

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF FEBRUARY 21, 2008 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
James Watkins, III
William DeMouy, Secretary
Steven Davitt
Nicholas Holmes, III
Mead Miller
Victoria L. Rivizzigno
John Vallas

Members Absent

Clinton Johnson
Debra Butler
Roosevelt Turner

Urban Development Staff Present

Laura J. Clarke,
Director of Urban Development
Bert Hoffman,
Planner II
David Daughenbaugh,
Urban Forestry Coordinator
Joanie Love,
Secretary II

Others Present

John Lawler,
Assistant City Attorney
John Forrester,
City Engineering
Jennifer White,
Traffic Engineering

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.

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

HOLDOVERS:

Case #SUB2007-00304 (Subdivision)

Perch Creek Preserve Subdivision

North side of Winston Road, 1100'+ West of Dauphin Island Parkway, extending West and South to Perch Creek

Number of Lots / Acres: 116 Lots / 85.1+ Acres

Engineer / Surveyor: Engineering Development Services, LLC

Council District 4

(Also see **Case #ZON2007-02787 (Planned Unit Development) Perch Creek Preserve Subdivision**, below)

David Diehl, Engineering Development Services, Inc., spoke on behalf of the applicant saying they were agreeable with all conditions except number 8 on the subdivision and number 7 on the PUD. He added that after speaking with representative with the Fire

February 21, 2008
PLANNING COMMISSION MEETING

Department, City Engineering, and the Planning staff, he was confident it could be removed.

Tom Hutchins, manager of One More, LLC, spoke about his meeting with the mayor's office and Al Stokes regarding "smart growth", and low impact developments in the city of which Perch Creek Preserve is one. He applauded the city's efforts and said he looked forward to working with them on more.

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Mr. Vallas, to approve this application under the Innovative Section of the Subdivision Regulations, as a gated private road subdivision, and that Section VIII.E.2.C. be waived to allow 20' wide aggregate surfacing as illustrated on the revised plat submitted, and subject to the following conditions:

- 1) **the road shall be designed and maintained to support the imposed loads of fire apparatus and surfaced to provide all-weather driving capabilities;**
- 2) **any bridges in the project shall comply with Section 503.2.6 of the 2003 IFC;**
- 3) **fire hydrants shall be provided per Section 508 of the 2003 IFC;**
- 4) **placement of a note on the final plat stating that the size, location, and design of locations of asphalt paving or pavers require approval from Traffic Engineering, City Engineering, and Planning prior to installation;**
- 5) **placement of a note on the final plat stating that the gate(s) are to be in operation at all times (any cessation of use will void approval as a gated subdivision and require the subdivision be brought up to city public street standards and all streets dedicated to the City of Mobile);**
- 6) **compliance with Section VIII.E.2.a, d-k of the Subdivision Regulations;**
- 7) **placement of a note on the final plat stating all common areas noted as natural area on the plat submitted to remain in a natural undisturbed state, (with the exception of nature trails as noted in the narrative - nature trails to be indicated on the final plat) and maintenance of all common areas is to be the responsibility of the property owners;**
- 8) **placement of a note on the plat stating that the approval of all applicable federal, state, and local agencies shall be provided prior to the issuance of any permits or land disturbance activities;**
- 9) **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;

- 10) compliance with Engineering Department Comments (*No fill in AE flood plain without flood study. If no fill proposed, add note to plat stating that the existing contour elevations are not to be changed. Minimum finished floor elevation to be obtained from City Engineering Dept. – to be 1' above high water elevation for Hurricane Katrina in this area. Show minimum finished floor elevation on each lot. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. 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 #ZON2007-02787 (Planned Unit Development)

Perch Creek Preserve Subdivision

North side of Winston Road, 1100'+ West of Dauphin Island Parkway, extending West and South to Perch Creek

Planned Unit Development Approval to allow a gated, 18'-wide, aggregate-surfaced private street single-family residential subdivision with reduced lot widths and sizes, reduced front and side setbacks, and increased site coverage of 50%

(Also see **Case #SUB2007-00304 (Subdivision) Perch Creek Preserve Subdivision**, above)

(See **Case #SUB2007-00304 (Subdivision) Perch Creek Preserve Subdivision** for discussion)

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Mr. Vallas, to approve this application under the Innovative Section of the Subdivision Regulations, as a gated private road subdivision, and that Section VIII.E.2.C. be waived to allow 20' wide aggregate surfacing as illustrated on the revised plat submitted, and subject to the following conditions:

- 1) the road shall be designed and maintained to support the imposed loads of fire apparatus and surfaced to provide all-weather driving capabilities;
- 2) any bridges in the project shall comply with Section 503.2.6 of the 2003 IFC;
- 3) fire hydrants shall be provided per Section 508 of the 2003 IFC;

February 21, 2008
PLANNING COMMISSION MEETING

- 4) revision of the PUD plan to include placement of a note on the final plan stating that the size, location, and design of locations of asphalt paving or pavers require approval from Traffic Engineering, City Engineering, and Planning prior to installation, revised plan to be submitted to Planning Section of UDD;
- 5) revision of the PUD plan to include placement of a note on the final plan stating that the gate(s) are to be in operation at all times (any cessation of use will void approval as a gated subdivision and require the subdivision be brought up to city public street standards and all streets dedicated to the City of Mobile) revised plan to be submitted to Planning Section of UDD;
- 6) revision of the PUD plan to include placement of a note on the final plan stating all common areas noted as natural area on the plat submitted to remain in a natural undisturbed state, (with the exception of nature trails as noted in the narrative - nature trails to be indicated on the final plat) and maintenance of all common areas is to be the responsibility of the property owners, revised plan to be submitted to Planning Section of UDD;
- 7) revision of the PUD plan to include placement of a note on the final plan stating that the approval of all applicable federal, state, and local agencies shall be provided prior to the issuance of any permits or land disturbance activities, revised plan to be submitted to Planning Section of UDD;
- 8) revision of the PUD plan to include 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, revised plan to be submitted to Planning Section of UDD;
- 9) compliance with Engineering Department Comments (*No fill in AE flood plain without flood study. If no fill proposed, add note to plat stating that the existing contour elevations are not to be changed. Minimum finished floor elevation to be obtained from City Engineering Dept. - to be 1' above high water elevation for Hurricane Katrina in this area. Show minimum finished floor elevation on each lot. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all*

February 21, 2008
PLANNING COMMISSION MEETING

stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit);
10) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2007-00329 (Subdivision)

Harmony Plaza Subdivision

South side of Moffett Road, 420'± East of Snow Road North, extending to the East side of Snow Road North, 360'± South of Moffett Road, and extending to the North side of Blackwell Nursery Road South (vacated right-of-way)

Number of Lots / Acres: 13 Lots / 42.1± Acres

Engineer / Surveyor: Gonzalez – Strength & Associates, Inc.

County

Two people spoke on behalf of the proposed subdivision:

David Rossen, Gonzalez-Strength, 2176 Parkway Lake Drive, Birmingham, AL, 35244, representing the applicant; and,
Mark Davis, 930 Cemetery Road, Wilmer, AL.

They made the following points for approval:

- A. the county was not interested in the proposed subdivision's interior roads nor would they maintain them;
- B. the developers had a traffic impact study done by a highly recommended traffic engineer and had modified their proposed entrances onto Snow Road accordingly, recommending 3 right in/right out entrances and the 2 entrances lining up with the school entrances in the 1600-1700 feet of road frontage;
- C. they were asking for 5 curb cuts to access 7 lots and additional acreage;
- D. the adjoining property to the south had previously been approved with 5 commercial lots and 3 curb cuts 167 feet apart;
- E. another parcel to the south had also been previously approved with 9 commercial lots and 5 curb cuts approximately 260 feet apart;
- F. the curb cuts currently asked for are at least 300 feet apart, two of them having deceleration lanes; and,
- G. the traffic consultant gave the opinion that the right ins/right outs would not effect the level of service as only left hand movement in and out would do so.

Mr. Hoffman stated the city's Traffic Engineering Department determined that the right ins/right outs might have an adverse impact on the site, as it is directly across from Mary G. Montgomery High School, which has a high volume of morning and afternoon traffic.

