

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF MARCH 19, 2009 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William DeMouy
Victoria L. Rivizzigno, Secretary
Stephen J. Davitt, Jr.
Mead Miller
Roosevelt Turner
John Vallas
James Watkins, III

Members Absent

Clinton Johnson
Debra Butler
Nicholas Holmes, III

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Bert Hoffman,
Planner II
Tony Felts,
Planner I
David Daughenbaugh,
Urban Forestry Coordinator
Joanie Stiff-Love,
Secretary II

Others Present

John Lawler,
Assistant City Attorney
John Forrester,
City Engineering

Jennifer White,
Traffic Engineering

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

Mr. Plauche stated the number of members present constituted a quorum and called the meeting to order, advising all attending of the policies and procedures pertaining to the Planning Commission.

HOLDOVERS:

Case #SUB2009-00003

Salvation Army Subdivision, Re-subdivision of

3300 Moffett Road
North side of Moffett Road, 1040'± West of Western Drive
Number of Lots / Acres: 2 Lots / 14.2± Acres
Engineer / Surveyor: Byrd Surveying, Inc.
Council District 1

Nathan Handmacher, 3378 Moffett Road, Mobile, AL, spoken on behalf of the applicant, saying they were in agreement with the recommendations with the exception of number 5. where they would like to be limited to the existing curb cuts on Creighton Street.

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Mr. Olsen stated the staff had no problem with that as a previous Subdivision and Planned Unit Development application for the site on the west side had that specific condition on there, so the change would not be an issue.

Hearing no opposition or discussion, a motion was made by Mr. Watkins, with second by Dr. Rivizzigno, to approve the above referenced re-subdivision, subject to the following conditions:

- 1) **revision of the 25-foot minimum building line to show the minimum building line along all street frontages, including Creighton Street;**
- 2) **revision of the Creighton Street label to include “unopened”;**
- 3) **dedication sufficient to provide right-of-way for a turnaround diameter of 120 feet at the terminus of the Creighton Street right-of-way or vacation of the Creighton Street right-of-way;**
- 4) **placement of a note on the final plat stating that both lots are limited to their existing number of curb cuts to Moffett Road, with the size, design, and location of the curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 5) **placement of a note on the final plat stating that Lot A access to Creighton Street is limited to the existing curb cut until it is improved with a City of Mobile-standard street;**
- 6) **placement of a note on the final plat stating that should Creighton Street ever be improved to City of Mobile standards, Lot A will be limited to two curb cuts to Creighton Street with the size, design, and location of the curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 7) **labeling of each lot with size (in square feet), or provision of a table with the same information;**
- 8) **placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and,**
- 9) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

EXTENSIONS:

Case #SUB2002-00153 (Subdivision)

Summit Subdivision

Eastern terminus of O'Hara Drive, 650'± East of Twelve Oaks Drive
Number of Lots / Acres: 30 Lots (remainder) / 11.0± Acres (remainder)
Engineer / Surveyor: Rester and Coleman Engineers, Inc.
County

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to approve the above referenced extension, but the applicant is advised that, unless road construction is underway or units are recorded, no further extensions are likely.

The motion carried unanimously.

Case #SUB2007-00020

Emerald Oaks Subdivision

West side of Demetropolis Road, 400'± North of Brookfield Drive North
Number of Lots / Acres: 31 Lots / 12.5± Acres
Engineer / Surveyor: Driven Engineering, Inc.
Council District 4

The Chair stated there were conditions listed for approval on this extension and asked if the applicant was present or anyone needed to speak on the matter.

In deliberation, Mr. Watkins stated that there was no one present to assent to the conditions, and asked did the staff feel the applicant had been duly informed of the conditions.

Mr. Olsen stated yes.

Hearing no opposition or further discussion, a motion was made by Mr. Vallas, with second Dr. Rivizzigno, to approve the above referenced extension, subject to the following conditions:

- 1) **revision of the cul-de-sacs to meet the 120' and 140' minimum right-of-way diameters, as appropriate, to comply with the 2003 IFC standards; and,**
- 2) **submission of verification that the affected lots around the cul-de-sacs will still retain the minimum build-able areas.**

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The applicant need be advised that, if no road construction is begun, no further extensions are likely.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2009-00023

Creighton's Subdivision, 1st Addition, Block A, Re-subdivision of Lots 4 & 5

7208 L and N Circle

North side of L and N Circle, 340'± West of Smith Street

Number of Lots / Acres: 1 Lot / 0.6± Acre

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

Council District 4

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

Kimberly Henderson, 7206 L and N Circle, Mobile, AL, asked for clarification regarding the staff's intent with regards to the conditions involving setbacks and lot size, and asked if it was a request for an increase in the dedicated areas.

