

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF MAY 5, 2011 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Terry Plauche, Chairman  
William G. DeMouy, Jr., Vice-Chair  
Victoria L. Rivizzigno, Secretary  
Stephen J. Davitt, Jr.  
Nicholas H. Holmes, III  
Mead Miller  
James F. Watkins, III

**Members Absent**

Herb Jordan  
Roosevelt Turner  
John Vallas

**Urban Development Staff Present**

Richard L. Olsen,  
Deputy Director of Planning  
Frank Palombo,  
Planner II  
Tony Felts,  
Planner I  
David Daughenbaugh,  
Urban Forestry Coordinator  
Joanie Stiff-Love,  
Secretary II

**Others Present**

John Lawler,  
Assistant City Attorney  
John Forrester,  
City Engineering  
District Chief Billy Roach,  
Fire-Rescue Department

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 #SUB2011-00024 (Subdivision)**

**Town of Salt Aire Lake District Subdivision, Common area Addition to**

10178 Kearns Road

(North side of Salt Aire Road, extending to the West side of Kearns Road [Private Road] extending to the South side of Jackson Road [Private Road] and to the Northern termini of Town Center Drive and Magnolia End East)

Number of Lots / Acres: 1 Lot / 82.0± Acres

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

County

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

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The Chair announced the application and added that if anyone wished to speak on the matter they should do so at that time.

Bobby McBride, Rowe Surveying and Engineering Company, Inc., spoke on behalf of the applicant, and asked that the matter be withdrawn.

Hearing no further opposition or discussion, the Chair stated the Commission accepted the applicant's request and the matter was withdrawn from consideration.

**Case #ZON2011-00749 (Sidewalk Waiver)**

**Charter South**

810 Dauphin Island Parkway

(Southwest corner of Dauphin Island Parkway and Halls Mill Road)

Request to waive construction of a sidewalk along Dauphin Island Parkway and

Halls Mill Road

Council District 3

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

Hearing no opposition or discussion, a motion was made by Mr. Watkins, with second by Mr. Davitt, to approve the waiver of construction for the sidewalk along both Dauphin Island Parkway and Halls Mill Road.

The motion carried unanimously.

**EXTENSIONS:**

**Case #SUB2009-00031 (Subdivision)**

**Grelot Office Park Subdivision**

North side of Grelot Road, 160'± West of Chimney Top Drive West

Number of Lots / Acres: 4 Lots / 5.6± Acres

Engineer / Surveyor: Engineering Development Services, LLC

Council District 6

(Also see **Case #ZON2009-00571 (Planned Unit Development) Grelot Office Park Subdivision** below)

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

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

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Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to approve the requested extension; however, the applicant was advised that, unless permits for construction were obtained, further extensions were unlikely.

The motion carried unanimously.

**Case #ZON2009-00571 (Planned Unit Development)**

**Grelot Office Park Subdivision**

North side of Grelot Road, 160'± West of Chimney Top Drive West.

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow shared access between four building sites.

Council District 6

(Also see **Case #SUB2009-00031 (Subdivision) Grelot Office Park Subdivision** above)

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

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to approve the requested extension; however, the applicant was advised that, unless permits for construction were obtained, further extensions were unlikely.

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2011-00033**

**Ravine Woods Subdivision, Unit One, Re-subdivision of Lot 41**

304 Ridgelawn Drive West

(East side of Ridgelawn Drive West, 115'± North of Ravine Court)

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

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 7

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

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

- 1) **placement of the labeling of the lot with its size in square feet;**
- 2) **placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local,**

- state, and federal regulations regarding endangered, threatened, or otherwise protected species;
- 3) placement of the 29-foot minimum building setback line;
  - 4) placement of a note on the Final Plat limiting the development to one curb cut to Ridgelawn Drive West, with the size, design, and location of all curb-cuts to be approved by Mobile City Engineering and conform to AASHTO standards;
  - 5) compliance with Engineering comments (*Must comply with all stormwater and flood control ordinances. Detention must be provided for all impervious area(s) added to the site in excess of 4,000 square feet since 1984. This information shall be submitted by a Licensed Civil Engineer to verify any requests for claiming historical credit. Drainage cannot be concentrated onto an adjacent property without a release agreement from the affected downstream property owner(s) or providing additional detention as outlined in the Stormwater Ordinance. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit*); and,
  - 6) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2011-00035**

**Government at Michigan Avenue Plat # 1 Subdivision, A Re-subdivision of the Major Portion of Lots 1, 2, 3 and a Portion of Lot 4 of Glendale Park Subdivision**

1307 Government Street

(Southwest corner of Government Street and Michigan Avenue)

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

Engineer / Surveyor: Jade Consulting, LLC

Council District 2

Mr. Plauche and Mr. Holmes recused themselves from discussion and voting on the matter.

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

Trey Jinright, JADE Consulting, LLC, spoke on behalf of the applicant and noted that they had submitted a corrected plat that day and hoped the matter could be heard as scheduled.

Mr. Olsen stated that the Planning Staff had, indeed, received a corrected plat at approximately 11:00 a.m. that day. He advised the Commission that due to that fact the staff had no time to review it the recommendation to hold the matter over stood.

