



Agenda Item # 7

SUB-002911-2024 & SUB-SW-002912-2024

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:

5501 Bear Fork Road

Subdivision Name:

Foxglove Subdivision

Applicant / Agent:

Aaron Collins, S.E. Civil Engineering & Surveying

Property Owners:

Charles & Lorine Heaton

Current Zoning:

R-1, Single-Family 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 109 legal lots of record.
- Waive construction of a sidewalk along all street frontages.

Commission Considerations:

1. Subdivision proposal with sixteen (16) conditions; and
2. Sidewalk Waiver request.


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PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial and residential units.

APPLICATION NUMBER <u> 7 </u> DATE <u> May 16, 2024 </u>	 NTS
APPLICANT <u> Foxglove Subdivision </u>	
REQUEST <u> Subdivision, Sidewalk Waiver </u>	

SITE HISTORY

The site has been the subject of several applications before the Planning Commission in the past.

In March 1996, Bear Lake Subdivision was approved as a 94-lot private street single-family residential subdivision, with an accompanying Planned Unit Development to allow the private street. The subdivision was never finalized and expired.

In June 2011, the Commission denied a one (1)-lot subdivision, Plantation Memorial Gardens Subdivision, with an accompanying Planning Approval application to allow a 21,250-plot cemetery in an R-1, Single-Family Residential District.

In September 2011, the Commission approved Plantation Memorial Gardens as a one (1)-lot subdivision, but that approval expired.

The site was originally scheduled to be heard at the Commission's April 18th meeting as a 95-lot subdivision with an associated sidewalk waiver, but that application was withdrawn and re-submitted as the current application.

The site has never been before the Board of Zoning Adjustment.

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. Remove the County Engineer's signature block from the plat. The County Engineer no longer signs plats within the municipal limits of the City of Mobile.
- C. Remove the Mobile County Engineering Department note. This proposed subdivision is located within the city limits. The County Engineering Dept. no longer reviews/comments on subdivision plats within the municipal limits of the City of Mobile.
- D. 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.
- E. Label the proposed Corsac Ave. and Foxglove Ave. as either PRIVATE or PUBLIC.
- F. Label all separate COMMON AREAS and provide a unique designation for each (i.e. 1, 2, 3)
- G. Provide a table of "PROPOSED WEIGHTED RUNOFF COEFFICIENT (Cw)" for each LOT.
- H. Add a note that the proposed roadway and stormwater improvements shall be complete and approved prior to issuing any residential construction permits.
- I. Add a note stating that as shown on the 1984 aerial photo the proposed subdivision will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: NONE.
- J. Add a note that 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.

- K. Add a note that 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.
- L. Add a note that 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. Sidewalk shall be constructed in front of any Common Area during the construction of the subdivision infrastructure.
- M. Add a note that 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.
- N. Add a note that all easements shall remain in effect until vacated through the proper Vacation process.
- O. Provide the as-built certification form, test reports, etc. and as-built plans for the proposed infrastructure prior to providing a copy of the FINAL PLAT to the Engineering Dept. for FINAL PLAT review.
- P. The street ROW must be submitted for acceptance by the Mobile City Council prior to submitting the Final Plat for City Engineer signature.
- Q. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.org prior to obtaining any signatures. No signatures are required on the drawing.

Sidewalk Waiver:

1. It appears that there is sufficient room within the ROW, or within the property, for the construction of a sidewalk along Bear Fork Rd. that could be permitted through the Land Disturbance/ROW Permit process.

Traffic Engineering Comments:

A traffic impact study will be required for the shown subdivision. 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 within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2021 International Fire Code). Fire apparatus access is required to be within 150' of all non-sprinklered commercial buildings and within 300' of all sprinklered commercial buildings. Fire water supply for all commercial buildings will be required to meet the guidance of Appendices B and C of the 2021 International Fire Code. The minimum requirement for fire hydrants is to be within 400' of non-sprinkled commercial buildings, within 600' of sprinkled commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.

Planning Comments:

Subdivision

The purpose of this application is to create 109 legal lots of record from one (1) existing metes-and-bounds parcel. The site is served by public water and sanitary sewer services.

