

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF FEBRUARY 19, 2009 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Terry Plauche, Chairman  
William DeMouy  
Stephen J. Davitt, Jr.  
Nicholas Holmes, III  
Mead Miller  
John Vallas  
James Watkins, III

**Members Absent**

Clinton Johnson  
Victoria L. Rivizzigno, Secretary  
Roosevelt Turner  
Debra Butler

**Urban Development Staff Present**

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

**Others Present**

John Lawler,  
Assistant City Attorney  
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 #ZON2008-03141 (Planned Unit Development)**

**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

Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant, saying they were agreeable with all of the recommendations, but wanted clarification regarding the fence. Mr. Dagley stated the applicant had already installed the fence and wanted to wait until the building was completed before removing it, for security reasons.

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

- 1) **revision of the site plan and data to correct the size in square feet for the new office and warehouse areas to match the reduced building footprint, and submittal of one (1) revised PUD site plan to the Planning Section prior to any application for building or land disturbance permits;**
- 2) **closure / removal and re-landscaping of any unused curb-cuts onto Broad Street;**
- 3) **removal of un-permitted chain-link fencing that exists on the site prior to the issuance of a CO, and the obtaining of permits for any new fencing; and,**
- 4) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**EXTENSIONS:**

**Case #SUB2004-00041 (Subdivision)**

**Cambridge Place Subdivision**

West side of Eliza Jordan Road North, 3/10 mile± South of Kelly Road

Number of Lots / Acres: 137 Lots / 61.4± 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 discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to approve the above referenced extension, subject to the following conditions, in addition to the conditions on the original approval:

- 1) **all cul-de-sacs be modified to reflect a 120' right-of-way radius diameter as required by the 2003 International Fire Code; and,**
- 2) **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**

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**final plat. Certification is to be submitted to the Planning Section of Urban Development and County Engineering.**

**The applicant should further be advised that future extensions may be unlikely.**

The motion carried unanimously.

**Case #SUB2005-00095 (Subdivision)**

**Forest Cove Subdivision, Unit Three and Unit Four**

South side of Tulane Drive, 125' ± East of Belle Wood Drive East, extending to the West side of Forest Dell Road, 725' ± North of its South terminus

Number of Lots / Acres: 137 Lots / 44.4± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 7

(Also see **Case #ZON2005-00998 (Planned Unit Development) Forest Cove Subdivision, Unit Three and Unit Four**, 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. Plauche, with second by Mr. DeMouy, to approve the above requested extension, with the applicant being advised that future extensions may be unlikely.

The motion carried unanimously.

**Case #ZON2005-00998 (Planned Unit Development)**

**Forest Cove Subdivision, Unit Three and Unit Four**

South side of Tulane Drive, 125' ± East of Belle Wood Drive East, extending to the West side of Forest Dell Road, 725' ± North of its South terminus

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow reduced lot widths and sizes, reduced building setbacks, and increased site coverage in a single-family residential subdivision

Council District 7

(Also see **Case #SUB2005-00095 (Subdivision) Forest Cove Subdivision, Unit Three and Unit Four**, 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. Plauche, with second by Mr. DeMouy, to approve the above requested extension, with the applicant being advised that future extensions may be unlikely.

The motion carried unanimously.

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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 Mr. DeMouy, to approve the above requested extension and that the applicant be advised that future extensions may be unlikely unless phases being to be recorded.

The motion carried unanimously.

**Case #SUB2008-00021 (Subdivision)**

**Taylor Pointe Subdivision, Unit One, Re-subdivision of Lots 44 – 47**

Northeast corner of Jeff Hamilton Road and Taylor Pointe Boulevard, extending to the South side of Walston Road (private street)  
Number of Lots / Acres: 4 Lots / 1.3± 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 Mr. DeMouy, to approve the above requested extension.

The motion carried unanimously.

**Case #SUB2008-00022 (Subdivision)**

**North Ridgelawn Subdivision, Re-subdivision of and Addition to Lot 13**

West side of Ridgelawn Drive East, 330'± South of Woodhill Circle  
Number of Lots / Acres: 2 Lots / 0.8±Acre  
Engineer / Surveyor: Rester and Coleman Engineers  
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. Plauche, with second by Mr. DeMouy, to approve the above requested extension.

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 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. DeMouy, to approve the above requested extension.

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)

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. DeMouy, to approve the above requested extension.

