

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF OCTOBER 16, 2008 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

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

Members Absent

Clinton Johnson
James Watkins, III
Mead Miller
Roosevelt Turner

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Bert Hoffman,
Planner II
David Daughenbaugh,
Urban Forestry Coordinator
Joanie Stiff-Love,
Secretary II

Others Present

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

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

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

HOLDOVERS:

Case #SUB2008-00175 (Subdivision)

Dobbs Industrial Park Subdivision, First Addition, Re-subdivision of Lots 1 & 2

3730 Halls Mill Road

North side of Halls Mill Road, 130'± West of Varner Drive

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

Engineer / Surveyor: M. Don Williams Engineering

Council District 4

(Also see **Case #ZON2008-01983 (Planned Unit Development) Dobbs Industrial Park Subdivision, First Addition, Re-subdivision of Lots 1 & 2**, below)

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

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

- 1) dedication of 10' along Halls Mill Road to provide 35' from centerline;
- 2) illustration of the 25' minimum building setback line, as measured from the dedicated right-of-way line;
- 3) placement of a note on the final plat stating that the 15' driveway is to be signed and marked as an exit only;
- 4) placement of a note on the final plat stating that the existing 30' driveway is to be modified to 36' wide;
- 5) placement of a note on the final plat stating that Lot 2 is denied direct access to Halls Mill Road;
- 6) revision the plat to label each lot with its area in square feet and acres after dedication, or the provision of a table on the plat furnishing the same information;
- 7) placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and,
- 8) subject to the Engineering Comments: *(Must comply with all stormwater and flood control ordinances. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit. Need to verify that there is sufficient capacity for the receiving drainage system(s) to accept drainage from this property).*

The motion carried unanimously.

Case #ZON2008-01983 (Planned Unit Development)

Dobbs Industrial Park Subdivision, First Addition, Re-subdivision of Lots 1 & 2

3730 Halls Mill Road

North side of Halls Mill Road, 130'± West of Varner Drive

Planned Unit Development Approval to allow shared access and parking between two building sites

Council District 4

(Also see Case #SUB2008-00175 (Subdivision) **Dobbs Industrial Park Subdivision, First Addition, Re-subdivision of Lots 1 & 2**, above)

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

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

- 1) **limiting of the 15' driveway to one-way exit only, with the appropriate signage and marking as such;**
- 2) **revision of the existing 30' driveway to 36' wide;**
- 3) **provision of seven over-story frontage trees; and,**
- 4) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2008-00197 (Subdivision)

Pettway Place Subdivision

South side of Ridge Road, 206'± East of Stanton Road

Number of Lots / Acres: 1 Lot / 0.2± Acre

Engineer / Surveyor: Lovitte Surveying Inc.

Council District 1

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

Hearing no opposition or further discussion, a motion was made by Mr. DeMouy, with second by Dr. Rivizzigno, to waive Section V.D.2. and approve the above referenced subdivision, subject to the following conditions:

- 1) **placement of a note on the Final Plat stating that the subdivision is limited to one curb cut to Ridge Road, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **illustration of the 25' minimum building setback line along Ridge Road;**
- 3) **labeling of the lot with its size in square feet, or the provision of a table on the plat furnishing the same information;**
- 4) **placement of a note on the Final Plat stating that development of this site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and,**
- 5) **subject to the Engineering Comments: *(Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Need to verify that there is sufficient capacity for the receiving drainage system to accept drainage from this property).***

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The motion carried unanimously.

Case #SUB2008-00193 (Subdivision)

Ezell Walker's Family Division Subdivision

South side of Helton Road, 530'± West of Hillview Road.

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

Engineer / Surveyor: Polysurveying Engineering-Land Surveying
County

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

Hearing no opposition or further discussion, a motion was made by Mr. DeMouy, with second by Dr. Rivizzigno, to waive Sections V.D.1. and V.D.3. and approve the above referenced subdivision, subject to the following conditions:

- 1) **placement of a note on the plat stating that Lots 1 and 2 will share one curb cut onto Helton Road with the size, location, and design to be approved by County Engineering;**
- 2) **placement of a note on the plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;**
- 3) **placement of a note stating that there will be no further subdivision of Lot 2 without additional frontage on a public street;**
- 4) **placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;**
- 5) **revision of the plat to show each lot size in square feet; and,**
- 6) **placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species.**

The motion carried unanimously.

