

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF JANUARY 18, 2007 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
Victoria Rivizzigno, Secretary
Ann Deakle
William DeMouy
Roosevelt Turner
John Vallas

Members Absent

Clinton Johnson
Nicholas Holmes, III
James Watkins, III

Staff Present

Frank Palombo, Planner II
Bert Hoffman, Planner I
Mae Sciple, Secretary II

Others Present

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

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.

APPROVAL OF MINUTES:

A motion was made by Mr. Plauche and seconded by Mr. Miller to approve the minutes of the November 2, November 16, and December 7, 2007 meetings as submitted. The motion carried unanimously.

HOLDOVERS:

Case #SUB2006-00285

Armstrong Subdivision

West side of Yeend Street, 800'± South of Baker Street.
2 Lots / 9.4± Acres

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

After discussion a motion was made by Mr. Miller and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

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- 1) provision of a 75' setback from the centerline of Yeend Street to allow for the future major street (50' from centerline for the major street right-of-way and 25' for the required setback);
- 2) placement of a note on the final plat stating the size, location and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards; and
- 3) compliance with Engineering Comments (Show limit of flood zone/flood way on plat. Show minimum finished floor elevation on each lot. Show any drainage easements. No fill allowed in flood zone without land disturbance permit. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands. If wetlands are present, no fill allowed without a Corps of Engineers permit. 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.

Case #SUB2006-00293

McTaylor Subdivision 1750 Dawes Road
(West side of Dawes Road, 570'± North of Augusta Drive).
2 Lots / 1.9± Acres

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

After discussion a motion was made by Ms. Deakle and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

- 1) placement of a note on the final plat stating that future subdivision of Lot 2 not allowed until additional frontage on a public street is provided;
- 2) adjustment of the 25-foot minimum building setback line to reflect a future right-of-way width of 100 feet for Dawes Road;
- 3) placement of a note on the final plat stating that each lot is limited to one curb cut onto Dawes Road, with the size, design and location to be approved by the Mobile County Engineering Department;
- 4) placement of a note on the plat stating that a letter from a licensed engineer certifying compliance with the City of Mobile's stormwater and flood control ordinances must be provided to the Mobile County Engineering Department and the Planning Section of Urban Development prior to the issuance of permits;

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- 5) labeling of each lot with its size in square feet, or provision of a table on the plat with the same information;
- 6) correction of the written legal description; and
- 7) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2006-00310

Colleton Place Subdivision

8101 Howells Ferry Road

(South side of Howells Ferry Road at Harvey Hill Road).

148 Lots / 46.6± Acres

Waive Section V.D.2. for minimum lot size requirements, Section V.D.9. for building setbacks, and Section V.D.3. for lot 44

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

Mr. Plauche asked if there was anyone present who wished to speak in this matter.

Jeff Hines, a resident of 8277 Howells Ferry Road, stated that he owned 8 1/2 acres to the West and North of the subject property. Mr. Hines said that his son, Steve Stewart, had an environmental engineering background, and he would like for him to speak on his behalf.

Steve Stewart, also residing at 8277 Howells Ferry Road, stated that he and his parents were not opposed to the subdivision, but had some concerns, one being the potential wetlands on the property, and a natural feature that runs through his parents property. He pointed out that there was a pond on this property, and any fill in that area coming onto his property would impact the pond and therefore the drainage. Mr. Stewart also stated that due to the density of the proposed subdivision, his parents would like the Commission to consider requiring some sort of buffer or privacy fence along the boundary. He noted that his parents' property had recently been subdivided as a family subdivision - Rolling Meadows Estates - with significantly larger lot sizes. Mr. Stewart also noted that the U.S.G.S. map shows that there was a stream starting on this proposed subdivision, running through their property, and continues on down as part of Pierce Creek. The location of the proposed retention ponds would require that that area be significantly re-graded, and his parents were concerned that it would be graded in such a way that it would redirect the stream flow around their property causing the pond to dry up and affect the natural resource of the stream, even downstream from them.

There being no one else to speak, Mr. Plauche asked Mr. Orrell if he would like to comment on Mr. Stewart's remarks.

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Matt Orrell, Polysurveying, pointed out that condition #1 of the staff recommendations was certifying that stormwater detention and drainage release at the same rates as the City, so they were taking all the drainage into consideration. He said that the detention pond shown on the plat may be in a different location after they get through with their plans, but it would be sufficient retention to handle whatever they build in there.

In deliberations session Mr. Vallas pointed out that in the County a buffer is usually not required for residential development abutting residential.