February 21, 2008
PLANNING COMMISSION MEETING

Jennifer White, the city's Traffic Engineering Department representative, added they had received a letter from Darryl Skipper, the developer's traffic engineer, saying the right ins/right outs would provide a service level of "B" along Snow Road, however, the department still preferred only the 2 cuts on Snow Road as the proposed development was only for lot 12 at this time, which did not currently warrant all of the access requested, thereby making it impossible for the department to accurately determine the area's traffic volume.

Mr. Rossen stated the curb cuts were no reason to hinder the project or cause the applicant to re-file another subdivision application with additional cost at a later date simply to remove a condition they did not feel needed to be there in the first place. He also offered to get a permit for each of their proposed 3 right ins/right outs, as well as not putting a note on the recorded plat that would cause them to have it re-surveyed.

In deliberation, Mr. Miller queried if there was a way for the Commission to require that the applicant come back and explain why they needed the extra curb cuts without requiring them to go through the complete process again.

Mr. Hoffman stated that as the proposed subdivision was in the county, the only time the Commission had any jurisdiction over the proposed plan was during the subdivision process. He also added that as the proposed street is to provide circulation to the internal portion of the site, it is likely to be private and there is no real control over curb cuts on private streets.

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

- 1) the dedication of a minimum of 50' of right-of-way from the centerline of both Moffett Road and Snow Road;**
- 2) placement of a note on the final plat stating that the site is limited to two (2) standard curb-cuts onto Snow Road, located between lots 6 and 7, and lots 9 and 10, and three (3) right-in, right-out curb-cuts located to serve lot 5, lot 8, and shared between lots 10 and 11, as depicted on the preliminary plat;**
- 3) placement of a note on the final plat stating the site is limited to one (1) standard curb-cut onto Moffett Road, located between lots 1 and 2, and one (1) right-in, right-out curb-cut between lots 3 and 4, as depicted on the preliminary plat;**
- 4) placement of a note on the final plat stating that the size and design of all curb-cuts are to be approved by Mobile County Engineering, and conform to AASHTO standards;**
- 5) placement of a note on the final plat stating that all lots are denied direct access to the private street along the Southern boundary of the site;**

February 21, 2008
PLANNING COMMISSION MEETING

- 6) dedication of the “access and utility easement” as a public street per Section V.D.4. of the Subdivision Regulations, or as a private street complying with Section VIII.E. of the Subdivision Regulations; either shall be constructed to County Engineering Standards and the 2003 International Fire Code, and accepted by County Engineering (if a public street) prior to signing the final plat;
- 7) labeling of lots with their sizes in square feet (in addition to acreage), or the provision of a table on the plat with the same information;
- 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 signing the final plat.

The motion carried with only Dr. Rivizzigno voicing opposition.

Case #ZON2007-02936 (Rezoning)

Dennis J. Langan

West side of Hillcrest Road at the West terminus of Girby Road
Rezoning from B-3, Community Business, to B-3, Community Business, to add further conditions to the previous rezoning
Council District 6

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. Holmes, with second by Mr. Watkins, to approve the above referenced requested rezoning, subject to the following conditions:

- 1) subject to the attached Voluntary Conditions and Use Restrictions submitted by the applicant; and,
- 2) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

February 21, 2008
PLANNING COMMISSION MEETING

Case #SUB2007-00337 (Subdivision)

Trax Tires Subdivision

Southeast corner of Old Shell Road and East Drive

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

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

Council District 5

(Also see **Case #ZON2007-02935 (Rezoning) Steven F. Weller**, below)

The following people spoke in favor of the above referenced subdivision:

Frank Dagley, Frank Dagley and Associates, 717 Executive Park Drive,
representing the applicant; and,
Shane Adams, Trax Tires, 2135 Schillinger Road South.

They gave the following points for approval:

- A. there was a garage on the site for over 50 years, but it was recently demolished;
- B. the curb cut currently in existence on East Drive keeps potential customers from making unnecessary “U” turns or from having to travel unnecessary distances on Old Shell Road;
- C. the slight contamination of the soil on the property by the previous business will be corrected, as required by the loaning institution; and,
- D. B-3 zoning seems more appropriate than B-2, as they will be doing engine repairs.

Laura J. Clarke, Director of Urban Development Department, commented that the B-2 recommendation was probably due to the fact the information listed on the application was for a tire company and the staff was not aware they would be more of a full service automobile repair shop.

Mr. Watkins asked if a majority of the deliveries made to the site would be by 18 wheeled trucks.

Mr. Adams advised most of the deliveries would be done by smaller box trucks.

Mr. Davitt asked what percentage of the business would be related to tires versus engine repair.

Mr. Adams said approximately 10% of the business would be engine repair, with 50% being tires, and 40% dedicated to general automobile service.

Mr. Hoffman advised the Commission that the information provided by the applicant was the basis for the staff’s B-2 recommendation.

February 21, 2008
PLANNING COMMISSION MEETING

Mr. Watkins asked the staff's reasoning behind removing the existing curb cut on East Drive.

Mr. Hoffman gave the following as the reasons behind the staff's recommendation for removing that curb cut:

- A. there was no commercial development on East Drive;
- B. concern over the location on the property of an existing live oak tree;
- C. the proposed location on the property of the dumpster and the interior circulation space needed for the servicing of that dumpster; and,
- D. the presence of a vacant, single-family residential lot located across the street from the proposed tire shop, that if it were developed as a single-family residential site, traffic from the tire shop would be coming directly at that residence.

Mr. Dagley responded by saying:

- A. the dumpster could be relocated, if necessary;
- B. servicing of the dumpster could be done by backing up on the west side of the building and exiting on the same, as there is a way the service truck for the dumpster can be turned around without backing into the street and public right-of-way; and,
- C. regarding the residentially zoned property located across the street from the proposed tire shop, the staff report indicated it would never be developed as such, due to the fact the whole strip along that piece of Old Shell Road was commercial.

In deliberation, Mr. Miller recused himself, saying that though he had not been advised to do so it made him feel more comfortable, as he owned commercial property in the area.

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

- 1) dedication of 10 feet along Old Shell Road, as depicted on the preliminary plat, subject to verification with City Engineering that dedication is required, or revision of the plat to correct any errors;**
- 2) dedication of sufficient right-of-way at the intersection of Old Shell Road and East Drive for radius, in compliance with Section V.D.6. of the Subdivision Regulations, to be approved by Traffic Engineering;**
- 3) placement of a note on the final plat stating that the site is limited to one curb-cut onto Old Shell Road, and one curb-cut**

- onto East Drive, with the size, design, and location to be approved by Traffic Engineering and comply with AASHTO standards;
- 4) placement of a note on the 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;
 - 5) compliance with Urban Forestry comments and placement of those comments as a note on the plat (*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 is to be given to the 50" Live Oak Tree located on the Northeast portion of the lot. 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,
 - 6) the labeling of the lot with its size in square feet.

The motion carried unanimously.

Case #ZON2007-02935 (Rezoning)

Steven F. Weller

Southeast corner of Old Shell Road and East Drive

Rezoning from R-1, Single-Family Residential, to B-3, Community Business, to allow a retail tire store

Council District 5

(Also see Case #SUB2007-00337 (Subdivision) **Trax Tires Subdivision**, above)

(See Case #SUB2007-00337 (Subdivision) **Trax Tires Subdivision** for discussion)

Hearing no opposition or further discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Vallas, to approve the above requested rezoning to **B-2, Neighborhood Business District**, subject to the following conditions:

- 1) completion of the Subdivision process prior to the submittal for building permits;
- 2) the site is limited to one curb-cut onto Old Shell Road, and one curb-cut onto East Drive, with the size, design, and location to be approved by Traffic Engineering and comply with AASHTO standards;
- 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 is to be given to the 50" Live Oak Tree*

February 21, 2008
PLANNING COMMISSION MEETING

- located on the Northeast portion of the lot. 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.);*
- 4) provision of appropriate residential buffers required by Section 64-4.D.1. of the Zoning Ordinance, such as a 6-foot high wooden privacy fence or 10-foot wide landscaped buffer;
 - 5) compliance with the site lighting requirements specified in Section 64-4.A.2. and Section 64-6.A.3.c. of the Zoning Ordinance; and,
 - 6) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2007-00339 (Subdivision)
Grande Oaks at Hillcrest Subdivision

2709 Hillcrest Road

East side of Hillcrest Road, 340'± North of Shady Lane

Number of Lots / Acres: 19 Lots / 6.4± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(Also see **Case #ZON2007-02937 (Planned Unit Development) Grande Oaks at Hillcrest Subdivision**, below)

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

Deena Hurtley, 5308 Weddington Court, asked where the developers had decided to put the stormwater detention pond.

