

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF JANUARY 17, 2008 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
James Watkins, III
William DeMouy, Secretary
Debra Butler
Nicholas Holmes, III
Victoria L. Rivizzigno
Roosevelt Turner
John Vallas

Members Absent

Clinton Johnson
Steven Davitt
Mead Miller

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 Lawler,
Assistant City Attorney
John Forrester,
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 #ZON2007-02563 (Rezoning)

Charles C. Weems, Jr.

64 Tacon Street

East side of Tacon Street, 250' ± North of Cameron Street

Rezoning from R-1, Single-Family Residential, to B-1, Buffer Business, to allow a contractor's office

Council District 1

The application was withdrawn by means of a letter from the applicant.

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Case #SUB2007-00286 (Subdivision)

Briar Grove Subdivision

West side of Jeff Hamilton Road, 850'+ South of Repoll Road

Number of Lots / Acres: 271 Lots / 84.4+ Acres

Engineer / Surveyor: Engineering Development Services, LLC

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 Dr. Rivizzigno, to hold the matter over until the February 7, 2008, meeting for the following reasons:

- 1) **the approval by the Planning Commission of a Traffic Impact Study for Briar Grove Subdivision;**
- 2) **dedication of sufficient right-of-way to provide 50-feet from the centerline of Jeff Hamilton Road;**
- 3) **the approval of all applicable federal, state, and local agencies for wetlands prior to the issuance of any permits or land disturbance activities;**
- 4) **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;**
- 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 signing of the final plat. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;**
- 6) **the placement of a note on the Final Plat stating that Lots 1-10, 70-75, 157, 158, 239, and 260-271 are denied direct access to Jeff Hamilton Road and allowed one curb cut to the new street, with the size, design, and location to be approved by Mobile County Engineering Department;**
- 7) **the placement of a note on the Final Plat stating that Lots 11, 21, 39, 40, 57, 76, 89, 94, 108, 109, 124, 125, 139, 140, 156, 182, 183, 200, 201, 217, 250, and 271 are corner lots therefore, a note should be placed on the Final Plat limiting each lot to one**

- curb cut each, with the size, design, and location to be approved by County Engineering;
- 8) 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;
 - 9) 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,
 - 10) placement of a note on the plat stating that maintenance of the detention and common areas is the responsibility of the subdivision's property owners.

The motion carried unanimously.

Case #ZON2007-02383 (Planned Unit Development)

Orchard Baptist Church Subdivision

6960 Overlook Road

Southeast corner of Overlook Road and Howells Ferry Road

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

Council District 7

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. Turner, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) any future improvements to the site(s) will require a new PUD application;
- 2) future improvements will necessitate compliance with conditions placed on the rezoning and subdivision; and,
- 3) future improvements to property on the North side of Overlook will also necessitate a subdivision application to incorporate all parcels into one legal lot of record (and dependent upon when the parcels were established, may also require inclusion of the remainder of the parcel(s)).

The motion carried unanimously.

Case #ZON2007-02734 (Sidewalk Waiver)

David Hickman

1360 Conception Street Road

North side of Conception Street Road at Three Mile Creek

Request to waive construction of a sidewalk along Conception Street Road

Council District 2

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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. Davitt, with second by Mr. Turner, to deny the above referenced sidewalk waiver.

The motion carried unanimously.

Case #SUB2007-00304 (Subdivision)

Perch Creek Preserve Subdivision

North side of Winston Road, 1100'+ West of Dauphin Island Parkway, extending West and South to Perch Creek

Number of Lots / Acres: 116 Lots / 85.1+ Acres

Engineer / Surveyor: Engineering Development Services, LLC

Council District 4

(Also see **Case #ZON2007-02787 (Planned Unit Development) Perch Creek Preserve Subdivision**, below)

David Diehl, Engineering Development Services, Inc., gave the following points and requested the matter be heldover:

- A. at the last meeting, the staff had requested a traffic study or written confirmation from the city's Traffic Engineering Department that one was not necessary, and that letter has been given to staff;
- B. at the last meeting, the staff requested a flood study or written confirmation from the city's Engineering Department that one was not necessary. They are still working with City Engineering in that regard; and,
- C. they have had to revise the site plan to meet the city's Fire requirements. That plan has been turned in; however, the staff has not had time to review it.

Hearing no opposition and no further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over at the applicant's request, to the February 21, 2008, meeting.

The motion carried unanimously.

Case #ZON2007-02787 (Planned Unit Development)
Perch Creek Preserve Subdivision

North side of Winston Road, 1100'+ West of Dauphin Island Parkway, extending West and South to Perch Creek

Planned Unit Development Approval to allow a gated, 18'-wide, aggregate- surfaced private street single-family residential subdivision with reduced lot widths and sizes, reduced front and side setbacks, and increased site coverage of 50% Council District 4

(Also see **Case #SUB2007-00304 (Subdivision) Perch Creek Preserve Subdivision**, above)

(See **Case #SUB2007-00304 (Subdivision) Perch Creek Preserve Subdivision** above for discussion)

Hearing no opposition and no further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over at the applicant's request, to the February 21, 2008, meeting.

The motion carried unanimously.

Case #SUB2007-00309 (Subdivision)
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

Mr. Vallas recused himself from discussion and voting on the matter.