After discussion a motion was made by Mr. Vallas and seconded by Mr. Miller to waive Section V.D.2. for minimum lot size requirements, Section V.D.9. for building setbacks, and Section V.D.3. for lot 44 and approve the above referenced subdivision subject to the following conditions:

- 1) 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;**
- 2) placement of a note on the plat stating that the approval of all applicable federal, state and local agencies will be required prior to the issuance of any permits or land disturbance activities if wetlands occur on the site;**
- 3) labeling of all common areas (including detention), and placement of a note on the plat stating that maintenance of any common areas is the responsibility of the subdivision's property owners;**
- 4) revision of the plat so that each lot contains a minimum of 5,000 square feet;**
- 5) revision of the plat to label each lot in square feet, or provision of a table on the plat depicting the same information;**
- 6) placement of a note on the plat stating that direct access for lots and common areas onto Howells Ferry Road is denied;**
- 7) depiction of the 15-foot minimum building setback line on the plat;**
- 8) 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.7. of the Subdivision Regulations;**
and
- 9) placement of a note on the plat stating that maintenance of the alleys shall be the responsibility of the property owners.**

The motion carried unanimously.

Case #ZON2006-02684

David Roberts

201 South University Boulevard

(Southeast corner of South University Boulevard and Sunset Drive South).

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Don Williams, Williams Engineering, was present representing David Roberts in this application. Mr. Williams stated that this application was held over from the previous meeting. The staff had added some additional information, but were still recommending denial of this request. Mr. Williams said the applicant's site was at the corner of two major roads - Airport Boulevard and University Boulevard. He said that one of the main things going for this application was in regards to their particular changing situation and frontage road. He pointed out that this site was actually on a service road off of University Boulevard, so that people who come to visit this particular site would not actually be slowing down the traffic by turning on and off of University Boulevard. They would actually be able to get onto the service road, slow down, and make a turn into their property. Mr. Williams said they also felt that this was a good opportunity to make what looks like a residential type of structure. He said there was a residential structure there for many years, but it had recently been torn down. It was previously used for a day care, which was not very suitable for that location due to the traffic and people coming through from Barnhill's back out to the curb cut on University Boulevard. Mr. Williams said they felt this would be a good buffer for the neighborhood. He noted that at the previous meeting he sat next to the adjacent property owner to the east, who would be most affected by this rezoning, and she was in favor of this proposal. He did not know if she was present at today's meeting. Also, he noted that no one from the neighborhood had come to speak in opposition. Mr. Williams further stated that they felt like their driveway coming off of Sunset Drive was an appropriate one. They would be 25 feet off of the service road. Mr. Williams noted that the staff had noted in their report some potential conditions, all of which they felt were appropriate and were in agreement with. The conditions focused on minimizing the impact of their building onto the neighborhood with fencing, with setbacks, with vegetation and with lighting. Although their site plan did not show it, Mr. Williams said it could accommodate all of those things in their current scheme. They felt like it would be a good buffer for the neighborhood because it would look like a residence and it would be occupied during the daytime. He said he had long advocated the benefit of R-1 next to B-1, in that the business could be there during the daytime when many residents are not, and in the evening time it reverses in the neighborhood. They felt the insurance company would also shield some of the noise from University Boulevard, and it would give the residential area a greater buffer from Barnhill's Restaurant. The proposed landscaping would also help in the reduction of noise. There was no landscaping at all on the site now. Mr. Williams said they felt that with the buffering of their building and their parking lot sheltered not only from the side yard but across the street from them catty-corner, this would be an excellent addition which would complement the neighborhood.

Mr. Vallas asked Mr. Williams if he knew the name of the adjoining property owner who was present at the last meeting, and who said she was not opposed to this request.

Mr. Williams said he did not get the lady's name.

Mr. Palombo said the staff had not received any correspondence from this adjoining property owner.

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Mr. Williams said that the property owner just spoke favorably of the proposal, and said she would not have a problem when he told her about the buffering proposed.

Mr. Miller asked Mr. Williams if he had had any discussion with any of the neighbors.

Mr. Williams said he had not spoken with any of the other neighbors.

For the record, Mr. Hoffman said the staff had not received any comments, positive or negative.

Mr. Miller asked if the lot was vacant.

Mr. Williams said the lot was vacant. The house was torn down about six months ago.

Mr. Vallas noted that at the last meeting Mr. Williams offered the neighborhood a little common area for a marquee neighborhood sign. He asked if that was still proposed.

Mr. Williams noted that their frontage on University Boulevard was only about three or four feet away from the edge of the road. He said both of these roads had a asphalt edge to them. They were not curb and guttered, so they were very close on the front. He said it would be hard to even fit a sidewalk, and said they may come back later on if it becomes a difficult thing and request a sidewalk waiver. There was no room there, however, for a sidewalk marquee or neighborhood marker.