Mr. Hoffman advised they had moved it along the southern property line, which is at least 300 feet from the street to the south.

The Chair asked Adam Hayes, Rester and Coleman Engineers, Inc., 66 Midtown Park West, to speak on the question.

Mr. Hayes advised the ditch would drain from east to west and that they would pipe the detained water down through the right-of-way into an existing structure in Weddington Court, with the calculated impact being less on the existing drainage system there, as it will actually go south down the Hillcrest Road right-of-way.

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

February 21, 2008
PLANNING COMMISSION MEETING

- 1) revision of the site plan and plat to correct all dimensional and lot area errors, ensuring that all lots are a minimum of 7,200 square feet, and the labeling of all lots with their size in square feet;
- 2) depiction and labeling of the minimum building setback line from all street frontages for all lots, where the lot is a minimum of 60 feet in width;
- 3) placement of a note on the site plan and plat stating that the maximum building site coverage (35%) and the side and rear yard setbacks shall be as required by the Zoning Ordinance;
- 4) revision of the site plan and plat to depict and label an access easement from the street that is part of the development to the detention facility to allow maintenance;
- 5) labeling of all common areas, and placement of a note on the site plan and plat stating that maintenance of common and detention common areas is the responsibility of the property owners;
- 6) placement of a note on the site plan and plat that all lots are denied direct access to Hillcrest Road;
- 7) placement of a note on the site plan and plat that each lot is limited to one curb-cut, with the size, design, and location to be coordinated with Urban Forestry, and approved by Traffic Engineering and in compliance with AASHTO standards;
- 8) redesign of the cul-de-sac, if necessary, after consultation with Mobile Fire-Rescue and Traffic Engineering;
- 9) compliance with Section VIII. of the Subdivision Regulations, regarding the provision of a private street;
- 10) designation on the site plan and plat of utility easements acceptable to the appropriate provider of utility services within the subdivision;
- 11) placement of a note on the site plan and plat stating that the street is privately maintained and not dedicated to the public;
- 12) placement of a note on the site plan and plat stating that if the private street is not constructed and maintained to the appropriate City standard, and is ultimately dedicated for public use and maintenance, 100 percent of the cost of the improvements required to bring the street up to the prevailing standard shall be assessed to the property owners at the time the private street is dedicated, with the assessment running with the land to any subsequent property owners;
- 13) placement of a note on the site plan and plat stating that the gate must remain operational and in use as a condition of the continuation of private street status;
- 14) full 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.);*
- 15) full compliance with Urban Forestry comments, and placement of the comments as a note on the site plan and plat (*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 is to be given to the 48" Live Oak Tree located on the Southwest corner of Lot 19, the 60" Live Oak Tree located on the South side of Lot 16, the 56" Live Oak Tree located on the South side of Lot 15, the 76" Live Oak Tree located on the Northeast corner of Lot 11, and the 54" Live Oak Tree located in the middle of Lot 4, and for all 50" and larger trees that may occur within the development, not otherwise identified. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger. Exact curb cut locations and location of the proposed street and internal circulation drive should also be coordinated with Urban Forestry to ensure that no trees 50" and larger are effected.);*
 - 16) placement of a note on the site plan and plat stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;
 - 17) provision of two (2) revised PUD site plans to the Planning Section of Urban Development prior to the signing of any Subdivision plat; and,
 - 18) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2007-02937 (Planned Unit Development)

Grande Oaks at Hillcrest Subdivision

2709 Hillcrest Road

East side of Hillcrest Road, 340'± North of Shady Lane

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

Council District 6

(Also see Case #SUB2007-00339 (Subdivision) **Grande Oaks at Hillcrest Subdivision**, above)

(See Case #SUB2007-00339 (Subdivision) **Grande Oaks at Hillcrest Subdivision** for discussion)

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

- 1) revision of the site plan and plat to correct all dimensional and lot area errors, ensuring that all lots are a minimum of 7,200 square feet, and the labeling of all lots with their size in square feet;
- 2) depiction and labeling of the minimum building setback line from all street frontages for all lots, where the lot is a minimum of 60 feet in width;
- 3) placement of a note on the site plan and plat stating that the maximum building site coverage (35%) and the side and rear yard setbacks shall be as required by the Zoning Ordinance;
- 4) revision of the site plan and plat to depict and label an access easement from the street that is part of the development to the detention facility to allow maintenance;
- 5) provision of a six-foot high wooden privacy fence around the entirety of the detention area (except within required street setbacks, where it shall not exceed three feet in height), with appropriate permits, and revision of the site plan to depict and label a fence;
- 6) labeling of all common areas, and placement of a note on the site plan and plat stating that maintenance of common and detention common areas is the responsibility of the property owners;
- 7) placement of a note on the site plan and plat that all lots are denied direct access to Hillcrest Road;
- 8) placement of a note on the site plan and plat that each lot is limited to one curb-cut, with the size, design, and location to be coordinated with Urban Forestry, and approved by Traffic Engineering and in compliance with AASHTO standards;
- 9) redesign of the cul-de-sac, if necessary, after consultation with Mobile Fire-Rescue and Traffic Engineering;
- 10) compliance with Section VIII. of the Subdivision Regulations, regarding the provision of a private street;
- 11) designation on the site plan and plat of utility easements acceptable to the appropriate provider of utility services within the subdivision;
- 12) placement of a note on the site plan and plat stating that the street is privately maintained and not dedicated to the public;
- 13) placement of a note on the site plan and plat stating that if the private street is not constructed and maintained to the appropriate City standard, and is ultimately dedicated for public use and maintenance, 100 percent of the cost of the improvements required to bring the street up to the prevailing standard shall be assessed to the property owners at the time the private street is dedicated, with the assessment running with the land to any subsequent property owners;

February 21, 2008
PLANNING COMMISSION MEETING

- 14) placement of a note on the site plan and plat stating that the gate must remain operational and in use as a condition of the continuation of private street status;
- 15) full 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.*);
- 16) full compliance with Urban Forestry comments, and placement of the comments as a note on the site plan and plat (*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 is to be given to the 48" Live Oak Tree located on the Southwest corner of Lot 19, the 60" Live Oak Tree located on the South side of Lot 16, the 56" Live Oak Tree located on the South side of Lot 15, the 76" Live Oak Tree located on the Northeast corner of Lot 11, and the 54" Live Oak Tree located in the middle of Lot 4, and for all 50" and larger trees that may occur within the development, not otherwise identified. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger. Exact curb cut locations and location of the proposed street and internal circulation drive should also be coordinated with Urban Forestry to ensure that no trees 50" and larger are effected.*);
- 17) placement of a note on the site plan and plat stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;
- 18) provision of two (2) revised PUD site plans to the Planning Section of Urban Development prior to the signing of any Subdivision plat;
- 19) completion of the Subdivision process prior to any permitting activities; and,
- 20) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

February 21, 2008
PLANNING COMMISSION MEETING

Case #SUB2008-00008 (Subdivision)

Congress Street Subdivision

254 Congress Street

(North side of Congress Street, 60'± West of North Joachim Street, extending to the West side of North Joachim Street, 78'± North of Congress Street

Number of Lots / Acres: 1 Lot / 0.2± Acre

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 2

(Also see Case #ZON2008-00052 (Planned Unit Development) Congress Street Subdivision, below)

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

Charles McKnight, 11301 Getchell Drive, Theodore, and the owner of 250 Congress Street, expressed his concern over the following:

- A. 250 Congress is currently an office. If he should decide to make it a residence and want to put a wall along the back, along his side of the line on that drive, would the proposed 11 feet exit drive impede him from doing so; and,
- B. the drive is currently plated as an exit. Would he be able to use it as both an entrance and an exit?

Mr. Hoffman said that placement of a wall would be based upon the recorded easement and that the applicant had assured the staff that adequate parking would be available for 250 Congress, and that it could be used as ingress or egress, depending upon its use at any given time.

Ben Cummings, Cummings Architecture, 1 Houston Street, spoke to Mr. McKnight's concerns as well, saying the "One Way" arrow on the plat was intended for the tenants of the proposed residential development only, and that if Mr. McKnight chose to put up a wall later, then they would need to widen the drive at that time.

