

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF SEPTEMBER 15, 2011 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William G. DeMouy, Jr.
Victoria L. Rivizzigno, Secretary
Stephen J. Davitt, Jr.
Herb Jordan
Mead Miller
Roosevelt Turner
John Vallas

Members Absent

Nicholas H. Holmes, III
James F. Watkins, III

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Frank Palombo,
Planner II
Bert Hoffman,
Planner II
David Daughenbaugh,
Urban Forestry Coordinator

Joanie Stiff-Love,
Secretary II

Others Present

John Lawler,
Assistant City Attorney
John Forrester,
City Engineering
George Davis,
City Engineering
Jennifer White,
Traffic Engineering
MaryBeth Bergin,
Traffic Engineering
District Chief Billy Roach
Fire and Rescue Department

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

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

HOLDOVERS:

Case #SUB2011-00070 (Subdivision)

Gulf Coast Federal Credit Union Commercial Subdivision, Re-subdivision of

1001 Springhill Avenue and 970 Oak Street

(South side of Springhill Avenue, 150'± East of North Pine Street extending to the Eastern terminus of Oak Street)

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

Engineer / Surveyor: John Farris Crenshaw

Council District

(Also see Case #ZON2011-01563 (Rezoning) **Gulf Coast Federal Credit Union**

Commercial Subdivision, Re-subdivision of, 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. Vallas, with second by Mr. Miller, to waive Section V.B.14. of the Subdivision Regulations regarding right-of-way widths for Oak Street and Section V.D.9. of the Subdivision Regulations regarding the 25-foot front setback, and to approve the subdivision request for *one lot*, subject to the following conditions:

- 1) **demolition of all buildings on the southern portion of the lot at the terminus of Oak Street;**
- 2) **placement of a note on the Final Plat stating that the lot is limited to the two existing curb-cuts to Springhill Avenue and one curb-cut to Oak Street, with the size, design, and exact location of the curb-cut to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards;**
- 3) **revision of the lot area size to be shown in square feet, on the Final Plat;**
- 4) **placement of a note on the Final Plat stating that if either lot is ever rezoned to a classification other than B-4, General Business District, then the required front yard for that zoning district shall be the required front yard;**
- 5) **compliance with Engineering comments: “*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. Drainage from any 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 development of the site must be undertaken in compliance with all local,**

state, and federal regulations regarding endangered, threatened, or otherwise protected species.

The motion carried unanimously.

Case #ZON2011-01563 (Rezoning)

Gulf Coast Federal Credit Union Commercial Subdivision, Re-subdivision of

1001 Springhill Avenue and 970 Oak Street

(South side of Springhill Avenue, 150'± East of North Pine Street extending to the Eastern terminus of Oak Street)

Rezoning from R-1, Single-Family Residential District, and B-4, General Business District, to B-4, General Business District, to eliminate split zoning. Council District 2

(Also see **Case #SUB2011-00070 (Subdivision) Gulf Coast Federal Credit Union Commercial Subdivision, Re-subdivision of**, above)

Hearing no opposition or discussion, a motion was made by Mr. Vallas, with second by Mr. Miller, to approve the request for rezoning, subject to the following conditions:

- 1) **completion of the subdivision process;**
- 2) **demolition of all buildings on the southern portion of the lot at the terminus of Oak Street;**
- 3) **provision of a buffer compliant with Section 64-4.D.1. of the Zoning Ordinance along the Southern and Western property lines, where the site abuts residentially developed property, upon redevelopment of the site;**
- 4) **full compliance with tree planting and landscaping area requirements of the Ordinance upon redevelopment of the site;**
- 5) **compliance with Engineering comments: *“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. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;”* and,**
- 6) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2011-00079

Dawes-Hamilton Subdivision

8620 Clarke Road

(Northeast corner of Clarke Road and Dawes Road)

Number of Lots / Acres: 1 Lot / 3.8± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

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.

Mr. Olsen advised the Commission the staff wished to strike the condition recommending the applicant submit a corrected vicinity map to identify the correct parcel as the condition was in error.

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) **dedication to provide 50' from the centerline of Dawes Road to Mobile County;**
- 2) **dedication to provide 30' from the centerline along Clarke Road or documentation that curb and gutters are present;**
- 3) **dedication of the corner radii at Dawes Road and Clarke Road as well as Dawes Road and Jeff Hamilton Road per Section V.D.6. of the Subdivision;**
- 4) **depiction of the 25-foot minimum building setback line from all public right-of-ways, as required by Section V.D.9. of the Subdivision Regulations;**
- 5) **placement of a label of the size of the proposed lot in square feet and acres on the Final Plat;**
- 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 stating the site must 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;”***

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- 8) approval of all applicable federal, state, and local agencies prior to the issuance of any permits or land disturbance activities;
- 9) placement of a note on the Final Plat that the lot is denied direct access to Dawes Road;
- 10) placement of a note on the Final Plat limiting the lot to two curb-cuts to Clarke Road and one curb-cut to Jeff Hamilton Road, with the size, design, and location of all curb-cuts to be approved by Mobile County Engineering and conform to AASHTO standards;
- 11) closure and elimination of the existing dirt drive to Clarke Road; and,
- 12) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.

The motion carried unanimously.

Case #ZON2011-01699 (Planning Approval)

The Wooden Boat Ministry

360 Rapier Street

(Northwest corner of Rapier Avenue and Texas Street)

Planning Approval to allow a Boat Building Apprenticeship Christian Ministry in an R-1, Single-Family Residential District of the Oakleigh Garden Historic District.

Council District 2

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

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

Jonathan Stebbins, 2175 O’Roarke Drive, Mobile, 36695, president and founder of Wooden Boat Ministry, spoke on his own behalf and requested the matter be held over until the October 20, 2011, meeting.

Hearing no further discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, to hold the matter over until the October 20, 2011, meeting, at the applicant’s request.

The motion carried unanimously with Mr. Turner recusing from the vote.

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Case #SUB2011-00073 (Subdivision)

Midtown Mobile Subdivision

1753 & 1763 Springhill Avenue, 117 & 125 Mobile Infirmery Boulevard and 1810, 1812 and 1814 Old Shell Road

(Southwest corner of Springhill Avenue and Mobile Infirmery Boulevard extending to the North side of Old Shell Road 200'± West of Mobile Infirmery Boulevard)

Number of Lots / Acres: 5 Lots / 9.2± Acres

Engineer / Surveyor: Rester & Coleman Engineers, Inc.

Council District 1

(Also see **Case #ZON2011-001724 (Planned Unit Development) Midtown Mobile Subdivision**, and, **Case #ZON2011-001682 (Rezoning) Aronov Realty, Inc.**, below)

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

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.

Doug Anderson, Burr and Foreman Law Firm, spoke on behalf of the applicant. He noted though unlike what was typically seen with big developments, the applicant's only concerns were regarding the first condition under the Planned Unit Development and its discussion of the southern driveway. He stated the condition currently stated the driveway in question was designed at 55 feet but the applicant should be restricted to a 36 feet driveway. Mr. Anderson said the matter had been discussed with Jennifer White, City Traffic Engineering Department, who had agreed to change the condition to read something like "the design construction and striping of the southern driveway shall be coordinated with Traffic Engineering." He added Ms. White was willing to work with his client on the design and construction of the driveway in question and asked that the condition reflect such. He noted the reason his client needed a larger driveway was the area in question was to be the main entrance for delivery trucks and such, so for safety reasons it was felt the larger driveway would better serve his client's needs.

Ms. White noted her department had agreed to work with the applicant to either increase the radius or some other modification that would allow the trucks to turn in.

Mr. Anderson then asked Ms. White if the Alabama Department of Transportation issue needed to be discussed at that time.

Ms. White agreed and advised the Commission the Alabama Department of Transportation had contacted her that day to advise her they had just had the opportunity to review the matter. She stated they did not have issue with the Traffic Impact Study, per se, as it gave them the opportunity to see the site plan prior to when they would have originally seen it. She advised the Department had asked that the driveway accesses to Springhill Avenue and any associated changes go through the permit process with ALDOT so the design of those driveway entrances might change from what was presently showing on the Planned Unit Development.

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Mr. Anderson asked, based upon Ms. White's comments, that a condition be added which might say something regarding coordination with ALDOT regarding the Springhill Avenue accesses.

Mr. Olsen said such would need to be added, however, he needed to make everyone aware that if the coordination required a significant change to circulation, the matter would need to come back before the Commission.

Mr. Anderson stated it was his understanding the matter might be the simple moving of one curb-cut so it was shared with the credit union currently on site.

Mr. Davitt asked for clarification of what was being discussed as a "modification" and the particular requirement of the 36 feet driveway. He wanted to know specifically if it would call for coordination between both Traffic Engineering and the Alabama Department of Transportation.