Hearing no further opposition or discussion, a motion was made by Mr. DeMouy, with

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second by Mr. Davitt, to hold the matter over until the June 2, 2011, meeting, with revisions due by May 19, 2011, so that the following items could be addressed:

- 1) **show right-of-way widths, with dedication if necessary;**
- 2) **show corner radius dedication;**
- 3) **depict and label 25' setback, reflecting any required dedication;**
- 4) **revise lot size to reflect dedication;**
- 5) **correct Government Street label; and,**
- 6) **provide documentation regarding the partial lots, and when the parcel was created.**

The motion carried unanimously.

**Case #SUB2011-00041**

**Ross-Whiting Pointe Subdivision**

Southwest corners of Riviere Du Chien Road and Riviere Du Chien Loop West.

Number of Lots / Acres: 2 Lots / 5.4± Acres

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

Council District 4

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

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

- 1) **revision of the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Final Plat providing the same information;**
- 2) **retention of the 25' minimum building setback line on the Final Plat;**
- 3) **dedication of the corner radius at the Southwest corner of Riviere du Chien Road as illustrated;**
- 4) **placement of a note on the Final Plat stating that Lot 1 is limited to one curb-cut, and Lot 2 is limited to two curb-cuts, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 5) **placement of a note on the Final Plat stating that the approval of all applicable federal, state, and local agencies for wetland and floodplain issues would be required prior to the issuance of any permits or land disturbance activities;**
- 6) **placement of a note on the Final Plat stating that development of this site must be undertaken in compliance with all local, state, and federal regulations regarding endangered,**

- threatened, or otherwise protected species; and,
- 7) subject to the Engineering comments: *(Show Minimum Finished Floor Elevation on each lot on the plat. Add a note to the plat that there is to be no fill placed within the limits of the flood plain without providing compensation. Any areas receiving drainage from a public street will require a drainage easement, the width and alignment of any required easement shall be coordinated with the City Engineer. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit).*

The motion carried unanimously.

**Case #SUB2011-00038**

**JaLin Estates Subdivision, Re-subdivision of Lot 2**

8600 Dawes Lake Road

(North side of Dawes Lake Road, 300±' South of Lockwood Drive)

Number of Lots / Acres: 4 Lots / 15.9± Acres

Engineer / Surveyor: Wattier Surveying, Inc.

County

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

Hearing no opposition or discussion, a motion was made by Mr. Miller, with second by Mr. Holmes, to waive Section V.D.1. and V.D.3. and approve the above referenced matter, subject to the following conditions:

- 1) **submittal of the required seven copies of the recorded plat of JaLin Estates Subdivision prior to approval of the Final Plat;**
- 2) **labeling of all lots with their sizes in acres and square feet or the furnishing of a table on the Final Plat providing the same information;**
- 3) **illustration of the 25' minimum building setback line along Dawes Lake Road;**
- 4) **placement of a note on the Final Plat stating that each lot is limited to one curb-cut to Dawes Lake Road, with, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 5) **placement of a note on the Final Plat stating that no structures are to be built within the Alabama Power Company easement over Lots C and D;**
- 6) **placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially**

- developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations;
- 7) placement of a note on the Final Plat to comply with the City of Mobile stormwater and flood control ordinances: *(Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits.); and,*
  - 8) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.

The motion carried unanimously.

**Case #SUB2011-00042**

**Tuthill Subdivision, Phase I**

250 and 258 Tuthill Lane

(East side of Tuthill Lane. 235'± South of Springhill Avenue)

Number of Lots / Acres: 6 Lots / 13.3± Acres

Engineer / Surveyor: Jade Consulting, LLC

Council District 7

Mr. Watkins recused himself from discussion and voting on the matter, and Mr. Olsen recused himself from discussion on the matter, as well.

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time. He also advised the Commission members that letters in opposition to the project were located at their desks.

The following people spoke in opposition to the matter:

- A.J. Krauss, 207 Ridgewood Place, Mobile, AL; and,
- Cathy Terry, 3 Springhill Court, Mobile, AL.

They made the following points against the matter:

- A. did not know of the “neighborhood association” spoken of, even though had lived in the area a number of years;

