

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF OCTOBER 20, 2011 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Terry Plauche, Chairman  
William G. DeMouy, Jr.  
Victoria L. Rivizzigno, Secretary  
Stephen J. Davitt, Jr.  
Nicholas H. Holmes, III  
Herb Jordan  
Mead Miller  
Roosevelt Turner  
John Vallas  
James F. Watkins, III

**Members Absent**

**Urban Development Staff Present**

Richard L. Olsen,  
Deputy Director of Planning  
Frank Palombo,  
Planner II  
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  
Marybeth Bergin,  
Traffic Engineering  
District Chief Bill Roach,  
Fire-Rescue Department  
Captain J.H. Odom,  
Fire-Rescue Department

The notation *motion carried unanimously* indicates a consensus, with the exception of the Chairman who did 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 #ZON2011-01699 (Planning Approval)**

**The Wooden Boat Ministry**

360 Rapier Street  
(Northwest corner of Rapier Avenue and Texas Street)  
Planning Approval to allow a Boat Building Apprenticeship Christian Ministry in an R-1, Single-Family Residential District of the Oakleigh Garden Historic District.  
Council District 2

The Chair announced the application had been recommended for approval. He added if anyone wished to speak on the matter they should do so at that time.

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Jonathan Stebbins, 2175 O’Roarke Drive, Mobile, AL, president of the Wooden Boat Ministry, spoke on his own behalf. He noted the Commission and staff had wanted to know more about the community’s response to the matter, including such things as parking and noise. He made the following points regarding those:

- A. regarding parking, they contacted Crawford-Murphy Park and received permission to park two cars there at the owner’s risk during normal hours of operation;
- B. discussed the noise with an engineer who tested the site while all of the loudest equipment was running and measured 65 decibels with the doors closed and 75 decibels with the doors open noting the City allows 85 decibels;
- C. regarding community response, Wooden Boat Ministry called a meeting on August 25, 2011, at All Saints Episcopal Church, with Councilman William Carroll representing the City, and only five couples attended which they did not feel was a good gauge of the community’s feelings, so a petition was circulated “door-to-door” which gathered over 150 supportive signatures, with most within a 300 foot radius of the site; and,
- D. they were happy to meet all of the conditions for approval as set by staff.

Mr. Turner noted the positive responses reflected in the applicant’s survey of the community and asked if there were any negative responses.

Mr. Stebbins stated at first he encountered negativity, however, after discussing with the neighboring families, he was able to ease such fears as:

- A. the youth being unsupervised, which resulted in Wooden Boat Ministry offering those young people would always be supervised, even if were lunch or during any brief “free” time; and,
- B. regarding “at-risk” youth, something traumatic had happened with one of the area families living near the site in question so the Oakleigh Garden District Association stepped in on behalf of the applicant and the family in question, though not supportive, decided to remain neutral on the matter.

Mr. Miller commended Mr. Stebbins on the project.

Mr. Stebbins added that he had failed to add “off-site” parking to his original application as at the time of filing it was felt there would be no need for such. He noted his understanding from staff there might be a need to come back and add it.

Mr. Olsen noted the applicant had received a variance from the Board of Zoning Adjustment for “off-site” parking so the applicant was in good standing in that regard.

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

- 1) **providing two parking spaces at the site for instructors/mentors;**
- 2) **subject to the Parking Agreement with the City of Mobile Parks and Recreation Department for parking at Crawford-Murphy Park;**
- 3) **the scope of the operation is to be limited to that presented to staff in the revised narrative submitted; and,**
- 4) **compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #SUB2011-00094 (Subdivision)**

**Cherry Hill Subdivision**

3958 & 4028 Oyler Road

(Northwest corner of Oyler Road and Oyler Lane [public right-of-way not maintained by the County])

Number of Lots / Acres: 2 Lots / 17.0 Acres±

Engineer / Surveyor: Stewart Surveying

County

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

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

- 1) **dedication sufficient to provide 30 feet from the centerline of Oyler Lane;**
- 2) **dedication sufficient to comply with Section V.B.16. of the Subdivision Regulations regarding curb radii at the intersection of Oyler Road and Oyler Lane;**
- 3) **modification of the 25-foot minimum building setback line and the lot area sizes to reflect required dedications along Oyler Lane;**
- 4) **removal of the parcel line for parcel R023404170000012.002.;**
- 5) **placement of a note on the plat stating that Lot 1 is limited to one curb-cut to Oyler Road, with the size, design, and location to be approved by Mobile County Engineering and conform to AASHTO standards;**

- 6) placement of a note on the plat stating that Lot 2 is limited to one curb-cut to Oyler Lane, with the size, design, and location to be approved by Mobile County Engineering and conform to AASHTO standards;
- 7) placement of a note on the plat stating that Lot 3 is limited to one curb-cut to Oyler Road, with the size, design, and location to be approved by Mobile County Engineering and conform to AASHTO standards, and is denied access to Oyler Lane;
- 8) placement of a note on the plat stating that no further re-subdivision to create any lots fronting only Oyler Lane will be allowed until such time as Oyler Lane is constructed to County Paved Road standards;
- 9) placement of a note on the plat stating that: *“Development must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall 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;”*
- 10) placement of a note on the 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,
- 11) placement of a note on the plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations.

