

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF JUNE 19, 2008 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

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

**Members Absent**

Clinton Johnson  
James Watkins, III  
Mead Miller

**Urban Development Staff Present**

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

**Others Present**

John Lawler,  
Assistant City Attorney  
  
John Forrester,  
City Engineering  
  
Bill Metzger,  
Traffic Engineering  
Jennifer White,  
Traffic Engineering

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

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

**HOLDOVERS:**

**Case #SUB2008-00091 (Subdivision)**

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

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

- 1) **placement of a note on the final plat stating that Lot 1 is limited to the existing curb cut to Higgins Road, and Lot 2 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; and**
- 2) **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 #SUB2008-00099 (Subdivision)**

**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

Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant and requested the matter be held over until the July 24, 2008, meeting.

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 24, 2008, meeting, per the applicant's request.

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

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)

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

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

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Dr. Rivizzigno, to waive Sections B.B.1 and VIII.E.1.b and approve the above referenced subdivision, subject to the following conditions:

- 1) **dedication of 10' along the portion of Sollie Road as shown on the plat submitted;**
- 2) **placement of a note on the final plat stating that Lots 1-21, 51 and 52 are denied curb cuts to Sollie Road;**
- 3) **labeling of the wetlands, creek, and detention areas as Common Area, and the placement of a note on the final plat stating that maintenance of all Common Areas and Detention Areas/Facilities shall be the responsibility of the property owners;**
- 4) **compliance with Section VIII.E.2 of the Subdivision Regulations (private road standards);**
- 5) **compliance with Engineering Comments: *(Any impact on the floodway must comply with FEMA regulations and City of Mobile Engineering Department standards. Any creek crossing must comply with AASHTO, Corps of Engineers, ADEM, FEMA, and City of Mobile Engineering Department requirements. No detention is allowed in the City of Mobile right-of-way or AE flood plain. 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. Any work performed in the right-of-way will require a right-of-way permit.);*
- 6) **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. Specifically, All roads, gates, bridges, and dead ends shall comply with the following requirements of the 2003 International Fire Code =Section 503 Fire Apparatus Access Roads - 503.1.1 Buildings and facilities; 503.2.1 Dimensions; 503.2.3 Surface; 503.2.5 Dead ends; 503.2.6 Bridges and elevated surfaces; 503.2.7 Grade; 503.6 Security gates; 505.2 Street or road signs; 508.5.1 Where required - Exceptions: 1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m),*
- Appendix D*
- SECTION D102, REQUIRED ACCESS - D102.1 Access and loading; SECTION D103*
- MINIMUM SPECIFICATIONS - D103.1 Access road width with a hydrant; D103.2 Grade; Exception: Grades steeper than 10 percent as approved by the fire chief.*
- FIRE LANE SIGNS*
- D103.6.1 Roads 20 to 26 feet in width; D103.6.2 Roads more than 26 feet in width);*
- 7) **the approval of all applicable federal, state, and local agencies for wetlands prior to the issuance of any permits or land disturbance activities;**
- 8) **certification via placement of a note on the plat stating that the property owner/developer will comply with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected flora and fauna; and,**
- 9) **depiction of the 25-foot minimum building setback lines from all street frontages.**

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)

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

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

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Dr. Rivizzigno, to waive Sections B.B.1 and VIII.E.1.b and approve the above referenced subdivision, subject to the following conditions:

- 1) **dedication of 10' along the portion of Sollie Road as shown on the plat submitted;**
- 2) **placement of a note on the final plat stating that Lots 1-21, 51 and 52 are denied curb cuts to Sollie Road;**
- 3) **labeling of the wetlands, creek, and detention areas as Common Area, and the placement of a note on the final plat stating that maintenance of all Common Areas and Detention Areas/Facilities shall be the responsibility of the property owners;**
- 4) **compliance with Section VIII.E.2 of the Subdivision Regulations (private road standards);**
- 5) **compliance with Engineering Comments: *(Any impact on the floodway must comply with FEMA regulations and City of Mobile Engineering Department standards. Any creek crossing must comply with AASHTO, Corps of Engineers, ADEM, FEMA, and City of Mobile Engineering Department requirements. No detention is allowed in the City of Mobile right-of-way or AE flood plain. 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. Any work performed in the right-of-way will require a right-of-way permit.);*
- 6) **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. Specifically, All roads, gates, bridges, and dead ends shall comply with the following requirements of the 2003 International Fire Code =Section 503 Fire Apparatus Access Roads - 503.1.1 Buildings and facilities; 503.2.1 Dimensions; 503.2.3 Surface; 503.2.5 Dead ends; 503.2.6 Bridges and elevated surfaces; 503.2.7 Grade; 503.6 Security gates; 505.2 Street or road signs; 508.5.1 Where required - Exceptions: 1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).*
- Appendix D*  
*SECTION D102, REQUIRED ACCESS - D102.1 Access and loading; SECTION D103*  
*MINIMUM SPECIFICATIONS - D103.1 Access road width with a hydrant; D103.2 Grade; Exception: Grades steeper than 10 percent as approved by the fire chief.*  
*FIRE LANE SIGNS*  
*D103.6.1 Roads 20 to 26 feet in width; D103.6.2 Roads more than 26 feet in width);*
- 7) **the approval of all applicable federal, state, and local agencies for wetlands prior to the issuance of any permits or land disturbance activities;**
- 8) **certification via placement of a note on the plat stating that the property owner/developer will comply with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected flora and fauna; and,**
- 9) **depiction of the 25-foot minimum building setback lines from all street frontages.**

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)

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

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

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

- 1) **dedication of 10' along the portion of Sollie Road as shown on the plat submitted;**
- 2) **revision of the Final Site Plan to include placement of a note stating that Lots 1-21, 51 and 52 are denied curb cuts to Sollie Road;**
- 3) **revision of the Final Site Plan to include labeling of the wetlands, creek, and detention areas as Common Area, and the placement of a note on the final plat stating that maintenance of all Common Areas and Detention Areas/Facilities shall be the responsibility of the property owners;**
- 4) **compliance with Engineering Comments: *(Any impact on the floodway must comply with FEMA regulations and City of Mobile Engineering Department standards. Any creek crossing must comply with AASHTO, Corps of Engineers, ADEM, FEMA, and City of Mobile Engineering Department requirements. No detention is allowed in the City of Mobile right-of-way or AE flood plain. 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. Any work performed in the right-of-way will require a right-of-way permit.);*

- 5) **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. Specifically, All roads, gates, bridges, and dead ends shall comply with the following requirements of the 2003 International Fire Code =Section 503 Fire Apparatus Access Roads - 503.1.1 Buildings and facilities; 503.2.1 Dimensions; 503.2.3 Surface; 503.2.5 Dead ends; 503.2.6 Bridges and elevated surfaces; 503.2.7 Grade; 503.6 Security gates; 505.2 Street or road signs; 508.5.1 Where required - Exceptions: 1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).*

*Appendix D*

*SECTION D102, REQUIRED ACCESS - D102.1 Access and loading; SECTION D103*

*MINIMUM SPECIFICATIONS - D103.1 Access road width with a hydrant; D103.2 Grade; Exception: Grades steeper than 10 percent as approved by the fire chief.*

*FIRE LANE SIGNS*

*D103.6.1 Roads 20 to 26 feet in width; D103.6.2 Roads more than 26 feet in width); and,*

- 6) **revision of the Final Site Plan to include placement of a note stating that standard setbacks and site coverage shall apply.**

The motion carried unanimously.

**EXTENSIONS:**

**Case #SUB2007-00149 (Subdivision)**

**The Legacy at Saybrook Subdivision, Unit One and Unit Two**

West termini of Saybrook Boulevard and Pierson Drive

Number of Lots / Acres: 198 Lots / 124.0± Acres

Engineer / Surveyor: Engineering Development Services, LLC

County

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

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



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- 1) **revision of the cul-de-sacs at Pierson Drive North and Dwight Court to a 60' radius;**
- 2) **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,**
- 3) **must use "Best Management Practices" for water quality protection as identified in The Use of Best Management Practices (BMPs) in Urban Watersheds-EPA.**

The motion carried unanimously.

**Case #SUB2007-00155 (Subdivision)**

**Woodcreek Subdivision**

7600 and 7601 Lesley Court

East terminus of Lesley Court, extending East of Sollie Road

Number of Lots / Acres: 371 Lots / 141± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc

County

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

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

The motion carried unanimously.

**Case #SUB2007-00158 (Subdivision)**

**Addition to Shadow Creek Subdivision**

East terminus of Shadow Creek Drive, and extending West to Sollie Road

Number of Lots / Acres: 2 Lots / 1.3± Acres

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 Mr. Plauche, with second by Dr. Rivizzigno, to approve the above referenced request for extension and that the applicant be advised that future extensions will be unlikely.

