

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF AUGUST 16, 2007 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William DeMouy
Nicholas Holmes, III
Mead Miller
Roosevelt Turner
John Vallas
James Watkins, III

Members Absent

Clinton Johnson
Victoria L. Rivizzigno, Secretary

Urban Development Staff Present

Richard L. Olsen
Deputy Director of Planning
Frank Palombo, Planner I
David Daughenbaugh, Urban Forestry
Coordinator
Tiffany Green, Secretary I

Others Present

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

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.

HOLDOVERS:

Case #SUB2007-00090 (Subdivision)

WMSHC Subdivision

227 Hillcrest Road

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

1 Lot / 1.6± Acres

(Also see **Case #ZON2007-01164 (Planned Unit Development)**)

Weinacker's Montessori School, Inc., and, **Case #ZON2007-01165 (Planning Approval) Weinacker's Montessori School, Inc.**, below)

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

Hearing no discussion on the matter, Mr Watkins moved to approve the above referenced subdivision subject to the following conditions:

- 1) provision of revised Planning Approval and Planned**

- Unit Development site plans to the Planning Section of Urban Development prior to the signing of the final plat;**
- 2) placement of a note on the site plan stating that the site is limited to the existing curb-cut onto Hillcrest Road, and denied access to the unopened public right-of-way on the Eastern boundary of the lot, with the size, design and location of the curb-cut to be approved by Traffic Engineering and in compliance with AASHTO standards;**
 - 3) labeling of the lot with its size in square feet; and,**
 - 4) compliance with revised Engineering comments (Show minimum finished floor elevation. Label flood zone/floodway. Check the need for 100-year detention with 10-year release with the City Engineer. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit).**

The motion was seconded by Mr. Davis and it carried unanimously.

Case #ZON2007-01164 (Planned Unit Development)

Weinacker's Montessori School, Inc.

227 Hillcrest Road

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

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

(Also see Case #SUB2007-00090 (Subdivision) **WMSHC Subdivision**, above, and, Case #ZON2007-01165 (Planning Approval) **Weinacker's Montessori School, Inc.**, below)

Hearing no discussion on the matter, Mr Watkins moved to approve the above referenced Planned Unit Development subject to the following conditions:

- 1) revision of the site plan to depict a dumpster or waste storage facilities, in compliance with Section 64-4.D.9. of the Zoning Ordinance;**
- 2) revision of the site plan to depict any required storm water detention facilities;**
- 3) compliance with revised Engineering comments (Show minimum finished floor elevation. Label flood zone/floodway. Check the need for 100-year detention with 10-year release with the City Engineer. It is**

the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit.);

- 4) placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development approval prior to the issuance of any permits;
- 5) revision of the site plan to clearly depict a fence or protection buffer strip along the North, East and South perimeters of the site, in accordance with Section 64-4.D.1. of the Zoning Ordinance;
- 6) placement of a note on the site plan stating that the parking area will be illuminated in accordance with the requirements of Section 64-6.A.3.c. of the Zoning Ordinance, if the parking area is used at night;
- 7) placement of a note on the site plan stating that the site is limited to the existing curb-cut onto Hillcrest Road, and denied access to the unopened public right-of-way on the Eastern boundary of the lot, with the size, design and location of the curb-cut to be approved by Traffic Engineering and in compliance with AASHTO standards;
- 8) provision of a revised Planned Unit Development site plan to the Planning Section of Urban Development prior to the signing of the final plat;
- 9) completion of the Subdivision process; and,
- 10) full compliance with all municipal codes and ordinances.

The motion was seconded by Mr. Davis and it carried unanimously.

Case #ZON2007-01165 (Planning Approval)

Weinacker's Montessori School, Inc.

227 Hillcrest Road

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

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

(Also see Case #SUB2007-00090 (Subdivision) **WMSHC Subdivision**, and, Case #ZON2007-01164 (Planned Unit Development) **Weinacker's Montessori School, Inc.**, above)

Hearing no discussion on the matter, Mr Watkins moved to approve the above referenced Planned Unit Development subject to the following conditions:

- 1) revision of the site plan to depict a dumpster or waste storage facilities, in compliance with Section 64-4.D.9. of the Zoning Ordinance;**
- 2) revision of the site plan to depict any required storm water detention facilities;**
- 3) compliance with revised Engineering comments (Show minimum finished floor elevation. Label flood zone/floodway. Check the need for 100-year detention with 10-year release with the City Engineer. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit.);**
- 4) placement of a note on the site plan stating that changes to the scope of operations for Weinacker's Montessori School will require a new application for Planning Approval;**
- 5) placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development approval prior to the issuance of any permits;**
- 6) revision of the site plan to clearly depict a fence or protection buffer strip along the North, East and South perimeters of the site, in accordance with Section 64-4.D.1. of the Zoning Ordinance;**
- 7) placement of a note on the site plan stating that the parking area will be illuminated in accordance with the requirements of Section 64-6.A.3.c. of the Zoning Ordinance, if the parking area is used at night;**
- 8) placement of a note on the site plan stating that the site is limited to the existing curb-cut onto Hillcrest Road, and denied access to the unopened public right-of-way on the Eastern boundary of the lot, with the size, design and location of the curb-cut to be approved by Traffic Engineering**

and in compliance with AASHTO standards;
9) provision of a revised Planning Approval site plan to the Planning Section of Urban Development prior to the signing of the final plat;
10) completion of the Subdivision process; and,
11) full compliance with all municipal codes and ordinances.

