

**SUBDIVISION,
PLANNED UNIT DEVELOPMENT, &
SIDEWALK WAIVER STAFF REPORT****Date: June 19, 2014**

<u>NAME</u>	Tucker Place Subdivision
<u>SUBDIVISION NAME</u>	Tucker Place Subdivision
<u>LOCATION</u>	117 Batre Lane (Northwest corner of Batre Lane and Gaillard Street)
<u>CITY COUNCIL DISTRICT</u>	District 7
<u>CURRENT ZONING</u>	R-1, Single-Family Residential
<u>AREA OF PROPERTY</u>	8 Lots / 3.1± Acres
<u>CONTEMPLATED USE</u>	Subdivision Approval to create eight legal lots of record from an existing metes-and bounds parcel, Planned Unit Development approval to allow reduced front and side yard setbacks in a proposed Subdivision, and Sidewalk Waiver to waive construction of a sidewalk along Batre Lane and Gaillard Street.
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	Immediate.

ENGINEERING**COMMENTS**

Subdivision: The following comments should be addressed prior to acceptance and 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).

B. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with the of the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045), latest edition. Storm water detention will be required for any future addition(s) and/or land disturbing activity.

C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 24 - # 75) there is historical credit available for impervious area towards stormwater detention requirement per the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045), latest edition. Coordinate with City

Engineering Department staff to establish the exact amount prior to the submittal of a Land Disturbance Permit application.

D. 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.

E. Provide and label the POB for the legal description.

F. Provide and label the monument set or found at each subdivision corner.

G. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.

H. Provide the Surveyor's Certificate and Signature.

I. Provide the Owner's (notarized), Planning Commission, and Traffic Engineering signatures.

J. Add a note that sidewalk is required to be constructed along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved.

Planned Unit Development:

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 Department (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. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.

3. Each Lot Owner shall be required to submit a Land Disturbance Permit application 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, paving, and all above ground structures, 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.

Sidewalk Waiver:

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

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

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).

Installation of a sidewalk will have a negative impact on the existing tree roots along Gaillard Street and Batre Lane.

MAWSS COMMENTS

MAWSS has water and sewer services available, but a Capacity Assurance application for additional sewer service has not been applied for. MAWSS cannot guarantee additional sewer service until a Capacity application is approved by Volkert Engineering, Inc.

**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.

REMARKS

The applicant is requesting Subdivision approval to create eight legal lots of record from an existing metes-and-bounds parcel, Planned Unit Development approval to allow reduced front and side yard setbacks in a proposed Subdivision, and Sidewalk Waiver to waive construction of a sidewalk along Batre Lane and Gaillard Street.

The site is zoned R-1, Single-Family Residential, and currently contains a primary single-family dwelling with detached carport and a smaller detached dwelling. The primary dwelling is proposed to be removed and the smaller dwelling and carport are proposed to remain. Since the proposed Subdivision would have lots with reduced front and side yard setbacks, Planned Unit Development Approval is also required.

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.

Planned Unit Development review examines the site with regard to its location to ensure that it is generally compatible with neighboring uses; that adequate access is provided without generating excess traffic along minor residential streets in residential districts outside the PUD; and that natural features of the site are taken into consideration. PUD review also examines the design of the development to provide for adequate circulation within the development; to ensure adequate access for emergency vehicles; and to consider and provide for protection from adverse effects of adjacent properties as well as provide protection of adjacent properties from adverse effects from the PUD. PUD approval is site plan specific, thus if any new construction is anticipated that will change an approved site plan, an application to amend an existing, approved PUD must be made prior to any construction activities.

The purpose of the Subdivision application is to create eight legal lots of record from an existing metes-and-bounds legal description. The plat illustrates the proposed eight-lot, 3.1± acre subdivision located on the Northwest corner of Batre Lane and Gaillard Street, in Council

District 7. The applicant states that the site is served by public water and sanitary sewer service. The proposed lots would meet the minimum requirements of the Subdivision Regulations.

