

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF JUNE 4, 2009 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

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

Members Absent

Clinton Johnson
Victoria L. Rivizzigno, Secretary
Nicholas H. Holmes, III
Roosevelt Turner

Urban Development Staff Present

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

Others Present

John Lawler,
Assistant City Attorney
John Forrester,
City Engineering

Butch Ladner,
Traffic Engineering

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

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

HOLDOVERS:

Case #SUB2009-00040 (Subdivision)

Winston's Dees Road Subdivision

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

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) **dedication of a 60' wide right-of-way on Dees Road;**

June 4, 2009

PLANNING COMMISSION MEETING

- 2) dedication of a 25' radius at each front corner of Lot 1 on Dees Road to allow for any future road construction into the future development area;
- 3) illustration of the minimum building setback line as measured from any required dedication;
- 4) placement of a note on the final plat stating that there is to be no further subdivision of Lot 1 or parent parcel R023706230000033 on either side of Dees Road until Dees Road is paved to County standards from Roush Road to the South terminus of any proposed frontage along Dees Road;
- 5) placement of a note on the final plat stating that Lot 1 is limited to one curb cut to Dees Road, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;
- 6) labeling of Lot 1 and the Future Development Area with their sizes in square feet and acres, or the provision of a table on the plat furnishing the same information;
- 7) placement of a note on the final plat stating that development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;
- 8) placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provided a buffer, in compliance with Section V.A.7 of the Subdivision Regulations; and,
- 9) placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species.

The motion carried unanimously.

Case #SUB2009-00054

Ferguson's Addition to Firetower Road Subdivision

North and West sides of Firetower Road, extending to the East terminus of Willedee Circle South

Number of Lots / Acres: 2 Lots / 83.0± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

June 4, 2009

PLANNING COMMISSION MEETING

The Chair announced the matter had been recommended for denial, however, if there were those who wished to speak on the matter to please do so at that time.

Doug Ferguson, 2701 Firetower Road, Mobile, AL, spoke on his own behalf and made the following points for approval of the matter:

- A. the matter was held over previously because the applicant's house was listed a "future development," however, not once was the lot to the south brought up as an issue to be addressed;
- B. approximately May 18, 2009, he was advised by staff that there was an issue with the property to the south of the applicant's property where proper procedures were not followed at the time the applicant sold the property; and,
- C. the applicant got the County Engineering department to notify the Planning staff that there were county regulations barring him from selling the 5 acres in question;

Mr. Olsen advised the Commission that he had met with Mr. Ferguson, Don Coleman, and Joel Coleman. It was explained that if Mr. Ferguson provided documentation that the parcel was parceled off prior to 1984 or that there had been a change in ownership from when the Fergusons parceled it off to the Grahams, the Commission could accept a letter from the Grahams stating they did not want to participate in the application. However, based upon research done by staff, it appears that the parcel, including the part parceled off, was intact in 1997 based upon tax assessor's records. He added that the tax assessor's records also showed that another portion was parceled off to the Grahams in 2000, and there is another sales history after the 2000 sale, but it remained in the same name. He stated that these records showed the current owners as both the original property owners and the purchasers from 2000, and it is due to this fact and the fact the parcel was not included as the staff had previously recommended that the staff chose to recommend denial. He asked the Commission to review the staff report, which also included the original staff analysis as well as the revisions for the current meeting, and noted that each time it referenced the child parcel, noting that in the original recommendation for hold over it was recommended that the child parcel be included in the "future development" area. He added that it was also included in the Letter of Decision that went to the applicant after the original meeting.

Mr. Vallas said he was more interested in a solution to the situation than a review of history from past meetings and asked if the following were the Commission's two options:

- A. follow the staff's recommendation and have the applicant complete a 3 lot subdivision, including the child parcel; or,
- B. overrule the staff's recommendation and accept the two lot subdivision, excluding the child parcel.

June 4, 2009

PLANNING COMMISSION MEETING

Mr. Lawler advised the Commission that either of those options were possible as their decisions.

Mr. Watkins asked if the Planning Commission were to approve the plan as submitted, did the staff have any recommendations prepared.

Mr. Olsen advised the staff had prepared conditions and gave the following:

- A. waive Section V.D.3. of the Subdivision Regulations;
- B. placement of a note on the final plat stating that no development be permitted on the "future development" parcel until a subdivision has been approved and recorded;
- C. placement of a note on the final plat stating that lot 1 is limited to one curb cut to Firetower Road, with size, location, and design to be approved by County Engineering and in conformance with AASHTO standards;
- D. provision of a minimum detention capacity volume of a 50 year post-development storm, with the maximum release rate equivalent to the 10 year storm pre-development rate, and the placement of a note on the final plat stating that the development has been designed to comply with all other stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, as well as the detention and release rate requirements of Mobile County for projects located within the Converse watershed, prior to the obtaining of permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;
- E. 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;
- F. 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;
- G. 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,
- H. 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

June 4, 2009

PLANNING COMMISSION MEETING

Planning Section of Mobile Urban Development prior to the issuance of any permits.

The Chair asked if the applicant was in agreement with the recommendations just read for the record and the applicant responded he was.

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

- 1) **placement of a note on the final plat stating that no development will be permitted on the “future development” parcel until a subdivision has been approved and recorded;**
- 2) **placement of a note stating that Lot 1 is limited to one curb cut to Firetower Road, with the size, location, and design to be approved by County Engineering and in conformance with AASHTO standards;**
- 3) **provision of a minimum detention capacity volume of a 50 year post development storm, with a maximum release rate equivalent to the 10 year storm pre-development rate, and the placement of a note on the final plat stating that the development has been designed to comply with all other stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, as well as the detention and release rate requirements of Mobile County for projects located within the Converse watershed, prior to the obtaining of permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;**
- 4) **the applicant receive the approval of all applicable federal, state, and local environmental agencies prior to the issuance of any permits or land disturbance activities;**
- 5) **placement of a note on the plat stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;**
- 6) **placement of a note on the final plat stating that any lots developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations; and,**
- 7) **submission of a letter from a licensed engineer certifying compliance with the City of Mobile’s stormwater and flood**

June 4, 2009

PLANNING COMMISSION MEETING

control ordinances to the Mobile County Engineering department and the Planning Section of Mobile Urban Development prior to issuance of any permits.

The motion carried unanimously.

Case #SUB2009-00061

Woodside Subdivision, Re-subdivision of a Portion of Unit Nine Phase I

South side of Foxwood Drive, extending from its East terminus to Barneswood Drive;

Southwest corner of Foxwood Drive and Barneswood Drive; and West side of

Barneswood Drive, 180'± South of Foxwood Drive

Number of Lots / Acres: 11 Lots / 3.0± Acres

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

County

Don Rowe, Rowe Surveying and Engineering Co. Inc., spoke on behalf of the applicant. He stated he had reviewed the drainage issue for the property and found it to be stable and well maintained and expressed his agreement with the staff's recommendations.

