

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF FEBRUARY 4, 2010 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Terry Plauche, Chairman  
Victoria L. Rivizzigno, Secretary  
William Curtin  
Stephen J. Davitt, Jr.  
Nicholas H. Holmes, III  
Mead Miller  
Roosevelt Turner

**Members Absent**

William G. DeMouy, Jr., Vice Chairman  
Herb Jordan  
John Vallas  
James F. Watkins, III

**Urban Development Staff Present**

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

**Others Present**

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

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

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

**HOLDOVERS:**

**Case #SUB2009-00147 (Subdivision)**

**Rolling Meadows Estates Subdivision, Phase 2**

8253 Howells Ferry Road  
South side of Howells Ferry Road, 635'± East of the South terminus of Harvey Hill Road  
Number of Lots / Acres: 8 Lots / 8.4± Acres  
Engineer / Surveyor: Clark, Geer Latham & Associates, Inc.  
County

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

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

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- 1) full compliance with Section VIII.E. of the Subdivision Regulations regarding the private street;
- 2) placement of a note on the final plat stating that Lot 1 is denied direct access to Howells Ferry Road;
- 3) 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 County Engineering and in conformance with AASHTO standards;
- 4) provision of adequate radii, in compliance with Section V.B.16. of the Subdivision Regulations, at the intersection of the private street with Howells Ferry Road;
- 5) placement of a note on the plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;
- 6) placement of a note on the final plat stating that any lots developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section V.A.8. of the Subdivision Regulations; and,
- 7) placement of a note on the final plat stating *“development must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. New public roads shall be constructed and paved to standards for County Maintenance, and accepted by Mobile County, while new private roads shall be constructed and paved to minimum County or Subdivision Regulation standards, whichever are greater.”*

The motion carried unanimously.

**Case #SUB2009-00177 (Subdivision)**

**BCMF Subdivision**

57 St. Emanuel Street

Southeast corner of St. Emanuel Street and Conti Street

Number of Lots / Acres: 1 Lot / 0.1± Acre

Engineer / Surveyor: Hargrove & Associates

Council District 2

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

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Davitt, to waive Section V.B.14., and approve the above referenced subdivision, subject to the following conditions:

- 1) **placement of a note on the final plat stating that the lot is limited to two curb-cuts with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **placement of a note on the final plat/site plan stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;**
- 3) **dedication of a 25' radius at the intersection of Conti Street and St. Emanuel;**
- 4) **compliance with Engineering comments: *Site is located in an AE Flood Zone; development must meet all FEMA requirements. Fill is not allowed without providing compensation (net fill of zero) or completing a flood study. Label Minimum FFE on Lot 1 of plat. Plat needs to include a minimum 25' radius for the property line at the intersection of Conti St & St Emanuel St. 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,***
- 5) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**Case #SUB2009-00180 (Subdivision)**

**Pamela Subdivision**

2516 Osage Street

Northeast corner of Osage Street and Sweeneys Lane

Number of Lots / Acres: 3 Lots / 0.5± Acres

Engineer / Surveyor: Moseley Surveying Co.

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 Dr. Rivizzigno, with second by Mr. Turner to waive Sections V.D.5. and V.D.9., and approve the above referenced subdivision, subject to the following conditions:

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- 1) placement of a note on the final plat stating that each lot is limited to one (1) curb-cut each, with the size, design, and location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards.
- 2) depiction and labeling of the street-abutting setback lines as follows: Lots 1 and 3 depicted with a 25-foot front yard setback, while Lot 2, the corner lot, depicted with a 25-foot setback along Osage Street, and a 20-foot setback along Sweeney's Lane;
- 3) depiction of the existing residence, if it shall remain, or the obtaining of a demolition permit for the residence prior to the signing of the final plat;
- 4) obtaining of a demolition permit for the accessory building, prior to the signing of the final plat;
- 5) the labeling of each lot with its size in square feet, or placement of a table on the plat with the same information;
- 6) compliance with Engineering comments, eliminating the radius requirement: *Must comply with all stormwater and flood control ordinances. Add note to plat stating that if any proposed development for any lot will result in an increase in impervious area (i.e., driveway, building, patio, sidewalk, etc.) in excess of 4000 square feet since 1984, then detention must be provided and a Land Disturbance Permit from the City of Mobile will be required. Any work performed in the right-of-way will require a right-of-way permit;*
- 7) placement of a note on the plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species prior to the issuance of any permits or land disturbance activities; and,
- 8) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2009-00181 (Subdivision)**

