

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF DECEMBER 6, 2007 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William DeMouy, Secretary
Mead Miller
Victoria Rivizzigno
Roosevelt Turner
John Vallas
James Watkins, III

Members Absent

Clinton Johnson
Steven Davitt
Debra Butler
Nicholas Holmes, III

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Bert Hoffman,
Planner II
David Daughenbaugh,
Urban Forestry Coordinator
Tiffany Green,
Secretary I

Others Present

John Lawyer,
Assistant City Attorney
Rosemary Sawyer,
City Engineering
Jennifer White,
Traffic Engineering

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.

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

HOLDOVERS:

Case #SUB2007-00264 (Subdivision)

Bill Fish Subdivision

88 Hillcrest Road

(West side of Hillcrest Road, 270'± North of Cedar Bend Court).

Number of Lots / Acres: 1 Lot / 0.8± Acre

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
Council District 7

(See Case #ZON2007-02594 (Planned Unit Development) **Bill Fish Subdivision**, and, Case #ZON2007-02593 (Rezoning) **George E. Jensen Contractor (Dulari J. Smith, President)** below)

The Chair stated the applicant was agreeable with the recommendations and said if there were those present who wished to speak on the matter to do so at this time.

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

- 1) labeling of the lot with its size in square feet, or the provision of a table on the final plat with the same information;**
- 2) placement of a note on the final plat stating that the site is limited to one curb cut, with the size, location, and design to be approved by Traffic Engineering, and conform to AASHTO standards; and,**
- 3) the placement of the 25-foot minimum building setback lines on the Final Plat.**

The motion carried unanimously.

Case #ZON2007-02594 (Planned Unit Development)

Bill Fish Subdivision

88 Hillcrest Road

West side of Hillcrest Road, 270'± North of Cedar Bend Court

Planned Unit Development Approval to allow two buildings on a single building site
Council District 7

(See Case #SUB2007-00264 (Subdivision) **Bill Fish Subdivision**, above, and Case #ZON2007-02593 (Rezoning) **George E. Jensen Contractor (Dulari J. Smith, President)**, below)

(Also see Case #SUB2007-00264 (Subdivision) **Bill Fish Subdivision** for discussion)

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

- 1) revision of the site plan to depict a dumpster or waste storage facilities, in compliance with Section 64-4.D.9. of the Zoning Ordinance;**
- 2) revision of the site plan to depict any required stormwater detention facilities;**
- 3) compliance with Engineering comments;**
- 4) placement of a note on the site plan stating that any changes to the site plan, that would normally require a building or land disturbance permit, will require a new application for Planned Unit Development approval prior to the issuance of any permits;**
- 5) revision of the site plan to clearly depict a fence or protection buffer strip along the North, West and South perimeters of the site, in accordance with Section 64-4.D.1. of the Zoning Ordinance;**

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- 6) placement of a note on the site plan stating that the parking area will be illuminated in accordance with the requirements of Section 64-6.A.3.c. of the Zoning Ordinance, if the parking area is used at night;
- 7) placement of a note on the site plan stating that the site is limited to one curb-cut onto Hillcrest Road, with the size, design and location of the curb-cut to be approved by Traffic Engineering and in compliance with AASHTO standards;
- 8) provision of a revised Planned Unit Development site plan to the Planning Section of Urban Development prior to the signing of the Final Plat;
- 9) submission and completion of the Subdivision process; and,
- 10) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2007-02593 (Rezoning)

George E. Jensen Contractor (Dulari J. Smith, President)

88 Hillcrest Road

West side of Hillcrest Road, 270'± North of Cedar Bend Court

Rezoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, to allow retail sales

Council District 7

(See Case #SUB2007-00264 (Subdivision) Bill Fish Subdivision, and, Case #ZON2007-02594 (Planned Unit Development) Bill Fish Subdivision, above)

(Also see Case #SUB2007-00264 (Subdivision) Bill Fish Subdivision for discussion)

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

- 1) revision of the site plan to depict a dumpster or waste storage facilities, in compliance with Section 64-4.D.9. of the Zoning Ordinance;
- 2) revision of the site plan to depict any required stormwater detention facilities;
- 3) compliance with Engineering comments;
- 4) placement of a note on the site plan stating that any changes to the site plan, that would normally require a building or land disturbance permit, will require a new application for Planned Unit Development approval prior to the issuance of any permits;
- 5) revision of the site plan to clearly depict a fence or protection buffer strip along the North, West and South perimeters of the site, in accordance with Section 64-4.D.1. of the Zoning Ordinance;

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- 6) placement of a note on the site plan stating that the parking area will be illuminated in accordance with the requirements of Section 64-6.A.3.c. of the Zoning Ordinance, if the parking area is used at night;
- 7) placement of a note on the site plan stating that the site is limited to one curb-cut onto Hillcrest Road, with the size, design and location of the curb-cut to be approved by Traffic Engineering and in compliance with AASHTO standards;
- 8) provision of a revised Planned Unit Development site plan to the Planning Section of Urban Development prior to the signing of the Final Plat;
- 9) submission and completion of the Subdivision process; and,
- 10) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2007-00249 (Subdivision)

McMurray Place Subdivision

South side of Johnston Lane, extending from the West side of Rosedale Avenue (vacated right-of-way) to the centerline of Dickenson Avenue (vacated right-of-way), and to McCay Avenue (vacated right-of-way), 95'± South of Johnston Lane

Number of Lots / Acres: 61 Lots / 12.8± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(See Case #ZON2007-02464 (Planned Unit Development) **McMurray Place Subdivision**, and Case #ZON2007-02709 **McMurray Place, LLC**, below)

Don Coleman, Rester and Coleman Engineers, Inc., spoke on behalf of the applicant requesting a holdover, stating he was aware that the maps were incorrect and had re-submitted the revised site plans and preliminary plat.

Mr. Olsen said the holdover date would be January 3, 2008.

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 January 3, 2008, meeting, per the applicant's request.

The motion carried unanimously.

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Case #ZON2007-02464 (Planned Unit Development)

McMurray Place Subdivision

South side of Johnston Lane, extending from the West side of Rosedale Avenue (vacated right-of-way) to the centerline of Dickenson Avenue (vacated right-of-way), and to McCay Avenue (vacated right-of-way), 95'± South of Johnston Lane
Planned Unit Development Approval to allow reduced lot widths, sizes, and setbacks, and 45% site coverage in a zero-lot line single-family residential subdivision
Council District 6

(See **Case #SUB2007-00249 (Subdivision) McMurray Place Subdivision**, above, and **Case #ZON2007-02709 McMurray Place, LLC**, below)

(See **Case #SUB2007-00249 (Subdivision) McMurray Place Subdivision**, above for discussion)

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 January 3, 2008, meeting, per the applicant's request.

The motion carried unanimously.

Case #SUB2007-00256 (Subdivision)

Nimit Subdivision

4567 Airport Boulevard

Southeast corner of Airport Boulevard and Summit Drive

Number of Lots / Acres: 1 Lot / 0.8+ Acre

Engineer / Surveyor: Frank A. Dagley & Associates, Inc.

Council District 5

(Also see **Case #ZON2007-02384 (Planning Approval) Sivaporn & Varin Nimityongskul**, below)

The case was withdrawn by the applicant prior to the Planning Commission meeting.

Case #ZON2007-02384 (Planning Approval)

Sivaporn & Varin Nimityongskul

4567 Airport Boulevard

Southeast corner of Airport Boulevard and Summit Drive

Planning Approval to allow a meditation center in an R-1, Single-Family Residential district

Council District 5

(Also see **Case #SUB2007-00256 (Subdivision) Nimit Subdivision**, above)

The case was withdrawn by the applicant prior to the Planning Commission meeting.

EXTENSIONS:

Case #SUB2005-00248 (Subdivision)

Stein Re-subdivision Subdivision

North side of Airport Boulevard, 380'± East of Pierce Road

Number of Lots / Acres: 2 Lots / 17.6± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

Don Coleman, Rester and Coleman Engineers, Inc., spoke on behalf of the applicant, asking that rather than deny the extension as recommended by the staff, the Commission approve it for one more year. He added the applicant had not yet done anything as he was waiting for Airport Boulevard to be widened.

Mr. Vallas felt the Commission should approve the extension for one more year.

Mr. Turner asked how many extensions had been granted for this subdivision application.

Mr. Olsen advised the Commission this application had only been extended once in 2006, however, the staff has recommended that when no road construction is required, and it is simply the recording of a plat, they will recommend the approval of one extension, however, after that point, the staff no longer recommends extension as all the applicant has had to do in the previous year is record the plat.

Hearing no opposition or further pertinent discussion, a motion was made by Mr. Vallas, with second by Mr. Miller, to approve the extension, noting that any future extension would be highly unlikely.

The motion carried unanimously.

