

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF JUNE 7, 2007 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Terry Plauche, Chairman  
Victoria Rivizzigno  
William DeMouy  
Mead Miller  
Roosevelt Turner  
John Vallas

**Members Absent**

Clinton Johnson  
Ann Deakle  
Nicholas Holmes, III  
James Watkins, III

**Staff Present**

Richard Olsen, Deputy Director of  
    Planning  
Bert Hoffman, Planner II  
Tiffany Green, Secretary I  
Mae Sciple, Secretary II

**Others Present**

John Lawler, Assistant City Attorney  
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.

**APPROVAL OF MINUTES:**

The minutes of the meetings of March 1, March 15, April 19, May 3, and May 17, 2007 were considered for approval.

A motion was made by Mr. Plauche and seconded by Mr. Miller to approve the minutes as submitted.

The motion carried unanimously.

**HOLDOVERS:**

**Case #SUB2007-00091 (Subdivision)**

**Augusta Subdivision, Unit Seven**

West side of Vassar Court, 265'± North of Augusta Drive North.  
15 Lots / 8.7± Acres

*Note: This application was held over from the May 3<sup>rd</sup> meeting to allow inclusion of the remainder of the parcel, or to allow for submission of documentation to establish included portion of the metes and bounds parcel as a lot parcel of record prior to 1984. 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 Dr. Rivizzigno and seconded by Mr. Miller to waive Section V.D.3 of the Subdivision Regulations and grant Tentative approval of the above referenced subdivision subject to the following conditions:

- 1) **the inclusion of the remaining portion of parcel R022707350000030.005 prior to the signing off the Final Plat;**
- 2) **the labeling of Lot 16 as “Future Development” on the Final Plat;**
- 3) **the new roads within the proposed subdivision be dedicated and constructed to County Engineering standards;**
- 4) **the placement of a note on the Final Plat stating that Lots 1 & 15, which are corner lots are limited to one curb cut, with the size, design and location to be determined by County Engineering;**
- 5) **placement of a note on the final plat stating that any lots which are developed commercially (or multi-family residential) and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;**
- 6) **placement of a note on the final plat stating that a letter of certification by an licensed engineer to certify that the stormwater detention, drainage facilities, and release rate comply with the City of Mobile stormwater and flood control ordinances, will be provided to the Mobile County Engineering Department and the Planning Section, Urban Development Department, City of Mobile, prior to the issuance of any permits;**
- 7) **labeling of the lots with its size in square feet, or provision of a table on the plat with the same information;**
- 8) **the approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits or land disturbance activities; and**
- 9) **the depiction of the 25-foot minimum building setback lines the new streets.**

The motion carried unanimously.

**Case #SUB2007-00090 (Subdivision)**

**WMSHC Subdivision**

227 Hillcrest Road

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

1 Lot / 1.6± Acres

Mr. Plauche stated that the above referenced application was recommended for holdover until the June 21<sup>st</sup> meeting to give staff time to review the revised information.

After discussion a motion was made by Mr. Plauche and seconded by Mr. DeMouy to holdover this application until the June 21<sup>st</sup> meeting.

The motion 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).

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

Mr. Plauche stated that this application was recommended for holdover until the June 21<sup>st</sup> meeting to give the staff time to review the revised information.

After discussion a motion was made by Mr. Plauche and seconded by Mr. DeMouy to holdover this application until the June 21<sup>st</sup> meeting.

The motion 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.

Mr. Plauche stated that this application was recommended for holdover until the June 21<sup>st</sup> meeting to give staff time to review the revised information.

After discussion a motion was made by Mr. Plauche and seconded by Mr. DeMouy to holdover this application until the June 21<sup>st</sup> meeting.

The motion carried unanimously.

**EXTENSIONS:**

**Case #SUB2006-00114**

**Peake Place Subdivision, Resubdivision of**

South side of Wimbledon Drive East, extending from South McGregor Avenue to Croydon Road.

4 Lots / 1.1± Acres

After discussion a motion was made by Mr. Plauche and seconded by Mr. DeMouy to grant a one-year extension of approval of the above referenced subdivision. Any additional extensions, however, would be unlikely.

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2007-00106**

**Government/Airport Subdivision**

1862 Government Street

(North side of Government Street, 165'± West of Ellis Avenue, and extending North to Airport Boulevard).

1 Lot / 0.5± Acre

Jerry Byrd, Byrd Surveying Company, was present on behalf of the applicant. Mr. Byrd requested that condition #1 of the staff recommendation limiting one curb cut each to Government Street and Airport Boulevard with no internal through connection be eliminated. He said that one condition would severely prohibit the use of the property for which a prospective buyer wanted it, which was probably another fast food restaurant. They would like to re-route the traffic in some way so that it would not be relatively easy to drive through from one street to another.

There was no one else to speak either for or against this application.

In deliberations session Mr. Miler asked if the staff thought they could accommodate Mr. Byrd's request regarding the internal through connection.

Mr. Olsen said they could change that to state that there be no direct through connection to be reviewed by Traffic Engineering.

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) the placement of a note on the final plat stating that the subdivision is limited to one curb cut each to Government Street and Airport Boulevard, size, location and design to be approved by Traffic Engineering and ALDOT, with no direct through connection; and**
- 2) the depiction on the final plat of the 25' front setback line along Government Street and Airport Boulevard.**

The motion carried unanimously.

**Case #SUB2007-00108**

**Park Terrace Subdivision, Resubdivision of Lot 4**

253 Park Terrace

(East side of Park Terrace, 135'± South of Government Street).

1 Lot / 0.1± 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. Vallas to waive Section V.D.2 of the subdivision regulations and approve the above referenced subdivision subject to the following conditions:

- 1) depiction of the 25 foot minimum front yard setback line;
- 2) placement of a note on the final plat stating that the site is limited to existing curb cuts; and
- 3) labeling of the lot with its size in square feet, or provision of a table on the plat with the same information.

The motion carried unanimously.

**Case #SUB2007-00111**

**Downtowner and Michael Joint Venture Subdivision**

(North side of Michael Boulevard, 180'± West of Downtowner Boulevard, and extending North to Downtowner Boulevard, 176'± North of Michael Boulevard).

1 Lot / 3.2± 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. Turner and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

- 1) dedication of sufficient right-of-way to provide 50' from centerline of Michael Boulevard;
- 2) depiction on the final plat of the 25' building setback lines along Michael Boulevard (as measured from the dedicated right-of-way) and along Downtowner Boulevard;
- 3) the placement of a note on the final plat stating that the numbers, size, location, and design of curb cuts is to be approved by Traffic Engineering and conform to AASHTO standards;
- 4) subject to the 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.); and
- 5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2007-00114**

**New Horizons Credit Union Commercial Subdivision**

1610 Government Street

(North side of Government Street, 270'± East of South Monterey Street).

1 Lot / 0.5± Acre

*Mr. Vallas recused from discussion and voting in this matter.*

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

- 1) access from Monterey Street be denied;**
- 2) compliance with the buffering requirements of Section V.A.7. of the Subdivision Regulations; and**
- 3) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**Case #SUB2007-00121**

**Dawes Lakes Estates Subdivision, Resubdivision of the Resubdivision of Lot 29**

East side of Dawes Lakes Road South at the East terminus of Dawes Lake Boulevard).

