

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

Members Present

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

Members Absent

Clinton Johnson
William DeMouy
Debra Butler
Roosevelt Turner

Urban Development Staff Present

Frank Palombo,
Planner II
Bert Hoffman,
Planner II
Derek Peterson,
Planner I
David Daughenbaugh,
Urban Forestry Coordinator
Joanie Stiff-Love,
Secretary II

Others Present

John Lawler,
Assistant City Attorney
Rosemary Sawyer,
City Engineering

Jennifer White,
Traffic 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 #SUB2009-00014

Cahill Place Subdivision

200 South Florida Street
Southwest corner of South Florida Street and Ralston Road
Number of Lots / Acres: 1 Lot / 0.7± Acre
Engineer / Surveyor: Patrick Land Surveying
Council District 5

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

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

- 1) **revision of the 25-foot minimum building line to show the minimum building line along all street frontages;**
- 2) **dedication of sufficient right-of-way, South Florida Street, to provide a minimum 50-feet as measured from the centerline of South Florida Street;**
- 3) **placement of a note on the Final Plat stating that the development is limited to one curb cut to Ralston Road and one curb cut to South Florida Street, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) **provision of adequate radii, in compliance with Section V.B.16. of the Subdivision Regulations, at the intersection of South Florida Street and Ralston Road, with the size to be determined by Traffic Engineering and conform to AASHTO standards;**
- 5) **the placement of a note on the Final Plat, stating that any existing curb cuts not allowed by this subdivision be removed and curbed to City standards, prior to the signing of the Final Plat; and,**
- 6) **the submission and approval of the demolition permit to remove the second story building connection between the building on this site and the adjacent building, prior to the signing of the Final Plat.**

The motion carried unanimously.

Case #SUB2009-00012

Autumndale Subdivision, Re-subdivision of Lots 100 - 102

North side of Lydia Drive, 110'± West of Sharon Drive

Number of Lots / Acres: 3 Lots / 0.5± Acre

Engineer / Surveyor: Polysurveying Engineering-Land Surveying
Council District 1

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

- 1) construction of Lydia Drive from its current terminus, and construction of the turnaround at the end of Lydia Drive, to city standards;
- 2) retention of the 25-foot minimum building line;
- 3) retention of lot size labeling, in square feet;
- 4) full compliance with Engineering comments: *(Road shall be constructed per City standards and according to the City's street acceptance process. Cul-de-sac approval subject to Fire Department review. Required drainage structures and easements are subject to review by the City Engineering Department. Site is located in AE Flood Zone; therefore no fill is allowed without providing an approved flood study showing a no rise condition for proposed fill. Show Minimum FFE on plans and plat. 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);*
- 5) placement of a note on the final plat limiting each lot to one curb cut to Lydia Drive, with the size, location, and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 6) placement of a note on the final plat stating the approval of all applicable federal, state, and local agencies is required prior to the issuance of any permits; and,
- 7) placement of a note on the final plat stating that the geographic area defined by the city of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. Development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species.

The motion carried unanimously.

Case #SUB2009-00015 (Subdivision)

Booker T. Washington Highlands Subdivision, First Addition, Block F, Re-subdivision of Lots 8 & 9

Southeast corner of First Avenue and Prince Street

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

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

Council District 1

(Also see Case #ZON2009-00359 (Planned Unit Development) **Booker T. Washington Highlands Subdivision, First Addition, Block F Re-subdivision of Lots 8 & 9**, and, Case #ZON2009-00358 (Rezoning) **Kentress Morrisette**, 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. Watkins, with second by Mr. Vallas, to approve the above referenced subdivision, subject to the following conditions:

- 1) **labeling of the lot with the size in square feet, or provision of a table with the same information;**
- 2) **dedication sufficient to provide 25 feet from the centerline of Prince Street;**
- 3) **compliance with Section V.B.16. of the Subdivision Regulations regarding curb radii;**
- 4) **labeling of Prince Street as such on the final plat;**
- 5) **placement of a note on the final plat stating that the site is limited to one curb cut to First Avenue or one curb cut to Prince Street;**
- 6) **retention of the 25-foot minimum building setback line;**
- 7) **compliance with Engineering comments: (*Show Minimum FFE and location of flood zones on plans and plat, no fill allowed within a special flood hazard area without providing compensation, must comply with all stormwater and flood control ordinances, any work performed in the right-of-way will require a right-of-way permit*);**
- 8) **placement of a note on the final plat stating that approval of all applicable federal, state, and local agencies will be required prior to the issuance of any permits;**
- 9) **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; and,**
- 10) **compliance with all municipal codes and ordinances.**

The motion carried with only Dr. Rivizzigno voting in opposition.

Case #ZON2009-00359 (Planned Unit Development)
Booker T. Washington Highlands Subdivision, First Addition, Block F Re-subdivision of Lots 8 & 9

Southeast corner of First Avenue and Prince Street

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

Council District 1

(Also see Case #SUB2009-00015 (Subdivision) **Booker T. Washington Highlands Subdivision, First Addition, Block F, Re-subdivision of Lots 8 & 9**, above, and, Case #ZON2009-00358 (Rezoning) **Kentress Morrisette**, below)

The application was withdrawn by the applicant prior to the meeting.