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- B. noted that as an adjacent property owner, there was a definite issue with “washout” problems with some areas being as deep as 10 feet;
- C. noted that as an adjacent property owner, they had personally brought in truck loads of dirt to fill in the area and hoped that the City was aware of the washout problems in Springhill;
- D. the second speaker noted that her parents had originally purchased the property in question 1951;
- E. noted that 1994, she returned to Mobile and purchased the property right behind it (3 Springhill Court) and that property adjoins 150 feet of the 200 foot width of the property in question;
- F. noted that from 1994 to 2005, her father spent a great deal of time “terracing” and planting shrubbery on his property in an effort to protect her property from run-off;
- G. noted that after the death of her parents, she and her sisters did not keep up the “terracing” done by her father and, in fact, removed some of it which resulted in water run off from the property onto hers which had a negative impact upon her property;
- H. noted that it was her understanding that 90% of the property would have impervious surfacing and noted that would only add to the already problematic water run off issues;
- I. noted there was a 33 foot right-of-way between her property and 258 Tuthill Lane and that right-of-way had been in existence since the original plans;
- J. noted that the surveyor and others had advised her that there was a 14 foot to 21 foot drop in elevation from the west boundary of 258 Tuthill Lane and the College Lane right-of-way and questioned if 90% of the property in question’s surfacing was to be impervious then what would happen with that drop;
- K. noted she had also been told that the developers would be constructing a brick wall on the north property line which would then throw water down into her property as well;
- L. noted she had taken the topography off of the City’s map and had drawn lines to show where the water would go;
- M. noted the staff report had stated that the site might also have frontage on Cottage Lane and stated that it did have frontage on said road and that it was a dirt and gravel alley;
- N. noted that her sisters and she were glad that there would be four families who would have the opportunity to enjoy the space where they had grown up, however, as her property was downstream she felt it would be at risk if the property in question were allowed to be developed as proposed; and,
- O. noted a number of questions regarding who and what would ensure the protection of her property and the other adjacent property owners from the impact of the proposed development, and inasmuch, asked that the matter be heldover and that her engineer be allowed to review the plans for the development for her



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protection.

Mr. Hoffman noted that based upon Engineering Comments as well as requirements in the Subdivision Regulations, if there were common areas, and in this case there would be a detention pond, those common areas would have to be maintained by a property owners association that would be created as a result of the new subdivision.

The Chair also noted that the subdivision owners would be responsible for abiding by the City Stormwater Ordinance with regards to not allowing additional water run off onto other property.

Trey Jinright, JADE Consulting, LLC, spoke on behalf of the applicant in response to the opposition's statements and made the following points:

- A. noted this was strictly a preliminary plat process they were asking approval on as it was required prior to their being able to submit construction documents to the City for approval;
- B. noted that the documents had been worked on in coordination with the City Engineering Department;
- C. noted they were fully aware of the drainage issues in the area;
- D. noted that the City had a public drain pipe in the area that had a high failure rate currently and that it would be replaced at the developer's cost; and,
- E. noted that Ms. Terry would have an opportunity during the land disturbance permit application to review the engineer's drawings and look at the issues which were causing her concern.

Mr. Holmes asked if the applicant could briefly describe some of the methodology being used.

Mr. Jinright responded that the proposed street would have underground stormwater pipes that, in a combination with some surface inlets and drainage swales, would collect water and route it into a detention system that would keep it onsite, then release it into the storm drain line being replaced. He then commented on the 90% impervious surface and stated that it was something that had been agreed to by himself and Mr. Amberger, City Engineering, noting that it was their way of saying they were going to design their drainage system to assume the worse case scenario, that being with the site having 90% impervious site coverage.

Mr. DeMouy asked John Forrester, City Engineering representative, if he was familiar with this project.

Mr. Forrester stated he was and that he had met with Mr. Jinright and Nick Amberger, City Engineer, regarding the project. He also noted that he had met and spoken with Ms. Terry regarding the project as well. He noted that maintenance of the ditch so that it did not negatively affect the neighbors had been his concern.

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Mr. Jinright noted that the detention system in place was for the 100 year storm thus it was well above what the City required in this instance.

In deliberation, the Chair asked if the neighbors would have a chance to look at the engineering drawings.

Mr. Hoffman noted that Mr. Jinright had stated that the drawings would be available during the land disturbance process and that once drawings were submitted to the City of Mobile they were public record and any citizen could ask to view them.

John Forrester, City Engineering, noted that it was not the typical practice of his department to allow anyone to review said plans until after they had been approved.

The Chair asked for clarification that he now understood that citizens were allowed to see plans through the Engineering Department only after they had been approved and wondered what would happen if they needed to be changed.

Mr. Lawler spoke and noted that the application had features that reminded him of the Hoffman case on Hillwood Drive. He noted that case was now pending in court with a very serious action by Mrs. Hoffman against Dr. Thorneycroft, the applicant for the subdivision. He noted that she had asked for the same opportunity to see the plans and he recommended to the Engineering Department, based upon that case, that they begin allowing that review prior to approving the matter, especially in cases where it was known to have a sensitive drainage issue.

Mr. Forrester added that, though the applicant might have Engineering approval, that did not give them the approval to go construct the project, as there were additional plans that needed to be submitted. He added that as long as Mr. Jinright had no issues with the plans being reviewed by individuals asking to see them, his department had no issue with it either.

Mr. Jinright stated they had no issue with anyone reviewing plans they had submitted to the City, but he noted he couldn't really give them to the City until they had gotten this step out of the way, and that they were more than willing to work with any neighbor to resolve any drainage issues that might be in place.

Mr. Hoffman noted that construction of the street should not begin until the subdivision had been approved, however, as there was an existing drainage issue with a public drainage system, that matter could be addressed without this subdivision being approved. He also noted that the Subdivision Regulations did state that issues such as stormwater were under the purview of the Planning Commission for consideration with regards to approval, thus the Commission was able to make a requirement that the public be given the opportunity to review the drawings through a holdover, that would certainly be an option.

