

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF JANUARY 3, 2008 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
James Watkins, III
William DeMouy, Secretary
Debra Butler
Steve Davitt
Nicholas Holmes, III
Mead Miller
Roosevelt Turner
John Vallas

Members Absent

Clinton Johnson
Victoria Rivizzigno

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Bert Hoffman,
Planner II
David Daughenbaugh,
Urban Forestry Coordinator
Tiffany Green,
Secretary I

Others Present

John Lawyer,
Assistant City Attorney
Rosemary Sawyer,
City Engineering
Jennifer White,
Traffic Engineering

Mr. Plauche stated the number of members present constituted a quorum and called the meeting to order, advising all attending of the policies and procedures pertaining to the Planning Commission.

The notation *motion carried unanimously* indicates a consensus, with the exception of the Chairman who does not participate in voting unless otherwise noted.

HOLDOVERS:

Case #SUB2007-00249 (Subdivision)

McMurray Place Subdivision

South side of Johnston Lane, extending from the West side of Rosedale Avenue (vacated right-of-way) to the centerline of Dickenson Avenue (vacated right-of-way), and to McCay Avenue (vacated right-of-way), 95'± South of Johnston Lane
Number of Lots / Acres: 58 Lots / 12.8± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.
Council District 6

(Also see **Case #ZON2007-02464 (Planned Unit Development) McMurray Place Subdivision**, and, **Case #ZON2007-02709 (Rezoning) McMurray Place, LLC**, below)

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

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Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Watkins, to approve the above referenced subdivision, subject to the following conditions:

- 1) revision of the legal description to properly describe the entirety of the site;**
- 2) approval of all applicable Federal, state, and local agencies for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;**
- 3) revision of the site plan and plat to ensure that all lots have a minimum build-able width of 30-feet, exclusive of required setbacks or proposed drainage easements;**
- 4) revision of the site plan and plat to clearly depict requested front (25 feet), side (zero, 10 feet, 20 feet street side) and rear (8 feet) setbacks, and placement of the same information as a note on the site plan;**
- 5) placement of a note on the site plan and plat indicating the requested maximum building site coverage (45%);**
- 6) placement of a note on the site plan and plat stating that all lots are denied direct access to Johnston Lane, and each lot is limited to one curb-cut, with the size, design, and location to be approved by Traffic Engineering, and conform to AASHTO standards;**
- 7) placement of a note on the site plan and plat stating that the detention facility will be designed to provide minimum detention for a 100-year storm with a 10 year release rate, per Engineering requirements;**
- 8) placement of a note on the site plan and plat stating that the maintenance of all common areas, including the detention common area, is the responsibility of the property owners;**
- 9) revision of lot size labels as necessary due to other revisions to the site plan;**
- 10) submission of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the Subdivision plat;**
- 11) completion of the Subdivision process; and,**
- 12) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2007-02464 (Planned Unit Development)

McMurray Place Subdivision

South side of Johnston Lane, extending from the West side of Rosedale Avenue (vacated right-of-way) to the centerline of Dickenson Avenue (vacated right-of-way), and to McCay Avenue (vacated right-of-way), 95'+ South of Johnston Lane
Planned Unit Development Approval to allow reduced lot widths, sizes, and setbacks, and 45% site coverage in a zero-lot line single-family residential subdivision
Council District 6

(Also see **Case #SUB2007-00249 (Subdivision) McMurray Place Subdivision**, above, and, **Case #ZON2007-02709 (Rezoning) McMurray Place, LLC**, below)

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Watkins, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) **revision of the legal description to properly describe the entirety of the site;**
- 2) **provision of a 6-foot high wooden privacy fence or masonry wall around the perimeter of the development, except within required building setbacks from streets, prior to the completion of the Subdivision process, and with the appropriate permits;**
- 3) **approval of all applicable Federal, state, and local agencies for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;**
- 4) **revision of the site plan and plat to ensure that all lots have a minimum build-able width of 30-feet, exclusive of required setbacks or proposed drainage easements;**
- 5) **revision of the site plan and plat to clearly depict requested front (25 feet), side (zero, 10 feet, 20 feet street side) and rear (8 feet) setbacks, and placement of the same information as a note on the site plan;**
- 6) **placement of a note on the site plan and plat indicating the requested maximum building site coverage (45%);**
- 7) **placement of a note on the site plan and plat stating that all lots are denied direct access to Johnston Lane, and each lot is limited to one curb-cut, with the size, design, and location to be approved by Traffic Engineering, and conform to AASHTO standards;**
- 8) **placement of a note on the site plan and plat stating that the detention facility will be design to provide minimum detention**

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- for a 100-year storm with a 10 year release rate, per Engineering requirements;
- 9) placement of a note on the site plan and plat stating that the maintenance of all common areas, including the detention common area, is the responsibility of the property owners;
 - 10) revision of lot size labels as necessary due to other revisions to the site plan;
 - 11) submission of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the Subdivision plat;
 - 12) completion of the Subdivision process; and,
 - 13) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2007-02709 (Rezoning)

McMurray Place, LLC

South side of Johnston Lane, extending from the West side of Rosedale Avenue (vacated right-of-way) to the centerline of Dickenson Avenue (vacated right-of-way), and to McCay Avenue (vacated right-of-way), 95'+ South of Johnston Lane
Rezoning from R-3, Multi-Family Residential, to R-3, Multi-Family Residential, to remove a condition of the previous rezoning
Council District 6

(See Case #SUB2007-00249 (Subdivision) **McMurray Place Subdivision**, and, Case #ZON2007-02464 (Planned Unit Development) **McMurray Place Subdivision**, above)

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Watkins, to approve the above referenced rezoning request, subject to the following conditions:

- 1) revision of the legal description to properly describe the entirety of the site;
- 2) provision of a 6-foot high wooden privacy fence or masonry wall around the perimeter of the development, except within required building setbacks from streets, prior to the completion of the Subdivision process, and with the appropriate permits;
- 3) approval of all applicable Federal, state, and local agencies for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;
- 4) completion of the Subdivision process; and,
- 5) full compliance with all other municipal codes and ordinances.

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The motion carried unanimously.

Case #SUB2007-00282 (Subdivision)

Conception-New Jersey Subdivision

857 South Conception Street

Southeast corner of Conception Street and New Jersey Street

Number of Lots / Acres: 1 Lot / 8.3+ Acres

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 3

Bruce McGowin, Hand-Arendall, 3000 AmSouth Bank Building, Mobile, 36602, spoke on behalf of the purchaser. He had a question regarding the staff's comment on limiting the curb cuts on the site and asked if he could confirm the number with their surveyor.

Mr. Olsen stated the recommendation could be limited to the existing number of curb cuts, which he said the staff based upon those seen in the aerial photograph as well as those shown in the city's GIS system.

