

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF MAY 1, 2008 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

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

Members Absent

Clinton Johnson
James Watkins, III
Mead Miller

Urban Development Staff Present

Laura J. Clarke,
Director, Urban Development
Richard L. Olsen,
Deputy Director of Planning
Bert Hoffman,
Planner II
Frank Palombo,
Planner II
David Daughenbaugh,
Urban Forestry Coordinator
Joanie Stiff-Love,
Secretary II

Others Present

John Lawler,
Assistant City Attorney

John Forrester,
City Engineering

Bill Meztger,
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 #SUB2008-00050 (Subdivision)

Kent Estates Subdivision

1216 Silver Drive
East side of Silver Drive, 35'± North of its South terminus
Number of Lots / Acres: 1 Lot / 0.2± Acre
Engineer / Surveyor: Polysurveying Engineering – Land Surveying
Council District 1

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Matt Orrell, Polysurveying of Mobile, spoke on behalf of the applicant, and discussed issues that had impeded the owner's ability to show the property as a legal lot of record and asked that the matter be approved.

Mr. Olsen stated the staff had no documentation to verify the property's status as a legal lot of record and thereby could not recommend the matter be approved.

Mr. Orrell requested the matter be held over to address the staff's reasons for denial.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Vallas, to hold the matter over until June 5, 2009, at the applicant's request, to give time to provide documentation of the parcel existing prior to 1952, and ownership information as necessary.

The motion carried unanimously.

Case #SUB2008-00062 (Subdivision)
Providence Place on North Julia Street Subdivision

115 North Julia Street
West side of North Julia Street, 367' + South of Spring Hill Avenue
Number of Lots / Acres: 1 Lot / 0.4+ Acre
Engineer / Surveyor: M. Don Williams Engineering
Council District 2

Don Williams, Williams Engineering, spoke on behalf of the applicant, asking for relief with regards to condition number 1 saying the additional 5 feet would make it out of character with rest of the neighborhood which is in the Old Dauphin Way Historic District.

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

- 1) **placement of note on plat stating that site is in the Old Dauphin Way Historic District, thus the front setback is to comply with Historic District Overlay requirements of the Zoning Ordinance;**
- 2) **placement of a note on the plat stating that Lot 1 is limited to one curb cut, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) **labeling of each lot with its size in square feet in addition to acreage; 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.

Case #SUB2008-00053 (Subdivision)

J2 Commercial Park Subdivision

Northwest corner of Cottage Hill Road and Oakland Drive

Number of Lots / Acres: 2 Lots / 1.1+ Acres

Engineer / Surveyor: Lovitte Surveying, Inc.

Council District 6

Doug Anderson, Burr and Foreman Law Firm, spoke on behalf of the applicant regarding the issue of an 18 inch infringement on the City's right-of-way of a non-conforming sign some 30 feet in the air.

Mr. Lawler reminded the Commission that non-conforming status indicated that at some time in the future the non-conforming structure would be removed and that only the Board of Zoning Adjustment could grant a variance with regards to it.

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

- 1) **dedication of a minimum of 50' from the centerline of Cottage Hill Road;**
- 2) **placement of a note on the final plat stating that Lot 1 is limited to one curb cut to Cottage Hill Road and Lot 2 is limited to one curb to Cottage Hill Road and Oakland Drive, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) **removal of the billboard sign to comply with Section 64-11 of the Zoning Ordinance;**
- 4) **provision of a sufficient radius on the corner of Cottage Hill Road and Oakland Drive, compliant with Section V.B.16. of the Subdivision Regulations;**
- 5) **the depiction of the minimum 25' setback line along Cottage Hill Road and Oakland Drive. The setback along Cottage Hill Road shall be from the additional right-of-way dedication;**
- 6) **placement of a note on the final plat stating that when the site is redeveloped, full compliance with the Zoning Ordinance will be required;**
- 7) **submission of an application for Planned Unit Development for shared access prior to signing the final plat; and,**
- 8) **subject to Engineering comments: *(No water can be concentrated onto an adjacent property owner without a release agreement. All stormwater should tie subsurface to a City of Mobile storm drainage system. If the cumulative impervious***

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area constructed since 1984 is equal to or greater than 4000 square feet, stormwater detention is required. 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 #SUB2008-00057 (Subdivision)

South Schillinger Commercial Park Subdivision, Phase Two

880 and 930 Schillinger Road South

West side of Schillinger Road South, 835'+ North of the West terminus of Hitt Road

Number of Lots / Acres: 4 Lots / 30.5+ Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 7

Don Coleman, Rester and Coleman Engineers, Inc., spoke on behalf of the applicant and requested that the matter be held over.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to hold the matter over to the June 5, 2008, meeting, per the applicant's request.