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

- 1) **retention of at least a 25-foot minimum building setback line on the plat;**
- 2) **placement of a note on the final plat limiting each lot to one curb cut each, with the size, design, and location of all curb cuts to be approved by Mobile County Engineering;**
- 3) **retention of the table on the final plat listing the lot size, in square feet, or labeling of each lot with the size in square feet;**
- 4) **placement of a note on the final plat stating that stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;**
- 5) **placement of a note on the final plat stating that stating that development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and,**

June 4, 2009
PLANNING COMMISSION MEETING

- 6) retention of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations.**

The motion carried unanimously.

Case #SUB2009-00050 (Subdivision)

Josephine Allen Subdivision

Area bounded by Dr. Thomas Avenue North, Herman Drive, extending to the South side of Chin Street

Number of Lots / Acres: 3 Lots / 43.8± Acres

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

Council District 2

(Also see **Case #ZON2009-01025 (Planned Unit Development) Josephine Allen Subdivision**, below)

Cole Appleman, Mobile Housing Board, spoke on behalf of the applicant stating their agreement with all recommendations by the staff, with the exception of lot 1 being in Zone A. He stated it was located just outside of Zone A, so it should not be held to the restrictions listed in the staff report. He also stated there was an error on the drawing with regards to lot 2, which is shown in an A Zone, but they will submit a revised drawing showing lot 2 to the west and out of the A-2 Zone.

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

- 1) revision to depict compliance with Engineering comments: *(Show Minimum FFE on plans and plat. For Lot #1, all buildings will be subject to A Zone restrictions and requirements unless this subdivision application is revised to subdivide out the portion of Lot #1 that is located in the A Zone. No fill is allowed within a special flood hazard area without providing compensation. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Dedication of 5 feet of additional ROW will be required on the portion of Dr. Thomas Avenue N. that has a 40 foot ROW. A minimum of a 25 foot radius to be dedicated to the City of Mobile is required at the SE corner of Lot #1 and the SW corner of Lot #2. A drainage easement will be required for any storm drainage system receiving drainage from a public street. The size and location of any required easements is subject to the approval of the City Engineer.);***
- 2) placement of Urban Forestry comments as a note on the plat, and compliance thereof: *(Property to be developed in***

- compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the 50" Live Oak Tree, 35" Live Oak Tree, 40" Live Oak Tree, and the 36" Live Oak Tree located on Lot 1. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.);*
- 3) **placement of a note on the final plat stating that curb-cuts for Lots 1, 2, and 3 are limited to an approved Planned Unit Development, with the size, design, and location of any new curb-cuts to be approved by Traffic Engineering and to conform to AASHTO standards;**
 - 4) **removal of the "future development" label on Lot 3;**
 - 5) **submittal of a revised PUD site plan;**
 - 6) **development of the site to be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;**
 - 7) **development to comply with all applicable federal, state, and local regulations relating to floodplain development; and,**
 - 8) **completion of the Subdivision process prior to any request for land disturbance or building permits.**

The motion carried unanimously.

Case #ZON2009-01025 (Planned Unit Development)

Josephine Allen Subdivision

Northwest corner of Dr. Thomas Avenue North and Bishop Avenue
Planned Unit Development Approval to allow multiple buildings on a single building site
Council District 2

(Also see **Case #SUB2009-00050 (Subdivision) Josephine Allen Subdivision**, above)

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

- 1) **revision to depict compliance with Engineering comments:**
(Show Minimum FFE on plans and plat. For Lot #1, all buildings will be subject to A Zone restrictions and requirements unless this subdivision application is revised to subdivide out the portion of Lot #1 that is located in the A Zone. No fill is allowed within a special flood hazard area without providing compensation. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Dedication of 5 feet of additional ROW will be required on the portion of Dr. Thomas Avenue N.

June 4, 2009

PLANNING COMMISSION MEETING

- that has a 40 foot ROW. A minimum of a 25 foot radius to be dedicated to the City of Mobile is required at the SE corner of Lot #1 and the SW corner of Lot #2. A drainage easement will be required for any storm drainage system receiving drainage from a public street. The size and location of any required easements is subject to the approval of the City Engineer.);*
- 2) **placement of Urban Forestry comments as a note on the site plan, and compliance thereof, with revisions to the site plan if necessary: (Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the 50" Live Oak Tree, 35" Live Oak Tree, 40" Live Oak Tree, and the 36" Live Oak Tree located on Lot 1. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.);**
 - 3) **compliance with Fire Department comments: (All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate. Specific compliance with Section 508.5.1 – Fire Hydrants, and Appendices C and D – Fire Hydrant Spacing and Access.);**
 - 4) **site plans depicting full compliance with the tree and landscaping requirements of the Zoning Ordinance for proposed Lots 1 and 2, including calculations for landscape areas and required PUD common open space for development on Lot 1, to be submitted with any application for land disturbance or building permits for each respective lot;**
 - 5) **revision of the site plan to relocate the proposed screened dumpster so that it is serviced from within the parking area of the cultural arts center proposed on Lot 2;**
 - 6) **removal of the “future development” label on Lot 3;**
 - 7) **submission of a revised PUD site plan prior to any request for land disturbance or building permits, and prior to the signing of the final plat;**
 - 8) **development of the site to be undertaken in compliance with all local, state and**
 - 9) **Federal regulations regarding endangered, threatened, or otherwise protected species;**
 - 10) **development to comply with all applicable federal, state, and local regulations relating to floodplain development; and**
 - 11) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2009-01102 (Planned Unit Development)

United Rentals

1413 Montlimar Court

Northeast corner of Montlimar Court and Montlimar Drive, extending to the Southeast corner of Montlimar Drive and Pleasant Valley Road

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

Council District 5

(Also see **Case #ZON2009-01101 (Planning Approval) United Rentals**, below)

Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant and requested the matter be held over until the July 2, 2009, meeting.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the July 2, 2009, meeting, per the request of the applicant.

The motion carried unanimously.

Case #ZON2009-01101 (Planning Approval)

United Rentals

1413 Montlimar Court

Northeast corner of Montlimar Court and Montlimar Drive, extending to the Southeast corner of Montlimar Drive and Pleasant Valley Road

Planning Approval to amend a previously approved Planning Approval to allow an equipment rental yard in a B-3, Community Business District

Council District 5

(Also see **Case #ZON2009-01102 (Planned Unit Development) United Rentals**, above)

Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant and requested the matter be held over until the July 2, 2009, meeting.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the July 2, 2009, meeting, per the request of the applicant.