Mr. Olsen stated the staff wanted to assure the 25 foot setback line, as shown on the preliminary plat, was retained on the final submitted plant, and that the conditions were listed to re-iterate the previously stated conditions on the original subdivision.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Dr. Rivizzigno, to approve the above referenced re-subdivision, subject to the following conditions:

- 1) retention of the 25 foot building setback line of the final plat;**
- 2) retention of the lot size (in square feet) labeling on the final plat;**
- 3) placement of a note on the final plat stating that the lot is limited to one curb cut, with the size, design, and location of the curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and,**
- 5) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

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Case #SUB2009-00026

Stone Square Plaza Subdivision

2154 Dr Martin Luther King Jr. Avenue

East side of Dr Martin Luther King Jr. Avenue, 150'± North of Osage Street

Number of Lots / Acres: 1 Lot / 0.9± Acre

Engineer / Surveyor: Frank A. Dagley & Associates, Inc.

Council District 2

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

Hearing no opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Davitt, to 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, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **placement of a note on the final plat stating that the site is denied access to the unopened right-of-way to the South;**
- 3) **labeling of the lot with its size in square feet, or the provision of a table on the final plat with the same information;**
- 4) **placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and,**
- 5) **subject to City Engineering 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. Must provide detention for any impervious area added in excess of 4,000 square feet.*)**

The motion carried unanimously.

Case #SUB2009-00030

Royal Street Hotel Lot Subdivision

113 St Louis Street

Southwest corner of St Louis Street and North Royal Street

Number of Lots / Acres: 1 Lot / 1.0± Acre

Engineer / Surveyor: Robert A. Ardary P.E.

Council District 2

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

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Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Dr. Rivizzigno, to approve the above referenced subdivision, subject to the following conditions:

- 1) **placement of a note on the plat stating that Lot 1 is limited to one (1) curb-cut onto each street, for a total of two (2), with the size, design, and location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **compliance with Engineering comments: (*Show Minimum FFE on plans and plat. No fill allowed within a special flood hazard area without providing compensation or completing a flood study showing that there is no rise for the proposed fill within the special flood hazard area. Must comply with all FEMA requirements for improvements made to existing structures located in the flood zone. All drainage from the site including downspouts shall be collected and discharge subsurface to the City of Mobile drainage system. Analysis of receiving system will be required to verify capacity. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Must provide detention for any impervious area added in excess of 4,000 square feet.*);**
- 3) **waiver of the minimum building setback requirements of Section V.D.9. of the Subdivision Regulations in favor of those of the Zoning Ordinance, and placement of a note on the plat stating that there are no minimum building setbacks; and,**
- 4) **the labeling of the lot with its size in square feet.**

The motion carried unanimously.

Case #SUB2009-00018

Holloway Place Subdivision

10153 Hunters Trace North

South side of Hunters Trace North, extending to the North side of Hunters Trace, 192'±
West of Hunters Lane

Number of Lots / Acres: 2 Lots / 1.0± Acre

Engineer / Surveyor: Haidt Land Surveying

County

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

Hearing no opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Davitt, to approve the above referenced subdivision, subject to the following conditions:

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- 1) placement of a note on the final plat stating that each lot is limited to one curb cut, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;
- 2) illustration of the 25' minimum building setback line along both street frontages;
- 3) labeling of each lot with its size in square feet and acres, or the furnishing of a table on the plat providing the same information;
- 4) placement of a note on the final plat stating that no building construction is allowed within any easements;
- 5) placement of a note on the final plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater 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;
- 6) placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and,
- 7) placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2009-00019

Roberson Estates Subdivision

9291 Three Notch Road

South side of Three Notch Road at the North terminus of Private Road 073, 695'± West of Ben Hamilton Road

Number of Lots / Acres: 2 Lots / 4.9± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

County

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

Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by

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Mr. Vallas, to approve the above referenced subdivision, subject to the following conditions:

- 1) dedication sufficient to provide 50-feet from the centerline of Three Notch Road;
- 2) revision of the 25 foot minimum building line on the final plat to reflect the dedication;
- 3) labeling of the lot size (in square feet) on the final plat, or provision of a table with the same information on the final plat;
- 4) placement of a note on the final plat limiting each lot to one curb cut to Three Notch Road, with the size, design, and location of all curb cuts to be approved by Mobile County Engineering;
- 5) placement of a note on the final plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater 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;
- 6) placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and,
- 7) placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2009-00029

Smith Place Subdivision, Re-subdivision of Lots 4 & 5

5877 and 5901 Sperry Road

East side of Sperry Road, 260'± South of Old Pascagoula Road

Number of Lots / Acres: 2 Lots / 1.7± Acres

Engineer / Surveyor: Rowe Surveying & Engineering Co. Inc.

