

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF NOVEMBER 20, 2008 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William DeMouy
Victoria L. Rivizzigno, Secretary
Debra Butler
Stephen Davitt
Nicholas Holmes, III
Mead Miller
Roosevelt Turner
James Watkins, III

Members Absent

Clinton Johnson
John Vallas

Urban Development Staff Present

Laura J. Clarke,
Director, Urban Development
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 #SUB2008-00216

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

(Also see **Case #ZON2008-02630 Crossroads, LLC (NEW REZONING)**, 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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Bernie Orr, 2828 Gaslight Lane, Mobile, AL, expressed concern over the ecological impact on the area, as he was concerned for the wildlife he saw on a regular basis and the development of the property would remove the natural habitat for these animals.

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

- 1) **completion of the rezoning process prior to signing the final plat;**
- 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 Stormwater 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.

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

(Also see **Case #ZON2008-02186 (Planned Unit Development) Frazier Park Subdivision**, and, **Case #ZON2008-02185 (Rezoning) Ashland Park LLC**, below)

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

Mike Windom, 208 LaVert Avenue, expressed opposition to the matter saying the park was placed there in the first place as a compromise with the Mobile Historical Commission when the original home had to be demolished. He also added that the

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proposed development did not match the character of the Ashland Place/Frazier Court neighborhood.

Caroline Etherton, 104 Frazier Court, spoke in favor of the matter and reminded the Commission that the property was a piece of private property owned by her mother, not a community park. She also stated the proposed development would not be out of character with the neighborhood and that it should move forward.

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

- 1) **placement of a note on the final plat stating that the site is limited to one curb-cut, with the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards; and,**
- 2) **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.**

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

(See Case #SUB2008-00198 (Subdivision) **Frazier Park Subdivision**, above, and, Case #ZON2008-02185 (Rezoning) **Ashland Park LLC**, below)

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

Mr. Hoffman advised the Commission that there were recommendations prepared by the staff should they choose to approve the matter.

Mr. Holmes stated that although there are not a lot of developments like this one in the general area, the proposed, common walled, townhouses are in keeping with a more dense city, which is what “smart growth” is about.

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

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- 1) revision of the site plan to depict a 3-foot high masonry wall or wrought iron fence along the Old Shell Frontage instead of the proposed 8-foot high wall;
- 2) revision of the site plan to provide one (1) additional understory tree or more as necessary to ensure full compliance with the tree and landscape requirements of the Zoning Ordinance;
- 3) revision of the site plan to depict the maximum building footprint anticipated with the development, not to exceed 45% site coverage and meeting all tree and landscape requirements, with the understanding that construction of less than the maximum depicted is allowed without new PUD approval, but that new PUD approval will be required if development will exceed the maximum depicted building footprint;
- 4) revision of the site plan, if necessary, to depict surface stormwater detention if it will be provided;
- 5) revision of the site plan to depict a dumpster, or to place a note on the site plan stating that no dumpsters will be used;
- 6) completion of the Subdivision and Zoning processes prior to applications for land disturbance or building permits; and,
- 7) provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final plat.

The motion carried unanimously.

Case #ZON2008-02185 (Rezoning)

Ashland Park LLC

2165 Old Shell Road

(outh 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

(See Case #SUB2008-00198 (Subdivision) **Frazier Park Subdivision**, and, Case #ZON2008-02186 (Planned Unit Development) **Frazier Park Subdivision**, above)

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

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

- 1) **limited to an approved PUD; and,**
- 2) **full compliance with all municipal codes and ordinances.**

The motion carried with only Mr. Miller voting in opposition.

EXTENSIONS:

Case #ZON2007-02388 (Planned Unit Development)

J & D Subdivision

3305 Spring Hill Avenue

East side of Ingate Street, extending from Spring Hill Avenue to Old Carline Street

Planned Unit Development Approval to allow increased site coverage in a one-lot commercial subdivision

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 discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to approve the above referenced request for extension.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2008-00239

Papa John's

5401 Cottage Hill Road

Southwest corner of Cottage Hill Road and Vivian Drive

Number of Lots / Acres: 2 Lots / 1.1± Acres

Engineer / Surveyor: Speaks & Associates, Consulting Engineers, Inc.

Council District 4

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 discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the December 18, 2008, meeting, to allow the applicant to submit an application for a Planned Unit Development, for shared access between two building site, and to depict the proposed building setbacks from the interior lot line.

The motion carried unanimously.

Case #SUB2008-00240

Cole's Place Subdivision, Unit Two, Re-subdivision of Lots 1 & 2

West side of Dykes Road at the West terminus of Coles Lane (private street)

Number of Lots / Acres: 3 Lots / 4.3± Acres

Engineer / Surveyor: Austin Engineering Co. Inc.