Mr. Vallas said he was not asking about a sidewalk, but about a little neighborhood sign.

Mr. Williams said they would have no problem with providing a sign on Sunset Drive South to identify the neighborhood. He had not contacted the neighbors in that regard, but they could put a sign on the neutral ground of the City with permission, or they could provide a sign on their own property. Mr. Williams said he would have no problem if the Commission wanted to make that a condition of approval.

In deliberations session Mr. Vallas made a motion to recommend this change in zoning to the City Council subject to the staff recommendations.

The motion was not seconded.

Dr. Rivizzigno then made a motion to recommend denial of this request to the City Council.

In further discussion Mr. Miller said he was okay with the rezoning for use as an insurance company office, but he was concerned about what it might become later.

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Dr. Rivizzigno further commented that if they continue to allow commercial on University Boulevard, she felt it would continue going north along the whole road, with no sidewalks and no control over signs.

Mr. Vallas said he felt they could require the sidewalks. He noted that there was no one present in opposition, and it seemed to him like it would not be a bad thing for this area. He said they could use Sunset Drive as a north boundary to stop the encroachment of commercial going further north.

Dr. Rivizzigno said she agreed with Mr. Vallas, but was concerned that commercial zoning would jump over the boundary.

Mr. Vallas further stated that, in his opinion, good planning appeared to have more commercial office use on University Boulevard than single-family residential. He did not know who would want to build a house on this site, looking across the street at a drive-through teller of Wachovia, and to the south you would get to see the Food Buffet. He did not think a house was well suited for University Boulevard.

Mr. Miller said if they could find a way to restrict this to this type of daytime office use, then he would be for it. But he agreed that this could turn into some more objectionable use. He also asked why Dr. Rivizzigno mentioned that there would be no sidewalks on University.

Mr. Vallas asked if the applicant requested a sidewalk waiver with this application.

Mr. Hoffman said there was no sidewalk waiver requested with this application, so the applicant would be required to build a sidewalk. As was pointed out, however, the distance between the property line and the edge of the pavement at this location was so small - 3-4 feet across - that they may not have room to build a sidewalk to City standards. Thus, that may imply a sidewalk waiver.

Mr. Miller asked if that was the case on both streets.

Mr. Hoffman said that would only be on the University Boulevard service road.

Mr. Miller asked if they required sidewalks for the chiropractor's office.

Mr. Hoffman said there was no sidewalk at the chiropractor's office from the south.

Dr. Rivizzigno noted that they had already built their sign.

Mr. Vallas felt that the Commission should not punish the applicant based on what the adjoining property owners may have done and how timely they did it. He suggested they look at this application independent of their neighbors. He also pointed out that this was not a PUD, so it was not site-plan-specific. The applicant was not required to submit a

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site plan of their development. He felt that when they apply for permits they would have to submit a site plan that would include a sidewalk.

Mr. Palombo said that was correct. This application was just to request the rezoning of the property. This was a proposed siting. It would not have to be constructed as shown, because it was not site-plan-specific. The site plan review would require the applicant to submit the site plan showing the parking, the building setback, sidewalks, landscaping and trees and signage. For this site, they would be allowed the maximum signage, which was 200 square feet of free-standing sign, and two wall signs.

Mr. Vallas said he could make a motion that the zoning is approved subject to the installation of sidewalks, and that could be made a condition of the zoning.

Mr. Palombo said that could be done. He could also make a condition restricting signage. Since half of the property was fronting residential property, there was no need for signage along the residential street - Sunset Drive. A small monument sign would suffice.

Mr. Vallas suggested they could limit it to a monument sign as opposed to a pylon sign.

Mr. Hoffman also pointed out that condition #8 in the staff recommendations would prohibit any commercial signage along Sunset Drive South.

Mr. Lawler noted that a developer may come in with a plan and say that is what he expect to build on this property and request that it be rezoned for that particular use. Once the property is rezoned, however, anything allowed in that district can go there, unless the Commission ties their particular site plan to the rezoning and requires that it be developed in accordance with that plan.

Mr. Vallas said he felt they should vote on the zoning and not the site plan. He said if they did flip it or modify the building a little bit, he did not know if that would change his feelings.

Dr. Rivizzigno commented that often they see a zoning and a site plan come in together.

Mr. Lawler said they usually do come in together. Over the years he had observed that some developers come in with sort of a stock set of plans for different uses. He emphasized that unless a zoning is tied to a site plan, you lose control over it. They do not have site-specific zoning, unless they make an effort to do it. If a site is zoned B-1 and is not required to be developed in accordance with that plan, later the applicant could come back and say they changed their mind and wanted to do something else. If it fits with B-1 zoning it would be allowed.

