

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF JULY 19, 2007 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
Victoria L. Rivizzigno, Secretary
Mead Miller
Debra Butler
James Watkins, III
William DeMouy
John Vallas

Members Absent

Clinton Johnson
Nicholas Holmes, III
Roosevelt Turner

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Bert Hoffman, Planner II
Tiffany Green, Secretary I

Others Present

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

Mr. Plauche stated the number of members present constituted a quorum and called the meeting to order.

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

HOLDOVERS:

Case #SUB2007-00090 (Subdivision)

WMSHC Subdivision

227 Hillcrest Road
(East side of Hillcrest Road, 625'± South of Cedar Bend Court).
Number of Lots / Acres: 1 Lot / 1.6± Acres

Don Coleman of Rester and Coleman represented the applicant and asked that the case be held over until the August 16, 2007, meeting.

Hearing no opposition and no other discussion, Chairman Plauche moved to hold the matter over at the applicant's request until the August 16, 2007, meeting.

Mr. DeMouy seconded the motion, which carried unanimously.

Case #ZON2007-01164 (Planned Unit Development)

Weinacker's Montessori School, Inc.

227 Hillcrest Road
(East side of Hillcrest Road, 625'± South of Cedar Bend Court).

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Planned Unit Development Approval to allow multiple buildings on a single building site.
Council District 5

Don Coleman of Rester and Coleman represented the applicant and asked that the case be held over until the August 16, 2007, meeting.

Hearing no opposition and no other discussion, Chairman Plauche moved to hold the matter over at the applicant's request until the August 16, 2007, meeting.

Mr. DeMouy seconded the motion, which carried unanimously.

**Case #ZON2007-01165 (Planning Approval)
Weinacker's Montessori School, Inc.**

227 Hillcrest Road
(East side of Hillcrest Road, 625'± South of Cedar Bend Court).
Planning Approval to allow a school in an R-1, Single-Family Residential District.
Council District 5

Don Coleman of Rester and Coleman represented the applicant and asked that the case be held over until the August 16, 2007, meeting.

Hearing no opposition and no other discussion, Chairman Plauche moved to hold the matter over at the applicant's request until the August 16, 2007, meeting.

Mr. DeMouy seconded the motion, which carried unanimously.

**Case #SUB2007-00132 (Subdivision)
Grady Subdivision**

2870 Johnson Road West
(Southwest corner of Johnson Road West and Cowart Road).
68 Lots / 20± Acres

Ben White with Geographic Solutions spoke for the applicant, saying the project came up last month with recommendations which have now been met. He requested that the matter be heard.

Hearing no opposition and no further discussion, Dr. Rivizzigno moved to approve the above referenced subdivision, seconded by Mr. Vallas, with the following conditions:

- 1) **the dedication of sufficient right-of-way along Johnson Road West to provide 50' from centerline for the portion on the Major Street Plan;**
- 2) **that Johnson Road West be improved to County standards up to the entrance to the proposed development;**

- 3) the placement of a note on the Final Plat stating that direct access is denied to Johnson Road West for Lots 1, and 63-68; and that direct access is denied to Cowart Road for Lots 35-37, 48-50, and 61-63;
- 4) the placement of a note on the Final Plat stating that Lots 1, 17, 23, 24, 29, 30, 42, 43, 55, 56 and 68 are corner lots be limited to one curb cut with the size, design and location to be approved by County Engineering;
- 5) the placement of a note on the Final Plat stating the denial access to Cowart Road from the access point of the development until Cowart Road is paved to County Engineering standards;
- 6) labeling of each lot with its size in square feet, or provision of a table on the plat with the same information;
- 7) the placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;
- 8) the labeling of all easements and Common Areas accompanied by a note on the Final Plat stating that maintenance of the common area will be the responsibility of the property owners; and,
- 9) the provision of a certification letter from a licensed engineer to the Planning Section of Urban Development, certifying that the stormwater detention, drainage facilities, and release rate comply with the City of Mobile stormwater and flood control ordinances, prior to the signing and recording of the final plat.

The motion carried unanimously.

Case #ZON2007-01541 (Sidewalk Waiver)

The Pines at the Preserve LLC

North side of Girby Road, 1800'± West of Rue Preserve, and extending Northwest to Lloyds Lane.

Request to waive construction of a sidewalk along Girby Road and Lloyds Lane.

Council District 6

Mr. Vallas and Mr. Watkins recused themselves.

The applicant was in agreement with the conditions.

Hearing no opposition and no discussion, Mr. Miller moved to approve the above referenced sidewalk waiver. The motion was seconded by Dr. Rivizzigno.

The motion carried unanimously.

Case #SUB2007-00130 (Subdivision)

St. Dominic Church Subdivision

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

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(North side of Burma Road, between Santa Maria Court and St. Dominic Place).
1 Lot / 12.0± Acres
(Also see **Case #ZON2007-01487 (Planning Approval) - St. Dominic Church**,
below)

Don Coleman, Rester and Coleman, spoke on behalf of the applicant and requested that the case be held over until the August 16, 2007, meeting.

Hearing no opposition and no discussion, Mr. Plauche moved to hold over the case until the August 16, 2007, meeting.