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

- 1) **placement of a note on the plat stating that the lot is limited to one curb-cut, with the size, design, and location to be approved by Traffic Engineering, and to comply to the greatest extent possible with AASHTO standards;**
- 2) **compliance with Engineering comments (*Denote entire area in AE flood zone with minimum finished floor elevation = 13.00 on plat. All stormwater must tie subsurface to City of Mobile storm drain system including roof drains. It is the responsibility of the***

applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.);

- 3) placement of a note on the 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;
- 4) revision of the plat to depict and label the 5-foot minimum building setback line, allowed by the zoning district, in lieu of the Subdivision Regulations setback requirement;
- 5) labeling of the lot with its size in square feet; and,
- 6) provision of two (2) revised PUD site plans to the Planning Section of Urban Development prior to the signing of the final plat.

The motion carried unanimously.

Case #ZON2008-00052 (Planned Unit Development)

Congress Street Subdivision

254 Congress Street

North side of Congress Street, 60'± West of North Joachim Street, extending to the West side of North Joachim Street, 78'± North of Congress Street

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

Council District 2

(Also see **Case #SUB2008-00008 (Subdivision) Congress Street Subdivision**, above)

(See **Case #SUB2008-00008 (Subdivision) Congress Street Subdivision** for discussion)

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

- 1) completion of the Subdivision process prior to the application for building permits;
- 2) limited to the site plan provided, with the addition of any required trees;
- 3) removal of any unnecessary curb-cuts, and landscaping of the areas to match adjacent right-of-way (grass sod as a minimum);

- 4) coordination with Urban Forestry regarding compliance with the tree requirements of the Zoning Ordinance, to allow flexibility in the placement of required trees;
- 5) depiction of the 5-foot minimum building setback line, as shown;
- 6) compliance with Engineering Comments (*Denote entire area in AE flood zone with minimum finished floor elevation = 13.00 on plat. All stormwater must tie subsurface to City of Mobile storm drain system including roof drains. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.*);
- 7) revision of the PUD site plan to reflect condition # 4 (showing tree compliance), and provision of two (2) revised PUD site plans to the Planning Section of Urban Development prior to the signing of the final plat;
- 8) compliance with revised Fire comments (*Fire hydrants shall comply with Section 508.5.1 and Appendix B and C of the 2003 IFC. FDC shall be within 100 feet of fire hydrant. Sprinkler systems shall be electronically monitored per Section 903.4 thru 903.4.3 of the 2003 IFC*); and,
- 9) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

EXTENSIONS:

Case #SUB2007-00010 (Subdivision)

Howells Ferry Development Subdivision

6055 Howells Ferry Road

South side of Howells Ferry Road, 450'± West of Hall Road

Number of Lots / Acres: 16 Lots / 4.1± Acres

Engineer / Surveyor: McFadden Engineering, Inc.

Council District 7

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to approve the above referenced extension.

February 21, 2008
PLANNING COMMISSION MEETING

The motion carried unanimously.

Case #SUB2002-00030 (Subdivision)

Hamilton Bridges Subdivision (formerly Terrell Estates Subdivision)

South side of Airport Boulevard, 600'± East of the South terminus of Flave Pierce Road, extending to the West side of Lowry Road

Number of Lots / Acres: 207 Lots / 75.0± 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 extension.

The motion carried unanimously.

Case #SUB2004-00041 (Subdivision)

Cambridge Place Subdivision

West side of Eliza Jordan Road North, 3/10 mile± South of Kelly Road

Number of Lots / Acres: 137 Lots / 61.4± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

County

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to approve the above referenced extension, but the applicant was advised that a future extension is unlikely unless additional phases are recorded.

The motion carried unanimously.

Case #ZON2007-00402 (Planned Unit Development)

West Airport Boulevard Center Subdivision

6575 Airport Boulevard

South side of Airport Boulevard, 675'± East of Providence Hospital Drive

Planned Unit Development Approval to allow shared access between three building sites

Council District 6

Mr. Vallas was recused from discussion and voting.

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.

February 21, 2008
PLANNING COMMISSION MEETING

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to approve the above referenced extension.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2008-00015

Pride Properties Subdivision

South side of Three Notch Road, 95'± East of McDonald Road

Number of Lots / Acres: 2 Lots / 0.7± Acre

Engineer / Surveyor: Erdman Surveying, LLC

County

Byron Sheppard, 8465 C Three Notch Road, stated the following on his own behalf:

- A. he purchased the lots approximately 4 to 5 years ago, with the first one being the west lot and both lots have parcel numbers and recorded deeds;
- B. there is currently a building on one of the lots which is commercial and leased;
- C. Barton and Schuemmer Engineering were hired to prepare site plans, to include drainage and an office building of approximately 6000 square feet for the second lot, all of which were submitted to the county for approval; however, the county states these lots are illegal; and,
- D. he had objections to the 50 feet right-of-way requirement, as the standard setback has always been 25 feet, and he felt it was not fair to require an additional 25 feet without compensating the landowner for it.

Mr. Hoffman responded as follows:

- A. the City of Mobile has a major street plan that extends 5 miles outside of the city limits, and those major streets generally require a 100 feet wide right-of-way;
- B. commercial sites within the city limits and sites, residential or commercial, within the 5 mile planning jurisdiction outside the city limits but within the county limits, typically require the dedication of right-of-way sufficient to provide the minimum half way distance of the overall total right-of-way width, which is why 50 feet from the center line of Three-Notch Road was required;
- C. the condition regarding drainage and stormwater is one that is now added to all applications, including those in the county; and,
- D. with regards to the issue of illegal lots, in 1984, the county agreed

February 21, 2008
PLANNING COMMISSION MEETING

to support the enforcement of the City of Mobile's Subdivision Regulations in the Planning Jurisdiction, meaning that properties made smaller or larger must go through that process and the staff's research indicated this had not been done with the property in question; and,

- E. The staff has asked for proof that the smaller parcels adjacent to the one in question were in fact part of that original overall piece, but have changed hands several times and thus the original land owners are no longer involved. This is also why the county has asked the applicant to go through the subdivision process to create a legal lot of record by those means prior to issuing a building permit.

Mr. Sheppherd said he was dealing with Barton and Schuemmer Engineering regarding that very issue because part of their compensation agreement was for Mr. Sheppherd to receive drawings approved by the County with the engineer's stamp on it, and that had not yet been received. He also asked if the staff still needed him to submit the site drainage plan.

Mr. Hoffman advised the site drainage plan was not necessary as a letter from his engineer to the County stating the site as being in compliance with the City's requirements, with copy to the staff, was all that was necessary.

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

- 1) **dedication of Right-of-Way sufficient to measure 50' from the center line of Three Notch Road;**
- 2) **placement of a note on the final plat stating that lots 1 and 2 are limited to 1 curb cut each, with the size, design, and location to be approved by County Engineering;**
- 3) **revision of the plat to depict the 25' minimum building setback line from the dedicated street right-of-way;**
- 4) **placement of a note on the plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;**
- 5) **placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state, and**

February 21, 2008
PLANNING COMMISSION MEETING

- Federal regulations regarding endangered, threatened, or otherwise protected species;
- 6) placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;
 - 7) labeling of each lot with its size in square feet in addition to acreage; and,
 - 8) submittal of documentation that adjacent child-parcels have changed hands at least twice.

The motion carried unanimously.

Case #SUB2008-00017

Bienville Forest Subdivision

4901 Brooke Court, and 1265 Forest Hill Drive

South side of Brooke Court at its East terminus, extending to the West side of Forest Hill Drive, at the West terminus of Tulane Drive

Number of Lots / Acres: 2 Lots / 1.8± Acres

Engineer / Surveyor: Richard L. Patrick, PLS

Council District 7

Richard Patrick, Patrick Surveying, 3317 Fairfield Road, Mobile, 36605, spoke on behalf of the applicant, saying they were fine with the recommendations with the exception of number 3, where it mentioned placing a note on the plat stating no construction to take place within the drainage and utility easements. He asked if that could be modified by adding “without City Engineering and Mobile Area Water and Sewer Service approval,” as there is a very large drainage ditch that runs through the property and without that approval the applicant could do nothing with the rear portion of the property.

Laura J. Clarke, Director of Urban Development, responded by saying that would not be possible as Engineering does not permit the construction of a permanent structure on drainage and/or utility easements as that construction might impede access to that easement, however, a drive would be allowed

Mr. Patrick responded his concern was over the use of the word “construction” as he felt it could be interpreted to include the construction of a drive.