The motion carried unanimously.

**Case #SUB2011-00099 (Subdivision)**

**Miramar Heights Subdivision, Re-subdivision of Lot 4, Block 2, & North Half of Lot 3, Block 2**

4167 & 4171 Burma Road

(South side of Burma Road, at the Southern terminus of Carriage Drive)

**Number of Lots / Acres:** 2 Lots / 1.4 Acre±

**Engineer / Surveyor:** Polysurveying Engineering – Land Surveying  
Council District 4

The Chair announced the matter had been recommended for denial, however, if there were those who wished to speak on the matter to please do so at that time.

Brett Orrell, Polysurveying Engineering, spoke on behalf of the applicant. He noted the following:

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- A. the subdivision was two properties located off Burma Road;
- B. the original subdivision was done in 1950 and over time, the two parcels southwest of the shorter lot came to face Sudan Street;
- C. because the original Lot 3 extended all the way to the south, those two parcels were requesting to be part of the subdivision; and,
- D. noted the applicant had received signed letters from the owners of the other parcels in question by the staff asking not to be part of the subdivision process and the applicant asked if those requests could be respected.

Mr. Olsen responded the staff's position was, while the original subdivision of the property occurred in approximately 1987, all of the people involved in the current request for subdivision had also been involved when the lots in question were deeded off in the former fashion. He added the staff had always recommended when no change in ownership had been found through the tax assessor's office that all parties be a party to the new subdivision process in an effort to make all of the lots involved from an original subdivision be part of the new, legal configuration.

Mr. Orrell asked if the two corner lots had been recorded as a subdivision and would that mean all properties in question to the west would have to be part of the process.

Mr. Olsen stated if the two corner lots had already been recorded with the tax assessor's office in their current configuration then they would not have to be involved, but the others would.

Mr. Orrell advised the Commission that Mr. O'Brian, the applicant, had an existing carport and he simply wanted to move the lot line to the west which would enable him to build a garage. He wondered if the applicant was unable to get the owners of the other properties to commit to being party to the subdivision process, could the applicant apply for a variance to potential relieve the side setback issues.

Mr. Olsen advised the applicant could apply for a variance but could not say how the Board of Zoning Adjustment might rule on the matter.

Dr. Rivizzigno asked what costs the other owners might incur to be a part of the subdivision process. She also asked if those owners tried to sell their property, would those costs occur then.

Mr. Olsen stated it would be the costs associated with the survey and platting of the subdivision but he could not venture to say what those might be. He added since the tax assessor and the Probate Court were not exacting with regards to recording documents, there would probably be no issues with those entities, however, there would exist a "cloud" on the title as it would be a "metes and bounds" legal description and not a "legal lot and block" legal description.

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Mr. Watkins gave his opinion that the only time it would become an issue was if something happened to those existing residences and a building permit were needed. He added it would only be then that there might be an issue, as the building inspector or Engineering Department might not issue a permit due to the lot not being a legal lot of record.

Mr. Lawler agreed with Mr. Watkins. He added this might also lead to the applicant having to file some civil action against the other land owners in court.

Mr. Olsen stated there was really nothing staff could add in the way of conditions with the exception of the normal compliance conditions and the limitation of each lot to one curb-cut.

Mr. Davitt noted all it seemed the applicant wanted to do in this instance was to move an internal lot line.

Mr. Orrell noted his only objection would be Mr. O'Brian currently had two curb-cuts to his lot and would like to retain both of those.

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

- 1) **placement of a note on the final plat stating that each lot is limited to the existing curb-cuts; and,**
- 2) **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 #SUB2011-00102 (Subdivision)**

**Fowler-Newman Subdivision**

1501 & 1503 Government Street

(Southwest corner of Government Street and Dexter Street, extending to the North side of Church street, 140'± West of Dexter)

**Number of Lots / Acres:** 2 Lots / 1.0 Acre±

**Engineer / Surveyor:** Rowe Surveying & Engineering Co. Inc.

Council District 2

The Chair announced the application had been recommended for approval. He added if anyone wished to speak on the matter they should do so at that time.

