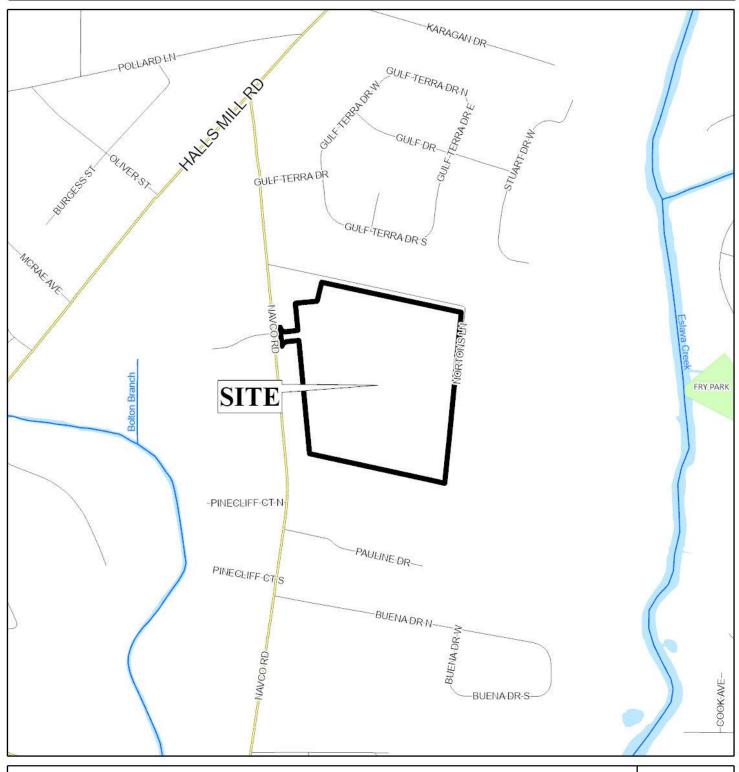
- 1) revision of the site plan to indicate a drive with compliant width and paving surface;
- 2) revision of the site plan to indicate dedication to provide 25-feet from the centerline of the North-South segment of Nortons Lane where currently less;
- 3) retention of the right-of-way labels of all street, after any required dedication;
- 4) revision of the site plan to indicate the 25-foot radius curve dedicated at the intersection of the two segments of Nortons Lane;
- 5) revision of the site plan to illustrate the 25-foot minimum building setback line along Navco Road for Lot 1 blocked-out as measured from where that lot is at least 60 feet wide;
- 6) revision of the site plan to illustrate the 25-foot minimum building setback line as measured from any required dedication;
- 7) retention of the lot size labels in both square feet and acres, or the furnishing of a table on the site plan providing the same information, after any required dedication;
- 8) if any easement are to be provided, placement of a note on the site plan stating that no structure may be constructed or placed in any easement without the permission of the easement holder;
- 9) revision of the site plan to include a note on the site plan stating that the buffer will remain in an undisturbed vegetative state;
- 10) revision of the site plan to provide landscaping and tree planting calculations, and provision of frontage trees along the North-South segment of Nortons Lane;
- 11) revision of the site plan to indicate any proposed fencing, with a note on the site plan stating that fencing shall not exceed eight (8) feet in height, and only chain link fencing more than three (3) feet in height is allowed within the 25-foot minimum building setback along any street frontage;
- 12) if an entrance gate is to be provided, revision of the site plan to indicate such and provide a 60-foot vehicular queuing space back from the front property line within the property, or the placement of a note on the site plan stating that the gate will be electrically operated;
- 13) revision of the site plan to depict a sidewalk along Navco Road and the North-South segment of Nortons Lane in the event the Sidewalk Waiver is not approved;
- 14) compliance with the Engineering comments: (1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Permitting Department (251-208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work. 3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance 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. 4. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction

includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy. 5. 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. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals. 6. The proposed development must comply with all Engineering Department design requirements and Policy Letters.);

- 15) placement of a note on the revised site plan stating the Traffic Engineering comments: (Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.);
- 16) 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.*);
- 17) compliance with the 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). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.);
- 18) completion of the subdivision process prior to the approval of any land disturbing or building activities;
- 19) provision of two (2) revised Planning Approval site plans (.pdf and hard copy) to the Planning & Zoning Department prior to signing of the Final Plat; and,
- 20) full compliance with all other municipal codes and ordinances.

