

**COUNTY VACATION  
& SUBDIVISION STAFF REPORT****Date: December 6, 2012****NAME**

Tommy Wilder

**SUBDIVISION**R & R Commercial Park Subdivision, Resubdivision of  
Lots 9 & 10**LOCATION**7600 Bellingrath Drive West  
(West side of Bellingrath Drive West and its North  
terminus).**REQUEST**Request to vacate a 15' drainage and utility easement as  
well as reduction of a drainage and utility easement from  
7.5' to 5', and create one (1) legal lot of record from two  
(2) legal lots of record.**REMARKS**The applicant is requesting vacation of a 15' drainage and  
utility easement as well as reduction of a drainage and utility easement from 7.5' to 5', and  
create one (1) legal lot of record from two (2) legal lots of record.The site is located at 7600 Bellingrath Drive West (West side of Bellingrath Drive West and its  
North terminus).

The reason for the application is that a structure was built on the South side of Lot 9, R & R Commercial Park, and, after inspection, was found to be encroaching onto a platted 7.5' wide drainage and utility easement. The proposed solution is to vacate the Northern 2.5' of the easement, effectively removing the structure from the easement by creating only a 5' wide easement. The applicant also wishes to have an existing 15' drainage and utility easement vacated because the proposed subdivision would place the easement in the middle of the new lot. The applicant has submitted documentation from Mobile County Water, Sewer, and Fire Protection; AT&T; MAWSS; Alabama Power; and Mobile Gas stating that they do not have any utilities in the easements, and that they do not object to the vacation of the easements.

Regarding the creation of the new lot, the plat depicts the proposed 1-lot, 1.1± acre subdivision. As stated previously, the proposed lot is currently two legal lots of record. The lots were approved as part of the R & R Commercial Park at the Planning Commission's January 24, 2002 meeting, with a 1-year extension approved on February 6, 2003. The proposed lot meets the minimum size requirements as regulated by Section V.D.2. of the Subdivision Regulations. The size of the lot is depicted in acres, and should be revised on the Final Plat to be depicted in square feet and acres, or a table with the same information provided on the Final Plat, if approved. The plat labels the existing "Lot 9" and "Lot 10", but makes no mention of the newly proposed lot. If approved, a note should be added to the Final Plat labeling the newly approved lot.

There is an existing structure on the Northern portion of the proposed lot which is located in the 25' setback. Because of this, the plat is illustrated with a 20.38' proposed front setback. Because the building is existing, and no new additions are proposed at this time, it is considered legal non-conforming, and the setback on the Final Plat, if approved, should be illustrated at the 25' required in Section V.D.1. of the Subdivision regulations.

The site fronts Bellingrath Drive West, a minor street without curb and gutter. The plat indicates an adequate right-of-way of 60 feet, and, as such, no further dedication should be required. The site should be limited to the two existing curb-cuts to Bellingrath Drive West, with the size, design, and location of the curb-cuts to be approved by Mobile County Engineering and conform to AASHTO standards.

The site may be located in the X-Shaded flood zone of Muddy Creek, it also must comply with the City of Mobile storm water and flood control ordinances. Therefore, a note stating "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." should be placed on the Final Plat.

This site is located in the County, thus any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations.

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.

## **RECOMMENDATION**

**Vacation Request:** The request to vacate the 15' drainage and utility easement and reduction of a drainage and utility easement from 7.5' to 5' on Lot 1, Resubdivision of Lots 9 and 10, R & R Commercial Park, is recommended for approval subject to the following conditions:

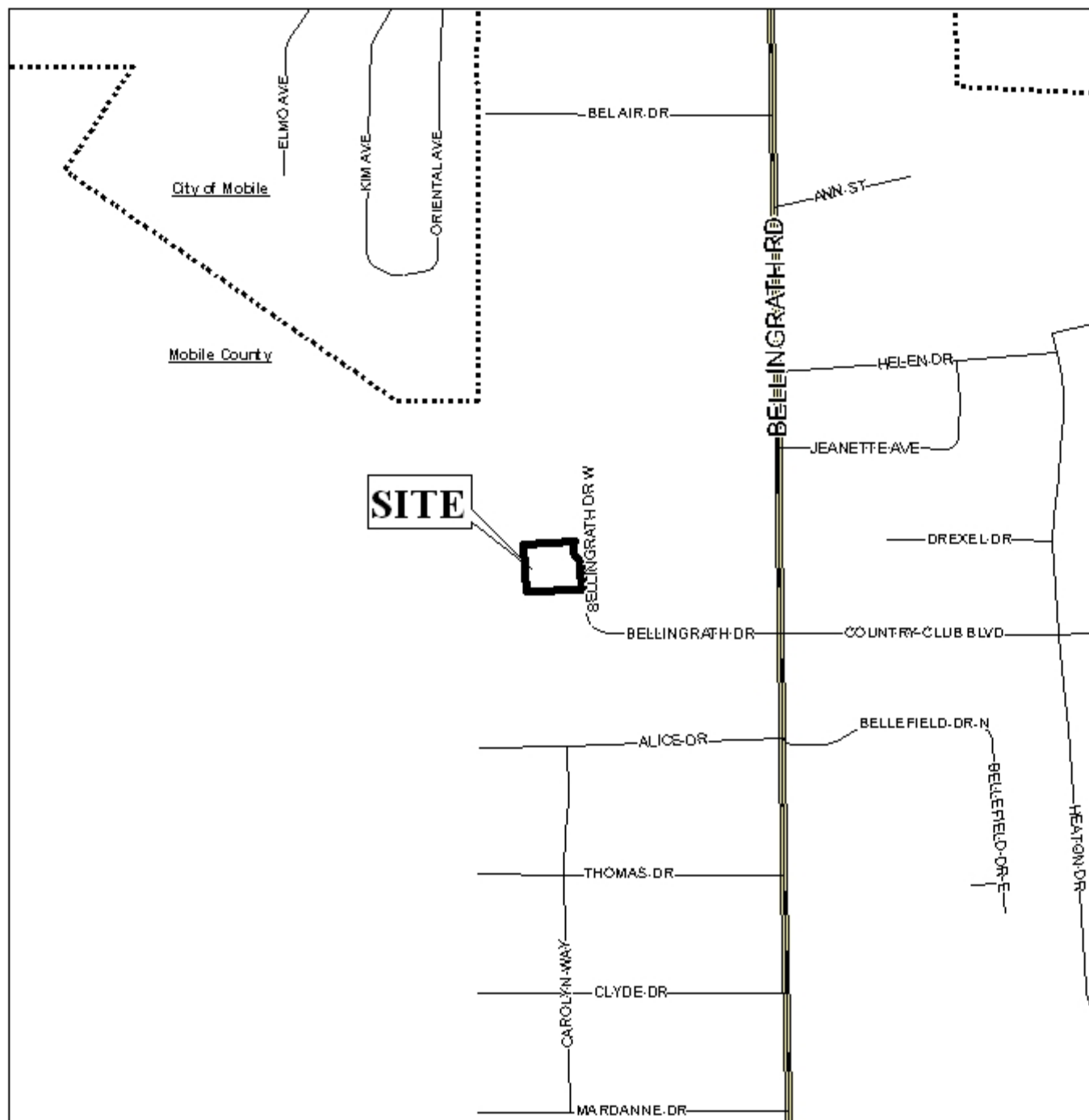
- 1) completion of the Subdivision process for Resubdivision of Lots 9 and 10, R & R Commercial Park.

**Subdivision:** The request is recommended for tentative approval subject to the following conditions:

- 1) depiction of the lot size in square feet, or provision of a table on the Final Plat with the same information;
- 2) placement of a note labeling the new lot;

- 3) placement of a note on the Final Plat limiting the lot to two curb-cuts, with the size, design, and location of the curb cut to be approved by Mobile County Engineering and conform to AASHTO standards;
- 4) compliance with local, state, and federal requirements for properties located in a FEMA designated floodzone;
- 5) placement of a note on the Final Plat stating the site must comply with the City of Mobile storm water and flood control ordinances: *(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.);*
- 6) 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.8. of the Subdivision Regulations; and
- 7) 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.