Herndon Luce, 412 Dauphin Street, Suite 3Q, represented the applicant, noting they were simply seeking approval on the subdivision to open up the possibility of selling the

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property in the future for commercial use. He noted the property was not currently under contract and there were a number of judgments against the property that would prevent any sale of the property from occurring in the near future and the subdivision action requested was to resolve zoning issues only.

The following people spoke in opposition to the matter:

- Rebecca Becnel, 160 Dexter Avenue, Mobile, AL;
- Kris Conlon, 1507 Church Street, Mobile, AL;
- Hunter Compton, 200 Dexter Avenue, Mobile, AL; and,
- Renee Williams, president of the Old Dauphin Way Historical Association.

They made the following statements:

- A. expressed concern that all traffic for the project would come off of Government Street onto Dexter Avenue as it was the only way to access the property;
- B. expressed concern over the developers wanting to build an 8,000 square foot commercial building on the property which would overwhelm the residential properties around it;
- C. expressed concern for the children in the area, especially those who attended Leinkauf Elementary, who would now have to face the dangers of additional commercial traffic in the area;
- D. expressed concern over noise and lack of privacy, even though a buffer and privacy fence had been planned, as there would still be open space which held the potential for vagrants mingling in the area;
- E. expressed feelings the project would devastate the historic and residential character of the community while only benefitting a chain store;
- F. noted even though the applicant's representative had stated for the record the proposed Family Dollar store option had been withdrawn, they had also agreed to the staff's conditions for approval, which were based upon a site plan designed specifically for a Family Dollar store;
- G. noted specific concerns regarding curb radii at Government Street and Dexter Avenue, as well as the curb-cuts to Government Street, Dexter Avenue, and Church Street;
- H. noted, based upon an understanding of the requirements for the curb radii at Government Street and Dexter Avenue and subsequent meetings with Traffic Engineering, traffic ingress and egress in the area would be horribly compromised if the proposed subdivision was approved, especially when 18-wheeled tractor-trailers were involved;

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- I. noted, based upon ALDOT regulations, if the two lots were combined into one, large lot, all egress traffic would have to exit the lot via Dexter Avenue, a minor street in a historic, residential district;
- J. expressed feelings the current B-2 zoning was not appropriate for the property in question and hoped this could be resolved in the future with something more along the lines of Historic Business or B-1;
- K. noted if the subdivision was required to maintain the required, existing 25 foot set-backs off of both Government Street and Dexter Avenue, then based upon what had been proposed, the building would have been too big for the site;
- L. expressed the desire that the 10 foot buffer zone to the south of the property adjacent to the residentially zoned property be enforced and maintained, on both the Dexter Avenue side and the Government Street side;
- M. noted Old Dauphin Way Historical Association met in September 2011 with individuals from the Leinkauf Historical District attending to plead for the organization to stand with them as historical neighborhoods against the proposed development to protect the historical integrity of the neighborhood and the values of the historical residences located within;
- N. reminded the Commission of the private investments made by individuals who had purchased historical, residential properties, noting those along Dexter Avenue in particular;
- O. noted the B-2 zoning currently in place on some of the property in question as well as the Commission's restrictions on what they could do regarding such;
- P. reminded the Commission that driving down Government Street, one did not see "big box" stores such as this and expressed the belief if a developer were to be allowed to build beyond the current 25 foot easements, it would open the door for "big box" development along the historic corridor;
- Q. noted their lack of understanding regarding the withdrawal of the reason for the subdivision when everyone had been alerted there had, in fact, been a purchaser of a Family Dollar for the site and wondered if it were possible, once they had the property subdivided, the aforementioned Family Dollar store would come in; and,
- R. presented the Commission with petitions against the matter.

Dr. Rivizzigno asked Mr. Olsen if Lot 2 would be rezoned to B-1.

Mr. Olsen advised it would not be rezoned and would remain R-1, single family residential with only Lot 1 being zoned B-2, which was its current zoning classification.



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He also advised there was no rezoning associated with the application before the Commission.

Dr. Rivizzigno commented the application had been presented in association with a client and currently there was no client. That being the case, she asked why the matter was still being heard.

Mr. Olsen noted it was a valid subdivision application as they wished to combine two commercial lots into one as well as remove a residentially zoned strip from one of those commercially zoned lots. He stated whether or not there was a current project related to the subdivision was not really relative to the application currently before the Commission, as the recommendations prepared by the staff would remain the same, regardless of the site's occupant.

Mr. Watkins asked for clarification that there were no other applications involved with the project such as a Planned Unit Development application, Planning Approval application, or Rezoning application.

Mr. Olsen stated there was only a subdivision application associated with the property.

Mr. Miller noted his opinion that anything other than a standard B-2 use would have to come before the Commission for approval as well.

