

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF AUGUST 2, 2007 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

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

**Members Absent**

Clinton Johnson

**Urban Development Staff Present**

Richard L. Olsen,  
Deputy Director of Planning  
Bert Hoffman, Planner II  
Tiffany Green, Secretary I

**Others Present**

John Lawyer, Assistant City Attorney  
Jennifer White, Traffic Engineering  
Rosemary Sawyer, City Engineering  
David Daughenbaugh, Urban Forestry  
Coordinator

Mr. Plauche stated the number of members present constituted a quorum and called the meeting to order.

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

**APPROVAL OF MINUTES:** June 7, 2007 and June 21, 2007

**HOLDOVERS:**

**Case #SUB2007-00150**

**Junior Subdivision**

7326 Three Notch Road

(North side of Three Notch Road at Travis Road, and extending North to the West terminus of Balsawood Drive)

1 Lot / 42.1± Acres

Joe Stephens, 7326 Three Notch Road, spoke on behalf of himself and his co-applicants, saying they simply wanted the parent parcel divided into two pieces, Lot 1, which would belong to him, and Lot 2, which would belong to his father and uncle. He asked if it could be approved at this meeting.

Mr. Olsen stated the staff had just received the most recently revised drawings just before the meeting. This would not give the staff the necessary time to come up with adequate

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recommendations, so the staff would still ask for a two week hold over. Mr. Olsen also stated that this issue was not the applicants' fault, as there seemed to be some confusion over the matter with the surveyor.

Mr. Stephens verified this, stating that the surveyor, Michael Speaks, had been ill and had just gotten the plat back to them that very day. Mr. Stephens agreed to the hold over.

Hearing no further discussion, Mr. Plauche moved to hold the matter over until the August 16, 2007, meeting. This was seconded by Dr. Rivizzigno and the motion carried unanimously.

**Case #SUB2007-00156**

**Todd Manor Subdivision, Second Sector**

North side of Downey Drive, 145'± West of Todd Acres Drive.

7 Lots / 2.7± Acres

The Chair stated the applicant was agreeable with the recommendations and asked if there were those who wished to speak on the matter.

Wayne Vickers, 4303 Downey Drive, asked for clarification in layman's terms regarding the recommendations. He was most specifically concerned with the lot size recommended.

Mr. Olsen stated that the developer had reduced the number of lots from 9 to 7 and the width of the lots was increased to 77 feet on average for each lot.

Hearing no further discussion, Mr. Watkins moved to waive Section V.D.3. (width to depth ratio) so the plat will meet the minimum requirements of the Subdivision Regulations, and to approve the above referenced subdivision, subject to the following conditions:

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- 1) each lot is limited to one curb cut with the size, location, and design to be approved by Traffic Engineering;
- 2) placement of a note on the final plat stating that the approval of all applicable federal, state and local agencies is required prior to the issuance of any permits or land disturbance activities;
- 3) depiction of the minimum building setback line along Downey Drive as depicted on the plat;
- 4) subject to the Engineering Comments (All storm water must be conveyed to a City of Mobile storm water system. The engineer must perform an analysis to determine if the existing system is adequate to convey the additional flow from the development. Show the flood plain on the plat. Show the minimum finished floor elevation on each lot touched by the flood plain. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit.); and,
- 5) labeling of each lot in square footage as depicted on the plat.

The motion was seconded by Mr. DeMouy and carried unanimously.

**Case #SUB2007-00157**

**Addition to Bellingrath Road Country Club Estates Subdivision**

8031 Bellingrath Road

(East side of Bellingrath Road, 585'± South of Mardanne Drive).

26 Lots / 10.2± Acres

Don Coleman, Rester and Coleman, spoke for the applicant, asking that rather than deny the matter at this meeting, to please hold it over to the September 6, 2007, meeting as they worked to rectify the concerns of the staff.

Hearing no further discussion, Mr. Plauche moved to grant the applicant's request for a hold over until the September 6, 2007, meeting. Mr. Vallas seconded the motion which carried unanimously.

**Case #ZON2007-01589 (Sidewalk Waiver)**

**Alabama Power Company**

249 Yeend Street

(South side of Yeend Street, 700'± East of South Lawrence Street).

Request to waive construction of a sidewalk along Yeend Street.

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Ben Chaney, 650 Michigan Avenue, spoke for the applicant. He stated Alabama Power was building a substation in an undeveloped part of Mobile. He added that it was strictly an industrial area with no pedestrian traffic of which he was aware.