The motion carried unanimously.

Case #SUB2008-00063 (Subdivision)

Dobbs Industrial Park Subdivision, First Addition, Re-subdivision of Lots 1 & 2

3730 Halls Mill Road

North side of Halls Mill Road, 130'+ West of Varner Drive

Number of Lots / Acres: 1 Lot / 1.2+ Acres

Engineer / Surveyor: M. Don Williams Engineering

Council District 4

(Also see **Case #ZON2008-00733 (Planned Unit Development) Dobbs Industrial Park Subdivision, First Addition, Re-subdivision of Lots 1 & 2**, below)

Don Williams, Williams Engineering, spoke on behalf of the applicant and requested that the matter be held over.

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Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to hold the matter over to the June 5, 2008, meeting, per the applicant's request.

The motion carried unanimously.

Case #ZON2008-00733 (Planned Unit Development)
Dobbs Industrial Park Subdivision, First Addition, Re-subdivision of Lots 1 & 2

3730 Halls Mill Road

North side of Halls Mill Road, 130'+ West of Varner Drive

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

Council District 4

(Also see **Case #ZON2008-00733 (Planned Unit Development) Dobbs Industrial Park Subdivision, First Addition, Re-subdivision of Lots 1 & 2**, above)

Don Williams, Williams Engineering, spoke on behalf of the applicant and requested that the matter be held over.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to hold the matter over to the June 5, 2008, meeting, per the applicant's request.

The motion carried unanimously.

EXTENSIONS:

Case #SUB2006-00070 (Subdivision)

Haverty's Subdivision

7033 Airport Boulevard

South side of Airport Boulevard, 515'± East of Cody Road South

Number of Lots / Acres: 1 Lot / 3.8± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

Don Coleman, Rester and Coleman Engineers, Inc., spoke on behalf of the applicant, noting that it had been recommended for denial, but added that the property owners have started having documents prepared to have the service road in front of the property vacated and thereby requested one more extension.

Hearing no opposition or further discussion, a motion was made by Mr. Vallas, with second by Mr. Davitt, to approve the above requested extension.

The motion carried unanimously.

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Case #SUB2007-00051 (Subdivision)

Heaven's Way Subdivision

10403 and 10453 Broughton Road
South side of Broughton /Road, 1000'± East of Hardeman Road
Number of Lots / Acres: 22 Lots / 10.0± Acres
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. Plauche, with second by Mr. Turner to approve the above referenced extension, but the applicant should be aware that, unless road construction is begun, further extensions are unlikely.

The motion carried unanimously.

Case #SUB2007-00089 (Subdivision)

Falling Leaf Subdivision, Unit Two

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: 84 Lots / 56.0± Acres
Engineer / Surveyor: Rester and Coleman Engineers, Inc.
County

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

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

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2008-00078

A D Subdivision

3014 Cottage Hill Road
Northeast corner of Cottage Hill Road and Bel Air Boulevard
Number of Lots / Acres: 1 Lot / 0.7± Acre
Engineer / Surveyor: Frank A. Dagley & Associates, Inc.
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 Dr. Rivizzigno, with second by Mr. Holmes, to approve the above referenced subdivision, subject to the following conditions:

- 1) **depiction and labeling of the 25' minimum building setback line as shown on the preliminary plat;**
- 2) **labeling of the lot with its size in square feet, or provision of a table on the plat depicting the same information;**
- 3) **placement of a note on the final plat stating that Lot 1 is limited to one curb cut to Cottage Hill Road and one curb cut to Bel Air Boulevard, with the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) **placement of a note on the plat stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;**
- 5) **labeling of right-of-way widths, as required by the subdivision regulations; and,**
- 6) **corner radius dedication to comply with section V.D.6 of the Subdivision Regulations.**

The motion carried unanimously.

