

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF FEBRUARY 5, 2009 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

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

**Members Absent**

Clinton Johnson  
Nicholas Holmes, III

**Urban Development Staff Present**

Frank Palombo,  
Planner II  
Bert Hoffman,  
Planner II  
Derek Peterson,  
Planner I  
David Daughenbaugh,  
Urban Forestry Coordinator  
Joanie Stiff-Love,  
Secretary II

**Others Present**

John Lawler,  
Assistant City Attorney  
Jennifer White,  
Traffic Engineering  
  
Rosemary Sawyer,  
City 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 #ZON2008-03019 (Sidewalk Waiver)**

**Mr. Brett Smith, Ragan Smith Associates**

Northeast corner of Girby Road and Lloyds Lane.

Request to waive construction of sidewalks along Girby Road and Lloyds Lane.

Council District 6

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

Mr. Palombo advised the Chair that the applicant was delayed in attending the meeting, however, he had expressed to the staff that he was in agreement with their recommendations.

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Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Miller, to approve the above requested sidewalk waiver along Girby Road; however, the sidewalk waiver along Lloyds Lane is recommended only for the section of sidewalk starting at the Northeast intersection of Girby Road and Lloyds Lane to the southern most curb cut along Lloyds Lane where construction is not practicable due to topographic reasons, subject to the following condition:

- 1) **the construction and location of the sidewalk along the portion of Lloyds Lane from the Northeast corner of the intersection of Girby Road/Lloyds Lane to the southernmost curb-cut be approved by Engineering Department.**

The motion carried unanimously.

**Case #SUB2008-00261 (Subdivision)**

**Boothe Subdivision**

1512 South Broad Street

West side of South Broad Street extending from Sutton Street to Lucille Street [to be vacated], and extending to the Illinois Central Gulf Railroad right-of-way

Number of Lots / Acres: 2 Lots / 5.7± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 3

(Also see **Case #ZON2008-03004 (Rezoning) Jim Boothe Contracting and Supply Co., Inc.**, and, **Case #ZON2008-03005 (Rezoning) Jim Boothe Contracting and Supply Co., Inc.**, below)

Joe Steen, 6071 Omni Park Drive, Mobile, spoke on behalf of the applicant saying they were asking for the subdivision and rezoning of the above mentioned property in an effort to develop it for the industrial growth expected in that area. He stated it was currently zoned R-1 and B-3, but they request I-1, though the staff has recommended it as B-5.

Mr. Vallas asked if there currently was a commercial building on the property.

Mr. Steen said a 23,000 square foot building was located on the south parcel.

Mr. Vallas asked what zoning was required for the existing business and was advised that information was not provided with the application.

Mr. Vallas asked if they had proposed a change of use with their application or was it simply an effort to rectify a split zoning issue.

Mr. Steen said it was a zoning issue as the back portion is R-1 and the front portion is B-3.

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Mr. Hoffman said they were trying to create two legal lots of record, one with the existing structure and one left undeveloped.

Mr. Turner asked if there were any industrially zoned areas nearby.

Mr. Hoffman stated there was industrial zoning across the street and to the side of the parcels.

Mr. Steen added that a minimum of 80% of the area was currently zoned industrial.

The Chair asked if the current building would have to be brought up to code if the zoning were changed.

Mr. Hoffman advised they would not have to provide perimeter trees, but they would have to provide frontage trees and landscaping. If the Commission chose to approve the I-1 designation, Mr. Hoffman stated they would have to provide paved maneuvering for trucks in an area that, based upon aerial photographs, shows only a paved front parking area with the circulation around the building being unpaved.

Mr. Steen stated that in the circulation area, they would like to use a non-impervious type paving as it is subject to flooding.

Mr. Watkins asked for the staff's reason for recommending B-5 as opposed to I-1 for the area.