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Mr. Davitt expressed his feelings that the neighbors deserved the opportunity to see what was planned insomuch as it affected them.

Mr. Miller noted for all of the concerns heard that day regarding drainage, the site had to comply with the City Ordinance regarding stormwater, its run off, and drainage.

Mr. Lawler stated he felt that as long as an issue had been demonstrated with such things as photography, the public had a right to expect that the City would address such an issue, as well as the right to gather as much information as possible to protect their interests.

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

- 1) **dedication of right-of-way along Tuthill Lane to provide 25-feet, as measured from the centerline, and revision of the 25-foot setback line to reflect any dedication;**
- 2) **construction of the proposed Irene Street to city standards, with the temporary turn-around to be approved by Engineering and Fire-Rescue;**
- 3) **placement of a note on the final plat stating that Lots 1-4 are limited to one curb-cut each to Irene Street, and are denied direct access to Tuthill Lane and any other adjacent unimproved rights-of-way, that Lot 5 is limited to its two existing curb-cuts onto Tuthill Lane and two curb-cuts onto the proposed Irene Street and denied access to adjacent unimproved rights-of-way, that Lot 6 is limited to one curb-cut onto the proposed Irene Street, and denied access to adjacent unimproved rights-of-way, with the size, design, and location of all new curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) **placement of a note on the final plat stating that development of Lot 6 is prohibited until such time as a permanent paved turn-around or cul-de-sac meeting City standards is provided;**
- 5) **labeling of all common areas, including detention areas, and placement of a note on the final plat stating that the maintenance of the detention common areas is the responsibility of the property owners;**
- 6) **compliance with Engineering comments: *(Must comply with all stormwater and flood control ordinances. Detention must be provided for all proposed roadway improvements and for the projected development of Lots 1-4. The receiving drainage system on the unopened Irene Street ROW is currently inadequate to receive an increase in runoff, so the proposed detention system and release shall be designed to accommodate***

*this condition so that downstream properties are not adversely affected. The alignment of the proposed 15" RCP needs to be revised so that the pipe is crossing the roadway perpendicularly, therefore another drainage structure will be required. A drainage easement and an approved & adequate drainage conveyance system along the rear portions of Lots 1-4 and along the eastern lot line of Lot 4 is required to capture and convey runoff from the properties to the north as well as drainage from the proposed Lots 1-4 so as to not inundate the properties located to the east at Springhill Court subdivision. The maintenance of this easement needs to be clearly stated on the plat that it is the Property Owner's Association's (POA's) responsibility to maintain. There may need to be additional measures implemented along the eastern property line of Lot 4 so as to prevent flooding of properties located at 3 & 4 Spring Hill Ct. Drainage cannot be concentrated onto an adjacent property without a release agreement from the affected downstream property owner(s). The acceptance of the temporary gravel turnaround subject to Fire Department approval. Drainage from the roadway does not need to discharge onto this temporary turnaround and needs to be routed to the detention pond to reduce required maintenance. Add a note to the plat that the maintenance of the temporary turnaround is the responsibility of the POA and not the City of Mobile. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit.);*

- 7) stormwater plans to be made available for public viewing during review process, prior to approval;
- 8) 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). Preservation status is to be given to the 48" Live Oak Tree located on the East side of Lot 1 and the 48" Live Oak Tree located on the South East corner of Lot 4. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.);*
- 9) compliance with MAWSS comments: *(MAWSS has a very high profile 30-inch distribution water main located within the proposed subdivision area. The owner and/or engineer should contact MAWSS Planning and Engineering Manager to discuss proposed relocation plans.); and,*
- 10) 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,

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**prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

**Case #SUB2011-00037**

**North American Gulf Terminals Subdivision**

7323, 7359, 7361 and 7383 Dauphin Island Parkway

(East side of Dauphin Island Parkway, 140'± South of Middle Road extending to the Northwest, Southwest and Southeast corners of Middle Road and Lake Road)

Number of Lots / Acres: 9 Lots / 289.0± Acres

Engineer / Surveyor: Goodwyn, Mills & Cawood, 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.

Doug Anderson, Burr and Foreman Law Firm, spoke on behalf of the applicant and the owner and made the following points in favor of hearing the matter that day:

- A. noted he had met with staff previously and hoped that, based upon the information that had come out of that meeting, many of the concerns regarding the project could be worked out that day;
- B. noted the purpose of the application was to bring in some lots that were not in a legal subdivision and combine them into one large lot as well as relocate some interior lot lines within an existing subdivision;
- C. wanted to discuss staff Conditions 1, 2, 3, and 13;
- D. noted that in Condition 1, the parcel being referenced was sold by the State of Alabama and the Port Authority to the owner in 2000 without benefit of going through the subdivision process and as a result to comply with Condition 1, the entire Home Port of Mobile facility, an area of between 150 and 200 acres currently owned by the State of Alabama and Port Authority, would have to be brought into the subdivision process;
- E. noted regarding the State Dock Service Road as shown on the plat as a 60 foot right-of-way going down a parcel which was currently occupied by Technia facility, that the owner of said property was of the opinion (and had been of that opinion for the last 50 or so years) it was a private road and not public right-of-way;
- F. due to the excessive amount of time it would take to go over all of the County Commission minutes for the last 50 to 60 years to find proof of whether the road in question is public or private, it was suggested that the condition be changed to either the County determine that the road was a private road or that it be vacated;
- G. noted the applicant would be willing to vacate the presumed road

