

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF MAY 15, 2008 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

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

Members Absent

Clinton Johnson
Debra Butler
Mead Miller

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Bert Hoffman,
Planner II

Others Present

John Lawler,
Assistant City Attorney
Rosemary Sawyer,
City Engineering
Jennifer White,
Traffic Engineering

Joanie Stiff-Love,
Secretary II

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 #SUB2008-00040 (Subdivision)

Graf Dairy Subdivision

Southeast corner of Dauphin Street and Sage Avenue, extending to the West termini of Hilburn Drive, Exter Drive, and South Sherwood Drive

Number of Lots / Acres: 5 Lots / 38.1± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 1

(Also see **Case #ZON2008-00390 (Planned Unit Development) Graf Dairy Subdivision**, **Case #ZON2008-00387 (Rezoning) Graf Dairy, LLC**, and **Case #ZON2008-00388 (Rezoning) Graf Dairy, LLC**, below)

Mr. Plauche and Mr. Vallas recused themselves from discussion and voting on the matter.

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Doug Anderson, Burr and Foreman Law Firm, spoke on behalf of the applicant, making the Commission aware of the following:

- A. there have been two main changes, one being the number of units on the R-3 parcel was decreased from 96 units to 77 units, and lot 1 and lot 5 are now requested to be rezoned as LB-2;
- B. under the PUD approval regarding condition 3, the privacy fence, the plan is to build it along the line of the LB-2 property, however, along the R-3, eastern boundary, the developer of that property plans on building a wrought iron and brick column fence with a 5 foot natural landscaped buffer; and,
- C. regarding condition 3 in the subdivision application and condition 5 in the PUD application, which is concerned with the median and driveway improvements on Dauphin Street, specifically regarding the turn lane, citing the results of the traffic impact study required by the City.

Rose McPhillips, 4 Graf Court, expressed her concerns regarding the following:

- A. preservation of some of the trees, specifically two live oak trees 66 inches in diameter that be given preservation status, but noted that there were possibly up to 5 large oak trees on the property which should receive preservation status as well; and,
- B. concern regarding lot 5 which is adjacent to her property, she would like to see some restriction regarding what will be allowed to operate there as well as operation times.

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

- 1) dedication of a widening strip sufficient to lengthen the right turn lane and provide decel lanes to the condominium development as well as the future commercial development be provided along the entire west property line (decel/turn lane for the condominium development should be constructed with the condominium development, with decel/turn lane construction for the remaining commercial property to be in conjunction with development of the property);**
- 2) dedication of an appropriate radius at the intersection of Sage Avenue and Dauphin Street, to be coordinated with Engineering and Traffic Engineering, but at a minimum to comply with Section V.D.6 of the Subdivision Regulations;**
- 3) in consideration of the recommendations of the traffic impact study, access to Dauphin Street is to be reviewed at the time of development of lots 1 or 5; and,**

- 4) placement of a note on the final plat stating that all live oak trees 24" and larger be granted Protection Status, and all live oak trees 50" and larger be granted Preservation Status (All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger), and if any modifications to the landscaped island are needed to help preserve the tree, they should be Coordinated with Urban Forestry.

The motion carried unanimously.

Case #ZON2008-00390 (Planned Unit Development)

Graf Dairy Subdivision

Southeast corner of Dauphin Street and Sage Avenue, and East side of Sage Avenue, ¼ mile± South of Dauphin Street, extending to the West termini of Exter Drive and South Sherwood Drive

Planned Unit Development Approval to allow shared access between two building sites, and to allow multiple buildings on a single building site

Council District 1

(Also see Case #SUB2008-00040 (Subdivision) **Graf Dairy Subdivision**, above, and Case #ZON2008-00387 (Rezoning) **Graf Dairy, LLC**, and, Case #ZON2008-00388 (Rezoning) **Graf Dairy, LLC**, below)

(See Case #SUB2008-00040 (Subdivision) **Graf Dairy Subdivision** above for discussion)

Mr. Plauche and Mr. Vallas recused themselves from discussion and voting on the matter.

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

- 1) completion of the subdivision process (recording of the final plat) prior to completion of the rezoning process;
- 2) completion of the rezoning process prior to the issuance of any permits;
- 3) provision of a natural buffer with a 6' high wooden privacy fence along the East property line where the LB-2 abuts residentially zoned properties, and a 6' high wrought iron fence with brick columns with a 5'-7' wide, densely planted, natural, vegetative buffer along the East property line where the R-3 abuts residentially zoned properties;
- 4) compliance with Fire Department Comments: *(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. Fire hydrants shall comply with Section 508.5.1 of the 2003 IFC. Dead ends shall comply with Table D105.1 of the 2003 IFC);*
- 5) **driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Final approval for all driveways, proposed and existing will be given upon submittal of final plans. A traffic impact study was received for this development. In consideration of the recommendations of the traffic impact study, access to Dauphin Street is to be reviewed at the time of development of lots 1 or 5, and for a right turn lane on Sage Avenue to be constructed with this development. The right turn lane on Sage Avenue should be constructed by the developer with final design to be approved by City of Mobile Traffic Engineering and Engineering Departments. An additional widening strip sufficient to lengthen the right turn lane or provide decel lanes to future development should be reserved along the west property line.);**
 - 6) **revision of the PUD plan to include placement of a note stating that all live oak trees 24" and larger be granted Protection Status, and all live oak trees 50" and larger be granted Preservation Status (All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger), and if any modifications to the landscaped island are needed to help preserve the tree, they should be coordinated with Urban Forestry.;**
 - 7) **approval of gate locations for ingress/egress to Lot 4;**
 - 8) **verification of spacing requirements for buildings on Lot 4 (to be noted on the site plan);**
 - 9) **verification/notation of parking spaces adjacent to the front of each condominium unit;**
 - 10) **construction and repairs of sidewalks along Dauphin Street and Sage Avenue as necessary;**
 - 11) **full compliance with all municipal codes and ordinances; and,**
 - 12) **submission of a revised site plan reflecting these conditions prior to the issuance of any permits.**

The motion carried unanimously.

