

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF SEPTEMBER 15, 2005 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Terry Plauche, Chairman  
James Laier, Vice-Chair  
Victor McSwain, Secretary  
James F. Watkins  
Adline Clarke  
Ann Deakle  
John Vallas  
Nicholas H. Holmes, III  
Mead Miller (S)

**Members Absent**

Clinton Johnson  
Victoria Rivvizzigno

**Urban Development Staff Present**

Laura J. Clarke, Director,  
Urban Development Department  
Richard L. Olsen, Deputy Director of  
Planning  
Ron Jackson, Deputy Director of  
Urban Forestry  
David Daughenbaugh, Coordinator of  
Urban Forestry  
Madeleine Masters, Planner I  
Trista S. Cole, Secretary I

**Others Present**

John Lawler, Assistant City Attorney  
Jennifer White, Traffic Engineering  
Pat Stewart, County Engineering  
Beverly Terry, 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.

**APPROVAL OF MINUTES:**

**HOLDOVERS:**

**Case #ZON2005-01291 (Planned Unit Development)**

**D'Iberville Town Homes Subdivision**

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

Request for Planned Unit Development Approval to amend a previously approved planned unit development to allow reduced lot widths, reduced building setbacks,

June 3, 2004

increased site coverage, shared parking, and reduced street widths in a single-family residential town home subdivision.

**(Also see Case #SUB2005-00132 – D’Iberville Town Homes Subdivision-Subdivision– see below)**

The applicant was present and concurred with the staff recommendations.

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

- 1) **completion of the subdivision process;**
- 2) **development limited to the plans as revised for private streets, received August 15, 2005;**
- 3) **full compliance with Engineering Department Comments (Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. Engineering will require a drainage easement be dedicated for maintenance of any existing stormwater drainage system located on the property that handles water discharged from a public rights-of-way. The width of the easement is dependant upon the width of the existing drainage-way from top of bank to top of bank plus approximately 10 feet on one side for access purposes. Engineering recommends requiring a minimum of a 25 feet stream bank buffer (from the top of the bank) to protect the highly sensitive Campground Branch stream. The buffer should be left vegetated. A Hold Harmless agreement will be required for any stormwater discharge onto an adjacent property owner if the discharge has been increased or concentrated);**
- 4) **compliance with Urban Forestry comments for the overall development**
- 5) **design of apparatus turn-arounds to be approved by the Fire Department;**  
**and**
- 6) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**Case #2005-00132 (Subdivision)**

**D’Iberville Town Homes Subdivision**

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

58 Lots / 10.8± Acres

**(For discussion see Case #ZON2005-01291 – D’Iberville Town Homes Subdivision – Planned Unit Development – see above)**

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

June 3, 2004

- 1) **compliance with Section VIII.E.2 for private streets (minimum standards, maintenance, etc);**
- 2) **full compliance with Engineering Department Standards (Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. Engineering will require a drainage easement be dedicated for maintenance of any existing stormwater drainage system located on the property that handles water discharged from a public rights-of-way. The width of the easement is dependant upon the width of the existing drainage-way from top of bank to top of bank plus approximately 10 feet on one side for access purposes. Engineering recommends requiring a minimum of a 25 feet stream bank buffer (from the top of the bank) to protect the highly sensitive Campground Branch stream. The buffer should be left vegetated. A Hold Harmless agreement will be required for any stormwater discharge onto an adjacent property owner if the discharge has been increased or concentrated);**
- 3) **all areas not designated as lots be designated as Common Area, and the placement of a note on the final plat stating that maintenance of all common areas and detention facilities shall be the responsibility of the property owners; and**
- 4) **design of apparatus turn-arounds to be approved by the Fire Department.**

The motion carried unanimously.

**Case #SUB2005-00153**

**Dawes Lake Trace Subdivision, First Addition**

West side of Dawes Lake Road East, 500'± South of its North Terminus.

12 Lots / 7.5± Acres

After discussion a motion was made by Mr. Plauche and seconded by Mrs. Deakle to holdover this request until October 20, 2005.

The motion carried unanimously.

**Case #SUB2005-00156**

**Friendship Subdivision**

561 Cody Road North

(West side of Cody Road North, 50'± North of Fourteenth Street, extending to the North side of Fourteenth Street 90'± West of Cody Road North and 350'± West of Lincoln Boulevard, and extending to the South side of Sellers Lane, 655'± West of Cody Road North).

1 Lot / 15.5± Acres

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

June 3, 2004

- 1) the dedication of sufficient right-of-way to provide 50-feet from the centerline of Cody Road;
- 2) the placement of a note on the final plat stating that the site is limited to the two existing curb cuts to Cody Road; and
- 3) the placement of a note on the final plat stating that access to Fourteenth Street, Lincoln Boulevard and Sellers Lane are denied.

The motion carried unanimously.