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. Turner, with second by Mr. Holmes, to approve the above reference 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 Airport Boulevard and one right-in-right-out curb cut to Hillcrest Road, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **labeling of the lot with its size in square feet, or the provision of a table on the plat with the same information; and,**
- 3) **subject to Engineering comments: *(Due to undersized downstream storm drainage system, any increase in impervious area will require 100-year detention. 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.

EXTENSIONS:

Case #SUB2007-00020 (Subdivision)

Emerald Oaks Subdivision

West side of Demetropolis Road, 400'± North of Brookfield Drive North
Number of Lots / Acres: 31 Lots / 12.5± Acres
Engineer / Surveyor: Driven Engineering, Inc.
Council District 4

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 Dr. Rivizzigno, to approve the requested extension for the above referenced subdivision.

The motion carried unanimously.

Case #SUB2006-00223 (Subdivision)

Livingstone Lane Subdivision

South side of Jeff Hamilton Road, 440'± West of McFarland Road, extending to the West side of McFarland Road, 930'± South of Jeff Hamilton Road
Number of Lots / Acres: 39 Lots / 12.2± Acres
Engineer / Surveyor: Byrd 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. Plauche, with second by Dr. Rivizzigno, to approve the requested extension for the above referenced subdivision.

The motion carried unanimously.

Case #SUB2006-00316 (Subdivision)

Woodland Glen Subdivision

East side of Schillinger Road South, 815' ± North of Meadows Boulevard, extending to the North termini of Meadow Heights Drive, Meadow Drive North, Meadow Dale Drive, Meadow Green Drive, and Meadow Run Drive

Number of Lots / Acres: 198 Lots / 86.3± 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 Dr. Rivizzigno, to approve the requested extension for the above referenced subdivision.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2007-00324

Tower Park Subdivision

2350 Schillinger Road South

West side of Schillinger Road South, 675' ± North of Cottage Hill Road

Number of Lots / Acres: 2 Lots / 4.7± Acres

Engineer / Surveyor: Hutchison, Moore, & Rauch LLC

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 Dr. Rivizzigno, with second by Mr. Holmes, to waive Sections V.D.1. and V.D.3. of the Subdivision Regulations, and approve the above reference 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 Schillinger Road South, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 2) **revision of the minimum building setback line on Lot 2 to provide a 25' setback from where the "pole" meets the "flag" portion of the lot;**
- 3) **removal of the extra lot line from where the "pole" meets the "flag" portion of Lot 2;**
- 4) **placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or**

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- otherwise protected species;
- 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 #SUB2007-00327

Moore Place Subdivision

9451 Cottage Hill Road

South side of Cottage Hill Road, 140' ± East of Burlington Drive East, extending to the East terminus of Whittemore Drive

Number of Lots / Acres: 2 Lots / 16.3± Acres

Engineer / Surveyor: Byrd 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 Dr. Rivizzigno, with second by Mr. Holmes, to approve the above reference subdivision, subject to the following conditions:

- 1) revision of the plat to depict the dedication of sufficient right-of-way to provide 50' from the centerline of Cottage Hill Road;
- 2) placement of a note stating that no future re-subdivision of Lot 2 will be allowed until additional frontage on a public street, or an acceptable cul-de-sac, is provided
- 3) placement of a note on the final plat stating that Lot 1 is limited to three curb cuts to Cottage Hill Road, and Lot 2 is limited to one curb cut to Whittemore Drive, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;
- 4) provision of the minimum 25' building setback lines along Cottage Hill Road and Whittemore Drive;
- 5) labeling of the lots with their sizes in square feet, or the provision of a table on the plat with the same information;
- 6) revision of the legal description regarding the Point of Commencement to read, "*commencing at the northeast corner of the southeast quarter of the southeast quarter,*" prior to

- signing the final plat;
- 7) the applicant obtain the approval of all applicable federal, state, and local environmental agencies prior to the issuance of any permits;
 - 8) placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;
 - 9) 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,
 - 10) 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 #SUB2007-00331

Mainstay Suites Subdivision

Southwest corner of Springdale Boulevard and Emogene Street

Number of Lots / Acres: 2 Lots / 5.2± Acres

Engineer / Surveyor: Clark, Geer, Latham & Associates, Inc.

Council District 5

Mr. Vallas recused himself from discussion and voting on this matter.

Thomas E. Latham, 51 Oakland Avenue, of Clark, Geer and Latham Associates, spoke on behalf of the prospective owner of Lot 2, Dan Couture of Baltimore, Maryland, who is proposing to build a hotel there. He said conceptual site plans showing the internal circulation for the proposed hotel had been given to the Commission members for their review. In as much, he was requesting 2 curb cuts from the property onto Springdale Boulevard so that potential guests, most coming from out of town, would have a second opportunity to access the property without having to use Bel Air Mall or the next intersection to turn around and return to the property.