Case #SUB2008-00195 (Subdivision)
Thomas & Janetta Autrey Family Division Subdivision
890 Carol Street
East side of Carol Street, 900'± South of Crowell Street
Number of Lots / Acres: 2 Lots / 2.1± Acres
Engineer / Surveyor: Polysurveying Engineering-Land Surveying
County

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

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. DeMouy, to waive Sections V.D.1. and V.D.3. and approve the above referenced subdivision, subject to the following conditions:

- 1) **placement of a note on the final plat stating that Lots 1 and 2 are limited to one curb cut each onto Carol Street with the size, location, and design to be approved by County Engineering;**
- 2) **placement of a note stating that no additional subdivision of Lot 2 will be allowed until additional frontage on a public street is provided;**
- 3) **placement of a note on the plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;**
- 4) **revision of the plat to show the 25' minimum building setback line 25' from where the "pole" portion of the lot intersects with the "flag" portion;**
- 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) **placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species.**

The motion carried unanimously.

Case #SUB2008-00200 (Subdivision)

Uniport Subdivision, Re-subdivision of and Addition to Lot 2

4616 and 4628 Airport Boulevard

North side of Airport Boulevard, 125'± East of South University Boulevard, extending to the East side of South University Boulevard 118'± North of Airport Boulevard

Number of Lots / Acres: 1 Lot / 1.8± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 5

(Also see Case #ZON2008-02189 (Rezoning) Hillcrest South LLC, and, Case #ZON2008-02188 (Planned Unit Development) Uniport Subdivision, Re-subdivision of and Addition to Lot 2, below)

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

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

- 1) **the dedication to provide sufficient right-of-way along Airport Boulevard and University Boulevard South 50-feet from the centerline of each street;**
- 2) **placement of a note on the final plat stating that the development is limited to two curb-cuts onto Airport Boulevard and one curb cut to University Boulevard South, with the size, design, and location to be approved by Traffic Engineering, and in conformance with AASHTO standards;**
- 3) **completion of the service road vacation process prior to the signing of the Final Plat;**
- 4) **placement of a note on the Final Plat denying access from the Airport Boulevard service road; and,**
- 5) **revision of the Final Plat to label the lot with its size in square feet.**

The motion carried unanimously.

Case #ZON2008-02189 (Rezoning)

Hillcrest South LLC

4616 and 4628 Airport Boulevard

(North side of Airport Boulevard, 125'± East of South University Boulevard, extending to the East side of South University Boulevard 118'± North of Airport Boulevard).

Rezoning from R-1, Single-Family Residential, and B-2, Neighborhood Business, to B-2, Neighborhood Business, to eliminate split zoning and allow retail sales in a proposed commercial subdivision.

Council District 5

(Also see **Case #SUB2008-00200 (Subdivision) Uniport Subdivision, Re-subdivision of and Addition to Lot 2**, above, and, **Case #ZON2008-02188 (Planned Unit**

Development) Uniport Subdivision, Re-subdivision of and Addition to Lot 2, below)

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

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

- 1) **the provision of an 6-foot high wooden privacy fence, where the site abuts R-1, Single-Family Residential;**
- 2) **the provision of a 10-foot buffer along the East property line where it abuts R-1, Single-Family Residential;**
- 3) **the closure of the Airport Boulevard service road access;**
- 4) **the removal of asphalt within the right-of-way along University Boulevard, between the edge of pavement and the property line;**
- 5) **the elimination of the paved area in the Northeast corner of the development;**
- 6) **vacation of the service road as illustrated on the proposed site plan; and,**
- 7) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2008-02188 (Planned Unit Development)

Uniport Subdivision, Re-subdivision of and Addition to Lot 2

4616, 4628 and 4640 Airport Boulevard

(Northeast corner of Airport Boulevard and South University Boulevard)

Planned Unit Development Approval to allow shared access and parking between two building sites.

