

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF SEPTEMBER 21, 2006 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
Victoria L. Rivizzigno, Secretary
Ann Deakle
Bill DeMouy
Nicholas Holmes
Mead Miller
Roosevelt Turner
John Vallas

Members Absent

Clinton Johnson
James Watkins III

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Bert Hoffman, Planner II
David Daughenbaugh, Urban Forestry
Val Manuel, Secretary II

Others Present

John Lawyer, Assistant City Attorney
Jennifer White, Traffic Engineering
Beverly Terry, City 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 #SUB2006-00189 (Subdivision)

Stone Hedge Subdivision, Unit Five

South side of Berwick Court, 110'± West of Stone Hedge Drive, extending to the North terminus of Highwood Drive.

38 Lots / 24.2± Acres

Richard Rowan, one of the developers of the proposed subdivision, was present and stated that they took exception to the staff's recommendation for a street stub to the West, which would connect to Schillingers Road. Mr. Rowan said Jean Lankford was present representing the owner of that property, which would be developed in the future for commercial use. Today he was requesting approval of a 38-lot addition to a very upscale residential neighborhood, and asked that the street stub requirement to the property to the West be waived. Mr. Rowan also noted that the staff had recommended a street stub to Creekwood. He said that all of the neighbors in Creekwood, representing 79 homes, had

signed a petition in favor of the cul-de-sac they were proposing. One of their concerns was the through traffic that would be generated through their neighborhood if this proposed subdivision were required to connect to Creekwood, as the "future development" area fronted on Schillingers Road. Mr. Rowan said he had talked to Bill Metzger, the City Traffic Engineer, and was told that this site was located in the County, so they could not get involved in it. He advised them to talk to John Murphy, the Assistant County Engineer. Mr. Rowan said he talked to Mr. Murphy and was told that the County did not care if there was a stub street there or not, and that this was a Planning Commission decision. Since neither the City Traffic Division nor the County cared if there was a street stub to the West, Mr. Rowan asked that it be waived. He noted that there were a series of cul-de-sacs and no through streets to Creekwood, and no street stubs to the proposed commercial property to the West. He said the neighbors had observed that traffic really bottlenecked at Grelot and Schillingers, particularly in the mornings and afternoons with traffic from a school that was located East of Creekwood, and a stub street would be an invitation for all that traffic to flow through what they think is a real nice, upscale residential neighborhood. Mr. Rowan pointed out that when they developed Unit 4 of Stone Hedge, they requested there be no street stubs to Creekwood, and the Planning Commission agreed and did not require street stubs.

Mr. Rowan said if the Board had any questions, he would like to address them.

Ms. Deakle stated that Mr. Rowan's point was well taken about cut-through traffic into Schillingers Road. She asked what assurances the Commission had, however, that the future development parcel would be developed for commercial use. She said suppose the Commission waived the street stub to the West, and that parcel was later developed with an additional 38 residential lots. It would have to dump at that point onto Schillingers Road because there would be no other tie-in.

Mr. Rowan contended that the economics of it would preclude developing anything other than commercial at that location.

Mr. Plauche asked if there was anyone else present who wished to speak in this matter.

Mike Reed, a resident of 1710 Rockview Circle, stated that he was president of the Stone Hedge Property Owners Association, and many of the residents of Stone Hedge were also present in this matter. He submitted a petition containing 119 signatures, which basically stated their position in favor of section five of Stone Hedge as a cul-de-sac development. He said he had just learned today that there was potential for a connection to Schillingers Road, which they would also oppose. As stated by Mr. Rowan, Mr. Reed said the residents were concerned about the increased traffic flow and the rate of speed at which it would travel. He pointed out that there was a school directly between Charlanda and Creekwood which created a high volume of traffic in the neighborhood and presented a dangerous situation for the many children that resided in the neighborhood, and they felt a street stub as proposed would worsen the situation. Mr. Reed said they were also concerned from a security standpoint. He noted that there was a precedent in that the developers of Stone Hedge did not make them tie into Creekwood at the back, and

Savannah Trace, which had two street stubs to Pinehurst was not required to connect there. Mr. Reed said they were asking for the same consideration and would appreciate the Commission's favorable vote.

Grace DuBose, a resident of 7720 Howard Court, said she understood that there were gopher tortoises on the proposed Unit 5, and felt the developer should be required to remove them and not just plow over them. She said there was a fine of \$100,000 per turtle and three years in jail for maliciously harming those tortoises. Ms. DuBose was also concerned that they were planning a commercial development behind her residence.

Mr. Plauche asked Ms. DuBose to indicate on the plan where her residence was located on Howard Court, which she did. Mr. Plauche said that this proposed residential subdivision was to the East of her property.

Ms. DuBose said she understood they were requesting a stub street.

Mr. Plauche explained that one of the recommendations was to put a stub street into that undeveloped property.

Mr. Vallas felt Ms. DuBose was also concerned about the future development that was located in the County, and explained that the Commission had no jurisdiction over the use of that property. There was no zoning in the County, so it could be developed commercially if the developer so desired. Mr. Vallas said approval of this subdivision, however, would not give them the right to fill wetlands or move gopher tortoises. They would have to abide by all state and federal regulations.

Ms. DuBose also expressed concern about increased traffic, and said you could already travel from Cody Road to Schillinger Road through Creekwood. She was opposed to the proposed recommended street stub.

In deliberations session Mr. Vallas said he recommended deleting the requirements for the street stubs.

After discussion a motion was made by Mr. Vallas and seconded by Dr. Rivizzigno to approve the above referenced subdivision subject to the following conditions:

- 1) placement of a note on the plat stating that dedication of right-of-way sufficient to provide 50 feet, as measured from the centerline of Schillinger Road, will be required when the "future development" area is subdivided or developed;
- 2) labeling of all lots with size in square feet, or placement of a table on the plat containing the lot size information;
- 3) labeling of all common areas and detention areas if provided, and placement of a note on the final plat stating that maintenance of the common and detention areas is the responsibility of the subdivision's property owners;
- 4) depiction of the 25-foot minimum building setback line;

- 5) 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
- 6) revision of the legal description to include the entirety of the development site, including the future development area.

The motion carried unanimously.

Case #ZON2006-01136 (Planning Approval)
Over Flow Ministries, Inc. (Wilbert Hardy, Pastor)

1201 North Drive

(Southwest corner of North Drive and an unopened unnamed public right-of-way).

A request for Planning Approval to allow a church with child day care activities in an R-1, Single-Family Residential District was considered.

The plan site plan illustrates the existing building, proposed drive, parking, and landscaping.

Mr. Plauche stated that the applicant was present and concurred with the staff recommendation.

There was no one present in opposition.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Vallas to approve this plan subject to the following conditions:

- 1) improvements to and use of the site are limited to the revised site plan and floor plan as submitted;
- 2) any expansion of the use (such as an increase in the size of the congregation) or modification to the site, including the provision of additional parking, will require full compliance with the Zoning Ordinance, including parking that fully meets the standards within the Ordinance, and will require a new application for Planning Approval;
- 3) coordination with Urban Forestry to ensure compliance with the tree and landscaping requirements of the Zoning Ordinance; and
- 4) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2006-00180 (Subdivision)
Arcata Woods Subdivision

West terminus of Belmont Park Drive, extending to the South side of Ben Hamilton Road at the South terminus of Mose Circle (private street).

427 Lots / 229.3± Acres

Mr. Plauche stated that the applicant was present and concurred with the staff recommendation.

There was no one present in opposition.

After discussion a motion was made by Mr. Turner and seconded by Mr. Vallas to approve the above referenced subdivision subject to the recommendations of the staff.

In further discussion Mr. Miller noted that although no one had voiced any objection, this was a major development of 427 lots in the County and he felt the Commission needed to think about the City's standards on the drainage, as discussed earlier. He asked Mr. Lawler to comment.

Mr. Lawler stated that he sent another memorandum to the City Attorney requesting some guidance and assistance from the administration with regard to getting someone in a position to enforce those higher standards in the planning jurisdiction. He said he had not yet heard from anyone. Referring back to something Mr. Holmes asked earlier, however, he recalled that for as long as he could remember the Commission had enforced in the extra-territorial jurisdiction that part of the Subdivision Regulations that requires a buffer between residential property and commercial property. So they had enforced the higher standards there, in part. Mr. Lawler suggested that in this case, because this was such a large subdivision and drainage was a problem, the Commission add a condition requiring the higher standards regarding drainage. He said he had discussed this with Mr. Olsen, who had drafted the wording of a statement in this regard which he felt would work. He asked Mr. Olsen to read the proposed statement.

