

**F D RICHARDSON HEIGHTS SUBDIVISION,**  
**RESUBDIVISION OF LOTS 1, 16 THROUGH 20 &**  
**COMMON AREA**

Engineering Comments: A copy of the Property Owner's Association Covenants and a detention maintenance plan must be submitted with the final plat. Copies of the recorded covenants and the detention maintenance plan are to be submitted to City Engineering along with a copy of the recorded plat. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit.

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

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 61-929 and City Code Chapters 57 and 64).

Fire Department Comments: All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate.

Mobile Area Water & Sewer System Comments: MAWSS has water and sewer services available, but a Capacity Assurance application for sewer service has not been applied for. MAWSS cannot guarantee sewer service until the Capacity application is approved by Volkert Engineering Inc.

The plat illustrates the proposed 1.1± acre, 6 lot subdivision, which is located on the South side of First Avenue, 157'± West of Ruby Street, and extending to the West terminus of Richardson Way, in City Council District 1. The applicant states that the site is served by public water and sanitary sewer facilities.

The purpose of this application is to re-subdivide an existing developed subdivision for the purpose of eliminating a common area along the rear of the affected lots. The subdivision was developed by the Martin Luther King Avenue Redevelopment Corporation. According to the applicant, the intent at the time was to create a property owners association before the selling of individual lots, to which the current common area was to be deeded. However, the applicant states that, due to oversight issues, the association was never created. The intent today is to divide the common area amongst the associated lots, leaving a 12.5' detention easement in its place.

Before reviewing, it should be noted that common areas are typically for enjoyment of the entire subdivision. Based on recent legal opinion that was used for a subdivision in the County (Scott Plantation Subdivision, Unit Five; December 2009), the proposed subdivision application should be approved by all property owners within the original subdivision, prior to consideration by the

Planning Commission. Furthermore, the plat must include all properties of the original subdivision.

With that said, it should also be noted that there are several storage sheds on several of the properties, not shown on the plat, and that one house partially encroaches in to the common area / proposed easement with an apparently unpermitted addition. If approved, the applicant should revise the plat to illustrate all improvements within the subdivision, with the obtainment of all necessary permits from the Permitting Section of Urban Development.

Based on the preceding, it is recommended that this application be withdrawn and resubmitted including all properties of the original subdivision.

***Revised for the May 20<sup>th</sup> meeting:***

*This application was held over at the April 15<sup>th</sup> meeting at the applicant's request.*