Mr. Olsen advised the Board that the properties to the south-southeast are undeveloped but other areas nearby are developed.

Mr. Vallas asked if the sidewalk would tie into other sidewalks, or would it go up into their property and dead end.

Mr. Olsen said it would go into the Alabama Power property and dead end.

Dr. Rivizzigno reminded the Board that it had become their working concept to put in sidewalks whenever it was physically possible so that ultimately they would all tie in together.

In deliberation, Mr. Watkins stated he had misgiving regarding putting sidewalk in areas zoned I-2, heavy industrial.

Mr. Olsen responded that there are areas in I-2 zoning where sidewalks are appropriate and sited locations in the Brookley Field area, but added the sidewalk requirement was a requirement of the subdivision regulations, not zoning ordinance driven.

Hearing no further pertinent discussion, Mr. Vallas moved to approve the sidewalk waiver, with second by Mr. Turner. The motion carried with only Dr. Rivizzigno's opposition.

**EXTENSIONS:**

**Case #SUB2006-00111 (Subdivision)**

**D. J.'s Subdivision**

1736 and 1870 Schillinger Road South

(West side of Schillinger Road South, 100'± South of Terry Drive).

3 Lots / 2.7± Acres

Hearing no discussion, Mr. Plauche moved, with second by Mr. DeMouy, to **approve the extention but any future extension is unlikely**. The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2007-00179**

**James L. Odom Subdivision, First Addition**

9110 Howells Ferry Road

(East side of Howells Ferry Road, 1220'± South of Firetower Road).

1 Lot / .86 ± Acre

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The Chair advised that the case was recommended for hold over, but if anyone wished to speak on the matter, they were welcome to do so.

Jerry Byrd, Byrd Surveying Co., spoke for the applicant, saying that Mr. Odom owned approximately 60 acres on Halls Ferry Road and that he would like to give his granddaughter a portion of it on which to build a home. He said Mr. Odom does not want to develop the rest of the property.

Mr. Watkins asked if there were topography reasons for creating a flag shaped lot.

Mr. Bryd advised that the 25 feet section referred to is simply a driveway.

The Chair asked if the staff had comments with regards to why they had recommended the case for hold over.

Mr. Olsen gave the following reasons:

- 1) the lot is being taken from a larger parcel that is shown on the plat as “future development”, when in fact, it is already developed;
- 2) as the larger parcel has already been developed, this subdivision would require new notices to be sent to adjacent property owners advising of the change from one lot to two;
- 3) the flag-shaped lot is irregular in shape and not characteristic of the area; and,
- 4) as there is a flag-shaped lot, Sections V.D. 2 and V.D. 3 apply.

Mr. Watkins asked if a second survey would be required to show the “future development” as a second lot, to which Mr. Byrd responded yes.

Mr. Watkins also stated his concerns over there being no topographical reason behind the creation of this flag-shaped lot.

Mr. Olsen presented the option of creating a 3 lot subdivision with the provision for a street to provide future access to any future development of the area. He stated the road would not have to be built at this time; it would just show on the plat as a 50 feet strip of right of way labeled as “future development.”

Hearing no further discussion, Mr. Plauche moved to hold the case over until the September 6, 2008, meeting, **with revisions due by August 13, 2007, to address the following:**

- 1) dedication sufficient to provide 50-feet from the centerline of Howells Ferry Road;**
- 2) illustration of the 25-foot minimum building setbacks;**
- 3) addition of a second lot in the developed part of the site that is labeled as “future development;” and,**

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**4) reconfiguration of the proposed lots to comply with Section V.D.2 and V.D.3.**

Mr. Vallas seconded the motion which carried unanimously.

**Case #SUB2007-00176**

**B. & J. Subdivision**

8361 Silver Pine Road

(South side of Silver Pine Road, 250'± West of Maple Valley Road).

2 Lots / 5.1± Acres

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 discussion, Mr. Turner moved to waive Section V.D.2 of the Subdivision Regulations so the plat meets the minimum requirements of the Subdivision Regulations, and approve the above referenced subdivision, subject to the following conditions:

- 1) dedication sufficient to provide 50-feet from the centerline of Silver Pine Road;**
- 2) illustration of the 25-foot minimum building setbacks;**
- 3) labeling of each lot with the size, in square feet, or provision of a table with the same information;**
- 4) provision of a note on the final plat stating that Lot 1 is limited to the existing curb cuts to Silver Pine Road, and Lot 2 is limited to one curb cut to Silver Pine Road with the size, design, and location of all curb cuts to be approved by Mobile County Engineering;**
- 5) provision of a note 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,**
- 6) provision 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 storm water 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 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.**

Mr. Vallas seconded the motion which carried unanimously.