Mr. Olsen suggested wording a condition as follows: "Submission of certification by a licensed engineer that detention facilities are adequate to comply with City of Mobile's standards prior to signing of the final plat."

Ms. Deakle asked if an engineer would do that. She said she had heard that in the past that they were reluctant to do that.

Mr. Olsen said an engineer would be required to do that, and he was aware that they were reluctant to do so. He recalled that several years ago the Commission had a sub-committee that was looking into some type of drainage standard in the planning jurisdiction and that was one of the points of discussion, and there were one or two of the members of the engineering/surveying community that took issue with that.

Mr. Holmes commented that the Commission would be in violation of the law if they did not require the standards on all of it.

Mr. Olsen pointed out to the Commission that since this was now coming up during deliberation session and was not part of the public hearing session, it may be appropriate for the engineer, Mr. Coleman, who was still present, to be given the opportunity to speak regarding the addition of this condition at this time.

Mr. Lawler commented that people come before the Commission very often complaining mainly about drainage, and obviously some of them have legitimate complaints as evidenced by pictures they bring and what they tell the Commission. He did not feel it was too much to ask someone to develop their property in such a way that the runoff on their property does not damage the property of another.

Mr. Turner asked if it would be a problem if the staff put that in their recommendation.

Mr. Lawler said it would be no problem at all. He did not see it as an option to say whether or not the applicant wanted to do it. It was a requirement of the regulations, just like building a street to a certain standard was a form of regulation. You have got to comply with the required standard to get it approved.

Mr. Plauche asked if the same certification as mentioned applied to a subdivision built inside the City limits, and would they have to show calculations, etc.?

Ms. Terry, representing City Engineering, stated that the engineer has to provide a certification that it was built according to the approved plans. The City has a little bit more stringent inspection, in that they actually go out and look at them and confirm, and they actually have to provide certification that the detention was designed at this volume, and constructed at this volume. It was not just a letter now. It was a certification checklist, and then Engineering does the inspection.

Mr. Plauche asked if that certification was basically the same thing, even though it was being done in the County.

Ms. Terry said it would be worded very similar.

Mr. Miller related for those members who were not present at the last meeting, that the Commission had a lengthy discussion regarding applying the higher standards in the County, and approved a couple of very simple two-lot subdivisions which they did not see that drainage was a problem. But they had a lot of people sort of eloquently speaking about their drainage fears, and of course nobody did on this project. This was quite a large subdivision, however, and he felt this was something the Commission had to face. Mr. Miller said he understood they planned to discuss this in their upcoming business meeting, but he was very reluctant to approve something like this without establishing those City standards. For one thing, it was very possible that this development would be a part of our city in the future because it was so close to the city limits. Mr. Miller said he would be more comfortable if the motion was amended to include Mr. Olsen's statement.

Ms. Deakle said she had a problem with that, because this would be a serious amendment to the conditions of approval and the developer had obviously already left the meeting and would not have an opportunity to talk about his side of it, unless Mr. Coleman had authority to speak on his behalf.

In further discussion it was suggested that the application could be voted down and then the applicant could resubmit, or they could hold it over.

Mr. Vallas asked if it would be appropriate to ask Mr. Coleman if he was okay with holding it to the higher standard, and if not, then the Commission could hold it over.

Mr. Lawler said if the Commission held it over it would be past the 30-day limit and it would be automatically approved. He suggested that Mr. Coleman be allowed to speak to it now, or that the Commission deny it.

Mr. Olsen said Mr. Coleman could also request that it be held over to take this condition back to his client.

Mr. Coleman asked, specifically, what the condition was.

Mr. Olsen stated that the condition would read: "Submission of certification by a licensed engineer that detention facilities are adequate to comply with City of Mobile standards prior to signing the final plat".

Mr. Coleman said that the detention requirement of the City of Mobile was a 10-year stormwater detention, and that was what they do. It would be done like that.

Ms. Terry noted that the biggest difference is that in the City you cannot discharge onto an adjacent property owner without a hold harmless agreement if the stormwater is increased or concentrated. And if you are discharging into a city-maintained system, that is best. That is what Engineering wants. Ms. Terry said that quite often, the way the drainage patterns are, they have to discharge onto a private property. That is not allowed in the City unless they get a hold harmless agreement from the adjacent property owner to whom they are discharging to. She thought the volume and the release rate would be an easy fix.

Mr. Vallas noted that in the County you could do surface drainage. He asked if this proposed requirement would deny them the opportunity to do surface drainage?

Ms. Terry said if you were discharging to the surface, it was almost always concentrated because you take sheet flow that's flowing off an entire slope and you are putting it at a point discharge, and where it used to be all spread out, now it is a point discharge and it causes erosion problems.

Mr. Turner said the other problem they had was that the County had already said that they were not going to inspect this, so who would inspect it?

Mr. Olsen said that has been the issue over the years because the City has not had the jurisdiction to inspect in the County, and the County has said it is not their regulations, so they do not have the jurisdiction to review and inspect. So it has been a catch 22. Mr. Olsen said that was the reason several years ago that the staff suggested certification, and

why they brought it up again today. And yes, they were thinking of the not discharging to a greater amount or concentration in that City of Mobile standard.

Mr. Coleman pointed out that in this particular subdivision they had proposed three detention ponds, and their method of computing the detention on this subdivision was the same as it would be on a subdivision in the City.

Mr. Lawler said if that was the case, there would be no problem with requiring the higher standard. He said some other developers in other situations have also done this. It was the ones that were coming through that were not designing to the higher standards that were causing the problems.

Mr. Olsen wanted to be sure that between Mr. Coleman and Ms Terry that everything was covered, including the discussion about the volume and discharge. Again, the requirement would be: "Submission of certification by a licensed engineer that the detention facilities are adequate to comply with City of Mobile volume and discharge rate standards, prior to signing of the final plat." Asked if that covered it, Mr. Terry replied that in her opinion it does.

Mr. Olsen asked Mr. Coleman if he was comfortable with that wording. He replied that he was.

Mr. Turner therefore amended his motion, and Mr. Vallas his second, to approve the above referenced subdivision subject to the following conditions:

- 1) provision of street stubs to the land-locked parcel North of proposed lots 20-21 and 26-27 in Phase Four, and the land-locked parcel South of Phase Six, in compliance with Section V.B.1. of the Subdivision Regulations;
- 2) identification of all portions of the site to fully account for all acreage and the manner of site development, specifically the land near proposed lots 7, 187-190, and 390;
- 3) depiction of any existing drainage easements associated with previous subdivisions (Lot 1, Duncan Subdivision);
- 4) identification of the size of all lots in square feet, either via a table on the plat, or by the labeling of each lot, to ensure that each lot meets the minimum lot size identified in Section V.D.2. of the Subdivision Regulations;
- 5) depiction of the 25-foot minimum building setback line, in conformance with Section V.D.9. of the Subdivision Regulations;
- 6) identification and labeling of all common areas, including green spaces, road medians, and detention areas, and placement of a note on the plat stating that maintenance of all common areas shall be the responsibility of the subdivision's property owners;
- 7) placement of a note on the plat stating that access to the 60-foot roadway easement on the West side of site is denied;
- 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; and

- 9) submission of certification to Urban Development by a licensed engineer that detention facilities are adequate to comply with City of Mobile volume and discharge rate standards prior to signing of the final plat.

The motion carried unanimously.

Case #SUB2006-00172 (Subdivision)
Greater Macedonia Baptist Church Subdivision

1350 Chinquapin Street

(West side of Peach Street, extending from Spruce Street to Chinquapin Street, and South side of Chinquapin Street and North side of Chisam Street, 80'± West of Peach Street).

2 Lots / 0.9± Acre

The site plan illustrates the existing buildings, parking, along with the proposed buildings, and parking.

(Also see Case #ZON2006-01576 – Greater Macedonia Baptist Church (Sidewalk Waiver) – Below; and Case #ZON2006-01578 - Greater Macedonia Baptist Church (Planning Approval) – Below).

Matt Orrell, with Polysurveying Engineering, was present on behalf of the applicant and said they concurred with the staff recommendations, except on the sidewalk waiver request. Mr. Orrell noted that the site was surrounded by streets, and requested that they be allowed to provide sidewalks on both sides of Chinquapin Street, which is primarily where the foot traffic will be coming from, as the church parking lot is across the street from the church, and requested waiver of sidewalks for Peach and Spruce Streets, because that frontage property was not being used.

In deliberation session Mr. Miller asked about the condition of sidewalks in this neighborhood on Spruce and Peach streets.

Mr. Olsen said they were hit and miss.

Ms. Deakle felt sidewalks should be required to service the people that park in that parking lot and walk to the church. She understood the applicant was just opposed to sidewalks on the rear of the property.