Hearing no opposition or discussion, a motion was made by Mr. Watkins, with second by Mr. Davitt, to approve the above referenced subdivision, subject to the following conditions:

- 1) **dedication of a 25' radius curve at the intersection of Conception Street and New Jersey Street;**
- 2) **placement of a note on the final plat stating that the site is limited to the existing curb cuts, with the size, location, and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) **the plat be revised to illustrate the 25' minimum building setback line along both street frontages;**
- 4) **the plat be revised to label the lot with its size in acreage, or a table should be provided furnishing the same information;**
- 5) **placement of a note on the final plat stating that the site may be impacted by the path of the Royal Street South major street, and that any development on the Eastern portion of the site may require setbacks from the future right-of-way of the planned major street; and,**
- 6) **provision of a flood study, if deemed appropriate to comply with FEMA regulations, prior to signing and recording of the final plat.**

The motion carried unanimously.

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Case #SUB2007-00296 (Subdivision)

The Christian Bible Teaching Church Subdivision

1805 Duncan Street

South side of Duncan Street, 70'+ East of Houston Street

Number of Lots / Acres: 1 Lot / 0.3+ Acre

Engineer / Surveyor: Rowe Surveying & Engineering Co., Inc.

Council District 3

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Davitt, to hold the matter over, with new submissions, revisions, labels, and postage to be provided by January 17, 2008, to allow the applicant time to:

- 1) **submit a Planned Unit Development application for shared access with the adjacent property to the East;**
- 2) **revise this Subdivision application to two lots to include the adjacent property to the East; and,**
- 3) **provide additional labels and postage for this application.**

The motion carried unanimously.

Case #ZON2007-02714 (Rezoning)

Rollie Steele

East side of East Drive, 240'+ North of Eastridge Place

Rezoning from R-1, Single-Family Residential, to R-2, Two-Family Residential, to allow a duplex residence

Council District 5

Don Rowe, Rowe Surveying and Engineering Company, Inc., spoke on behalf of the applicant and asked that the matter be heldover.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. Watkins, to hold the matter over until the February 7, 2008, meeting.

The motion carried unanimously.

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Case #SUB2007-00274 (Subdivision)

St. Dominic Catholic Church Subdivision

4068, 4156, & 4160 Burma Road, and 1168 Santa Maria Court

North side of Burma Road, between Santa Maria Court and St. Dominic Place

Number of Lots / Acres: 1 Lot 13.0+ Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 4

(Also see **Case #ZON2007-02598 (Planned Unit Development) St. Dominic Catholic Church Subdivision**, and, **Case #ZON2007-02611 (Planning Approval) St. Dominic Catholic Church**, below)

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Larry Jones, 1171 Santa Maria Court, wanted clarification from the Commission that the house zoned R-1, single family residential and located on the church property, could not be used by a business, for offices or meetings, or have permits pulled for use as an assembly area. He also expressed some concerns regarding the following:

- A. traffic with regards to drop-off and pickup of the children attending school at St. Dominic's;
- B. the removal of two curb cuts accessing the church parking lot; and,
- C. the potential split zoning on the property.

Mr. Olsen reminded the Commission the house Mr. Jones referenced had been previously discussed.

Larry Cleary, 4205 Woodcliff Drive South, Mobile, 36693, spoke on behalf of St. Dominic's as facilities manager for the church and school. He expressed his disagreement with most of the statements made by Mr. Jones, making the following points:

- A. the two curb cuts in question on Santa Maria Court have been there since the church parking lot was built over 30 years before;
- B. the parking lot for the church was in place before the neighboring houses were built;
- C. school parking is lined up in the parking lot so the children can be picked up from behind the school and exit on the other side of the school, away from Santa Maria Court. If school pickup parking is no longer allowed on the parking lot, then that traffic will become part of the school pickup traffic for Kate Shepherd, which currently blocks and backs up Burma Road; and,
- D. the church clearly was not including the house as part of the approval request before the Commission that day.

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Hearing no further opposition or pertinent discuss, a motion was made by Mr. Davitt, with second by Mr. Holmes, to approve the above referenced subdivision, subject to the following conditions:

- 1) **placement of a note on the Final Plat stating that the subdivision is limited to a maximum of three curb cuts to Burma Road, two curb cuts to Santa Maria Court, the curb cut nearest to Burma Road be converted to allow vehicles exiting the site only, with exact size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **placement of a note on the Final Plat stating that any live oak tree deemed a viable tree within the developed area be given preservation status (*All work under the canopy is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger*); and,**
- 3) **labeling of the lot with size in acres or square feet, or the provision of a table containing that information.**

The motion carried unanimously.

Case #ZON2007-02598 (Planned Unit Development)

St. Dominic Catholic Church Subdivision

4068, 4156, & 4160 Burma Road, and 1168 Santa Maria Court

North side of Burma Road, between Santa Maria Court and St. Dominic Place

Planned Unit Development Approval for the Master Plan of an existing church to allow multiple buildings on a single building site

Council District 4

(Also see Case #SUB2007-00274 (Subdivision) **St. Dominic Catholic Church Subdivision**, above, and, Case #ZON2007-02611 (Planning Approval) **St. Dominic Catholic Church**, below)

(See Case #SUB2007-00274 (Subdivision) **St. Dominic Catholic Church Subdivision**, for discussion)

Hearing no further opposition or pertinent discuss, a motion was made by Mr. Davitt, with second by Mr. Holmes, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) **completion of the subdivision process prior to the issuance of any permits;**
- 2) **provision of screening of parking as required by Section 64.6.A.3.i of the Zoning Ordinance;**
- 3) **lighting of parking facilities shall be provided in compliance with Section 64-6.A.3.c of the Zoning Ordinance;**

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- 4) the approval by Urban Forestry for any work within Phase I (*All work under the canopy of any preserved tree is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger*);
- 5) provision of sidewalks along all street frontages as illustrated on the site plan submitted;
- 6) illustration of any necessary dumpster or trash receptacle, with minor revisions to parking and circulation lay out to be approved by Planning staff, if necessary;
- 7) full compliance with landscaping and tree planting requirements;
- 8) full compliance with all municipal codes and ordinances;
- 9) there shall be no non-residential use of the house at the Northeast corner of the property until appropriate Planning applications have been submitted and approved; and,
- 10) submission of a revised site plan reflecting the conditions prior to the issuance of any permits.

The motion carried unanimously.

Case #ZON2007-02611 (Planning Approval)

St. Dominic Catholic Church

4068, 4156, & 4160 Burma Road, and 1168 Santa Maria Court

North side of Burma Road, between Santa Maria Court and St. Dominic Place

Planning Approval to allow the expansion of a parking lot at an existing church in an R-1, Single-Family Residential district

Council District 4

(Also see Case #SUB2007-00274 (Subdivision) **St. Dominic Catholic Church Subdivision**, and, Case #ZON2007-02598 (Planned Unit Development) **St. Dominic Catholic Church Subdivision**, above)

(See Case #SUB2007-00274 (Subdivision) **St. Dominic Catholic Church Subdivision**, for discussion)

Hearing no further opposition or pertinent discuss, a motion was made by Mr. Davitt, with second by Mr. Holmes, to approve the above referenced Planning Approval, subject to the following conditions:

- 1) completion of the subdivision process prior to the issuance of any permits;
- 2) provision of screening of parking as required by Section 64.6.A.3.i of the Zoning Ordinance;
- 3) lighting of parking facilities shall be provided in compliance with Section 64-6.A.3.c of the Zoning Ordinance;
- 4) the approval by Urban Forestry for any work within Phase I (*All work under the canopy of any preserved tree is to be*

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- permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger);*
- 5) provision of sidewalks along all street frontages as illustrated on the site plan submitted;
 - 6) illustration of any necessary dumpster or trash receptacle, with minor revisions to parking and circulation layout to be approved by Planning staff, if necessary;
 - 7) full compliance with landscaping and tree planting requirements;
 - 8) full compliance with all municipal codes and ordinances;
 - 9) there shall be no non-residential use of the house at the Northeast corner of the property until appropriate Planning applications have been submitted and approved; and,
 - 10) submission of a revised site plan reflecting the conditions prior to the issuance of any permit.