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**Case #SUB2007-00183**

**Lathan Subdivision**

6650 Rester Road

(North side of Rester Road, 1490' ± East of Sperry Road, and extending East to I-10).

2 Lots / 25.5± Acres

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.

Ivan Boatright, 5950 Magnolia Road, owner of the property right behind the proposed subdivision, expressed concerns regarding what potentially would be built on the property. He said he was under the impression that the area was watershed/wetlands, as it looked to be comprised of gullies, ditches, and the like.

Mr. Olsen said the property was located in the county where there is no zoning or land use control. He said the overall existing development, which he believed to be a dog kennel at this location, consisted of multiple lots. The owners had come before the Commission to have the area reconfigured to be only two lots, with the kennel being on Lot 1 and Lot 2 being left undeveloped for the time. Mr. Olsen advised that if there are, in fact, wetlands on the property, the owners will have to obtain permits from ADEM or the Corps of Engineers to proceed further there.

Hearing no further discussion, Mr. Turner moved to waive Section V.D.2 of the Subdivision Regulations so the plat meets the minimum requirements of the Subdivision Regulations, and approve the above referenced subdivision, subject to the following conditions:

- 1) dedication sufficient to provide a 50-foot radius from the end of Rester Road for a future turnaround;**
- 2) illustration of the 25-foot minimum building setbacks;**
- 3) labeling of each lot with the size, in square feet, or provision of a table with the same information;**
- 4) provision of a note on the final plat stating that Lot 1 is denied access to I-10;**
- 5) provision of a note on the final plat stating that Lot 1 is limited to two curb cuts to Rester Road, and Lot 2 is limited to one curb to Rester Road, with the size, design, and location of all curb cuts to be approved by Mobile County Engineering;**
- 6) provision of a note 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,**
- 7) provision 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 storm water and flood control ordinances, and requiring submission of**

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**certification from a licensed engineer certifying that the design complies with the storm water 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**

Mr. Vallas seconded the motion which carried unanimously.

**Case #SUB2007-00185**

**Tanner Subdivision, Resubdivision of Lot 4**

3004 Arc Road

(North side of Arc Road, 125'± East of Inerarity Road).

2 Lots / 1.4± Acres

Bobby McBride, Rowe Surveying, spoke on behalf of the applicant, saying they were in agreement with the staff's recommendations except for condition number 4 requiring additional right-of-way on Van Liew Road. He stated that the city's aerial photographs of the area and the zoning sketch provided in the staff report show several houses and structure already built in that right-of-way. He said that it is not open and was reported as not open on the recorded plat for the Tanner Subdivision when it was originally recorded.

Mr. Olsen advised the Commission that the structure locations are not survey quality. They are based on digitized aerial photographs, then used on a third generation tax assessor's map; they are just a general depiction of structures. He also added that Mr. McBride quite possibly is correct regarding structures currently built in the right-of-way, but that would not necessarily preclude the Commission from requiring the dedication of same, as Van Liew is a right-of-way, whether or not it is open. He offered the option of their requesting it be vacated as well.

The Chair advised the applicant that the right-of-way is a total of 50 feet (i.e. 25 feet from center line on either side) and asked if they still wanted to take out condition number 4.

Mr. McBride said they still wanted it removed.

In deliberation, Mr. Watkins expressed concern over the appearance that the Commission may be advocating applicants requesting the vacation of right-of-ways.

Mr. Lawler spoke on this issue and added that in some cases the use of a setback has been the solution as opposed to an actually exaction.

In as much, Mr. Vallas moved, with Dr. Rivizzigno's second, to approve the subdivision, subject to the following conditions:

- 1) the placement of a note on the final plat stating that each lot is limited to one curb cut to Arc Road, with**



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- the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) the placement of a note on the final plat denying each lot access to Van Liew Road;
  - 3) depiction of the 25' minimum building setback line along Arc Road;
  - 4) *provision of adequate setback from the future right-of-way of VanLiew Road (50' from centerline of Van Liew Road);*
  - 5) inclusion of the existing structure(s) on Lot A on the final plat to verify setback compliance off the interior lot line between Lots A and B, and compliance with the required combined side yards total for Lot A;
  - 6) subject to the Engineering Comments (*Show limits of x-shaded flood zone on plat. Show minimum finished floor elevation on each lot No fill without land disturbance permit. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit.*); and,
  - 7) revision of the plat to label each lot with its size in square feet, or provision of a table on the plat depicting the same information.