Mr. Olsen advised the 55 feet driveway recommended by the staff for modification to 36 feet was the southern most driveway nearest Mobile Infirmiry Drive. He stated ALDOT approval would be for the driveway located on Springhill Avenue.

Mr. Davitt noted the 36 feet driveway was to be designed and coordinated with Traffic Engineering while the Springhill driveway was to be coordinated with ALDOT.

Mr. Olsen said that was correct.

Diana Gralapp, 1815 Old Shell Road, Mobile, wanted to go on record as being opposed to the development, adding her opinion that the more businesses to come in the area, the more traffic and crime would increase.

In deliberation, Mr. Miller stated, though he felt the proposed development made sense, he felt the corner of Old Shell Road and Infirmiry Drive was terrible, noting it always seemed to have extreme traffic congestion at both 3 and 5 in the afternoon, and, unfortunately, it did not appear to be a situation that would have an easy engineering fix. Due to all of this, though not originally in favor of the project, after seeing they would be allowed a large access to the west, he was more comfortable supporting the matter. He also expressed concern over the applicant believing there would be adequate access for 18-wheeler traffic, especially at night, and wondered if there was a way to limit such access to Old Shell Road.

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

- 1) placement of the lots area size, in square feet, on the Final Plat or provision of a table on the Final Plat with the same information;**

- 2) placement of the 25-foot minimum building line to be depicted along all street frontages on the Final Plat;
- 3) compliance with Engineering comments: *“Development of this size will require compliance with FEMA and COM Floodplain Management requirements, which includes a No Rise or Flood Study. A LOMR has been submitted and forwarded to FEMA and a CLOMR is expected due to improvements to the downstream culvert. Proposed culvert shall be in keeping with the COM Capital Project Improvement criteria and shall match the downstream culvert construction including easement width. The culvert depicted on the east side of Mobile Infirmary Blvd is the location of the old culvert. Need to depict the location of the recently constructed culvert. Also show location of existing culvert across the subject property. Approval of the size, location, and alignment of the proposed culvert and easements will be at the discretion of the City Engineer. There is a pipe discharging to the property from Old Shell Rd Place that is not shown on the plans. Need to locate this pipe culvert and provide an easement. A valley ditch is required to receive and convey drainage from the adjacent lots of Old Shell Road Place to the culvert. Show Minimum Finished Floor Elevation on each lot on Plat. 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;”*
- 4) placement of a note on the Final Plat stating: *“Preservation status is to be given to the 50” Live Oak Tree located on the West side of Lot 2. 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. Coordinate with Urban Forestry location and design of the proposed driveway to Old Shell Road in order to minimize impact to the root systems of existing Live Oak Trees. Coordinate with Urban Forestry location and design of the access, maneuvering, and parking along Spring Hill Avenue to minimize the impact to the root system of the 50” Live Oak Tree on Spring Hill Avenue right of way that is not shown on the site plan;”*
- 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) placement of a note on the Final Plat stating access to Spring Hill Avenue to be coordinated with and permitted by ALDOT; and,

7) completion of the rezoning process.

The motion carried unanimously with Mr. Vallas recusing from the vote.

Case #ZON2011-001724 (Planned Unit Development)

Midtown Mobile Subdivision

1753 & 1763 Springhill Avenue, 117 & 125 Mobile Infirmary Boulevard and 1810, 1812 and 1814 Old Shell Road

(Southwest corner of Springhill Avenue and Mobile Infirmary Boulevard extending to the North side of Old Shell Road, 80'± West of Mobile Infirmary Boulevard).

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow shared access and parking between multiple building sites
Council District 1

(Also see Case #SUB2011-00073 (Subdivision) **Midtown Mobile Subdivision**, above, and, Case #ZON2011-001682 (Rezoning) **Aronov Realty, Inc.**, below)

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

- 1) revision of the site plan to show **ALL** improvements on the site including, but not limited to recommendations of the Traffic Impact Study and to include Traffic Engineering comments (the construction of a northbound left turn lane is recommended at the proposed central driveway;
- 2) exact location and design of the Southern curb cut on Mobile Infirmary Drive to be coordinated with and approved by Traffic Engineering;
- 3) access to Spring Hill Avenue to be coordinated with and permitted by ALDOT;
- 4) compliance with Urban Forestry comments: *“Preservation status is to be given to the 50” Live Oak Tree located on the West side of Lot 2. 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. Coordinate with Urban Forestry location and design of the proposed driveway to Old Shell Road in order to minimize impact to the root systems of existing Live Oak Trees. Coordinate with Urban Forestry location and design of the access, maneuvering, and parking along Spring Hill Avenue to minimize the impact to the root system of the 50” Live Oak Tree on Spring Hill Avenue right of way that is not shown on the site plan;”*
- 5) completion of rezoning and subdivision process prior to the issuance of permits; and,
- 6) full compliance with all municipal codes and ordinances.

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The motion carried unanimously with Mr. Vallas recusing from the vote.

Case #ZON2011-001682 (Rezoning)

Aronov Realty, Inc.

1753 & 1763 Springhill Avenue, 117 & 125 Mobile Infirmary Boulevard
(Southwest corner of Springhill Avenue and Mobile Infirmary Boulevard)
Rezoning from R-1, Single-Family Residential District, B-1, Buffer Business District,
LB-2, Limited-Neighborhood Business District, and B-2, Neighborhood Business
District, to B-2, Neighborhood Business District to eliminate split zoning and allow a
retail store.

Council District 1

(Also see **Case #SUB2011-00073 (Subdivision) Midtown Mobile Subdivision**, and,
Case #ZON2011-001724 (Planned Unit Development) Midtown Mobile Subdivision,
below)

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

- 1) **compliance with Urban Forestry comments: *“Preservation status is to be given to the 50” Live Oak Tree located on the West side of Lot 2. 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. Coordinate with Urban Forestry location and design of the proposed driveway to Old Shell Road in order to minimize impact to the root systems of existing Live Oak Trees. Coordinate with Urban Forestry location and design of the access, maneuvering, and parking along Spring Hill Avenue to minimizes the impact to the root system of the 50” Live Oak Tree on Spring Hill Avenue right of way that is not shown on the site plan;”***
- 2) **limited to an approved Planned Unit Development (PUD);**
- 3) **completion of subdivision process prior to the issuance of permits; and,**
- 4) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously with Mr. Vallas recusing from the vote.

Case #SUB2011-00087 (Subdivision)

Zeigler-Athey Re-subdivision Subdivision

6500 & 6502 Zeigler Boulevard

(Northeast corner of Zeigler Boulevard and Athey Road)

Number of Lots / Acres: 2 Lots / 6.2 Acres ±

Engineer / Surveyor: Wattier Surveying, Inc.

Council District 7

(Also see **Case #ZON2011-01944 (Planned Unit Development) Zeigler-Athey Re-subdivision Subdivision**, 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. Turner, with second by Mr. Davitt, to approve the above referenced matters, subject to the following conditions:

- 1) **retention of the 25-foot minimum building setback line and lot area sizes, in square feet, on the Final Plat;**
- 2) **placement of a note on the Final Plat stating that Lot 1 is denied direct access to Zeigler Boulevard;**
- 3) **placement of a note on the Final Plat stating that Lot 1 is limited to one curb-cut to Athey Road, with the size, design, and exact location to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) **placement of a note on the Final Plat stating that Lot 2 is limited to the three existing curb-cuts (two to Athey Road and one to Zeigler Boulevard), 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 Engineering comments: “Need to provide a court recorded release agreement for the release of storm runoff from Lot 2 onto Lot 1 and also need a drainage easement on Lot 2 to allow for the connection of the discharge from the detention pond on Lot 1 into the catch basin located on Lot 2. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;” and,**
- 6) **placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species.**

The motion carried unanimously.

Case #ZON2011-01944 (Planned Unit Development)
Zeigler-Athey Re-subdivision Subdivision
6500 & 6502 Zeigler Boulevard
(Northeast corner of Zeigler Boulevard and Athey Road)
Planned Unit Development Approval to allow shared access between two building sites.
Council District 7
(Also see **Case #SUB2011-00087 (Subdivision) Zeigler-Athey Re-subdivision Subdivision**, above)

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

- 1) **completion of the subdivision process;**
- 2) **compliance with Engineering comments:** *“Need to provide a court recorded release agreement for the release of storm runoff from Lot 2 onto Lot 1 and also need a drainage easement on Lot 2 to allow for the connection of the discharge from the detention pond on Lot 1 into the catch basin located on Lot 2. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;”*
- 3) **compliance with Traffic Engineering comments:** *“If a 36’ driveway is desired, it will need to be striped with one inbound lane, one outbound left lane, and one outbound right lane;”*
- 4) **removal of the existing sign from the right-of-way; and,**
- 5) **full compliance with trees and landscaping on Lot 1.**

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2011-00096
Ladnier Place Subdivision
West side of Pioneer Road, 910’± South of Bay Road.
Number of Lots / Acres: 1 Lot / 8.1 Acres±
Engineer / Surveyor: Stewart Surveying
County

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

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

- 1) depiction of the 25-foot minimum building setback line along Pioneer Road, as required by Section V.D.9. of the Subdivision Regulations;
- 2) placement of a note on the Final Plat limiting the lot to two curb-cuts to Pioneer Road, with the size, design, and location of all curb-cuts to be approved by Mobile County Engineering and conform to AASHTO standards;
- 3) labeling of the lot area size, in square feet, or provision of a table on the Final Plat with the same information;
- 4) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations;
- 5) 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;”*
- 6) approval of all applicable federal, state, and local agencies prior to the issuance of any permits or land disturbance activities; and,
- 7) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.