Mr. Olsen advised Mr. Miller it would have to go before the City's Architectural Review Board and the only way something would have to come back before the Commission would be if the applicant proposed to demolish the existing buildings and reconstruct more than one building on the site. He noted the application, in essence, removed an interior lot line and incorporated a small portion from the B-2 lot into the adjacent R-1 zoned lot.

Mr. Lawler advised the Commission that traffic was a legitimate issue when considering adequate access to a subdivision. He noted in this case the Commission did not know what the traffic impact might be as they did not know what the planned use for the site was.

Mr. Watkins asked Mr. Lawler if an ALDOT recommendation was implemented on to the lot regardless of use or was it tied to a particular, proposed user.

Mr. Olsen advised ALDOT was changing curb-cut requirements along Government Street/Government Boulevard in its entirety when properties were redeveloped, citing the Waffle House application at Government Street and Ellis Avenue some months prior.

Mr. Watkins stated it was then his understanding the Commission did not need to incorporate the ALDOT requirement in this application's subdivision requirements as it was already an overlay for the Government Street corridor.

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Mr. Olsen noted the staff generally recommended inclusion of any other known requirements as part of the written Planning Commission approval and as part of the plat, so that anyone reviewing it would know the requirements.

Mr. Davitt noted there would be a minimum 25 foot setback line on Government Street and the same on Dexter Avenue, as well as the buffer between any commercial endeavor and residentially zoned properties. He also stated the Commission could not dictate any use for the property as long as that use was stipulated within the property's B-2 zoning classification.

Mr. Turner asked Traffic Engineering if any analysis had been done regarding the impact of exiting the property onto Dexter Avenue, specifically by 18-wheeled tractor trailers.

Ms. Bergin, Traffic Engineering, stated Mr. Conlon had brought a site plan which had been provided to him by the site developer, to her department for review. They had put some turning templates on it to determine what trucks might look like exiting the property. They found it would impact both directions of traffic on Dexter Avenue as well as traffic on Government Street, regardless of whether the traffic turned right or left, thus having a negative affect on traffic in the area.

Mr. Miller expressed his concerns for Government Street/Government Boulevard and maintaining its historical character. He asked for clarity on the matter as he saw it to be more of an administrative request by creating a residential lot which would ensure the commercial lot would not have access to Church Street.

Mr. Olsen responded with the following:

- A. regarding the setbacks, Conditions 1 and 2 of the staff's recommendations specified the 25 foot setback be shown on the plat with Condition 2 particularly stating "unless a variance is granted by the Board of Zoning Adjustment" and if the Commission wanted to ensure the 25 foot setback was maintained they could strike the verbiage regarding a variance by the Board of Zoning Adjustment with any change in such having to come back before the Commission and the Board;
- B. regarding access to Dexter Avenue, due to the requirement placed by ALDOT allowing only ingress from Government Street, there had to be access to Dexter Avenue for any development on the properties;
- C. noted the corner lot currently had a driveway onto Dexter Avenue and a retail business could locate there with their only parking and access being from Dexter Avenue; and,
- D. with regards to 18-wheeler traffic, when a site plan was submitted for permitting and hopefully when it was also submitted to the Architectural Review Board for review, Traffic Engineering would be included in those review processes and if Traffic Engineering

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advised that 18-wheelers could not make the turns, then the applicants would either redesign the site or not be able to have those type vehicles deliver to the site.

Mr. Miller asked if there was a way to approve the application so as to clean up the “metes and bounds” issue yet still have some later ability to review what they might do, but he recognized on his own that as long as the desired use was acceptable within the B-2 zoning classification, nothing could be done.

Dr. Rivizzigno noted if the Commission approved the matter they would not have to come back to have the site plan approved.

Mr. Olsen stated they would not. He added they would have to have the site plan approved by the Architectural Review Board and the Planning staff to assure it complied with the conditions placed on the subdivision and all of the requirements of the Zoning Ordinance.

Mr. Watkins said that unless the applicants came back with a Planned Unit Development or they tried to encroach on the setbacks, Planning Commission would not see a site plan for the site, to which Mr. Olsen responded yes.