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

Number of Lots / Acres: 1 Lot / 10.8± Acres

Engineer / Surveyor: Engineering Development Services, LLC

Council District 6

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

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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. Plauche, with second by Mr. DeMouy, to approve the above requested extension.

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)

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. DeMouy, to approve the above requested extension.

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2009-00003**

**Salvation Army Subdivision, Re-subdivision of**

3300 Moffett Road

North side of Moffett Road, 1040'± West of Western Drive

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

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 1

Jerry Byrd, Byrd Surveying Inc., spoke on behalf of the applicant and requested the matter be held over so they could review and address the problems noted by the staff.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the March 19, 2009, meeting, per the applicant's request.

The motion carried unanimously.

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**Case #SUB2009-00005**

**Thistlewaite Place Subdivision**

6271 Howells Ferry Road

South side of Howells Ferry Road, extending from Tew Drive to Thistlewaite Drive

Number of Lots / Acres: 4 Lots / 2.3± Acres

Engineer / Surveyor: Gerald A. Smith

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

- 1) **dedication of sufficient right-of-way, for both Thistlewaite and Tew Drives, to provide a minimum 30' as measured from the centerline of each street;**
- 2) **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 Traffic Engineering and conform to AASHTO standards;**
- 3) **placement of a note on the final plat stating that Lots 2 and 4 are denied direct access to Howells Ferry Road;**
- 4) **provision of adequate radii, in compliance with Section V.B.16. of the Subdivision Regulations, where Howells Ferry Road intersects both Thistlewaite and Tew Drives; and,**
- 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.**

The motion carried unanimously.

**Case #SUB2009-00006**

**Summer Woods Subdivision, Phase Three**

Northwest corner of Westlake Road and Scott Dairy Loop Road West, extending to the East side of Summer Woods Drive

Number of Lots / Acres: 23 Lots / 7.4± Acres

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

County

Don Rowe, Rowe Surveying and Engineering Co., Inc., spoke on behalf of the applicant stating they were in agreement with the conditions with the exception of 8 and asked if the verbiage could include some type of wording that indicated construction in the easement should be limited to that for which it was constructed.

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Judy Sizemore, 3355 West Scott Dairy Loop, requested the proposed Phase 3 development be denied as it is a very sensitive ecological area and home to a large number of gopher tortoises.

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

- 1) **dedication and construction of the streets to County standards;**
- 2) **placement of a note on the final plat stating that Lot 121 is denied direct access to West Lake Road, and Lots 109, 110, 114, 115, 119, 120, and 121 are denied direct access to Scott Dairy Loop Road West;**
- 3) **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;**
- 4) **revision of the plat to indicate a 120' right-of-way diameter for all cul-de-sacs as per the 2003 IFC standard;**
- 5) **illustration of the minimum building setback line along all interior street frontages and the drainage easement along West Lake Road and Scott Dairy Loop Road West;**
- 6) **revision of the plat to label each lot with its size in square feet, or the furnishing of a table on the plat providing the same information;**
- 7) **placement 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;**
- 8) **placement of a note on the final plat stating that no construction is allowed within any easement, except that for which the easement is intended;**
- 9) **placement of a note on the final plat stating that the maintenance of all common areas is the responsibility of the property owners and not Mobile County;**
- 10) **placement of a note on the final plat stating 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,  
11) 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.

**GROUP APPLICATIONS:**

Case #SUB2009-00007 (Subdivision)

**St. Luke's Episcopal Upper School Subdivision**

1400 South University Boulevard

South side of University Boulevard, 490'± East of Grelot Road

Number of Lots / Acres: 1 Lot / 31.0± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(Also see Case #ZON2009-00215 (Planned Unit Development) **St. Luke's Episcopal Upper School Subdivision**, and, Case #ZON2009-00250 (Planning Approval) **St. Luke's Episcopal Upper School**, below)

The following people spoke in favor of the application:

- Doug Anderson, Burr and Foreman Law Firm; and,
- Palmer Kennedy, headmaster, St. Luke's Episcopal School.

They made the following points:

- A. only wanted to expand the gym to include a boys' locker room at this time;
- B. only have a preliminary, conceptual plan for the entire campus at this time;
- C. asking for what the other private schools in Mobile county have which are playing fields adjacent to their academic campus and adjacent to residential areas;
- D. improvements will only take place when the funds to do them are available, so the applicant is agreeable with coming before the Commission a number of times to accomplish their goals;
- E. all of the academic facilities on the campus are currently being renovated;
- F. the anticipated maximum occupancy for the campus is approximately 500; and,
- G. the school has experienced a 30% annual growth in enrollment over the past few years which has necessitated their need to expand their campus and the former Wright school location was the best option, though it does require renovations which bring them before

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the Planning Commission for its approval.

