

**PLANNING APPROVAL
& SUBDIVISION STAFF REPORT****Date: May 7, 2015****DEVELOPMENT NAME** Brenda's Place Subdivision**SUBDIVISION NAME** Brenda's Place Subdivision**LOCATION** 7669 Avenue D
(West side of Avenue D, 175'± North of 5th Avenue)**CITY COUNCIL
DISTRICT** Council District 7**PRESENT
ZONING DISTRICT** R-1, Single-Family Residential**AREA OF PROPERTY** 2 lots / 0.7± acres**CONTEMPLATED USE** Planning Approval to allow a mobile home as a primary residence in an R-1, Single-Family Residential District, and Subdivision Approval to create 2 legal lots of record.**TIME SCHEDULE
FOR DEVELOPMENT** Not specified.**ENGINEERING****COMMENTS** **Subdivision:** The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer:

- A. Add additional street names to the vicinity map.
- B. Review and revise the written legal description to include a written bearing and distance near Lot 6.
- C. 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.
- D. 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.
- E. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 17 - #75) the Lot(s) will receive historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water

Management and Flood Control). Coordinate with City Engineering Department staff to establish the exact amount prior to the submittal of the Land Disturbance Permit application.

- F. 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.
- G. Provide and label the monument set or found at each subdivision corner.
- H. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- I. Provide the Surveyor's Certificate and Signature.
- J. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- K. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.

Planning Approval: No comments.

TRAFFIC ENGINEERING

COMMENTS

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

URBAN FORESTRY

COMMENTS

No comments.

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. As per Appendix D, Section D107.1, one and two family developments with more than 30 dwelling units shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.

REMARKS

The applicant is requesting Planning Approval to allow a mobile home as a primary residence in an R-1, Single-Family Residential District, and Subdivision Approval to create 2 legal lots of record by combining multiple existing lots. The site is located in Council District 7, and is served by city water and sewer.

It should be pointed out that this site, which was annexed into the city in 2007, appeared before the Board of Zoning Adjustment at its July 7, 2014 meeting where the Board denied a Use Variance request to allow the proposed mobile home as a secondary residence on a single site and stated that a 2-lot subdivision with Planning Approval would be a more appropriate route for this site, hence the current applications at hand. The applicant states that the mobile home will be used as a primary residence for their daughter and son-in-law for approximately 2-3 years.

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 comply with the minimum size requirements. The applicant proposes a 30' minimum building setback in lieu of the required 25' minimum building setback and both should be retained on the Final Plat, if approved.

The site fronts Avenue D and Avenue E, both minor streets with compliant rights-of-way width and, as such, no dedication is required. A note should be placed on the Final Plat limited the proposed Lot A to the existing curb-cut to Avenue D and the proposed Lot B to 1 curb-cut to Avenue E. The size, design, and location of the new curb-cut, along with any changes to the existing curb-cut are to be approved by Traffic Engineering and conform to AASHTO standards.

With regard to allowing a mobile home on the proposed lot, the applicant provided a 2005 aerial photo as evidence a trailer existed on this site prior to annexation; however, no trailer is shown in subsequent 2006, 2010, and 2014 GIS aerial photos, which could have established a legal nonconformity if the trailer had been present prior to and after annexation up to the last 2 years.

Per the previously mentioned variance application, the applicant states that although no trailer exists on the subject site, there are in fact 15 mobile homes within a distance of 600' from this site, which the applicant suggests is why the placement of a mobile home on this property may not have a negative impact on the surrounding neighborhood. No justification was provided with the Planning Approval Application.

It should be noted that there have been 2 Planning Approval requests within the immediate vicinity to allow a mobile home within an R-1 site; however, both requests were denied by the Planning Commission. The latest was appealed to the City Council, which upheld the Commission's decision of denial. Those applications were denied because the existing mobile homes were there prior to annexation, and the zoning protections were one of the main reasons the area voted to be annexed. The Commission and Council understood this and denied the 2 applications received since annexation. Similarly, this application should be denied.

It is important to note that although zoning codes and ordinances may exist, their intent should be to protect the public's general welfare and to create a harmonious sense of place in pursuant of establishing, improving and maintaining the best possible quality of life for residents. Communities with efficient zoning codes prosper and experience orderly, but healthy growth and

their ordinances are effective in expelling obnoxious land uses and development that may compromise the public's well-being.

