



Agenda Item # 27

SUB-003760-2026 & SUB-SW-003756-2026

View additional details on this proposal and all application materials using the following link:

[Applicant Materials for Consideration – Subdivision](#)

[Applicant Materials for Consideration – Sidewalk Waiver](#)

DETAILS

Location:

4086 Riviere Du Chien Road

Subdivision Name:

Hackbarth Gardens Subdivision

Applicant / Agent:

Robert & Carol Hackbarth (Patrick Garstecki, P.E.,
CMG Engineers, Inc., Agent)

Property Owners:

Robert & Carol Hackbarth

Current Zoning:

R-1, Single-Family Residential Suburban District

Future Land Use:

Low Density Residential

Applicable Codes, Policies, and Plans:

- Unified Development Code
- Subdivision Regulations
- Map for Mobile Comprehensive Plan

Proposal:

- Subdivision approval to create one (1) legal lot of record.
- Waive construction of sidewalks along Riviere Du Chien Road.

Commission Considerations:

1. Subdivision proposal with eleven (11) conditions; and
2. Sidewalk Waiver.

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PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units; a communications tower and a supply company lie to the northwest.

APPLICATION NUMBER <u>27</u> DATE <u>July 16, 2026</u>	 NTS
APPLICANT <u>Hackbarth Gardens Subdivision</u>	
REQUEST <u>Subdivision, Sidewalk Waiver</u>	

SITE HISTORY

The subject site was annexed into the City of Mobile in 1956.

In October 2005, the site was before the Planning Commission as Keighton Commons Subdivision, a 64-lot Subdivision, which was approved, but allowed to expire.

There have been no other Planning Commission or Board of Zoning Adjustment applications for the subject site.

STAFF COMMENTS

Engineering Comments:

Subdivision:

FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review):

- 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) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors.
- B. Provide reference, on the map and the description, to a monumented corner.
- C. Provide and label the monument set or found at each subdivision corner.
- D. Provide a written description for the subdivision boundary.
- E. Provide a separate signature line for each individual Owner.
- F. Provide a designator (i.e. 1, A) for the proposed LOT.
- G. Revise the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information.
- H. National Wetlands Inventory (NWI) mapping, as shown on City of Mobile GIS information, indicates that there is potential for wetlands within the property or properties shown on this plat. Show and label the delineated wetlands or provide a note stating that the wetlands shown on this plat are scaled from the NWI data and have not been delineated.
- I. Provide a note that a 25' riparian buffer may be required, during development, along the edge of anything considered by ADEM to be a water of the state.
- J. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an A, AE, or X (shaded) flood zone designation. BFE = 11.
- K. The existing drainageway located near the northern border, which is not indicated, conveys stormwater flows from surrounding public roadways, shall be left in its natural condition. Any modification to these drainageways -including alteration, obstruction, or filling - must be reviewed and approved by the City Engineer.
- L. Add a note - As shown on the 1984 aerial photo LOT (insert lot designator) shall receive 4,000 SF credit area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT (insert lot designator) – 4,000 SF. Stormwater detention will be required for any additional impervious area over 4,000 SF.
- M. Add a note - A Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
- N. Add a note - 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.

- O. Add a note - sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved.
- P. Add a note - all existing and proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile.
- Q. Add a note - all easements shall remain in effect until vacated through the proper Vacation process.
- R. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.gov prior to obtaining any signatures. No signatures are required on the drawing.

Sidewalk Waiver:

It appears that there is sufficient room within the ROW, or within the property, for the construction of a sidewalk that could be approved 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. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Article 3, Section 64-3-12 of the City's Unified Development Code.

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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

Fire Department Comments:

All projects located within the City Limits of Mobile shall comply with the provisions of the City of Mobile Fire Code Ordinance, which adopts the 2021 edition of the International Fire Code (IFC).

Fire apparatus access roads shall be provided to within 150 feet of all non-sprinklered commercial buildings and within 300 feet of all sprinklered commercial buildings, as measured along an approved route around the exterior of the facility.