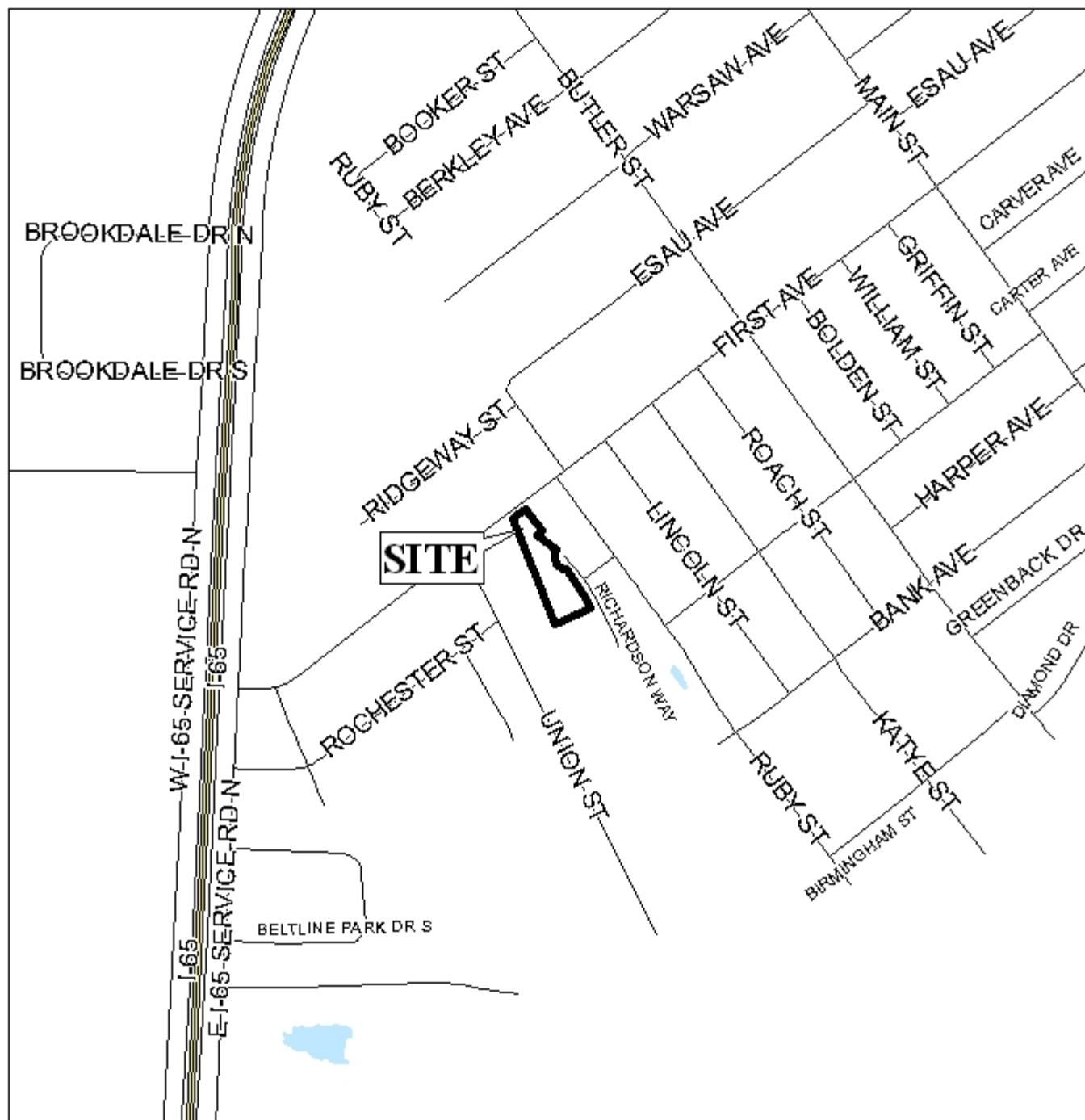
*Staff consulted with the City's legal department, and the following issues were identified:*

- *Existing common area is not large enough to develop on its own;*
- *Purpose of common area was for drainage, not recreation;*
- *Incorporation of common area into existing lots will include provision of drainage easement, thus original purpose will still be present;*
- *Incorporation of common area into lots will not adversely affect property owners in the subdivision, as the original layout of subdivision and purpose of common area will not be substantially altered.*

*Based on the preceding, this application is recommended for Tentative Approval, subject to the following conditions:*

- 1) *placement of a note on the final plat stating that no construction is allowed within any easements;*
- 2) *retaining of a note stating that each lot is limited to one curb cut each with the size, location, and design to be approved by Traffic Engineering and in conformance with AASHTO standards;*
- 3) *revision of the plat to illustrate ALL improvements within the subdivision, with the obtainment of ALL necessary permits from the Permitting Section of Urban Development prior to signing the final plat; and*
- 4) *compliance with Engineering comments: (A copy of the Property Owner's Association Covenants and a detention maintenance plan must be submitted with the final plat. Copies of the recorded covenants and the detention maintenance plan are to be submitted to City Engineering along with a copy of the recorded plat. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit).*

# LOCATOR MAP



APPLICATION NUMBER 1 DATE May 20, 2010

F.D. Richardson Heights Subdivision, Resubdivision of Lots 1, 16  
 APPLICANT through 20 & Common Area
