Case #ZON2009-00358 (Rezoning)

Kentress Morrisette

Southeast corner of First Avenue and Prince Street

Rezoning from R-1, Single-Family Residential District, to R-3, Multi-Family Residential District, to allow the construction of a four-unit apartment building

Council District 1

(Also see **Case #SUB2009-00015 (Subdivision) Booker T. Washington Highlands Subdivision, First Addition, Block F, Re-subdivision of Lots 8 & 9**, and, **Case #ZON2009-00359 (Planned Unit Development) Booker T. Washington Highlands Subdivision, First Addition, Block F Re-subdivision of Lots 8 & 9**, above)

Mary Harris spoke on behalf of her parents, Jimmy and Gainsetta Dale, 3309 1st Avenue, Mobile, AL, asking if the development on Prince Street would be apartments or a “project”.

Mr. Hoffman stated the applicant proposed a single building containing 4 apartment units.

Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant and made the following points in favor of approving the matter:

- A. the matter was originally before the Planning Commission as a two building development and was recommended for denial with several issues listed, and the applicant requested a hold over; however, the issues listed in the denial for this application were not listed in that previous denial;
- B. the area has B-3 zoned property across the street and I-1 zoned property diagonally to it, which it is hoped will be in the spirit of the Zoning Ordinance, which calls for the property to abut B-3 zoning; and,
- C. in 2005, a similar project was done on Bay Shore Avenue for a .7 acre site that contained 12 apartments, which was abutted by R-1 zoning, but had B-3 across the street from it, and that project received approval without issue from the Planning Commission.

Mr. Hoffman advised the Commission that staff had prepared possible conditions for rezoning, should the Commission chose to do so.

Mr. Watkins asked if there was a difference in the dedication of right-of-way and the improvement of Prince Street, specifically was the improvement of the public street within the developer’s control or would the dedication be sufficient.

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Mr. Hoffman stated that the verbiage could be interpreted to include the actual, physical improvement of the street, in addition to the dedication of sufficient right-of-way. He felt that staff's justification for asking that the road be improved was based upon the increase in traffic due to new residents to the currently sub-standard street.

Mr. Dagley stated his client would not be agreeable to the cost of improving a public street simply because his development had added 4 cars to its current traffic flow.

Mr. Vallas suggested that it might be better to have the site accessible from First Avenue instead, as it was not substandard.

Mr. Dagley said his client might be more agreeable to that, however, he did believe there was a ditch in that area of the property which might pose a problem.

Jennifer White, City Traffic Engineering, said access to the site from First Avenue would be acceptable provided it was as far from the intersection of First Avenue and Prince Street as possible.

Mr. Watkins asked if it was typical to require a developer to improve an entire sub-standard street when right-of-way dedication was provided.

Mr. Hoffman said that was not usually the case.

Mr. Holmes asked in what way the street was sub-standard.

Mr. Hoffman sited the overall right-of-way was sub-standard and the pavement width also might not meet the minimum standards. He did add that the street probably had been in existence since the area had paved streets beginning in the 1960s.

Mr. Dagley stated he believed the width was approximately 24 feet wide. He also noted that there was no other driveway along Prince Street in that area.

In deliberation, Dr. Rivizzigno asked why the Commission would consider approving a project such as this on such a substandard street.

Mr. Watkins said he felt it was not the right thing to do to require an individual to improve an entire public street when they impacted so little of it.

Mr. Vallas stated his concurrence and made statements that moving the entrance to the First Avenue side would create a negative impact to the streetscape along there, thus making the Prince Street entrance a better solution.

Mr. Watkins asked Mr. Lawler if an individual could be made to improve an entire street if they only had access to 100 feet of the same.

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Mr. Lawler said that requiring improvement of that portion of a public street directly in front of private property is allowable, however, being able to cause a private citizen to improve an entire public street would be another matter, unless the entire length was necessary to provide good access to the property to be developed.

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

- 1) approval is limited to the submitted site plan;
- 2) dedication sufficient to provide 25 feet from the centerline of Prince Street;
- 3) provision of a buffer in compliance with 64-4.D.1. of the zoning ordinance to be provided where the site abuts R-1 zoned property;
- 4) retention of a note on the site plan regarding trash pickup, which will be accomplished via curbside pickup, and addition of a note further stating that should a dumpster ever be placed on the site, the dumpster will need to comply with Section 64-4.D.9. of the Zoning Ordinance;
- 5) provision of a revised site plan to the Planning Section of the Urban Development Department incorporating the comments and conditions stated herein;
- 6) compliance with landscaping and tree planting requirements;
- 7) completion of the subdivision process; and,
- 8) compliance with all municipal codes and ordinances.

The motion carried with only Dr. Rivizzigno voting in opposition.

Case #SUB2009-00011 (Subdivision)

Ashland Place UMC Subdivision

5, 7, and 15 Wisteria Avenue, 2315 Old Shell Road and 2312 Dauphin Street
Southwest corner of Wisteria Avenue and Old Shell Road, extending to the North side of Dauphin Street, 160'± West of Wisteria Avenue and 380'± West of Wisteria Avenue

Number of Lots / Acres: 2 Lots / 4.2± Acres

Engineer / Surveyor: Wattier Surveying, Inc.