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

- 1) placement of a note on the final plat stating that Lot 1 is limited to one curb cut to Brooke Court and Lot 2 is limited to one curb cut to Forest Hill Drive, with the size, location, and

- design to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) removal of the metal canopy and shed from easements with appropriate permits prior to signing the final plat;
 - 3) placement of a note on the final plat stating that no construction of structures is allowed within drainage and utility easements;
 - 4) revision of the legal description prior to signing the final plat;
 - 5) placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and,
 - 6) subject to Engineering Comments: *(It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. 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 #SUB2008-00018
DIP/HMR Subdivision

Southwest corner of Dauphin Island Parkway and Halls Mill Road
Number of Lots / Acres: 2 Lots / 1.4± Acres
Engineer / Surveyor: Byrd Surveying, Inc.
Council District 3

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

Doug Anderson, Burr and Foreman Law Firm, 41 West I-65 Service Road North, spoke on behalf of the applicant, saying this was simply the re-submittal of an application that had been approved in November of 2007 with the condition that an additional 50 feet of right-of-way be given for both Dauphin Island Parkway and Halls Mill Road. He stated his client had been before the Board of Zoning Adjustment seeking a setback variance from the Dauphin Island Parkway right-of-way. The Board of Zoning Adjustment held the matter over for 60 days, recommending that the applicant come back before the Planning Commission in an effort to have the previously stated requirement removed as a condition for approval. Mr. Anderson submitted renderings showing that 50 to 60 percent of the property would be un-useable if the 50 feet right-of-way requirement remained in place. Mr. Anderson added that the site plan had been modified from the previously approved site plan, noting a smaller building and fewer gas pumps.

February 21, 2008
PLANNING COMMISSION MEETING

Mr. Hoffman advised the Commission that Dauphin Island Parkway was an ALDOT controlled facility, so any changes to the setback requirements would be subject to their approval as well.

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

- 1) **the requirement for dedication of right-of-way along Dauphin Island Parkway is waived, subject to approval in writing by ALDOT;**
- 2) **provision of 50 feet of right-of-way measured from the centerline of Halls Mill Road;**
- 3) **the depiction on the final plat of the 25' front setback line along Halls Mill Road and Dauphin Island Parkway;**
- 4) **placement of a note on the final plat stating that the Lot 1 is limited to two curb cuts to each street, and Lot 2 is limited to one curb cut to Halls Mill Road, with the size, location, and design to be approved by Traffic Engineering, and conform to AASHTO standards;**
- 5) **submission of a PUD application if existing buildings are to remain on Lot 1 site;**
- 6) **submission of an application for an *administrative* PUD if additional structures are proposed for Lot 2; and,**
- 7) **compliance with Section V.A.7. of the Subdivision Regulations.**

The motion carried unanimously.

Case #SUB2008-00020

Bellevue Heights Subdivision, Re-subdivision of Lot 9

4214 Bellevue Lane

North side of Bellevue Lane at its East terminus

Number of Lots / Acres: 2 Lots / 1.1± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 5

Doug Anderson, Burr and Foreman Law Firm, 41 West I-65 Service Road North, spoke on behalf of the applicant, stating this was a re-submittal of an application for a two lot subdivision that was previously denied in December of 2007. He then presented information and examples from the Lakewood subdivision and Bellevue Circle area to support his argument that the area indeed had a number of flag shaped lots, which was the reason the application had been previously denied.

Mr. Hoffman advised the Commission that should they wish to approve the application at this time, the staff would ask for the condition that the minimum building setback on

February 21, 2008
PLANNING COMMISSION MEETING

the flag shaped lot be 25 feet from the point where the “neck” of the property hit the main portion of the property.

Hearing no opposition or further discussion, a motion was made by Mr. Vallas, with second by Mr. DeMouy, to waive Section V.D.1. and V.D.3. of the subdivision regulations and approve the above referenced re-subdivision, subject to the following conditions:

- 1) **placement of a note on the plat stating that each lot is limited to one curb-cut each, with the size, design, and location to be approved by Traffic Engineering and to comply with AASHTO standards;**
- 2) **adjustment of the 25-foot minimum building setback line on lot 2 to be at least 25-feet from where the “pole” connects to the body of the lot; and,**
- 3) **obtaining of a demolition permit prior to the signing of the final plat.**

The motion carried with only Mr. Miller voting in opposition.

Case #SUB2008-00022

North Ridgelawn Subdivision, Re-subdivision of and Addition to Lot 13

West side of Ridgelawn Drive East, 330'± South of Woodhill Circle

Number of Lots / Acres: 2 Lots / 0.8± Acre

Engineer / Surveyor: Rester and Coleman Engineers

Council District 7

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.

Don Coleman, Rester & Coleman Engineers, Inc., spoke on behalf of the applicants, making the following points in favor of hearing the matter that day:

- A. he felt the questions raised by the staff could be answered that day;
- B. with regards to the 25 foot building setback line not being shown, there is a note on the plat;
- C. they agree to one curb cut per lot;
- D. the small strip of land was discovered in 1984 when the original property owner sold it to the two current owners; and,
- E. they would like to waive Section V.D.3. of the Subdivision Regulations because to follow it would create a land locked parcel in the rear of the property.

Ed Sledge, 121 East Ridgelawn Drive, spoke as one of the property owners. He said he currently lived next to the property in question and had owned that property jointly with Alabama Supreme Court Justice and Mrs. Champ Lyons for approximately 20 years.

February 21, 2008
PLANNING COMMISSION MEETING

He said the decision to subdivide it was based on Mrs. Lyons firm belief that she would outlive Justice Lyons and wanted to be able to build on that property upon his death. Mr. Sledge expressed his support of this, but also stated he and his wife had no plans for developing their part of the property.

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

- 1) **completion of the street vacation process prior to signing of final plat;**
- 2) **revision of the plat to depict the 25' minimum building setback line from the new street right-of-way;**
- 3) **placement of a note on the plat stating that lots 13A and 13B are limited to one curb cut each, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) **placement of a note on the plat stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and,**
- 5) **labeling of each lot with its size in square feet.**

The motion carried with only Mr. Miller voting in opposition.

Case #SUB2008-00023

Townsite of Semmes Subdivision, Block 1, Re-subdivision of and Addition to Lots 20, 21, 22, and a Portion of Lots 23 and 24

Northwest corner of Illinois Street and Michigan Avenue (unopened public right-of-way), extending to the South side of Church Street, 200'± West of Illinois Street
Number of Lots / Acres: 2 Lots / 1.0± Acre
Engineer / Surveyor: Rester and Coleman Engineers, Inc.
County

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.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over to the meeting of March 20, 2008, to allow the applicant to include the Northern portion of Lots 23 and 24 in this application, and revise the subdivision to three lots. Revisions, new mailing labels, and postage should be furnished by March 3, 2008.

The motion carried unanimously.

Case #SUB2008-00021

Taylor Pointe Subdivision, Unit One, Re-subdivision of Lots 44 – 47

Northeast corner of Jeff Hamilton Road and Taylor Pointe Boulevard, extending to the South side of Walston Road (private street)

Number of Lots / Acres: 4 Lots / 1.3± 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. Watkins, with second by Mr. Vallas, to approve the above referenced re-subdivision, subject to the following conditions:

- 1) **placement of a note stating that each lot is limited to one curb cut to Taylor Pointe Boulevard, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 2) **placement of a note stating that Lot 47A is denied direct access to Jeff Hamilton Road;**
- 3) **placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;**
- 4) **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,**
- 5) **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.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2008-00253

Commerce Tenant Building

3653 and 3659 Airport Boulevard

South side of Airport Boulevard Service Road, extending from Western America Drive to the unnamed private street entrance to Windsor Place Apartments

Planned Unit Development Approval to amend a previously approved Planned Unit Development Approval to allow shared access and parking between two building sites
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. Watkins, with second by Mr. Vallas, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) **revision of the site plan to accurately depict the required landscaping and trees;**
- 2) **depiction of the general detention area, if required;**
- 3) **submission of the revised PUD site plan to the Planning Section of Urban Development prior to the application for any permits for new construction; and,**
- 4) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

NEW PLANNING APPROVAL APPLICATIONS:

Case #ZON2008-00255

Mobile Area Water & Sewer System (Volkert & Associates, Inc., Agents)

1705 Conti Street

South side of Conti Street, 450' ± East of Hannon Avenue

Planning Approval to allow a wastewater pumping station in an R-1, Single-Family Residential District
Council District 2

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. He also advised the Commission members that a copy of a letter regarding this matter had been given to each of them for their review.