# LOCATOR MAP



APPLICATION NUMBER 21 & 22 DATE December 6, 2012

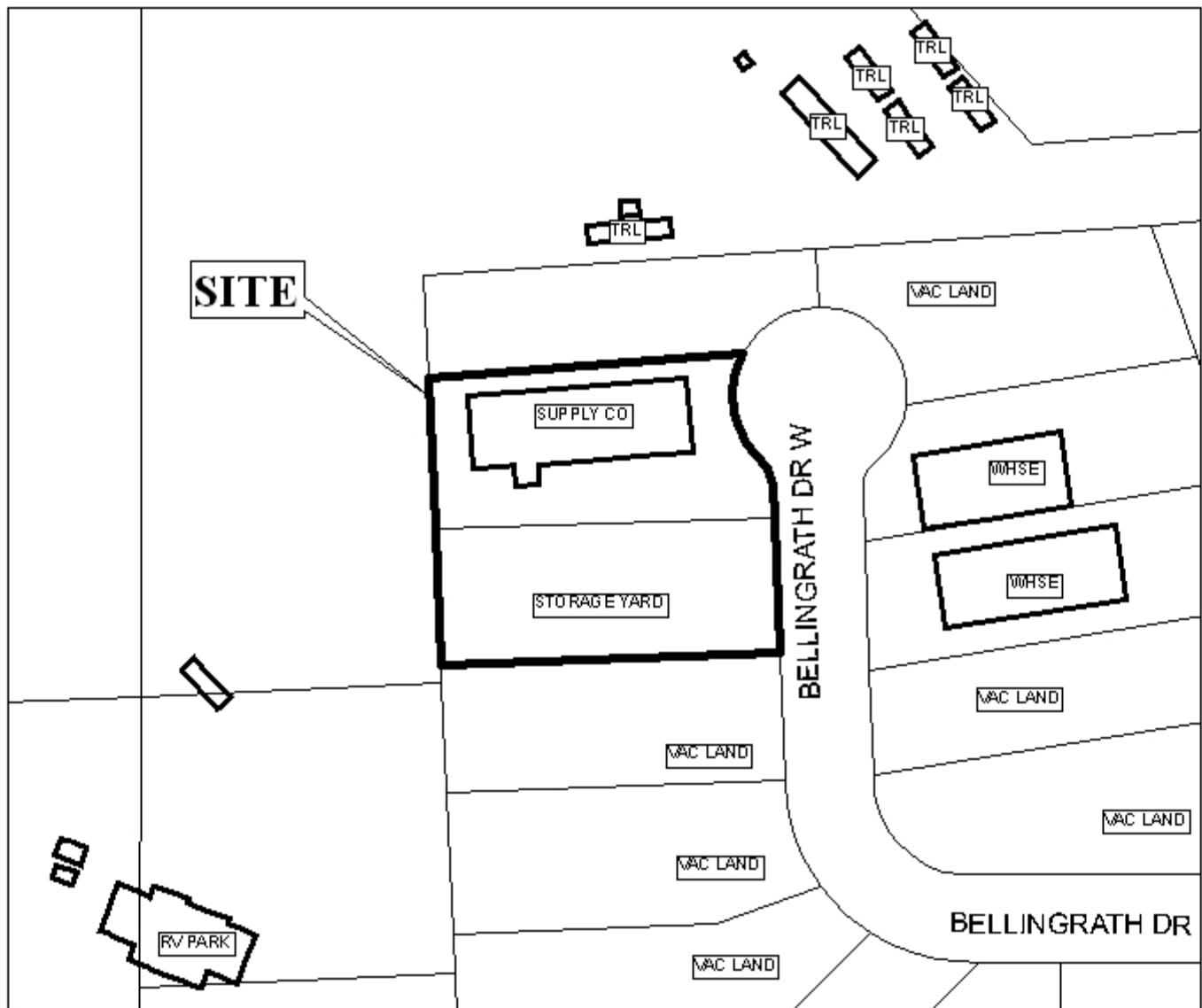
APPLICANT R & R Commercial Park Subdivision, Resubdivision of Lots 9 and 10

REQUEST Subdivision, Vacation



NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Businesses are located to the east of the site.  
A RV Park is located to the west of the site.