1 Lot / 0.5± 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 Dr. Rivizzigno and seconded by Mr. Turner to approve the above referenced subdivision subject to the following conditions:

- 1) placement of a note on the final plat requiring submission of a certification from a licensed engineer stating that development on the site will comply with the City of Mobile stormwater and flood control ordinances prior to issuance of permits;**
- 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;**
- 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) revision of the plat to reflect the 35-foot minimum building setback being extended along the entire frontage of the new lot.**

The motion carried unanimously.

**Case #SUB2007-00107**

**Paulk Subdivision**

2051 West I-65 Service Road North

(West side of West I-65 Service Road North, 855'± North of Brookdale Drive North).

2 Lots / 10.8± 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 Dr. Rivizzigno and seconded by Mr. Turner to approve the above referenced subdivision subject to the following conditions:

- 1) the placement of a note on the Final Plat limiting Lot A to the existing curb cuts to West I-65 Service Road North, with the size, location and design to be approved by Traffic Engineering and ALDOT;**
- 2) the placement of a note on the Final Plat limiting Lot B to the one curb cuts to West I-65 Service Road North, with the size, location and design to be approved by Traffic Engineering and ALDOT; and**
- 3) labeling of all lots with size in square feet, or provision of a table with the lot size information on the plat.**

The motion carried unanimously.

**Case #SUB2007-00110**

**Ellis Estates**

3557 Firetower Road

(West side of Firetower Road, 722'± South of Maple Street).

2 Lots / 3.5± 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 Dr. Rivizzigno and seconded by Mr. Turner to approve the above referenced subdivision subject to the following conditions:

- 1) placement of a note on the final plat stating that Lots 1 and 2 are limited to two curb-cuts each, and denied access to South Street, with the size, design and location of all curb-cuts to be approved by the Mobile County Engineering Department;**
- 2) placement 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;**
- 3) revision of the plat to depict the 25-foot minimum building setback line along all street frontages;**
  - 4) 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; and**
  - 5) 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 #SUB2007-00119**

**Glen Acres Subdivision, Resubdivision of Lots 1 and 32**

9051 Glen Acres Drive North

(Southeast corner of Glen Acres Drive North and Riley Street).

2 Lots / 1.9± Acres

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant. Mr. Coleman said they agreed with the staff recommendations with the exception of condition #2 requiring the dedication of 30 feet of right-of-way from the centerline of Riley Street and Glen Acres Drive. Mr. Coleman pointed out that this was a fairly old subdivision. It was square in shape and all the streets had 50-foot rights-of-way. For this reason they requested that this requirement be waived. Mr. Coleman also pointed out that the subdivision had been resubdivided several times and none of those approvals were required to dedicate 30 feet from the centerline.

In deliberations session Mr. Olsen said a 30-foot dedication from the centerline was requested due to the fact that this subdivision had open ditches and the Subdivision Regulations stated that for this type of open ditch street a 60-foot right-of-way shall be required. He said Mr. Coleman was correct that the majority of Glen Acres does still have a 50-foot right-of-way.

Mr. Miller and Mr. Vallas asked if the staff could live with the existing 50-foot right-of-way.

Mr. Olsen said the staff would be agreeable to deleting the requirement for the dedication of 30 feet of right-of-way for both Glen Acres Drive and Riley Street, since the existing streets in this subdivision were 50 feet wide.

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:

- 1) placement of a note on the final plat requiring submission of a certification from a licensed engineer stating that development on the site will comply with the City of Mobile stormwater and flood control**



- ordinances prior to issuance of permits;
- 2) compliance with Section V.B.16 of the Subdivision Regulations;
  - 3) revision of the plat to reflect the 25-foot minimum building setback being depicted along Riley Street as well as Glen Acres Drive in accordance with Section V.D.5 of the Subdivision Regulations;
  - 4) placement of a note on the final plat stating that Lot 32 is limited to the existing curb cut onto Glen Acres Drive, and Lot 1 is limited to the existing curb cut onto Glen Acres Drive with the size, location, and design to be approved by Mobile County Engineering;
  - 5) 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; and
  - 6) labeling of the lot with its size in square feet, or provision of a table on the plat with the same information.

The motion carried unanimously.

**Case #SUB2007-00120**

**Landmark Industrial Park Subdivision, Unit 3, Resubdivision of Lots 4 and 5**

South side of Halls Mill Road, 820'± West of Riviere Du Chien Road.

2 Lots / 13.0± 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 Dr. Rivizzigno and seconded by Mr. Turner to waive Section V.D.3. (Maximum Depth) of the Subdivision Regulations and approve the above referenced subdivision subject to the following conditions:

- 1) dedication sufficient to provide 35 feet from the centerline of Halls Mill Road;
- 2) the placement of a note on the Final Plat stating that an Administrative Planned Unit Development application must be submitted as lots are developed, to provide for shared access between lots;
- 3) the placement of a note on the final plat stating that there will be no further resubdivision of the lots to increase the number of lots;
- 4) the placement of the setback lines on the final plat where the flag-shaped lots are at least 60 feet wide; and
- 5) the placement of a note on the Final Plat stating approval by all applicable federal, state, and local agencies will be required prior to the issuance of any permits, due to the site's location in the floodplain.

The motion carried unanimously.

**Case #SUB2007-00123**

**DLM Subdivision, Resubdivision of Lots 2 and 3**

2410 Dawes Road  
(West side of Dawes Road, 180'± North of Cottage Hill Road, and extending West and South to Cottage Hill Road).  
2 Lots / 1.3± 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 Dr. Rivizzigno and seconded by Mr. Turner to approve the above referenced subdivision subject to the following conditions:

- 1) **placement of a note on the final plat stating that Lots 2 and 3 are limited to one curb-cut each, with the size, design and location of all curb-cuts to be approved by the Mobile County Engineering Department;**
- 2) **placement 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;**
- 3) **revision of the property line between Lots 2 and 3 to eliminate the “sliver” condition, and the recalculation and relabeling of each lot with its size in square feet, or provision of a table on the plat with the same information;**
- 4) **revision of the plat to depict the 25-foot minimum building setback line; and**
- 5) **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 #SUB2007-00124**

**F & S Subdivision, Resubdivision of Lot 2**

Northeast corner of Demetropolis Road and Executive Park Drive.

2 Lots / 5.8± Acres

Mr. Plauche stated that this application was recommended for holdover to the July 5<sup>th</sup> meeting, however, if anyone wished to speak at this time they could do so.

No one came forward.

After discussion a motion was made by Mr. Plauche and seconded by Mr. DeMouy to

holdover this application until the July 5, 2007, meeting (with updated information due by noon, June 11, 2007) to address the following:

- 1) inclusion of Lot 1 in the resubdivision to include the 10-foot by 303.9-foot strip that was deeded off improperly in 2002;**
- 2) submittal of additional information regarding the Executive Park Drive private street which provides access to other parcels;**
- 3) submittal of an explanation as to why the existing Lot 2 is divided into two separate tax parcels;**
- 4) notation on the preliminary plat of the existing right-of-way for Demetropolis Road;**
- 5) submittal of new labels and fees for those labels for new notifications; and**
- 6) submittal of additional lot fees.**

The motion carried unanimously.

**Case #SUB2007-00115**

**Petersen Pointe Subdivision**

3709 Riviere Du Chien Road

(East side of the South terminus of Riviere Du Chien Road).