An approved fire water supply capable of meeting the requirements set forth in Appendices B and C of the 2021 IFC shall be provided for all commercial buildings.

Fire hydrant placement shall comply with the following minimum standards:

- Within 400 feet of non-sprinklered commercial buildings
- Within 600 feet of sprinklered commercial buildings
- Within 100 feet of fire department connections (FDCs) serving standpipe or sprinkler systems

Although the International Residential Code (IRC) functions as a stand-alone document for the construction of one- and two-family dwellings and townhouses, it does not govern the design or layout of emergency access or community-level fire protection infrastructure. Therefore, residential developments must also comply with the applicable requirements of the International Fire Code, including, but not limited to, those listed above concerning the design, construction, regulation, and maintenance of fire apparatus access roads and fire protection water supplies.

Planning Comments:

Subdivision

The purpose of this application is to create one (1) legal lot of record from one (1) metes-and-bounds parcel. The site is served by public water and sanitary sewer, and the proposed lot meets the minimum area requirements of the Subdivision Regulations.

The preliminary plat clearly identifies the proposed lot lines; however, the new lot is not labeled “Lot 1” or a similar designation. If approved, the resulting lot should be labeled “Lot 1” on the Final Plat.

The site has frontage on Riviere Du Chein Road and Lloyd Station Road, both minor streets without curb and gutter. The preliminary plat indicates that Lloyd Station Road has an existing compliant 60-foot-wide right-of-way. Riviere Du Chein Road is depicted as having a varying right-of-way. As such, if approved, either dedication should be made to provide 30 feet from the centerline of Riviere Du Chein Road or the plat should depict that such right-of-way currently exists.

The preliminary plat illustrates the required 25-foot minimum front yard setback along the entire frontage. If approved, these setback lines should be retained on the Final Plat. The preliminary plat also includes a note about side yard setbacks that are incorrect, as they pre-date the UDC. If approved, the note referencing side and rear setbacks should be removed from the Final Plat.

The preliminary plat indicates the proposed lot size in both square feet and acres. If approved, this information should be retained on the Final Plat, adjusted for any dedication required.

The preliminary plat depicts a portion of a 50-foot drainage easement within the proposed Subdivision. If approved, a note should be placed on the Final Plat stating that no structure shall be constructed or placed within any easement without permission of the easement holder.

Finally, it should be noted that a Special Exception application has been submitted to allow a community garden at the subject site, but the application is not complete and has therefore not been placed on a Board of Zoning Adjustment agenda at this time.

Sidewalk Waiver

The applicant requests a waiver of the requirement to construct a sidewalk along the Riviere Du Chein Road. There are no existing sidewalks in the area along either Riviere Du Chein Road or Lloyd Station Road.

The applicant’s narrative is available via the link provided on the first page of this report.

In support of the waiver request, the applicant states that this is a rural residential area, with no connecting sidewalks. Furthermore, the applicant states that a turning lane onto Lloyd Station Road along the frontage would create unsafe pedestrian walking conditions. No cross-sections of the topography were provided to illustrate that a sidewalk would be undesirable.

Engineering staff have indicated that sufficient space appears to exist either within the right-of-way or on the subject property to accommodate a sidewalk, which could be permitted through the right-of-way permit process.

SUBDIVISION CONSIDERATIONS

Standards of Review:

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.

Considerations:

If the Planning Commission considers approving the Subdivision request, the following conditions could apply:

1. Retention of the 60-foot-wide right-of-way along Lloyd Station Road on the Final Plat;
2. Either dedication to provide 30 feet to the centerline along Riviere Du Chein Road or illustration that such right-of-way currently exists;
3. Label the new lot as "Lot 1";
4. Retention of the lot size in square feet and acres, or provision of a table on the Final Plat with the same information, adjusted for dedication;
5. Revision of the Final Plat to remove the side and rear yard setback notes;
6. Retention of the 25-foot minimum front yard setback line along the entire frontage;
7. Placement of a note on the Final Plat stating that no structure shall be constructed or placed in any easement without permission from the easement holder;
8. Compliance with all Engineering comments noted in this staff report;
9. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
10. Compliance with all Urban Forestry comments noted in this staff report; and,
11. Compliance with all Fire Department comments noted in this staff report.