Case #SUB2008-00082

Alabama Roll Products Subdivision

5350 and 5370 Laurendine Road

North side of Laurendine Road, 260'± West of Brasfield Road

Number of Lots / Acres: 2 Lots / 6.6± 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. Holmes, to approve the above referenced subdivision, subject to the following conditions:

- 1) **placement of a note stating that Lot 1 is limited to two curb cuts and Lot 2 is limited to one curb cut to Laurendine 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 plat / site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or**

- otherwise protected species;
- 3) placement of a note on the final plat stating that any lots developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations; and,
 - 4) submission of a letter from a licensed engineer certifying compliance with the City of Mobile's stormwater and flood control ordinances to the Mobile County Engineering department and the Planning Section of Mobile Urban Development prior to issuance of any permits.

The motion carried unanimously.

Case #SUB2008-00083

Dave's First Addition Subdivision

4056 Lloyd Station Road

North side of Lloyd Station Road, 360'± East of Interstate 10

Number of Lots / Acres: 2 Lots / 0.9± Acre

Engineer / Surveyor: Rowe Surveying and 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 Dr. Rivizzigno, with second by Mr. Holmes, 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 to Lloyd Station Road, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) placement of a note on the Final Plat stating that both lots are denied access to Interstate 10;
- 3) illustration of the 25' building setback line along the road frontage of Lot 1;
- 4) illustration of the 25' building setback line for Lot 2 "boxed" from the point where the "pole" meets the lot, providing 25' clear in all directions from that point;
- 5) labeling of each lot with its size in acres and square feet, or the provision of a table on the plat furnishing the same information;
- 6) 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; and,

- 7) **subject to the 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).*

The motion carried unanimously.

Case #SUB2008-00079

Gordon & Marian Howell Estates Subdivision

8220 and 8250 Oak Hill Drive

North side of Oak Hill Drive, 200'± West of Oak Hill Drive Extension North

Number of Lots / Acres: 4 Lots / 25.2± Acres

Engineer / Surveyor: Lovitte 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.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to hold the matter over until the June 5, 2008, meeting, with revisions due by May 14, 2008, to allow the applicant to address the following issues:

- 1) **revision of the plat to show a minimum 60' dedicated public right-of-way along the West portion of lots 1 and 1A; and,**
- 2) **depiction of a 25' minimum building setback line along the right-of-way.**

The motion carried unanimously.

Case #SUB2008-00081

Capital Drive West Subdivision

Northwest corner of Cottage Hill Road and Capital Drive

Number of Lots / Acres: 5 Lots / 1.4± Acres

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

County

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

Thomas Latham, Clark, Geer, Latham and Associates, Inc., spoke on behalf of the owners, Capital Drive, LLC, stating they were in agreement with the recommendations

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with the exception of condition number 2, which they would like revised to state that each lot could have one curb-cut to Cottage Hill Road and that access, size, and location off of Capital Drive would be as determined by the County Engineers.

Mr. Olsen advised the Commission that due to the new information the staff could now recommend access to Capital Drive.

Hearing no opposition of further 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) **labeling of the right-of-way dedication for Cottage Hill Road prior to signing the final plat;**
- 2) **placement of a note stating that the subdivision is limited to two curb-cuts to Cottage Hill Road and one curb-cut to Capital Drive, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 3) **provision of an adequate radius, in compliance with Section V.B.16. of the Subdivision Regulations, at the corner of Cottage Hill Road and Capital Drive;**
- 4) **revision of the incorrect dimension (Bearing S08°22'28"W) to match the legal description;**
- 5) **placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;**
- 6) **placement of a note on the final plat stating that any lots developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations; and,**
- 7) **submission of a letter from a licensed engineer certifying compliance with the City of Mobile's stormwater and flood control ordinances to the Mobile County Engineering department and the Planning Section of Mobile Urban Development prior to issuance of any permits.**

The motion carried unanimously.

