

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF OCTOBER 19, 2006 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Terry Plauche, Chairman  
Victoria L. Rivizzigno, Secretary  
Ann Deakle  
William DeMouy  
Nicholas Holmes, III  
Mead Miller  
Roosevelt Turner  
John Vallas

**Members Absent**

Clinton Johnson  
James Watkins III

**Urban Development Staff Present**

Richard L. Olsen  
Deputy Director of Planning  
Frank Palombo, Planner II  
Mae Sciple, Secretary II

**Others Present**

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

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

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

**HOLDOVERS:**

**Case #SUB2006-00206**

**Colleton Place Subdivision**

8101 Howells Ferry Road  
(South side of Howells Ferry Road, 2,340' ± West of Schillinger Road, extending to the East terminus of Shaw Street).

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

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

- 1) revision of the plat to comply with the minimum requirements of Section IV.A.2. of the Subdivision Regulations;
- 2) revision of the plat to ensure adequate buildable area widths for all corner lots;
- 3) placement of a note on the plat stating that the future development area must accommodate the proposed 100-foot wide Spring Hill Avenue – Zeigler Boulevard major street corridor;
- 4) placement of a note on the plat stating that a street stub to Shaw Street, on the West side of the future development area, must be provided when the future development area is subdivided;
- 5) placement of a note on the plat stating that a street stub must be provided to the land-locked parcel South of the future development area, when the future development area is subdivided;
- 6) 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;
- 7) 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;
- 8) provision of a certification letter from a licensed engineer to the Planning Section of Urban Development, certifying that the stormwater detention and drainage facilities comply with the City of Mobile stormwater and flood control ordinances, prior to the signing and recording of the final plat; and
- 9) 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.

**EXTENSIONS:**

**Case #SUB2005-00182 (Subdivision)**

**The Pines of Todd Acres Subdivision**

West side of Todd Acres Drive, 165'± North of Sulin Court, extending to the South terminus of Trinity Road.

A request for a one-year extension of previous approval was considered.

Burt Allen, with the Mitchell Company, applicant, was present in this matter.

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

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2006-00227**

**Crystal Place Subdivision, Resubdivision of Lot 2, Resubdivision of Lot 15**

Northwest corner of Crystal Court South and Crystal Drive.

1 Lot / 0.3± Acre

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

Susan Morabito, 6750 Stone Ridge Court, was present and said she wanted to make it clear that they were requesting a side entrance from Crystal Drive, and not a dual drive. Their lot, Lot 15, was on the corner of Crystal Drive and Crystal Court South. She noted that the covenants on this subdivision state that a driveway cannot come off of Crystal Drive, only off of Crystal Court South. Ms. Morabito noted that there were already five or six driveways on Crystal Drive.

Mr. Olsen stated that there was a note on the original plat that denied access to Crystal Drive. As far as the subdivision is concerned, the staff was recommending that condition be changed for this lot to allow them one curb cut. It would be their choice whether it was Crystal Drive or Crystal Court. With regard to the restrictive covenants on the subdivision, Mr. Olsen said if the covenants specify no curb cut or driveway to Crystal Drive, then the developer would have to go through the process to have those covenants changed. The Planning Commission does not have that authority.

Ms. Morabito said she was told she needed to come before the Planning Commission to have the covenants changed.

Mr. Olsen explained that Ms. Marabito did need to come before the Commission to have the location of the curb cut changed on the plat, but she also needed to go through the process of having the covenants changed. The Planning Commission does not have that authority.

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

- 1) the placement of a note on the final plat stating that the site is limited to a single curb cut to be approved by Traffic Engineering.

The motion carried unanimously.

**Case #SUB2006-00222**  
**O'Reilly Moffett Road Subdivision**

7680 Moffett Road  
(North side of Moffett Road, 300'± West of Denmark Road).  
2 Lots / 2.0± Acres

There was no one present representing the applicant.

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

- 1) the dedication of sufficient right-of-way to provide 50 feet as measured from the centerline of Moffett Road;
- 2) placement of a note on the Final Plat stating that the development is limited to the existing curb-cut onto Moffett Road, if the curb-cut is enlarged, with the size, and design to be approved by the Mobile County Engineering Department;
- 3) provision of a certification letter from a licensed engineer to the Planning Section of Urban Development, certifying that the stormwater detention and drainage facilities comply with the City of Mobile stormwater and flood control ordinances, prior to the signing and recording of the final plat; and
- 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 #SUB2006-00226**  
**Augusta Subdivision, Unit Three, Resubdivision of Lots 2, 3, 10, 11, & 12**