Council District 5

(Also see **Case #SUB2008-00200 (Subdivision) Uniport Subdivision, Re-subdivision of and Addition to Lot 2**, and, **Case #ZON2008-02189 (Rezoning) Hillcrest South**

LLC, above)

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

Hearing no opposition or further discussion, a motion was made by Mr. DeMouy, with second by Mr. Davitt, to approve the above referenced Planned Unit Development, 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 a new application to the Planning Commission;**
- 2) **revision of the site plan to place the requirements of Section 64-6.A.3.c., Lighting, as a note on the site plan: “If parking areas contain ten (10) or more cars, lighting shall be provided and maintained during their operation, and shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic.”;**
- 3) **the removal of asphalt within the right-of-way along University Boulevard, between the edge of pavement and the property line;**
- 4) **the elimination of the paved area in the Northeast corner of the development;**
- 5) **the closure of the Airport Boulevard service road access;**
- 6) **vacation of the service road as illustrated on the proposed site plan; and,**
- 7) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2008-00198 (Subdivision)

Frazier Park Subdivision

2165 Old Shell Road

South side of Old Shell Road at the South terminus of Frazier Court

Number of Lots / Acres: 1 Lot / 0.5± Acre

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

Council District 1

Mr. Olsen advised the Commission that just prior to the meeting, the applicant contacted the staff to advise them that he was out of town and wished to have the matter held over to the next meeting.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the November 6, 2008, meeting, at the applicant's request.

The motion carried unanimously.

Case #ZON2008-02186 (Planned Unit Development)

Frazier Park Subdivision

2165 Old Shell Road

South side of Old Shell Road at the South terminus of Frazier Court

Planned Unit Development Approval to allow reduced side yard setbacks for a three unit residential condominium complex

Council District 1

Mr. Olsen advised the Commission that just prior to the meeting, the applicant contacted the staff to advise them that he was out of town and wished to have the matter held over to the next meeting.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the November 6, 2008, meeting, at the applicant's request.

The motion carried unanimously.

Case #ZON2008-02185 (Rezoning)

Ashland Park LLC

2165 Old Shell Road

South side of Old Shell Road at the South terminus of Frazier Court

Rezoning from R-1, Single-Family Residential, to R-3, Multi-Family Residential, to allow the construction of three residential town home condominiums

Council District 1

Mr. Olsen advised the Commission that just prior to the meeting, the applicant contacted the staff to advise them that he was out of town and wished to have the matter held over to the next meeting.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the November 6, 2008, meeting, at the applicant's request.

The motion carried unanimously.

EXTENSIONS:

Case #SUB2006-00225 (Subdivision)

Belle Isle Subdivision, Re-subdivision of Lots 1-6

4710 Belle Isle Lane

North terminus of Belle Isle Lane

Number of Lots / Acres: 6 Lots / 3.3± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 4

(Also see **Case #ZON2006-01868 (Planned Unit Development) Belle Isle Subdivision, Re-subdivision of Lots 1-6**, below)

Don Coleman, Rester and Coleman Engineers Inc., spoke on behalf of the applicant, noting it had been a long time with this project, but that the applicant felt sure that if he could get this last extension he felt sure he could record it as he almost has all of the issues resolved.

Doug Anderson, Burr and Foreman Law Firm, spoke on the matter as he had been involved in the original sale. He advised the Commission that there were many attorneys and engineers involved in the matter, which had slowed down the process. He, however, believed that the matter should resolve itself in the next year and offered his support for the extension.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Vallas, to approve the above requested extension, but future extensions are unlikely.

The motion carried unanimously.

Case #ZON2006-01868 (Planned Unit Development)

Belle Isle Subdivision, Re-subdivision of Lots 1-6

4710 Belle Isle Lane

North terminus of Belle Isle Lane

Planned Unit Development Approval to allow a private street single-family residential subdivision

Council District 4

(Also see **Case #SUB2006-00225 (Subdivision) Belle Isle Subdivision, Re-subdivision of Lots 1-6**, above)

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

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Vallas, to approve the above requested extension, but future extensions are unlikely.