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

- 1) retention of the 25-foot minimum building setback line along Government Street and Church Street;**
- 2) placement of the 25-foot minimum building line along Dexter Avenue;**
- 3) retention of lot area sizes, in square feet, on the Final Plat;**
- 4) compliance with Section V.B.16. of the Subdivision Regulations regarding curb radii at the corner of Government Street and Dexter Avenue;**
- 5) placement of a note on the Final Plat stating that Lot 1 is limited to one curb-cut to Government Street and one curb-cut to Dexter Avenue, with the size, design, and exact location of all curb-cuts to be approved by Traffic Engineering (and ALDOT along Government Street) and conform to AASHTO standards;**
- 6) placement of a note on the Final Plat stating that Lot 2 is limited to one curb-cut to Church Street, with the size, design, and exact location of the curb-cut to be approved by Traffic Engineering and conform to AASHTO standards;**
- 7) compliance with Engineering comments: “At the intersection of Government St and Dexter Ave, need to provide dedication of a minimum radius of 25’, or as otherwise approved by the City**

*Engineer. Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;”*

- 8) 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,
- 9) placement of a note on the Final Plat stating that compliance with Section V.A.8. of the Subdivision Regulations regarding buffers between commercial and residential properties will be required.

The motion carried with only Dr. Rivizzigno voting against approval.

**Case #SUB2011-00091 (Subdivision)**

**Howells Ferry Subdivision**

7116 & 7170 Howells Ferry Road

(North side of Howells Ferry Road, 440'± West of Cody Road)

**Number of Lots / Acres:** 3 Lots / 3.9 Acres±

**Engineer / Surveyor:** Haidt Land Surveying  
County

The Chair announced the application had been recommended for approval. He added if anyone wished to speak on the matter they should do so at that time.

Fred Haidt, Haidt Land Surveying, spoke on the matter. He noted they were in agreement with the staff's recommendations. He reminded the Commission of the erosion issue along the west property line from the earlier meeting and noted they had made photographs and topography maps of the area and no erosion issues could be documented as there was vegetation and tree growth along the entire western property line. He advised the Commission he had turned the documentation over to staff regarding the matter.

Hearing no opposition or further discussion, a motion was made by Mr. Turner, with second by Dr. Rivizzigno, to waive Section V.D.1. and Section V.D.3. of the Subdivision Regulations and approve the matter, subject to the following conditions:

- 1) dedication to provide sufficient right-of-way of 50-feet from the centerline of Howells Ferry Road along Lots 1 & 3;
- 2) depiction of the 25-foot minimum building setback line from Howells Ferry Road for Lot 1 and 3, as required by Section V.D.9. of the Subdivision Regulations;

- 3) depiction of the 45-foot minimum building setback line from Howells Ferry Road for Lot 2, as required by Section V.D.9. of the Subdivision Regulations;
- 4) the labeling of the lot with its size in square feet and acres, or placement of a table on the plat with the same information;
- 5) placement of a note on the Final Plat stating that no future subdivision of Lot 3 will be allowed until adequate frontage is available;
- 6) placement of a note on the Final Plat limiting the development to two curb-cuts to Howells Ferry Road, with the size, design, and location of the curb-cut to be approved by Mobile County Engineering and conform to AASHTO standards;
- 7) placement of a note on the Final Plat stating that if any lot is developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations;
- 8) placement of a note on the Final Plat to comply with the City of Mobile stormwater and flood control ordinances: *“Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall 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;”*
- 9) approval of all applicable federal, state, and local agencies prior to the issuance of any permits or land disturbance activities; and,
- 10) placement of a note on the Final 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.

The motion carried unanimously.

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**Case #SUB2011-00093 (Subdivision)**

**La Belle Subdivision, Re-subdivision and Addition to Lot 1**

5951 & 5955 Old Shell Road and 14 East Drive  
(Southwest corner of Old Shell Road and East Drive)

**Number of Lots / Acres:** 1 Lot / 1.3 Acres±

**Engineer / Surveyor:** Don Williams Engineering  
Council District 6

(Also see **Case #ZON2011-02055 (Planned Unit Development) La Belle Subdivision, Re-subdivision and Addition to Lot 1**, and, **Case #ZON2011-02057 (Rezoning) La Belle LLC.**, below)

Mr. Miller recused himself from discussion and voting on the matter.

The Chair announced the matter had been recommended for denial, however, if there were those who wished to speak on the matter to please do so at that time.

Don Williams, Williams Engineering, spoke on behalf of the applicant and requested the matter be held over until the November 17, 2011, meeting, as they still had work to do to resolve the issues brought up by staff.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the November 17, 2011, meeting, at the applicant's request, with any revised information to be submitted to the Planning Section by November 4, 2011.

The motion carried unanimously.

**Case #ZON2011-02055 (Planned Unit Development)**

**La Belle Subdivision, Re-subdivision and Addition to Lot 1**

5951 & 5955 Old Shell Road and 14 East Drive  
(Southwest corner of Old Shell Road and East Drive)

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

Council District 6

(Also see **Case #SUB2011-00093 (Subdivision) La Belle Subdivision, Re-subdivision and Addition to Lot 1**, above, and, **Case #ZON2011-02057 (Rezoning) La Belle LLC.**, below)

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the November 17, 2011, meeting, at the applicant's request, with any revised information to be submitted to the Planning Section by November 4, 2011.