The following people spoke in opposition to the matter:

- Lisa Cooper, 1425 Regency Oaks Drive West, Mobile, AL;
- Steve Clements, 5312 Oak Bend Court, Mobile, AL;
- Cathy Butler, 5320 Oak Bend Court, Mobile, AL; and,
- Randy Spear, 5501 Oak Park Court, Mobile, AL.

They made the following points:

- A. opposition to the Master Plan submitted by the school, particularly the football stadium;
- B. concern over noise from the stadium;
- C. concern over lighting from the stadium;
- D. concern over parking and traffic as related to activities at the stadium;
- E. not enough room to create appropriate vegetative buffers, which would be more acceptable than wood privacy fences;
- F. concern that property values in the area will go down because of their close proximity to the athletic fields; and,
- G. request that the school redesign their plans with regards to the location of the athletic fields to prevent any adverse effects on the adjacent residential properties.

In deliberation, Jennifer White, Traffic Engineering, advised the Commission that Traffic would require a traffic impact study be done as the school exceeded 250 students, the minimum number needed to require such a study.

Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Vallas, 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 South University Boulevard, if any changes to the existing curb cuts concerning the size, location, and design are 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 #ZON2009-00215 (Planned Unit Development)**

**St. Luke's Episcopal Upper School Subdivision**

1400 South University Boulevard

South side of University Boulevard, 490'± East of Grelot Road

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

Council District 6

(Also see **Case #SUB2009-00007 (Subdivision) St. Luke's Episcopal Upper School Subdivision**, above, and, **Case #ZON2009-00250 (Planning Approval) St. Luke's Episcopal Upper School**, below)

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, 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;**
- 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 the street frontage;**
- 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 the total landscaping and tree planting requirements;**
- 8) **full compliance with all municipal codes and ordinances;**
- 9) **submission of a revised site plan reflecting the conditions prior to the issuance of any permits; and,**
- 10) **provision of a Traffic Impact Study.**

The motion carried unanimously.

**Case #ZON2009-00250 (Planning Approval)**

**St. Luke's Episcopal Upper School**

1400 South University Boulevard

South side of University Boulevard, 490'± East of Grelot Road

Planning Approval to allow a gymnasium expansion, at an existing school in a B-1,  
Buffer Business District

Council District 6

(Also see **Case #SUB2009-00007 (Subdivision) St. Luke's Episcopal Upper School Subdivision**, and **Case #ZON2009-00215 (Planned Unit Development) St. Luke's Episcopal Upper School Subdivision**, above)

Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Vallas, 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 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 the street frontage;**
- 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 the total landscaping and tree planting requirements;**
- 8) **full compliance with all municipal codes and ordinances;**
- 9) **submission of a revised site plan reflecting the conditions prior to the issuance of any permits; and,**
- 10) **provision of a Traffic Impact Study.**

The motion carried unanimously.

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**Case #SUB2009-00004 (Subdivision)**  
**Government Street Development Subdivision**

1007 Government Street

Southeast corner of Government Street and Chatham Street, extending to the North side of Church Street, 100'± East of Chatham Street

Number of Lots / Acres: 3 Lots / 1.1± Acres

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

Council District 2

(Also see **Case #ZON2009-00227 (Planning Approval) ICM Foundation**, below)

The following people spoke in favor of the development:

- Don Rowe, Rowe Surveying and Engineering Company, Inc.; and
- Don Parden, Exit Realty Lyon and Associates, 602 Bel Air Boulevard, Mobile, AL.

They made the following points:

- A. they had no objections to holding the Planning Approval over for further review;
- B. items 1 and 2 in the Subdivision application are concerned with parcel 70.001, and documentation regarding it not being a part of the property involved in the subdivision was submitted, thus making those two conditions unnecessary;
- C. the other two items are routinely done at the signing of the final plat so they could be held until that time;
- D. there is a very motivated buyer for the chapel property (lot 3); and,
- E. the property is currently owned by the Church of God International, whose home office is located in Tennessee, and they have no real knowledge of issues with the property that may be the result of its previous owner, the Church of God Mobile.

