

# HOLDOVER

*Revised*

## GRACELAND SUBDIVISION

Engineering Comments: Must comply with the Mobile County Flood Damage Prevention Ordinance.

The plat illustrates the proposed 10 lot, 11.5 ± acre subdivision which is located on the north side of Howells Ferry Road, ¼ mile + east of the north terminus of Havens Road. The subdivision is served by public water and individual septic systems.

The purpose of this application is to create a 10-lot subdivision from one lot.

A nearly identical application for this site was approved, with conditions, by the Planning Commission at its July 7, 2005 meeting. The conditions were as follows: *1) the denial of the private street request, with the street being replaced by a dedicated public street built to Mobile County standards, and with a street stub to the north; 2) the dedication of 10 feet of right-of-way along Howells Ferry Road, including that contained within the proposed detention area; 3) the provision of a minimum rear yard setback of 58 feet for lots 1-5; 4) placement of a note on the Final Plat stating that lots 1 – 5 are denied direct access to Howells Ferry Road and the Spring Hill Avenue - Ziegler Boulevard thoroughfare / new connector to Moffett Road; 5) 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.7. of the Subdivision Regulations; and 6) placement of a note on the Final Plat stating that maintenance of the detention basin common area is the responsibility of the subdivision's homeowners association.*

The site fronts onto Howells Ferry Road, which, as a component of the Spring Hill Avenue - Ziegler Boulevard thoroughfare, is a proposed major street. The site, additionally, is immediately east of the proposed new connection that continues the Spring Hill Avenue - Ziegler Boulevard thoroughfare to Moffett Road. The existing right-of-way for Howells Ferry Road is 80 feet, which is 20 feet less than recommended by the Major Street Plan. The plat depicts a 35 foot minimum building setback line along Howells Ferry, which allows for the widening of the road, but which is not provided as a dedication; now that the site is being subdivided for a multi-lot residential subdivision, the additional 10 feet of right-of-way along Howells Ferry Road, including that contained within the proposed detention area, should be dedicated to Mobile County. Furthermore, the new connection that continues the Spring Hill Avenue - Ziegler Boulevard thoroughfare north from Howells Ferry to Moffett Road is proposed to have a right-of-way of 100 feet; thus a minimum rear yard setback of 50 feet for lots 1-5 should be provided, and it is recommended that the rear yard setback be increased to 58 feet so that an additional 8 feet of separation is provided.

As Howells Ferry Road / Spring Hill Avenue - Ziegler Boulevard thoroughfare is a proposed major street, access management is a concern. A note should be placed on the Final Plat stating that lots 1 – 5 are denied direct access to Howells Ferry Road / Spring Hill Avenue - Ziegler Boulevard thoroughfare.

The applicant is requesting that the proposed subdivision have a private street. Section VIII. of the Subdivision Regulations permits modifications to standard regulatory requirements under three circumstances: 1) Unusual difficulties, generally related to natural circumstances, where the normal application of the Regulations would cause undue hardship; 2) Innovative design, which can include cluster or Traditional Neighborhood Development subdivisions, as well as townhomes, terrace houses, multi-family projects, and commercial development; or 3) Family subdivisions, which allow a private street to serve up to 5 lots. The proposed provision of a private street is not adequate to qualify the subdivision as having an “innovative” design.

The private street is depicted as an easement on the plat. Section VIII.E.2.c. of the Subdivision Regulations require that private streets be provided as private rights-of-ways, rather than easements, to ensure accessibility to all properties that are to have access to the private street. Therefore if the subdivision is approved, the note on the plat stating “50’ *NON-EXCLUSIVE INGRESS/EGRESS EASEMENT FOR PRIVATE ROAD*” should be revised to reflect the Subdivision Regulations’ requirements. Furthermore, the proposed private street must be built to the minimum standards listed in the Section.

It should also be noted that Section VIII.E.1.b. states “*Subdivisions in which Private Streets are allowed shall not be adjacent to large undeveloped potentially landlocked tracts of property where a street stub would be required.*” The site, in fact, abuts approximately 275 acres of land to the north that is currently landlocked. Access to the landlocked area from the north is limited due to the presence of Crooked Creek and its associated floodplains and wetlands. To address access to the land to the north, the proposed subdivision includes a 25-foot wide exclusive ingress/egress easement for a private road along the west side of the site, which stretches from Howells Ferry Road 850 feet  $\pm$  north to the northern boundary of the site. Due to the large size of the parcel north of the site, the provision of the proposed private easement does not appear to adequately address accessibility concerns of Section VIII.E.1.b. Thus the denial of the private easements and the provision of a public street with a street stub to the north is recommended.