The motion was seconded by Mr. Davis and it carried unanimously.

Case #SUB2007-00130 (Subdivision)

St. Dominic Church Subdivision

4068, 4156, & 4160 Burma Road and 1168 Santa Maria Court
(North side of Burma Road, between Santa Maria Court and St. Dominic Place).

1 Lot / 12.0± Acres

(Also see **Case #ZON2007-01487 (Planning Approval) St. Dominic Church**, below)

Don Coleman, Rester and Coleman, asked the Commission to hold the case over until the September 20, 2007, meeting.

Hearing no further discussion, Mr. Plauche moved to hold the case over until the September 20, 2007, meeting. Mr. DeMouy seconded the motion which carried unanimously.

Case #ZON2007-01487 (Planning Approval)

St. Dominic Church

4068, 4156, & 4160 Burma Road and 1168 Santa Maria Court
(North side of Burma Road, between Santa Maria Court and St. Dominic Place).

(Also see **Case #SUB2007-00130 (Subdivision) St. Dominic Church Subdivision**, above)

After discussion, Mr. Plauche moved to hold the case over until the September 20, 2007, meeting. Mr. DeMouy seconded the motion which carried unanimously.

Case #SUB2007-00168

Alabama West Subdivision, Unit Three

South side of McVay Drive, 1300'± East of Halls Mill Road.

1 Lot / 1.7± Acres

Shane Sawyer, Goodwyn, Mills and Cawood Engineers, said he believed that this had been withdrawn by the applicant, however, not knowing for sure, he asked that it be heldover to the September 6, 2007, meeting.

Hearing no further discussion, Mr. Plauche moved to hold over the above referenced subdivision until the September 6, 2007, meeting. This was seconded by Mr. DeMouy and it carried unanimously.

Case #SUB2007-00167

Bolivia Place Subdivision, Unit One

4716 & 5800 Andrews Road, and 4675 General Road
(Northeast corner of Andrews Road and General Road).
4 Lots / 1.3± Acres

As no one was present to speak on the matter, Mr. Watkins moved to deny the application based upon the staff's recommendations of the following:

- 1) the development does not comply with Section V.D.3. of the Subdivision Regulations; and,**
- 2) the development does not comply with Section V.D.1. of the Subdivision Regulations.**

Mr. Davis seconded the motion and it carried unanimously.

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

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. Miller moved to approve the above referenced subdivision, subject to the following conditions:

- 1) revision of the plat to show dedication sufficient to provide 50-feet, as measured from the centerline of Three Notch Road;**
- 2) depiction of the 25-foot minimum building setback line from the dedicated right-of-way and from the street-stub associated with the Prospect Heights Subdivision, Unit Two;**
- 3) placement of a note on the plat stating that each lot is limited to two curb-cuts each onto Three Notch Road, and that Lot 2 is denied access to the street-stub to the East, with the size, design and location to be approved by Mobile County Engineering Department;**
- 4) placement of a note on the 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 ordi-**

nances, 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; and,
5) compliance with the regulations, and 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. Watkins seconded the motion and it carried unanimously.

Case #SUB2007-00175

Riverwood Estates Subdivision, Phase One B

East termini of Riverwood Landing and Riverwood Court.

3 Lots / 0.84± Acre

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. Miller moved to approve the above referenced subdivision, subject to the following conditions:

- 1) placement of a note on the plat stating that each lot limited to one curb-cut, with the size, design and location to be approved by Mobile County Engineering Department;
- 2) placement of a note on the 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.; and,
- 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.

Mr. Watkins seconded the motion and it carried unanimously.

Case #SUB2007-00181

Rangeline Business Park Subdivision

East terminus of Abigail Drive (to be constructed).

20 Lots / 21.2± 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. Mead moved to waive Section V.B.6., contingent upon compliance with requirements of Mobile Fire-Rescue, and approve the above referenced subdivision, subject to the following conditions:

- 1) revision of the plat to reflect any requirements of the City of Mobile Fire-Rescue Department regarding the design of Abigail Drive;**
- 2) construction of Abigail Drive to Mobile County standards, and dedication of the road to Mobile County;**
- 3) 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;**
- 4) 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;**
- 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 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;**
- 6) revision of the plat to depict and label common area detention facilities, if required, and the provision of a note stating that the maintenance of said facilities is the responsibility of the property owners;**
- 7) approval of federal, state and local agencies, as necessary due to wetlands, prior to the issuance of any permits; and,**
- 8) 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. Watkins seconded the motion and it 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 that the above referenced subdivision was recommended for hold over, however, if anyone wished to speak on the matter today please come forward and do so at this time.