The site fronts onto Bear Fork Road, a minor arterial street with a compliant 80-foot right-of-way; therefore, no dedication would be required. If approved the right-of-way width of Bear Fork Road should be retained on the Final Plat.

Three of the proposed lots (107, 108 and 109) are separate from the main grouping of lots and would front directly onto Bear Fork Road. These lots have a proposed 40-foot minimum building setback line shown along Bear Fork Road, as well as a 25-foot minimum building setback line. Moreover, the required setbacks data table illustrates 40-feet for lots 93 – 95 (which were the lot numbers on these lots on the first plat). The 25-foot minimum building setback line is the minimum required by the UDC and should be correctly reflected on the final plat, including the required setbacks data table.

The remaining lots have setbacks (front, side and rear) illustrated on each lot. The plat should be revised to remove the side and rear setback lines on these lots. Additionally, if the required setbacks data table is to remain on the final plat, it must be consistent with the setback lines illustrated on the lots, and only reference the 25-foot (front) minimum building setback line.

The preliminary plat does not indicate any lot dimensions for Lots 1 – 106, and provides a lot size for only Lot 108. If approved, the plat should be revised to label each lot with its dimensions, and to also label each lot with its size in both square feet and acres, or a table should be furnished on the plat providing the same information. Proposed Lots 108 and 109 would exceed the depth-to width ratio of Section 6.C.3. of the Subdivision Regulations and would require a waiver of that section, if approved.

The two (2) proposed streets into the subdivision are indicated to each be over 600 feet in length terminating in a cul-de-sac after intersecting. Section 6.B.3. of the Subdivision Regulations states that closed-end streets shall not, ordinarily, be over 600 feet in length. Therefore, if approved, a waiver of Section 6.B.3. would be required. The right-of-way width of all streets should be retained on the Final Plat, if approved. The cul-de-sac is not labeled with its radius on the preliminary plat; therefore, if approved, the cul-de-sac should be labeled with its radius on the Final Plat, or the same information should be provided on a Curve Data table, and approved by the Fire, Engineering and Traffic Engineering Departments.

The Site Data table on the preliminary plat states that there are no common areas; however, one accessway from Foxglove Avenue to the stormwater detention area in the South portion of the site is labeled "Common Area". As the site contains large areas outside the area proposed to be developed, the plat should be revised to identify common areas, and future development areas. All accessways from streets to common areas/stormwater detention areas should also be labeled as "Common Area". A note should be required on the Final Plat, if approved, stating that the maintenance of all common areas and stormwater detention areas is the responsibility of the property owners. Furthermore, as the site contains large areas of wetlands and a floodway, the applicant may consider designating these areas as conservation areas.

Based on the plat submitted, it appears that the development will occur well outside the flood zone and floodway. However, as the site includes a creek/stream/water body, the developer should be mindful of the Riparian Buffer Zone requirements of the UDC.

The preliminary plat indicates easements in the Southern portion of the site within the floodway. Therefore, if approved, a note should be placed on the Final Plat stating that no structure shall be constructed or placed in any easement without permission of the easement holder.

Sidewalk Waiver

As mentioned, the applicant plans to develop a 109-lot single-family residential subdivision on the site. As such, full compliance with the UDC standards is required which includes the provision of sidewalks along all street frontages.

The applicant seeks relief from the requirement to provide a sidewalk along Bear Fork Road. The applicant's narrative is available via the link on the first page of this report. The narrative references the proposed subdivision to be 95 lots, which was as originally stated in the withdrawn sidewalk waiver application. As justification for the waiver the applicant cites a lack of sidewalks near the proposed development with the closest sidewalk being over two (2) miles away, and the development not being contiguous with any other subdivision.

The preliminary plat indicates that sidewalks are to be provided along interior lot street frontages.