North side of Aiken Way, 105'± East of Stonebridge Court, and South side of Aiken Way, 190'± East of Stonebridge Court.  
3 Lots / 1.6± Acres

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

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

- 1) 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;
- 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;
- 3) provision of a certification letter from a licensed engineer to the Planning Section of Urban Development, certifying that the stormwater detention and drainage

- facilities comply with the City of Mobile stormwater and flood control ordinances, prior to the signing and recording of the final plat; and
- 4) 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 #SUB2006-00233**

**Woodlands of Charmingdale Subdivision**

West terminus of Charmingdale Court North, extending to the East terminus of an unopened, unnamed public right-of-way on the East side of Charmingdale Drive West, 400'± South of Moffett Road,  
31 Lots / 11.3± Acres

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

Robert Taliaferro, 2988 Charmingdale Drive West, stated that this was the first time the neighbors had seen the plan for this subdivision. He said he was on Lot 17, and this would affect him quite a bit because his driveway was where the road would be cut through. Mr. Taliaferro expressed concern about the additional drainage problems this development would create and how it would impact him, as well as the existing subdivision. He said the drainage system for that whole area drains right down that road.

Mr. Plauche noted that condition #3 in the staff recommendation would require the developer to design a drainage system based on the City of Mobile's stormwater and flood control standards.

Mr. Olsen explained that the applicant had filed an application to divide this large parcel of land. It has frontage on a street stub from Charmingdale Drive East, which he pointed out on the plat, and while this may not be improved, there actually was right-of-way that could have a street in it from Charmingdale West. The proposal does not propose a connection through to Charmingdale Drive West. Mr. Olsen also pointed out the low area of the site where the detention facility would be located. He said the developer would be required to design their detention facilities to comply with the City of Mobile requirements.

Chris Corley, 2880 Charmingdale Drive West, said he was also representing one of the neighbors, Mrs. Smith. Mrs. Smith had given him an excerpt from the January, 1992 minutes of the Planning Commission at which time they tried to divide this property. The minutes indicated that the Commission voted to allow that only three houses could be built on the property at that time. Mrs. White, as well as a number of other residents of this area, were also concerned about the drainage situation, as they do have an existing drainage issue.

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Mr. Olsen stated that the drainage requirements, which were basically the City standards, would not allow water to leave the site any more after development than it currently leaves the site. This will require the developer to have a detention facility that keeps the drainage as it is today. They cannot make it any worse on the neighboring property. With regard to the minutes of the Planning Commission meeting in January 1992 referenced by Mr. Corley, Mr. Olsen said that application was for Charmingdale West Subdivision, 2<sup>nd</sup> Addition, which was approved with three lots on 11 acres.

Mr. Corley asked how it was that now they could go from three lots to 31 lots. At that time there were only three homes allowed to be built with above-ground septic systems.

Mr. Olsen further explained that the application in 1992 was for three lots, and the reason for that was because there would be individual septic systems. They now have City water and sanitary sewer facilities available, which allows them to further subdivide the property. Previously, the lots had to be a minimum of 15,000 square feet. Now they can have lots with a minimum of 7200 square feet.

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

- 1) revision of the plat to depict the contour information required by the Subdivision Regulations;
- 2) labeling of all common areas, and placement of a note on the plat stating that maintenance of the detention basin common area, and any other common areas, is the responsibility of the subdivision's property owners;
- 3) 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;
- 4) revision of the plat to label each lot in square feet, or provision of a table on the plat depicting the same information; and
- 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.

The motion carried unanimously.

**Case #SUB2006-00223**

**Livingstone Lane Subdivision**

South side of Jeff Hamilton Road, 440'± West of McFarland Road, extending to the West side of McFarland Road, 930'± South of Jeff Hamilton Road.

39 Lots / 12.2± Acres

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations. He asked if there was anyone else present who wished to speak in this matter.

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John Carpenter, a resident of 26619 Cotton Bayou Drive, Orange Beach, Alabama, stated that he owned approximately 6 1/2 acres at 9370 Jeff Hamilton Road, which was directly across the street from the subject property. His cousin, Jimmy Carpenter, and a minister, all owned from 4 1/2 to 6 1/2 acres down the road from him. Mr. Carpenter stated that in the last few years they had been inundated with water flowing off of the subject property and across the road onto their property. He wrote a letter in this regard to the Assistant County Engineer, John Murphy, in August of 2005, but never received a response. Several people from his office, however, did come out to assess the situation. Mr. Neil Howard, a design engineer with the County, told him that the drainage problems they had were basically due to the fact that the school that was built at the corner of Jeff Hamilton and McFarland Roads did not have a retention pond. Mr. Carpenter said it was so bad that the water had eroded the land down to the roots of the trees. The water also tore his fence down, and he had to build another fence and move it back so the torrential rain water would not take it down. He said the developer of this property would have to build a super-sized retention pond to contain the additional runoff from this property. Mr. Carpenter said he did not know if the developers were aware of this problem, but he would be glad to meet with them on the site to show them the existing problem, and maybe they could request that the County require the school to put in a retention pond on their property.

