

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF MARCH 6, 2008 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William G. DeMouy, Jr.
Victoria L. Rivizzigno, Secretary
Debra M. Butler
Stephen J. Davitt, Jr.
Mead Miller
Roosevelt Turner
John Vallas
James F. Watkins, III

Members Absent

Clinton Johnson
Nicholas H. Holmes, III

Urban Development Staff Present

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

Others Present

John Lawler,
Assistant City Attorney
Butch Ladner,
Traffic Engineering
Rosemary Sawyer,
City Engineering

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

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

HOLDOVERS:

Case #SUB2007-00296 (Subdivision)

The Christian Bible Teaching Church Subdivision

1805 Duncan Street
South side of Duncan Street, 70'+ East of Houston Street
Number of Lots / Acres: 1 Lot / 0.3+ Acre
Engineer / Surveyor: Rowe Surveying & Engineering Co., Inc.
Council District 3

Don Rowe, Rowe Surveying and Engineering Company, Inc., spoke on behalf of the applicant, and asked that the matter be heldover one last time as opposed to denying it outright. He acknowledged that the staff had probably recommended the denial based upon it having been heldover a number of times previously, however, the church had

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submitted the necessary information on Monday of that week, which was his reason for requesting this holdover.

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Dr. Rivizzigno, to hold the matter over until the April 3, 2008, meeting at the applicant's request.

The motion carried unanimously.

Case #SUB2008-00005 (Subdivision)

Liberty Subdivision

7271 Grelot Road

South side of Grelot Road, 420'± East of Westchester Lane

Number of Lots / Acres: 1 Lot / 0.5± Acre

Engineer / Surveyor: Byrd Surveying, 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.

Clay Lanham, Vickers, Riis, Murray, and Curran, 106 St. Francis Street, Mobile, spoke on behalf of the applicant, Steve Cooner, saying they had no issue with holding the matter over. Mr. Lanham also advised the Commission the triangular parcel to the north noted by staff as needing to be absorbed into lot 19 had originally been owned by the current owner of lot 19. He stated the owner of lot 19 sold that parcel without getting subdivision approval first and maintains an uncooperative attitude with regards to rectifying this matter in any way. Mr. Lanham did add that he would approach that property owner one last time in an effort to comply with the staff's recommendations.

Mr. Olsen advised the Commission that as Mr. Lanham had advised the staff and the Commission as to why the parcel in question was not being absorbed by the owner of lot 19 as recommended and as the owner was being totally uncooperative in all matters, the Commission could approve the application and the staff would tag the parcel such that there would be no permits issued until that property owner brings the site into compliance.

Earline Washington, 1475 Westchester Lane in Westchester Subdivision, spoke in opposition to the matter, stating the following points:

- A. Liberty Roofing Company which is located at 7271 Grelot Road had placed two old, rusty trailers directly behind her yard;
- B. even though she has an 8 foot high privacy fence, two feet of the tops of the trailers can still be seen from her yard;
- C. many unpleasant odors come from that property; and,
- D. the property owner keeps signs, aluminum vents, and other equipment she felt could be hazardous in case of high wind.

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Mr. Olsen advised the Commission that the property in question was located in the county and there is no zoning in that area. He added that the Commission could impose upon the applicant the condition of placing a buffer between commercial and residential property, but based upon earlier statements, it sounded as if that were already in place.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over to the April 3, 2008, meeting, to allow the applicant to provide the following:

- 1) **revision of the plat to eliminate the land-locked parcel which would be created at the Southern end of Parcel R022809311000011, either by inclusion of that portion into Lot 1, or as an addition to Lot 19, Westchester Place Subdivision, First Addition, as a two-lot revision to this application;**
- 2) **revision of the plat to label each lot with its size in square feet, or the provision of a table on the plat furnishing the same information; and,**
- 3) **provision of a deed of sale of the Northern portion of Parcel R022809311000011 for a two-lot subdivision, or the entire parcel for a one-lot subdivision.**

The motion carried unanimously.

Case #SUB2007-00319 (Subdivision)

R & S Leasing Subdivision

7535 Theodore Dawes Road, and 5975 and 6013 Creel Road

West side of Theodore Dawes Road, 140'+ South of the West terminus of Helton Road, extending to the East side of Creel Road at the East terminus of Lundy Road

Number of Lots / Acres: 4 Lots / 14.5+ Acres

Engineer / Surveyor: Lawler and Company

County

Will Lawler, Lawler and Company, spoke on behalf of the applicant, objecting to the requirement for dedication of the right-of-way on Creel Road. He stated that the county had over the past few years widened the road and acquired additional right-of-way, which is now currently 80 feet. He asked if it might be possible, instead of dedicating additional right-of-way, to reserve a strip for future purchase to be used as right-of-way, as a means of recouping some of the financial loss created by the loss of that property.

Mr. Olsen advised the Commission that they did not allow for the reservation of property for future purchase and the options available to the applicant were either dedication or additional setback to allow for the future major street.

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Mr. Lawler responded that the applicant showed a 75 foot setback on the property currently that could include the 25 foot requirement of the required 50 foot right-of-way.

In deliberation, Mr. Watkins asked Mr. Olsen, regarding dedication versus setback, would the setback be 50 feet or 75 feet.

Mr. Olsen stated the setback was 75 feet from center line. He believed that Mr. Lawler had stated the plat reflected 75 feet but the standard verbiage used by staff when doing a setback was that the setback be provided at 75 feet from center line, which accounts for 50 feet of right-of-way then 25 feet of dedication.

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

- 1) revision of the final plat to label the lot that fronts Theodore Dawes Road as Lot 1;**
- 2) provision of a minimum 50' from the centerline of Creel Road;**
- 3) placement of a note on the final plat stating that Lot 1 is limited to one curb cut to Theodore Dawes Road, Lot 2 is limited to two curb cuts to Creel Road, and Lots 3 and 4 are limited to one curb cut each to Creel Road, with the size, location, and design 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) 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;**
- 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; and,**
- 7) subject to Fire Department comments: (*Fire hydrants shall be provided per Section 508.5.1 of the 2003 IFC. Access to building shall be provided per Section 503.1.1 & 503.2.1 of the 2003 IFC*).**

The motion carried unanimously.

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Case #SUB2007-00317 (Subdivision)

Creekwood Subdivision, Unit III

South terminus of Ridgeline Drive

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

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

Don Coleman, Rester and Coleman Engineers, Inc., spoke on behalf of the applicant, asking that the condition regarding recording the Creekwood Subdivision plat prior to the Cypress Cove plat be deleted, and gave the following reasons:

- A. it has been 4 months since the approval of the Cypress Cove application and the developers are ready to begin the project;
- B. once this is approved, the developers can get the Cypress Cove plat recorded;
- C. the property before the Commission today will take 4 to 6 weeks to survey, which is required before recording the plat, which he assured would be done as soon as the survey is complete; and,
- D. this property is separate from Cypress Cove and has access to 2 public streets.

Mr. Olsen addressed Mr. Coleman's points as follows:

- A. the staff asked that this subdivision be recorded prior to the recording of the Cypress Cove plat, as this property should have been included in that original submission as it was originally a part of that property; and,
- B. the staff had heard the application was in danger of being withdrawn, which would create parcels without any type of legal lot of record status.