While there are no sidewalks within the vicinity of the subject site, the South side of Bear Fork Road is largely undeveloped. Thus, as properties are developed, sidewalks could continue to connect. Engineering states that it appears that there is sufficient room within the ROW, or within the property, for the construction of a sidewalk along Bear Fork Rd. that could be permitted through the Land Disturbance/ROW 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, and with waivers of Section 6.B.3. and Section 6.C.3. of the Subdivision Regulations, the following conditions could apply:

1. Retention of the right-of-way width of Bear Fork Road and all internal streets on the Final Plat;
2. Correction of the Required Setbacks table;
3. Illustration of the 25-foot minimum building setback line along all street frontages;
4. Revision of the plat to remove the side and rear setback lines for Lots 1 – 106 on the Final Plat;
5. Revision of the plat to label the area between the Bear Fork Road right-of-way and Lots 1, 63, 64 and 106 as Common Area;
6. Revision of the plat to label the lot dimensions on Lots 1 – 106 on the Final Plat;
7. Revision of the plat to label each lot with its size in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
8. Revision of the plat to label the cul-de-sac with its radius, or the furnishing of a Curve Data table on the Final Plat providing the same information;

9. Revision of the plat to label all accessways between lots as Common Area;
10. Revision of the plat to label all stormwater detention areas as Common Area;
11. Placement of a note on the Final Plat stating that maintenance of all common areas and stormwater detention areas is the responsibility of the property owners;
12. Placement of a note on the Final Plat stating that no structure shall be constructed or placed in any easement without permission of the easement holder;
13. Compliance with all Engineering comments noted in this staff report;
14. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
15. Compliance with all Urban Forestry comments noted in this staff report; and,
16. 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.

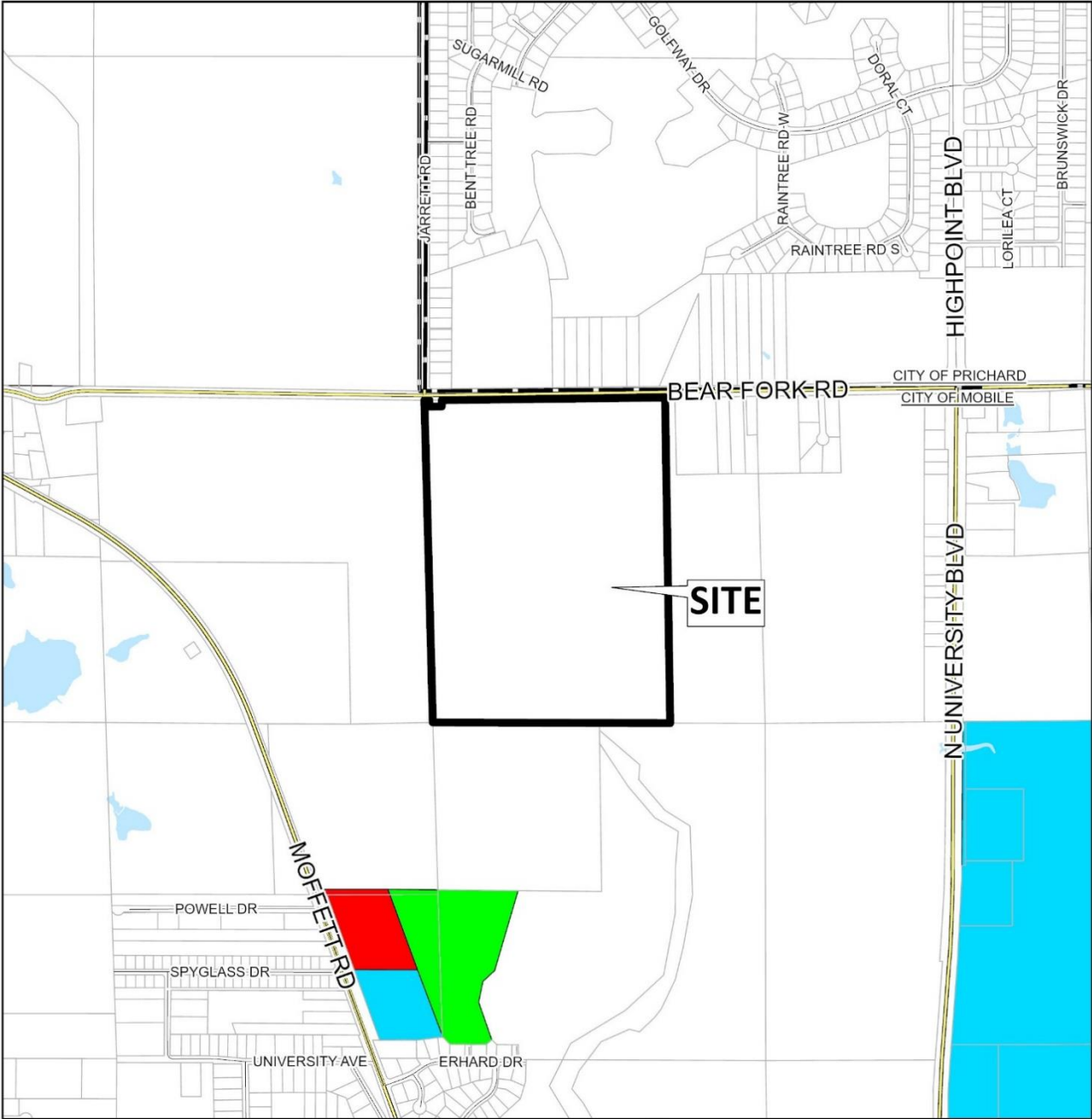
Sidewalks are typically encouraged, even in industrial developments, although the appropriateness of sidewalks should also take into account the existing infrastructure in the area, i.e., does the construction of the existing roadway safely allow for a sidewalk to be utilized.