Case #SUB2006-00270 (Subdivision)

Country Breeze Subdivision, Re-subdivision of Lots 1, 2 and 5, Re-subdivision of Lots 1 and 5

West side of McCrary Road, 325'± South of Stone Road, extending to the South side of Stone Road, 200'± West of McCrary Road

Number of Lots / Acres: 2 Lots / 2.8± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

The Chair stated the applicant was agreeable with the recommendations and said if there were those present who wished to speak on the matter to do so at this time.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Vallas, to approve the extension, noting that any future extension would be highly unlikely.

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The motion carried unanimously.

Case #SUB2006-00271 (Subdivision)

Oak Forest Place Subdivision

South side of Clarke Road, 160'± East of Dawes Road, extending to the South side of Clarke Road, 160'± West of Willow Oak Drive

Number of Lots / Acres: 15 Lots / 9.5± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

The Chair stated the applicant was agreeable with the recommendations and said if there were those present who wished to speak on the matter to do so at this time.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Vallas, to approve the extension, noting that any future extension would be highly unlikely.

The motion carried unanimously.

Case #SUB2001-00290 (Subdivision)

Raleigh Subdivision

West side of Cody Road, 870'± South of Wynnfield Boulevard, and extending to the East terminus of Longview Drive

Number of Lots / Acres: 165 Lots / 110.0± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

Don Coleman, Rester and Coleman Engineers, Inc., spoke on behalf of the applicant, saying they expect to begin construction within the upcoming year, if the Commission would grant them one more extension.

In deliberation, Mr. Miller asked Mr. Olsen his thoughts on the matter.

Mr. Olsen advised the Commission that the applicant had constructed some of the subdivision and that they had received extensions on the subdivision since its original approval in 2001.

Hearing no opposition or further discussion, a motion was made by Mr. Vallas, with second by Mr. Miller, to approve the extension, noting that any future extension would be highly unlikely.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2007-00277

Robinson Temple Subdivision

2611 Berkley Avenue

South side of Berkley Avenue, 245'± West of Jessie Street, extending to the North side of Warsaw Avenue

Number of Lots / Acres: 1 Lot / 0.4± Acre

Engineer / Surveyor: Lovitte Surveying, Inc.

Council District 1

The Chair stated the applicant was agreeable with the recommendations and said if there were those present who wished to speak on the matter to do so at this time.

Hearing no opposition or discussion, Mr. Watkins moved, with second by Mr. Turner, to waive Section V.D.3. of the Subdivision Regulations and to approve the above reference subdivision, subject to the following conditions:

- 1) **revision of the plat to provide a minimum of 25' from the centerline of Berkley Avenue;**
- 2) **placement of a note on the final plat stating that the site is limited to one curb cut to Berkley Avenue and Warsaw Avenue, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) **correction of the legal description prior to signing the final plat; and,**
- 4) **subject to Engineering comments: *(All stormwater should tie subsurface to a City of Mobile storm drainage system. 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. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.)***

The motion carried unanimously.

Case #SUB2007-00282
Conception-New Jersey Subdivision

857 South Conception Street
Southeast corner of Conception Street and New Jersey Street
Number of Lots / Acres: 1 Lot / 8.3± Acres
Engineer / Surveyor: Byrd Surveying, Inc.
Council District 3

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 January 3, 2008, meeting, to allow the applicant time to submit the following:

- 1) **revised plat including the adjoining property on the South side of New Jersey Street as a second lot;**
- 2) **deeds accounting for the Eastern-most portion of the property, extending to the centerline of the vacated portion of Royal Street; and,**
- 3) **additional labels, postage and fees. Revisions, labels, postage, and fees should be provided by December 17, 2007.**

The motion carried unanimously.

Case #SUB2007-00291
Jeremy and Wade Subdivision

East side of Leytham Road, 375'± South of Theodore Dawes Road
Number of Lots / Acres: 1 Lot / 0.5± Acre
Engineer / Surveyor: Erdman Surveying, LLC
County

The Chair stated the applicant was agreeable with the recommendations and said if there were those present who wished to speak on the matter to do so at this time.

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) **revision of the plat to provide a minimum of 30' from the centerline of Leytham Road;**
- 2) **placement of a note on the final plat stating that Lot 1 is limited to one curb cut to Leytham Road, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**

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- 3) depiction of the 25' minimum building setback line along Leytham Road;
- 4) revision of the legal description prior to signing the final plat;
- 5) placement of a note on the final plat stating that any lots developed commercially and adjoin residentially developed property must contain 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 #SUB2007-00296

The Christian Bible Teaching Church Subdivision

1805 Duncan Street

South side of Duncan Street, 70'± East of Houston Street

Number of Lots / Acres: 1 Lot / 0.3± Acre

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

Council District 3

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 meeting of January 3, 2008, to allow the applicant time to submit the following:

- 1) submit a Planned Unit Development application for shared access with the adjacent property to the East;
- 2) revise this Subdivision application to two lots to include the adjacent property to the East; and,
- 3) provide additional labels and postage for this application. New submissions, revisions, labels, and postage should be provided by December 17, 2007.

The motion carried unanimously.

Case #SUB2007-00276

J2 Commercial Park Subdivision

Northwest corner of Cottage Hill Road and Oakland Drive

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

Engineer / Surveyor: Lovitte Surveying, Inc.

Council District 6

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The Chair stated the applicant was agreeable with the recommendations and said if there were those present who wished to speak on the matter to do so at this time.

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

- 1) **dedication of a minimum of 50' from the centerline of Cottage Hill Road;**
- 2) **placement of a note on the final plat stating that Lot 1 is limited to one curb cut to Cottage Hill Road and Lot 2 is limited to one curb to each street, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) **removal of the billboard sign to comply with Section 64-11 of the Zoning Ordinance;**
- 4) **provision of a sufficient radius on the corner of Cottage Hill Road and Oakland Drive, compliant with Section V.B.16. of the Subdivision Regulations;**
- 5) **the depiction of the minimum 25' setback line along Cottage Hill Ave and Oakland Drive. The setback along Cottage Hill Road shall be from the additional right-of-way dedication;**
- 6) **placement of a note stating that when the site is redeveloped, full compliance with the Zoning Ordinance will be required;**
- 7) **submission of an application for Planned Unit Development prior to signing the final plat; and,**
- 8) **Subject to Engineering comments:** *(No water can be concentrated onto an adjacent property owner without a release agreement. All stormwater should tie subsurface to a City of Mobile storm drainage system. 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. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.)*

The motion carried unanimously.

Case #SUB2007-00280

Sunset Hills Subdivision, Block E, Re-subdivision of Lot 2

Southeast corner of University Boulevard Service Road and Sunset Drive South

Number of Lots / Acres: 2 Lots / 0.3± Acre

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

Council District 5

The Chair stated the applicant was agreeable with the recommendations and said if there were those present who wished to speak on the matter to do so at this time.

Melvin Merle, 4625 South Sunset Drive, who lives next to the two lots in question, asked what was being planned for this location.

The Chair advised this was simply subdividing the one legal lot of record into two legal lots of record and did not propose any use for the property.

Mr. Olsen advised that the property is zoned R-1, single family residential. This meant the only development possible, if the subdivision were approved without making some other type of application, could be a single family dwelling; anything else would require re-zoning.

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

- 1) **dedication to provide a 25' radius at the corner of University Boulevard Service Road and Sunset Drive South;**
- 2) **depiction of the 25' minimum building setback line along both street frontages on the final plat;**
- 3) **labeling of each lot with its size in square feet, or provision of a table on the plat depicting the same information;**
- 4) **placement of a note on the final plat stating that each lot is limited to one curb cut, with the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards; and,**
- 5) **subject to the Engineering Comments (*No water can be concentrated onto an adjacent property owner without a release agreement. All stormwater should tie subsurface to a City of Mobile storm drainage system. 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***

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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.)

The motion carried unanimously.

Case #SUB2007-00285

Bellevue Heights Subdivision, Re-subdivision of Lot 9

4214 Bellevue Lane

(North side of Bellevue Lane at its East terminus).

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

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 5

Allen Sullivan, 202 Belleview Circle, spoke as partial owner of the property in question and stated he also lived to the immediate east of the property. He said that his neighbor, Justin Sanders, who lives immediately west of the property, recently joined him in purchasing the property in question and they plan to develop it into two lots. He expressed his concern that the staff considers one of the lots to be a flag shaped lot. Mr. Sullivan stated he had taken time to go through the neighborhood and he had a plat that showed similar lots in the neighborhood, thus, hopefully, showing this to be common practice within this neighborhood. Mr. Sullivan added that the lot was large, a little over 1.1 acres, which fronted the 14th fairway of the Country Club of Mobile. He noted that the other so-called flag shaped lots all fronted the Country Club golf course as well. He said that if the lot were approved for subdivision, that the 2 subsequent lots would be in excess of one-half acre each. He then commented on the building setback lines, saying there would be no issue in moving them anywhere on the site that would allow adequate use of the site.

Mr. Vallas asked Mr. Olsen if this were granted, would there be conditions the staff would like to see that should be discussed with Mr. Sullivan.