Ray Miller, Volkert and Associates, 3809 Moffett Road, Mobile, AL, spoke on behalf of the applicant, letting the Commission members know the letter was to address the staff's comments and concerns. He advised the Commission that MAWSS had a strong desire

February 21, 2008
PLANNING COMMISSION MEETING

to proceed with this project in an expeditious manner and therefore hoped the letter could alleviate the need for a holdover.

Mr. Hoffman advised the Commission that after speaking with Mr. Miller, and reviewing the letter, the staff could recommend approval subject to the applicant obtaining a variance from the Board of Zoning Adjustment regarding the parking surface.

Hearing no opposition or further discussion, a motion was made by Mr. Holmes, and seconded by Mr. Vallas, to approve the above referenced ARB-approved site plan, subject to the following conditions:

- 1) approval by Board of Adjustment of variance for gravel parking/driveway (surface); and,**
- 2) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

NEW ZONING APPLICATIONS:

Case #ZON2008-00189

Larry and Deborah Leonard

250'± South of Old Shell Road, 305'± West of Long Street

Rezoning from B-2, Neighborhood Business District, to R-1, Single-Family Residential District, to remove the commercial zoning of a portion of property not included in a commercial development

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 Mr. Watkins, to approve the above referenced requested re-zoning, subject to the following conditions:

- 1) submission of documentation of the prescriptive easement along Waltman Lane; and,**
- 2) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2007-00261 (Subdivision)

MFP Commercial Park Subdivision

3218 Crichton Street, and 3374 and 3378 Moffett Road

Northeast corner of Moffett Road and the Illinois Central Gulf Railroad right-of-way, extending to the West side of Crichton Street

Number of Lots / Acres: 1 Lot / 12.1± Acres

Engineer / Surveyor: Lawler and Company

Council District 1

(Also see **Case #ZON2008-00223 (Planned Unit Development) MFP Commercial**

Park Subdivision, below)

Will Lawler, Lawler and Company, 8975 Dawes Lane North, spoke on behalf of the applicant and stated their objection to being restricted to only 2 curb cuts onto Moffett Road, saying the site was currently served by 3 and all 3 were instrumental to the continued operation of the facility.

Mr. Hoffman advised that if the curb cut in question was located on the west side of the property, the staff would have no problem allowing it to remain.

Mr. Lawler advised it was one and the same.

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

- 1) **the placement of the 25-foot minimum building setback lines along all road frontages;**
- 2) **the placement of a note on the Final Plat stating the development is limited to three (3) curb-cuts, along Moffett Road, and the existing curb cut to Crichton Street with the design, size, and location to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards;**
- 3) **that the size of lot be labeled on the Final Plat; and,**
- 4) **submission of the revised PUD site plan prior to the signing of the Final Plat.**

The motion carried unanimously.

**Case #ZON2008-00223 (Planned Unit Development)
MFP Commercial Park Subdivision**

3218 Crichton Street, and 3374 and 3378 Moffett Road
Northeast corner of Moffett Road and the Illinois Central Gulf Railroad right-of-way,
extending to the West side of Crichton Street

Planned Unit Development Approval to allow three buildings on a single building site
Council District 1

(Also see **Case #SUB2007-00261 (Subdivision) MFP Commercial Park Subdivision**,
above)

(See **Case #SUB2007-00261 (Subdivision) MFP Commercial Park Subdivision** for
discussion)

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

- 1) **the placement of the 25-foot minimum building setback lines
along all road frontages;**
- 2) **the placement of a note on the Final Plat stating the
development is limited to three (3) curb-cuts, along Moffett
Road, and the existing curb cut to Crichton Street with the
design, size, and location to be approved by Traffic
Engineering and ALDOT and conform to AASHTO standards;**
- 3) **the illustration of the calculations regarding the number of
parking spaces required per Section 64-6.6, of the Zoning
Ordinance;**
- 4) **the illustration of the dumpster on the site plan, or a statement
that no dumpster is proposed for this development;**
- 5) **the construction of sidewalks along Moffett Road or the
submission of a sidewalk waiver; and,**
- 6) **the submission of a revised PUD site plan depicting the
conditions of approval, prior to the signing of the Final Plat.**

The motion carried unanimously.

**Case #SUB2008-00014 (Subdivision)
Swee Subdivision**

Southeast corner of Cottage Hill Road and Dogwood Court

Number of Lots / Acres: 1 Lot / 2.9± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 4

(Also see **Case #ZON2008-00186 (Rezoning) Pang Swee-Chin**, below)

Charles Dowdle, 5354 Dogwood Court East, spoke on behalf of the residents of
Dogwood Court and gave the following points in opposition to the proposed
development:

February 21, 2008
PLANNING COMMISSION MEETING

- A. concern regarding safety on the streets going off Cottage Hill Road to Dogwood Court and the proposed street between Dogwood Court and Able Court;
- B. the potential reduction of property values on Dogwood Court;
- C. there are current drainage issues in that area and the proposed development would make those worse; and,
- D. some of the houses on Dogwood Court would “look down” on the roof of the proposed restaurant, the dumpster, and rear of that property.

Jerry Byrd, Byrd Surveying Inc., spoke on behalf of the applicant and addressed the concerns raised, as well as the staff’s recommendation for denial:

- A. there are a number of businesses already along Cottage Hill Road to the extent that many people believe this area is zoned commercial, even though it is not;
- B. though the applicants have already offered to build a 10 feet vegetative buffer, they would have no problem expanding that to the staff’s recommended 20 feet;
- C. though the site is not shown on the city’s website as being within a flood plain, there is a flood plain associated with the concrete ditch located on the east property line; and,
- D. the property owner and her husband own an existing restaurant located in the shopping center at the southeast corner of University Boulevard and Cottage Hill Road that they have out grown and they would like to own their own business, which is what lead to their making these applications.

Hearing no other opposition or discussion, a motion was made by Mr. Vallas, with second by Dr. Rivizzigno, to deny the above referenced application based upon the zoning request.

The motion carried unanimously.

Case #ZON2008-00186 (Rezoning)

Pang Swee-Chin

Southeast corner of Cottage Hill Road and Dogwood Court

Rezoning from R-1, Single-Family Residential District, to B-2, Neighborhood Business District, to allow a restaurant

Council District 4

(Also see **Case #SUB2008-00014 (Subdivision) Swee Subdivision**, above)

(See **Case #SUB2008-00014 (Subdivision) Swee Subdivision** for discussion)

Hearing no other opposition or discussion, a motion was made by Mr. Vallas, with second by Dr. Rivizzigno, to deny the above referenced request for rezoning based upon

February 21, 2008
PLANNING COMMISSION MEETING

the following reasons:

- 1) **expansion of commercial uses to the West side of Spencer's Branch of Moore Creek, into an existing residential subdivision on a cul-de-sac, would result in development that is potentially incompatible with the existing residences on Dogwood Court North;**
- 2) **there is no need to increase the number of commercial sites, as the proposed use is for an existing restaurant; and,**
- 3) **changing conditions in the area were not identified to justify the rezoning request.**

The motion carried unanimously.

Case #SUB2008-00016 (Subdivision)

Mramor's Addition to Weinacker Avenue Subdivision

900 Weinacker Avenue

Southwest corner of Weinacker Avenue and the Illinois Central Gulf Railroad right-of-way, extending to the Southeast corner of Old Canal Street and Sunset Avenue

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

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 3

(Also see **Case #ZON2008-00220 (Planned Unit Development) Mramor's Addition to Weinacker Avenue Subdivision**, and, **Case #ZON2008-00221 (Rezoning)**

Joseph Mramor, 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.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the March 20, 2008, meeting, with revisions due to Urban Development by February 26, 2008, for the following reasons:

- 1) **revision of the site plan and plat to provide a minimum right-of-way width of 25 feet, as measured from the centerline for Sunset Avenue, in compliance with Section V.B.14. of the Subdivision Regulations;**
- 2) **revision of the site plan and plat to provide the appropriate radii at the street intersection corners, in compliance with Section V.D.6. of the Subdivision Regulations; and,**
- 3) **revision of the site plan and plat to depict the 25-foot minimum building setback line for the entire site, adjusted as necessary to accommodate the right-of-way dedication for Sunset Avenue, in compliance with Section V.D.9. of the Subdivision Regulations.**

The motion carried unanimously.