County

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

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Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Dr. Rivizzigno, to approve the above referenced re-subdivision, subject to the following conditions:

- 1) **placement of a note stating that each lot is limited to one curb cut to Sperry Road, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 2) **placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;**
- 3) **placement of a note on the final plat stating that any lots developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations; and,**
- 4) **submission of a letter from a licensed engineer certifying compliance with the City of Mobile's stormwater and flood control ordinances to the Mobile County Engineering department and the Planning Section of Mobile Urban Development prior to issuance of any permits.**

The motion carried unanimously.

Case #SUB2009-00017

Ballard Estates Subdivision

3775 Hardeman Road

Southwest corner of Hardeman Road and Southridge Drive

Number of Lots / Acres: 3 Lots / 4.6± Acres

Engineer / Surveyor: Greg Stirm Surveying, LLC

County

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

Hearing no opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. DeMouy, to approve the above referenced subdivision, subject to the following conditions:

- 1) **illustration of the 25' minimum building setback line from the current right-of-way along Southridge Drive;**
- 2) **illustration of a 50' minimum building setback line along Hardeman Road, as measured from the current right-of-way line, so as to allow a 25' building setback as measured from the future right-of-way of the Major Street Plan;**

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- 3) placement of a note on the final plat stating that Lot 1 is limited to one curb cut to Southridge Drive and one curb cut to Hardeman Road, Lot 2 is limited to one curb cut to Hardeman Road, and Lot 3 is limited to two curb cuts to Hardeman Road, with the size, location, and design of all curb cuts to be approved by County Engineering and conform to AASHTO standards;
- 4) revision of the plat to label each lot with its size in both square feet and acres, or the provision of on the plat furnishing the same information;
- 5) placement of a note on the final plat stating that the maintenance of the common area is the responsibility of the property owners and not Mobile County;
- 6) compliance with the Environmental and Watershed Protection requirements of the Subdivision Regulations, more specifically: no field lines or septic tanks may be constructed or maintained within a "flood prone area" as designated by FEMA, or within a "Buffer Zone" as defined in Section II. Stormwater detention facilities are required. Detention criteria shall comply with the highest applicable adopted standard, which currently requires a minimum detention capacity to accommodate the volume of a 50 year post development storm, with a maximum release rate equivalent to the 10 year storm pre-development rate. A licensed Professional Engineer must certify that the design of the Subdivision and its stormwater detention features are designed in accord with these requirements. Any stormwater detention facility must be shown in the plans and on the recorded subdivision plat as common area not maintained by the City of Mobile, Mobile County or the State of Alabama." Certification is to be submitted to the Planning Section of Urban Development and County Engineering;
- 7) placement of a note on the plat stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and,
- 8) placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.

The motion carried unanimously.

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Case #SUB2009-00021

Pylant Subdivision

3371 Fowl River Road

Southside of Fowl River Road, 322'± West of Pelican Bay Drive

Number of Lots / Acres: 3 Lots / 6.0± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

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

Hearing on opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. DeMouy, to waive Section V.D.3 and approve the above referenced subdivision, subject to the following conditions:

- 1) retention of the 25 foot minimum building line on the final plat;
- 2) retention of the lot size labeling (in square feet) on the final plat;
- 3) placement of a note on the final plat limiting each lot to one curb cut to Fowl River Road, with the size, design, and location of all curb cuts to be approved by Mobile County Engineering;
- 4) placement of a note on the final plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater 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;
- 5) placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and,
- 6) placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2009-00022

Langham Family Division Subdivision, Re-subdivision of Lots 1 & 2

8340 Three Notch Road

North side of Three Notch Road, 180'± West of Kirkwell Drive

Number of Lots / Acres: 3 Lots / 8.2± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

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

Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Vallas, to waive Section V.D.3 and approve the above referenced re-subdivision, subject to the following conditions:

- 1) **dedication of sufficient right-of-way so as to provide a minimum 50' from the centerline of Three Notch Road;**
- 2) **placement of a note stating that each lot is limited to one curb cut to Three Notch Road, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 3) **placement of a note on the final plat stating that no future subdivision of any lot is allowed until additional adequate frontage on a public street is provided;**
- 4) **the applicant correct the title of the subdivision (should be *Langham Family Division, Re-subdivision of Lots 1 and 2*);**
- 5) **the applicant receive the approval of all applicable federal, state, and local environmental agencies prior to the issuance of any permits or land disturbance activities;**
- 6) **placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;**
- 7) **placement of a note on the final plat stating that any lots developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations; and,**
- 8) **submission of a letter from a licensed engineer certifying compliance with the City of Mobile's stormwater and flood control ordinances to the Mobile County Engineering department and the Planning Section of Mobile Urban Development prior to issuance of any permits.**

The motion carried unanimously.

