

TILLMAN'S SQUARE SUBDIVISION, RESUBDIVISION OF LOT 1

Engineering Comments: Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits

Fire-Rescue Department Comments: No comments.

MAWSS Comments: No comments.

The plat illustrates the proposed 2 lot, 11.1± acres subdivision located on the East side of U.S. Highway 90 West, 200'± North of Coca Cola Road, within the recently annexed area. The subdivision is served by public water and sanitary services.

The purpose of this application is to subdivide an existing lot of record into two lots of record.

The plat is the same as that approved with conditions at the September 4, 2008 meeting, except a 60' building setback line is illustrated along the U.S. Highway 90 frontage instead of the 25' setback on the previous submittal. Although recommended for denial, the previous application was approved, subject to the following conditions:

- 1) dedication of sufficient right-of-way to provide 125' from the centerline of U.S. Highway 90 West;
- 2) illustration of the 25' minimum building setback line along Lot 1 as measured from any required dedicated right-of-way;
- 3) illustration of the 25' minimum building setback line along Lot 2 as measured from its front property line (West line) along Lot 1;
- 4) placement of a note on the final plat stating that Lot 1 is limited to the existing curb cuts to U.S. Highway 90 West, with the size, location and design of all curb cuts to be approved by County Engineering and conform to AASHTO standards;
- 5) placement of a note on the final plat stating that Lot 2 is limited to one curb cut to U.S. Highway 90 West, with the size, location and design to be approved by County Engineering and conform to AASHTO standards;
- 6) labeling of each lot with its size in square feet and acres, or the furnishing of a table on the plat providing the same information;
- 7) placement of a note on the final plat stating that the development will be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;

- 8) placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species; and
- 9) 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.

The applicant has not submitted the plat for signing and now wishes to have the condition of right-of-way dedication removed and, instead, illustrate a 60' minimum building setback line which would be in the same location on the plat as the standard 25' setback line from the required dedication. The applicant states that condition # 1 cannot be met for the following reasons:

- 1) The 35' portion required to be dedicated is in the existing parking lot which is mortgaged to an institutional lender and property cannot be dedicated which is subject to an existing mortgage;
- 2) The portion required to be dedicated contains two shopping center pylon signs and the three entranceways to the development, including the one which directly accesses the traffic signal serving the development and a considerable number of parking spaces. The cost to relocate these improvements further into the development is cost prohibitive.
- 3) The entranceways, driveways and parking spaces contained in the required dedication are reflected on site plans that are attached to all of the existing leases. No changes to those leases can take place without the landlord being in default of those leases.
- 4) The parking contained in the required dedication is part of the total serving the development and yield a parking ratio which is called for in leases. Elimination of that many parking spaces would violate the parking ratios contained in the existing leases and therefore place the landlord in default of the lease contracts.