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 along Bear Fork Rd. that could be permitted through the Land Disturbance/ROW Permit process.

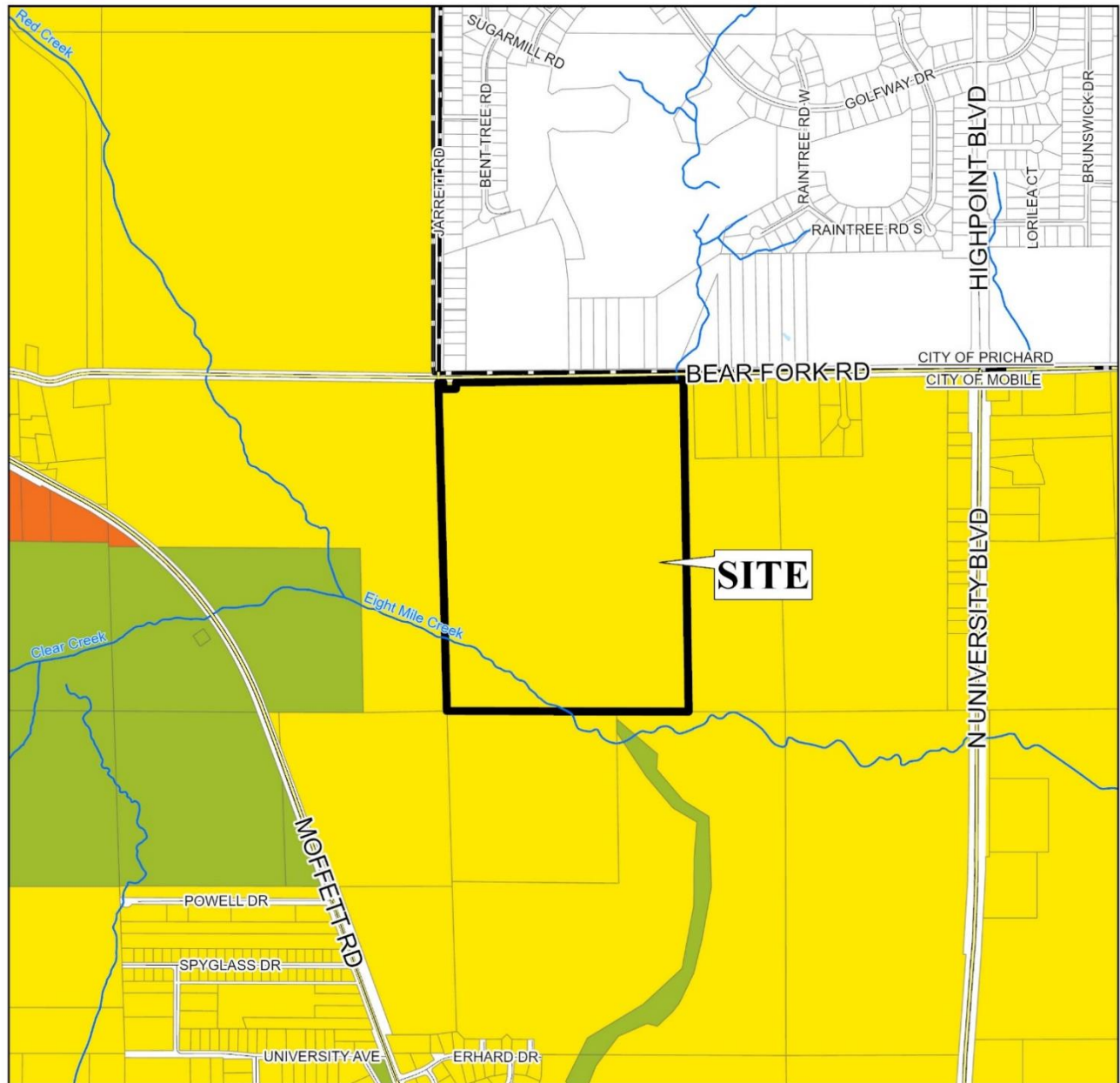
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