Case #SUB2008-00080

Spring Brook Villas Subdivision, Phase Three

North and South termini of Spring Meadow Drive East, extending to the South terminus of Bloomington Drive, and the East terminus of Estates Drive

Number of Lots / Acres: 38 Lots / 12.7± Acres

Engineer / Surveyor: Engineering Development Services, LLC
County

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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 approve the above referenced subdivision, subject to the following conditions:

- 1) construction of all streets to Mobile County standards, including the street-stub to the East, and acceptance of the streets by Mobile County prior to the recording of the final plat;**
- 2) provision of a traffic calming device on Spring Meadow Drive East, as depicted, subject to Mobile County Engineering approval;**
- 3) 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;**
- 4) labeling of the 25-foot minimum building setback line, and retaining of the note on the plat; and,**
- 5) retaining of notes on the plat relating to common area maintenance, endangered/threatened species, buffering of commercial development, stormwater compliance, wetlands, and lot size information.**

The motion carried unanimously.

Case #SUB2008-00071
Headwaters Subdivision

West terminus of Dutchman Woods Drive, extending to the North termini of Silver Maple Drive and Dawes Lake Road East, and extending to the West side of an unopened, unnamed public right-of-way at the West terminus of Nugget Drive
Number of Lots / Acres: 48 Lots / 108.2+ Acres
Engineer / Surveyor: Byrd Surveying, Inc.
County

Jerry Byrd, Byrd Surveying, Inc., spoke on behalf of the applicant stating the subdivision was a family subdivision and in as much wanted to build the cul-de-sac to private road standards and not incur the financial hardship related to building to County standards.

Mr. Olsen advised the Commission the information regarding it being a family subdivision had not been given to the staff, however, the need to build the cul-de-sac to Fire Code standards did remain.

Thomas A. Latham, 510 Oakland Avenue, representing his family, which owns the property to the right of the proposed subdivision., advised the Commission that an

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agreement has been reached regarding the road, saying it will be moved completely onto the applicant's property, except for the radii that would be necessary to get onto that road. He then queried the staff if that would change any of the staff's recommendations in such a way that would affect his family's property in the future.

Mr. Olsen advised that as long as the east right-of-way line was the property line between the two properties it would not change.

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

- 1) **all roads within the subdivision (including the cul-de-sac at the terminus of Nugget Drive) be constructed and dedicated to County standards;**
- 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 commencement of any land disturbing activities, issuance of any permits/approvals for road construction, or signing of the final plat. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;**
- 5) **the placement of a note on the Final Plat limiting Lots 1, 8, 19, 20, 30, 31, 36, & 37 to one curb cut each, with the size, design, and location to be approved by County Engineering and conform to AASHTO standards;**
- 6) **revision of the plat to label the lots with the size in square feet, or placement of a table on the plat with the same information;**
- 7) **depiction of the 25-foot minimum building setback lines from all street frontages;**
- 8) **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,**

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- 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 SIDEWALK WAIVER APPLICATIONS:

Case #ZON2008-01018

Tam Trinh

West side of North University Boulevard, 300'± South of Overlook Road.

Request to waive construction of a sidewalk along North University Boulevard

Council District 7

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to approve the above requested sidewalk waiver.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2008-00084 (Subdivision)

Kemira Industrial Subdivision

1 Cyanamid Road

North terminus of Cyanamid Road [private street], extending to the South side of Hog Bayou

Number of Lots / Acres: 1 Lot / 39.9± Acres

Engineer/ Surveyor: Lawler and Company

Council District 2

(Also see **Case #ZON2008-01045 (Planned Unit Development) Kemira Industrial 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.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until June 5, 2008, meeting, to allow the applicant to submit a Planning Approval application to be heard in conjunction with the Subdivision and Planned Unit Development. The application should be submitted no later than May 12, 2008.

The motion carried unanimously.

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Case #ZON2008-01045 (Planned Unit Development)

Kemira Industrial Subdivision

1 Cyanamid Road

North terminus of Cyanamid Road [private street], extending to the South side of Hog Bayou

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

Council District 2

(Also see **Case #SUB2008-00084 (Subdivision) Kemira Industrial Subdivision**, above)

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 Dr. Rivizzigno, to hold the matter over until June 5, 2008, to allow the applicant to submit a Planning Approval application to be heard in conjunction with the Subdivision and Planned Unit Development. The application should be submitted no later than May 12, 2008.