Council District 1

(Also see **Case #ZON2009-00349 (Planned Unit Development) Ashland Place UMC Subdivision**, and, **Case #ZON2009-00347 (Planning Approval) Ashland Place United Methodist Church, Inc.**, below)

Mr. Watkins 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. He also advised the

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Commission members they had been provided two addition sheets of information for their review.

In deliberation, Mr. Miller expressed his concern over the project, especially the removal of the two houses mentioned.

Mr. Davitt responded that a large portion of the neighbors' concern revolved around those homes and the fact they were not being kept up.

Mr. Lawler commented that he felt that the 30 day notice with regards to the removal of the houses would not allow adequate time for interested parties to be able relocate those houses from the property.

Dr. Rivizzigno concurred saying that extending the time line on the possible purchase and relocation of the houses in question would not impede the project as a whole.

Mr. Davitt said he could agree with the extension of time on the houses but not to exceed 6 months.

Mr. Hoffman reminded the Commission that it only took a day to get a demolition permit, but the removal of a house to relocate it required a review by several departments and takes substantially longer to obtain that permit, so the 30 days might not be long enough to get house moving permit.

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

- 1) placement of a note on the final plat stating that Lot 1 is limited to one curb-cut onto Dauphin Street, Wisteria Avenue, and Old Shell Road, with the size, design, and location of all curb-cuts to be approved by Traffic Engineering and comply with AASHTO standards, if modified;**
- 2) placement of a note on the final plat stating that Lot 2 is limited to its single existing curb-cut onto Dauphin Street, with the size, design, and location of all curb-cuts to be approved by Traffic Engineering and comply with AASHTO standards, if modified;**
- 3) removal of any un-used curb-cuts prior to the request for final inspections relating to the construction of the proposed office addition;**
- 4) submission of a revised Planning Approval and Planned Unit Development site plan (1 of each) prior to the submission of revised drawings for the current building permits;**
- 5) demolition of two residences on Wisteria Avenue to be postponed for 6 months (October 2, 2009), to allow adequate**

- time to notify availability of houses for removal, and to provide opportunity for removal; and,
- 6) completion of the Subdivision process prior to the request for final inspections relating to the construction of the proposed office addition.

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

Case #ZON2009-00349 (Planned Unit Development)

Ashland Place UMC Subdivision

5, 7, and 15 Wisteria Avenue, and 2315 Old Shell Road

Southwest corner of Wisteria Avenue and Old Shell Road, extending to the North side of Dauphin Street, 160'± West of Wisteria Avenue

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow the construction of an administrative office, classroom building, outdoor patio and expanded retention pond at an existing church in an R-1, Single-Family Residential District.

Council District 1

(Also see Case #SUB2009-00011 (Subdivision) **Ashland Place UMC Subdivision**, above, and, Case #ZON2009-00347 (Planning Approval) **Ashland Place United Methodist Church, Inc.**, below

Mr. Watkins 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. He also advised the Commission members they had been provided two addition sheets of information for their review.

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

- 1) revision of the site plan to depict compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance, including depiction of the full width of existing tree canopies that overhang street frontage areas, and provision of information regarding total landscape area and required front landscape area;
- 2) depiction and provision of a 6-foot high wooden privacy fence along all boundaries where the site abuts adjacent residences (fence not to impact existing hedge), except within the minimum building setback along Wisteria Avenue and Old Shell Road, where the fence shall only be 3-feet in height, and not required for the 92-foot ± long driveway portion of the site extending to Dauphin Street;

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- 3) depiction/clarification of additional tree buffering between the detention facility and the residential properties to the South;
- 4) demolition of two residences on Wisteria Avenue to be postponed for 6 months (October 2, 2009), to allow adequate time to notify availability of houses for removal, and to provide opportunity for removal;
- 5) revision of the site plan to show only one curb-cut each onto Dauphin Street, Wisteria Avenue, and Old Shell Road;
- 6) removal of the gravel parking area along Old Shell Road prior to final inspections for the office addition; and,
- 7) provision of a revised Planned Unit Development site plan prior to the submission of revised drawings for the current building permits.

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

Case #ZON2009-00347 (Planning Approval)

Ashland Place United Methodist Church, Inc.

5, 7, and 15 Wisteria Avenue, and 2315 Old Shell Road

Southwest corner of Wisteria Avenue and Old Shell Road, extending to the North side of Dauphin Street, 160'± West of Wisteria Avenue

Planning Approval to allow the construction of an administrative office, classroom building, outdoor patio and expanded retention pond at an existing church in an R-1, Single-Family Residential District.

Council District 1

(Also see Case #SUB2009-00011 (Subdivision) **Ashland Place UMC Subdivision**, and, Case #ZON2009-00349 (Planned Unit Development) **Ashland Place UMC Subdivision**, above)

Mr. Watkins 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. He also advised the Commission members they had been provided two addition sheets of information for their review.