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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

Number of Lots / Acres: 16 Lots / 13.3± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(Also see **Case #ZON2007-02287 (Planned Unit Development) Snowden Place Subdivision**, below)

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

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

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

Council District 6

(Also see **Case #SUB2007-00241 (Subdivision) Snowden Place Subdivision**, above)

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

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

The motion carried unanimously.

Case #SUB2007-00278 (Subdivision)

UNO Subdivision, Phase Two

East side of Sollie Road, 245'± South of Shadow Creek Drive

Number of Lots / Acres: 16 Lots / 10.3± Acres

Engineer / Surveyor: Engineering Development Services, LLC

Council District 6

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

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

The motion carried unanimously.

Case #SUB2006-00242 (Subdivision)

Wynnfield Subdivision, Unit Five

West terminus of Wynngate Way, extending North and West to the South terminus of Widgeon Drive

Number of Lots / Acres: 67 Lots / 70.5± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to approve the above requested extension, but the applicant should also be advised that future extensions are unlikely.

The motion carried unanimously.

Case #SUB2003-00285 (Subdivision)

Oak Grove Subdivision

South side of Firetower Road, ¼ mile± East of Greenbriar Court

Number of Lots / Acres: 119 Lots / 75.4 ± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to approve the above requested extension, but the applicant should be advised that future extensions are unlikely.

The motion carried unanimously.

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Case #SUB2007-00243 (Subdivision)

Colleton Place Subdivision

8101 Howells Ferry Road

South side of Howells Ferry Road at Harvey Hill Road

Number of Lots / Acres: 141 Lots / 47.0+ Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

Matt Orrell, Polysurveying of Mobile, spoke on behalf of the applicant. He reminded the Commission the lots had been approved as smaller than 7200 square feet and they would like to go back to the original dimensions and waive the 7200 square foot requirement.

Mr. Olsen advised the Commission that the staff had no problem with the request.

Hearing no opposition or further discussion, a motion was made by Mr. Vallas, with second by Dr. Rivizzigno, to approve the above requested extension, subject to the additional condition:

- 1) revision of the cul-de-sac right-of-way diameter to 120' to comply with the 2003 International Fire Code standards.**

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2008-00217

Dix Subdivision, Unit Three

2526 Dawes Road

West side of Dawes, 200'± South of Cottage Hill Road, extending to the South side of Cottage Hill Road, 250'± West of Dawes Road

Number of Lots / Acres: 1 Lot / 4.8± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.
County

Don Coleman, Rester and Coleman Engineers Inc., spoke on behalf of the applicant saying they were in agreement with the recommendations, however, they requested another driveway on Dawes Road, giving them a total of 3, subject to the county engineer's approval.

Mr. Olsen stated that as they had just over 400 linear feet of frontage, that request could be approved.

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

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- 1) dedication of 20' of right-of-way along the Southern 200' of Dawes Road frontage, as illustrated on the plat;
- 2) placement of a note stating that the subdivision is limited to one (1) curb cut to Cottage Hill Road and three (3) curb cuts to Dawes Road, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;
- 3) revision of the plat to label the lot with its size in square feet and acreage, or the provision of a table on the final plat with the same information;
- 4) placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;
- 5) placement of a note on the final plat stating that any lots developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations; and,
- 6) submission of a letter from a licensed engineer certifying compliance with the City of Mobile's stormwater and flood control ordinances to the Mobile County Engineering department and the Planning Section of Mobile Urban Development prior to issuance of any permits.

The motion carried unanimously.

Case #SUB2008-00220

Mahesh Subdivision

8730 Moffett Road

Northeast corner of Moffett Road and Camellia Drive

Number of Lots / Acres: 1 Lot / 0.7± Acre

Engineer / Surveyor: Anil Badve

County

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. Vallas, to hold the matter over until the December 4, 2008, meeting, with revisions due by November 3, 2008, to address the following:

- 1) depiction of the dedication of right-of-way sufficient to provide 50-feet from the centerline of Moffett Road and 30 feet from the centerline of Camellia Drive;
- 2) submittal of evidence showing that the lot was subdivided from the parent parcel prior to 1984, or revision to include the parent parcel;
- 3) placement of a note on the final plat limiting the site to the

- existing number of curb cuts;
- 4) revision of the 25-foot minimum building setback line to reflect the recommended right of way dedications;
 - 5) 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 stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering; and,
 - 6) retaining of notes (with spelling corrections) on the plat relating to endangered/threatened species, buffering of commercial development, and lot size information.