The motion carried unanimously.

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**Case #ZON2007-01567 (Planned Unit Development)**

**Hancock Bank**

West side of Demetropolis Road, 268'± South of Cottage Hill Road  
Planned Unit Development Approval to allow shared access between two building sites  
Council District 4

Don Coleman, Rester and Coleman Engineers Inc., spoke on behalf of the applicant and requested that the above referenced requested extension be withdrawn.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2008-00127**

**Joel O. Swanson Cowboy Subdivision**

206 & 210 Pillans Street  
North side of Pillans Street, 85'± West of South Conception Street  
Number of Lots / Acres: 1 Lot / 0.3± Acre  
Engineer / Surveyor: Clark, Geer, Latham & Associates, Inc.  
Council District 3

The Chair advised the Commission members there were revised conditions regarding the application at their desks.

Thomas Latham, Clark, Geer, Latham & Associates, spoke on behalf of the applicant, saying he had reviewed the new recommendations and was agreeable with the same.

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

- 1) **depiction of the existing structures, if they are to remain, and the labeling or note of the side and rear yard setbacks to ensure that it is a minimum of 0-feet or 5-feet from the property lines;**
- 2) **the placement of a note on the Final Plat stating that the development is limited to two curb-cuts, with the size, design and location to be approved by Traffic Engineering, and to conform with AASHTO standards;**
- 3) **the labeling of the lot with its size in square feet;**
- 4) **completion of the subdivision process prior to applying for permits for new construction; and,**
- 5) **depiction of the minimum building front setbacks on the Final Plat.**

The motion carried unanimously.

Case #SUB2008-00129  
**Miller Family Division Subdivision**

6001 Powell Drive  
South side of Powell Drive at its West terminus  
Number of Lots / Acres: 2 Lots / 1.1 Acres  
Engineer / Surveyor: Byrd Surveying, Inc  
Council District 7

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 July 24, 2008, meeting, with the following due by July 1, 2008:

- 1) revision of the plat to reflect (and show dedication of) right-of-way necessary to center the 50-foot radius cul-de-sac in the existing right-of-way;
- 2) revision of the plat to adjust the 25-foot minimum building setback line to reflect the cul-de-sac revision;
- 3) revision of the plat to either modify the lot lines to show Lot 2 having 25-feet of frontage on the existing paved portion of Powell Drive, or the extension of the street to provide the frontage;
- 4) revision of the plat to depict any existing structures that will remain, and their respective setbacks;
- 5) placement of a note on the plat stating no future subdivision of either lot shall occur until additional frontage on a public street is provided (construction of remainder of Powell Drive to City standards, including the cul-de-sac);
- 6) placement of a note on the plat stating that each lot is limited to the one curb-cut each onto the paved portion of Powell Drive, with the size, design and location to be approved by Traffic Engineering, and to conform with AASHTO standards;
- 7) compliance with Engineering comments: *(Show Minimum FFE on plans and plat for all lots located within the X-Shaded and AE Flood Zones. No fill allowed within a special flood hazard area without providing compensation or completing a flood study showing that there is no rise for the proposed fill within the special flood hazard area. Must comply with all stormwater and flood control ordinances. 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. Need to verify that there is sufficient capacity for the receiving*

- drainage system to accept drainage from this property.);*
- 8) placement of a note on the plat stating that approval of all applicable Federal, state, and local agencies is required for wetland issues, if any, prior to the issuance of any permits or land disturbance activities;
  - 9) 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,
  - 10) the labeling of the lots with their size in square feet.

The motion carried unanimously.

**Case #SUB2008-00130**

**Holley Branch Subdivision, Re-subdivision of Lots 14 & 15**

1835 Holley Branch Court

East side of Holley Branch Court at its South terminus, extending to Snow Road, 175'±

West of Winterberry Street

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

Engineer / Surveyor: Byrd Surveying, 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 Dr. Rivizzigno, with second by Mr. DeMouy, to approve the above referenced re-subdivision, subject to the following conditions:

- 1) placement of a note stating that each lot is limited to one curb cut to Holley Branch Court, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;
- 2) placement of a note on the final plat stating that the lots are denied direct access to Snow Road;
- 3) 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;
- 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 #SUB2008-00131**

