

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF FEBRUARY 17, 2010 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Terry Plauche, Chairman  
William G. DeMouy, Jr.  
Nicholas H. Holmes, III  
Herb Jordan  
Mead Miller  
Roosevelt Turner  
John Vallas  
James F. Watkins, III

**Members Absent**

Victoria L. Rivizzigno, Secretary  
Stephen J. Davitt, Jr.

**Urban Development Staff Present**

Richard L. Olsen,  
Deputy Director of Planning  
Bert Hoffman,  
Planner II  
Marie Cross,  
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 #SUB2010-00123 (Subdivision)**

**Regatta Vita Subdivision**

4603 Park Road  
East side of Park Road at the East terminus of Alba Avenue  
Number of Lots / Acres: 4 Lots / 1.1± Acres  
Engineer / Surveyor: Gerald A. Smith Surveyor  
Council District 3

The Chair announced the matter had been recommended for denial, however, if there were those who wished to speak on the matter to please do so at that time.

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Larry Jones, 1171 Santa Maria Court, Mobile, AL, spoke on behalf of the applicant and made the following points in favor of approving the matter that day:

- A. requested that the requirement for additional right-of-way be waived so the lots would meet the Subdivision requirements with regards to minimum square footage; and,
- B. noted he had spoken with the Traffic Engineering Department and had been advised that there was little chance for Park Road or Alba Avenue being improved.

Mr. Vallas asked if Mr. Jones was referencing the required dedication as noted in Condition 1.

Mr. Olsen responded by saying it was. He stated that the staff stood by their recommendations because it was a substandard right-of-way which would provide access to potentially three houses, however, should the Commission choose to waive that requirement the staff had prepared conditions for approval. The Commission asked him to read those, as follows, into the record:

- A. dedication sufficient to provide 25 feet from the centerline of Park Road;
- B. labeling of the lot area size, in square feet, or provision of a table on the plat with the same information;
- C. depiction of the 25-foot minimum building setback line for all lots along each public right-of-way frontage;
- D. placement of a note on the Final Plat limiting each lot to one curb-cut, with the size, design, and exact location of each curb-cut to be approved by Traffic Engineering and conform to AASHTO standards;
- E. 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;
- F. placement of a note on the Final Plat stating that the approval of all applicable federal, state, and local agencies would be required prior to the issuance of any permits; and,
- G. full compliance with City Engineering comments: *“Show Minimum Finished Floor Elevation (FFE) on each lot on Plat. Need to verify location of AE/VE line scaling from FIRM maps (3-17-2010), there appears to be a minor discrepancy between line location on plat compared to FIRM map. Any proposed structure shall be constructed on pilings with the bottom of the lowest horizontal structural member to be placed above the Minimum FFE. Add note to the plat that there is to be absolutely no fill placed within the limits of the flood plain. Must comply*

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*with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.”*

Mr. Jones stated that the staff had advised the owner that in the past the Planning Commission had waived the need for additional right-of-way on similar circumstances.

The Chair asked if the applicant was in agreement with the conditions as read and was advised they were.

Mr. Watkins and Mr. Holmes asked for feedback from Traffic Engineering regarding comments made by the applicant.

Ms. White, Traffic Engineering, stated that her department knew of no plans to improve the right-of-way in question.

Mr. Olsen asked if Ms. White knew if the right-of-way located there was a City maintained right-of-way and she advised that she did not know.

Mr. Watkins asked to again hear the requirement regarding the setback and Mr. Olsen complied.

Mr. Watkins noted that the staff was considering the unopened street as part of said right-of-way.

Mr. Olsen stated that as the proposed development had frontage on said street that the staff did indeed consider it part of their right-of-way. He noted that it was technically a 40 foot right-of-way; however, it could not be considered an improved or to standard right-of-way.

Mr. Jones added that the Mobile Area Water and Sewer System owned property on the opposite side of the property in question and that the City owned the property at the end of the property in question.

Hearing no opposition or further discussion, a motion was made by Mr. Vallas, with second by Mr. Watkins, to waive Section V.B.14. of the Subdivision Regulations regarding right-of-way widths along Park Road, and approve the matter, subject to the following conditions:

- 1) dedication sufficient to provide 25' from the centerline of Park Road;**
- 2) labeling of the lot area size, in square feet, or provision of a table on the plat with the same information;**
- 3) depiction of the 25-foot minimum building setback line for all lots along each public right-of-way frontage;**

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- 4) placement of a note on the Final Plat limiting each lot to one curb-cut, with the size, design, and exact location of each curb-cut to be approved by Traffic Engineering and conform to AASHTO standards;
- 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;
- 6) placement of a note on the Final Plat stating that the approval of all applicable federal, state, and local agencies would be required prior to the issuance of any permits; and,
- 7) full compliance with City Engineering comments: *“Show Minimum Finished Floor Elevation (FFE) on each lot on Plat. Need to verify location of AE/VE line scaling from FIRM maps (3-17-2010), there appears to be a minor discrepancy between line location on plat compared to FIRM map. Any proposed structure shall be constructed on pilings with the bottom of the lowest horizontal structural member to be placed above Minimum FFE. Add note to plat that there is to be absolutely no fill placed within the limits of the flood plain. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.”*

The motion carried unanimously.

**Case #ZON2010-02754 (Planning Approval)**  
**Mobile Terrace Christian Center Subdivision**

7154 Ninth Street

North side of Ninth Street, 200'± East of Lincoln Boulevard

Planning Approval to allow a church facility in an R-1, Single-Family Residential District.

Council District 7

The Chair announced the matter had been recommended for denial, however, if there were those who wished to speak on the matter to please do so at that time.