Mr. Plauche asked if anyone from Byrd Surveying, the engineers for the developer, was present and could address this problem.

There was no one present representing the engineer.

Steve Green, 3817 St. Andrews Drive, stated that Mr. Carpenter was correct about the runoff coming from the school. Mr. Green pointed out on the plat the path of the runoff, which he said was not coming from his property. He developed the two neighborhoods adjoining this site - Autumn Leaf and Autumn Trace - as well as Graceland behind that. Mr. Green said they typically build to the highest standards possible on detention, and they would do so for this subdivision. He said the existing problem, however, was not going to be resolved until a detention pond was put in at the school.

Mr. Plauche asked Mr. Green if he understood that his property had to be developed according to the City of Mobile standards regarding drainage.

Mr. Green said he was aware of that, as he had several projects in the area and their detention complied with the City of Mobile standards. He just wanted to let Mr. Carpenter know that he was aware of the problem, and suggested that he follow-up with the School Board in this matter. Mr. Green added that, naturally, there would be some runoff from the subject property, but the purpose of the detention pond was to collect the water, hold it, and release it at a slow rate just like it was right now.

Mr. Olsen noted that he had received a call from Mr. Byrd earlier in the day, stating that they were requesting a 20-foot side yard setback on the corner lots - lots 1, 19, 33 and 38

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- as opposed to the 25-foot setback required by the Subdivision Regulations. He said this was noted on the plat but was not illustrated, which was the reason the staff did not realize this. Mr. Olsen said the staff had no problem with allowing a 20-foot side yard setback on the lots specified.

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) placement of a note on the final plat denying direct access to Jeff Hamilton Road for lots 1, 26-31 and 38;
- 2) placement of a note on the final plat limiting lot 39 to one curb-cut onto McFarland Road, with the size, design and location to be approved by Mobile County Engineering;
- 3) revision of the plat to depict the contour information required by the Subdivision Regulations;
- 4) labeling of all common and detention areas, and placement of a note on the plat stating that maintenance of the detention basin and common areas is the responsibility of the subdivision's property owners;
- 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) depiction of the 25-foot minimum building setback line from all road frontages, except Lots 1, 19, 33 and 38, which may have a 20' side street setback;
- 7) placement of a note on the final plat stating that no permanent structures such as buildings or pools may be placed within the Alabama Power easement;
- 8) revision of the plat to label each lot in square feet, or provision of a table on the plat depicting the same information; and
- 9) placement of a note on the plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.

The motion carried unanimously.

**Case #SUB2006-00228**

**Rebecca Hills Subdivision, Resubdivision of Lot 1**

East terminus of Charmingdale Drive South and the West terminus of Thorman Drive.

61 Lots / 14.9± 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.



Glenn Griffin, a resident of 2880 Charmingdale Drive East, stated that his property was adjacent to the proposed development, and he was also speaking on behalf of a group of property owners on Graham Road and Charmingdale Drive East whose property adjoined the subject property. Mr. Griffin stated that they were not opposed to residential development, if it was done in a responsible and fair manner and would have a positive impact on the community. They had several issues, however, one regarding the excessive number of lots proposed. He pointed out that the proposal was for 61 lots on 14.85 acres, and many of the proposed lots did not meet the minimum lot size of 7200 square feet. As noted in the staff report, the applicant acknowledged that some of the lots do not meet the minimum requirement, however, when the total area of 14.85 acres is considered, the 61 lots, including the common areas, each averaged 8,558 square feet. Mr. Griffin said the property owners did not agree and hoped the Planning Commission would see through this deviation and not consider this equation as the actual size of these lots, and that they would stand by the minimum requirement of 7200 square feet per lot. Mr. Griffin also referred to the staff report, which stated that this project reflects "Smart Growth" sensibilities. He did not agree, saying that the sensibilities are not clarified in this proposal to warrant a Smart Growth claim. The report also stated that none of the proposed lots appeared to be smaller than, for example, the proposed Transitional-Business zoning category recently passed by the Planning Commission. Mr. Griffin referred to the definition of a Transitional Business District as stated in the Zoning Ordinance, which reads as follows: "The Transitional Business District is intended for small sites in or near its residential neighborhoods on or near major or collector streets". He pointed out that there were no major or collector streets in the area, and said the Transitional Business District was meant for dense neighborhoods such as Spring Hill, Crichton, or historic districts to encourage walkable shopping districts. There were no parks, public recreation areas, schools, libraries, shopping complexes, or sidewalks within walking distance of the proposed subdivision. Mr. Griffin further stated that he was concerned about increased traffic on Charmingdale Drive and Graham Road. Charmingdale alone now handles more than 360 trips a day by motorists from the connecting street, and that number would increase to 604 trips if this subdivision was approved. Mr. Griffin also expressed concern about inadequate drainage, noting that the entire property slopes to the South at an extreme level. Drainage will flow South onto residential property and streets below the property line into the City of Mobile. There were no remedies outlined in this proposal as to where the water would eventually end up. Mr. Griffin asked that the Commission continue to make good decisions that will impact the future of their community in a positive way.