**Somerby Subdivision, Corrected Plat, Re-subdivision of Lots 1 & 2 of a Re-subdivision of Lot 2, Re-subdivision of and Addition to Lot 1**

Northeast corner of Somerby Drive and Somerby Lane (private street), and North side of Somerby Lane (private street) at its West terminus

Number of Lots / Acres: 3 Lots / 16.4± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(Also see **Case #ZON2009-03024 (Planned Unit Development) Somerby Subdivision, Corrected Plat, Re-subdivision of Lots 1 & 2 of a Re-subdivision of Lot 2, Re-subdivision of and Addition to Lot 1**, below)

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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 February 18, 2010, meeting, per the applicant's request.

The motion carried unanimously.

**Case #ZON2009-03024 (Planned Unit Development)**  
**Somerby Subdivision, Corrected Plat, Re-subdivision of Lots 1 & 2 of a Re-**  
**subdivision of Lot 2, Re-subdivision of and Addition to Lot 1**

Southwest corner of Somerby Lane (East) (private street) and Somerby Lane (North)  
(private street)

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow the expansion and addition to an existing domiciliary care facility  
Council District 6

(Also see **Case #SUB2009-00181 (Subdivision) Somerby Subdivision, Corrected Plat, Re-subdivision of Lots 1 & 2 of a Re-subdivision of Lot 2, Re-subdivision of and Addition to Lot 1**, above)

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the February 18, 2010, meeting, per the applicant's request.

The motion carried unanimously.

**Case #ZON2009-02964 (Planned Unit Development)**  
**Waterfront Rescue Mission**

204, 206, 208 & 210 State Street

Northeast corner of State Street and North Joachim Street

Planned Unit Development Approval to allow multiple buildings on a single building site  
Council District 2

(Also see **Case #ZON2009-02997 (Planning Approval), Waterfront Rescue Mission**, below)

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

The following people addressed the Commission and requested that the matter be held over to allow the area residents more time to review and better educate them regarding the development:

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- Rennie Brabner, 303 North Conception Street, Mobile, AL, DeTonti Square Historical District;
- David Calametti, 350 North Conception Street, Mobile, AL; and,
- Melissa Rankin, 312 North Joachim Street, Mobile, AL.

Mr. Davitt confirmed with the staff that the matter had been scheduled to be heard the first time on January 7, 2010, and was held over at that time. He went on to ask if there was opposition at that time or those who wished more information at that time.

Mr. Lawler said he had had discussion with one of the neighbors regarding the matter and that as there had been changes requested by the staff at the January 7, 2010, meeting, that if those changes had been submitted, then there would be reason to hold the matter over for the reasons stated by the neighbors.

Bill Bru, Executive Director of Alabama, Waterfront Mission, responded to the request and stated the changes primarily effected parking. He stated that he had met with the neighbors to keep them updated regarding the Mission's plans. He stated their plans would help get their clients off the street faster, which was a concern expressed by the neighbors. He also stated their other concern expressed to him was the neighbors did not want there to be an increase capacity and that was not the Mission's intent and added that was included in one of the conditions for approval. He stated the Mission very much wanted to move forward with the matter so they were not in agreement with holding the matter over.

Mr. Olsen stated there seemed to be conflicting information regarding number of beds. He said the staff report indicated that there were 64 beds on site, but the letter from a neighbor stated there were 60 beds on site and that the Mission proposed to increase the number of beds on site to 70. Mr. Olsen asked for clarification as to the number of beds currently on site.

Mr. Blu stated there were 65 beds permanently on site. He reminded the Commission and those attending that based upon the Mission's work and depending on the weather conditions, no one seeking shelter would be turned away and that being the case, there would be times the number of beds set up would go over 65.

In deliberation, Mr. Lawler clarified that though the Code had specific time limitations on subdivision, there were no such time limits in the Code for Planned Unit Developments, however, the Ordinance noted 45 days for Planned Unit Developments.

Hearing no further opposition or discussion, a motion was made by Mr. Turner, with second by Dr. Rivizzigno, to hold the matter over until the February 18, 2010, meeting, to allow the applicant to review the proposal and changes with the residents of the neighborhood.

The motion carried unanimously.