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- in question if the County had determined it to be a public road;
- H. noted an existing cul-de-sac that had been constructed approximately five years prior when the facility was first built and stated it had been reviewed and that after that review it was considered as acceptable as sufficient, however, if it was not, the applicant did not want to construct a new one because once they developed the additional properties acquired they would vacate part of Deer River Road and so whatever would be constructed in the future on this issue would be torn out in the next couple of years;
- I. noted with regards to Condition 13 and Lot 8, it was stated that no access be allowed for Middle Road until Middle Road was paved; and,
- J. noted that Middle Road was paved parallel to Lot 8 for a portion including a curb-cut and access off of the paved portion of Middle Road to Lot 8 and asked that the condition be modified to state that Lot 8 be limited to four curb-cuts with only one curb-cut currently to the paved portion of Middle Road until such time as Middle Road were completely paved.

Mr. Olsen noted the staff had met with Mr. Anderson and had basically agreed to the issues discussed and with the modifications to those conditions, the staff would recommend approval of the matter that day.

Mr. Davitt noted that there had been discussion over deleting Item One of the current staff recommendations.

Mr. Olsen stated that was correct, along with modifying Item Two, and with Condition Three, there had been discussion regarding the dedication around the cul-de-sac to provide adequate right-of-way around the cul-de-sac, and that when it was vacated in the future, that right-of-way would also be vacated at that time.

The following people spoke in opposition to the matter:

- Stephen O'Rourke, 2060 Hammock Road, Mobile, AL, spoke on his own behalf and on the behalf of the Hollinger's Island Community Association;
- David Sessions, Grand Bay, AL, candidate for the Alabama House District representing the area in question; and,
- Ann Geisenheimer, 7579 Bay Road, Mobile, AL.

They made the following points against the matter:

- A. noted that some of the residents had concerns over whether the existing permits for the current properties that were owned by Millard would be expanded to cover the new properties or would

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- they be required to get additional permits;
- B. noted concerns regarding where Bay Road and Middle Road met that there was an environmental buffer zone and that the map given to them did not show that environmental buffer zone but that after questioning, a new map was produced which did depict the environmental buffer zone, and it was wondered if the buffer zone would always be recognized;
  - C. noted that some of the residents wanted to know the purpose of combining all the broken up lots into one lot;
  - D. expressed the feeling that the applicant's representative had not answered the question as to why there was a need to combine the small pieces of property into one;
  - E. expressed concern that when the notice was sent out that only two of the adjacent property owners were notified but noted there were numerous other adjacent property owners who had not received notification;
  - F. advised that when she inquired about the maps, she had been advised that there were no environmental areas, however, when she picked up the maps, that information had been discovered, so she got a second map which showed an extensive area, particularly down Middle Road, that was supposed to be protected.

The Chair asked what the permits referenced were for and Mr. O'Rourke stated they were for land usage. Mr. Olsen stated he did not know what the permits referenced were for either as the property in question was located in the County where land usage was not regulated by the City. Mr. Olsen then reminded everyone that the only jurisdiction the City and Planning Commission had in the County was within the Planning Jurisdiction and only over the subdivision of land. He added that if the questions involved such things as the dredge spoils then the speaker would need to address the applicant themselves and/or the governing agency, however, the Planning Commission was simply looking at the re-allocation of property lines within the boundaries of the site.

Regarding the environmental buffer zone, Mr. Olsen stated that was a private agreement and should be addressed with the applicant. He then advised that the staff had inadvertently omitted the standard condition regarding environmental conditions and environmentally sensitive areas, including the wildlife condition. He stated he simply needed to inform all parties that those conditions would need to be added for approval.

In response to Mr. Session's question, Mr. Anderson stated that the property in question was eight separate parcels and that the applicant was trying to create one legal lot of record from them, but that there were no plans to develop it or build on it at this time.

The Chair asked if the standard condition regarding meeting the stormwater standards of the City had been included and was advised it had not been as it was recommended for holdover so it, too, would need to be added

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In response to the speaker's question regarding the combination of properties into one and the environmental buffer, the Chair invited Mr. Anderson, the applicant's representative, to speak.

Mr. Anderson stated he was not familiar with the buffer issue, but if there were any private agreement in place, they would certainly continue to honor that. Mr. Anderson stated that the lots located across Middle Road would remain two separate lots. He also stated that though it was not in the City, Councilperson John Williams had contacted Mr. Anderson regarding the matter and concerns that had been voiced to Mr. Williams about the possible commercial endeavors that might be brought there. Mr. Anderson stated he had told Councilman Williams at that time that there were no plans to expand the Millard facility and that the land had been purchased for possible future development. He noted that the property was located around the applicant's facility and that they had purchased it in an effort to protect themselves from other developments that might not be compatible with their current commercial endeavor.

The Chair asked Mr. Olsen to comment on the issue of proper notification.