The motion carried unanimously.

Case #SUB2007-00279 (Subdivision)
Apostolic Faith Church Subdivision

969 Weinacker Avenue

West side of Weinacker Avenue, 100'+ North of Dublin Street, extending to the North side of Dublin Street, 95'+ East of Weinacker Avenue

Number of Lots / Acres: 1 Lot / 0.4+ Acre

Engineer / Surveyor: Marshall A. McLeod, P.L.S., L.L.C.

Council District 3

(Also see **Case #ZON2007-02695 (Planned Unit Development) Apostolic Faith Church Subdivision**, and, **Case #ZON2007-02696 (Planning Approval) Apostolic Faith Church Subdivision**, below)

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Watkins, to approve the above referenced subdivision, subject to the following conditions:

- 1) placement of a note on the plat stating that the site is limited to the existing curb-cuts onto Weinacker Avenue, and one new curb-cut (replacing the existing curb-cut) onto Dublin Street, with the size, design, and location to be approved by Traffic Engineering and comply with AASHTO standards;
- 2) placement of a note on the plat stating that approval of all applicable Federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any,

- prior to the issuance of any permits or land disturbance activities;
- 3) placement of a note on the plat stating that approval of all applicable Federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities; and,
 - 4) provision of revised PUD and Planning Approval site plans (1 each) to the Planning Section of Urban Development prior to the signing of the final plat.

The motion carried unanimously.

Case #ZON2007-02695 (Planned Unit Development)

Apostolic Faith Church Subdivision

969 Weinacker Avenue

West side of Weinacker Avenue, 100'+ North of Dublin Street, extending to the North side of Dublin Street, 95'+ East of Weinacker Avenue

Planned Unit Development Approval to allow two buildings on a single building site
Council District 3

(Also see **Case #SUB2007-00279 (Subdivision) Apostolic Faith Church Subdivision**, above, and, **Case #ZON2007-02696 (Planning Approval) Apostolic Faith Church Subdivision**, below)

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Watkins, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) revision of the site plan to reflect full compliance with the Zoning Ordinance requirements for perimeter, frontage, and parking trees, for the rear portion of the site that will accommodate the new parking, access, and storage shed;
- 2) revision of the site plan to reduce the proposed three parking spaces depicted South of the proposed storage shed to two spaces (due to inadequate space for three spaces);
- 3) compliance with Traffic Engineering comments (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Access to the site was undeterminable with the site plan provided. Minimum driveway widths of twenty-four feet with a twenty foot radius should be provided. The shown parking is below city standards. Parking spaces should be nine feet wide and eighteen feet long with a twenty-four foot aisle width.*);

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- 4) **compliance with Engineering comments (*If the cumulative impervious area constructed since 1984 is equal to or greater than 4000 square feet, stormwater detention is required. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.*);**
- 5) **provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final plat;**
- 6) **placement of a note on the site plan stating that approval of all applicable Federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities; and,**
- 7) **full compliance with all other municipal codes and ordinances, and the obtaining of the appropriate permits for fences, storage sheds, and land disturbance.**

The motion carried unanimously.

Case #ZON2007-02696 (Planning Approval)

Apostolic Faith Church Subdivision

969 Weinacker Avenue

West side of Weinacker Avenue, 100'+ North of Dublin Street, extending to the North side of Dublin Street, 95'+ East of Weinacker Avenue

Planning Approval to allow the expansion of an existing church in an R-1, Single-Family Residential district, for a storage shed

Council District 3

(Also see **Case #SUB2007-00279 (Subdivision) Apostolic Faith Church Subdivision**, and, **Case #ZON2007-02695 (Planned Unit Development) Apostolic Faith Church Subdivision**, above)

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Watkins, to approve the above referenced Planning Approval, subject to the following conditions:

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- 1) revision of the site plan to reflect full compliance with the Zoning Ordinance requirements for perimeter, frontage, and parking trees, for the rear portion of the site that will accommodate the new parking, access, and storage shed;
- 2) revision of the site plan to reduce the proposed three parking spaces depicted South of the proposed storage shed to two spaces (due to inadequate space for three spaces);
- 3) compliance with Traffic Engineering comments (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Access to the site was undeterminable with the site plan provided. Minimum driveway widths of twenty-four feet with a twenty foot radius should be provided. The shown parking is below city standards. Parking spaces should be nine feet wide and eighteen feet long with a twenty-four foot aisle width.*);
- 4) compliance with Engineering comments (*If the cumulative impervious area constructed since 1984 is equal to or greater than 4000 square feet, stormwater detention is required. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.*);
- 5) provision of a revised Planning Approval site plan to the Planning Section of Urban Development prior to the signing of the final plat;
- 6) placement of a note on the site plan stating that approval of all applicable Federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities; and,
- 7) full compliance with all other municipal codes and ordinances, and the obtaining of the appropriate permits for fences, storage sheds, and land disturbance.

The motion carried unanimously.

Case #SUB2007-00293 (Subdivision)

Omni Office Park Subdivision, Sixth Addition, Re-subdivision of Lot 2, Re-subdivision of Lot 2B

Northeast corner of Hillcrest Road and Omni Park Drive

Number of Lots / Acres: 1 Lot / 1.7+ Acres

Engineer / Surveyor: Frank A. Dagley & Associates, Inc.

Council District 6

(Also see **Case #ZON2007-02725 (Planned Unit Development) Omni Office Park Subdivision, Sixth Addition, Re-subdivision of Lot 2, Re-subdivision of Lot 2B,** below)

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Holmes, with second by Mr. Watkins, to approve the above referenced subdivision, **with that the same conditions placed on the December 2006 approval be placed on this application,** and as follows:

- 1) **placement of a note on the final plat stating that Lot 2B is limited to one curb-cut onto Hillcrest Road, with the size, design, and location to be approved by Traffic Engineering;**
- 2) **placement of a note on the final plat stating that curb-cut number, size, location, and design onto Omni Park Drive to be approved by Traffic Engineering;**
- 3) **provision of a buffer in accordance with section V.A.7 where the site abuts residentially zoned property; and,**
- 4) **compliance with Engineering comments (*Show drainage easement. For development to tie to existing detention pond, confirm the detention pond was intended to accept stormwater from these lots. Verify that the detention pond has the capacity and functionality to accept the stormwater from the lots. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit*).**

The motion carried unanimously.