Mr. Hoffman advised the site was due north of an existing single family, residential area, and based upon the description of the proposed warehouse, which can operate in a B-5 district, therefore the B-5 district would be less burdensome for the adjacent residences.

Mr. Steen also asked for the following:

- A. a rear setback line of 5 feet to 8 feet from the railroad track, as opposed to the 25 feet stipulated by staff;
- B. with regard to the privacy fence required, the applicant would like to install chain link fencing with strips, as opposed to wood fencing; and,
- C. they would like to have two curb cuts on the south lot and one curb cut on the north lot.

Mr. Hoffman responded by saying:

- A. staff would have no problem allowing the shorter rear setback line as allowed by the Zoning Ordinance as opposed to the 25 feet required by the Subdivision Regulations;
- B. the staff would request a 50 foot dedication from centerline on Broad Street; and,

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- C. staff would agree to two curb cuts on the lot that will accommodate the existing development, with one on the remaining undeveloped lot.

Mr. Watkins asked if the staff had any thoughts on rezoning lot 1 as I-1, as there is no residential character around it.

Mr. Palombo responded that if the Commission chose to do so, the staff would have no problem with it.

Hearing no opposition or further 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) submittal of evidence of vacation of the Lucille Street right-of-way;**
- 2) dedication sufficient to provide 50 feet from the centerline of the right-of-way of Broad Street;**
- 3) depiction of a 30 foot minimum building setback line along the right-of-way of Sutton Avenue;**
- 4) provision of a note on the final plat stating that access to Sutton Avenue from Lot 1 is denied;**
- 5) provision of a note on the final plat stating that Lot 1 is limited to one (1) curb-cut onto Broad Street, and Lot 2 is limited to two (2) curb-cuts onto Broad Street with the size, location, and design of all curb cuts to be approved by City of Mobile Traffic Engineering and conform to AASHTO standards;**
- 6) depiction of the 25 foot minimum building setback along Broad Street (reflecting dedication), with all other setbacks except for the above mentioned frontage along Sutton Avenue to reflect the rear and side yard setback requirements of the Zoning Ordinance for an I-1 district;**
- 7) revision of the plat to reflect the name Sutton Avenue instead of Sutton Street;**
- 8) retention of lot size depictions on the final plat (revised to reflect dedication);**
- 9) provision of a note on the final plat stating the development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and,**
- 10) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

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**Case #ZON2008-03004 (Rezoning)**  
**Jim Boothe Contracting and Supply Co., Inc.**

1512 South Broad Street

South side of Sutton Street, 200'± West of South Broad Street, extending to the North side of Lucille Street [to be vacated], 200'± West of South Broad Street, and extending to the Illinois Central Gulf Railroad right-of-way

Rezoning from R-1, Single-Family Residential District, to I-1, Light Industry District, to eliminate split zoning in a proposed commercial subdivision

Council District 3

(Also see Case #SUB2008-00261 (Subdivision) **Boothe Subdivision**, above, and, Case #ZON2008-03005 (Rezoning) **Jim Boothe Contracting and Supply Co., Inc.**, below)

Hearing no opposition or discussion, a motion was made by Mr. Vallas, with second by Mr. DeMouy, to approve the above referenced request for rezoning to A-1, subject to the following conditions:

- 1) **completion of the subdivision process;**
- 2) **provision of a 10-foot wide vegetative landscape buffer and 6-foot high wooden privacy fence where the site abuts residentially-zoned property along the South line of proposed Lot 2;**
- 3) **compliance with parking and landscaping and tree planting requirements of the Zoning Ordinance;**
- 4) **compliance with Section 64-4.D.1 of the Zoning Ordinance;**
- 5) **vacation of the designated portion of Lucille Street right-of-way by the City Council; and,**
- 6) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2008-03005 (Rezoning)**  
**Jim Boothe Contracting and Supply Co., Inc.**

1512 South Broad Street

West side of South Broad Street, 50'± South of Sutton Street, extending to Lucille Street [to be vacated]

Rezoning from B-3, Community Business District, to I-1, Light Industry District, to eliminate split zoning in a proposed commercial subdivision.