The motion carried unanimously.

Case #SUB2009-00051 (Subdivision)

Lena Estates Subdivision, 1st Addition

North side of Lena Road North (private street) at its West terminus

Number of Lots / Acres: 1 Lot / 2.0± Acres

Engineer / Surveyor: Baskerville Donovan, Inc.

County

June 4, 2009

PLANNING COMMISSION MEETING

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

The Chair announced the matter had been recommended for denial, however, if there were those who wished to speak on the matter to please do so at that time.

The following people spoke in favor of the matter:

- Jerry Curran, Attorney at Law, 106 St. Francis Street, Mobile, AL, representing the applicant;
- Carmen Miller, 11750 Lena Road North, Mobile, AL; and,
- Aaron Miller, 11750 Lena Road North, Mobile, AL, the applicant.

They gave the following points:

- A. the applicant has applied for a one lot subdivision on Lena Road on property owned by his family;
- B. the applicant has been working on the house for some time with all pre-construction work done when he was advised that the property required subdivision;
- C. Lena Road is a private, dirt road that dead-ends right before the site in question, which is located in a rural part of the county, but within the city's 5-mile jurisdiction;
- D. the majority of property owners in that area are family members of the applicant;
- E. Pierce Creek is located on the site and in heavy rains, some portions of the property flood, making the majority of the 23 acres of the property in question to be subdivided not developable;
- F. an engineer had been contacted regarding putting in a road and he had advised the applicant that it could cost upwards of a million dollars to bring Lena Road up to county standards, and the engineer was unable to give the applicant any cost ideas regarding creating accessibility to the back portion of the property due to the creek, etc., if possible at all;
- G. none of the property has been sold since 1993, when it became the possession of the applicant's grandmother;
- H. with regards to the staff's comments that the property would be landlocked, all of the deeds associated with the property are subject to and granted permanent, non-exclusive easements;
- I. the applicant has had the property surveyed and recorded as a metes and bounds parcel and noted as meeting the requirements for a family subdivision;
- J. the applicant has a recorded deed on the property as well as having a recorded mortgage on a house awaiting the appropriate permits to begin construction;

June 4, 2009

PLANNING COMMISSION MEETING

- K. as a result of the recent annexation, the property only now falls within the Planning Jurisdiction, with all previous action and construction taking place prior to that event;
- L. concern that it was unnecessary to require the applicant to construct and pave a road from his property to the connecting county maintained dirt road;
- M. desire by the applicant to have his wife and child live on the property where he grew up, with other family living in close proximity and with the opportunities rural living provided; and,
- N. the applicant and his family have been living for the past 3 months on the property with other family members waiting for a decision to be made allowing them to begin construction of a home on that property.

Mr. Watkins stated the staff report indicated that if the property were not in the Planning Jurisdiction and only within the county, it would still be subject to the paved road requirement; however, it was his understanding that the issue would have been subject to appeal to the County Commission and generally, in circumstances such as this, might have been waived.

Mr. Olsen responded that he had no information regarding how often the County Commission had approved an appeal in circumstances such as these.

Mr. Watkins asked if the Commission were to waive some of the requirements of the Subdivision Regulations to allow the issuance of the permits, what requirements would the staff need to see placed on the plat.

Mr. Olsen stated:

- A. waiver of the lot being located on a publicly maintained right-of-way (Section V.D.4. of the Subdivision Regulations);
- B. the remainder of the parent parcel shown on the final plat as “future development”;
- C. submission of a letter to the City of Mobile and County Engineering from a licensed engineer stating that the development will comply with the City of Mobile stormwater ordinance prior to the issuance of any permits;
- D. the approval of all federal, state, and local agencies prior to the issuance of any permits;
- E. placement of a note on the final plat stating that development will be done in compliance with the federal regulations regarding endangered species;
- F. provision of a buffer, should the property be developed commercially and it is adjacent to residential property; and,
- G. delineation of the flood zone, so the property owners will know exactly where the house had to be built on the property.

June 4, 2009
PLANNING COMMISSION MEETING

Mr. Watkins recognized the need for the paved road regulations and stated his belief that the proposed development was somewhat unusual, but asked if there would be negative consequences if they chose to waive that portion of the regulations.

Mr. Lawler said the case presented a very difficult situation, however, he felt comfortable with the Commission approving the matter subject to the conditions just read by Mr. Olsen and with the additional requirement that there be no further subdivision of that property.

Mr. Watkins asked if the parent parcel were shown as “future development”, would it be shown as a lot that would be subject to the subdivision requirement.

Mr. Olsen answered that it would simply be shown as “future development” and they would not be able to obtain any type of permit for that property without going through the subdivision process.

In deliberation, Mr. Watkins moved that the matter be approved subject to the staff’s recommended conditions as read for the record by Mr. Olsen.

Mr. Lawler asked that as the neighbors seem to be in agreement with the development if there might be a requirement that they indicate in some manner their acknowledgement that there would be no further subdivision of any of the property along that private road until access to a publicly maintained, county standard road was made available.

Hearing no further opposition of discussion on the matter, Mr. Watkins amended his motion and so moved, with second by Mr. Vallas, to waive Section V.D.4. of the Subdivision Regulations and approve the above referenced subdivision, subject to the following conditions:

- 1) the remainder of the parent parcel be shown on the Final Plat as Future Development;**
- 2) placement of a note on the final plat stating that development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;**
- 3) placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provided a buffer, in compliance with Section V.A.7 of the Subdivision Regulations;**

June 4, 2009

PLANNING COMMISSION MEETING

- 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) the approval of all applicable federal, state, and local agencies would be required prior to the issuance of any permits or land disturbance activities;
- 6) placement of a note on the final plat stating that any lots which are developed commercially (or multi-family residential) and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;
- 7) placement of a note on the final plat stating that there shall be no future subdivision until adequate frontage on a dedicated and maintained public road is provided; and,
- 8) recording of a document executed by the property owner(s) of the adjacent properties stating that they are aware that future subdivision will not be allowed until adequate frontage on a dedicated and maintained public road is provided.

The motion carried unanimously.

Case #SUB2007-00036 (Subdivision)

The Woodlands at the Preserve Subdivision, Re-subdivision of Lot 27

North side of Rue Royal, 1250'± North of Rue Preserve

Number of Lots / Acres: 1 Lot / 0.1± Acre

Engineer / Surveyor: Engineering Development Services, Inc.

Council District 6

(Also see **Case #ZON2007-00632 (Planned Unit Development)**)

The Woodlands at the Preserve Subdivision, Re-subdivision of Lot 27 below)

The Chair announced the matter had been recommended for denial, however, if there were those who wished to speak on the matter to please do so at that time.

In deliberation, Mr. Vallas asked why the request was recommended for denial.