Mr. Watkins agreed with the staff that if this parcel had come out of the Cypress Cove parcel it ought to be counted together to be subdivided.

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

- 1) **this plat is to be signed and recorded prior to the signing of the Cypress Cove Subdivision plat.**

The motion carried unanimously.

Case #SUB2008-00012 (Subdivision)
Woodberry Forest Subdivision Additions

West side of Wilson Road West at its South terminus, extending to the North terminus of Selby Phillips Drive

Number of Lots / Acres: 78 Lots / 47.9± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

Don Coleman, Rester and Coleman Engineers, Inc., spoke on behalf of the applicant and addressed the issue of limited lot number with the following:

- A. Grelot Road is under construction in that subdivision area, as is Dawes Road;
- B. with the completion of both of those, the subdivision will have greatly increased its public access; and,
- C. his current understanding of the recommendations lead him to believe that the staff wants to limit the number of lots that may be constructed in the subdivision based upon limited access to the subdivision, to which his client objects.

Mr. Olsen clarified the condition stating that at this time the staff wanted to limit immediate construction to only lots 17-45 because of the limited access given by the street that comes right into the subdivision from the south, but that upon completion of Grelot Road from Dawes Road to Selby Drive and/or the completion of Dawes Road from Wilson Road West/Lowrey Road, as well as the construction of roads within the subdivision, the developer would then be free to record all lots proposed.

Mr. Turner asked Mr. Coleman if, after hearing Mr. Olsen's explanation, the applicant still had objections.

Mr. Coleman said the applicant was now agreeable with the recommendations.

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

- 1) **provision of documentation regarding parcel R02270726000011.001., and its establishment as a future road to serve adjacent land-locked parcels, or provision of a street-stub to the land-locked parcels in the vicinity of the proposed detention area near lots 61 and 62;**
- 2) **placement of a note on the plat stating that development of the site is limited to lots 17-45, and that no additional lots may be recorded until additional access to a public road is provided via construction of Grelot Road from Dawes Road to Selby**

- Phillips Drive, or construction of the new Dawes Road along the Wilson Road West / Lowry Road alignment;
- 3) dedication and labeling of right-of-way sufficient to provide 50-feet, as measured from the centerline of Wilson Road West / Lowry Road, including where it abuts proposed lot 78;
 - 4) depiction and labeling of the 25-foot minimum building setback line from all existing and proposed road frontages, including where lot 78 abuts proposed Grelot Road and Dawes Roads, and where lot 38 abuts proposed Grelot Road and the proposed "future street" on the western boundary of the lot;
 - 5) placement of a note on the final plat stating that all lots, with the exception of Lot 78, are denied direct access to Wilson Road West / Lowry Road (future Dawes Road) and the proposed Grelot Road, and are otherwise limited to one curb-cut, that Lot 78 is limited to a maximum of three curb-cuts onto Wilson Road West / Lowry Road (future Dawes Road), once it is improved to County standards, and three curb-cuts onto the future Grelot Road, once it is improved to County standards, and that the size, design, and location of all curb-cuts are to be approved by the Mobile County Engineering Department;
 - 6) construction of all streets to Mobile County and 2003 International Fire Code standards (as adopted by the City of Mobile), and acceptance of the streets by Mobile County;
 - 7) 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;
 - 8) placement of a note on the plat stating that approval of all applicable Federal, state, and local agencies is required for wetland and floodplain issues, if any, prior to the issuance of any permits or land disturbance activities;
 - 9) labeling of all common areas and detention common areas, and placement of a note on the Final Plat stating that maintenance of the common areas, including detention areas and any other common areas, is the responsibility of the subdivision's property owners;
 - 10) provision of a letter from a licensed engineer to the Planning Section of Urban Development and Mobile County Engineering, certifying that the stormwater detention, drainage facilities, and release rate comply with the City of Mobile stormwater and flood control ordinances, prior to the signing and recording of the final plat for any phase;
 - 11) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially

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developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and, 12) the labeling of all lots with their size in square feet.

The motion carried unanimously.

Case #SUB2008-00013 (Subdivision)

Boyd Properties Subdivision

Southwest corner of Paper Mill Road and McKinley Street

Number of Lots / Acres: 1 Lot / 18.8± Acres

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

Council District 2

(Also see **Case #ZON2008-00061 (Rezoning) Boyd Brothers Transportation, Inc.** below)

Robert E. Clute, Jr., Johnstone, Adams, Bailey, Gordon, and Harris, LLC, spoke as the representative for Boyd Brothers, and requested the matter be heldover until the April 3, 2008, meeting. He added that with the help of Councilman William Carroll, District 2, a meeting had been arranged with the citizens of that area to discuss their concerns in an effort to resolve their opposition to the proposed development.

William Carroll, 254 Broad Street, Mobile, Councilperson for District 2, spoke on the matter, and made the following points in favor of the holdover:

- A. approximately 3 to 4 weeks prior to this meeting, he had been approached by both the realtor and the attorney representing Boyd Brothers regarding the sale of this property on Paper Mill Road and the development of the same;
- B. at approximately the same time, correspondence was sent to the area neighbors to advised them of the potential development;
- C. approximately two week prior to this Planning Commission meeting, a community meeting was held where the residents expressed their adamant opposition to the project, including a petition with approximately 200 names on it, which represented large opposition; and,
- D. on March 13, 2008, at 6:30 p.m., a meeting was scheduled at the Plateau Community Center. This meeting would be the first opportunity the developer and the business owners have had to actually talk to the area residents to see if any of their major concerns could be resolved before the property is actually purchased.

The Chairman expressed his concern that this meeting actually take place as the Commission had been informed that such a meeting had been promised to the residents previously but had not happened.

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Arealia Phillips Craig, a native and resident of the Plateau/Magazine Point/Happy Hills area, expressed that she and her neighbors were very upset about the matter. She said they felt the potential business owners should have had a meeting with the neighbors first, as had been the case with every other company that had come into the area. She also expressed her concern that they had just received letters of notification regarding the matter as well.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over to the April 3, 2008, meeting, at the applicant's request.

The motion carried unanimously.

Case #ZON2008-00061 (Rezoning)
Boyd Brothers Transportation, Inc.

Southwest corner of Paper Mill Road and McKinley Street.

Rezoning from R-1, Single-Family Residential, to I-2, Heavy Industry, to allow a trucking facility

Council District 2

(Also see **Case #SUB2008-00013 (Subdivision) Boyd Properties Subdivision** above)

(See **Case #SUB2008-00013 (Subdivision) Boyd Properties Subdivision** 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 to the April 3, 2008, meeting at the applicant's request.

The motion carried unanimously.