Jerry Williams, 7210 Fourteenth Street, Mobile, AL, pastor of Mobile Terrace Christian Center, spoke as the applicant and offered the following points in favor of approving the matter:

- A. noted that the night before, a community meeting had been held, as per the Commission's request;
- B. had developed the information regarding what would be done as part of the youth program planned for the location and had presented the same at the community meeting;

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- C. felt the meeting went very well and the community showed their support for his endeavor; and,
- D. noted that his councilperson, Gina Gregory, helped plan the community meeting and attended it as well.

Mr. Vallas noted that at previous meetings where this matter had been discussed, one of the neighbors had always been represented in opposition to the matter. He noted that no such representation was there that day. He queried Mr. Olsen on the appropriateness of getting something in writing from the associated property owners stating that they had, indeed, met with Mr. Williams regarding the matter.

Mr. Olsen stated that it would be appropriate to hold the matter over to get such information, whether it be from the neighbors or from Ms. Gregory's office. He also reminded the Commission that at the last meeting, in addition to requiring the community meeting, the staff had requested a written scope of operation so it could be included in the staff report and to date none had been received and as a result the staff would have difficulty providing the Commission with conditions for approval, if they were so inclined to approve the matter that day.

Mr. Williams gave the requested information to the staff at that time.

The Chair asked if the staff would like the matter held over.

Mr. Olsen stated the staff would very much like the matter held over to provide time for them to review the scope of operation so that they could more accurately provide conditions for approval on the matter. He added it would also provide time for the opposition to provide documentation regarding their position on the matter.

Mr. Williams asked what the appropriate way of getting the requested information to the staff was.

Mr. Olsen advised that the Planning Department could contact Ms. Gregory and ask her staff to provide some type of synopsis of the meeting; however, regarding the opposition, it would be very difficult for the staff to contact them.

Mr. Watkins noted that notice had been given regarding that day's meeting and no one in opposition had attended.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Watkins, to hold the matter over until the March 17, 2011, meeting to allow staff time to review the written scope of operations as submitted at the meeting, and to confirm the outcome of the community meeting with the District 7 Councilperson.

The motion carried unanimously.

**Case #SUB2010-00149 (Subdivision)**

**Mary Armstrong Family Division Subdivision**

5681 Gibson Road

Northeast corner of Gibson Road and Old Pascagoula Road

Number of Lots / Acres: 2 Lots / 19.0± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying  
County

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

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

- 1) **full compliance with Engineering Comments: (*Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall 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. New public roads shall be constructed and paved to standards for County Maintenance, and accepted by Mobile County, while new private roads shall be constructed and paved to minimum County or Subdivision Regulation standards, whichever are greater;*)**
- 2) **placement of a note on the site plan 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;**
- 3) **placement of labeling of the parcel area size, in square feet, or provision of a table on the site plan with the same information, with changes as necessary due to dedications;**
- 4) **depiction of the 25-foot minimum building setback line along all right-of-way frontages;**
- 5) **placement of a note on the Final Plat limiting Lot 1 to one curb-cut each to Old Pascagoula Road and Lot 2 to one curb-cut on both Gibson Road and Old Pascagoula Road, with the size, design, and location of all curb-cuts to be approved by Mobile County Engineering and conform to AASHTO standards; and,**
- 6) **placement of a legal description for Lot 1.**

The motion carried unanimously.

**EXTENSIONS:**

**Case #SUB2005-00095 (Subdivision)**

**Forest Cove Subdivision, Unit Three and Unit Four**

South side of Tulane Drive, 125'± East of Belle Wood Drive East, extending to the West side of Forest Dell Road, 725'± North of its South terminus

Number of Lots / Acres: 137 Lots / 44.4± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 7

(Also see **Case #ZON2005-00998 (Planned Unit Development) Forest Cove**

**Subdivision, Unit Three and Unit Four,** below)

The Chair announced the matter had been recommended for denial, however, if there were those who wished to speak on the matter to please do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Miller, with second by Mr. Holmes, to deny the requested extension.

The motion carried unanimously.

**Case #ZON2005-00998 (Planned Unit Development)**

**Forest Cove Subdivision, Unit Three and Unit Four**

South side of Tulane Drive, 125'± East of Belle Wood Drive East, extending to the West side of Forest Dell Road, 725'± North of its South terminus

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow reduced lot widths and sizes, reduced building setbacks, and increased site coverage in a single-family residential subdivision.

Council District 7

(Also see **Case #SUB2005-00095 (Subdivision) Forest Cove Subdivision, Unit Three and Unit Four,** above)

The Chair announced the matter had been recommended for denial, however, if there were those who wished to speak on the matter to please do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Miller, with second by Mr. Holmes, to deny the requested extension.

The motion carried unanimously.

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**Case #SUB2009-00008 (Subdivision)**

**Providence/Coley Subdivision, Re-subdivision of a Portion of Lot 2**

901 Somerby Drive

Southeast corner of Somerby Drive and Cody Road South

Number of Lots / Acres: 3 Lots / 43.1± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District

(Also see **Case #ZON2009-00216 (Planned Unit Development)** **Providence/Coley Subdivision, Re-subdivision of a Portion of Lot 2**, below)

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Holmes, with second by Mr. Miller, to approve the above referenced request for extension; however, another extension would be unlikely.

The motion carried unanimously.

**Case #ZON2009-00216 (Planned Unit Development)**

**Providence/Coley Subdivision, Re-subdivision of a Portion of Lot 2**

901 Somerby Drive

Southeast corner of Somerby Drive and Cody Road South

Planned Unit Development Approval to allow sixteen apartment buildings and a clubhouse, twelve parking garages, and a maintenance building on a single building site.

