

LEGACY SUBDIVISION, PHASE TWO & PHASE THREE

Engineering Comments: 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.

Fire-Rescue Department Comments: Subdivision layout and design must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile. Commercial buildings and sites within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate.

Mobile Area Water and Sewer Systems Comments: MAWSS has NO water and sewer services available.

The plat illustrates the proposed 85.3± acre, 23-lot subdivision, which is located in the East terminus of Darling Road, extending Northeastward to the West terminus of Legacy Lane and the South terminus of Heritage Circle. South Alabama Utilities provides the site with public water and sanitary sewer systems.

The purpose of this application is to subdivide four large metes and bounds parcels into 23 legal lots of record and a private lake. The applicant is proposing a private gated subdivision. All lots would meet the minimum area requirements.

The proposed site would be accessed by three existing public streets to include; Legacy Lane providing 50-foot right-of-way, Heritage Circle providing 50-foot right-of-way, and Darling Road providing 60-foot right-of-way. As previously stated, the applicant is proposing that all streets be gated, privately maintained and constructed at minimum to the private road standards in the Subdivision Regulations. It should be noted that 120-foot diameter cul-de-sacs would be required at all three entrances where public and private streets meet, so that people can turn around at the gate.

Private street subdivisions must comply with Section VIII.E of the Subdivision Regulations. The proposed design does not appear to meet three of the four criteria listed as the following in this section:

- 1) Section VIII.E.1.a. - Privately maintained street subdivisions shall be permitted only as closed end streets serving the immediate development;

- 2) Section VIII.E.1.b. – Private street subdivisions shall not be adjacent to large undeveloped potentially landlocked tracts of property where a street stub would be required; and
- 3) Section VIII.E.1.d. – Private streets shall not be approved if the roadway is presently needed, or is likely to be needed for extension to adjacent property.

Also, a proposed private street shall comply with Section VIII.E.2.c. through Section VIII.E.2.k. of the Subdivision Regulations, including the provision of notes on the plat, covenants, and certification letter from a licensed engineer. Regarding the gate, the gate must remain operational and in use as a condition of the continuation of private street status.

As a means of access management, a note should be placed on the plat stating that Lots 1-11, 17-19, and 23 are limited to one curb-cut and Lots 12-16 and 20-22 are limited to two curb-cuts with the size, location, and design to be approved by County Engineering and in conformance with AASHTO standards.

As illustrated on the preliminary plat, the development contains a private lake, which appears to be man made. A portion of the development appears to be in the 100 year floodplain for Pierce Creek, thus the area may be environmentally sensitive (which includes the possible presence of wetlands); therefore, the approval of all applicable federal, state and local agencies for floodplains and wetlands will be required prior to the issuance of any permits or land disturbance activities.

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.

It should be noted that the applicant has illustrated a 10-foot Bridle Path (common area) around many of the proposed lots (12-22), and the lake is also common area, and should be so labeled; therefore, a note should be placed on the Final Plat stating that maintenance of these areas will be the responsibility of the property owners. It should be further noted that the applicant has not provided any justification for an equestrian designed subdivision.

The 25-foot minimum building setback line is not shown, but would be required on the final plat, if approved.

Furthermore as illustrated on the plat, there is a 200-foot utility easement located on Lots 18-20. A note should be placed on the final plat stating that no construction will be allowed within this easement.

The site is located in the county. Therefore, a note should be placed on the final plat stating that any lots developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8 of the Subdivision Regulations.

While the site is located in the county, compliance with the City of Mobile storm water and flood control ordinances will be required. A letter from a licensed engineer certifying compliance with the City's storm water and flood control ordinances should be submitted to the Mobile County Engineering Department and the Planning Section of Mobile Urban Development prior to the issuance of any permits.

This application is recommended for denial for the following reasons:

- 1) The subdivision does not comply with Section VIII.E.1.a. of the Subdivision Regulations;
- 2) The subdivision does not comply with Section VIII.E.1.b. of the Subdivision Regulations; and
- 3) The subdivision does not comply with Section VIII.E.1.d. of the Subdivision Regulations.

Revised for the January 21st, 2010 meeting:

This application was held over from the December 17th, 2009 meeting to allow the applicant to address the following:

- 1) *The subdivision does not comply with Section VIII.E.1.a. of the Subdivision Regulations;*
- 2) *The subdivision does not comply with Section VIII.E.1.b. of the Subdivision Regulations; and*
- 3) *The subdivision does not comply with Section VIII.E.1.d. of the Subdivision Regulations.*

The applicant submitted a revised plat. The applicant is no longer proposing a private gated subdivision as stated in a submitted letter; however, the plat still shows one of the two streets as private. Instead of a 23-lot subdivision, the applicant now proposes 18-lots. Four lots were removed which created a large pasture in the southern portion of the development for the use of the lot owners in Legacy Phases Two & Three.