Council District 3

(Also see Case #SUB2008-00261 (Subdivision) **Boothe Subdivision**, and, Case #ZON2008-03004 (Rezoning) **Jim Boothe Contracting and Supply Co., Inc.**, above)

Hearing no opposition or discussion, a motion was made by Mr. Vallas, with second by Mr. DeMouy, to approve the above referenced request for rezoning to A-1, subject to the following conditions:

- 1) **completion of the subdivision process;**

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- 2) provision of a 10-foot wide vegetative landscape buffer and 6-foot high wooden privacy fence where the site abuts residentially-zoned property along the South line of proposed Lot 2;
- 3) compliance with parking and landscaping and tree planting requirements of the Zoning Ordinance;
- 4) compliance with Section 64-4.D.1 of the Zoning Ordinance;
- 5) vacation of the designated portion of Lucille Street right-of-way by the City Council; and,
- 6) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2008-00262 (Subdivision)**  
**Somerby Subdivision, Re-subdivision of Lot 1**

841 Somerby Drive

North and East sides of Somerby Drive, 350'± East of Cody Road South

Number of Lots / Acres: 2 Lots / 22.4± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(Also see **Case #ZON2008-03006 (Planned Unit Development) Somerby Subdivision, Re-subdivision of Lot 1**, and, **Case #ZON2008-03007 (Rezoning) Moran Investments, Inc.**, below)

Ms. Butler recused herself from discussion and voting on the matter.

The following people spoke in favor of the development:

- Nancy Stone, White-Spunner and Associates, 3201 Dauphin Street, Mobile, AL; and,
- Tracy Womack, White-Spunner and Associates, 3201 Dauphin Street, Mobile, AL.

They made the following points:

- A. their client wants to build a high-end apartment complex in a good, safe area of Mobile and found the Somerby area to be to their liking;
- B. a good, up-scale, gated apartment complex tends to stay that way, which would be in keeping with the area;
- C. the proposed development would not affect the residential property in question as lot 1 would act as a buffer; and,
- D. currently there is B-3 zoning on the street, with B-1 to the south and to the east.

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Mr. Watkins noted the “reasons” portion of the rezoning application had been left blank and asked if they would like to give the reasons for the rezoning request at that time.

She advised it was necessary as the property was currently zoned R-1, single family, residential and it needed to be R-3, multi-family residential for the proposed apartment complex.

Mr. Vallas asked if there were any topographical features or other issues that would cause it to not be suitable for development as R-1.

Don Coleman, Rester and Coleman Engineers, spoke on behalf of the applicant saying that it currently was one lot and they were attempting to make it two legal lots of record, with the northernmost lot, which abuts a residential area, remaining R-1, with the southernmost property being proposed as R-3.

The following people spoke in opposition to the matter:

- Tim Scheib, 715 East Providence Estates Drive, Mobile;
- Phillip Faulkner, 6899 Providence Estates, Mobile;
- Albert Story, 6609 Somerby Landing, Mobile; and,
- Michael Kintz, 6907 Providence Estates Drive South, Mobile.

They gave the following points:

- A. stated that the City of Mobile’s Zoning Ordinances clearly state that amending those ordinances requires meeting certain criteria and it was felt this development did not do so;
- B. a previous staff report on the development stated that the applicant had not addressed any of the conditions required for rezoning as noted in the Zoning Ordinance, and that the updated staff report for the meeting that day contained no additional information to support rezoning;
- C. the proposed development did not provide the required information as per the Zoning Ordinance;
- D. concern over the increase in traffic and the safety issue involved, including the hopes that a traffic impact study will be required as there are a number of proposed developments for the area that will significantly impact traffic;
- E. at meeting time, the Mobile Board of Realtors showed some 3153 homes for sale in Mobile, not counting those “For Sale By Owner”, however, the population has declined by 7400 since the year 2000, with the only small gains coming through annexation of West Mobile;
- F. Mobile suffers from too much unconstrained development which creates a high strain on the city’s infrastructure and community resources;