County

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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. Davitt, with second by Mr. Turner, to approve the above referenced re-subdivision, subject to the following conditions:

- 1) **placement of a note stating that Lots 1 and 2 are limited to one curb cut each onto Dykes Road and Lot 3 is limited to two curb cuts onto Dykes Road with the size, design, and location of each curb cut to be approved by County Engineering;**
- 2) **placement of a note on the plat stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;**
- 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; and,**
- 4) **placement of a note on the final plat stating that any lot developed commercially and adjoining residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations.**

The motion carried unanimously.

Case #SUB2008-00238

Magnolia Springs Subdivision, Phase One

North side of Silver Pine Road at its West terminus

Number of Lots / Acres: 176 Lots / 87.8± Acres

Engineer / Surveyor: Engineering Development Services, LLC

County

The Chair advised that though the matter had originally been recommended for hold over, the staff had provided the Commission with recommendations for the subdivision, should they choose to approve it and that those were located at each member's seat.

John Pickens, Engineering Development Services, LLC, spoke on behalf of the applicant and asked that the traffic study requirement be waived for this application and required at the next phase of submission for the project. After being given the new recommendations, he stated the applicant was in agreement with the staff's proposed

conditions.

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

- 1) **dedication of sufficient right-of-way along Silver Pine Road to provide 50' from centerline for the portion on the Major Street Plan, and 30' from centerline for the remainder of the future frontage, as shown on the plat submitted;**
- 2) **the placement of a note on the Final Plat stating that all lots are limited to one curb cut and denied direct access to Silver Pine Road, with the size, design, and location to be approved by County Engineering;**
- 3) **submission and approval of individual applications for each phase or unit, to ensure that development occurs in a manner to provide the most points of access in a timely and efficient manner;**
- 4) **submission of a Traffic Impact Study based on the entire composite development with the submission of the next phase application;**
- 5) **all proposed roads be constructed to county standards, and dedicated to Mobile County;**
- 6) **all areas not designated as lots should be labeled as common areas (including wetlands and detention areas), and a note placed on the final plat stating that maintenance of all common areas is the responsibility of the property owners (association);**
- 7) **placement of a note on the final plat stating that any lots which are developed commercially (or multi-family residential) and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;**
- 8) **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 a letter 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 signing of the final plat. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;**
- 9) **depiction of the 25-foot minimum building setback line on all lots and common areas, on the final plat;**
- 10) **placement of a note on the final plat stating that the maintenance of all common areas shall the responsibility of the**

- property owners;
- 11) compliance with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, particularly as applied to the subdivision layout, design and road construction, to be verified by Mobile Fire-Rescue; and,
 - 12) labeling of all lots with size in square feet, or placement of a table on the plat containing the lot size information.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2008-02600

Mobile Hotel Partners

1388 West I-65 Service Road South

(Northwest corner of West I-65 Service Road South and Pleasant Valley Road).

Request to waive construction of a sidewalk along West I-65 Service Road and Pleasant Valley Road.

Council District 5

James M. Humphries, Mobile Hotel Partners, expressed their agreement with the recommendation.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to approve the above requested sidewalk waiver.

The motion carried unanimously.

NEW ZONING APPLICATIONS:

Case #ZON2008-02630

Crossroads, LLC

East terminus of Blue Ridge Boulevard, extending to the West termini of Old Dobbin Drive and Harness Way, and extending to the North terminus of Valley Dale Drive
Rezoning from B-1, Buffer Business District, and R-2, Two-Family Residential District, to R-1, Single-Family Residential District, to allow the construction of a single family residential subdivision

Council District 6

(Also see **Case #SUB2008-00216 Amelia Woods Subdivision, Phase One (HOLDOVERS - Subdivision)**, above)

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

- 1) compliance with Engineering comments: *(Must comply with all*

- stormwater and flood control ordinances. 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.); and,*
- 2) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2008-00231 (Subdivision)

Apostolic Pentecostal Holy Church of God Subdivision

1710 Bolden Street and 1711 William Street

East side of Bolden Street, 200'± North of Carter Avenue, extending to the West side of Williams Street, 100'± North of Carter Avenue

Number of Lots / Acres: 2 Lots / 0.7± Acre

Engineer / Surveyor: Wattier Surveying, Inc.