The site fronts Batre Lane along the East side, Gaillard Street along the South side, and an unopened alley along the West side. Batre Lane and Gaillard Street are minor streets without curb and gutter and requiring 60' rights-of-way. The plat indicates a proposed dedication to provide 25' from the centerlines of both streets in areas where the current rights-of-way are less than 50'. However, as dedication to provide 30' from the centerlines of Batre Lane and Gaillard Street was specified at a pre-development meeting, the plat should be revised to indicate such. Dedication of a 25' corner radius at the corner of Batre Lane and Gaillard Street should be required, as shown on the plat, adjusted to match the required 30' dedications. Gaillard Street is a closed-end street approximately 450' long. There is currently no compliant Fire apparatus access on Gaillard Street. However, the stated intent of the "pole" for Lot 7 is to allow for a hammerhead. Therefore, the plat should be revised to provide for a hammerhead, in compliance with Appendix D of the 2009 International Fire Code, to be coordinated with the Fire Department. Dedication should be required for such and construction completed prior to signing the Final Plat. In addition, if the current pavement width along Gaillard Street is less than 20', Gaillard Street should be paved to a minimum width of 20' to allow for such hammerhead prior to signing the Final Plat.

As a means of access management, a note should be required on the Final Plat stating that each lot is limited to one curb cut, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

A note should also be required on the Final Plat stating that Lots 6 and 7 are denied access to the alley along the West side of the site. As on the preliminary plat, the Final Plat should retain the labeling of the lot sizes in square feet and acres, adjusted for any required dedications, or a table should be furnished on the Final Plat providing the same information.

The plat illustrates a 20' front minimum building setback line along both street frontages for all lots except a 15' setback along Batre Lane for Lot 1, and a 15' setback for Lot 7. As the subdivision is of innovative design, the reduced front yard setbacks would be allowed via the PUD with a waiver of the 25' front setback requirement of Section V.D.9. of the Subdivision Regulations. The plat should be revised to illustrate the front building setback lines as measured from any required dedication. The PUD would also allow for the reduced side yard setbacks. The 8' rear yard setbacks along Lots 1 through 4 and Lot 8 are measured from the edge of the 25' ingress/egress easement across those lots and not from the rear property lines. The plat should be revised to indicate a rear setback as measured from the rear property line of 20.5' (8' from the edge of the easement plus 12.5' from the edge of the easement to the centerline of the easement/rear property line). The Final Plat should retain all approved setbacks.

As the Planned Unit Development is to allow reduced front and side yard setbacks, a note should be required on the site plan stating that all lots are limited to 35% maximum site coverage by all structures. No wall or fence is indicated around the proposed development. Should an enclosing wall or fence be proposed at a later date, the PUD must be amended to allow such if 3' high or higher within any required setbacks. No public sidewalk is proposed along Batre Lane or

Gaillard Street. Should the associated Sidewalk Waiver be denied, the site plan should be revised to indicate a City-standard sidewalk along both streets.

Lot 7 would be a flag lot which is generally prohibited by Section V.D.1. of the Subdivision Regulations. However, as previously stated, the “pole” of this lot is intended to serve as a portion of the required hammerhead for Fire apparatus access. Due to the location of the existing structures proposed to remain, the shape of Lot 7 could be considered appropriate for the area in relation to the other proposed lots. Therefore, a waiver of Section V.D.1. would seem in order.

The plat indicates various drainage, utility and ingress and egress easements across the site. Therefore, a note should be required on the Final Plat stating that no structures are to be constructed within any easements. As there are two easements for ingress and egress on the site, a note should be placed on the Final Plat stating that the maintenance of the ingress and egress easements is the responsibility of the property owners. As this is not a private street subdivision, a note should be placed on the Final Plat stating that the ingress and egress easements are not to be gated or blocked in any manner so as to indicate a private street subdivision. A note should also be required on the Final Plat stating that the maintenance of the Detention/Common Area is the responsibility of the property owners.

The geographic area defined by the City of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

Two copies of a revised site plan incorporating all conditions of approval for the PUD should be furnished to Planning prior to signing the Final Plat for the Subdivision.

With regard to the Sidewalk Waiver request, the applicant states that there are extreme slopes on the site and that a sidewalk Waiver would be appropriate based on the constructability of a sidewalk in this area. It is further pointed out that there are no sidewalks in the vicinity. It is also stated that the narrow right-of-way conditions in this area do not allow for sidewalks to be built and that a sidewalk in this area would provide limited, if any foot traffic because it would be a sidewalk to nowhere.

A review of the site plan by City Engineering has determined that along both streets it appears that there is sufficient room within the right-of-way, or within the property, for the construction of a sidewalk. However, Urban Forestry has determined that the construction of a sidewalk along either street would have a negative impact upon the existing tree roots. In light of the fact that there are no other sidewalks within the immediate area, and in the interest of protecting the existing trees along the street frontages, staff is of the opinion that the Sidewalk Waiver should be approved, but only upon condition that the existing trees within the sidewalk area remain; if the trees are cleared, the sidewalks must be constructed.