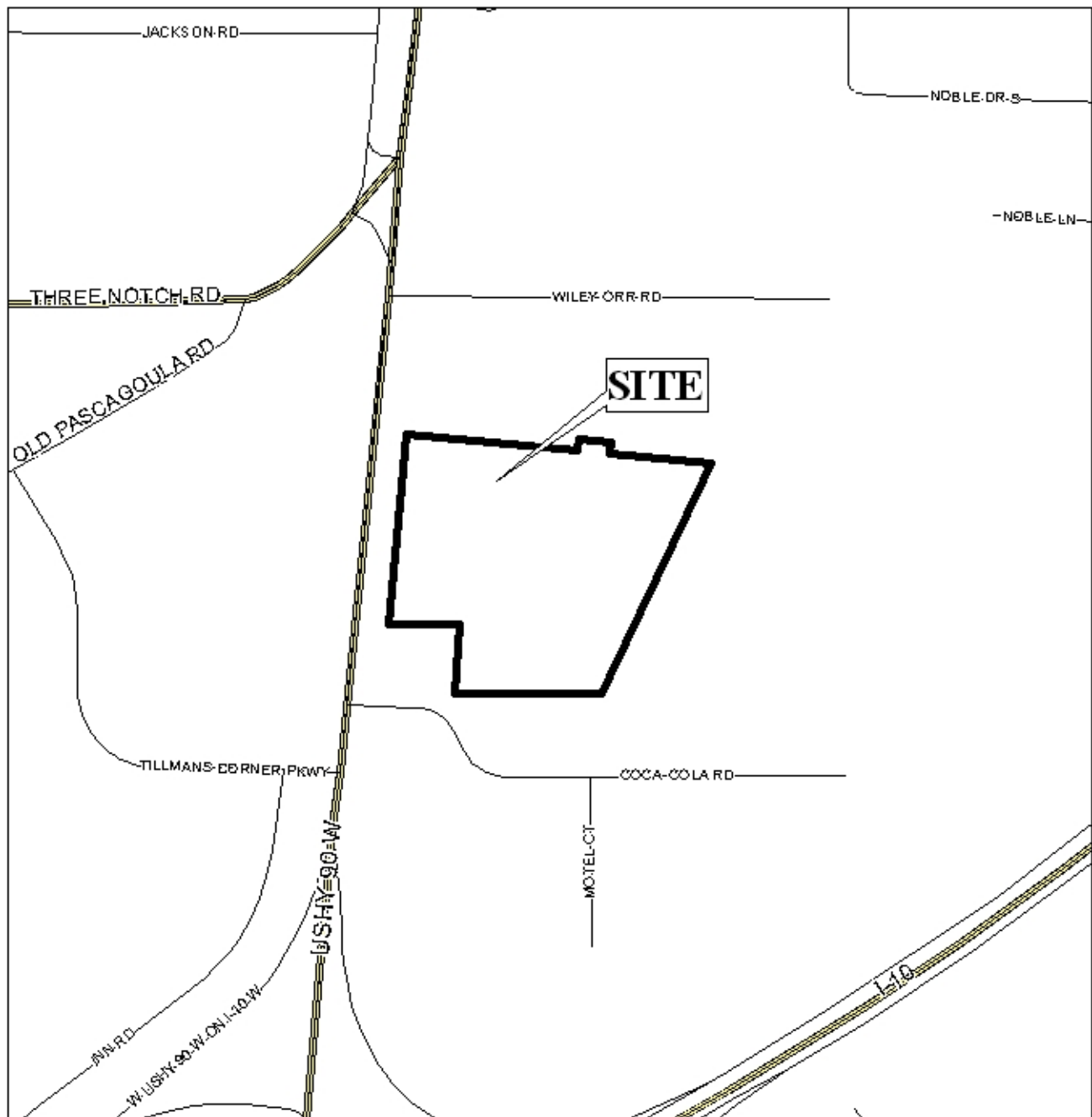
The applicant states that the Alabama Department of Transportation (ALDOT) was contacted to determine what future plans are for the U.S. Highway 90 right-of-way in this area in general, and for the subject site in particular. ALDOT's response was that it has nothing in the five-year plan pertaining to the site and there was no need for additional right-of-way dedication. It was suggested that the applicant make tentative plans by establishing a 60' building setback from the existing right-of-way line which would coincide with the 25' setback line from any required dedication.

Inasmuch as Section VIII.B. of the Subdivision Regulations makes provisions for unusual difficulties, it is specifically stated "No modification shall be made that will produce a conflict with the Comprehensive Plan...". In this instance, U.S. Highway 90 is a component of the Major Street Plan which is a component of the Comprehensive Plan. The Major Street Plan requires a 250' right-of-way width for this portion of U.S. Highway 90, or 125' from centerline. Since the current right-of-way width along the subject site is 180', or 90' from centerline, the dedication of an additional 35' from centerline is required.

Based on the preceding, this application is recommended for denial for the following reason:

- 1) the lack of dedication is in conflict with the Comprehensive Plan.