Mr. Olsen stated the staff had recommended the request be denied as all the applicant had needed to do was record the plat.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Vallas, to approve the above referenced subdivision extension for six months.

The motion carried unanimously.

Case #ZON2007-00632 (Planned Unit Development)
The Woodlands at the Preserve Subdivision, Re-subdivision of Lot 27

North side of Rue Royal, 1250' + North of Rue Preserve
Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow increased site coverage
Council District 6

(Also see **Case #SUB2007-00036 (Subdivision) The Woodlands at the Preserve Subdivision, Re-subdivision of Lot 27**, above)

The Chair announced the matter had been recommended for denial, however, if there were those who wished to speak on the matter to please do so at that time.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Vallas, to approve the above referenced Planned Unit Development extension for six months.

The motion carried unanimously.

EXTENSIONS:

Case #SUB2007-00060 (Subdivision)
Southern Oaks Subdivision, Unit Six, Part B

Northwest side of Wear Road, ½ mile± South of Dawes Road
Number of Lots / Acres: 11 Lots / 5.6± 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. Vallas, to approve the above referenced request for extension, but the applicant is advised that, unless road construction is underway or units are recorded, no further extensions are likely.

The motion carried unanimously.

Case #SUB2007-00091
Augusta Subdivision, Unit Seven

West side of Vassar Court, 265'± North of Augusta Drive North
Number of Lots / Acres: 15 Lots / 8.7± 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.

June 4, 2009
PLANNING COMMISSION MEETING

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Vallas, to approve the above referenced request for extension, subject to the original conditions and the two additional conditions placed upon the first extension:

- 1) the inclusion of the remaining portion of parcel R022707350000030.005 prior to the signing off the Final Plat;
- 2) the labeling of Lot 16 as “Future Development” on the Final Plat;
- 3) the new roads within the proposed subdivision be dedicated and constructed to County Engineering standards;
- 4) the placement of a note on the Final Plat stating that Lots 1 & 15, which are corner lots are limited to one curb cut, with the size, design, and location to be determined by County Engineering;
- 5) placement of a note on the final plat stating that any lots which are developed commercially (or multi-family residential) and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations
- 6) placement of a note on the final plat stating that a letter of certification by an licensed engineer to certify that the stormwater detention, drainage facilities, and release rate comply with the City of Mobile stormwater and flood control ordinances, will be provided to the Mobile County Engineering Department and the Planning Section, Urban Development Department, City of Mobile, prior to the issuance of any permits;
- 7) labeling of the lots with its size in square feet, or provision of a table on the plat with the same information;
- 8) the approval of all applicable federal, state, and local agencies would be required prior to the issuance of any permits or land disturbance activities;
- 9) the depiction of the 25-foot minimum building setback lines the new streets;
- 10) the cul-de-sac be modified to comply with V.B.14 and 15; and,
- 11) compliance with Section V.A.5, Environmental and Watershed Protection.

The applicant should be advised that, unless road construction is begun, further extensions of this subdivision are unlikely.

The motion carried unanimously.

June 4, 2009

PLANNING COMMISSION MEETING

Case #SUB2007-00059 (Subdivision)

Palmer Woods Subdivision, Phase III

West side of Oakhill Drive, ½ mile± North of Moffett Road

Number of Lots / Acres: 48 Lots / 20.7± 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. Vallas, to approve the above referenced request for extension, but the applicant is advised that, unless road construction is underway or units are recorded, no further extensions are likely.

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

(Also see **Case #ZON2008-01444 (Planned Unit Development) South Schillinger Commercial Park Subdivision, Phase Two**, below)

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

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

The motion carried unanimously.

Case #ZON2008-01444 (Planned Unit Development)

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

Planned Unit Development Approval to allow a private street commercial subdivision

Council District 7

(Also see **Case #SUB2008-00057 (Subdivision) South Schillinger Commercial Park Subdivision, Phase Two**, 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.

June 4, 2009
PLANNING COMMISSION MEETING

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

The motion carried unanimously.

Case #SUB2008-00122 (Subdivision)

Rochester Place Subdivision

Northwest corner of Airport Boulevard and General Pershing Avenue (not open),
extending North and West to the South side of South Sunset Drive

Number of Lots / Acres: 10 Lots / 3.2± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 5

(Also see **Case #ZON2008-01382 (Planned Unit Development) Rochester Place Subdivision**, below)

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Vallas, to approve the above referenced request for extension, with the advisement that future extensions will be unlikely.

The motion carried unanimously.

Case #ZON2008-01382 (Planned Unit Development)

Rochester Place Subdivision

Northwest corner of Airport Boulevard and General Pershing Avenue (not open),
extending North and West to the South side of South Sunset Drive

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

Council District 5

(Also see **Case #SUB2008-00122 (Subdivision) Rochester Place Subdivision**, above)

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Vallas, to approve the above referenced request for extension, with the advisement that future extensions will be unlikely.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2009-00075

Atchison Estate Highway 90 West Subdivision

5989 U. S. Highway 90 West

South side of U. S. Highway 90 West, 4/10 mile South of Swedetown Road

Number of Lots / Acres: 1 Lot / 1.6± Acre

Engineer / Surveyor: Polysurveying Engineering- Land Surveying
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. DeMouy, to hold the matter over until the July 2, 2009, meeting, with revisions due by June 8, 2009, to address the following:

- 1) **illustration of sufficient setback to provide 125' and the 25-foot minimum building setback from the centerline of U.S. Highway 90 West;**
- 2) **placement of a note on the final plat stating that Lot 1 is limited to the existing curb cut to U.S. Highway 90 West, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 3) **revision of the plat to label the lot with its size in square feet and acreage, or the furnishing of a table on the plat providing the same information;**
- 4) **placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and,**
- 5) **either inclusion of the child parcel (R023802091000012.001) or documentation that the parceling of this child parcel from the parent parcel was created prior to this area coming under the Subdivision Regulations in June 1984, according to Mobile County Revenue Commission records.**

The motion carried unanimously.

Case #SUB2009-00070

Stair Depot Subdivision

1059 Elmira Street

South side of Elmira Street, 100'± East of George Street

Number of Lots / Acres: 2 Lots / 0.1± Acre

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 2

June 4, 2009

PLANNING COMMISSION MEETING

Jerry Byrd, Byrd Surveying, Inc., spoke on behalf of the applicant, stating he was in agreement with the recommendations. He then added that the applicant simply wanted to divide the commercial portion of the property from the residential portion of the property so he might be able to sell the renovated residential property. He indicated that he was considering finding another property in the Oakleigh Historic District to renovate. He stated that based upon a conversation with a neighbor who was attending the meeting, that property owner was concerned the applicant would try and force her to sell her property to him for that purpose. Mr. Byrd wanted to publicly assure the neighbor that his client was a public citizen who had no condemnation powers to do such a thing.