Ms. Deakle said her concern was that they would really be violating their own rules by approving this because it does not meet the requirements of the Zoning Ordinance. Then, they would be infringing on a residential neighborhood. If they approved this, B-1 would be going deeper and deeper into this neighborhood, and probably on both sides of the

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street. Ms. Deakle asked why they even needed B-1, which would allow a drive-through restaurant with a speaker. She asked why they couldn't zone it to L-B.

Mr. Vallas said that B-1 was the lowest commercial zoning district they could have. L-B was higher than B-1. They could have a drive-through in L-B, but not in T-B - Transitional Business District.

Mr. Hoffman noted that B-1 was restricted to office type use, so a drive-through would not be allowed.

Mr. Vallas noted that changing conditions was one reason given in the Zoning Ordinance for rezoning a property. He asked if the fact that University Boulevard had grown from 5,000 cars per day to 40,000 cars per day would be enough of a change in conditions since this was originally zoned R-1.

Mr. Lawler said there were a lot of different opinions, and you could make that argument. It was just a matter of what policy the Commission wanted to have, and what their plan was for development in an area like this.

Mr. Miller said that was true, but by the same token, they could justify getting rid of every house on University Boulevard based on that.

Mr. Lawler said he was trying to say that if they wanted to condition the rezoning on certain things happening, they needed to say those things. They needed to tie it to the zoning. The zoning would be limited to B-1, but not necessarily this particular plan.

Mr. Vallas said he was concerned that if they get too site-plan-specific, a developer will contract and they will lay a plan and they won't do their full engineering plans to determine where all the sewer easements are and drainage issues, and then they submit their plans to an engineer and their plans dramatically change from their conceptual thought of how they want to develop the site. Then they have tied to a site plan based on a conceptual plan, when in fact when they finally submit to their engineer to do more detailed plans they discover things. That was the reason he did not think this Planning Commission should get too detailed on site plans at this point. Mr. Vallas said he was going to remove his motion for approval.

Mr. Plauche asked if there was another motion.

Dr. Rivizzigno made a motion to recommend the denial of this request to the City Council for the following reasons:

- 1) no manifest error in the Zoning Ordinance has been shown;**
- 2) changing conditions have not been adequately documented to justify a change in zoning;**
- 3) a need to increase the number of commercial sites has not been demonstrated;**

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- 4) no subdivision of land has occurred;
- 5) the proposed commercial use would be located at a primary entrance to an existing residential subdivision, and would be across the street from existing single-family residences.

Mr. Miller seconded the motion.

There were four votes in favor of the motion and one opposed. The motion carried.

Case #SUB2006-00291 (Subdivision)

Brandonwood Subdivision

2910 and 2916 Cottage Hill Road

(North side of Cottage Hill Road, 60'± West of Coventry Way).

4 Lots / 1.1± Acres

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

In deliberations session Mr. Miller asked about the size of the lots.

Mr. Palombo said they were the minimum size lots. They meet the minimum - 62' lot - and were more than 7200 square feet. A PUD was not required. The plan met the standard setbacks.

Dr. Rivizzigno asked if she understood the plat had been revised for four-lot subdivision rather than five lots as previously proposed.

Mr. Palombo said that was correct.

After discussion a motion was made by Mr. Miller and seconded by Mr. Turner to approve the above referenced subdivision.

The motion carried unanimously.

Case #ZON2006-02546 (Planned Unit Development)

Brandonwood Subdivision

2910 and 2916 Cottage Hill Road

(North side of Cottage Hill Road, 60'± West of Coventry Way).

Planned Unit Development Approval to allow reduced lot widths and setbacks in a single-family residential subdivision.

This application was withdrawn at the applicant's request.

EXTENSIONS:

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Case #SUB2005-00278

Overlook Place Subdivision

6917 and 6951 Overlook Road

(South side of Overlook Road, 950'± East of Cody Road).

29 Lots / 8.1± Acres

The request for the extension of approval of this subdivision was considered.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Miller to grant a one-year extension of approval for the above referenced subdivision.

The motion carried unanimously.

Case #SUB2005-00271

Silverpine Subdivision

North side of Silver Pine Road, ½ mile± West of Schillinger Road.

1,322 Lots / 440.0± Acres

The request for the extension of approval of this subdivision was considered.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Miller to grant a one-year extension of approval for the above referenced subdivision with the addition of the following condition (in addition to the original conditions of approval):

- 1) submission of a letter from a licensed engineer certifying compliance with the City's stormwater and flood control ordinances to the Planning Section of Urban Development and the County Engineering Department prior to the signing of the final plat.**

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS

Case #SUB2006-00319

Austill Plantation Subdivision, Unit 1, Lot 1, Revised

Southwest corner of Austill Avenue and Bexley Lane.