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

- 1) **compliance with Engineering comments** *(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.);*
- 2) placement of a note on the plat stating that Lot 1 is limited to one (1) curb-cut onto Springdale Boulevard and one (1) curb-cut onto Emogene Street (as far West of the intersection as possible), that Lot 2 is limited to two (2) curb-cuts onto Springdale Boulevard, and that the size, design, and location of all curb-cuts are to be approved by Traffic Engineering and conform to AASHTO standards;
 - 3) depiction and labeling of the 25-foot minimum building setback line, as required by Section V.D.9.;
 - 4) placement of a note on the plat stating that approval of all applicable Federal, state, and local agencies is required for wetland issues, if any, prior to the issuance of any permits or land disturbance activities;
 - 5) 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;
 - 6) recommendation that sidewalks along Springdale Boulevard be provided as the lots are developed, *if possible*, even though the requirement has been waived by previous approvals; and,
 - 7) the labeling of the lots with their size in square feet.

The motion carried unanimously.

Case #SUB2007-00332

Schillinger-Water Tower Subdivision

North side of Cottage Hill Road, 480'± West of Schillinger Road, extending to the West side of Schillinger Road South, 350'± North of Cottage Hill Road

Number of Lots / Acres: 2 Lots / 8.9± Acres

Engineer / Surveyor: Clark, Geer, Latham & Associates, Inc.

County

Thomas E. Latham, 51 Oakland Avenue, of Clark, Geer and Latham Associates, spoke on behalf of the applicant saying they would like the curb cut to be shown or required to be in the 30 feet egress easement located on Lot 1 on Schillinger Road next to the water tower, as the plat actually dedicates that area as an ingress/egress easement.

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

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second by Dr. Rivizzigno, to approve the above referenced subdivision, subject to the following conditions:

- 1) the dedication of adequate right-of-way to provide 50-feet from the centerlines of Schillinger Road and Cottage Hill Road;
- 2) the placement of a note on the final plat stating that Lot 1 is limited to one curb cut to Schillinger Road, to be located on the North side of the lot in the 30' easement shown on the plat submitted, with the size, design, and location to approved by County Engineering and conform to AASHTO standards;
- 3) the placement of a note on the final plat stating that Lot 2 is limited to one curb cut to Cottage Hill Road, with the size, design, and location to be approved by County Engineering and conform to AASHTO standards;
- 4) placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;
- 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;
- 6) the placement of a note on the final plat stating that any property that is developed commercially and adjoins residentially developed property shall provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;
- 7) labeling of each lot with its size in square feet; and,
- 8) the placement of the 25-foot minimum building setback lines on the final plat.

The motion carried unanimously.

Case #SUB2007-00333

Myers at Cody Subdivision

1420 Cody Road South

Southwest corner of Cody Road South and Grelot Road

Number of Lots / Acres: 2 Lots / 2.1± Acres

Engineer / Surveyor: Clark, Geer, Latham & Associates, Inc.
County

Thomas E. Latham, 51 Oakland Avenue, of Clark, Geer and Latham Associates, spoke on behalf of the applicant wanting to go on record with the following:

- A. that the site plan, as depicted on the GIS maps, shows the car wash on Lot 2, which is not correct. It is actually south of the car wash,

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- so that it is part of the convenience store; and,
B. the line that depicts the City of Mobile city limits is actually Cody Road and does not dissect part of the lot.

Mr. Olsen commented that Mr. Latham was correct and reminded the Commission that with regards to building locations, the staff relied upon digitized aerial photos, and that some times those were incorrect, however, this should not be considered an issue but simply mapping errors in the system.

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

- 1) **the dedication of adequate right-of-way to provide 50-feet from the centerlines of Cody Road South and Grelot Road, and revision of the 25-foot minimum building setback line to reflect dedication;**
- 2) **the placement of a note on the final plat stating that Lot 1 is limited to the existing curb cuts to Cody Road South and Grelot Road;**
- 3) **the placement of a note on the final plat stating that Lot 2 is limited to one curb cut to Cody Road South, with the size, design, and location to be approved by County Engineering and conform to AASHTO standards;**
- 4) **the dedication of appropriate radius at the intersection of Cody Road South and Grelot Road;**
- 5) **placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;**
- 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;**
- 7) **labeling of each lot with its size in square feet; and,**
- 8) **the placement of a note on the final plat stating that any property that is developed commercially and adjoins residentially developed property shall provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.**

The motion carried unanimously.

Case #SUB2007-00338

Winford Oaks Subdivision, Re-subdivision of Lot 1A

West side of Dawes Lake Road East, 355'± South of Dawes Trace Lane, extending to the South terminus of Red Oak Circle

Number of Lots / Acres: 2 Lots / 7.5± 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 further discussion, a motion was made by Mr. Turner, with second by Mr. DeMouy, to approve the above reference re-subdivision, subject to the following conditions:

- 1) **placement of a note on the final plat stating that no future re-subdivision of Lot 2 will be allowed unless additional frontage on a public street is provided;**
- 2) **placement of a note on the final plat stating that Lot 1 is limited to one curb cut to Dawes Lake Road, and Lot 2 is limited to one curb cut to Red Oak Circle, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 3) **the applicant receive the approval of all applicable federal, state, and local environmental agencies prior to the issuance of any permits;**
- 4) **placement of a note on the final plat stating that no construction will be allowed within the 100' utility easement;**
- 5) **placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;**
- 6) **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,**
- 7) **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 #SUB2007-00342

AHEPA IX Subdivision, Re-subdivision of the Re-subdivision of Lot 1

North side of Old Pascagoula Road, ¼ mile± West of Theodore-Dawes Road

Number of Lots / Acres: 2 Lots / 7.0± Acres

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

County

Richard Jay, Speaks and Associates, spoke on behalf the applicant saying they were in agreement with all the recommendations except number 2. He made the following points in opposition to being required to construct a street stub to Garden Grove Drive:

- A. AHEPA is trying to build a duplicate building to the one that is currently on the site;
- B. the project is funded by HUD which requires a separate parcel of land when building a new building, which is the reason for this subdivision; and,
- C. AHEPA only wants to build the new apartment building, connect the drives and existing parking areas, and continue to use the ingress/egress point on Old Pascagoula Road and not be tied to Garden Grove Drive.