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**Case #ZON2009-02997 (Planning Approval)**

**Waterfront Rescue Mission**

204, 206, 208 & 210 State Street

Northeast corner of State Street and North Joachim Street

Planning Approval to allow the expansion of an existing domiciliary facility in an R-B, Residence-Business District, and to allow the expansion of a gravel parking surface within the Hank Aaron Loop Area

Council District 2

(Also see **Case #ZON2009-02964 (Planned Unit Development)**, **Waterfront Rescue Mission**, above)

Hearing no further opposition or discussion, a motion was made by Mr. Turner, with second by Dr. Rivizzigno, to hold the matter over until the February 18, 2010, meeting, to allow the applicant to review the proposal and changes with the residents of the neighborhood.

The motion carried unanimously.

**EXTENSIONS:**

**Case #SUB2008-00003 (Subdivision)**

**Hutson-Key Subdivision, Unit Two, Re-subdivision of Lot 3**

Northwest corner of West I-65 Service Road South and Pleasant Valley Road, extending to the Northeast corner of Michael Boulevard and Hutson Drive, and extending to the South side of Key Street, 490'± West of West I-65 Service Road South

Number of Lots / Acres: 2 Lots / 13.3± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 5

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. Turner, to approve the above referenced request for extension for six (6) months, and the applicant be advised that future extensions are unlikely.

The motion carried unanimously.

**Case #SUB2008-00261 (Subdivision)**

**Boothe Subdivision**

1512 South Broad Street

West side of South Broad Street extending from Sutton Street to Lucille Street [to be vacated], and extending to the Illinois Central Gulf Railroad right-of-way

Number of Lots / Acres: 2 Lots / 5.7± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 3

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to approve the above referenced request for extension; however, the applicant should be advised that future extensions are unlikely.

The motion carried unanimously.

**Case #SUB2009-00002 (Subdivision)**  
**Rangeline Road Subdivision, Unit Two**

5064 Rangeline Road

West side of Rangeline Service Road, 105'± South of Downey Drive

Extension [to be vacated]

Number of Lots / Acres: 4 Lots / 2.3± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 4

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. Turner, to approve the above referenced request for extension, but the applicant should be advised that future extensions are unlikely.

The motion carried unanimously.

**Case #SUB2008-00009 (Subdivision)**  
**Taylor Pointe Subdivision, Unit Two**

West terminus of Taylor Pointe Drive

Number of Lots / Acres: 50 Lots / 20.1± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to approve the above referenced request for extension, subject to the additional condition:

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

The applicant is advised that further extensions are unlikely.

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The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2010-00003**

**Sunnymeade Subdivision, Re-subdivision of Lots 1 & 2, Block F**

819 Donald Street and 2001 Jones Avenue

Southwest corner of Donald Street and Jones Avenue

Number of Lots / Acres: 2 Lots/ 0.4± Acre

Engineer / Surveyor: Polysurveying Engineering-Land Surveying

Council District 1

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

Matt Orrell, Polysurveying of Mobile, spoke on behalf of the applicant and made the following points for approval:

- A. simply the case of one owner wanting to sell a portion of their property that they were not using so that an adjacent owner could have more yard;
- B. there would be no issue in correcting the way the right-of-ways were shown on the final plat;
- C. recognized that Donald Street was a major road and would request a setback line on the lots to take that issue into consideration with regards to new construction; and,
- D. the applicant would have no problem holding the matter over, if necessary, so that the staff would have time to consider conditions for approval.

Mr. Hoffman noted that Jones Avenue was a proposed major street and that typically 50 feet from center line of a major street would be required as dedication, with an addition 25 feet of setback, which would make the existing line between the two lots the new minimum building setback line for the corner lot.

Mr. Orrell stated his client had no issue with that as the client had no plans for future construction. He added that when Jones Avenue was improved, the governing body which had jurisdiction over it would condemn the necessary property for their needs and pay his client accordingly.

Mr. Olsen stated that staff stood by their recommendation, and that the subdivision simply did not meet the subdivision regulations.

In deliberation, Dr. Rivizzigno asked if the site was located in the city and was advised that it was. She went on to state that just because there were similar lots in the neighborhood did not justify approval.

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Mr. Miller reminded the Commission that the applicant had offered to hold the matter over and that might be the better answer as opposed to denial.

Mr. Olsen advised that the applicant had made an offer of holding the matter over but that was so the staff could draft conditions for approval, however, the staff stood by their recommendation for denial in this case. He stated that though there might be parcels in the area that were substandard, that was not the same as creating substandard legal lots of record.