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- G. though the developer assures it to be a high end apartment complex, statistics show apartment rent to be falling as well as a high vacancy rate;
- H. opinion that there are too many apartments in the area now, detracting from the original, single family, residential neighborhood character; and,
- I. two petitions were presented that asked the Commission to vote against the matter with over 300 signatures.

In deliberation, Mr. Miller asked if Planning had any opinions on changing conditions that might show some benefit to having more apartment space in that predominately R-1, single family residential area.

Mr. Hoffman responded that based upon the city's computer models, there are very few vacant pockets of R-3, multi-family use property, indicating a potential need for such.

Mr. Vallas commented that he felt the area discussed seemed more suitable for multi-family living and added that the proposed apartment complex with its adjacent undeveloped lot seemed a good buffer between what was already multi-family usage and the residential properties also adjacent.

Mr. Lawler advised that Commission that it was better to make decision based upon all the necessary information, but as that was not always possible and that the Commission had moved on plans in the past without that information.

Mr. Watkins noted that the property across from this one would be coming before the Commission in the next few weeks with a proposed apartment complex and that development would have traffic study results as well. He asked if the impact of other proposed developments was factored in on those results as he felt that information would be germane.

Jennifer White, Traffic Engineering, stated no one had contacted the department regarding what should be involved in the traffic study for lot 2, but that the department would consider all information in their possession. She stated that the recommendations from her department on all of these proposed developments would suggest ways to alleviate or lessen potential negative impacts to the area's traffic. She added that there might be some issues as that portion of Cody Road was maintained by the county, not the city.

Hearing no further opposition or discussion, a motion was made by Mr. Vallas, with second by Mr. Davitt, to approve the above referenced subdivision.

In a show of hands vote with Mr. Davitt, Mr. Turner, and Mr. Vallas voting in favor, and, Mr. DeMouy, Mr. Miller, Dr. Rivizzigno, and Mr. Watkins voting for denial of the application, it was denied due to the denial of the Zoning request, making the subdivision unnecessary.



**Case #ZON2008-03006 (Planned Unit Development)  
Somerby Subdivision, Re-subdivision of Lot 1**

841 Somerby Drive

East side of Somerby Drive, 100'+ North of Somerby Lane [private street]

Planned Unit Development Approval to allow ten apartment buildings, ten parking garages, and a pool house on a single building site

Council District 6

(Also see **Case #SUB2008-00262 (Subdivision) Somerby Subdivision, Re-subdivision of Lot 1**, above, and, **Case #ZON2008-03007 (Rezoning) Moran Investments, Inc.**, below)

Hearing no further opposition or discussion, a motion was made by Mr. Vallas, with second by Mr. Davitt, to approve the above referenced Planned Unit Development.

In a show of hands vote with Mr. Davitt, Mr. Turner, and Mr. Vallas voting in favor, and, Mr. DeMouy, Mr. Miller, Dr. Rivizzigno, and Mr. Watkins voting for denial of the application, it was denied due to the denial of the Zoning request, making the Planned Unit Development unnecessary.

**Case #ZON2008-03007 (Rezoning)  
Moran Investments, Inc.**

841 Somerby Drive

East side of Somerby Drive, 100'+ North of Somerby Lane [private street]

Rezoning from R-1, Single-Family Residential District, to R-3, Multi-Family Residential District, to allow the construction of an apartment complex

Council District 6

(Also see **Case #SUB2008-00262 (Subdivision) Somerby Subdivision, Re-subdivision of Lot 1**, and, **Case #ZON2008-03006 (Planned Unit Development) Somerby Subdivision, Re-subdivision of Lot 1**, above)

Hearing no further opposition or discussion, a motion was made by Mr. Vallas, with second by Mr. Davitt, to approve the above referenced Planned Unit Development.