**EXTENSIONS:**

**GROUP APPLICATIONS**

**NEW ZONING APPLICATIONS:**

**Case #ZON2005-01674**

**David Tunstall & MPT Investments, LLC**

West side of Cosgrove Drive, 110'± North of Old Shell Road.

A request for change in rezoning from B-2, Neighborhood Business, to R-1, Single-Family Residential, to allow single-family dwellings.

The plat illustrates the proposed rezoning.

After discussion a motion was made by Mr. Vallas and seconded by Mrs. Deakle to recommend this change in zoning to the City Council.

The motion carried unanimously.

**NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:**

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2005-00176**

**Azalea Business Park Subdivision**

South side of Moffett Road, 120'± East of Blackwell Nursery Road South

24 Lots / 11.5± Acres

A motion was made by Dr. Laier and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

June 3, 2004

- 1) the placement of a note on the final plat stating that Lots 1 and 24 are denied direct access to Moffett Road;
- 2) the construction and dedication of the new street to County Engineering standards, including a temporary turnaround;
- 3) labeling of the common area, and the placement of a note on the final plat stating that maintenance of the common area will be property owners' responsibility; and
- 4) the placement of a note on the final plat stating that any lots that 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 #SUB2005-00181**

**Bayou Island Subdivision**

North side of Hamilton Boulevard, 2/10 mile± West of the South terminus of Viking Way.

15 Lots / 19.3± Acres

A motion was made by Mr. Watkins and seconded by Mr. Holmes to approve the above referenced subdivision subject to the following conditions:

- 1) dedication of right-of-way sufficient to provide 50 feet from the centerline of Hamilton Boulevard, with adjustment of the 25-foot minimum building setback line as necessary;
- 2) placement of a note on the Final Plat stating that Lots 1 and 2 are limited to one curb cut each onto Hamilton Boulevard, and that the private driveway is limited to one access point onto Hamilton Boulevard, with curb-cut sizes, location and design to be approved by County Engineering;
- 3) approval of all applicable federal, state and local agencies regarding the wetlands and floodplain issues prior to the issuance of any permits;
- 4) placement of a note on the Final Plat stating that maintenance of all common areas is the responsibility of the property owners;
- 5) redesign of the proposed private driveway to provide intermediate and terminating turn-arounds, with adjustments in the right-of-way width as necessary, in conformance with Section V.B.6. of the Subdivision Regulations;
- 6) provision of a private right-of-way in conformance with Section VIII.E.2.c., and in order to delineate the common area from the private road;
- 7) placement of a note on the plat stating that the street is privately maintained and not dedicated to the public;
- 8) placement of a note on the plat stating that if the private street is not constructed and maintained to the appropriate Mobile County standard, and is ultimately dedicated for public use and maintenance, 100 percent of the

June 3, 2004

- cost of the improvements required to bring the street up to the prevailing standard shall be assessed to the property owners at the time the private street is dedicated, with the assessment running with the land to any subsequent property owners;
- 9) designation on the plat of utility easements acceptable to the appropriate provider of utility services within the subdivision, in conformance with Section VIII.E.2.d.;
  - 10) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;
  - 11) provision of a legal covenant, in conformance with Section VIII.E.2.f. of the Subdivision Regulations;
  - 12) provision of a street sign in conformance with Section VIII.E.2.i. of the Regulations, and;
  - 13) correction of the Legal Description's point of beginning reference.

The motion carried unanimously.

**Case #SUB2005-00179**

**Bel Air Executive Park Subdivision, Unit 1, Resubdivision of Lots 3 & 4, Lot 1**

West side of Executive Park Drive, 350' ± South of Cottage Hill Road.

1 Lot / 1.0± Acre

A motion was made by Mr. McSwain and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

- 1) **the placement of the 25-foot minimum setback line on the final plat.**

The motion carried unanimously.

**Case #SUB2005-00173**

**Camilla Court Subdivision**

608 Magnolia Road

(West side of Magnolia Road, 125' ± North of Marcelus Drive).

2 Lots / 0.9± Acre

A motion was made by Mr. Vallas and seconded by Mrs. Deakle to deny the above referenced subdivision to the following conditions:

- 1) **the flag-shaped nature of proposed Lot 2 is not appropriate to the location of the subdivision, and thus does not satisfy Section V.D.1 of the Subdivision Regulations.**

The motion carried unanimously.

June 3, 2004

**Case #SUB2005-00187**

**Deer Port Commerce Park Subdivision**

Northeast corner of Dauphin Island Parkway and Deer River Road, extending South and East to the North side of the Theodore Ship Channel, 830'± East of Dauphin Island Parkway.