Case #ZON2008-00387 (Rezoning)

Graf Dairy, LLC

East side of Sage Avenue, ¼ mile± South of Dauphin Street, extending to the West termini of Exter Drive and South Sherwood Drive

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Rezoning from R-1, Single-Family Residential, to R-3, Multi-Family Residential, to allow a 76-unit residential condominium complex

Council District 1

(Also see **Case #SUB2008-00040 (Subdivision) Graf Dairy Subdivision**, and, **Case #ZON2008-00390 (Planned Unit Development) Graf Dairy Subdivision**, and, **Case #ZON2008-00388 (Rezoning) Graf Dairy, LLC**, below)

(See **Case #SUB2008-00040 (Subdivision) Graf Dairy Subdivision** above for discussion)

Mr. Plauche and Mr. Vallas recused themselves from discussion and voting on the matter.

Hearing no further opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Turner, to approve the above referenced rezoning of lot 4 from R-1 to R-3, subject to the following conditions:

- 1) **completion of the subdivision process (recording of the final plat) prior to completion of the rezoning process;**
- 2) **limited to an approved PUD, as may be required to be amended;**
- 3) **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. Fire hydrants shall comply with Section 508.5.1 of the 2003 IFC. Dead ends shall comply with Table D105.1 of the 2003 IFC; and,**
- 4) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2008-00388 (Rezoning)

Graf Dairy, LLC

Southeast corner of Dauphin Street and Sage Avenue, extending to the West terminus of Hilburn Drive

Rezoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, to allow a bank and drug store, and rezoning from R-1, Single-Family Residential to LB-2, Limited Neighborhood Business, for unspecified commercial uses

Council District 1

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(Also see Case #SUB2008-00040 (Subdivision) Graf Dairy Subdivision, Case #ZON2008-00390 (Planned Unit Development) Graf Dairy Subdivision, and, Case #ZON2008-00387 (Rezoning) Graf Dairy, LLC, above)
(See Case #SUB2008-00040 (Subdivision) Graf Dairy Subdivision above for discussion)

Mr. Plauche and Mr. Vallas recused themselves from discussion and voting on the matter.

Hearing no further opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Turner, to approve the above referenced rezoning of lots 2 and 3 from R-1 to B-2, subject to the following conditions:

- 1) **completion of the subdivision process (recording of the final plat) prior to completion of the rezoning process;**
- 2) **limited to an approved PUD, as may be required to be amended;**
- 3) **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. Fire hydrants shall comply with Section 508.5.1 of the 2003 IFC. Dead ends shall comply with Table D105.1 of the 2003 IFC; and,**
- 4) **full compliance with all municipal codes and ordinances;**

and the rezoning of lots 1 & 5 from R-1 to LB-2, subject to the following conditions:

- 1) **completion of the subdivision process (recording of the final plat) prior to completion of the rezoning process;**
- 2) **limited to an approved PUD, as may be required to be amended;**
- 3) **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. Fire hydrants shall comply with Section 508.5.1 of the 2003 IFC. Dead ends shall comply with Table D105.1 of the 2003 IFC; and,**
- 4) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2008-00044 (Subdivision)
Sollie Oaks Subdivision, Nguyen Addition to
Southwest corner of Sollie Road and Halls Mill Creek
Number of Lots / Acres: 3 Lots / 6.7± Acres
Engineer / Surveyor: Rester and Coleman Engineers, Inc.
County

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Don Coleman, Rester and Coleman Engineers Inc., spoke on behalf of the applicant and recognized that it might be an illegal subdivision. He noted that it had been bought in good faith and the applicant was willing to subdivide the property he purchased, however, the original property owner refuses to be a part of the subdivision process.

Mr. Watkins asked if it had access to a public road.

Mr. Olsen said the strip noted by Mr. Watkins was right-of-way that would not be constructed. He also noted there was a proposed flag shaped lot. He reminded the Commission that at the previous Planning Commission meeting there had been an application denied because the party responsible for creating the issue by selling off the property without going through the proper subdivision process refused to be a party to the subdivision process.

Mr. Vallas asked if documentation of that refusal would be acceptable in place of that party's participation.

Mr. Lawler said the applicant had right to sue the person who gave them title to the property in violation to the Subdivision Regulations.

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

- 1) the applicant did not include the parent parcel in the subdivision application; and,**
- 2) the applicant did not include the entirety of their parcel in the subdivision process.**

The motion carried with only Mr. Holmes and Mr. Turner voting against denial.

Case #SUB2008-00070 (Subdivision)

USA Health Systems Subdivision

East and West sides of USA Children's and Women's Parkway, extending from Spring Hill Avenue to Center Street

Number of Lots / Acres: 3 Lots / 18.6± Acres

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

Council District 2

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Dr. Rivizzigno recused herself from discussion and voting on the matter.

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

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

- 1) **placement of a note on the plat stating Lot 1 is limited to curb cuts to USA Children's and Women's Parkway and its existing curb cuts to Center Street;**
- 2) **Lot 2 is limited to curb cuts to USA Children's and Women's Parkway and Mobile Infirmary Drive;**
- 3) **Lot 3 is limited to the existing curb cut onto Springhill Avenue;**
- 4) **all curb cuts' size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 5) **labeling of each lot with its size in square feet on the final plat; 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 unanimously.