Mr. Olsen advised that at the time of submittal no documentation regarding the aforementioned information was provided, and in as much, the planner who wrote the report for the application was not aware of this and could not factor it into their response. However, he added, the staff would have no problem changing recommendation number two as follows:

- A. a note be placed on the final plat stating the purpose of the subdivision is for the HUD mortgage purposes/financing only and the development on Lot 2 is to be in conjunction with and accessed through Lot 1; and,
- B. placement of a note on the final plat stating that Lot 2 is denied access to the street stub to the north until it is constructed to the appropriate standard and accepted for maintenance.

Mr. Watkins asked if the staff would also be looking for some sort of recorded document regarding easement between Lots 1 and 2.

Mr. Olsen stated that a note on the final plat would suffice for the staff.

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

- 1) placement of a note on the final plat stating that Lot 1 is limited to the existing curb cut to Old Pascagoula Road;**

- 2) placement of a note on the final plat stating that the purpose of subdivision is for mortgage purposes/financing only, and development on Lot 2 is to be in conjunction with and accessed through Lot 1;
- 3) placement of a note on the final plat stating that Lot 2 is denied access to the street stub to the North until it is constructed to the appropriate standard and accepted for maintenance;
- 4) depiction of the 25' minimum building setback lines along Old Pascagoula Road and the street stub off Garden Grove Drive along the North property line;
- 5) labeling of each lot with its size in acreage, or the provision of a table on the final plat furnishing the same information;
- 6) 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 signing of the final plat. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;
- 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; and,
- 8) 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.

The motion carried unanimously.

Case #SUB2007-00343

Ridgetop Subdivision, Re-subdivision of Lots 10 & 11, Re-subdivision of Lots 10A & 11A

West terminus of Ridgetop Drive

Number of Lots / Acres: 2 Lots / 1.7± Acres

Engineer / Surveyor: McCrory and Williams, 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 further discussion, a motion was made by Dr. Rivizzigno, with

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second by Mr. Holmes, to approve the above reference re-subdivision, subject to the following conditions:

- 1) the placement of a note on the Final Plat stating that each lot is limited to one curb cut to Ridgetop Drive, with the size, design, and location to be approved by County Engineering and conform to AASHTO standards;**
- 2) placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;**
- 3) 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; and,**
- 4) the placement of a note on the final plat stating that any property that is developed commercially and adjoins residentially developed property shall provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.**

The motion carried unanimously.

Case #SUB2007-00325

Aloyis Park Subdivision, Re-subdivision of Lots 24 & 25

5930 Harmon Lane

Southwest corner of Harmon Lane and Aloyis Drive

Number of Lots / Acres: 4 Lots / 1.7± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
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 further discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Holmes, to approve the above reference 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, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 2) placement of a note on the final plat stating that no construction will be allowed within the 50' utility easement;**
- 3) the applicant receive the approval of all applicable federal, state, and local environmental agencies prior to the issuance of**

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- any permits;
- 4) placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;
 - 5) 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,
 - 6) submission of a letter from a licensed engineer certifying compliance with the City's stormwater and flood control ordinances should be submitted to the Mobile County Engineering Department and the Planning Section of Mobile Urban Development prior to the issuance of any permits.

The motion carried unanimously.

Case #SUB2007-00330

Noble Drive East Subdivision

5265 Noble Drive North

Southwest corner of Noble Drive North and Noble Drive East

Number of Lots / Acres: 5 Lots / 2.0± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
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.

Two people spoke in opposition:

Harley Lister, 4759 Noble Drive East; and,
Jim Dewberry, 5324 Noble Drive South.

They offered the following:

- A. there is no sewage along Noble Drive East;
- B. the lots are only an acre so they would bring in a bunch of trailers and a big mess; and,
- C. the property is ideal for commercial development in the rapidly developing Tillman's Corner area.

Mr. Olsen spoke regarding the sewage issue saying evidence was presented in the application showing public water available in that area but no sewer; however, as the lots exceed 15,000 square feet, they meet the minimum square footage requirements for individual septic systems.

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Matt Orrell, Polysurveying of Mobile, responded on behalf of the applicant saying they would either tie into the sewer or put in septic tanks, whichever would be the most economically responsible, however, the property is in the county and has no zoning and the client has no plans for the property at present.