Hearing no discussion, Mr. Plauche moved to hold the above referenced matter over until the September 20, 2007, meeting for the following reasons:

- 1) the labeling of all common areas, including detention areas, and the placement of a note on the plat stating that the maintenance of all common areas and detention areas is the responsibility of the property owners;**
- 2) provision of evidence of a drainage access easement to the detention area being available through another unit of Timberlane, or provision and depiction of such an access easement as part of this subdivision;**
- 3) Compliance with revised Engineering comments (Need release agreement to tie to adjacent property owner. 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.);**
- 4) placement of a note on the plat stating that each lot is limited to one curb-cut each, with the size, design and location to be approved by Traffic Engineering and to comply with AASHTO standards; and,**
- 5) certification that cul-de-sac length and design meet the minimum requirements of the 2003 International Fire Code, as adopted by the City of Mobile.**

Mr. DeMouy seconded the motion and the matter carried unanimously.

EXTENSIONS:

Case #SUB2006-00130 (Subdivision)

Hawthorn Suites Golf Resort Subdivision

North side of Magnolia Grove Parkway, 400'± West of legends Row.

2 Lots / 10.0± Acres

Hearing no discussion, Mr. Plauche moved to **approve the extension** on the above referenced subdivision. This was seconded by Mr. Watkins and the matter carried unanimously.

Case #ZON2006-01356 (Planned Unit Development)

Hawthorn Suites Golf Resort Subdivision

North side of Magnolia Grove Parkway, 400'± West of legends Row.

Planned Unit Development Approval to allow multiple buildings on multiple building sites and shared parking between sites.

Hearing no discussion, Mr. Plauche moved to **approve the extension** on the above referenced Planned Unit Development. This was seconded by Mr. Watkins and the matter carried unanimously.

Case #SUB2006-00184 (Subdivision)

Maddox Place Subdivision

West side of McFarland Road, 290'± South of Hamilton Creek Drive.

71 Lots / 20.0± Acres

Hearing no discussion, Mr. Plauche moved to **approve the extension** on the above referenced subdivision, **but the applicant is advised that, unless road construction is underway or units are recorded, no further extensions are likely.** This was seconded by Mr. Watkins and the matter carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2007-00187

Eschol Place Subdivision

East side of Park Avenue South, 295'± South of Airport Boulevard.

1 Lot / 0.5± Acre

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. Miller moved to approve the above referenced subdivision, subject to the following conditions:

- 1) depiction of the 25' minimum building setback line along Park Avenue South;**
- 2) placement of a note on the final plat stating that the subdivision is limited to one curb cut to**

Park Avenue South, with the size, location, and design to be approved by the Mobile County Engineering Department;

3) the labeling of each lot to indicate its size in square feet, or provision of a table on the plat with the same information;

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

5) 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.

Mr. Holmes seconded the motion which carried unanimously.

Case #SUB2007-00198

Cody Grelot Subdivision, Revision to Lot 2

Northeast corner of Cody Road South and Grelot Road.

1 Lot / 1.1± Acres

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

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

- 1) placement of a note on the final plat stating that the lot is limited to one curb-cut to Grelot Road and one curb-cut to Cody Road, with the size, design and location to be approved by Traffic Engineering, and conform to AASHTO standards; and,**
- 2) labeling of the lot with its size in square feet, or placement of a table on the plat with the same information.**

Mr. Holmes seconded the motion which carried unanimously.

Case #SUB2007-00199

Country Club Court Subdivision, Resubdivision of Lot 2

North side of Country Club Court at its East terminus.

1 Lot / 0.3± Acre

The Chair advised that the above referenced subdivision was recommended for hold over until the September 20, 2007, meeting, however, if anyone wished to speak on the matter today please do so at this time.

Don Williams of Williams Engineering asked if the case could be held over to the September 6, 2007, meeting as the staff only had one of the three issues involved to review. Mr. Williams was reminded by both Mr. Olsen and Mr. Plauche that even though two of the three items of concern would be addressed by the City's Engineering Department, the report was written by the Planning staff. For this reason and because of the number of cases currently before the staff for review, they stated the September 20, 2007, meeting was best.

Paul Clinton, 3902 Ashley Drive South, spoke as owner of the lot adjacent to lot 17 and expressed his agreement with the staff's recommendations.

Hearing no further discussion, Mr. Plauche moved, with Mr. Holmes' second, to hold the case over until the September 20, 2007, meeting, **to allow the applicant to address the following:**

- 1) documentation of authorization to file the application;**
- 2) documentation that the reduction in the common area would not impact the performance of the detention facilities; and,**
- 3) depiction of the detention basin structure on the plat.**

The motion carried unanimously.