Mr. Curtin asked if creating a substandard lot would make it less likely to be sold or developed in the future.

Mr. Olsen stated that based on the 5700 square footage of the lot, it would limit the ability to add on or have new construction of any real size larger than what was currently on the site. He also reminded them that as Mr. Hoffman had stated the setback line for the future major street, currently does and would encompass the entire lot involved.

Mr. Davitt noted that no amount of dialogue could change the square footage in question.

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

- 1) **the proposed subdivision will create a lot that falls below the minimum lot size required by Section V.D.2. of the Subdivision Regulations;**
- 2) **the preliminary plat inaccurately depicts adjacent right-of-way widths; and,**
- 3) **the right-of-way dedication/setback requirements due to an adjacent proposed major street will render proposed Lot 1-A essentially un-buildable for new construction.**

The motion carried unanimously.

**Case #SUB2009-00188**

**Kenneth Thomas Subdivision**

9220 Gulley Way West

North side of Gulley Way at the Northern terminus of East Gulley Way

Number of Lots / Acres: 3 Lots / 5.0± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

County

The Chair announced the application had been recommended for approval.

Jerry Byrd, Byrd Surveying, Inc., spoke on behalf of the owner, and stated the only

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problem his client had with the recommendations was condition 3 which required the paving of approximately 3000 feet of county road to get to the property. He added it was simply 5 acres with 3 houses on it and they simply wanted to subdivide the property so that each house was on its own separate, legal, lot of record. He stated that the road was a county maintained dirt road, and inasmuch he was not sure County Engineering would allow it to be paved.

In deliberation, Mr. Davitt noted Mr. Byrd's comments regarding the staff's report and Gulley Way and asked for clarification of same.

Mr. Olsen advised that the staff recommended a note on the final plat stating that there be no future subdivision of the site, as well as suggested they also be limited to no construction of additional residences or dwellings until Gulley Way was paved to Mobile County public road standards.

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

- 1) revision of the plat, if necessary, to depict the existing edge to edge width of the dirt road travel way;**
- 2) revision of the plat to depict dedication adequate to provide 30-foot from the centerline of the existing road in condition # 1;**
- 3) placement of a note on the final plat stating that there shall be no future re-subdivision or construction of additional dwellings until Gulley Way is constructed to Mobile County paving standards for a public road;**
- 4) placement of a note on the final plat stating that Lot 1 is limited to two curb-cuts, and that Lots 2 and 3 are limited to one curb-cut each, with the size, design, and location to be approved by Mobile County Engineering, and to conform with AASHTO standards;**
- 5) depiction and labeling of the 25-foot minimum building setback line for the final plat;**
- 6) placement of a note on the final plat/site plan stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities”;**
- 7) 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.8. of the Subdivision Regulations; and,**
- 8) placement of a note on the final plat stating that “*Development must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the***

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*stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and that 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 is required prior to the issuance of any permits. New public roads shall be constructed and paved to standards for County Maintenance, and accepted by Mobile County, while new private roads shall be constructed and paved to minimum County or Subdivision Regulation standards, whichever are greater.”*

The motion carried unanimously.

**Case #SUB2010-00001**

**Pringle Subdivision**

3916 Pringle Drive

Northeast corner of Pringle Drive and Pine Grove Avenue

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

Engineer / Surveyor: Julian F. Smith

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. Turner, with second by Mr. Miller, to waive Section V.B.16. and approve the above referenced subdivision, subject to the following conditions:

- 1) **placement of a note on the final plat stating that each lot (including the corner lot) is limited to one curb cut, with the size, location, and design to be approved by Traffic Engineering and in conformance with AASHTO standards;**
- 2) **the depiction on the final plat of the 25' minimum building setback line along both street frontages;**
- 3) **demolition of the existing structures on Lots B and C prior to signing the final plat; and,**
- 4) **placement of a note on the plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

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Case #SUB2010-00005

**Glaze/Mamun Subdivision**

8780 & 8790 Gold Mine Road North

North side of Gold Mine Road North, 170' ± East of Dawes Lane East

Number of Lots / Acres: 3 Lots / 2.9± Acres

Engineer / Surveyor: Polysurveying Engineering-Land Surveying  
County

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

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Miller, to waive Section V.D.1. and approve the above referenced subdivision, subject to the following conditions:

- 1) **revision of the plat to indicate the site's frontage as being on Gold Mine Road North;**
- 2) **illustration of the minimum building setback lines on the Final Plat as on the preliminary plat;**
- 3) **placement of a note on the Final Plat stating that Lots 1 and 2 are limited to one curb cut each to Gold Mine Road North, and Lot 3 is limited to two curb cuts to Gold Mine Road North, with the size, location and design of all curb cuts to be approved by County Engineering and conform to AASHTO standards;**
- 4) **labeling of all lots with their size in square feet and acres, or the furnishing of a table on the Final Plat providing the same information;**
- 5) **placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;**
- 6) **placement of a note on the final plat stating that the development has been designed to comply with all other 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 obtaining of permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering; and,**
- 7) **placement of a note on the final plat stating that any lots developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section**

**V.A.8. of the Subdivision Regulations.**

The motion carried unanimously.

**Case #SUB2010-00006**

**Rangeline Business Park Subdivision, Revised, Unit One**

3841 Abigail Drive

East terminus of Abigail Drive

Number of Lots / Acres: 3 Lots / 3.1± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 4

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

- 1) **completion of Abigail Drive to City Standards, and acceptance of the same, either in its entirety, or with a temporary turnaround prior to signing of the Final Plat;**
- 2) **depiction of the lot area sizes, in square feet, or provision of a table on the Final Plat with the same information;**
- 3) **retention of the 25-foot minimum building setback line on the Final Plat;**
- 4) **placement of a note on the Final plat stating that each lot is limited to one curb cut to Abigail Drive, with the size, design, and exact location of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 5) **compliance with City Engineering comments: *Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer; and,***
- 6) **placement of a note on the Final Plat stating that the site must be developed in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species.**

The motion carried unanimously.

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**Case #SUB2009-00187**

**Everett Subdivision**

3300 Roberts Lane

East side of Roberts Lane, 1315'± South of Wulff Road South

Number of Lots / Acres: 4 Lots / 4.0± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

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.

Jerry Byrd, Byrd Surveying, Inc., spoke on behalf of the applicant and made the following points:

- A. stated the flag lot justification letter was submitted with the application to the staff on December 22, 2009;
- B. noted the flag lot subdivision located directly across the road from the proposed subdivision, as well as there being a “metes and bounds” flag lot in the rear of the property; and,
- C. regarding documentation of the availability of public water, South Alabama Utilities can provide public water to the location.

Mr. Olsen noted the justification letter had been found and apologized for any confusion that might have caused. He also explained the need for documentation of the availability of public water was due to the staff receiving applications which simply state public water without any form of verification regarding the same. He added that the items noted as needed for the hold over could be used as conditions for approval, if the Commission were so inclined, and asked that the condition regarding the safeguarding of protected species and the condition regarding compliance with the Subdivision Regulations in relationship to its location within the J.B. Converse watershed be added to the final plat.

Gerald Mietz, 3330 Roberts Lane, Mobile, AL, expressed his concern over the body shop currently in business on the proposed Lot 3 and the impact that business might be having on the area's ecology.

Mr. Olsen reminded the Commission the property in question was located in the county and thereby did not fall under the City's Zoning Ordinance; however, he also advised Mr. Mietz that any concerns he might have regarding the environmental impact of the business should be taken up with Alabama Department of Environmental Management.

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

- 1) revision of the plat to label the street name and illustrate the right-of-way width;**

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- 2) revision of the plat to indicate the lot size, in square feet, or a table provided on the plat showing the same information;
- 3) depiction of the 25-foot minimum building setback line along Roberts Lane for Lots 1 and 4, and from where the pole meets the flag on Lots 2 and 3; and,
- 4) documentation of availability of public water
- 5) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;
- 6) compliance with Section V.A.5. of the Subdivision Regulations, and placement of a note on the plat stating that *“The site is located within the J.B. Converse watershed, and stormwater detention facilities are required in any Subdivision. Detention areas must be designed to provide a minimum detention capacity to accommodate the volume of a 50 year post development storm, with a maximum release rate equivalent to the 10 year storm pre-development rate. A licensed Professional Engineer must certify, prior to the recording of the final plat, that the design of the Subdivision and its stormwater detention features are designed in accordance with these requirements. Any stormwater detention facility must be shown in the plans and on the recorded subdivision plat as a common area not maintained by the City of Mobile, Mobile County, nor the State of Alabama.”*

The motion carried with only Dr. Rivizzigno voting in opposition.