Case #SUB2008-00007 (Subdivision)
Country Club of Mobile Subdivision

4101 Wimbledon Drive West

North and South sides of Wimbledon Drive West, 200'± West of Turnin Lane, extending to the East and South sides of Country Club Road, and the North side of Airport Boulevard, ¼ mile± West of South McGregor Avenue

Number of Lots / Acres: 2 Lots / 189.6± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 5

(Also see **Case #ZON2008-00051 (Sidewalk Waiver) Country Club of Mobile Subdivision**, **Case #ZON2008-00049 (Planned Unit Development) Country Club of Mobile Subdivision**, and, **Case #ZON2008-00050 (Planning Approval) Country Club of Mobile Subdivision**, below)

Doug Anderson, Burr and Foreman Law Firm, spoke on behalf of the applicant and expressed their concerns regarding condition 2, access to Airport Boulevard, of the subdivision application as follows:

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- A. he had spoken with Bill Metzger of the City's Traffic Engineering Department the previous fall prior to the submittal of the applications regarding access to make sure Traffic Engineering would approve a curb cut;
- B. the curb cut discussed would be either as it is shown on the site plan or one that was a more angled, split, "one way in, one way out" driveway, either to be approved by Traffic Engineering; and,
- C. the split driveway seems to be the more practical of the two as it allows better, safer access for 18 wheeler traffic to the site.

Mr. Olsen responded that the staff would feel more comfortable with changing the condition to read "limited to 1 two-way or 2 one-way drives to be approved by Traffic Engineering." He also expressed that his hesitation was due to the fact this had already been heldover once and that he had been told by Traffic Engineering that its department had not actually reviewed the curb cut.

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

- 1) **compliance with Engineering Comments (*Provide detention for all impervious area constructed post-1984. 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 final plat stating that the subdivision is limited to one (1) two-way curb cut or two (2) one-way curb-cuts to Airport Boulevard, with the size, location, and design to be approved by Traffic Engineering; and,**
- 3) **placement of a note on the final plat stating that curb cuts to other public rights-of-way will require the size, location, and design to be approved by Traffic Engineering.**

The motion carried unanimously.

Case #ZON2008-00051 (Sidewalk Waiver)

Country Club of Mobile Subdivision

4101 Wimbledon Drive West

North side of Airport Boulevard, ¼ mile± West of South McGregor Avenue

Request to waive construction of a sidewalk along Airport Boulevard

Council District 5

(Also see **Case #SUB2008-00007 (Subdivision) Country Club of Mobile Subdivision**, above, **Case #ZON2008-00049 (Planned Unit Development), Country Club of Mobile Subdivision**, and, **Case #ZON2008-00050 (Planning Approval) Country Club of Mobile Subdivision**, below)

(See for **Case #SUB2008-00007 (Subdivision) Country Club of Mobile Subdivision** discussion)

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

The motion carried unanimously.

Case #ZON2008-00049 (Planned Unit Development)

Country Club of Mobile Subdivision

4101 Wimbledon Drive West

North and South sides of Wimbledon Drive West, 200'± West of Turnin Lane, extending to the East and South sides of Country Club Road, and the North side of Airport

Boulevard, ¼ mile± West of South McGregor Avenue

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow multiple buildings on multiple building sites

Council District 5

(Also see **Case #SUB2008-00007 (Subdivision) Country Club of Mobile Subdivision**, **Case #ZON2008-00051 (Sidewalk Waiver) Country Club of Mobile Subdivision**, above, and, **Case #ZON2008-00050 (Planning Approval) Country Club of Mobile Subdivision**, below)

(See for **Case #SUB2008-00007 (Subdivision) Country Club of Mobile Subdivision** discussion)

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

- 1) **compliance with Engineering Comments** (*Provide detention for all impervious area constructed post-1984. 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.); and,

- 2) **compliance with the revised plan and accompanying documentation as submitted.**

The motion carried unanimously.

Case #ZON2008-00050 (Planning Approval)

Country Club of Mobile Subdivision

4101 Wimbledon Drive West

North and South sides of Wimbledon Drive West, 200'± West of Turnin Lane, extending to the East and South sides of Country Club Road, and the North side of Airport Boulevard, ¼ mile± West of South McGregor Avenue

Planning Approval to amend a previously approved Planning Approval to allow a golf course maintenance facility at an existing country club in an R-1, Single-Family Residential District

Council District 5

(Also see **Case #SUB2008-00007 (Subdivision) Country Club of Mobile Subdivision**, **Case #ZON2008-00051 (Sidewalk Waiver) Country Club of Mobile Subdivision**, **Case #ZON2008-00049 (Planned Unit Development) Country Club of Mobile Subdivision**, and, **Case #ZON2008-00050 (Planning Approval) Country Club of Mobile Subdivision**, above)

(See for **Case #SUB2008-00007 (Subdivision) Country Club of Mobile Subdivision** discussion)

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

- 1) **compliance with Engineering Comments (*Provide detention for all impervious area constructed post-1984. 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.); and,***
- 2) **compliance with the revised plan and accompanying documentation as submitted.**

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The motion carried unanimously.

Case #SUB2008-00010 (Subdivision)

Falling Leaf Subdivision

East side of Sollie Road, 400'± North of the East terminus of Isle of Palms Drive, extending to the East terminus of Raleigh Boulevard

Number of Lots / Acres: 133 Lots / 70.3± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(Also see **Case #ZON2008-00053 (Planned Unit Development) Falling Leaf Subdivision** below)

Don Coleman, Rester and Coleman Engineers, Inc., spoke on behalf of the applicant and withdrew the application.

Case #ZON2008-00053 (Planned Unit Development)

Falling Leaf Subdivision

East side of Sollie Road, 400'± North of the East terminus of Isle of Palms Drive, extending to the East terminus of Raleigh Boulevard

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

Council District 6

(Also see **Case #SUB2008-00010 (Subdivision) Falling Leaf Subdivision** above)

Don Coleman, Rester and Coleman Engineers, Inc., spoke on behalf of the applicant and withdrew the application.

EXTENSIONS:

Case #SUB2006-00202 (Subdivision)

Brookview at Brookside Subdivision

2251 and 2255 Pesnell Court

North and East sides of Pesnell Court at its North terminus, extending to the West side of Inverness Subdivision, Unit Two

Number of Lots / Acres: 1 Lot / 18.0± Acres

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

Council District 6

(Also see **Case #ZON2006-01870 (Planned Unit Development) Brookview at Brookside Subdivision** below)

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

The motion carried unanimously.

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Case #ZON2006-01870 (Planned Unit Development)

Brookview at Brookside Subdivision

2251 and 2255 Pesnell Court

North and East sides of Pesnell Court at its North terminus, extending to the West side of Inverness Subdivision, Unit Two

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow 22 single-family residential dwellings on a single building site with private street access

Council District 6

(Also see **Case #SUB2006-00202 (Subdivision) Brookview at Brookside Subdivision** above)

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

The motion carried unanimously.

Case #SUB2006-00028 (Subdivision)

Dixon Estates Subdivision, Unit One

152 Tuthill Lane

Northeast corner of Tuthill Lane and Stein Avenue

Number of Lots / Acres: 3 Lots / 2.6± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 7

Don Coleman, Rester and Coleman Engineers, Inc., spoke on behalf of the applicant saying they had contacted him that morning saying they wanted to complete the subdivision plat the next week and in as much, he respectfully requested one, final extension.

Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Dr. Rivizzigno, to approve the above referenced requested extension, but that additional extensions will be denied.

The motion carried unanimously.