Case #ZON2007-02725 (Planned Unit Development)

Omni Office Park Subdivision, Sixth Addition, Re-subdivision of Lot 2, Re-subdivision of Lot 2B

Northeast corner of Hillcrest Road and Omni Park Drive

Planned Unit Development Approval to allow two buildings on a single building site

Council District 6

(Also see **Case #SUB2007-00293 (Subdivision) Omni Office Park Subdivision, Sixth Addition, Re-subdivision of Lot 2, Re-subdivision of Lot 2B,** above)

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The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Holmes, with second by Mr. Watkins, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) **approval from City Engineering regarding relocation of drainage structure and easement;**
- 2) **revision of the site plan to eliminate the northernmost driveway to Hillcrest Road in its entirety, and submission of the revised plan prior to any plan review or commencement of any land disturbing activity;**
- 3) **provision of lighting in the parking facility in compliance with 64.6.A.3.c;**
- 4) **correction of tree planting calculations to correspond with actual frontage dimensions;**
- 5) **developer to obtain necessary permits from Mobile Tree Commission prior to removal of any tree(s) located within City of Mobile right-of-way; and,**
- 6) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

EXTENSIONS:

Case #SUB2001-00177 (Subdivision)

Bellingrath Road Country Club Estates Subdivision, Addition to

East terminus of Country Club Boulevard and extending through to the Southwest corner of Old Military Road and Section Line Road

Number of Lots / Acres: 569 Lots / 243.0± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Watkins, to approve the above referenced extension.

The motion carried unanimously.

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Case #SUB2004-00268 (Subdivision)

Timberlane Woods

At the North terminus of Cross Creek Drive and the West terminus of Larchmont Drive and the West terminus of Timberline Ridge Drive

Number of Lots / Acres: 33 Lots / 15.67 ± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc

Council District 6

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Watkins, to approve the above referenced extension but the applicant should take it under advisement that, unless road construction is begun within one year, no further extensions are likely.

The motion carried unanimously.

Case #SUB2004-00272 (Subdivision)

Spring Grove Subdivision, Unit Two

West terminus of Spring Grove South, extending to the North terminus of Summer Crossings and the West terminus of Spring Grove North; and the West side of Dawes Road extending to the North terminus of Spring Grove Court

Number of Lots / Acres: 173 Lots / 36.7± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc
County

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Watkins, to approve the above referenced extension.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2007-00309

Hillport Commercial Subdivision

6401 Airport Boulevard

Southwest corner of Airport Boulevard and Hillcrest Road

Number of Lots / Acres: 1 Lot / 1.7± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 6

Jerry Byrd, Byrd Surveying Inc., spoke on behalf of the developer, and asked for a one

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meeting holdover just to meet with the Planning staff in reference to their recommendations.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Davitt, to hold the matter over until the January 17, 2007, meeting.

The motion carried unanimously.

Case #SUB2007-00310

Bethel Place Subdivision

1825 Snow Road North

West side of Snow Road North, 4/10 mile± South of Whip Poor Will Drive

Number of Lots / Acres: 1 Lot / 1.5± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

Matt Orrell, Polysurveying of Mobile, spoke on behalf of the applicants saying the Dees were present to advise the Commission of their desires for the subdivision.

Francis Dees, owner, said the property was purchased some 27 years prior to have a retirement home. Her first husband, and co-owner of the property, died and she remarried after which she put the property under an LLC in her children's names. The tax assessor has advised her that it would be in her best tax interest to subdivide the property, putting the house and road in one parcel for homestead exemption reasons.

Mr. Orrell added the following:

- A. all of the property, including the house and road, currently show as owned by the LLC, meaning she, individually, can not file homestead on the property, therefore, she and the family members want to divide the house and road away from the 80 acres and deed it to her personally, allowing her to claim the homestead exemption;
- B. they would be agreeable to widening the lot to 40,000 square feet as there is plenty of room to do so with the 80 acres; and,
- C. the area is very rural so the road is actually the driveway for the house.

The Chairman asked if the increase in lot size meant the matter needed to be heldover, but Mr. Olsen said it did not as long as the Commission stipulated the increase in lot size as a condition of approval.

Mr. Watkins expressed his concern over the 10 foot drive on the large track of land listed as "subject to future subdivision". He said he was concerned over the potential problems it would create with a substandard road and wondered what the Commission could do at this point to prevent such.

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Mr. Olsen advised that, if approved, the Commission could add the condition that no lots for development could have access off of the 10 foot drive unless and until it was improved, dedicated, and constructed to county road standards.

In deliberation, Mr. Watkins began his motion to approve the subdivision as Mr. Holmes asked if the increase in lot size could be added, and Mr. Olsen asked if the standard requirements regarding drainage and the environment could be added as conditions. Mr. Watkins agreed to all.

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Mr. Holmes, to approve the above referenced subdivision, subject to the following conditions:

- 1) **placement of a note on the final plat stating that there shall be no additional development on the future development parcel(s) until appropriately subdivided and adequate access constructed and dedicated to County standards is provided;**
- 2) **placement of a note on the plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering; and,**
- 3) **placement of a note on the Final Plat stating that the approval of all applicable federal, state, and local agencies is required prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

Case #SUB2007-00311

Nautical Pointe Subdivision

East side of Dauphin Island Parkway, 770'± North of Dog River

Number of Lots / Acres: 1 Lot / 0.7± Acre

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

Council District 3

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

Mr. Orrell, Polysurveying of Mobile, spoke on behalf of the applicant saying they had

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no problem with the holdover. He also wanted to clarify the boundary dispute between the property owner and the Mobile Yacht Club regarding the 32 foot strip. The piece had been litigated in court several years before and the strip was ceded by court order to the Mobile Yacht Club at that time. The applicant would be happy to provide copies of that court order for the staff.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. Watkins, to hold the matter over **to allow the applicant to submit a revised plat including the remainder of the metes bounds parcel in the subdivision.**

The motion carried unanimously.

Case #SUB2007-00319

R & C Leasing Subdivision

7535 Theodore Dawes Road

West side of Theodore Dawes Road, 140' ± South of the West terminus of Helton Road

Number of Lots / Acres: 1 Lot / 4.7± Acres

Engineer / Surveyor: Lawler and Company

County

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Davitt, to hold the matter over until the February 7, 2008, meeting, to allow the applicant time to submit the following:

- 1) **revised plat accurately illustrating the existing parcels;**
- 2) **revised plat to include the remainder of the parent parcel (of Parcel B) in the subdivision; and,**
- 3) **postage and fees.**

The motion carried unanimously.

Case #SUB2007-00320

Stone Hedge Subdivision, Unit Five, Re-subdivision of Lots 14 and 15

North side of Oakbrook Court at its West terminus

Number of Lots / Acres: 1 Lot / 1.0 ± Acre

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

Mr. Olsen advised the Commission the first condition listed for approval in the report should have been deleted, as this is a previously approved and recorded subdivision. The applicants are simply altering an interior lot line by combining two lots into one, so additional dedication on the cul-de-sac would not necessarily be appropriate at this time.

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Don Coleman, Rester and Coleman Engineers, Inc., spoke on behalf of the applicant and asked if item number 6, (“placement of a note on the plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering”), could be omitted, as these conditions were previously met in the earlier subdivision approval.