EXTENSIONS:

Case #SUB2007-00073 (Subdivision)

Stratford Place Subdivision

North side of Grelot Road, 210'± West of Chimney Top Drive West

Number of Lots / Acres: 19 Lots / 14.1± Acres

Engineer / Surveyor: Engineering Development Services, LLC

Council District 6

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

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2008-00085

Hinton Place Subdivision

281 Mayflower Street

East side of Mayflower Street; 300'± North of Weatherford Avenue

Number of Lots / Acres: 2 Lots / 0.5 ± Acre

Engineer / Surveyor: Erdman Surveying LLC

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.

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

- 1) **placement of a note on the plat stating that Parcel A and Parcel B are limited to one curb cut each, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **labeling of each lot with its size in square feet on the final plat;**
- 3) **changing of the names of the proposed lots from “Parcel A” and “Parcel B” to “Lot 1” and “Lot 2”;**and,
- 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.**

The motion carried unanimously.

Case #SUB2008-00088

Cottage Oaks Subdivision

4800 Tufts Road

West side of Tufts Road; 250'± North of Rutgers Road

Number of Lots / Acres: 2 Lots / 1 Acre

Engineer / Surveyor: Polysurveying Engineering-Land Surveying

Council District 4

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

Joey Strachan, 4778 Tufts Road, had concerns regarding what has been done on the property and what the owner plans to build on the property once it is subdivided. He also queried as to why this was being done, in his opinion, after the fact, as there is already a house on the property.

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Matt Orrell, Polysurveying of Mobile, spoke on behalf of the applicant, and requested the condition of it not being re-subdivided without adequate right-of-way provided be added to the approval. He said this should satisfy any questions regarding the back portion of the property until and unless the property is sold.

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

- 1) **renaming of the subdivision prior to signing the final plat;**
- 2) **placement of a note on the final plat stating that each lot is limited to one curb cut to Tufts Road, 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, or the provision of a table on the final plat with the same information;**
- 4) **depiction of the existing structure on the final plat, in order to verify its compliance with the setback requirements of Section 64-3.C.1. of the Zoning Ordinance, or its removal prior to signing the final plat;**
- 5) **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;**
- 6) **placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;**
- 7) **subject to City Engineering comments: (*Show Minimum FFE on plans and plat for all lots located within the X-Shaded and AE Flood Zones. Must comply with all stormwater and flood control ordinances. Cannot concentrate stormwater runoff to an adjacent property without a release agreement or a private drainage easement. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit*); and,**
- 8) **placement of a note on the final plat stating that there shall be no future re-subdivision unless adequate frontage on an standard city maintained road is provided.**

The motion carried unanimously.

Case #SUB2008-00090

Snyder's Hollow Subdivision, Re-subdivision of Lot 1

8950 Howells Ferry Road

North side Howells Ferry Road; 580' ± West of the North terminus of Hubert Pierce

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Road
Number of Lots / Acres: 2 Lots / 1.1± Acres
Engineer / Surveyor: Polysurveying Engineering-Land Surveying
County

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

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

- 1) **illustration of the 35' minimum building setback line from the current right-of-way, as on the revised plat submitted with the application;**
- 2) **placement of a note on the final plat stating that each lot is limited to one curb cut to Howells Ferry Road, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 3) **labeling of each lot with its size in square feet and acres, or the provision of a table on the plat furnishing the same information;**
- 4) **provision of a minimum detention capacity to accommodate the volume of a 50 year post development storm, with a maximum release rate equivalent to the 10 year storm pre-development rate. A licensed Professional Engineer must certify that the design of the Subdivision and its stormwater detention features are designed in accord with these requirements. Any stormwater detention facility must be shown in the plans and on the recorded subdivision plat as common area not maintained by the City of Mobile, Mobile County or the State of Alabama.” Certification is to be submitted to the Planning Section of Urban Development and County Engineering;**
- 5) **placement of a note on the plat stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; 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 #SUB2008-00091

Belle Isle View Subdivision

4801 Belle Isle Lane

Northeast corner of Belle Isle Lane and Higgins Road

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

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

Council District 4

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to hold the matter over until the June 19, 2008, meeting to allow the applicant to submit the following:

- 1) **dedication of a minimum 30' from the centerline of Belle Isle Lane;**
- 2) **placement of a note on the final plat stating that Lot 1 is denied direct access to Belle Isle Lane;**
- 3) **placement of a note on the final plat stating that each lot is limited to one curb cut to Belle Isle Lane, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) **provision of a adequate radius, in compliance with Section V.B.16. of the Subdivision Regulations, at the corner of Higgins Road and Belle Isle Lane;**
- 5) **depiction of the existing structure on the final plat, in order to verify its compliance with the setback requirements of Section 64-3.C.1. of the Zoning Ordinance, or its removal prior to signing the final plat;**
- 6) **placement of a note on the plat / site plan stating that approval of all applicable Federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities; and,**
- 7) **subject to City Engineering comments: (*Show Minimum FFE on plans and plat for all lots located within the X-Shaded and AE Flood Zones. Must comply with all stormwater and flood control ordinances. Cannot concentrate stormwater runoff to an adjacent property without a release agreement or a private drainage easement. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit.*)**

The motion carried unanimously.