The motion carried unanimously.

Case #SUB2008-00221

Old Pascagoula Road Subdivision

Northwest corner of Old Pascagoula Road and Creel Road

Number of Lots / Acres: 2 Lots / 6.5± Acres

Engineer / Surveyor: Hatch Mott MacDonald

County

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

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

- 1) dedication of sufficient right-of-way widths along Old Pascagoula Road and Creel Road to provide 50' from the centerline;
- 2) placement of a note on the final plat stating that Lot 1 is limited to one curb cut onto Creel Road and one curb cut onto Old Pascagoula Road and Lot 2 is limited to two curb cuts onto Old Pascagoula Road with the size, location, and design of all curb cuts to be approved by County Engineering;
- 3) revision of the plat to depict the 25' minimum building setback line across all street frontages;
- 4) placement of a note on the plat stating that the development will be designed to comply with the stormwater detention and

- drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;
- 5) correction of legal description along North property line;
 - 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; and
 - 7) placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species.

The motion carried unanimously.

Case #SUB2008-00219

Oakden Estates Subdivision

16 Hillwood Road

West side of Hillwood Road, 350'± South of Country Club Road

Number of Lots / Acres: 3 Lots / 1.2± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 5

Doug Anderson, Burr and Foreman Law Firm, spoke on behalf of the applicant stating they were in agreement with the recommendations and presented information regarding the plans for the subdivision in an effort to quell any opposition that was present.

Mike Rogers, 5 Country Club Road, Mobile, AL, stating it was not felt that the flag shaped lot, nor the lot size were in character with the neighborhood

Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. DeMouy, to waive Sections V.D.1. and V.D.3 and approve the above referenced subdivision, subject to the following conditions:

- 1) illustration of the 25' minimum building setback line along Hillwood Road for Lots 2 and 3, and along the East line of Lot 1;
- 2) placement of a note on the final plat stating that each lot is limited to one curb cut to Hillwood Road, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;

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- 3) labeling of each lot with its size in acres and square feet, or the provision of a table on the plat furnishing the same information;
- 4) removal of the dwelling on the site, with proper building demolition permit, prior to signing the final plat;
- 5) placement of a note on the final plat stating that development of this site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and,
- 6) subject to the Engineering Comments: *(Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet).*

The motion carried unanimously.

Case #SUB2008-00216

Amelia Woods Subdivision, Phase One

West terminus of Old Dobbin Drive North, extending to the South terminus of Blue Ridge Boulevard

Number of Lots / Acres: 22 Lots / 11.2± Acres

Engineer / Surveyor: Engineering Development Services, LLC

Council District 6

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the November 20, 2008, meeting, to allow the applicant to address the following:

- 1) **submittal of a rezoning application by no later than November 6th;**
- 2) **placement of a note on the final plat stating that all lots, including corner lots, are limited to one curb cut each, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) **the construction and dedication of the new streets to City Engineering standards and acceptance by City Engineering prior to signing the final plat; and,**
- 4) **subject to City Engineering comments: *(Must comply with all stormwater and flood control ordinances. Cannot concentrate stormwater runoff to an adjacent property without a release agreement, a private drainage easement or providing detention for a 100 year storm event with a two year release rate per the revised COM Storm Water Ordinance. Need to capture as much***

drainage as practicable on the proposed Old Dobbin Drive to alleviate any potential drainage problems on the existing Old Dobbin Drive drainage system. Any work performed in the right-of-way will require a right-of-way permit. Need to verify that there is sufficient capacity for the receiving drainage system(s) to accept drainage from this property).

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2008-02371

RSE all Rentals, LLC

1256 Hutson Drive

West side of Hutson Drive, 50'± North of the West terminus of Key Street)

Request to waive construction of a sidewalk along Hutson Drive.