Mr. Olsen said the staff would like to see each lot limited to a single curb cut, with size, location, and design to be approved by Traffic Engineering.

Mr. Sullivan replied he was comfortable with that and stated he had previously served on the Planning Commission for some 23 years and this was his first occasion in 35 years to come before it as an applicant.

Don Coleman, Rester and Coleman Engineers, Inc., also spoke on the matter, saying that lot 2 had 25 feet of frontage, but that further back it widened to 40 feet. He explained that due to required set backs and mathematical calculations, there would be plenty of room left for adequate build out.

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Dr. Rivizzigno asked if the staff would include a provision that the lots could not be re-subdivided again.

Mr. Olsen stated that based upon the square footage of the lots it would be virtually impossible for them to be re-subdivided but that condition could most certainly be added.

Mr. Sullivan responded to the staff's concerns regarding the existing on-site house, advising the Commission it had been removed.

In deliberation, Mr. Vallas recommended the Commission approve this with one curb cut per lot and no re-subdivision as it appeared to be a mirror image of the lot to the left.

Mr. Miller asked the staff how the 2 lots shown on Lakewood had been approved, as they were flag shaped.

Mr. Olsen said based upon Map Book and Page Number, they were done a number of years previously. He also stated it was the staff's opinion that Lakewood was an entirely different subdivision that was accessed differently from this subdivision, so those lots were not seen or viewed as part of this development, hence they were not considered when taking into account the character of the neighborhood.

Mr. Vallas stated his thinking was that even if the Commission approved this subdivision, that lot 9 would still be as large if not larger than lots 11A and 11B, so their size will be in character with those around them.

Mr. Miller brought up his concern over a possible "snowball" effect and Dr. Rivizzigno added that the Commission had discussed not doing flag shaped lots in their business meeting the week prior.

Mr. Vallas asked Mr. Olsen for the size of the lots as proposed.

Mr. Olsen said the lots would be approximately one half acre.

Mr. Vallas argued that in the area in question, the Commission would not see very many lots of that size, especially lots whose calculated square footage did not include the "pole" of the flag shaped lot. He added this would significantly reduce the occurrence of a "domino effect" in the Springhill area.

Dr. Rivizzigno opined that this residence would have access to Bellevue Circle and Bellevue Lane.

Mr. Olsen responded that it would strictly have access to Bellevue Lane.

Hearing no further pertinent discussion, the Chair reminded the Commission that a

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motion had been made by Mr. Vallas, with second by Mr. Miller, to approve the above referenced subdivision, subject to the following conditions:

1. placement of a note on the final plat stating that each lot is limited to one curb cut; and,
2. placement of a note on the final plat stating that there be no future re-subdivision to increase the number of lots.

The Chair called the vote with only Mr. Vallas, Mr. Turner, and Mr. DeMouy voting in favor of the motion.

The motion failed 4 to 3 based upon the following:

- 1) **does not meet the requirements of Section V.D.1. of the Subdivision Regulations: *the size, width, depth, shape, and orientation of lots and the minimum building setback lines shall be appropriate to the location of the subdivision and the type of development and use contemplated. Every lot shall contain a suitable building site; and,***
- 2) **does not meet the requirements of Section V.D.3. of the Subdivision Regulations: *in general, the maximum depth of any lots, exclusive of unusable land, shall not be more than 3.5 times the width of the lot at the building setback line.***

Case #SUB2007-00292

Churchill Downs Subdivision, 2nd Unit, Resubdivision of Lots 105 – 107

North side of Wulff Road South, 340' ± East of Winston Drive West.

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

Engineer / Surveyor: Polysurveying Engineering – Land Surveying County

Matt Orrell, Polysurveying of Mobile, spoke on behalf of the applicant, and asked if item 1 could be eliminated as it was already 90 feet from the center of the road to the lot line dedicated for the same.

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

- 1) **placement of a note on the final plat stating that each lot is limited to one curb cut to Wulff Road, with the size, design and location of the curb cuts to be approved by Mobile County Engineering and conform to AASHTO standards;**
- 2) **depiction of the 25' minimum building setback line on the final plat, as measured from any required right-of-way dedication;**
- 3) **revision of the plat to label each lot with its size in square feet,**

- or the provision of a table furnishing the same information;
- 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; and,
 - 5) 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.

The motion carried unanimously.

Case #SUB2007-00275

Mertz Court Subdivision, Re-subdivision of a Part of Lot 3

2708 Moot Avenue

North side of Moot Avenue, 255'± West of McRae Avenue, extending to the South side of Thompson Drive South

Number of Lots / Acres: 3 Lots / 0.6± Acre

Engineer / Surveyor: Lovitte Surveying, Inc.

Council District 4

The Chair stated the applicant was agreeable with the recommendations and said if there were those present who wished to speak on the matter to do so at this time.

Hearing no opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Turner, to approve the above referenced re-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 to South Thompson Drive, and Lot 3 is limited to one curb to Moot Avenue, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards; and,
- 2) subject to 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 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.)

The motion carried unanimously.

Case #SUB2007-00281
Sawgrass Landing Subdivision

North side of Hamilton Boulevard, 1800'± East of Rangeline Road

Number of Lots / Acres: 3 Lots / 8.0± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

County

Jerry Byrd, Byrd Surveying Inc., spoke on behalf of the owner, saying that as lot 1 had 200 feet of road frontage they would like to request 2 curb cuts.

In deliberation, Mr. Miller commented that he was not sure, regardless of lot size, why one lot needed more than one curb cut.

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

- 1) **placement of a note on the final plat stating that each lot is limited to one curb-cut each onto Hamilton Boulevard, with the size, design and location to be approved by the Mobile County Engineering Department;**
- 2) **depiction and labeling of the 25-foot minimum building setback line for all lots where they are at least 60-feet in width;**
- 3) **placement of a note on the final plat stating that future subdivision of Lot 3 will not be allowed until additional frontage on a public street is provided;**
- 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) **approval of all applicable federal, state and local agencies regarding the wetlands and floodplain issues prior to the issuance of any permits or land disturbance activities;**

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- 6) revision of the plat to depict the minimum finished floor elevations for each lot and the flood zone(s);
- 7) labeling of the lot size in square feet on the plat, or provision of a table on the plat with the same information; and,
- 8) placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2007-00298

Plantation Commercial Park Subdivision, Unit Two, Phase One

East termini of Plantation Road and East Road, extending to the East side of U.S.

Highway 90 West, 330'± South of Plantation Road

Number of Lots / Acres: 3 Lots / 44.1± Acres

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

County

Don Rowe, Rowe Surveying and Engineering Company, Inc., spoke on behalf of the applicant saying they were agreeable with all of the recommendations except number 11. He went on to say the requirement of recording the Plantation Commercial Park Subdivision before being given a Certificate of Occupancy would be difficult based upon the time of year. It would require the completion of the road and based upon the fact that historically in the Mobile area it has been seen that anything started in January doesn't get finished until March because of the area rains.

Mr. Vallas asked for confirmation that this was a modification of a previously heard application.

Mr. Rowe confirmed it was and that the overall plan had been approved.

Mr. Olsen stated the staff had no problem with the construction of this subdivision; however, the Planning staff wanted assurances that this would be the only building built before the roads were constructed and the other subdivision recorded.

Chris Ferger, 5525 Plantation Road, spoke saying the neighborhood had been waiting for a road for a long time and did not want to be put off any more. He said this was his basis for being against what Mr. Rowe was requesting. He also asked for clarification regarding the requirement of a buffer.

Mr. Olsen stated the developer is required, since the property is commercial, to provide either a 6 foot high privacy fence or a 10 foot wide landscaped buffer and that it would have to be densely landscaped along property lines where they abut residential property.

Mr. Ferger asked if it would be the developer's choice as to what type of buffer would

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be installed, to which Mr. Olsen replied it was their choice as to type, but not as to whether they would buffer.

Mr. Ferger then queried as to the extent of the subdivision, expressing some confusion as to whether it would be 3 lots of 44.1 acres or 11 lots of smaller size.

Mr. Olsen advised that portion of the proposed subdivision had already been approved for 11 lots, all of which would have access from Plantation Road. He went on to advise that one of the conditions for that approval was that Plantation Road be constructed to county standards prior to recording the plat. However, at this time, they have a building ready for construction, so the purpose of this application is to get these 3 lots approved and once they have constructed the road, for which they are working on a plan right now, they will be able to record the other subdivision.

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

- 1) **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;**
- 2) **approval of all applicable federal, state and local agencies regarding the preservation conservation areas prior to the issuance of any permits or land disturbance activities;**
- 3) **Certification via placement of a note on the plat stating that the property owner / developer will comply with all local, state and Federal regulations regarding endangered, threatened or otherwise protected flora and fauna;**
- 4) **labeling of the lot size in square feet on the plat, or provision of a table on the plat with the same information;**
- 5) **placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations;**
- 6) **placement of a note on the Final Plat stating that Lot 13A is limited to the two existing curb cuts to Highway 90 Service Road;**
- 7) **placement of a note on the final plat stating that all lots are denied access to East Road;**

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- 8) depiction of the 25' minimum building setback line along the Highway 90 Service Road for Lot 13A;
- 9) placement of a note on the final plat stating that the maintenance of the "preservation conservation areas" shall be the responsibility of the property owners; and,
- 10) revision of the plat to label each lot with its size in square feet or acres, or the provision of a table on the plat depicting the same information.