Council District 1

(Also see **Case #ZON2008-02641 (Planned Unit Development) Apostolic Pentecostal Holy Church of God Subdivision**, and, **Case #ZON2008-02524 (Planning Approval) Apostolic Pentecostal Holy Church of God Subdivision**, below)

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 discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, to hold the matter over until the December 18, 2008, meeting, with revisions due by November 28, 2008, to address the following:

- 1) **revision of the plat to remove depiction of the insufficient dedication and instead depict a 35 foot setback line from the existing right-of-way;**
- 2) **provision of a note on the plat limiting Lot 1 to one curb cut onto Bolden Street and two curb cuts onto William Street; and limiting Lot 2 to one curb cut onto William Street;**
- 3) **revision of the plat to reflect to correct name of William Street;**
- 4) **submission of a rear yard setback variance application for the existing church building on the proposed Lot 1; and,**
- 5) **submission of a rear yard setback variance application for the existing single-family residence on the proposed Lot 2.**

The motion carried unanimously.

**Case #ZON2008-02641 (Planned Unit Development)
Apostolic Pentecostal Holy Church of God Subdivision**

1710 Bolden Street

East side of Bolden Street, 200'± North of Carter Avenue, extending to the West side of Williams Street 100'± North of Carter Avenue

Planned Unit Development Approval to allow two buildings on a single building site
Council District 1

(Also see **Case #SUB2008-00231 (Subdivision) Apostolic Pentecostal Holy Church of God Subdivision**, above, and, **Case #ZON2008-02524 (Planning Approval) Apostolic Pentecostal Holy Church of God Subdivision**, below)

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 discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, to hold the matter over until the December 18, 2008, meeting, with revisions due by November 28, 2008, to address the following:

- 1) **revision of the site plan to reflect Traffic comments reference to number and location of curb cuts, including marking of one-way access ways, if applicable;**
- 2) **revision of the site plan to depict either wheel stops or curbs at parking areas;**
- 3) **revision of the site plan to depict sidewalks;**
- 4) **revision of the site plan to depict dumpster location or provision of a note on the site plan addressing trash collection method;**
- 5) **submittal of a variance application for the rear yard setback of the existing church building and a parking ratio variance;**
- 6) **compliance with Engineering comments: *(If the cumulative impervious area constructed since 1984 is equal to or greater than 4000 square feet, storm water detention is required. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.)*;**
- 7) **revision of the site plan to depict and provision of a 6-foot high wooden privacy fence around the perimeter of the site where it abuts existing residential development, with the exception of within 35-feet of a street right-of-way, where the fence shall not exceed 3-feet in height;**

- 8) revision of the site plan to depict a stormwater detention basin, if required by compliance with the City of Mobile stormwater and flood control ordinances; and,
- 9) revision of the site plan to depict the 35-foot minimum building setback line.

The motion carried unanimously.

Case #ZON2008-02524 (Planning Approval)

Apostolic Pentecostal Holy Church of God Subdivision

1710 Bolden Street

East side of Bolden Street, 200'± North of Carter Avenue, extending to the West side of Williams Street 100'± North of Carter Avenue

Planning Approval to allow the expansion of an existing church in an R-1, Single-Family Residential District, to include expanded parking

Council District 1

(Also see **Case #SUB2008-00231 (Subdivision) Apostolic Pentecostal Holy Church of God Subdivision**, and, **Case #ZON2008-02641 (Planned Unit Development)**

Apostolic Pentecostal Holy Church of God Subdivision, above)

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 discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, to hold the matter over until the December 18, 2008, meeting, with revisions due by November 28, 2008, to address the following:

- 1) revision of the site plan to reflect Traffic comments reference to number and location of curb cuts, including marking of one-way access ways, if applicable;
- 2) revision of the site plan to depict either wheel stops or curbs at parking areas;
- 3) revision of the site plan to depict sidewalks;
- 4) revision of the site plan to depict dumpster location or provision of a note on the site plan addressing trash collection method;
- 5) submittal of a variance application for the rear yard setback of the existing church building and a parking ratio variance;
- 6) compliance with Engineering comments: *(If the cumulative impervious area constructed since 1984 is equal to or greater than 4000 square feet, stormwater detention is required. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers.*

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

- 7) revision of the site plan to depict and provision of a 6-foot high wooden privacy fence around the perimeter of the site where it abuts existing residential development, with the exception of within 35-feet of a street right-of-way, where the fence shall not exceed 3-feet in height;
- 8) revision of the site plan to depict a stormwater detention basin, if required by compliance with the City of Mobile storm-water and flood control ordinances; and,
- 9) revision of the site plan to depict the 35-foot minimum building setback line.

The motion carried unanimously.

OTHER BUSINESS:

Mr. Plauche moved, with second by Mr. DeMouy, to approve the minutes from the following Planning Commission meetings:

- September 6, 2007
- September 20, 2007
- October 4, 2007
- October 18, 2007

The motion carried unanimously.

Hearing no further business, the meeting was adjourned.

APPROVED: August 6, 2009

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman.

jsl