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

- 1) revision of the site plan to depict compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance, including depiction of the full width of existing tree canopies that overhang street frontage areas, and provision of information regarding total landscape area and required front landscape area;

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- 2) depiction and provision of a 6-foot high wooden privacy fence along all boundaries where the site abuts adjacent residences (fence not to impact existing hedge), except within the minimum building setback along Wisteria Avenue and Old Shell Road, where the fence shall only be 3-feet in height, and not required for the 92-foot ± long driveway portion of the site extending to Dauphin Street;
- 3) depiction/clarification of additional tree buffering between the detention facility and the residential properties to the South;
- 4) demolition of two residences on Wisteria Avenue to be postponed for 6 months (October 2, 2009), to allow adequate time to notify availability of houses for removal, and to provide opportunity for removal;
- 5) revision of the site plan to show only one curb-cut each onto Dauphin Street, Wisteria Avenue, and Old Shell Road;
- 6) removal of the gravel parking area along Old Shell Road prior to final inspections for the office addition;
- 7) no future use of residential structure on Old Shell Road without new Planning Approval, and any future non single-family residential use subject to full compliance with all applicable Building and Fire Codes; and,
- 8) provision of a revised Planning Approval site plan prior to the submission of revised drawings for the current building permits.

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

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

Don Parden, Exit Realty, spoke on behalf of the applicant. He reminded the Commission of the past history of the matter and requested the matter be held over to April 16, 2009, as the new engineer needs time to review the matter and ascertain what needs to be done regarding the property at this point.

Mr. Hoffman stated the matter needed to be held over until the May 7, 2009, meeting, as the new plat is significantly different from the previous submittal and the April 16, 2009, date requested would not allow for the necessary time to review the new information.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the May 7, 2009, meeting, at the applicant's request, to allow time to prepare additional information/applications.

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The motion carried unanimously.

EXTENSIONS:

Case #ZON2008-00682 (Planned Unit Development)

Nazaree Full Gospel Church

1695 West I-65 Service Road North

Northwest and Southwest corners of West I-65 Service Road North and First Avenue
[unopened public right-of-way]

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

Council District 1

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

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

The motion carried unanimously.

Case #ZON2008-01039 (Planned Unit Development)

Southern Earth Sciences Inc.

3500 Government Boulevard

North side of Government Boulevard Service Road, 560'± West of West I-65 Service
Road South

Planned Unit Development Approval to amend the site plan of a previously approved
Planned Unit Development to allow multiple buildings on a single building site

Council District 4

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

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

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2009-00033

Ashbury Manor Subdivision

6562 Old Shell Road

North side of Old Shell Road, 50'± West of Dickens Ferry Road

Number of Lots / Acres: 1 Lot / 1.8± Acres

Engineer / Surveyor: Baskerville Donovan, Inc.

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.

Brian Kegley, design engineering manager for Mobile County Engineering, requested a waiver of the condition requiring “approval of a planning approval application due to the change in site plan”. He stated the intent of the subdivision was to create a single site for Ashbury Manor that included the small parcel located immediately to the east of the main portion at Green. This was being done as the County had acquired right-of-way from Ashbury Manor and that property needed to be replaced so they could continue to function as a specialty care/assisted living facility.

Mr. Hoffman stated that as noted in the staff report, approving the subdivision would make site “split zoned”, thus creating the need to rezone the site in its entirety to a single zone category, which, in turn, would require a site plan.

Mr. Kegley stated it was not known that the site plan would be required as part of condition 1 and had no further issues with the matter.

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

- 1) **approval of a rezoning application to eliminate split zoning created by the subdivision;**
- 2) **approval of a planning approval application due to the change in site plan;**
- 3) **revision of the plat to depict the current right-of-way of Old Shell Road at this location;**
- 4) **placement of a note on the final plat limiting the lot to one curb cut with the size, location, and design of the curb cut to be approved by City of Mobile Traffic Engineering and conform to AASHTO standards;**
- 5) **retention of the 25 foot building setback line of the final plat;**
- 6) **retention of the lot size (in square feet) labeling on the final plat;**
- 7) **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; and,
- 8) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2009-00037

Mobile South Business Park Subdivision, Unit One, Revision and Addition to Lot 15

5230 Business Parkway

Southwest corner of Business Parkway and Interstate 10 West

Number of Lots / Acres: 1 Lot / 3.7± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 4

Jerry Byrd, Byrd Surveying Inc., spoke on behalf of the applicant stating issues with condition 1, dedication of 175 feet of right-of-way from the center line of Interstate 10, noting that though the property does adjoin I-10, its frontage is along Business Parkway. He added that I-10 was complete and the state had taken all the necessary right-of-way necessary, so he saw no justification in giving more.

Mr. Hoffman stated that staff would be fine with an adequate setback to accommodate potential widening from the interstate, plus a building setback.

Mr. Byrd agreed and asked that the building setback be 20 feet on the interstate side.

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

- 1) **setback sufficient to provide a minimum 175' from the centerline of Interstate Highway 10, plus an additional 20' for the minimum building setback line along Interstate Highway 10 (195' total);**
- 2) **placement of a note on the final plat stating that the site is denied direct access to Interstate Highway 10 and limited to two curb cuts to Business Parkway, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) **labeling of the lot with its size in square feet (in addition to acreage), or the provision of a table on the final plat with the same information;**
- 4) **the applicant receive the approval of all applicable federal, state, and local environmental agencies prior to the issuance of any permits or land disturbance activities;**

- 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; and,
- 6) subject to City Engineering comments: *(Show Minimum FFE on plans and plat. No fill allowed within a special flood hazard area without providing compensation or completing a flood study showing that there is no rise for the proposed fill within the special flood hazard area. Analysis of receiving system will be required to verify capacity. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Must provide detention for any impervious area added in excess of 4,000 square feet.)*

The motion carried unanimously.