The motion carried unanimously.

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**Case #ZON2011-02057 (Rezoning)**

**La Belle LLC.**

14 East Drive

(West side of East Drive, 100' ± South of Old Shell Road)

Rezoning from R-1, Single-Family Residential District, and B-2, Neighborhood Business District, to B-2, Neighborhood Business District to eliminate split zoning in a proposed Subdivision and allow construction of a parking lot.

Council District 6

(Also see **Case #SUB2011-00093 (Subdivision) La Belle Subdivision, Re-subdivision and Addition to Lot 1**, and, **Case #ZON2011-02055 (Planned Unit Development) La Belle Subdivision, Re-subdivision and Addition to Lot 1**, above)

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the November 17, 2011, meeting, at the applicant's request, with any revised information to be submitted to the Planning Section by November 4, 2011.

The motion carried unanimously.

**Case #SUB2011-00092 (Subdivision)**

**Mr Rooter Subdivision**

2409 Wolfridge Road

(Southwest corner of Wolf Ridge Road and Feed Mill Road [private street])

**Number of Lots / Acres:** 1 Lot / 3.4 Acres±

**Engineer / Surveyor:** Don Williams Engineering

Council District 1

(Also see **Case #ZON2011-02054 (Planned Unit Development) Mr Rooter Subdivision**, and, **Case #ZON2011-02056 (Rezoning) Mr. Rooter Plumbing**, below)

The Chair announced the matter had been recommended for denial, however, if there were those who wished to speak on the matter to please do so at that time.

Don Williams, Williams Engineering, spoke on behalf of the applicant and requested the matter be held over until the November 17, 2011, meeting. He noted theirs was a B-2 use surrounded by other B-2 uses but in an R-1 district. He noted they were not prepared to dedicate the extra right-of-way for Wolf Ridge Road. He noted the dedication was causing issues with their office building as it was an old home located on the property.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the November 17, 2011, meeting, at the applicant's request, with any revised information to be submitted to the Planning Section by November 4, 2011.

The motion carried unanimously.

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**Case #ZON2011-02054 (Planned Unit Development)**

**Mr Rooter Subdivision**

2409 Wolfridge Road

(Southwest corner of Wolf Ridge Road and Feed Mill Road [private street])  
Planned Unit Development Approval to allow multiple buildings on a single building site and shared access.

Council District 1

(Also see **Case #SUB2011-00092 (Subdivision) Mr Rooter Subdivision**, above, and, **Case #ZON2011-02056 (Rezoning) Mr. Rooter Plumbing**, below)

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the November 17, 2011, meeting, at the applicant's request, with any revised information to be submitted to the Planning Section by November 4, 2011.

The motion carried unanimously.

**Case #ZON2011-02056 (Rezoning)**

**Mr. Rooter Plumbing**

2409 Wolf Ridge Road

(Southwest corner of Wolf Ridge Road and Feed Mill Road [private street])

Rezoning from R-1, Single-Family Residential District, to B-3, Community Business District, to allow a commercial plumbing business.

Council District 1

(Also see **Case #SUB2011-00092 (Subdivision) Mr Rooter Subdivision**, and, **Case #ZON2011-02054 (Planned Unit Development) Mr Rooter Subdivision**, above)

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the November 17, 2011, meeting, at the applicant's request, with any revised information to be submitted to the Planning Section by November 4, 2011.

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2011-00114**

**Cromer Place Subdivision**

5891 Carol Plantation Road

(East side of Carol Plantation Road, 435'± North of Bourne Road)

**Number of Lots / Acres:** 2 Lots / 5.5 Acres±

**Engineer / Surveyor:** Polysurveying Engineering – Land Surveying County

The Chair announced the matter had been recommended for denial, however, if there were those who wished to speak on the matter to please do so at that time.



**October 20, 2011**  
**Planning Commission Meeting**

Brett Orrell, Polysurveying of Mobile, spoke on behalf of the applicant and made the following points:

- A. noted the subdivision was originally three parcels of land, totally approximately 6 acres;
- B. noted the property owner had a residence on the property in 1975, near Carol Plantation, but since that time he had built his residence on a recorded, flag shaped lot at the rear of the property;
- C. noted the staff's comment regarding irregularly shaped lots and advised the precedent had been set many years earlier and asked if that condition could be waived, including the length to width ratio;
- D. noted on the southern end, in the area of proposed Lot 1, there was approximately 60 feet there with driveway and water lines in place by the owner; and,
- E. requested the two in-question sections of the Subdivision Regulations be waived at this time.