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Mr. Vallas, to waive Sections V.D.1. and V.D.9. of the Subdivision Regulations and approve the above referenced subdivision, subject to the following conditions:

- 1) placement of a note on the final plat stating that each lot is limited to one curb-cut each onto Elmira Street, with the size, design, and location to be approved by Traffic Engineering, and to conform with AASHTO standards;**
- 2) removal of the dumpster from the site, if it is still present;**
- 3) obtaining of building permits to bring the existing commercial structure up to fire rating requirements where it abuts the proposed common lot line, prior to the signing of the final plat;**
- 4) placement of a note on the final plat stating that all setbacks shall be determined by Section 64-3.G. Historic District Overlay requirements of the Zoning Ordinance; and,**
- 5) the labeling of each lot with its size in square feet, or placement of a table on the plat with the same information.**

The motion carried unanimously.

Case #SUB2009-00071

Holland Hills, Re-subdivision of Lot 1

3600 Hardeman Road

East side of Hardeman Road, 2/10 mile North of Wulff Road South

Number of Lots / Acres: 2 Lots / 19.5± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

County

The following people spoke in favor of the matter:

- Jerry Byrd, Byrd Surveying, Inc.; and,
- Susan Holland, 3600 Hardeman Road, Semmes, AL, the current property owner.

June 4, 2009
PLANNING COMMISSION MEETING

They made the following points:

- A. the applicant owns all of the subdivision plus approximately 20 acres to the south, all of which is located within the Big Creek Lake watershed;
- B. the applicant plans on keeping lot 1-B for personal use, but has been approached by an individual regarding the purchase of lot 1-A, but there was no information regarding how that individual was considering using that property;
- C. it was requested that conditions 2 and 5 of the staff report be combined so that prior to the issuance of any permits that detention and the certification letter regarding meeting city code would have to be in place; and,
- D. the potential buyer of the property had advised the current property owner that their intent was to build two homes and a pond on the property.

Mr. Olsen noted that the staff report did state that those two requirements included the verbiage “prior to obtaining permits.”

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

- 1) placement of a note on the final plat stating that each lot is limited to one curb cut to Hardeman Road, with the size, location, and design to be approved by County Engineering and in conformance with AASHTO standards;**
- 2) provision of a minimum detention capacity volume of a 50 year post development storm, with a maximum release rate equivalent to the 10 year storm pre-development rate, and the placement of a note on the final plat stating that the development has been designed to comply with all other stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, as well as the detention and release rate requirements of Mobile County for projects located within the Converse watershed, prior to the obtaining of permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;**
- 3) placement of a note on the plat stating that the site must be developed in compliance with all local, state, and Federal**

June 4, 2009

PLANNING COMMISSION MEETING

- regulations regarding endangered, threatened, or otherwise protected species;
- 4) 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,
 - 5) submission of a letter from a licensed engineer certifying compliance with the City of Mobile's stormwater and flood control ordinances to the Mobile County Engineering department and the Planning Section of Mobile Urban Development prior to issuance of any permits.

The motion carried unanimously.

Case #SUB2009-00072

Jerry Poole Subdivision, Re-subdivision of Lot 1

North side of Half Mile Road, 150'± West of Farnell Road

Number of Lots / Acres: 2 Lots / 2.6± 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 Mr. Miller, with second by Mr. Vallas, to approve the above referenced re-subdivision, subject to the following conditions:

- 1) labeling of each lot with its size in square feet and acres, or the provision of a table on the final plat furnishing the same information;
- 2) revision of the plat to illustrate a 35' minimum building setback line along Half Mile Road in order to provide 25' from the future right-of-way line;
- 3) placement of a note on the final plat stating that each lot is limited to one curb cut to Half Mile Road, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;
- 4) placement of a note on the final plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the

June 4, 2009

PLANNING COMMISSION MEETING

issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;

- 5) placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provided a buffer, in compliance with Section V.A.7 of the Subdivision Regulations; and,
- 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.

The motion carried unanimously.

Case #SUB2009-00073

Joseph Parker Subdivision

11061 Windsor Road West

East side of Windsor Road West, 244'± South of Fowl River Road, extending to the Southwest corner of Fowl River Road and Dolphin Drive

Number of Lots / Acres: 2 Lots / 10.0± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

County

Jerry Byrd, Byrd Surveying, Inc., spoke on behalf of the applicant saying the remainder of the parcel mentioned by staff is part of a relatively new, recorded subdivision, a copy of that recording being furnished to staff the day before, making the holdover unnecessary. He also stated that the subdivision does not appear on either the city or county websites.

Mr. Olsen stated it was his understanding that the recording took place prior to the area coming into the city's Planning Jurisdiction. He added that as this was the case, the staff was fine if the Commission chose to approve the subdivision subject to the following conditions:

- A. dedication of sufficient right-of-way to provide a minimum 30' from the centerline of Dolphin Road;
- B. placement of a note on the final plat stating that lot 1 is limited to one curb cut to Windsor Road West and 2 curb cuts to Fowl River Road, while lot 2 is limited to one curb cut to Windsor Road West, with the sizes, locations, and designs to be approved by County engineering and in conformance with AASHTO standards;
- C. placement of a note on the final plat stating lot 1 is denied direct access to Dolphin Road;
- D. labeling of the lots with their sizes in square feet, or the provision of a table on the final plat with the same information;
- E. placement of a note on the plat stating that the site must be

June 4, 2009

PLANNING COMMISSION MEETING

developed in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;

- F. placement of a note on the final plat stating that any lots developed commercially and adjoining residentially developed property shall provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations; and,
- G. 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.

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

- 1) **dedication of sufficient right-of-way to provide a minimum 30' from the centerline of Dolphin Road;**
- 2) **placement of a note on the final plat stating that Lot 1 is limited to one curb cut to Windsor Road West and 2 curb cuts to Fowl River Road, while Lot 2 is limited to one curb cut to Windsor Road West, with the sizes, locations, and designs to be approved by County Engineering and in conformance with AASHTO standards;**
- 3) **placement of a note on the final plat stating Lot 1 is denied direct access to Dolphin Road;**
- 4) **labeling of the lots with their sizes in square feet, or the provision of a table on the final plat with the same information;**
- 5) **placement of a note on the plat stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;**
- 6) **placement of a note on the final plat stating that any lots developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations; and,**
- 7) **submission of a letter from a licensed engineer certifying compliance with the City of Mobile's stormwater and flood control ordinances to the Mobile County Engineering department and the Planning Section of Mobile Urban Development prior to issuance of any permits.**

The motion carried unanimously.