The following items from Section VIII.E.2. will also be required on the Final Plat, if approved with a private street: 1) designation on the plat of utility easements acceptable to the appropriate provider of utility services within the subdivision; 2) a note on the plat stating that the street is privately maintained and not dedicated to the public; and 3) a note on the plat stating that if the private street is not constructed and maintained to the appropriate Mobile County standard, and is ultimately dedicated for public use and maintenance, 100 percent of the cost of the improvements required to bring the street up to the prevailing standard shall be assessed to the property owners at the time the private street is dedicated, with the assessment running with the land to any subsequent property owners.

This site is located in Mobile County, thus a note should be placed 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.7. of the Subdivision Regulations.

A note should also be placed on the plat, if approved, stating that maintenance of the detention basin common area is the responsibility of the subdivision's homeowners association.

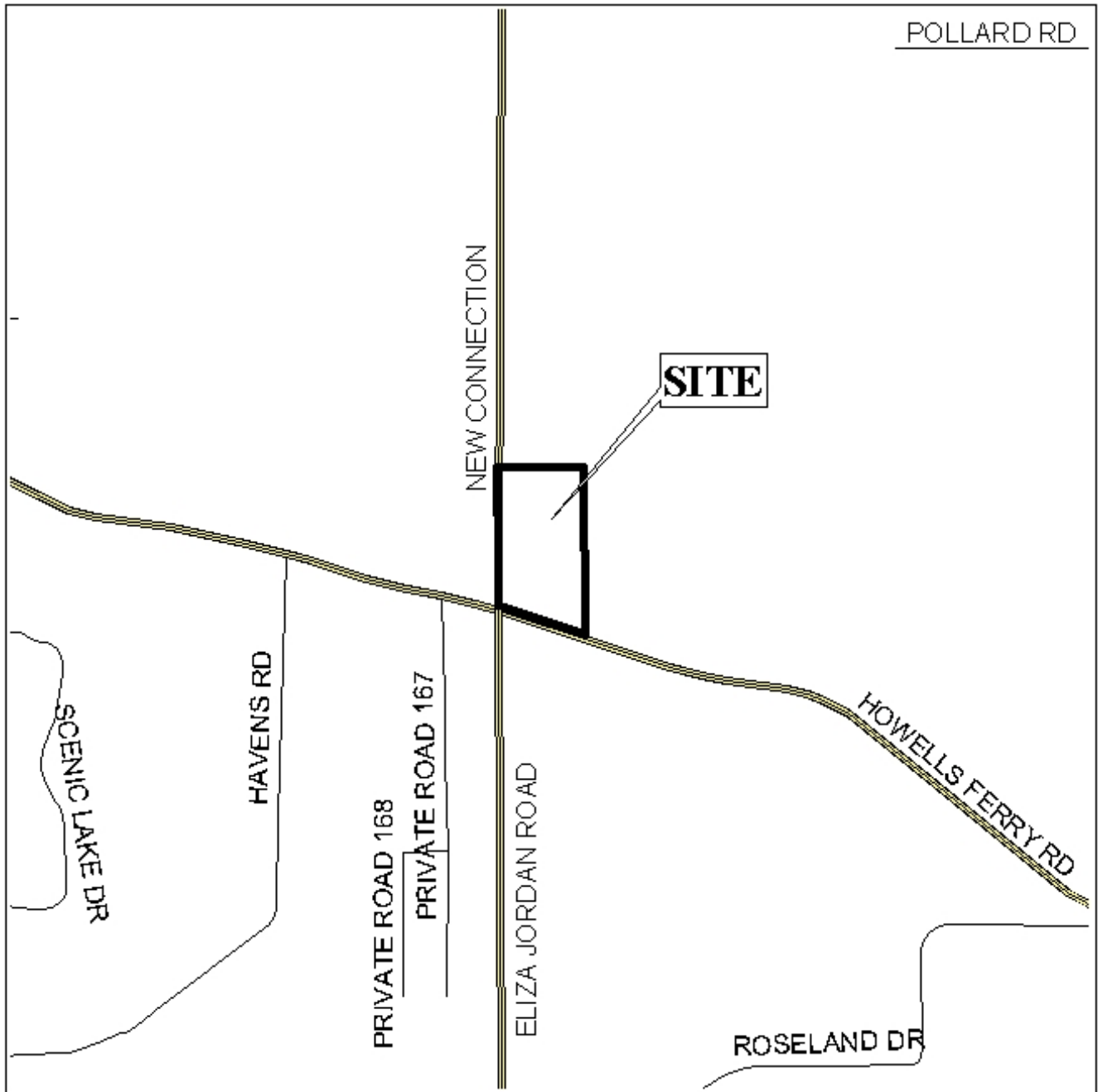
Based upon the preceding, the plat is recommended for Denial for the following reasons: 1) the proposed subdivision does not address many of the conditions or concerns provided as part of the previous subdivision application; 2) the proposed private easements do not comply with the intent of Sections VIII.E.1.b. and VIII.E.2.c. of the Subdivision Regulations, and; 3) documentation has not been provided to justify the request for a private street subdivision.