**Case #ZON2008-00220 (Planned Unit Development)
Mramor's Addition to Weinacker Avenue Subdivision**

900 Weinacker Avenue

Southwest corner of Weinacker Avenue and the Illinois Central Gulf Railroad right-of-way, extending to the Southeast corner of Old Canal Street and Sunset Avenue

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

Council District 3

(Also see **Case #SUB2008-00016 (Subdivision) Mramor's Addition to Weinacker Avenue Subdivision**, above, and **Case #ZON2008-00221 (Rezoning) Joseph Mramor**, 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.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the March 20, 2008, meeting, with revisions due to Urban Development by February 26, 2008, for the following reasons:

- 1) **revision of the site plan to depict proposed dumpster storage locations, in compliance with Section 64-4.D.9. of the Zoning Ordinance;**
- 2) **revision of the site plan to depict existing on-site circulation and parking;**
- 3) **placement of a note on the site plan stating that lighting shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic;**
- 4) **revision of the site plan and plat to provide a minimum right-of-way width of 25 feet, as measured from the centerline for Sunset Avenue, in compliance with Section V.B.14. of the Subdivision Regulations;**
- 5) **revision of the site plan and plat to provide the appropriate radii at the street intersection corners, in compliance with Section V.D.6. of the Subdivision Regulations;**
- 6) **revision of the site plan to accurately depict all proposed curb-cuts, and modifications thereof (with reduction of excessive width curb-cuts where possible), as well as proposed curb-cuts;**
- 7) **depiction of a fence and landscape buffer, where the site abuts R-1 properties, as required by Section 64-4.D.1;**
- 8) **revision of the site plan to provide full compliance of the landscaping and tree requirements of the Ordinance for the entire site; and,**
- 9) **revision of the site plan and plat to depict the 25-foot minimum building setback line for the entire site, adjusted as necessary to accommodate the right-of-way dedication for Sunset**

Avenue, in compliance with Section V.D.9. of the Subdivision Regulations.

The motion carried unanimously.

Case #ZON2008-00221 (Rezoning)

Joseph Mramor

900 Weinacker Avenue

Southwest corner of Weinacker Avenue and the Illinois Central Gulf Railroad right-of-way, extending to the Southeast corner of Old Canal Street and Sunset Avenue

Rezoning from R-1, Single-Family Residential District, to B-3, Community Business District, to allow light warehousing

Council District 3

(Also see **Case #SUB2008-00016 (Subdivision) Mramor's Addition to Weinacker Avenue Subdivision**, and, **Case #ZON2008-00220 (Planned Unit Development) Mramor's Addition to Weinacker Avenue Subdivision**, above)

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.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the March 20, 2008, meeting, with revisions due to Urban Development by February 26, 2008, for the following reasons:

- 1) **revision of the site plan to depict proposed dumpster storage locations, in compliance with Section 64-4.D.9. of the Zoning Ordinance;**
- 2) **revision of the site plan to depict existing on-site circulation and parking;**
- 3) **placement of a note on the site plan stating that lighting shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic;**
- 4) **revision of the site plan and plat to provide a minimum right-of-way width of 25 feet, as measured from the centerline for Sunset Avenue, in compliance with Section V.B.14. of the Subdivision Regulations;**
- 5) **revision of the site plan and plat to provide the appropriate radii at the street intersection corners, in compliance with Section V.D.6. of the Subdivision Regulations;**
- 6) **revision of the site plan to accurately depict all existing curb-cuts, and modifications thereof (with reduction of excessive width curb-cuts where possible), as well as proposed curb-cuts;**
- 7) **depiction of a fence and landscape buffer, where the site abuts R-1 properties, as required by Section 64-4.D.1;**
- 8) **revision of the site plan to provide full compliance of the landscaping and tree requirements of the Ordinance for the**

February 21, 2008
PLANNING COMMISSION MEETING

- entire site; and,
- 9) **revision of the site plan and plat to depict the 25-foot minimum building setback line for the entire site, adjusted as necessary to accommodate the right-of-way dedication for Sunset Avenue, in compliance with Section V.D.9. of the Subdivision Regulations.**

The motion carried unanimously.

Case #SUB2008-00024 (Subdivision)
3709 Demetropolis Road Subdivision

3709 Demetropolis Road

Northeast corner of Demetropolis Road and Halls Mill Road

Number of Lots / Acres: 1 Lot / 6.0± Acres

Engineer / Surveyor: Lawler and Company

Council District 4

(Also see **Case #ZON2008-00231 (Rezoning) James C. & Eleanor T. Robbins (Cowles, Murphy, Glover & Associates, Agents)**, below)

Gary Cowles, Cowles, Murphy, Glover and Associates, 457 St. Michael's Street, spoke as agent for the applicant saying they were agreeable with the conditions but asked if the buffer condition could read "6 feet high wooden privacy fence or screen planting strip", as the applicant preferred to put in planting strips on the two sides in lieu of the 6 feet high wooden privacy fence.

James Robbins, 3709 Demetropolis Road, and Scott Robbins, his son, 3964 Saddlebrook Drive South, both encouraged the Commission to approve the applications, saying:

- A. the property was being sold to create the financial means to provide care for Eleanor Robbins; and,
- B. 7 of the 9 surrounding parcels are zoned either light industrial or commercial and B-5;
- C. the property is located on two major thoroughfares and within easy access of Interstate I-65.

The following people spoke in opposition to, or with concern regarding, the proposed development:

Joe and Marie Salata, 4858 Halls Mill Road; and,
Mike Daniels, 3428 Riviere du Chein and 5617 Cottage Hill Road.

They stated the following:

- A. the property in question had been family owned property for over 75 years;
- B. the neighboring property owners to the north side of the property

February 21, 2008
PLANNING COMMISSION MEETING

- in question would like to keep it residential as they live in a house located there;
- C. regarding the re-zoning request, it was requested that if this were approved, could it be done in such a way that if the proposed warehouse were not built that some other B-5 use could not be built there;
 - D. at the Planning Commission meeting approximately 2 weeks prior, the Commission had heldover the application for an upscale apartment complex located across from the property in question, requesting a traffic impact study be done to determine if there were any issues. It was asked that if the previous project did not get built, could the people purchasing this property be required to do the same road upgrades required of the proposed apartment complex;
 - E. if the proposed warehouse were built, could the owners be required to install some type of buffering along the Demetropolis Road property line;
 - F. concern regarding the type of traffic that would be coming to the proposed development and the hours of operation of the same; and,
 - G. concern over the proposed development's impact on the environment, including the presence of wetlands.

Mr. Davitt asked Mr. Hoffman if the requested B-5 zoning was a bit too heavy with regards to impact on the area and wondered if B-3 zoning would be a bit more consistent with the character of the neighborhood.

Mr. Hoffman said that B-5 had been recommended due to the size of the proposed warehouse, which is over 40,000 square feet.

Mrs. Salata noted that there was no information available regarding noise levels at the proposed warehouse and wondered about that.

Mr. Hoffman advised that as this was a proposed warehouse facility, there probably would be trucks operating there, but the zoning ordinance did not specifically address noise at any level. It also did not give the Commission the ability to restrict hours of operation.

Mrs. Salata then voiced her unhappiness with the fact that most of the information provided was too general and that it didn't provide the residents of the area adequate data regarding issues that would have a direct and possible negative impact on them.

Mr. Cowles responded to the concerns by saying:

- A. the applicant had Dr. Barry Vittor perform any necessary environmental studies so that they would be in compliance with those requirements;

February 21, 2008
PLANNING COMMISSION MEETING

- B. the rezoning requested was in keeping with the character and direction the area seemed to be headed due to the significant amount of B-3 zoned property in the area; and,
- C. the hours of operation were scheduled to be, more or less, from daylight to dark.

