

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF JANUARY 22, 2009 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William DeMouy
Victoria L. Rivizzigno, Secretary
Stephen J. Davitt, Jr.
Nicholas Holmes, III
Mead Miller
John Vallas

Members Absent

Clinton Johnson
Debra Butler
Roosevelt Turner
James Watkins, III

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Bert Hoffman,
Planner II
David Daughenbaugh,
Urban Forestry Coordinator
Joanie Stiff-Love,
Secretary II

Others Present

Jennifer White,
Traffic Engineering

John Forrester,
City Engineering

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

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.

HOLDOVERS:

Case #SUB2008-00260 (Subdivision)

The Mobile County Board of Health Subdivision

750 Congress Street

North side of Congress Street, 125'± East of North Washington Avenue, extending to the Southeast corner of North Broad Street and Lyons Street, and the Northeast corner of North Broad Street and Congress Street

Number of Lots / Acres: 2 Lots / 7.8± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc

Council District 2

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

- 1) **placement of a note on the final plat stating that Lot 1 is limited to two curb cuts onto North Broad Street, two curb cuts onto Congress Street and one curb cut onto Lyons Street with the size, location, and design of each curb cut to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **placement of a note on the final plat stating that Lot 2 is limited to one curb cut onto Lyons Street and two curb cuts onto Congress Street with the size, location, and design of each curb cut to be approved by Traffic Engineering and conform to AASHTO standards; and,**
- 3) **placement of a note on the 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.**

The motion carried unanimously.

EXTENSIONS:

Case #ZON2007-00402 (Planned Unit Development)

West Airport Boulevard Center Subdivision

6575 Airport Boulevard

South side of Airport Boulevard, 675' + East of Providence Hospital Drive

Planned Unit Development Approval to allow shared access between three building sites
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. Plauche, with second by Dr. Rivizzigno, to approve the extension for the above referenced subdivision.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2008-00265

First Baptist Church of Theodore Subdivision, Re-subdivision Parcel A

7125 Bellingrath Road

Southeast corner of Bellingrath Road and Old Military Road

Number of Lots / Acres: 2 Lots / 14.8± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

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

- 1) **placement of a note on the final plat stating that the proposed Lot 1 is limited to one curb cut to Old Military Road with the size, location, and design of all curb cuts to be approved by City of Mobile Traffic Engineering and conform to AASHTO standards;**
- 2) **placement of a note on the final plat stating that the proposed Lot 2 limited to the existing curb cuts to Bellingrath Road and Old Military Road with any changes to the size, location, and/or design of any of the curb cuts to be approved by City of Mobile Traffic Engineering and conform to AASHTO standards;**
- 3) **depiction of a 45-foot setback along Bellingrath Road;**
- 4) **depiction of a 35-foot setback along Old Military Road;**
- 5) **compliance with Section V.B.16 of Subdivision Regulations regarding curb radii and consultation with City traffic engineering about how much dedication will be needed;**
- 6) **depiction of the 25-foot minimum building setback line along all other street frontages except in areas where a 45-foot setback will be required;**
- 7) **provision 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. A note regarding this requirement should also appear on the final plat;**
- 8) **compliance with Engineering comments: *Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Must provide detention for any impervious area added in excess of 4,000 square feet;***

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- 9) provision of a note on the final 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.
- 10) retention of the labeling of each lot with its size in square feet, or placement of a table on the plat with the same information;
- 11) approval of all applicable federal, state, and local agencies prior to the issuance of any permits or land disturbance activities; and,
- 12) compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2008-00267

Howell Estates Subdivision

2600 Havens Road

Southeast corner of Havens Road and Howells Ferry Road

Number of Lots / Acres: 10 Lots / 34.0± Acres

Engineer / Surveyor: Speaks & Associates

County

The Chair stated the matter was recommended for hold over but if there were any who wished to speak 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 February 5, 2009, meeting, to allow the applicant to include Parcel # R022409320000006.001 in the subdivision.

The motion carried unanimously.