The motion carried unanimously.

Case #SUB2011-00094

Cherry Hill Subdivision

3958 & 4028 Oyler Road

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

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

Engineer / Surveyor: Stewart Surveying
County

The Chair announced the matter was recommended for holdover, but if there were those

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present who wished to speak to please do so at that time.

Paul Stewart, Stewart Surveying, spoke on behalf of the applicant and made the following points in favor of approving the matter that day:

- A. noted the 30 feet requested from the existing centerline of Oyler Lane;
- B. noted the application was for a family subdivision and the property being requested for inclusion belonged to one of the family;
- C. noted that holding the matter over would allow for a re-submittal which would allow for the extension of the east line of Lot 2 to the north as well as eliminate the flag pole portion currently shown on the plat;
- D. noted the elimination of the flag pole would enlarge the parcel in question to approximately five acres;
- E. noted that Mrs. Porter gave up approximately 30 feet of property in 1972 which became Oyler Lane around which the family "homesteaded," and drilled a water well approximately 20 feet from the north side of Oyler Lane; and,
- F. noted that due to the proximity of said drill to the north side of Oyler Lane, to ask for the additional 30 feet of dedication from the center of Oyler Lane would be too close.

Mr. Vallas asked if the matter wouldn't be best served being held over as requested by staff.

Mr. Olsen stated the staff had no conditions for approval prepared and the non-inclusion of the property noted in Condition 1 would remain an issue, so the staff stood by the recommendation of holding the matter over. He also advised the Commission the agenda stated any revisions as well as new mailing labels would be due to staff by October 30, 2011. He explained that was in error as such would be after the actual meeting. He advised the revisions and new mailing labels were actually due to staff by September 30, 2011.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the October 20, 2011, meeting, with revisions and new labels and label fees for adjacent property owners due by September 30, 2011, to the Planning Section to address the following:

- 1) inclusion of Parcel R023404170000012.002. in this application, with owner's authorization and new labels and fees for adjacent property owners;**
- 2) depiction of dedication sufficient to provide 30 feet from the centerline of Oyler Lane;**
- 3) modification of the 25-foot minimum building setback line and the lot area sizes to reflect required dedications along Oyler**

Lane;

- 4) placement of a note on the plat stating that Lot 1 is limited to one curb-cut to Oyler Road, with the size, design, and location to be approved by Mobile County Engineering and conform to AASHTO standards;
- 5) placement of a note on the plat stating that Lot 2 is limited to one curb-cut to Oyler Lane, with the size, design, and location to be approved by Mobile County Engineering and conform to AASHTO standards;
- 6) placement of a note on the plat stating that no further resubdivision to create any lots fronting only Oyler Lane will be allowed until such time as Oyler Lane is constructed to County Paved Road standards;
- 7) placement of a note on the plat stating that: *“Development must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits.”*
- 8) placement of a note on the plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species; and,
- 9) placement of a note on the plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2011-00095

Jefferson Acres Subdivision, Re-subdivision of Lots 1, 2 & 3

5529 McDonald Road

(Southeast corner of McDonald Road and Robert Jefferson Drive South)

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

Engineer / Surveyor: Stewart Surveying

County

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

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The following people spoke in opposition to the matter:

- Rhonda Guy, 8450 Robert Jefferson Drive South, Mobile, AL; and,
- Kenneth Jordan, Lot 4, Jefferson Acres Subdivision, Mobile, AL.

They made the following points against approving the proposed re-subdivision:

- A. objected to the matter as they had heard the property was going to be used for storage;
- B. noted the neighborhood was quiet and well established and wanted it to stay that way; and,
- C. noted the covenants from 1957 stated the property could only be used for residential purposes.

Mr. Vallas noted the property in question was located in the County.

Mr. Davitt noted the applicant wanted to take three lots and create two, but as it is in the County, Mr. Davitt advised the opposition that the Commission had no control over what would be put on said property.

Mr. Jordan, with the opposition, referenced the covenants and restrictions which were put in place May 15, 1957.

Mr. Olsen, Mr. Vallas, and Mr. Davitt, all advised that covenants of those types could not be enforced by the Planning Commission and were civil issues better addressed in a court of law.

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

- 1) dedication sufficient to provide 50-feet from the centerline of McDonald Road;**
- 2) dedication sufficient to provide 30-feet from the centerline of Robert Jefferson Drive South, if curb and gutters are not present;**
- 3) placement 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 Robert Jefferson Drive South, with the size, design, and location be approved by County Engineering and conform to AASHTO standards;**
- 5) labeling of each lot with its size in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;**

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- 6) placement of a note on the Final Plat stating development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;
- 7) placement of a note on the Final Plat stating that any lots developed commercially and which adjoin residentially developed property shall 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 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.”*

The motion carried unanimously.

Case #SUB2011-00099

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

4167 & 4171 Burma Road

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

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

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

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Davitt, to hold the matter over until the October 20, 2011, meeting, with revisions by Friday, September 30, 2011, to the Planning Section to address the following:

- 1) submission of a revised preliminary plat illustrating the buildings on each lot;
- 2) inclusion of the remaining portion of Lot 3, Block 2 Miramar Heights;
- 3) retention of the minimum 25-foot minimum building setback line from Burma Road, as required by Section V.D.9. of the Subdivision Regulations;
- 4) the labeling of each lot with its size in square feet, or placement

- of a table on the plat with the same information;
- 5) compliance with 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.)*
 - 6) placement of a note on the Final Plat limiting both lots to the existing curb-cuts to Burma Road, and IF an new curb-cuts are proposed, the size, design, and location of the new curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards; and,
 - 7) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.

The motion carried unanimously.

Case #SUB2011-00101

Sunset Hills Subdivision, First Addition, Re-subdivision of Lot 3, Block D

4662 Cottonwood Drive

(North side of Cottonwood Drive, 150'± East of Ideal Avenue).

Number of Lots / Acres: 2 Lots / 0.5 Acre±

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
Council District 6

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

- 1) retention of minimum building setback line and lot area sizes, in square feet, on the Final Plat;
- 2) placement of a note on the Final Plat stating both lots are limited to one curb-cut each, with the size, design, and exact location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 3) compliance with Engineering comments: *“According to the City of Mobile’s 1984 Aerial photograph, there is approximately 4,000 square feet of impervious area that can be claimed as historical credit for the determination of the need for detention. Therefore, detention will be required on each individual lot if and when the*

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construction of impervious area on any particular lot exceeds 4,000 square feet, whereas detention shall be provided for that individual lot accounting for the increase of impervious area in excess of 4,000 square feet. Subsequently, a land disturbance permit will be required for the construction of that particular lot, and detention should be provided for the increase over 4,000 square feet. 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,

- 4) **placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species.**

The motion carried unanimously.

Case #SUB2011-00102

Fowler-Newman Subdivision

1501 & 1503 Government Street

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

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

Engineer / Surveyor: Rowe Surveying & Engineering Co. Inc.
Council District 2

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

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 asked that the matter be held over to the October 20, 2011, meeting, as the applicant had a variance request pending before the Board of Zoning Adjustment at its October 3, 2011, meeting.

The following people spoke in opposition to the matter:

- Rebecca Becnel, 160 Dexter Avenue, Mobile, 36604; and,
- William Carroll, 254 South Broad Street, Mobile, located in the Oakleigh Garden Historic District and District 2 Mobile City Council person.