REQUEST Subdivision



# F.D. RICHARDSON HEIGHTS SUBDIVISION, RESUBDIVISION OF LOTS 1, 16 THROUGH 20 & COMMON AREA



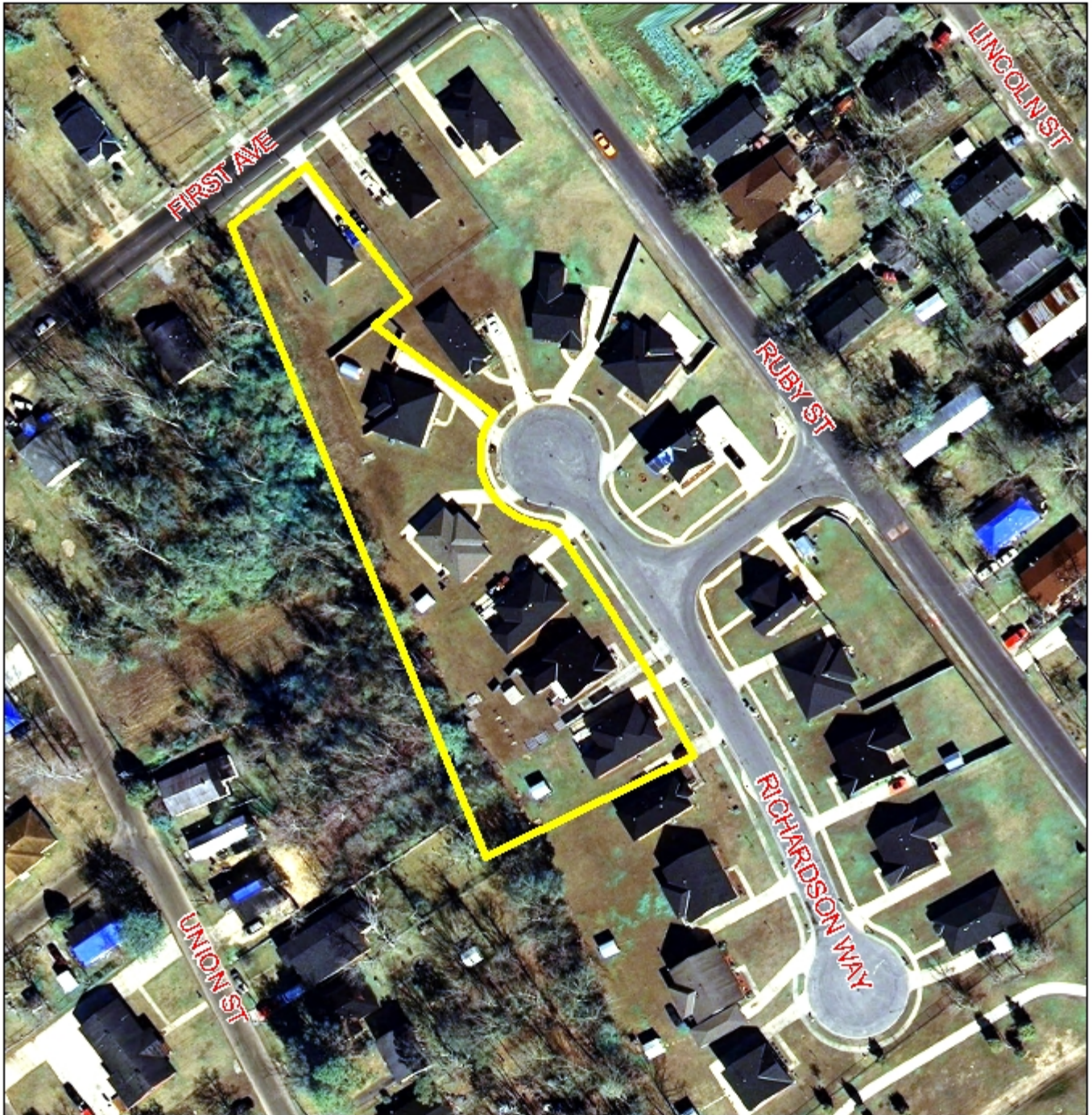
APPLICATION NUMBER 1 DATE May 20, 2010

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