Mr. Olsen said that was correct. He further pointed out that there was some existing parking in the right-of-way along Peach Street, so for that portion of the site the sidewalk would not be practical or possible. He indicated the portion where the sidewalk would be required on Peach Street, as well as Spruce Street.

In further discussion Mr. Vallas asked if there was something there other than maybe the topography that would restrict sidewalks. He felt that sidewalks may be needed along Spruce Street in the future, as there appeared to be some land there to the North that the

church might acquire, and people walking down Spruce Street to the church would need to get into the church property.

Mr. Olsen said the topography was fairly flat.

Asked about additional parking on Peach Street, Mr. Olsen pointed out the location of a proposed driveway, which would have three parking spaces on each side. He also pointed out a detention area.

After discussion a motion was made by Mr. Vallas and seconded by Dr. Rivizzigno to approve the above referenced subdivision subject to the following conditions:

- 1) the placement of the 25-foot building setback lines on the final plat; and
- 2) dedication of right-of-way as shown on the plat submitted.

The motion carried unanimously.

Case #ZON2006-01576 (Sidewalk Waiver)

Greater Macedonia Baptist Church

1350 Chinquapin Street

(West side of Peach Street, extending from Spruce Street to Chinquapin Street, and South side of Chinquapin Street and North side of Chisam Street, 80'± West of Peach Street).

A request to waive construction of a sidewalk along all street frontages was considered.

The site plan illustrates the existing buildings and parking, along with the proposed buildings and parking.

(For discussion see Case #SUB2006-00172 – Greater Macedonia Baptist Church Subdivision - above; and Case #ZON2006-01578 - Greater Macedonia Baptist Church (Planning Approval) – below).

After discussion a motion was made by Mr. Miller and seconded by Mr. Vallas to allow the sidewalk waiver on Peach Street, but deny the waiver (sidewalks will be required) along Chanquapin and Spruce Streets.

The motion carried unanimously.

Case #ZON2006-01578 (Planning Approval)

Greater Macedonia Baptist Church

1350 Chinquapin Street

(West side of Peach Street, extending from Spruce Street to Chinquapin Street, and South side of Chinquapin Street and North side of Chisam Street, 80'± West of Peach Street).

A request for Planning Approval to allow a new fellowship hall and parking lot expansion at an existing church in an R-1, Single-Family Residential District was considered.

The site plan illustrates the existing buildings and parking, along with the proposed buildings and parking.

(For discussion see Case #SUB2006-00172 – Greater Macedonia Baptist Church Subdivision - above; and Case #ZON2006-01578 - Greater Macedonia Baptist Church (Sidewalk Waiver) – above).

After discussion a motion was made by Mr. Vallas and seconded by Dr. Rivizzigno to approve this plan subject to the following conditions:

- 1) that landscaping and tree planting be coordinated with Urban Development; and
- 2) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2006-00194 (Subdivision)

Burton Subdivision

3309 Old Shell Road

(South side of Old Shell Road, 30'± East of East I-65 Service Road North).

1 Lot / 2.0± Acres

The site plan illustrates the existing buildings, proposed building, parking, and drive.

(Also see Case #ZON2006-01751 – J. Roe Burton & Old Shell Commercial (Planned Unit Development –below).

Mr. Plauche stated that the applicant was present and concurred with the staff recommendation.

There was no one present in opposition.

After discussion a motion was made by Mr. Vallas and seconded by Mr. Turner to approve the above referenced subdivision subject to the following conditions:

- 1) placement of a note on the plat stating that no permanent structures may be built within utility or drainage easements;
- 2) placement of a note on the plat and the site plan stating that the Subdivision site is limited to a maximum of two curb-cuts, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards;
- 3) placement of a note on the plat indicating the total size of the lot in square feet; and

- 4) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2006-01751 (Planned Unit Development)

J. Roe Burton & Old Shell Commercial

South side of Old Shell Road, 30'± East of East I-65 Service Road North, extending to the West side of Sidney Phillips Drive.

The request for Planned Unit Development Approval to allow two office buildings on a single building site with shared access between two building sites was considered.

The site plan illustrates the existing buildings, proposed building, parking, and drive.

(For discussion see Case #SUB2006-00194 –Burton Subdivision –above).

After discussion a motion was made by Mr. Vallas and seconded by Mr. Turner to approve this plan subject to the following conditions:

- 1) compliance with Engineering Department comments (*Even though the property is partially developed, due to existing flooding issues in the area, stormwater detention for the entire site will be required to the maximum extent possible. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands.*)
- 2) placement of a note on the site plan stating that food and beverage uses, such as restaurants, are not allowed on the site unless additional parking is provided;
- 3) placement of a note on the site plan stating that parking area and site lighting shall comply with Section 64-4.A.2. of the Zoning Ordinance;
- 4) depiction of dumpster facilities, in compliance with Section 64-4.D.9. of the Zoning Ordinance;
- 5) revision of the landscaping data table / identified landscape area to correct discrepancies, if necessary;
- 6) placement of a note on the plat and the site plan stating that the Subdivision site is limited to a maximum of two curb-cuts, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards;
- 7) placement of a note on the site plan stating that PUD approval is site plan specific, thus any changes to the site plan will require Planning Commission approval;
- 8) provision of a revised PUD site plan to Planning Section, Urban Development, prior to the signing of the final subdivision plat;
- 9) completion of the Subdivision process; and
- 10) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

EXTENSIONS:

Case #SUB2004-00196 (Subdivision)

Tangle Brush Subdivision

South side of Ward's Lane at the South terminus of Whitestone Drive, extending to the North side of the CSX Railroad right-of-way.

56 Lots / 23.4± Acres

A request for one-year extension of previous approval was considered.

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to grant a one-year extension of approval for the above referenced subdivision.

The motion carried unanimously.

Case #SUB2005-00116 (Subdivision)

Woodside Subdivision, Unit Eight

West terminus of Woodside Drive North, adjacent to the West side of Woodside Subdivision, Unit Seven.

44 Lots / 13.3± Acres

A request for one-year extension of previous approval was considered.

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to grant a one-year extension of approval for the above referenced subdivision.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2006-00205

Greater Nazaree Baptist Church Subdivision

511 J. Blair Street

(West side of J. Blair Street, extending from Bloodgood Street to Earle Street)

1 Lot / 1.3± Acres

Mr. Plauche stated that the applicant was present and concurred with the staff recommendation.

There was no one present in opposition.

After discussion a motion was made by Mr. Miller and seconded by Mr. DeMouy to approve the above referenced subdivision subject to the following conditions:

- 1) placement of a note on the plat stating that the site is limited to one curb-cut onto each street, with the size, design and location to be approved by Traffic Engineering and comply with AASHTO standards;
- 2) revision of the property line at all street intersections to reflect the radius requirements stated in Section V.D.6. of the Subdivision Regulations;
- 3) depiction of the 25-foot minimum building setback line;
- 4) labeling of the lot with size in square feet; and
- 5) full compliance with all other municipal codes and ordinances, including submittal of an application for Planning Approval if expansion or additional parking is proposed.

The motion carried unanimously.

Case #SUB2006-00209

Augusta Subdivision, Unit Five, Resubdivision of Lot 1, and Augusta Subdivision, Unit Six, Resubdivision of Lot 21

1600 Augusta Drive North and 1580 Vassar Court

(Southwest corner of Vassar Court and Augusta Drive North).

2 Lots / 0.8± Acre

Mr. Plauche stated that the applicant was present and concurred with the staff recommendation.

There was no one present in opposition.

After discussion a motion was made by Mr. Miller and seconded by Mr. Turner to approve the above referenced subdivision subject to the following condition:

- 1) the 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 #SUB2006-00200

Backlund Subdivision

East side of Bellingrath Road, 2,250'± North of Laurendine Road, extending to the West side of Brasfield Road, 1,970'± North of Laurendine Road.

2 Lots / 11.9± Acres

Jerry Byrd, Byrd Surveying Company, was present on behalf of the owner. Mr. Byrd noted that the site was 10 acres and showed the existing building located close to Brasfield Road, which was a substandard road. Mr. Byrd said the applicant had access to that road under the present configuration. They were not creating any additional lots that

would front on Brasfield, so there would be no additional traffic on the street. Lot 1 would have access to Bellingrath Road.

In discussion it was asked what would prevent the owner of Lot 1 from crossing over Lot 2 to get to Brasfield to gain access to Laurendine.

Mr. Byrd said the owner of Lot 2 could chose to fence his property if that became a problem.

Mr. Holmes asked where the current access was for the warehouse.

Mr. Byrd said they had access from both ways.

Since the staff recommendation was for denial, Mr. Vallas asked Mr. Olsen if there would be any condition the staff would place on the subdivision if the Commission chose to approve it.