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Case #SUB2009-00024

Roger Barnhill Family Division Subdivision

6831 Louis M Poiroux Road West

Southeast corner of Louis M Poiroux Road West and Louis M Poiroux Road North

Number of Lots / Acres: 3 Lots / 2.6± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

Matt Orrell, Polysurveying of Mobile, spoke on behalf of the applicant saying this was submitted with the road having a 60 foot easement. He added the county had approved a subdivision at the end of this road approximately 7 years prior. He said his client currently lives on the property and would like to create two more home sites on the property. They have spent a considerable amount of money improving the road, which has been privately maintained for 25 years. The neighbors are not in opposition to the subdivision.

The following people spoke in favor of the application:

- Roger Barnhill, 8750 Old Pascagoula Road, Mobile, AL; and,
- Doris Biggs, 8701 and 8710 Louis M. Poiroux Road West.

They stated the following:

- A. the owner would like to create 3 separate home sites now, as opposed to the possible future development of a large subdivision or possible mobile home park;
- B. the neighbors built the road in question, including putting in the proper culverts and drains; and,
- C. the current buyers for the property are individuals known in the neighborhood.

Mr. Olsen stated the staff stood by its recommendation for denial and gave the following reasons:

- A. though being called a “family subdivision,” it does not meet the requirements for such, as stipulated in the Subdivision Regulations;
- B. the private road does not meet the minimum requirements for a private road subdivision, even in the jurisdiction;
- C. the county does not maintain any private roads and they are not approving any additional subdivisions on private roads; and,
- D. the staff had prepared conditions for approval, should the Commission so choose, and read the following:
 - I. dedication to provide 30 feet from the center line of Louis M. Poiroux Road West, and 30 feet from the

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- center line of Louis M. Poiroux Road North;
- II. placement of a note on the final plat stating that no additional subdivision of the property will be allowed until frontage on a dedicated public street is provided;
 - III. illustration of the 25 foot minimum building set back line as measured from any required dedication;
 - IV. placement of a note on the final plat stating that each lot is limited to one curb cut to Louise M. Poiroux Road West, with the size, location, and design to be approved by Mobile County Engineering and conform with AASHTO standards;
 - V. labeling of each lot with its size in square feet or provision of a table on the final plat furnishing the same information; and,
 - VI. placement of a note on the final plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances and requiring submission of certification from a licensed engineer certifying the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances.

Mr. Watkins asked if the applicant could comply with ASSHTO standards with regards to curb cuts if there is not a paved, county standard, road.

Jennifer White, Traffic Engineering, responded by saying she believed that it could still comply with ASSHTO standards for a driveway.

Dr. Rivizzigno asked if the property were still considered part of the county and not within the Planning Jurisdiction, would they be allowed to subdivide.

Mr. Olsen stated that based upon his understanding of the county's Subdivision Regulations, they are no long approving private road subdivisions.

In deliberation, Dr. Rivizzigno moved to deny the application, however, the motion died for want of a second.

Mr. Davitt moved, with second by Mr. Vallas, to approve the matter, subject to staff recommendations 1 through 8 as read.

Dr. Rivizzigno reminded the Commission that the road in question was not a public street, nor was it county maintained, nor was the subdivision a family subdivision. She noted the good reasons behind the desire to create the subdivision, but that did not change the facts involved.

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Mr. Watkins stated a 30 foot right-of-way would be gained for the county if the matter were approved.

Mr. Olsen stated that a 30 foot right-of-way would be dedicated to the county from the center line of the existing roadway due to the fact there is no “curb and gutter” there and the Subdivision Regulations require a 60 foot right-of-way for a non “curb and gutter” street.

Mr. Watkins asked why the recommendation did not include the full 60 feet and Mr. Olsen responded that would require land from a property owner that was not part of this subdivision application. Mr. Watkins stated then the applicant did not own the roadway to which Mr. Olsen responded that the applicant did own the roadway but not the immediately adjacent property to the roadway that would be necessary to create the 60 feet of right-of-way.

Mr. Lawler stated he felt the Commission was making a lot of exceptions to the Subdivision Regulations for this case. He added that he felt the applicant should be required to put in the necessary facilities for a subdivision.