Case #SUB2008-00264

Headwaters Subdivision

West terminus of Dutchman Woods Drive, extending to the North termini of Silver maple Drive and Dawes Lake Road East, and extending to the West side of an unopened, unnamed public right-of-way at the West terminus of Nugget Drive

Number of Lots / Acres: 47 Lots / 108.2± 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. Davitt, with second by Dr. Rivizzigno, to approve the above referenced subdivision, subject to the following conditions:

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- 1) all roads within the subdivision be constructed and dedicated to County standards;
- 2) approval of all applicable federal, state, and local agencies for wetlands prior to the issuance of any permits or land disturbance activities;
- 3) 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;
- 4) 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 commencement of any land disturbing activities, issuance of any permits/approvals for road construction, or signing of the final plat. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;
- 5) placement of a note on the Final Plat limiting Lots 1, 8, 19, 20, 30, 31, 36, & 37 to one curb cut each, with the size, design, and location to be approved by County Engineering and conform to AASHTO standards;
- 6) labeling of all lots with the size in square feet, or placement of a table on the plat with the same information;
- 7) depiction of the 25-foot minimum building setback lines from all street frontages;
- 8) 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,
- 9) 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.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2008-03141

Aubrey Hill

610 South Broad Street

Northwest corner of South Broad Street and Montgomery Street

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

Council District 2

The Chair stated the matter was recommended for hold over but if there were any who wished to speak 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 19, 2009, meeting, with revisions due by February 2, 2009, so that the following revisions to the site plan can be made:

- 1) **redesign of the site to accommodate and depict the required 10-foot residential adjacency buffer, as required by Section 64-4.D.1. of the Zoning Ordinance;**
- 2) **revision of the parking area to provide adequate maneuvering area for the last two parking spaces;**
- 3) **revision of the parking area to ensure the proposed handicap space meets International Building Code requirements in terms of size and access aisle location;**
- 4) **revision of the site plan to depict parking bumpers or curbs so that vehicles will not cross property boundaries or encroach upon sidewalks or required landscape areas;**
- 5) **correction of any dimensional errors on the existing building;**
- 6) **illustration of a dumpster with proper screening and setbacks, or placement of a note stating how waste will be handled;**
- 7) **correction of the zoning label;**
- 8) **correction of the label regarding the number of parking spaces;**
- 9) **revision of the site plan to remove any unnecessary curb-cuts;**
- 10) **revision of the site plan to delineate paved and landscaped areas, where they are not shown around the existing building;**
and,
- 11) **placement of a note on the site plan stating that lighting of the site or parking area will comply with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2008-00266 (Subdivision)

Mount Island Place Subdivision

2401 Old Government Street

East side of Mount Island Drive East, 160' ± North of Airport Boulevard

Number of Lots / Acres: 10 Lots / 3.9± Acres

Engineer / Surveyor: Speaks & Associates

Council District 5

(Also see **Case #ZON2008-03142 (Planned Unit Development) Mount Island Place Subdivision**, below)

Doug Anderson, Burr and Foreman Law Firm, spoke on behalf of the applicant and requested the Commission amend two requirements from previously approved applications, making the following points in favor of such:

- A. the sidewalk, if left in it's current proposed position, would be located at the back of the homes, as the houses do not face Old Government Street, instead facing Mount Island Drive East; and,
- B. it recognizes that the 10 foot park strip situated at the front of the proposed subdivision is a dedicated park strip belonging to the City of Mobile, however, as it is in such neglected state, the developer wants to be allowed to landscape it at the developer's expense, as it believes this is in the best interest of the residents of Mount Island Drive East, as it is of no use to anyone currently.

Mr. Plauche asked Mr. Anderson if visitors to those homes would access them via the private road or the public street.

Mr. Anderson advised in all probability they would access those homes via the public street.

Mr. Plauche expressed his concern and reservations that this would mean individuals would be accessing private property by first utilizing publicly maintained lands. He also expressed his concern and reservations that if the Commission approved this, it might give the appearance that the dedicated, city owned, park strip had some how become part of the front yards of this new subdivision.

Mr. DeMouy spoke specifically from his position as director of the city's Real Estate Asset Management department and his 20 year experience with this particular piece of property. He stated as it was a dedicated strip, it could not be sold, leased, bartered, or released from the city's control without a public referendum dictating so. He stated he had told numerous real estate professionals and developers that the strip could not be developed for this exact reason over the past 20 years. He added that regardless of its apparent condition, or the good intentions of this developer, it was not something the Commission could grant.

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Reggie Copeland, District 5 Councilperson, addressed the Commission and made the following points in favor of the amendments:

- A. the city has an investment in the area, as it has already extended Old Government Street to connect to the private road on the proposed subdivision;
- B. the residents on the west side of Mount Island Drive East back the project and have submitted a letter in support, reversing their former position of being against the project; and,
- C. the project would be an asset to the community and has his full support.