APPLICATION NUMBER 7 DATE May 16, 2024

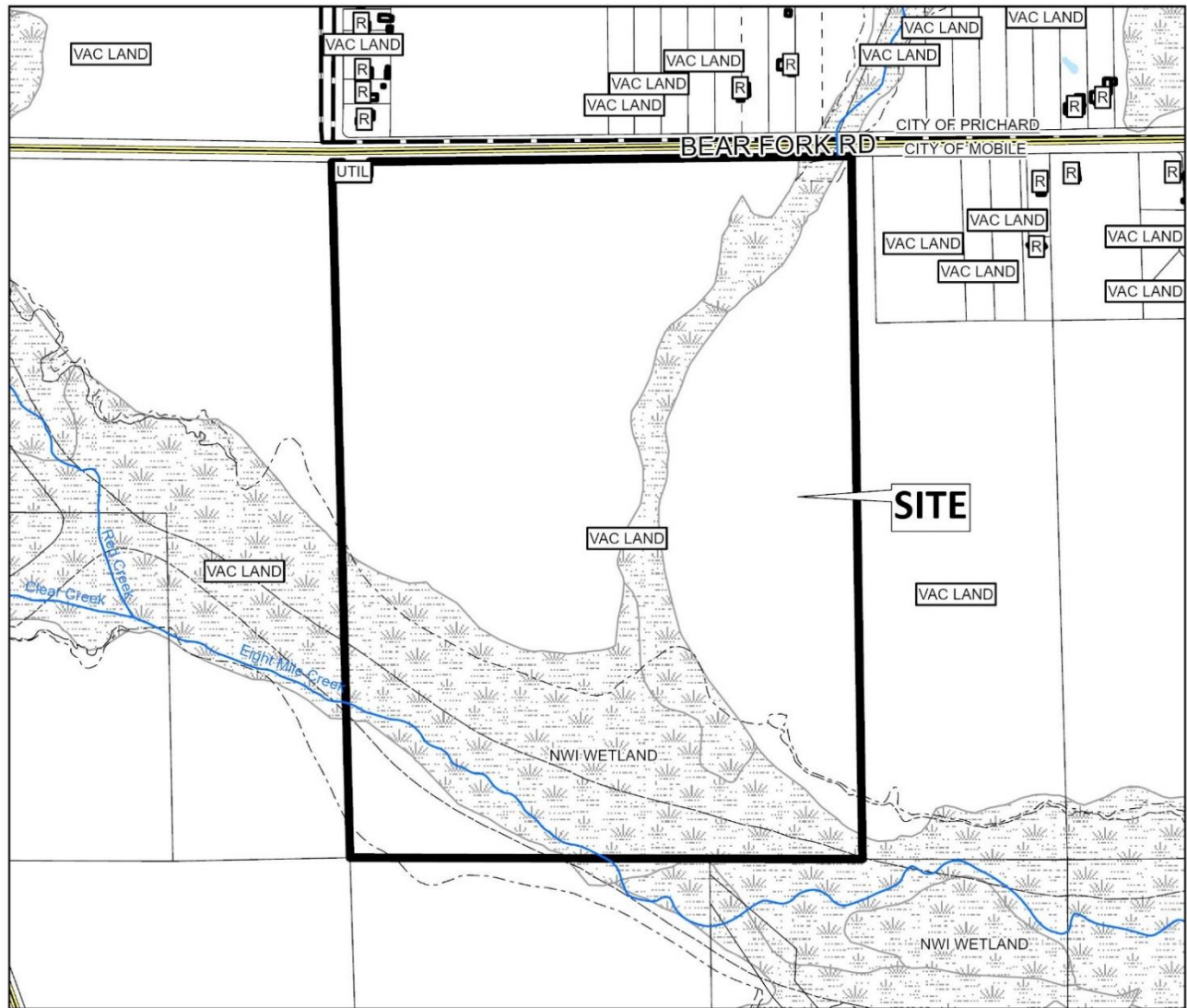
APPLICANT Foxglove Subdivision

REQUEST Subdivision, Sidewalk Waiver