LOCATOR MAP



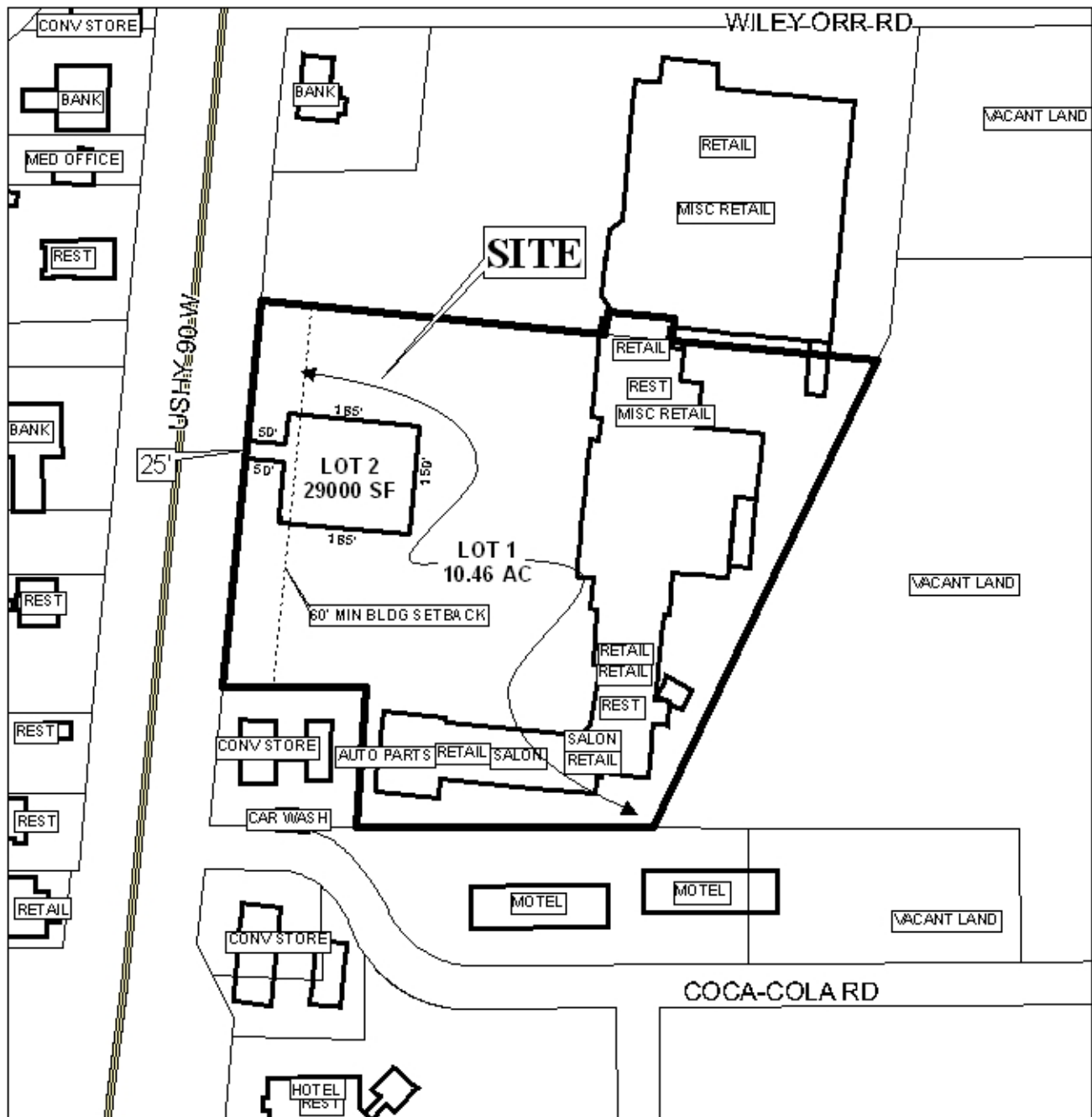
APPLICATION NUMBER 16 DATE December 4, 2008