In deliberation, Mr. Vallas stated that if the neighbors were now in support of the landscaping of the strip and the cost of said landscaping would be paid by the developer, was this not similar to churches volunteering to “clean up” area parks, and that he saw it as a positive move.

Mr. Davitt stated his agreement with Mr. Vallas and added that the 10 foot strip did not look like a park. From the pictures provided, it did not seem to be well kept and it also did not appear that anyone “played” on it. Mr. Davitt felt it would be a benefit to the city to allow the developers to beautify it, as he currently saw it as a dead asset to the city.

Mr. Miller asked Mr. DeMouy what his feelings would be about allowing the developer to landscape the property but requiring them to put in some type of decorative fence to delineate between the property line and the park strip. Mr. Miller stated that the fence would show that the city did not give up their control over the park strip, so it could not be considered part of the front property for any of these houses.

Mr. DeMouy said that had been his intention when the matter had come up some years earlier, but he had not made that Planning Commission meeting as he was detained elsewhere on city business.

Mr. Vallas asked Mr. Daughenbaugh, Urban Forestry, regarding the possibility of putting both a fence and a sidewalk in that area.

Mr. Daughenbaugh advised that due to the topography and location of current trees, a sidewalk would not be possible, however, a fence delineating the park from the front yards of the properties in question would be feasible.

Hearing no further pertinent discussion, a motion was made by Mr. Miller, and seconded by Mr. Davitt, to approve the above referenced subdivision, subject to the following conditions:

- 1) full compliance with Section VII.E.2 (Standards) of the**

Subdivision Regulations;

- 2) **provision of a decorative, gated, metal fence along the west property line (between lots and park strip), to be installed along all lots simultaneously (with appropriate permits), prior to signing of the final plat;**
- 3) **compliance with Urban Forestry Comments: *(Any work on or under the 40" Live Oak located on the East side of Lot 9, the 50" Live Oak located on Lot 7, the 50" Live Oak located on Lot 6, the 40" Live Oak located on Lot 5 and 6, and the 40" Live Oak located on Lot 5 are to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger); and,***
- 4) **provision of a table on the final plat illustrating the maximum site coverage allowed for each lot to maintain an aggregate site coverage of 35% for the entire development.**

With a show of hands vote, Mr. Vallas, Mr. Miller, Mr. Holmes, and Mr. Davitt voted in favor of the motion. Dr. Rivizzigno voted against and Mr. DeMouy abstained. The motion carried with a vote of 4 to 1.

Case #ZON2008-03142 (Planned Unit Development)

Mount Island Place Subdivision

2401 Old Government Street

East side of Mount Island Drive East, 160' ± North of Airport Boulevard

Planned Unit Development Approval to amend conditions of a previously approved Planned Unit Development Approval to allow a subdivision with a private road and reduced front yard and side yard setbacks

Council District 5

(Also see Case #SUB2008-00266 (Subdivision) **Mount Island Place Subdivision**, above)

Hearing no further pertinent discussion, a motion was made by Mr. Miller, and seconded by Mr. Davitt, to approve the above referenced subdivision, subject to the following conditions:

- 1) **development limited to the plan as submitted;**
- 2) **completion of the subdivision process;**
- 3) **provision of a decorative, gated, metal fence along the west property line (between lots and park strip), to be installed along all lots simultaneously (with appropriate permits);**
- 4) **compliance with Urban Forestry Comments: *(Any work on or under the 40" Live Oak located on the East side of Lot 9, the 50" Live Oak located on Lot 7, the 50" Live Oak located on Lot 6, the 40" Live Oak located on Lot 5 and 6, and the 40" Live Oak located on Lot 5 are to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or***

- impending danger*);
- 5) **revision of the PUD plan to include a table illustrating the maximum site coverage allowed for each lot to maintain an aggregate site coverage of 35% for the entire development; and,**
 - 6) **full compliance with all municipal codes and ordinances.**

With a show of hands vote, Mr. Vallas, Mr. Miller, Mr. Holmes, and Mr. Davitt voted in favor of the motion. Dr. Rivizzigno voted against and Mr. DeMouy abstained. The motion carried with a vote of 4 to 1.

OTHER BUSINESS:

A Public Hearing to consider the zoning for the recently annexed Tillman's corner/Theodore area was opened. The Chair invited anyone who wished to speak on the matter to do so at that time.