RECOMMENDATION

Subdivision: With waivers of Sections V.D.1. and V.D.9., the plat meets the minimum requirements of the Subdivision Regulations and is recommended for tentative approval, subject to the following conditions:

- 1) dedication to provide 30' from the centerlines of Batre Lane and Gaillard Street;
- 2) dedication to provide a 25' corner radius at the corner of Batre Lane and Gaillard Street, as shown on the plat, adjusted to match the required 30' dedications;
- 3) dedication to provide for a hammerhead coinciding with the "pole" for Lot 7, in compliance with Appendix D of the 2009 International Fire Code, to be coordinated with the Fire Department;
- 4) construction of the hammerhead to be completed prior to signing the Final Plat;
- 5) verification on the Final Plat that the pavement width of Gaillard Street is at least 20', or the widening of the pavement width to at least 20' to allow for Fire apparatus access prior to signing the Final Plat;
- 6) placement of a note on the Final Plat stating that each lot is limited to one curb cut, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 7) placement of a note on the Final Plat stating that Lots 6 and 7 are denied access to the alley along the West side of the site;
- 8) retention of the labeling of the lot and Detention/Common Area sizes in square feet and acres on the Final Plat, adjusted for any required dedications, or the furnishing of a table on the Final Plat providing the same information;
- 9) revision of the plat to illustrate the front building setback lines as measured from any required dedications;
- 10) revision of the plat to indicate a 20.5' rear setback line for Lots 1 through 4 and Lot 8 within the ingress/egress easement;
- 11) retention of the approved side yard setbacks for all lots;
- 12) placement of a note on the Final Plat stating that no structures are to be constructed within any easements;
- 13) placement of a note on the Final Plat stating that the maintenance of the ingress and egress easements is the responsibility of the property owners;
- 14) placement of a note on the Final Plat stating that the ingress and egress easements are not to be gated or blocked in any manner so as to indicate a private street subdivision;
- 15) placement of a note on the Final Plat stating that the maintenance of the Detention/Common Area is the responsibility of the property owners;
- 16) subject to the Engineering comments: *(The following comments should be addressed prior to acceptance and 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). B. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with the of the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045), latest edition. Storm water detention will be required for any future addition(s) and/or land disturbing activity. C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 24 - # 75) there is historical credit available for impervious area towards stormwater detention*

requirement per the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045), latest edition. Coordinate with City Engineering Department staff to establish the exact amount prior to the submittal of a Land Disturbance Permit application. D. 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. E. Provide and label the POB for the legal description. F. Provide and label the monument set or found at each subdivision corner. G. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. H. Provide the Surveyor's Certificate and Signature. I. Provide the Owner's (notarized), Planning Commission, and Traffic Engineering signatures. J. Add a note that sidewalk is required to be constructed along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved.);

- 17) subject to the Traffic Engineering comments: *(Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 18) subject to 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 61-929 and City Code Chapters 57 and 64)];*
- 19) subject to the 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);*
- 20) 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
- 21) submission to Planning of two (2) copies of a revised PUD site plan indicating compliance with all conditions of its approval and the Sidewalk Waiver decision, prior to the signing of the Final Plat.

Planned Unit Development: Based upon the preceding, this request is recommended for approval, subject to the following conditions:

- 1) revision of the site plan to indicate any required dedications of the Subdivision;
- 2) revision of the site plan to indicate a hammerhead for Fire apparatus access coinciding with the "pole" for Lot 7, in compliance with Appendix D of the 2009 International Fire Code, to be coordinated with the Fire Department;
- 3) verification on the site plan that the pavement width of Gaillard Street is at least 20', or the widening of the pavement width to at least 20' to allow for Fire apparatus access;
- 4) placement of a note on the site plan stating that each lot is limited to one curb cut, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 5) placement of a note on the site plan stating that Lots 6 and 7 are denied access to the alley along the West side of the site;
- 6) retention of the labeling of the lot and Detention/Common Area sizes in square feet and acres on site plan, adjusted for any required dedications, or the furnishing of a table on the site plan providing the same information;