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



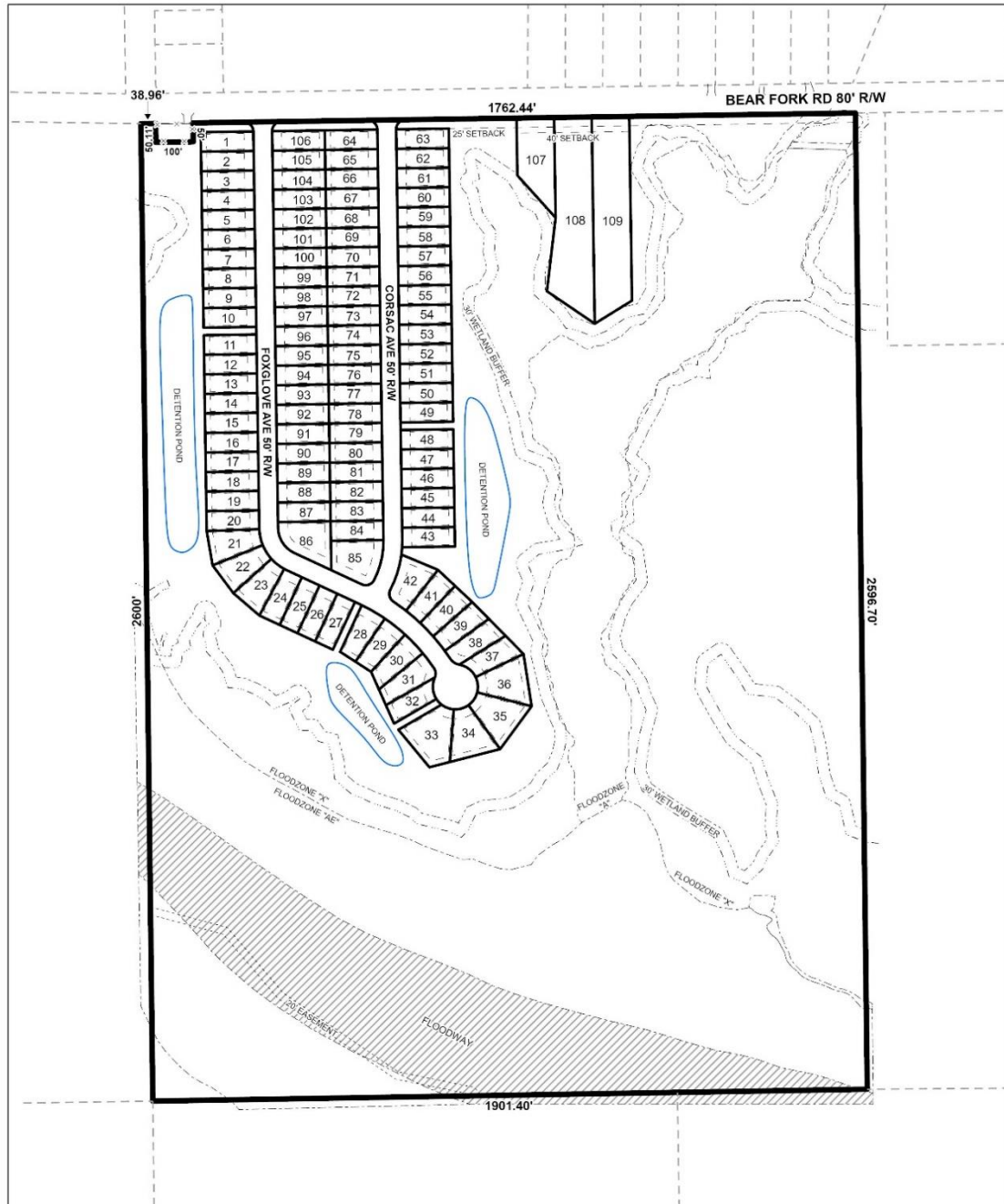
PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units and vacant land.