Mr. Plauche asked if there were any questions by the Commission members.

Mr. Turner asked how many lots would be smaller than the 7200 square foot minimum.

Mr. Olsen said he would get that information.

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

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Keith Cockrell, a resident of 7875 Park Drive South, stated that he and his wife owned the subject property, which currently was a 68-space mobile home park, and it was on City water and City sewer that had been built to specifications of MAWSS. The City maintained the pipes, as well as the lift station. He said this site, including the rights-of-way and roads, was large enough for the development of 61 lots, averaging over 8,000 square feet per lot. Although the lots were narrow, they were 130-150 feet deep, and they had underground power and natural gas was available. Regarding the drainage issue, Mr. Cockrell said they would comply with the condition, as stated in the report, placed on them by City Engineering. Further, Mr. Cockrell contended that there would be less traffic from the proposed 61 lots than there was now with 68 mobile homes, which currently had access via Thorman Road and Graham Road. This may put some additional traffic on Charmingdale, but it would take a lot of traffic off of Thorman Road. They felt that 61 site-built homes would be an improvement to the neighborhood above mobile home parks. Regarding the square footage of the proposed lots, Mr. Cockrell said that was spelled out in the Innovative Design Section of the Subdivision Regulations. They computed the square footage of the acreage, minus that of the common areas and rights-of-way.

Mr. Olsen noted that four of the proposed lots were below the 7200-square foot minimum, which he pointed out on the plat. All of the other lots appeared to be over the minimum lot size. He noted they would be 50 feet wide as opposed to 60 feet, which was allowed under Section VIII.C. of the Subdivision Regulations allowing innovative design.

Mr. Holmes asked if he understood that currently the mobile home park had only one access.

Mr. Cockrell said that was correct. It had access off of Thorman Road.

Mr. Turner asked how many mobile homes were currently on the site.

Mr. Cockrell replied that currently there were between 30 and 40. After Katrina, they were more than 100 percent occupied with the addition of FEMA trailers, because they put more than one trailer on a lot. Most of the FEMA trailers had now been moved out. One-hundred percent occupancy would be 68 trailers. Mr. Cockrell said they were no longer renting, since they proposed this subdivision. Water, sewer, and natural gas were already provided, and the only thing they would have to do was to bring the roads to County standards, the drainage to City standards, and change the secondary power from the transformer out to the lot.

Charlie Edwards, a resident of 2870 Charmingdale East, was concerned about the prospect of over 600 cars using Charmingdale Drive every day, which in a 10-hour period he calculated to be one car per minute. The traffic was already a problem, as there were a lot of houses below them that used Charimingdale Drive. Although Graham Road also had access to Moffett Road, he contended that even if a new connection were not required to Charmingdale, they would still have twice as much traffic than Graham Road.

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Mr. Edwards felt that the residents of Charmingdale would not be opposed to the proposed development if there were no new connections to Charmingdale.

Mr. Miller asked how the residents of the mobile home park currently accessed the site.

Mr. Olsen stated that there was a drive off of Thorman Road that provided access to the mobile home park.

Mr. Miller asked if there would be a stub to Rebecca Drive North.

Mr. Olsen said there was a proposed stub for the future connection of Rebecca Drive North to the adjacent property when it is developed, but there was not a street there at this time.

In deliberation session Mr. Miller said he recognized the concern of the neighbors, but he felt the proposed subdivision would be an improvement over a mobile home park. He also asked if there would be City water and sewer facilities.

Mr. Olsen said the applicant stated that that they would have City water and sewer facilities.

Dr. Rivizzigno stated that she did not consider the proposed development to be Smart Growth because there were no commercial or public land uses around it that people could walk to. She did not feel they should waive the lot size requirement of 7200 square feet, as there was no reason to have substandard size lots in this neighborhood.