5 Lots / 78.5± Acres

A motion was made by Mr. Vallas and seconded by Mr. Watkins 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 3 are denied access to the existing Deer River Road, and Lot 4 is limited to one curb cut to Dauphin Island Parkway, with the size, location and design to be approved County Engineering;**
- 2) **the provision of a temporary turnaround at the end of the new Deer River Road where it meets the right-of-way of the existing Deer River Road; subject to County Engineer approval; and**
- 3) **the approval of all applicable federal, state and local agencies prior to the issuance of any permits; and**
- 4) **placement of a note on the final plat stating that any property that is developed commercially and adjoins residentially developed property shall provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.**

The motion carried unanimously.

**Case #SUB2005-00174**

**Downtown West Subdivision, Unit Six, Resubdivision of Lots 1 & 2**

(West side of Downtowner Loop West, 200'± North of Downtowner Loop South).

1 Lot / 1.1± Acres

A motion was made by Dr. Laier and seconded by Mrs. Deakle to approve the above referenced subdivision.

The motion carried unanimously.

**Case #SUB2005-00177**

**Graceland Subdivision**

North side of Howells Ferry Road, ¼ mile± East of the North terminus of Havens Road.

10 Lots / 11.5± Acres

A motion was made by Mr. Plauche and seconded by Mrs. Deakle to holdover this application until October 6, 2005 at the applicants request.

The motion carried unanimously.

June 3, 2004

**Case #SUB2005-00175**

**McRae Place Subdivision**

South side of Johnson Road at the South terminus of Cottage Grove Drive

48 Lots / 19.0± Acres

A motion was made by Mrs. Deakle and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

- 1) **the placement of a note on the final plat stating that Lots 1 and 48 are denied direct access to Johnson Road South;**
- 2) **the placement of a note on the final plat stating that any lots that are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations; and**
- 3) **the placement of a note on the final plat stating that maintenance of the detention area will be the responsibility of the property owners.**

The motion carried unanimously.

**Case #SUB2005-00183**

**Riverwood Estates Subdivision, Phase Three**

East side of Rabbit Creek Drive at the East terminus of Gulf Creek Circle (South), extending to the South terminus of Riverwood Landing South.

46 Lots / 30.7± Acres

A motion was made by Dr. Laier and seconded by Mr. Watkins to approve the above referenced subdivision subject to the following conditions:

- 1) **placement of a note on the Final Plat stating that easements and common areas are to be maintained by the property owners association;**
- 2) **placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations;**
- 3) **placement of a note on the Final Plat stating that Lots 1 through 4 are denied direct access to Rabbit Creek Drive, and;**
- 4) **approval of all applicable federal, state and local agencies regarding the wetlands and floodplain issues prior to the issuance of any permits.**

The motion carried unanimously.

**Case #SUB2005-00178**

**Water Street Urban Renewal Project Alabama R-34 Subdivision, First Unit, Block 10-D, Resubdivision of Lot 2**

South side of St. Madar Street, extending from Marmotte Street to Fishers Alley (formerly Lang Street).



**June 3, 2004**

2 Lots / 3.4± Acres

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

- 1) the placement of the 25-foot minimum setback lines on the final plat; and**
- 2) the demolition of building on lot B prior to redevelopment.**

The motion carried unanimously.

**Case #SUB2005-00180**

**Walshwood Medical Subdivision, Resubdivision of**

Northeast corner of Spring Hill Avenue and Mobile Infirmary Drive extending through to Center Street.

2 Lots / 24.9± Acres

A motion was made by Mr. McSwain and seconded by Mrs. Deakle to approve the above referenced subdivision subject to the following conditions:

- 1) the dedication of a drainage easement along the regulatory flood way and flood plain, to be approved by Engineering;**
- 2) minimum finished floor elevations for Lots 1 and 2, to be approved by Engineering prior to signing the final plat;**
- 3) the receipt of permits from the Mobile Tree Commission prior to pruning or removing trees located on the vacated Walshwood Road right-of-way; and**
- 4) the approval of all applicable federal, state, or local agencies, prior to the issuance of any permits.**

The motion carried unanimously.

**NEW SIDEWALK WAIVER APPLICATIONS:**

**Case #ZON2005-01635**

**Comfort Suites (M. Don Williams, Agent)**

80 Springdale Boulevard

(East side of Springdale Boulevard, 325'± South of East I-65 Service Road South).

A request to waive construction of a sidewalk along Springdale Boulevard.

A motion was made by Mr. Watkins and seconded by Mrs. Deakle to approve this request.

The motion carried unanimously.

**June 3, 2004**

**Case #ZON2005-01636**

**Dewitt McCrary (M. Don Williams, Agent)**

4007, 4051 and 4057 Moffett Road

(South side of Moffett Road at Pine Grove Avenue).

A request to waive construction of a sidewalk along Moffett Road.

A motion was made by Mr. Watkins and seconded by Mrs. Deakle to approve this request.

The motion carried unanimously.

**OTHER BUSINESS:**

There being no further business, the meeting was adjourned.

**APPROVED:**

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Victor McSwain, Secretary

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Terry Plauche, Chairman

tc/ms