In a show of hands vote with Mr. Davitt, Mr. Turner, and Mr. Vallas voting in favor, and, Mr. DeMouy, Mr. Miller, Dr. Rivizzigno, and Mr. Watkins voting for denial of the application, it was denied by the Planning Commission for the following reasons:

- 1) **the applicant failed to show that there is a manifest error in the Zoning Ordinance;**
- 2) **the applicant failed to show that changed or changing conditions in a particular area, or in the planning region generally, make a change in the Zoning Ordinance necessary and desirable;**
- 3) **the applicant failed to show that increased or increasing needs for business or industrial sites, in addition to sites that are available, make it necessary and desirable to rezone an area or to extend the boundaries of an existing district; and,**

- 4) **the applicant failed to show that the subdivision or imminent subdivision of land into urban building sites makes reclassification necessary and desirable.**

**Case #SUB2008-00267 (Subdivision)**

**Howell Estates Subdivision**

2600 Havens Road

Southeast corner of Havens Road and Howells Ferry Road

Number of Lots / Acres: 10 Lots / 34.0+ Acres

Engineer / Surveyor: Speaks & Associates

County

Doug Anderson, Burr and Foreman Law Firm, representing the Howell family, the owners of the property, expressed their concerns regarding condition 1 as it is a family subdivision and wondered whether they will be required to pave the 2200 feet of road to county standards.

In deliberation, Mr. Lawler addressed the Commission regarding the large number of lots on a dirt road being considered and labeled as a “family subdivision”, expressing his feelings that this had the feel of a subdivision of property for sale on a dirt road, which is contrary to the Subdivision Regulations and he advised the Commission that they should not waive that requirement.

Mr. Palombo reminded the Commission that in 2005, they granted tentative approval of a two lot subdivision just south of this proposed subdivision and required a 30 foot dedication but allowed that it be maintained by the county as a gravel road. He added that the proposed subdivision before them was much larger.

Mr. Turner asked if the Subdivision Regulations required that there be a paved road based upon the number of lots.

Mr. Hoffman reminded the Commission that per Section 6 of the Subdivision Regulations, roadways were to be surfaced their entire width and if within the City of Mobile, they were also required to have curb and gutters. He also noted that per the Subdivision Regulations, family subdivisions were defined as being 5 lots or less.

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

- 1) **dedication and construction of Havens Road to County Engineering standards, and accepted by County Engineering prior to signing the final plat;**
- 2) **placement of a note on the final plat stating that each lot is limited to one curb to Havens Road, with the size, location, and**

- design to be approved by County Engineering and in conformance to AASHTO standards;
- 3) placement of a note on the final plat stating that Lot 1 is denied direct access to Howells Ferry Road;
  - 4) placement of a note on the final plat stating that no construction is allowed within any easement;
  - 5) provision of a 25' minimum building setback line from Havens Road;
  - 6) provision of a 25' minimum building setback line on Lot 11 from where the "pole" meets the "flag" portion of the lot;
  - 7) placement of a note on the final plat stating that no future subdivision of Lots 10 and 11 will be allowed until additional adequate frontage on a public street is provided;
  - 8) placement of a note on the plat / site plan 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;
  - 9) 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,
  - 10) 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.

**EXTENSIONS:**

**Case #SUB2008-00002 (Subdivision)**

**Old Shell & McGregor Subdivision**

Southwest corner of Old Shell Road and South McGregor Avenue

Number of Lots / Acres: 1 Lot / 1.6± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 5

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 request for extension and that the applicant be advised that future extensions will be unlikely.

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The motion carried unanimously.