Case #SUB2009-00040
Winston's Dees Road Subdivision

West side of Dees Road (private road), 175'± South of D.K. Road.
Number of Lots / Acres: 1 Lot / 1.0± Acre
Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

Matt Orrell, Polysurveying of Mobile, spoke on behalf of the applicant and requested the matter be held over until the May 7, 2009, so that he could get the staff more information regarding this.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, to hold the matter over until the May 7, 2009, meeting, per the applicant's request.

The motion carried unanimously.

Case #SUB2009-00032
Shannon Estates Subdivision

3360 Shannon Lane
East side of Shannon Lane, 2/10 mile± South of its North terminus
Number of Lots / Acres: 2 Lots / 2.2± Acres
Engineer / Surveyor: Johnny E Holley
County

Johnny Holley, 115 Autumn Wood Drive, Saraland, AL, spoke on behalf of the applicant, saying the property owner was trying to split the property so that his sister-in-law could live there. He added the applicant was in agreement with all of the conditions with the exception of the required improvements to Shannon Lane.

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Mr. Hoffman said he spoke with county engineering for possible recommendations on the issue if it had been under their jurisdiction and had been advised that improvements, including paving, to Shannon Lane would have been required, however, that being said, the subdivision to the south had been approved without requiring improvements to Shannon Lane.

Hearing no opposition or further discussion, a motion was made by Mr. Holmes, with second by Mr. Vallas, to waive the private street improvement and paving requirements of Section VIII. of the Subdivision Regulations and approve the above referenced subdivision, subject to the following conditions:

- 1) **placement of a note on the final plat stating that each lot is limited to one curb-cut, with the size, design, and location to be approved by Mobile County Engineering, and to comply with AASHTO standards;**
- 2) **placement of a note on the final plat stating that the lots appear to be in the path of a proposed major street, and thus may be impacted by the major street in the future;**
- 3) **labeling and depiction on the final plat of the 25-foot minimum building setback line and lot size information in square feet, as shown on the preliminary plat;**
- 4) **placement of a note on the final plat stating that any lots that are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations;**
- 5) **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 permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering; and,**
- 6) **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.**

The motion carried with only Dr. Rivizzigno voting in opposition.

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Case #SUB2009-00034

Murray Brigham Place Subdivision

4670 Hermitage Avenue

West side of Hermitage Avenue, 150' North of Andrews Road

Number of Lots / Acres: 2 Lots / 0.3± Acre

Engineer / Surveyor: Julian F. Smith

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.

Marvin Howell, 127 East Ridge Drive, Dothan, AL, stated he simply wanted to divide the lot as part of a request from his deceased father and asked that the matter not be held over.

Mr. Hoffman stated the property in question appeared to be half of a legal lot of record, with the other half being the property to the south and information was not been received by staff indication when the split between the two parcels occurred. Mr. Hoffman added that the need for that information required the hold over.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the May 7, 2009, meeting, with revisions due by April 6, 2009, to allow the applicant time to address the following:

- 1) **the inclusion of the remainder of Lot 23 Block 2 of Suburban Gardens with the applicable labels and fees or the submission of the deed illustrating that the subdivision or parceling off was created prior to 1984;**
- 2) **provision of a note on the Final Plat stating that each lot is limited to one curb cut for each lot;**
- 3) **provision of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;**
- 4) **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;**
- 5) **provision 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; and,
- 6) labeling on the Final Plat of each lot in square feet, or provision of a table with the same information.

The motion carried unanimously.

Case #SUB2009-00036

Johnson Road Estates Subdivision, Re-subdivision of Lots 7 & 8

10310 Johnson Road South

North side of Johnson Road South, 350'± West of Plantation Drive West

Number of Lots / Acres: 2 Lots / 6.0± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

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

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) retention of at least a 25 foot minimum building line on the final plat;
- 2) retention of the lot size labeling (in square feet) on the final plat;
- 3) placement of a note on the final plat limiting each lot to one curb cut to Johnson Road, with the size, design, and location of all curb cuts to be approved by Mobile County Engineering;
- 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 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; and,
- 6) 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 #SUB2009-00039

Alligator Bayou Subdivision, Re-subdivision of Lot 7

South side of River Point Drive, 3/10 mile± East of Dog River Road

Number of Lots / Acres: 2 Lots / 33.0± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

County

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

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

- 1) **placement of a note on the final plat stating that no addition to the number of curb cuts that were approved in the initial Alligator Bayou Estates Subdivision is allowed;**
- 2) **placement of a note on the final plat stating that no future subdivisions of Lots A and B will be allowed until adequate frontage on a public street is provided;**
- 3) **depiction of a 25' minimum building setback line on each lot from where the "poles" meet the "flag" portions of the lots;**
- 4) **the applicant receive the approval of all applicable federal, state, and local environmental agencies prior to the issuance of any permits or land disturbance activities;**
- 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 final plat stating that any lots developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations; and,**
- 7) **submission of a letter from a licensed engineer certifying compliance with the City of Mobile's stormwater and flood control ordinances to the Mobile County Engineering department and the Planning Section of Mobile Urban Development prior to issuance of any permits.**

The motion carried unanimously.