Mr. Olsen noted his confusion over the comment made regarding the subdivision originally being three parcels as the staff had a two lot subdivision with the flag lot being one and the front parcel being the other. He noted Mr. Orrell's accuracy on the flag lot being approved, what was being presented to the Commission now was a "U" shaped lot with Lot 2 having two street frontages.

Mr. Orrell noted at this time the property owner wanted to keep all of the land he could, simply "cutting out" the parcel containing the house and driveway. He wondered if the compromise of including a curb restriction could help alleviate the problem.

Dr. Rivizzigno expressed her feeling that in another year or two the applicant would submit a request for subdivision for the space between the north part of lot and the house followed by further subdivision requests in subsequent years and wondered where it would end. She stated this was why she did not like approving flag shaped lots.

Mr. Watkins asked about water and sewer and if they were located on the south side of Lot 1 or the north side of it.

Mr. Orrell stated the current driveway was on the south 60 foot with a water line that basically ran to the rear of the new house the property owner was building.

Mr. Olsen noted his understanding that the lot north of the parcel on which the new house was located shared its curb-cut with the adjacent flag shaped lot.

Mr. Orrell asked if the Commission were leaning toward denial that the matter be held over as the applicant had a prior medical commitment that day in New Orleans, LA.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Dr. Rivizzigno, to deny the above referenced matter for the following

reasons:

- 1) **lack of compliance with Section V.D.1. of the Subdivision Regulations, regarding irregularly-shaped lots; and,**
- 2) **lack of compliance with Section V.D.3. of the Subdivision Regulations, regarding the length times depth ratio.**

The motion carried unanimously.

**Case #SUB2011-00115**

**First Unit of Wimbledon Subdivision, Block 4, Re-subdivision of Lots 1-5 included, Lots 15-18 included, & a portion of Lots 6 & 14, Re-subdivision of Lots 2 & 8**

1 Croydon Road

(East side of Croydon Road, 340'± South of Wimbledon Drive East extending to the West side of South McGregor Avenue, 125'± South of Wimbledon Drive East)

**Number of Lots / Acres:** 1 Lot / 0.9 Acre±

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

Council District 5

The Chair announced the application had been recommended for approval. He added if anyone wished to speak on the matter they should do so at that time.

Don Coleman, Rester and Coleman Engineers, spoke on behalf of the applicant and requested the condition regarding denying access to McGregor Avenue be removed and the driveway in question be allowed to remain as it had been in existence for quite a long time.

Mr. Olsen advised the staff had no problem with allowing that change.

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

- 1) **depiction of the 25-foot minimum building setback line along all right-of-way frontages;**
- 2) **the labeling of the lot with its size in square feet and acres, or placement of a table on the plat with the same information;**
- 3) **compliance with Engineering comments: “Any site improvements requiring a building permit will require full compliance with City Code Chapter 57. Said compliance to include but not limited to removal of the portion of the existing fence located in the ROW of Croydon Rd and all driveways shall be brought into compliance, such as replacing the brick drive located in the McGregor Ave ROW with a concrete driveway. Detention is needed for any cumulative increase of impervious area in excess of 4,000 square feet added to the property since 1984. If applicable, need to provide documentation, (i.e. survey**

*or aerial photograph,)), to show the presence of impervious areas in 1984. Must comply with all other stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance or building permits. ROW permits must be purchased prior to any work in the ROW and are applied for and purchased at the ROW counter, located on the 3<sup>rd</sup> floor of the south tower at Government Plaza, 208-6070;”*

- 4) placement of a note on the Final Plat limiting the development to the existing curb-cuts to Croydon Road and McGregor Avenue, with the size, design, and location of the curb-cut to be approved by Traffic Engineering and conform to AASHTO standards;
- 5) placement of a note on the Final Plat stating the lot is denied direct access to the improved easement to the North of the lot; and,
- 6) placement of a note on the Final 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.

The motion carried unanimously.

**GROUP APPLICATIONS:**

**Case #SUB2011-00116 (Subdivision)**

**MAWSS Shelton Beach Facility Subdivision**

East side of Shelton Beach Road Extension, 790' ± North of Moffett Road

**Number of Lots / Acres:** 1 Lot / 21.5 Acres±

**Engineer / Surveyor:** Volkert Inc.

Council District 1

(Also see **Case #ZON2011-02406 (Rezoning) MAWSS Shelton Beach Facility**, below)

The Chair announced the application had been recommended for approval. He added if anyone wished to speak on the matter they should do so at that time.

Tony Schachle, Volkert, Inc., 3809 Moffett Road, Mobile, AL, spoke on behalf of the applicant. He noted their agreement with the conditions and clarified a couple of issues with the following:

- A. the stormwater pond was being designed in accordance with Engineering comments; and,
- B. on their plan, the sidewalk was shown existing along the entire frontage of Shelton Beach Road.