Mr. Lawler and Mr. Olsen both stated they felt the requirement should stand, with Mr. Olsen saying that if it were not on this recorded plat, then the purchaser would not know that they had to comply with the requirement.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Watkins, to approve the above referenced re-subdivision, subject to the following conditions:

- 1) placement of a note on the final plat stating that the lot is limited to one curb cut to Oakbrook Court, with the size, design, and location of the curb cut to be approved by Mobile County Engineering and conform to AASHTO standards;**
- 2) depiction of the 25’ minimum building setback line on the final plat, as measured from any required right-of-way dedication;**
- 3) labeling of the lot with its size in square feet, or the provision of a table furnishing the same information;**
- 4) 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;**
- 5) placement of a note on the plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering; and,**
- 6) placement of a note on the Final Plat stating that the approval of all applicable federal, state, and local agencies is required prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

Case #SUB2007-00312

Madison-Law Subdivision

11050 Tanner Williams Road

North side of Tanner Williams Road, 325'± East of Pumping Station Road

Number of Lots / Acres: 2 Lots / 2.0± Acres

Engineer / Surveyor: Wattier Surveying, Inc.

County

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Watkins, with second by Mr. Davitt, to approve the above referenced subdivision, subject to the following conditions:

- 1) **depiction of the minimum building setback line of 45-feet (75-feet from the centerline of Tanner Williams Road);**
- 2) **placement of a note on the final plat stating that each lot is limited to the existing curb cut to Tanner Williams Road, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 3) **placement of a note 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.7. of the Subdivision Regulations; and,**
- 4) **submission of a letter from a licensed engineer certifying compliance with the City of Mobile's stormwater and flood control ordinances to the Mobile County Engineering department and the Planning Section of Mobile Urban Development prior to issuance of any permits.**

The motion carried unanimously.

Case #SUB2007-00314

Highcrest Subdivision, Unit One, Re-subdivision of Lot 63

South side of Yorkwood Road South, 250± West of Brookline Drive West

Number of Lots / Acres: 2 Lots / 1.1 ± Acres

Engineer / Surveyor: Rowe Surveying and Engineering, Inc.

Council District 6

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

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Hearing no opposition or discussion, a motion was made by Mr. Watkins, with second by Mr. Davitt, to approve the above referenced re-subdivision, subject to the following conditions:

- 1) placement of a note on the final plat stating that each lot is limited to one curb cut to Yorkwood Road South, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) the applicant obtain any necessary federal, state, and local environmental approvals prior to the issuance of any permits;
- 3) placement of a note stating that no permanent structure shall be constructed within the right-of-entry nor drainage easements;
- 4) the applicant provide documentation clarifying the right-of-entry prior to signing the final plat; and,
- 5) subject to Engineering comments: *(No fill in AE or x-shaded flood zones without flood study. Check location of drainage easement; it does not match up with riprap shown. Engineering department approval required on drainage easement before final plat is signed. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.)*

The motion carried unanimously.

Case #SUB2007-00321

The Mobile Commerce Park Subdivision, Phase I, The Re-subdivision of Lot 4, Re-subdivision of Lot 3, and Lot 4-B

East side of Commerce Boulevard East, 270' ± South of Todd Acres Road

Number of Lots / Acres: 2 Lots / 8.5 ± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Watkins, with second by Mr. Davitt, to approve the above referenced re-subdivision, subject to the following conditions:

- 1) the placement of a note on the Final Plat stating that Lot 1 is limited to one curb cut, with the location, size, and design to be approved by County Engineering and conform to AASHTO standards;
- 2) the placement of a note on the Final Plat stating that Lot 2 is limited to two curb cuts, with the size, design, and location to be approved by County Engineering and conform to AASHTO standards;
- 3) the labeling of all detention/retention or common areas and the placement of a note on the Final Plat stating that maintenance of any common areas will be property owners' responsibility;
- 4) the placement of a note on the final plat stating that any lots that are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations;
- 5) the placement of a note on the final plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of a letter from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering; and,
- 6) certification via placement of a note on the plat stating that the property owner/developer will comply with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected flora and fauna.

The motion carried unanimously.

Case #SUB2007-00322

Wildlife Preservation LLC Subdivision

10090 McLeod Road

North side of McLeod Road, 640' ± East of Oyler Road

Number of Lots / Acres: 2 Lots / 9.7 ± Acres

Engineer / Surveyor: Lawler and Company

County

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Watkins, with second

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by Mr. Davitt, to approve the above referenced subdivision, subject to the following conditions:

- 1) placement of a note stating that Lot 1 is limited to one curb cut to McCleod Road and Lot 2 is limited to three curb cuts to McCleod Road, with the size, location, and design to be approved by County Engineering and conform to ASSHTO standards;**
- 2) labeling of the lots with their sizes in square feet, or provide a table on the plat with the same information;**
- 3) depiction of the minimum 25' building setback line;**
- 4) placement of a note on the final plat stating that any lots developed commercially and adjoin residentially developed property shall provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and,**
- 5) submission of a letter from a licensed engineer certifying compliance with the City of Mobile's stormwater and flood control ordinances to the Mobile County Engineering department and the Planning Section of Mobile Urban Development prior to issuance of any permits.**

The motion carried unanimously.

Case #SUB2007-00308

Huff Family Division Subdivision

6451 Maurice Poiroux Road

East side of Maurice Poiroux Road, 990' ± South of Leytham Road

Number of Lots / Acres: 3 Lots / 10.0± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

Matt Orrell, Polysurveying of Mobile, spoke on behalf of the applicants, the Huff family who had members present, saying the family simply wanted to build a house on Lot 3, otherwise nothing changed. He stated he knew the application did not meet subdivision standards, however, as it was a family subdivision, the Commission had been known to grant approval in such a case.

Patrick Huff, 6451 Maurice Poiroux Road, told the Commission he and his wife bought the property for their three children. Currently his son wanted to build on the back acre, so he was trying to expedite that, as well as prepare for the time his daughter would wish to do the same.

In deliberation, Mr. Holmes brought up the fact that the lots were flag shaped, however it was noted that with the subdivision being a family subdivision and there being instances in the immediate vicinity of flag shaped lots that should not be an issue with the application.

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Hearing no opposition or further pertinent discussion, a motion was made by Mr. Davitt, with second by Mr. Holmes, to waive Sections V.D.1. and V.D.3. of the Subdivision Regulations, and approve the above referenced subdivision, subject to the following conditions:

- 1) placement of a note on the final plat stating that no future subdivision of Lots 2 and 3 will be allowed unless adequate frontage on a public street is provided;**
- 2) placement of a note on the final plat stating that each lot 1 is limited to two existing curb cuts and Lots 2 and 3 share one curb cut to Maurice Poiroux Road, with the size, location, and design to be approved by Mobile County Engineering and conform to AASHTO standards;**
- 3) labeling of the lots with their sizes in square feet (in addition to acreage), or the provision of a table on the plat with the same information;**
- 4) placement of a note on the final plat stating that any lots developed commercially and adjoin residentially developed property shall provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and,**
- 5) submission of a letter from a licensed engineer certifying compliance with the City of Mobile's stormwater and flood control ordinances to the Mobile County Engineering department and the Planning Section of Mobile Urban Development prior to issuance of any permits.**

The motion carried unanimously.