1 Lot / 0.3± Acre

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

After discussion a motion was made by Mr. Turner and seconded by Mr. Miller to approve the above referenced subdivision subject to the following conditions:

- 1) revision of the plat to reflect the current right-of-way width of Austill Avenue, or dedication of sufficient right-of-way to provide 25 feet, as**

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- measured from the centerline of Austill Avenue, with adjustments to building setback lines as needed;
- 2) placement of a note on the plat stating that the lot is limited to one curb-cut onto Austill Avenue and one curb-cut onto Bexley Lane, with the size, design and location to be approved by Traffic Engineering, and comply with AASHTO standards;
- 3) labeling of the lot with its size in square feet, or provision of a table on the plat with the same information; and
- 4) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2006-00314

Wesley and Marcus Tillman Subdivision

4170 Dawes Lane East

(West side of Dawes Lane East, 698'± North of Cochran Place Drive).

1 Lot / 3.0± Acres

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

After discussion a motion was made by Mr. Turner and seconded by Mr. Miller to approve the above referenced subdivision subject to the following conditions:

- 1) completion of the right-of-way vacation process prior to recording the final plat;
- 2) placement of a note on the final plat stating that the lot is limited to two curb-cuts onto Dawes Lane East, with the size, design and location of all curb-cuts to be approved by the Mobile County Engineering Department;
- 3) placement of a note on the plat stating that a letter from a licensed engineer certifying compliance with the City of Mobile's stormwater and flood control ordinances must be provided to the Mobile County Engineering Department and the Planning Section of Urban Development prior to the issuance of permits;
- 4) labeling of each lot with its size in square feet, or provision of a table on the plat with the same information;
- 5) correction of the errors in the legal description, and inclusion of the right-of-way to be vacated in the description; and
- 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.7. of the Subdivision Regulations.

The motion carried unanimously.

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Case #SUB2006-00313

Carlisle Subdivision, Unit One, Lots 52 & 53, Resubdivision of

1500 and 1504 Carlisle Drive West

(Northeast corner of Overlook Road and Carlisle Drive West).

2 Lots / 0.9± Acre

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

After discussion a motion was made by Mr. Turner and seconded by Mr. Miller to approve the above referenced subdivision.

The motion carried unanimously.

Case #SUB2006-00315

M & M Commercial Park Subdivision, Second Addition

5401 Laurendine Road

(South side of Laurendine Road, 230' ± East of Bellingrath Road).

3 Lots / 7.6± Acres

Don Rowe, Rowe Surveying, was present on behalf of the applicant. Mr. Rowe asked Mr. Hoffman if the recommendations on the agenda were the same as the recommendations provided to the Commission.

Mr. Hoffman said the recommendations on the agenda were based on the conversation he had with Mr. Rowe. For clarification, Mr. Hoffman said the members should have been provided a revised sheet containing the revised recommendations. He explained that when the staff report was written they were not aware that at the time the adjacent properties were subdivided they were outside the Planning jurisdiction, but that came into the Planning jurisdiction with the annexation of the Cypress Shores area. Therefore, as proposed, they could not require adjacent property to be brought in. That was the reason the recommendations were revised.

There was no one present in opposition.

After discussion a motion was made by Mr. Miller and seconded by Mr. Turner to approve the above referenced subdivision subject to the following conditions:

- 1) **dedication of sufficient right-of-way to Mobile County to provide 50 feet, as measured from the centerline of Bellingrath Road and Laurendine Road;**
- 2) **adjustment of the 25-foot minimum building setback line to reflect the right-of-way dedication;**

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- 3) **placement of a note on the final plat stating that Lot 4 is limited to two curb-cuts onto Bellingrath Road, that Lot 5 is limited to one curb-cut onto Bellingrath Road, and that Lot 6 is limited to two curb-cuts onto Laurendine Road, with the size, design and location of all curb-cuts to be approved by the Mobile County Engineering Department;**
- 4) **placement of a note on the plat stating that a letter from a licensed engineer certifying compliance with the City of Mobile's stormwater and flood control ordinances must be provided to the Mobile County Engineering Department and the Planning Section of Urban Development prior to the issuance of permits;**
- 5) **labeling of each lot with its size in square feet, or provision of a table on the plat with the same information; and**
- 6) **placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.**

The motion carried unanimously.