Case #SUB2009-00042

Bayou Court Subdivision

2019 Robin Hood Drive

West terminus of Robin Hood Drive extending to Dog River

Number of Lots / Acres: 2 Lots / 2.8± Acres

Engineer / Surveyor: Wattier Surveying, Inc.

Council District 4

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

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

- 1) **placement of a note on the final plat stating that 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;**
- 2) **illustration of the current 200' building setback line for Lot 1, and the current 30' building setback line for Lot 2;**
- 3) **labeling of each lot with its size in square feet, or the provision of a table on the final plat depicting 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; and,**
- 5) **subject to the Engineering Comments: *(Show Minimum FFE on plans and plat. No fill allowed within a special flood hazard area without providing compensation or completing a flood study showing that there is no rise for the proposed fill within the special flood hazard area. 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 #SUB2009-00045

Gardner Place Subdivision

29 & 31 Lee Street

East side of Lee Street, 115'± North of Brown Street

Number of Lots / Acres: 2 Lots / 0.2± Acre

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 2

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

Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Dr. Rivizzigno, to waive Sections V.D.2. and V.D.9. of the Subdivision Regulations and approve the above referenced subdivision, subject to the following conditions:

- 1) the depiction of the minimum front yard, side, and rear setback lines on the Final Plat as allowed by the Historic District Overlay (HDO);**
- 2) the depiction of the existing site coverage and labeling of the maximum building site coverage allowed under the Historic District Overlay (HDO);**
- 3) the placement of a note on the final plat stating that the subdivision is limited to existing curb cuts;**
- 4) the placement of a note on the Final Plat stating that if any new curb cuts are installed that the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards; and,**
- 5) labeling of the lot with its size in square feet, or provision of a table on the plat with the same information.**

The motion carried unanimously.

Case #SUB2009-00041

Blankenship's Addition to Kingswood Subdivision

4584 Hawthorne Place

Northeast corner of Hawthorne Place and Hawthorne Place North

Number of Lots / Acres: 3 Lots / 0.9± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 5

Jerry Byrd, Byrd Surveying Inc., spoke on behalf of the applicant. He presented a drawing that illustrated the footprint of the proposed houses on the property. In response to the staff's comments that there was not adequate building area, he noted the houses would be 30 feet by 60 feet on each lot. He also commented on the staff's notation regarding the lack of width on the 3 lots, but the previously approved lot 4 shows no width at all.

Mr. Hoffman stated that if the Commission chose to approve the subdivision, that staff requested that each lot be limited to one curb cut each, and that a revised plat be submitted showing lot size in square feet and side yard setbacks.

In deliberation, Dr. Rivizzigno stated her opposition to the matter as the lots do not conform to those in the neighborhood. She could agree with subdividing the lot into two lots, but not more than that.

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Mr. Vallas noted that in his opinion the lots did have similar size. He also noted that if there is a problem with a proposed development being truly out of character, there is opposition present and there was no opposition seen to the matter that day.

Mr. Plauche added that when this was originally done a few years prior, there was tremendous opposition present, but there was none that day. He also asked Mr. Lawler if there were legal precedents precluding the Planning Commission from denying a subdivision based only on lot shape.

Mr. Hoffman reminded Mr. Lawler and the Commission members that in the previous year, an application had come before them with the staff's recommendation for denial based upon lot shape, however, that development had been approved because lot shape was not an adequate reason by itself for denial.

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

- 1) **placement of a note on the Final Plat stating that each lot is limited to one curb-cut each, with the size, design, and location to be approved by Traffic Engineering and in compliance with AASHTO standards;**
- 2) **depiction of the 25-foot minimum building setback line on the Final Plat;**
- 3) **depiction of the side and rear yard setbacks required by the Zoning Ordinance; and,**
- 4) **depiction of the size of each lot in square feet on the final plat.**

The motion carried with Dr. Rivizzigno and Mr. Watkins voting in opposition.

Case #SUB2009-00035

Sharon Acres Subdivision

10700 Jeff Hamilton Road

North side of Jeff Hamilton Road, 600'± West of Johnson Road West, extending to the South side of Sheffield Road, 680'± West of Johnson Road West

Number of Lots / Acres: 4 Lots / 6.0± Acres

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

County

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

Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Vallas, to deny the above referenced subdivision because the application does not comply with Section V.D.1. of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2009-00044

Plantation Commercial Park Subdivision, Unit Two

East termini of Plantation Road and East Road, extending to the East side of U. S. Highway 90 West, 330'± South of Plantation Road

