

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF OCTOBER 4, 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
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, called the meeting to order and advised all in attendance of the policies and procedures of the Planning Commission.

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 #SUB2007-00208 (Subdivision)

Riverwood Cove Subdivision

5620 Gulf Creek Circle

(North side of Gulf Creek Circle [North], 485' ± West of Rabbit Creek Drive)

2 Lots / 1.0± Acre

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

There was no one present in opposition.

Hearing no discussion, a motion was made by Mr. Miller and seconded by Mr. Turner to approve the above referenced subdivision subject to the following conditions:

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1. placement of a note on the final plat stating that each lot is limited to one curb cut, with size, location and design to be approved by the County Engineering Department;
2. 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;
3. placement of a note on the final plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering; and,
4. approval of federal, state and local agencies, as necessary due to wetlands, prior to the issuance of any permits.

The motion carried unanimously.

Case #SUB2007-00210 (Subdivision)

Lynwood Subdivision

4164 Halls Mill Road

(West side of Halls Mill Road, 775' + South of Azalea Road)

1 Lot / 9.4± Acres

(Also see Case #ZON2007-02099 (Planning Approval) Lynwood Nursing Home, below)

Doug Warnat, Warnat Engineering, was present on behalf of the applicant. While in agreement with the recommendations made by the staff, he advised the Commission members that there was now an issue regarding the adjacent 60 feet strip of land currently shown on the plat as part of the proposed project. This adjacent parcel had just been determined to be the property of the Tensaw Land Company, and in as much, will be removed from the final plat.

Mr. Olsen stated that the parcel had originally been part of the Lynwood plat, but was sold in the mid-1970's without benefit of the subdivision process. He went on to state that while the Tensaw Land Company owns the 60 feet strip in question legally via a "metes and bounds" description as well as owning the adjacent landlocked property to the rear, it is not a legal lot of record.

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Mr. Plauche asked for clarification regarding the “metes and bounds” status of both the 60 feet strip and the land locked property to the rear which are legally owned by the Tensaw Land Company in as much that as neither of them were legally possessed through the subdivision process, then they are not legal lots nor do they have the ability to be platted as such.

Mr. Olsen stated that was correct. He advised that the only way that this issue can be corrected would be by the Tensaw Land Company going through the subdivision process making those two parcels legal lots of record and then recording a final plat of same.

Mr. Plauche commented that as long as this issue was truly administrative, that he did not see any need to burden the current landowner in question with the resolution of an issue that was not within their purview.

Mr. Holmes discussed that the original property owner, a church, had created this situation well over 30 years prior by not going through the subdivision process. He asked what the net effect of not having the subdivision done properly at this time would be.

Mr. Olsen stated that the net effect would be the presence of a non-legal 60 feet by 50 feet strip that could not be permitted for land use until the owners had it subdivided and recorded as a legal lot of record.

Mr. Lawler stated that it would be difficult to go back and enforce the subdivision requirement some 30 years later, but that it will be easier to do so by refusing to permit the land for any use until it has been legally subdivided and recorded.

Hearing no other discussion, a motion was made by Mr. Watkins and seconded by Mr. DeMouy, to approve the above referenced subdivision subject to the following conditions:

- 1. dedication of sufficient right-of-way to provide a minimum of 35-feet from centerline of Halls Mill Road;**
- 2. placement of a note on the Final Plat limiting the development to the one curb cut, with any improvements to the curb-cut to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3. placement of a note on the final plat stating that the curb cut must be fully within the proposed lot, or that an application for Planned Unit Development approval must be submitted to allow shared access;**
- 4. submission of a revised Planning Approval site plan prior to the signing of the plat; and,**
- 5. revision of the plat to exclude the adjacent parcel from the lot’s legal description.**

The motion carried unanimously.

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Case #ZON2007-02099 (Planning Approval)

Lynwood Nursing Home

4164 Halls Mill Road

(West side of Halls Mill Road, 775'+ South of Azalea Road)

Planning Approval to allow an expansion of an existing nursing home in an R-3, Multi-Family Residential District.