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<table style="width: 100%; font-size: small;"> <tr> <td> R-A</td> <td> R-3</td> <td> B-1</td> <td> B-2</td> <td> B-5</td> <td> ML</td> <td> I-2</td> <td> OPEN</td> <td> T-3</td> <td> T-5.2</td> </tr> <tr> <td> R-1</td> <td> R-B</td> <td> T-B</td> <td> B-3</td> <td> CW</td> <td> MH</td> <td> PD</td> <td> SD</td> <td> T-4</td> <td> T-6</td> </tr> <tr> <td> R-2</td> <td> H-B</td> <td> LB-2</td> <td> B-4</td> <td> MM</td> <td> I-1</td> <td> MUN</td> <td> SD-WH</td> <td> T-5.1</td> <td></td> </tr> </table>			 R-A	 R-3	 B-1	 B-2	 B-5	 ML	 I-2	 OPEN	 T-3	 T-5.2	 R-1	 R-B	 T-B	 B-3	 CW	 MH	 PD	 SD	 T-4	 T-6	 R-2	 H-B	 LB-2	 B-4	 MM	 I-1	 MUN	 SD-WH	 T-5.1	
 R-A	 R-3	 B-1	 B-2	 B-5	 ML	 I-2	 OPEN	 T-3	 T-5.2																							
 R-1	 R-B	 T-B	 B-3	 CW	 MH	 PD	 SD	 T-4	 T-6																							
 R-2	 H-B	 LB-2	 B-4	 MM	 I-1	 MUN	 SD-WH	 T-5.1																								