Mr. Olsen gave the following points to the Commission, should they choose to approve the matter:

- A. the original lots were very long and deep, but this has changed over the years so that could be why the parcel was not ever part of the overall site, however, it was under the original ownership and had not been legally subdivided;
- B. the legal description, as it exists, was after the 1952 adoption of the Subdivision Regulations; and,
- C. the property has changed hands since it was originally sold by the church.

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

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following conditions:

- 1) **depiction and labeling of existing curb-cuts that the applicant requests to remain; and,**
- 2) **labeling of the lots with their size in square feet.**

The motion carried unanimously.

**Case #ZON2009-00227 (Planning Approval)**

**ICM Foundation**

1007 Government Street

Southeast corner of Government Street and Chatham Street

Planning Approval to allow a church in an R-1, Single-Family Residential District

Council District 2

(Also see **Case #SUB2009-00004 (Subdivision) Government Street Development Subdivision**, above)

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 March 19, 2009, meeting, so that seven (7) copies of the site plan showing the following revisions can be submitted by March 4, 2009:

- 1) **revision of the site plan to depict full compliance with the requirements of the Zoning Ordinance regarding site improvements for the church, and/or depiction of variances that will be requested via the Board of Adjustment;**
- 2) **depiction and labeling of existing curb-cuts that the applicant requests to remain; and,**
- 3) **revision of the site plan to clearly show which properties are included with the Planning Approval, and submission of an application for Planned Unit Development, if necessary for shared parking, multiple buildings, etc.**

The motion carried unanimously.

**Case #SUB2009-00008 (Subdivision)**

**Providence/Coley Subdivision, Re-subdivision of a Portion of Lot 2**

901 Somerby Drive

Southeast corner of Somerby Drive and Cody Road South

Number of Lots / Acres: 3 Lots / 43.1± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(Also see **Case #ZON2009-00216 (Planned Unit Development) Providence/Coley Subdivision, Re-subdivision of a Portion of Lot 2**, and, **Case #ZON2009-00217 (Rezoning) Roberts Brothers CPM**, below)

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Doug Anderson, Burr and Foreman Law Firm, spoke on behalf of the applicant, Roberts Brothers Realty, the Estate of David Coley, the property owner, and Ellis Trick, the developer of the proposed apartment complex. He stated they were in agreement with the staff recommendations and had no objections to those, however, based upon the denial of a similar apartment complex at the previous meeting, he felt the need to go into some issues, rather than depend on the staff report. He made the following points:

- A. the applicant had provided information showing that they meet 3 of the 4 criteria for change as set out by the Zoning Ordinance;
- B. findings from a market study show that the Mobile area apartment market remains strong, boasting the state's highest average occupancy of 97.4%; and,
- C. the staff report states that the site is more suitable for multi-family development, rather than a single family neighborhood or a commercial park due to the slope of the land.

The following people spoke in opposition to the matter:

- Dave Rodgers, Somerby Senior Living, Birmingham, AL, the owner/operator of Somerby Mobile; and,
- Katherine Wilson, a homeowner in the Somerby Community, who stated she also spoke on behalf of over 200 residents of Somerby.

They made the following points:

- A. at the previous meeting, the area residents voiced their opposition to a development very similar to the one before the Commission that day and their opinion on a development such as this in their neighborhood has not changed;
- B. the need for high density house was recognized and it was noted that the Somerby Park property has R-3 zoning, which showed the Somerby organization's commitment to building just such a project in the future which would provide more than enough high density housing in that area;
- C. it is not clear if the proposed development could be adequately serviced by utilities and city services;
- D. with regard to traffic, it is not clear if Somerby Drive would be able to accommodate the concentration of population that would be produced by this rezoning, as well as that produced by the future development of the already zoned R-3 property;
- E. the reasons provided as support for the amendment were inadequate;
- F. approval of the rezoning to R-3, along with the already approved multi-family zoned properties in the area, is in direct conflict with Section 11.52.72 of the Zoning Ordinance; and,
- G. the rezoning would open the opportunity for the creation of over

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1100 new apartment units in the Somerby area.

Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. DeMouy, 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 denied direct access to Cody Road and limited to one curb cut to Somerby Drive, Lot 2 is denied direct access to Cody Road and is limited to four curb cuts to Somerby Drive, and Lot 3 is limited to two curb cuts to Cody Road, with the sizes, designs, and locations to be approved by Traffic Engineering and in conformance with AASHTO standards;**
- 2) **placement of a note on the final plat stating that no development is allowed within any easement;**
- 3) **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;**
- 4) **placement of a note on the plat stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and,**
- 5) **provision of a Traffic Impact Study meeting ITE standards, to be reviewed and accepted by Urban Development Department and City of Mobile Traffic Engineering prior to signing the final plat.**

The motion carried with only Mr. Miller voting in opposition.

**Case #ZON2009-00216 (Planned Unit Development)**  
**Providence/Coley Subdivision, Re-subdivision of a Portion of Lot 2**

901 Somerby Drive

Southeast corner of Somerby Drive and Cody Road South

Planned Unit Development Approval to allow sixteen apartment buildings and a clubhouse, twelve parking garages, and a maintenance building on a single building site  
Council District 6

(Also see **Case #SUB2009-00008 (Subdivision) Providence/Coley Subdivision, Re-subdivision of a Portion of Lot 2**, above, and, **Case #ZON2009-00217 (Rezoning) Roberts Brothers CPM**, below)

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

- 1) **placement of a note on the site plan stating that Planned Unit**



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- Development is site plan specific; therefore any future changes (parking, structure expansion, etc.,) must be resubmitted for Planned Unit Development review, and be approved through the planning process;
- 2) provision of buffering, in compliance with Section 64-4.D of the Zoning Ordinance, where the site abuts residentially zoned property;
  - 3) placement of a note on the site plan stating that lighting of parking facilities will comply with Section 64-6.A.3.c of the Zoning Ordinance;
  - 4) placement of a note on the site plan stating that dumpsters will be completely screened from view;
  - 5) provision of a sidewalk along Somerby Drive and Cody Road;
  - 6) placement of a note on the site plan stating that no development is allowed within any easement;
  - 7) placement of a note on the site plan 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;
  - 8) 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;
  - 9) submission of a revised Planned Unit Development site plan to the Planning Section of Urban Development prior to the issuance of any permits or land disturbance activities; and,
  - 10) provision of a Traffic Impact Study meeting ITE standards, to be reviewed and accepted by Urban Development Department and City of Mobile Traffic Engineering prior to signing the final subdivision plat.

The motion carried with only Mr. Miller voting in opposition.

**Case #ZON2009-00217 (Rezoning)**

**Roberts Brothers CPM**

901 Somerby Drive

Southeast corner of Somerby Drive and Cody Road South

Rezoning from R-1, Single-Family Residential, to R-3, Multiple-Family Residential, to allow the construction of a 384-unit apartment complex

Council District 6

(Also see **Case #SUB2009-00008 (Subdivision) Providence/Coley Subdivision, Re-subdivision of a Portion of Lot 2**, and, **Case #ZON2009-00216 (Planned Unit Development) Providence/Coley Subdivision, Re-subdivision of a Portion of Lot 2**, below)

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

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second by Mr. DeMouy, to approve the above referenced request for rezoning, subject to the following conditions:

- 1) **completion of the subdivision process;**
- 2) **development limited to an approved Planned Unit Development site plan; and,**
- 3) **full compliance with all municipal codes and ordinances.**

The motion carried with only Mr. Miller voting in opposition.

**Case #ZON2009-00207 (Planned Unit Development)**

**American Red Cross, Gulf Coast Chapter**

35 North Sage Avenue

Southwest corner of North Sage Avenue and Dauphin Square Connector

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow shared access between two building sites

Council District 1

(Also see **Case #ZON2009-00206 (Planning Approval) American Red Cross, Gulf Coast Chapter**, below)

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

Larry Smith, S.E. Civil, 412-B Fairhope Avenue, Fairhope, AL, spoke on behalf of the applicant, stating they had no issues with the staff's recommendations, but did want to clarify that since the time of submission, the radio tower height has been reduced to 100 feet, not 140 feet, as stated in the report.