(Also see Case #SUB2007-00210 (Subdivision)Lynwood Nursing Home, above)

(Also see Case #SUB2007-00210 (Subdivision)Lynwood Nursing Home, for discussion)

Hearing no other discussion, a motion was made by Mr. Watkins and seconded by Mr. DeMouy, to approve the above referenced subdivision, subject to the following conditions:

- 1. submission of a revised site plan depicting compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance;**
- 2. revision of the site plan to depict the driveway and curb-cut as being fully on the lot created by the Subdivision, or submittal of an application for Planned Unit Development approval to allow shared access with the adjacent parcel;**
- 3. completion of the Subdivision process; and,**
- 4. full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2007-00216 (Subdivision)

Cottage Hill Gardens Subdivision, Re-subdivision of Lots 11 & 12

631 and 633 Azalea Road

(North side of Azalea Road, 290'+ West of Village Green Drive)

2 Lots / 3.0± Acres

(Also see Case #ZON2007-02111 (Planning Approval) Cindy Carter; Case #ZON2007-02112 (Rezoning), Cindy Carter; and Case #ZON2007-02113 (Rezoning), Cindy Carter, below)

Ms. Carter addressed the Commission stating she was in agreement with the recommendations, however, as there was an additional, pre-existing curb cut at 633 Azalea Road, she asked if the recommendation regarding curb cuts could be changed to reflect that, and allow her to keep the additional, pre-existing curb cut.

Mr. Olsen said that given the width of the lot, one curb cut was the maximum number the staff would recommend; however, as the second curb cut was already in existence, he saw no reason to remove it.

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With no further discussion, a motion was made by Mr. Watkins and seconded by Mr. Turner, to approve the above referenced subdivision subject to the following conditions:

- 1. dedication of sufficient right-of-way to provide a minimum of 50-feet from centerline of Azalea Road;**
- 2. placement of a note on the Final Plat limiting Lot A to one curb cut and Lot B to two curb-cuts, with any improvements to be approved by Traffic Engineering and conform to AASHTO standards; and,**
- 3. the submission of an Administrative PUD for each lot to allow multiple building on a single building site.**

The motion carried unanimously.

Case #ZON2007-02111 (Planning Approval)

Cindy Carter

631 Azalea Road

(North side of Azalea Road 390'± West of Village Green Drive)

Planning Approval to allow a dog day care facility with outside runs in a B-2, Neighborhood Business District.

(Also see Case # SUB2007-00216 (Subdivision) Cottage Hill Gardens Subdivision, Re-subdivision of Lots 11 & 12, above; Case #ZON2007-02112 (Rezoning), Cindy Carter; and Case #ZON2007-02113 (Rezoning), Cindy Carter, below)

(Also see Case # SUB2007-00216 (Subdivision) Cottage Hill Gardens Subdivision, Re-subdivision of Lots 11 & 12 for discussion)

With no further discussion, a motion was made by Mr. Watkins and seconded by Mr. Turner, to approve the above referenced Planning Approval subject to the following conditions:

- 1. submission of a revised site plan depicting compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance;**
- 2. completion of the Subdivision process; and,**
- 3. full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2007-02112 (Rezoning)

Cindy Carter

631 Azalea Road

(North side of Azalea Road 390'+ West of Village Green Drive)

Rezoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, to allow a dog day care facility and retail sales.

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(Also see Case #SUB2007-00216 (Subdivision) Cottage Hill Gardens Subdivision, Re-subdivision of Lots 11 & 12; Case #ZON2007-02111 (Planning Approval) Cindy Carter, above; and Case #ZON2007-02113 (Rezoning), Cindy Carter, below)

(Also Case #SUB2007-00216 (Subdivision) Cottage Hill Gardens Subdivision, Re-subdivision of Lots 11 & 12 for discussion)

With no further discussion, a motion was made by Mr. Watkins and seconded by Mr. Turner, to approve the above referenced rezoning, subject to the following conditions:

- 1. completion of the Subdivision process;**
- 2. the development is limited to one curb-cut for Lot A and two curb-cuts for Lot B, with any improvements to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3. full compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance;**
- 4. submission and approval of a Planned Unit Development application; and,**
- 5. full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2007-02113 (Rezoning)

Cindy Carter

633 Azalea Road

(North side of Azalea Road 290'+ West of Village Green Drive)

Rezoning from R-1, Single-Family Residential, to B-1, Buffer Business, to allow offices.