Case #SUB2007-00190

Ashford Acres Subdivision, Resubdivision of Lot 6

West side of Ashford Road North, 400'± North of Zeigler Boulevard.

2 Lots / 1.0± Acre

Charles Andrews, 770 Ashford Road, brought a petition against the subdivision to the Commission.

Hearing no further discussion on the matter, Mr. Holmes moved to deny the application, and **recommended that Section V.D.3. NOT be waived due to the uncharacteristic nature of the proposed lots with respect to other lots in the subdivision, and the plat be denied for the following reason:**

- 1) the plat does not comply with Section V.D.3. of the**

Subdivision Regulations.

Mr. Davitt seconded the motion which carried unanimously.

Case #SUB2007-00192

Myers Homeplace Subdivision

3600 Wulff Road East

(East side of Wulff Road East, 200' ± South of Northfield Road North)

2 Lots / 1.3± 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. Miller moved, with Mr. DeMouy's second, to approve the above referenced subdivision, subject to the following conditions:

- 1) dedication of right-of-way sufficient to provide a minimum of 50-feet, as measured from the centerline of Wulff Road;**
- 2) placement of a note on the final plat stating that each lot is limited to one curb-cut each, with the size, design and location of all curb-cuts to be approved by Mobile County Engineering;**
- 3) depiction of the 25-foot minimum building setback line;**
- 4) 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;**
- 5) placement of a note on the 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.; and,**
- 6) placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.**

The motion carried unanimously.

Case #SUB2007-00196

Law Subdivision

Planning Commission Minutes
August 16, 2007

Northwest corner of Byrnes Boulevard and Jordan Lane.
2 Lots / 0.4± Acre

Jonathan Law of the law firm Daniel, Upton, Perry and Morris spoke on behalf of the applicant, Joseph Law and McFerrin-Law Realty Group. He made the following points in opposition to the recommendation for denial:

- 1) after pulling case law, specifically “Smith v. City of Mobile”, if the denial was adopted, it would be overturned on appeal;
- 2) based on Engineering comments, both of the proposed lots meet the minimum size and dimensional requirements of the subdivision regulations; and,
- 3) to disapprove the subdivision exceeded the authority vested in the Planning Commission.

Mr. Lawler responded to Mr. Law’s comments by saying that the cases quoted were different in so much that the staff’s denial was based upon a specific regulation in the subdivision regulations.

Frank Milstead, 4250 Jordan Lane, spoke in opposition to the proposed subdivision saying that the lots in the area were large and that this subdivision would create two lots that were uncharacteristically smaller than those nearby. He also expressed concern regarding the type, style, and size of houses built on those subdivided lots, should it be approved.

Mr. Law responded by stating that any homes built would conform with any minimum square footage requirements.

In deliberation, Mr. Lawler addressed the Commission regarding points that had been brought up by Mr. Law. He said that the Commission was responsible for finding and providing facts that the subdivision of property was out of character and that any decision along those lines that proved not to be substantive risked being overturned by a higher court.

Mr. Watkins asked who was responsible for the burden of proof that the proposed subdivision would have a negative impact.

Mr. Lawler advised it would be up to the opposition to prove such.

Mr. Olsen gave the Commission additional details regarding why the staff recommended the subdivision for denial by stating the following:

- 1) the original lot 5 was subdivided a couple of years prior;
- 2) subdivision at this time would mean a second subdivision of the original lot;
- 3) the approval granted in 2004 limited the lot in question, due

- to its corner location to one curb cut;
- 4) the additional curb cut necessary because of the subdivision would create additional issues in the area.

Mr. Olsen then suggested that it might be an issue the Commission would want to hold over until the September 6, 2007, meeting. Mr. Lawler commented that would be an option.

Mr. Miller stated that base upon the information before the Commission currently, that he was not comfortable approving the application and moved to hold the matter over until the September 6, 2007, meeting to allow the staff additional time to review the application in light of the comments made by the applicant's representative. Mr. Holmes seconded the motion and it carried unanimously.

Case #SUB2007-00202

New Home Subdivision

North side of Hayfield Road, 175'± West of Old Pascagoula Road.

2 Lots / 3.5± Acres

Joe Riggins, Baskerville-Donovan, spoke for the applicant, saying they were in agreement with the recommendations with the exception of requiring a fence, as the property is being subdivided for residential use, not commercial.

In deliberation, Mr. Watkins asked why the fence stipulation had been included.

Mr. Olsen advised it was based in part on photographs provided to the staff, however, it has also come to light that the property is part of an on-going family dispute.