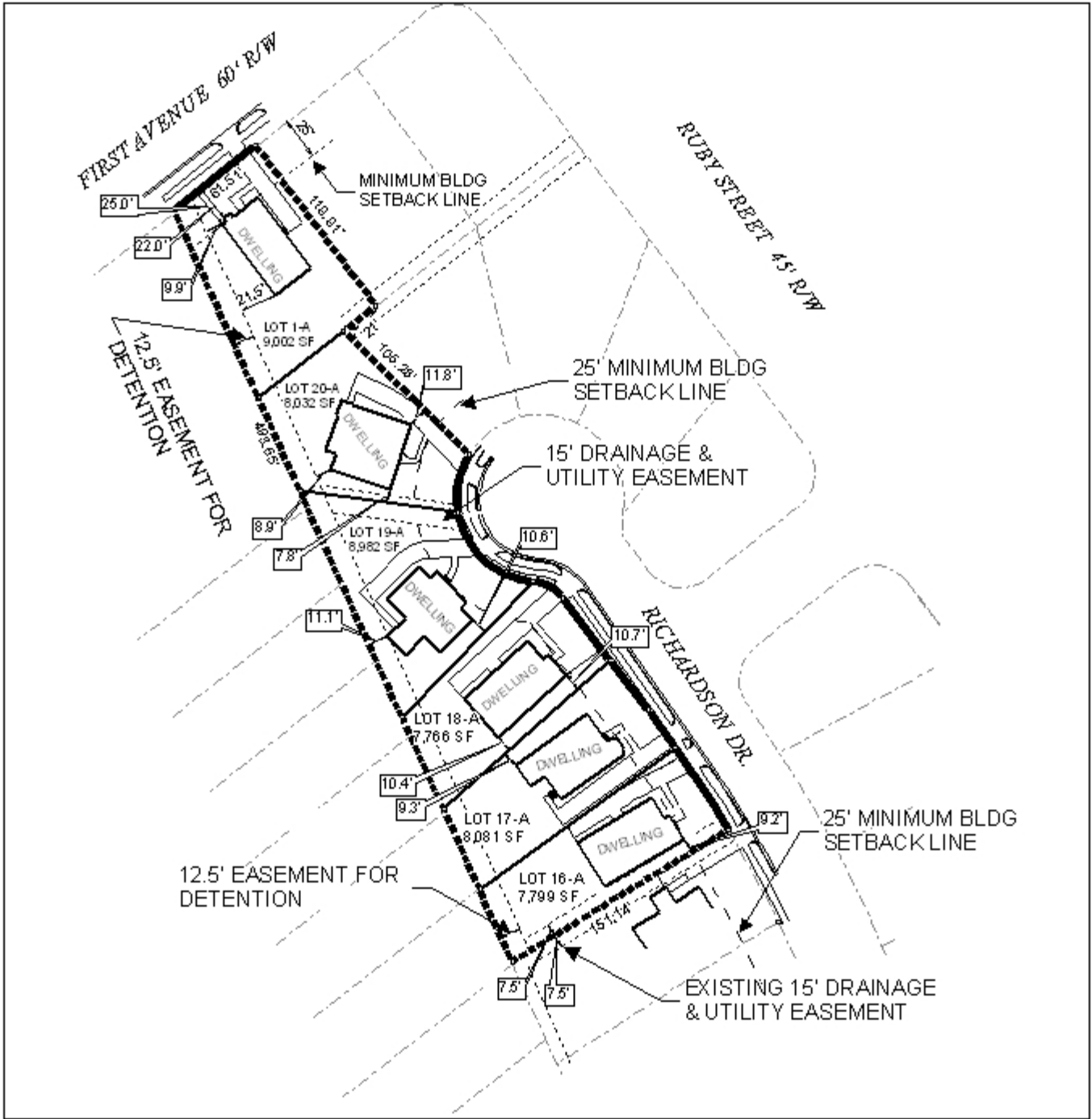
**F.D. RICHARDSON HEIGHTS SUBDIVISION, RESUBDIVISION  
OF LOTS 1, 16 THROUGH 20 & COMMON AREA**



APPLICATION NUMBER 1 DATE May 20, 2010



# DETAIL SITE PLAN



NTS

REQUEST \_\_\_\_\_ Subdivision \_\_\_\_\_