The motion carried unanimously.

Case #SUB2007-00283

Austill Place Subdivision, Unit Four

114 Austill Avenue

North terminus of Austill Avenue, extending to the South side of Austill Place, 140'±
East of Carmel Drive East

Number of Lots / Acres: 4 Lots / 3.6± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 7

The Chair stated the applicant was agreeable with the recommendations and said if there were those present who wished to speak on the matter to do so at this time.

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

- 1) **compliance with Engineering comments, and placement of the comments as a note on the plat (*No water can be concentrated onto an adjacent property owner without a release agreement. All stormwater should tie subsurface to a City of Mobile storm drainage system. 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. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.*);**
- 2) **compliance with Urban Forestry comments, and placement of the comments as a note on the 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));*
- 3) **revision of plat to reflect any compliance with the 2003 International Fire Code, including Appendices B through D, with local amendments, determined necessary by Mobile Fire-Rescue for fire apparatus turn-around (approved cul-de-sac or hammer-head), or provision of a letter from Mobile Fire-Rescue stating that the provision of a fire apparatus turn-around is not required, prior to the signing of the final plat;**
 - 4) **placement of a note on the final plat stating that each lot is limited to one curb-cut each, with the size, design and location to be approved by Traffic Engineering, and in compliance with AASHTO requirements;**
 - 5) **depiction of the minimum building setback line where each lot is at least 60-feet in width, and/or at least 25-feet from existing or to be dedicated right-of-way;**
 - 6) **placement of a note on the final plat stating that no future subdivision of Lots 2-4 is allowed until additional frontage on a public street is provided; and,**
 - 7) **labeling of each lot with its size in square feet.**

The motion carried unanimously.

Case #SUB2007-00278

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

The Chair stated the applicant was agreeable with the recommendations and said if there were those present who wished to speak on the matter to do so at this time.

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

- 1) **labeling of the lot with its size in square feet, or the provision of a table on the final plat with the same information;**
- 2) **placement of a note on the final plat stating that each lot is limited to one curb cut, with the size, location, and design to be approved by Traffic Engineering, and conform to AASHTO standards;**
- 3) **subject to the 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 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);*
- 4) *subject to the Traffic Engineering Comments (Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. The traffic impact study performed during phase one has yet to be finalized. The comments provided for phase one of the development will apply to phase two as well. The site plan and the traffic impact study do not match as far as phasing of the development. The traffic impact study also shows 34% of the development traffic exiting from the north site access, but this a gated access and no reference is made to if it is an emergency access only, an exit only, or if can be used as an entrance and exit. This information should be provided and the traffic impact study changed to reflect the use if necessary. The developer will be responsible for constructing the recommended turn lanes into the site to City of Mobile standards. The traffic impact study did not provide a signal warrant analysis for the site. A signal warrant analysis will be required and the developer will be required to install a signal if one is warranted. The developer will also be required to provide a deceleration lane for the south site access); and,*
- 5) *the certification via placement of a note on the plat stating that the property owner / developer will comply with all local, state and Federal regulations regarding endangered, threatened or otherwise protected flora and fauna.*

The motion carried unanimously.

Case #SUB2007-00284

Bellingrath Road Country Club Estates Subdivision, Second Addition to

8031 Bellingrath Road

East side of Bellingrath Road, 545'± South of the East terminus of Mardanne Drive

Number of Lots / Acres: 33 Lots / 25.3± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

The Chair stated the applicant was agreeable with the recommendations and said if there were those present who wished to speak on the matter to do so at this time.

Hearing no opposition or discussion, a motion was made by Dr. Rivizzigno, with second

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by Mr. DeMouy, to approve the above referenced subdivision, subject to the following conditions:

- 1) **placement of a note on the plat stating that the 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;**
- 2) **approval of all applicable federal, state and local agencies regarding the wetlands and floodplain issues prior to the issuance of any permits or land disturbance activities;**
- 3) **certification via placement of a note on the plat stating that the property owner / developer will comply with all local, state and Federal regulations regarding endangered, threatened or otherwise protected flora and fauna;**
- 4) **construction and dedication of the new road(s) to Mobile County Standards;**
- 5) **labeling of the lot size in square feet on the plat, or provision of a table on the plat with the same information; and,**
- 6) **placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations.**

The motion carried unanimously.

Case #SUB2007-00287

Repoll Commercial Subdivision

Northwest corner of Repoll Road and Jeff Hamilton Road

Number of Lots / Acres: 1 Lot / 12.0± Acres

Engineer / Surveyor: Engineering Development Services, LLC

County

The Chair stated the applicant was agreeable with the recommendations and said if there were those present who wished to speak on the matter to do so at this time.

Ari Zsitos, spoke as a resident from the other side of Repoll Road and asked if this would all be one lot or subdivided into smaller lots and if there were zoning restrictions in place.

Mr. Olsen said the following:

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- A. there were 4 applications before the Commission for the overall property and the developer wanted to do them as different developments as different restrictions and covenants were applicable; and,
- B. as the property was located in the county, there were no zoning restrictions.

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

- 1) **dedication of sufficient right-of-way to provide 50-feet from the centerline of Jeff Hamilton Road;**
- 2) **the placement of a note on the final plat stating that the maintenance of all common areas shall the responsibility of the property owners;**
- 3) **the depiction of the 25-foot minimum building setback line on the entire subdivision, on the final plat;**
- 4) **the approval of all applicable federal, state and local agencies for wetlands prior to the issuance of any permits or land disturbance activities;**
- 5) **certification via placement of a note on the plat stating that the property owner/developer will comply with all local, state and federal regulations regarding endangered, threatened or otherwise protected flora and fauna;**
- 6) **the 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;**
- 7) **the placement of a note on the final plat stating that the development is limited to three curb-cuts to Repoll Road, with the size, design and location to be approved by Mobile County Engineering Department;**
- 8) **revision of the plat to label the lot with its size in square feet, or placement of a table on the plat with the same information; and,**
- 9) **the placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially**

developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2007-00290

Creekmore Subdivision, Phase One

South side of Repoll Road, 540'± South of Richmond Pearson Road

Number of Lots / Acres: 2 Lots / 3.3± Acres

Engineer / Surveyor: Engineering Development Services, LLC

County

The Chair stated the applicant was agreeable with the recommendations and said if there were those present who wished to speak on the matter to do so at this time.

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

- 1) **the approval of all applicable federal, state and local agencies for wetlands prior to the issuance of any permits or land disturbance activities;**
- 2) **certification via placement of a note on the plat stating that the property owner/developer will comply with all local, state and federal regulations regarding endangered, threatened or otherwise protected flora and fauna;**
- 3) **the 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;**
- 4) **the placement of a note on the Final Plat stating that Lot 1, 2 and 9 are allowed one curb-cut each to Repoll Road, with the size, design and location to be approved by Mobile County Engineering Department;**
- 5) **the placement of a note on the Final Plat stating that Lot 3 and 4, 5 and 6, and 7 and 8 are allowed to share one curb-cut each to Repoll Road, with the size, design and location to be approved by Mobile County Engineering Department;**
- 6) **revision of the plat to label the lot with its size in square feet, or**

- placement of a table on the plat with the same information;
and,
7) the placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2007-00288

Creekmore Subdivision, Phase Two

South side of Repoll Road, 2/10 mile± West of Jeff Hamilton Road

Number of Lots / Acres: 7 Lots / 9.1± Acres

Engineer / Surveyor: Engineering Development Services, LLC

County

David Deihl, Engineering Development Services, Inc., spoke on behalf of the applicant, stating they were in agreement with the staff recommendations. Mr. Deihl pointed out 4 of the lots were of some significant size, and due to that, it would be better that each of them have their own curb cut. He added that sight issues were not an issue in this development, however, the city's Traffic Engineering department might feel better about the individual curb cuts if the applicant were required to provide paved "turn arounds" on each lot to prevent the need to back out into the road.

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

- 1) the approval of all applicable federal, state and local agencies for wetlands prior to the issuance of any permits or land disturbance activities;
- 2) certification via placement of a note on the plat stating that the property owner/developer will comply with all local, state and federal regulations regarding endangered, threatened or otherwise protected flora and fauna;
- 3) the 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;

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- 4) the placement of a note on the Final Plat stating that Lot 1, 2 and 9 are allowed one curb-cut each to Repoll Road, with the size, design and location to be approved by Mobile County Engineering Department;
- 5) the placement of a note on the Final Plat stating that Lot 3 and 4, 5 and 6, and 7 and 8 are allowed to share one curb-cut each to Repoll Road, with the size, design and location to be approved by Mobile County Engineering Department;
- 6) revision of the plat to label the lot with its size in square feet, or placement of a table on the plat with the same information; and,
- 7) the placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2007-00289

Summerglen Subdivision

South side of Repoll Road at the South terminus of Milner Way

Number of Lots / Acres: 48 Lots / 21.8± Acres

Engineer / Surveyor: Engineering Development Services, LLC
County

The Chair stated the applicant was agreeable with the recommendations and said if there were those present who wished to speak on the matter to do so at this time.