**Case #SUB2008-00003 (Subdivision)**

**Hutson-Key Subdivision, Unit Two, Re-subdivision of Lot 3**

Northwest corner of West I-65 Service Road South and Pleasant Valley Road, extending to the Northeast corner of Michael Boulevard and Hutson Drive, and extending to the South side of Key Street, 490'± West of West I-65 Service Road South

Number of Lots / Acres: 2 Lots / 13.3± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 5

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 request for extension.

The motion carried unanimously.

**Case #SUB2008-00009 (Subdivision)**

**Taylor Pointe Subdivision, Unit Two**

West terminus of Taylor Pointe Drive

Number of Lots / Acres: 50 Lots / 20.1± Acres

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 request for extension, subject to the additional condition:

- 1) revision of the cul-de-sacs right-of-way diameter to 120' to comply with the 2003 International Fire Code standards.**

The motion carried unanimously.

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**Case #SUB2008-00011 (Subdivision)**  
**Somerby Subdivision, Re-subdivision of Lots 1 &2 of a Re-subdivision of Lot 2, Corrected Plat, Re-subdivision of Lots 49 – 57, Re-subdivision of Lot 1**  
North side of Somerby Lane (private street), 460'± East of Somerby Drive  
Number of Lots / Acres: 4 Lots / 0.6±\_Acre  
Engineer / Surveyor: Rester and Coleman Engineers, Inc.  
Council District 6  
(Also see **Case #ZON2008-00054 (Planned Unit Development) Somerby Subdivision, Re-subdivision of Lots 1 &2 of a Re-subdivision of Lot 2, Corrected Plat, Re-subdivision of Lots 49 – 57, Re-subdivision of Lot 1**, 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 Mr. Plauche, with second by Dr. Rivizzigno, to approve the above referenced request for extension.

The motion carried unanimously.

**Case #ZON2008-00054 (Planned Unit Development)**  
**Somerby Subdivision, Re-subdivision of Lots 1 &2 of a Re-subdivision of Lot 2, Corrected Plat, Re-subdivision of Lots 49 – 57, Re-subdivision of Lot 1**  
North side of Somerby Lane (private street), 460'± East of Somerby Drive  
Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow reduced lot widths at the building setback line, and zero lot lines in a private street single-family residential townhouse subdivision  
Council District 6  
(Also see **Case #SUB2008-00011 (Subdivision) Somerby Subdivision, Re-subdivision of Lots 1 &2 of a Re-subdivision of Lot 2, Corrected Plat, Re-subdivision of Lots 49 – 57, Re-subdivision of Lot 1**, 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 Mr. Plauche, with second by Dr. Rivizzigno, to approve the above referenced request for extension.

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

Case #SUB2009-00002

**Rangeline Road Subdivision, Unit Two**

5064 Rangeline Road

West side of Rangeline Service Road, 105'± South of Downey Drive  
Extension [to be vacated]

Number of Lots / Acres: 4 Lots / 2.3± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

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.

Bobby Mathers, 5070 Rangeline Road, Mobile, AL, expressed his concerns that the development will cause flooding of his property to worsen and provided the Commission with a copy of a “cease and desist” order from FEMA for the owner of the property in question regarding the same.

Mr. Hoffman advised the Commission that though the site is part of the newly annexed area of Tillman’s Corner, it currently was still under the county’s jurisdiction and that the city’s regulations will not be come active until February 17, 2009.

Rosemary Sawyer, City Engineering, said that the property owner must comply with the regulations regarding to stormwater run off.

Mr. Lawler stated that stormwater run off issues were governed by the Subdivision Regulations and Mr. Mathers did not have to wait until February 17, 2009, to pursue having them enforced.

Michael Twilley, one of the owners of Autobahn Development, expressed their willingness to work with the city and the neighbors to create a quality subdivision.