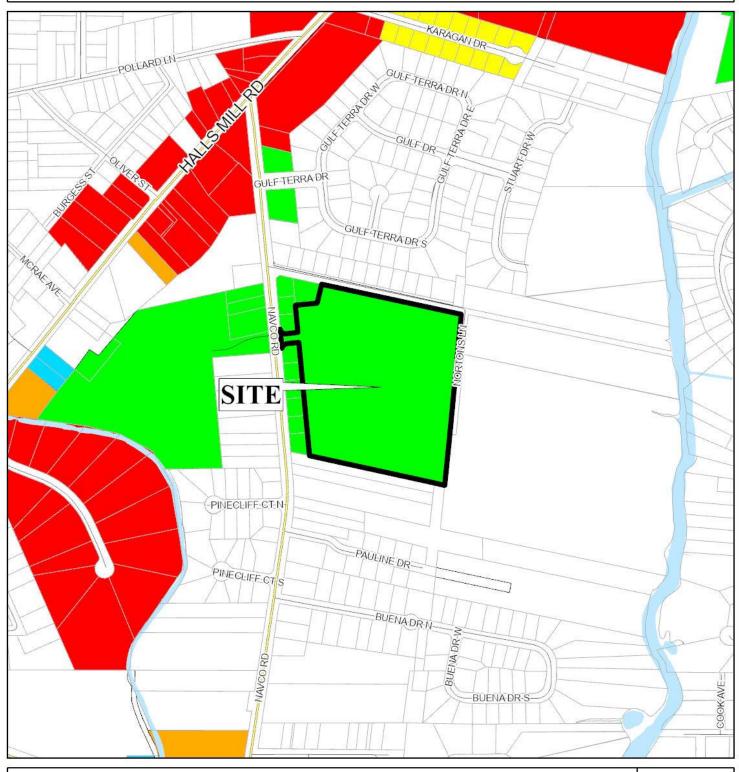
Sidewalk Waiver: Based on the preceding, the sidewalk waiver for both areas where requested is recommended for Denial.

LOCATOR MAP



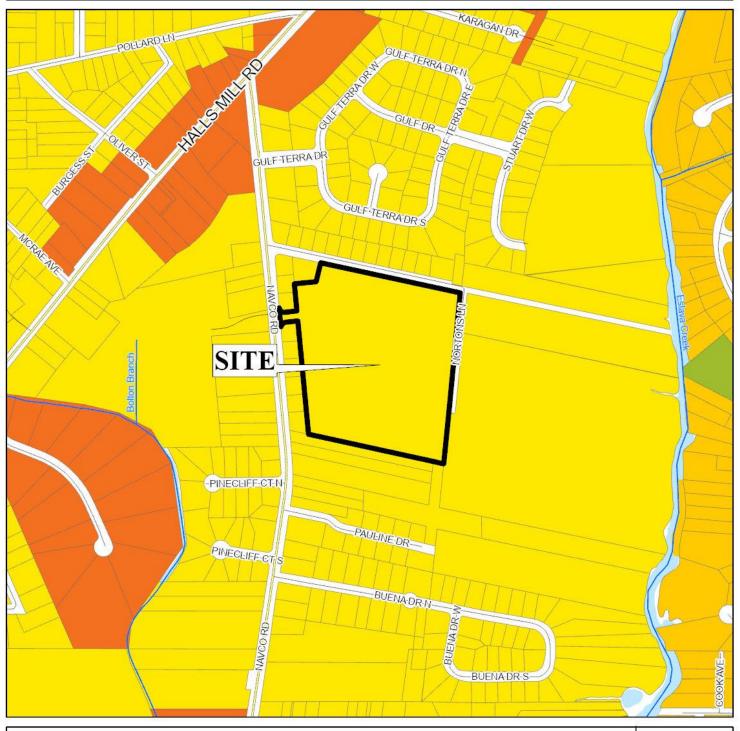
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LOCATOR ZONING MAP