Case #SUB2008-00093

Highcrest Suidivision, Unit 1, Re-subdivision of Lots 88 & 89, Re-subdivision of Lot
2

5304 Wentworth Court
Northeast corner of Wentworth Court and Longleaf Drive
Number of Lots / Acres: 2 Lots / 0.6± Acre
Engineer / Surveyor: Rester and Coleman Engineers, Inc.
Council District 6

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. Turner, to approve the above reference re-subdivision, subject to the following conditions:

- 1) depiction of the 25' minimum building setback line along both street frontages on the final plat;
- 2) depiction of the interior lot line with a minimum side yard setback of 8' off the existing dwelling;
- 3) revision of the plat to label each lot with its size in square feet, or provision of a table on the plat depicting the same information;
- 4) 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 conform to AASHTO standards;
- 5) placement of a note on the final 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 the Engineering Comments: *(Must comply with all stormwater and flood control ordinances. Cannot concentrate stormwater runoff to an adjacent property without a release agreement or a private drainage easement. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit).*

The motion carried unanimously.

Case #SUB2008-00096

Highcrest Subdivision, Unit 1, Re-subdivision of Lot 28

5121 Yorkwood Road South
Southeast corner of Yorkwood Road South and Brookline Drive West
Number of Lots / Acres: 2 Lots / 0.5± Acre
Engineer / Surveyor: Rester and Coleman Engineers, Inc.

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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. Turner, to approve the above reference re-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 each lot with its size in square feet, or provision of a table on the plat furnishing the same information;**
- 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 Traffic Engineering and conform to AASHTO standards;**
- 4) **placement of a note on the final 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) **the obtaining of an after-the-fact demolition permit for the removal of the dwelling prior to the signing of the final plat; and,**
- 6) **subject to the Engineering Comments: *(Must comply with all stormwater and flood control ordinances. Cannot concentrate stormwater runoff to an adjacent property without a release agreement or a private drainage easement. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit).***

The motion carried unanimously.

Case #SUB2008-00099

Grandview Apartments Subdivision

6151 Marina Drive South

East side of Marina Drive South at the mouth of Dog River

Number of Lots / Acres: 2 Lots / 16.1± Acres

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

Council District 4

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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. Vallas, to hold the matter over until the June 19, 2008, meeting, to allow the applicant to address the following:

- 1) revision of the plat to provide Lot 2 access to Marina Drive South;**
- 2) provision of documentation that the proposed lot line will not create a setback violation; and,**
- 3) submission of an accompanying PUD application.**

The motion carried unanimously.

Case #SUB2008-00092

Laughlin Industrial Park Subdivision

South side of Halls Mill Road, ¼ mile± West of Halls Mill Service Road

Number of Lots / Acres: 19 Lots / 45.7± 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. Vallas, with second by Mr. Turner, to waive Section V.B.6. 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 all lots are denied access to Interstate 10;**
- 2) placement of a note on the final plat stating that all corner lots are limited to a total of two (2) curb-cuts each, while non-corner lots with 200 feet or less of frontage onto the proposed streets are limited to one (1) curb-cut, while non-corner lots with greater than 200 feet of frontage are limited to two (2) curb-cuts, with the size, design, and location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) approval in writing (letter or signature on final plat) from Mobile Fire-Rescue for the design (if an intermediate turn-around is required) and length of Norville Road South prior to the signing of the final plat by Urban Development;**
- 4) depiction of the 25-foot minimum building setback line from all street frontages (including Interstate 10), as required by Section V.D.9. of the Subdivision Regulations;**

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- 5) the labeling of each lot with its size in square feet, or placement of a table on the plat with the same information;
- 6) labeling of all common areas, including detention areas, and placement of a note on the final plat stating that the maintenance of the detention common areas is the responsibility of the property owners;
- 7) use of “best management practices” during site development, in compliance with Section V.A.5. of the Subdivision Regulations, to minimize erosion and sedimentation during site development;
- 8) compliance with Engineering comments (*Show Minimum FFE on plans and plat for all lots located within the X-Shaded and AE Flood Zones. 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 show 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. Cannot concentrate stormwater runoff to an adjacent property without a release agreement or a private drainage easement. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit.*);
- 9) approval of all applicable federal, state, and local agencies prior to the issuance of any permits or land disturbance activities;
- 10) placement of a note on the plat stating that approval of all applicable Federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities; and,
- 11) full compliance with all other municipal codes and ordinances, including the buffering, lighting, and tree and landscaping requirements of the Zoning Ordinance.

The motion carried unanimously.

Case #SUB2008-00087

Turtle Creek Subdivision, Phase Three

Southeast corner of Repoll Road and Richmond Pearson Road

Number of Lots / Acres: 57 Lots / 28.2± Acres

Engineer / Surveyor: Engineering Development Services L.L.C.

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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. Turner, with second by Mr. Davitt, to waive Section V.B.6. of the Subdivision Regulations, subject to Mobile Fire-Rescue's approval in writing (letter or signature on plat), and approve the above referenced subdivision, subject to the following conditions:

- 1) **revision of the plat to depict the correct diameter for the cul-de-sac;**
- 2) **construction of all streets to Mobile County and the City's 2003 International Fire Code standards, and acceptance of the streets by Mobile County prior to the recording of the final plat;**
- 3) **placement of a note on the final plat stating that all lots are denied direct access to Repoll Road and Richmond Pearson Road;**
- 4) **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; use of "best management practices" during site development, in compliance with Section V.A.5. of the Subdivision Regulations, to minimize erosion and sedimentation during site development; and,**
- 5) **retaining of notes on the plat relating to common area maintenance, endangered/threatened species, buffering of commercial development, stormwater compliance, wetlands, minimum building setback, and lot size information.**

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2008-01118

William Dumas

South side of Wimbledon Drive East, extending from South McGregor Avenue to Croydon Road

Request to waive construction of sidewalks along Wimbledon Drive East and Croydon Road.