Mr. DeMouy seconded and the motion carried unanimously.

**Case #ZON2007-01487 (Planning Approval)
St. Dominic Church**

4068, 4156, & 4160 Burma Road and 1168 Santa Maria Court
(North side of Burma Road, between Santa Maria Court and St. Dominic Place).
(Also see **Case #SUB2007-00130 (Subdivision) - St. Dominic Church Subdivision**,
above)

After hearing the applicant, Chairman Plauche moved to hold over the case until the August 16, 2007, meeting.

Mr. DeMouy seconded and the motion carried unanimously.

**Case #SUB2007-00116 (Subdivision)
Myers at General Bullard Subdivision**

4686 Airport Boulevard
(Northeast corner of Airport Boulevard and General Bullard Avenue).
1 Lot / 1.1± Acres
(Also see **Case #ZON2007-01460 (Planned Unit Development) -
Myers at General Bullard Subdivision**, below)

Rob Myers with Myers Oil Company spoke on behalf of the applicant. He stated there were no objections to the recommendations except for the removal of the southern most curb cut on General Bullard. He added that there had been several pre-development meetings with the City's engineering and traffic engineering departments beginning in July of 2006 and both departments had "given their blessing" to the curb cuts. It is needed for circulation.

Jennifer White, Traffic Engineer for the city, confirmed that the curb cuts had been okayed by Bill Metzger, head of Traffic Engineering.

Mr. Mead, Mr. Watkins, and Mr. Vallas all expressed concerns regarding traffic issues and specific means of managing traffic if someone were to choose to exit by the new proposed entrance. Ms. White assured the Commission that there were further steps the

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applicant had to complete with the Traffic Engineering Department that should assure proper management of the curb cut.

Hearing no opposition and no further discussion, Mr. Vallas moved, with Mr. Watkin's second, to approve the above referenced subdivision, subject to the following:

- 1) placement of a note on the final plat stating that the development is limited to two curb-cuts onto Airport Boulevard and one curb cut to General Bullard (located at the North half of the site), with the size, design and location to be approved Traffic Engineering, and to comply with AASHTO standards; and,**
- 2) full compliance with all other municipal codes and ordinances.**

The motion carried with one dissenting vote.

Case #ZON2007-01460 (Planned Unit Development)

Myers at General Bullard Subdivision

4686 Airport Boulevard

(Northeast corner of Airport Boulevard and General Bullard Avenue)

(Also see **Case #SUB2007-00116 (Subdivision) - Myers at General Bullard Subdivision**, above)

After discussion, Mr. Vallas moved, with Mr. Watkin's second, to approve the above referenced subdivision, subject to the following:

- 1) the submission of the revised PUD plan illustrating the removal of the southern curb cut along General Bullard;**
- 2) direction of any car washing run-off to an oil separator prior to discharge into the sanitary sewer system;**
- 3) compliance with the lighting requirements of Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;**
- 4) provision of a revised PUD site plan prior to the signing of the final plat;**
- 5) completion of the Subdivision process; and,**
- 6) full compliance with all other municipal codes and ordinances.**

The motion carried with one dissenting vote.

Case #SUB2007-00154

Broad-Elmira Subdivision

412 South Broad Street

(Northwest corner of Broad Street and Elmira Street).

2 Lots / 0.9± Acre

Mr. Vallas recused himself from the matter.

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Barja Wilson, an architectural designer and member of the city's Architectural Review Board expressed opposition to the curb cut as she felt it would detract from the historical integrity of the neighborhood and community. She felt the area would be better off with residential zoning.

Mr. Plauche advised Ms. Wilson that the area was already zoned commercial and the matter before the Board today only dealt with subdividing a lot and nothing to do with zoning matters.

William Carroll, Councilman District 2, reminded the Commission of the city's plans to revitalize that area, and expressed his hopes that they would keep in mind the city's desire to keep the area neighborhood friendly.

Jerry Byrd, Byrd Surveying Company, agreed with the recommendations, but asked for a 20 ft building setback off of Elmira Street, which is allowed by zoning, and a 25 ft building setback off of Broad Street.

Mr. Olsen advised that the Commission could allow for the modified setbacks, as they had historically done so. He also noted that the City Council had voted the day before to extend the Oakleigh Historic District to include this site as well as others along Broad Street, therefore any development in the area would have to go before the Architectural Review Board, which controls any type of aesthetics for development of the site.

Hearing no opposition and no further discussion, Mr. Miller moved, with Mr. Watkin's second, to approve the above referenced subdivision, subject to the following:

- 1) the dedication of sufficient radius along the intersection of South Broad Street and Elmira Street to be approved by City Engineering;**
- 2) the placement of a note on the Final Plat stating that Lot 1 is allowed one curb cut onto Elmira Street and two curb cuts to South Broad Street, with the size, design and location to be approved by Traffic Engineering; and,**
- 3) the placement of the 25-foot minimum setback line along Broad Street and 20-foot minimum building setback line on Elmira Street on the Final Plat.**

The motion carried unanimously.

