

**SUBDIVISION &
SIDEWALK WAIVER REQUEST
STAFF REPORT****Date: September 6, 2012**

<u>NAME</u>	Frazer-Suffich Subdivision (William Suffich, Jr.)
<u>LOCATION</u>	119 Upham Street, 120 & 124 Frazer Court (West side of Upham Street, 415'± North of Old Shell Road extending to the East side of Frazer Court)
<u>CITY COUNCIL DISTRICT</u>	District 1
<u>PRESENT ZONING</u>	R-1, Single-Family Residential District
<u>AREA OF PROPERTY</u>	2 Lots / 0.9 ± Acres
<u>CONTEMPLATED USE</u>	Subdivision to create two legal lots of record from three legal lots of record, and Sidewalk Waiver to waive construction of sidewalks along Frazer Court.
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	None Stated

**ENGINEERING
COMMENTS**

The following comments should be addressed prior to acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. Provide a signature block and signature for the Traffic Engineering Department. 3. Correct the flood zone note; and show and label the existing flood zones.

Sidewalk Waiver: It appears that there is sufficient room within the ROW or within the property for construction of a sidewalk.

**TRAFFIC ENGINEERING
COMMENTS**

Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. A copy of the sidewalk waiver was not included in the review package, therefore no comment is provided.

**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 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 proposes to create two legal lots of record from three legal lots of record and is requesting a sidewalk waiver to waive construction of a sidewalk along Frazer Court.

The plat illustrates the proposed 0.9± acre, 2-lot subdivision which is located on the West side of Upham Street, 415'± North of Old Shell Road extending to the East side of Frazier Court, and is in Council District 1. The applicant states that the subdivision is served by both public water and sanitary sewer.

The applicant had a similar subdivision application before the Planning Commission at its April 19, 2012 and July 5, 2012 meetings which were approved. The most recently approved preliminary plat did not show an existing drainage and utility easement throughout Lot A. As such, one of the conditions of approval was the “successful vacation of the 7.5’ drainage and utility easement”. The applicant has submitted an identical plat to the previously approved plat, and asks that the approval of the subdivision not be contingent upon the condition of completing a successful vacation of the easement. However, it should be noted that a drainage and utility easement vacation cannot simply be removed by the recording of a subdivision, but must go through the City Clerk’s office, obtain approval from various departments, and be vacated by the City Council first. Therefore, if the applicant does not wish to go through the vacation process, the easement should be shown on the Final Plat. Further, the easement connects to an easement along the rear of the lot to the South.

The lot sizes are labeled, and the proposed lots would exceed the minimum size requirements of Section V.D.2. of the Subdivision Regulations. The lot sizes should be retained in square feet and acres on the Final Plat, if approved.

The 25-foot minimum building setback line, required in Section V.D.9., is illustrated and labeled along all rights-of-way on the preliminary plat, and should be retained on the Final Plat, if approved.

The site fronts Upham Street, a minor street with curb and gutter, with a right-of-way width that varies. According to Section V.B.14. of the Subdivision Regulations, streets with curb and gutter should have a right-of-way width of 50 feet. The site plan depicts a dedication resulting in a compliant 25 feet from the centerline of Upham Street resulting in a compliant right-of-way. The site also fronts Frazer Court, a closed-end street with a compliant right-of-way of 50 feet, making no dedications necessary.

As a means of access management, a note should be placed on the Final Plat, if approved, stating that Lot A is limited to one curb-cut to Frazer Court, and Lot B is limited to the two existing curb-cuts to Upham Street, with the size, location and design of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards.

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.

Finally, the applicant is requesting the waiver of the sidewalk requirements for Frazer Court. The site is surrounded by R-1, Single Family Residential District. There are no others lots along Frazer Court that currently have sidewalks, and the site is on a cul-de-sac. The applicant goes on to state that several crepe myrtles and Japanese magnolia trees have been planted in the right-of-way, and the placement of a sidewalk would require them to be removed. It is not uncommon for administrative sidewalk waivers to be granted in an established residential neighborhood, such as the subject site, if sidewalks are not existing on surrounding properties.