APPLICANT Tillman's Square Subdivision, Resubdivision of Lot 1

REQUEST Subdivision



TILLMAN'S SQUARE SUBDIVISION, RESUBDIVISION OF LOT 1



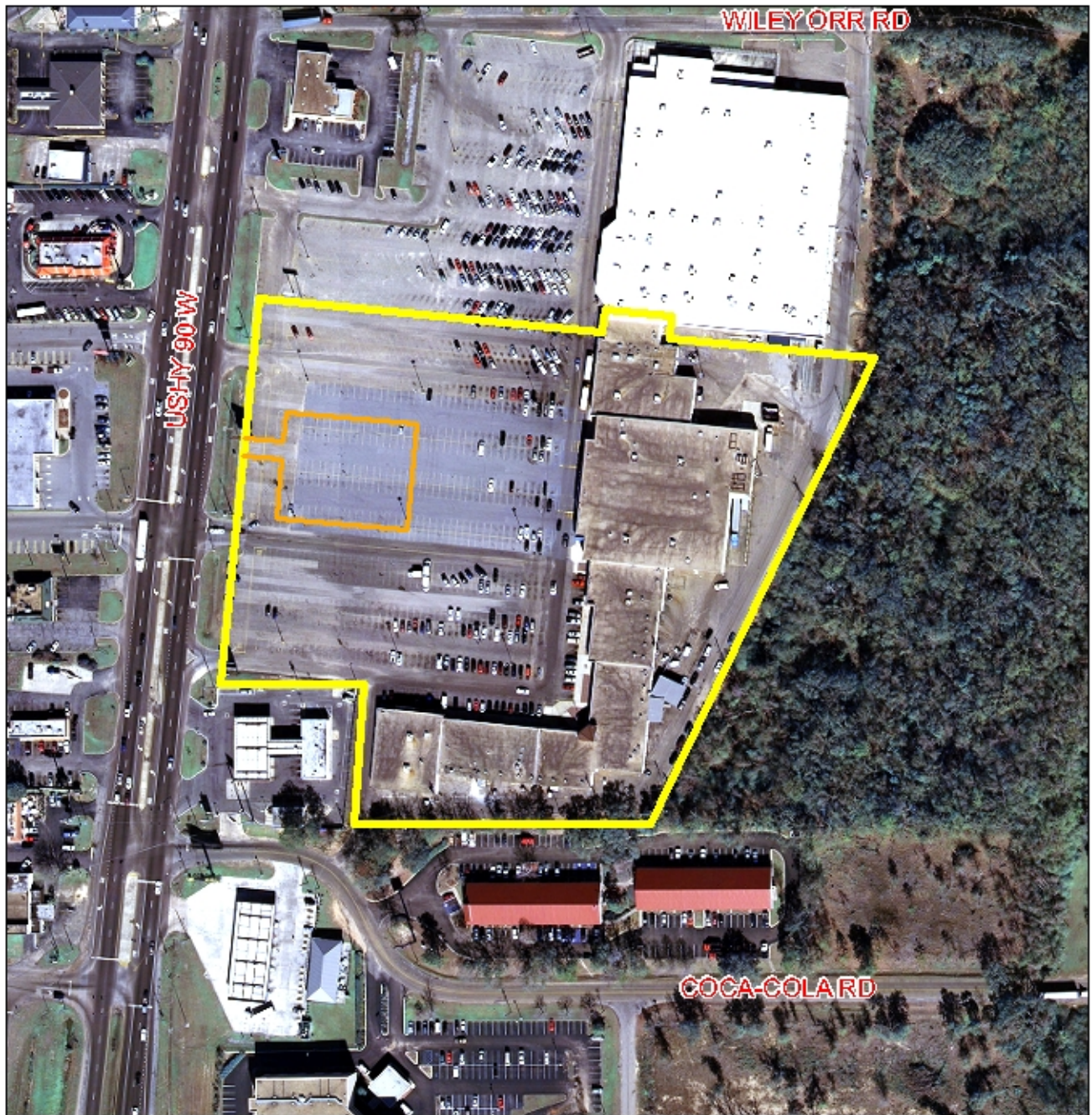
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LEGEND

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