Case #SUB2007-00315

Abba Temple Subdivision

7701 Hitt Road

Southeast Corner of Schillinger and Hitt Road

Number of Lots / Acres: 4 Lots / 39.3 ± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.
County

Marl Cummings, Cummings and Associates, spoke as the representative for ABBA Temple saying they were in agreement with the recommendations, but did want to point out the following for the Commission's consideration:

- A. the lot being marketed is the Schillinger Road frontage property but they are retaining 125 feet of access to Schillinger Road;
- B. there will be approximately 1000 feet of Hitt Road frontage with only 1 curb cut recommended, which may be a bit confining; and,
- C. requiring that a note be placed on the final plat stating that the

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development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of a letter from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances would seem better suited to when future owners actually develop the plat.

Mr. Olsen advised the Commission that the staff would not have a problem changing the condition to read “prior to the issuance of any permits or the commencement of any land disturbing activities” which would allow for the individual developers of the lots fronting Schillinger Road to comply as they develop the properties.

Lillian Knox, 1231 Cameron Drive, asked for clarification regarding the buffering requirement.

The Chair advised that was a standard statement and any time a commercial lot abuts a residential lot, appropriate buffering between the two sites must be installed by the owners of the commercial property.

Hearing no opposition or further pertinent discussion, a motion was made by Mr. Watkins, with second by Mr. Davitt, to approve the above reference subdivision, subject to the following conditions:

- 1) dedication of sufficient right-of-way to provide 50-feet from the centerline of Schillinger Road;**
- 2) the placement of a note on the Final Plat stating that Lot 1 is limited to one curb-cut to Hitt Road, to be located near the East property line and one curb cut to Schillinger Road located on the South property line and shared by Lot 2;**
- 3) the placement of a note on the Final Plat stating that Lot 2 is limited to the shared curb cut with Lot 1 and one curb-cut approximately 75-feet North of the South property line;**
- 4) the placement of a note on the Final Plat stating that the number, size, location, and design of curb cuts from Lot 3 to Hitt Road require approval by City of Mobile Traffic Engineering and must conform to AASHTO standards, and that Lot 3 is limited to one curb cut to Schillinger Road, located in the middle of the Schillinger Road frontage, exact location and design of curb cuts from Lot 3 to Hitt Road require approval by Mobile County Engineering and must conform to AASHTO standards;**
- 5) the placement of a note on the Final Plat stating that Lot 4 is limited to two curb-cuts to Schillinger Road, one located approximately 75-feet South of the North property line and the**

- other is the existing curb cut;
- 6) the placement of a note on the Final Plat stating that all curb cuts to Hitt Road require Traffic Engineering approval and conform to AASHTO standards and all curb cuts to Schillinger Road require County Engineering approval and conform to AASHTO standards;
 - 7) certification via placement of a note on the plat stating that the property owner/developer will comply with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected flora and fauna;
 - 8) the placement of a note on the final plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of a letter from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits or the commencement of any land disturbing activities. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;
 - 9) revision of the plat to label the lot with its size in square feet, or placement of a table on the plat with the same information;
 - 10) the 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,
 - 11) the depiction of the 25-foot minimum building setback line on the entire subdivision on the Final Plat.

The motion carried unanimously.

Case #SUB2007-00316

Alabaster Subdivision

North side of Howells Ferry Road, ¼ mile ± East of the North terminus of Havens Road

Number of Lots / Acres: 9 Lots / 11.5 ± Acres

Engineer / Surveyor: Speaks & Associates Consulting Engineers, Inc.

County

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Davitt, to hold the matter over until the February 7, 2008, meeting, with revisions due by January 7, 2008, to allow the applicant time to submit the following:

- 1) revision of the preliminary plat illustrating a street stub to the North to allow access to the undeveloped parcel;
- 2) the dedication of sufficient right-of-way to provide 50-feet from the centerline of Howell's Ferry Road;
- 3) the placement of a note on the Final Plat stating that Lot 1 is denied direct access to Howell's Ferry Road;
- 4) the placement of a note on the Final Plat stating that Lots 1-4 are denied direct access to the future Major Street;
- 5) placement of a note on the final plat stating that any lots developed commercially and adjoin residentially developed property must contain provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and,
- 6) submission of a letter from a licensed engineer certifying compliance with the City of Mobile's stormwater and flood control ordinances to the Mobile County Engineering department and the Planning Section of Mobile Urban Development prior to issuance of any permits.

The motion carried unanimously.

Case #SUB2007-00318

Harmony Ridge Subdivision, Unit 4

East terminus of Harmony Ridge Circle South, extending to the East terminus of Harmony Ridge Circle North

Number of Lots / Acres: 20 Lots / 9.4 ± Acres

Engineer / Surveyor: Speaks & Associates Consulting Engineers, Inc.
County

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Holmes, with second by Mr. Davitt, to approve the above referenced subdivision, subject to the following conditions:

- 1) placement of a note stating that all lots will be limited to one curb cut to Harmony Ridge Circle East;
- 2) placement of note stating that Lot 20 is denied direct access to Nursery Road;
- 3) placement of a note stating that maintenance of all common areas is the responsibility of the property owners of Harmony Subdivision;
- 4) labeling of the lots with their sizes in square feet, or provide a table on the plat with the same information;
- 5) placement of a note on the final plat stating that any lots

- developed commercially and adjoin residentially developed property shall provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and,
- 6) submission of a letter from a licensed engineer certifying compliance with the City of Mobile's stormwater and flood control ordinances to the Mobile County Engineering department and the Planning Section of Mobile Urban Development prior to issuance of any permits.

The motion carried unanimously.

Case #SUB2007-00317

Creekwood Subdivision, Unit III

South terminus of Ridgeline Drive

Number of Lots / Acres: 26 Lots / 36.0 ± Acres

Engineer / Surveyor: Rester and Colman Engineers, Inc.

County

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Davitt, to hold the matter over until the February 7, 2008, meeting, with revisions due by January 18, 2008, to allow the applicant time to submit the following:

- 1) revision of the plat and legal description to remove Parcel #R023303062000003.001, which is a part of the approved Cypress Cove Subdivision;
- 2) revision of the cu-de-sac at the South terminus of Ridgeline Drive to be 140' diameter as per the 2003 International Fire Code Standards;
- 3) revision of the plat to include a turnaround at the South terminus of the street stub off the East side of Ridgeline Drive, to be approved by Mobile Fire-Rescue Department;
- 4) revision of the plat to afford street access to the two land-locked parcels (R023303061000004 and R023303061000004.01) on the East side of the area proposed to be developed;
- 5) provision of access from Ridgeline Drive to the "common area" South of the area proposed to be developed;
- 6) placement of a note on the plat stating that approval of all applicable federal, state, and local agencies is required prior to the issuance of any permits or land disturbance activities;
- 7) provision of a flood study, if deemed appropriate for compliance with FEMA regulations;
- 8) placement of a note on the plat stating that approval of all applicable Federal, state, and local agencies is required for

- endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;
- 9) provision of a certification letter from a licensed engineer to the Planning Section of Urban Development, certifying that stormwater detention, drainage facilities, and release rate comply with the City of Mobile stormwater and flood control ordinances, prior to the signing and recording of the final plat;
 - 10) labeling of all common areas, including any detention basins, and placement of a note on the final plat stating that maintenance of the common areas is the responsibility of the subdivision's property owners;
 - 11) depiction of the 25' minimum building setback line;
 - 12) labeling of each lot with its size in square feet, or the provision of a table depicting the same information;
 - 13) verification that sufficient build-able area shall be provided for each lot (particularly lots 18 through 22); and,
 - 14) 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.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2007-02848

Global Tel Link

2607 and 2609 Cameron Street, and 51, 53, and 55 Alexander Street
South side of Cameron Street 150' ± West of Alexander Street, extending to the West side of Alexander Street 100' ± South of Cameron Street
Planned Unit Development Approval to allow multiple buildings on multiple building sites with shared access and parking between building sites.
Council District 1

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Noel Nelson, 164 St. Francis Street, Mobile, spoke as attorney for Paul Wimpee, owner of the east half of 55 Alexander Street, which fronts Alexander Street. He made the following points in opposition:

- A. concern over the use of substandard materials (i.e. limestone aggregate) for the parking area, which may cause issues of noise pollution, dust, run-off, and things of that nature;
- B. concern that the amended application effectively "carves" his

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- property out of the Planned Unit Development, causing more of a decrease in property value than simply having it abut commercial property;
- C. the property has been the subject of multiple applications over the past 15 years, several of which expired for lack of activity, which has caused his client concern that the applicants may yet again not follow through with their intentions;
 - D. in 2002, the City Council, rejecting the recommendations of the Planning Commission, rezoned the street B-2, which virtually left his client's residential property surrounded by business developments;
 - E. the applicant has not constructed a landscaped berm the length of Alexander Street, screen planted in areas that abut residences, or removed curb cuts all along Alexander Street some 5 and a half years after those conditions were placed upon the application's approval;
 - F. Mr. Wimpee would like to see the applicant re-apply for zoning approval from R-1 to B-2 as he feels that after 5 and a half years of no activity that the approved zoning should have, by its own terms, expired; and,
 - G. Mr. Wimpee would like to see that the currently pending PUD be revised in some fashion so that the two residences located on Alexander Street not be isolated residential properties.

Mr. Olsen stated his recollection with regards to these points was as follows:

- A. the only property on which the actual berm and screen conditions were applied was the corner property because it came in later;
- B. the City Council deleted all of the staff recommended conditions and the actual adopted amendment only stated denial of access to Alexander Street as a condition, if any; and,
- C. all of that area, including Mr. Wimpee's property, had been rezoned B-2, meaning buffers were not necessary.

Mr. Nelson argued that the buffer would still need to be in place as his client's property was occupied residentially, regardless of the zoning, and the applicant had not put in place appropriate buffers to date.

Mr. Olsen advised the Commission that Mr. Nelson was correct; that buffers could be required between residential and commercial properties, regardless of the zoning, if one of the properties was residentially occupied. He also advised that the applicant had to apply to the Board of Zoning Adjustment for a variance from the parking surface requirement; the Commission did not have the right or authority to waive that requirement.

Mr. Nelson expressed his client's concern that as there were no conditions imposed in

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the original zoning approval and there remained no buffering between the residence and the property to the rear at the current time, would the new approval require some buffering to be placed in that location.

Mr. Olsen advised no.

Mr. Nelson stated he understood the applicant wanted to agree to buffer the new parking area to the immediate south of the property, but would not be required to do anything with respect to buffering previously waived by the City Council in 2002.

Mr. Lawler commented that as the Commission did not have an application with regard to the other property in question it could not really address those concerns.

Mr. Olsen said that technically the PUD allows for the crossing of all the lot lines.

Mr. Plauche asked if the Commission could recommend the extra buffering in this case, even though it is off-site.

Mr. Olsen advised that it was his belief that it could be done as the parking is associated with an adjacent use and it crosses the existing parking, so the Commission could require that the existing parking be buffered.

Frank Dagley, Frank A. Dagley & Associates, 717 Executive Park Drive, responded on behalf of the applicant, making the following points:

- A. while they do not object to the extra buffering, they are not sure if it is feasible or even possible due to trees, structures, etc., in the area; and,
- B. the limestone aggregate is a temporary solution; they have until 2010 to remove it, and put in permanent parking or restore it to its natural state.

Mr. Olsen stated that in looking at a combination of site plans that show the proposed and existing facilities, he was not sure there would be any kind of impediment to a privacy fence along the parking lot.

Mr. Dagley responded that because neither he nor Mr. Olsen knew for certain that buffering would be possible, he preferred not being bound by that condition before the Planning Commission and asked if that decision could be deferred to the Board of Zoning Adjustment.

Mr. Holmes, after noting all of this, asked if this application might need to be heldover, with Mr. Watkins in agreement.

In deliberation, Mr. Davitt asked if the parking surface could be dictated by the Commission.

Mr. Olsen advised that the zoning ordinance itself had three different surfaces as

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choices, but an applicant could go before the Board of Zoning Adjustment to seek a variance from those surfaces; however, if the Commission dictated that it had to be one of those surfaces, that would negate the possibility for the variance altogether.

Hearing no opposition or further pertinent discussion, a motion was made by Mr. Davitt, with second by Mr. Holmes, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) **installation of an approved parking surface as defined by the Zoning Ordinance;**
- 2) **compliance with City Engineering comments: *(Provide maintenance plan on how limestone surfacing will be prevented from entering City storm sewer system and how to prevent clogging the detention system. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit);***
- 3) **provision of wheel stops in compliance with 64.6.a.3.b;**
- 4) **provision of lighting in compliance with 64.6.a.3.c, and lighting to be designed such that it does not shine directly onto residentially zoned or occupied properties;**
- 5) **provision of buffering where the overall site abuts residentially occupied properties (including residentially occupied properties adjacent to existing parking facilities) and along the Alexander Street frontage, in compliance with 64.6.A.3.i;**
- 6) **coordination with Urban Forestry to ensure that adequate protection is given to the 80' oak tree located on the site;**
- 7) **denial of access to Alexander Street; and,**
- 8) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #ZON2007-02809 (Sidewalk Waiver)

Moffett Road Assembly of God

6159 Moffett Road

South side of Moffett Road, ¾ mile± West of Powell Drive

Request to waive construction of a sidewalk along Moffett Road
Council District 7

(Also see **Case #ZON2007-02808 (Planned Unit Development) Moffett Road Assembly of God**, and **Case #ZON2007-02807 (Planning Approval) Moffett Road Assembly of God**, below)

Vince LaCoste, Polysurveying of Mobile, spoke on behalf of the applicant saying they were in agreement with all of the conditions in the PUD and the Planning Approval, but wished the Commission would consider approving the sidewalk waiver rather than hold it over. He added there was no need for the holdover as he could provide the additional information on the cross section, which does show that the sidewalk can be physically built, however, the request for the waiver is based upon safety issues.

