

## HOLDOVER

*Revised*

### **McCRARY ROAD ESTATES SUBDIVISION**

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

The plat illustrates the proposed 1.0± acre, 2 lot subdivision that is located on the West side of McCrary Road, 2/10 mile± South of Corley Lane. The site is served by public water and sanitary sewer.

The purpose of the application is to subdivide a metes and bounds parcel into two lots of record.

This subdivision, in the same configuration, was proposed in 2005 (along with Greenwood Estates Subdivision) when the site was under previous ownership. At the April 21<sup>st</sup> meeting of the Planning Commission, a representative of the Alabama Department of Transportation notified the Commission that the proposed extension of Alabama Highway 158, as planned, would cut through the subject property (please see the Vicinity maps). The application was held over to allow Urban Development staff and Department of Transportation staff to communicate on the matter, and, while the applicant withdrew the application prior to that hearing, the staff had written the following recommendation for denial:

*(Written for the May 19<sup>th</sup> meeting)*

*Since the previous revision of this report, the Urban Development staff has obtained additional information regarding this case. While TRI Investments, LLC, is named as the owner and applicant on the application, Tax Assessor records show that Mr. Lawrence M. Stewart is in fact the owner of the subject property. Mr. Stewart is not a member of the LLC, nor was his authorization submitted as part of the subdivision application, as required. Thus the application is technically invalid due to incorrect ownership information and lack of owner authorization.*

*Additionally, the Alabama Department of Transportation (ALDOT) has submitted documentation that the present owner, Mr. Stewart, attended a public meeting in 2003 regarding the extension of State Road 158, and therefore had knowledge of the highway extension. ALDOT has also submitted documentation showing a projected date of June 1, 2005, for right-of-way acquisition, and November 3, 2006, for the start of construction.*

*Section I.B.3 of the Subdivision Regulations states the requirement that “a proposed subdivision shall be correlated with...public improvements programs”, and Section III.B states, “the development process requires review and approval of several different officials and agencies such as ... the State Highway Department...” The application clearly does not correlate with the proposed highway extension, which was known to the present owner at least two years prior to the submission of this application.*

*Based on the preceding, the application is recommended for denial, for the following reasons: 1) the owner of record was not illustrated on the application; 2) no evidence was submitted to illustrate that the property owner gave authority to submit the application; and 3) the proposed*

*plat does not take into account the extension of State Road 158 and thus would not comply with Sections I.B.3 and III.B of the Subdivision Regulations.*

While the first two issues of ownership would not apply in this case, the third issue of correlation with State Highway plans still appears to be relevant. ALDOT has been in touch with this office and confirmed that they are moving forward with the project. In fact, several offers of purchase have already been made, but issues with the title search and the foreclosure of the property have slowed that process. Nevertheless, it is expected that a sale will be complete by the end of March 2006.