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

- 1) the approval of all applicable federal, state and local agencies for wetlands prior to the issuance of any permits or land disturbance activities;
- 2) certification via placement of a note on the plat stating that the property owner/developer will comply with all local, state and federal regulations regarding endangered, threatened or otherwise protected flora and fauna;
- 3) the 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

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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;

- 4) the placement of a note on the Final Plat stating that Lots 1, and 48 denied direct access to Repoll Road and allowed one curb cut to the new street, with the size, design and location to be approved by Mobile County Engineering Department;
- 5) the placement of a note on the Final Plat stating that Lots 3, 34, 35, 44 and 45 are corner lots therefore, a note should be placed on the Final Plat limiting each lot to one curb cut each, with the size, design and location to be approved by County Engineering;
- 6) revision of the plat to label the lots with the size in square feet, or placement of a table on the plat with the same information;
- 7) the placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations; and,
- 8) placement of a note on the plat stating that maintenance of the detention and common areas is the responsibility of the subdivision's property owners.

The motion carried unanimously.

Case #SUB2007-00286

Briar Grove Subdivision

West side of Jeff Hamilton Road, 850'± South of Repoll Road

Number of Lots / Acres: 271 Lots / 84.4± Acres

Engineer / Surveyor: Engineering Development Services, LLC

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 discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the January 17, 2008, meeting, with required information submitted by December 17, 2007, to allow the applicant to address the following:

- 1) the submission and approval by the Planning Commission of a Traffic Impact Study for Briar Grove Subdivision;
- 2) dedication of sufficient right-of-way to provide 50-feet from the centerline of Jeff Hamilton Road;
- 3) the approval of all applicable federal, state and local agencies for wetlands prior to the issuance of any permits or land

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- disturbance activities;
- 4) certification via placement of a note on the plat stating that the property owner/developer will comply with all local, state and federal regulations regarding endangered, threatened or otherwise protected flora and fauna;
 - 5) the 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;
 - 6) the placement of a note on the Final Plat stating that Lots 1-10, 70-75, 157, 158, 239, and 260-271 denied direct access to Jeff Hamilton Road and allowed one curb cut to the new street, with the size, design and location to be approved by Mobile County Engineering Department;
 - 7) the placement of a note on the Final Plat stating that Lots 11, 21, 39, 40, 57, 76, 89, 94, 108, 109, 124, 125, 139, 140, 156, 182, 183, 200, 201, 217, 250, and 271 are corner lots therefore, a note should be placed on the Final Plat limiting each lot to one curb cut each, with the size, design and location to be approved by County Engineering;
 - 8) revision of the plat to label the lot with its size in square feet, or placement of a table on the plat with the same information;
 - 9) the placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations; and,
 - 10) placement of a note on the plat stating that maintenance of the detention and common areas is the responsibility of the subdivision's property owners.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2007-02655

Mobile Rosin Oil Company

2469 Bragdon Avenue

South side of Bragdon Avenue at its West terminus

Request to waive construction of a sidewalk along Bragdon Avenue.

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 Mr. DeMouy, to approve the above requested sidewalk waiver.

The motion carried unanimously.

Case #ZON2007-02710

Mohamed Shakora

Northwest corner of Webb Avenue and Dauphin Island Parkway

Request to waive construction of a sidewalk along Webb Avenue

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 discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to approve the above requested sidewalk waiver.

The motion carried unanimously.

Case #ZON2007-02713

Burge Properties, LLC

Southwest corner of Mackinnon Industrial Parkway and Interstate 10

Request to waive construction of a sidewalk along Mackinnon Industrial Parkway

Council District 4

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 PLANNING APPROVAL APPLICATIONS:

Case #ZON2007-02689

Fort Conde' Restoration Venture, LLC

165 St. Emanuel Street

Northeast corner of St. Emanuel Street and Monroe Street

Planning Approval to allow a bed and breakfast/reception hall in an H-B, Historic-Business District

Council District 2

The Chair stated the applicant was agreeable with the recommendations and said if there were those present who wished to speak on the matter to do so at this time.

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

- 1) **completion of the PUD (if necessary) and Subdivision application processes (including recording the final plat) prior to the issuance of a CO;**
- 2) **compliance with Fire Department Comments (must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate);**
- 3) **compliance with City 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. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit*);**
- 4) **compliance with Urban Forestry Comments (*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)*);
and,**
- 5) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

NEW ZONING APPLICATIONS:

Case #ZON2007-02709

McMurray Place, LLC

South side of Johnston Lane, extending from the West side of Rosedale Avenue (vacated right-of-way) to the centerline of Dickenson Avenue (vacated right-of-way), and to McCay Avenue (vacated right-of-way), 95' ± South of Johnston Lane
Rezoning from R-3, Multi-Family Residential, to R-3, Multi-Family Residential, to remove a condition of the previous rezoning
Council District 6

(Also see Case #SUB2007-00249 (Subdivision) **McMurray Place Subdivision**, and, Case #ZON2007-02464 (Planned Unit Development) **McMurray Place Subdivision**, above)

(See Case #SUB2007-00249 (Subdivision) **McMurray Place Subdivision**, above for discussion)

Don Coleman, Rester and Coleman Engineers, Inc., spoke on behalf of the applicant requesting a holdover, stating he was aware that the maps were incorrect and had re-submitted the revised site plans and preliminary plat.

Mr. Olsen said the holdover date would be January 3, 2008.

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 January 3, 2008, meeting, per the applicant's request.

The motion carried unanimously.

Case #ZON2007-02714

Rollie Steele

East side of East Drive, 240' ± North of Eastridge Place
Rezoning from R-1, Single-Family Residential, to R-2, Two-Family Residential, to allow a duplex residence
Council District 5

Don Rowe, Rowe Surveying and Engineering Company, Inc, spoke on behalf of the applicant and asked that the matter be held over until the January 3, 2008, meeting.

Hearing no opposition or other discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Watkins, to hold the matter over until the January 3, 2008, meeting.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2007-00295 (Subdivision)

Mooreland Subdivision, Re-subdivision of Lots 1-3

1520 Terrell Road

Northeast corner of Terrell Road and Dauphin Island Parkway

1 Lot / 0.7± Acre

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

Council District 3

(Also see **Case #ZON2007-02715 (Rezoning) John David Helland**, below)

Don Rowe, Rowe Surveying and Engineering Company, Inc., noted a conflict in the staff recommendations. He said the subdivision recommendation called for 1 curb cut to each street while the zoning recommendations called for the closing of all curb cuts to Terrell Road. He stated they would be happy with the curb cut recommendation as stated in the subdivision recommendations.

Mr. Olsen apologized for the error and stated the zoning recommendation for no curb cuts to Terrell Road was the correct recommendation. He said this was due to the applicant requesting re-zoning to B-3 and the staff historically did not recommend heavy, commercial access to such a predominately minor residential street. He reiterated that the recommendation was for no curb cuts onto Terrell Road and one onto Dauphin Island Parkway.

Mr. Rowe said the applicant was not in agreement with that as they felt they would not create heavy traffic in that area and expressed the applicant's wish for the Commission to waive that requirement.

The Chair asked if there were those who wished to speak on the matter to do so at that time.

The following people spoke in opposition:

James Cazales, Jr., 4224 Bay Front Road;
Lynn Jordan, 4166 Bay Front Road;
Sam Wacker, 1512 Terrell Road; and,
Ava Warner with Parkway Pride.

They made the following points in opposition:

- A. the traffic on Terrell Road presently is bad and they felt that putting a car lot business there would increase the problem, however, if the Commission did choose to approve this, then please consider requiring that a "No Thru Traffic" sign be installed;
- B. there was plenty of empty business space along Dauphin Island

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- Parkway, so why increase business zoning in the area while so much remained vacant;
- C. the trees currently planted in the area risk being cut down to make way for this business;
 - D. Dauphin Island Parkway “dead ends”, so it is wondered if the area would be viable for a car lot;
 - E. concern over lighting on the commercial property and that lighting shining onto residential properties at night; and,
 - F. drainage in the area is not adequate, as it currently comes across Dauphin Island Parkway from area wetlands. It is felt that increasing paved areas there would increase the drainage problem.

The applicant, David Helland, 1520 Terrell Road, responded to the previously mentioned concerns, saying:

- A. due to his insurance policy, he was required to ride along when cars were being test driven, assuring that no one would be speeding up and down Terrell Road;
- B. he did not plan on cutting down any of the crepe myrtle trees that grew along the property, as they added to the landscaping and beautification of the property; and,
- C. the proposed parking lot for the used cars would only be large enough to hold approximately 10 to 15 cars.