(Also see Case #SUB2007-00216 (Subdivision) Cottage Hill Gardens Subdivision, Re-subdivision of Lots 11 & 12; Case#ZON2007-02111 (Planning Approval) Cindy Carter; and Case #ZON2007-02112 (Rezoning)Cindy Carter, above)

(Also see Case #SUB2007-00216 (Subdivision) Cottage Hill Gardens Subdivision, Re-subdivision of Lots 11 & 12 for discussion)

With no further discussion, a motion was made by Mr. Watkins and seconded by Mr. Turner, to approve the above referenced rezoning subject to the following conditions:

- 1. completion of the Subdivision process;**
- 2. the development is limited to one curb-cut for Lot A and two curb-cuts for Lot B, with any improvements to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3. full compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance;**
- 4. submission and approval of a Planned Unit Development application; and,**
- 5. full compliance with all other municipal codes and ordinances.**

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The motion carried unanimously.

EXTENSIONS:

Case #SUB2002-00246 (Subdivision)

Creekline Subdivision

Northwest corner of Higgins Road and Shipyard Road, and running through to Interstate 10.

28 Lots / 227.0± Acres

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

A motion was made by Mr. Plauche and seconded by Mr. Miller to grant a one-year extension of approval for the above referenced subdivision.

The motion carried unanimously.

Case #SUB2005-00195 (Subdivision)

Mobile Medical Group Subdivision

6001 Airport Boulevard

(South side of Airport Boulevard, between Wildwood and Pinemont Avenues)

1 Lot / 1.4± Acres

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

A motion was made by Mr. Plauche and seconded by Mr. Miller to grant a one-year extension of approval for the above referenced subdivision, but the applicant was advised that, without permitting or plan review activity for the site, no further extensions are likely.

The motion carried unanimously.

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

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

A motion was made by Mr. Plauche and seconded by Mr. Miller to grant a one-year extension of approval for the above referenced subdivision.

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The motion carried unanimously.

Case #SUB2006-00218 (Subdivision)

Colonial Hills Subdivision, Unit 6

South side of Airport Boulevard, 280'± East of Snow Road South, extending to the North terminus of Colonial Crossing.

34 Lots / 20.9± Acres

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

A motion was made by Mr. Plauche and seconded by Mr. Miller to grant a one-year extension of approval for the above referenced subdivision, but the applicant was advised that, unless road construction is underway or units are recorded, no further extensions are likely.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2007-00239

Torrington Place Subdivision, Phase Two, Part One

9891 Nursery Road

(Southeast corner of Nursery Road and Snow Road North)

1 Lot / 0.6± Acre

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

Hearing no opposition or 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 sufficient right-of-way to provide a minimum 50 feet from the center line of Snow Road;**
- 2. revision of the final plat showing a minimum ten foot radius on the corner of Snow Road and Nursery Road, to be approved by County Engineering;**
- 3. the placement of a note on the final plat stating that Lot A is limited to one curb cut to Snow Road and one curb cut to Nursery Road;**
- 4. depiction of a minimum 25 feet building setback line from both Snow Road and Nursery Road;**
- 5. labeling of the lot with its size in square feet, or provision of a table on the plat with the same information;**

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6. **submission of a letter from licensed engineer certifying compliance with the City of Mobile's stormwater and flood control ordinances must be provided to the Mobile County Engineering Department and the Planning Section of Urban Development prior to issuance of any permits; and,**
7. **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.**

The motion carried unanimously.

Case #SUB2007-00240

Cypress Cove Subdivision

East side of Schillinger Road South at the East terminus of Candlewood Drive.

1 Lot / 48.9± Acres

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche and seconded by Mr. DeMouy, to hold the matter over to the November 1, 2007, meeting, to allow the applicant time to address the following:

1. **the inclusion of the remainder of the two parent parcels to the East in this subdivision;**
2. **dedication of sufficient right-of-way to provide 50' from the centerline of Schillinger Road South, or the revision of the plat to indicate sufficient current right-of-way;**
3. **placement of a note on the final plat stating that the site is limited to the current private street curb cut to Schillinger Road South;**
4. **placement of a note on the final plat stating that access to Adobe Ridge Road South is denied;**
5. **placement of a note on the final plat stating that the approval of all applicable federal, state and local agencies is required prior to the issuance of any permits or land disturbance activities;**
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;**
7. **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**

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- 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;
8. depiction and labeling of the 25' minimum building setback line along Schillinger Road South and all Western boundaries of the site; and,
 9. labeling of the lot with its area in acres or the provision of a table on the plat depicting the same information.