The motion carried unanimously.

**Case #SUB2007-00175**

**Riverwood Estates Subdivision, Phase One B**

East termini of Riverwood Landing and Riverwood Court.

3 Lots / 0.84± Acre

Millard Austin, Austin Engineering of Mobile, spoke on behalf of the applicant requesting that the case be heldover until the August 16, 2007, meeting, due to their failure to provide all the necessary information regarding wetlands and their mitigation.

Hearing no further discussion, Mr. Plauche moved to **hold the case over until the August 16, 2007, meeting per the applicant's request.** Mr. DeMouy seconded the motion which carried unanimously.

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**Case #SUB2007-00177**

**Resubdivision of Dream Place Subdivision**

East side of Harvest Boulevard East at the East terminus of Harvest Boulevard South.

3 Lots / 5.0± Acres

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 discussion, Mr. Turner moved to waive of Section V.D.3. (width to depth ratio), so the plat will meet the minimum requirements of the Subdivision Regulations, and approve the above referenced subdivision, subject to the following conditions:

- 1) depiction of the 25' minimum building setback line along Harvest Boulevard East;**
- 2) placement of a note on the Final Plat stating that each lot is limited to one curb cut to Harvest Boulevard East, with the size, location and design of all curb cuts to be approved by the Mobile County Engineering Department;**
- 3) placement of a note on the Final Plat stating that development will be designed to comply with the stormwater detention and drainage facilities 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 facilities of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification to be submitted to the Planning Section of Urban Development and County Engineering;**
- 4) 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;**
- 5) placement of a note on the final plat stating that there is to be no further resubdivision of any lot until additional frontage on a new road is provided; and,**
- 6) revision of the plat to label each lot with its size in square feet, or provision of a table on the plat depicting the same information.**

Mr. Vallas seconded the motion which carried unanimously.

**Case #SUB2007-00181**

**Rangeline Business Park Subdivision**

East terminus of Abigail Drive (to be constructed).

20 Lots / 21.2± Acres

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

Hearing no discussion, Mr. Plauche moved to **holdover until the August 16, 2007, meeting, with revisions due to the Planning Section of Urban Development by Noon on August 6, 2007, so that the following can take place:**

- 1) revision of the plat to ensure that the boundary line between the proposed Riverwood Estates Subdivision, Phase Three, and the proposed Rangeline Business Park Subdivision match;**
- 2) revision of the plat to label each lot with its size in square feet, or placement of a table on the plat with the same information;**
- 3) placement of a note on the plat stating that each lot is limited to one curb-cut, with the size, design and location to be approved by Mobile County Engineering Department;**
- 4) 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 storm water 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 storm water and flood control ordinances prior to the signing of the final plat. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;**
- 5) revision of the plat to depict and label common area detention facilities, if required; and,**
- 6) placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations.**

Mr. DeMouy seconded the motion which carried unanimously.

**Case #SUB2007-00186**

**Timberlane Woods Subdivision**

East termini of Larchmont Drive, Cross Creek Drive, and Timberline Ridge.

31 Lots / 15.6± Acres

The Chair advised the case had been recommended for hold over, but if anyone wished to speak on the matter, they were welcome to do so.

Don Coleman, Rester and Coleman, spoke on behalf of the applicant asking the Commission not to hold the matter over, agreeing to delete Lot 16.

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Mr. Olsen advised the Commission that this application, along with several other applications before the Commission today were clear illustrations of the staff not getting complete information packets when applications are submitted.

The Chair asked Mr. Coleman, that should the Commission choose to hold the case over, would the applicant want it heard on the September 6, 2007, meeting or the August 16, 2007, meeting.

Mr. Coleman elected the August 16, 2007, meeting.

David Blaugh, 5551 Thomas Jefferson Court, asked the Commission where he might be able to get information concerning the specifics regarding the subdivision and its houses.

Mr. Olsen stated that the property was zoned R-1, single family residential, so the would only be one residence on each of the proposed lots, however, he would need to contact the engineer or developer to get more details regarding specifics as that was not something that fell under the pervue of the Planning Commission.