Hearing no further opposition or discussion, a motion was made by Mr. Holmes, with second by Dr. Rivizzigno, to approve the above referenced 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, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 2) **placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;**
- 3) **placement of a note on the final plat stating that any lots developed commercially and adjoining residentially developed property shall 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 #SUB2007-00329

Harmony Plaza Subdivision

South side of Moffett Road, 420'± East of Snow Road North, extending to the East side of Snow Road North, 360'± South of Moffett Road, and extending to the North side of Blackwell Nursery Road South (vacated right-of-way)

Number of Lots / Acres: 12 Lots / 42.1± Acres

Engineer / Surveyor: Gonzalez – Strength & Associates, 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.

David Rossen, Gonzales-Strength and Associates, 2176 Parkway Lake Drive, Birmingham, spoke on behalf of the applicant expressing confusion regarding the holdover recommendation.

Mr. Olsen offered the following information for clarification:

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- A. the staff's research indicates the subdivision as submitted does not include the entire original parcel. It notes pieces parceled off since 1984 that did not go through the subdivision process. If the applicant were to provide documentation that the parcels in question were parceled off prior to 1984, the issue would resolve itself;
- B. the owners of those parcels, adjacent property owners, and those property owners across the street from those parcels are required to be notified by mail of these proceedings. This requirement is pursuant to the State Code of Alabama; and,
- C. the traffic study presented to the staff the week of this Planning Commission meeting required time to be reviewed, especially if it contains revisions or evidence of additional or new circulation.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. Vallas, to hold this application over to the February 21, 2008, meeting to allow the applicant time to submit the following:

- 1) inclusion of the entirety of Parcel # R022405150000032 (along with postage and fees), or documentation proving that the child parcels were created prior to July 1984; and,**
- 2) provision of a Traffic Impact Study meeting ITE standards, to be reviewed and accepted by Urban Development Department and City of Mobile Traffic Engineering.**

The motion carried unanimously.

Case #SUB2007-00326

Heron Landing Subdivision

South side of Dauphin Island Parkway, 70'± East of Willowdale Street, extending to the South side of Dauphin Island Parkway, 340'± West of Doyle Street, and extending to the West side of Doyle Street, 600'± South of Dauphin Island Parkway

Number of Lots / Acres: 20 Lots / 20.7± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 4

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.

John Sheffield spoke on behalf of his sister, whose residence is 2472 Doyle Street, saying she was out of town but had questions regarding the proposed project encroaching on her property lines, specifically it crossing the boundary lines with regards to the easement.

Jerry Byrd, Byrd Surveying Inc., spoke on behalf of the applicant and responded by

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saying the plat was prepared approximately a year and a half previously by retracing a recorded plat that had been surveyed about 5 years before.

Mr. Olsen said the drawing illustrated the lots and the property lines follow those of the recorded plat. He also added that if there were any encroachment issue, any dispute would be between the two property owners and need to be addressed in Circuit Court.

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

- 1) compliance with Engineering requirements (*Per FEMA guidelines, any development greater than 5 acres in size or subdivision 50 lots in size, requires a flood study. Width of drainage easement to be approved by City Engineering before final plat is signed. Per residents' input, the existing drainage channel needs to be cleaned, as water currently ponds during rain events. Per stormwater ordinance, land-disturbing activity cannot increase runoff on adjacent property. 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.*);**
- 2) compliance with Fire-Rescue comments (*All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate. Subdivisions which include new cul-de-sacs longer than 150 feet must comply with the design requirements of Appendix D of the 2003 International Fire Code, as adopted by the City of Mobile.*);**
- 3) depiction and labeling of FEMA flood zones and required finished floor elevation information on the final plat;**
- 4) revision of the plat to include the phrase "future development" across all lots not proposed for inclusion in first phase of the subdivision;**
- 5) placement of a note on the final plat stating that proposed lots 18-20 shall not be recorded until the zoning issues for lots 18 and 19 are resolved;**
- 6) placement of a note on the plat stating that lot 5 is denied**

- access to Doyle Street, and that lot 1 is denied direct access to Dauphin Island Parkway;
- 7) placement of a note on the plat stating that all Lots 1-19 are limited to one curb-cut, with the size, design, and location to be approved by Traffic Engineering and in conformance with AASHTO standards, and that Lot 20 is limited to one curb-cut, with the size, design, and location to be approved by Traffic Engineering and ALDOT, and conform to AASHTO standards, however, if lot 20 is rezoned to a residential designation, it shall be denied direct access to Dauphin Island Parkway;
 - 8) placement of a note on the final plat stating that the design and location of the proposed road intersection with Dauphin Island Parkway be approved by Traffic Engineering and ALDOT, and conform to AASHTO standards;
 - 9) revision of the plat to depict a 55-foot setback line, as measured from the centerline of Doyle Street, for lot 5, and revision of the plat to depict the 25-foot minimum building setback line from the right-of-way for all other lots;
 - 10) placement of a note on the final plat stating that approval of all applicable Federal, state, and local agencies is required for wetlands and floodplains prior to the issuance of any permits or land disturbance activities;
 - 11) 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;
 - 12) the labeling of the lots with their size in square feet, or placement of the same information in a table on the final plat; and,
 - 13) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2007-00336

Whitestone Estates Subdivision

North terminus of Whitestone Drive

Number of Lots / Acres: 41 Lots / 33.1± Acres

Engineer / Surveyor: Austin Engineering Co., Inc.