**Case #SUB2010-00004**

**Rangeline Business Park Subdivision, Unit Two**

5925 Rangeline Road

East terminus of Abigail Drive

Number of Lots / Acres: 17 Lots / 19.0± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 4

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

Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Dr. Rivizzigno, to waive Section V.B.6. and approve the above referenced subdivision, subject to the following conditions:

- 1) completion of Abigail Drive to City Standards, and acceptance of the same prior to the signing of the Final Plat;
- 2) depiction of the lot sizes, in square feet, or provision of a table on the Final Plat with the same information;
- 3) retention of the 25-foot minimum building setback line on the

**Final Plat;**

- 4) **placement of a note on the Final Plat stating that each lot is limited to one curb cut to Abigail Drive except Lot 9, which is limited to two curb-cuts to Abigail Drive, with the size, design, and exact location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 5) **placement of a note on the Final Plat stating that maintenance of all common areas and common detention facilities is the responsibility of the property owners;**
- 6) **compliance with City Engineering comments: *The widths and locations of the proposed drainage easements will need to be coordinated with City Engineering. Applicant shall provide a copy of the construction plans for the proposed subdivision as approved by Mobile County Engineering. Following satisfactory completion of the construction of the roadway and drainage as permitted by Mobile County Engineering, a final street acceptance package shall be submitted to City Engineering for approval. Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;***
- 7) **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.8 of the Subdivision Regulations;**
- 8) **placement of a note on the Final Plat stating that approval of federal, state, and local agencies, as necessary due to wetlands, prior to the issuance of any permits; and,**
- 9) **placement of a note on the Final Plat stating that the site must be developed in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species.**

The motion carried unanimously.

**GROUP APPLICATIONS:**

**Case #SUB2010-00007 (Subdivision)  
Oakland Avenue Subdivision, Cornell Addition**

22 Oakland Avenue

North side of Oakland Avenue, 430' ± East of Marston Lane

Number of Lots / Acres: 4 Lots / 1.2± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 7

(Also see **Case #ZON2010-00006 (Planned Unit Development) Oakland Avenue Subdivision, Cornell Addition**, below)

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

Richard Rowan, 4400 The Cedars, Mobile, AL, spoke on behalf of the owner of the property in question and made the following points:

- A. noted they simply wanted to create two (2) new lots on Bexley Lane;
- B. would like to see the condition that limited Lots 2 and 3 to one curb-cut each to be expanded to two (2) curb-cuts for each lot in case a prospective buyer wished to put in a circular driveway; and,
- C. with regard to the note regarding providing documentation that there had been no increase in impervious surfaces since 1984, he stated the tennis courts on the property were built in 1967 and no additional paving has been done since then, but questioned what was actually needed.

The Chair asked if the existing dwelling on Lot 4 would remain and he was advised by Mr. Rowan that it would remain.

John Forrester, City Engineering Department, stated that aerial photographs of the site were available through his department; however, they would require research by the applicant or their representative. He did agree that an affidavit from the property owner could be accepted if there were no other documentation, however, he encouraged Mr. Rowan to come by the City Engineering Department regarding this and the staff would be happy to assist him.

In deliberation, Mr. Miller asked how the staff felt about the request for circular driveways.

Mr. Olsen stated that Bexley Lane was woefully substandard and with the addition of narrow lots, he was not sure that circular drives would be appropriate.

Jennifer White, City Traffic Engineering Department, stated that as the lots had small frontage space, it was her opinion that a circular drive would not be appropriate or have

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any benefit on those sites.

Mr. Davitt asked for clarification regarding the 4000 square footage of impervious surface in question.

Mr. Olsen stated the 4000 square foot referenced was to be sure that there was no violation of the 1984 Ordinance and that any new construction, if it exceeded what was currently in place (as long as that was deemed legal) would have to provide detention.

Mr. Forrester agreed and stated the reason Engineering had requested the documentation was due to the fact the department was not sure that the tennis courts were present on the location prior to 1984. He added that if it is proven that the tennis courts were there prior, that square footage would be “grandfathered” in. He reminded the Commission that the square footage was cumulative for all of the lots.

Mr. Davitt asked if the site proved to need detention what would be needed.

Mr. Forrester stated that it would need to be capable of handling the run-off from a 10 year storm and it would be likely that each lot would need to provide its own detention as opposed to one, shared detention pond.