SIDEWALK WAIVER CONSIDERATIONS

Standards of Review:

The Mobile City Council adopted a "Complete Streets" policy on May 31, 2011. The purpose of the Complete Streets Policy is to support the design and construction of streets to enable safe access to all users, including pedestrians, bicyclists, transit riders, motorists, commercial and emergency vehicles, and for people of all ages and abilities.

Sidewalks are typically encouraged, even in industrial developments, although the appropriateness of sidewalks should also take into account the existing infrastructure in the area, i.e., does the construction of the existing roadway safely allow for a sidewalk to be utilized.

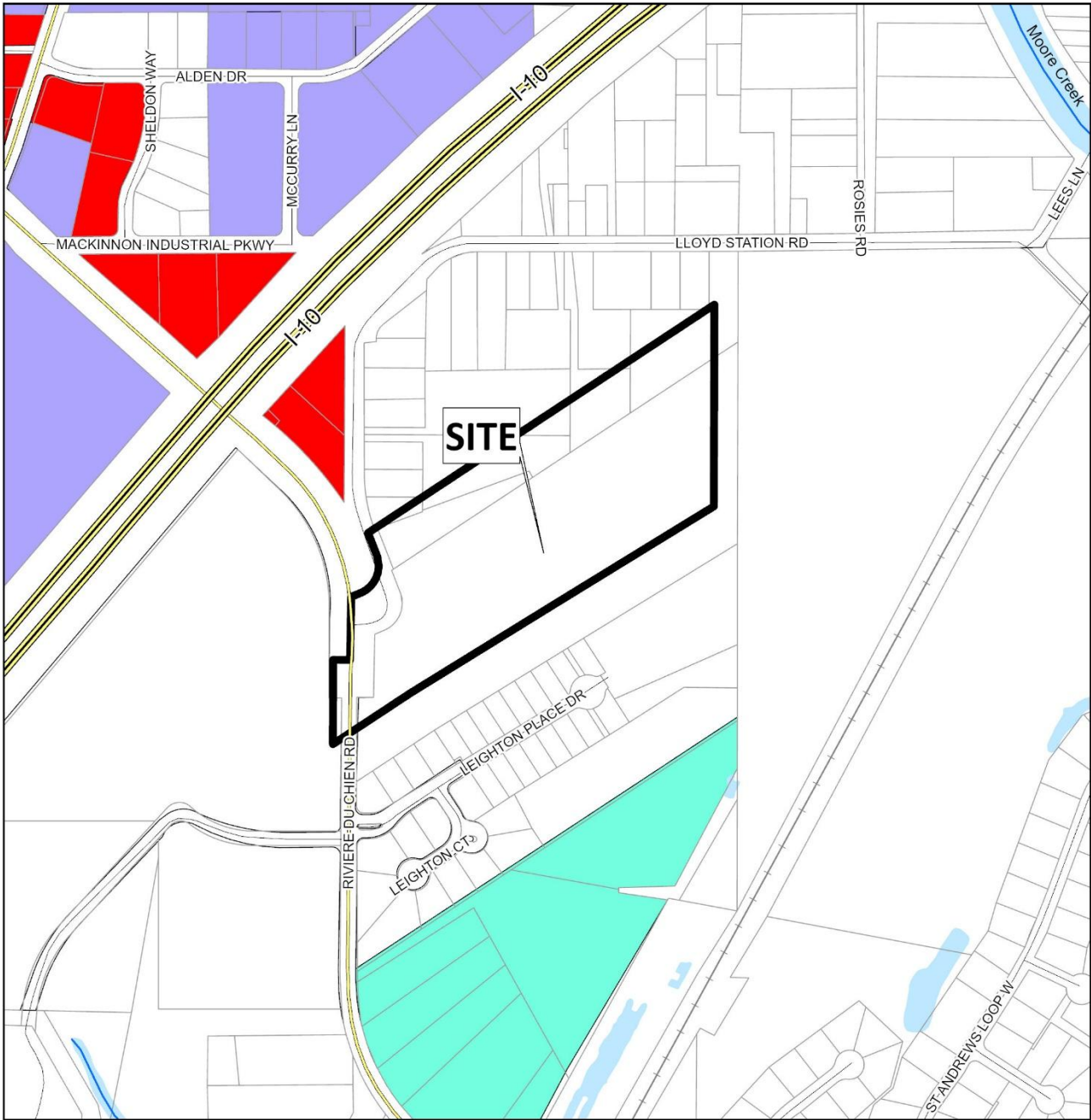
Considerations:

In rendering a decision, the Planning Commission should evaluate the following factors:

1. The City of Mobile Complete Streets Policy which supports the design and construction of streets for all users, including pedestrians;
2. The existing infrastructure in the area, such as adequate room for construction of a sidewalk, as well as connectivity to existing sidewalks and future sidewalks; and

3. Engineering comments, which indicate that there is sufficient room within the ROW, or within the property, for the construction of a sidewalk that could be approved through the ROW Permit process.

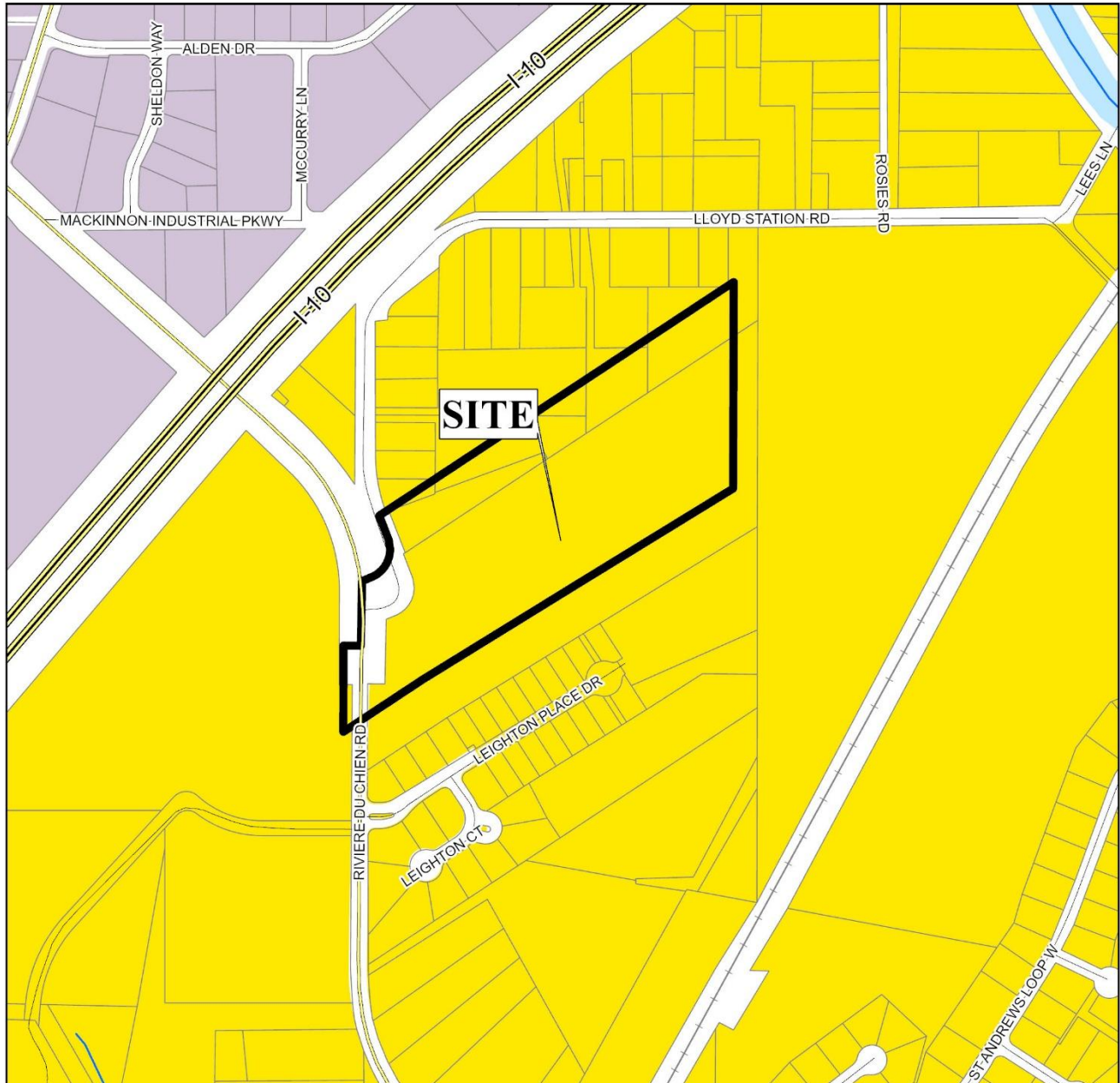
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