3 Lots / 2.2± 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. Turner and seconded by Mr. DeMouy to waive Section V.D.3. (width-to-depth ratio) of the Subdivision Regulations and approve the above referenced subdivision subject to the following conditions:

- 1) the size, location, and design of the common driveway (and any for individual lots) be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) the removal in the legal description of any reference to the 20' joint driveway currently shared with the adjacent property to the North, and the removal of any depiction of the easement on the final plat;**
- 3) subject to the Engineering Comments (Show the minimum finished floor elevation, on each lot touched by 100 or 500-year flood plain. No fill allowed in the flood plain without a flood study. Provide adequate drainage easement, if necessary. 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 stormwater and flood control ordinances. Any work performed in the**

- right-of-way will require a right-of-way permit: and  
4) the labeling of each lot with its size in square feet.**

The motion carried unanimously.

**Case #SUB2007-00128**

**Bellingrath Country Club Estates Subdivision, Willard Drive Addition Phase Two**

North side of Willard Drive North, 156'± East of Willard Drive West; and South side of Willard Drive North, 156'± East of Willard Drive West; and South side of Willard Drive North, 125'± East of Bracklyn Court.

4 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 Mr. Turner and seconded by Mr. DeMouy to approve the above referenced subdivision subject to the following conditions:

- 1) revision of the plat to additionally show bearings and distance measurements to define the common areas;**
- 2) revision of the plat to label each lot with its size in square feet, or placement of a table on the plat with the same information;**
- 3) placement 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; and**
- 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.**

The motion carried unanimously.

**Case #SUB2007-00109**

**Oyler Court Subdivision**

East side of Oyler Road, 1000'± South of Jeff Hamilton Road.

29 Lots / 20.0± Acres

Mr. Plauche stated that this application was recommended for holdover to the July 5<sup>th</sup> meeting, however, if anyone wished to speak at this time they could do so.

No one came forward to speak.

After discussion a motion was made by Mr. DeMouy and seconded by Dr. Rivizzigno to holdover this application until the July 5<sup>th</sup> meeting subject to the following conditions:

- 1) **the new roads within the proposed subdivision be dedicated and constructed to County Engineering standards;**
- 2) **the placement of a note on the Final Plat stating that Lots 2 & 28, are limited to one curb cut, with the size, design and location to be determined by County Engineering;**
- 3) **all areas not designated as lots should be labeled as common areas (including wetlands and detention areas), and a note placed on the final plat stating that maintenance of all common areas is the responsibility of the property owners (association);**
- 4) **placement of a note on the Final Plat stating that any lots which are developed commercially (or multi-family residential) and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;**
- 5) **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;**
- 6) **labeling of all lots with size in square feet, or placement of a table on the plat containing the lot size information; and**
- 7) **the submission of a letter stating the compliance of Section V.D.2. of the Subdivision Regulations prior to the signing of the Final Plat or documentation from the developer stating the location and design of a centralized sanitary system to handle the wastewater of the subdivision.**

The motion carried unanimously.

**Case #SUB2007-00103**

**Torrington Place Subdivision**

9737 and 9891 Nursery Road

(Southeast corner of Nursery Road and Snow Road North).

55 Lots / 18.5± Acres

There was no one present representing the applicant in this matter.

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) **verification of the right-of-way width for Nursery Road, and correction of the plat if necessary;**
- 2) **the dedication of right-of-way sufficient to provide 50 feet from the**

- centerline of Snow Road, as depicted on the preliminary plat;
- 3) the renaming of “parcel A” to “Lot 55” or “Lot A”;
  - 4) placement of a note on the final plat stating that all lots and the main detention area, with the exception of Lot 55 (or Lot A), are denied direct access to Nursery Road and Snow Road North, that Lot 55 (or Lot A) is limited to one curb-cut onto Snow Road North and one curb-cut onto Nursery Road, and that the size, design and location of all curb cuts are to be approved by the Mobile County Engineering Department;
  - 5) labeling all common areas, including the detention basin, and placement of a note on the final plat stating that maintenance of the common areas is the responsibility of the subdivision’s property owners;
  - 6) provision of a letter from licensed engineer certifying compliance with the City of Mobile’s storm water and flood control ordinances to the Planning Section of Urban Development prior to the signing of the plat for any phase;
  - 7) keeping the lot size information depicted on the preliminary plat on the final plat; and
  - 8) placement of a note on the final plat stating that a buffer, in compliance with Section V.A.7. of the Subdivision Regulations shall be provided where the commercial properties adjoin residential property.

The motion carried unanimously.

**Case #SUB2007-00112**

**Magnolia Springs Subdivision, Phase One**

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

172 Lots / 88.1± Acres

There was no one present representing the applicant in this matter.

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 along Silver Pine Road to provide 50 feet from centerline for the portion on the Major Street Plan, and 30 feet from centerline for the remainder of the future frontage, as shown on the plat submitted;**
- 2) **the placement of a note on the Final Plat stating that A-8, A-9, A-26, B-1, B-20, B-45, B-46, C-41, C-42, C-51, C-52 and C-62 are corner lots, are limited to one curb cut, with the size, design and location to be determined by County Engineering;**
- 3) **submission and approval of individual applications for each phase or unit, to ensure that development occurs in a manner to provide the most points of access in a timely and efficient manner;**
- 4) **all proposed roads be constructed to county standards, and dedicated to Mobile County;**

- 5) **all areas not designated as lots should be labeled as common areas (including wetlands and detention areas), and a note placed on the final plat stating that maintenance of all common areas is the responsibility of the property owners (association);**
- 6) **placement of a note on the final plat stating that any lots which are developed commercially (or multi-family residential) and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;**
- 7) **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; and**
- 8) **labeling of all lots with size in square feet, or placement of a table on the plat containing the lot size information.**

The motion carried unanimously.

**Case #SUB2007-00118**

**Kings Branch Subdivision, Phase Two**

North termini of Kings Gate Drive West, Kings Branch Drive East, and La Coste Road; and extending to the West terminus of Royalty Way, and to the North terminus of Meadow Lane.

175 Lots / 101.8± Acres

Mr. Plauche stated that this application was recommended for holdover to the July 5<sup>th</sup> meeting, however, if anyone was present and wished to speak they could do so now.

No one came forward.

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to holdover this plan until the July 5<sup>th</sup> meeting, with revisions due to the Planning Section of Urban Development by June 12<sup>th</sup>, to give the applicant time to address the following:

- 1) **provision of a new set of address labels for all property owners adjacent to or across the street from the site, as verified by Mobile County Probate Court records, and postage for the labels.**
- 2) **revision of the plat to depict the required minimum building setback line for all lots;**
- 3) **revision of the plat, as necessary, to depict any required detention areas;**
- 4) **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;**
- 5) **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;**

- 6) **placement of a note on the plat stating that provision of a certification letter from a licensed engineer to the Planning Section of Urban Development, certifying that the storm water detention and drainage facilities comply with the City of Mobile storm water and flood control ordinances, is required prior to the signing and recording of the final plat for each unit;**
- 7) **placement of a note on the plat stating that maintenance of the detention and common areas is the responsibility of the subdivision's property owners; and**
- 8) **labeling of all lots with size in square feet, or placement of a table on the plat containing the lot size information.**

The motion carried unanimously.

**Case #SUB2007-00117**

**Winchester Subdivision, Units Two and Three**

East termini of Winchester Drive North and Winchester Drive South.