Mr. Olsen stated that 26 people were sent letters and that quite a number appeared to have been received as only four were returned by the United States Postal Service.

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

- 1) **verification that the service road right-of-way is private, or documentation of vacation thereof;;**
- 2) **modification of the plat to indicate dedication for the constructed cul-de-sac near the terminus of Deer River Road East in compliance with Section V.B.14. of the Subdivision Regulations;**
- 3) **depiction of dedications required along Middle Road (50 feet from the centerline);**
- 4) **depiction of dedications required for compliance with Section V.B.16. of the Subdivision Regulations regarding Curb Radii at any public right-of-way intersection;**
- 5) **placement of a note on the Final Plat stating that Lot 1A-1 is limited to one curb-cut to Deer River Road East with the size, design, and exact location of all curb-cuts to be approved by County Engineering and conform to AASHTO standards;**
- 6) **placement of a note on the Final Plat stating that Lot 1A-2 is limited to four curb-cuts to Deer River Road East, two curb-cuts to Deer River Road, and two curb-cuts to Dauphin Island Parkway, with the size, design, and exact location of all curb-cuts to be approved by County Engineering and**



- conform to AASHTO standards;
- 7) placement of a note on the Final Plat stating that Lot 2 is limited to one curb-cut to Deer River Road East and one curb-cut to Dauphin Island Parkway, with the size, design, and exact location of all curb-cuts to be approved by County Engineering and conform to AASHTO standards;
  - 8) placement of a note on the Final Plat stating that Lot 3 is limited to two curb-cuts to Dauphin Island Parkway, with the size, design, and exact location of all curb-cuts to be approved by County Engineering and conform to AASHTO standards;
  - 9) placement of a note on the Final Plat stating that Lot 5 is limited to four curb-cuts to Middle Road and two curb-cuts to Lake Road South, with the size, design, and exact location of all curb-cuts to be approved by County Engineering and conform to AASHTO standards;
  - 10) placement of a note on the Final Plat stating that Lot 6 is limited to two curb-cuts to Middle Road, with the size, design, and exact location of all curb-cuts to be approved by County Engineering and conform to AASHTO standards;
  - 11) placement of a note on the Final Plat stating that Lot 7 is limited to three curb-cuts to Middle Road and one curb-cut to Lake Road South, with the size, design, and exact location of all curb-cuts to be approved by County Engineering and conform to AASHTO standards;
  - 12) placement of a note on the Final Plat stating that Lot 8 will be limited to a total of four curb-cuts to Middle Road, one curb cut to the existing paved portion of Middle Road, the remaining three will be denied until such time as the remaining portion of Middle Road adjacent to Lot 8 is constructed to County Paved Road Standards, and two curb-cuts to Lake Road South, with the size, design, and exact location of all curb-cuts to be approved by County Engineering and conform to AASHTO standards;
  - 13) revision of the lot sizes to reflect any required right-of-way dedications;
  - 14) depiction of the 25-foot minimum building line setback along all public rights-of-way.
  - 15) placement of a note on the Final Plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the

- issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;
- 16) placement of a note on the Final Plat stating that the approval of all applicable federal, state, and local agencies for floodplain and wetland issues is required prior to the issuance of any permits or land disturbance activities;
  - 17) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species; and,
  - 18) 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.

The motion carried unanimously.

**NEW SIDEWALK WAIVER APPLICATIONS:**

**Case #ZON2011-00963**

**Mobile Housing Board**

353 Bloodgood Street

(Southwest corner of Bloodgood Street and North Claiborne Street, extending to the North side of Renaissance Drive West)

Request to waive construction of a sidewalk along a portion of Bloodgood Street.

Council District 2

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

The Chair then asked if Urban Forestry would be watching over this as it only pertained to the area around the 42 inch Live Oak.

Mr. Daughenbaugh stated that was correct and that if the Commission approved this waiver there would be no impact to the tree in question, and that the sidewalks that could be installed without impacting the trees had been already been done.

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Mr. Davitt, to approve the requested waiver of the sidewalk along Bloodgood Street only for the section where construction is not practicable due to the 42-inch Live Oak and to be coordinated with Urban Forestry.

The motion carried unanimously.

**NEW PLANNING APPROVAL APPLICATIONS:**

**Case #ZON2011-00935**

**New Cingular Wireless, LLC**

42 South Hamilton Street

(Southwest corner of South Hamilton Street and Conti Street)

Planning Approval to allow a temporary mobile temporary cell tower in a B-4, General Business District

Council District 2

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

Tom Buchanan, Haskell, Slaughter, Young, and Rediker, 2001 Park Place, Suite 1400, Birmingham, AL 35203, spoke on behalf of the applicant and stated they were in agreement with the matter. He explained that this would be a temporary placement of a truck with tower for use at Bayfest, with it brought in again for use during the Mardi Gras season.