They made the following points against it:

- A. noted buying her 100 year old home two years ago and has lived in said home since then and her home was surrounded on two sides

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- by the property in question;
- B. noted the property in question was in the process of being bought by a chain store that wanted to “take over” via the subdivision;
 - C. understood when the home was purchased that the next door property was commercial, however, the office for that commercial property closed at 5 daily and was also closed on weekends, so she was still able to enjoy her yard in peace and quiet;
 - D. noted the proposal called for building an 8000 square foot building on the property with the building being so large that instead of facing Government Street as the rest of the buildings do, said building would need to face west, with the back of the building next to Dexter Avenue;
 - E. noted this configuration would cause all parking to back up next to her home and the three other old homes located on Dexter Avenue and Church Street and would also result in a split zoned property on the block;
 - F. asked the Commission to imagine the noise caused by cars, delivery trucks, and eighteen wheelers coming and going at all hours of the day and night, seven days a week;
 - G. noted if the proposed development were allowed, she would never again be able to enjoy her backyard without constant noise, even inside of her home;
 - H. felt that the building was too large for the property and all traffic was projected to exit next to her home on to Dexter Avenue, which at one time was a quiet, residential street located around the corner from Leinkauf Elementary School;
 - I. expressed the belief that an excessive number of cars would be coming up and down the street at all hours;
 - J. expressed the belief that the development would cause the once safe place where her grandson and the children of her neighborhood played to become dangerous;
 - K. noted the proposed site lacked enough parking spaces and queried as to where those patrons would park, noting it would not be on Government Street but more likely Dexter Avenue;
 - L. noted when she had raised this objection to a City Planning Commissioner, she was told there were already “No Parking” signs on Dexter Avenue, however, there were not, as well as no traffic light at Dexter Avenue and Government, leaving the question of how would traffic be controlled in that area;
 - M. expressed the belief that if the development were approved, the residents of the Leinkauf Historic District would face the loss of privacy, the excessive use of their neighborhood as the “cut-thru” to a chain store, fear for their children and for those children attending Leinkauf School, and finally, the de-valuation of their own personal property;
 - N. stated as a retired educator from another state who chose to come

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- to Mobile and teach, she had put all of her life savings into her home and inasmuch was afraid she and her neighbors would be forced to live with the results of decisions which benefited a chain store but not her community;
- O. noted he had been before the Commission some months prior in opposition to the same type of application proposed across the street from this proposed development and spoke to the Commission at the time regarding the needs and desires of Government Street and the type of street it was in an effort to maintain the nature and character of its historical integrity;
 - P. reminded the Commissioners that Mobile was a city that liked to preserve the “fabric” of its history, even though there had been losses of that integrity to “big box” retail operations, noting specifically the development directly across the street from the proposed project;
 - Q. expressed the belief that this type of development currently before the Commission, if it came before the City Council, would not be supported by a majority of the Council, as it did not maintain the historic fabric of Government Street;
 - R. encouraged the Commission to keep all of this in mind as the last 20 years had seen a push to re-develop the Leinkauf Historic District with Dexter Avenue being one of the first streets to “come back;”
 - S. noted if a developer wanted to be “friendly” to the historic districts, they should buy an old house, restore it, and then run their commercial ventures from those refurbished properties, as so many businesses had previously done with much success; and,
 - T. offered encouragement to the Commission that when making decisions regarding zoning and planning to keep the integrity of the street and the neighborhood in place.

Mr. Davitt asked if the developers were converting to a two lot subdivision and was advised by Mr. Olsen that was correct.

Mr. Davitt noted it appeared to create one lot which would be zoned B-2 and another lot zoned R-1. He expressed the opinion that in looking at the matter, the issue of split-zoning would still exist.

Mr. Olsen advised that was not the case and utilized the overhead to note the location of the lots. He pointed out the B-2 zoned property and advised that at some time in the past, the lot fronting Government Street had had a 15 foot strip coming back to Church Street and was zoned R-1, never B-2. He stated the applicants were incorporating the 15 foot strip illustrated into the R-1 lot adjacent to its west.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the October 20, 2011, meeting, at

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the applicant's request.

The motion carried unanimously with Mr. Vallas recusing from the vote.

Case #SUB2011-00091

Howells Ferry Subdivision

7116 & 7170 Howells Ferry Road

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

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

Engineer / Surveyor: Haidt Land Surveying
County

The Chair announced the 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.

Fred Haidt, Haidt Land Surveying, spoke on behalf of the owners and made the following points in favor of approving the matter:

- A. asked the Commission to waive Section V.D1. and V.D.3. of the Subdivision Regulations as there were two other subdivisions, (Cedar Downs Place and Druid Oaks) located on North Cody Road and less than a quarter of a mile from the proposed subdivision, with flag shaped lots and depth to width ratio issues, so those proposed would not be out of character for the area;
- B. lots did meet the minimum requirement of having a 60 feet frontage on Howells Ferry Road as well as the minimum requirement of 40,000 square feet; and,
- C. the sole purpose of Lot 3 was for the cell phone tower and access to it, with no other plans for its development now.

Mr. Vallas asked what was the purpose for the back line.

Mr. Haidt stated it was to get the minimum square footage.

Lester Cochran, 7200 Howells Ferry Road, Mobile, spoke in opposition to the matter and made the following points:

- A. noted the property in question was originally a clay pit;
- B. expressed concern regarding the 20 foot drop off on the left side of the property and the erosion to it if and when the kudzu and other vegetation currently holding it in place were removed; and,
- C. noted there was a church currently on some of the property.

Mr. Olsen reminded everyone the property was located in the County so there was no zoning, no city building code enforcement, or the like. He added, however, based upon what was visible from the plat, there was an existing structure on what is noted as Lot 1,

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the western most lot, but as this was simply a subdivision application, the staff would not have that information.

Mr. Haidt stated there was a concrete slab with two truck containers on it on the property.

Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Vallas, to hold the matter over until the October 20, 2011, meeting, to allow investigation/documentation of the possible erosions issues, with information to be submitted by September 30, 2011.

The motion carried unanimously.

Case #SUB2011-00098

Ladd Subdivision, Re-subdivision of and Addition to Lots 2 & 3

East side of McGregor Avenue, 710'± South of Dauphin Street

Number of Lots / Acres: 3 Lots / 5.6 Acres±

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 5

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

Ernest Ladd, the owner, spoke on his own behalf and asked the Commission to consider eliminating Condition 2 which required dedication of 40 feet from the centerline of McGregor Avenue. He noted there was currently a reservation in favor of the City with the right to purchase the right-of-way. He expressed the belief that should the widening project for McGregor Avenue ever proceed, it would be a highly controversial project, with the ultimate decision on how that widening would occur determining how much right-of-way would actually be needed and in as much it should wait until that time.

Mr. Vallas asked, regarding houses built in the area by Catranis, if the same dedication had been required.

Mr. Olsen stated he could not recall what was required as dedication for those houses.

Dr. Rivizzigno stated that based upon reviewing the plan, these appeared to be flag shaped lots.

Mr. Olsen stated they were already in existence as such. He noted the application was to allow for the modification of interior lines. He added the lots were created prior to having flag shaped lot regulations.

In deliberation, Mr. Davitt asked if Traffic Engineering was okay with deleting the requirement requiring dedication of 40 feet from the center line.

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Mr. Vallas asked if widening McGregor Avenue was upcoming.

Mr. Olsen advised it was on the MATS plan.

Ms. White advised Mr. Olsen was correct as there was a plan to widen McGregor Avenue between Airport Boulevard going towards Dauphin Street and it was planned for some time within the next few years.

Mr. Olsen explained that in certain areas of the Major Street Plan the unique character of those particular streets could cause variations in the right-of-way from the standard. He cited the examples of Dauphin Street east of Florida Street, and Houston Street, where they were reduced to fit the development. He noted on McGregor Avenue from Airport Boulevard north to Springhill Avenue the right-of-way was reduced to 80 feet for a major street as opposed to the standard 100 feet.

Mr. Miller asked for an explanation as to why the staff recommended the Commission approve such egregious flag shaped lots.

Mr. Olsen advised that these had been approved in either the late 1980's or the early 1990's, prior to having flag shaped lot regulations within the Subdivision Regulations. He noted each of the lots did have a "pole" which technically gave them frontage on McGregor Avenue but they shared one driveway which they have had for the last 30 or so years.

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

- 1) **correction of the name of this subdivision to reflect the inclusive lots of each of the two existing subdivisions, or the renaming to any other unrecorded subdivision name;**
- 2) **dedication to provide 40' from the centerline of McGregor Avenue;**
- 3) **revision of the plat to illustrate the 25' minimum building setback line on each lot where the lot is 60' wide;**
- 4) **placement of a note on the Final Plat stating that the entire subdivision is limited to one curb-cut to McGregor Avenue, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 5) **illustration of the approved curb-cut on the Final Plat;**
- 6) **labeling of each lot with its size in acres, or the furnishing of a table on the Final Plat providing the same information;**
- 7) **revision of the plat to furnish the dimension of the North line of Lot 1 on the lake East of Lot 3;**
- 8) **placement of a note on the Final Plat stating that the approval**

- of all applicable federal, state, and local environmental agencies would be required prior to the issuance of any permits or land disturbance activities;
- 9) placement of a note on the Final Plat stating development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;
 - 10) correction of the legal description in the final direction closing to the Point of Beginning to read “S 89° 38’ 42” W 309.93 feet”; and,
 - 11) subject to the Engineering comments: *“Detention is needed for any cumulative increase of impervious area added to the areas located within the limits of the subdivision since 1984 in excess of 4,000 square feet. If applicable, need to provide certification that the existing detention system is sized to accommodate the expected increase in impervious area or need to provide additional detention. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit.”*

The motion carried unanimously.