EXTENSIONS:

Case #SUB2005-00065 (Subdivision)
The Quarters at Heron Lakes Subdivision

North terminus of Skyview Drive, extending to the West side of Skywood Drive, 650'±
South of Government Boulevard.

83 Lots / 18.3± Acres

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Hearing no opposition and no discussion, Mr. Plauche moved to approve, with Mr. DeMouy's second.

The motion carried unanimously.

Case #ZON2005-00803 (Planned Unit Development)

The Quarters at Heron Lakes Subdivision

North terminus of Skyview Drive, extending to the West side of Skywood Drive, 650'± South of Government Boulevard.

Planned Unit Development Approval to allow a gated, private street town home and single-family residential subdivision with reduced lot widths and sizes, reduced building setbacks, increased site coverage, alleyway access, and on-street parking.

Hearing no opposition and no discussion, Mr. Plauche moved to approve, with Mr. DeMouy's second.

The motion carried unanimously.

Case #2005-00132 (Subdivision)

D'Iberville Town Homes Subdivision

South side of Southland Drive, 800'± West of Knollwood Drive, extending to the West terminus of Southland Drive.

58 Lots / 10.8± Acres

Hearing no opposition and no discussion, Mr. Plauche moved to approve, with Mr. DeMouy's second.

The motion carried unanimously.

Case #ZON2005-01291 (Planned Unit Development)

D'Iberville Town Homes Subdivision

South side of Southland Drive, 800'± West of Knollwood Drive, extending to the West terminus of Southland Drive.

Planned Unit Development Approval to amend a previously approved planned unit development to allow reduced lot widths, reduced building setbacks, increased site coverage, shared parking, and reduced street widths in a single-family residential town home subdivision.

Hearing no opposition and no discussion, Mr. Plauche moved to approve, with Mr. DeMouy's second.

The motion carried unanimously.

Case #ZON2005-01390 (Planned Unit Development)

Cottage Hill Baptist Church Subdivision

4255 Cottage Hill Road

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(Southeast corner of Cottage Hill Road and North Demetropolis Road, extending to the North side of Thigpen Drive South, and, Southeast corner of North Demetropolis Road and Thigpen Drive South, extending to the North side of Troy Lane).

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

Hearing no opposition and no discussion, Mr. Plauche moved to approve, with Mr. DeMouy's second.

The motion carried unanimously.

Case #ZON2005-01393 (Planned Unit Development)

McGill-Toolen High School

1501 Old Shell Road

(South side of Old Shell Road extending from the West side of Lafayette Street to the East side of Catherine Street; Northwest corner of Old Shell Road and Kilmarnock Street, and North side of Old Shell Road between Kilmarnock Street and Catherine Street; Northeast corner of Dauphin Street and Lafayette Street; Northwest corner of Dauphin Street and Lafayette Street; Southeast corner of Old Shell Road and Lafayette Street and extending South along the East side of Lafayette Street 695'±).

Planned Unit Development Approval to allow multiple buildings on multiple building sites with shared access and parking between sites.

Hearing no opposition and no discussion, Mr. Plauche moved to approve, with Mr. DeMouy's second.

The motion carried unanimously.

Case #SUB2006-00149

Falling Leaf Subdivision, Unit One (Formerly Known as Sollie Road Subdivision)

East side of Sollie Road, 400'± North of the East terminus of Isle of Palms Drive, extending to the East terminus of Raleigh Boulevard.

51 Lots / 70.3± Acres

Hearing no opposition and no discussion, Mr. Plauche moved to approve, with Mr. DeMouy's second.

The motion carried unanimously.

Case #ZON2006-01281 (Planned Unit Development)

Spring Hill College (Dr. Charmaine May, Agent)

4000 Dauphin Street

(North side of Dauphin Street, 1800'± West of Interstate 65)

Planned Unit Development Approval to amend a previously approved Master Plan for an existing college in an R-1, Single-Family Residential district.

Hearing no opposition and no discussion, Mr. Plauche moved to approve, with Mr. DeMouy's second.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2007-00163

Ernest & Robin Place

North side of Harvest Boulevard South, 145'± East of Pamona Parkway.

1 Lot / 0.5± Acre

The chair stated the applicant was agreeable with the recommendations and asked if there were any present who wished to speak on the matter.

Hearing no opposition and no discussion, Mr. Watkins moved to approve the above referenced subdivision, subject to the following:

- 1) **dedication sufficient to provide 30 feet from the centerline of Harvest Boulevard South;**
- 2) **revision of the 25-foot minimum building setback depending upon any dedication required;**
- 3) **provision of a note on the final plat stating that the site is limited to one curb cut, with the size, design, and location of the curb cut to be approved by Mobile County Engineering;**
- 4) **labeling of each lot with the size, in square feet, or provision of a table with the same information;**
- 5) **provision of a note should be placed on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and,**
- 6) **provision of a note on the final plat stating that the development will be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering.**

Dr. Rivizzigno seconded the motion, which carried unanimously.

Case #SUB2007-00168

Alabama West Subdivision, Unit Three

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South side of McVay Drive, 1300'± East of Halls Mill Road.
1 Lot / 1.7± Acres

The chair advised that this matter was recommended for holdover until the August 16, 2007, meeting, however, if anyone needed to speak with regards to it, they would be heard.