Council District 5

The Chair stated the application had been recommended for denial and asked if the applicant was present.

Hearing no response from the applicant, opposition or further discussion, a motion was made by Dr. Rivizzigno, with second by Mr. DeMouy, to deny the above requested sidewalk waiver.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2008-02370

Volunteers of America Southeast

6460 Zeigler Boulevard

North side of Zeigler Boulevard, 375'± East of Athey Road

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

Council District 7

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

Mr. Daughenbaugh, Urban Forestry, advised the applicant that trees in the right-of-way will require a Mobile Tree Commission permit before those trees can be removed.

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

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- 1) **provision of a buffer, in compliance with Section 64-4.D.1. of the Zoning Ordinance, where the property abuts residentially zoned property;**
- 2) **placement of a note on the site plan stating that all lighting of the site and the parking area will be in compliance with the requirements of Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance; specifically lighting must not shine directly into adjacent residential properties or into traffic, and parking areas must be illuminated during their operation at night, if applicable;**
- 3) **submission of a revised PUD site plan to the Planning Section of Urban Development prior to the issuance of any permits or land disturbance activities; and,**
- 4) **tree removal in the right-of-way will require a permit from the Mobile Tree Commission.**

The motion carried unanimously.

NEW PLANNING APPROVAL APPLICATIONS:

Case #ZON2008-02368

Miracle Temple of Living God

2504 Third Avenue

North side of Third Avenue, 340'± East of Jessie Street

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

Council District 1

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

Earnest Carlton, deacon, Miracle Temple of the Living God, stated the church had a Planning Approval application approved in 1982, however, it contained a typographical error which put the recommendation on wrong side of the street. He stated he had provided the staff with copies of that document.

Mr. Olsen stated the church had to reapply for Planning Approval as the earlier approval had expired.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Ms. Butler, to approve the above referenced Planning Approval application, subject to the following conditions:

- 1) **revision of the site plan to depict and label the 25-foot minimum building setback line;**
- 2) **revision of the site plan to label the privacy fence within the 25-foot minimum building setback area as only 3-feet in height;**

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- 3) revision of the site plan to state overall landscape area provided, in addition to what is required;
- 4) revision of the site plan to show any surface stormwater detention facilities, if they will be provided, with the understanding that significant changes to the building location, parking layout or landscaping may require a new application for Planning Approval;
- 5) placement of a note on the site plan stating that lighting on the site will comply with Section 64-4.A.2. of the Zoning Ordinance;
- 6) correction of the site plan to remove items # B and E under “General Description of Land Disturbance Activity”;
- 7) compliance with Engineering comments: *(Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet.)*
- 8) compliance with Traffic Engineering comments: *(Improve driveway radii to twenty feet. Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Final approval for all driveways, proposed and existing will be given upon submittal of final plans.); and,*
- 9) submission of one (1) revised site plan to the Planning Section of Urban Development for the Planning Approval file, prior to submitting revised drawings for the land disturbance permit.

The motion carried unanimously.

NEW ZONING APPLICATIONS:

Case #ZON2008-02365

City of Mobile

West side of Cherokee Street at the West terminus of La Salle Street, extending to the East side of the Illinois Central Gulf Railroad, 240'± West of Cherokee Street
Rezoning from R-1, Single-Family Residential, and B-3, Community Business, to R-1, Single-Family Residential, to allow the construction of a single-family dwelling.
Council District 3

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

Hearing no opposition or further discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Davitt, to approve the above requested rezoning, subject to the following conditions:

- 1) **compliance with Engineering comments:** *(Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet); and,*
- 2) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2008-00181 (Subdivision) (Holdover)

Paul Persons Subdivision, Re-subdivision of

4474 Halls Mill Road

North side of Halls Mill Road, 4/10 mile± West of the North terminus of Riviere Du Chien Road

Number of Lots / Acres: 3 Lots / 5.2± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 4

(Also see **Case #ZON2008-02364 (Planned Unit Development)**)

Paul Persons Subdivision, Re-subdivision of

below)

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

Hearing no opposition or further discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Davitt, to waive Section V.D.3. and approve the above referenced subdivision, subject to the following conditions:

- 1) **placement of a note on the final plat stating that the subdivision is limited to the one existing, common, shared curb cut;**
- 2) **placement of a note on the final plat stating that the central circulation drive shall be maintained by the property owner;**
- 3) **placement of a note on the final plat stating that there shall be no future re-subdivision of Lots A, B, or C;**
- 4) **placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;**
- 5) **the applicant receive the approval of all applicable federal, state, and local agencies would be required prior to the issuance of any permits or land disturbance activities;**
- 6) **compliance with Engineering Comments:** *(It is the responsibility of the applicant to look up the site in the City of*

- Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS show wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all stormwater and flood control ordinances. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit); and,*
- 7) **submission of a revised PUD site plan prior to signing of the Final Plat.**

The motion carried unanimously.

Case #ZON2008-02364 (Planned Unit Development)

Paul Persons Subdivision, Re-subdivision of

4474 Halls Mill Road

North side of Halls Mill Road, 4/10 mile± West of the North terminus of Riviere Du Chien Road

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow two buildings on a single building site and shared access between three building sites.

Council District 4

(Also see **Case #SUB2008-00181 (Subdivision) (Holdover) Paul Persons Subdivision, Re-subdivision of**, above)

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

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

- 1) **revision of the site plan to include a note stating that the PUD is site plan specific, and any development or construction on any of the lots will require new PUD application(s) for the entire development;**
- 2) **revision of the site plan to include a note stating that the subdivision is limited to the one existing, common, shared curb cut;**
- 3) **revision of the site plan to include a note stating that the central circulation drive shall be maintained by the property owner;**
- 4) **revision of the site plan to include a note stating that there shall be no future re-subdivision of Lots A, B, or C;**

- 5) **compliance with Engineering Comments:** *(It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS show wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all stormwater and flood control ordinances. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit); and,*
- 6) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2008-00215 (Subdivision)

The Village at Midtown Subdivision

2063 Bragg Avenue

East side of Stanton Road, 270'± South of Pleasant Avenue

Number of Lots / Acres: 1 Lot / 16.9± Acres

Engineer / Surveyor: Engineering Development Services LLC

Council District 1

(Also see **Case #ZON2008-02357 (Planned Unit Development) The Village at Midtown Subdivision**, below)

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

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

- 1) **labeling of all common areas, and placement of a note on the site plan and plat stating that maintenance of common and detention common areas is the responsibility of the property owners;**
- 2) **depiction and labeling of the minimum building setback line from all street frontages;**
- 3) **completion of the vacation process prior to the signing of the Final Plat;**
- 4) **full compliance with Urban Forestry comments, and placement of the comments as a note on the site plan and plat: *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).***

- Preservation status is to be given to all 50” and larger trees that may occur within the development, not otherwise identified. Any work on or under these trees are to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger);*
- 5) placement of a note on the site plan and plat stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;
 - 6) submission and completion of the Traffic Impact Study prior to the signing of the Final Plat;
 - 7) the placement of a note on the Final Plat stating approval of the park access from this development must be approved by the City of Mobile Parks and Recreation Department;
 - 8) provision of two (2) revised PUD site plans to the Planning Section of Urban Development prior to the signing of any Subdivision plat; and,
 - 9) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2008-02357 (Planned Unit Development)

The Village at Midtown Subdivision

2063 Bragg Avenue

(East side of Stanton Road, 270'± South of Pleasant Avenue).

Planned Unit Development Approval to allow a 15-building, 324-unit apartment complex with associated accessory structures and parking garages on a single building site.