County

Mr. DeMouy recused himself from discussion and voting on this matter.

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. Turner, with second by Dr. Rivizzigno, to approve the above referenced subdivision, subject to following conditions:

- 1) **the placement of a note on the Final Plat limiting Lots 1, 10, 11, and 18 are corner lots; therefore, a note should be placed on the Final Plat limiting each lot to one curb cut each, with the size, design, and location to be approved by County Engineering;**
- 2) **the placement of a note on the Final Plat stating that Lot 5 is denied access to the future major street;**
- 3) **placement of a note on the 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;**
- 4) **placement of a note on the plat stating that provision of a certification letter from a licensed engineer to the Planning Section of Urban Development, certifying that the stormwater detention and drainage facilities comply with the City of Mobile stormwater and flood control ordinances, is required prior to the signing and recording of the final plat;**
- 5) **placement of a note on the plat stating that maintenance of the detention and common areas is the responsibility of the subdivision's property owners;**
- 6) **labeling of all lots with size in square feet, or placement of a table on the plat containing the lot size information;**
- 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 provision of an easement to all common areas; and,**
- 9) **the submission of a letter stating the compliance of Section V.D.2. of the Subdivision Regulations prior to the signing of the Final Plat or documentation from the developer stating the location and design of a centralized sanitary system to handle the wastewater of the subdivision.**

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2007-02934

Paul Persons

4474 Halls Mill Road

North side of Halls Mill Road, 4/10 mile± West of the North terminus of Riviere du Chien Road

Planned Unit Development Approval to amend the site plan of a previously approved Planned Unit Development to allow an additional parking lot

Council District 4

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. Turner, to approve the above referenced Planned Unit Development, subject to following condition:

- 1) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

NEW ZONING APPLICATIONS:

Case #ZON2007-02936

Dennis J. Langan

West side of Hillcrest Road at the West terminus of Girby Road

Rezoning from B-3, Community Business, to B-3, Community Business, to add further conditions to the previous rezoning

Council District 6

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.

John Crenshaw of J.E. Barrett Surveyor, 4850 General Road, advised the Commission that they had submitted the revised sit plan showing the legal description as requested, as well as submitting labels for area notifications as required and asked if the matter could be heard at that time.

Mr. Olsen advised the materials mentioned had been received on the previous afternoon and that the staff needed time to review them.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over to the February 21, 2008, meeting, to allow the applicant to revise the site plan and legal description to include the entire commercial property intended to be covered by the Voluntary Conditions and Use Restrictions submitted, and to submit any additional labels and postage fees associated with such.

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All revisions, labels, and postage fees should be submitted by January 22, 2008.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2007-00328 (Subdivision)

Revised Hillcrest Trace Subdivision, Re-subdivision of Lot 12

Southeast corner of Hillcrest Road and Hillcrest Trace Drive

Number of Lots / Acres: 1 Lot / 0.2± Acre

Engineer / Surveyor: Polysurveying Engineering – Land surveying

Council District 6

(Also see Case #ZON2007-02932 (Planned Unit Development) **Revised Hillcrest Trace Subdivision, Re-subdivision of Lot 12**, below)

Matt Orrell, Polysurveying of Mobile, spoke on behalf of the owners advising the Commission that they were present and wanted to speak on their own behalf.

Hallie Brown, 1173 Heron Lakes Circle and one of the applicants, gave the following points in opposition to the staff recommendation for denial:

- A. lot 12, her property, was the same size as lot 1, which was referenced by the staff;
- B. lot 12 has a 54 inch protected live oak tree situated on the lot where the garage has to go;
- C. due to subdivision covenants, property owners/developers are required to have a double car garage facing the street;
- D. she had Urban Forestry out to review the tree and was advised by them that she could build up to 12 feet out from the base of the tree, and based upon that as well as the setback line, there is not enough room to build the garage where it is required by the subdivision covenant because of the tree;
- E. the house itself will go to the setback line and not be moved from the original lot line;
- F. there is already an 8 foot wall along the easement line, which borders Hillcrest Road and the proposed garage would only go over 7 feet 4 inches, not the whole 10 feet; and,
- G. it is just physically impossible to put in the required garage without moving the line or cutting down the tree.

Mr. Orrell added the applicants were only asking for a revision of the plat to move the setback line along Hillcrest Road from the 20 feet setback to a 10 feet setback to allow the house and required garage to be built around the heritage live oak tree.

Mr. Olsen advised the Commission that the staff was not aware of the information just presented regarding hardship or design issues.

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Mr. Turner asked if the matter should be heldover to allow the staff time to review the matter with the information just received.

Mr. Olsen was agreeable to a holdover.

Linda Smee, 6273 Cottage Crest Lane, asked if this lot backed up to her property or was a different property.

The Chair advised it faced Hillcrest Road.

Ms. Smee expressed she had no opposition to the matter.

Hearing no opposition or further pertinent discussion, a motion was made by Mr. Turner, with second by Mr. Vallas, to hold the matter over until the February 7, 2008, meeting, to allow the applicant to provide staff with a site plan as soon as possible, justifying the relocation of the setback line as discussed at the meeting.

The motion carried unanimously.