Toni Evelyn, 5484 White Pine Court, spoke as her property apparently abuts the proposed subdivision. She said the notification she received from Urban Development was the first she had heard of the proposed subdivision. She also stated that when she bought the property, she was told it was land locked, that it would remain so and that it was owned by the state. This was one of the major reasons they purchased their property.

Hearing no further pertinent discussion, Mr. Plauche moved to hold the case over **until August 16, 2007, meeting, with revisions due to the Planning Section of Urban Development by Noon on August 6, 2007, to reflect the following:**

- 1) depiction of the 25 foot minimum front yard setback line on all lots;**
- 2) revision of Lot 16 to comply with Sections V.D.2 and V.D.3 of the Subdivision Regulations;**
- 3) revision of Lot 1 to comply with Sections V.D.2 of the Subdivision Regulations;**
- 4) revision of the plat to depict all property dimensions;**
- 5) revision of the plat to show all of the lot sizes in square feet or provision of a table with the same information; and,**
- 6) denotation of all common area as such.**

Mr. Turner seconded the motion which carried unanimously.

**NEW SIDEWALK WAIVER APPLICATIONS:**

**Case #ZON2007-01865**  
**Gerald Still**  
2350 Demetropolis Road

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(West side of Demetropolis Road, 400'± North of Brookfield Drive North).  
Request to waive construction of a sidewalk along Demetropolis Road.

Hearing no discussion, Mr. Plauche moved to approve the sidewalk waiver, which Mr. DeMouy seconded. The chair called the vote which carried unanimously.

**GROUP APPLICATIONS:**

**Case #SUB2007-00178 (Subdivision)**

**Hillcrest & Girby Plaza Subdivision**

3456 Hillcrest Road

(West side of Hillcrest Road at the West terminus of Girby Road).

2 Lots / 1.8± Acres

(Also see **Case #ZON2007-01863 (Planned Unit Development)**

**Hillcrest & Girby Plaza Subdivision**, and, **Case #ZON2007-01862 (Rezoning)**

**Dennis J. Langan**, 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.

Robin Roberts, 6451 Audubon Square North, addressed the Commission with questions as he was part of the transaction taking place. He was concerned as he had not seen any verbage regarding agreements made between the applicant and his party in the recommendations.

Mr. Olsen advised that those were private agreements

Hearing no further discussion, Mr. Turner moved to approve the above referenced subdivision, subject to the following conditions:

- 1) installation of necessary equipment to tie the development into the traffic signal at Girby Road and Hillcrest Road; and,**
- 2) provision of documentation to the City Engineering Department that the reduction of common area as proposed will not interfere or adversely impact the detention facilities, and that the drainage facilities will remain in compliance with all stormwater and flood control ordinances.**

The motion was seconded by Mr. DeMouy and carried unanimously.

**Case #ZON2007-01863 (Planned Unit Development)**

**Hillcrest & Girby Plaza Subdivision**

3450 and 3456 Hillcrest Road

(Also see **Case #SUB2007-00178 (Subdivision)** **Hillcrest & Girby Plaza Subdivision**, above, and **Case #ZON2007-01862 (Rezoning)** **Dennis J. Langan**, below)

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After discussion, Mr. Turner moved to approve the above referenced subdivision, subject to the following conditions:

- 1) **installation of necessary equipment to tie the development into the traffic signal at Girby Road and Hillcrest Road;**
- 2) **provision of documentation to the City Engineering Department that the reduction of common area as proposed will not interfere or adversely impact the detention facilities, and that the drainage facilities will remain in compliance with all stormwater and flood control ordinances; and,**
- 3) **full compliance with all municipal codes and ordinances.**

The motion was seconded by Mr. DeMouy and carried unanimously.

**Case #ZON2007-01862 (Rezoning)**

**Dennis J. Langan**

3450 and 3456 Hillcrest Road

(West side of Hillcrest Road at the West terminus of Girby Road).

Rezoning from R-1, Single-Family Residential District, to B-3 Community Business District, to eliminate split zoning.

(Also see **Case #SUB2007-00178 (Subdivision) Hillcrest & Girby Plaza Subdivision**, and **Case #ZON2007-01863 (Planned Unit Development) Hillcrest & Girby Plaza Subdivision**, above)

After discussion, Mr. Turner moved to approve the above referenced subdivision, subject to the following condition:

- 1) **full compliance with all municipal codes and ordinances.**

The motion was seconded by Mr. DeMouy and carried unanimously.