The motion carried unanimously.

Case #SUB2007-00229

Pinehurst Delaney's Addition to Springhill Subdivision, Block 72,

Resubdivision of Lots 1, 2, 3, & 4

1000 and 1004 Wildwood Avenue

(Southwest corner of Wildwood Avenue and Chandler Street)

2 Lots / 0.6± Acres

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

There was no one present in opposition.

Hearing no opposition or discussion, a motion was made by Mr. Miller and seconded by Mr. Turner, to waive Section V.D.9., replacing it with Section 64-4.D.3. of the Zoning Ordinance, and to approve the above referenced subdivision subject to the following conditions:

1. revision of the plat to dedicate sufficient right-of-way to provide 25-feet, as measured from the centerline, along both streets;
2. revision of the property line at the corner to have a radius, in conformance with Section V.D.6. of the Subdivision Regulations;
3. depiction of the minimum building setback line to accommodate dedication, so that the minimum building setback line is 25 feet from the new right-of-way edge of Wildwood Avenue, and 9.5 feet from the new right-of-way edge of Chandler Street;
4. placement of a note on the final plat stating that Lot 1 is limited to its existing curb-cut onto Chandler Street and that Lot 2 is limited to on curb-cut onto Wildwood Avenue, with the size, design and location of all curb-cuts to be approved by Traffic Engineering;

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5. **revision of the property line between Lots 1 and 2 so that a minimum of an 8 foot setback is provided adjacent to the garage;**
6. **revision of the lot sizes in square feet to accommodate the changes to the plat;**
7. **the obtaining of a building permit for the existing fence prior to the signing of the final plat, and the modification of the fence so that it is not within the public right-of-way, and that it does not exceed the height limitations within the setback area along Chandler Street; and,**
8. **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2007-00238

Riviere du Chien Woods Subdivision, Lloyds Station Unit, Phase III-B, Re-subdivision of Lots 16 and 17

4093 and 4095 Lloyd Station Road

(East side of Lloyd Station Road, 240'± North of Riviere du Chien Road)

2 Lots / 1.5± Acres

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

There was no one present in opposition.

Hearing no opposition or 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. **placement of a note on the final plat stating that each lot is limited to one curb-cut, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards.**

The motion carried unanimously.

NEW PLANNING APPROVAL APPLICATIONS:

Case #ZON2007-02285

Nazaree Full Gospel Church

Southwest corner of West I-65 Service Road North and First Avenue (unopened public right-of-way).

Planning Approval to allow a private school in a B-3, Community Business district.

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Mr. Plauche announced that this application would be held over to the meeting of November 1, 2007, but if anyone was present who wished to speak in this matter, they could do so now. No one came forward.

Hearing no discussion, a motion was made by Mr. Plauche and seconded by Mr. DeMouy to hold this application over to the meeting of November 1, 2007, so the following could be addressed:

- 1. provision of additional information regarding the use of the building, including a preliminary floor plan indicating classroom areas and other uses;**
- 2. provision of additional information regarding the number of teaching stations, if different than the number of classrooms;**
- 3. revision of the site plan to show the parking area connecting to the service road, with the appropriate radius for the connection;**
- 4. provision of information regarding the drop-off and pick-up procedure, specifically explaining if it will be drop-off or park and walk-in with the children;**
- 5. revision of the site plan to depict the general location of any outdoor play areas and any fencing that will be provided;**
- 6. consultation with the Mobile Fire-Rescue Department to determine if the building layout and site plan meet the requirements of the 2003 International Fire Code, as adopted by the City of Mobile, and revision of the site plan if necessary to comply with the comments. *(All projects must comply with the requirements of the 2003 International Fire Code, including***
- 7. *Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate. Building and site design shall specifically comply with 2003IFC Section 503.1.1 buildings and facilities. Fire apparatus access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. May require an automatic sprinkler system and Commercial hood with automatic fire suppression system.*);**
- 8. compliance with Engineering comments. *(Minimum finished floor elevation needs to be verified with City Engineering. If public water is conveyed on property, please provide drainage easement. Any drainage-way conveying public water cannot be relocated without approval by City Engineering. No fill allowed in special flood hazard area without flood study. Show limit of special flood hazard area on plat. 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***