Mr. Olsen said they would recommend the placement of a note on the final plat that no resubdivision would be allowed until additional access was provided to a standard, paved County road.

There was no present in opposition.

After discussion a motion was made by Mr. Vallas and seconded by Mr. Miller to approve the above referenced subdivision, subject to the following conditions:

- 1) placement of a note on the final plat stating that no future subdivision is allowed until lots have adequate frontage on an improved public street;
- 2) depiction of the 25-foot minimum building setback lines, required by Section V.D.9.;
- 3) dedication of right-of-way sufficient to provide 50-feet as measured from the centerline of Bellingrath Road; and
- 4) placement of a note on the 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 #SUB2006-00201

Tyler Ridge Apartments Subdivision

South terminus of Victoria Drive, extending to the North side of Thomas Road.

2 Lots / 22.2± Acres

Mr. Vallas recused from discussion and voting in this matter.

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

John Smith, a resident of 351 Victoria Drive, stated that Victoria Drive was a dead end street that adjoined the subject property on the north. His was the only residence on this street, where he had lived for almost 30 years. Victoria Drive was off of Airport Boulevard and was about 478 feet long, and the last 200 feet of it was dirt. It had not been improved by anyone, although the County actually put some dirt down there this year at his request because he had some problems with the runoff from across the right-of-way. The last 1000 feet of the dirt portion ran in front of his home, and the last 50 feet was grass, which he had maintained and enjoyed for over 30 years. Mr. Smith said his main concern was traffic. With the proposed connection to Victoria Drive, he felt people would use that as a short cut to get to get to Schillingers Road. He also expressed concern about parking, noting that the business across the street from him used the right-of-way at times as a parking lot. The opening of the street to through traffic would force more cars to park in front of his residence, creating a hazard for himself and his family. Mr. Smith also expressed concern about the drainage problem, both pre- and post-construction. He further stated that his property values had fallen because of the commercial development surrounding him. He asked the Commission's consideration of his concerns.

David Sumrall, a resident of 1208 Belle Cheine Drive, stated that he was the developer of the subject property. Mr. Sumrall said he had the same concern as Mr. Smith about the potential for people cutting through from Wal Mart. He said the subdivision would be gated at both ends, so the general public would not be able to use the road to cut through.

Mr. Miller asked if the developer had addressed any of the drainage concerns.

Mr. Sumrall said they had a full set of civil plans from Rester and Coleman. He pointed out that the property actually drained away from Victoria Drive. There was an existing retention pond there for the shopping center. That retention pond would be doubled in size, and all underground drainage and storm sewer was going to be put into that drainage system.

Samuel Jenkins, Sr., a resident of 7601 Airport Boulevard, stated that he was the manager of the trailer park abutting this proposed development. Mr. Jenkins said he and John Free, the utility manager at the trailer park, purchased their property two years ago. They brought it up to standards with the street drainage system, etc. They planned to put speed bumps in the park to discourage people from driving through the park. Mr. Jenkins said they were concerned about the drainage, and asked if it would be coming through their property.

John Fant, 102 Greenpark Drive, said he had lived in the mobile home park for 22 years and his concerns were the same as those expressed by Mr. Jenkins. They were concerned that the existing drainage problem would only worsen with this proposed development and more water would drain across their property. Mr. Fant asked that the developer be

required to erect a fence between the mobile home park and the proposed development, and that it be constructed of a security type material that children in the neighborhood, or storms, could not tear down.

Mr. Plauche asked Mr. Olsen if there was any rule in the County about fences between residential property.

Mr. Olsen said no. The Subdivision Regulations, however, require a buffer if either of the lots is developed commercially and abuts residential property, and that was a part of the staff recommendation. That would be up to the County, however, to determine. Mr. Olsen said he was not sure how the County looked at apartments versus mobile home parks; whether they considered them residential or commercial.

It was noted that there was no one present representing the County.

Ms. Deakle said she would like Mr. Sumrall to comment on the fence proposition.

Mr. Sumrall said they did not plan on any fencing between the mobile home park and the subject property. Regarding drainage concerns, Mr. Sumrall said that presently the detention area serves the shopping center and drains into the creek that runs through the trailer park. There were a couple of roads that crossed over into the trailer park where the culverts were about 30 inches in diameter. Rester and Coleman recommended that they change those out and put in two, 30-inch culverts, which they definitely planned to do. Mr. Sumrall said he had talked to the owner of the trailer park and gotten permission to go onto his property to correct that problem.

In reference to the five-mile planning jurisdiction and the City's ordinance, Mr. Holmes asked if fencing would be required.

Mr. Olsen stated that within the Zoning Ordinance the residential adjacent to residential, because both the mobile home park and the apartments would require R-3 zoning, there would not be an automatic requirement for a fence; however, the mobile home park would require Planning Approval. The apartment development would require PUD approval. Mr. Olsen said that typically, the Commission, under those approvals through the Zoning Ordinance, would require a fence. Since, however, this site is in the County and the Zoning Ordinance does not apply, they could only require the buffer as specified under the Subdivision Regulations, which relates to commercial property adjoining residential property.

Mr. Holmes asked Mr. Lawler how that went in with the five-mile jurisdiction and the tougher of the standards.

Mr. Lawler said that was the statute. The drainage requirements within the City were governed by the flood plain ordinance, and those have not been enforced in the County. The buffer, however, was a separate thing and had long been enforced in the County.

Mr. Holmes asked if they were enforcing the more stringent of the two rules in the County, or was it the same.

Mr. Lawler said it was the same. Arguably, you could say that the stricter standard applied in the City, and they were applying it within the County.

Mr. Turner asked if the developer would consider putting a fence between his property and the trailer park.

Mr. Sumrall said they would be willing to erect a chain link fence.

In deliberation session Mr. Miller said he felt they needed to require the drainage to City standards, since some serious concerns were expressed about it.

Mr. Turner also felt that fencing should be required along the East property line.

Mr. Miller said he did not know what good a chain link fence would do, but he did not necessarily feel they needed to burden the developer with a wood fence, which would probably be rather expensive. He asked the applicant how he felt about the fence situation.

Mr. Sumrall said he would agree to construct a fence at the top half of the property where the apartments actually backed up to the property line. The bottom half was all retention pond. A wood fence would curve back and come around the retention pond. He would agree to a wood fence down that property line.

In further discussion about the drainage issue, Mr. Holmes said he understood the developer would be required to keep the same flow from his property as it was currently, in accordance with the State legislation.

Ms. Terry said that was correct.

Mr. Sumrall noted that the retention pond that was there now was put there years ago for the shopping center development. That was to the West of the subject property. They were proposing to enlarge that retention pond to twice its size, and improve the culverts and the outflow to maintain the same flow.

Mr. Holmes asked Mr. Coleman if what they proposed would keep the flow at the same level as it was currently.

Mr. Coleman said that was correct. He said the reason they were putting in another pipe line was because the existing pipes were too small for the water that comes through there now.

Mr. Holmes asked if Mr. Coleman would have any objections to designing according to City standards.

Mr. Coleman said that is what they had done.

There was further discussion about a fence. Although a fence was not required by the City's ordinance, the applicant had agreed to construct a fence in consideration of the neighbors.

Mr. Sumrall said that was correct, and indicated where the fence would be. There would be a wood fence from the retention pond up.

Mr. Plauche asked if there was anyone else present who wished to speak in this matter.

After discussion a motion was made by Mr. Miller and seconded by Mr. Turner to approve the above referenced subdivision subject to the following conditions:

- 1) improvement of Thomas Road to Mobile County standards along the entire Southern boundary of the site;
- 2) dedication of right-of-way sufficient to provide 30 feet, as measured from the centerline of Thomas Road, if improvements to Thomas Road do not include curb-and-gutter, or 25 feet to centerline if improvements do include curb-and-gutter;
- 3) placement of a note on the final plat stating that Lot 1 is limited to one curb-cut to Victoria Drive and one curb-cut onto Thomas Road, and that Lot 2 is limited to two curb-cuts onto Thomas Road, with the size, design and location to be approved by the Mobile County Engineering Department;
- 4) placement of a note on the final plat stating that Lot 1 is required to connect to Victoria Drive and to Thomas Road;
- 5) correction of the written legal description;
- 6) placement of a note on the 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;
- 7) construction of a 6-foot high wooden privacy fence along the East property line of lot 2 adjacent to where the apartments will be constructed; and
- 8) submission of certification to Urban Development by a licensed engineer that detention facilities are adequate to comply with City of Mobile volume and discharge rate standards prior to signing of the final plat.

The motion carried unanimously.