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

- 1) placement of a note on the final plat stating that each lot is limited to one curb cut to Hayfield Road, with the size, location, and design to be approved by the Mobile County Engineering Department;**
- 2) depiction of the 25' minimum building setback line along Hayfield Road; 3) revision of the plat to label each lot with its size in square feet, or provision of a table on the plat depicting the same information;**
- 4) placement of a note on the Final Plat stating that 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,**
- 5) placement of a note on the Final Plat stating that development will be designed to comply with the storm**

water detention and drainage facilities 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 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.

The motion was seconded by Mr. Miller and it carried unanimously.

Case #SUB2007-00191

Red Eye Investments Subdivision

Northeast corner of Rangeline Road and Laurendine Road.

3 Lots / 77.0± Acres

Linda Burkett, owner of Marshall McLeod Professional Land Surveyors, 3169 Midtown Park South, spoke on behalf of the applicant. She stated they were in agreement with the recommendations, however, she was concerned with the verbage in condition number 4 as the proposed subdivision was in the county where there are no zoning requirements.

Mr. Olsen stated the staff had been including that verbage for the past three months as the state code requires the higher standard of the subdivision regulations be applied when it is within the planning jurisdiction.

She also expressed concern regarding requirements regarding road construction being noted on the final plat as this is all future development.

Mr. Olsen stated that as it is future development, the staff would have no problem changing the wording to be “prior to the issuance of any permits” as opposed to “prior to the signing of the final plat.”

Hearing no further discussion, Mr. Watkins moved to approve the above referenced subdivision, amending the conditions as follows:

- 1) the placement of a note on the Final Plat stating that the development be limited to three curb cuts to Rangeline Road and three curb cuts to Laurendine Road, with the location, size and design to be approved by County Engineering and ALDOT;**
- 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) the placement of a note on the Final Plat stating that the developer must connect to the service road(s)**

- when constructed and eliminate direct access to Rangeline Road and Laurendine Road;
- 4) *placement of a note on the 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;*
 - 5) **revision of the plat to depict and label common area detention facilities, if required; and,**
 - 6) **the provision of a 20-foot undisturbed buffer zone along the East property line.**

Mr. Holmes seconded the motion which carried unanimously.

Case #SUB2007-00201

Hidden Pines Subdivision, Unit Five

East termini of Black Spruce Court and White Cedar Court.

7 Lots / 2.0± 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.

Martha Bell, 6185 White Cedar Court, spoke up asking how many houses would be built on the seven lots. She also wanted to know if they would be the same type as are currently in the Hidden Pines subdivision.

Mr. Olsen advised that the assumption was there would be one house built per lot creating seven new homes. He also advised that the Planning Commission has no jurisdiction over restrictive covenants or size of houses built within a subdivision. He stated that the Planning Commission has the power only to ensure the subdivision comply with the minimum regulations as stated in the State and local codes.

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

- 1) **the labeling of all common areas, including storm water detention areas, and the placement of a note on the final plat stating that maintenance of common areas shall be the responsibility of the property owners, as depicted;**
- 2) **the labeling of each lot with its size in square feet, as**

- depicted, or provision of a table on the plat depicting the same information;
- 3) placement of a note on the plat stating that each lot is limited to one curb-cut each, with the size, design and location to be approved by the Mobile County Engineering Department;
 - 4) placement of a note on the 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;
 - 5) approval of federal, state and local agencies, as necessary due to wetlands and floodplains, prior to the issuance of any permits; 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. Watkins seconded the motion which carried unanimously.

Case #SUB2007-00193
Pecan Pointe Subdivision, Part B

South side of Howells Ferry Road, 4/10 mile± West of Raymond Tanner Road.
9 Lots / 3.9± Acres

Gina Chappelle with the law firm of Pierce Ledyard spoke for the applicant saying they were in agreement with all of the conditions except condition number 4, which they understood would be deleted.

Mr. Olsen advised the Commission that condition number 4 made reference to the radius at Howell's Ferry Road and that the plat was being revised from the previous approval to provide a cul-de-sac. Since there is no access to Howell's Ferry Road that condition is unnecessary.

Larry McSween, the property owner adjacent to the west spoke. He said that he and his wife had been before the Commission before with regards to this subdivision. He added they were in negotiations with the developers as to whether or not they were going to construct a privacy fence between the development and the McSween property. He added they were also negotiating with them regarding a sight easement across the front of their property because the location of the road. He also expressed concern regarding the detention pond, as currently none is shown on the plat. The only one he knew about was

located at the very south end of the property and channels all of the water from the subdivision which causes his property to flood. He stated he couldn't determine who was responsible for the maintenance of the detention pond, as it is filled with weeds and there is no riprap as required.

Mr. Olsen advised him that he should first contact the property owners' association as they are responsible for maintenance of the detention facility.

Mr. Lawler said any other remedy would probably have to come from the courts, as he would need to file a private action suit if contacting the property owners' association brought him no relief.

In deliberation, Mr. Watkins asked if there was something the Planning Commission could do to help with the issue of flooding with regards to drainage requirements.