Council District 5

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Will Gamble, 2553 Delwood North, on behalf of William Dumas, stating that due to the current nature of the area and that there are no sidewalks in the neighborhood, it would be requiring the applicant to put in a sidewalk to “nowhere,” and thereby pointless.

Mr. Olsen advised the Commission that any new build-outs now require sidewalks, including full rebuilds with only partial re-constructions not requiring the creation of sidewalks.

Hearing no further opposition or discussion, a motion was a made by Dr. Rivizzigno, with second by Mr. Vallas, to deny the new sidewalk waiver.

The motion carried unanimously.

Case #ZON2008-01201

Mulherin Custodial Homes, Inc.

2496 Halls Mill Road

West side of Halls Mill Road at the West terminus of Karagan Drive

Request to waive construction of a sidewalk along Halls Mill Road.

Council District 4

Ben Hatfield, president, Mulherin Custodial Homes, was seeking relief from building a sidewalk in front of a proposed building as it would be in the parking and there are no sidewalks anywhere along that section of Halls Mill Road.

Mr. Davitt noted that from the site map, it appeared the sidewalk would have to be installed in a parking lot.

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

The motion carried with Mr. Holmes and Dr. Rivizzigno voting against.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2008-01209

EGM Properties, LLC

3748 Industrial Park Drive

North side of Industrial Park Drive, 245'± East of Industrial Park Circle

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

Council District 4

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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. Vallas, with second by Mr. Davitt, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) **the approval of all applicable Federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;**
- 2) **provision of an 8' wooden privacy fence along the rear property line;**
- 3) **full compliance with all municipal codes and ordinances; and,**
- 4) **subject to the Engineering Comments: *(Must comply with all stormwater and flood control ordinances. Cannot concentrate stormwater runoff to an adjacent property without a release agreement or a private drainage easement. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit).***

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2008-00089 (Subdivision)

Downtowner Loop South Subdivision

Northeast corner of Downtowner Loop South and Downtowner Loop West

Number of Lots / Acres: 1 Lot / 0.8± Acre

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

Council District 5

(Also see **Case #ZON2008-01192 (Planned Unit Development) Downtowner Loop South Subdivision**, below)

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

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

- 1) **compliance with Engineering comments *(It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS show 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. Cannot concentrate stormwater runoff to an adjacent property without a release agreement or a private drainage easement. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit);*
- 2) placement of a note on the plat stating that the site is limited to one curb-cut onto each street, with the size, design, and location to be approved by Traffic Engineering, and in conformance with AASHTO standards;
 - 3) delineation of wetlands on the final plat, if any, and the approval of all applicable federal, state, and local agencies regarding wetlands prior to the issuance of any permits or land disturbance activities;
 - 4) placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;
 - 5) use of “best management practices” during site development, in compliance with Section V.A.5. of the Subdivision Regulations, to minimize erosion and sedimentation during site development;
 - 6) provision of a revised PUD site plan;
 - 7) completion of the Subdivision process prior to the request for any permits, including for land disturbance; and,
 - 8) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2008-01192 (Planned Unit Development)

Downtowner Loop South Subdivision

Northeast corner of Downtowner Loop South and Downtowner Loop West
Planned Unit Development Approval to allow two buildings on a single building site.
Council District 5

(Also see Case #SUB2008-00089 (Subdivision) **Downtowner Loop South Subdivision**, above)

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

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

- 1) **compliance with Engineering comments (*It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS show 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. Cannot concentrate stormwater runoff to an adjacent property without a release agreement or a private drainage easement. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit*);**
- 2) **placement of a note on the site plan stating that the site is limited to the two curb-cuts depicted on the site plan, with minor adjustments up to 5 feet allowed, with the size, design, and location to be approved by Traffic Engineering, and in conformance with AASHTO standards;**
- 3) **approval of all applicable federal, state, and local agencies regarding wetlands and endangered, threatened, or otherwise protected species prior to the issuance of any permits or land disturbance activities;**
- 4) **revision of the site plan to depict a “do not enter” sign where the one-way drive exits into the two-way drive, and placement of arrows on the one-way drive, as depicted on the site plan;**
- 5) **revision of the site plan to depict surface detention facilities, if required, or placement of a note on the site plan stating that detention requirements will be met using parking and or subsurface drainage features;**
- 6) **provision of a revised PUD site plan prior to the signing of the Subdivision plat;**
- 7) **completion of the Subdivision process prior to the request for any permits, including for land disturbance; and,**
- 8) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2008-00098 (Subdivision)

Baldwin Transfer Subdivision

1501 Telegraph Road

Northwest corner of Telegraph Road and Callahan Drive

Number of Lots / Acres: 1 Lot / 5.6± Acres

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

Council District 2

(Also see **Case #ZON2008-01207 (Planned Unit Development) Baldwin Transfer Subdivision**, below)

Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant making the following points regarding the proposed development:

- A. Baldwin Transfer currently consisted of approximately 7 buildings, the majority of which are located in the city of Chickasaw
- B. the proposed development is to build a new building, which will be located approximately 10 feet away from an existing building due to fire code issues; that building will be situated on property located in the city of Mobile; and,
- C. the applicant does not understand why the property must be annexed into the city of Mobile as a requirement for approval.