Council District 6

(Also see **Case #SUB2009-00008 (Subdivision)** **Providence/Coley Subdivision, Re-subdivision of a Portion of Lot 2**, above)

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Holmes, with second by Mr. Miller, to approve the above referenced request for extension; however, another extension would be unlikely.

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2011-00006**

**Beltline Park Subdivision, Re-subdivision of Lots 18 & 19**

3416 Beltline Park Drive North

Northeast corner of East I-65 Service Road North and Beltline Park Drive North

Number of Lots / Acres: 1 Lot / 0.7± Acres

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

Council District 1

The Chair announced the application had been recommended for approval. He added if anyone wished to speak on the matter they should do so at that time.

Don Rowe, Rowe Surveying and Engineering, Co, Inc., spoke on the matter and made the following points:

- A. regarding Condition 7 and no direct access to East I-65 Service Road North, noted he had spoken with the Traffic Engineer and the staff and both had agreed to change that condition to say one access point to East I-65 Service Road to be approved by the City Engineering Department and Alabama Department of Transportation;
- B. regarding Condition 8, there was a lot of gravel parking in that area as there was a lot of heavy equipment traffic in that area; and,
- C. noted, regarding the gravel surfacing, that the site in question had at one time been the site of heavy equipment sales and it was the current owner's desire to have such a business at that location again and inasmuch a variance was being requested for the same from the Board of Zoning Adjustment.

Mr. Olsen stated that if Alabama Department of Transportation and Traffic Engineering had agreed to Condition 7, as stated by Mr. Rowe, the staff had no issues with the same.

Mr. Watkins asked if the applicant was okay with having no access to the alley as noted in Condition 7.

Mr. Rowe asked that they be granted access to the alley as well.

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

- 1) **depiction of the 25-foot minimum building setback line from Beltline Park Drive North and East I-65 Service Road North street frontages, as well as a 20-foot setback from the alley, as required by Section V.D.9. of the Subdivision Regulations;**

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- 2) the labeling of each lot with its size in square feet, or placement of a table on the plat with the same information;
- 3) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations;
- 4) compliance with Engineering comments: *(Show Minimum Finished Floor Elevation on each lot on Plat. There is to be no fill placed within the limits of the flood plain without providing compensation or performing a "No Rise" certification. Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet post 1984 will require detention. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.)*
- 5) approval of all applicable federal, state, and local agencies prior to the issuance of any permits or land disturbance activities;
- 6) placement of a note on the Final Plat limiting the lot to one curb-cut to Beltline Park Drive North Road, with the size, design, and location of the curb-cut to be approved by Traffic Engineering and conform to AASHTO standards;
- 7) placement of a note on the Final Plat limiting access to East I-65 Service Road North to one curb-cut, with the size, design, and location of the curb-cut to be approved by Traffic Engineering and ALDOT, and to conform to AASHTO standards
- 8) placement of a note on the Final Plat denying access to the alley to the North of the site;
- 9) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities; and,
- 10) full compliance with all other municipal codes and ordinances, including the buffering, lighting, and tree and landscaping requirements of the Zoning Ordinance.

The motion carried unanimously.

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**Case #SUB2011-00007**

**Neese's Addition to Crichton Subdivision, Re-subdivision of Lots 6 & 7, Block J**

262 Union Avenue

East side of Union Avenue, 201'± North of Springhill Avenue

Number of Lots / Acres: 1 Lot/ 0.4± Acre

Engineer / Surveyor: Wattier Surveying, Inc.

Council District 1

The Chair announced the application had been recommended for approval. He added if anyone wished to speak on the matter they should do so at that time.

John Peterson, Hatch, Mott, McDonald, 3110 Montlimar Drive, Mobile, AL, the design engineers for a proposed development on the parcel in question, spoke on the matter and made the following points:

- A. noted the Traffic Engineering comments discussing the driveway number, size, location, and design as having to be approved by them and then the recommendation also noted that the Final Plat was limited to the existing curb-cut to Union Avenue;
- B. noted that the current development plans that were being worked on and had been discussed with Traffic Engineering contained both an entrance drive and an exit drive onto Union Avenue;
- C. expressed the belief that requiring such a note be placed on the Final Plat would be an excessive limitation to that development; and,
- D. requested that the note simply state that the driveway number, size, design, and location be approved by Traffic Engineering.

Mr. Olsen asked for Traffic Engineering's response to the applicant's representative's remarks.

Ms. White, Traffic Engineering, stated that the plan submitted showed a one way in/one way out access with angled parking through out the lot and her department was fine with that, as it actually put the exit farther away from the intersection.

Mr. Olsen stated that the condition would be changed to be in line with Ms. White's remarks to which Mr. Peterson agreed.

Hearing no opposition or further discussion, a motion was made by Mr. Miller, with second by Mr. Turner, to approve the above referenced matter, subject to the following conditions:

- 1) **revision of the plat to label the lot size in both square feet and acres, or the furnishing of a table on the final plat providing the same information;**
- 2) **placement of a note on the final plat stating that the site is**

- limited to one-way in and one-way out drives to Union Avenue, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 3) depiction of the 25' minimum building setback line as on the preliminary plat;
  - 4) compliance with Engineering comments: *(Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet post 1984 will require detention. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer);*
  - 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) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2011-00004**

**West Haven Estates Subdivision, Re-subdivision of and Addition to Lot 2**

4855 and 4859 Lakeland Drive

(Northeast corner of Lakeland Drive and Three Notch Road).