Case #SUB2006-00012 (Subdivision)

Breydon Square Subdivision

South side of Old Shell Road, 270'± East of Wilroh Drive East

Number of Lots / Acres: 15 Lots / 3.3± Acres

Engineer / Surveyor: Engineering Development Services, LLC

Council District 7

(Also see **Case #ZON2006-00188 (Planned Unit Development) Breydon Square Subdivision** below)

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

The motion carried unanimously.

Case #ZON2006-00188 (Planned Unit Development)

Breydon Square Subdivision

South side of Old Shell Road, 270'± East of Wilroh Drive East
Planned Unit Development Approval to allow reduced lot widths, sizes, and setbacks in a single-family residential subdivision
Council District 7

(Also see **Case #SUB2006-00012 (Subdivision) Breydon Square Subdivision** above)

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

The motion carried unanimously.

Case #SUB2006-00303 (Subdivision)

Pecan Grove Place Subdivision, Phase Two

West terminus of Pecan Grove Drive
Number of Lots / Acres: 15 Lots / 9.8± Acres
Engineer / Surveyor: Richard L. Patrick, PLS
County

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

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2008-00027

233 Joint Venture Subdivision

East side of Schillinger Road, 190'± North of Grelot Road, extending to the North side of Grelot Road, 180'± East of Schillinger Road
Number of Lots / Acres: 1 Lot / 12.4± 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. Turner, with second by Mr. Watkins, to approve the above referenced subdivision, subject to the following conditions:

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- 1) placement of a note on the final plat stating that the lot is limited to three (3) curb-cuts onto Schillinger Road South and one (1) curb-cut onto Grelot Road, with the size, design, and location of all curb-cuts to be approved by the Mobile County Engineering Department;
- 2) dedication and labeling of right-of-way sufficient to provide 50-feet as measured from the centerline along both Schillinger Road South and Grelot Road, if necessary to meet minimum requirements;
- 3) depiction of the 25-foot minimum building setback line on the final plat, as depicted on the preliminary plat;
- 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 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;
- 5) 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;
- 6) placement of a note on the plat stating that approval of all applicable Federal, state, and local agencies is required for wetland and floodplain issues, if any, prior to the issuance of any permits or land disturbance activities;
- 7) the labeling of all lots with their size in square feet, as depicted on the preliminary plat; and,
- 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.

The motion carried unanimously.

Case #SUB2008-00033

Little Sisters of the Poor Subdivision

1655 McGill Avenue

Block bounded by McGill Avenue, South Monterey Street, Conti Street, and Hannon Avenue

Number of Lots / Acres: 1 Lot / 11.3± 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.

Mindy Overstreet, 54 Hannon Avenue, Mobile, stated she and her neighbors were confused as to what they understood was to take place, as it was their perception that the park across the street from her house would be turned into “more concrete and brick.”

The Chair advised all that was taking place before the Commission that day was taking a number of unincorporated parcels and making them into one legal lot of record.

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Watkins, to approve the above referenced 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) **dedication of sufficient right-of-way to provide 25-feet from the centerline of Conti Street;**
- 3) **the placement of a note on the Final Plat allowing the existing (seven) curb cuts to the development;**
- 4) **the placement of a note on the Final Plat stating if there is a change in circulation of the development the size, location, and design of any new curb cuts are to be approved by Traffic Engineering and conform to AASHTO standards; and,**
- 5) **the labeling of the lot with its size in square feet.**

The motion carried unanimously.

Case #SUB2008-00038

Condominium Subdivision

West side of North Joachim Street, extending from St. Francis Street to St. Michael Street

Number of Lots / Acres: 1 Lot / 0.6± Acre

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

Council District 2

Don Rowe, Rowe Surveying and Engineering Company, Inc., spoke on behalf of the applicant and expressed concern regarding recommendation 2, the dedication of right-of-way on St. Michael's Street. He stated that St. Michael's Street currently exists as 40 feet and that all of the buildings along it are built on the sidewalk, which is 20 feet from the center line. He acknowledged that it was the staff's standard practice to ask for a 25 feet dedication, but that he respectfully requested not having to dedicate the additional 5 feet along St. Michael's Street for right-of-way as it would never be used.

Mr. Olsen advised the Commission that Mr. Rowe was correct, that staff had to, technically, request the dedication. He added that the Commission had in the past, especially in cases that involved the core area of downtown Mobile, understood that with zero setback situations, dedication was not always practical, and this was, in fact, one of those instances.

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

- 1) completion of the alley vacation process prior to the signing of the final plat;**
- 2) placement of a note on the plat stating that Lot 1 is limited to one (1) curb-cut onto each street, for a total of three (3), with the size, design, and location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) compliance with Engineering comments (*Show minimum Finished Floor Elevation on plat and plans. Need to analyze the receiving drainage system and maximize detention according to the ability of the receiving system to handle the flow. 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.*);**

- 4) **waiver of the minimum building setback requirements of Section V.D.9. of the Subdivision Regulations in favor of those of the Zoning Ordinance, and placement of a note on the plat stating that there are no minimum building setbacks; and,**
- 5) **the labeling of the lot with its size in square feet.**

The motion carried unanimously.

Case #SUB2008-00028

Chesterfield Place Subdivision, Re-subdivision of Lot 11

West side of Chesterfield Drive West

Number of Lots / Acres: 2 Lots / 0.7± Acre

Engineer / Surveyor: Austin Engineering Co., 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. Turner, with second by Mr. DeMouy, to approve the above referenced re-subdivision, subject to the following conditions:

- 1) **placement of a note stating that lots 11A and 11B are limited to one curb cut each onto Chesterfield Drive West and denied access to Lyle Road, with the size, location, and design to be approved by Mobile County Engineering;**
- 2) **provision of a minimum detention capacity volume of a 50 year post development storm, with a maximum release rate equivalent to the 10 year storm pre-development rate, and the placement of a note on the final plat stating that the development has been designed to comply with all other 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, as well as the detention and release rate requirements of Mobile County for projects located within the Converse watershed, prior to the obtaining of permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;**
- 3) **labeling of each lot with its size in square feet;**
- 4) **placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section**

V.A.7 of the Subdivision Regulations;

- 5) placement of a note on the plat / 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; and,**
- 6) submittal of the final plat for Chesterfield Place Subdivision prior to the signing of the plat for this application.**

The motion carried unanimously.

Case #SUB2008-00029

Magnolia Way Subdivision, Re-subdivision of Lot 2

3448 Dawes Road

West side of Dawes Road, 180' ± North of Scott Dairy Loop Road South

Number of Lots / Acres: 2 Lots / 2.5± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

Robert Bateman, Palms Unlimited, 9070 Scott Dairy Loop Road South, Mobile, and spoke on his own behalf, making the following points in favor of the application:

- A. he would like to expand his business selling palm trees all over the southeast United States and some to Canada;
- B. Mrs. Margie Shofner, the owner of the land in question, lost her husband two years prior and as she no longer needed that portion of the property, offered to sell it to Mr. Bateman; and,
- C. though it may look like a flag lot, as it abuts his property, it would be part of his business, thereby reducing the risks the staff normally associated with flag shaped lots.