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

- 1) the tower only be placed on the site during the two-week period surrounding Bayfest and the five-week period surrounding Mardi Gras, the exact dates to be determined based on the actual date of the event;**
- 2) submittal of plans, stamped by a qualified engineer, indicating the tie down and stabilizing mechanisms for the mobile tower, and indicating that the tower and equipment can withstand 130 mile per hour winds;**
- 3) construction of a temporary, 8-foot high chain link fence (without barbed wire) around the tower and equipment while the tower and equipment are on site;**
- 4) the applicant or operator obtain a building permit and zoning inspection each time the tower and equipment are placed on the site; and,**
- 5) subject to the 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. Property is located in the X-Shaded Flood Zone. Show Minimum Finished Floor Elevation on Plans. There is to be no fill placed within the limits of the flood plain without providing compensation. Any equipment and buildings shall be at or above Min. FFE and will require Elevation***

*Certificates to be submitted to City's building inspectors).*

The motion carried unanimously.

**NEW ZONING APPLICATIONS:**

**Case #ZON2011-00937**

**Mahmoud Salamat-Talab**

7480 Old Shell Road

(Northeast corner of Old Shell Road and Fairway Avenue)

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

Council District 7

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

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

- 1) **completion of a one-lot subdivision for the entirety of the property;**
- 2) **proper buffering from adjacent residential properties; and,**
- 3) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**GROUP APPLICATIONS:**

**Case #SUB2011-00036 (Subdivision)**

**Eleven Fifty One Hillcrest Subdivision, Re-subdivision of and Addition to Lot B**

1151 Hillcrest Road

(East side of Hillcrest Road, 300'± North of Omni Park Drive).

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

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(Also see **Case #ZON2011-00951 (Planned Unit Development) Eleven Fifty One Hillcrest Subdivision, Re-subdivision of and Addition to Lot B** below)

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

Hearing no opposition or discussion, a motion was made by Mr. DeMouy, with second

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by Dr. Rivizzigno, to approve the above referenced matter, subject to the following conditions:

- 1) **retention of the lot area size, in square feet, on the Final Plat or provision of a table on the Final Plat with the same information;**
- 2) **compliance with Engineering comments** (*A drainage easement is required for the drainage system located to the rear of the property on the vacated Rosedale Ave. There have been complaints of traffic exiting this property from the rear portion of the property and accessing adjacent properties causing erosion and other damages. Need to install measures to prevent access from this property to adjacent properties not included in this application. Must comply with all storm water and flood control ordinances. Detention must be provided for all impervious area(s) added to the site in excess of 4,000 square feet since 1984. Any work performed in the right of way (including drainage easements) will require a right of way permit in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.*);
- 3) **revision of the 25-foot minimum building line to be depicted where the lot opens up to 131 feet, behind the flagpole; and,**
- 4) **depiction of the drainage easement along the entire length and width of the vacated Rosedale Avenue right-of-way.**

The motion carried unanimously.

**Case #ZON2011-00951 (Planned Unit Development)**  
**Eleven Fifty One Hillcrest Subdivision, Re-subdivision of and Addition to Lot B**  
1151 Hillcrest Road  
(East side of Hillcrest Road, 300'± North of Omni Park Drive).  
Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow shared access.  
Council District 6  
(Also see **Case #SUB2011-00036 (Subdivision) Eleven Fifty One Hillcrest Subdivision, Re-subdivision of and Addition to Lot B** above)

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

- 1) **completion of the Subdivision process;**
- 2) **compliance with Engineering comments:** (*A drainage easement is required for the drainage system located to the rear of the property on the vacated Rosedale Ave. There have been*

*complaints of traffic exiting this property from the rear portion of the property and accessing adjacent properties causing erosion and other damages. Need to install measures to prevent access from this property to adjacent properties not included in this application. Must comply with all storm water and flood control ordinances. Detention must be provided for all impervious area(s) added to the site in excess of 4,000 square feet since 1984. Any work performed in the right of way (including drainage easements) will require a right of way permit in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.); and,*

- 3) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**Case #SUB2011-00034 (Subdivision)**

**Atlantis Subdivision**

Northwest corner of Halls Mill Road and Demetropolis Road extending to the East side of Government Boulevard.

Number of Lots / Acres: 2 Lots / 28.1± Acres

Engineer / Surveyor: Preble-Rish LLC

Council District 4

(Also see **Case #ZON2011-00936 (Planned Unit Development) Atlantis 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.

David Diehl, Preble-Rish LLC, spoke on behalf of the applicant. He noted they were in agreement with holding the matter over but did want to express an opinion regarding the current Item Three by the staff. He stated the neighboring church would be required to connect to their entrance road near where it attached to Government Boulevard. He noted this was due to the results of a Traffic Impact Study. He noted the applicant was working out those details with the church, however, he was not sure that would be complete by the June 2, 2011, and just asked that condition be modified and allowed as an Administrative Planned Unit Development after the fact.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the June 2, 2011, meeting, so that it might be heard with the Planned Unit Development application.

The motion carried unanimously.

**Case #ZON2011-00936 (Planned Unit Development)**

**Atlantis Subdivision**

Northwest corner of Halls Mill Road and Demetropolis Road extending to the East side of Government Boulevard.

Planned Unit Development Approval to allow 15 apartment buildings (360 total units) and a club house on a single building site.