Mr. Miller concurred, stating the Commission made "promises" with regards to this, but with out much ability to back it up.

Mr. Watkins asked if this could be an issue to be discussed during a Planning Commission business meeting.

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

- 1) dedication of sufficient right-of-way to provide a minimum of 50' from centerline of Howell's Ferry Road;**
- 2) dedication and construction of new roads to meet County Engineering Standards;**
- 3) the placement of a note on the final plat stating that Lots 1 and 39 are denied direct access to Howell's Ferry Road;**
- 4) the revision of the "Required 10' Common Area easement for fence and landscaping" note;**
- 5) the placement of a note on the final plat stating that any property that is developed commercially and adjoins residentially developed property shall provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;**
- 6) provision of a certification letter from a licensed engineer to the Planning Section of Urban Development and the Mobile County Engineering Department, certifying that the storm water detention and drainage facilities comply with the City of Mobile storm water and flood control ordinances prior to the signing and recording of the final plat; and,**
- 7) the correction of the property description of the Final Plat.**

Mr. Watkins seconded the motion which carried unanimously.

Case #SUB2007-00194

The Pines of Todd Acres Subdivision

West side of Todd Acres Drive, 165'± North of Sulin Court, extending to the South terminus of Trinity Road.

10 Lots / 12.0± 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. Miller moved to approve the above referenced subdivision, subject to the following conditions:

- 1) dedication of right-of-way sufficient to provide 30-feet, as measured from the centerline of Todd Acres Drive;**
- 2) placement of a note on the final plat stating that Lots 1-9 are limited to one curb-cut each onto Todd Acres Drive, and that Lot "A" is limited to two curb-cuts onto Todd Acres Drive and one curb-cut onto Trinity Road, with the size, design and location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) revision and labeling of the 25-foot minimum setback line, to reflect the dedication requirements along Todd Acres Drive;**
- 4) depiction of the 25-foot minimum setback line from Trinity Road;**
- 5) 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;**
- 6) provision of evidence that all lots have a minimum of 7,200 square feet of buildable area, or that approval for wetlands mitigation has been obtained, prior to the signing of the final plat; and,**
- 7) approval of federal, state and local agencies, as necessary due to wetlands and floodplains, prior to the issuance of any permits.**

Mr. Holmes seconded the motion which carried unanimously.

Case #SUB2007-00188

Randall Commercial Park Subdivision

North side of Larue Steiner Road, 400'± West of U.S. Highway 90 West, extending to the West side of U.S. Highway 90 West, 695'± North of Larue Steiner Road.

20 Lots / 9.0± Acres

Vince LaCoste with PolySurvey spoke for the applicant asking for clarification on two of the recommendations, starting with condition number 7. Condition number 7 called for the construction of a temporary turn around. Mr. LaCoste said that the project was being build in one phase so he was not sure why this was required.

Mr. Olsen said that if the construction would take place in only one phase then condition number 7 would not be required.

Mr. LaCoste stated condition number 6, the dedication of a 25 feet radius was an issue only on the right side of the property line due to the major drainage culvert located under LaRue Steiner Road. To comply with that condition would require the re-location of this major drainage culvert and the applicant requested leniency from that requirement.

Mr. Olsen stated that he was not aware of the drainage culvert, however the requirement could be softened to the effect of “to be coordinated with county engineering”, so that if county engineering determined that it was not appropriate to shift the road to accommodate the dedication, then that dedication would only be required on one side.

Robert Thompson, 2136 Marchfield Drive, spoke as a property owner adjacent to both the east and west sides of the proposed subdivision. He stated he had reviewed the plat as submitted and was concerned regarding the potential for flooding created by the plans reflected on that plat.

The Chair advised Mr. Thompson that the City of Mobile now requires all subdivisions within the planning jurisdiction to the meet the City’s storm water detention standards.

Mr. Thompson took the opportunity to show the Commission low areas which are flood prone and added that dedication of another drainage easement should prove helpful. He also added that the area where the road would connect to LaRue Steiner is a low lying area, which again will create the potential for ponding on his property.

Mr. Olsen said that as there is road construction required, County Engineering would review how the road connects to LaRue Steiner Road. That in conjunction with the required certification should address drainage issues to the degree that they are addressed within the city limits of Mobile.