**USA Square Subdivision**

Southwest corner of Old Shell Road and Cody Road South

Number of Lots / Acres: 2 Lots / 2.4± Acres

Engineer / Surveyor: Byrd Surveying, Inc

Council District 7

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

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

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

- 1) **dedication of right-of-way along Cody Road sufficient to provide 50-feet as measured from the centerline;**
- 2) **depiction of the existing curb-cuts for Lot A, and placement of a note on the final plat stating that Lot A is limited to the existing curb-cuts, and that Lot B is limited to one curb-cut, with the size, design and location to be approved by Traffic Engineering, and to conform with AASHTO standards;**
- 3) **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.*);**
- 4) **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;**
- 5) **the labeling of the lots with their size in square feet;**
- 6) **submission of 7 copies of final Berdie Broadus Subdivision plat prior to the signing of the USA Square Subdivision plat; and,**
- 7) **completion of the subdivision process prior to applying for permits for land disturbance or new construction.**

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The motion carried unanimously.

**Case #SUB2008-00132**  
**Horton Hills Subdivision**

7001 Wigfield Road

South side of Wigfield Road, 685'± East of Aljon Drive, extending to the West terminus of Ray Drive [ unopened public right-of-way]

Number of Lots / Acres: 3 Lots / 8.1± Acres

Engineer / Surveyor: Rowe Surveying and Engineering Company, Inc.

County

John Moone, Rowe Surveying & Engineering, Co., Inc., spoke on behalf of the applicant and asked that the above referenced application for subdivision be held over.

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 24, 2008, meeting, with all revisions due by July 7, 2008.

The motion carried unanimously.

**Case #SUB2008-00133**  
**Walker Family Division Subdivision**

West side of Bay Road, 1000'± North of Hammock Road

Number of Lots / Acres: 3 Lots / 4.6± 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.

William Bodan, 2121 Island Road, Mobile, had concerns regarding drainage and a pond on the property as the property in question abutted his.

Mr. Olsen advised that due to a recent amendment to the Subdivision Regulations, they were subject to the standard detention and stormwater facilities comply with the city of Mobile's ordinance regarding the same and that it must be certified by their engineer as being in compliance.

Hearing no further opposition or discussion, a motion was made by Mr. Turner, with second by Dr. Rivizzigno, to waive Section V.D.3. so the proposed plat meets the minimum requirements of the Subdivision Regulations, and approve the above reference 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 Bay Road, with the size, location and design to be approved by County Engineering and conform to**

- AASHTO standards;
- 2) illustration of the minimum building setback lines on the final plat, with the setback for Lot 3 measured from the rear lines of Lots 1 and 2;
  - 3) labeling of each lot with its size in square feet and acres, or the furnishing of a table on the final plat providing the same information;
  - 4) placement of a note on the final plat stating that no further re-subdivision of Lot 3 is allowed until additional frontage on a public street is provided;
  - 5) placement of a note on the final plat stating that the development will be designed to comply with the storm water 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 storm water 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;
  - 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; and,
  - 7) placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.

The motion carried unanimously.

**Case #SUB2008-00125**

**Ralph A. and Kimberly S. Hargrove Kress Building Subdivision**

18 South Royal Street, 9 St. Emanuel Street, 119 Dauphin Street, 106 Conti Street, 108 Conti Street, and 110 Conti Street

Center of the block bounded by Royal Street, St. Emanuel Street, Dauphin Street and Conti Street, extending to the approximate middle of each street frontage

Number of Lots / Acres: 4 Lots / 0.6± Acre

Engineer / Surveyor: Hutchinson, Moore & Rauch

Council District 2

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.

Stephen Harvey, McDowell, Knight, Roedder & Sledge law firm, attorney for the

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applicant, asked for clarification regarding the need to file for a PUD, as they were under the impression that simply labeling the courtyard and alleyway as “common area” that would suffice.

Mr. Olsen stated if the applicant was agreeable to the holdover, the staff could remove that as a reason for the holdover.

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 24, 2008, meeting to allow the applicant to provide the following:

- 1) revision of the plat to indicate that the central courtyard common area is open-air with no floor or roof above;**
- 2) revision of the plat to indicate the right-of-way widths of all four fronting streets; and,**
- 3) applicant to meet with staff to discuss necessity of PUD.**

A revised plat and a Planned Unit Development application should be submitted no later than July 3<sup>rd</sup>.

The motion carried unanimously.