Case #SUB2006-00204

Bellingrath Road Country Club Estates Subdivision, Willard Drive Addition

North side of Willard Drive North, extending from the North terminus of Braklyn Court to 375'± East of the East terminus of Willard Drive North.

14 Lots / 8.6± Acres

Mr. Plauche stated that the applicant was present and concurred with the staff recommendation.

There was no one present in opposition.

After discussion a motion was made by Mr. Turner and seconded by Dr. Rivizzigno to approve the above referenced subdivision subject to the following conditions:

- 1) the revision of the bearings in the legal description to correspond with the drawings, shown on the final plat; and
- 2) the 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 #SUB2006-00206

Colleton Place Subdivision

8101 Howells Ferry Road

(South side of Howells Ferry Road, 2,340'± West of Schillinger Road, extending to the East terminus of Shaw Street).

352 Lots / 109.0± Acres

Mr. Plauche stated that this application was recommended for holdover to the October 19th meeting, but if anyone was present and wished to speak in this matter, they could do so now.

John Higby, a resident of 8203 Howells Ferry Road, Semmes, Alabama, stated that the application documentation he had seen indicated that the subdivision would be served by public water and sewer systems. Mr. Higby pointed out to the Commission that there was no sanitary sewer that currently served the site of the proposed subdivision. The nearest sanitary sewer was on Schillingers Road, which was about a half mile West of the proposed subdivision, with no right-of-way currently available. He said a right-of-way must be established across private property and approvals obtained for a sewer connection. Regarding water, Mr. Higby said that South Alabama Utilities maintains a 6-inch water line on Howells Ferry Road at the subdivision's North boundary. This was a dead end that terminates approximately one-half mile West of the proposed subdivision's entrance. He said both pressure and volume of water available to serve fire protection needs of the subdivision would need to be evaluated. Mr. Higby further stated that housing minimums must be established and stormwater detention and impact to water quality needed to be addressed. He said these concerns were in addition to those that the staff had recommended. Mr. Higby said he understood that progress had to occur and this land would ultimately be subdivided, but he would like to see it done smartly.

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to holdover this application until the October 19, 2006, meeting for the following reasons:

- 1) revision of the plat to accommodate the proposed Spring Hill Avenue – Zeigler Boulevard major street;
- 2) revision of the plat to provide a street connection to Shaw Street, to the West;
- 3) provision of a street-stub to the land-locked lot to the South, in compliance with Section V.B.1. of the Subdivision Regulations;
- 4) provision of a statement regarding the number of lots below the required 7,200 square foot minimum, or redesign of the subdivision to meet minimum lot size requirements;
- 5) sequential numbering of all lots;
- 6) verification of wetlands on the site, and provision of contour information, as required by Section IV.A.2.b. of the Subdivision Regulations; and
- 7) depiction of the 25-foot minimum building setback line, in conformance with Section V.D.9. of the Subdivision Regulations.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2006-01868

Belle Isle Subdivision, Resubdivision of Lots 1-6

4710 Belle Isle Lane

(North terminus of Belle Isle Lane).

The request for Planned Unit Development Approval to a private street single-family residential subdivision was considered.

The site plan illustrates proposed lot lines, proposed drive, existing buildings, asphalt drive, and bulkheads.

Mr. Plauche stated that this application was recommended for holdover, but if anyone was present and wished to speak in this matter, they could do so now.

Doug Anderson, of the law firm of Bowron, Latta & Wasden, P.C., was present on behalf of the applicant. Mr. Anderson said he was not handling the subdivision part of this, but was handling the vacation of the existing right-of-way that was an issue here. He pointed out that the staff report recommended that the vacation process be initiated, or present proof that it had been done. Mr. Anderson said that vacation request had been presented to the City Clerk's office on June 6, 2006, after which he spoke with the staff in that the vacation process would be held up until this subdivision application was submitted so they could move through the process simultaneously. Mr. Anderson said he would get with Mr. Olsen after the meeting to make sure they had this information.

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to holdover this request until the October 19, 2006, meeting to allow the applicant to submit

a Subdivision application illustrating the proposed private street, as well as evidence that the vacation process had been initiated.

The motion carried unanimously.

GROUP APPLICATIONS:

**Case #SUB2006-00202 (Subdivision)
Brookview at Brookside Subdivision**

2251 and 2255 Pesnell Court

(North and East sides of Pesnell Court at its North terminus, extending to the West side of Inverness Subdivision, Unit Two).

1 Lot / 18.0± Acres

The site plan illustrates the proposed drive, buildings, and existing buildings.

(Also see Case #ZON2006-01870 – Brookview at Brookside Subdivision [Planned Unit Development] – below; and Case #ZON2006-01871 - O. A. Pesnell, Jr. [Rezoning] – below).

Mr. Plauche stated that this application was recommended for holdover, but if anyone was present and wished to speak in this matter, they could do so now.

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to holdover this application until the October 19, 2006, meeting to accommodate the PUD revisions, and the following requirements:

- 1) revision of the plat to accurately depict all floodplain and wetland areas and drainage easements, per Engineering Comments; and
- 2) revision of the legal description to include Lot 3 of the Pesnell Subdivision.

The motion carried unanimously.

**Case #ZON2006-01870 (Planned Unit Development)
Brookview at Brookside Subdivision**

2251 and 2255 Pesnell Court

(North and East sides of Pesnell Court at its North terminus, extending to the West side of Inverness Subdivision, Unit Two).

The request for Planned Unit Development Approval to allow 22 single-family residential dwellings on a single building site with private street access was considered.

The site plan illustrates the proposed drive, buildings, and existing buildings.

(For discussion see Case #SUB2006-00202 – Brookview at Brookside Subdivision – above; and Case #ZON2006-01871 - O. A. Pesnell, Jr. [Rezoning] - below).

Mr. Plauche stated that this application was recommended for holdover, but if there was anyone present who wished to speak in this matter, they could do so now.

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to holdover this application until October 19, 2006, meeting to give the applicant time to address the following:

- 1) revision of the legal description for all applications (zoning, PUD, subdivision) to include Lot 3 of the Pesnell Subdivision;
- 2) revision of the site plan and subdivision plat to comply with Engineering comments (*The existing bridge that was constructed without benefit of a permit was later permitted via a court order as a "low-water" crossing only and only to access utilities. Therefore, a new bridge must be constructed to access the single-family residences and permitted via the Land Disturbance permitting process. The bridge should be constructed to FHWA/AASHTO standards for a residential street to provide safe passage for the citizens. In addition, it must meet all FEMA floodway/floodplain requirements and Fire Department requirements for access. All existing drainage easements should be shown on the preliminary plat and the COM Engineering Department will require a drainage easement at any place public water crosses the property. A Common Area should be shown for stormwater detention which must be constructed and operating properly prior to submittal of the final plat. All wetlands should be shown. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands*), including the accurate depiction of all floodplain and wetland areas and drainage easements on the site plan and plat;
- 3) revision of the private street to provide a more direct linkage to Pesnell Court, and provision of a turn-around at the midpoint of the private street, as well as at the terminus;
- 4) consultation with Fire / Rescue to determine modifications to the private street or site plan necessary to comply with their regulations, and revision of the site plan as appropriate;
- 5) revision of the site plan to depict compliance with the open space and tree and landscaping requirements of the Zoning Ordinance, including the necessary site calculations required by Section 64-5.C.2. of the Zoning Ordinance;
- 6) depiction and labeling of any required stormwater detention basins;
- 7) depiction and labeling of dumpster locations, with screening that complies with Section 64-4.D.9. of the Zoning Ordinance;
- 8) revision of the site plan to ensure that all proposed structures meet setback requirements;

- 9) provision and depiction of a 10-foot wide vegetative buffer and 6 to 8 foot high privacy fence or wall where the portion of the site to be developed abuts adjacent R-1 districts;
- 10) placement of a note on the site plan stating that maintenance of all common areas, private streets, and detention areas is the responsibility of the property owners; and
- 11) placement of a note on the site plan stating that lighting shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic, per the requirements of Section 64-4.A.2. the Zoning Ordinance.

The motion carried unanimously.

Case #ZON2006-01871 (Rezoning)

O. A. Pesnell, Jr.

2251 and 2255 Pesnell Court

(North and East sides of Pesnell Court at its North terminus, extending to the West side of Inverness Subdivision, Unit Two).

The request for a change in zoning from R-1, Single-Family Residential, and R-3, Multi-Family Residential, to R-3, Multi-Family Residential, to eliminate split zoning in a proposed one-lot, single-family residential subdivision and planned unit development was considered.

The site plan illustrates the proposed drive, buildings, and existing buildings.