Hearing no further pertinent discussion, Mr. Miller moved to approve the above referenced subdivision with condition number 6 reflecting that the set back and dedication will be coordinated with county engineering and condition number 7 would be modified to show the turn around would not be needed unless the project was done in more than one phase, and subject to the following conditions:

- 1) dedication of right-of-way to provide 125’ from the centerline of U.S. Highway 90, as shown on the plat;**

- 2) correction of the dedication along U.S. Highway 90 to read “dedicated to Mobile County”, or “dedicated to the State of Alabama”;
- 3) depiction and labeling of the 25’ minimum building setback line along all street frontages, with the setback along U.S. Highway 90 measured from the dedication line;
- 4) the labeling of each lot to indicate its size in square feet, or provision of a table on the plat with the same information;
- 5) the construction and dedication of the new street to County Engineering standards;
- 6) dedication of 25’ radii at the intersections with U.S. Highway 90 and Larue Steiner Road, if required, to be coordinated with Mobile County Engineering;
- 7) the construction of a temporary turnaround at the North end of the new street, until the street connects to U.S. Highway 90, if the development is built in more than one phase;
- 8) the placement of a note on the final plat stating that Lots 1 and 20 are denied direct access to U.S. Highway 90;
- 9) the placement of a note on the final plat stating that maintenance of detention/common areas will be the responsibility of the property owners;
- 10) the placement of a note on the final plat stating that any lots that are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and,
- 11) the provision of a certification letter from a licensed engineer to the Planning Section of Urban Development, certifying that the storm water detention, drainage facilities, and release rate comply with the City of Mobile storm water and flood control ordinances, prior to the signing and recording of the final plat.

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

Case #SUB2007-00197

The Estates at Magnolia Grove Subdivision

South side of Magnolia Grove Parkway, 300’± West of Clear Pointe Court.
23 Lots / 21.2± 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. Watkins, moved to waive Sections V.D.3 and V.D.6 so the plat will meet the minimum requirements 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 direct

- access to Magnolia Grove Parkway is denied for Lots 1-6 and 23;
- 2) placement of a note on the final plat stating that each lot is limited to one curb-cut each, with the size, design and location to be approved by Traffic Engineering and conform with AASHTO standards;
- 3) revision of the plat to show and identify the setback line from all street right-of-ways;
- 4) the note on the preliminary plat stating that all commons area will be maintained by the property owners association remain on the Final Plat;
- 5) placement of a note on the final plat stating that standard Zoning Ordinance setback and site coverage requirements will be applicable to all lots; and,
- 6) approval of all applicable federal, state and local agencies prior to the issuance of any permits or land disturbance activities.

Mr. Miller seconded the motion which carried unanimously.

Case #SUB2007-00200

Woodside Subdivision, Unit Nine

West terminus of Woodside Drive North, extending South to the North side of Barnes Road, 800'± East of its West terminus.

52 Lots / 18.3± Acres

Don Rowe, Rowe Surveying, spoke on behalf of the applicant, stating they were agreeable with the recommendations with the exception of number 3, the provision of a street stub to the east, which is a dirt pit.

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

- 1) the construction to Mobile County standards and dedication of the new streets to Mobile County;
- 2) the provision of a public street connection to Barnes Road in the first phase of Unit Nine, prior to the recording of any other phase of Unit Nine, or any other future unit;
- 3) the depiction of the 25-foot minimum building setbacks, as required in Section V.D.9. of the Subdivision Regulations;
- 4) the labeling of all common areas, including storm water detention areas, and the placement of a note on the final plat stating that maintenance of common areas shall be the responsibility of the property owners;
- 5) provision of a certification letter from a licensed

engineer to the Planning Section of Urban Development, certifying that the storm water detention, drainage facilities, release rate comply with the City of Mobile storm water and flood control ordinances, prior to the signing and recording of the final plat for each phase;

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; 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.

GROUP APPLICATIONS:

**Case #SUB2007-00195 (Subdivision)
Gardens at Old Shell Road Subdivision**

Southeast corner of Old Shell Road and Shepards Lane.

1 Lot / 1.2± Acres

(Also see **Case #ZON2007-01974 (Planned Unit Development) Gardens at Old Shell Road Subdivision**, and **Case #ZON2007-01971 (Rezoning) T. G. Properties, LLC**, below)

Mr. Watkins recused himself on the matter.

Johnny Roberts stated that he represented the developers of this project. He stated he wanted to clear up some possible confusion with regards to the name. Originally, they had sent out correspondence with the project referred to as The Gardens at Old Shell, however, the name has been changed to the Madison. He also added that instead of a wooden privacy fence, they would be using a concrete and stucco wall.

Mr. Olsen asked if the applicant would be agreeable, since the type of wall had been changed, to the conditions reflecting the requirements for a concrete and stucco wall.

Mr. Roberts stated the applicant would agree to that.

Reggie Copeland, City Council president and representative for the area being developed, spoke in favor of the project.

Hearing no further discussion, Mr. Miller moved, with second by Mr. DeMouy, to approve the above referenced subdivision, subject to the following conditions:

- 1) placement of a note on the final plat stating that the lot is limited to one, one-way curb-cut onto Shepards Lane and one, one-way curb cut onto Old Shell Road, with the size, design**

- and location to be approved by Traffic Engineering, and in conformance with AASHTO standards; and,
2) revision of the plat to label the lot with its size in square feet.

The motion carried unanimously.