234 Lots / 84.8± Acres

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

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

Clarence Montgomery, a resident of Harmony Ridge Drive, pointed out that there was a natural vegetative buffer on the south property line between Winchester Subdivision and Harmony Ridge Subdivision. He requested that this natural buffer be allowed to remain as a buffer between the two subdivisions.

Mr. Plauche asked Mr. Olsen if the Commission could require that as a condition of approval.

Mr. Olsen said that one section of the Subdivision Regulations does allow the Commission to take natural features into consideration, and he felt they could make that a condition of approval.

Mr. Vallas asked if the natural buffer was all on the applicant's property.

Mr. Montgomery said the buffer sits between the two properties.

Mr. Vallas noted that if the Commission approved the subdivision with a condition that the natural buffer remain, they needed to make sure the adjoining property owners agreed to maintain their buffer just like they were asking somebody else to maintain their equal buffer. If not, they would in effect be condemning the applicant's property for the benefit of somebody else.

Referring to the plat, Mr. Olsen pointed out that the majority of the natural buffer referred to was adjoining the first unit of the Winchester Subdivision which had already



been approved and recorded. That was not included in the plat under consideration today.

Mr. Montgomery contended that the natural area started at Snow Road and went all the way back. He also understood that there was a question about the property line between the Winchester Subdivision and the residents on Harmony Ridge Drive, which included his property.

Mr. Olsen stated that the Planning Commission had no jurisdiction over property line disputes. That was a civil matter between adjoining property owners and would have to be handled through the court system.

Mr. Montgomery asked if he understood that the natural vegetation was approved to be removed when the first unit of Winchester was approved.

Mr. Olsen said that at the time of approval of Winchester Unit One, there was not a condition placed on the approval that the vegetative area must remain. If the owner, therefore, chose to remove the vegetation, they could do so since that plat had already been recorded.

Mr. Montgomery said that was not the way he understood it, but he would look into it further.

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

- 1) the placement of a note on the Final Plat stating that Lots 14, 28, 31, 40, 52, 54, 72, 75, 94, and 96 of Unit Two; and Lots 32, 33, 44, 45, 49, 57, 61, 62, 71, 72, 81, 82, 105, 106, 129 and 130 of Unit Three are corner lots, are limited to one curb cut, with the size, design and location to be determined by County Engineering;**
- 2) submission of documentation of approvals for the centralized effluent disposal system from the Mobile County Board of Health and ADEM prior to recording of the final plat;**
- 3) placement of a note on the final plat drip field area must not be used for vehicular traffic or parking;**
- 4) submission and approval of individual applications for each phase or unit, to ensure that development occurs in a manner to provide the most points of access in a timely and efficient manner;**
- 5) designation and labeling of the treatment plant, the drip fields, park areas, roadway medians, and detention areas as Common Areas, and placement of a note on the Final Plat stating all common areas shall be maintained by the property owners;**
- 6) labeling of all lots with size in square feet, or placement of a table on the plat containing the lot size information;**
- 7) depiction of the 25-foot minimum building setback line; and**
- 8) placement of a note on the final plat stating that a buffer, in compliance with Section V.A.7. of the Subdivision Regulations, shall be provided**

**where the commercial properties adjoin residential property.**

The motion carried unanimously.

**NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:**

**Case #ZON2007-01458**

**Stone Ridge at Somerby Park**

West side of Somerby Drive, 135' ± North of Grelot Road.

Planned Unit Development Approval to allow a 24-building, 317-unit apartment complex on a single building site.

John Avent was present representing Dominion Development Services, applicants. Since first submitting this plan, Mr. Avent said they were requesting a reduction in the required number of parking spaces. The original plan had 2.2 parking places per unit, and they were now proposing 1.8 spaces per unit. The Regulations require 1.5 spaces. Reducing the number of parking spaces would allow them to create more green area within the apartment complex.

Mr. Olsen noted that PUDs were site-plan-specific, which was the reason this plan had to come back before the Commission. In addition to a reduction in the number of parking spaces, there were also some changes on the internal circulation on the layout that was originally approved. Mr. Olsen said they exceeded the minimum requirements regarding parking spaces required, and the application was recommended for approval.

In deliberations session Mr. Miller said he understood the revisions in the plan due to reduced parking, but was concerned that the developer could later make other substantial changes.

Mr. Olsen said the plan before the Commission was the new design. He said the staff met with the developer prior to the submission of the application to review the plan. The circulation pattern now before the Commission was actually better than the original pattern. The original plan had almost twice as many parking spaces provided as were needed. Mr. Olsen said this was an improvement over the original plan.

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

- 1) the provision of a protection buffer along the North side property line in compliance with Section 64-4.D if the adjacent property is developed as Single-Family residential; and**
- 2) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2007-01466**

**Charles Steeg**

Southwest corner of North Jackson Street and State Street

Planned Unit Development Approval to allow two single-family residential buildings 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.

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

- 1) approval by the Architectural Review Board; and**
- 2) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously

**Case #ZON2007-01467**

**Lot 119, Phase 2, Corrected Heron Lakes Subdivision**

South side of Blue Heron Ridge, 1270' ± East of Skywood Drive.

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow for increased site coverage.

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 Dr. Rivizzigno and seconded by Mr. DeMouy to approve this plan subject to the following condition:

- 1) submission of documentation that the existing storm water facilities are adequate to handle the increased site coverage (including all previously approved increases), to be approved by City Engineering Department prior to signing of the final plat.**

The motion carried unanimously.

**GROUP APPLICATIONS:**

**Case #SUB2007-00104 (Subdivision)**

**Knippers First Addition to Mobile Subdivision, Resubdivision of Lots 7 & 8**

2600 and 2602 St. Stephens Road

(Northeast corner of St. Stephens Road and Reynolds Avenue).

1 Lot / 0.2± Acre

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

(Also see **Case #ZON2007-01389 (Rezoning) Garland Montgomery** -

**2600 and 2602 St. Stephens Road – below.)**

There was no one present in opposition.

After discussion a motion was made by Mr. Miller and seconded by Mr. Turner to waive Section V.D.9. for the Reynolds Street minimum building setback in favor of the Zoning Ordinance requirements and approve the above referenced subdivision subject to the following conditions:

- 1) placement of a note on the final plat stating that the site is limited to one Curb cut onto St. Stephens Road and denied access to Reynolds Avenue, with the size, design and location of the curb cut to be approved by ALDOT and Traffic Engineering, and conform to AASHTO standards;**
- 2) dedication of right-of-way sufficient to provide a 50-foot wide right-of-way for St. Stephens Road, as measured from the centerline, and 25-foot wide right-of-way for Reynolds Avenue, as measured from the centerline, and adjustment of the minimum building setback lines to reflect the dedications;**
- 3) revision of the Subdivision plat to reflect the minimum building setbacks as required by the Zoning Ordinance, with the Reynolds Avenue side considered a side yard;**
- 4) revision of the plat to label the lot size, less dedication, in square feet; and**
- 5) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2007-01389 (Rezoning)**

**Garland Montgomery**

2600 and 2602 St. Stephens Road

(Northeast corner of St. Stephens Road and Reynolds Avenue).

Rezoning from R-1, Single Family Residential, to LB-2, Limited Neighborhood Business District, to allow a beauty shop.

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

(Also see **Case #SUB2007-00104 (Subdivision) Knippers First Addition to Mobile Subdivision, Resubdivision of Lots 7 & 8 - 2600 and 2602 St. Stephens Road – above.)**

There was no one present in opposition.