(For discussion see Case #SUB2006-00202 – Brookview at Brookside Subdivision – above; and Case #ZON2006-01870 – Brookview at Brookside Subdivision – [Planned Unit Development] – below).

Mr. Plauche stated that this application was recommended for holdover, but if anyone was present and wished to speak in this matter, they could do so now.

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to holdover this application until the October 19, 2006 meeting to accommodate revisions requested for the accompanying PUD application.

The motion carried unanimously.

Case #SUB2006-00210 (Subdivision)

Coley's Addition to Grelot Road Subdivision

Northeast and Northwest corners of Grelot Road and Somerby Drive.

5 Lots / 57.1± Acres

The site plan illustrates the proposed development.

(Also see Case #ZON2006-01888 – Coley's Addition to Grelot Road Subdivision [Planned Unit Development] –below; and Case#ZON2006-01891 – David R. Coley, III (Robert S. Coley, Agent) [Rezoning] – below; and Case #ZON2006-01892 David R. Coley, III (Robert S. Coley, Agent) [Rezoning] – below).

John Goreki, a resident of 134 Charade Street, Birmingham, Alabama, stated that he was one of the owners of the company that developed Somerby of West Mobile, the senior living community that was in the Somerby Park Subdivision. Mr. Goreki said at the time they built that community they optioned an additional 120 acres that surrounded the 40 acres that their development was on, and it was always their intention after they built the one-mile road from Cody to Grelot, to develop the rest of the undeveloped land into residential and some commercial property. The subdivision of these five lots involves some land that they will be developing, and some land that the current owner, the Coley Estate, would be retaining. They were planning to develop Lots 2 and 3 with garden style apartments, and Lot 5 would remain single-family residential. Mr. Goreki said they had a potential buyer for that 16 acres who wanted to build a home there.

Ms. Deakle asked if the developer had any plans for the future development parcel.

Mr. Goreki said they were hopeful that parts of the park would have some medical orientation and that there would be some single user who would develop the site with medical facilities. That particular future site will probably be some sort of housing or small office use.

There being no one else to speak in favor of this application, Mr. Plauche asked if there was anyone who wished to speak in opposition.

Dr. Semoon Chang stated that he resided at 1100 Carolina Court in Lamplighter Woods on Grelot Road. Dr. Chang stated that the community really needed more apartments and he commended the developers for building more apartments, but he felt that Grelot Road had more than their share of apartments. He noted that from the Grelot Road/Hillcrest Road intersection west to Cody Road, there were four apartment complexes. There were 1,098 apartment units within one mile, and that did not include Timber Ridge, which had about 320 units behind Lamplighter Woods. Dr. Chang felt additional traffic created by this development would create a dangerous situation. He related traffic counts at three or four major intersections in the City, including Grelot and Cody, which he said was 46,208, and felt that the Commission should consider traffic counts and traffic patterns when considering approval of more apartments. Dr. Chang also expressed his opposition to the requested rezoning on the East side of Somerby Drive, as he felt that would be the beginning of more requests for rezoning in the area.

Mr. Plauche asked Dr. Change if the 46,000+ cars per day count he quoted was the traffic heading East and West on Grelot, or was that traffic at the intersection.

Dr. Chang said his guess was that it was at the intersection of Grelot and Cody.

Mr. Vallas felt that the traffic count Dr. Chang gave for the intersection at Grelot and Cody was a little deceiving, because it was combining all the traffic to that point from multiple points. The other locations he gave was traffic headed in one direction. He said the DOT puts out traffic counts and directs them to one way.

Dr. Chang said that may be, but he talked to a transportation specialist who was a friend of his, and he said that 46,000 plus traffic count at that intersection was way too much.

With regard to density of apartment units in this particular area, Ms. Deakle said she realized there were a great many apartments in the area, but Somerby seemed to be a senior-oriented facility, and she thought they had some assisted living in some of their buildings, so it was a transitional type neighborhood. She felt like a seniors facility was best located in a high-density area because people can have their parents there and have quick access to them. She was not aware of any other assisted living much closer to this area. Gordon Oaks was way down on Knollwood Drive, and getting from West Mobile over to Knollwood Drive was also a traffic nightmare. She asked Dr. Chang to comment on the type of facility they were attempting to put there.

Dr. Chang said he felt the Somerby retirement community was a really nice place. It was not just assisted living like Gordon Oaks, because they have two-story and one-story houses. He said that Somerby was really a very rare upscale retirement community, and if he were moving into a retirement community he would move into one like this.

Connie Hudson, City Councilwoman representing District 6, stated that for the record she was not a spokesperson as a proponent or opponent. She was present to relay some concerns that surfaced on Tuesday evening when a meeting was held with some Lamplighter Woods subdivision residents, as well as Sugar Creek Place residents. The purpose of the meeting was to clarify the applications that were before the Commission today, because it was quite confusing to them. Ms. Hudson noted that there were five lots involved. She said the traffic on Grelot Road was the main concern she heard, and which she had been hearing about from her constituents for a long time. She said she talked with Jennifer White quite regularly to request additional traffic signalization, but as yet had not received any. She felt this proposed development may put that over the threshold, and as impact studies are done regarding this development and from what she has been hearing from the developers, they were willing to comply with whatever studies were needed for Grelot Road. Ms. Hudson said drainage was also a major concern. She noted that there were a number of wetlands areas that run through these areas of the community on Grelot Road, and she had heard from some of the residents on the South side of Grelot where other development was taking place that they had seen a substantial difference in terms of runoff and flooding on their property. They were somewhat leery in respect to take the engineering report as it was written. They would like some assurance that this proposed development would not exacerbate problems they were now having. Ms. Hudson said one other concern voiced by the residents was the proposed B-2 zoning application immediately East of Somerby Drive. It was an unspecified use. She noted that at this time the only commercial footprint areas on Grelot Road, as far as B-2 goes, were on the corner of Cody and Grelot, and the small out-parcel immediately to the

West of Somerby Drive, which was a rather small area and somewhat limits itself in terms of size and what type of development could take place. The residents were concerned about the commercialization of this residential area and how it would impact them. Ms. Hudson further stated that she received a copy of a letter today that was addressed to the Planning Commission from Shawn Coley, one of the developers, stating that he was willing to offer a compromise in terms of the zoning application. He indicated that he was willing to request the rezoning of the subject property to B-1 rather than B-2. Mr. Coley also agreed that there would be an increase in traffic associated with the development, and reiterated that he was willing to comply and assist the City of Mobile with whatever needed to happen to make that work. In conclusion, Ms. Hudson said that, aside from the B-2 application, if the Planning Commission would consider the traffic impact study, a lot of this was open to consideration as far as the residents go. She felt that with some concession, this could work.

Regarding a traffic study, Mr. Vallas asked Ms. White what she recommended. Would that be tied to the rezoning, or was that something Traffic Engineering needed to see in advance of that?

Mr. Vallas said there was one more speaker.

Debbie Dobbs, a resident of 67 Chimney Top Drive North in Lamplighter Woods, said she wanted to make it clear that the 300 apartment units proposed would not be limited to any age group. It would be multi-family, so they were talking about a minimum of 600 cars coming in and out. Ms. Dobbs said they appreciated the fact that Somerby was an upscale, really nice development, but they did frown on the proposed 300 units, as they already had a traffic problem.

There being no other speakers in opposition, Mr. Plauche asked if the applicant would like to respond.

Mr. Goreki stated that they had talked with Bill Metzger, Traffic Engineer, and they would be happy to provide a traffic impact study. They were waiting for proposals from three people he had recommended. Mr. Goreki said that he and Mr. Coley, along with the City and the County, had agreed to share equally in the cost of putting a traffic signal at Somerby and Grelot if the study determined that one was required, and with the synchronization of the Cody and Grelot, the Hillcrest and Grelot, and the Somerby Drive and Grelot Road lights. This would also help the residents of Lamplighter Woods who were having trouble turning left out of their subdivision. Mr. Goreki further stated that they had hosted the meeting with Ms. Hudson and the Somerby residents and tried to address their concerns. He said they wanted to be good neighbors. They had a \$50 million investment in Somerby of West Mobile and did not want to do anything to jeopardize that investment. He said the proposed apartments would not be senior restricted, but they did plan to build the first floor units so that they were senior friendly. They would have all sorts of residents living in the apartments and he felt they would be nicer than anything in the area.