After discussion a motion was made by Dr. Rivizzigno to approve the above referenced subdivision subject to the staff recommendations, and with the addition of a condition that all the lots meet the minimum standard lots size of 7200 square feet.

In further discussion Mr. Miller asked if that would require re-drawing the plat.

Mr. Olsen said it could possibly require a little bit of a reconfiguration, or maybe just elimination of a couple of the lots.

Mr. Miller asked if a holdover would be more reasonable.

Ms. Deakle asked if approval of a revised plat could be done administratively.

Mr. Olsen said that could be done if the Commission so instructed.

Dr. Rivizzigno amended her motion to include administrative approval of a revised plat.

Ms. Deakle seconded the motion.

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Mr. Olsen asked for clarification of the amended motion. He asked if he understood that the reduction in width to 50 feet would be allowed, as long as each lot was a minimum of 7200 square feet.

Dr. Rivizzigno said that was correct.

Mr. Miller was concerned about requiring the developer to re-draw the plans, but felt he would have to re-draw them anyway unless he canceled out a lot or two.

Mr. Lawler stated that since the utilities were in place, that would be part of the problem of re-drawing the lots, in that he had probably drawn the lots around the existing utilities. Making him do it another way might be a hardship on him.

Mr. Miller asked for clarification about the utilities. He asked if saying that they were in place meant that there were meters sitting on 61 lots.

Mr. Holmes said there were 68 lots.

Mr. Olsen said the proposal was for 61 lots. The mobile home park had 68 lots.

There being no further discussion, Mr. Plauche called the question on the final motion, which was:

- 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) depiction on the final plat of the contour information required by the Subdivision Regulations;
- 3) labeling of all common areas, 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) each lot to contain a minimum of 7,200 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; and
- 6) 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.

The vote was six in favor of the motion and one against.

The motion carried.

**Case #SUB2006-00232**

**Champion Hills Subdivision, Unit 2**

West termini of Labrador Run North, Labrador Run South, and Sir Brutus Run.

65 Lots / 34.1± Acres

Doug Anderson, with the law firm of Bowron, Latta and Wasden, P.C., was present representing the developer/applicant in this matter. Mr. Anderson said they had some concerns with condition #3 of the staff's recommendations. As a basis for their objections, he gave a brief history of this application. Mr. Anderson said the original plat was submitted to the City in 2002 as a 170-some-odd lot subdivision. It was approved as a 146-lot subdivision by the Planning Commission in October of 2002. Subsequently, the 146 lots were divided into two units. Unit Two was constructed, and that plat was recorded in June of 2004. That plat showed what was before the Commission today, Unit Two, as future development. In March of 2005 the engineer handling this subdivision for his client took the construction plans to the County, and on March 28 of 2005, Mr. Ruffer, the County Engineer, signed the administrative approval so that Unit Two, as was originally submitted in 2002, could be constructed. Mr. Anderson said his client subsequently constructed Unit Two, another 70-some-odd lots. This past summer, that construction was completed. They took the final plat to the City and/or County to have it signed so that plat could be recorded, and it was determined at that point in time that the original approval given by the Planning Commission had expired and had never been renewed. As a matter of fact, when Unit 1 was recorded back in 2004, the original approval had actually expired, but nobody caught it until both units were completed. Mr. Anderson said their engineer should have requested an extension of approval. Now they have completed Unit 2 for approval, with a requirement that they add three traffic circles. Those three traffic circles would cost, depending on the engineering, between \$120,000 and \$140,000 to construct, plus the loss of some possible lots and time. Mr. Anderson said that this subdivision was on the County Commission agenda for Monday morning. They were ready to proceed. They had contracts and a delay and further expense would hurt this subdivision tremendously. Mr. Anderson said he had several conversations with Rick Olsen over the last 24 hours, and he would let him speak as far as what the staff had to say.

Regarding the first submission for Champion Hills, Mr. Olsen said the Planning Commission letter of decision did require traffic calming devices. Another application was submitted after that, which was the one that Unit 1 was based upon. That approval did not require the traffic calming devices. Unfortunately, something slipped through the cracks and the subdivision approval expired. There were never any applications made for extension. When it came in just a few months ago, having expired 16 months ago from the last recordation, the staff could not sign it. Mr. Olsen said at this point the staff had no problem with the removal of the condition regarding traffic calming devices.

Mike Speaks, with Speaks Engineering, stated that the problem with this subdivision was their fault. Mr. Speaks said his firm did the original application back in 2002. They designed the first unit. In the process of going to the second unit, the engineer that was in charge left their firm and it just got dropped. They did not make a request for an

extension, which they just realized a few weeks ago. Mr. Speaks apologized to the Commission and to their staff, because they had tried to work with them to get this matter resolved.