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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 stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.);

9. depiction of the general location of any on-site storm water detention;
10. revision of the legal description on the site plan to reflect the recorded plat;
11. revision of the site plan to clearly depict the building location;
12. revision of the site plan to depict a sidewalk along the service road, or submittal of an application for a sidewalk waiver; and,
13. revision of the site plan to depict compliance with the tree and landscaping requirements of the Zoning Ordinance.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2007-00237 (Subdivision)

Creekline Subdivision, Twelfth Addition

Northeast corner of Higgins Road and Shipyard Road, extending Northwardly 3415'± along the East side of Shipyard Road.

12 Lots / 7.3± Acres

(Also see Case #ZON2007-02241 (Planned Unit Development) Creekline Subdivision, Twelfth Addition, and, Case #ZON2007-02242 (Rezoning) Creekline, L.L.C. (W. M. Lyon), below)

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

Hearing no discussion, a motion was made by Mr. Turner and seconded by Mr. DeMouy to approve the above referenced subdivision subject to the following conditions:

1. illustration of the right-of-way of all road frontages on the Final Plat;
2. depiction of the 25' minimum building setback line on all road frontages;
3. placement of a note on the final plat stating that each lot is limited to two curb cuts to Shipyard Road, with the size,

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- location, and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;
4. the labeling of each lot with its size in square feet, or placement of a table on the plat with the same information; and,
 5. the provision of a 6-foot high solid wooden fence along the railroad right-of-way.

The motion carried unanimously.

**Case #ZON2007-02241 (Planned Unit Development)
Creekline Subdivision, Twelfth Addition**

Northeast corner of Higgins Road and Shipyard Road, extending Northwardly 3415'± along the East side of Shipyard Road.

Planned Unit Development Approval to allow reduced building setbacks and increased site coverage in a commercial subdivision.
(Also see Case #SUB2007-00237 (Subdivision) Creekline Subdivision, Twelfth Addition, above, and Case #ZON2007-02242 (Rezoning) Creekline, L.L.C. (W. M. Lyon), below)

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

Hearing no discussion, a motion was made by Mr. Turner and seconded by Mr. DeMouy to deny the above referenced subdivision.

The motion carried unanimously.

**Case #ZON2007-02242 (Rezoning)
Creekline, L.L.C. (W. M. Lyon)**

Northeast corner of Higgins Road and Shipyard Road, extending Northwardly 3415'± along the East side of Shipyard Road.

Rezoning from B-1, Buffer Business, to B-3, Community Business, to allow light warehousing with offices.

(Also see Case #SUB2007-00237 (Subdivision) Creekline Subdivision, Twelfth Addition and Case #ZON2007-02241 (Planned Unit Development) Creekline Subdivision, Twelfth Addition, above)

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

Hearing no discussion, a motion was made by Mr. Turner and seconded by Mr. DeMouy, to approve the above referenced subdivision subject to the following:

1. completion of the Subdivision process;
2. that each lot is limited to two curb-cut onto Shipyard Road, with the size, design and location to be approved by Traffic

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- Engineering, and conform to AASHTO standards;
3. full compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance;
 4. provision of a 6-foot high solid wooden fence along the railroad right-of-way; and,
 5. full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2007-00241 (Subdivision)

Snowden Place Subdivision

6106 Cottage Hill Road

(North side of Cottage Hill Road, 110'± East of Christopher Drive East)

16 Lots / 13.3± Acres

(Also see Case #ZON2007-02287 (Planned Unit Development) Snowden Place Subdivision and, Case #ZON2007-02286 (Rezoning) Reid Cummings, above)