Council District 1

(Also see Case #SUB2008-00215 (Subdivision) **The Village at Midtown Subdivision**, above)

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

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

- 1) labeling of all common areas, and placement of a note on the site plan and plat stating that maintenance of common and detention common areas is the responsibility of the property owners;
- 2) depiction and labeling of the minimum building setback line from all street frontages;
- 3) completion of the vacation process prior to the signing of the

Final Plat;

- 4) **full compliance with Urban Forestry comments, and placement of the comments as a note on the site plan and plat: (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to all 50" and larger trees that may occur within the development, not otherwise identified. Any work on or under these trees are to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger*);**
- 5) **placement of a note on the site plan and plat stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;**
- 6) **submission and completion of the Traffic Impact Study prior to the signing of the Final Plat;**
- 7) **the placement of a note on the Final Plat stating approval of the park access from this development must be approved by the City of Mobile Parks and Recreation Department;**
- 8) **provision of two (2) revised PUD site plans to the Planning Section of Urban Development prior to the signing of any Subdivision plat; and,**
- 9) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2008-00218 (Subdivision)

St. Francis Place Subdivision, Phase Three

West side of Louise Avenue, 375' ± South of Airport Boulevard, extending to the Northwest corner of Louise Avenue and Howard Street (vacated public right-of-way)

Number of Lots / Acres: 7 Lots / 1.0± Acres

Engineer / Surveyor: Patrick Land Surveying

Council District 6

(Also see **Case #ZON2008-02363 (Planned Unit Development) St. Francis Place Subdivision, Phase Three**, below)

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

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

- 1) **dedication to provide 25-feet from centerline along Louise Avenue, as depicted;**

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- 2) improvement of the West side of Louise Avenue to provide pavement and curb-and-gutter to provide 13-feet to face of curb from the centerline of pavement;
- 3) revision of the plat to show any detention common areas, if required;
- 4) depiction and labeling of setbacks, lot sizes and site coverages on the final plat, as shown on the preliminary plat;
- 5) placement of a note on the final plat, as shown on the preliminary plat, stating that each lot limited to one curb-cut, with the size, design, and location to be approved by Traffic Engineering and in compliance with AASHTO standards;
- 6) compliance with Engineering comments: *(Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet.);*
- 7) placement of a note on the final plat, as shown on the preliminary plat, stating that approval of all applicable Federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;
- 8) submission of a revised PUD site plan, if required to depict detention areas, prior to the signing of the final plat;
- 9) submission of seven (7) copies of the Phase Two final plat prior to the signing of the Phase Three final plat; and,
- 10) completion of the Subdivision process prior to any building permit applications for individual home construction.

The motion carried unanimously.

Case #ZON2008-02363 (Planned Unit Development)

St. Francis Place Subdivision, Phase Three

West side of Louise Avenue, 375'± South of Airport Boulevard, extending to the Northwest corner of Louise Avenue and Howard Street (vacated public right-of-way). Planned Unit Development Approval to allow reduced lot sizes and widths, reduced front and side yard setbacks, and increased site coverage in a single-family residential subdivision.

Council District 6

(Also see **Case #SUB2008-00218 (Subdivision) St. Francis Place Subdivision, Phase Three**, above)

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

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

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subject to the following conditions:

- 1) **improvement of the West side of Louise Avenue to provide pavement and curb-and-gutter to provide 13-feet to face of curb from the centerline of pavement;**
- 2) **provision of a sidewalk, or submission of an application for sidewalk waiver for the entire Phase Three development prior to requesting permits for land disturbance;**
- 3) **revision of the site plan to depict and label any surface detention area, if required;**
- 4) **depiction and labeling of setbacks, lot sizes and site coverages on any revised site plan, as shown on the proposed site plan;**
- 5) **submission of one (1) revised site plan, if necessary for condition # 3, prior to the signing of the final plat; and,**
- 6) **completion of the Subdivision process.**

The motion carried unanimously.

OTHER BUSINESS:

Mr. Olsen advised the Commission that they must elect officers for the ensuing year.

Mr. Davitt nominated, with second by Dr. Rivizzigno, Mr. Plauche for the position of chairman and Mr. DeMouy for vice-chairman for the 2008-2009 year.

The Chair called the vote. Mr. Plauche and Mr. DeMouy were elected to their respective positions by acclamation.

Mr. Davitt nominated, with second by Ms. Butler, Dr. Rivizzigno for the position of secretary for the 2008-2009 year.

The Chair called the vote and Dr. Rivizzigno was elected secretary by acclamation.

Hearing no further business, the meeting was adjourned.

APPROVED: August 6, 2009

William G. DeMouy, Jr., Secretary

Terry Plauche, Chairman.

jsl