Mr. Miller voiced his agreement with both Dr. Rivizzigno and Mr. Lawler.

The applicant addressed the Commission again regarding the road and stated the it was in fact owned by all of the property owners adjacent to it, however, for tax purposes it had been placed in his name.

Mr. Vallas noted that would make it a common area, but the property owner could not convey their interest in the right-of-way.

Mr. Lawler noted there was a great deal of discussion and assumptions were being made without the staff having seen or reviewed any documentation that verifies the true situation.

Upon hearing that, Mr. Davitt withdrew his motion to approve the matter and moved, with second by Mr. Vallas, to hold the matter over until the April 16, 2009, meeting, to allow the applicant time to further investigation issues relating to the private street.

The motion carried with only Dr. Rivizzigno in opposition.

Case #SUB2009-00027

The Bluffs at Cypress Creek Subdivision, Phase One

4450 Cypress Business Park Drive

North terminus of Cypress Business Park Drive extending to the West side of Shipyard Road

Number of Lots / Acres: 43 Lots / 52.0± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 4

Don Coleman, Rester and Coleman Engineers, stated the applicant was in agreement with the recommendations, with the exception of lots 3 and 4, for which they have worked out an agreement with the city.

Mr. Hoffman advised that the Engineering comments need to be modified and stated that copies of those modifications were being given to the Commission.

Rose Mary Harrison, 4876 Fellowship Drive, Mobile, AL, spoke in opposition, stating the following:

- A. she and her family have owned land adjacent to this subdivision since its purchase by her father, William Norville, in 1923;
- B. the creek was not always present in its current configuration, as it had been created by the applicant or their representatives; and,
- C. a settlement was reached between the two parties regarding the applicant trespassing onto their land, it was agreed that at the time the subdivision was developed, they would bring a road to her family's property, which is adjacent to I-10 as well.

Mr. Olsen advised the Commission this matter had been before the Commission several times before, however, this was the first time they had been made aware of any of the information Mrs. Harrison just gave.

Mrs. Harrison said she found out about this proposed development only two hours prior. She also stated that she had regularly received information regarding developments such as this in her area, but that had ceased.

Mr. Olsen stated that notification had been sent to William and Mary Norville, who are on record with the tax assessor's office as owning the property referenced by Mrs. Harrison.

Mrs. Harrison stated they were her parents and had been deceased for quite some time. She also stated that her son and daughter-in-law were responsible for paying the taxes on the property so she was not aware that her parents were still the recorded property owners.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with

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second by Dr. Rivizzigno, to hold the matter over until the April 16, 2009, meeting, to allow the applicant time to address issues raised by an adjoining property owner relating to alleged agreements and possible insufficient notification.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2009-00511

Midtown Congregation of Jehovah's Witnesses

804 Farnell Lane

West side of Farnell Lane, 148'± North of Pleasant Valley Road, extending West to the East termini of Angus Drive and Kendale Drive

Request to waive construction of a sidewalk along Farnell Lane.

Council District 5

Andre Baskin, 5 North Pine Street, Mobile, AL, spoke on behalf of his church, expressing their thanks to the city for working with them and their predominately volunteer labor force on this project. He stated that though they recognize the fact there are no physical limitations to placing a sidewalk on the site, there are no other sidewalks to connect with, therefore making it a sidewalk to nowhere. He also added that in the proposed location of the sidewalk there are two light poles, a 30 inch culvert, and a fire hydrant, thus making the construction of the sidewalk more difficult to install, especially by non-professional, volunteer labor.

Dr. Rivizzigno said that as the sidewalk could be installed, albeit, with some difficulty and effort, the church could be "pioneers" in the area with regards to putting in sidewalks.

Hearing no opposition or further discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Davitt, to deny the above referenced sidewalk waiver.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2009-00031 (Subdivision)

Grelot Office Park Subdivision

North side of Grelot Road, 160'± West of Chimney Top Drive West

Number of Lots / Acres: 4 Lots / 5.6± Acres

Engineer / Surveyor: Engineering Development Services, LLC

Council District 6

(Also see **Case #ZON2009-00571 (Planned Unit Development) Grelot Office Park Subdivision**, and, **Case #ZON2009-00572 (Rezoning) Stratford LLC**, below)

Mr. Davitt recused himself from discussion and voting on the matter.

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

Hearing on opposition or discussion, a motion was made by Mr. Vallas, with second by Mr. DeMouy, to approve the above referenced subdivision, subject to the following conditions:

- 1) **placement of a note on the final plat stating that the Subdivision is limited to one, curb-cut onto Grelot Road, with the size, design, and location to be approved by Traffic Engineering, and in conformance with AASHTO standards;**
- 2) **that the access to Grelot Service Road be denied and barricaded, with the location and design of the barricade to be approved by Traffic Engineering; and,**
- 3) **revision of the Final Plat to label the lots with their sizes in square feet.**

The motion carried unanimously.