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

- 1) **placement of a note on the site plan stating that PUD approval is site plan specific, and that any changes to the site plan, will require a new application to the Planning Commission;**
- 2) **revision of the site plan to place the requirements of Section 64-6.A.3.c., *Lighting*, as a note on the site plan: "*If parking areas contain ten (10) or more cars, lighting shall be provided and maintained during their operation, and shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic.*"**
- 3) **revision of the site plan to depict compliance with the tree and landscaping requirements of the Zoning Ordinance; and,**
- 4) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2009-00206 (Planning Approval)**

**American Red Cross, Gulf Coast Chapter**

35 North Sage Avenue

Southwest corner of North Sage Avenue and Dauphin Square Connector

Planning Approval to allow a 100' telecommunications tower in a B-3, Community Business District

Council District 1

(Also see **Case #ZON2009-00207 (Planned Unit Development) American Red Cross, Gulf Coast Chapter**, above)

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

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

- 1) **placement of a note on the site plan stating that Planning Approval is site plan specific, and that any changes to the site plan, will require a new application to the Planning Commission;**
- 2) **revision of the site plan to place the requirements of Section 64-6.A.3.c., *Lighting*, as a note on the site plan: “*If parking areas contain ten (10) or more cars, lighting shall be provided and maintained during their operation, and shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic.*”**
- 3) **the approval of the applicable variances to allow the telecommunications tower;**
- 4) **revision of the site plan to depict compliance with the tree and landscaping requirements of the Zoning Ordinance; and,**
- 5) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2009-00210 (Planned Unit Development)**

**5600SIP LLC**

East side of Lakeside Drive at the East terminus of Joy Springs Drive.

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

Council District 4

(Also see **Case #ZON2009-00212 (Planning Approval) 5600SIP 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. Vallas, to approve the above referenced Planned Unit Development, subject to the

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following conditions.

- 1) **compliance with Engineering comments: (*Wetlands are shown of the NWI database. Need to provide a letter from a wetland biologist stating that there are no wetlands present or acquire the appropriate Corps of Engineer's Permit for working in wetlands. 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) **revision of the site plan to depict/label curbing and/or bumper stops for all parking and circulation areas in order to protect adjacent landscape and sidewalk areas;**
- 3) **revision of the site plan to depict handicap-accessible parking spaces, if required;**
- 4) **placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development approval prior to the issuance of any permits;**
- 5) **revision of the site plan and the notes on the plan to clearly delineate required trees and landscape areas and depict full compliance with the requirements of the Zoning Ordinance;**
- 6) **placement of a note on the site plan stating that the site and parking areas will be illuminated in accordance with the requirements of Section 64-6.A.3.c. and 64-6.A.3.c.of the Zoning Ordinance;**
- 7) **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;**
- 8) **provision of a revised PUD site plan to the Planning Section of Urban Development prior to the application for land disturbance or building permits; and,**
- 9) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2009-00212 (Planning Approval)**

**5600SIP LLC**

East side of Lakeside Drive at the East terminus of Joy Springs Drive

Planning Approval to allow a total of 50,000 square feet of warehousing in a B-3,

Community Business District

Council District 4

(Also see **Case #ZON2009-00210 (Planned Unit Development) 5600SIP LLC**, 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. Davitt, with second by Mr. Vallas, to approve the above referenced Planning Approval, subject to the following conditions:

- 1) **compliance with Engineering comments: (*Wetlands are shown of the NWI database. Need to provide a letter from a wetland biologist stating that there are no wetlands present or acquire the appropriate Corps of Engineer's Permit for working in wetlands. 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) **revision of the site plan to depict/label curbing and/or bumper stops for all parking and circulation areas in order to protect adjacent landscape and sidewalk areas;**
- 3) **revision of the site plan to depict handicap-accessible parking spaces, if required;**
- 4) **placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development approval prior to the issuance of any permits;**
- 5) **revision of the site plan and the notes on the plan to clearly delineate required trees and landscape areas and depict full compliance with the requirements of the Zoning Ordinance;**
- 6) **placement of a note on the site plan stating that the site and parking areas will be illuminated in accordance with the requirements of Section 64-6.A.3.c. and 64-6.A.3.c.of the Zoning Ordinance;**
- 7) **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;**
- 8) **provision of a revised Planning Approval site plan to the Planning Section of Urban Development prior to the application for land disturbance or building permits; and,**
- 9) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**OTHER BUSINESS:**

Mr. Olsen reminded the Commission members of the Business Meeting to take place on March 12, 2009, at Government Plaza in the pre-Council room at 2 o'clock p.m. He

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reminded the members that Lee Metzger had been invited to speak to them regarding the requirement of traffic impact studies and other issues on projects similar to the Providence campus.

Hearing no further business, the meeting was adjourned.

**APPROVED:** September 3, 2009

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Dr. Victoria Rivizzigno, Secretary

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Terry Plauche, Chairman.

jsl