In deliberation, Mr. Miller commented on how the Commission had fought the have sidewalks at the apartments a little north of this location and with these sidewalks, it would appear the city would have a nice long sidewalk and the start of something big.

Hearing no opposition or further discussion, a motion was made by Mr. Turner, with second by Mr. Miller, to approve the above referenced matter, subject to the following:

- 1) **placement of a note on the plat stating that curb-cuts for the lot are limited to an approved Planned Unit Development, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **labeling of the lot with its size in square feet;**
- 3) **depiction of the 25-foot minimum building setback line from Shelton Beach Road Extension;**
- 4) **depiction and provision of a 25-foot wide natural vegetative buffer where the site abuts residential and multi-family properties to the East and North;**
- 5) **placement of a note on the final plat stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;**
- 6) **compliance with Engineering comments: “*Detention is needed for any cumulative increase of impervious area in excess of 4,000 square feet added to the property since 1984. If applicable, need to provide documentation, i.e. survey or aerial photography, to show the presence of impervious areas in 1984. Detention required to provide a minimum of a 100 year storm event with a 2 year release rate and discharge from site shall not be concentrated onto adjacent property without release agreement from all downstream property owners. It is imperative not to increase the volume of runoff on the downstream properties, thus construction of drainage system may be required along with appropriate drainage easements to protect downstream properties. Must comply with all other stormwater and flood control ordinances. Drainage from any dumpster pads and the proposed wash station cannot discharge to storm sewer; must have connection to sanitary sewer. Sidewalk width is to be 4’ and in addition to the northern section the sidewalk also needs to be shown along the southern section of the property. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance or building permits. ROW permits must be purchased prior to any work in the ROW and are applied for and purchased at the ROW counter, located on the 3rd floor of the south tower at Government Plaza, 208-6070;*” and,**

- 7) **completion of the Subdivision process prior to any application for land disturbance or building permits.**

The motion carried unanimously.

**Case #ZON2011-02406 (Rezoning)**

**MAWSS Shelton Beach Facility**

1610 Shelton Beach Road Extension

(East side of Shelton Beach Road Extension, 790'± North of Moffett Road)

Rezoning from B-1, Buffer Business District, B-2, Neighborhood Business District, and B-3, Community Business District, to B-3, Community Business District, to eliminate split zoning in a proposed commercial subdivision.

Council District 1

(Also see **Case #SUB2011-00116 (Subdivision) MAWSS Shelton Beach Facility Subdivision**, above)

Hearing no opposition or further discussion, a motion was made by Mr. Turner, with second by Mr. Miller, to approve the above referenced matter, subject to the following:

- 1) **development of the site limited to an approved Planned Unit Development;**
- 2) **completion of the subdivision process;**
- 3) **provision of a 25-foot wide natural vegetative buffer where the site abuts residential and multi-family properties to the East and North; and,**
- 4) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**OTHER BUSINESS:**

The Chair asked if there was any other business that needed to come before the Commission that day.

Mr. Olsen announced a Call for Public Hearing scheduled for November 17, 2011, regarding the adoption of the New Plan for Mobile, amendment to the Comprehensive Plan.

Mr. Davitt moved with second by Dr. Rivizzigno, to hold such a public hearing and the motion carried unanimously.

He also announced a Call for Public Hearing scheduled for November 17, 2011, regarding the adoption of the amendment to the Planned Unit Development of the Zoning Ordinance.

**October 20, 2011**  
**Planning Commission Meeting**

Mr. Olsen advised the Commission they had been given a document with the modification written on it, noting the bold paragraph seen was the verbiage to be added the Zoning Ordinance Section 64-5 B.2.b. section. He noted the new verbiage was a result of litigation in Circuit Court as the judge had determined the words “shall not” indicated the improvement were to be in place at the time of approval. He stated the addition of this paragraph meant the Commission could approve such matters with the condition that such improvements be made prior to the issuance of the Certificate of Occupancy. He noted both Mr. Lawler and Mr. Wettermark, the City’s attorney, had reviewed the wording and approved it.

Mr. Turner, moved with second by Mr. DeMouy, to hold such a public hearing and the motion carried unanimously.

Elizabeth Sanders, Downtown Alliance, Mobile, Alabama, along with Ben Brown and Nathan Norris, both of Place Makers, invited the Commission members and Planning Staff to a presentation on Form Base Code. The presentation meeting would be held on October 21, 2011, at 2:00 p.m., at the Downtown Alliance Office.

Hearing no further business, the meeting was adjourned.

**APPROVED:**           Approved June 7, 2012

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/s/ Dr. Victoria Rivizzigno, Secretary

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/s/ Terry Plauche, Chairman

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