APPLICATION NUMBER 27 DATE July 16, 2026

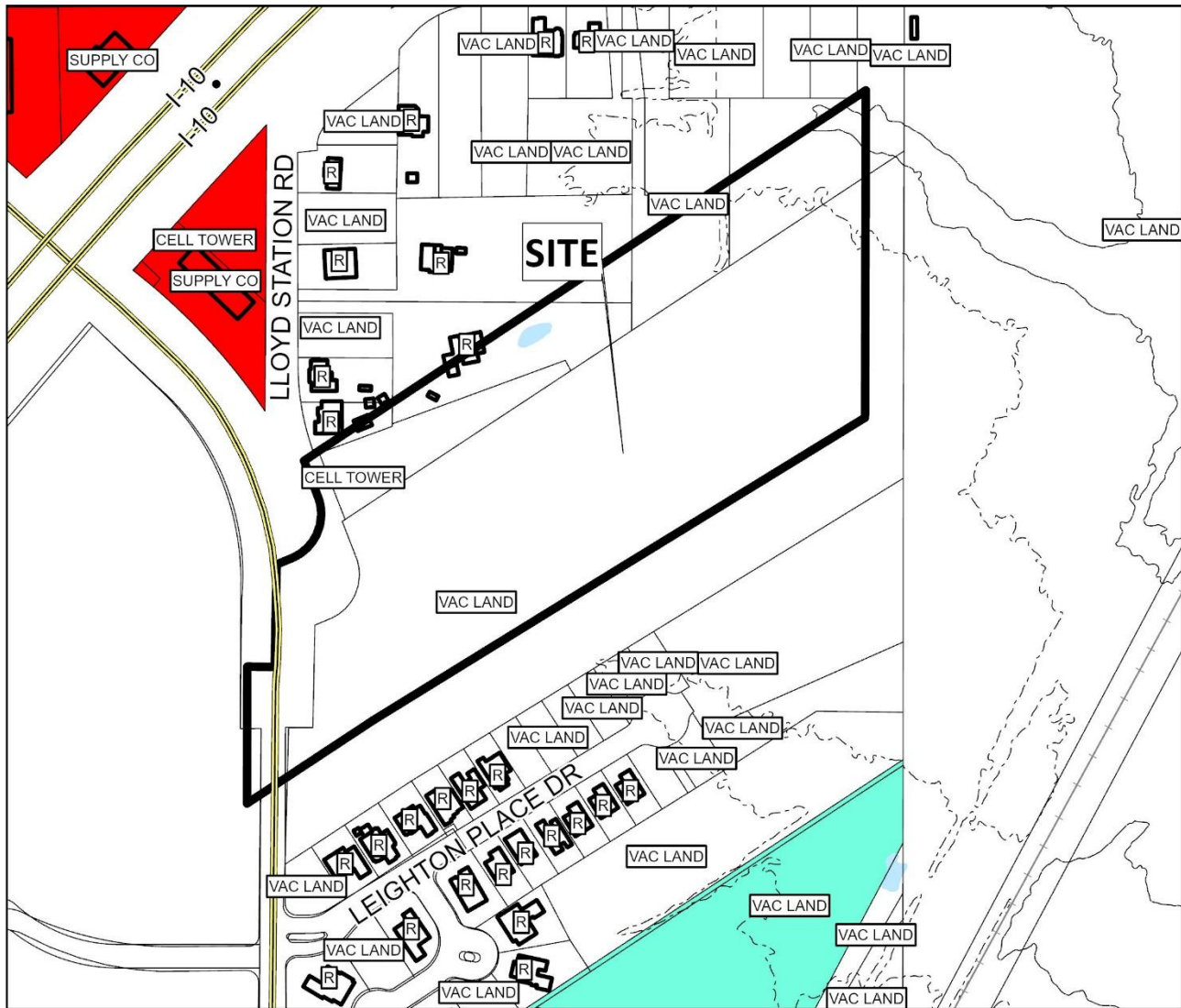
APPLICANT Hackbarth Gardens Subdivision

REQUEST Subdivision, Sidewalk Waiver

- | | | | |
|---|--|---|---|
| Low Density Residential | Neighborhood Center - Traditional | Light Industry | Water Dependent |
| Mixed Density Residential | Neighborhood Center - Suburban | Heavy Industry | |