**Case #SUB2007-00180 (Subdivision)**

**JME Cottage Knoll Subdivision**

5662 Cottage Hill Road

(Northeast corner of Cottage Hill Road and Knollwood Drive).

1 Lot / 0.9± Acre

(Also see **Case #ZON2007-01866 (Rezoning) JME Realty, Inc.** below)

Mr. Vallas recused himself from the matter.

Ted Musseal of Coldwell Banker/JME Realty, spoke for the applicants, saying the subdivision proposal in front of the Commission was for the development of a new Coldwell Banker/JME Realty office on that site and that they were in agreement with the recommendations.

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Rosemary Sawyer, City of Mobile Engineering Department, asked for a revision of the condition 2 on the rezoning requiring a release agreement regarding concentration of drainage on to the adjacent property or a drainage system approved by the City of Mobile Engineering Department.

Raymond Nevillin, 5654 Cottage Hill Road, spoke in opposition to the proposed subdivision expressing his concern regarding drainage. He stated his thoughts that without filling the lot, leveling it, there is no apparent way to get rid of storm water.

The Chair advised Mr. Nevillin that as the applicant has not yet gotten an engineer to begin planning the development, no one is able to address that issue at this time.

Mr. Olsen said the City Engineering Department would review whatever plans would be submitted for construction, which would include grading and a drainage plan and before those plans would be approved, they would have to conform to the city's codes with regards to those issue.

Hearing no further pertinent discussion, Dr. Rivizzigno moved to approve the above referenced subdivision, subject to the following conditions:

- 1) dedication along Cottage Hill Road sufficient to provide a minimum of 50' from centerline;**
- 2) dedication of an appropriate radius at the intersection of Cottage Hill Road and Knollwood Drive, to be determined by the Engineering and Traffic Engineering Departments; and,**
- 3) placement of a note on the final plat stating that the site be limited to one curb cut to each, Knollwood Drive and Cottage Hill Road, size, location and design to be approved by Traffic Engineering.**

The motion was seconded by Mr. Turner and carried unanimously.

**Case #ZON2007-01866 (Rezoning)**

**JME Realty, Inc.**

5662 Cottage Hill Road

(Northeast corner of Cottage Hill Road and Knollwood Drive).

(Also see **Case #SUB2007-00180 (Subdivision) JME Cottage Knoll Subdivision** above)

After discussion, Dr. Rivizzigno moved to approve the above referenced re-zoning, subject to the following conditions:

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- 1) completion of the subdivision process;
- 2) compliance with Engineering Comments (There are probable outfall problems and no apparent location for storm water to discharge. Any concentrated and/or increased storm water discharge onto an adjacent property will require a release agreement from the affected property owner(s) or another alternate system approved by the City of Mobile Engineering Dept). Development must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit);
- 3) compliance with Urban 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 56" Live Oak Tree and the 48" Live Oak Tree located on the South East side of the Lot. 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. Due to existing trees on right of way, all new curb cuts are to be coordinated with Urban Forestry. Any work to the trees on right of way will require a permit from the Mobile Tree Commission.);
- 4) the site be limited to one curb cut to each, Knollwood Drive and Cottage Hill Road, size, location and design to be approved by Traffic Engineering;
- 5) provision of a minimum 6' high privacy fence along the North and East property lines, where the site abuts residential properties (can be no higher than 3' in the required 25' setback from both streets); and,
- 6) full compliance with all municipal codes and ordinances.

The motion was seconded by Mr. Turner and carried unanimously.

**Case #SUB2007-00182 (Subdivision)**

**University Crossing Subdivision**

West side of South University Boulevard, 750'± South of Old Shell Road, extending to the North termini of Barbara Mitchell Drive East, General Bullard Avenue, and Westfield Avenue, and extending to the East side of Long Street, 900'± South of Old Shell Road.  
5 Lots / 17.5± Acres

(Also see **Case #ZON2007-01868 (Planned Unit Development) University Crossing Subdivision**, and, **Case #ZON2007-01867 (Rezoning) Sierra Development**, below)

Dr. Rivizzigno recused herself from the matter.



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The Chair advised that the case was recommended for hold over to the September 6, 2007, meeting, but that if anyone wished to speak on the matter today to please come and do so at that time.

Steve Weller, property owner adjacent to the north of the proposed subdivision. After he expressed being in favor of the development, he told the Commission that he would like to make a recommendation regarding road development in the area. He recommended that Long Street is a north-south road that, if extended, could go all the way through to Bit & Spur, which would create great access in the area, as well as definitely help with traffic flow. He added that it require putting a culvert over the creek located in the area and extending Long Street a few hundred yards, but it would provide another arthery to ease the intersection at University Boulevard.