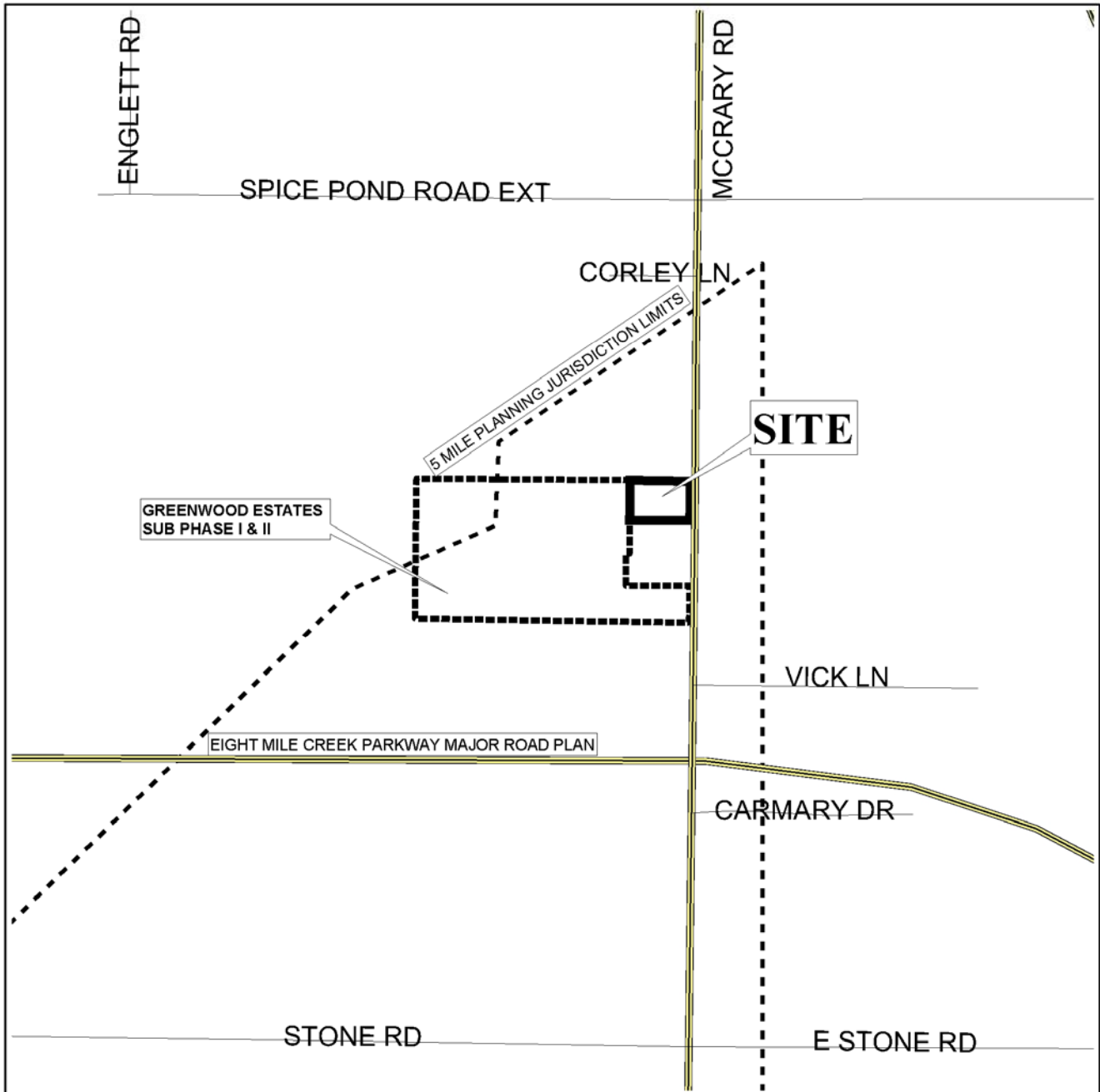
Based on the preceding, it is recommended that the plat be held over to the April 20<sup>th</sup> meeting, to allow Urban Development staff to review additional materials submitted by ALDOT regarding proposed or pending acquisition of the site.

*Revised for the April 20<sup>th</sup> meeting:*

*This application was held over from the March 16<sup>th</sup> meeting to allow Urban Development staff to review additional materials submitted by ALDOT regarding proposed acquisition of the site for a State Highway Project. ALDOT has submitted copies of their petition to condemn the subject property.*

*Whereas the applicant was previously made aware of ALDOT's intent to acquire the property for the State Highway; and whereas ALDOT has presented evidence that they are actively pursuing this acquisition through condemnation; based on the preceding, this application is recommended for denial, 1) the proposed plat does not take into account the extension of State Road 158 and thus would not comply with Sections I.B.3 and III.B of the Subdivision Regulations.*