| Downtown | Traditional Corridor | Institutional | |
| District Center | Mixed Commercial Corridor | Parks, Open Space | |



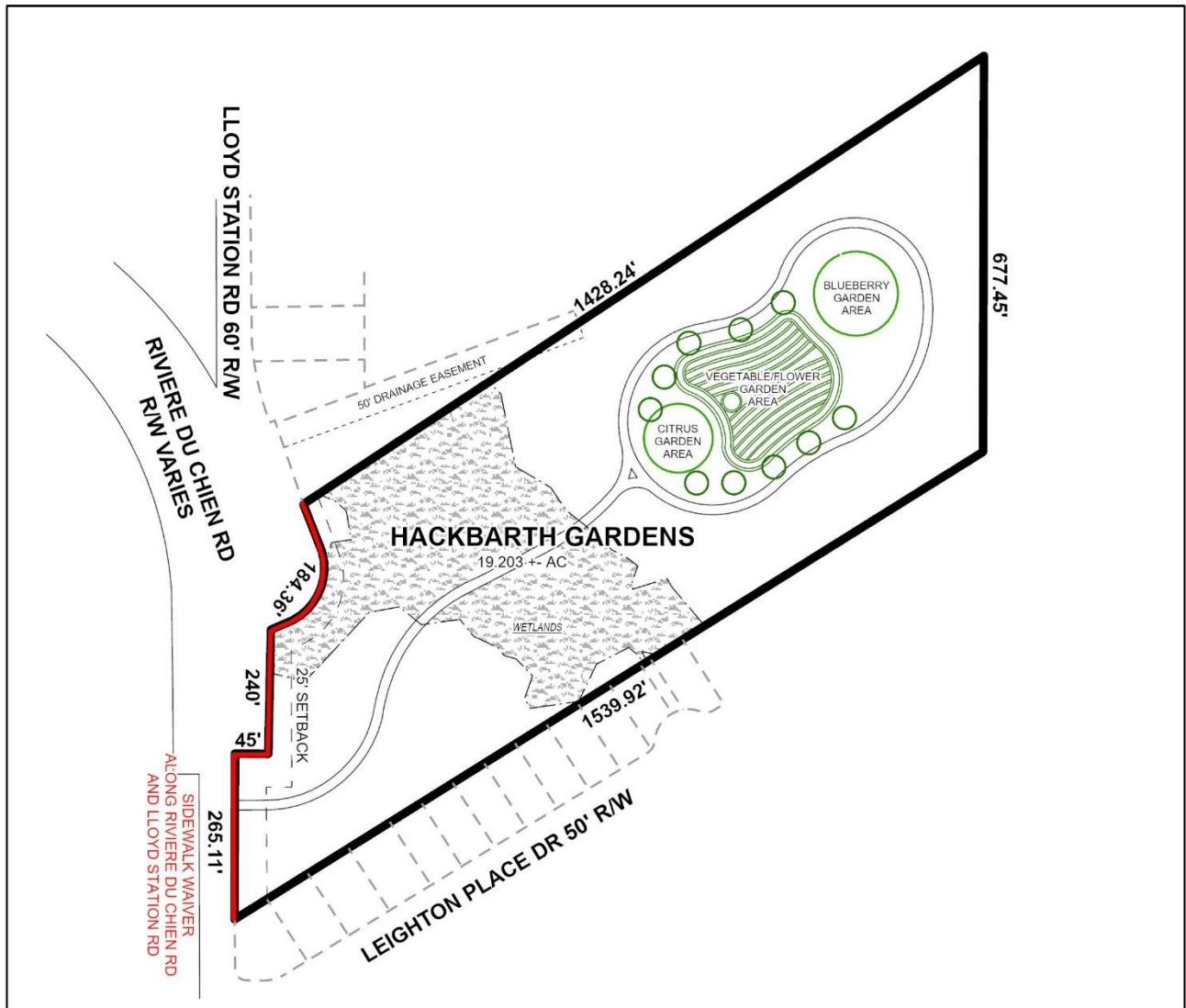
PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units; a communications tower and a supply company lie to the northwest.