After discussion a motion was made by Mr. Turner to approve the above referenced subdivision subject to the staff recommendations, except for condition #3, which should be omitted.

In further discussion Mr. Miller asked if the traffic calming devices were necessary.

Dr. Rivizzigno commented that not all of them cost \$100,000.

Mr. Olsen noted that the County would only allow traffic circles, which would be a major impact. The County does not allow traffic tables, lumps, or humps.

Dr. Rivizzigno seconded the motion, which was for approval subject to the following conditions:

- 1) the dedication of sufficient right-of-way to provide 25 feet as measured from the centerline of Dawes Cemetery Road;
- 2) placement of a note on the Final Plat stating that Lots 1-3 are denied direct access to Dawes Cemetery Road;
- 3) 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;
- 4) labeling of all lots with size in square feet, or provision of a table with the lot size information on the plat;
- 5) the approval of all necessary federal, state and local agencies; 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.

**NEW SIDEWALK WAIVER APPLICATIONS:**

**Case #ZON2006-02118**

**George Blankenship**

2862 Brossett Street

(Northeast corner of Brossett Street and Yeager Court).

Request to waive construction of sidewalks along Brossett Street and Yeager Court Street frontages.

Lawrence Wilson was present on behalf of the applicant.

There was no one present in opposition.

The staff report indicated that the subject property was located along U.S. Highway 90, and no sidewalks currently existed along either of the adjoining properties. City Engineering stated that there was no reason that sidewalks could not be constructed. The applicant contended that there was no pedestrian traffic at this location and sidewalks were not necessary.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Turner to deny this request.

The motion carried unanimously.

**Case #ZON2006-02128**

**The Mitchell Company, Inc.**

9 Du Rhu Drive

(West side of Du Rhu Drive, 945'± South of College Lane South)

Request to waive construction of a sidewalk along Du Rhu Drive.

A representative of the applicant was present in this matter.

After discussion a motion was made by Mr. Turner and seconded by Ms. Deakle to approve this request.

In further discussion Mr. Miller said he was very familiar with this area. There were condominiums in the area and a lot of activity, and he felt they should encourage walking and was hesitant about waiving sidewalks.

Ms. Sawyer, with City Engineering, stated that a sidewalk had been constructed in front of the majority of the development. The waiver request was for a small portion of the right-of-way along Du Rhu Drive on the north end of the site where a major utility pedestal was located.

There being no further discussion, Mr. Plauche called the question.

The motion carried unanimously.

**NEW ZONING APPLICATIONS:**

**Case #ZON2006-02111**

**MOJO, Inc.**

Northwest corner of Moffett Road and Wolf Ridge Road.

Rezoning from R-1, Single-Family Residential, and B-2, Neighborhood Business, to B-2, Neighborhood Business, to eliminate split zoning in a proposed commercial subdivision.

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

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

- 1) the subdivision is limited to two curb cuts to Moffett Road, size, location and design to conform to AASHTO standards, and to be approved by Traffic Engineering and ALDOT; and
- 2) the subdivision is limited to two curb cuts to Wolf Ridge Road, size, location and design to conform to AASHTO standards, and to be approved by Traffic Engineering.

The motion carried unanimously.

**GROUP APPLICATIONS:**

**Case #SUB2006-00225 (Subdivision)**  
**Belle Isle Subdivision, Resubdivision of Lots 1-6**  
4710 Belle Isle Lane  
(North terminus of Belle Isle Lane).  
6 Lots / 3.3± Acres

**(Also see Case #ZON2006-01868 (Planned Unit Development) (Holdover) Belle Isle Subdivision, Resubdivision of Lots 1-6 - below.)**

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

Mr. Holmes asked the staff to clarify the situation regarding the private road.

Mr. Olsen stated that the right-of-way shown was a platted right-of-way. The applicant was in the process of vacating that right-of-way. The City Clerk's Office had received correspondence from each department involved recommending approval of the vacation subject to the completion of this subdivision application. Once that is vacated, it would be private property. Mr. Olsen noted that the applicant had also acquired the rights to the drive from the adjoining property owner.