***Revised for the October 6<sup>th</sup> meeting:***

*The application was heldover from the September 15<sup>th</sup> meeting, at the applicant's request.*

*At the time of the writing of the revised report, no additional information had been submitted by the applicant.*

## LOCATOR MAP



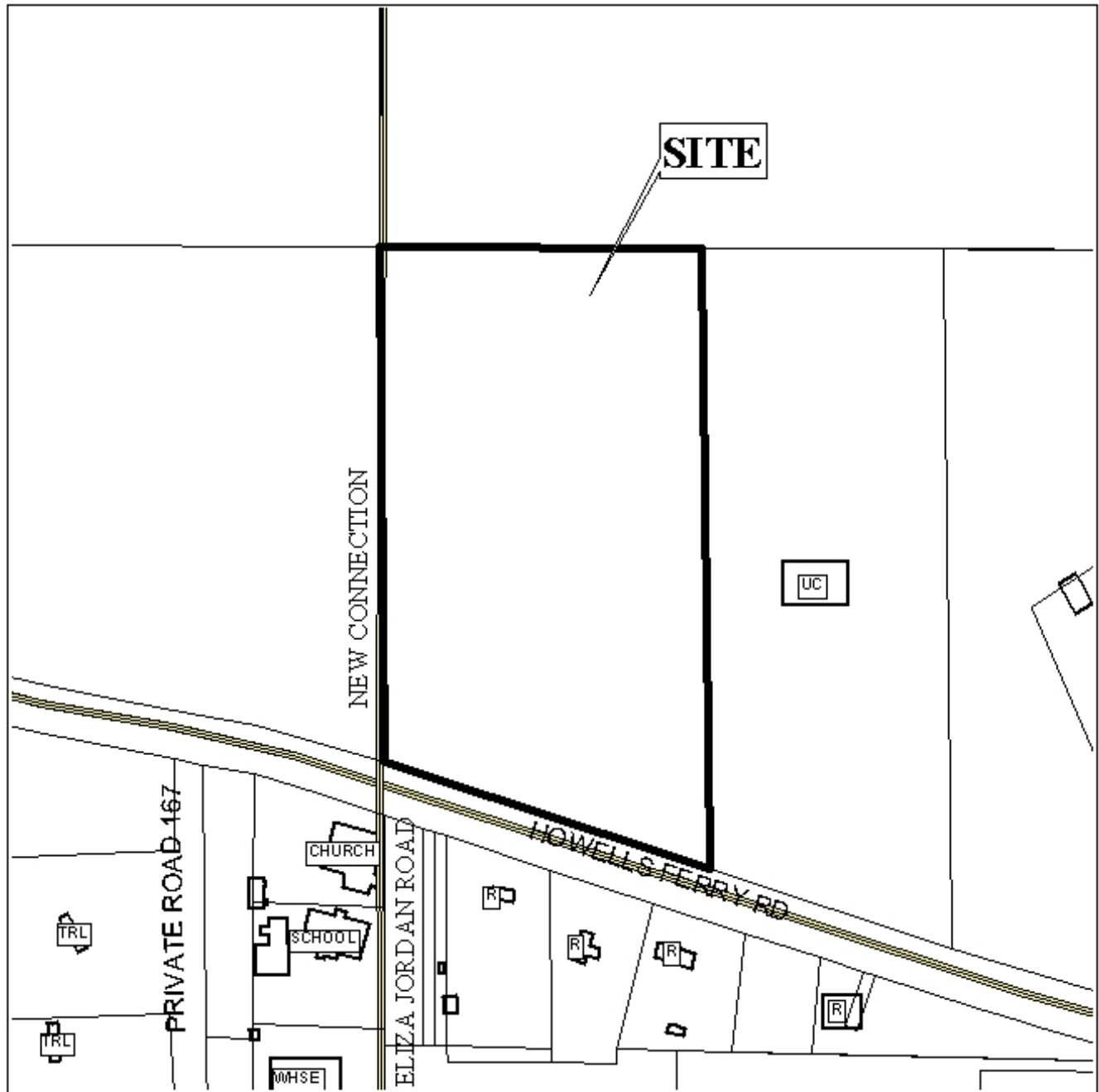
APPLICATION NUMBER Holdover DATE October 6, 2005