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R-A R-1 R-2	R-3 R-B H-B	B-1 T-B LB-2	B-2 B-3 B-4	B-5 CW B-4	ML MH MM	I-2 PD I-1	MUN SD-WH	OPEN SD	T-3 T-4	T-5.2 T-6 T-5.1

SITE PLAN



The site plan illustrates proposed gardens, sidewalk waiver, easements, and setbacks.

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The designation of an area with a FLUM land use category does not mean that the most intense zoning district consistent with that category is “automatically” assigned to a property. Instead, an area retains its existing zoning category until it is changed through a landowner-initiated rezoning application, or a rezoning that follows an area plan. This is because the FLUM is a long-term designation, while a change in zoning considers current conditions – such as market demands, availability of infrastructure, or impacts on the immediate neighborhood.

Zoning correspondence matrix

[illegible]

LOW DENSITY RESIDENTIAL (LDR)

This designation applies to residential neighborhoods found mostly west of I-65 or immediately adjacent to the east side of I-65. These areas are primarily single family residential, but may contain small-scale complimentary uses and other residential types at appropriate locations. An LDR area may include a wide range of lot sizes, housing size and styles, including some small-scale multi-unit buildings, but housing styles are highly consistent within a subdivision and tend to have limited connectivity between residential types and non-residential uses. Neighborhoods tend to have longer blocks and may be designed in a network of meandering streets. Residential density ranges between 0 and 6 dwelling units per acre (du/ac).

Development Intent

- › Complementary uses are designed and sited in a manner compatible with and connected to the surrounding context.
- › The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.
- › When establishing new residential areas or expanding existing developments, provide pedestrian and vehicular connectivity between adjacent developments.

Land use mix

Primary Uses

- › Residential, Single family
- › Residential, Attached

Secondary Uses

- › Residential, Multifamily
- › Civic
- › Parks

Housing mix

- › Predominantly single family subdivisions with lots smaller than one acre
- › Attached residential such as duplexes, multiplexes, and townhomes that have the scale of a single family home

Character Example