Case #SUB2009-00077

St. Teresa's Court Subdivision, Re-subdivision of Lots 6, 7, and 8, Block 1

2213 Airport Boulevard

Southeast corner of Airport Boulevard and Westwood Street

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

Engineer / Surveyor: Rester and Coleman Engineers, 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.

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

- 1) **the dedication of sufficient right-of-way to provide 40-feet from the centerline of Airport Boulevard;**
- 2) **the placement of a note on the Final Plat stating that Lot 1 be limited to the existing curb cuts and Lot 2 is limited to one curb cut onto Airport Boulevard, with the design, size, and location to be approved by Traffic Engineering and conform to AASHTO standards; and,**
- 3) **verification that the subdivision will not create a violation of the zoning Ordinance prior to the signing of the Final Plat.**

The motion carried unanimously.

Case #SUB2009-00078

Downtown West Subdivision, Re-subdivision of Lots 6-10, Unit One

3787 Airport Boulevard

Southeast corner of Airport Boulevard and Downtowner Boulevard West, extending Southward to the East terminus of Downtowner Loop North

Number of Lots / Acres: 2 Lots / 2.7± Acres

Engineer / Surveyor: Rester and Coleman Engineers, 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.

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

- 1) **the placement of a note on the Final Plat stating that Lot 1 is limited to the existing curb cuts, and that Lot 2 is limited to one**

curb cut to Downtowner Boulevard West and one curb cut to Downtowner Loop North, with the design, size, and location to be approved by Traffic Engineering and conform to AASHTO standards.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2009-01300

Jaye Hoffman

319 Morgan Avenue

Northeast corner of Morgan Avenue and Creek Street)

Request to waive construction of a sidewalk along Morgan Avenue and Creek Street.

Council District 5

The following people spoke on the matter:

- Frank Dagley, Frank A. Dagley and Associates; and,
- Jaye Hoffman, 319 Morgan Avenue, Mobile, AL, the applicant.

They made the following points in favor of waiving the sidewalk:

- A. the area in question was a residential area that had been rezoned for commercial use;
- B. it is at the corner of Morgan Avenue and Creek Street, which dead-ends at the back of the property in question and the sidewalk waiver was approved for that area;
- C. the applicant's landscaper stated that on Morgan Avenue there was a protected tree that would hamper the ability to put in a sidewalk, however, Urban Forestry disagreed with that opinion;
- D. the site next door came under Planning review a couple of years previously and no sidewalk was required on that location at that time;
- E. concern over the environmental impact on the root system of the tree in question if required to place a sidewalk along Morgan Avenue, noting that the tree was at least 18 inches in diameter and its canopy extended almost to the road;
- F. concern over the continuity of the street as there is not continuous sidewalk on either side of the applicant's property; and,
- G. the applicant would have no problem being party to putting in sidewalk along his portion of Morgan Avenue at such time as all of that area had sidewalks put in place, including making that a requirement in the sale/purchase of said property.

Mr. Watkins asked if Urban Forestry had seen the site in question.

June 4, 2009
PLANNING COMMISSION MEETING

Mr. Daughenbaugh advised he had and that along the Creek Street side there was no way to place sidewalks without doing major damage to the trees there. He did say that on the Morgan Avenue side, it could be done with minimal impact on the existing tree by curving the sidewalk closer to the back of the curb and ramp over the existing root system.

The Chair asked what type tree was located on Morgan Avenue.

Mr. Daughenbaugh advised it was a live oak.

The Chair asked if the tree in question was 18 inch caliper and was advised it appeared to be so.

In deliberation, Mr. Watkins expressed his concern that paving over the roots of live oaks invited future problems because as the tree grew it would cause the concrete to buckle creating the need to have the sidewalk replaced.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Miller, to approve the sidewalk waiver requested along Creek Street due to the negative impact the construction would have on the existing tree root systems; and to deny the waiver requested along Morgan Avenue since there is sufficient neutral ground/right-of-way along Morgan Avenue to construct a sidewalk curving around the existing tree trunk and ramping over the existing root system.

The motion carried unanimously.

NEW ZONING APPLICATIONS:

Case #ZON2009-01303

William Youngblood

3964 Airport Boulevard

North side of Airport Boulevard, 490'± West of McGregor Avenue South

Rezoning from B-2, Neighborhood Business District, and B-3, Community Business District, to B-3, Community Business District, to eliminate split zoning.

Council District 5

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.

Nicole Bordelon, representing Titan Blue Management, stated that her company had several apartment community properties in Mobile and wondered how this request for rezoning would affect her company.

Mr. Olsen responded that the application was for the Pinebrook Shopping Center and it currently has multiple zones, all being commercial. The applicant simply wants to have

June 4, 2009

PLANNING COMMISSION MEETING

all of the property under one zoning classification, meaning it would only affect the site itself.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. Vallas, to hold the matter over until the July 16, 2009, meeting, with revisions to the Rezoning application and the submission of the Subdivision and Planned Unit Development applications due by noon on June 15, 2009.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2009-00074 (Subdivision)

Executive Plaza Subdivision, Re-subdivision of Lot 1

3812 Springhill Avenue

North side of Springhill Avenue at the South terminus of McGregor Avenue North

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

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

Council District 7

(Also see **Case #ZON2009-01301 (Planned Unit Development) Executive Plaza Subdivision, Re-subdivision of Lot 1**, 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.

Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant, saying he represented ASF Logistics, a very “up and coming” business in Mobile. He said the building plans for the addition were complete and a contractor had been hired. With regard to the holdover, Mr. Dagley said the drawings had been revised and all of the issues had been addressed, however, the information was only delivered to the staff the prior day, which did not allow any real time for review. He added that he would be willing to accept conditions such as the submittal of more plans showing revisions to parking as requirements for approval of the matter that day.

Mr. Olsen reminded the Commission that Planned Unit Development approval was site plan specific so revisions would be required prior to approval. He stated the staff had not had time to do any review of the material brought in the day before. He also added that if Traffic Engineering had not or would not approve what was submitted the day before, then the staff would feel even less comfortable with approval of the plan as it was.

Mr. Dagley said there had been previous situations where approval had been granted without the submittal of a revised site plan as part of the Planned Unit Development application as long as the condition of those plans being submitted prior to being granted permits was included in the approval conditions. He added that his client would be glad to give up 4 parking spaces on the west side of the parking lot and extend the parking lot

June 4, 2009
PLANNING COMMISSION MEETING

36 feet.

Mr. Ladner stated Traffic Engineering would have no objections to Mr. Dagley's proposal.