Jerry Jenkins, pastor of Moffett Road Assembly of God, stated the sidewalk currently goes no where and there is really no one who would access it. The main concern is for the church's daycare and the amount of traffic on Moffett Road, as the church does not want anything that might draw children in the direction of the road and the sidewalk might function as a magnet, doing just that.

In deliberation, Mr. Watkins asked if there was an existing sidewalk along Moffett Road.

Mr. Olsen respond there were no sidewalks in this particular area.

Mr. Watkins said he felt that as there was no other sidewalk along this very busy 4-lane highway, there was no purpose in making the church installs this portion.

Jennifer White, the city's Traffic Engineering representative, stated that these are the very places sidewalks are needed, along busy, 4-lane highways, because it delineates the walking area and keeps people from just crossing over the highway at any juncture.

Mr. Watkins asked who would be using this particular sidewalk.

Ms. White said at this point probably no one, but the sidewalk would be there to "tie into" when others were built.

Mr. Olsen added that in the Magnolia Grove subdivision there were sidewalks and that when the vacant properties to the east were brought in for development, they would be required to have sidewalks. However, he said, if this was waived, it set the precedent of not installing sidewalks in the area.

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Mr. Davitt stated his thoughts that if they needed to do something later on, the Commission could re-visit the matter.

Mr. Olsen advised that once the waiver was granted, the Commission could not rescind it at a later date.

Mr. Hoffman also added that though it may appear that no one is walking in this area or where other sidewalk waivers have been granted, it might come as a surprise to the Commission the number of people who have no choice but to walk in these areas.

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Mr. Davitt, to approve the above referenced sidewalk waiver.

In a call of hands vote, Mr. Watkins, Ms. Butler, and Mr. Davitt voted in favor of the motion and Dr. Rivizzigno and Mr. Holmes voted against the motion.

The motion carried 3 to 2.

Case #ZON2007-02808 (Planned Unit Development)

Moffett Road Assembly of God

6159 Moffett Road

South side of Moffett Road, ¾ mile± West of Powell Drive

Planned Unit Development Approval to allow multiple buildings on a single building site

Council District 7

(Also see **Case #ZON2007-02809 (Sidewalk Waiver) Moffett Road Assembly of God**, above, and, **Case #ZON2007-02807 (Planning Approval) Moffett Road Assembly of God**, below)

(See **Case #ZON2007-02809 (Sidewalk Waiver) Moffett Road Assembly of God**, above for discussion)

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Holmes, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) **the construction be limited to the submitted and approved site plan;**
- 2) **revision of the site plan to depict the buffer requirements of the Ordinance where the site abuts residential uses of the site;**
- 3) **revision of the site plan to depict sidewalks along Moffett Road (unless waiver is approved);**
- 4) **revision of the site plan to depict any dumpster storage facility, in compliance with Section 64-4.D.9. of the Zoning Ordinance;**
- 5) **placement of a note on the site plan stating that on-site lighting must fully comply with Sections 64-4.A.2. and 64-6.A.3.c. of the**

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Zoning Ordinance;

- 6) provision of a revised site plan to the Planning Section of Urban Development prior to the issuance of any permits; and,
- 7) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2007-02807 (Planning Approval)

Moffett Road Assembly of God

6159 Moffett Road

South side of Moffett Road, ¾ mile± West of Powell Drive

Planning Approval to allow the expansion of an existing church in an R-1, Single-Family Residential District, to include a maintenance storage/workshop building and additional parking

Council District 7

(Also see Case #ZON2007-02809 (Sidewalk Waiver) Moffett Road Assembly of God, and, Case #ZON2007-02808 (Planned Unit Development) Moffett Road Assembly of God, above)

(See Case #ZON2007-02809 (Sidewalk Waiver) Moffett Road Assembly of God, above for discussion)

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Holmes, to approve the above referenced Planning Approval, subject to the following conditions:

- 1) the construction be limited to the submitted and approved site plan;
- 2) revision of the site plan to depict the buffer requirements of the Ordinance where the site abuts residential uses of the site;
- 3) revision of the site plan to depict sidewalks along Moffett Road (unless waiver is approved);
- 4) revision of the site plan to depict any dumpster storage facility, in compliance with Section 64-4.D.9. of the Zoning Ordinance;
- 5) placement of a note on the site plan stating that on-site lighting must fully comply with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;
- 6) provision of a revised site plan to the Planning Section of Urban Development prior to the issuance of any permits; and,
- 7) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2007-00313

Bradford Place Townhomes, Re-subdivision of, Re-subdivision of

East side of West Drive at the East terminus of Northwoods Court, extending to the West side of Center Drive

Number of Lots / Acres: 40 Lots / 3.9± Acres

Engineer / Surveyor: M. Don Williams Engineering

Council District: 5

(Also see **Case #ZON2007-02843 (Planned Unit Development) Bradford Place Townhomes, Re-subdivision of, Re-subdivision of,** below)

Don Williams, Williams Engineering, spoke on behalf of the applicant making the following points:

- A. the gate in question was installed without approval at the 16 feet noted in the staff report, but the applicant has gone before the Board of Zoning Adjustment and gotten approval on this;
- B. the gate is an “in and out” gate, with the “in” gate being the issue, since with the “out” gate, car stacking can take place on the property and not effect over all traffic in the area; and,
- C. currently the gate is 16 feet from the right-of-way, which is 22 feet from the curb line. If the extra 2 feet is added, it will push the parallel parking further back on the property, taking more from the front yard of the property owner at the first corner, who currently has difficulty making the “in” turn into his driveway.

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Mr. Davitt, to approve the above referenced re-subdivision, subject to the following conditions:

- 1) the placement of a note on the final plat stating that the gate is to remain operational at all times, and is not to be left in an open position; and,**
- 2) compliance with Section VIII.E.2 of the Subdivision Regulations.**

In a call of hands vote, Mr. Watkins, Ms. Butler, and Mr. Davitt voted in favor of the motion and Dr. Rivizzigno and Mr. Holmes voted against the motion.

The motion carried 3 to 2.

Case #ZON2007-02843 (Planned Unit Development)
Bradford Place Townhomes, Re-subdivision of, Re-subdivision of

East side of West Drive at the East terminus of Northwoods Court, extending to the West side of Center Drive.

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow a gated private street single-family residential subdivision with a 6' high wood fence and brick wall within the front 25' minimum building setback line.

Council District 5

(Also see **Case #SUB2007-00313**

Bradford Place Townhomes, Re-subdivision of, Re-subdivision of, above)

(See **Case #SUB2007-00313 Bradford Place Townhomes, Re-subdivision of, Re-subdivision of**, above for discussion)

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Mr. Davitt, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) **the placement of a note on the final PUD drawing stating that the gate is to remain operational at all times, and is not to be left in an open position; and,**
- 2) **submission of a revised PUD drawing.**

In a call of hands vote, Mr. Watkins, Ms. Butler, and Mr. Davitt voted in favor of the motion and Dr. Rivizzigno and Mr. Holmes voted against the motion.

The motion carried 3 to 2.

OTHER BUSINESS:

Hearing no further business the meeting was adjourned.

APPROVED: April 16, 2009

William G. DeMouy, Jr., Secretary

Terry Plauche, Chairman.

jsl