Case #ZON2009-00571 (Planned Unit Development)

Grelot Office Park Subdivision

North side of Grelot Road, 160'± West of Chimney Top Drive West

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow shared access between four building sites.

Council District 6

(Also see **Case #SUB2009-00031 (Subdivision) Grelot Office Park Subdivision**, above, and, **Case #ZON2009-00572 (Rezoning) Stratford LLC**, below)

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

Hearing on opposition or discussion, a motion was made by Mr. Vallas, with second by Mr. DeMouy, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) **placement of a note on the site plan stating that PUD approval is site plan specific, and that any changes to the site plan, will require a new application to the Planning Commission;**
- 2) **the provision of a 20-foot landscape buffer and 8-foot high wooden privacy fence, where the site abuts R-1, Single-Family Residential;**
- 3) **revision of the site plan to place the requirements of Section 64-6.A.3.c., *Lighting*, as a note on the site plan: *“If parking areas contain ten (10) or more cars, lighting shall be provided and maintained during their operation, and shall be so arranged***

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that the source of light does not shine directly into adjacent residential properties or into traffic.”

- 4) revision of the site plan to depict compliance with the tree and landscaping requirements of the Zoning Ordinance;
- 5) that the access to Grelot Service Road be denied and barricaded, with the location and design of the barricade to be approved by Traffic Engineering; and,
- 6) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2009-00572 (Rezoning)

Stratford LLC

North side of Grelot Road, 160'± West of Chimney Top Drive West.

Rezoning from B-1, Buffer Business District, to LB-2, Limited Business District to allow a three professional building complex

Council District 6

(Also see **Case #SUB2009-00031 (Subdivision) Grelot Office Park Subdivision**, and, **Case #ZON2009-00571 (Planned Unit Development) Grelot Office Park Subdivision**, above)

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

Hearing on opposition or discussion, a motion was made by Mr. Vallas, with second by Mr. DeMouy, to approve the above referenced rezoning request, subject to the following conditions:

- 1) the provision of a 20-foot landscape buffer and 8-foot high wooden privacy fence, where the site abuts R-1, Single-Family Residential, as offered by the applicant;
- 2) that the access to Grelot Service Road be denied and barricaded, with the location and design of the barricade to be approved by Traffic Engineering;
- 3) full compliance with all municipal codes and ordinances;
- 4) that the development is limited to one curb-cut to Grelot Road, with the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards; and,
- 5) development limited to an approved Planned Unit Development (PUD).

The motion carried unanimously.

Case #SUB2009-00025 (Subdivision)
Renaissance-Mobile Family Housing Subdivision

452 Beauregard Street

Area bounded by Beauregard Street, Lawrence Street, Bloodgood Street and Conception Street; East side of Lawrence Street extending from Bloodgood Street to Earle Street and the block bounded by Lawrence Street, Manassas Street, J Blair Street and Earle Street

Number of Lots / Acres: 6 Lots / 14.0± Acres

Engineer / Surveyor: Marshall A. McLeod, PLS, LLC.

Council District 2

(Also see **Case #ZON2009-00562 (Planned Unit Development) Renaissance-Mobile Family Housing Subdivision**, below)

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

Hearing no opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. DeMouy, to approve the above referenced subdivision, subject to the following conditions:

- 1) **compliance with Engineering comments:** *(Applicant shall follow recommendations provided to the applicant from the COM Engineering Department in meetings held on February 2nd and February 5th of 2009. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Must provide detention for any impervious area added in excess of 4,000 square feet);*
- 2) **compliance with Forestry comments:** *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64));*
- 3) **correction of the legal description for common area 4;**
- 4) **revision of the plat to create a common area 5, adjacent to the proposed new street, Bloodgood Street and common area 2;**
- 5) **revision of the plat to provide the appropriate radius for lot corners located at Earle and Lawrence Streets and Claiborne and Beauregard Streets, to be approved by Engineering and Traffic Engineering;**
- 6) **placement of a note on the final plat stating that lots are denied direct access to Lawrence Street and Beauregard Streets, and are limited to access to the minor streets of Manassas, J. Blair, Earle, Bloodgood, Claiborne, Conception, and the proposed new street;**
- 7) **compliance with all local, state, and federal requirements for floodplain and endangered/threatened species issues;**
- 8) **completion of the Subdivision process prior to the issuance of**

- final certificates of occupancy; and,
9) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2009-00562 (Planned Unit Development)

Renaissance-Mobile Family Housing Subdivision

452 Beauregard Street

(Area bounded by Beauregard Street, Lawrence Street, Bloodgood Street and Conception Street; East side of Lawrence Street extending from Bloodgood Street to Earle Street and the block bounded by Lawrence Street, Manassas Street, J Blair Street and Earle Street).