RECOMMENDATION

Subdivision: This application is recommended for approval, subject to the following conditions:

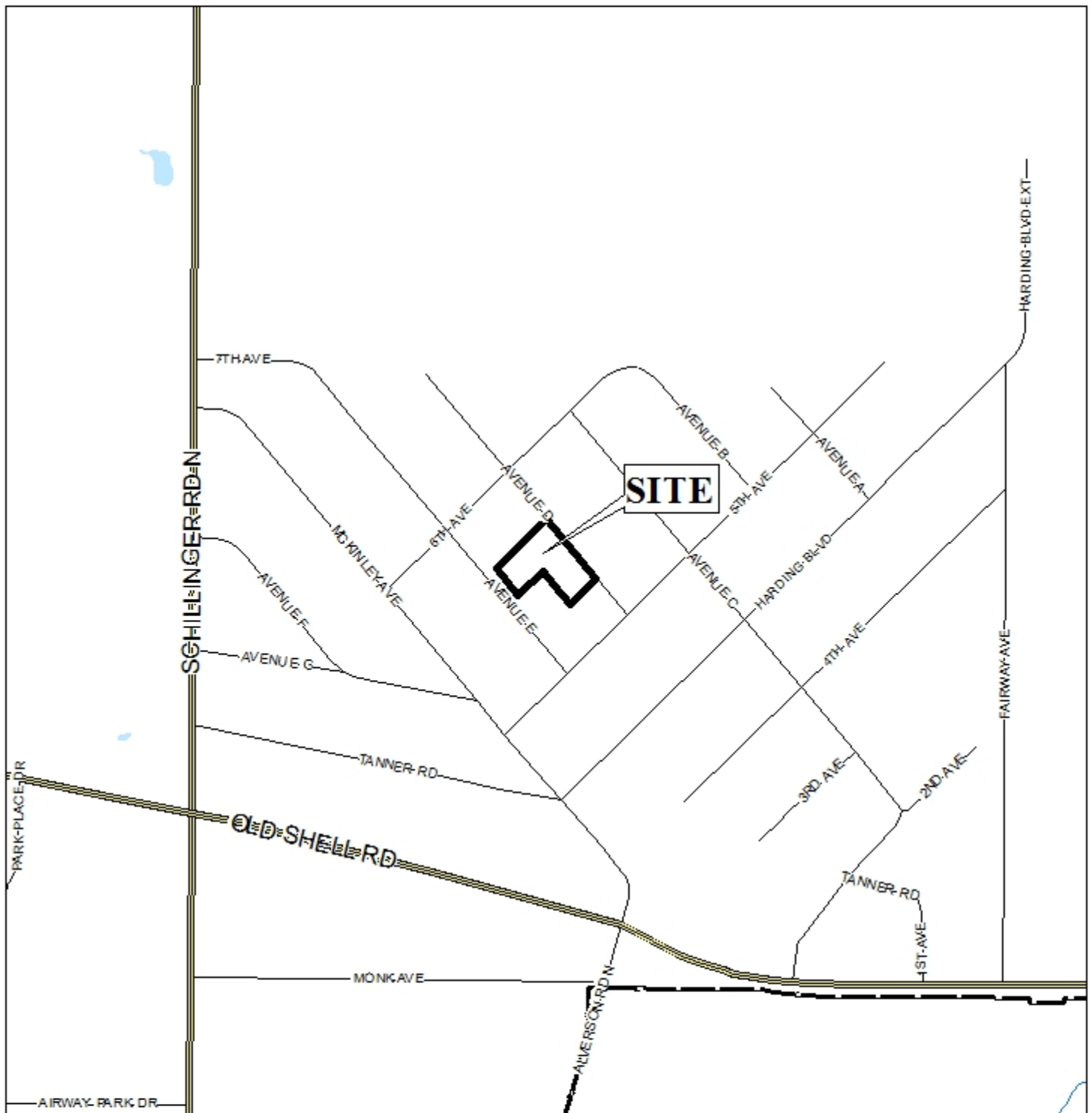
- 1) Retention of the lot size information and 30' minimum building setback line on the Final Plat;
- 2) Placement of a note on the Final Plat stating: Lot A is limited to the existing curb-cut to Avenue D, with any changes to the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards;
- 3) Placement of a note on the Final Plat stating: Lot B is limited to 1 curb-cut to Avenue E, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards;
- 4) Compliance with Engineering comments (*The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer: A. Add additional street names to the vicinity map. B. Review and revise the written legal description to include a written bearing and distance near Lot 6. C. 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. D. 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. E. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 17 - #75) the Lot(s) will receive historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control). Coordinate with City Engineering Department staff to establish the exact amount prior to the submittal of the Land Disturbance Permit application. F. 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. G. Provide and label the monument set or found at each subdivision corner. H. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. I. Provide the Surveyor's Certificate and Signature. J. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. K. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.);*
- 5) Compliance with Traffic Engineering comments (*Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.); and*
- 6) Compliance with 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. As per Appendix D, Section D107.1, one and two family developments with more than 30 dwelling units shall be provided with separate and*

approved fire apparatus access roads and shall meet the requirements of Section D104.3.).