After discussion a motion was made by Mr. Miller and seconded by Mr. Turner to recommend the approval of this change in zoning to the City Council subject to the following conditions:

- 1) completion of the Subdivision process;**
- 2) the site is limited to one curb-cut onto St. Stephens Road and denied**

- access to Reynolds Avenue, with the size, design and location to be approved by ALDOT and Traffic Engineering, and conform to AASHTO standards;**
- 3) compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance;**
  - 4) provision of residential adjacency buffers of at least 10 feet where the site abuts residential zoning districts, in accordance with Section 64-4.D.1. of the Zoning Ordinance;**
  - 5) revision of the Subdivision plat to reflect the minimum building setbacks as required by the Zoning Ordinance, with the Reynolds Avenue side considered a side yard; and**
  - 6) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #SUB2007-00105 (Subdivision)**

**Southeast Corner Commercial Park Subdivision, Resubdivision of Lots 1 & 2**

South side of Zeigler Boulevard, 660'± East of Cody Road North.

2 Lots / 19.5± Acres

(Also see **Case #ZON2007-01390 (Rezoning) JDE Investments, LLC - South side of Zeigler Boulevard, 660'± East of Cody Road North** – below.)

Jerry Byrd, Byrd Surveying Company, was present on behalf of the applicant. Mr. Byrd noted that the staff report referred to a 10-foot buffer strip and a 6-foot high privacy fence where the site adjoins residential on the south and east, if the east is ever developed residentially. The recommendation, however, does not specify that this would be required where the site adjoins residential. Mr. Byrd asked that the staff clarify this point. In addition, Mr. Byrd pointed out that this site used to be a dirt pit, and on the south side of the property there was a vertical bank about 15 feet high. At the top of the bank you would be looking at 15-20 feet of natural vegetation that the owner cannot use. Where it adjoins residential, the owner would like to leave a 15-foot vegetative buffer in lieu of the buffer and the fence. They felt the solid wall of dirt was pretty much a screen fence itself.

Mr. Plauche said the Commission would consider this in deliberations.

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

Dorothy Hollins stated that they had already started clearing property at Zeigler and Cody Road. She had heard that warehouses, as well as other businesses, would be put on the site, and wanted to know how far up Cody Road the commercial development would extend.

Mr. Olsen pointed out that the property in question was not actually at the corner of Cody and Zeigler, but on Zeigler east of that intersection with Cody Road. He referred to the site plan, noting that part of the property was currently zoned B-3. The applicant wanted to add some additional property to the B-3 area, which was the reason for the

rezoning request. The additional property was currently zoned R-3, and the developer wanted to use it for commercial development. Mr. Olsen also pointed out that the majority of the area along the south of this site would remain wooded, and the development would not really come close to any of the houses in the nearby subdivisions.

Ms. Hollins asked if anyone knew who owned the wooded area referred to, because it needed to be cleaned out some.

Mr. Plauche said the Commission did not have authority in that regard, but suggested Ms. Hollins contact Mr. Byrd, the engineer for the developer.

In deliberations session Mr. Miller asked about Mr. Byrd's request regarding the buffer requirement on the rezoning application.

Mr. Olsen said Mr. Byrd basically requested that the requirement be modified to require the provision of a 10-foot buffer strip to be augmented with a 6-foot high privacy along the east property line where the site abuts residential property, if developed residentially, and a 15-foot vegetative buffer remain in its natural state along the south property line.

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) **placement of a note on the Final Plat stating that the development is limited to two curb cuts for each lot onto Zeigler Boulevard, with the size, design and location to be approved by Traffic Engineering, and conform to AASHTO standards; and**
- 2) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2007-01390 (Rezoning)**

**JDE Investments, LLC**

South side of Zeigler Boulevard, 660' ± East of Cody Road North.

Rezoning from R-3, Multiple-Family Residential, and B-3, Community Business District, to B-3, Community Business District, to allow a landscaping business office and warehouse.

(For discussion see **Case #SUB2007-00105 (Subdivision) - Southeast Corner Commercial Park Subdivision, Resubdivision of Lots 1 & 2 - South side of Zeigler Boulevard, 660'± East of Cody Road North** – above.)

After discussion a motion was made by Mr. Miller and seconded by Mr. Turner to recommend the approval of this change in zoning to the City Council subject to the following conditions:

- 1) **completion of the Subdivision process;**
- 2) **the development is limited to two curb-cuts for each lot onto Zeigler**

- Boulevard, with the size, design and location to be approved by Traffic Engineering, and conform to AASHTO standards;**
- 3) the provision of a 10-foot buffer strip be augmented with a 6-foot high privacy fence along the East property line, if the property is ever residentially developed, and the provision of a 15-foot wide vegetative buffer, to remain in its natural state, along the South property line;**
  - 4) full compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance; and**
  - 5) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2007-01451 (Planned Unit Development)**

**Johnny Randall Cotton and Angela K. Cotton**

4800 Tufts Road

(West side of Tufts Road, 50'± North of Furman Drive).

Planned Unit Development Approval to allow nine single-family residential buildings on a single-building site.

(Also see **Case #ZON2007-01452 (Rezoning) - Johnny Randall Cotton and Angela K. Cotton - 4800 Tufts Road** – below.)

Johnny Randall Cotton, a resident of 4359 Sawyer Avenue in the Cypress Shores community, and applicant, was present in this matter. Mr. Cotton submitted some handouts to the Commission members. He stated that this site was approved as the Evergreen Gardens Subdivision in 1952 when it was still in the County and before Interstate 10 and Rangeline Road were built, and before there was a Wal-Mart in the area. Tufts Road was located about ½ mile from Interstate 10 going south on Rangeline Road, and was only about ½ mile long. He said there were a number of commercial warehouses and businesses at the entrance to the street, and at the north end there was a convenience store and two other small businesses. These businesses were established prior to this area being incorporated into the City of Mobile. Even though there was commercial development on both ends of the street, the balance of the street remained R-1 zoning with five houses and two house trailers. Mr. Cotton said many of the lots were undeveloped. He noted that the Cypress Shores area suffered devastating losses due to Hurricane Katrina. Many of his neighbors lost a lifetime of investment in just one day. There were still FEMA trailers in the area that provide housing for those that were still struggling to rebuild. Mr. Cotton said there were a number of elderly residents that wanted to remain in the area, but did not want to invest the huge amount of money necessary to rebuild to meet the new code. He had built a home for his 75-year old Mother directly beside the Cypress Shores Baptist Church on Higgins Road several years ago, and she was flooded and moved to a neighborhood that offers smaller homes and smaller yards approximately 15 miles away. Having invested in a number of rental properties over the past few years, Mr. Cotton said he and his wife wanted to develop some type of neighborhood that would make economic senses to the people who could no longer afford to rebuild and stay in the neighborhood. They felt the only way was to move toward the traditional old neighborhood concept of homes being grouped together with small yards, sidewalks, and common areas for the people to gather, and move away

from the suburban, cookie-cutter method of development. After reviewing the Subdivision Regulations with the City of Mobile, they felt that a PUD would be the best way to accomplish this. Mr. Cotton said their next challenge was to find the type house that would accomplish this for the price they could afford, and at the same time keep true to their design plan. They found the answer from the findings of the Mississippi Governors Commission on Recovery, Rebuilding and Renewal after Hurricane Katrina. They proposed to design into each one of the seven houses architectural concepts and designs of "Katrina Cottages" that were developed as a direct result of the findings of various design and research commissions to develop these houses or cottages. These would be high quality homes designed to meet the standards for 140 mph wind gusts. They would use waterproof sheetrock. The houses could have front or back porches, or both. With this in mind, Mr. Cotton said their landscape architect had designed this site plan to utilize the architectural features of the Katrina Cottage concept. The size of the houses would vary, and some would have ramps for the handicapped. These would be high quality, affordable single-family houses in an area where such houses do not exist. The site would have a 24-foot wide street.