APPLICATION NUMBER 21 & 22 DATE December 6, 2012

APPLICANT R & R Commercial Park Subdivision, Resubdivision of Lots 9 and 10

REQUEST Subdivision, Vacation

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
-----	-----	-----	-----	-----	-----	-----	-----	------	-----	-----	-----	-----	-----	-----

N  
NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

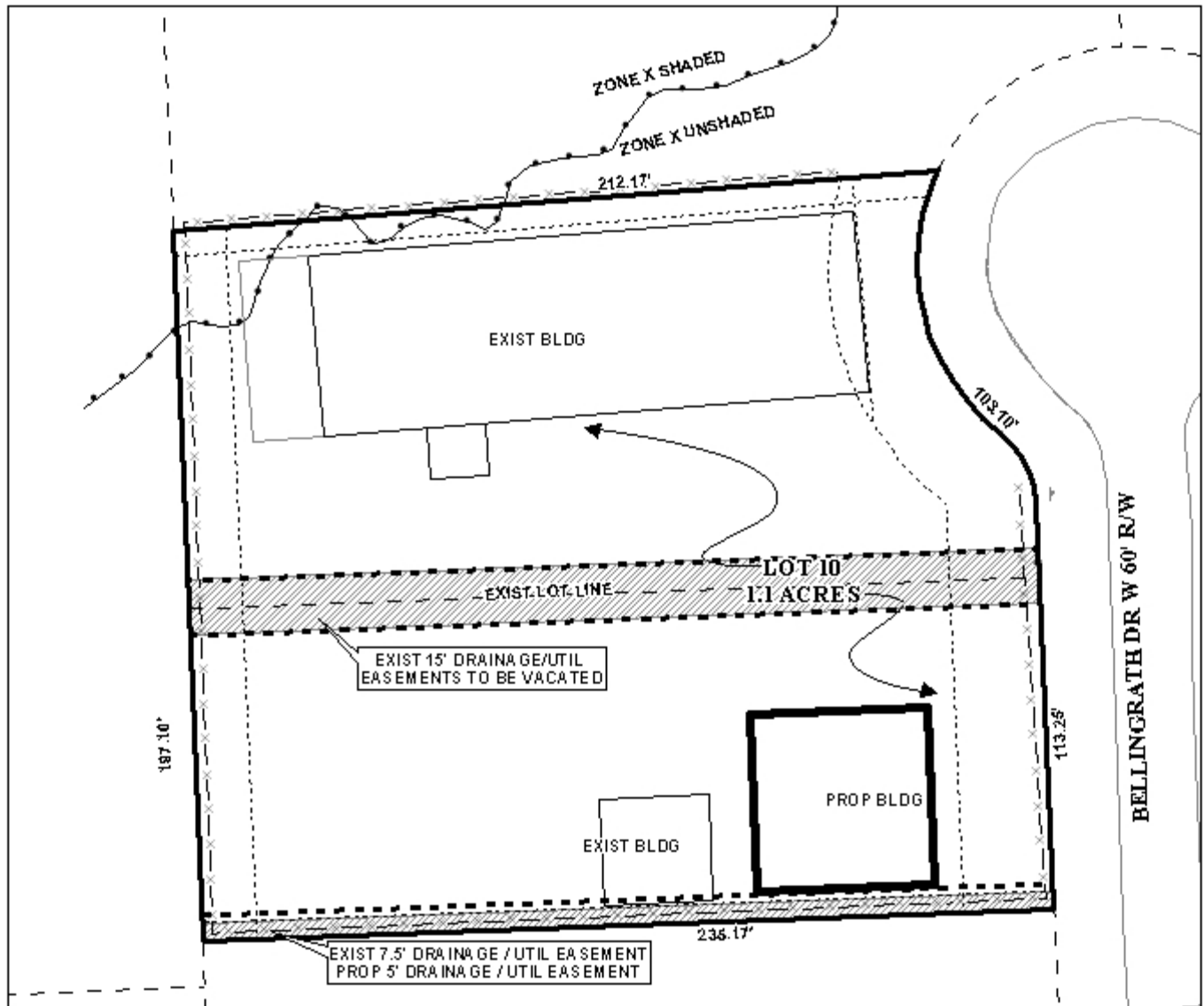


Businesses are located to the east of the site.  
A RV Park is located to the west of the site.

APPLICATION NUMBER 21 & 22 DATE December 6, 2012  
APPLICANT R & R Commercial Park Subdivision, Resubdivision of Lots 9 and 10  
REQUEST Subdivision, Vacation

N  
NTS

# SITE PLAN



The site plan illustrates the proposed lot configuration and easements to be vacated.

APPLICATION NUMBER 21 & 22 DATE December 6, 2012  
 APPLICANT R & R Commercial Park Subdivision, Resubdivision of Lots 9 and 10  
 REQUEST Subdivision, Vacation

N  
 NTS