NEW PLANNING APPROVAL APPLICATIONS:

Case #ZON2011-01991

New Cingular Wireless LLC.

42 South Hamilton Street

(Southwest corner of South Hamilton Street and Conti Street).

Planning Approval to amend a previously approved Planning Approval to remove an existing condition of approval.

Council District 2

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.

Tom Buchanan, Birmingham, AL, Haskell, Slaughter Law Firm, spoke on behalf of the applicant and made the following points in favor of approving the matter that day:

- A. noted they had been before the Board of Zoning Adjustment earlier in the month where their request for variance had been approved;
- B. noted the application had been previously approved in May of 2011 with the condition that the large truck with antennae sticking out of it be able to withstand 130 mph winds;
- C. asked their engineer at the time if that was “do-able” and the engineer believed so, however, after further review and

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- understanding that the truck with tower would only be in place for approximately 2 weeks twice a year, such a truck-tower combination would not be able to withstand 130 mph winds; and,
- D. noted should there be a hurricane forecast during the time the truck-tower combination was in place, said truck-tower would be sent to Montgomery until said wind event passed and then the equipment would be brought back to Mobile.

Hearing no opposition or further discussion, a motion was made by Mr. Vallas, with second by Dr. Rivizzigno, 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 Floodplain Evacuation Plan acceptable to the City of Mobile's Floodplain Manager;**
- 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) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2011-00093 (Subdivision)

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

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

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

Engineer / Surveyor: Don Williams Engineering
Council District 6

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

La Belle LLC., below)

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

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

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Don Williams, Williams Engineering, spoke on behalf of the applicant and made the following points for approving the matter that day:

- A. noted Mr. Miller's recusal was due to the fact the location in question was a Picklefish restaurant and had been one for many years;
- B. noted the restaurant next door to the restaurant in question was formerly a fraternity house;
- C. advised that in 2001, the current owners put the two lots together, changed the zoning, and incorporated a significant parking lot that extended farther down Old Shell Road than one might expect;
- D. noted ten years previously, there was not a Trax Tires located across the street from the location in question, nor had the six houses along East Road been built there, nor a median built on Old Shell Road, in front of the property;
- E. noted there had been three major changes since the approval to their zoning change request;
- F. noted the traffic issues some of these matters had created, especially the ability to get in and out of the site;
- G. noted their reason for being there that day was so they might get better and safer access to the site;
- H. noted the parking gained by the proposal is minimal and not the main emphasis for coming before the Commission;
- I. regarding the issue of light from headlights going into the neighboring yards, cited the existence of a current 6 feet high privacy fence but understood that might not be enough buffer, so the owners had agreed to plant shrubbery of sufficient height and density along the entire eastern boundary to prevent such an issue as well as agreeing to do the same for the new parking lot to the north by either screening or removing the parking in question;
- J. regarding the commercial development having a negative impact on surrounding residential properties, felt that had been addressed by the owner's willingness to install extra buffering;
- K. regarding staff's comments that the development was not compatible with the neighboring residential properties, felt the restaurant was equally as compatible as the Trax Tire location;
- L. noted the Trax Tire location had a curb-cut to East Road and requested the same for this property;
- M. regarding increased traffic, expressed the belief the traffic would primarily be on the northern part of East Road; and,
- N. regarding inadequate buffering, felt they had already addressed that with the voluntary addition of shrubbery to the site.

Mr. Vallas asked if the proposed exit on East Drive would be a "left out" only.

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Mr. Williams advised it was not “left out” only and it would be the full 24 feet wide for both in and out traffic to allow them to make the other two turns they were prohibited from doing currently because of the median on Old Shell Road.

In deliberation, Mr. Davitt stated he would rather hold the matter over to allow the applicant time to further discuss with staff than deny it, and stated the drive on East Drive specifically might need to be one way going left.

Mr. Vallas noted he had been to Trax Tires and had used the entrance on East Drive and could see how there might be a need.

Mr. Olsen advised staff had conferred while Mr. Williams was at the podium and would be happy to discuss with him as well the fact there was more than adequate room for a driveway on to Old Shell Road coming behind the second building on the existing lot. He noted it could be done without encroaching farther south onto the residential zoned property which would require the addition, the split zoning, and the rezoning.

Mr. Vallas noted it was a vacant residential lot behind two restaurants looking at a tire store and he felt it was very unlikely, long term, that anyone would build a residential home there.

Mr. Davitt noted, as a recommendation to Mr. Williams, the Commission might want to include having the applicant coordinate with Traffic Engineering regarding the location of the access point.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Dr. Rivizzigno, to hold the matter over until the October 20, 2011, meeting, to allow the applicant to meet with staff regarding design and location of access to East Drive and additional buffering.

The motion carried unanimously with Mr. Miller recusing from the vote.

Case #ZON2011-02055 (Planned Unit Development)
La Belle Subdivision, Re-subdivision and Addition to Lot 1

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

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

Council District 6

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

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

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

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second by Dr. Rivizzigno, to hold the matter over until the October 20, 2011, meeting, to allow the applicant to meet with staff regarding design and location of access to East Drive and additional buffering.

The motion carried unanimously with Mr. Miller recusing from the vote.

Case #ZON2011-02057 (Rezoning)

La Belle LLC.

14 East Drive

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

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

Council District 6

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

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

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

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Dr. Rivizzigno, to hold the matter over until the October 20, 2011, meeting, to allow the applicant to meet with staff regarding design and location of access to East Drive and additional buffering.

The motion carried unanimously with Mr. Miller recusing from the vote.

Case #SUB2011-00104 (Subdivision)

Blue Bird Subdivision

104 & 106 Bay Shore Avenue and 2724 Old Shell Road

(Northeast corner of Old Shell Road and Bay Shore Avenue)

Number of Lots / Acres: 1 Lot / 1.0 Acre±

Engineer / Surveyor: Frank Dagley & Associates, Inc.

Council District 1

(Also see **Case #ZON2011-02070 (Rezoning) Harkness Properties, Inc.**, below)

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

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

Tony Spencer, Frank A. Dagley and Associates, Inc., spoke on behalf of the applicant and made the following points:

- A. the subdivision is needed to provide the additional parking needed

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- by the potential tenant for the existing building;
- B. regarding Condition 1 calling for the removal of any portion of the existing structure in the right-of-way of Bay Shore Avenue, it was stated the applicant had a variance request coming before the Board of Zoning Adjustment regarding that matter, as well as a request for a variance regarding parking in front of the Old Blue Bird Hardware store building on the Bay Shore Avenue side;
 - C. noted the owner was in agreement to do away with the parking along the side of Old Shell Road, which also fronted the building, adding the area was very narrow; and,
 - D. commented that Condition 2 sounded as if the staff wanted any curb-cut, with the exception of one on Bay Shore Avenue, be removed and stated all the curb-cuts now in place were crucial for access to the building and site, as it would be a rehabilitation type facility.

Mr. Olsen advised the Board of Zoning Adjustment could not grant a variance for a structure nor a part of a structure to remain in the City's right-of-way, but could only deal with variances relating to real, private property. He expressed his belief the best option for the applicant would be looking into the vacation of the old, abandoned railroad right-of-way located there as the structure would then be completely within private property as would be the parking.

Mr. Vallas asked if the Commission could consider the application subject to the vacation approval or would staff prefer the applicant to get the vacation approval and then come back before the Commission.

Mr. Olsen stated the first condition gave the applicant the option of doing one of three things, including going before the City Council for approval as they were the only entity who could grant that type of permission, so the matter could, with the condition in place, be approved that day if the Commission so wished.

Mr. Spencer said going before the City Council might be the best for his client as there were time constraints in place and the vacation process was very lengthy.

Mr. Olsen stated it might be in the applicant's best interest to get permission to use it until it was vacated because it would ultimately be in the applicant's best interest to have it vacated.

Mr. Davitt asked about the comment regarding the removal of other curb-cuts.

Mr. Hoffman stated Traffic Engineering had specifically requested the removal of the curb-cut and paved area along the Old Shell Road side as well as the provision of a City standard sidewalk on that side. He noted if the parking along the Bay Shore Avenue side could not be utilized because it was in the right-of-way and the City did not grant

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approval for that use, then that curb-cut should also be removed and the area landscaped as well. He noted the condition might need to be changed to read “subject to” for the Bay Shore Avenue side, if they were to get the vacation or City Council approval.

Mr. Spencer offered an addition comment on Condition 6 regarding the depiction of a 25 foot setback line. He understood the comment was typical for subdivisions, but in this case, the existing building could not meet that and asked how it should be shown on the plat.

Mr. Olsen advised it should be on the entire plat but it would simply be relative to any new construction.

In deliberation, Mr. Vallas asked if the applicant got approval for the vacation, they could keep the building and the parking, otherwise they would need to go before the City Council for approval.