- 7) revision of the site plan to illustrate the front building setback lines as measured from any required dedications;
- 8) revision of the site plan to indicate a 20.5' rear setback line for Lots 1 through 4 and Lot 8 within the ingress/egress easement;
- 9) retention of the approved side yard setbacks for all lots;
- 10) placement of a note on the site plan stating that no structures are to be constructed within any easements;
- 11) placement of a note on the site plan stating that the maintenance of the ingress and egress easements is the responsibility of the property owners;
- 12) placement of a note on the site plan stating that the ingress and egress easements are not to be gated or blocked in any manner so as to indicate a private street subdivision;
- 13) placement of a note on the site plan stating that the maintenance of the Detention/Common Area is the responsibility of the property owners;
- 14) placement of a note on the site plan stating that all lots are limited to 35% maximum site coverage by all structures;
- 15) revision of the site plan to indicate a city-standard sidewalk along Batre Lane and/or Gaillard Street should the Sidewalk Waiver be denied;
- 16) subject to 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 Department (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. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 3. Each Lot Owner shall be required to submit a Land Disturbance Permit application 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, paving, and all above ground structures, 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.);*
- 17) subject to the Traffic Engineering comments: *(Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 18) subject to 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 61-929 and City Code Chapters 57 and 64)];*
- 19) subject to the 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);*
- 20) placement of a note on the site plan 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;
- 21) placement of a note on the site plan stating that no solid wall or fence exceeding 3' in height shall be built within any setback from a street;

- 22) submission to Planning of two (2) copies of a revised site plan indicating compliance with all approval conditions, and the Sidewalk Waiver decision, prior to the signing of the Final Plat; and
- 23) full compliance with all municipal codes and ordinances.

Sidewalk Waiver: Based upon the preceding, the Sidewalk Wavier is recommended for approval, subject to the trees within the sidewalk area remaining: if the trees are removed, the sidewalks must be built.

Revised for the June 19th meeting:

The Subdivision and PUD applications were heldover from the May 15th meeting to allow the applicant to consider revisions such as increasing the width of Gaillard Street to city standard, relocating the access point to Batre Lane for the easement for rear access to the lots, and consideration of reducing the number of lots. Revisions were to be submitted by May 29th. The Sidewalk Waiver was also heldover in order to be considered in conjunction with the Subdivision and PUD applications.

As no revisions to the Subdivision and PUD were submitted and the applicant verbally expressed no desire to make such revisions, the Subdivision and PUD should be considered for denial. As the Sidewalk Waiver would then be a mute point, it should also be considered for denial.

RECOMMENDATION

Subdivision: This application is recommended for denial due to the fact that the applicant did not submit a revised plat to address the following items:

- 1) increasing the width of Gaillard Street to city standard;*
- 2) relocating the access point to Batre Lane for the easement for rear access to the lots; and*
- 3) consideration of reducing the number of lots.*

Planned Unit Development: This application is recommended for denial due to the fact that the applicant did not submit a revised site plan to address the following items:

- 1) increasing the width of Gaillard Street to city standard;*
- 2) relocating the access point to Batre Lane for the easement for rear access to the lots; and*
- 3) consideration of reducing the number of lots.*

Sidewalk Waiver: This application is recommended for denial as it would be a moot point in light of the fact that the Subdivision and PUD are also recommended for denial.

LOCATOR MAP



APPLICATION NUMBER 4, 5 & 6 DATE June 19, 2014

APPLICANT Tucker Place Subdivision

REQUEST Subdivision, Sidewalk Waiver, Planned Unit Development



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

APPLICATION NUMBER 4, 5 & 6 DATE June 19, 2014
 APPLICANT Tucker Place Subdivision
 REQUEST Subdivision, Sidewalk Waiver, Planned Unit Development

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



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

APPLICATION NUMBER 4, 5 & 6 DATE June 19, 2014
APPLICANT Tucker Place Subdivision
REQUEST Subdivision, Sidewalk Waiver, Planned Unit Development