Kirk Clayton with Goodwyn, Mills, and Cawood, spoke representing Alabama Realty, the applicant. He asked if they decided to retain all the originally approved Lot 19, the application for which expired in 2006, would it require a new application or just the re-submittal of a plat showing all of Lot 9, under the original application?

Mr. Olsen advised that if only the remainder of the original Lot 9 is included then no, there would be no need for a new application, a revised plat. However, if the applicant chose to do otherwise, then there would need to be a new application.

Hearing no opposition and no further discussion, Mr. Plauche moved to hold the matter over until the August 16, 2007, meeting, for the following reasons:

to allow the applicant to either revise the plat to include all of the originally-approved Lot 9 in this subdivision, or include all of the remaining Lots 1 – 5 and Lots 9 – 13 in a revised subdivision

This was seconded by Mr. Miller and the motion carried unanimously.

Case #SUB2007-00161
New Home Subdivision

North side of Hayfield Road, 175'± West of Old Pascagoula Road.
2 Lots / 3.5± Acres

The chair stated the applicant was in agreement with the staff's recommendations, and asked if there was anyone who wished to speak on the matter.

Warren Lee, 6148 Old Pascagoula Road, Theodore, AL, spoke in opposition to the matter, making the following points:

- (1) requesting that the Commission enforce the regulations and impose the applicable penalties found in the subdivision regulations of the City of Mobile, Penalty Section B, page 21, in violation of these regulations was a deed to a lot of a sub-standard size, 10,440 sq. ft., found in Book 6046, Page 142, signed September 18, 2006. He stated that he had found no record of any deed to any lot that met the minimum size standards. He said it appeared that the owners had deeded a lot that was too small prior to asking for this application;
- (2) No evidence could be found verifying the approval of

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- 21st Mortgage Company for this application. 21st Mortgage Company is listed as holding the mortgage on this property, per Book 6175, Page 1487, of the Probate records; and,
- (3) the subdivision adjoins commercial property on one side and therefore, an approved buffer or fence is required, preferably a fence, the length of which needed to be dictated by the Commission.

Mr. Olsen made questions regarding what substandard parcel Mr. Lee was referencing, as the application before the Commission that day had 20,000 square feet, which exceeded the minimum requirements of the subdivision regulations, and that buffers are required only in cases where a commercial property abuts a residential property. Mr. Olsen also stated, with confirmation from Mr. Lawler, that a mortgage company sign off would be required at the time the final plat is recorded but not until.

Mr. Joe Riggins of Baskerville-Donovan spoke, representing the applicant. He stated the reason for the subdivision is the property owner was giving a piece of property to his granddaughter. Initially, the property was substandard, which was one of the issues that led them before the Planning Commission. He went on to say that the mortgage company had been informed of the applicant's actions to correct the original error.

Mr. Watkins commented on the pictures that had been presented to the Commission regarding the apparent lack of upkeep on the property.

Mr. Olsen said that as the property was located in the county, concerns regarding such matters should be taken to them.

In deliberation session, Mr. Olsen remarked that there is a family squabble between the property owners and that he believed some of that had come before the Commission today, however, there did appear to be some environmental issues that needed to be referred to the County Environmental officers.

After more discussion regarding whether or not a privacy fence, due to current circumstances, could be required, Mr. Vallas moved, with Dr. Rivizzigno's second, to approve the above referenced subdivision, subject to the following:

- 1) placement of a note on the final plat stating that each lot is limited to one curb cut to Hayfield Road, with the size, location, and design to be approved by the Mobile County Engineering Department;**
- 2) depiction of the 25' minimum building setback line along Hayfield Road;**
- 3) revision of the plat to label each lot with its size in square feet, or provision of a table on the plat depicting the same information.**
- 4) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;**
- 5) placement of a note on the Final Plat stating that development will be**

designed to comply with the stormwater detention and drainage facilities 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 facilities of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification to be submitted to the Planning Section of Urban Development and County Engineering; and,
6) provision of a privacy fence.

The motion carried unanimously.

Case #SUB2007-00166

Brown/Hanberg Estates Subdivision

West side of Cedar Crescent, at the West terminus of South Drive.

2 Lots / 0.8± Acres

The Chair acknowledged the applicant was in agreement with the recommendations and asked if there was anyone who wished to speak on the matter.

Douglas Tidwell, spoke on behalf of his mother who lives next door to the proposed subdivision and is opposed to it. He stated the following points:

- (A) the lot is extremely low;
- (B) lots to the north and south drain into this lot;
- (C) when it rains, water ponds on it for days;
- (D) it will be located in a very heavily traveled intersection; and,
- (E) lot 2 will look into the back of the resident's home, which they perceive as an invasion of privacy.

Holly Hanberg, one of the property owners, addressed the concerns. She stated:

- (A) the lots will be of appropriate size;
- (B) they are building in a somewhat repressed area;
- (C) the road involved is not a major road and she felt is not heavily traveled;
- (D) she had spoken with Mr. John Williams, council person for that district who had mentioned that everything looked okay and would be in conjunction with what the Planning Commission has set out; and,
- (E) they would agree to all that had been set out.