Mr. Olsen advised the Commission the lot was indeed a flag shaped lot with 50 feet of frontage on Dawes Road, and that while Mr. Bateman might own the property directly adjacent to it, it was a separate legal lot of record, and thereby, could be sold at any time as a flag shaped lot. He also said that if it was Mr. Bateman's intent to use it as part of his business, it might be worth Mr. Bateman's time to explore the option of a two lot subdivision including Mr. Bateman's property. He added that it might need a bit of re-configuring so that the parcel in question became a part of his original property, rather than it being a separate flag shaped lot.

Sam Stockman, 3280 Dauphin Street, Mobile, spoke on behalf of Mr. Bateman, as his attorney in the matter, saying Mrs. Shofner very much needed to sell the property in question. He also said that in previous cases, the issue of flag shaped lots had not been a problem.

Mr. Olsen advised that approximately a year prior, the Commission had come to the decision to only allow flag shaped lots in unique circumstances, as they do not comply

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with all aspects of the subdivision regulations with regards to such things as width to depth ratio and things of that nature.

The Chair asked if Mr. Bateman would consider holding the matter over to allow his surveyor a chance to review the possibilities suggested by the staff.

Mr. Bateman said he would be in favor of the holdover.

Hearing no opposition or further pertinent discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the April 3, 2008, meeting, at the applicant's request.

The motion carried unanimously.

Case #SUB2008-00031

Shana Court Subdivision, First Addition, Re-subdivision of Lots 5 & 6

4117 and 4121 Shana Drive

West side of Shana Drive at its South terminus

Number of Lots / Acres: 2 Lots / 2.2± 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 Mr. DeMouy, to approve the above referenced re-subdivision, subject to the following conditions:

- 1) placement of a note stating that lots 5A and 6A are limited to one curb cut each onto Shana Drive with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) labeling of each lot with its size in square feet;**
- 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; and,**
- 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.**

The motion carried unanimously.

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Case #SUB2008-00036

Green Briar Subdivision

6459 and 6465 Bay Road

East side of Bay Road, 450'± South of Bay Road North

Number of Lots / Acres: 2 Lots / 9.0± Acres

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

Don Rowe, Rowe Surveying and Engineering Company, Inc., spoke on behalf of the applicant, saying that the out-parcel in question and the cause for the staff's requesting that the matter be held over has been an issue since 1957. He added that there is an easement in place regarding it.

Mr. Olsen advised the Commission that in speaking with Mr. Rowe it was determined that the parcel had, indeed, been deeded off prior to the enactment and enforcement of the Subdivision Regulations in the jurisdiction. He added that they do have a deeded easement, making the parcel in question a parcel of record and that, if the Commission chose to, the matter could be approved at the meeting as the staff had prepared conditions for such.

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

- 1) **placement of a note on the final plat stating that Lot A is limited to two curb cuts to Bay Road, and Lot B is limited to one curb cut to Bay Road, 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 future subdivision of Lot B will be allowed until additional adequate frontage on a public street is provided;**
- 3) **depiction of the minimum 25' building setback line from Bay Road on Lot A, and from where the "pole" meets the "flag" on Lot B;**
- 4) **labeling of the lots with their sizes in square feet, or the provision a table on the plat with the same information;**
- 5) **the applicant obtain the approval of all applicable federal, state, and local environmental agencies prior to the issuance of any permits or land disturbance activities;**
- 6) **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;
- 7) 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
 - 8) submission of a letter from a licensed engineer certifying compliance with the City's stormwater and flood control ordinances 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 #SUB2008-00037

Lakeside Commercial Park West Subdivision, Re-subdivision of Lots 2 & 3

3741 and 3751 Joy Springs Drive

South side of Joy Springs Drive, 225'± West of Lakeside Drive

Number of Lots / Acres: 2 Lots / 3.8± Acres

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

Council District 4

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Davitt, to hold the matter over until the April 3, 2008, meeting, to allow the applicant to submit a Planned Unit Development application for the shared access among adjacent building sites.

The motion carried unanimously.

Case #SUB2008-00025

Dunnam Estates Subdivision

10001 Broughton Road

South side of Broughton Road, 625'± West of Snow Road North

Number of Lots / Acres: 3 Lots / 4.8± Acres

Engineer / Surveyor: McCrory & Williams, Inc.

County

Randall LeCroy, McCrory and Williams, spoke on behalf of the applicant, as did James Dunnam, 2575 Wedgewood Drive, Semmes, AL, son of the subdivision owner.

Mr. LeCroy questioned what provisions the staff was asking for in condition number 1.

Mr. Olsen advised that as the parcel was a "metes and bounds" parcel, the staff needed documentation that this "metes and bounds" parcel was established prior to 1984 or

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other documentation showing it to be a legal lot of record with a recorded legal description.

Mr. LeCroy asked why there was need for a retention pond.

Mr. Olsen advised the following with regards to the retention pond:

- A. the proposed subdivision was within the J.B. Converse Lake Watershed;
- B. the County Subdivision Regulations require that when within a watershed certain provisions for the protection of that watershed must be taken;
- C. the State Code requires that, at a minimum, full compliance with the City of Mobile drainage standards must be adhered to within the Planning Jurisdiction; and,
- D. with new construction, stormwater run off can not be increased to any greater degree or greater concentration than currently exists.

Rosemary Sawyer, City Engineering, also stated the following with regards to stormwater run off:

- A. if this is a family subdivision, making two homes, there may only be the need for a small swale; and,
- B. as the proposed subdivision is in the Converse Watershed, the release rate can't be more than a 10 year release rate.

Mr. Olsen stated that the staff had the file and would review it prior to deliberation to make sure that it corresponded with the overall outline that it is being divided into 3 lots. If that proves to be the case, then condition 1 has been met.

Hearing no opposition or discussion, a motion was made by Mr. Watkins, with second by Mr. DeMouy, to waive Section V.D.3. of the Subdivision Regulations and approve the above referenced subdivision, subject to the following conditions:

- 1) provision of documentation establishing the creation date of the parcel as prior to 1984, or that it is a legal lot;**
- 2) placement of a note on the final plat stating that proposed lots 1, 2, and 3 are limited to 2 total curb cuts, with the size, design, and location to be approved by County Engineering;**
- 3) revision of the plat to depict the 25' minimum building setback line from where the pole meets the flag portion of the lot;**
- 4) placement of a note on the plat stating that there shall be no additional subdivision of lot 3 until additional frontage on a public street is provided;**
- 5) provision of a minimum detention capacity volume of a 50 year post development storm, with a maximum release rate**

- equivalent to the 10 year storm pre-development rate, and the placement of a note on the final plat stating that the development has been designed to comply with all other 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, as well as the detention and release rate requirements of Mobile County for projects located within the Converse watershed, prior to the obtaining of permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;
- 6) 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;
 - 7) 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,
 - 8) labeling of each lot with its size in square feet in addition to acreage.

The motion carried unanimously.

Case #SUB2008-00034

Providence Park, P.O.B. West Subdivision, Re-subdivision of Lot 1, Re-subdivision of and Addition to Lot 1

Northeast corner of Cody Road South and Providence Park Drive South, extending to the West side of Providence Park Drive East (private street), 890'± South of Airport Boulevard.

Number of Lots / Acres: 11 Lots / 11.6± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

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.