# LOCATOR MAP



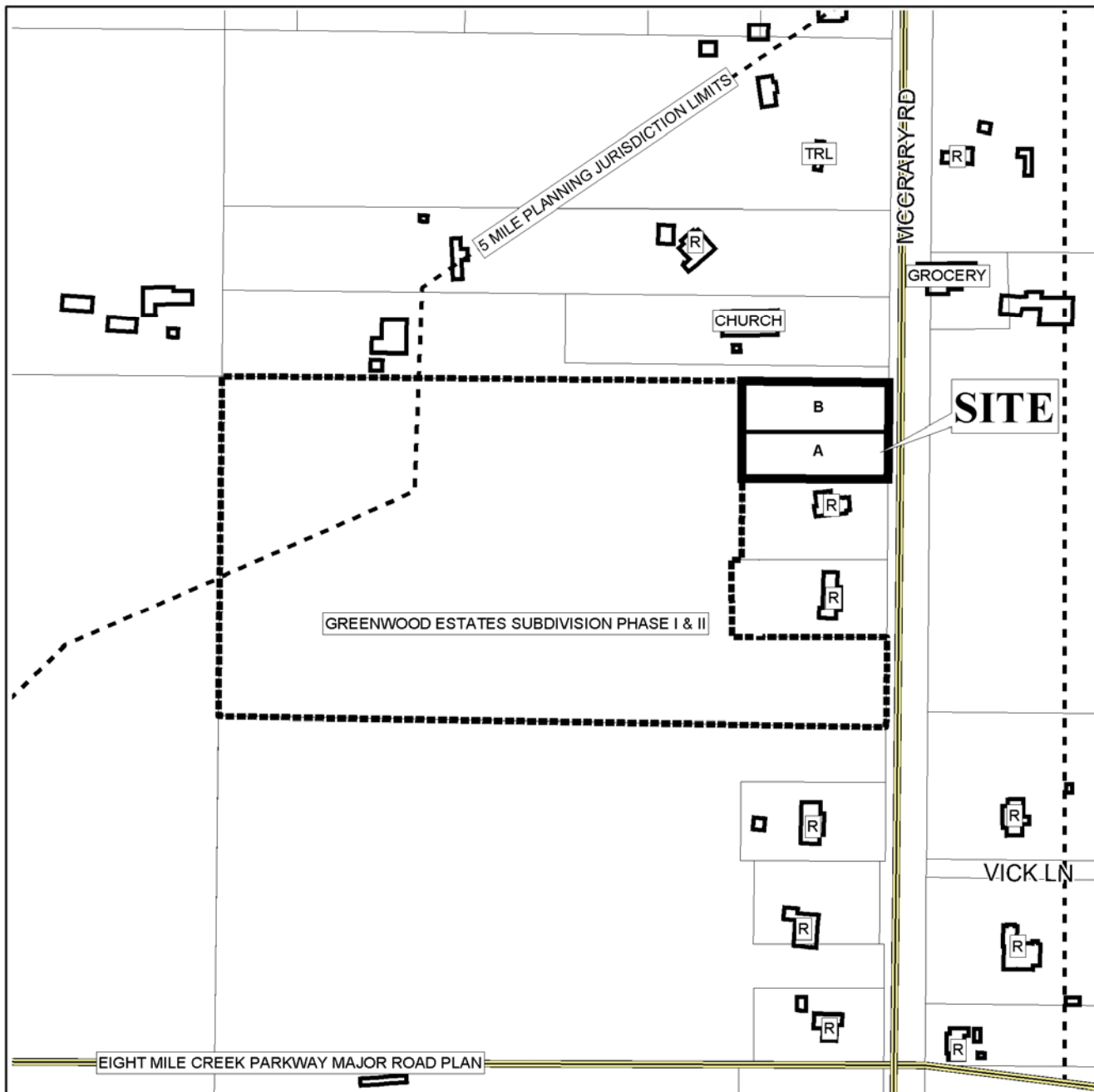
APPLICATION NUMBER Holdover DATE April 20, 2006