The Chair thanked Mr. Weller for his information and advised it would be placed on record.

Hearing no further discussion, Mr. Plauche moved to hold the case over until the September 6, 2007, meeting, for the following reasons:

- 1) revision of the plat to relocate the primary frontage of proposed Lot 5 in order to reduce turning movement conflicts in the center turn lane of University Boulevard, if warranted by the Traffic Impact Study requested by Traffic Engineering;**
- 2) revision of the plat to provide a second point of frontage onto University Boulevard for the proposed Lot 5; and,**
- 3) revision of the plat to minimize the number of curb-cuts for the overall site, so that proposed Lots 1 – 4 potentially are accessed via the entry drives associated with Lot 5, rather than directly onto University Boulevard.**

The motion was seconded by Mr. Vallas and carried unanimously.

**Case #ZON2007-01868 (Planned Unit Development)**  
**University Crossing Subdivision**

West side of South University Boulevard, ¼ mile ± South of Old Shell Road, extending to the North termini of General Bullard Avenue and Westfield Avenue, and extending to the East side of Long Street, 900'± South of Old Shell Road.

Planned Unit Development Approval for multiple buildings on a single building site. (Also see **Case #SUB2007-00182 (Subdivision) University Crossing Subdivision**, above, and **Case #ZON2007-01867 (Rezoning) Sierra Development**, below)

After discussion, Mr. Plauche moved to hold the case over until the September 6, 2007, meeting, with revisions and additional information due by August 14<sup>t</sup> for the following reasons:

- 1) provision of a Traffic Impact Study (TIS), per the request**

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- of Traffic Engineering;**  
**2) revision of the site plan to relocate the entrance of the proposed apartment complex development in order to reduce turning movement conflicts in the center turn lane of University Boulevard, if warranted by TIS;**  
**3) revision of the site plan to provide a second point of ingress/egress for the proposed apartment complex; and,**  
**4) revision of the site plan to minimize the number of curb-cuts for the overall site, so that proposed Lots 1 – 4 potentially are accessed via the entry drives associated with the apartment complex development, rather than directly onto University Boulevard.**

The motion was seconded by Mr. Vallas and carried unanimously.

**Case #ZON2007-01867 (Rezoning)**

**Sierra Development**

West side of South University Boulevard, 750'± South of Old Shell Road, extending to the North termini of Barbara Mitchell Drive East, General Bullard Avenue, and Westfield Avenue, and extending to the East side of Long Street, 900'± South of Old Shell Road. Rezoning from B-1, Buffer Business District, B-2, Neighborhood Business District, and B-3, Community Business District, to B-1, Buffer Business District and B-3, Community Business District, to eliminate split zoning in a commercial subdivision and to allow an apartment complex, and unspecified commercial use.

(Also see **Case #SUB2007-00182 (Subdivision) University Crossing Subdivision**, and **Case #ZON2007-01868 (Planned Unit Development) University Crossing Subdivision**, above)

After discussion, Mr. Plauche moved to hold the case over until the September 6, 2007, for the following reason:

- 1) so that concerns regarding the Planned Unit Development and Subdivision can be addressed.**

The motion was seconded by Mr. Vallas and carried unanimously.

**Case #SUB2007-00184 (Subdivision)**

**Resubdivision of Lot 1, Pesnell Subdivision**

2260 Pesnell Court

(Northwest corner of Pesnell Court and Cottage Hill Road).

1 Lot / 6.0± Acres

(Also see **Case #ZON2007-01870 (Planned Unit Development)**

**Resubdivision of Lot 1, Pesnell Subdivision**, below)

The Chair stated the applicant was agreeable with the recommendations and asked if there were those who wished to speak on the matter to do so at this time.

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Hearing no discussion, Mr. Watkins moved to approve the above referenced subdivision, subject to the following condition:

- 1) that the front setback be adjusted on the Final Plat allowing an 18-foot minimum building setback along Pesnell Court only where the two existing structures are located and 25-foot minimum building setback along the remaining frontage.**

The motion was seconded by Mr. Vallas and carried unanimously.

**Case #ZON2007-01870 (Planned Unit Development)**  
**Resubdivision of Lot 1, Pesnell Subdivision**

2260 Pesnell Court

(Northwest corner of Pesnell Court and Cottage Hill Road).