The subdivision will now be accessed by Legacy Lane and Heritage Circle. Access via Darling Road (a private street) has been removed from the site plan.

Lots range in size from .74 acres to 13.02 acres: all lots will meet minimum size and frontage requirements.

As a means of access management, a note should be placed on the plat stating that Lots 1-11 and 17-18 are limited to one curb-cut and Lots 12-16 are limited to two curb-cuts with the size, location, and design to be approved by County Engineering and in conformance with AASHTO standards.

The 25-foot minimum building setback line is not shown, but would be required on the final plat, if approved.

The applicant states that a 60' wide portion at the southwest corner of lot 14 will be conveyed to an adjacent parcel owner (not part of this application) along with an easement for ingress and

egress over Darling Drive that Legacy was conveyed when they purchased the property. It should be noted that conveyance of land must take place through the subdivision process or by inclusion of the parcel with this application. It should also be pointed out that this proposal only addresses one of the land locked parcels adjacent to the proposed subdivision.

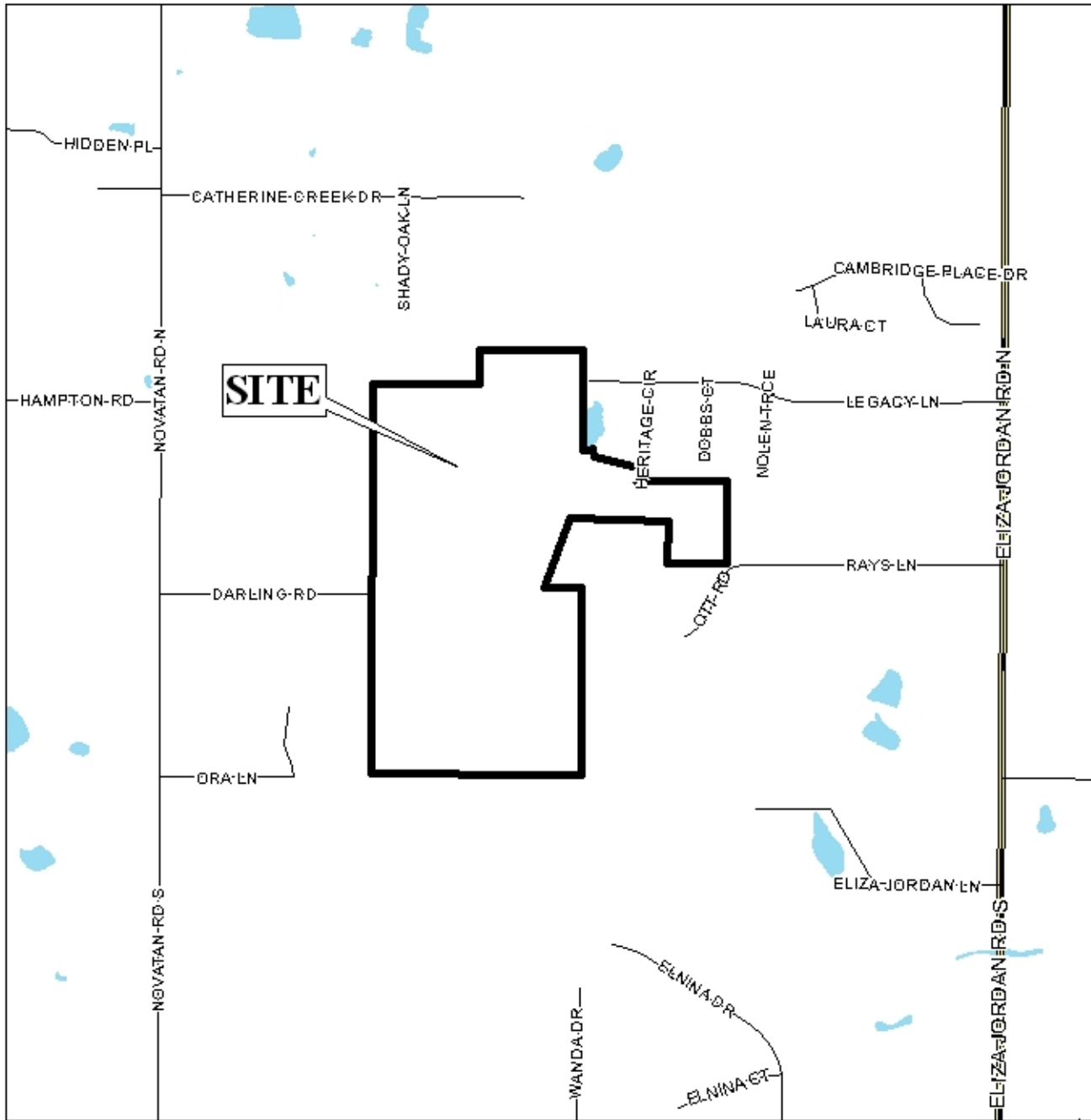
Common areas are proposed for the subdivision, including a lake, pasture and bridal paths. All common areas should be labeled, and a note should be placed on the Final Plat, if approved, stating that maintenance of the common areas is the responsibility of the subdivision's property owners.