Mr. Cotton said that Councilman Williams and Commissioner Brooks had asked him to address some questions that the residents of the area had asked. It was asked if they were going to rent the houses. Mr. Cotton said that initially they would rent the units, but they had incorporated into their design plans a development option to sell these individually as seven individual condominiums. They would maintain the entire development, including the common area. If the units were sold as condominiums there would be association fees assessed with this. Mr. Cotton noted that this site was zoned R-3, and some residents had expressed concern that more than seven units could be built on the site. He assured the Commission this would not be done, as he had submitted a voluntary use restriction form restricting the development to a maximum of seven residences. In concluding, Mr. Cotton stated that he and his wife were not large, commercial developers. He was an accountant, but he had a passion for looking at a piece of property and imagining what he could do with it, and he felt this proposal would be a good thing for this community.

Mr. Plauche asked if anyone on the Commission had any questions.

Mr. Vallas asked if the applicant owned the property for which this use was being proposed.

Mr. Cotton said they bought the property last year.

Mr. Vallas asked if they bought the property with the intention of doing a multi-family development.

Mr. Cotton said no, they did not purchase the property with the intent of developing it for multi-family use. He said they lived in the neighborhood and had three sons, and when they grow up and get their own homes, they would like them to live close to them. That was the reason they bought the property.

Mr. Vallas said his concern was that this site, which seemed to be R-3 development, was



surrounded by R-1 property.

Mr. Cotton said that was true, but there were also commercial businesses across the street and on both ends of this very short street.

Mr. Vallas felt that R-3, based on the Ordinance, was designed more for a buffer. If this site adjoined a B-2 or B-3 district, he felt it might be easier for the staff to recommend approval, as the R-3 would be a good staging process into the R-1 district. He asked Mr. Olsen if this was what the staff had in mind in recommending denial.

Mr. Olsen said that was one of the reasons.

Mr. Plauche asked if anyone else wished to speak in this matter.

Brian Claypool, a resident of Higgins Road, stated that he had lived in the neighborhood for 39 years. Mr. Claypool said that the whole neighborhood had changed with the development of Rangeline Road. Several people had to be re-routed as to how to get to their homes. Mr. Claypool said you could still go around and get into Cypress Shores without going down Tufts Road, but Tufts Road was not the same as Cypress Shores. He said it was not the same neighborhood. It was an entrance they now have to go through to get to Cypress Shores, unless they go down around the viaduct past trucking and past a trailer park. Mr. Claypool said this was the first step for this neighborhood to move forward, and the people he had talked to in the neighborhood who had looked at the proposed houses felt it would be an enhancement to the area. Although it did not match what was on the road currently, they felt it would be a vast improvement as to what was there now.

John Wink, a resident of 3788 Patricia Drive, stated that he had lived in this neighborhood for over 18 years. His first home was flooded, so he moved into the house he now lives in. His Mother and his sister also lived in the Cypress Shores area. Mr. Wink said he also had an offer in on another piece of property in Cypress Shores, and he did not plan on putting a bunch of little houses creating a PUD. He planned on building a nice home that somebody could move into. Mr. Wink said he was also concerned about the neighborhood and wanted it to remain R-1, just like it had been ever since they were annexed into the City. He said he could not recall anything like this ever being proposed for this area, except when Mr. Cotton wanted to put a PUD next door to the church so his children would have a place to live when they grew up. He said the neighbors were opposed to that, and that was when he built the house his mother-in-law moved into and has since sold. Mr. Wink said he represented about 40 of the neighbors, many of whom he had talked to on the phone, and some who had come today, in opposition to this proposal. They were concerned that increased density in the neighborhood would create more drainage problems. The change in the general demeanor of the neighborhood was also a concern. He said the one end of their neighborhood was secluded and they were all together in one community. At the other end there was a whole new development going in with some fine houses. He said the residents wanted to see progress, but not to the detriment of their neighborhood. Mr. Wink said he was personally involved in trying to get this area annexed into the City of Mobile and he was still pro-annexation and hoped to stay that way.

Ronald Bell stated that he had been a resident of Cypress Shores since 1977. He said they voted to be annexed into the City to protect themselves from just such a deal as proposed today. They did not want one lot developed with seven individual houses on it. They wanted their neighborhood to remain R-1, and they were looking to the City to protect them.

Joey Strachan stated that he had been a resident of Cypress Shores for 16 years. He said they had enough problems with traffic coming from I-10, and he would not want to live next door to such a development as proposed. Mr. Strachan said when he first talked to Mr. Cotton he told him that he was going to build one house for his son who had come back from Iraq. Later he said he wanted to put multiple homes on the site. Regarding the plan before the Commission today, Mr. Strachan said Mr. Cotton told him there was going to be a 10-foot right-of-way between his fence and Mr. Cotton's fence. There would be a street down the middle of the site with three houses on each side. The only thing separating his property from the subject property was a chain link fence. Mr. Strachan said he wished Mr. Cotton the best, but he did not want to live next door to this development. He asked that the Commission put themselves in his shoes when considering this request.

Stephen Veal stated that he was president of "R" Controls. He said the business had six lots, but they were only developing two lots, which were the ones just to the south and across the road from the proposed development. Mr. Veal said that he had an agreement with Mr. Brooks when they did some expansion, offering to keep the lots that were empty as a buffer. He also pointed out several other undeveloped lots that belonged to "R" Controls. In the event the subject property was rezoned, Mr. Veal said they would probably want to look at possible development of the vacant lots he owned. Otherwise, they would just keep those lots as buffers.

There being no one else who wished to speak and no further questions by the Commission members, Mr. Plauche asked Mr. Cotton if he would like to respond.

Mr. Cotton said he would like to address Mr. Wink's comments. He said they had never before applied for a PUD. They did buy property beside the Cypress Shores Baptist Church and applied to have it zoned (subdivided) into three lots, which was approved. Later they decided that his Mother would build her house on that lot, but that was never done. Also in reference to Mr. Strachan's remarks about a 10-foot right-of-way between their properties, he said there was a 10-foot drainage easement on that property line, which they cannot build on, and that was the 10 feet he had talked to Mr. Strachan about.

In deliberations session Mr. Miller commended Mr. Cotton for some of his ideas and the design proposed, and felt that this deserved to be looked at. By the same token, however, he was concerned about the R-1 zoning surrounding the site and the local opposition.

After discussion a motion was made by Mr. Miller and seconded by Mr. Vallas to deny approval of this plan based upon the rezoning request.

The motion carried unanimously.

**Case #ZON2007-01452 (Rezoning)**  
**Johnny Randall Cotton and Angela K. Cotton**

4800 Tufts Road

(West side of Tufts Road, 50'± North of Furman Drive).

Rezoning from R-1, Single-Family Residential District, to R-3, Multiple-Family Residential, to allow nine single-family residential buildings on a single-building site.

(For discussion see **Case #ZON2007-01451 (Planned Unit Development) - Johnny Randall Cotton and Angela K. Cotton - 4800 Tufts Road** – above.)