The Chair asked if staff had had any time to prepare recommendations and Mr. Olsen stated they had not as it had only been received the day before. He added that as it had just been decided to revise it yet again, the staff had nothing ready and reminded the Commission that the matter before them was a bit more complicated than a simple subdivision.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, to hold the matter over to the July 2, 2009, meeting, with revisions due by June 15, 2009, to allow the applicant to address the following:

- 1) **revision of the plat to indicate the dedications which would be required along Spring Hill Avenue and the proposed McGregor Avenue Extension;**
- 2) **revision of the plat to depict the 25' minimum building setback line along both street frontages following any required dedications; and,**
- 3) **revision of the plat to indicate the lot size in square feet and acres, after any required dedication, or the furnishing of a table on the plat providing the same information.**

The motion carried unanimously.

Case #ZON2009-01301 (Planned Unit Development)
Executive Plaza Subdivision, Re-subdivision of Lot 1

3812 Springhill Avenue

North side of Springhill Avenue at the South terminus of McGregor Avenue North
Planned Unit Development Approval to allow multiple buildings on a single building site.

Council District 7

(Also see **Case #SUB2009-00074 (Subdivision) Executive Plaza Subdivision, Re-subdivision of Lot 1**, above)

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, to hold the matter over to the July 2, 2009, meeting, with revisions due by June 15, 2009, to allow the applicant to address the following:

- 1) **revision of the site plan to indicate the build-able site after any required dedications along Spring Hill Avenue and the proposed McGregor Avenue Extension;**
- 2) **revision of the site plan to indicate a dumpster or waste receptacle with proper screening, setbacks and vehicular**

June 4, 2009

PLANNING COMMISSION MEETING

- access/maneuvering, or the placement of a note on the site plan that there will be no on-site waste pick-up and only curb-side pick-up;
- 3) revision of the site plan to indicate a buffer, in compliance with Section 64-4.D.1. of the Zoning Ordinance, where the site abuts residentially zoned properties to the North and West; and,
 - 4) revision of the site plan to compensate for the loss of existing parking, landscaping and tree plantings toward Spring Hill Avenue due to any required dedication and to satisfy the Traffic Engineering concerns relating to the parallel parking, and to show any further expanded parking area needed for site area lost to dedication requirements.

The motion carried unanimously.

Case #SUB2009-00076 (Subdivision)

South China Subdivision

3831 Airport Boulevard

South side of Airport Boulevard, 625' ± East of Downtowner Loop West

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

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 5

(Also see **Case #ZON2009-01304 (Planned Unit Development) South China 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.

Don Coleman, Rester and Coleman Engineers, Inc., spoke on behalf of the applicant and agreed to the hold over so it might be heard with the Planned Unit Development application.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over per the applicant's request until the July 2, 2009, meeting, to coincide with the Planned Unit Development application.

The motion carried unanimously.

Case #ZON2009-01304 (Planned Unit Development)

South China Subdivision

3831 Airport Boulevard

South side of Airport Boulevard, 625' ± East of Downtowner Loop West

Planned Unit Development Approval to allow shared access and parking.

Council District 5

(Also see **Case #SUB2009-00076 (Subdivision) South China Subdivision**, above)

June 4, 2009

PLANNING COMMISSION MEETING

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

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over per the applicant's request until the July 2, 2009, meeting, to allow the applicant to submit a revised site plan subject to the following conditions:

- 1) **submission of revised site plan illustrating the location of the dumpster(s) with proper screening, corrected parking ratio calculations for each building use, and correction of the number and location of required parking spaces;**
- 2) **submission of elevation drawing indicating the addition and its relation to the East side yard property line;**
- 3) **parking location should be revised to illustrate no parking stalls located on the clean out areas of the grease trap;**
- 4) **compliance with the conditions of Traffic Engineering; and,**
- 5) **provision of compliance with Sections 64-4.2 and 64-4.A.3.C of the Zoning Ordinance.**

The motion carried unanimously.

Case #ZON2009-01298 (Planned Unit Development)

First Baptist Church of Carver Homes

659 Whitney Street

North side of Whitney Street, 100' ± East of Moton Street

Planned Unit Development Approval to allow offsite parking.

Council District 2

(Also see **Case #ZON2009-01299 (Planning Approval) First Baptist Church of Carver Homes**, below)

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

Jerry Byrd, Byrd Surveying, Inc., spoke on behalf of the applicant and addressed the submission of a one lot subdivision asking for direction regarding that matter. He stated there were two 25 foot lots with a house currently on them that had been grandfathered in, however, if they wished to put another house on there today, they would not have to do a one lot subdivision. He added that a church was not a commercial venture and that the church simply wanted a parking lot for their facility. He stated that it would be costly for the church to do the one lot subdivision and asked that the Commission consider omitting the requirement of the one lot subdivision and they would revise the site plan and get that back to the staff.

Mr. Olsen stated the one lot subdivision requirement is typical of any non-single family, residential use where a development is crossing property lines. He added it is a standard

June 4, 2009

PLANNING COMMISSION MEETING

recommendation and the staff recommends that it be maintained. Mr. Olsen added that if the Commission chose to maintain the condition, the staff would be happy to work with the church as far as what type of delay it might cause, such as signing off on land disturbance permits to allow them the opportunity to begin that type of construction.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. Vallas, to hold the matter over until the July 2, 2009, meeting to allow the applicant to address the following:

- 1) submission of a revised site plan addressing parking issues referenced by Traffic Engineering;**
- 2) submission of an application for a one-lot subdivision; and,**
- 3) submission of applications to the Board of Adjustment, if necessary.**

The motion carried unanimously.

Case #ZON2009-01299 (Planning Approval)

First Baptist Church of Carver Homes

659 Whitney Street

North side of Whitney Street, 100'± East of Moton Street

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

Council District 2

(Also see **Case #ZON2009-01298 (Planned Unit Development) First Baptist Church of Carver Homes**, above)

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. Vallas, to hold the matter over until the July 2, 2009, meeting, to allow the applicant to address the following:

- 1) submission of a revised site plan addressing parking issues referenced by Traffic Engineering;**
- 2) submission of an application for a one-lot subdivision; and,**
- 3) submission of applications to the Board of Adjustment, if necessary.**

The motion carried unanimously.

Case #ZON2009-01269 (Planned Unit Development)

Mobile Carnival Association, Inc.

561 Stuart Circle

South side of Stuart Circle at its West terminus

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

Council District 2

(Also see **Case #ZON2009-01268 (Planning Approval) Mobile Carnival Association, Inc.**, below)

Mr. DeMouy and Mr. Watkins recused themselves from discussion and voting on the matter.

The Chair stated that due to the recusal of two Planning Commission members there was a lack of quorum for the matter, which meant the application would be reheard by the Planning Commission at the June 18, 2009, meeting.

Case #ZON2009-01268 (Planning Approval)

Mobile Carnival Association, Inc.