DETAIL SITE PLAN



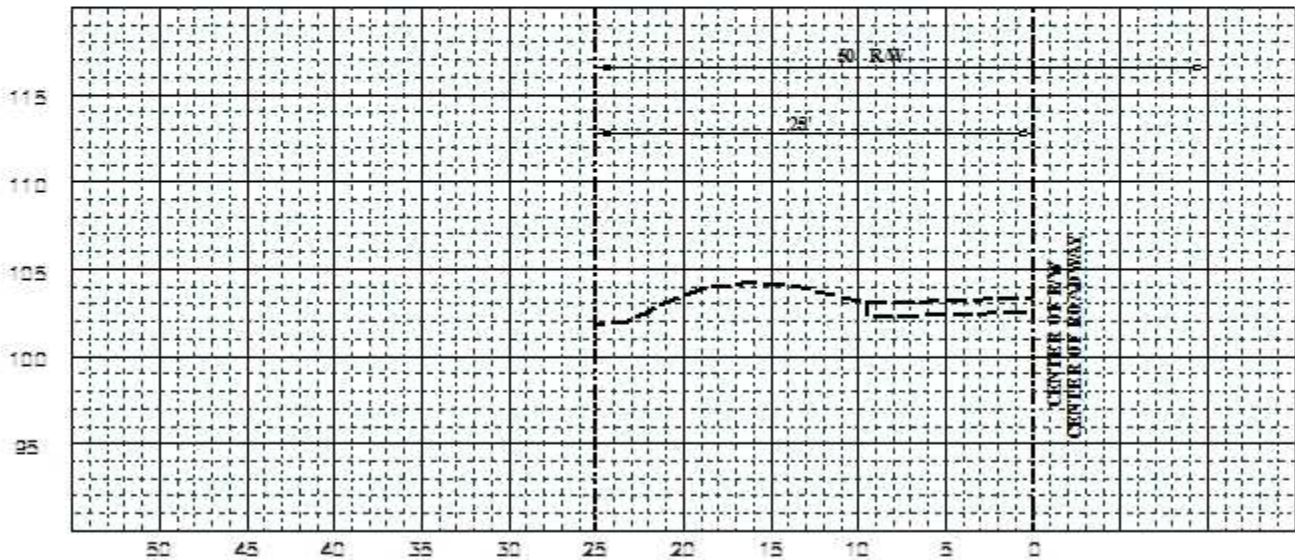
The site plan illustrates the proposed lots, setbacks, and easements.

APPLICATION NUMBER 4, 5 & 6 DATE June 19, 2014
 APPLICANT Tucker Place Subdivision
 REQUEST Subdivision, Sidewalk Waiver, Planned Unit Development



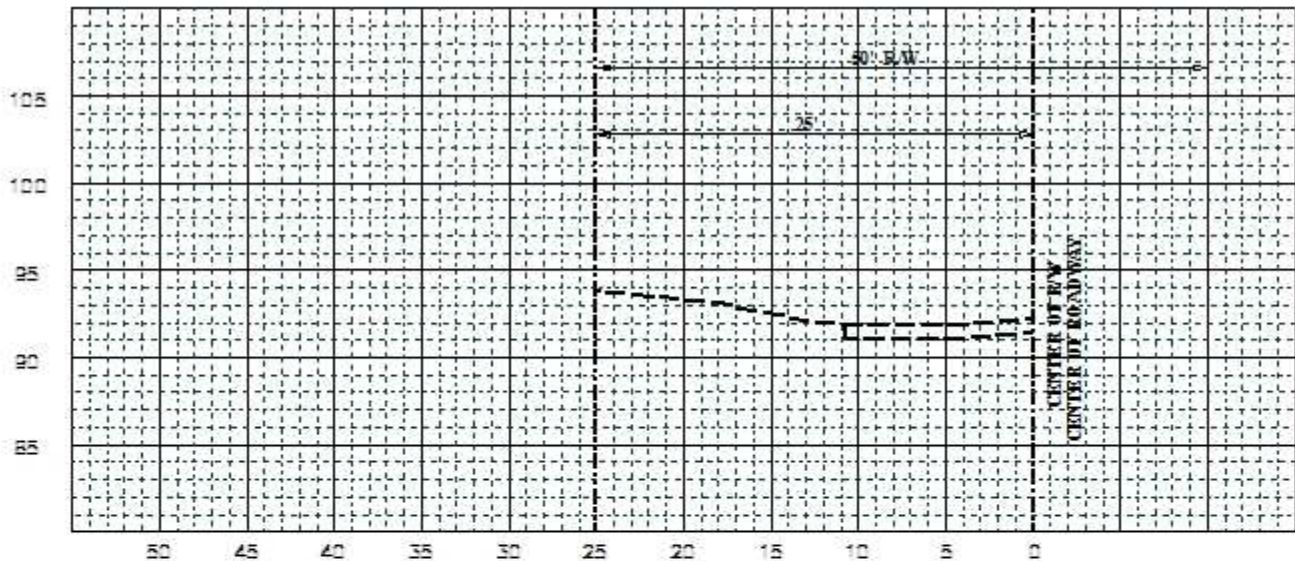
DETAIL SITE PLAN

GAILLARD STREET



TYPICAL SECTION IN FRONT OF PROPERTY

BATRE LANE



TYPICAL SECTION IN FRONT OF PROPERTY

APPLICATION NUMBER 4, 5 & 6 DATE June 19, 2014

APPLICANT Tucker Place Subdivision

REQUEST Subdivision, Sidewalk Waiver, Planned Unit Development