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

- 1) No justification was provided with the Planning Approval Application; and
- 2) The addition of a mobile home would not appear compatible with the neighborhood and associated post annexation protections provided by the Zoning Ordinance and would be contrary to the neighborhood's best interest.

LOCATOR MAP



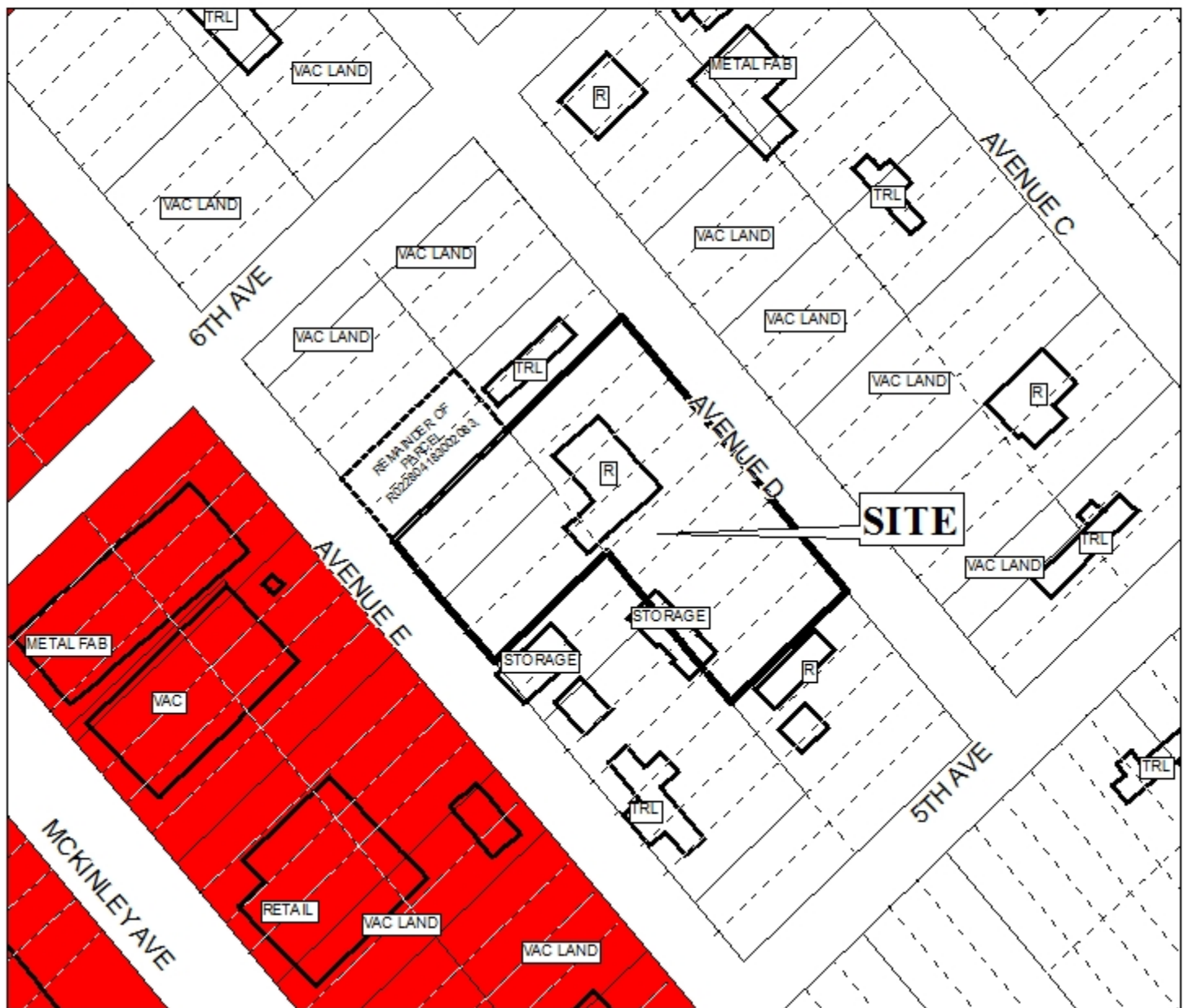
APPLICATION NUMBER 15 DATE May 7, 2015

APPLICANT Brenda's Place Subdivision

REQUEST Subdivision, Planning Approval



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous commercial and residential units.