Wayne Taylor, vice president, Baldwin Transfer, 1501 Telegraph Road, spoke to the Commission regarding the tree and landscaping requirements as it would mean his company would have to incur an unnecessary financial hardship due to having to tearing up trailer staging areas and parking lots

Mr. Lawler addressed the Commission saying he did not believe a matter such as this had ever come before the Commission where one piece of property fell under the jurisdiction of two politically separate municipalities. He advised that the Commission could approve the subdivision even though it did not fall in their political jurisdiction, however, precedent regarding zoning issues has been split and it becomes an issue where a variance must be sought.

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

- 1) **compliance with Engineering comments (*Must comply with all stormwater and flood control ordinances. Cannot concentrate stormwater runoff to an adjacent property without a release agreement or a private drainage easement. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right of way will require a right of way permit*);**
- 2) **revision of the plat to depict and label a 45-foot minimum**

- building setback line from Telegraph Road, and a 25-foot setback line from Callahan Drive;
- 3) placement of a note on the plat stating that the site is limited to the two existing curb-cuts onto Callahan Drive, and the two existing curb-cuts onto Telegraph Road, with any modifications to the curb-cuts in terms of size and location to be approved by Traffic Engineering and ALDOT, and to be in conformance with AASHTO standards;
 - 4) placement of a note on the plat stating that development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;
 - 5) provision of a revised PUD site plan prior to the signing of the final plat;
 - 6) completion of the Subdivision process prior to the obtaining of any permits, including land disturbance; and,
 - 7) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2008-01207 (Planned Unit Development)

Baldwin Transfer Subdivision

1501 Telegraph Road

Northwest corner of Telegraph Road and Callahan Drive

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

Council District 2

(Also see Case #SUB2008-00098 (Subdivision) **Baldwin Transfer Subdivision**, above)

(See Case #SUB2008-00098 (Subdivision) **Baldwin Transfer Subdivision** for discussion)

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

- 1) revision of the site plan to reflect the total parking requirements based upon office area within the existing building, and the total number of warehouse employees, and provision of additional parking spaces if necessary to meet the minimum parking requirements;
- 2) revision of the site plan to depict and label a 45-foot minimum building setback line from Telegraph Road, and a 25-foot setback line from Callahan Drive;
- 3) revision of the site plan to depict and label existing and proposed dumpsters;
- 4) revision of the site plan to depict all loading docks, tractor-trailer parking areas, and general tractor-trailer circulation;

- 5) placement of a note on the site plan stating that the site is limited to the two existing curb-cuts onto Callahan Drive, and the two existing curb-cuts onto Telegraph Road, with any modifications to the curb-cuts in terms of size and location (not exceeding increases or changes of location greater than 5 feet) to be approved by Traffic Engineering and ALDOT, and to be in conformance with AASHTO standards: changes greater than 5 feet may require a new PUD application;
- 6) compliance with Engineering comments (*Must comply with all stormwater and flood control ordinances. Cannot concentrate stormwater runoff to an adjacent property without a release agreement or a private drainage easement. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit*);
- 7) provision of a revised PUD site plan prior to the signing of the final plat; and,
- 8) full compliance with all other municipal codes and ordinances (tree compliance may be via contributions to the tree bank).

The motion carried unanimously.

Case #SUB2008-00101 (Subdivision)

Persons-Wilkins Subdivision, Re-subdivision of Lot 1

South side of Blue Heron Ridge, 660'± East of Skywood Drive

Number of Lots / Acres: 1 Lot / 0.2± Acre

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 4

(Also see **Case #ZON2008-01205 (Planned Unit Development) Persons-Wilkins Subdivision, Re-subdivision of Lot 1**, 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 Dr. Rivizzigno, to approve the above referenced re-subdivision, subject to the following conditions:

- 1) submission of documentation that the existing stormwater facilities are adequate to handle the increased site coverage (including all previously approved increases), to be approved by City Engineering Department prior to signing of the final plat;
- 2) placement of a note on the final plat stating that the site is limited to one curb cut to Blue Heron Ridge, with the size, location, and design to be approved by Traffic Engineering

- and conform to AASHTO standards;
- 3) provision of a revised PUD site plan prior to signing the final plat;
 - 4) full compliance with all municipal codes and ordinances; and,
 - 5) subject to City Engineering comments: *(Must comply with all stormwater and flood control ordinances. Cannot concentrate stormwater runoff to an adjacent property without a release agreement or a private drainage easement. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit).*

The motion carried unanimously.

Case #ZON2008-01205 (Planned Unit Development)

Persons-Wilkins Subdivision, Re-subdivision of Lot 1

South side of Blue Heron Ridge, 660'± East of Skywood Drive

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow 40% site coverage in a single-family residential subdivision Council District 4

(Also see **Case #SUB2008-00101 (Subdivision) Persons-Wilkins Subdivision, Re-subdivision of Lot 1**, 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 Dr. Rivizzigno, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) submission of documentation that the existing storm water facilities are adequate to handle the increased site coverage (including all previously approved increases), to be approved by City Engineering Department prior to signing of the final plat;
- 2) revision of the PUD site plan to clearly state 40% maximum site coverage for the lot;
- 3) provision of the revised PUD site plan prior to signing the final subdivision plat
- 4) completion of the Subdivision process;
- 5) full compliance with all municipal codes and ordinances; and,
- 6) subject to City Engineering comments: *(Must comply with all stormwater and flood control ordinances. Cannot concentrate stormwater runoff to an adjacent property without a release agreement or a private drainage easement. Must provide detention for any impervious area added since 1984 in excess of*

4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit).

The motion carried unanimously.