Mr. Olsen stated they could do both. He added the Commission could consider modifying Condition 2 to reflect the removal of landscaping and curb-cuts was based upon the aforementioned pending action.

Mr. Davitt asked if there was some issue in Condition 6 regarding a 25 foot minimum setback line.

Mr. Olsen said if there were a demolition and new construction and such a comment was applicable without any type of note.

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

- 1) **removal of any portion of the existing structure that extends into the right-of-way of Bay Shore Avenue, or the obtaining of approval from the City for the location of the structure in the right-of-way, or the vacation of a portion of the right-of-way;**
- 2) **removal and landscaping of all other curb-cuts along Old Shell Road, and provision of a City standard sidewalk, subject to condition one for Bay Shore Avenue;**
- 3) **placement of a note on the final plat stating that the lot is limited to one curb-cut onto Bay Shore Avenue, with the size, design, and location to be approved by Traffic Engineering and comply with AASHTO standards;**
- 4) **compliance with Traffic Engineering comments: *“Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Existing asphalt pavement between building and Old Shell Road should be removed and replaced with grass/landscaping and 4’ sidewalk.***

The curb-cut on Bay Shore Avenue should be removed in conjunction with removal of existing driveway;”

- 5) **compliance with 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 dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;”**
- 6) **depiction of the 25-foot minimum building setback line; and,**
- 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.**

The motion carried unanimously with Mr. Turner recusing from the vote.

Case #ZON2011-02070 (Rezoning)

Harkness Properties, Inc.

104 & 106 Bay Shore Avenue and 2724 Old Shell Road

(Northeast corner of Old Shell Road and Bay Shore Avenue)

Rezoning from R-1, Single-Family Residential District and B-2, Neighborhood Business District, to B-2, Neighborhood Business District, to eliminate split zoning in a proposed Subdivision and allow a medical rehabilitation facility.

Council District 1

(Also see **Case #SUB2011-00104 (Subdivision) Blue Bird Subdivision**, above)

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

Hearing no opposition or further discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Jordan, to approve the above request for rezoning with a modification to LB-2, Limited Neighborhood Business District, subject to the following conditions:

- 1) **new construction to comply with buffering, lighting, tree, and landscaping requirements of the Zoning Ordinance; and,**
- 2) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously with Mr. Turner recusing from the vote.

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Case #SUB2011-00100 (Subdivision)

Grelot Office Park Subdivision

6740 Grelot Road

(North side of Grelot Road, 475' ± East of Somerby Drive).

Number of Lots / Acres: 3 Lots / 5.6 Acres±

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(Also see **Case #ZON2011-02068 (Planned Unit Development) Grelot Office Park Subdivision**, and, **Case #ZON2011-02069 (Rezoning) Stratford, LLC**, below)

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

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.

Ruffin Graham, 6576 Airport Boulevard, Mobile, AL, the developer, spoke on the project and made the following points for approval that day:

- A. noted the project began in 2009 when they had taken the original lot and subdivided it into four commercial lots;
- B. in the process, they had agreed to zone the lot nearest to the residential subdivision, Lamplighter, B-1, then came back and rezoned the other three lots LB-2;
- C. noted Lots 3 and 4 were currently under contract and through the process those needed to be consolidated into one lot;
- D. regarding the rezoning, noted the 20 foot buffer which included the fence along east side of Lamplighter Boulevard was in place and it would be shown on the plat, prior to recording said plat;
- E. regarding the buffer on the north side, the developer had developed a residential subdivision in that area and during the sale of those lots had disclosed that the front four lots would be commercial;
- F. regarding the wooded area between the residential subdivision and this development, noted it was approximately 150 feet of green space and the applicant was okay with requiring either the developer or the buyer of the lot to install a 6 foot fence, but felt it was redundant to ask for an additional 10 foot buffer there;
- G. regarding the PUD recommendations, noted a religious community center for a group called "In Worship" was proposed, and they anticipated constructing a 15,000 square foot building to be used for gatherings, Bible studies, conferences, and things like that;
- H. noted there was no seat count for "In Worship" but instead had asked the engineer to lay out the parking in such a way as to maximize the total number of parking spaces that could be placed on the site;
- I. understood the use of the property was being classified as a church so the staff had used a "4 seat per parking spot" formula;

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- J. noted the organization had been asked to provide an estimate of what their total attendance might be and had been told no more than 300-400 people at any given time, so it was felt the 146 parking spaces would accommodate;
- K. noted an issue with Lots 1 and 2 regarding parking compliance and stated those were just hypotheticals and could be removed, adding the information had simply been supplied when they had initially filed the subdivision as they had no current intentions related to those two lots other than the access road; and,
- L. felt all the other issues were self-explanatory.

Mr. Olsen commented Planned Unit Developments were “site plan specific,” and any dumpsters had to be tied into the sanitary sewer so the locations of those needed to be very specific in case the location needed to be changed for the tie in, or if a change in their location created a change in the design and/or number in parking. He also noted seating was not necessarily based upon what the applicant thought attendance would be but based upon the building’s capacity and the building code. Mr. Olsen reminded the speaker that Planned Unit Developments were “site plan specific” and if there were a major change in the parking, it would create the need to come back before the Commission for approval of said changes.

Mr. Graham stated they would do all that was necessary to satisfy all of the entities and wondered if those issues could be made subject to the approval of those respective governing bodies.

Mr. Olsen added such a decision would be up to the Planning Commission. He also stated if the Commission was leaning toward approving the matter that day, the staff had prepared some Conditions of Approval which would be handed out to the Commission members as well as the applicant to review. He noted Condition 2 on the Rezoning had the 10 foot natural, vegetative buffer and the 6 foot privacy fence Mr. Graham had mention with regards to the request for removal of said 10 foot natural, vegetative buffer.

Mr. Graham noted the fence had indeed been built. He said they would require any buyer maintain the 6 foot fence buffer but asked that the 10 foot natural, vegetative buffer be struck as there was a 150 foot natural, vegetative buffer in place currently.

Mr. Olsen noted the current presence of both the vegetative buffer and the privacy fence, however, the condition was in place to assure those remained in the future as in the years to come the applicant might not have anything to do with the development, then any future developer would be aware that it was their responsibility to maintain the fence and buffer.

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

- 1) depiction of the 25-foot minimum building setback line from all public right-of-ways for Lots 1 and 2, as required by Section V.D.9. of the Subdivision Regulations;
- 2) depiction of the 30-foot minimum building setback line from all public right-of-ways for Lot 3, as required by Section V.D.9. of the Subdivision Regulations;
- 3) placement of a note on the Final Plat limiting the lot to one shared curb cut to Grelot Road, with the size, design, and location of the curb-cut to be approved by City of Mobile Engineering and conform to AASHTO standards;
- 4) labeling of the lots area size, in square feet, or provision of a table on the Final Plat with the same information;
- 5) placement of a note on the Final Plat the maintenance of the common area is the responsibility of the property owners and not the City of Mobile;
- 6) approval of all applicable federal, state and local agencies prior to the issuance of any permits or land disturbance activities; and,
- 7) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

The motion carried unanimously with Mr. Davitt recusing from the vote.

**Case #ZON2011-02068 (Planned Unit Development)
Grelot Office Park Subdivision**

6740 Grelot Road

(North side of Grelot Road, 475' ± East of Somerby Drive).

Planned Unit Development Approval to allow shared access between three building sites.

Council District 6

(Also see **Case #SUB2011-00100 (Subdivision) Grelot Office Park Subdivision**, above, and, **Case #ZON2011-02069 (Rezoning) Stratford, LLC**, below)

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

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

- 1) placement of a note on the site plan stating how many seats will be in the proposed church on Lot 3;
- 2) provision of adequate parking on Lot 2;
- 3) provision of all necessary ADA compliant parking;

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- 4) revision of the site plan to depict compliance with the tree and landscaping requirements of the Zoning Ordinance;
- 5) provision of a dumpster for each building, screened from view and in compliance with Section 64-4.D.9 of the Zoning Ordinance, or the placement of a note on the site plan stating that garbage collection will be curb-side via a private pick-up service and no dumpster will be utilized;
- 6) labeling of the vertical clearance of the proposed canopy on Lot 3;
- 7) compliance with Fire Department comments;
- 8) provision of a 20' natural vegetative buffer and 6' high privacy fence on the inside of the buffer to the East; and,
- 9) the provision of a 6-foot high wooden privacy fence along the North property line.

The motion carried unanimously with Mr. Davitt recusing from the vote.

Case #ZON2011-02069 (Rezoning)

Stratford, LLC

6740 Grelot Road

(North side of Grelot Road, 475' ± East of Somerby Drive).

Rezoning from LB-2, Limited Business District, and B-1, Buffer Business District, to B-1, Buffer Business District to eliminate split zoning in a proposed Subdivision.