It should be noted that the subdivision does not comply with Section V.B.6. of the Subdivision Regulations regarding closed-end streets not exceeding 600', thus a waiver will be required, if approved. The approximate length of Heritage Circle is 1,880'.

This application is recommended for denial for the following reasons:

- 1) Conveyance of land is not allowed without subdivision application and must include the adjacent parcel;
- 2) Land-locked parcels adjacent to site were not addressed, per Section VIII.E.1.b.; and
- 3) Cul-de-sac length exceeds the recommended maximum length, per Section V.B.6.

LOCATOR



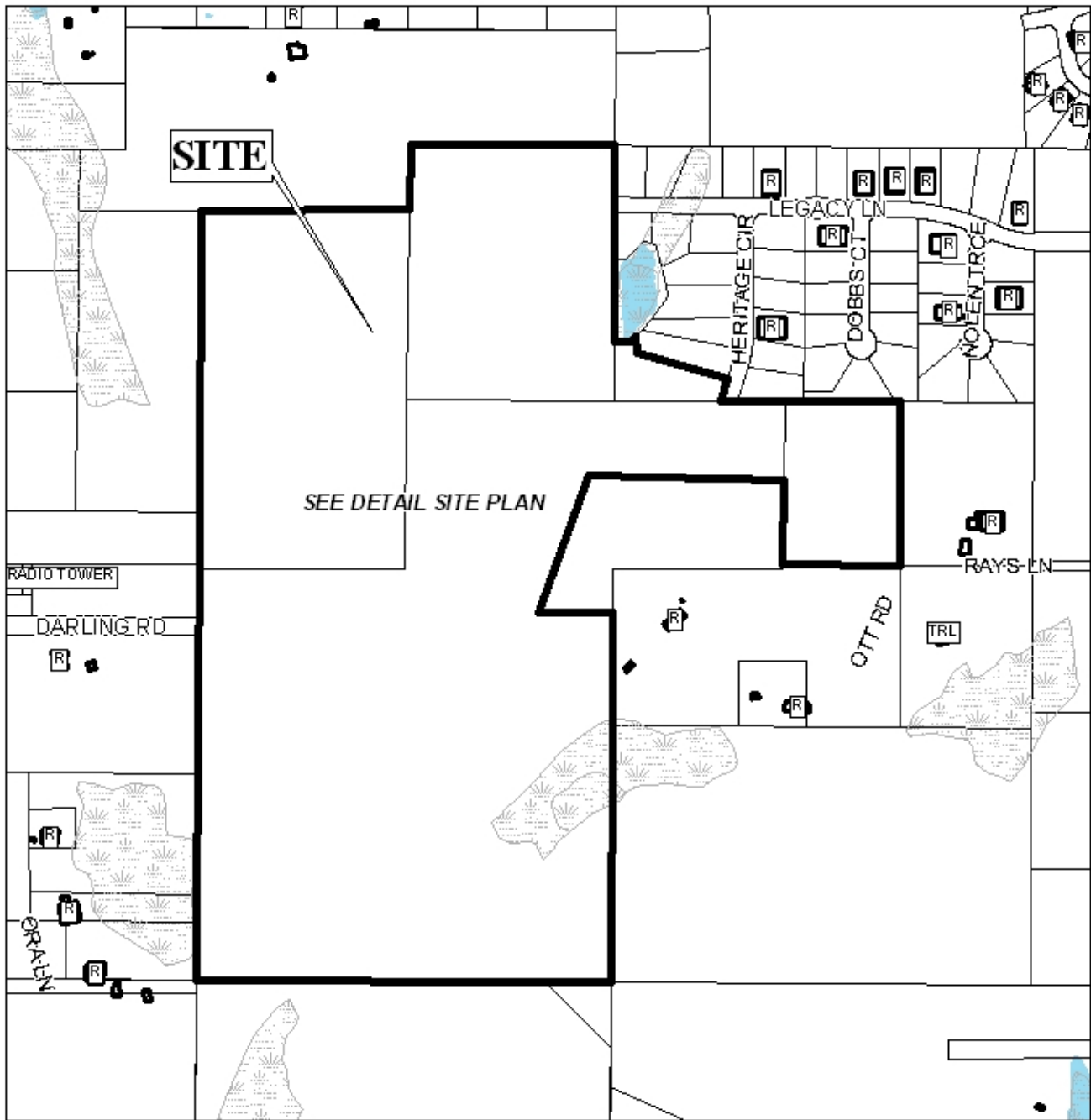
APPLICATION NUMBER 5 DATE January 21, 2010