Council District 4

(Also see **Case #SUB2011-00034 (Subdivision) Atlantis Subdivision** above)

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the June 2, 2011, meeting, with revision and additional information due to the Planning Section by May 16, 2011, so that the following items could be addressed:

- 1) **revision of the site plan to depict phasing, as proposed;**
- 2) **revision of the site plan to depict all improvements recommended by the TIS and/or Traffic Engineering: *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. A Traffic Impact Study has been submitted for the development. The developer will be responsible for construction of the recommendations and must submit full construction plans for approval from City of Mobile Traffic Engineering, Engineering, and ALDOT.)*;**
- 3) **revision of the PUD application, to include a new site plan, postage and notification labels if the PUD will be expanded to include the abutting church due to recommended shared access;**
- 4) **revision of the site plan to reflect Engineering comments: *(It appears that connection to a City maintained drainage system is impractical without either acquiring a private drainage easement or a release agreement from the affected downstream property owner(s), unless it can be shown that the discharge from this site is designed such that it will comply with the revised stormwater ordinance. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit. Due to the existing topography, drainage from Lot 2 will be required to discharge onto Lot 1, therefore the proposed detention pond will either need to be sized to accommodate the detention required for Lot 2 or sized accordingly to receive the controlled discharge from Lot 2. The discharge from both Lots 1 & 2 shall be designed to provide at a minimum, detention from a 100 year storm with a 2 year release rate as outlined in the stormwater ordinance. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit.)*;**
- 5) **revision of the site plan to depict tree and landscape**

- information, including frontage trees and landscape area, perimeter trees, and parking trees, as well as landscape area per dwelling unit, so that staff can determine if the site meets the minimum requirements of the Zoning Ordinance;
- 6) revision of the site plan to depict a buffer where the site abuts R-1 zoned property;
  - 7) revision of the site plan to depict any mail kiosks, entry features, or walls that will exceed 3-feet in height;
  - 8) revision of the site plan to reflect 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). Preservation status is to be given to the 108" Live Oak Tree located on the South side of Lot 1. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger. Tree removal permits are required from Urban Forestry before removing or trimming 24" DBH or larger Live Oak Trees.); and,*
  - 9) revision of the site plan to depict sidewalks along all street frontages for the proposed development.

The motion carried unanimously.

**Case #SUB2011-00040 (Subdivision)**

**Austal USA Modular Manufacturing Facility Subdivision, Re-subdivision of**

200 Addesco Road

(Southeast corner of Addesco Road and Battleship Park)

Number of Lots / Acres: 4 Lots / 126.1± Acres

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

Council District 2

(Also see **Case #ZON2011-00969 (Rezoning) Austal USA, LLC** below)

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

Bobby McBride, Rowe Surveying and Engineering, spoke on behalf of the applicant and stated they were in agreement with all of the recommendations with the exception of Condition 2 where it stated that Lot C was limited to the one, existing curb-cut, which they would like to see changed to state one curb-cut as there were plans to build on the property and that site plan had not yet been developed and they were not sure if the current curb-cut location would be appropriate and would like the chance to move it if necessary.

Mr. Olsen stated the staff would have no problem with that change.



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

- 1) labeling of each lot with its size in square feet and acres, or placement of a table on the plat with the same information;
- 2) placement of a note on the final plat stating that Lot A is limited to five (5) curb-cuts onto Dunlap Drive, and two (2) curb-cuts onto Addsko Road, Lot B is limited to its one (1) existing curb-cut, Lot C is limited to one (1) curb-cut, and Lot D is limited to two (2) curb-cuts, with the size, design, and location of all curb-cuts to be approved by City of Mobile Traffic Engineering and/or ALDOT, as appropriate, with new curb-cuts, or modifications to existing curb-cuts, to comply with AASHTO standards;
- 3) depiction and labeling of the 25-foot minimum building setback line as shown on the preliminary plat;
- 4) placement of a note on the final plat stating that approval of all applicable federal, state, and local agencies for wetland and floodplain issues will be required prior to the issuance of any permits;
- 5) placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;
- 6) compliance with Engineering comments: *(Engineer must certify that all proposed improvements are in compliance with the approved flood study for this site. Foundation(s) for any proposed trailer(s) need(s) to comply with the requirements of FEMA 85 at a minimum. Show Minimum Finished Floor Elevation on each lot on Plat. There is to be no fill placed within the limits of the flood plain without providing compensation. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer); and,*
- 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.

The motion carried unanimously.

Case #ZON2011-00969 (Rezoning)

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**Austal USA, LLC**

200 Addsko Road

(Southeast corner of Addsko Road and Battleship Park)

Rezoning from R-1, Single-Family Residential District, and B-2, Neighborhood Business District, to I-2, Heavy-Industry District to allow a Modular Manufacturing Facility.

Council District 2

(Also see **Case #SUB2011-00040 (Subdivision) Austal USA Modular Manufacturing Facility Subdivision, Re-subdivision of** above)

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

- 1) completion of the subdivision process.**

The motion carried unanimously.

**OTHER BUSINESS:**

Hearing no further business, the meeting was adjourned.

**APPROVED:** August 18, 2011

/s/ Dr. Victoria Rivizzigno, Secretary

/s/ Terry Plauche, Chairman

jsl