Case #ZON2007-02932 (Planned Unit Development)
Revised Hillcrest Trace Subdivision, Re-subdivision of Lot 12

Southeast corner of Hillcrest Road and Hillcrest Trace Drive
Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow a further reduced side street setback
Council District 6

(Also see **Case #SUB2007-00328 (Subdivision) Revised Hillcrest Trace Subdivision, Re-subdivision of Lot 12,** above)

(See **Case #SUB2007-00328 (Subdivision) Revised Hillcrest Trace Subdivision, Re-subdivision of Lot 12,** above for discussion)

Hearing no opposition or further pertinent discussion, a motion was made by Mr. Turner, with second by Mr. Vallas, to hold the matter over until the February 7, 2008, meeting, to allow the applicant time to provide staff with a site plan as soon as possible, justifying the relocation of the setback line as discussed at the meeting.

The motion carried unanimously.

Case #SUB2007-00337 (Subdivision)
Trax Tires Subdivision

Southeast corner of Old Shell Road and East Drive
Number of Lots / Acres: 1 Lot / 0.7± Acre
Engineer / Surveyor: Frank A. Dagley and Associates, Inc.
Council District 5

(Also see **Case #ZON2007-02935 (Rezoning) Steven F. Weller,** below)

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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. Plauche asked Frank Dagley, Frank A. Dagley and Associates, the applicant's representative, if it had been determined whether or not the soil at the former auto repair site previously located on that property was contaminated.

Mr. Dagley said he was not aware that the site had been an auto repair location, but would certainly look into that matter.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the February 21, 2008, meeting, to allow the applicant time to provide the staff with the following:

- 1) provision of new labels for adjacent property owners, as verified through Mobile County Probate Court, with appropriate postage, to be submitted by 4:00 PM on Wednesday, January 23, 2008.**

The motion carried unanimously.

Case #ZON2007-02935 (Rezoning)

Steven F. Weller

Southeast corner of Old Shell Road and East Drive.

Rezoning from R-1, Single-Family Residential, to B-3, Community Business, to allow a retail tire store.

Council District 5

(Also see **Case #SUB2007-00337 (Subdivision) Trax Tires Subdivision**, above)

(See **Case #SUB2007-00337 (Subdivision) Trax Tires Subdivision** above for discussion)

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the February 21, 2008, meeting, to allow the applicant time to provide the staff with the following:

- 1) provision of new labels for adjacent property owners within 300 feet, as verified through Mobile County Probate Court, with appropriate postage, to be submitted by 4:00 PM on Wednesday, January 23, 2008.**

The motion carried unanimously.

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Case #SUB2007-00340 (Subdivision)

Montecito Subdivision

Northwest corner of Demetropolis Road and Halls Mill Road, extending to the East side of Government Boulevard at the East termini of Lansdowne Drive and Drexel Drive

Number of Lots / Acres: 3 Lots / 28.1± Acres

Engineer / Surveyor: Engineering Development Services, LLC

Council District 4

(Also see **Case #ZON2007-02939 (Planned Unit Development) Montecito Subdivision**, below)

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.

David Diehl, Engineering Development Services, Inc., spoke on behalf of the applicant saying the traffic impact study had been completed and the results had been provided to Traffic Engineering. He realized that information needed to be reviewed, but asked if the matter could be heldover until the February 7, 2008, meeting, as opposed to the February 21, 2008, meeting.

Mr. Olsen stated the earlier date would be fine.

Marisa Slava, 4858 Halls Mill Road, spoke in opposition making the following points:

- A. concern over what type of apartments might be going in as there were already many apartments in the area, as well as two trailer parks;
- B. the number of units suggested (366) would increase the noise in the area;
- C. traffic in the area was already a problem in the mornings and afternoons with people going to and from work and school; and,
- D. concern about the increase in sewage in the area.

Mr. Vallas noted the property was already zoned for multi-family use which also allowed for 20 to 25 units per acre, meaning the property had a 560 unit range and that the 366 proposed units would have significantly less impact.

Mr. Olsen advised with regards to what type of apartments might be built, that the Planning Commission had no jurisdiction over that. The Commission had the responsibility to review and approve the subdivision of the land, configuration of the lots, the actual site plan and how the buildings would be laid out to make sure there was adequate access for emergency vehicles, fire protection, etc., however, because of the Fair Housing Act, the Commission could not even look at whether or not these were affordable apartments, Section 8, etc.

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

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revisions and additional information due by January 22, 2008, so that the following item can be addressed:

- 1) provision of a Traffic Impact Study (TIS), per the request of Traffic Engineering.**

The motion carried unanimously.

Case #ZON2007-02939 (Planned Unit Development)

Montecito Subdivision

Northwest corner of Demetropolis Road and Halls Mill Road, extending to the East side of Government Boulevard at the West terminus of Lansdowne Drive

Planned Unit Development Approval to allow 14 apartment buildings (366 total units) and a clubhouse on a single building site

Council District 4

(Also see **Case #SUB2007-00340 (Subdivision) Montecito Subdivision**, above)

(See **Case #SUB2007-00340 (Subdivision) Montecito Subdivision** above for discussion)

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Vallas, to hold the matter over until the February 7, 2008, meeting, with revisions and additional information due by January 22, 2008, so that the following item can be addressed:

- 1) the submission and approval of a Traffic Impact Study by Traffic Engineering and Urban Development Departments.**

The motion carried unanimously.