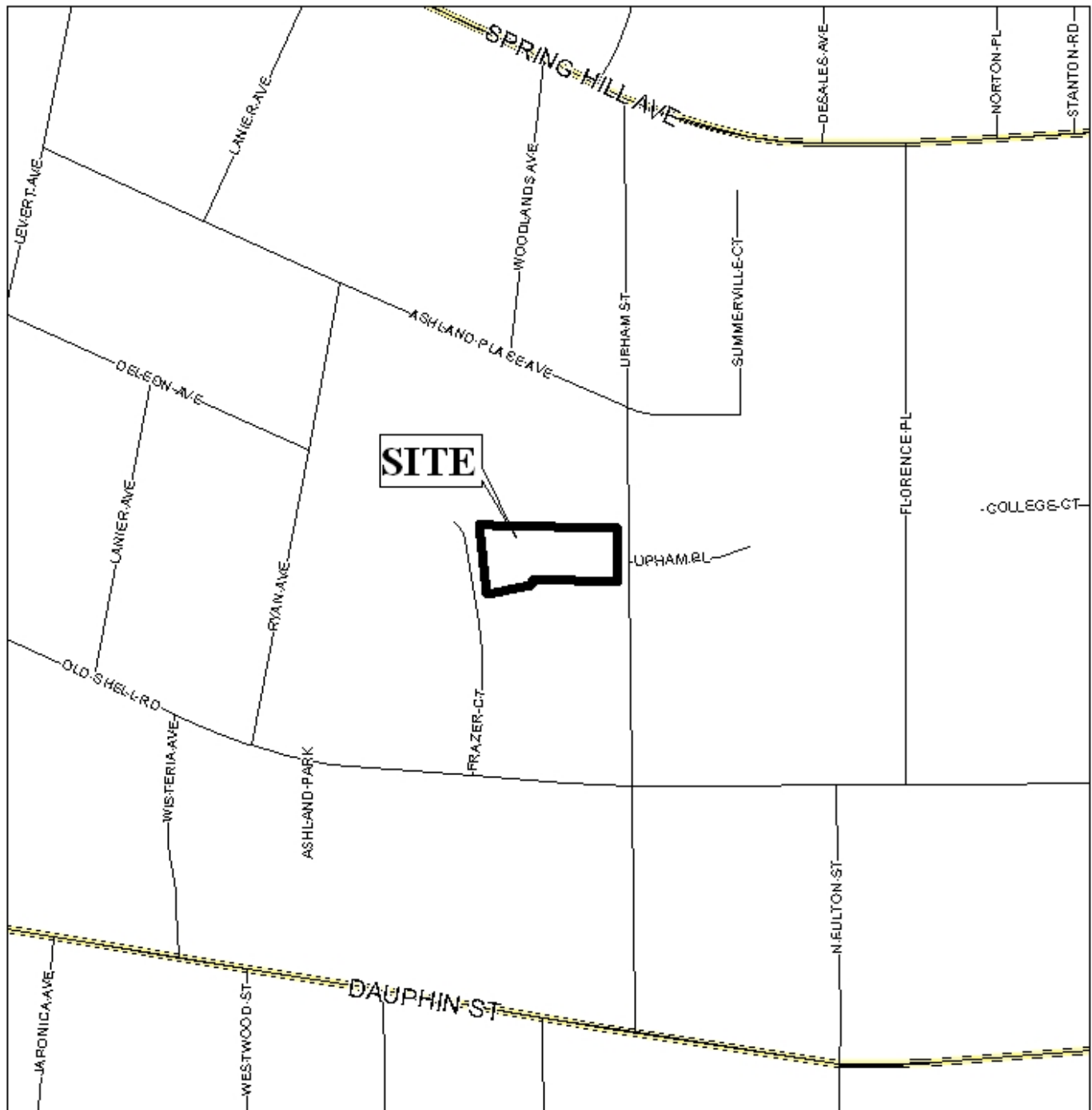
RECOMMENDATION

Subdivision: Based upon the preceding, this application is recommended for approval subject to the following conditions:

- 1) retention of the dedication to provide 25' from the centerline of Upham Street to the City of Mobile;
- 2) successful vacation of the 7.5' drainage and utility easement or illustration of the 7.5' drainage and utility easement;
- 3) retention of the 25-foot minimum building setback line along all right-of-way frontages;
- 4) retention of the lot labels with sizes in square feet and acres, or placement of a table on the plat with the same information;
- 5) compliance with Engineering comments (*The following comments should be addressed prior to acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. Provide a signature block and signature for the Traffic Engineering Department. 3. Correct the flood zone note; and show and label the existing flood zones.*);
- 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.*);
- 7) placement of a note on the Final Plat limiting Lot A to one curb-cut to Frazer Court and Lot B to the two existing curb-cuts to Upham Street, with the size, design, and location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards; and
- 8) placement of a note on the Final Plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.

Sidewalk Waiver: The request is recommended for Approval.

LOCATOR MAP



APPLICATION NUMBER 23 & 24 DATE September 6, 2012
APPLICANT William Suffich, Jr.
REQUEST Subdivision, Sidewalk Waiver



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential land use.
Businesses are located to the south of the site.

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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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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



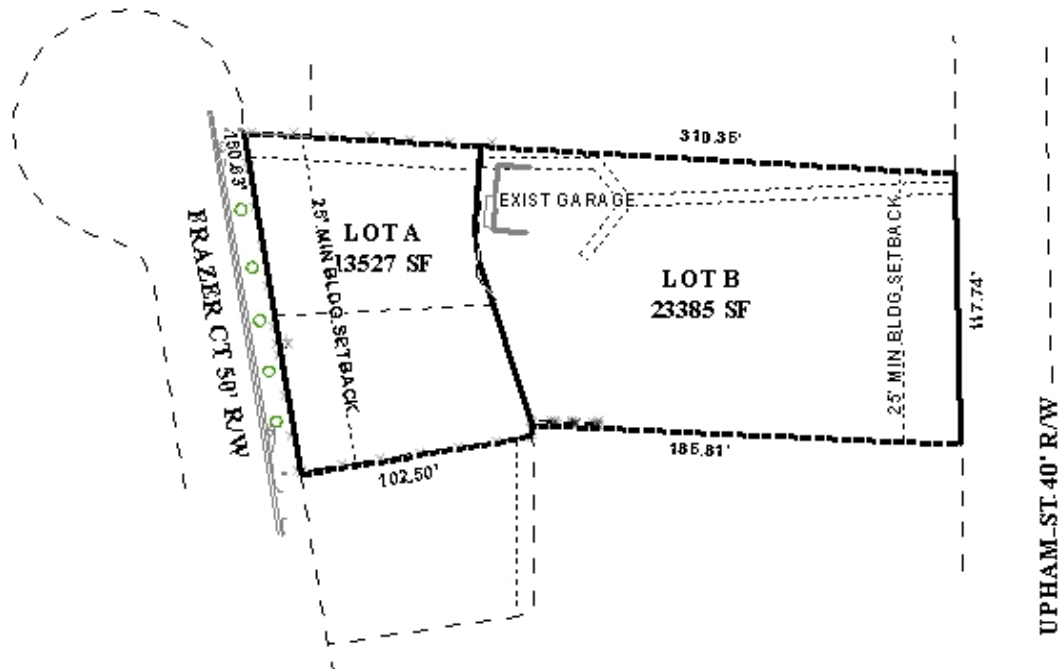
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SITE PLAN