Mr. Vallas asked if the crepe myrtle trees in question were in the right-of-way, as well as asking Mr. Helland if he would be able to access the on-site garage from the Dauphin Island Parkway access, including getting circulation around the building.

Mr. Helland stated there were some crepe myrtle trees in the right-of-way and some that were not. He also said he could probably get the necessary access to the garage from Dauphin Island Parkway, but it would incur additional costs. Mr. Helland also reminded the Commission that Terrell Road had been the location of Nan’s Seas Restaurant, so the area had a history of commercial traffic.

Mr. Plauche asked if the applicant would be required to provide the necessary buffers to residential areas, as well as having to bring the current residentially constructed structure up to commercial structure codes.

Mr. Olsen said the applicant would be required to do so.

In deliberation, the Commission members came to the consensus that the residents seemed more concerned over traffic issues than use issues and suggested that the neighbors contact the city’s Traffic Engineering Department to help resolve those issues.

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

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following conditions:

- 1) **the placement of a note on the Final Plat limiting the development to one curb cut onto Dauphin Island Parkway, with the size, location and design to be approved by Traffic Engineering and in compliance with AASHTO standards, and denying access to Terrell Road, with removal of existing driveways and installation of landscaped materials; and,**
- 2) **placement of the 25-foot minimum building setback lines on the Final Plat.**

The motion carried unanimously.

Case #ZON2007-02715 (Rezoning)

John David Helland

1520 Terrell Road

Northeast corner of Terrell Road and Dauphin Island Parkway

Rezoning from R-1, Single-Family Residential, to B-3, Community Business, to allow auto sales

Council District 3

(Also see **Case #SUB2007-00295 (Subdivision) Mooreland Subdivision, Re-subdivision of Lots 1-3**, above)

(See **Case #SUB2007-00295 (Subdivision) Mooreland Subdivision, Re-subdivision of Lots 1-3** for discussion)

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

- 1) **the submission and approval of a Planned Unit Development (PUD) application;**
- 2) **the removal of curb cuts to Terrell Road and the installation of necessary landscape materials; and,**
- 3) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

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Case #SUB2007-00274 (Subdivision)

St. Dominic Catholic Church Subdivision

4068, 4156, & 4160 Burma Road, and 1168 Santa Maria Court

North side of Burma Road, between Santa Maria Court and St. Dominic Place

Number of Lots / Acres: 1 Lot 13.0± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 4

(Also see **Case #ZON2007-02598 (Planned Unit Development) St. Dominic Catholic Church Subdivision**, and, **Case #ZON2007-02611 (Planning Approval) St. Dominic Catholic Church**, 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.

Don Coleman, Rester and Coleman Engineers, Inc., spoke on behalf of the applicant, saying the application was simply to re-locate parking on site, with no other proposed changes to the entire site. In as much, he requested that the holdover be only until the January 3, 2008, meeting, rather than the January 17, 2008, meeting.

Mr. Olsen stated the staff stood by its recommendation to hold the matter over until the January 17, 2008, meeting, reminding Mr. Coleman of the previous controversy over a residential structure located on the property and the need to provide documentation regarding its planned use.

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 January 3, 2008, meeting, to allow the applicant to provide the following by December 12, 2007:

- 1) **the placement of a note on the Final Plat limiting the site to three curb cuts to Burma Road; and,**
- 2) **the placement of a note on the Final Plat stating that any more development to the campus would require a Traffic Impact Study.**

The motion carried unanimously.

Case #ZON2007-02598 (Planned Unit Development)

St. Dominic Catholic Church Subdivision

4068, 4156, & 4160 Burma Road, and 1168 Santa Maria Court

North side of Burma Road, between Santa Maria Court and St. Dominic Place

Planned Unit Development Approval for the Master Plan of an existing church to allow multiple buildings on a single building site

Council District 4

(Also see **Case #SUB2007-00274 (Subdivision) St. Dominic Catholic Church Subdivision**, above, and, **Case #ZON2007-02611 (Planning Approval) St. Dominic Catholic Church**, below)

(See **Case #SUB2007-00274 (Subdivision) St. Dominic Catholic Church Subdivision** above for discussion)

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 January 3, 2008, meeting, to allow the applicant time to provide the following by December 12, 2007:

- 1) **submission of a letter from the Diocese stating the approval of the submission of the application;**
- 2) **submission of complete mailing labels and mailing fees;**
- 3) **revision of the site plan to depict existing and proposed dumpster storage locations, in compliance with Section 64-4.D.9. of the Zoning Ordinance;**
- 4) **revision of the site plan to depict existing and proposed new parking, and on-site circulation;**
- 5) **placement of a note on the site plan stating that lighting shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic;**
- 6) **revision of the site plan to accurately depict all existing curb-cuts, and modifications thereof , as well as proposed curb-cuts;**
- 7) **revision of the site plan to provide frontage trees and landscaping along Burma Road, where possible;**
- 8) **the depiction of the existing frontage landscape and the proposed frontage landscaping of the new parking layout;**
- 9) **submission of information of the use and hours of operation for the building along Santa Maria Court; and,**
- 10) **submission of information of the school enrollment and capacity of the number of seating available in the sanctuary.**

The motion carried unanimously.

Case #ZON2007-02611 (Planning Approval)

St. Dominic Catholic Church

4068, 4156, & 4160 Burma Road, and 1168 Santa Maria Court

North side of Burma Road, between Santa Maria Court and St. Dominic Place

Planning Approval to allow the expansion of a parking lot at an existing church in an R-1, Single-Family Residential district.

Council District 4

(Also see **Case #SUB2007-00274 (Subdivision) St. Dominic Catholic Church Subdivision**, and, **Case #ZON2007-02598 (Planned Unit Development)**

St. Dominic Catholic Church Subdivision, above)

(See **Case #SUB2007-00274 (Subdivision) St. Dominic Catholic Church Subdivision** above for discussion)

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 January 3, 2008, meeting, to allow the applicant time to provide the following by December 12, 2007:

- 1) **submission of a letter from the Diocese stating the approval of the submission of the application;**
- 2) **submission of complete mailing labels and mailing fees;**
- 3) **revision of the site plan to depict existing and proposed dumpster storage locations, in compliance with Section 64-4.D.9. of the Zoning Ordinance;**
- 4) **revision of the site plan to depict existing and proposed new parking, and on-site circulation;**
- 5) **placement of a note on the site plan stating that lighting shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic;**
- 6) **revision of the site plan to accurately depict all existing curb-cuts, and modifications thereof , as well as proposed curb-cuts;**
- 7) **revision of the site plan to provide frontage trees and landscaping along Burma Road, where possible;**
- 8) **the depiction of the existing frontage landscape and the proposed frontage landscaping of the new parking layout;**
- 9) **submission of information of the use and hours of operation for the building along Santa Maria Court; and,**
- 10) **submission of information of the school enrollment and capacity of the number of seating available in the sanctuary.**

The motion carried unanimously.

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Case #SUB2007-00279 (Subdivision)

Apostolic Faith Church Subdivision

969 Weinacker Avenue

West side of Weinacker Avenue, 100'± North of Dublin Street, extending to the North side of Dublin Street, 95'± East of Weinacker Avenue)

Number of Lots / Acres: 1 Lot / 0.4± Acre

Engineer / Surveyor: Marshall A. McLeod, P.L.S., L.L.C.

Council District 3

(Also see **Case #ZON2007-02695 (Planned Unit Development) Apostolic Faith Church Subdivision**, and, **Case #ZON2007-02696 (Planning Approval) Apostolic Faith Church 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. DeMouy, to hold the matter over until the January 3, 2008 meeting, so that the following revisions can be made by December 14, 2007:

- 1) **revision of the application to include the adjacent parent parcel so that an additional legal lot may be created (including provision of lot fees, labels and postage for expansion of subdivision application – due by December 12), or provision of a letter from the adjacent property owners stating that they do not wish to be a part of the Subdivision application;**
- 2) **revision of the plat to depict dedication of right-of-way sufficient to provide 25-feet, as measured from the centerline of Dublin Street;**
- 3) **depiction and labeling of the 25-foot minimum building setback line; and,**
- 4) **labeling of the lot(s) with its size in square feet.**

The motion carried unanimously.