Case #SUB2007-00341 (Subdivision)

Gates at the Palms Subdivision

South side of Southland Drive, 800' ± West of Knollwood Drive, extending to the West terminus of Southland Drive

1 Lot/10.8± Acres

(Also see **Case #ZON2007-02941 (Planned Unit Development) Gates at the Palms Subdivision**, below)

Mr. Vallas recused himself from discussion and voting on the matter.

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.

David Diehl, Diehl Engineering, spoke on behalf of the applicant, saying the traffic impact study had been done and the results turned over to the city's Traffic Engineering Department for review and hoped the holdover could be to the February 7, 2008, meeting.

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Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to hold the matter over until the February 7, 2008, meeting, with revisions and additional information due by January 22, 2008, so that the following item could be addressed:

- 1) the submission and approval of a Traffic Impact Study by Traffic Engineering and Urban Development Departments.**

The motion carried unanimously.

Case #ZON2007-02941 (Planned Unit Development)

Gates at the Palms Subdivision

South side of Southland Drive, 800'± West of Knollwood Drive, extending to the West terminus of Southland Drive

Planned Unit Development Approval to allow seven apartment buildings (183 total units) and a clubhouse on a single building site.

Council District 6

(Also see **Case #SUB2007-00341 (Subdivision) Gates at the Palms Subdivision**, above)

(See **Case #SUB2007-00341 (Subdivision) Gates at the Palms Subdivision** above for discussion)

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to hold the matter over until the February 7, 2008, meeting, with revisions and additional information due by January 22, 2008, so that the following item could be addressed:

- 1) provision of a Traffic Impact Study (TIS), per the request of Traffic Engineering.**

The motion carried unanimously.

Case #SUB2007-00339 (Subdivision)

Grande Oaks at Hillcrest Subdivision

2709 Hillcrest Road

East side of Hillcrest Road, 340'± North of Shady Lane

Number of Lots / Acres: 19 Lots / 6.4± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(Also see **Case #ZON2007-02937 (Planned Unit Development) Grande Oaks at Hillcrest 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.

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The following people spoke in opposition to the proposed development:

Wanda Hudson, 6304 Weddington Court, Mobile, AL;
Gaynor Hartley, 6308 Weddington Court, Mobile, AL;
Marylyn Stewart, 2632 Charlotte Oaks Drive, Mobile, AL; and,
David DeVitt, 6312 Weddington Court, Mobile, AL.

They expressed the following points of concern:

- A. the area has flooded due to problems with an existing detention pond;
- B. the proposed location of the detention pond is too close to the existing neighborhood, which previously has had flooding problems;
- C. when the larger subdivision of Muriel Woods was created, dirt was brought in which changed the elevation of the land, which was instrumental in creating the flooding issue in 1998;
- D. the developers have tried without success to run the detention pond pipe through area neighbors' yards; and,
- E. the stormwater from Charlotte Oaks drains into a retention pond. Runoff from there currently goes through the house on the southwest corner of Charlotte Oaks and into the neighboring yards.

John Forrester, City Engineering representative, addressed the runoff issue. He said the developer had tried to purchase an easement in that area and if that is done and it ties to the city system, the engineer will have to analyze the drainage system in the public street to determine if it can handle the additional runoff.

Mr. Vallas commented that he did not know if was within the Planning Commission's purview to designate the location of a detention pond.

Mr. Lawler advised that, though having not seen a situation such as this before, it was something that could be considered with regards to the arrangement and layout of the subdivision which was subject to the Planning Commission's approval, as it is the Commission's responsibility to be sure that any new subdivision is in harmony with the other projects around it.

Adam Hayes, Rester and Coleman Engineers, Inc., spoke on behalf of the applicant saying that if an agreement regarding purchasing an easement through the back of one of the neighbor's homes could not be reached, then the detention pond would be placed closer to Hillcrest Road.

Upon hearing this, Mr. Vallas noted that the matter should probably be heldover and asked if that was the applicant's wish.

Mr. Hayes stated that as the detention pond would need to be revised from the current

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plat and that the applicant was also considering different lots sizes, that it might be best to hold the matter over.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the February 21, 2008, meeting to allow the applicant to submit revised plans/plats illustrating the relocation of the detention facility and reconfiguration of the lots.

The motion carried unanimously.

Case #ZON2007-02937 (Planned Unit Development)

Grande Oaks at Hillcrest Subdivision

2709 Hillcrest Road

East side of Hillcrest Road, 340'± North of Shady Lane

Planned Unit Development Approval to allow a gated private street single-family residential subdivision

Council District 6

(Also see Case #SUB2007-00339 (Subdivision) **Grande Oaks at Hillcrest**

Subdivision, above)

(See Case #SUB2007-00339 (Subdivision) **Grande Oaks at Hillcrest Subdivision** above for discussion)

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the February 21, 2008, meeting to allow the applicant to submit revised plans/plats illustrating the relocation of the detention facility and reconfiguration of the lots.

The motion carried unanimously.

OTHER BUSINESS:

Hearing no further business, the meeting was adjourned.

APPROVED: April 16, 2009

William G. DeMouy, Jr., Secretary

Terry Plauche, Chairman.

jsl