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

Council District 2

(Also see **Case #SUB2009-00025 (Subdivision) Renaissance-Mobile Family Housing Subdivision**, above)

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

Hearing no opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. DeMouy, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) **compliance with Engineering comments:** *(Applicant shall follow recommendations provided to the applicant from the COM Engineering Department in meetings held on February 2nd and February 5th of 2009. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Must provide detention for any impervious area added in excess of 4,000 square feet);*
- 2) **compliance with Forestry comments:** *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64));*
- 3) **revision of the site plan to show all “outparcels” as common areas, matching those indicated on the Subdivision plat, including proposed common area 5 recommended by staff;**
- 4) **revision of the site plan to show lot boundaries matching those depicted on the Subdivision plat, including the required radius of lot lines at street corners;**
- 5) **compliance with the tree and landscaping requirements of the Zoning Ordinance to be coordinated with Urban Development staff prior to request for land disturbance permits, and to potentially include tree planting in common areas;**

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- 6) placement of a note on the site plan stating that any tree planted within 15 feet of an overhead powerline shall be either live oak (overstory) or crepe myrtle (understory), and depiction of any overhead powerlines that will remain after redevelopment;
- 7) revision of the site plan to include a statement regarding the provision of a dumpster (*dumpster, if provided, to meet setback and screening requirements, and not change site circulation*), or placement of a note on the site plan stating that dumpsters will not be provided as part of the development, and how garbage disposal for the residences will be accomplished;
- 8) placement of a note on the site plan stating that lots and residences are denied direct access to Lawrence Street and Beauregard Streets, and are limited to access to the minor streets of Manassas, J. Blair, Earle, Bloodgood, Claiborne, Conception, and the proposed new street;
- 9) provision of a revised PUD site plan, after tree and landscape issues are resolved, prior to the request for land disturbance permits;
- 10) completion of the Subdivision process prior to the request for final certificates of occupancy; and,
- 11) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2009-00028 (Subdivision)

Snowden Place Subdivision

6106 Cottage Hill Road

North side of Cottage Hill Road, 110'± East of Christopher Drive

Number of Lots / Acres: 57 Lots / 13.3± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(Also see **Case #ZON2009-00569 (Planned Unit Development) Snowden Place Subdivision**, and, **Case #ZON2009-00570 (Rezoning) Reid Cummings**, below)

Mr. Plauche and Mr. Watkins recused themselves from discussion and voting on the matter.

Mr. DeMouy, Vice-chair, stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing on opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Vallas, to approve the above referenced subdivision, subject to the following conditions:

- 1) **compliance with Engineering comments: (*If the ditch takes***

- public water, provide a drainage easement (size and location of easement to be coordinated with City Engineer). If the lake is to be used for detention, the pond design should be submitted for the additional impervious area. The applicant is responsible for verifying if the site contains wetlands. 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 Urban Forestry comments: (Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status granted for all 50" and larger trees. All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger. Exact curb cut locations and location of the proposed street should also be coordinated with Urban Forestry to ensure that no trees 50" and larger are effected.);**
 - 3) **compliance with Section VIII.E.2.c. through Section VIII.E.2.k. of the Subdivision Regulations, including the provision of notes on the plat, covenants, and certification letter from a licensed engineer;**
 - 4) **placement of a note on the plat and site plan stating that the gate must remain operational and in use as a condition of the continuation of private street status;**
 - 5) **keeping of the note on the final plat regarding maintenance of all common areas by property owners;**
 - 6) **placement of a note on the plat stating that each lot is limited to one (1) curb-cut onto the private street and denied direct access to Cottage Hill Road, and that the overall site is limited to two (2) access points as shown, with the location, size, and design to be approved by Traffic Engineering and comply with AASHTO standards;**
 - 7) **revision of the plat to label the correct width of the right-of-way for Cottage Hill Road, or dedication of right-of-way necessary to provide 50-feet, as measured from the centerline of Cottage Hill Road;**
 - 8) **depiction of the 40-foot setback line from Cottage Hill Road, and the 15-foot setback line along the private street ;**
 - 9) **revision of note number 17 on the PUD site plan and Subdivision plat to state that each lot is limited to the site coverage depicted on the table on the site plan and plat; and,**
 - 10) **provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the Subdivision**

plat.