561 Stuart Circle

South side of Stuart Circle at its West terminus

Planning Approval to allow a float Barn in a B-4, General Business District.

Council District 2

(Also see **Case #ZON2009-01269 (Planned Unit Development) Mobile Carnival Association, Inc.**, above)

Mr. DeMouy and Mr. Watkins recused themselves from discussion and voting on the matter.

The Chair stated that due to the recusal of two Planning Commission members there was a lack of quorum for the matter, which meant the application would be reheard by the Planning Commission at the June 18, 2009, meeting.

Case #ZON2009-01353 (Planned Unit Development)

ICM Foundation

1007 Government Street

Southeast corner of Government Street and Chatham Street

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

Council District 2

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

June 4, 2009

PLANNING COMMISSION MEETING

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

- 1) **compliance with Engineering comments:** *(Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any newly constructed dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer. Plat needs to include a minimum 25' radius for the property line at the intersection of Government St and Chatham St.);*
- 2) **compliance with Forestry comments:** *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the 95" Live Oak Tree and 58" Live Oak Tree located on the lot. Any work on or under these trees are to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.);*
- 3) **compliance with Traffic Engineering comments:** *(Driveway number, size, location, and design to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards. Minimum parking aisle width for the angled parking is eighteen feet. One-way drives should be signed and marked. Standard width for a two-way drive is twenty-four feet. The parking aisle width becomes too narrow at the south end of the parking lot. Eighteen feet of aisle width would be more appropriate for this area.);*
- 4) **revision of the site plan to eliminate parking and access proposed on the West side of the church, from Chatham Street;**
- 5) **revision of the site plan to depict all parking and circulation as one way, on the East side of the church, maximizing to the greatest extent possible greenspace area for the existing 96-inch live oak;**
- 6) **revision of the site plan to depict parking bumpers, curbing or other method of prevent vehicular traffic onto greenspace areas;**
- 7) **revision of the site plan to depict and label a 6-foot high wooden privacy fence along the southern and southwestern property lines, where the site abuts existing residences, with no fence required within the 25-foot setback from Chatham Street or along the eastern boundary of the site;**
- 8) **depiction and labeling of surface stormwater detention facilities, if required;**

June 4, 2009

PLANNING COMMISSION MEETING

- 9) compliance with the tree and landscaping requirements of the Zoning Ordinance, including the addition of 3 frontage trees on the Chatham Street side;
- 10) 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;
- 11) placement of a note on the site plan stating that the site will be illuminated in accordance with the requirements of Section 64-4.A.2. of the Zoning Ordinance;
- 12) submission of applications to the Board of Zoning Adjustment and the Architectural Review Board for required approvals, and proof of approvals provided prior to any applications for building permits or land disturbance;
- 13) submission of a revised PUD site plan and landscape plan, and Planning Approval site plan and landscape plan, prior to applications for building permits or land disturbance; and,
- 14) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

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

ICM Foundation

1007 Government Street

Southeast corner of Government Street and Chatham Street

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

Council District 2

(Also see **Case #ZON2009-01353 (Planned Unit Development) ICM Foundation**, 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. Watkins, with second by Mr. Davitt, to approve the above referenced Planning Approval, subject to the following conditions:

- 1) **compliance with Engineering comments:** *(Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any newly constructed dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer. Plat needs to include a minimum 25' radius for the property line at the intersection of Government St and Chatham St.);*
- 2) **compliance with Forestry comments:** *(Property to be developed in compliance with state and local laws that pertain to tree*

- preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the 95" Live Oak Tree and 58" Live Oak Tree located on the lot. Any work on or under these trees are to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.);*
- 3) **compliance with Traffic Engineering comments: (Driveway number, size, location, and design to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards. Minimum parking aisle width for the angled parking is eighteen feet. One-way drives should be signed and marked. Standard width for a two-way drive is twenty-four feet. The parking aisle width becomes too narrow at the south end of the parking lot. Eighteen feet of aisle width would be more appropriate for this area.);**
 - 4) **revision of the site plan to eliminate parking and access proposed on the West side of the church, from Chatham Street;**
 - 5) **revision of the site plan to depict all parking and circulation as one way, on the East side of the church, maximizing to the greatest extent possible greenspace area for the existing 96-inch live oak;**
 - 6) **revision of the site plan to depict parking bumpers, curbing or other method of prevent vehicular traffic onto greenspace areas;**
 - 7) **revision of the site plan to depict and label a 6-foot high wooden privacy fence along the southern and southwestern property lines, where the site abuts existing residences, with no fence required within the 25-foot setback from Chatham Street or along the eastern boundary of the site;**
 - 8) **depiction and labeling of surface stormwater detention facilities, if required;**
 - 9) **compliance with the tree and landscaping requirements of the Zoning Ordinance, including the addition of 3 frontage trees on the Chatham Street side;**
 - 10) **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;**
 - 11) **placement of a note on the site plan stating that the site will be illuminated in accordance with the requirements of Section 64-4.A.2. of the Zoning Ordinance;**
 - 12) **submission of applications to the Board of Zoning Adjustment and the Architectural Review Board for required approvals, and proof of approvals provided prior to any applications for**

- building permits or land disturbance;
- 13) submission of a revised PUD site plan and landscape plan, and Planning Approval site plan and landscape plan, prior to applications for building permits or land disturbance; and,
- 14) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

OTHER BUSINESS:

Mr. Olsen addressed the Commission to discuss the submission of information by applicants in a less than timely fashion. He made the following points:

- A. while cases are in review by the staff, applicants or their representatives submit revised plans, possibly even second or third revisions of plans because they have decided to make a change (not something requested by the staff) causing the review of the application to start over;
- B. the Code section of Urban Development has a fee structure in place where if there is a design change by the applicant and revised plans are submitted, they pay another plan review fee, however, if the revision is based upon a request from the Commission and/or the staff, no fee is incurred; and,
- C. it is thought that the fee, not being as expensive as a full application fee, is appropriate compensation for the additional time and work placed upon staff to still review those applications and make sure that they get to the Commission before the appointed meeting.

The Chair stated the Commission would discuss the issue at their next business meeting.

Mr. Watkins asked if approval of such a fee would have to go before City Council for ultimate approval.

Mr. Olsen stated no as it would not be an application fee but a review fee.

The Chair asked if the staff was looking at a fee of \$50.00 to \$100.00 dollars.

Mr. Olsen stated that would be fine as the staff was not looking for anything exorbitant.

Mr. Olsen also advised the Commission that in the future there would be a review of possible fee increases by the city, as the City of Mobile's fee structure was behind that of most cities its size.

Hearing no further business, the meeting was adjourned.

June 4, 2009
PLANNING COMMISSION MEETING

APPROVED: October 15, 2009

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman.

jsl