Case #SUB2006-00320

T. Todd Martin Subdivision

7358 & 7360 Moffett Road, and 7445 Griffice Road
(North side of Moffett Road, 300'± West of Woodard Drive).
3 Lots / 7.2 Acres
Request the waiver of Section V.D.3.

Shane Sawyer, 41 W. I-65 Service Road North, was present representing the applicant. Mr. Sawyer said they agreed with the recommendations, but asked why the staff recommended only two curb cuts when they had three lots. They showed three curb cuts on their plat.

Mr. Vallas asked Ms. White with Traffic Engineering if they had looked at this.

Ms. White said this subdivision was in the County.

Mr. Stewart with County Engineering said this was State right-of-way, so it made no difference to them.

Mr. Vallas said they would have to get DOT approval.

Mr. Sawyer said he did not know how they would get DOT approval if they were limited to two curb cuts.

Mr. Palombo asked if the curb cuts were shown on the existing site plan.

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Mr. Sawyer said yes. They were on the existing plan submitted.

Mr. Palombo said the staff would be okay with three existing curb cuts with the approval of the DOT.

Kurt Plate, also present on behalf of the applicant, asked about the comment in the staff report about reconfigurations on the lot line between lots 2 and 3 on the west side of the property. He said the way they had it configured was for use of that existing curb cut on that property for lot 3 being on the east side of lot 2 and along the strip for lot 3. He said they had over 25' frontage to Moffett Road, and the lot was configured according to the applicant's intent for the use of lot 2. If they just give that 25' strip, he asked if there was any problem with them having just an access easement across lot 2 to the 25-foot strip. He noted that it was requested in the staff comments that there be a continuous 25' strip. He said where they had it, it tapered down as it approached the main part of lot 3. As long as they had that 25' strip, he asked if there would be any problem with lot 3 using that existing curb cut. They would have to be granted an ingress and egress easement across lot 2.

Mr. Hoffman said the staff recommendation was for bringing that portion of lot 3 up to 25 feet, because 25 feet was the standard minimum width that was required for flag lots.

Mr. Plate said if they go ahead and comply with those recommendations. Lot 3 will have to have an ingress and egress easement across lot 2 to make it for access to their 25-foot strip because they were going to keep that existing curb cut.

Mr. Hoffman said that where it flared out to get the curb cut was still fine. It was just with the narrow portion that it needed to be revised.

Mr. Plate agreed. He asked if the ingress and egress would be cleared.

Mr. Hoffman said the ingress and egress for this easement would be a private issue. The lots would be okay as long as they had minimum frontages.

Mr. Plate said that was fine.

There was no one present in opposition.

After discussion a motion was made by Mr. Vallas and seconded by Dr. Rivizzigno to approve the above referenced subdivision, with the waiver of Section V.D.3, subject to the following conditions:

- 1) dedication of sufficient right-of-way to provide a minimum of 50' from centerline of Moffett Road;**
- 2) placement of a note on the final plat stating that the number, size, location and design of curb-cuts to be approved by the Mobile County Engineering Department and ALDOT;**

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- 3) 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;**
- 4) placement of a note on the final plat stating that there be no future resubdivision of Lot 3 unless additional adequate frontage on a county maintained road is provided;**
- 5) the lot line between lots 2 and 3 be reconfigured to provide a minimum width of 25' for the entire frontage/access strip of Lot 3;**
- 6) placement of the required minimum building setback line on the final plat; and**
- 7) provision of verification that the relocation of the water and sewer easement has been approved by MAWSS.**

The motion carried unanimously.

Case #SUB2006-00312

Hartsfield Station Subdivision

West side of McFarland Road, 915'± North of Scott Dairy Loop Road South.
42 Lots / 11.9± Acres

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

After discussion a motion was made by Mr. Miller and seconded by Mr. DeMouy to approve the above referenced subdivision subject to the following conditions:

- 1) construction and dedication of new roads to meet Mobile County standards;**
- 2) the placement of a note on the final plat stating that Lots 1, 28, 29, 35, 36 and 42 (which are corner lots) are limited to one curb cut each, with the size, location and design to be approved by County Engineering;**
- 3) the placement of a note on the final plat stating that maintenance of the common area is the responsibility of the property owners;**
- 4) 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;**
- 5) labeling of all lots with size in square feet, or provision of a table with the lot size information on the plat; and**
- 6) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must**

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

The motion carried unanimously.

Case #SUB2006-00316

Woodland Glen Subdivision

East side of Schillinger Road South, 815'± North of Meadows Boulevard, extending to the North termini of Meadow Heights Drive, Meadow Drive North, Meadow Dale Drive, Meadow Green Drive, and Meadow Run Drive.