APPLICANT Legacy Subdivision, Phase Two & Phase Three

REQUEST Subdivision



LEGACY SUBDIVISION, PHASE TWO & PHASE THREE



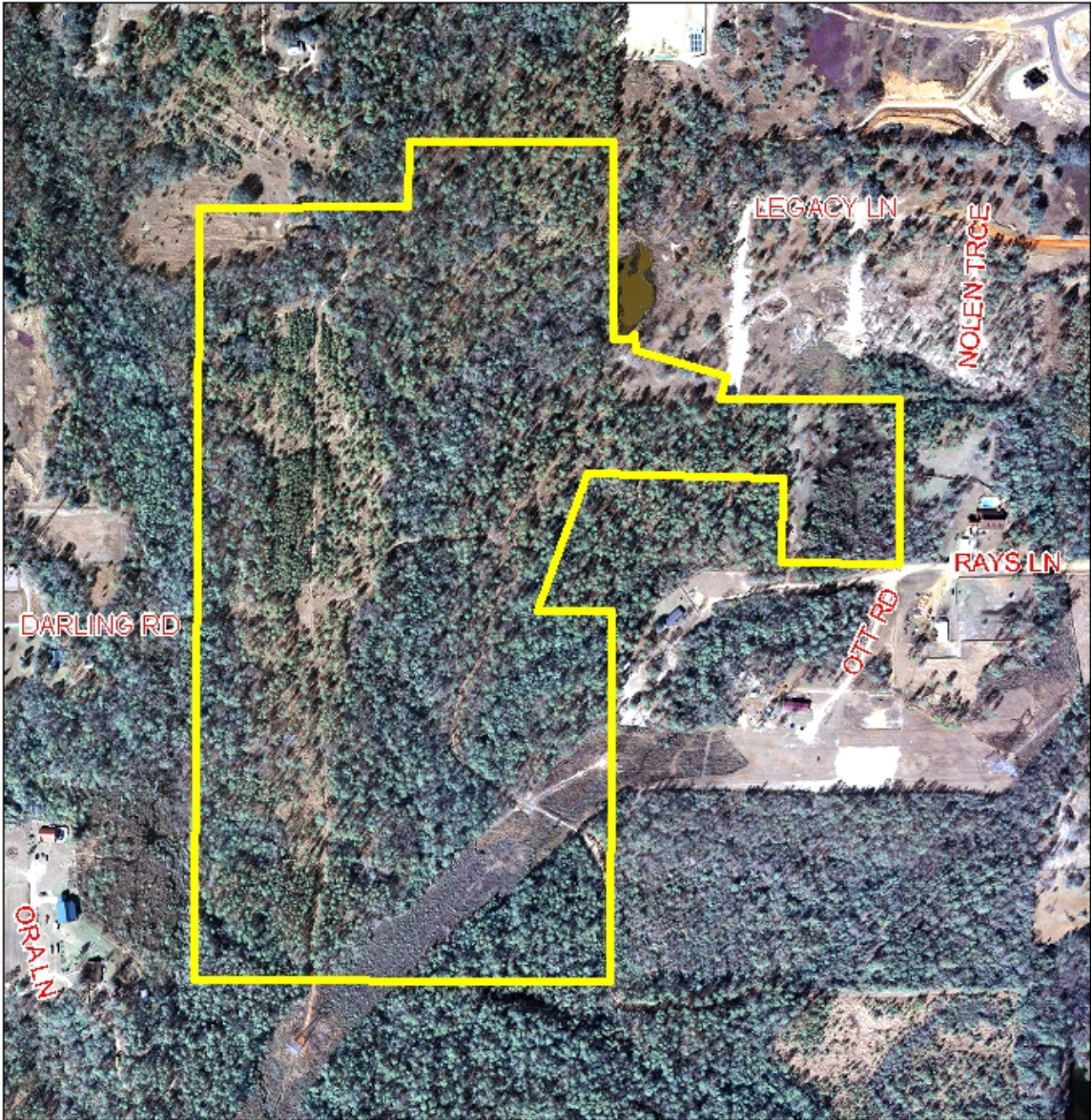
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LEGEND