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

- 1) full compliance with City Engineering comments (According to the tax assessor's office and existing records in the Engineering Department, the property shown as a private drive is City of Mobile right of way. If the ROW has been vacated, ½ of the property would have been appropriated to the property owner on the other side of the ROW. If the ROW has been vacated and the applicant has obtained the property, the COM Engineering Department needs documentation prior to



- submittal of the final plat. If the property is COM ROW it should be constructed, by way of a Land Disturbance Permit, to COM standards prior to submittal of the final plat. Add note stating no fill allowed in special flood hazard area without a Land Disturbance Permit. Show minimum finished floor elevation on each lot. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.);
- 2) full compliance with the requirements of Section VIII.E.2 of the Subdivision Regulations;
  - 3) the placement of a note on the final plat stating that if use of the gate were to cease, the subdivision would no longer be in compliance with the Subdivision Regulations and the street would have to be brought into compliance with City standards for a public street;
  - 4) the application of standard setbacks and site coverage for the lots;
  - 5) that all applicable federal, State, and local approvals be obtained prior to permitting; and
  - 6) the 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 #ZON2006-01868 (Planned Unit Development) (Holdover)**  
**Belle Isle Subdivision, Resubdivision of Lots 1-6**

4710 Belle Isle Lane

(North terminus of Belle Isle Lane).

Planned Unit Development Approval to allow a private street single-family residential subdivision.

**(Also see Case #SUB2006-00225 (Subdivision) Belle Isle Subdivision, Resubdivision of Lots 1-6 - above, for discussion.)**

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

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

- 1) full compliance with City Engineering comments (According to the tax assessor's office and existing records in the Engineering Department, the property shown as a private drive is City of Mobile right of way. If the ROW has been vacated, 1/2 of the property would have been appropriated to the property owner on the other side of the ROW. If the ROW has been vacated and the applicant has obtained the property, the COM Engineering Department needs documentation prior to submittal of the final plat. If the property is COM ROW it should be constructed, by way of a Land Disturbance Permit, to COM standards prior to submittal of the final plat. Add note stating no fill allowed in special flood hazard area without a Land Disturbance Permit. Show minimum

finished floor elevation on each lot. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.);

- 2) full compliance with the requirements of Section VIII.E.2 of the Subdivision Regulations;
- 3) the application of standard setbacks and site coverage for the lots;
- 4) that all applicable federal, State, and local approvals be obtained prior to permitting; and
- 5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2006-00230 (Subdivision)**  
**Blevins Subdivision, First Addition to**  
3941 Demetropolis Road  
(East side of Demetropolis Road, 140'± South of Halls Mill Road).  
1 Lot / 5.2± Acres

**(Also see Case #ZON2006-02112 (Sidewalk Waiver) CSC, LLC & William Blevin - below; and Case #ZON2006-02113 (Planned Unit Development) Blevins Subdivision, First Addition to - below.)**

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. DeMouy to approve this plan subject to the following condition:

- 1) a note be placed on the final plat limiting curb cuts to the approved Planned Unit Development.

The motion carried unanimously.

**Case #ZON2006-02112 (Sidewalk Waiver)**  
**CSC, LLC & William Blevin**  
3941 Demetropolis Road  
(East side of Demetropolis Road, 140'± South of Halls Mill Road).  
Request to waive construction of a sidewalk along the Demetropolis Road street frontage.

**(Also see Case #SUB2006-00230 (Subdivision) Blevins Subdivision, First Addition to - above; and Case #ZON2006-02113 (Planned Unit Development) Blevins Subdivision, First Addition to - below.)**

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

In discussion Mr. Miller asked if there were other sidewalks in the immediate vicinity.

Mr. Olsen stated that there were several properties in the vicinity along Demetropolis Road that had been granted sidewalk waivers because there were open ditches in the area, which makes it impracticable to build a sidewalk, if not impossible, at least in part of the area because there would be no connectivity.

After discussion a motion was made by Mr. Turner and seconded by Mr. DeMouy to waive the sidewalk at this location.

The motion carried unanimously.

**Case #ZON2006-02113 (Planned Unit Development)**

**Blevins Subdivision, First Addition to**

3941 Demetropolis Road

(East side of Demetropolis Road, 140'± South of Halls Mill Road).

Planned Unit Development Approval to allow two retail/warehouse buildings on a single building site.

**(Also see Case #SUB2006-00230 (Subdivision) Blevins Subdivision, First Addition to - above; and CSC, LLC & William Blevin - Request to waive construction of a sidewalk along the Demetropolis Road street frontage - above.)**

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. DeMouy to approve this plan subject to the following conditions:

- 1) a note be placed on the final plat limiting curb cuts to the approved Planned Unit Development; and
- 2) the provision of a 10-foot natural vegetative buffer along the East property line in accordance with Section IV.D.1 of the Zoning Ordinance.

The motion carried unanimously.

**Case #SUB2006-00231 (Subdivision)**

**The Pines at the Preserve Subdivision**

North side of Girby Road, 3/10 mile± East of Lloyd's Lane, extending to the East side of Lloyd's Lane, 600'± North of Girby Road, and extending to the West side of Campground Branch Creek and the South side of Scenic West Place Subdivision.