Tony Cooper, Cooper Prudential Real Estate, addressed the Commission regarding approximately 75 acres of property he is marketing on the south side of Interstate 10, which is within the proposed zoning area. He stated that approximately 12 years ago he started working with the property located on Kooiman Road, running to the interstate, known respectively as Phase 1, Phase 2, and Phase 3 of Mobile South Business Park. At that time, a plat for a subdivision was presented to the Planning Commission regarding the plans for that property. It was purchased and has been marketed with the idea of servicing Mobile with a light industrial commercial park. Over the past 10 years, he has been successful in the development of that park into some very attractive industrial sites. He stated his problem with the currently proposed zoning is that it differs from that of light industrial, the classification he has marketed the property as, with the help of the Mobile Chamber of Commerce, for the past 11 years. He expressed that to continue with a light industrial usage would be good for the City as well, for when you are marketing and developing property in competition with others, it is beneficial to have all of the infrastructure in place (i.e. water, sewer, etc.), in addition to having a master plan for the property. He added that to change the zoning at this point would mean having to re-market the property.

Mr. Vallas asked what the proposed new zoning was.

Mr. Hoffman advised it was R-A, residential agricultural.

Mr. Olsen clarified that staff's remarks regarding the proposed zoning, advising that if the Commission chose to consider a zoning classification other than that proposed by staff, the heaviest the staff could support would be a B-5, not I-1. Mr. Olsen did say that adjacent properties have been recommended for B-5, which is office distribution and allows large warehouses, distribution centers, assembly, but it won't allow for heavy manufacturing, hazardous chemicals and materials, and things of that nature. He said the staff had concerns regarding the proximity of I-1 that close to an area that is partially developed as R-1, single family residential and proposed as the same.

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Mr. DeMouy asked to be reminded of what zoning classifications the colors on the map stood.

Mr. Olsen explained as follows:

- Aqua was proposed as R-A, residential agriculture;
- Marine blue was proposed as B-5;
- Red was proposed as B-3;
- Grey was proposed as I-2; and,
- Light purple was proposed as I-1.

Mr. Olsen explained that as the staff did not know what type of use would go on the property in question, there were additional concerns regarding overall improvements, improvements to infrastructure, the need for traffic studies, and, access to the property. He stated all these concerns that would be better addressed during a rezoning and subdivision combination application at the time of development.

Mr. DeMouy stated that the property was the only strip fronting the interstate that is proposed as R-A.

Mr. Holmes asked the applicant if, in the past 11 years, had he made any improvements and if so, what they were.

The applicant said there had been no improvements; however, the 75 acres had been presented to the Planning Commission as a development for the whole area.

Mr. Holmes asked to be shown property in the area that was zoned I-1.

Mr. Olsen pointed out the Coca-Cola Bottling Company as being the closest I-1, noting that it is across the interstate from the property, with other industrial located at the intersection of the interstate and Highway 90, and then farther south.

Mr. Vallas asked to hear from the engineer.

M. Don Williams, Williams Engineering, spoke as Mr. Cooper's engineer. He said the only access to this piece of property is from the existing roads that are in Mobile South Business Park, which is comprised of about 30 lots. He said Mr. Cooper only owns the first two parcels shown on the map, that he did not own the small triangular piece that goes all the way back and becomes contiguous to the residential area, so he would, in fact, be stopping some 300 feet away from existing residential, only bordering the interstate on his left, B-5 to his south, and other residential to his east. Mr. Williams did offer his agreement with the staff on the recommended B-5 zoning. Mr. Williams noted that the first application was brought to the Commission in 1999, some nine years ago, as a three phase subdivision. The first two phases have been built and the other phase was listed as future development. He added that eventually all of the area in question would

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probably be B-5. In fact, he noted the opportunity of expansion from the Mobile County Business Park in the direction of this proposed business park.

Mr. Olsen also noted that Mr. Cooper had another piece of property in the area that he met with the staff regarding. He went on to say the staff had proposed that parcel for B-3 zoning. There is actually an approved site plan on file for it, with construction beginning soon for a B-5 use on that property. Knowing that, the staff advised Mr. Cooper that it would recommend the B-5 use which has already been permitted by the County.

Hearing no opposition or further discussion, a motion was made by Mr. Vallas, with second by Mr. Davitt, to approve the above referenced proposed zoning, with the following conditions:

The Commission members also decided that March 12, 2009, would be their next business meeting, to take place at Mr. Plauche's office at 2 p.m. that day.

Hearing no further business, the meeting was adjourned.

APPROVED: September 3, 2009

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman.

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