198 Lots / 86.3± Acres

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

Mr. Plauche asked if there was anyone present who wished to speak in this matter.

R.J. Brown, a resident of 7831 Castlewood Way, which was to the east of the proposed subdivision, said he had several questions about this proposal. He asked where the entrance and exits would be for the subdivision.

Mr. Palombo said access would be through Meadows Road and Meadows Drive North.

Mr. Hoffman noted that the subdivision would connect to Schillinger Road on the west side, and would also connect to the existing street stubs in The Meadows Subdivision.

Mr. Brown asked when Schillinger Road between Cottage Hill and Three Notch would be widened.

Mr. Stewart, with County Engineering, said he did not know the time frame. He asked if this section was two lanes or four lanes.

Mr. Brown said this section was two lanes.

Mr. Stewart said it would probably be within the next 5-8 years.

Mr. Brown asked if the creek flow just to the north of The Meadows would be affected by this subdivision in any manner.

Mr. Hoffman said the applicant showed that as wetlands on the plat, which was the reason the lines for the subdivision had such an unusual shape, and said they were now requiring that development in the County meet the minimum City of Mobile stormwater regulations, or at least that they certify that they will. So, theoretically, it would have no adverse impact.

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Mr. Brown asked how far the Planning Commission jurisdiction extended into the County.

Mr. Plauche said the Planning jurisdiction extended five miles into the County from the City limits.

There was no one present in opposition.

After discussion a motion was made by Mr. Miller and seconded by Mr. DeMouy to approve the above referenced subdivision subject to the following conditions:

- 1) dedication of right-of-way to Mobile County sufficient to provide 50-feet, as measured from the centerline of Schillinger Road South;**
- 2) depiction of the 25 foot minimum building setback line from all street frontages;**
- 3) placement of a note on the plat stating that direct access for lots fronting Schillinger Road South is denied;**
- 4) placement of a note on the plat stating that the size, design and location of all curb-cuts is subject to approval by the Mobile County Engineering Department;**
- 5) labeling of all wetland areas as wetland common areas, labeling of all other common areas, including detention areas, and placement of a note on the final plat stating that the maintenance of all common areas is the responsibility of the property owners;**
- 6) approval of all applicable federal, state and local agencies required for wetlands / environmentally sensitive areas prior to the issuance of any permits or land disturbance activities;**
- 7) depiction of the entirety of the parcels, and labeling of the parcels outside of development area with “future development;”**
- 8) provision of a letter from a licensed engineer certifying compliance with the City of Mobile’s stormwater and flood control ordinances to the Planning Section of Urban Development prior to the signing of the final plat;**
- 9) labeling of each lot with its size in square feet, or provision of a table on the plat with the same information; and**
- 10) 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.

NEW SIDEWALK WAIVER APPLICATIONS

Case #ZON2006-02716

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Will Fusaiotti

3249 Dauphin Street

(South side of Dauphin Street, 250' ± East of Springdale Boulevard)

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

Mr. Plauche stated that this request was recommended for approval.

There was no one present in opposition.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Turner to waive the East 10 feet and approve this request.

The motion carried unanimously.

Case #ZON2006-02711

McKibbon Hotel Group, Inc.

1028 West I-65 Service Road South

(West side of West I-65 Service Road South, 1/3 mile ± South of Western America Drive).

Request to waive construction of a sidewalk along West I-65 Service Road South.

Mr. Plauche stated that this request was recommended for approval.

There was no one present in opposition.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Turner to waive the North 16 feet ± and the South 10 feet ± of sidewalk.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS

Case #ZON2006-02751

Washington Plaza Affordable Housing, Ltd.

410 South Washington Avenue

(Southwest corner of Savannah Street and South Washington Avenue, extending to the North terminus of South Scott Street).

Planned Unit Development Approval to allow an addition to a previously existing building, a new gazebo, a new mail building, a new garden area, a new shuffleboard court, and a new picnic area to an existing 11-building apartment complex on a single building site.

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

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After discussion a motion was made by Mr. Miller and seconded by Dr. Rivizzigno to approve this plan subject to the following conditions:

- 1) relocation of the sign at the Washington Avenue entrance to comply with minimum setback requirements (leading edge a minimum of 18” from property line);**
- 2) provision of tree plantings for the project area, to be coordinated with Urban Forestry; and**
- 3) Preservation Status is given to the 36”, 48”, 60” and 72” oaks, as shown on the plan submitted. All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger.**

The motion carried unanimously.

NEW PLANNING APPROVAL APPLICATIONS

Case #ZON2006-02728

T-Mobile

North side of State Street, 360' ± West of North Broad Street
Planning Approval to allow a 150' monopole communication tower in a B-4, General Business District.