SITE PLAN



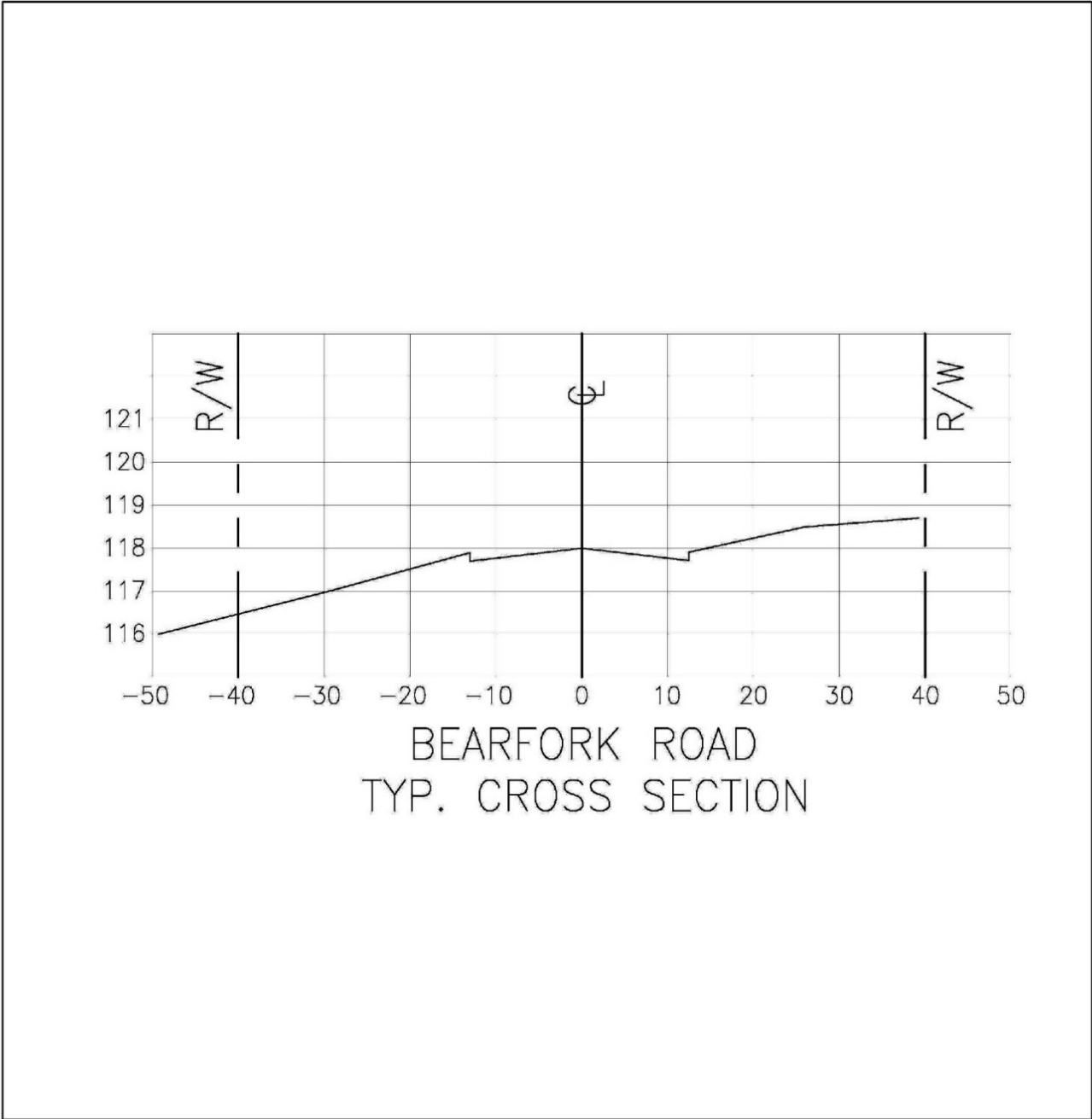
The site plan illustrates easements, setbacks, and proposed lots.

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NTS

DETAIL SITE PLAN



BEARFORK ROAD
TYP. CROSS SECTION

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ZONING DISTRICT CORRESPONDENCE MATRIX		LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRU)
RESIDENTIAL - AG	R-A														
ONE-FAMILY RESIDENCE	R-1	■				■		■					□		
TWO-FAMILY RESIDENCE	R-2	■				■		■					□	○	
MULTIPLE-FAMILY	R-3	○	■			■	■						□	○	
RESIDENTIAL-BUSINESS	R-B		○			■		■					□	○	
TRANSITIONAL-BUSINESS	T-B		○		■	■	■	■					□		
HISTORIC BUSINESS	H-B			■		■		■					□		
VILLAGE CENTER	TCD					■	■						□		
NEIGH. CENTER	TCD					■	■						□		
NEIGH. GENERAL	TCD					■							□		
DOWNTOWN DEV. DDD	T-6			■									□		
DOWNTOWN DEV. DDD	T-5.1			■		■		□					□		
DOWNTOWN DEV. DDD	T-5.2			■		■							□		
DOWNTOWN DEV. DDD	T-4			■		■		□					□		
DOWNTOWN DEV. DDD	T-3			■		■							□		
DOWNTOWN DEV. DDD	SD-WH									○	○		□		
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○		○	○		□		
BUFFER BUSINESS	B-1		□			□	■	■	■				□	○	
NEIGH. BUSINESS	B-2		○			□	■	■	■				□	○	
LIMITED BUSINESS	LB-2		○			□	■	■	■				□	○	
COMMUNITY BUSINESS	B-3				■				■			○	□	○	
GEN. BUSINESS	B-4			■					■			○	□	○	
OFFICE-DISTRIBUTION	B-5								■	■			□	□	
LIGHT INDUSTRY	I-1									■			□	□	□
HEAVY INDUSTRY	I-2										■		□		□

Zoning District Correspondence Matrix

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)

Residential Land Use



LOW DENSITY RESIDENTIAL (LDR)

This designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those 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.