**NEW PLANNING APPROVAL APPLICATIONS:**

**Case #ZON2008-01491**

**Midtown Congregation of Jehovah’s Witnesses (Andre Baskin, Agent)**

804 Farnell Lane

West side of Farnell Lane, 148’ ± North of Pleasant Valley Road, extending West to the East termini of Angus Drive and Kendale Drive

Planning Approval to amend a previously approved Planning Approval for a church in an R-1, Single-Family Residential District to allow a parsonage and carport addition  
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 on the matter, a motion was made by Mr. DeMouy, with second by Mr. Davitt, to approve the above referenced Planning Approval application, subject to the following conditions:

- 1) the applicant is limited to the submitted site plan;**
- 2) full compliance with the landscaping and tree planting requirements of the Zoning Ordinance;**
- 3) placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section**



- V.A.7 of the Subdivision Regulations; and,  
4) screening of parking facilities as required by Section VI of the Zoning Ordinance.

The motion carried unanimously.

**GROUP APPLICATIONS:**

**Case #SUB2008-00128 (Subdivision)**

**University Grande Subdivision**

Southwest corner of Old Shell Road and West Drive

Number of Lots / Acres: 1 Lot / 6.3± Acres

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

Council District 5

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

- 1) **the right-of-way standards of the Major Street illustrated on the Final Plat;**
- 2) **developer will be responsible for intersection improvements at the development and Stadium Drive;**
- 3) **the developer must be responsible for striping for the intersection to MUTCD standards; and,**
- 4) **detailed plans for improvements must be approved by Urban Development, Engineering and Traffic Engineering.**

The motion carried unanimously.

**Case #ZON2008-01493 (Planned Unit Development)**

**University Grande Subdivision**

Southwest corner of Old Shell Road and West Drive

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

Council District 5

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

- 1) **the right-of-way standards of the Major Street illustrated on the Final Plat;**
- 2) **developer will be responsible for intersection improvements at the development and Stadium Drive;**
- 3) **the developer must be responsible for striping for the**

- intersection to MUTCD standards; and,**  
**4) detailed plans for improvements must be approved by Urban Development, Engineering and Traffic Engineering.**

The motion carried unanimously.

**OTHER BUSINESS:**

**HOLDOVERS**

A Public Hearing for the proposed Zoning Ordinance Amendments to create an Overlay District for the Village of Spring Hill and amending the Subdivision Regulations, creating an Overlay District for the Village of Spring Hill was opened. The Chair advised that there would be a limit of 4 speakers for both the proponents and the opponents, with each speaker having a time limit of 5 minutes and invited those who wished to speak on the matter to do so at that time, beginning with those in opposition.

The following people spoke in opposition:

- Doug Anderson, Burr and Foreman Law Firm, representing the owners of the Springhill Center, as well as, Bob Isaacson, and Tom Morrow;
- Dr. Fred Bodie, Bodie Dermatology, 4300 Old Shell Road;
- Lenny Zanghi, Mr. Sam's Hair Fashions, 158 North McGregor Avenue; and,
- Tonya Cain, Dynasty Collections Inc., 4500 Old Shell Road.

They offered the following points of concern:

- A. the "voluntary" language being as uncomplicated as possible, suggesting the following, "a property owner may elect to develop or redevelop his property pursuant to the applicable regulations of the TCD by following a written statement when submitting application for a building permit, unless that election is made, each respective property will be governed by the existing, applicable regulations as set forth in the City's Zoning Ordinance." It was also believed that this language would be part of the Subdivision Regulation overlay, but it does not appear to be;
- B. 42 of the 48 commercial property owners within the Village of Springhill overlay have issues within the proposed ordinances, some being legal verification that the proposed ordinances will be completely optional and voluntary, assurance that any developer who chooses to develop under the new code will not be able to negatively impact other properties (i.e. traffic flow, accessibility, and parking spaces), that non-property owners will be able to have the City tell residential and commercial property owners within the

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overlay what they may and may not do with their property, and that the City of Mobile will “take” property from its owners for development as an element of the plan;

- C. whether the overlay would make existing businesses non-conforming;
- D. safety issues involved in removing the turn lanes and narrowing the streets at Old Shell Road and McGregor Avenue; and,
- E. parking and its effect on safety and ease of access to customers and patients.