During deliberation, Mr. Watkins brought up the fact that this was a flag shaped lot and out of character with the neighborhood. Mr. Miller agreed and moved to deny the application, which Mr. Watkins seconded, for the following reasons:

- 1) the proposed flag-lot would not be characteristic of the area, per Section V.D.1. of the Subdivision Regulations; and**
- 2) the proposed flag-lot would exceed the depth to width ratio of Section V.D.3. of the Subdivision Regulations.**

The motion carried unanimously.

Case #SUB2007-00172

Resubdivision of Lot 11, Block C, Glen Acres Subdivision, First Addition

1301 Wilkins Street and 8903 Glen Acres Drive North

(Southwest corner of Wilkins Street and Glen Acres Drive North).

2 Lots / 0.9± Acres

The Chair stated the applicant was agreeable with the recommendations and asked if there were any who wished to speak on this issue.

Hearing no discussion, Mr. Watkins moved to approve, with second by Dr. Rivizzigno, the above referenced subdivision, subject to the following:

- 1) **provision of a note on the final plat stating that Lot 11-A is limited to one curb cut to Glen Acres Drive North, and Lot 11-B is limited to one curb cut to Wilkins Street, with the size, design, and location of all curb cuts to be approved by Mobile County Engineering;**
- 2) **labeling of each lot with the size, in square feet, or provision of a table with the same information;**
- 3) **provision of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and**
- 4) **provision of a note on the final plat stating that the development will be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering.**

The motion carried unanimously.

Case #SUB2007-00174

Resubdivision of James Thomas Barnes Subdivision

7421 & 7425 Old Shell Road

(Southeast corner of Old Shell Road and Fairview Street).

2 Lots / 3.3± Acres

The Chair stated the applicant was agreeable with the recommendations and asked if there were any who wished to speak on this issue.

Hearing no discussion, Mr. Watkins moved to approve, with second by Dr. Rivizzigno, the above referenced subdivision, subject to the following:

With a waiver of Section V.D.3 of the Subdivision Regulations, the plat meets the minimum requirements of the Subdivision Regulations, and requires:

- 1) provision of a note on the final plat stating that Lot A is limited to one curb cut, and Lot B is limited to two curb cuts to Old Shell Road with the size, location, and design of all should be approved by County Engineering;
- 2) provision of a note on the final plat stating that access is denied to Fairview Street East until it is improved to County Standards, with a maximum of one curb cut at that time;
- 3) labeling of each lot with the size, in square feet, or provision of a table with the same information;
- 4) provision of a note should be placed on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and
- 5) provision of a note on the final plat stating that the development will be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering.

The motion carried unanimously.

Case #SUB2007-00171

F & S Subdivision, Resubdivision of Lots 1 and 2

4425 Demetropolis Road

(Southeast corner of Demetropolis Road and Fellowship Drive).

3 Lots / 6.2± Acres

The Chair stated the applicant was agreeable with the recommendations and asked if there were any who wished to speak on this issue.

Hearing no discussion, Mr. Watkins moved to approve, with second by Dr. Rivizzigno, the above referenced subdivision, subject to the following:

- 1) provision of a note on the final plat stating that Lot 1A is limited to the existing curb cuts, Lot 2A is limited to two curb cuts to Demetropolis Road, and one curb cut to Executive Park Drive, and Lot 3A is limited to one curb cut to Fellowship Drive and one curb cut to Executive Park Drive, with the size, location, and design of all curb cuts to be approved by County Engineering;

- 2) **labeling of the amount of road frontage along Executive Park Drive for the Lot 2A and Lot 3A;**
- 3) **labeling of the right-of-way width of Executive Park Drive;**
- 4) **labeling of each lot with the size, in square feet, or provision of a table with the same information;**
- 5) **provision of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and**
- 6) **provision of a note on the final plat stating that the development will be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering.**

The motion carried unanimously.

Case #SUB2007-00173

Overlook Place Subdivision

6510 Overlook Road

(Northeast corner of Overlook Road and Garwood Avenue).

3 Lots / 1.5± Acres

The Chair stated the applicant was agreeable with the recommendations and asked if there were any who wished to speak on this issue.

Cindy Antwine, 1512 Garwood Avenue, stated the property was directly beside her home of 5 years. She expressed concern over whether or not the property would be multi-family use. She was advised it was zoned for R-1, single family usage, and that, according to the plans, it appeared they were going to divide the lot and built out two new homes.

Hearing no further discussion, Mr. Vallas moved to approve the above referenced subdivision, with Mr. Watkins' second, subject to the following:

- 1) **dedication of a radius at the intersection in compliance with Section V.B.16 of the Subdivision Regulations;**
- 2) **illustration of the 25-foot minimum building setback on all street frontages; and**
- 3) **placement of a not on the final plat stating that Lot 1 is limited to the existing curb cuts and that Lots 2 and 3 are limited to one curb cut each, with the sizes, location and design to be approved by Traffic Engineering and conform to AASHTO standards.**

The motion carried unanimously.