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



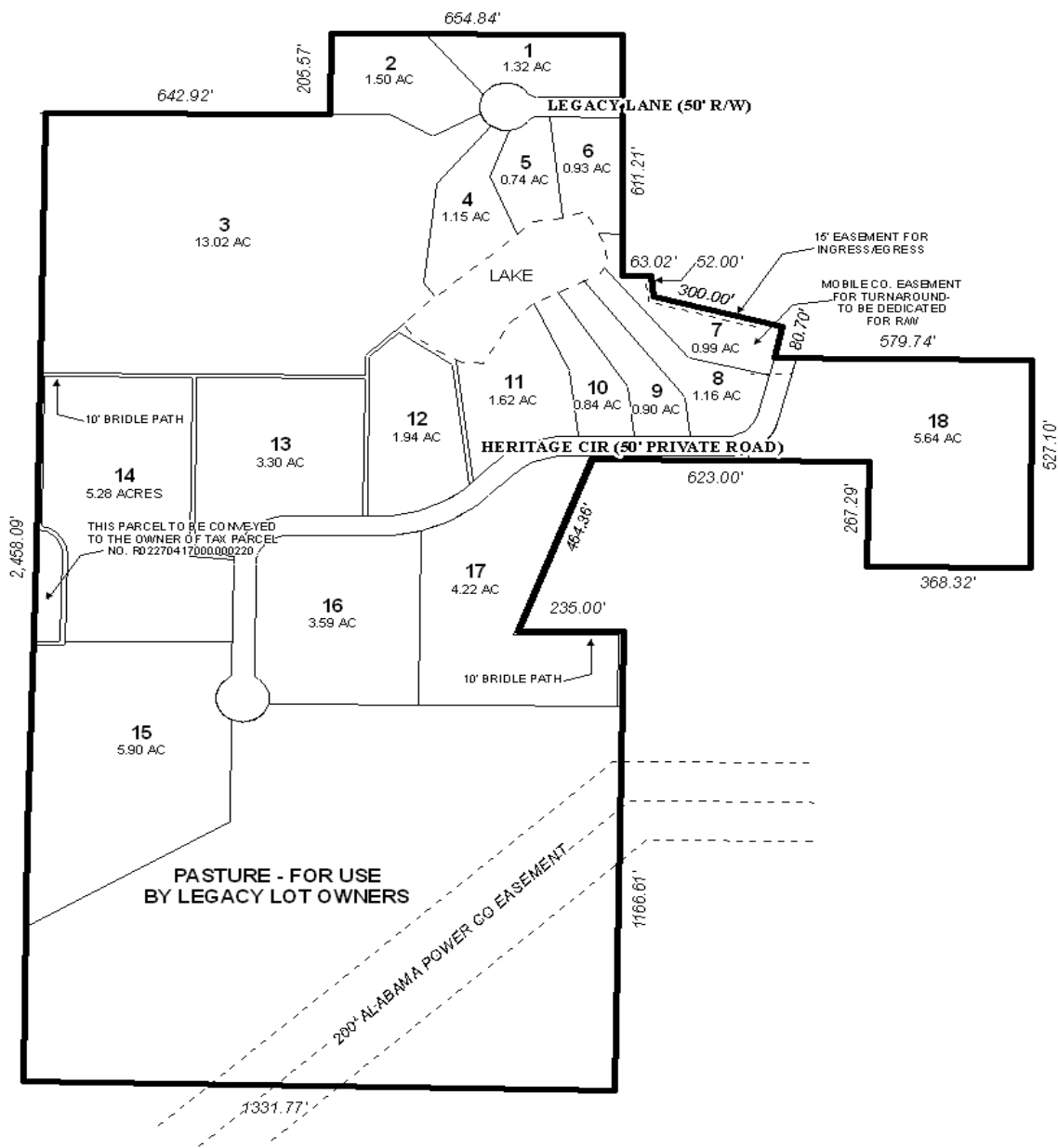
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SITE PLAN



This site plan illustrates the proposed lot configuration.

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