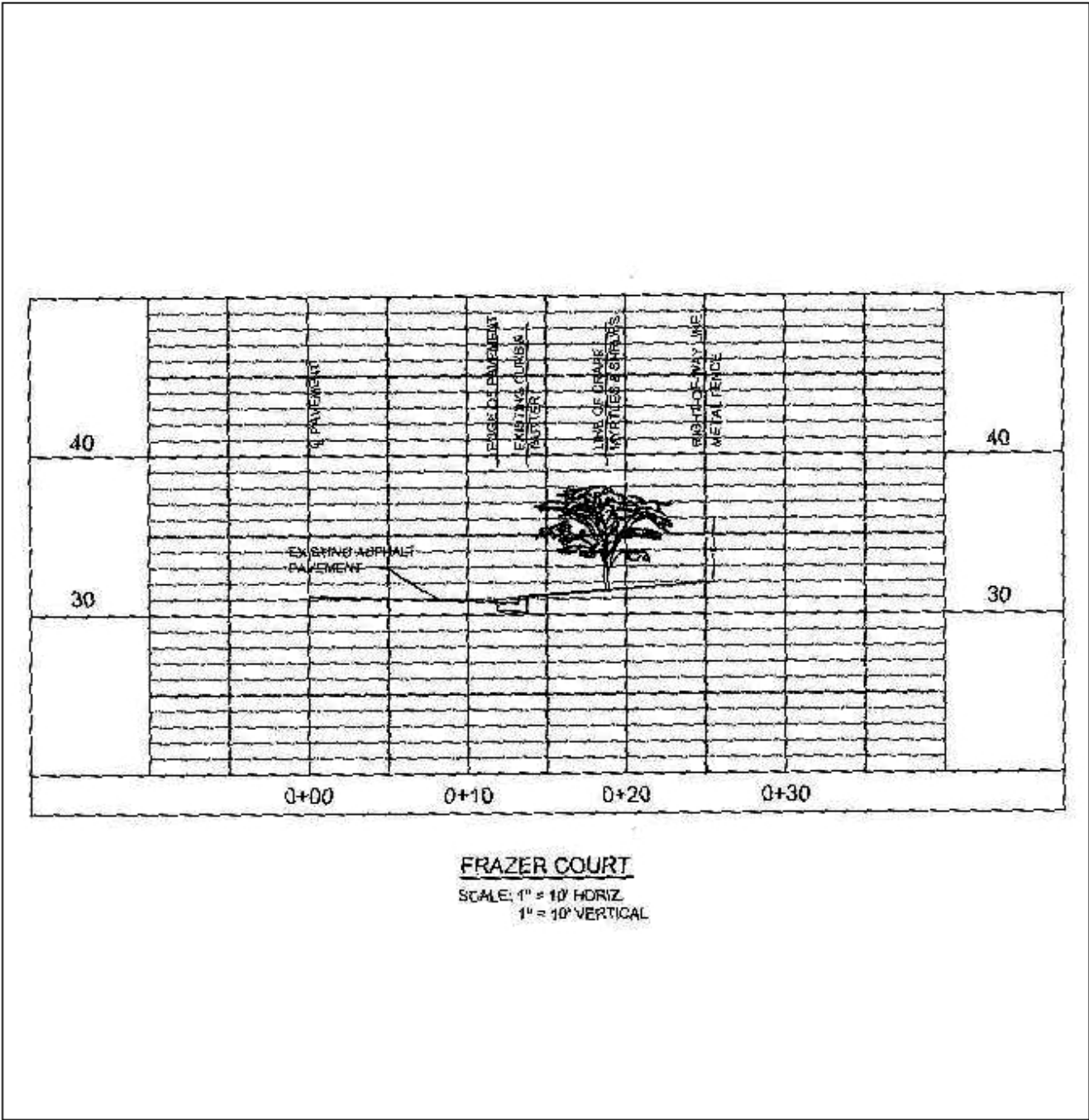


The site plan illustrates the proposed lot configuration.

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DETAIL SITE PLAN



SCALE: 1" = 10' HORIZ
1" = 10' VERTICAL

N

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N

 NTS