Hearing no further 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) compliance with Engineering comments: (*Show Minimum FFE on plat. No fill allowed without an approved Flood Study. Until a Flood Study is approved, place note on plat stating that fill is not allowed. No work or fill to be performed in wetlands without the appropriate Corps of Engineer’s Permits. Must comply with all stormwater and flood control ordinances. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit.*);**

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- 2) placement of a note on the final plat stating that each lot is limited to one curb-cut each onto the service road for Rangeline Road, with the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards;
- 3) depiction and labeling of the 25-foot minimum building setback line along the service road for Rangeline Road;
- 4) approval of all applicable federal, state, and local agencies regarding the wetlands and floodplain issues prior to the issuance of any permits or land disturbance activities;
- 5) revision of the plat to depict the minimum finished floor elevations for each lot and the flood zone(s);
- 6) labeling of the lot size in square feet on the plat, or provision of a table on the plat with the same information; and,
- 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.

The motion carried unanimously.

**Case #SUB2009-00001**

**Hampton Park Subdivision**

1005 Middle Ring Road

Northwest corner of Middle Ring Road and Zeigler Boulevard

Number of Lots / Acres: 19 Lots / 7.1± Acres

Engineer / Surveyor: Thompson Engineering

Council District 7

Larry Jones, Thompson Engineering, spoke on behalf of owner, Mobile Housing Board, saying the project has had previous approval and construction on it began in 2007, however, it was only when they applied for the final inspection they learned that an extension was never applied for and inasmuch, the project's approval had expired. He stated this necessitated their re-applying, which is what was before the Commission that day. He also requested that the Commission not require the larger cul-de-sac diameter, per the Fire Code, as it has already been constructed.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Dr. Rivizzigno, to waive Sections V.B.14. and V.B.15. and approve the above referenced subdivision, subject to the following conditions:

- 1) **compliance with Engineering comments:** *(No drainage patterns were shown as required by the Subdivision Regulations, therefore, a thorough evaluation of drainage concerns could not be completed. A Hold Harmless agreement will be required if stormwater runoff is increased and/or concentrated onto an*

- adjacent property. 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 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.);*
- 2) **dedication of sufficient right-of-way to provide 50 feet from the centerlines of Zeigler Boulevard and Middle Ring Road, as shown on the preliminary plat;**
  - 3) **construction and dedication of the new streets to City Engineering standards;**
  - 4) **placement of a note on the final plat stating that direct access to Zeigler Boulevard and Middle Ring Road is denied to Lots 1, 11, 12, 13, and 19, as shown on the preliminary plat;**
  - 5) **placement of a note on the final plat stating that maintenance of common areas will be property owners' responsibility; and,**
  - 6) **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.**

The motion carried unanimously.

**NEW ZONING APPLICATIONS:**

**Case #ZON2009-00006**

**Bobby Young**

1217 Government Street

Southeast corner of Government Street and South Georgia Avenue

Rezoning from B-1, Buffer Business District, to B-1, Buffer Business District, to amend conditions of a previously approved rezoning application

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.

The following people spoke in opposition to the matter:

- Henry Morrissette, 165 South Georgia Avenue, Mobile, AL; and,
- Doug Dunning, 160 South Georgia Avenue, Mobile, AL.

They made the following points:

- A. in 1998, property was rezoned from a R-1/B-1 split, and based upon concerns expressed by the neighbors, a site footprint restriction was placed on the building by the Planning



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- Commission, so that no further changes could be made to that building without approval by the Commission;
- B. there is concern the footprint restriction is not included on the application before the Commission currently;
  - C. it is believed that the owner is in agreement to re-instating that condition and it is hoped the Commission will do so; and,
  - D. concern over the increase in traffic congestion based upon the proposed development and hoped the Commission would consider additional curb cuts where possible.

Mr. Watkins asked if a curb cut at the Government Street location was possible, given the length of the property from South Georgia Avenue to the property line.

Jennifer White, Traffic Engineering, stated that without reviewing the site plan and the possible driveway in relation to the current driveways in the adjacent area. She said, ideally it would need to be located at the far east end of the lot, as far from South Georgia Avenue as possible.