After discussion a motion was made by Mr. Miller and seconded by Mr. Vallas to recommend the denial of this change in zoning to the City Council for the following reasons:

- 1) **the site area falls below the minimum area recommended by Section 64-3.A.5.a. of the Zoning Ordinance; and**
- 2) **the changing conditions are not sufficient to warrant multi-family development within an existing R-1 Single-Family district.**

The motion carried unanimously.

**Case #SUB2007-00113 (Subdivision)**  
**McGill-Toolen Athletic Complex Subdivision**

3610 Michael Boulevard

(Northeast corner of Michael Boulevard and Marion Beckham Drive).

1 Lot / 20.4± Acres

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

(Also see **Case #ZON2007-01453 (Planning Approval) - Archbishop of Mobile – Father William Farmer - 3610 Michael Boulevard; and Case #ZON2007-01454 (Planned Unit Development) - Archbishop of Mobile – Father William Farmer 3610 Michael Boulevard** – below.)

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

- 1) **the dedication of sufficient right-of-way to provide a minimum of 50-feet from the centerline of Michael Boulevard;**
- 2) **placement of a note on the plat stating that the site is limited to two curb cuts to Marion Beckham Drive and one curb cut to Michael Boulevard, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards; and**
- 3) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2007-01453 (Planning Approval)**  
**Archbishop of Mobile – Father William Farmer**

3610 Michael Boulevard

(Northeast corner of Michael Boulevard and Marion Beckham Drive).

Planning Approval to allow a private school athletic complex in an R-1, Single-Family Residential District.

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

(Also see **Case #SUB2007-00113 (Subdivision) McGill-Toolen Athletic Complex Subdivision - 3610 Michael Boulevard** –above; and **Case #ZON2007-01454 (Planned Unit Development) Archbishop of Mobile – Father William Farmer - 3610 Michael Boulevard** – below.)

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

- 1) the construction be limited to the submitted and approved site plan;
- 2) the provision landscaping, trees and buffering (25-foot undisturbed) where the site abuts residential uses;
- 3) revision of the site plan to depict sidewalks all road frontages;
- 4) revision of the site plan to depict any dumpster storage facility, in compliance with Section 64-4.D.9. of the Zoning Ordinance;
- 5) placement of a note on the site plan stating that on-site lighting must fully comply with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;
- 6) provision of a revised site plan to the Planning Section of Urban Development prior to the signing of the final subdivision plat;
- 7) a letter from the owner's of Matthews Park and the YMCA allowing for overflow parking on their sites;
- 8) completion of the Subdivision process; and
- 9) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

**Case #ZON2007-01454 (Planned Unit Development)**  
**Archbishop of Mobile – Father William Farmer**

3610 Michael Boulevard

(Northeast corner of Michael Boulevard and Marion Beckham Drive).

Planned Unit Development Approval to allow a stadium complex with multiple buildings on a single building site.

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

(Also see **Case #SUB2007-00113 (Subdivision) McGill-Toolen Athletic Complex Subdivision - 3610 Michael Boulevard**; and **Case #ZON2007-01453 (Planning**

**Approval) - Archbishop of Mobile – Father William Farmer - 3610 Michael Boulevard – above.)**

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

- 1) the construction be limited to the submitted and approved site plan;**
- 2) the provision landscaping, trees and buffering (25-foot undisturbed) where the site abuts residential uses;**
- 3) revision of the site plan to depict sidewalks all road frontages;**
- 4) revision of the site plan to depict any dumpster storage facility, in compliance with Section 64-4.D.9. of the Zoning Ordinance;**
- 5) placement of a note on the site plan stating that on-site lighting must fully comply with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;**
- 6) provision of a revised site plan to the Planning Section of Urban Development prior to the signing of the final subdivision plat;**
- 7) a letter from the owner's of Matthews Park and the YMCA allowing for overflow parking on their sites;**
- 8) completion of the Subdivision process; and**
- 9) full compliance with all other municipal codes and ordinances.**

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

Mr. Plauche stated that this application was recommended for holdover, but if anyone wished to speak at this time they could do so.

(Also see **Case #ZON2007-01460 (Planned Unit Development) Myers at General Bullard Subdivision - 4686 Airport Boulevard** – below.)

Tom Clark, Clark-Greer-Latham Engineers, was present on behalf of the applicant. Mr. Clark said they concurred with the staff recommendations except for condition #1 on both the PUD and the subdivision. They felt that denial of two curb cuts on both General Bullard and Airport would be a problem for the site and actually cause directional conflict. Mr. Clark said the existing convenience store would be demolished and rebuilt, and they wanted to locate the fuel tanks for this facility nearer Airport Boulevard than they were now. This would allow the fuel delivery truck to enter the easternmost curb cut on westbound Airport Boulevard and stop in the proximity of the fuel tanks, make his delivery, and then egress on the westernmost curb cut of Airport Boulevard, thereby blocking traffic within the circulation as little as possible. Mr. Clark said the owner of this store would be a fuel distributor and would have the flexibility, as much as possible, to control the delivery times and the route for the fuel delivery trucks so that this location would be as advantageous as they could conceive. To that effect, Mr. Clark

said they met with Bill Metzger, the City Traffic Engineer, and discussed this at length. The site plan presented was the result of that meeting, therefore they requested that condition #1 be deleted.

Mr. Vallas asked if the Commission was looking at the new site plan.

Mr. Clark said that was correct.

Mr. Olsen said he would like to make the Commission aware that the staff was not aware of the meeting between the applicant and Mr. Metzger. The staff's comments, therefore, did not reflect that as evidenced by the staff report. Mr. Olsen pointed out, however, that the Planning staff does have a little bit of concern about the two curb cuts to General Bullard, which he explained. The staff felt that a curb cut at the northern end could serve both people going north on General Bullard, as well as south, as well as exiting onto General Bullard from the site. The Planning staff therefore felt that the one curb cut to General Bullard may be appropriate. Mr. Olsen asked Mr. Clark if that would cause major issues for his client.

Mr. Clark stated that it had been his experience in dealing with these types of facilities that the owner is very concerned with making it as easy as possible for people to get in and out of their site. Not trying to cause a problem, they placed a little divider there (pointing out on the plan) such that one could not make a left turn from that curb cut. Egress could only be to the right northbound, and try not to block the intersection as much as possible. Regarding Mr. Olsen's question as to whether they would consider the one curb cut to General Bullard as the staff suggested, he said that would not be their first choice, but they would consider it.

Mr. Olsen asked if Mr. Clark would rather holdover this application to the July 5<sup>th</sup> meeting so that he could discuss the curb cut question with his client.

Mr. Clark said his client was present.

Since the applicant had met with Mr. Metzger, Mr. Vallas asked if the Commission could approve the application subject to curb cuts as approved by Traffic Engineering.

Mr. Olsen said the Commission could approve the application with such a condition.

Mr. Vallas asked if Traffic Engineering would have the final say on curb cuts, or would Urban Development still have some input.

Mr. Olsen said that if the Commission did not place a condition governing the number of curb cuts, then the Traffic Engineer would have the final say. He said if the staff had been contacted about the meeting between applicant and the Traffic Engineer, they may have had some different comments, because the staff was concerned about that first curb cut on General Bullard.

Mr. Miller asked about the existing curb cuts.