**Case #ZON2007-01974 (Planned Unit Development)
Gardens at Old Shell Road Subdivision**

Southeast corner of Old Shell Road and Shepards Lane.

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

(Also see Case #SUB2007-00195 (Subdivision) Gardens at Old Shell Road Subdivision, above, and Case #ZON2007-01971 (Rezoning) T. G. Properties, LLC, below)

After discussion, Mr. Miller moved, with second by Mr. DeMouy, to approve the above referenced subdivision, subject to the following conditions:

- 1) placement of a note on the site plan stating that PUD approval is site plan specific, and that any changes to the site plan, including the existing health center facility, will require a new application to the Planning Commission;
- 2) revision of the site plan to depict parking area buffering in compliance with Section 64-4.A.3.i. of the Zoning Ordinance, where the proposed parking lot abuts or is across the street from residential zoning districts;
- 3) revision of the site plan to place the requirements of Section 64-6.A.3.c., *Lighting*, as a note on the site plan: *“If parking areas contain ten (10) or more cars, lighting shall be provided and maintained during their operation, and shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic”*;
- 4) revision of the site plan to depict compliance with the tree and landscaping requirements of the Zoning Ordinance;
- 5) revision of the site plan to depict a storm water detention area for the proposed parking area, if required;
- 6) revision of the site plan for the proposed parking area to depict complete removal of any existing, unused curb cuts, and provision of appropriate landscaping for those areas; and,
- 7) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2007-01971 (Rezoning)

T. G. Properties, LLC

Southeast corner of Old Shell Road and Shepards Lane.

Rezoning from R-1, Single-Family Residential, to R-3, Multi-Family Residential, to allow a two-building, 14-unit residential condominium complex.

(Also see **Case #SUB2007-00195 (Subdivision) Gardens at Old Shell Road Subdivision**, and, **Case #ZON2007-01974 (Planned Unit Development) Gardens at Old Shell Road Subdivision**, above)

After discussion, Mr. Miller moved, with second by Mr. DeMouy, to approve the above referenced subdivision, amending condition number 1 to reflect a change to a stucco wall, subject to the following conditions:

- 1) the provision of an 8-foot high stucco wall; and,**
- 2) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2007-01973 (Planned Unit Development)

Stratford LLC

North side of Grelot Road, 160'± West of Chimney Top Drive West.

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

(Also see **Case #SUB2007-01845 (Rezoning) Stratford LLC**, below)

John Pickens with Engineering Development Services, asked on behalf of the applicant that the case be held over until the September 20, 2007, meeting.

Hearing no discussion, Mr. Plauche moved, with second by Mr. DeMouy, to hold the matter over, per the applicant's request, until the September 20, 2007, meeting.

The motion carried unanimously.

Case #SUB2007-01845 (Rezoning)

Stratford LLC

North side of Grelot Road, 160'± West of Chimney Top Drive West.

Rezoning from R-1, Single-Family Residential, to B-1, Buffer Business, to allow a two-building office complex.

(Also see **Case #ZON2007-01973 (Planned Unit Development) Stratford LLC**, above)

After hearing from the applicant, Mr. Plauche moved, with second by Mr. DeMouy, to hold the matter over, per the applicant's request, until the September 20, 2007, meeting.

The motion carried unanimously.

OTHER BUSINESS:

Mr. Olsen present the Commission with a request to vacate a portion of the right-of-way at the south end of Destinne Nicole Drive for use as a temporary turn-around.

Mr. Plauche moved to **vacate a portion of right-of-way for a temporary turn-around at the southern terminus of Destinne Nicole Drive.** The motion was seconded by Mr. DeMouy and carried unanimously.

Mr. Olsen advised the Commission of the proposed 2007-2008 Planning Commission deadline/meeting schedule.

Mr. Miller moved to adopt said schedule with second by Mr. DeMouy. The motion carried unanimously.

Mr. Hoffman advised the Commission that in the prior week, the Engineering Department had called a meeting of Planning, Traffic Engineering, and Mobile Fire and Rescue with regards to the 2003 International Fire Code that Mobile Fire and Rescue had adopted. This specifically relates to the design of subdivisions and how to place cul-de-sacs. Currently, the subdivision regulations require an 80 feet diameter pavement and a 100 feet right-of-way. The 2003 International Fire Code requires a 96 feet diameter pavement for cul-de-sacs where the street length is longer than 150 feet. Therefore, it is thought that this may require a 120 feet diameter right-of-way around the cul-de-sac. This would create a conflict in the wording of the current subdivision regulations.

Mr. Olsen stated that the Commission would now be receiving reports that included Fire comments that will state a requirement that is currently not part of the verbage currently in place. He also stated that it would probably also require an amendment to the subdivision regulations to bring them up to this minimum standard.

Hearing no further business, the Chair adjourned the meeting in regular fashion.

APPROVED: August 7, 2008

Bill de Mouy, Secretary

Terry Plauche, Chairman