Mike Damoff, 7101 Lakeview Drive, Mobile, addressed the Commission, stating he was with the Highland Park/Lakeview West Community Association. He said the association was concerned that another construction site in the area would be dumping water into the lake and breach the dam, so they would like to know what proposed plans were in place regarding this property. He also wondered if a hydrology study had been done by the applicant in association with this proposed development.

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The Chair advised the developer was proposing to subdivide one lot and a portion of another parcel into 11 lots.

Mr. Olsen also advised that they would have to be in full compliance with the City of Mobile stormwater management standards, meaning that water can not leave the development at any faster or greater rate than it does now, and that they must retain it in such a fashion to assure this. He also advised Mr. Damoff that if he had more questions, Don Coleman was the surveyor/engineer for the project, and that Mr. Coleman was in attendance and that he might get with him after the meeting to answer any other questions regarding the proposed development.

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 April 3, 2008, meeting, so that the following could occur:

- 1) submission of an application by March 17, 2008, to amend the existing Planned Unit Development, to allow the PUD to be considered at the April 17, 2008, meeting.**

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2008-00360

University of South Alabama (M. Wayne Davis, Agent)

North side of Center Street, 85'± West of Lambert Street, extending to the West side of Lambert Street, 150'± North of Center Street

Request to waive construction of a sidewalk along Lambert Street.

Council District 2

Dr. Rivizzigno recused herself 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. Davitt, with second by Mr. DeMouy, to approve the waiver of the sidewalk along Lambert Street, but it is recommended only for the section where construction is not practicable due to the 48-inch Live Oak, and is to be coordinated with Urban Forestry.

The motion carried unanimously.

Case #ZON2008-00361

D & B Development, LLC (David Ball, Agent)

1551 East I-65 Service Road South

(East side of East I-65 Service Road South, 2/10 mile± North of I-65 Commerce Drive).

Request to waive construction of a sidewalk along East I-65 Service Road South.

Council District 5

Mr. Davitt 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. DeMouy, to approve the above referenced sidewalk waiver request.

The motion carried unanimously.

NEW REZONING APPLICATIONS

Case #ZON2008-00359

George E. Jensen Contractor (Dulari J. Smith, President)

88 Hillcrest Road

West side of Hillcrest Road, 270'± North of Cedar Bend Court

Rezoning from R-1, Single-Family Residential, to LB-2, Limited Neighborhood

Business, to allow retail sales

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. Turner, with second by Dr. Rivizzigno, to approve the above reference rezoning request, 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*);**

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- 2) placement of a note on the site plan stating that any changes to the site plan, that would normally require a building or land disturbance permit, will require a new application for Planned Unit Development approval prior to the issuance of any permits;
- 3) depiction of a fence or protection buffer strip along the North, West and South perimeters of the site, in accordance with Section 64-4.D.1. of the Zoning Ordinance;
- 4) that the parking area will be illuminated in accordance with the requirements of Section 64-6.A.3.c. of the Zoning Ordinance, if the parking area is used at night;
- 5) the site is limited to one curb-cut onto Hillcrest Road, with the size, design, and location of the curb-cut to be approved by Traffic Engineering and in compliance with AASHTO standards;
- 6) provision of a revised Planned Unit Development site plan to the Planning Section of Urban Development prior to the signing of the Final Plat;
- 7) the submission and completion of the Subdivision process; and,
- 8) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2008-00026 (Subdivision)

IHS Medical Park Subdivision

1721 Spring Hill Avenue

South side of Spring Hill Avenue, 140'± West of Gilbert Street

Number of Lots / Acres: 1 Lot / 1.3± Acres

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

Council District 2

(Also see Case #ZON2008-00336 (Rezoning) **Infirmiry Health System, Inc. (Dennis Summerford, Agent)**, 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.

Dr. Kendall Foster, 1701 Springhill Avenue, expressed his concerns regarding the following:

- A. concern regarding access to Springhill Avenue and the adjacent road structure to his business and office;
- B. problems regarding drainage in the area;
- C. questions regarding the exact location of the street;
- D. the provision of a 6 foot high privacy fence or 10 foot wide

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- vegetative buffer; and,
- E. compliance with all codes regarding a large oxygen tank located in the back of the building, which is very close to an elementary school, as well as a residential neighborhood.

The Chair asked if the Commission had any jurisdiction over something like the oxygen tank in question.

Mr. Olsen advised that issue would possibly fall under building and/or safety code enforcement, as well as the Fire Department.

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

- 1) **illustration of the 25' minimum building setback line along Spring Hill Avenue;**
- 2) **placement of a note on the final plat stating that the site is limited to two curb cuts to Spring Hill Avenue, with the size, location, and design of all curb cuts to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards;**
- 3) **labeling of the lot with its size in square feet and acres, or the furnishing of a table on the final plat providing the same information;**
- 4) **placement of a note on the final plat stating that development of the site must be undertaken 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 the provision of appropriate residential buffers required by Section 64-4.D.1. of the Zoning ordinance, such as a 6' wooden privacy fence or 10'-wide landscaped buffer are required; and,**
- 6) **compliance with the Engineering Comments: *(Need to analyze the receiving drainage system's ability to adequately handle the flow. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.)***

The motion carried unanimously.

Case #ZON2008-00336 (Rezoning)

Infirmiry Health System, Inc. (Dennis Summerford, Agent)

1721 Spring Hill Avenue

South side of Spring Hill Avenue, 140'± West of Gilbert Street

Rezoning from R-1, Single-Family Residential, and B-1, Buffer Business, to B-1, Buffer Business, to eliminate split zoning in a commercial subdivision

Council District 2

(Also see **Case #SUB2008-00026 (Subdivision) IHS Medical Park Subdivision**, above)

(See **Case #SUB2008-00026 (Subdivision) IHS Medical Park Subdivision** for discussion)

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

- 1) **the site is limited to two curb cuts to Spring Hill Avenue, with the size, location, and design of all curb cuts to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards;**
- 2) **compliance with the landscaping and tree planting requirements of the Zoning Ordinance to the greatest extent practicable, to be coordinated with the Planning Section of Urban Development;**
- 3) **completion of the Subdivision process;**
- 4) **provision of appropriate residential buffers as required by Section 64-4.D.1. of the Zoning Ordinance, such as a 6' wooden privacy fence or 10'-wide landscaped buffer; and,**
- 5) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2008-00032 (Subdivision)

Twin Oaks Subdivision

857 Crawford Lane

North, East, and South sides of Crawford Lane at its East terminus

Number of Lots / Acres: 1 Lot / 7.2± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 2

(Also see **Case #ZON2008-00363 (Rezoning) Ball Healthcare Services, Inc.**, below)

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

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

- 1) completion of the Vacation process for the unopened East terminus of Crawford Lane;
- 2) dedication along both sides of Crawford Lane to provide 25' from centerline;
- 3) revision of the plat to indicate a 120' diameter cul-de-sac without a center median;
- 4) construction of the cul-de-sac to City standards prior to signing the final plat;
- 5) dedication to provide 25' from the centerline of Carver Street;
- 6) revision of the plat to indicate the 25' minimum building setback line as measured from any required dedication along Crawford Lane and Carver Street;
- 7) placement of a note on the final plat stating that the site is limited to the existing curb cuts on the North side of Crawford Lane, and two curb cuts on the South side of Crawford Lane, with the size, location, and design of all curb cuts to be approved by Traffic engineering and conform to AASHTO standards;
- 8) placement of a note on the final plat stating that access to Carver Street is denied;
- 9) labeling of the lot with its size in acres, or the furnishing of a table on the plat providing the same information;
- 10) placement of a note on the final plat stating that the approval of all applicable Federal, State, and local agencies would be required prior to the issuance of any permits;
- 11) placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;
- 12) placement of a note on the final plat stating the provision of appropriate residential buffers required by Section 64-4.D.1. of the Zoning ordinance, such as a 6' wooden privacy fence or 10'-wide landscaped buffer are required; and,
- 13) compliance with the Engineering Comments: *(Flood study required for fill in AE or X-shaded flood hazard areas. 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.*

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*Must comply with all stormwater and flood control ordinances.
Any work performed in the right-of-way will require a right-of-way permit.)*

The motion carried unanimously.