Case #ZON2007-02695 (Planned Unit Development)

Apostolic Faith Church Subdivision

969 Weinacker Avenue

West side of Weinacker Avenue, 100'± North of Dublin Street, extending to the North side of Dublin Street, 95'± East of Weinacker Avenue

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

Council District 3

(Also see **Case #SUB2007-00279 (Subdivision) Apostolic Faith Church Subdivision**, above, and, **Case #ZON2007-02696 (Planning Approval)**

Apostolic Faith Church Subdivision, below)

(See **Case #SUB2007-00279 (Subdivision) Apostolic Faith Church Subdivision** for discussion)

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the January 3, 2008 meeting, so that the following revisions can be made by December 14, 2007:

- 1) revision of the site plan to reflect dedication of right-of-way along Dublin Street, per the Subdivision conditions;
- 2) revision of the site plan to depict paved parking with access (from Dublin Street) and maneuvering that meets the minimum requirements of the Zoning Ordinance for the parking proposed behind the church;
- 3) marking of the existing parking and access way to be one-way, with a note stating that truck access is prohibited;
- 4) compliance with Traffic Engineering comments (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Access to the site was undeterminable with the site plan provided. Minimum driveway widths of twenty-four feet with a twenty foot radius should be provided. The shown parking is below city standards. Parking spaces should be nine feet wide and eighteen feet long with a twenty-four foot aisle width.*);
- 5) 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. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.*);
- 6) provision of trees and landscaping for the proposed parking and storage shed area, to bring that portion of the site into compliance with the requirements of the Zoning Ordinance;
- 7) depiction 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 25-feet of a street right-of-way, where the fence shall not exceed 3-feet in height;
- 8) depiction of concrete wheel stops, and location of the stops to ensure that vehicles will not encroach upon any required buffer fencing;
- 9) depiction of stormwater detention basin, if required by

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- compliance with the City of Mobile stormwater and flood control ordinances;
- 10) depiction of the 25-foot minimum building setback line; and,
 - 11) full compliance with all other municipal codes and ordinances, and the obtaining of the appropriate permits for fences, storage sheds and land disturbance.

The motion carried unanimously.

Case #ZON2007-02696 (Planning Approval)

Apostolic Faith Church Subdivision

969 Weinacker Avenue

West side of Weinacker Avenue, 100'± North of Dublin Street, extending to the North side of Dublin Street, 95'± East of Weinacker Avenue

Planning Approval to allow the expansion of an existing church in an R-1, Single-Family Residential district, for a storage shed

Council District 3

(Also see Case #SUB2007-00279 (Subdivision) **Apostolic Faith Church Subdivision**, and, Case #ZON2007-02695 (Planned Unit Development)

Apostolic Faith Church Subdivision, above)

(See Case #SUB2007-00279 (Subdivision) **Apostolic Faith Church Subdivision** for discussion)

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the January 3, 2008 meeting, so that the following revisions can be made by December 14, 2007:

- 1) revision of the site plan to reflect dedication of right-of-way along Dublin Street, per the Subdivision conditions;
- 2) revision of the site plan to depict paved parking with access (from Dublin Street) and maneuvering that meets the minimum requirements of the Zoning Ordinance for the parking proposed behind the church;
- 3) marking of the existing parking and access way to be one-way, with a note stating that truck access is prohibited;
- 4) compliance with Traffic Engineering comments (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Access to the site was undeterminable with the site plan provided. Minimum driveway widths of twenty-four feet with a twenty foot radius should be provided. The shown parking is below city standards. Parking spaces should be nine feet wide and eighteen feet long with a twenty-four foot aisle width.*);
- 5) 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. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.);

- 6) provision of trees and landscaping for the proposed parking and storage shed area, to bring that portion of the site into compliance with the requirements of the Zoning Ordinance;
- 7) depiction 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 25-feet of a street right-of-way, where the fence shall not exceed 3-feet in height;
- 8) depiction of concrete wheel stops, and location of the stops to ensure that vehicles will not encroach upon any required buffer fencing;
- 9) depiction of stormwater detention basin, if required by compliance with the City of Mobile stormwater and flood control ordinances;
- 10) depiction of the 25-foot minimum building setback line; and,
- 11) full compliance with all other municipal codes and ordinances, and the obtaining of the appropriate permits for fences, storage sheds and land disturbance.

The motion carried unanimously.

Case #SUB2007-00293 (Subdivision)

Omni Office Park Subdivision, Sixth Addition, Re-subdivision of Lot 2, Re-subdivision of Lot 2B

Northeast corner of Hillcrest Road and Omni Park Drive

Number of Lots / Acres: 1 Lot / 1.7± Acres

Engineer / Surveyor: Frank A. Dagley & Associates, Inc.

Council District 6

Frank Dagley, Frank A. Dagley and Associates, asked that the matter not be heldover as recommended and gave the following points in support of his argument:

- A. the application had been reviewed by Mr. Metzger in Traffic Engineering and he had approved 2 curb cuts;
- B. the only problem Traffic Engineering had with the application was parking in the rear of the long building as that area was not 9 feet

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- wide. The applicant has no problem with widening that area;
- C. the other minor issues listed as reasons to hold the matter over have been addressed; and,
- D. the issues of the retaining pond, drainage, and landscaping have historically not been required to be included on a PUD.

Mr. Dagley added that if the matter were to be heldover, he requested that it be heldover only until the January 3, 2008, meeting.

Mr. Watkins asked Mr. Olsen if the staff had any recommendations they would like considered if the Commission chose to approve the matter that day, rather than hold it over.

Mr. Olsen advised the staff would like the following recommendations considered by the Commission, if they moved to approve the matter during that meeting:

- A. the existing curb cut on the property to the north is right on the property line, while the proposed curb cut is no more than 15 to 20 feet to the south at an angle that makes the two curb cuts almost contiguous. This brings up a concern the Commission has had previously, specifically regarding the service station and its associated curb cuts located at Airport and General Bullard;
- B. the staff does not require full detention plans at this point, however, they would like the plan to indicate the general area where detention is planned, including whether or not it is planned as above or under ground;
- C. dumpster locations, though possibly shown on the plat, were not labeled. That information is needed as it could impact traffic circulation; and,
- D. any of the basic issues listed on the report that required clarification.

Mr. Dagley countered with the following points regarding traffic:

- A. there is a traffic light at Omni Drive and a median in Hillcrest, so traffic going north on Hillcrest could turn right into the first driveway;
- B. the exits onto Hillcrest would be right turn only for both the double driveway and the fast food drive-thru;
- C. it was felt that southbound traffic would stop at the traffic light then turn left onto Omni Drive and then into the property from that direction; and,
- D. the three previous points support the applicant's need for 3 curb cuts as well as support why they see no major conflict regarding the northerly driveway.

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In deliberation, Ms. White with Traffic Engineering added that she felt the holdover was in the best interest of all parties. She explained that all engineers are asked if the reason behind bringing a plat to their department is due to a desire to change a PUD. In this case, that information was not given to the city's Traffic Engineering Department. A holdover, in her opinion, would allow time to work through the issues with Traffic Engineering and Planning.

Hearing no opposition or further discussion, a motion was made by Mr. Miller, with second by Mr. DeMouy, to hold the matter over until the January 3, 2008, meeting.

The motion carried unanimously.

Case #ZON2007-02725 (Planned Unit Development)

Omni Office Park Subdivision, Sixth Addition, Re-subdivision of Lot 2, Re-subdivision of Lot 2B

Northeast corner of Hillcrest Road and Omni Park Drive

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

Council District 6

(Also see **Case #SUB2007-00293 (Subdivision) Omni Office Park Subdivision, Sixth Addition, Re-subdivision of Lot 2, Re-subdivision of Lot 2B**, above)

(See **Case #SUB2007-00293 (Subdivision) Omni Office Park Subdivision, Sixth Addition, Re-subdivision of Lot 2, Re-subdivision of Lot 2B** for discussion)

Hearing no opposition or further discussion, a motion was made by Mr. Miller, with second by Mr. DeMouy, to hold the matter over until the January 3, 2008, meeting, to allow the applicant time to revise the plan to address the following:

- 1) **approval from City Engineering regarding relocation of drainage structure and easement;**
- 2) **apparent noncompliance with parking stall sizes, based on Traffic Engineering Comments;**
- 3) **no on-site stormwater detention facilities are depicted on the site plan, however such facilities will be required due to the extent of the proposed new development. Therefore, the site plan should be revised to depict any required on-site stormwater detention facilities;**
- 4) **there is no indication on the site plan as to the proposed location of any dumpster or other waste storage facility. The location of the storage area for the dumpster must be illustrated on the site plan and labeled, and the location and required screening must comply with Section 64-4.D.9. of the Zoning Ordinance, as well as with all other applicable regulations;**
- 5) **provision of buffering for residentially zoned properties adjacent to the site, including shielding and directing lighting of parking facilities away from those residentially zoned**

- properties;
- 6) while the plan appears to exceed minimum landscaped area requirements, there is no information provided regarding required tree plantings. The only trees illustrated on the site plan are trees located in the Hillcrest Road right-of-way; and,
 - 7) minor errors/omissions in notations on the site plan, including but not limited to notation regarding a retaining wall being directed to the middle of a parking aisle, clear and concise notations of the drive-thru order and pick-up stations, etc. Revisions to be submitted no later than December 17.

The motion carried unanimously.