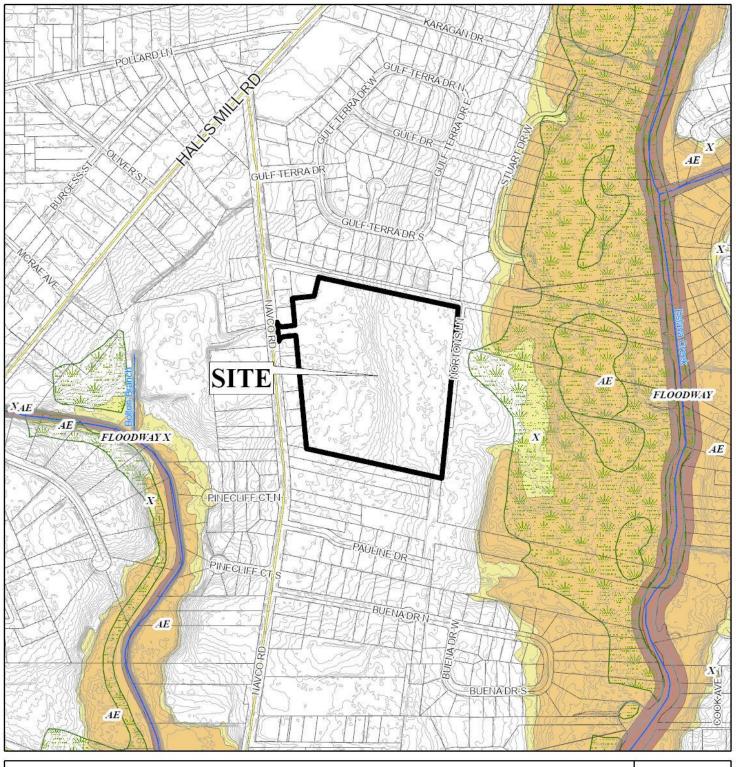
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FLUM LOCATOR MAP





ENVIRONMENTAL LOCATOR MAP

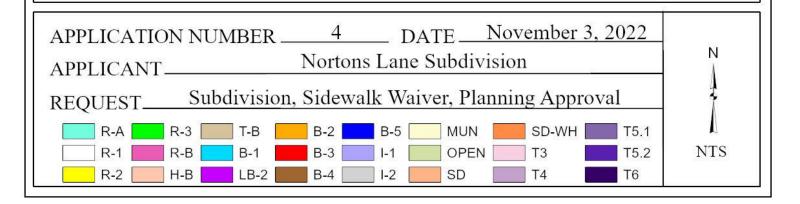


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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.



PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL

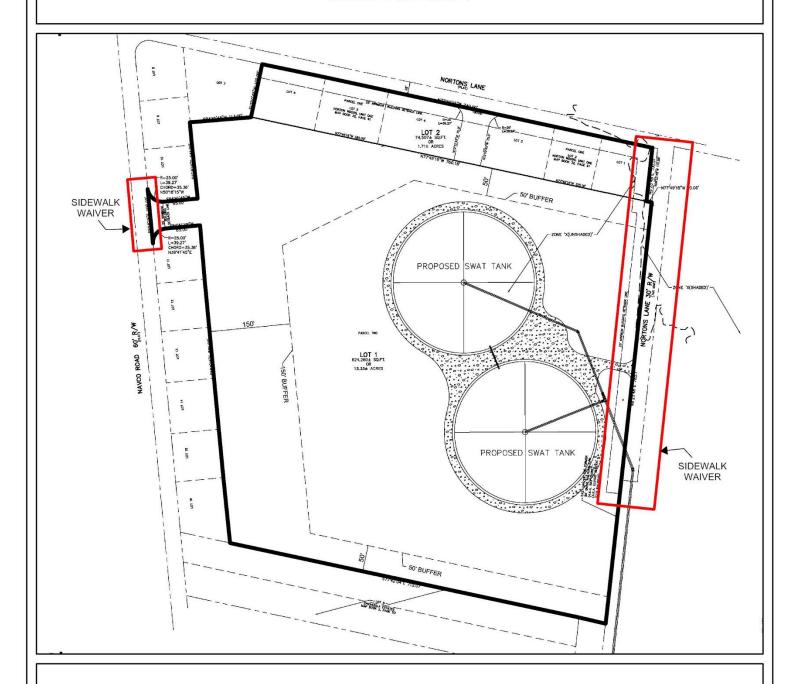


The site is surrounded by residential units.

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SITE PLAN



The site plan illustrates the proposed swat tanks, buffers, setbacks, and sidewalk waiver areas.

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REQUEST Subdivision, Sidewalk Waiver, Planning Approval	
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DETAIL SITE PLAN