Case #SUB2007-00165

Bizjak Subdivision

5850, 5880, & 5894 Plantation Road

(Northwest corner of Middle Road and Plantation Road).

4 Lots / 4.1± Acres

The Chair stated the applicant was agreeable with the recommendations and asked if there were any who wished to speak on this issue.

Hearing no discussion, Mr. Watkins moved, with Mr. DeMouy's second, to approve the above referenced subdivision, subject to the following:

- 1) **provision of a certification letter from a licensed engineer to the Planning Section of Urban Development and the Mobile County Engineering Department, certifying that the stormwater detention and drainage facilities comply with the City of Mobile stormwater and flood control ordinances prior to the signing and recording of the final plat; and**
- 2) **placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.**

The motion carried unanimously.

Case #SUB2007-00167

Bolivia Place Subdivision, Unit One

4716 & 5800 Andrews Road, and 4675 General Road

(Northeast corner of Andrews Road and General Road).

4 Lots / 1.3± Acres

Antonio Vilasela, the owner and applicant, expressed his opposition to the staff's recommendation for denial, making the following points:

- (A) this is a family owned subdivision;
- (B) the lot proposed for subdivision will be divided between his children; and,
- (C) there have already been homes built here.

Mr. Vallas asked the applicant if the Health Department had been contacted regarding the placement of the septic tanks for the houses. Mr. Vilasela said they had not been contacted.

Mr. Vallas and Mr. Plauche advised Mr. Vilasela that he had to contact the Health Department regarding septic tanks before construction.

Mr. Vilasela said two of the homes had already been constructed.

Mr. Miller advised Mr. Vilasela that he should stop building and make sure his application was in order before he proceeded any further.

Mr. Vallas recommended that the whole matter be held over until the August 16, 2007, meeting.

Hearing no further discussion, Mr. Plauche moved, with second by Dr. Rivizzigno, to hold over this case until the August 16, 2007, meeting **to allow the applicant to either revise the plat to include all of the originally-approved Lot 9 in this subdivision, or include all of the remaining Lots 1 – 5 and Lots 9 – 13 in a revised subdivision.**

The motion carried unanimously.

Case #SUB2007-00162

Saddlebrook Subdivision, Unit Five

West side of Saddlebrook Drive West, 660'± North of Saddlebrook Drive.

32 Lots / 53.1± Acres

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

Hearing no discussion, Mr. Watkins moved to approve the above referenced subdivision, with second by Dr. Rivizzigno, subject to the following:

- 1) **the placement of a note on the Final Plat stating that Lots 1, 2, 10, 12 and 20 are corner lots be limited to one curb cut with the size, design and location to be approved by County Engineering;**
- 2) **the placement of a note on the Final Plat denying the development of Lot 32 until approved access is provided.**
- 3) **labeling of each lot with its size in square feet, or provision of a table on the plat with the same information;**
- 4) **the placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;**
- 5) **the labeling of all easements and Common Areas accompanied by a note on the Final Plat stating that maintenance of the common area will be the responsibility of the property owners; and**
- 6) **the provision of a certification letter from a licensed engineer to the Planning Section of Urban Development, certifying that the stormwater detention, drainage facilities, and release rate comply with the City of Mobile stormwater and flood control ordinances, prior to the signing and recording of the final plat.**

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2007-01769

Paul Persons

4474 Halls Mill Road

The Chair announced that this case was recommended for hold over until the August 2, 2007, meeting, however, if there were any who wished to speak on the matter to please do so.

Hearing no discussion, Mr. Plauche moved to **hold the matter over until the August 2, 2007, meeting so that it may be considered with the associated Zoning application.** Dr. Rivizzigno seconded the motion which carried unanimously.

Case #ZON2007-01771

Mikell Taylor

2469 Bragdon Avenue

Doug Anderson of Bowron, Latta, Wadsden Law Firm spoke on behalf of the applicant. He stated they were there requesting that the PUD which had been heard and approved in March of 2007, be amended to leave the parking lot as aggregate instead of paved, due to the following:

- (A) parking is mostly for employees;
- (B) paving will change the engineering calculations thus requiring a retention pond; and,
- (C) a retention pond will require the cutting down of trees between the site and Mobile Street.

Mr. Olsen stated that when the original PUD was approved, depicting paved surface, it was due to the fact that the addition was sizeable and that paved surface would be more in keeping with the improvements.

Ms. Sawyer, City Engineering, stated that they were required to do storm water detention for any improvements since 1984 and that if the gravel parking lot currently there had been put in place after 1984, detention has been a requirement.

After a discussion by Commission members regarding the use of aggregate surfaces in that area, Mr. Vallas moved to approve the above-referenced case, **subject to compliance with the other conditions of the previous PUD approval.** Mr. Watkins seconded the motion, which carried with only Dr. Rivizzigno voicing opposition.

NEW ZONING APPLICATIONS:

Case #ZON2007-01676

Kiel Home Rental, LLC

2720 McKinney Street

(North side of McKinney Street, 70'± West of Farrell Street)

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

Hearing no discussion, Mr. Watkins moved to approve the above referenced new zoning application, with second by Dr. Rivizzigno. The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2007-00164 (Subdivision)

Wimbledon Park Subdivision, Resubdivision of Lot G-5

208 Wimbledon Park West

(West terminus of Wimbledon Park West).