Planned Unit Development Approval to allow multiple buildings on a single building site and a reduced front-yard setback.

(Also see **Case #SUB2007-00184 (Subdivision) Resubdivision of Lot 1, Pesnell Subdivision**, above)

After discussion, Mr. Watkins moved to approve the above referenced subdivision, subject to the following condition:

- 1) full compliance with all municipal codes and ordinances.**

The motion was seconded by Mr. Vallas and carried unanimously.

**Case #ZON2007-01769 (Planned Unit Development – Holdover)**  
**Paul Persons**

4474 Halls Mill Road

(North side of Halls Mill Road, 1825' ± West of Riviere Du Chien Road).

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

(Also see **Case #ZON2007-01875 (Rezoning) Paul Persons**, below)

Frank Dagley spoke on behalf of the applicant saying that they had come before the Commission a couple of times about this particular property. This time they have come before the Commission for a PUD to build additional buildings on the back of the property on the side toward the 20 foot buffer, which is on the west side. The issue is with the 20 foot buffer, which seems somewhat of an arbitrary decision, as the typical requirement between residential and commercial is 10 feet. He said that with the property being 800 feet long, they had given up some 8000 square feet of developable property. Ultimately, Mr. Dagley asked if it would be possible, rather than deny the applications as recommended by staff, that they be approved contingent upon the City Council's approval of the reduction of the set back from 20 to 10 feet.

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The Chair asked if the staff was acceptable to this.

Mr. Olsen responded yes, and offered the following conditions:

- 1) full compliance with all municipal codes and ordinances;
- 2) the PUD subject to revision of the site plan to depict any existing or proposed dumpster facilities associated with the development;
- 3) revision of the site plan to show generally the storm water detention area, if required;
- 4) placement of a not on the site plan regarding lighting facilities used to illuminate signs, parking areas or for other purposes shall be arranged so that the light source does not shine directly on to or into the adjacent residential properties or into traffic and lighting shall be provided for parking areas containing more than 10 cars and shall be maintained during their operation;
- 5) provision of a revised PUD site plan to the Planning section of Urban Development prior to the obtaining of permits for site developments;
- 6) completion of the rezoning process to remove the buffer condition; and,
- 7) full compliance with all municipal codes and ordinances.

Buddy Persons, co-owner and developer of the property, spoke asking that the 20 feet buffer be reduced to 10 feet as it severely effects the building they are trying to put in place there.

Hearing no further pertinent discussion, Mr. Watkins moved to approve the above referenced planned unit development with the following conditions:

- 1) revision of the site plan to depict any existing or proposed dumpster facilities associated with the development;**
- 2) revision of the site plan to show, generally, the storm water detention area, if required;**
- 3) placement of the following note on the site plan:**  
*“Lighting facilities used to illuminate signs, parking areas, or for other purposes shall be so arranged that the source of light does not shine directly into adjacent residence properties or into traffic. Lighting shall be provided for parking areas containing more than 10 cars, and shall be maintained during their operation.”;*
- 4) provision of a revised PUD site plan to the Planning Section of Urban Development prior to the obtaining of any permits for site development;**

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- 5) **completion of the rezoning process; and,**
- 6) **full compliance with all municipal codes and ordinances**

The motion was seconded by Mr. Turner and carried unanimously.

**Case #ZON2007-01875 (Rezoning)**

**Paul Persons**

4474 Halls Mill Road

(North side of Halls Mill Road, 4/10 mile± West of the North terminus of Riviere du Chien Road).

Rezoning from B-3, Community Business District, to B-3, Community Business District, to amend certain conditions.

(Also see **Case #ZON2007-01769 (Planned Unit Development – Holdover)**

**Paul Persons**, above)

After discussion, Mr. Watkins moved to approve the above referenced rezoning with the following condition:

- 1) Full compliance with all municipal codes and ordinances.**

The motion was seconded by Mr. Turner and carried unanimously.

**OTHER BUSINESS:**

Mr. Olsen brought before the Commission a vacation request for right-of-way in the county for a triangular piece of property/right-of-way located along Dawes Road, which currently has in excess of 50 feet from the center line.

Mr. Plauche moved to recommend the vacation of said right-of-way, which was seconded by Mr. DeMouy. The motion carried unanimously.

There being no further business, the meeting was adjourned in regular form.

**APPROVED:** August 7, 2008

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Bill DeMouy, Secretary

\_\_\_\_\_  
Terry Plauche, Chairman

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