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

After discussion a motion was made by Mr. Miller and seconded by Mr. Turner to approve this plan subject to the following conditions:

- 1) approval of all necessary variances by the Board of Zoning Adjustment;**
- 2) full compliance with the landscaping and tree planting requirements of the Ordinance for the entire site;**
- 3) submission and approval of a subdivision application creating a legal lot of record prior to the issuance of any permits; and**
- 4) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2006-00318 (Subdivision)

JSM, LLC Subdivision

754 Government Street

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(North side of Government Street, 56'± East of South Bayou Street, extending to Conti Street).

2 Lots / 0.3± Acre

Mr. Plauche stated that this application was recommended for holdover, but if anyone was present who wished to speak, they could do so now. The application would be heard at the February 15th meeting.

(Also see **Case #ZON2006-02756 (Planned Unit Development) - JSMML, LLC Subdivision** - below.)

There was no one present who wished to speak.

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to holdover this application until the February 15th meeting so that the revisions required by the PUD application can be provided for review.

The motion unanimously carried.

**Case #ZON2006-02756 (Planned Unit Development)
JSMML, LLC Subdivision**

754 Government Street

(North side of Government Street, 56'± East of South Bayou Street, extending to Conti Street).

Planned Unit Development Approval to allow shared access and parking between two building sites.

Mr. Plauche stated that this application was recommended for holdover, but if anyone was present who wished to speak, they could do so now. The application would be heard at the February 15th meeting.

(Also see **Case #SUB2006-00318 (Subdivision) - JSMML, LLC Subdivision** - above.)

There was no one present who wished to speak.

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to holdover this plan until the February 15th meeting, with revisions due by January 25th, to allow the applicant to submit a revised site plan that substantially depicts the development intent for the site, including compliance to the fullest extent possible with the tree, landscaping and parking area design requirements of the Zoning Ordinance.

The motion unanimously carried.

**Case #ZON2006-02755 (Planned Unit Development)
St. Paul's Episcopal School**

161 Dogwood Lane

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(Campus area bounded by Old Shell Road, Dogwood Lane, Loyola Lane, Myrtlewood Lane [vacated], South Avenue, Spring Hill College, and Provident Lane).
Planned Unit Development Approval to amend a previously approved Master Plan for an existing school in an R-1, Single Family Residential District (to allow a 2-story press box and stadium bleachers).

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

(Also see **Case #ZON2006-02754 (Planning Approval) - St. Paul's Episcopal School** - below.)

Mr. Hoffman pointed out that there were revised recommendations provided in the members' books.

There was no one present in opposition.

After discussion a motion was made by Mr. Miller and seconded by Mr. Turner to approve this plan subject to the following conditions:

- 1) provision of a revised Campus Master Plan with any future application proposing new facilities not depicted on the Master Plan that was approved at the June 15, 2006 meeting of the Planning Commission;**
- 2) submission of individual applications for each project (other than those involved in this amended application), providing detailed information with regard to the numbers of classrooms involved, number of parking spaces provided, and detailed information on the location of proposed improvements;**
- 3) property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64);**
- 4) full compliance with the landscaping and tree planting requirements of the Ordinance for the entire campus, to be coordinated with and approved by Urban Forestry; and**
- 5) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2006-02754 (Planning Approval)

St. Paul's Episcopal School

161 Dogwood Lane

(Campus area bounded by Old Shell Road, Dogwood Lane, Loyola Lane, Myrtlewood Lane [vacated], South Avenue, Spring Hill College, and Provident Lane).

Planning Approval to allow a 2-storey press box and stadium bleachers at a previously existing school in an R-1, Single Family Residential District.

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Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

(Also see **Case #ZON2006-02755 (Planned Unit Development) - St. Paul's Episcopal School** - above.)

Mr. Hoffman pointed out that there were revised recommendations provided in the members' books.

There was no one present in opposition.

After discussion a motion was made by Mr. Miller and seconded by Mr. Turner to approve this plan subject to the following conditions:

- 1) **provision of a revised Campus Master Plan with any future application proposing new facilities not depicted on the Master Plan that was approved at the June 15, 2006 meeting of the Planning Commission;**
- 2) **submission of individual applications for each project (other than those involved in this amended application), providing detailed information with regard to the numbers of classrooms involved, number of parking spaces provided, and detailed information on the location of proposed improvements;**
- 3) **property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64);**
- 4) **full compliance with the landscaping and tree planting requirements of the Ordinance for the entire campus, to be coordinated with and approved by Urban Forestry; and**
- 5) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

OTHER BUSINESS:

There being no further business, the meeting was adjourned.

APPROVED:

Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

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