The motion carried unanimously.

Case #ZON2008-01040 (Sidewalk Waiver)

Southern Earth Sciences Inc.

3500 Government Boulevard

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

Request to waive construction of a sidewalk along Government Boulevard

Council District 4

(Also see **Case #ZON2008-01039 (Planned Unit Development) Southern Earth Sciences 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.

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

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

(Also see **Case #ZON2008-01040 (Sidewalk Waiver) Southern Earth Sciences Inc.**, above)

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

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

- 1) **compliance with Engineering comments: (*Delete note on plans referring to “delineation between flood zones was determined by elevations from FEMA map.” Any determination of special flood hazard area should be done by graphically plotting the boundary of the special flood hazard area on the site. 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) **revision of the minimum required parking calculations for warehouse space to be determined by the number of employees (state the number of employees);**
- 3) **curb-cut size, location, and design to be approved by Traffic Engineering and ALDOT;**
- 4) **gravel parking subject to approval by the Zoning Board of Adjustment, otherwise paved parking and maneuvering will be required (and a revised site plan);**
- 5) **placement of a note on the site plan stating that approval of all applicable Federal, state, and local agencies is required for wetland issues, if any, prior to the issuance of any permits or land disturbance activities;**
- 6) **revision of the site plan to depict and label any dumpsters, or**

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- placement of a note on the site plan stating that dumpsters will not be used;
- 7) full compliance with all municipal codes and ordinances; and,
 - 8) provision of a revised PUD site plan to the Planning Section of Urban Development prior to the submittal of revised drawings for the associated building permits.

The motion carried unanimously.

Case #ZON2008-00994 (Planned Unit Development)

Spring Hill College (Dr. Charmaine May, Agent)

4000 Dauphin Street

North side of Dauphin Street, 1800'± West of Interstate 65

Planned Unit Development Approval to amend a previously approved Master Plan for an existing college in an R-1, Single-Family Residential district.

Council District 7

(Also see **Case #ZON2008-00995 (Planning Approval) Spring Hill College (Dr. Charmaine May, 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.

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

- 1) the submission of a site plan illustrating the addition of the locker room/field house to the Permitting Section for approval by the Planning Section of Urban Development as part of the permitting package.

The motion carried unanimously.

Case #ZON2008-00995 (Planning Approval)

Spring Hill College (Dr. Charmaine May, Agent)

4000 Dauphin Street

North side of Dauphin Street, 1800'± West of Interstate 65

Planning Approval to amend a previously approved Planning Approval to allow softball field facilities relocations and a new field house/locker room at an existing college in an R-1, Single-Family Residential district.

Council District 7

(Also see **Case #ZON2008-00994 (Planned Unit Development) Spring Hill College (Dr. Charmaine May, Agent)**, 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.

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

- 1) **the submission of a site plan illustrating the addition of the locker room/field house to the Permitting Section for approval by the Planning Section of Urban Development as part of the permitting package.**

The motion carried unanimously.

Case #ZON2008-01036 (Planned Unit Development)

St. Dominic Catholic Church

4068, 4156, & 4160 Burma Road, and 1168 Santa Maria Court
North side of Burma Road, between Santa Maria Court and St. Dominic Place
Planned Unit Development Approval to amend the Master Plan of an existing church to allow multiple buildings on a single building site.

Council District 4

(Also see **Case #ZON2008-01035 (Planning Approval) St. Dominic Catholic Church**, 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.

The following people spoke in opposition to the matter:

Larry and Daisy Jones, 1171 Santa Maria Court;
Marguerite McCanless, 1164 Santa Maria Court; and,
Kathleen Breland, 1152 Santa Maria Court.

They made the following points in opposition of the matter:

- A. presented a petition with signatures of Santa Maria Court residents against the development;
- B. Santa Maria Court was dedicated as a single family residential neighborhood, and homeowners bought in good faith that it would stay as such;
- C. opposed to anything that will create noise at night;
- D. no detailed information regarding what type, length, or height of a buffer between the proposed development and the adjacent residents;
- E. the current lights on the gym shine into the adjacent residences at night;
- F. concern that all aspects of the proposed development are in opposition to the residential character of Santa Maria Court;

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- G. concern regarding the hours of operation;
- H. concern regarding the fact there is only one outlet for Santa Maria Court onto Burma Drive and the school traffic impedes the ingress/egress to Santa Maria Court; and,
- I. previous meetings on the matter before the Planning Commission had required a traffic study by the church for Santa Maria Court and Burma Road.