Number of Lots / Acres: 2 Lots/ 1.5± Acres

Engineer / Surveyor: Richard L. Patrick, PLS

County

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Jordan, to approve the above referenced matter, subject to the following conditions:

- 1) placement of a note on the final plat stating that Lot 2B is limited to one curb-cut to Lakeland Drive, and Lot 2A is limited to the one existing curb-cut to Lakeland Drive and the one existing curb-cut to Three Notch Road;
- 2) labeling of each lot with its size in both square feet and acres, or the furnishing of a table on the final plat providing the same information;
- 3) illustration of the 50' minimum building setback line on the final plat;
- 4) placement of a note on the final plat stating development of the site must be undertaken in compliance with all local, state, and

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- federal regulations regarding endangered, threatened, or otherwise protected species;
- 5) placement of a note on the final plat stating that any lots developed commercially and which adjoin residentially developed property shall provide a buffer in compliance with Section V.A.8. of the Subdivision Regulations; and,
  - 6) placement of a note on the final plat stating development must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall 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. New public roads shall be constructed and paved to standards for County Maintenance, and accepted by Mobile County, while new private roads shall be constructed and paved to minimum County or Subdivision Regulation standards, whichever are greater.

The motion carried unanimously.

**Case #SUB2011-00005**

**Revised Bucci Subdivision, Re-subdivision of**

3000 Bryant Road

Northern terminus of Bryant Road

Number of Lots / Acres: 2 Lots/ 2.5± Acres

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

Council District 3

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Jeanne Winn, 3000-A Bryant Road, Mobile, AL, which was an adjacent property to the one in question, spoke in opposition and offered the following points:

- A. noted she had lived there the better part of 30 years as her parents had built the home in which she currently resided;
- B. noted that the original owner of the property in question, Mr. Bucci's parents, bought that parcel at the same time as her parents;
- C. approximately 23 years ago, she and her husband purchased their property from her family and about that time, Mr. Bucci, Sr., approached them regarding not objecting to the subdivision of the property in question as he wanted to his son and family to build a

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- home on the property;
- D. noted she had received assurances from the Bucci family on several occasions that the property would not be sold outside of the family;
  - E. expressed her concern that there was already a house and three apartments located on the property between her home and the area to be subdivided;
  - F. expressed concern that a new, full sized home was about to be built that close to her property;
  - G. expressed concern over an increase in traffic, drainage, and security risks;
  - H. expressed concern over whether or not the associated sewer system and utilities were adequate for an increase in the number of individuals utilizing it;
  - I. noted that access to the property in question was via a common private driveway and expressed her concern over who would be responsible for the increased need for maintenance of said driveway; and,
  - J. noted that in the middle of the property, where the subdivision line appeared to be, was a large Live Oak tree and was concerned over its preservation.

The Chair asked if the Commission had any control over the issues brought up by Mrs. Winn.

Mr. Olsen replied that currently the site was two legal lots of record and that the applicant was simply trying to alter the location of the internal lot line between those two properties. He noted that they were trying to make that line, via this application, a straight line as opposed to its current unusual configuration. He advised that the applicants could apply for and receive a permit to build on the second parcel as it currently stood without the application before the Commission that day.

Mr. Watkins asked if the apartments mentioned were grandfathered in and Mr. Olsen stated that was his assumption.

Mrs. Winn expressed her belief that possibly two of the three were grandfathered in, however one of the apartments, she believed, had been built in the past five years.

Mr. Olsen stated that issue could be investigated.

Mr. Watkins asked what impact that would have on the current application.

Mr. Olsen stated that unless advised to the contrary by Mr. Lawler, the Commission's attorney, it would have no impact.

Mr. Lawler stated that it was his opinion that the legal status of the third apartment

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would have no impact on the current application as the matter was regarding subdivision and two legal lots of record. He agreed that the matter of the third apartment needed to be investigated and appropriate measures taken.

Mr. Vallas asked if a note needed to be placed on the plat for Urban Forestry regarding the Live Oak referenced by Mrs. Winn.

Mr. Daughenbaugh, Urban Forestry, stated that based upon his memory, the trunk of the tree in question was located on the currently developed residential property and, therefore, Urban Forestry did not have jurisdiction over said tree as it was a residentially developed property outside of a historic district. He did state that should the Commission so desire they could grant said tree preservation status as a condition of approval and that would allow the Commission to extend protection to said tree so that any future development on the other lot would have to be done around the tree. He went on to say that noting such a tree was not required during the subdivision process which is why Urban Forestry was unaware of this tree.

The Chair asked, though noting the tree on the plat was not required, did the Commission have any jurisdiction to require that such be put on the plat at this time.

Mr. Olsen stated that there were parts of the Subdivision Regulations that did take into consideration natural features of a property which would include the tree and that the Commission could require that they depict the tree on the Final Plat and place a note on the plat granting the tree preservation status, which would mean permits would have to be obtained to do any cutting, trimming, or anything to the tree, and that the location of any new structures on that lot would have to take into consideration the location of the tree.

Mr. Watkins asked if Mr. Rowe had any thoughts on the location of the tree in question.

Mr. Rowe stated he could not remember the exact location of the tree and that his organization had simply surveyed the property, as the owner wanted to build a house on the lot and wanted to avoid the tree. He expressed his opinion that granting the tree preservation status should not be a problem to his client.