APPLICATION NUMBER 15 DATE May 7, 2015

APPLICANT Brenda's Place Subdivision

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



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous commercial and residential units.

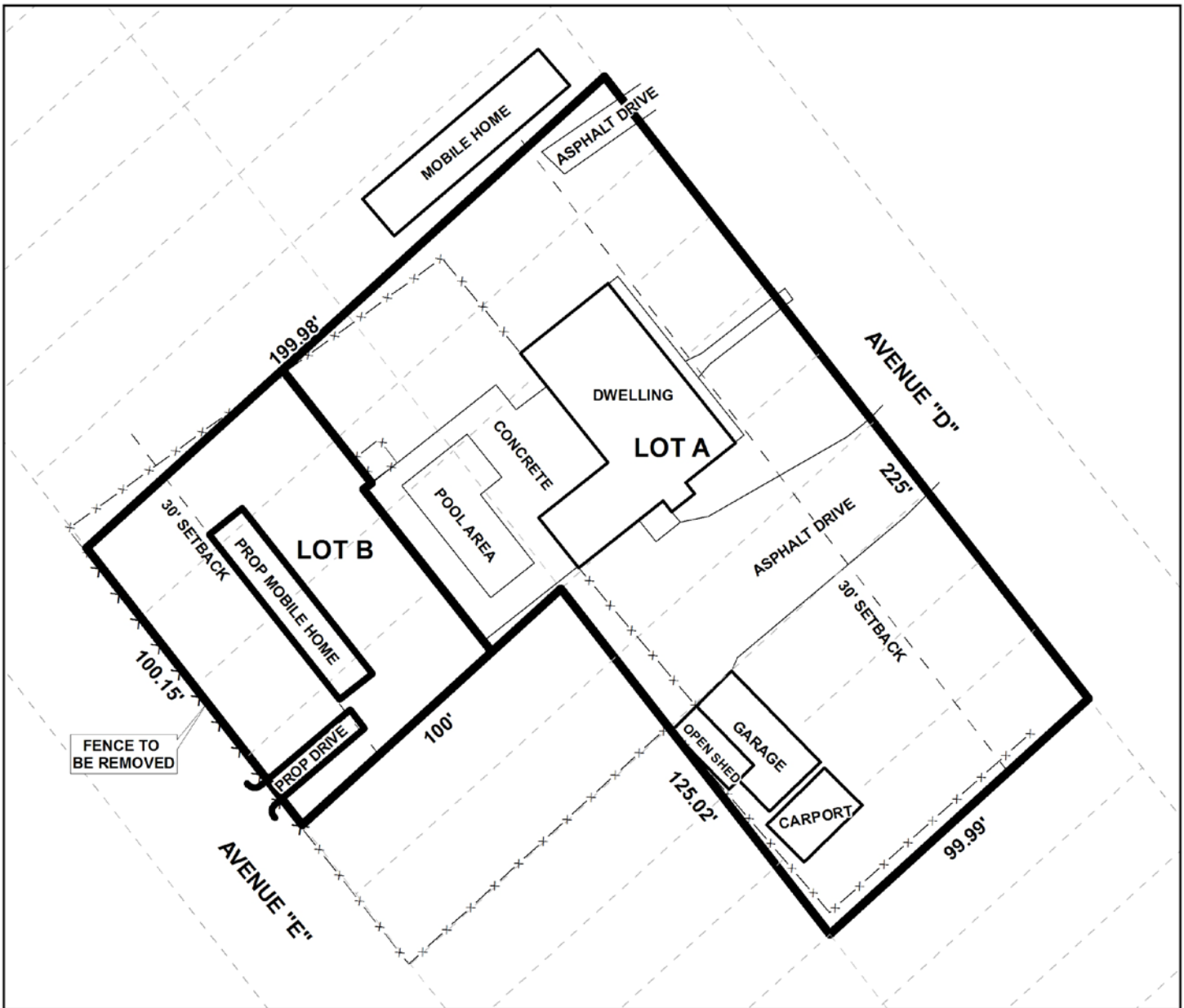
APPLICATION NUMBER 15 DATE May 7, 2015

APPLICANT Brenda's Place Subdivision

REQUEST Subdivision, Planning Approval



SITE PLAN



The site plan illustrates the existing dwellings, proposed mobile home and drive, drives, and fences.

APPLICATION NUMBER 15 DATE May 7, 2015

APPLICANT Brenda's Place Subdivision

REQUEST Subdivision, Planning Approval