Mr. Olsen advised the Commission that based on conversations with Mr. Hoffman and his personal knowledge of the area, the staff was relatively certain the tennis courts were present prior to 1984, and documentation of the same should not present a difficulty to the applicant.

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

- 1) **compliance with Engineering comments** (*Prior to plat approval, documentation shall be provided to the City Engineering Department clearly showing that there has not been an increase in impervious area in excess of 4,000 square feet since 1984, or a land disturbance permit will be required and detention must be provided. Any proposed construction that will result in an increase in impervious area in excess of 4,000 square feet will require a land disturbance and will require detention. 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) **dedication of right-of-way along Bexley Lane, as shown on the preliminary plat;**
- 3) **depiction of the minimum building setback line, as shown on the preliminary plat;**
- 4) **placement of a note on the final plat stating that Lots 1 and 4**

- are limited to their two (2) existing curb-cuts each, that Lots 2 and 3 are limited to one (1) curb-cut each, and that size, design and location of any curb-cut must be approved by Traffic Engineering and be designed in conformance to the greatest extent possible with AASHTO standards;
- 5) placement of Urban Forestry 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).*);
  - 6) placement of a note on the final plat/site plan stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities; and,
  - 7) provision of two (2) copies of the revised PUD site plan prior to the signing of the final plat.

The motion carried unanimously.

**Case #ZON2010-00006 (Planned Unit Development)**

**Oakland Avenue Subdivision, Cornell Addition**

22 Oakland Avenue

North side of Oakland Avenue 430' ± East of Marston Lane

Planned Unit Development Approval to allow reduced lot sizes and reduced setbacks in an R-1, Single-Family Residential District.

Council District 7

(Also see **Case #SUB2010-00007 (Subdivision) Oakland Avenue Subdivision, Cornell Addition**, above)

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

Hearing no opposition or discussion, a motion was made by Mr. Davitt, 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 minimum setbacks for the existing dwelling on Lot 1 from the front, side and rear property lines;
- 2) revision of the site plan to depict minimum setbacks for all other structures to remain on the site that are less than 8 feet from a lot line;
- 3) placement of a note on the site plan stating that all new development must comply with R-1, Single-Family District setback requirements;

- 4) compliance with Engineering comments (*Prior to plat approval, documentation shall be provided to the City Engineering Department clearly showing that there has not been an increase in impervious area in excess of 4,000 square feet since 1984, or a land disturbance permit will be required and detention must be provided. Any proposed construction that will result in an increase in impervious area in excess of 4,000 square feet will require a land disturbance and will require detention. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.*)
- 5) dedication of right-of-way along Bexley Lane, as shown on the site plan;
- 6) depiction of the minimum building setback line, as shown on the site plan;
- 7) placement of a note on the site plan stating that Lots 1 and 4 are limited to their two (2) existing curb-cuts each, that Lots 2 and 3 are limited to one (1) curb-cut each, and that size, design, and location of any curb-cut must be approved by Traffic Engineering and be designed in conformance to the greatest extent possible with AASHTO standards;
- 8) placement of Urban Forestry comments as a note on the site plan (*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)*);
- 9) placement of a note on the final plat/site plan stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;
- 10) full compliance with all other municipal codes and ordinances;  
and,
- 11) provision of two (2) copies of the revised PUD site plan prior to the signing of the final plat.

The motion carried unanimously.

**OTHER BUSINESS:**

Mr. Olsen advised the Commission that in the next week they would receive, either via U.S. Mail or hand delivery, draft copies of the "New Plan for Mobile." He noted that the Mayor and City Council members were given their copies the week prior. He let the members know that there would be a joint working meeting scheduled between both the Planning Commission and the City Council in March, 2010, to go over the detail of the plan, after which a Call for Public Hearing on the matter would be announced at a public

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Planning Commission meeting, as well as City Council. He reminded the members that as this was a major amendment to the existing comprehensive plan, it would have to be adopted by both bodies. He said public copies would be placed in library branches across the city, with access to information regarding the “New Plan” available on the city website as well, with a hard copy available for review in the Planning Department office. He noted that copies would also be available for purchase to the general public in the future at the charge for reproduction of such.

Hearing no further business, the meeting was adjourned.

**APPROVED:**            March 18, 2010

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Dr. Victoria Rivizzigno, Secretary

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Terry Plauche, Chairman

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