Case #ZON2008-00363 (Rezoning)

Ball Healthcare Services, Inc.

857 Crawford Lane

North, East, and South sides of Crawford Lane at its East terminus

Rezoning from R-1, Single-Family Residential, and B-1, Buffer Business, to B-1,

Buffer Business, to eliminate split zoning in a commercial subdivision

Council District

(Also see **Case #SUB2008-00032 (Subdivision) Twin Oaks 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 Dr. Rivizzigno, with second by Mr. Davitt, to approve the above referenced requested rezoning, subject to the following conditions:

- 1) **completion of the Vacation process for the unopened East terminus of Crawford Lane;**
- 2) **dedication along both sides of Crawford Lane to provide 25' from centerline;**
- 3) **revision of the cul-de-sac to provide a 120' diameter right-of-way to conform to the 2003 International Fire Code Standard;**
- 4) **construction of the cul-de-sac to City standards;**
- 5) **dedication to provide 25' from the centerline of Carver Street;**
- 6) **the site is limited to the three existing curb cuts on the North side of Crawford Lane and two curb cuts on the South side of Crawford Lane, with the size, location, and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 7) **access to Carver Street is denied;**
- 8) **provision of appropriate residential buffers as required by Section 64-4.D.1. of the Zoning Ordinance, such as a 6' wooden privacy fence or 10'-wide landscaped buffer;**
- 9) **completion of the Subdivision process; and,**
- 10) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2008-00035 (Subdivision)

U.S. Machine Subdivision

576 and 600 Zeigler Circle East
Southeast corner of Zeigler Circle East and Sellers Lane
Number of Lots / Acres: 1 Lot / 2.1± Acres
Engineer / Surveyor: Clark, Geer, Latham & Associates, Inc.
Council District 7

(Also see **Case #ZON2008-00367 (Sidewalk Waiver) West Mobile Properties, LLC**,
and, **Case #ZON2008-00366 (Planned Unit Development)**
U.S. Machine 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. DeMouy, with second by Mr. Watkins, to approve the above referenced subdivision, subject to the following conditions:

- 1) **placement of a note on the final plat stating that the development is limited to the one curb cut along Sellers Lane, and two curb-cuts, to Zeigler Circle East, with the size, design, and location of all curb-cuts to be approved by Traffic Engineering and conform with AASHTO standards;**
- 2) **the labeling of the lot with its size in square feet, or placement of a table on the plat with the same information;**
- 3) **placement of a note on the final plat stating that the maintenance of the detention common area is the responsibility of the property owners; and,**
- 4) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2008-00367 (Sidewalk Waiver)

West Mobile Properties, LLC

576 and 600 Zeigler Circle East
Southeast corner of Zeigler Circle East and Sellers Lane
Request to waive construction of sidewalks along Zeigler Circle East and Sellers Lane
Council District 7

(Also see **Case #SUB2008-00035 (Subdivision) U.S. Machine Subdivision**, above,
and, **Case #ZON2008-00366 (Planned Unit Development)**

U.S. Machine Subdivision, below)

(See for **Case #SUB2008-00035 (Subdivision) U.S. Machine Subdivision** discussion)

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.

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Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the April 3, 2008, meeting, with any documentation to be submitted no later than March 10, 2008, for the following reasons:

- 1) due to the presence of undeveloped properties in the immediate area; and,**
- 2) submission of additional backup information on existing conflicts in the area to substantiate sidewalk waiver.**

The motion carried unanimously.

Case #ZON2008-00366 (Planned Unit Development)

U.S. Machine Subdivision

576 and 600 Zeigler Circle East

Southeast corner of Zeigler Circle East and Sellers Lane

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

Council District 7

(Also see **Case #SUB2008-00035 (Subdivision) U.S. Machine Subdivision**, and, **Case #ZON2008-00367 (Sidewalk Waiver) West Mobile Properties, LLC**, above)

(See for **Case #SUB2008-00035 (Subdivision) U.S. Machine Subdivision** discussion)

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. DeMouy, with second by Dr. Rivizzigno, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) completion of the Subdivision process;**
- 2) the submission of a revised PUD site plan reflecting compliance with the parking requirements of the Zoning Ordinance;**
- 3) the approval of the use variance from the Board of Adjustment; and,**
- 4) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

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Case #SUB2008-00030 (Subdivision)
Magnolia Business Park Subdivision

1550 South University Boulevard

Northwest corner of South University Boulevard and Aurelia Street

Number of Lots / Acres: 2 Lots / 1.2± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 6

(Also see **Case #ZON2008-00362 (Planned Unit Development) Magnolia Business Park 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.

Jerry Byrd, Byrd Surveying Company, spoke on behalf of the applicant, making the following points against holding the matter over until the April 3, 2008, meeting:

- A. his client simply desires to sell the northern portion of the parcel (i.e. a subdivision creating two lots);
- B. because of a grade differential between University Boulevard Service Road and his property line, is offering a joint driveway between lots 1 & 2 (i. e. one curb cut for the subdivision on to University Boulevard Service Road), allowing the purchaser of lot 2 to use that driveway (recorded driveway easement); and,
- C. currently, the applicant has no buyer for the property.

Mr. Olsen advised the Commission, that should they choose to approve the matter, the staff had prepared the following conditions for their consideration:

- A. the subdivision is limited to 1 curb cut to University Boulevard, with size, location, and design to be approved by Traffic Engineering;
- B. placement of a note on the final plat stating that access to Aurelia Street is denied;
- C. placement of a note on the plat saying that the site must be developed with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species; and,
- D. submission of a PUD application for the development of lot 2 at the time of development for lot 2.

Hearing no opposition or further discussion, a motion was made by Dr. Rivizzigno, with second by Mr. DeMouy, to hold the matter over to the April 3, 2008, meeting, to coincide with the Planned Unit Development application.

The motion carried unanimously.

Case #ZON2008-00362 (Planned Unit Development)

Magnolia Business Park Subdivision

1550 South University Boulevard

Northwest corner of South University Boulevard and Aurelia Street

Planned Unit Development Approval to allow shared access between two building sites.

Council District 6

(Also see **Case #SUB2008-00030 (Subdivision) Magnolia Business Park Subdivision**, above)

(See **Case #SUB2008-00030 (Subdivision) Magnolia Business Park Subdivision** for discussion)

Hearing no opposition or further discussion, a motion was made by Dr. Rivizzigno, with second by Mr. DeMouy, to hold the matter over 30 days to the April 3, 2008, meeting, to allow the applicant to submit a site plan for Lot 2 or withdraw the application. Revised drawings should be submitted by March 17, 2008.