184 Lots / 84.2± Acres

**(Also see Case #ZON2006-02115 (Planned Unit Development) The Pines at the Preserve Subdivision - below.)**

Mike Speaks, representing the applicant, requested that this application be held over.

Mr. Plauche stated that even though the application would be held over, anyone present who wished to speak in this matter they could do so today.

Dwayne Graham, with the Armbrecht-Jackson law firm, stated that he was present representing a group of adjoining property owners - Trish Hooks, Cathy Palmer, and Arthur Fouche. Mr. Graham said his clients were concerned that the proposed subdivision did not allow adequate stubbing to their adjoining property for future development. He pointed out two parcels that were landlocked, and another parcel which showed a stub, however, it was in an area reserved for detention and flood water. Mr. Graham said he wanted to make the Commission aware of these concerns, and he would address this matter further at the next meeting.

Mr. Olsen said it had been brought to his attention that two of the parcels referred to by Mr. Graham were deeded off in approximately 1989, based on tax assessor information. He said it would be helpful if Mr. Graham could provide the staff with deeds showing when in fact those parcels were established, because if it was after 1952, the owners should have gone through the subdivision process to divide the property.

Mr. Graham said he would look into that matter.

Cathy Terry Palmer said that she wanted to point out that it was incorrectly assumed that all of the property owners were related. She said they were not. Susan Cunningham Merritt owned the southern five acres, she owned the middle five acres, and she and her sisters owned the back ten acres. Ms. Palmer said they had previously gone through a private condemnation action and were not able to get access anywhere around there with the former owners.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Miller to hold over this application until the November 2, 2006 meeting.

The motion carried unanimously.

**Case #ZON2006-02115 (Planned Unit Development)**

**The Pines at the Preserve Subdivision**

North side of Girby Road, 3/10 mile± East of Lloyd's Lane, extending to the East side of Lloyd's Lane, 600'± North of Girby Road, and extending to the West side of Campground Branch Creek and the South side of Scenic West Place Subdivision. Planned Unit Development approval to allow reduced lot widths and sizes, reduced building setbacks, and increased site coverage in a single-family residential subdivision.

**(Also see Case #SUB2006-00231 (Subdivision) The Pines at the Preserve Subdivision - above, for discussion.)**

Mike Speaks, representing the applicant, requested that this application be held over.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Miller to hold over this application until the November 2, 2006 meeting.

The motion carried unanimously.

**Case #SUB2006-00224 (Subdivision)  
Wade Business Park Subdivision**

North side of Government Boulevard, 530'± East of Lakeside Drive, adjacent to the West side of Montlimar Creek Drainage Canal, extending to the East side of Lakeside Drive at the East terminus of Joy Springs Drive.

4 Lots / 9.5± Acres

**(Also see Case #ZON2006-02049 (Planned Unit Development) Wade Business Park Subdivision - below.)**

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) compliance with Engineering comments (Show minimum finished floor elevation on each lot on the final plat. 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. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right-of-way permit.);
- 2) compliance with the requirements of Section VIII.E.2 of the Subdivision Regulations; and
- 3) the placement of the 25-foot building setbacks on the final plat.

The motion carried unanimously.

**Case #ZON2006-02049 (Planned Unit Development)  
Wade Business Park Subdivision**

North side of Government Boulevard, 530'± East of Lakeside Drive, adjacent to the West side of Montlimar Creek Drainage Canal, extending to the East side of Lakeside Drive at the East terminus of Joy Springs Drive.

Planned Unit Development Approval to allow a private street commercial subdivision.

Council District 4

(Also see Case #SUB2006-00224 (Subdivision) Wade Business Park Subdivision - above.)

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) compliance with Engineering comments (Show minimum finished floor elevation on each lot on the final plat. 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. Must comply with all storm water and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.);
- 2) compliance with the requirements of Section VIII.E.2 of the Subdivision Regulations;
- 3) provision of a revised site plan to include a table indicating the quantity of landscaping required, and to illustrate the location of the required trees to be planted, prior to signing the final plat;
- 4) the placement of the 25-foot building setbacks on the revised site plan; and
- 5) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

**OTHER BUSINESS:**

Mr. Lawler advised the Commission that he had drafted a letter, which was signed by the Chairman, to the Mayor with copies to the City Council, the County Commission and County Engineer regarding the decision made at the Commission's business meeting the previous week regarding the requirement of a letter of certification from engineers for subdivisions in the planning jurisdiction.

There being no further business, the meeting was adjourned.

**APPROVED:** December 7, 2006

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Victoria Rivizzigno, Secretary

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Terry Plauche, Chairman

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