Mr. Watkins asked if the applicant has to come back to get any subsequent curb cut, if they did, in fact, change the parking situation.

Mr. Hoffman said yes, if the plan were approved that day, but did note the existence of large oak trees in the area as well.

Mr. Daughenbaugh, Urban Forestry, addressed the Commission and said if they chose to approve the matter that day and include any notes regarding future curb cuts, then his section of Urban Development would like to request a condition requiring approval by the Mobile Tree Commission, should there be issues regarding the safety and welfare of the trees as mentioned by Mr. Hoffman.

Gary Cowles, Cowles, Murphy, Glover and Associates, 457 St. Michael Street, Mobile, spoke on behalf of the applicant saying they would be amiable to a curb cut onto Government Street, however it could be difficult to make that happen without impact to the existing live oaks. He also expressed his belief that the impact from traffic to South Georgia Avenue would be much less than the concern expressed by the previous speakers.

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

- 1) **restricted to the site plan as submitted, with revisions as necessary for the other conditions of approval;**
- 2) **provision of a buffer in compliance with Section 64-4.D.1 of the Zoning Ordinance;**
- 3) **relocation of the dumpster pad and enclosure outside of the 10**

- foot buffer;
- 4) compliance with Section 64-6.A.3(i) of the Zoning Ordinance regarding parking lot screening;
  - 5) approval from the Architectural Review Board for all exterior work, to include buffer fencing;
  - 6) compliance with Traffic Engineering comments: (*One-way aisle width does not provide adequate aisle width for ninety-degree parking stalls. The required aisle width for ninety-degree parking is twenty-four feet. Standard driveway widths for one-way drives are sixteen feet. Both driveways should be narrowed to sixteen feet with twenty foot radii and converted to one-way only traffic with traffic entering through the southern drive and exiting from the northern drive. The parking aisles on the southern parking lot should be changed to angle parking to accommodate the narrow aisle width*);
  - 7) compliance with landscaping and tree planting requirements; and,
  - 8) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**GROUP APPLICATIONS:**

**Case #ZON2009-00004 (Planned Unit Development)**

**Mobile Carnival Association**

South side of Bloodgood Street at its West terminus.

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

Council District 2

(Also see Case #ZON2009-00003 (Planning Approval) **Mobile Carnival Association**, below)

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

The Chair stated the matter had been recommended for holdover and if there were those present who wished to speak to do so at that time.

Don Coleman, Rester and Coleman Engineers, spoke on behalf of the applicant asking that the matter not be held over, saying they had revised the application per staff's recommendations and discussed those revisions with staff. He added that staff had given them their new recommendations for approval and his clients were in agreement with those.

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

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- 1) requests for the necessary Variances to be submitted within three (3) months of Planning Commission approval;
- 2) tree requirements to be coordinated with Urban Forestry; and,
- 3) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

**Case #ZON2009-00003 (Planning Approval)**

**Mobile Carnival Association**

South side of Bloodgood Street at its West terminus

Planning Approval to allow a float barn in a B-4, General Business District.

Council District 2

(Also see **Case #ZON2009-00004 (Planned Unit Development) Mobile Carnival Association**, above)

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

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

- 1) requests for the necessary Variances to be submitted within three (3) months of Planning Commission approval;
- 2) tree requirements to be coordinated with Urban Forestry; and,
- 3) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

**OTHER BUSINESS:**

The Chair announced that the Commission's next business meeting would on March 12, 2009, at 2:00 p.m.

Mr. Hoffman stated that it would be in the Government Plaza pre-Council chamber and that the Commission members would receive confirmation of same via email and/letter to the membership.

Hearing no further business, the meeting was adjourned.

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**APPROVED:** September 3, 2009

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Dr. Victoria Rivizzigno, Secretary

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Terry Plauche, Chairman.

jsl