In deliberation session a motion was made by Mr. Vallas and seconded by Ms. Deakle to approve the above referenced subdivision subject to the following conditions:

- 1) depiction of the 25-foot minimum building setback line;
- 2) the placement of note on the final plat stating that Lot 1 be limited to one curb-cut onto Grelot Road (due to significant wetlands) and one curb-cut to Somerby Drive, Lot 2 be limited to two curb-cuts onto Somerby Drive, Lot 3 be limited to two curb-cuts to Somerby Drive, Lot 4 be limited to one curb-cut to Grelot Road and two curb-cuts to Somerby Drive, Lot 5 be limited to one curb-cut to Grelot Road, with the size, design and location of all curb-cuts be approved by the Traffic Engineering Department; and
- 3) completion of the rezoning process prior to the signing of the final plat.

There was further discussion regarding the requirement for a traffic impact study, and what that would accomplish when you do it after you have basically approved it.

Ms. Deakle noted that the developer had offered to share in the cost of providing a traffic light if the study warranted one.

Mr. Olsen said that given the time period between this public hearing and the public hearing with the City Council on the rezoning, that should be adequate time for the impact study to be completed. That would be a minimum of four to five weeks.

Ms. White said they should have it before then.

Although the traffic impact study could be required as a condition of approval, Mr. Vallas noted that there was no one from the City or the County present to attest that they would share in that cost.

There being no further discussion, Mr. Plauche called for the vote.

The motion carried unanimously.

Case #ZON2006-01888 (Planned Unit Development)

Coley's Addition to Grelot Road Subdivision

West side of Somerby Drive, 380'+ North of Grelot Road.

The request for Planned Unit Development Approval to allow a 12-building, 316-unit apartment complex on a single building site was considered.

The site plan illustrates the proposed development.

(For discussion see Case #SUB2006-00210 – Coley's Addition to Grelot Road Subdivision –above; and Case#ZON2006-01891 – David R. Coley, III (Robert S. Coley, Agent) [Rezoning] – below; and Case #ZON2006-01892 David R. Coley, III (Robert S. Coley, Agent) [Rezoning] – below).

After discussion a motion was made by Mr. Vallas and seconded by Ms. Deakle to approve this plan subject to the following conditions:

- 1) completion of the Subdivision process;
- 2) compliance with Engineering Department comments for any future development *(The contractor that built Somerby Drive has not yet made the necessary repairs to the existing drainage system that was a condition of the COM accepting the road for maintenance. Therefore, the Engineering Department recommends no approval of the final plat until the necessary repairs have been completed and accepted by the COM. Engineering recommends dedication of drainage easement at any place public water crosses the property, from the top-of-bank to top-of-bank plus 15 feet on one side to allow for maintenance vehicles. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands);* and
- 3) full compliance with all other municipal codes and ordinances; and
- 4) completion of a traffic impact study and acceptance by Traffic Engineering prior to the permitting of the development, and equitable sharing of the cost of a traffic signal if warranted by the results of the traffic impact study.

The motion carried unanimously.

Case #ZON2006-01891 (Rezoning)

David R. Coley, III (Robert S. Coley, Agent)

West side of Somerby Drive, 360'± North of Grelot Road; and, West side of Somerby Drive, ¼ mile± North of Grelot Road.

The request for a change in zoning from R-1, Single-Family Residential, B-2, Neighborhood Business, and R-3, Multi-Family Residential, to R-3, Multi-Family Residential, to allow a residential apartment complex; and, rezoning from R-1, Single-Family Residential, to R-3, Multi-Family Residential, for unspecified use was considered.

The site plan illustrates the proposed development.

(For discussion see Case #SUB2006-00210 – Coley's Addition to Grelot Road Subdivision –above; and Case#ZON2006-01888 – Coley's Addition to Grelot Road Subdivision [Planned Unit Development] – above; and Case #ZON2006-01892 David R. Coley, III (Robert S. Coley, Agent) [Rezoning] – below).

After discussion a motion was made by Mr. Vallas and seconded by Ms. Deakle to recommend this change in zoning to the City Council subject to the following conditions:

- 1) completion of the Subdivision process;
- 2) compliance with Engineering Department comments for any future development
(The contractor that built Somerby Drive has not yet made the necessary repairs to the existing drainage system that was a condition of the COM accepting the road for maintenance. Therefore, the Engineering Department recommends no approval of the final plat until the necessary repairs have been completed and accepted by the COM. Engineering recommends dedication of drainage easement at any place public water crosses the property, from the top-of-bank to top-of-bank plus 15 feet on one side to allow for maintenance vehicles. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands);
- 3) development is limited to an approved PUD;
- 4) full compliance with all other municipal codes and ordinances; and
- 5) completion of a traffic impact study and acceptance by Traffic Engineering prior to the permitting of the development, and equitable sharing of the cost of a traffic signal if warranted by the results of the traffic impact study.

The motion carried unanimously.

Case #ZON2006-01892 (Rezoning)

David R. Coley, III (Robert S. Coley, Agent)

Northeast and Northwest corners of Grelot Road and Somerby Drive.

The request for a change in zoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, for unspecified use; and, rezoning from R-1, Single-Family Residential, R-3, Multi-Family Residential, and B-2, Neighborhood Business, to B-2, Neighborhood Business, for unspecified use was considered.

The site plan illustrates the proposed development.

(For discussion see Case #SUB2006-00210 – Coley's Addition to Grelot Road Subdivision –above; and Case#ZON2006-01888 – Coley's Addition to Grelot Road Subdivision [Planned Unit Development] – above; and Case #ZON2006-01891 - David R. Coley, III (Robert S. Coley, Agent) [Rezoning] – above).

After discussion a motion was made by Mr. Vallas and seconded by Ms. Deakle to amend the rezoning request and recommend a change in zoning to the City Council as follows:

For the Northwest corner of Grelot Road and Somerby Drive, recommend rezoning from R-1, R-3 and B-2 to B-2, subject to the following conditions:

- 1) completion of the Subdivision process prior to the issuance of any permits;
- 2) compliance with Engineering Department comments for any future development (*The contractor that built Somerby Drive has not yet made the necessary repairs to the existing drainage system that was a condition of the COM accepting the road for maintenance. Therefore, the Engineering Department recommends no approval of the final plat until the necessary repairs have been completed and accepted by the COM. Engineering recommends dedication of drainage easement at any place public water crosses the property, from the top-of-bank to top-of-bank plus 15 feet on one side to allow for maintenance vehicles. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands*);
- 3) full compliance with all other municipal codes and ordinances; and
- 4) completion of a traffic impact study and acceptance by Traffic Engineering prior to the permitting of development, and equitable sharing of the cost of a traffic signal if warranted by the results of the traffic impact study.

For the Northeast corner of Grelot Road and Somerby Drive, the request is amended to recommend rezoning from R-1 to B-1, Buffer Business, subject to the following conditions:

- 1) completion of the Subdivision process prior to the issuance of any permits;
- 2) compliance with Engineering Department comments for any future development (*The contractor that built Somerby Drive has not yet made the necessary repairs to the existing drainage system that was a condition of the COM accepting the road for maintenance. Therefore, the Engineering Department recommends no approval of the final plat until the necessary repairs have been completed and accepted by the COM. Engineering recommends dedication of drainage easement at any place public water crosses the property, from the top-of-bank to top-of-bank plus 15 feet on one side to allow for maintenance vehicles. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands*);
- 3) full compliance with all other municipal codes and ordinances; and
- 4) completion of a traffic impact study and acceptance by Traffic Engineering prior to the permitting of development, and equitable sharing of the cost of a traffic signal if warranted by the results of the traffic impact study.

The motion carried unanimously.

Case #SUB2006-00199 (Subdivision)

Cornell Subdivision

1751, 1757, and 1759 Old Shell Road

(Southwest corner of Old Shell Road and Semmes Avenue).

3 Lots / 0.9± Acre

The site plan illustrates the existing buildings, parking, and buildings to be removed, and proposed parking areas.

Mr. Plauche stated that the applicant was present and concurred with the staff recommendation.

There was no one present in opposition.

(Also see Case ZON#2006-01801 – Arthur Smith Real Estate (Arthur Smith, Agent) [Rezoning] – below).

After discussion a motion was made by Mr. Miller and seconded by Mr. Turner to approve the above referenced subdivision subject to the following conditions:

- 1) **dedication of the turn radius as shown on the plat.**

The motion carried unanimously.

Case #ZON2006-01801 (Rezoning)

Arthur Smith Real Estate (Arthur Smith, Agent)

1757 and 1759 Old Shell Road

(South side of Old Shell Road, 143'± West of Semmes Avenue)

The request for a change in zoning from B-2, Neighborhood Business, to R-1, Single-Family Residential, to bring the zoning into compliance with single-family residential use was considered.

The site plan illustrates the existing buildings, parking, and buildings to be removed, and proposed parking areas.

(For discussion see Case SUB#2006-00199 – Cornell Subdivision – above).

Mr. Plauche stated that the applicant was present and concurred with the staff recommendation.