Case #SUB2007-00294 (Subdivision)

Heron Lakes Subdivision, Phase One, Re-subdivision of Lot 70

4106 Yellow Heron Lane

West side of Yellow Heron Lane, 125'± South of Heron Lakes Circle

Number of Lots / Acres: 1 Lot / 0.3± Acre

Engineer / Surveyor: M. Don Williams Engineering

Council District 4

(Also see **Case #ZON2007-02711 (Planned Unit Development) Heron Lakes Subdivision, Phase One, Re-subdivision of Lot 70**, below)

The Chair stated the applicant was agreeable with the recommendations and said if there were those present who wished to speak on the matter to do so at this time.

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

- 1) submission of documentation that the existing stormwater facilities are adequate to handle the increased site coverage (including all previously approved increases), to be approved by City Engineering Department prior to signing of the final plat;
- 2) labeling of the plat to indicate the lot size in square feet or the provision of a table on the plat furnishing the same information; and,
- 3) the placement of a note on the final plat stating that the site is allowed 38% maximum site coverage.

The motion carried unanimously.

Case #ZON2007-02711 (Planned Unit Development)
Heron Lakes Subdivision, Phase One, Re-subdivision of Lot 70

4106 Yellow Heron Lane

West side of Yellow Heron Lane, 125'± South of Heron Lakes Circle

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow a reduced rear yard setback and 38% site coverage
Council District 4

(Also see **Case #SUB2007-00294 (Subdivision) Heron Lakes Subdivision, Phase One, Re-subdivision of Lot 70**, above)

The Chair stated the applicant was agreeable with the recommendations and said if there were those present who wished to speak on the matter to do so at this time.

Hearing no opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Miller, to approve the above referenced re-subdivision, subject to the following condition:

- 1) **submission of documentation that the existing stormwater facilities are adequate to handle the increased site coverage (including all previously approved increases), to be approved by City Engineering Department prior to signing of the final plat.**

The motion carried unanimously.

Case #SUB2007-00299 (Subdivision)
University Square Subdivision, Re-subdivision of Lot 1, and Western Hills Extension Subdivision, Re-subdivision of Lot 4

5821 Old Shell Road and 5812 Waltman Lane

South side of Old Shell Road, 315'± West of Long Street, extending to the North side of Waltman Lane [private drive] at its West terminus

Number of Lots / Acres: 3 Lots / 2.5± Acres

Engineer / Surveyor: McCrory and Williams

Council District 5

(Also see **Case #ZON2007-02721 (Planned Unit Development) University Square Subdivision, Re-subdivision of Lot 1, and Western Hills Extension Subdivision, Re-subdivision of Lot 4**, 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.

Merrill Thomas, 7 Cosgrove Drive, spoke as developer and part owner of University Square Shopping Center and the USA storage, making the following points:

- A. they were approximately a week and half away from completing the site grading and drainage plans;

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- B. the franchise commitment for one his tenants expires on December 17, 2007;
- C. regarding Traffic Engineering, there have been no changes to the curb cuts that were approved in the original PUD;
- D. the right out drive was built by the city when it expanded that street, but he has no problem with making it a right in to tighten that area out and/or to make it a more accentuated “right out only” to keep from having two-way traffic there;
- E. the use for the proposed building is that of a restaurant with 3000 square feet. The original PUD from 2003 showed 3200 square feet for that building;
- F. The required number of parking spaces for the restaurant is 30, but their plan shows 52 parking spaces;
- G. the issue of ingress and egress to Waltman Lane has been by prescriptive easement for the past 40 years and when it came up in the original PUD, it was resolved satisfactorily, without effecting the residential portion of Waltman Lane whatsoever; and,
- H. the issue regarding the additional 50 feet at the rear of the lot is the only material change to the originally approved PUD. It does split a garage on the rear of the property that is residential, but the developer would be willing to shorten the property purchased from 50 feet in depth to 37.5 feet in depth, which would provide for 2 feet of space between the detention pond, which is that the only thing that will be on the lot other than 8 parking spaces. If the developer did reduce the size of the parcel they were buying, it would leave the residential lot in front with a 12.5 feet strip of business zoned property which the developer would be willing, if the residential owner were also willing, to re-zone as residential.

Mr. Vallas asked what purpose the holdover would serve if the developer has given the staff the materials and information he just gave the Commission.

Mr. Olsen said the holdover recommendation was because this application was not given to the staff in its entirety, and then asked Mr. Thomas if he had copies of the materials just discussed available for the staff at that time and was told yes.

Mr. Plauche asked if the 52 parking spaces provided for the restaurant were required by the chain, because if not, it would be nice to provide more islands of green space to break up the long expanses of asphalt.

Mr. Thomas said he would like to keep all of the spaces but if the Commission wanted more landscaping, they would work with the Commission.

In deliberation, Mr. Miller expressed his concern over the Commission spending large portions of public time hearing from applicants who had failed to turn in all portions of their application in a timely fashion, thereby having the staff recommend the matter for

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holdover, just to have the applicant present those necessary materials at the time of the hearing.

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

- 1) relocation of the property line to the North as indicated in the meeting;
- 2) submission and approval of a rezoning application for what will become the split zoned property to the South;
- 3) submission of documentation of the prescriptive easement as stated at the meeting; and,
- 4) limited to existing curb cuts, as may need to be modified and agreed to at the meeting.

The motion carried unanimously.

Case #ZON2007-02721 (Planned Unit Development)

University Square Subdivision, Re-subdivision of Lot 1, and Western Hills Extension Subdivision, Re-subdivision of Lot 4

5821 and 5827 Old Shell Road

South side of Old Shell Road, 315'± West of Long Street

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

Council District 5

(Also see **University Square Subdivision, Re-subdivision of Lot 1, and Western Hills Extension Subdivision, Re-subdivision of Lot 4**, above)

(See Case #SUB2007-00299 (Subdivision) **University Square Subdivision, Re-subdivision of Lot 1, and Western Hills Extension Subdivision, Re-subdivision of Lot 4** for discussion)

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

- 1) relocation of the property line to the North as indicated in the meeting;
- 2) submission and approval of a rezoning application for what will become the split zoned property to the South;
- 3) submission of documentation of the prescriptive easement as stated at the meeting;
- 4) limited to existing curb cuts, as may need to be modified and agreed to at the meeting; and,
- 5) submission of a revised site plan illustrating revisions to

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building, parking as discussed at the meeting, and including information regarding spaces occupied by existing tenants and parking required/provided.

The motion carried unanimously.

Case #Sub2007-00297 (Subdivision)

Lakeside Commercial Park Subdivision, Joy Springs Addition

780 Lakeside Drive

West side of Lakeside Drive, 730'± South of Lakeside Drive South, and extending South to the West terminus of Joy Springs Drive

Number of Lots / Acres: 3 Lots / 10.0± Acres

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

Council District 4

(Also see **Case #ZON2007-02716 (Planned Unit Development) Lakeside Commercial Park Subdivision, Joy Springs Addition**, 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.

Don Rowe, Rowe Surveying and Engineering Co., Inc., spoke on behalf of the applicant, saying he had been working with Mr. Olsen to resolve the matter so that it would not have to be heldover. He noted the following:

- A. regarding the flag shaped lots, the owner had agreed to delete those by combining lots B and C into one lot and lots D and E into one lot;
- B. the lake on Lakeside Drive will function as stormwater detention for everything west of Lakeside Drive; and,
- C. it is his understanding, having not drawn the plans, that the occupants would be using carts and not a dumpster, thereby removing the need to show dumpster location on the plat.

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

- 1) plat revised to combine lots B and C, and D and E – eliminating Flag Lots,
- 2) ***compliance with City Engineering Comments (The capacity and functionality of the lake needs to be analyzed for the reduction in size proposed, taking into account all development/area being provided detention in the lake. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site,***

- it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit); and,*
- 3) **revision of the site plan to illustrate location of the dumpster, if one is proposed.**

The motion carried unanimously.

Case #ZON2007-02716 (Planned Unit Development)
Lakeside Commercial Park Subdivision, Joy Springs Addition

780 Lakeside Drive

West side of Lakeside Drive, 730' ± South of Lakeside Drive South, and extending South to the West terminus of Joy Springs Drive

Planned Unit Development Approval to allow shared access between two building sites
Council District 4

(Also see Case #Sub2007-00297 (Subdivision) **Lakeside Commercial Park Subdivision, Joy Springs Addition**, above)

(See Case #Sub2007-00297 (Subdivision) **Lakeside Commercial Park Subdivision, Joy Springs Addition** for discussion)

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

- 1) **compliance with City Engineering Comments (*The capacity and functionality of the lake needs to be analyzed for the reduction in size proposed, taking into account all development/area being provided detention in the lake. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit*);**
- 2) **revision of the site plan to illustrate location of the dumpster, if one is proposed; and,**
- 3) **full compliance with all municipal codes and ordinances.**

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The motion carried unanimously.

OTHER BUSINESS:

Hearing no other business, the meeting was adjourned.

APPROVED: April 16, 2009

William G. DeMouy, Jr., Secretary

Terry Plauche, Chairman.

jsl