Mr. Cummings, the applicant, addressed the Commission stating that he was not in favor of the holdover. He advised the Commission that the process for approval for this proposed subdivision was begun in February of 2007, and that in a letter dated February 22nd of this year, most of the questions currently posed by the staff, had already been answered. He stated approval for the project had been granted in the Spring of this year. At that time, they developers began to question whether or not they might want to add underground parking, garages, covered parking to some of the units, based upon the topography of the land. At that time, they decided to simply eliminate a great deal of asphalt parking in front of units 1-18, which are shown as located along the lake. This asphalted area was essentially re-located to a driveway behind the units 1-18 fronting along the lake that would accommodate, given the topography for all the land, underground parking, in a half story below. Mr. Cummings also stated that very little else to the design had been changed. He did admit that some of the units had to be re-located just to accommodate that shift. The lot sizes for the residential lots 1-15 have been changed to a smaller size, as well as re-locating the dumpster and mailbox kiosk. The speaker felt that these changes were simple not significant, as reflected by the staff's report to the Commission.

Mr. Olsen addressed the Commission and Mr. Cumming's statements regarding the letter by saying that said letter had not really been submitted, and that no letter regarding the site plan currently before the Commission had ever been received. Mr. Olsen went on to comment that the current site plan did not reflect the subdivision regulations requirement of a provision for a 50 feet right of way. He stated that the plat in front of the Commission today did not reflect a private road right of way; it reflects a simple drive that is in the development, which is not something that the Commission has reviewed or considered as a private drive.

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Mr. Cummings responded that the right of way that had been previously approved, that essentially serves as the main entrance off of the service road parallel to Cottage Hill Road, was always depicted as a private drive. It is to be gated and was approved as a 40 feet right of way back in March 2007, when approval was originally granted.

Mr. Olsen advised that the plat before the Commission today did not reflect a private road right of way at all.

Mr. Cummings apologized for the plat's inaccuracies and asked if correct information was provided to the staff, could the issue be resolved by the October 18, 2007, meeting.

Mr. Turner asked the staff if the matter could be handled in that time period.

Mr. Olsen responded that due to the next agenda currently having approximately 40 to 48 items to discuss, as well as the current understaffing situation, that it would not be feasible.

After hearing no further discussion, a motion was made by Mr. Miller and seconded by Mr. Turner to hold the matter over until the November 1, 2007, meeting, so that the following revisions could be submitted to the Planning and Zoning staff by October 12, 2007:

- 1. revision of the plat to address Engineering comments (*Lake needs to be analyzed to accommodate detention for additional runoff. Engineer to analyze functionality and capacity of lake. 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 stormwater and flood control ordinances. Any work performed in the right of way will require a right-of-way permit.*);**
- 2. revision of the plat to comply with Section VIII.E.2.C. of the Subdivision Regulations, regarding the private street;**
- 3. placement of a note on the plat stating the site coverage requests for Lots 1-15 (50%), as well as specifically indicating that reduced setbacks indicated on the plat are also for Lots 1-15;**
- 4. placement of a note on the plat indicating requested site coverage for Lot 16, the proposed R-3 lot;**
- 5. correction of any errors in the legal description and lot area**

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- dimensions; and,
- 6. revision of the plat to depict the minimum building setback lines from all street frontages, to include a 50-foot setback along Cottage Hill Road.**

The motion carried unanimously.

Case #ZON2007-02287 (Planned Unit Development)

Snowden Place Subdivision

6106 Cottage Hill Road

(North side of Cottage Hill Road, 110'± East of Christopher Drive East)

Planned Unit Development Approval to allow 15 single-family residential lots with reduced front and side setbacks, reduced lot sizes, and increased site coverage, and a 35-unit townhouse condominium complex with multiple buildings on a single building site, in a gated, private street subdivision.