Case #SUB2008-00086 (Subdivision)

I-65 East Service Road Development Subdivision

East side of East I-65 Service Road South, 1030'± North of International Drive

Number of Lots / Acres: 2 Lots / 32.1± Acres

Engineer / Surveyor: Hutchinson, Moore & Rauch, LLC

Council District 5

(Also see **Case #ZON2008-01191 (Planned Unit Development) I-65 East Service Road Development Subdivision**, below)

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

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

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

- 1) **compliance with Engineering comments** (*It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS show 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. Cannot concentrate stormwater runoff to an adjacent property without a release agreement or a private drainage easement. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit*);
- 2) **placement of a note on the final plat stating that Lot 1 is limited to two (2) curb-cuts onto the Interstate 65 Service Road (and one (1) curb-cut onto International Drive if at least 50-feet of frontage exists), that Lot 2 is limited to one (1) curb-cut onto the Interstate 65 Service Road, with the size, design, and location to be approved by Traffic Engineering and ALDOT as necessary, and in conformance with AASHTO standards;**
- 3) **placement of a note on the final plat stating that the size, design, and location of curb-cuts for Lot 1 onto the private street associated with Colonial Bel Air Mall must be approved**

- by Traffic Engineering, and be designed in conformance with AASHTO standards;
- 4) use of “best management practices” during site development, in compliance with Section V.A.5. of the Subdivision Regulations, to minimize erosion and sedimentation during site development;
 - 5) delineation of wetlands on the final plat, if any, and the approval of all applicable federal, state, and local agencies regarding wetlands prior to the issuance of any permits or land disturbance activities;
 - 6) 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;
 - 7) revision of the Subdivision plat and PUD site plan to depict a 25-foot minimum building setback line from all public and private streets;
 - 8) provision of a revised PUD site plan;
 - 9) completion of the Subdivision process prior to the request for any permits, including for land disturbance; and,
 - 10) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2008-01191 (Planned Unit Development)

I-65 East Service Road Development Subdivision

East side of East I-65 Service Road South, 680'± North of International Drive
Planned Unit Development Approval to allow multiple buildings on a single building site, with shared access between two building sites
Council District 5

(Also see **Case #SUB2008-00086 (Subdivision) I-65 East Service Road Development Subdivision**, above)

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

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

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

- 1) **compliance with Engineering comments** (*It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS show 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 storm water and flood control ordinances. Cannot concentrate storm water runoff to an adjacent property without a release agreement or a private drainage easement. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right of way will require a right of way permit);

- 2) design of all curb-cuts to be approved by Traffic Engineering and comply with AASHTO standards;
- 3) delineation of wetlands on the site plan, if any, and the approval of all applicable federal, state and local agencies regarding wetlands prior to the issuance of any permits or land disturbance activities;
- 4) placement of a note on the site plan stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
- 5) revision of the Subdivision plat and PUD site plan to depict a 25-foot minimum building setback line from all public and private streets;
- 6) revision of the site plan to include a statement regarding the provision of a dumpster, or placement of a note on the site plan stating that dumpsters will not be provided as part of the development;
- 7) placement of a note on the PUD site plan stating that cross-access easement is limited to between the proposed Lot 2, I-65 East Service Road Development Subdivision, and existing Lot 1, Interstate SE Subdivision, and that no vehicle inventory will be stored on adjacent lots until those lots are brought into compliance with the Zoning Ordinance;
- 8) provision of a revised PUD site plan prior to the signing of the final plat;
- 9) completion of the Subdivision process prior to the request for any permits, including for land disturbance; and,
- 10) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2008-00097 (Subdivision)

Falling Leaf Subdivision, Unit One

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: 52 Lots / 26.5± Acres

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Engineer / Surveyor: Rester and Coleman Engineers, Inc.
Council District 6

(Also see **Case #SUB2008-00095 (Subdivision) Falling Leaf Subdivision, Unit Two**, and, **Case #ZON2008-01208 (Planned Unit Development) Falling Leaf Subdivision, Units One & Two**, 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 the June 19, 2008, meeting, to allow the applicant to address the following:

- 1) **identify the 10' strip along Sollie Road;**
- 2) **illustrate location of the proposed gate; and,**
- 3) **provide justification for waiver of Sections V.B.1 and VIII.E.1.b, and consideration as a private street.**

The motion carried unanimously.

Case #SUB2008-00095 (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: 82 Lots / 43.8± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(Also see **Case #SUB2008-00097 (Subdivision) Falling Leaf Subdivision, Unit One**, above, and, **Case #ZON2008-01208 (Planned Unit Development) Falling Leaf Subdivision, Units One & Two**, 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 the June 19, 2008, meeting, to allow the applicant to address the following:

- 1) **identify the 10' strip along Sollie Road;**
- 2) **illustrate location of the proposed gate; and,**
- 3) **provide justification for waiver of Sections V.B.1 and VIII.E.1.b, and consideration as a private street.**

The motion carried unanimously.

Case #ZON2008-01208 (Planned Unit Development)

Falling Leaf Subdivision, Units One & 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
Planned Unit Development Approval to allow a gated private street single-family residential subdivision with one-lane, one-way streets and reduced lot widths and sizes
Council District 6

(Also see **Case #SUB2008-00097 (Subdivision) Falling Leaf Subdivision, Unit One**, and, **Case #SUB2008-00095 (Subdivision) Falling Leaf Subdivision, Unit Two**, 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 the June 19, 2008, meeting, to allow the applicant to address the following:

- 1) **identify the 10' strip along Sollie Road; and,**
- 2) **illustrate location of the proposed gate.**

The motion carried unanimously.