1 Lot / 0.1± Acre

(Also see **Case #ZON2007-01754 (Planned Unit Development)**

Wimbledon Park Subdivision, Resubdivision of Lot G-5, below)

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

Hearing no discussion, Mr. Miller moved to approve the above referenced subdivision, with second by Mr. DeMouy, subject to the following:

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

The motion carried unanimously.

Case #ZON2007-01754 (Planned Unit Development)

Wimbledon Park Subdivision, Resubdivision of Lot G-5

208 Wimbledon Park West

(West terminus of Wimbledon Park West).

(Also see **Case #SUB2007-00164 (Subdivision)**

Wimbledon Park Subdivision, Resubdivision of Lot G-5, above)

Hearing no discussion, Mr. Miller moved to approve the above referenced subdivision, with second by Mr. DeMouy, subject to the following:

- 1) application for building (for storage shed) and demolition (to removed carport) permits; and,**

- 2) **full compliance with all municipal codes and ordinances, including any applicable Fire and Building Code requirements.**

The motion carried unanimously.

Case #SUB2007-00169 (Subdivision)

Toulminville Subdivision #2

517 and 518 James H. Finley Drive

(Southeast corner of James H. Finley Drive and Schwarz Street, and extending South to Clement Street & Northeast corner of James H. Finley Drive and Clement Street, and extending North to the corner of Hathcox Street and Schwarz Street).

24 Lots / 5.7± Acres

(Also see **Case #ZON2007-01770 (Planned Unit Development)**)

Toulminville Subdivision #2, below)

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

Hearing no discussion, Mr. Miller moved to waive Section V.D.2 for Lots 2-7 and Lot 10, and to approve the above referenced subdivision, subject to the following conditions:

- 1) **compliance with Engineering comments (*It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit.*);**
- 2) **dedication of right-of-way sufficient to provide 25 feet, as measured from the centerline of both Hathcox and Clement Streets;**
- 3) **placement of a note on the final plat stating that Lots 8 through 24 are limited to access only to James H. Finley Drive (denied access to other streets), and all lots are limited to one curb-cut each, with the size, design and location to be approved by Traffic Engineering and conform with AASHTO standards;**
- 4) **placement of the PUD side and rear yard setback and site coverage information (clearly specifying which lots are allowed increased site coverage and reduced setbacks), on the final plat, as shown on the preliminary plat;**
- 5) **depiction of any storm water detention common area, if required, and the placement of a note on the final plat stating that maintenance of the common area is the responsibility of the homeowners;**
- 6) **provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final plat; and,**
- 7) **full compliance with all other municipal codes and ordinances.**

The motion was seconded by Mr. Vallas and passed unanimously.

Case #ZON2007-01770 (Planned Unit Development)

Toulminville Subdivision #2

517 and 518 James H. Finley Drive

(Southeast corner of James H. Finley Drive and Schwarz Street, and extending South to Clement Street & Northeast corner of James H. Finley Drive and Clement Street, and extending North to the corner of Hathcox Street and Schwarz Street).

(Also see **Case #SUB2007-00169 (Subdivision) Toulminville Subdivision #2**, above)

Hearing no discussion, Mr. Miller moved to approve the above referenced subdivision, subject to the following conditions:

- 1) **completion of the Subdivision process;**
- 2) **compliance with Engineering comments *(It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit.)*;**
- 3) **dedication of right-of-way sufficient to provide 25 feet, as measured from the centerline of both Hathcox and Clement Streets;**
- 4) **placement of a note on the final plat stating that Lots 8 through 24 are limited to access only to James H. Finley Drive (denied access to other streets), and all lots are limited to one curb-cut each, with the size, design and location to be approved by Traffic Engineering and conform with AASHTO standards;**
- 5) **placement of the PUD side and rear yard setback and site coverage information (clearly specifying which lots are allowed increased site coverage and reduced setbacks), on the final site plan, as shown on the preliminary site plan;**
- 6) **depiction of any storm water detention common area, if required, and the placement of a note on the final site plan stating that maintenance of the common area is the responsibility of the homeowners;**
- 7) **provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final subdivision plat; and**
- 8) **full compliance with all other municipal codes and ordinances.**

The motion was seconded by Mr. Vallas and passed unanimously.

Case #SUB2007-00170 (Subdivision)

Franklin Primary Health Center Subdivision, Unit Two

1306, 1312, & 1316 Dr. Martin Luther King, Jr. Avenue

(Northeast corner of Dr. Martin Luther King Jr. Avenue and Peach Street).

1 Lot / 0.7± Acre

(Also see **Case #ZON2007-01772 (Planned Unit Development)**)

Franklin Primary Health Center, Inc., and, **Case #ZON2007-01773 (Rezoning)**

Franklin Primary Health Center, Inc., below)

Don Coleman of Rester and Coleman spoke for the applicant asking that condition number 2 of the PUD and the subdivision, which calls for the denial of a driveway off of Peach Street, be deleted. He gave the following points as to why:

- 1) the only access to the parking lot at this locations is Dr. Martin Luther King Avenue, a very heavily traveled street;
- 2) anyone traveling east on Dr. Martin Luther King Avenue would have trouble turning left to get on this driveway into the parking lot, due to the amount of traffic on that street; and,
- 3) ingress/egress from the parking lot onto Peach Street would take some of the pressure off of the traffic on Dr. Martin Luther King Avenue.