Council District 6

(Also see **Case #SUB2011-00100 (Subdivision) Grelot Office Park Subdivision**, and, **Case #ZON2011-02068 (Planned Unit Development) Grelot Office Park Subdivision**, above)

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

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

- 1) the provision of a 20-foot natural vegetative buffer and 6-foot high wooden privacy fence on the inside of the buffer, to the East;
- 2) the provision of a 6-foot high wooden privacy fence along the North property line;
- 3) completion of the subdivision process; and,
- 4) development limited to an approved Planned Unit Development (PUD).

The motion carried unanimously with Mr. Davitt recusing from the vote.

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Case #SUB2011-00092 (Subdivision)

Mr Rooter Subdivision

2409 Wolfridge Road

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

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

Engineer / Surveyor: Don Williams Engineering

Council District 1

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

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Vallas, to hold the matter over until the October 20, 2011, meeting, with revisions due to the Planning Section by September 26, 2011, to address the following:

- 1) **revision of the plat to provide dedication of 50' from the centerline of Wolf Ridge Road;**
- 2) **revision of the plat to illustrate the 25' minimum building setback line along Wolf Ridge Road as measured from any required dedication; and,**
- 3) **revision of the plat to indicate the lot size after dedication.**

The motion carried unanimously.

Case #ZON2011-02054 (Planned Unit Development)

Mr Rooter Subdivision

2409 Wolfridge Road

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

Planned Unit Development Approval to allow multiple buildings on a single building site and shared access.

Council District 1

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

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Vallas, to hold the matter over until the October 20, 2011, meeting, with revisions due to the Planning Section by September 26, 2011, to address the following:

- 1) **revision of the site plan to provide dedication of 50' from the centerline of Wolf Ridge Road;**

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- 2) revision of the site plan to illustrate the 25' minimum building setback line along Wolf Ridge Road as measured from any required dedication;
- 3) revision of the site plan to relocate un-permitted structures to a compliant location on the site meeting the revised 25' minimum building setback;
- 4) revision of the site plan to relocate the 6' wood privacy fence along Wolf Ridge Road to a compliant location on the site meeting the revised 25' minimum building setback;
- 5) revision of the 10' driveway along Wolf Ridge Road to a compliant 24' width;
- 6) revision of the front parking area to be out of any required dedication;
- 7) revision of the site plan to eliminate any access to Feed Mill Road;
- 8) revision of the site plan to incorporate the parking area off Feed Mill Road into any parking area associated with a revised Wolf Ridge Road access;
- 9) revision of the site plan to indicate compliant paved parking in the area indicated as gravel parking;
- 10) revision of the site plan to include a compliant dumpster, or the placement of a note on the site plan stating that refuse service will be either private or curbside;
- 11) revision of the site plan to indicate a compliant City-standard sidewalk along Wolf Ridge Road;
- 12) revision of the site plan to include landscaping area calculations; and,
- 13) revision of the site plan to include required parking calculations.

The motion carried unanimously.

Case #ZON2011-02056 (Rezoning)

Mr. Rooter Plumbing

2409 Wolf Ridge Road

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

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

Council District 1

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

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

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Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Vallas, to hold the matter over until the October 20, 2011, meeting, with revisions due to the Planning Section by September 26, 2011, to address the following:

- 1) revision of the site plan to accommodate the PUD and Subdivision revisions.**

The motion carried unanimously.

Case #SUB2011-00097 (Subdivision)

Garden Trace Subdivision

250 Tuthill Lane

(East side of Tuthill Lane, 435'± South of Spring Hill Avenue).

Number of Lots / Acres: 9 Lots / 13.3 Acres±

Engineer / Surveyor: Jade Consulting

Council District 7

(Also see **Case #ZON2011-02067 (Planned Unit Development) Garden Trace 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.

Trey Jinright, Jade Consulting, spoke on behalf of the applicant, the Long family, and made the following points in favor of approving the matter that day:

- A. regarding Item 1, their drawings referred to a 25 foot right-of-way they planned to dedicate from the center line, not 30 foot and the City of Mobile Engineering staff had concurred with the same;
- B. regarding Item 7 which restricted the access to Lots 1 and 5 to Tuthill Lane, they were okay with such to Lot 1, however, Lot 5 was Mr. Long's home and there were not plans to do any work with that property and as he had two existing driveways on the property at this time he would like those to remain; and,
- C. regarding Item 8 noted there were issues regarding finding recording information on College Lane but added the City staff had since located the information.

Mr. Olsen responded after researching the matter and settling the issues regarding College Lane and the right-of-way located there, the staff had prepared some conditions for approval. He added if City Engineering concurred with Mr. Jinright's 25 foot dedication, the staff would agree. Regarding Condition 8 and the request to deny Lot 1 access to Tuthill Lane, Mr. Olsen noted the staff agreed to the same but Lot 2 would be limited to its two current curb-cuts as Tuthill Lane was highly traveled but minor, substandard residential street.

Mr. Jinright read the conditions and agreed to them.

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Mr. Olsen noted the denied access to College Lane as well.

Mr. Jinright asked that the same, necessary comments be placed on the Planned Unit Development as well.

John Forrester, City Engineering, added his department had written their comments for submission, emphasizing the need to account for adequate drainage so as to have no adverse effect on downstream properties, to which the applicant's representative agreed.

The following people spoke in opposition to the matter:

- Cathy Terry, 3 Springhill Court, Mobile, AL; and,
- Jay Green, 4 Springhill Court, Mobile, AL.

They made the following comments in opposition to the matter:

- A. noted she had been reared on the property in question which had been sold to the Longs;
- B. noted her concern over the requested 15 percent increase in surface usage of the site as the Commission had previously approved an increase in site usage to 35 percent when the site had a little over 90 % impervious surfacing;
- C. noted that in the past week, 3 large live oaks had fallen on the property which would not be replaced;
- D. noted increasing the percentage of site coverage to 50% and allowing 6300 square foot homes would create 4 20,000 square foot parcels on two acres of land;
- E. noted based upon the location of her property and the location of her neighbors' property, they would bear the brunt of the difference in storm water run off from what they currently had and what would be;
- F. she noted at Tuthill there would be a 14 to 22 feet elevation difference between the fronts of Lots 1 through 4 down to College Lane;
- G. noted in May 2011 the Commission's approval of City Engineering's requirement of a drainage easement as well as a drainage conveyance system to capture and convey the run-off, which would be more critical with the currently proposed development;
- H. requested the revised staff report for the recommended holdover include the drainage language previously approved in May;
- I. requested the neighbors be allowed to have their engineers review the applicant's plan prior to the filing of the Final Plat;
- J. asked if a three or four story house could be built 33 feet from her home and expressed concern over her privacy if so;

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- K. expressed great concern the lots would only have approximately two percent of the property not covered in concrete or buildings;
- L. asked that the comment regarding the building of any walls and fences meet City Engineering approval be included in any recommendation for approval of this project;
- M. noted College Lane was a dirt, 33 foot right-of-way used to get to and from Springhill Court and asked that it be left as is and include the restriction regarding it from the May 2011 approval in the current conditions for approval;
- N. expressed concern regarding the current residents of Springhill Court being denied access to College Lane as most had driveways which were only accessible via College Lane; and,
- O. noted Irene Street was in sad condition, existing currently almost as a gully, and presented the Commission with pictures showing the extent of its disrepair.

Mr. Olsen responded to Ms. Terry's comments stating the comments in the report and in the recommendations regarding drainage were the comments the department received from the City Engineering department for this application for that day's meeting. He noted Mr. Forrester had indicated there were some changes City Engineering now wanted to make to their recommendations and the staff would be happy to include those changes.

Mr. Vallas asked to see the overhead slide of Springhill Court. He noted after removing the main estate, it left approximately one acre per house. He added by examining Springhill Court, which had similar dimension to the area where the applicant was proposing four houses, Springhill Court, where Ms. Terry resided, had 12 houses in a very similar area.

Mr. Plauche commented the houses on Springhill Court were not the same size as the houses proposed for the development presently before the Commission.

Mr. Vallas stated he admired the developer's desire to develop large lots in Springhill in a time when the Commission typically saw little "postage stamp" lots.

Mr. Olsen expressed concern over how Ms. Terry had arrived at the 98% site coverage figure.

Ms. Terry advised she had gotten the figure from City Engineering and Mr. Jinright, who had worked out and agreed to that figure when they came before the Commission in May 2011.

Mr. Olsen noted the plat before the staff and before the Commission did not reflect that information.

Mr. Forrester stated his memory was Mr. Jinright had designed the detention system

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from the previous subdivision based upon 90% coverage, however, it did not mean it was their intention to actually have 90% site coverage.

Ms. Terry again expressed her concern over the possibility of there being two acres with four houses built with each house having up to 6300 square feet, all of which she considered excessive.

Mr. Vallas noted the lots in question would be over 20,000 square foot each which exceeded the City of Mobile's minimum lot size by almost three times.