(Also see Case #SUB2007-00241 (Subdivision) Snowden Place Subdivision, above, and Case #ZON2007-02286 (Rezoning) Reid Cummings, below)

(See Case #SUB2007-00241 (Subdivision) Snowden Place Subdivision for discussion)

After hearing no further discussion, a motion was made by Mr. Miller and seconded by Mr. Turner to hold the matter over until the November 1, 2007, meeting so that the following revisions could be submitted to the Planning and Zoning staff by October 12, 2007:

- 1. revision of the site plan and subdivision plat to depict compliance with Engineering comments. *(Lake needs to be analyzed to accommodate detention for additional runoff. Engineer to analyze functionality and capacity of lake. 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.)***
- 2. revision of the site plan and plat to depict the minimum building setback lines from all street frontages, to include a 50-foot setback along Cottage Hill Road;**
- 3. revision of the site plan to indicate the number of stories/height of all buildings and dimensioning of the minimum spacing between buildings;**

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4. consultation with Fire / Rescue to determine if modifications to the site plan are 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 PUD site calculations required by Section 64-5.C.2. of the Zoning Ordinance;
6. depiction and labeling of any required stormwater detention basins;
7. relocation of the dumpster pad, mail box kiosk and any other structures to comply with the 50-foot setback requirement from Cottage Hill Road;
8. provision and depiction of a 6 to 8 foot high privacy fence or wall where the lot containing the condominium portion of the site abuts existing R-1 districts that are developed with single-family residences;
9. 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;
10. placement of a note on the plat stating the site coverage requests for Lots 1-15 (50%), as well as specifically indicating that reduced setbacks indicated on the plat and site plan are also for Lots 1-15;
11. placement of a note on the plat and site plan indicating requested site coverage for Lot 16, the proposed R-3 lot;
12. indication on the site plan as to whether or not the entrance onto Cottage Hill Road will be gated;
13. correction of any errors in the legal description and lot area dimensions; and,
14. revision of the site plan to comply with Section VIII.E.2.c. of the Subdivision Regulations, regarding the private street.

The motion carried unanimously.

Case #ZON2007-02286 (Rezoning)

Reid Cummings

6106 Cottage Hill Road

(North side of Cottage Hill Road, 110'± East of Christopher Drive East).

Rezoning from R-1, Single-Family Residential, to R-3, Multi-Family Residential, to allow a townhouse condominium complex.

(Also see Case #SUB2007-00241 (Subdivision) Snowden Place Subdivision and, Case #ZON2007-02287 (Planned Unit Development) Snowden Place Subdivision, above)

(See Case #SUB2007-00241 (Subdivision) Snowden Place Subdivision for

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discussion)

After hearing no further discussion, a motion was made by Mr. Miller and seconded by Mr. Turner to hold the matter over until the November 1, 2007, meeting to accommodate for revisions listed under the PUD and Subdivision recommendations which are due October 12, 2007.

The motion carried unanimously.

OTHER BUSINESS:

Mr. Plauche asked if there was any further business before the Commission.

Mr. Olsen reminded the members that Ms. Deakle resigned from the Commission a few months prior, Steven Davitt had been appointed to fill that position and would be sworn in on the 17th. Mr. Olsen let it be known that Mr. Davitt currently served as vice-chair for the City's Board of Zoning Adjustment, but he would be resigning that position to fill the vacancy on the Planning Commission created by Ms. Deakle's resignation.

Mr. Olsen also discussed the recent annexation of a portion of West Mobile, as well as expressing his assumption that the City would prevail in Probate Court in that regard. He stated that the staff was beginning work on a zoning study for the newly annexed area and hoped to have it in at least enough of a format that it could be presented to the Commission by the next meeting. This is so the Commission may formally call a public hearing on the matter.

Mr. Plauche asked if there were any tentative dates for this.

Mr. Olsen stated that the call for public hearing would be the next meeting, October 18, 2007, with the actual hearing being November 15, 2007, due to the need to run legal ads required in this case. If the Commission chooses to recommend approval of the plan on November 15, 2007, the matter would be forwarded to the City Council, with it hearing the matter around December 13, 2007.

Mr. Plauche asked that this information be emailed to the individual Commission members, who would then respond to Mr. Olsen and a consensus be drawn from that.

Mr. Olsen then reminded the members that there were several issues that needed to be discussed in a business meeting, one of which is the applications for vacations in the planning jurisdiction. Mr. Olsen advised that he had developed a process/procedure for this, as well as an application for the same for the Commission's approval.

Hearing no further business, the meeting was adjourned.

APPROVED: November 20, 2008

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Victoria Rivizzigno, Secretary

Terry Plauche, Chairman.

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