The following people spoke in favor of the proposed development:

Father Jim Cink, pastor, St. Dominic's Catholic Church, 4156 Burma Road; and,
Justin Snider, representing the youth of St. Dominic's Catholic Church, 1155 Ginger Drive.

They made following points in favor of the proposed development:

- A. the church has too many staff members to be housed in the building in question and the hours worked by the staff are too varied so the church never considered that an option;
- B. all cars related to the school traffic are currently staged on the church's property so as to not be a part of the traffic congestion created by the two public schools in the same area;
- C. have agreed to all of the staff's recommendations, including the previously approved PUD;
- D. the youth communicated via a letter with the neighbors of Santa Maria Court regarding the house in question and promise to respect the conditions established by the Planning Commission for its use, as well as the wishes and needs of the Santa Maria Court neighbors most effected by its use; and,
- E. have always agreed to hours of operation as recommended by the staff.

Mr. Vallas asked if there was opposition to demolishing the house in question and turning that area into parking and was advised there was no opposition to that action.

Mr. Davitt stated the site plan indicated a 6 feet high board fence and asked if it were in place and was advised it was not.

Mr. Olsen advised the Commission that the 6 feet wooden privacy fence was proposed as part of the PUD as well as one of the conditions recommended by staff.

Mr. Vallas asked if there was opposition to a B-1 use with operating hours that ended at approximately 5 p.m. and he was told there would be no opposition to such.

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

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

- 1) **completion of the subdivision process prior to the issuance of any permits;**
- 2) **compliance with Engineering Comments: (*Engineering will require stormwater detention for all proposed impervious surfaces, even if currently paved, to alleviate downstream flooding. 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 applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands*);**
- 3) **provision of screening of parking as required by Section 64.6.A.3.i of the Zoning Ordinance;**
- 4) **lighting of parking facilities shall be provided in compliance with Section 64-6.A.3.c of the Zoning Ordinance;**
- 5) **provision of sidewalks along all street frontages as illustrated on the site plan submitted;**
- 6) **illustration of any necessary dumpster or trash receptacle, with minor revisions to parking and circulation layout to be approved by Planning staff, if necessary;**
- 7) **the privacy fence along the north and east property lines be revised to provide a minimum 15' setback from Santa Maria Court, and to be 8-feet in height;**
- 8) **hours of use of the residential structure to be limited to 8:00 AM – 9:00 PM;**
- 9) **full compliance with landscaping and tree planting requirements;**
- 10) **provision of a Traffic Impact Study prior to any future applications; and,**
- 11) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2008-01035 (Planning Approval)
St. Dominic Catholic Church

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4068, 4156, & 4160 Burma Road, and 1168 Santa Maria Court
North side of Burma Road, between Santa Maria Court and St. Dominic Place
Planning Approval to allow parking lot improvements and the use of a single-family residential dwelling for church functions at an existing church in an R-1, Single-Family Residential District.

Council District 4

(Also see **Case #ZON2008-01036 (Planned Unit Development) St. Dominic Catholic Church**, above)

(See **Case #ZON2008-01036 (Planned Unit Development) St. Dominic Catholic Church** above for discussion)

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

- 1) **completion of the subdivision process prior to the issuance of any permits;**
- 2) **compliance with Engineering Comments: (*Engineering will require stormwater detention for all proposed impervious surfaces, even if currently paved, to alleviate downstream flooding. 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 applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands*);**
- 3) **provision of screening of parking as required by Section 64.6.A.3.i of the Zoning Ordinance;**
- 4) **lighting of parking facilities shall be provided in compliance with Section 64-6.A.3.c of the Zoning Ordinance;**
- 5) **provision of sidewalks along all street frontages as illustrated on the site plan submitted;**
- 6) **illustration of any necessary dumpster or trash receptacle, with minor revisions to parking and circulation layout to be approved by Planning staff, if necessary;**
- 7) **the privacy fence along the north and east property lines be revised to provide a minimum 15' setback from Santa Maria Court, and to be 8-feet in height;**
- 8) **hours of use of the residential structure to be limited to 8:00 AM – 9:00 PM;**
- 9) **full compliance with landscaping and tree planting requirements;**
- 10) **provision of a Traffic Impact Study prior to any future applications; and,**

11) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

OTHER BUSINESS:

The Chair opened the Public Hearing to consider amending the Subdivision Regulations, creating an overlay district for the Village of Spring Hill and for the proposed Zoning Ordinance Amendments to create an Overlay District for the Village of Spring Hill, inviting anyone who wished to speak on the matter to do so at that time.

Linda St. John, president of the Village of Springhill requested that the matter be held over.

Victor Dover, Dover-Kohl and Partners, Town Planners gave an overview of the proposed plan as well as a comparative analysis of the City's current Zoning Ordinance and the proposed overlay.

The following people also spoke in favor of the overlay:

Tomi Sue Rushling, owner, Carpe Diem Coffee and Tea Company,
4072 Old Shell Road;
Billie F. Goodloe, owner, 4501 Old Shell Road;
Carol Tapley, owner, The Giving Tree, 4310 Old Shell Road;
Jimmy Bledsoe, owner, The Pavillion, 4513 Old Shell Road;
Terry Harbin, BankTrust, 4425 Old Shell Road; and,
Charlene Lee, Smart Coast.

They expressed the following:

- A. support the work of the Village of Springhill to make Springhill a viable, competitive, and beautiful pedestrian friendly shopping village;
- B. understand the concerns of individual business/property owners with regards to the plan, but felt all could be addressed and rectified;
- C. applaud the work of the City Planners and the Planning Commission to preserve the vision and encourage growth in Mobile;
- D. a majority of merchants in the Springhill area support the proposed overlay;
- E. BankTrust's commitment to the plan by working with a developer for the former location of 5 Gold Monkeys and G. Harvell, which utilized the proposed overlay;
- F. the proposed plan works in the best interest of the community and honors the needs of all citizens, young and old; and,

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- G. with expected increase in the area's population, the proposed code would promote "smart growth" in a community that is both residential and commercial in nature.

The following people spoke in opposition to the proposed plan:

Doug Anderson, Burr and Foreman Law Firm, representing the owners of Bruno's Shopping Center at McGregor and Old Shell Road, Bob Issacson, Tommy Morrow, the Bodies, and the residents of Austill Lane;
Terry Ellis, pastor, Springhill Baptist Church, 2 South McGregor Avenue;
Margie Smith, co-owner, Private Collection, 4400 Old Shell Road;
Albert Hunter, 281 Walton Avenue, owner of 4456 Old Shell Road;
Lenny Zanghi, Mr. Sam's Hair Fashions, 158 North McGregor Avenue;
Dr. Fred Bodie, dermatologist, and Mrs. Judie Bodie, co-owners, 4300 Old Shell Road;
Linda Gates, 4154 Ursuline Drive;
Lonn Spencer, Spencer Computer Services, 4456 Old Shell Road;
and,
Tommy Cain, co-owner, Dynasty Collection, 4500 Old Shell Road.

They expressed the following:

- A. concern for the protection of the rights and property of private citizens and private business/landowners;
- B. concern over the misconception that there is an excess of parking, when there is actually a need for additional parking;
- C. concern over traffic safety;
- D. concern that the overlay would force business/property owners to build in such a fashion that would create financial hardship;
- E. concern that what has been published will effect the plans already in place for Springhill Baptist Church, expressing a desire to be excluded from the plan as Springhill College was excluded;
- F. concerns that issues discussed and resolved verbally will not be formally put into writing;
- G. concern regarding where source of funding for the suggested improvements;
- H. concern over the negative impact a "main street" retail format will have on the area's physicians' offices;
- I. suggested that instead of mandating the proposed overlay, make it optional; and,
- J. the presentation of a petition of area residents.

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Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold both matters over until the June 19, 2009, meeting.

The motion carried unanimously.

Hearing no further business, the meeting was adjourned.

APPROVED: July 2, 2009

William G. DeMouy, Jr., Secretary

Terry Plauche, Chairman.

jsl