APPLICANT Graceland Subdivision

REQUEST Subdivision



# GRACELAND SUBDIVISION



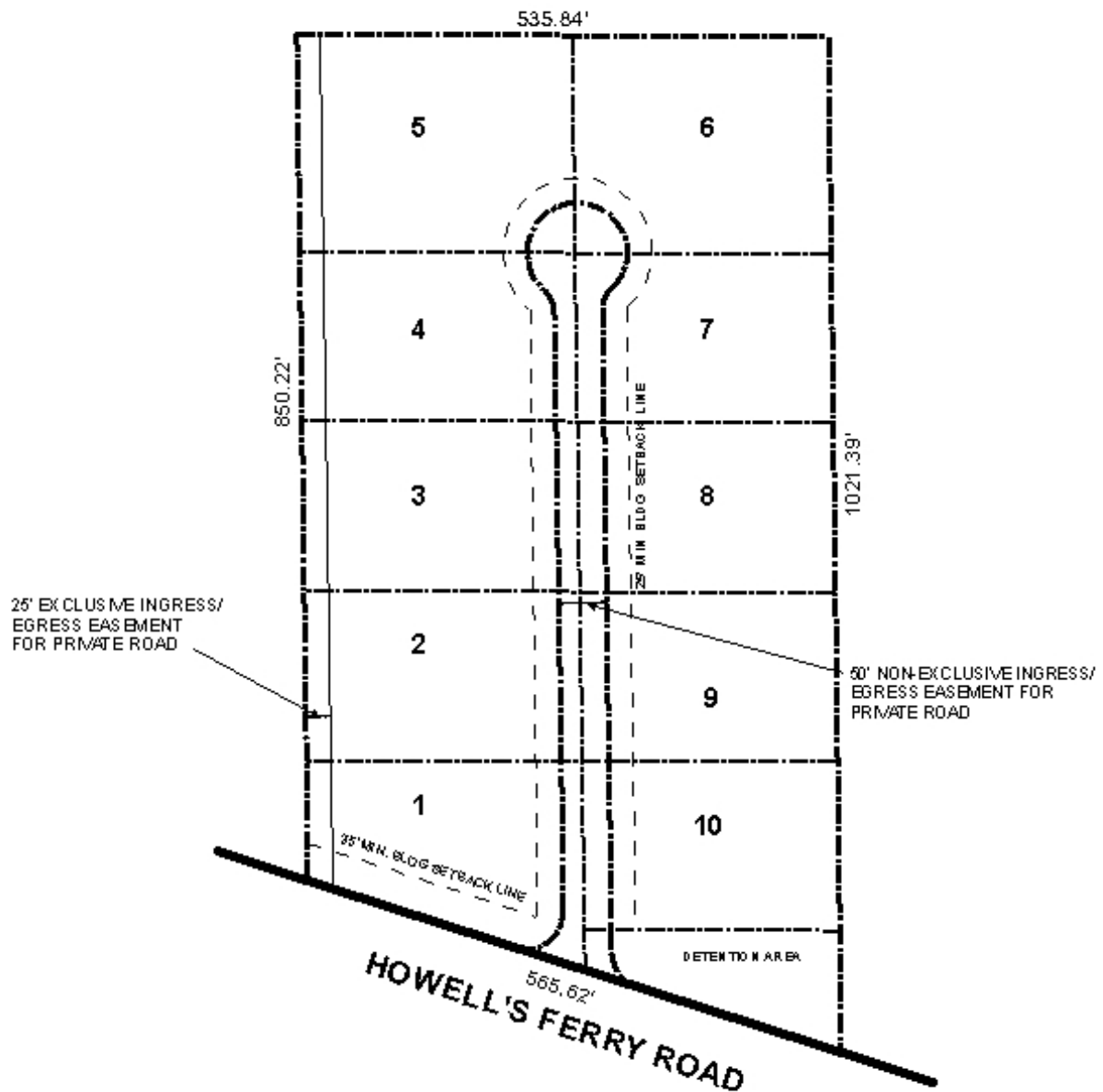
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LEGEND



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# DETAIL SITE PLAN



APPLICATION NUMBER Holdover DATE October 6, 2005  
 APPLICANT Graceland Subdivision  
 REQUEST Subdivision