Hearing no further opposition or discussion, a motion was made by Mr. Watkins, with second by Mr. Miller, to waive VIII.E. to approve the above referenced matter, subject to the following conditions:

- 1) placement of a note on the final plat stating that no future subdivision to create additional lots will be allowed unless adequate street frontage is provided for all lots;**
- 2) labeling of each lot with its size in acres and square feet, or the furnishing of a table on the final plat providing the same information;**
- 3) illustration of the 25' minimum building setback line on each**

- lot as measured from the easement frontage;
- 4) placement of a note on the final plat stating that if NWI wetlands are present on the site, the approval of all applicable federal, state, and local agencies would be required prior to the issuance of any permits or land disturbance activities;
  - 5) placement of a note on the final plat stating that development of this site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;
  - 6) depiction of the large, heritage oak tree on the final plat;
  - 7) placement of a note on the final plat stating that the large, heritage oak tree be granted Preservation Status “Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;” and,
  - 8) subject to the Engineering Comments: *(Show Minimum Finished Floor Elevation on each lot on Plat. There is to be no fill placed within the limits of the flood plain without providing compensation or performing a “No Rise” certification. Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet post 1984 will require detention. Any work performed in the right-of-way will require a right-of-way permit).*

The motion carried unanimously.

**GROUP APPLICATIONS:**

Case #SUB2011-00008 (Subdivision)

**Whisper Oak Subdivision**

4512 Higgins Road

North side of Higgins Road, 215'± West of Shipyard Road

Number of Lots / Acres: 1 Lot / 2.7± Acre

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

Council District 4

(Also see Case #ZON2011-00122 (Planned Unit Development) **Whisper Oak Subdivision**, Case #ZON2011-00119 (Planning Approval) **Whisper Oak Subdivision**, Case #ZON2011-00121 (Rezoning) **David L. Pitts**, and, Case #ZON2011-00123 (Sidewalk Waiver) **David L. Pitts**, below)

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

Brett Orrell, Polysurveying of Mobile, spoke on behalf of the applicant, stating they had met with the neighbors earlier in the week and were in agreement with holding the matter over. He added that they wished to withdraw the request for rezoning, as they

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were, instead, applying for a Use Variance with the Board of Zoning Adjustment. He noted that a community meeting had been held with area residents regarding the site, and after hearing their concerns, determined it would be better to withdraw that application and seek a variance on the matter.

The Chair asked if there was opposition to the matter present and invited them to speak at that time.

Grace Burkes, 3825 Cypress Shores Drive North, Mobile, AL, spoke in opposition and made the following points:

- A. did not like the trailer park in their community;
- B. felt that the people living in the trailers lived in deplorable conditions compared to what they could have if they were living in government subsidized housing;
- C. felt that children who live there did not have very much space of their own and had very small yards;
- D. noted the park circle was a “cut thru” that went between four trailers to get to the other side;
- E. felt there was no safe play area;
- F. noted that if the children who lived there wished to go to the convenience store, they would have to cross a two lane road bordered by ditches;
- G. noted that the road in question had a semi-truck park located in close proximity to the property in question and that large mail trucks often used the road as well;
- H. noted a busy railroad track in the area;
- I. noted that the owner of the grandfathered trailer park situated in the middle of their residential neighborhood had provided what was in her opinion an “eye sore” for over the 10 years she had lived there;
- J. noted there was no shortage of rental homes in the neighborhood, citing her four bedroom house as an example;
- K. noted that during Christmas, her garden club voted to take their donated toys directly to some of the children living in the trailer park, where she found that on a weekend, in a two bedroom trailer, there could be up to five children living there due to custody issues;
- L. noted that in her visit, she found that instead of a sofa in the living room, mattresses might be found, meaning the children weren’t even sleeping in bedrooms;
- M. expressed her belief that based upon her religious convictions, the trailer park did serve the purpose of providing for the poor and that it was “a handy place to find some poor people to help, convenient to drop off things to help them;”
- N. noted that the whole concept of a trailer was that it was portable

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- and that ideally an individual bought property then purchased a trailer to put on that property until they were financially able to build a home, at which point the trailer was removed;
- O. expressed her belief that the current property owner had accumulated a number of these older trailers in just the fashion she previously described as she considered them old and dilapidated;
  - P. expressed her feeling that the property owner, though having expressed his intentions to do otherwise, simply planned on getting younger trailers and letting them age and become dilapidated as he has done in the past; and,
  - Q. noted that in preparing for this matter, the property owner had not even bothered to clean up the site in an effort to lead the neighbors to believe that he intended to change the atmosphere and look of the trailer park.

Mr. Vallas noted there appeared to be 21 mobile homes on the site but that the report suggested that the applicant was asking for 22 spaces.

Mr. Olsen noted that was the original request, however, through the process and after seeing the staff's recommendations, the applicant had reduced the number of mobile homes requested as well as having reconfigured the site plan so as to bring the mobile home lot sizes up to the minimum standard. He stated that one of the reasons the staff had recommended holding the matter over was due to the change in the site plan and the staff not having adequate time to review it.

Mr. Vallas asked if there were some code governing mobile homes and mobile home parks and would the site not have to be in compliance with the same. He specifically stated his belief that the applicant would not be allowed to simply move the current trailers around on the site.

Mr. Olsen stated the Commission could not really address the later issue but stated that as long as the trailers and the site met the Mobile Home Ordinance, they had no additional authority over that portion of the matter.

Mr. Vallas noted he would be opposed to increasing the number of mobile homes on the property, however, if they were only adding one additional lot, which would also mean having to improve the condition of the playground and common area, the matters equaled themselves out.

Mr. Watkins asked how the applicant intended to meet the two section requirements as listed in the staff's report.

Mr. Olsen stated that information would be different as the information received from the applicant should change the staff's response to those issues. He noted he had not seen the revised and submitted site plan but it was his understanding that it did comply with all of the sections in question, so the number of mobile home lots was being

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reduced.

Mr. Vallas advised Ms. Burke that the Commission was holding the matter over, and that it would also be heard by the Board of Zoning Adjustment as well.