The motion carried unanimously.

Case #SUB2008-00039 (Subdivision)

The Moors at Springhill Subdivision

North side of Spring Hill Avenue, extending from the North terminus of Wacker Lane

North to the North terminus of Gulfwood Drive

Number of Lots / Acres: 2 Lots / 5.9± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 7

(Also see **Case #ZON2008-00371 (Rezoning) 911 Dauphin Street, Inc.** 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. He also advised the Commission members that a list of recommendations had been provided by staff, should they choose to vote on the matter during deliberation, and then asked if the applicant had seen the recommendations.

Don Coleman, Rester and Coleman Engineers, Inc., spoke on behalf of the applicant, saying he had not seen the recommendations, however, he would agree to these conditions, if it meant approval of the proposed development that day. He also made the following points in favor of approving the matter that day, as opposed to holding it over until the April 3, 2008, meeting:

- A. there seemed to be a mistake on the plotting with regards to the western most property, as the property owner has stated he never deeded anything on those three lots;
- B. the property lines between the 3 lots to the west and this piece of property are common to each other; and,
- C. approving the matter today, subject to the conditions given, would allow the property owner to address all of the named issues, (i.e.

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location of utilities), and upon surveying the property, would determine construction on the site as contingent upon the preparation of the topography maps.

Mr. Olsen responded with the following:

- A. the staff has concerns regarding the parcels at the west end of the property, whether those concerns arise from the platting of the base map obtained from the county tax assessor, or where over time encroachment onto this property has occurred, it is preferred to see this resolved before approval of the application; and,
- B. regarding commercial development of the property, there is real concern as to whether there is actually build-able, viable, commercial area within the property, given the proximity of wetlands, as well as the easements required for both existing sanitary sewer line and drainage easements.

Curt Wilson, 320 Dalewood Drive, spoke in opposition, making the following points:

- A. he has lived in the area for the past 20 years and has had an office adjacent to the property in question for the last 30 years;
- B. the objection is not so much to the rezoning request, but a concern regarding the overall plan for the 5.9 acre parcel;
- C. the land has been the subject of several previous applications, all of which have failed, with the last attempt being withdrawn in the face of overwhelming opposition from the neighbors of the Springwood and Gulfwood subdivisions;
- D. the City's Engineering Department has said that the site "was not suitable for development and subdivision might increase the danger to health, life, or property, or aggravate the flood hazard," and nothing has changed on the site;
- E. development plans for the site are uncertain, though the City's Engineering Department holds it should never be developed, however, the neighbors believe that under certain scenarios, some types of development could be recommended that would satisfy all parties, as long as the property is evaluated in its entirety;
- F. the property is an important piece of land, as it lies on the perimeter of the Village of Springhill, is in close proximity to I-65, and lies in a rapidly improving stretch of Springhill Avenue which has been a part of market growth and investment activity in recent years;
- G. it is in the exact point where commercial development and zoning meets residential development and zoning;
- H. though he received notification because he has adjacent property, many of his concerned neighbors did not; and,
- I. he has met with the developer and believes there is reasonable

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compromise to be made, so much so that common sense says that a lot could be accomplished by holding the matter over, while a great deal of harm could be caused if the matter is forced through.

Hearing no further opposition or discussion, a motion was made by Mr. Turner, with second by Dr. Rivizzigno, to hold the matter over until the April 3, 2008, meeting, with revised information due by March 17, 2008, for the following reasons:

- 1) **provision of information to clarify apparent property ownership discrepancy on the Western side of the site, or revision of the plat to remove the areas from the site; and,**
- 2) **revision of the plat to depict all sanitary sewer, drainage, and other easements, and the illustration that a viable site for commercial development remains that will not be a risk to public health and safety.**

The motion carried unanimously.

Case #ZON2008-00371 (Rezoning)

911 Dauphin Street, Inc.

North side of Spring Hill Avenue at the North terminus of Wacker Lane North
Rezoning from R-1, Single-Family Residential, to B-1, Buffer Business, to allow professional offices

Council District 7

(Also see **Case #SUB2008-00039 (Subdivision) The Moors at Springhill Subdivision** above)

(See **Case #SUB2008-00039 (Subdivision) The Moors at Springhill Subdivision** for discussion)

Hearing no further opposition or discussion, a motion was made by Mr. Turner, with second by Dr. Rivizzigno, to hold the matter over until the April 3, 2008, meeting, to coincide with the Subdivision request.

The motion carried unanimously.

OTHER BUSINESS:

A Public Hearing to consider the adoption of the Comprehensive Plan for The Village of Spring Hill was opened. The Chair invited anyone who wished to speak on the matter to do so at that time.

Linda St. John, president of The Village of Springhill, addressed the Commission, noting that in the March 5, 2008, Press-Register, under the “Yesterday’s News” column, part of an article from March 5, 1908, had been published and it read, “the residents of Springhill have organized a committee of general supervision in their territory for the purpose of suggesting desirable improvements.” She went on to say that, apparently, it had taken

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100 years to get that plan for Springhill, and gave the following points in favor of adoption of the comprehensive plan:

- A. the plan included the input of 100's of residents, numerous city departments, analyses of transportation and economics, as well as steps for its implementation;
- B. the first step in implementing the plan is approval by the Planning Commission;
- C. the plan is supported by both Gina Gregory and Reggie Copeland, the council persons who represent their district; and,
- D. the mayor would like to include the plan in the overall plan for Mobile when it is completed at the end of the year.

Mr. Turner said he knew some of the ordinances where being addressed and the consultant had passed on information regarding the same to the staff. He asked the staff had they reviewed that and did they have some type of recommendations developed regarding changes to the ordinances ready for the Commission's review.

Mr. Olsen advised the Commission with the following statements:

- A. only a comprehensive, conceptual plan was before the Commission for approval that day;
- B. the staff had received a draft of the ordinance a few weeks prior, had reviewed it and presented that review with its accompanying comments, suggested changes and required changes to the consultant; and,
- C. after the staff receives the revised suggested ordinance, it will be reviewed again to make sure that all changes are acceptable, and only once that is determined, will it be placed on the Planning Commission's agenda to call for a public hearing.

The Chair reminded the Commission members that only the approval of the concept of the plan was before them that day, not implementation, funding, etc., of it.

Dr. Rivizzigno offered her commendation to the Committee of Springhill and everyone involved in the creation of the Comprehensive Plan for the Village of Springhill.

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Mr. Turner, to approve the adoption of the Comprehensive Plan for the Village of Springhill.

The motion carried unanimously.

The Chair announced that a Public Hearing to consider the amendment of the Zoning Ordinance regulating digital billboards/off-premise advertising was set for the April 3, 2008, meeting.

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The Chair announced that a Public Hearing to consider amendments to the Subdivision Regulations was set for the April 3, 2008, meeting.

Hearing no other official business, the meeting was adjourned.

APPROVED: May 21, 2009

William G. DeMouy, Jr., Secretary

Terry Plauche, Chairman.

jsl