Mr. Clark said what they planned was pretty much what existed now, although they would modify it slightly. They planned to put a smaller car wash in the rear of the facility, but right now there were two curb cuts on both streets and what they planned was not dramatically different than what existed now.

Mr. Turner asked if understood that the two existing curb cuts on Airport Boulevard were in the same location as the applicant proposed.

Mr. Clark said they were very close to the same location, but they would be rebuilding them to conform to current standards as set by Traffic Engineering.

In deliberations session Mr. Miller expressed his concern that the curb cut on General Bullard close to Airport Boulevard was not safe and would cause the street to be blocked with people trying to make a left turn. He said he did not have any problem with the two curb cuts to Airport Boulevard but felt they should be limited to only the northernmost curb cut on General Bullard.

Mr. Miller made a motion to approve the above referenced subdivision, limiting the curb cut to General Bullard to the northernmost one only.

In further discussion Mr. Turner asked Mr. Olsen if the staff wanted this held over so the curb cuts could be discussed and worked out.

Mr. Olsen said yes. The staff's original recommendation was for holdover, and he felt that if it were held over, that would give the applicant time to really review how well one curb cut could work for him.

Mr. Miller withdrew his motion.

A motion was then made by Mr. Turner and seconded by Mr. DeMouy to holdover this plan until the July 5<sup>th</sup> meeting, with revisions due to the Planning Section of Urban Development by June 12<sup>th</sup>, to give the applicant time to address the following:

- 1) placement of a note on the final plat stating that the development is limited to one curb-cut onto Airport Boulevard and one curb cut to General Bullard, 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 unanimously.

In further discussion Dr. Rivizzigno said it should be conveyed to the applicant that the mood was that the curb cut closest to Airport Boulevard was dangerous, and just because it was existing did not mean it should continue to be allowed there.

Mr. Miller also commented that he did not see how the elimination of one curb cut on General Bullard would hurt this business.

**Case #ZON2007-01460 (Planned Unit Development)**

**Myers at General Bullard Subdivision**

4686 Airport Boulevard

(Northeast corner of Airport Boulevard and General Bullard Avenue).

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

(For discussion see **Case #SUB2007-00116 (Subdivision) Myers at General Bullard Subdivision - 4686 Airport Boulevard** – above.)

After discussion a motion was made by Mr. Turner and seconded by Mr. DeMouy to holdover this plan until the July 5<sup>th</sup> meeting to allow the applicant time to address the following:

- 1) revision of the site plan to correct any directional conflicts, due to the refueling circulation;**
- 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 unanimously.

**Case #SUB2007-00122 (Subdivision)**

**Olsson Motel Subdivision**

4137 Government Boulevard

(South side of Government Boulevard, 1750'± East of Crestview Drive).

1 Lot / 3.2± Acres

Mr. Plauche stated that this application was recommended for holdover to the July 5<sup>th</sup> meeting, but if anyone wished to speak at this time they could do so.

No one came forward to speak.

After discussion a motion was made by Mr. Plauche and seconded by Mr. DeMouy to holdover this plan until the July 5<sup>th</sup> meeting, with revisions due to the Planning Section of Urban Development by June 12<sup>th</sup>, to give the applicant time to address the following:

- 1) provision of a new set of address labels for all property owners adjacent to or across the street from the site, as verified by Mobile County Probate Court records, and postage for the labels.**

The motion carried unanimously.

**Case #ZON2007-01461 (Rezoning)**



**Rashimiben S. Patel**

4137 Government Boulevard

(South side of Government Boulevard, 1750' ± East of Crestview Drive).

Rezoning from R-1, Single-Family Residential District, to B-2, Neighborhood Business District, to allow a motel.

Mr. Plauche stated that this application was recommended for holdover to the July 5<sup>th</sup> meeting, but if anyone wished to speak at this time they could do so.

No one came forward to speak.

After discussion a motion was made by Mr. Plauche and seconded by Mr. DeMouy to holdover this request for a change in zoning until the July 5<sup>th</sup> meeting, with revisions due to the Planning Section of Urban Development by June 12<sup>th</sup>, to give the applicant time to address the following:

- 1) provision of a new set of address labels for all property owners within 300 feet, as verified by Mobile County Probate Court records, and postage for the labels; and**
- 2) revision of the application to request B-3, Community Business District zoning classification; and**
- 3) revision of the site plan per the PUD requirements.**

The motion carried unanimously.

**Case #ZON2007-01462 (Planned Unit Development)**

**Olsson Motel Subdivision**

4137 Government Boulevard

(South side of Government Boulevard, 1750' ± East of Crestview Drive).

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

Mr. Plauche stated that this application was recommended for holdover to the July 5<sup>th</sup> meeting, but if anyone wished to speak at this time they could do so.

No one came forward to speak.

After discussion a motion was made by Mr. Plauche and seconded by Mr. DeMouy to holdover this plan until the July 5<sup>th</sup> meeting, with revisions due to the Planning Section of Urban Development by June 12<sup>th</sup>, to give the applicant time to address the following:

- 1) provision of a new set of address labels for all property owners within 300 feet, as verified by Mobile County Probate Court records, and postage for the labels;**
- 2) revision of the site plan to reflect any proposed expansion of the existing residence (for office space);**
- 3) revision of the site plan to depict existing parking (number of spaces and location) and circulation;**

- 4) revision of the site plan to indicate the number of motel rooms per building;
- 5) revision of the site plan to indicate in square feet the amount of office area and residential areas; and
- 6) revision of the site plan to depict compliance with the tree and landscaping requirements of the Zoning Ordinance.

The motion carried unanimously.

**Case #SUB2007-00125 (Subdivision)**

**Woodcreek Subdivision**

West side of Sollie Road, 215'± South of Cambridge Drive).  
260 Lots / 66.3± Acres

Mr. Plauche announced that this application had been withdrawn.

**Case #SUB2007-00126 (Subdivision)**

**Hidden Lakes Subdivision**

7600 and 7601 Lesley Court  
(East terminus of Lesley Court).  
60 Lots / 62.2± Acres

Mr. Plauche announced that this application had been withdrawn.

**Case #SUB2007-00127 (Subdivision)**

**Sweetwater Subdivision**

(250'± South of Tara Drive North, abutting the proposed Hidden Lakes Subdivision).  
51 Lots / 9.4± Acres

Mr. Plauche announced that this application had been withdrawn.

**OTHER BUSINESS:**

**New Member**

Mr. Olsen announced that the position on the Commission vacated by Dr. Laier had been filled. Debra Butler was appointed to the Commission and would be sworn in by Mayor Jones on Monday morning, and hopefully she would be attending the next meeting.

**Re-Appointments**

Mr. Olsen also said he had received word from the Mayor today that the four Commission members whose terms were up – Mr. Miller, Mr. Watkins, Mr. Vallas and Mr. Holmes - were being re-appointed.

**A New Plan For Old Mobile**

Mr. Olsen announced that the staff had received 21 proposals from the RFP that they put out for A New Plan For Old Mobile. These came from all over the country. Mr. Olsen said the staff had gone through half of them and would be going through the other half by next week, whittling down to present to the selection committee.

**Business Meeting**

Mr. Olsen said he had not yet polled the members as Mr. Plauche suggested at the last meeting regarding a date for the next business meeting. He said he had been very busy and apologized, and would take care of that soon.

There being no further business, the meeting was adjourned.

**APPROVED: 08/02/2007**

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Victoria Rivizzigno, Secretary

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Terry Plauche, Chairman

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