Mr. Watkins noted that the Commission had seen other situations where there were existing mobile homes. He expressed that his belief that they were single family residential properties as opposed to a mobile home park. He asked what the difference in those situations was from the one before the Commission that day or was this simply a case of a grandfathered in mobile home park.

Mr. Olsen advised that the later was the case as it had been in existence prior to being annexed into the City. He noted that from the staff's perspective the location had been actively used as a mobile home park continuously since the annexation, and that the zoning map showed the site as being adjacent to one single family residence which was zoned as R-1 and that the other three sides were all commercial, being either B-3 or B-5. He also added that the property across from the trailer park was zoned as R-1 but that it was non-conforming as a trucking company, part of which had been rezoned to B-5 to allow them to increase their area. He stated that the immediate section of the area was commercial so that the R-3 zoning that had been requested was not necessarily inappropriate.

Mr. Watkins asked if the matter stayed in the current zoning configuration under non-conforming use or if came back before the Commission for re-zoning, would the Commission have any authority to reduce the density ratios currently in place.

Mr. Olsen answered that for the site to comply with the Mobile Home Park Ordinance, it would require that the lot size be a minimum of 3700 square foot per home, so the site density would be reduced.

Mr. Lawler commented that this was a non-conforming use and so the property owner had the right to replace whatever was currently on site without expanding. He stated that he had issues with how the property could go through the Planned Unit Development process without rezoning said property. He noted they could go through the Board of Zoning Adjustment and that body would be able to take into account all of those matters and do all of those things, but he was not sure that the Planning Commission could approve a Planned Unit Development on property that was zoned R-1.

Mr. Watkins noted that in the past he had represented an individual who had a Planned Unit Development on R-1 zoned property and he had no problems with doing such. He wondered what the Commission could do regarding this site.

Mr. Olsen stated, based upon Mr. Lawler's comments, the zoning issue was something that needed to be reviewed further, which supported the staff's recommendation for hold over. He noted the staff had supported rezoning the property to R-3 as an appropriate

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zoning and that the City Council could have impose conditions on that R-3 which would limit it to an approved Planned Unit Development. He added that the applicant could have voluntarily submitted self-imposed restrictions as well, however, at the community meeting there was much discussion, debate, and disagreement with the staff's position and statement that had the property been zoned B-3 when the Cypress Business Park was brought in it could have been apartments. Mr. Olsen stated that as a result of that meeting an agreement had been reached between the opposition and the developer noting he would withdraw the rezoning application and file for a use variance because they were fearful of Section 8 apartments being built on the site.

Mr. Lawler stated it was his opinion that it made a lot more sense for the matter to be heard by the Board of Zoning Adjustment or if heard by the Planning Commission with the rezoning request included as it made no sense to him to have a multi-family development with a Planned Unit Development in an R-1 zone. He noted that the non-conforming status allowed the property owner to continue with what was presently in place.

Mr. Pitts, the applicant, responded with the following points:

- A. he inherited the property, approximately a year prior, at the death of the owner, his mother, who had it as part of a trust;
- B. he took over the property approximately six months ago and currently had a management company overseeing its operations, which included having a handy man to help police the grounds;
- C. noted they were not taking new applications for mobile homes and when leases were up those owners would be asked to move; and,
- D. noted that until this matter was resolved no new lot leases would be written.

The Chair noted that the applicant might need to have a second meeting with the surrounding residents.

Mr. Orrell noted that there were approximately 60 members of the Cypress Shores community at the community meeting held at the Cypress Shores Baptist Church on February 10, 2011. He noted that the meeting was also attended by Tony Felts, Planner I, on behalf of the Planning Staff, City Councilman John Williams, who represented his district, and Representative Ben Brooks. He stated that it was made very clear to the applicant, because there was such an uproar over the R-3 zoning, that the rezoning request would not pass if it were to reach the City Council. He added that in working with the staff in an effort to come up with a solution that the use variance seemed to be the most viable option.

Mr. Turner asked how many active units were currently on site.

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Mr. Pitts stated that his step-father still had four trailers on site that he rented to individuals, but they would be leaving as well. He also said that he had five trailers located there so it was a total of nine active units.

Mr. Watkins noted that at the meeting the area residents expressed their concern that if the property were rezoned to R-3 it would open up the possibility of apartments being built on the site, including the possibility that those apartments would be Section 8 housing. He then queried if it would be worthwhile for the applicant to consider keeping the rezoning application in place during the hold over period so that they might weigh the options of having the property rezoned with conditions attached that might give the neighbors some relief on the issues of greatest concern.

Mr. Lawler stated that the matter had to be heard and decided by one of the two entities and that, typically, effort was put in place to get rid of sites with non-conforming status. He noted that it might be very prudent to continue this matter for a couple of months in case the Board of Zoning Adjustment did not rule in his favor.

Mr. Watkins wondered if this might be an opportunity to educate Councilperson Williams on the option of self-imposed restriction with regards to rezoning so that Mr. Williams was aware that the needs of both sides could be addressed.

Mr. Miller expressed his concern regarding the density on the property and wondered what options the Commission had with regards to gaining more green space on the site.

Mr. Orrell noted that while he had asked that the rezoning application be withdrawn, he appreciated Mr. Lawler's suggestion that it remain but asked whether or not it would have a negative impact on the pending use variance request. He added that Mr. Felts had offered the suggestion of restriction on the zoning application to the residents at the community meeting but that it seemed to fall on deaf ears.

Mr. Turner expressed his feelings that the community might need to be educated on how Section 8 housing worked as any of the trailers currently on the site might qualify as Section 8 housing, and it was not the R-3 zoning that would qualify the property as such.