Mr. Lawler advised the Commission on the issue of non-conforming structures saying the section in the city’s current Ordinance addressing non-conforming structures did not apply at all, explaining a structure became non-conforming if an amendment to the Ordinance was adopted which prohibited or changed what was currently being done at that location. He stated the proposed amendments did not do that as they were worded to give the property owner the option of doing as was currently in the Ordinance or choosing to build by the new option.

The following people spoke in favor of the proposal:

- David Walker, commercial realtor, Birmingham, AL;
- John Bellerjeau, resident of the Village of Springhill, business owner, and commercial developer;
- Thomas Meyers, Springhill resident and board member for the Village of Springhill, Inc.; and,
- Linda St. John, president of Village of Springhill, 2 North Spring Bank Road.

They made the following points:

- A. the concept of a “community, pedestrian oriented, village” is being promoted around the country, and would be a good fit for the Springhill area;
- B. improvements can be made for pedestrian traffic and accessibility to retail sites and the proposed amendments address these issues;
- C. adopting more flexible ordinances will allow small business owners/developers more options in improving the area;
- D. the optional aspect of the amended proposal gives assurances that property owners may choose the direction they wish their businesses and property to take, reinforcing their property right, not taking them;
- E. The Village of Springhill has negotiated over a 4 month period with the City of Mobile, developers, and land owners, making changes accordingly in an effort to satisfy the needs of as many as possible, however, at this time, it is felt that any further changes to

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the proposed amendments would compromise the overall integrity of the plan; and,

- F. a number of developers, some who were heard from at the meeting, have expressed interest in building in the Springhill area utilizing the new overlay, as well as existing landowners who are also interested in re-developing under the new code, along with an overwhelming number of residents who support the new coding.

Mr. Holmes asked Mrs. St. John to respond to the comment regarding 42 of the 48 commercial property owners impacted having issues with the proposed amendments.

Mrs. St. John said she knew of 48 who were in favor of the amendments and listed Carpe Diem, Deborah's, Region's Bank, The Holiday, as examples of those businesses and expressed the opinion that possibly the opposition's number was embellished.

Mr. Holmes said if the proposed zoning was chosen by a developer and the parking proved to be inadequate for their development, then asked where that parking would be directed.

Mrs. St. John expressed her opinion that developers would not choose to create a commercial property where parking would not be adequate.

Mr. Holmes asked if a traffic impact study had been done for the proposal's impact on traffic for the entire city, with regards to the lane closures.

Mrs. St. John advised that 3 traffic impact studies had been done.

Mr. DeMouy asked if there would be any problem injecting the specific language given by Mr. Anderson into the amendment and was advised there would be no objection.

In deliberation, Mr. Olsen advised the Commission that the staff recommended that if the Commission were to vote on something that day it be the Zoning Ordinance Amendments to create an Overlay District for the Village of Spring Hill, but regarding the Subdivision Regulations, creating an Overlay District for the Village of Spring Hill, the staff recommended that the Commission hold those over until the City Council has acted on the plan and Zoning Ordinance amendments because this body is the final vote on a subdivision amendment, and in as much, a vote that day by the Commission would put that amendment in place.

Hearing no further opposition or discussion, a motion was made by Mr. Holmes, with second by Dr. Rivizzigno, to hold the matter of amending the Subdivision Regulations, creating an Overlay District for the Village of Spring Hill over until the August 7, 2008, meeting.

The motion carried unanimously.

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Regarding the Zoning Ordinance Amendments to create an Overlay District for the Village of Spring Hill, Mr. Turner asked if it needed to be stated in the Zoning Ordinance Amendments that it was optional.

Mr. Olsen stated that the proposed Zoning Ordinance Amendments did have the optional verbiage in them, however, including the wording provided by Mr. Anderson would simply provide more clarification of its optional status.

Hearing no further opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Davitt, to approve and recommend to the City Council the proposed Zoning Ordinance Amendments to create an Overlay District for the Village of Spring Hill with amendments to paragraph 2.a. Applicability (to reiterate optional) and to insert a new paragraph 2.c (to define process to amend the regulating plan), stating “amendments to the regulating plan shall follow the standard procedure to amend the Zoning Ordinance and Comprehensive Plan.”

The motion carried with only Mr. Holmes voting against.

**NEW BUSINESS**

Mr. Olsen announced the correction to the 2007 – 2008 Planning Commission meeting schedule.

Hearing no further business, the meeting was adjourned.

**APPROVED:** July 16, 2009

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William G. DeMouy, Jr., Secretary

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Terry Plauche, Chairman.

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