Dorothy Jones, 1315 Hercules Street, had concerns about the parking lot as it abuts her backyard. She expressed concern over what type of fence would be installed to protect her grandchildren as they played in her backyard. She also mentioned that there were new survey stakes in her backyard and she didn't know what to do about them.

Mr. Olsen advised her that any type of boundary dispute, property line location dispute, is a civil matter between property owners, but he suggested that she contact the applicant's engineer to see if they could determine exactly what the problem was and how to rectify it. He also advised her that the commercial property abutting hers was required to provide a buffer of some type, and that the current plan illustrates a 6 feet high wooden privacy fence along the rear property lines.

Hearing no further discussion, Mr. Vallas moved to approve the above referenced case, revising condition number 2 to allow one curb cut to Peach Street, with the size, location, design and approval of the city's Traffic Engineering department, in addition to the following conditions:

- 1) **placement of a note on the final plat stating that the lot is limited to one curb-cut onto Dr. Martin Luther King, Jr. Avenue and one curb-cut onto Peach Street, with the size, design and location to be approved by Traffic Engineering, and in conformance with AASHTO standards; and,**
- 2) **revision of the plat to label the lot with its size in square feet.**

The motion was seconded by Ms. Butler and was approved unanimously.

Case #ZON2007-01772 (Planned Unit Development)

Franklin Primary Health Center, Inc.

1306, 1312, & 1316 Dr. Martin Luther King, Jr. Avenue

(Northeast corner of Dr. Martin Luther King Jr. Avenue and Peach Street).

(Also see **Case #SUB2007-00170 (Subdivision)**)

Franklin Primary Health Center Subdivision, Unit Two, above, and **Case #ZON2007-01773 (Rezoning) Franklin Primary Health Center, Inc.**, below)

After discussion, Mr. Vallas moved to approve the above referenced case, revising condition number 2 to allow one curb cut to Peach Street, with the size, location, design, and approval of the city's Traffic Engineering department, as well as the inclusion of condition number 10, calling for an 8 foot wooden privacy fence, in addition to the following conditions:

- 1) **placement of a note on the site plan stating that PUD approval is site plan specific, and that any changes to the site plan, including the existing health center facility, will require a new application to the Planning Commission;**
- 2) **revision of the site plan to depict parking area buffering in compliance with Section 64-4.A.3.i. of the Zoning Ordinance, where the proposed parking lot abuts or is across the street from residential zoning districts;**
- 3) **revision of the site plan to place the requirements of Section 64-6.A.3.c., *Lighting*, as a note on the site plan: *“If parking areas contain ten (10) or more cars, lighting shall be provided and maintained during their operation, and shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic.”***
- 4) **revision of the site plan to depict compliance with the tree and landscaping requirements of the Zoning Ordinance for the proposed parking area;**
- 5) **revision of the site plan to depict a storm water detention area for the proposed parking area, if required;**
- 6) **revision of the site plan for the proposed parking area to depict complete removal of any existing, unused curb-cuts, and provision of appropriate landscaping for those areas;**
- 7) **revision of the site plan to direct pedestrian traffic from the proposed parking area to the intersection of Peach Street and Dr. Martin Luther King, Jr. Avenue for street crossing to the health center;**
- 8) **provision of a revised PUD site plan (and parking area specific site plan) to the Planning Section of Urban Development prior to the signing of the final subdivision plat;**
- 9) **full compliance with all other municipal codes and ordinances; and**
- 10) **provision of an 8-foot high wooden privacy fence where the site abuts residentially-zoned property to the North and East.**

Ms. Butler seconded this motion which carried unanimously.

Case #ZON2007-01773 (Rezoning)

Franklin Primary Health Center, Inc.

**Planning Commission Minutes
July 19, 2007**

1306, 1312, & 1316 Dr. Martin Luther King, Jr. Avenue
(Northeast corner of Dr. Martin Luther King Jr. Avenue and Peach Street).
(Also see **Case #SUB2007-00170 (Subdivision), Franklin Primary Health Center Subdivision, Unit Two**, and **Case #ZON2007-01772 (Planned Unit Development) Franklin Primary Health Center, Inc.**, above)

After discussion, Mr. Vallas moved to approve the above referenced case, revising condition number 1 to provide an 8 feet high wooden privacy fence, in addition to the following conditions:

- 1) the provision of an 8-foot high wooden privacy fence and residential adjacency buffers, as required by the Zoning Ordinance; and,**
- 2) full compliance with all municipal codes and ordinances.**

Ms. Butler seconded the motion which carried unanimously.

OTHER BUSINESS:

Hearing no further business, the Chair adjourned the meeting in regular fashion.

APPROVED: August 7, 2008

Bill de Mouy, Secretary

Terry Plauche, Chairman

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