Mr. Orrell stated the community's mood reflected their looking forward to having the site improved.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, to hold the matter over until the March 17, 2011, meeting, with revisions due to the Planning Section by noon on Friday, March 4, 2011, to address the following:

- 1) revisions to the associated Planned Unit Development, Planning Approval, and Rezoning Applications as outlined.**

The motion carried unanimously.

**Case #ZON2011-00122 (Planned Unit Development)**

**Whisper Oak Subdivision**

4512 Higgins Road

North side of Higgins Road, 215'± West of Shipyard Road

Planned Unit Development Approval to allow a mobile home park with 22 mobile home spaces and one apartment building with gravel accessways and parking.

Council District 4

(Also see **Case #SUB2011-00008 (Subdivision) Whisper Oak Subdivision**, above, and, **Case #ZON2011-00119 (Planning Approval) Whisper Oak Subdivision**, **Case #ZON2011-00121 (Rezoning) David L. Pitts**, and, **Case #ZON2011-00123 (Sidewalk Waiver) David L. Pitts**, below)

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, to hold the matter over until the March 17, 2011, meeting, with revisions due to the Planning Section by noon on Friday, March 4, 2011, to address the following:

- 1) **revision of the site plan to remove all mobile home sites from the 25-foot minimum building setback line;**
- 2) **revision of the site plan to depict all two way accessways as being at least 24 feet in width;**
- 3) **revision of the site plan to depict all accessways and parking as either asphalt or concrete;**
- 4) **revision of the site plan, and redesign, as necessary, to depict all mobile lots as being at least 3,200 square feet in area;**
- 5) **revision of the site plan to depict the required playground/common area as required in Section 37-56 of the Mobile City Code;**
- 6) **revision of the site plan to depict the dedicated patio area as required in Section 37-57 of the Mobile City Code;**
- 7) **revision of the site plan to depict the 10-foot required setback and buffer area where the site abuts residentially zoned property as well as a privacy fence in compliance with Section 64-4.D.1. of the Zoning Ordinance; and,**
- 8) **submittal of a landscape plan showing full compliance with the tree planting and landscaping area requirements of the Zoning Ordinance.**

The motion carried unanimously.

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**Case #ZON2011-00119 (Planning Approval)**

**Whisper Oak Subdivision**

4512 Higgins Road

North side of Higgins Road, 215'± West of Shipyard Road

Planning Approval to allow a mobile home park in an R-3 Multiple Family Residential District.

Council District 4

(Also see **Case #SUB2011-00008 (Subdivision) Whisper Oak Subdivision**, and, **Case #ZON2011-00122 (Planned Unit Development) Whisper Oak Subdivision**, above, and, **Case #ZON2011-00121 (Rezoning) David L. Pitts**, and, **Case #ZON2011-00123 (Sidewalk Waiver) David L. Pitts**, below)

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, to hold the matter over until the March 17, 2011, meeting, with revisions due to the Planning Section by noon on Friday, March 4, 2011, to address the following:

- 1) **revision of the site plan to remove all mobile home sites from the 25-foot minimum building setback line;**
- 2) **revision of the site plan to depict all two way accessways as being at least 24 feet in width;**
- 3) **revision of the site plan to depict all accessways and parking as either asphalt or concrete;**
- 4) **revision of the site plan, and redesign, as necessary, to depict all mobile lots as being at least 3,200 square feet in area;**
- 5) **revision of the site plan to depict the required playground/common area as required in Section 37-56 of the Mobile City Code;**
- 6) **revision of the site plan to depict the dedicated patio area as required in Section 37-57 of the Mobile City Code;**
- 7) **revision of the site plan to depict the 10-foot required setback and buffer area where the site abuts residentially zoned property as well as a privacy fence in compliance with Section 64-4.D.1. of the Zoning Ordinance; and,**
- 8) **submittal of a landscape plan showing full compliance with the tree planting and landscaping area requirements of the Zoning Ordinance.**

The motion carried unanimously.

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**Case #ZON2011-00121 (Rezoning)**

**David L. Pitts**

4512 Higgins Road

North side of Higgins Road, 215'± West of Shipyard Road

Rezoning from R-1, Single-Family Residential District, to R-3 Multiple Family Residential District to allow a mobile home park.

Council District 4

(Also see **Case #SUB2011-00008 (Subdivision) Whisper Oak Subdivision**, **Case #ZON2011-00122 (Planned Unit Development) Whisper Oak Subdivision**, and, **Case #ZON2011-00119 (Planning Approval) Whisper Oak Subdivision**, above, and, **Case #ZON2011-00123 (Sidewalk Waiver) David L. Pitts**, below)

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, to hold the matter over until the March 17, 2011, meeting, with revisions due to the Planning Section by noon on Friday, March 4, 2011, to address the following:

- 1) **submittal of a revised narrative *specifically* outlining which of the four acceptable conditions for rezoning is occurring at this site;**
- 2) **revision of the site plan to remove all mobile home sites from the 25-foot minimum building setback line;**
- 3) **revision of the site plan to depict all two way accessways as being at least 24 feet in width;**
- 4) **revision of the site plan to depict all accessways and parking as either asphalt or concrete;**
- 5) **revision of the site plan, and redesign, as necessary, to depict all mobile lots as being at least 3,200 square feet in area;**
- 6) **revision of the site plan to depict the required playground/common area as required in Section 37-56 of the Mobile City Code;**
- 7) **revision of the site plan to depict the dedicated patio area as required in Section 37-57 of the Mobile City Code;**
- 8) **revision of the site plan to depict the 10-foot required setback and buffer area where the site abuts residentially zoned property as well as a privacy fence in compliance with Section 64-4.D.1. of the Zoning Ordinance; and,**
- 9) **submittal of a landscape plan showing full compliance with the tree planting and landscaping area requirements of the Zoning Ordinance.**

The motion carried unanimously.