The motion carried unanimously.

Case #ZON2009-00569 (Planned Unit Development)

Snowden Place Subdivision

6106 Cottage Hill Road

North side of Cottage Hill Road, 110' ± East of Christopher Drive

Planned Unit Development Approval to allow Single family residences having lots less than 60' wide, reduced building setbacks and increased site coverage, and private 40-foot right-of-way street, amending a previously approved Planned Unit Development to allow a condominium complex and single family subdivision with a private street.

Council District 6

(Also see Case #SUB2009-00028 (Subdivision) Snowden Place Subdivision, above, and, Case #ZON2009-00570 (Rezoning) Reid Cummings, below)

Mr. Plauche and Mr. Watkins recused themselves from discussion and voting on the matter.

Mr. DeMouy, Vice-chair, stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing on opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Vallas, to approve the above referenced subdivision, subject to the following conditions:

- 1) **completion of the Subdivision process;**
- 2) **completion of the Zoning process;**
- 3) **compliance with Engineering comments: *(If the ditch takes public water, provide a drainage easement (size and location of easement to be coordinated with City Engineer). If the lake is to be used for detention, the pond design should be submitted for the additional impervious area. The applicant is responsible for verifying if the site contains wetlands. 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.)*;**
- 4) **compliance with Urban Forestry comments: *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status granted for all 50" and larger trees. All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger. Exact curb cut***

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- locations and location of the proposed street should also be coordinated with Urban Forestry to ensure that no trees 50" and larger are effected.);*
- 5) provision of frontage trees along Cottage Hill Road, to be coordinated with Urban Development;
 - 6) placement of a note on the site plan stating that each lot is limited to one (1) curb-cut onto the private street and denied direct access to Cottage Hill Road, and that the overall site is limited to two (2) access points as shown, with the location, size, and design to be approved by Traffic Engineering and comply with AASHTO standards;
 - 7) compliance with Section VIII.E.2.c. through Section VIII.E.2.k. of the Subdivision Regulations, including the provision of notes on the Subdivision plat and site plan (as shown), covenants, and certification letters from a licensed engineer.;
 - 8) placement of a note on the plat and site plan stating that the gate must remain operational and in use as a condition of the continuation of private street status (as shown);
 - 9) revision of the site plan to label the correct width of the right-of-way for Cottage Hill Road, or dedication of right-of-way necessary to provide 50-feet, as measured from the centerline of Cottage Hill Road;
 - 10) revision of the site plan if the existing wall along Cottage Hill Road will be modified near the primary entrance from the service road stub, with approval of the revised wall design for traffic visibility issues by Traffic Engineering prior to the submittal of the site plan to Planning;
 - 11) revision of the site plan to depict a dumpster pad meeting setback and screening requirements, or placement of a note that individual private service will be provided;
 - 12) depiction of the 40-foot setback line from Cottage Hill Road, and the 15-foot setback line along the private street;
 - 13) revision of note number 17 on the PUD site plan and Subdivision plat to state that each lot is limited to the site coverage depicted on the table on the site plan and plat;
 - 14) provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the Subdivision plat; and,
 - 15) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

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Case #ZON2009-00570 (Rezoning)

Reid Cummings

6106 Cottage Hill Road

(North side of Cottage Hill Road, 110'± East of Christopher Drive).

Rezoning from R-1, Single-Family Residential District, to R-3, Multiple-Family District to allow a condominium complex.

Council District 6

(Also see **Case #SUB2009-00028 (Subdivision) Snowden Place Subdivision**, and, **Case #ZON2009-00569 (Planned Unit Development) Snowden Place Subdivision**, above)

Mr. Plauche and Mr. Watkins recused themselves from discussion and voting on the matter.

Mr. DeMouy, Vice-chair, stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing on opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Vallas, to modify and approve the above referenced request for rezoning to R-2, Two-Family Residence District for the entire site, subject to the following conditions:

- 1) **provision of a 6-foot high wooden privacy fence where the site abuts existing R-1 zoned property;**
- 2) **provision of frontage trees along Cottage Hill Road, to be coordinated with Urban Development;**
- 3) **compliance with Urban Forestry comments: (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status granted for all 50" and larger trees. All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger. Exact curb cut locations and location of the proposed street should also be coordinated with Urban Forestry to ensure that no trees 50" and larger are effected.*);**
- 4) **completion of the Subdivision process; and,**
- 5) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

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OTHER BUSINESS:

Hearing no further business, the meeting was adjourned.

APPROVED: September 3, 2009

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman.

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