Case #ZON2008-01202 (Planned Unit Development)

Weinacker's Montessori School, Inc.

227 Hillcrest Road

East side of Hillcrest Road, 625'± South of Cedar Bend Court

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

Council District 5

(Also see **Case #ZON2008-01204 (Planning Approval) Weinacker's Montessori School, Inc.**, below)

John Weinacker, Weinacker's Montessori Schools, Inc., spoke on behalf of the school regarding a letter that had been written concerning the following exceptions requested from the staff's recommended conditions:

- A. regarding item 2 on the Planning Approval recommendation, that the number of teachers be changed to 19 and the number of students be changed to 190 with the age range on students being from pre-kindergarten to 6th grade;
- B. regarding item 6 on the Planning Approval and item 5 of the PUD, requiring a fence or buffer on the eastern side of the property as there is already a natural, vegetative buffer there, it is wished that it not have to be extended until or unless the adjoining property is developed;
- C. regarding the buffer requirement along the northern side of the property, it is wished that no fence be required in areas where a

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- natural, vegetative buffer or fence is already in existence; and,
D. regarding the southern property line, it is wished that the buffer along that line be waived as 12 Mile Creek serves as such.

Mr. Turner asked for assurances that children were protected by a fence from the southern property where they might have access to 12 Mile Creek and was advised all playground were fenced, protecting the children.

Mr. Olsen stated the staff felt there should be a fence along 12 Mile Creek to protect the children, regardless of whether or not it was considered accessible to children.

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

- 1) **compliance with revised Engineering comments (*Show minimum finished floor elevation. Label flood zone/floodway. Check the need for 100-year detention with 10-year release with the City Engineer. 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. Cannot concentrate stormwater runoff to an adjacent property without a release agreement or a private drainage easement. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit.*;**
- 2) **revision of the site plan to depict curbing and/or bumper stops for all parking and circulation areas in order to protect adjacent landscape and sidewalk areas;**
- 3) **revision of the site plan to depict a minimum width of 15-feet for the one-way circulation drives, the marking of the drives with arrows and “do not enter” signage to ensure correct circulation, and the marking of the radius for the curved portion of the one-way drives;**
- 4) **placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development approval prior to the issuance of any permits;**
- 5) **revision of the site plan to clearly depict a fence or protection buffer strip along the North, East and South perimeters of the site, in accordance with Section 64-4.D.1. of the Zoning**

Ordinance;

- 6) placement of a note on the site plan stating that the parking area will be illuminated in accordance with the requirements of Section 64-6.A.3.c. of the Zoning Ordinance, if the parking area is used at night;
- 7) placement of a note on the site plan stating that the site is limited to the existing curb-cut onto Hillcrest Road, and denied access to the unopened public right-of-way on the Eastern boundary of the lot, with the size, design, and location of the curb-cut to be approved by Traffic Engineering and in compliance with AASHTO standards;
- 8) placement of a note on the site plan stating that approval of all applicable Federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;
- 9) provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final plat;
- 10) completion of the Subdivision process; and,
- 11) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2008-01204 (Planning Approval)

Weinacker's Montessori School, Inc.

227 Hillcrest Road

East side of Hillcrest Road, 625'± South of Cedar Bend Court

Planning Approval to amend a previously approved Planning Approval to allow a school in an R-1, Single-Family Residential District.

Council District 5

(Also see **Case #ZON2008-01202 (Planned Unit Development) Weinacker's Montessori School, Inc.**, above)

(Also see **Case #ZON2008-01202 (Planned Unit Development) Weinacker's Montessori School, Inc.** for discussion)

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

- 1) **compliance with revised Engineering comments** (*Show minimum finished floor elevation. Label flood zone/floodway. Check the need for 100-year detention with 10-year release with the City Engineer. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to*

- confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.;*
- 2) placement of a note on the site plan stating that changes to the scope of operations (as revised at the meeting to allow 19 teachers/teaching stations, 190 students and grades pre-k thru 6) for Weinacker's Montessori School will require a new application for Planning Approval;
 - 3) revision of the site plan to depict curbing and/or bumper stops for all parking and circulation areas in order to protect adjacent landscape and sidewalk areas;
 - 4) revision of the site plan to depict a minimum width of 15-feet for the one-way circulation drives, the marking of the drives with arrows and "do not enter" signage to ensure correct circulation, and the marking of the radius for the curved portion of the one-way drives;
 - 5) placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development approval prior to the issuance of any permits;
 - 6) revision of the site plan to clearly depict a fence or protection buffer strip along the North, East and South perimeters of the site, in accordance with Section 64-4.D.1. of the Zoning Ordinance;
 - 7) placement of a note on the site plan stating that the parking area will be illuminated in accordance with the requirements of Section 64-6.A.3.c. of the Zoning Ordinance, if the parking area is used at night;
 - 8) placement of a note on the site plan stating that the site is limited to the existing curb-cut onto Hillcrest Road, and denied access to the unopened public right-of-way on the Eastern boundary of the lot, with the size, design, and location of the curb-cut to be approved by Traffic Engineering and in compliance with AASHTO standards;
 - 9) placement of a note on the site plan stating that approval of all applicable Federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;
 - 10) provision of a revised Planning Approval site plan to the Planning Section of Urban Development prior to the signing of the final plat;
 - 11) completion of the Subdivision process; and,

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12) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

OTHER BUSINESS:

Hearing no further business, the meeting was adjourned.

APPROVED: July 2, 2009

William G. DeMouy, Jr., Secretary

Terry Plauche, Chairman.

jsl