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**Case #ZON2011-00123 (Sidewalk Waiver)**

**David L. Pitts**

4512 Higgins Road

North side of Higgins Road, 215'± West of Shipyard Road

Request to waive construction of a sidewalk along Higgins Road.

Council District 4

(Also see **Case #SUB2011-00008 (Subdivision) Whisper Oak Subdivision**, **Case #ZON2011-00122 (Planned Unit Development) Whisper Oak Subdivision**, **Case #ZON2011-00119 (Planning Approval) Whisper Oak Subdivision**, and, **Case #ZON2011-00121 (Rezoning) David L. Pitts**, above)

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, to hold the matter over until the March 17, 2011, meeting, with revisions due to the Planning Section by noon on Friday, March 4, 2011, to address the following:

- 1) revisions to the associated Planned Unit Development, Planning Approval, and Rezoning Applications as outlined.**

The motion carried unanimously.

**Case #SUB2011-00009 (Subdivision)**

**Snowden Place Subdivision**

6106 Cottage Hill Road

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

**Number of Lots / Acres:** 52 Lots/13.3± Acres

**Engineer / Surveyor:** Rester and Coleman Engineers, Inc.

Council District 6

(Also see **Case #ZON2011-00124 (Planned Unit Development) Snowden Place Subdivision**, below)

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

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Mr. Hoffman noted that the sidewalk issue needed to be resolved. He stated the applicant did not want to build a sidewalk in the development and that it had been previously approved without having a sidewalk.

Mr. Olsen stated that if the Commission did so, that the applicant should be allowed to modify the original site plan submitted as it did show a sidewalk.

Mr. Hoffman added that the applicant had already submitted a revised site plan which no longer showed the sidewalk.

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Mr. Miller asked why the sidewalk had been waived.

Mr. Hoffman stated that when the matter came before the Commission originally, the Commission had decided to approve the development without the sidewalk.

Mr. Olsen reminded the Commission that the development was a gated, private street development.

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

- 1) **compliance with 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. A non-utility ROW use agreement will be required for placement of Access Gate Post within ROW. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.);*
- 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) **revision of the plat to depict a minimum of 10-foot setback between the building limits depicted on Lots 11 and 12 in Phase Three**
- 4) **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;**
- 5) **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;**
- 6) **keeping of the note on the Final Plat regarding maintenance of all common areas by property owners;**
- 7) **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;
- 8) depiction of the 40-foot setback line from Cottage Hill Road, and the 15-foot setback line along the private street;
  - 9) placement of a note on the Final Plat stating that each lot is limited to the site coverage depicted on the table on the plat, and will apply to the sum of all structures on each lot;
  - 10) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities; and,
  - 11) provision of and approval of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the Final Plat.

The motion carried unanimously.

**Case #ZON2011-00124 (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 amend a previously approved Planned Unit Development to allow a single-family residential subdivision with lots less than 60' wide, reduced lot sizes, reduced building setbacks and increased site coverage, and a private, gated 40' right-of-way street.

Council District 6

(Also see Case #SUB2011-00009 (Subdivision) **Snowden Place Subdivision**, above)

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

- 1) completion of the Subdivision process;
- 2) compliance with 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. A non-utility ROW use agreement will be required for placement of Access Gate Post within ROW. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.);*
- 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) provision of the eleven proposed frontage trees along Cottage Hill Road, to be coordinated with Urban Forestry;
  - 5) provision of a 6' high wooden privacy fence where the site adjoins existing R-1 zoned properties (East, North, and West);
  - 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 site plan (as shown), covenants, and certification letters from a licensed engineer;
  - 8) placement of a note on the 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) depiction of the 40-foot setback line from Cottage Hill Road, and the 15-foot setback line along the private street;
  - 10) inclusion of a note on the site plan stating that each lot is limited to the site coverage depicted on the table on the site plan, and will apply to the sum of all structures on each lot;
  - 11) placement of a note on the revised site plan stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;
  - 12) revision of the site plan to remove the depicted sidewalk;
  - 13) revision of the site plan and plat to depict a minimum of 10-foot setback between the building limits depicted on Lots 11 and 12 in Phase Three;
  - 14) provision of and approval of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the Subdivision plat;
  - 15) the obtaining of demolition permits to remove structures; and,
  - 16) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

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**PLANNING COMMISSION MEETING**

**OTHER BUSINESS:**

Mr. Olsen advised the Commission that by no later than the March 17, 2011, meeting, the staff hoped to present to a plan to call for Public Hearing to revise the Major Street Plan. He noted that Mobile County had requested some revisions of said plan and staff had a few revisions to that plan that needed to be made as well.

The Chair asked if the Planning Commission would have the only Public Hearing on the matter.

Mr. Olsen stated it would ultimately go to the City Council for adoption; however, the Commission would have the first Public Hearing on the matter.

Mr. Miller asked if the Commission might schedule a business meeting soon and asked if it might be possible to get information regarding Section 8 housing as there seemed to many questions and concerns regarding such.

Mr. Olsen noted the request and stated he would get information regarding such. He then stated that it was an issue that the Commission could not take into consideration when ruling on a matter.

Mr. Miller stated his understanding of that but still felt that as it was a topic brought up before the Commission, it would be nice to know more about it.

Hearing no further business, the meeting was adjourned.

**APPROVED:**

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Dr. Victoria Rivizzigno, Secretary

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Terry Plauche, Chairman

jsl