Mr. Jinright responded to Ms. Terry's concerns by saying the storm drainage system was designed well above the City standard requirements as it was designed at the 90% surface coverage level. However, he noted, the application's requested roof coverage was at approximately 50%, well below the 90% coverage they accounted for in the drainage design. He added those numbers, as well as the associated design, had not changed from the Commission's earlier approval. He noted the applicant's agreement, which went against normal convention, to allow the neighbors' engineers to review their drawings for the project prior to recording and that those engineers had found no deficiencies in those drawings and were in agreement with them as well. Mr. Jinright advised the Commission that Irene Street had a large drainage culvert which was in disrepair, citing caving and erosion, making it very dangerous and added the City had no funds available to repair it. He stated the Long family, as part of the project, would replace the culvert at a cost of approximately \$80,000.00. He expressed his feeling that his clients were truly being good stewards to the community in this as well by designing a storm drainage system for the proposed development which would far exceed the actual need.

Mr. Olsen advised Mr. Green only the proposed development would be denied access to College Lane, not the current residents.

Regarding comments made about Condition 2, Mr. DeMouy asked what was meant by "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 and 4 Springhill Court," as it seemed to support opposition's position. He asked for any specifics on how the issue would be addressed.

Mr. Forrester advised the previous construction plans called for a six foot wide drainage swale with an additional foot of freeboard berm to direct the water to the south and to the detention pond.

Mr. DeMouy reminded everyone those comments were on the previous plans but he did not see them included with this plan.

Mr. Vallas asked if the applicant would still be required to submit a full grading and drainage plan for this proposal.

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Mr. Jinright advised all of these concerns had been addressed with the construction documents which had been submitted to the City, reviewed, and approved.

Mr. Davitt asked City Engineering what was the change in elevation from Lots 4, 9, and 8 down to Springhill Court.

Mr. Forrester did not know the exact figure but estimated it to be approximately 25 feet in elevation from the back property line of 3 Springhill Court to the road elevation on Tuthill Lane.

Mr. Davitt stated if one were to build a two story house on Lot 4 or Lot 9, they would be looking right down into 3 Springhill Court.

Mr. Olsen responded to Mr. Davitt's question by stating that after discussion with Mr. Palombo and based upon the contours on the plat, from Lot 4, near its eastern property line and close to the western property line of the properties on Springhill Court, it appeared to be about eight feet.

The Chairman asked for the elevation from Tuthill Lane to Lot 4.

Mr. Olsen stated it appeared to be about 26 feet to 27 feet.

In deliberation, Mr. Plauche asked if there would be a need to get revised conditions regarding drainage from City Engineering.

Mr. Olsen noted there were modifications to the City Engineering comments and asked Mr. Forrester to email those to him so the exact verbiage could be included.

Mr. Vallas reminded them to delete Condition 9 regarding denying access to College Lane.

Mr. Miller noted for the record that though the Commissioners were not engineers, they were very concerned over drainage issues and they counted on the City Engineering Department to make sure that water stayed where it was supposed to stay.

Mr. Davitt stated his only other comment was regarding someone building a two story house on a lot looking down directly into the neighboring yard and his discomfort with such.

Mr. Olsen stated the maximum height in R-1 was 35 feet and if the northern property were to remain as one lot, they could build a 35 foot tall house within eight feet of the rear property line.

The Chair wanted to make sure that all water was prevented from going over the 25 foot vertical drop into Springhill Court.

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Mr. Miller made a general comment that the Commission wished to accommodate everyone as much as possible but he did not like to negotiate issues during meetings. He felt it did a disservice to those who attend to hash out issues at this juncture.

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

- 1) **sufficient dedication to provide 25-feet of right-of-way from the centerline of Tuthill Lane;**
- 2) **compliance with Engineering comments: “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. Drainage easements are to be provided in accordance with the coordination with the City Engineer. Land Disturbance plans are to be submitted and approved prior to beginning construction of work not already permitted for construction. Must comply with all stormwater and flood control ordinances. 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. Construction of a fence or wall along any property line abutting adjacent private property will require review and approval by the City Engineering Department to ensure that adequate drainage measures are accounted for in the placement of any proposed fence and/or wall. Drainage cannot be concentrated onto an adjacent property without a release agreement from the affected downstream property owner(s). Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit;”***
- 3) **completion of the vacation of Irene Street prior to the signing of the Final Plat;**
- 4) **placement of a note on the Final Plat stating that compliance with Section VIII.E. of the Subdivision Regulations will be required due to the private street;**
- 5) **depiction of a 25-foot setback where each lot abuts a public street;**
- 6) **depiction of ALL setbacks on all lots, to include the site coverage for each lot;**
- 7) **placement of a note on the Final Plat stating that Lot 1 is denied direct access to Tuthill Lane, and that access shall only**

- be via the proposed private street;
- 8) placement of a note on the Final Plat stating that Lot 5 is limited to two curb cuts;
- 9) placement of a note on the Final Plat stating that access to College Lane is denied;
- 10) submission of a record illustrating that College Lane is right-of-way;
- 11) placement of a note on the plat stating that the site is limited to an approved Planned Unit Development;
- 12) 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,
- 13) provision of a revised PUD site plan prior to the signing of the Final Plat.

The motion carried unanimously.

Case #ZON2011-02067 (Planned Unit Development)

Garden Trace Subdivision

250 Tuthill Lane

(East side of Tuthill Lane, 435'± South of Spring Hill Avenue).

Planned Unit Development Approval to allow a private street Subdivision.

Council District 7

(Also see **Case #SUB2011-00097 (Subdivision) Garden Trace Subdivision**, above)

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

- 1) placement of a note on the site plan stating that the maximum building site coverage is limited to 50% for Lots 1-4 and 35% for Lots 5-9;
- 2) depiction of a table stating the total site of each lot and the allowable size of structure on each site;
- 3) any new walls or fences other than the wall along Tuthill Lane to comply with all setbacks requirements, as well as any other municipal codes and ordinances;
- 4) compliance with Engineering comments: *“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. Drainage easements are to be provided in accordance with the coordination with the City Engineer. Land Disturbance plans are to be submitted and approved prior to beginning construction of work not already permitted for construction. Must comply with all stormwater and flood control ordinances. 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. Construction of a fence or wall along any property line abutting adjacent private property will require review and approval by the City Engineering Department to ensure that adequate drainage measures are accounted for in the placement of any proposed fence and/or wall. Drainage cannot be concentrated onto an adjacent property without a release agreement from the affected downstream property owner(s). Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit;"

- 5) placement of a note on the site plan stating that compliance with Section VIII.E. of the Subdivision Regulations will be required due to the private street;
- 6) depiction of a 25-foot setback where each lot abuts a public street;
- 7) depiction of all other internal front, side, and rear yards as proposed;
- 8) depiction of ALL setbacks on all lots, to include the site coverage for each lot;
- 9) placement of a note on the Site Plan stating that Lot 1 is denied direct access to Tuthill Lane, and that access shall only be via the proposed private street;
- 10) placement of a note on the Site Plan stating that Lot 5 is limited to two curb cuts;
- 11) placement of a note on the Site Plan stating that access to College Lane is denied;
- 12) placement of a note on the site plan stating that the site is limited to an approved Planned Unit Development;
- 13) completion of vacation of Irene Street;
- 14) placement of a note on the site plan 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;
- 15) provision of a revised PUD site plan prior to the signing of the Final Plat; and,
- 16) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

OTHER BUSINESS:

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

Mr. Olsen reminded the Commission that approximately a year and a half prior, the staff presented them with copies of the “New Plan for Mobile.” At that time there were high hopes it would move right along through the adoption process. Due to various issues, the plan’s adoption was delayed but it has now been put back on track. He advised the Mayor had asked for there to be a joint Planning Commission/City Council meeting to discuss the policies and procedures regarding the adoption of the “New Plan for Mobile.” He stated the meeting was tentatively scheduled for October 13, 2011, at 2 p.m. in the Multi-purpose Room of the Government Plaza. He noted the staff would be there to discuss the process and Dan Dealy would be there also to answer questions regarding the plan and various things that had occurred since the plan was distributed to Planning Commission and City Council members. He stated it was hoped the Call for Public Hearing with the Commission would be on October 20, 2011, which would put the actual Public Hearing on November 17, 2011, and if voted on that day, it would then be forwarded to the Council to be placed on their agenda for Call for Public Hearing on November 29, 2011, with the City Council Public Hearing taking place December 27, 2011.

The Chair asked if Mr. Olsen knew what had happened in the interim.

Mr. Olsen advised there had been ongoing discussions, some of the things suggested in the Plan had been reviewed by other City departments to determine if those things could be accomplished as “low hanging fruit,” but there had been an ongoing process to try to bring the plan to some levels of fruition even though it had not yet been adopted.

Hearing no further business, the meeting was adjourned.

APPROVED: April 19, 2012

/s/ Dr. Victoria Rivizzigno, Secretary

/s/ Terry Plauche, Chairman

jsl