There was no one present in opposition.

After discussion a motion was made by Mr. Miller and seconded by Mr. Turner to recommend this change in zoning to the City Council subject to the following conditions:

- 1) that construction of the parking lot and removal of the accessory structures receive Architectural Review Board approval;
- 2) coordination of landscaping and tree planting with Urban Development; and
- 3) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2006-00203 (Subdivision)

Saunders Subdivision

West side of Conception Street Road, extending from Dumaine Road to Treatment Plant Road.

1 Lot / 5.6± Acres

The site plan illustrates the existing buildings and parking along with the proposed building and parking.

(Also see Case #ZON2006-01873 – Saunders Subdivision – below).

Mr. Plauche stated that the applicant was present and concurred with the staff recommendation.

There was no one present in opposition.

After discussion a motion was made by Mr. Miller and seconded by Mr. Turner to waive Section V.B.14 and approve the above referenced subdivision subject to the following conditions:

- 1) dedication of sufficient right-of-way to provide 50 feet, as measured from the centerline of Conception Street Road;
- 2) placement of a note on the site plan and plat stating that the site is limited to a total of three curb-cuts, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards;
- 3) revision of the site plan and plat to comply with Section V.D.6. of the Subdivision Regulations;
- 4) revision of the site plan and plat to reflect Engineering comments (*Show delineation of the AE and other flood zones on the final plat. The minimum finished floor elevation must be shown on each lot affected by the AE flood zone. If the ditch shown conveys public water, a drainage easement will be required from the top-of-bank to top-of-bank plus 15 feet on one side to allow for maintenance vehicles. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the*

applicant's responsibility to confirm or deny the existence of regulatory wetlands.);

- 5) revision of the plat to depict the required 25-foot minimum building setback line along Dumaine and Conception Street Roads, and a 10-foot minimum building setback along Treatment Plant Road; and
- 6) revision of the site plan and plat to show a graphic scale and North arrow.

The motion carried unanimously.

Case #ZON2006-01873 (Planned Unit Development)

Saunders Subdivision

West side of Conception Street Road, extending from Dumaine Road to Treatment Plant Road.

The request for Planned Unit Development Approval to allow two office/warehouse buildings on a single building site was considered.

The site plan illustrates the existing buildings and parking along with the proposed building and parking.

(For discussion see Case #SUB2006-00203 – Saunders Subdivision – above).

Mr. Plauche stated that the applicant was present and concurred with the staff recommendation.

There was no one present in opposition.

After discussion a motion was made by Mr. Miller and seconded by Mr. Turner to approve this plan subject to the following conditions:

- 1) dedication of sufficient right-of-way to provide 50 feet, as measured from the centerline of Conception Street Road;
- 2) placement of a note on the site plan and plat stating that the site is limited to a total of three curb-cuts, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards;
- 3) revision of the site plan and plat to comply with Section V.D.6. of the Subdivision Regulations (intersection corners);
- 4) revision of the site plan and plat to reflect Engineering comments (*Show delineation of the AE and other flood zones on the final plat. The minimum finished floor elevation must be shown on each lot affected by the AE flood zone. If the ditch shown conveys public water, a drainage easement will be required from the top-of-bank to top-of-bank plus 15 feet on one side to allow for maintenance vehicles. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM*

web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands.);

- 5) revision of the site plan to show all parking spaces as being provided within the subdivision boundaries, and revision of the site plan to show maneuvering and aisle areas in the new parking lot that comply with AASHTO standards;
- 6) revision of the site plan and plat to depict the required 25-foot minimum building setback line along Dumaine and Conception Street Roads, and a 10-foot minimum building setback along Treatment Plant Road;
- 7) revision of the site plan to depict compliance with the tree and landscaping requirements of the Zoning Ordinance;
- 8) depiction of any dumpster locations on the site plan;
- 9) revision of the site plan and plat to show a graphic scale and North arrow;
- 10) provision of a revised site plan to the Planning Section of Urban Development prior to the signing and recording of the final plat;
- 11) completion of the Subdivision process; and
- 12) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2006-00191 (Subdivision)

Somerby Subdivision, Resubdivision of Lots 1 & 2 of a Resubdivision of Lot 2, Corrected Plat, Resubdivision of Lots 49 – 57

North side of Somerby Lane (private street), 460'± East of Somerby Drive.

3 Lots / 1.6± Acres

The site plan illustrates proposed buildings, drives, and common area.

(Also see Case #ZON2006-01869 – Somerby Subdivision, Resubdivision of Lots 1 & 2 of a Resubdivision of Lot 2, Corrected Plat, Resubdivision of Lots 49-57 – below).

Mr. Plauche stated that the applicant was present and concurred with the staff recommendation.

A representative of the applicant also stated that their plans were to subdivide nine existing single-family lots into three lots, and build three condominiums of four units each on each of the three lots. Their goal was to create housing that was lower priced than the current housing available.

There was no one present in opposition

After discussion a motion was made by Mr. Miller and seconded by Mr. Turner to approve the above referenced subdivision subject to the following conditions:

- 1) labeling of the size of each lot in square feet on the final plat;

- 2) revision of the plat to depict the 25-foot minimum building setback line;
- 3) revision of the plat to depict all existing easements;
- 4) provision of a revised PUD site plan prior to the signing and recording of the final plat; and
- 5) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2006-01869 (Planned Unit Development)
Somerby Subdivision, Resubdivision of Lots 1 & 2 of a Resubdivision of Lot 2,
Corrected Plat, Resubdivision of Lots 49-57
North side of Somerby Lane (private street), 460' + East of Somerby Lane.

The request for Planned Unit Development Approval to allow four residential condominium units per lot in a three-lot private street subdivision was considered.

The site plan illustrates proposed buildings, drives, and common area.

(For discussion see Case #SUB2006-00191 – Somerby Subdivision, Resubdivision of Lots 1 & 2 of a Resubdivision of Lot 2, Corrected Plat, Resubdivision of Lots 49-57 – above).

Mr. Plauche stated that the applicant was present and concurred with the staff recommendation.

There was no one present in opposition.

After discussion a motion was made by Mr. Miller and seconded by Mr. Turner to approve this plan 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 will require Planning Commission review and approval;
- 2) revision of the PUD site plan to depict required front, side and rear yard setbacks, and placement of a note on the site plan stating the required setbacks;
- 3) placement of a note on the site plan stating maximum site coverage;
- 4) placement of a note and/or labeling of the lots with the size of the lot in square feet;
- 5) revision of the site plan to reflect compliance with the tree and landscaping requirements of the Zoning Ordinance;
- 6) revision of the site plan to depict all existing easements;
- 7) provision of a revised site plan to the Planning Section of Urban Development prior to the signing and recording of the final plat;
- 8) completion of the Subdivision process; and
- 9) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2006-00207 (Subdivision)
Wimbledon Park Subdivision, Resubdivision of Lot G-8
214 Wimbledon Park West
(West side of Wimbledon Park West at its South terminus).
1 Lot / 0.2± Acre

The site plan illustrates the existing building limits, setbacks, and proposed building limits.

(Also see Case #ZON2006-01881 – Wimbledon Park Subdivision, Resubdivision of Lot G-8 (Planned Unit Development) – below).

Mr. Plauche stated that the applicant was present and concurred with the staff recommendation.

There was no one present in opposition.

After discussion a motion was made by Mr. Miller and seconded by Mr. Turner to approve the above referenced subdivision subject to the following conditions:

- 1) revision of the plat to add a 15' by 15' building limit at the rear of the property, rather than the fullest extent requested; and
- 2) submission of a revised copy of the site plan for the PUD file, prior to signing the final plat.

The motion carried unanimously.

Case #ZON2006-01881 (Planned Unit Development)
Wimbledon Park Subdivision, Resubdivision of Lot G-8
214 Wimbledon Park West
(West side of Wimbledon Park West at its South terminus).

The request for Planned Unit Development Approval to allow a storage building outside of the approved building limits was considered.

The site plan illustrates the existing building limits, setbacks, and proposed building limits.

(For discussion see Case #SUB2006-00207 – Wimbledon Park Subdivision, Resubdivision of Lot G-8 – Above).

Mr. Plauche stated that the applicant was present and concurred with the staff recommendation.

There was no one present in opposition.

After discussion a motion was made by Mr. Miller and seconded by Mr. Turner to approve this plan subject to the following conditions:

- 1) revision of the site plan to add a 15' by 15' building limit at the rear of the property, rather than the fullest extent requested

The motion carried unanimously.

There being no further business, the meeting was adjourned.

APPROVED: November 16, 2006

Dr. Vicotora Rivizzigno, Secretary

Terry Plauche, Chairman

vm/ms