Number of Lots / Acres: 9 Lots / 44.0± Acres

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

Council District 4

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

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

- 1) **placement of a note on the final plat stating that Lot 13A is limited to the two existing curb cuts to Highway 90 Service Road;**
- 2) **illustration of the 25' minimum building setback line along all street frontages;**
- 3) **construction of Plantation Road to the County's paving standards from U.S. Highway 90 to the current East terminus;**
- 4) **dedication and construction of the Plantation Road extension to the County's paving standards;**
- 5) **placement of a note on the final plat limiting Lots 8, 9, 11, and 12 to two curb cuts each, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 6) **placement of a note on the final plat limiting Lots 5, 6, 7, and 10 to one curb cut each, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 7) **placement of a note on the final plat stating that Lot 5 is denied direct access to East Road;**
- 8) **obtaining of approval in writing from Mobile Fire-Rescue for the design (if an intermediate turn-around is required) and length of the cul-de-sac prior to the signing of the final plat;**
- 9) **revision of the plat to label each lot with its size in square feet and acres, or the provision of a table on the plat depicting the same information;**
- 10) **provision of a 6' high wooden privacy fence where the site adjoins residentially developed property;**
- 11) **placement of a note on the final plat stating that development of this 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 that the approval of all applicable federal, state, and local agencies is required prior to the issuance of any permits or land disturbance activities;
 - 13) placement of a note on the final plat stating that the maintenance of the “preservation conservation areas” shall be the responsibility of the property owners;
 - 14) placement of a note on the final plat stating that maintenance of the common areas shall be the responsibility of the property owners; and,
 - 15) subject to the Engineering comments: *(Flood zone designations to be shown as scaled from FEMA Maps, not by elevation. A flood plain easement will be required. Show Minimum FFE on plans and plat. No fill allowed within a special flood hazard area without providing compensation or completing a flood study showing that there is no rise for the proposed fill within the special flood hazard area. Detention not allowed within the flood zone. No work shall be allowed in wetlands without proper permitting from the Corps of Engineers. The size and location of any drainage easement will be reviewed by the COM Engineering Department during the land disturbance plan review. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Must provide detention for any impervious area added in excess of 4,000 square feet).*

The motion carried unanimously.

Case #SUB2009-00038
Briargrove Subdivision

North side of Jeff Hamilton Road, 900'± West 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. Davitt, with second by Mr. Watkins, to waive Sections V.D.2. and V.D.3. of the Subdivision Regulations and approve the above referenced subdivision, subject to the following conditions:

- 1) **dedication of sufficient right-of-way to provide 50-feet from the centerline of Jeff Hamilton Road;**

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- 2) the approval of all applicable federal, state, and local agencies for wetlands prior to the issuance of any permits or land disturbance activities;
- 3) certification via placement of a note on the plat stating that the property owner/developer will comply with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected flora and fauna;
- 4) the placement of a note on the final plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of a letter from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the signing of the final plat. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;
- 5) the placement of a note on the Final Plat stating that Lots 1-10, 72-77, 159, 160, 183, and 204-215, be denied direct access to Jeff Hamilton Road and allowed one curb cut to the new street, with the size, design, and location to be approved by Mobile County Engineering Department;
- 6) the placement of a note on the Final Plat stating that Lots 11, 21, 41, 42, 59, 78, 91, 96, 110, 111, 126, 127, 141, 142, 158, 183, 215, 236, 237, 254, 255, and 271 are corner lots therefore, a note should be placed on the Final Plat limiting each lot to one curb cut each, with the size, design, and location to be approved by County Engineering.
- 7) revision of the plat to label the lot with its size in square feet, or placement of a table on the plat with the same information;
- 8) the placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations; and,
- 9) placement of a note on the plat stating that maintenance of the detention and common areas is the responsibility of the subdivision's property owners.

The motion carried unanimously.

NEW ZONING APPLICATIONS:

Case #ZON2009-00647

Stephen Quinnelly

South side of Bear Fork Road, 1/4 mile± East of the South terminus of Siesta Drive
Rezoning from R-1, Single Family Residential District, to R-A, Residential-Agricultural
districts, to allow agricultural use
Council District 1

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

Larry Sullivan, 2646 Bear Fork Road, Mobile, AL, asked if the use of agriculture in the rezoning classification meant live stock.

Mr. Hoffman stated that based upon the information before the staff the applicant wishes to grow and sell watermelons on the property. He added that there had been previous applications for livestock and a shooting range in the area.

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

- 1) **provision of a minimum setback of 125' from the centerline of the proposed Red Creek – Eight Mile Parkway corridor; and,**
- 2) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2009-00043 (Subdivision)

Hope VI, Phase III, Units 1 and 2

963 Hercules Street

Area generally extending from Marmotte Street and Armistead Street on the East, to Morgan Street and Marion Street on the North, to Monday Street on the West and Hercules Street on the South

Number of Lots / Acres: 101 Lots / 32.5± Acres

Engineer / Surveyor: Wattier Surveying, Inc.

Council District 2

(Also see **Case #ZON2009-00686 (Planned Unit Development) Hope VI, Phase III, Units 1 and 2**, below)

Cole Appelman, director of construction/management, Mobile Housing Board, stated they were, in general, in agreement with the conditions as stated by staff, with the following exceptions:

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- A. item 10 on the PUD regarding adequate, paved, off-street parking, they requested the driveways be reduced to 22 feet from the required 25 feet; and,
- B. as part of the application and its phased approach, the two lots labeled 49 and 2.46 are swapped in the final recorded plat.

Betty Brown, 308 North Lafayette Street, Mobile, AL, stated she owned property at 757 Langs Avenue in the area being developed. She stated that she did not currently have access to her property as it was behind the fencing for the project. She also wondered if she would have the opportunity to develop her property.

Mr. Hoffman advised that she get in contact with Mr. Appelman regarding any issues that are impeding her access to the property and have been caused by the development. He also advised her that she could develop her property as long as it complied with such things as flood zones and that she could speak with the city's engineering department or permitting department to gain further information regarding that.

Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Vallas, to waive Sections V.D.3. and V.D.9. of the Subdivision Regulations and approve the above referenced subdivision, subject to the following conditions:

- 1) **compliance with Engineering comments:** *(Applicant shall follow recommendations provided to the applicant from the COM Engineering Department in a meeting held on February 4, 2009. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Must provide detention for any impervious area added in excess of 4,000 square feet);*
- 2) **compliance with Forestry comments:** *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64));*
- 3) **compliance with Traffic Engineering comments:** *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards);*
- 4) **compliance with Fire Department comments:** *(All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate);*
- 5) **depiction on the final plat of the front, side, and rear yard setbacks, site coverages, and lot sizes, as shown on the preliminary plat;**
- 6) **placement of a note on the final plat stating that the**

- maintenance of all common areas is the responsibility of the property owners/homeowners association;
- 7) completion of the street dedication and vacation processes prior to the signing of the final plat for any unit;
 - 8) placement of a note on the final plat stating that each lot is limited to one curb-cut, with the size, design, and location to be approved by Traffic Engineering and to comply with AASHTO standards;
 - 9) provision of sidewalks along all streets, including along common area frontages;
 - 10) compliance with all local, state, and federal requirements for floodplain and endangered/threatened species issues;
 - 11) Revision of Final Plat so that proposed Lot 49 on Short Earle Street is in Unit 2, and that Lot 2-46 along Fishers Alley is in Unit 1;
 - 12) completion of the Subdivision process prior to the issuance of final certificates of occupancy for dwellings in a particular unit; and,
 - 13) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2009-00686 (Planned Unit Development)

Hope VI, Phase III, Units 1 and 2

963 Hercules Street

Area generally extending from Marmotte Street and Armistead Street on the East, to Morgan Street and Marion Street on the North, to Monday Street on the West and Hercules Street on the South

Planned Unit Development Approval to allow a Single-Family detached and Single-Family Townhouse (attached) development with reduced front, side and rear yard setbacks and increased site coverage in a Multi-Family Residential District Council District 2

(Also see Case #SUB2009-00043 (Subdivision) **Hope VI, Phase III, Units 1 and 2**, above)

Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Vallas, to waive Section 64-3.C.3.e. of the Zoning Ordinance and approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) **compliance with Engineering comments:** *(Applicant shall follow recommendations provided to the applicant from the COM Engineering Department in a meeting held on February 4, 2009. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Must provide detention for any impervious area*

- added in excess of 4,000 square feet);*
- 2) **compliance with Forestry comments:** *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64));*
 - 3) **compliance with Traffic Engineering comments:** *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards);*
 - 4) **compliance with Fire Department comments:** *(All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate);*
 - 5) **depiction on the final site plan of the front, side, and rear yard setbacks, site coverages, and lot sizes, as shown on the preliminary site plan;**
 - 6) **provision and depiction of sidewalks along all street frontages, including along common areas;**
 - 7) **placement of a note on the site plan stating that the maintenance of all common areas is the responsibility of the property owners/homeowners association;**
 - 8) **specific approval by Traffic Engineering of proposed curb-cuts for Unit 1 lots 14, 20, 29, and 41;**
 - 9) **placement of a note on the site plan stating that each lot is limited to one curb-cut, with the size, design, and location to be approved by Traffic Engineering and to comply with AASHTO standards;**
 - 10) **revision of the site plan so that proposed Lot 49 on Short Earle Street is in Unit 2, and that Lot 2-46 along Fishers Alley is in Unit 1;**
 - 11) **provision of adequate paved off-street parking area to ensure that driveway length leading to garage/carport can accommodate one full-size pick-up or SUV, with no overhang into the right-of-way or required sidewalk (22 feet);**
 - 12) **compliance with the tree and landscaping requirements of the Zoning Ordinance to be coordinated with Urban Development staff prior to request for land disturbance permits, and to potentially include tree planting in common areas, or submittal of an application to rezone the site to R-1 and/or R-2 (with the exception of Lot 2-48);**
 - 13) **placement of a note on the site plan stating that any tree planted within 15 feet of an overhead powerline shall be either live oak (overstory) or crepe myrtle (understory), and depiction of any overhead powerlines that will remain after redevelopment;**
 - 14) **placement of a note on the site plan stating that development of**

- Lot 2-48 will require a new application for Planned Unit Development approval, once a specific development is determined;
- 15) compliance with all local, state, and federal requirements for floodplain and endangered/threatened species issues;
 - 16) obtaining of the appropriate permits for subdivision marker signs and fences;
 - 17) provision of a revised PUD site plan, after tree and landscape issues are resolved, prior to the request for land disturbance permits;
 - 18) completion of the Subdivision process for each Unit prior to the request for final certificates of occupancy for buildings in the respective Units; and,
 - 19) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

OTHER BUSINESS:

Mr. Hoffman stated that as neither he nor Mr. Palombo had the information regarding expansion of the Planning Commission, neither of them felt they could speak on the issue that day, and that Mr. Olsen would speak on the matter at the next meeting.

Mr. Lawler did say that from his understanding there would be 2 new members appointed from Planning Jurisdiction and that they would have voting privileges on both City of Mobile subdivision applications, as well as City of Mobile rezoning applications. He stated those appointments would come from the mayor's office, with input from the County Commissioners.

Hearing no further business, the meeting was adjourned.

APPROVED: September 3, 2009

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman.

jsl