APPLICANT McCrary Road Estates Subdivision

REQUEST Subdivision



# MCCRARY ROAD ESTATES SUBDIVISION



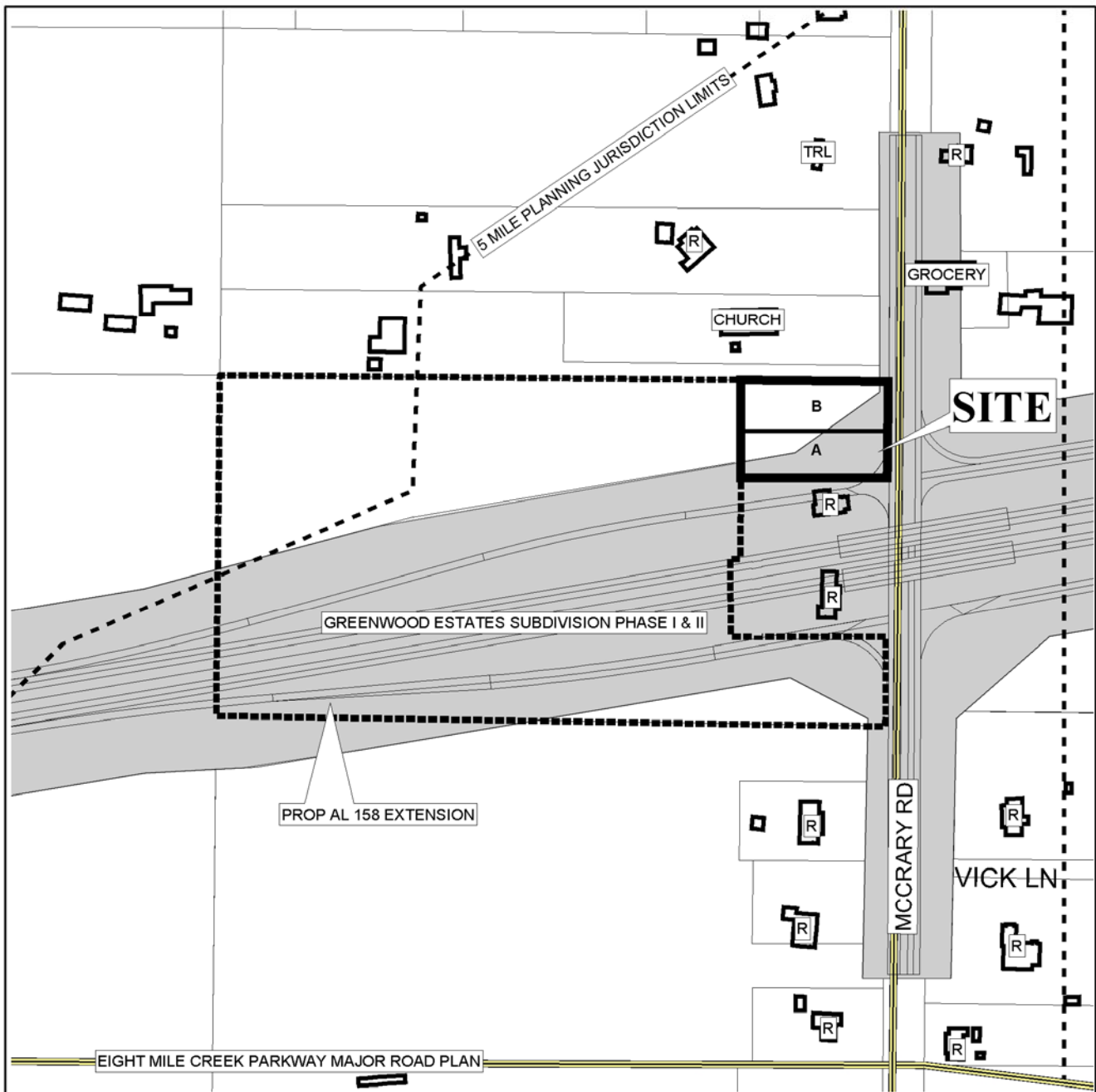
APPLICATION NUMBER Holdover DATE April 20, 2006

LEGEND



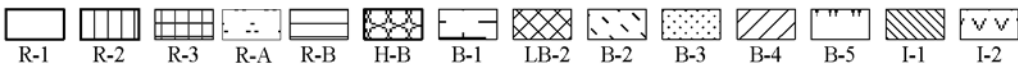
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# MCCRARY ROAD ESTATES SUBDIVISION



APPLICATION NUMBER Holdover DATE April 20, 2006

LEGEND



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