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

- 1) **dedication of sufficient right-of-way to provide 35' from the centerline of Halls Mill Road;**
- 2) **illustration of the 25' minimum building setback line along both street frontages with the Halls Mill Road setback to be measured from any dedicated right-of-way;**
- 3) **dedication of a 25' radius curve at the intersection of Halls Mill Road and Demetropolis Road, to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) **placement of a note on the final plat stating that the site is limited to two curb cuts to Halls Mill Road and two curb cuts to Demetropolis Road, with the size, location, and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 5) **labeling of the lot with its size in acreage, or the furnishing of a table providing the same information;**
- 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;**
- 7) **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;**
- 8) **compliance with the Engineering Comments (*Show the Min FFE on the Plans and the Plat. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit*); and,**
- 9) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

February 21, 2008
PLANNING COMMISSION MEETING

Case #ZON2008-00231 (Rezoning)

James C. & Eleanor T. Robbins (Cowles, Murphy, Glover & Associates, Agents)

3709 Demetropolis Road

Northeast corner of Demetropolis Road and Halls Mill Road

Rezoning from R-1, Single-Family Residential District, to B-5, Office-Distribution District, to allow a 60,000 square foot office/warehouse for mechanical and HVAC equipment distribution

Council District 4

(Also see a **Case #SUB2008-00024 (Subdivision) 3709 Demetropolis Road**

Subdivision, above)

(See **Case #SUB2008-00024 (Subdivision) 3709 Demetropolis Road Subdivision**

for discussion)

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

- 1) **provision of a 6' high wooden privacy fence or vegetative buffer, in compliance with Section 64-4.D. of the Zoning Ordinance, along the North and East property lines;**
- 2) **dedication of right-of-way to provide 35' from the centerline of Halls Mill Road;**
- 3) **dedication of a 25' radius curve at the intersection of Halls Mill Road and Demetropolis Road, to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) **the site is limited to two curb cuts to Halls Mill Road and two curb cuts to Demetropolis Road, with the size, location, and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 5) **completion of the Subdivision process; and,**
- 6) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2008-00225 (Sidewalk Waiver)

Valenti Southeast Realty

3215 Airport Boulevard

South side of Airport Boulevard, extending to the North side of Airport Boulevard

Service Road, 670' ± West of Bel Air Boulevard

Request to waive construction of sidewalks along Airport Boulevard, Airport Boulevard Service Road, and two mall entrance drives

Council District 5

(Also see **Case #ZON2008-00226 (Planned Unit Development) Valenti Southeast Realty**, below)

(See **Case #SUB2008-00024 (Subdivision) 3709 Demetropolis Road Subdivision**

for discussion)

February 21, 2008
PLANNING COMMISSION MEETING

Mike Garrett and Catherine Clark, Gulf State Engineering, 4110 Moffett Road, Mobile, spoke on behalf of the applicants, and asked for clarification of the following:

- A. regarding the statement in recommendation 5, “compliance with Traffic Engineering comments”, what are they actually going to require of the developers;
- B. what conditions will be required for the crosswalk;
- C. what will the City be responsible for and what will the City hold the developer responsible for with regards to striping the crosswalk across Airport Boulevard, as well as the handicap ramps located on either side of the same; and,
- D. did the staff want the developer to remove the existing curb on the west side of the property as item 6 says that “all parking and new curbing must be within the site boundaries.”

Mr. Hoffman advised the Commission that Traffic Engineering had requested that the applicant provide some sort of pedestrian access, either at the northeast corner or the northwest corner of the property where there are intersections to allow for the provision of some form of pedestrian curb cut with access to a crosswalk that would cross Airport Boulevard. He added that Traffic Engineering had requested the developer stripe the crosswalk all the way across Airport Boulevard, as well as create the landing location on the north side of the Airport Boulevard on the public right-of-way.

Hearing no opposition or further pertinent discussion, a motion was made by Mr. Watkins, with second by Mr. Vallas, to approve the above reference sidewalk waiver, with the exception that pedestrian access is to be provided at the Northeast or Northwest corner of the site, to be coordinated with Traffic Engineering.

The motion carried unanimously.

Case #ZON2008-00226 (Planned Unit Development)

Valenti Southeast Realty

3215 Airport Boulevard

South side of Airport Boulevard, extending to the North side of Airport Boulevard

Service Road, 670' ± West of Bel Air Boulevard

Planned Unit Development Approval to allow a reduced front setback for a restaurant
Council District 5

(Also see **Case #ZON2008-00225 (Sidewalk Waiver) Valenti Southeast Realty,**
above)

(See **ZON2008-00225 (Sidewalk Waiver) Valenti Southeast Realty** for discussion)

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

February 21, 2008
PLANNING COMMISSION MEETING

- 1) the site is limited to two curb-cuts to the Airport Boulevard Service Road to align with the parking aisles located immediately next to the proposed restaurant, and the site plan should be revised to adjust the Western curb-cut to align with the parking aisle, with the size and design to be approved by Traffic Engineering and to conform with AASHTO standards;
- 2) existing curb-cuts are to be removed and landscaped to match adjacent right-of-way;
- 3) the site is denied any curb-cuts onto to Airport Boulevard;
- 4) revision of the site plan to depict the 25-foot minimum building setback line along all street frontages, except where the building and dumpster will encroach upon the setback – the setback line to follow the building and dumpster enclosure as depicted, not to be less than 6-feet from the property line;
- 5) compliance with Traffic Engineering comments (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Handicap ramps and crosswalk to Airport Boulevard will be the responsibility of developer, with their location – either the Northeast or Northwest corner – and design to be coordinated with Traffic Engineering. The existing entrance should be closed and new entrances located to allow for better traffic flow and ingress/egress, with the new entrances directly aligning with the parking access aisles adjacent to the proposed restaurant.*);
- 6) revision of the site plan to ensure that all parking and new curbing for the parking areas occurs within the boundaries of the site, and that vehicles will not overhang the property boundaries – installing wheel stops as necessary;
- 7) coordination with Urban Forestry regarding compliance with the tree requirements of the Zoning Ordinance;
- 8) revision of the site plan to provide additional landscape area by curving the parking area where the original curb-cuts are eliminated, and consideration of replacing the motorcycle parking spaces with additional landscape area; and,
- 9) submission of a revised PUD site plan, per the above conditions, prior to the submittal of revised drawings for the commercial site plan review process.

The motion carried unanimously.

February 21, 2008
PLANNING COMMISSION MEETING

Case #ZON2008-00232 (Planned Unit Development)
Archdiocese of Mobile, McGill-Toolen High School, Rev. Bry Shields

3610 Michael Boulevard

Northeast corner of Michael Boulevard and Marion Beckham Drive

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow the expansion of an existing stadium complex with multiple buildings on a single building site

Council District 5

(Also see **Case #ZON2008-00230 (Planning Approval) Archdiocese of Mobile, McGill-Toolen High School, Rev. Bry Shields**, 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.

Eric Adams, Clark, Geer, Latham and Associates, clarified that the total seating capacity would be 4971.

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

- 1) **the construction be limited to the submitted and approved site plan;**
- 2) **the provision of landscaping, trees, and buffering (25-foot undisturbed) where the site abuts residential uses;**
- 3) **revision of the site plan to depict sidewalks on all road frontages;**
- 4) **revision of the site plan to depict any dumpster storage facility, in compliance with Section 64-4.D.9. of the Zoning Ordinance;**
- 5) **placement of a note on the site plan stating that on-site lighting must fully comply with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;**
- 6) **provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final subdivision plat;**
- 7) **a letter from the owners of Matthews Park and the YMCA allowing for overflow parking on their sites;**
- 8) **completion of the Subdivision process;**
- 9) **full compliance with all other municipal codes and ordinances;**
and,
- 10) **the submission and approval of a Traffic Impact Study as required by Traffic Engineering.**

The motion carried unanimously.

Case #ZON2008-00230 (Planning Approval)

Archdiocese of Mobile, McGill-Toolen High School, Rev. Bry Shields

3610 Michael Boulevard

Northeast corner of Michael Boulevard and Marion Beckham Drive

Planning Approval to amend a previously approved Planning Approval to allow the expansion of a private school athletic complex in an R-1, Single-Family Residential District to include additional stadium seating, a field house, concession stand, and additional parking

Council District 5

(Also see Case #ZON2008-00232 (Planned Unit Development) **Archdiocese of Mobile, McGill-Toolen High School, Rev. Bry Shields**, above)

(See Case #ZON2008-00232 (Planned Unit Development) **Archdiocese of Mobile, McGill-Toolen High School, Rev. Bry Shields** for discussion)

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

- 1) **the construction be limited to the submitted and approved site plan;**
- 2) **the provision of landscaping, trees, and buffering (25-foot undisturbed) where the site abuts residential uses;**
- 3) **revision of the site plan to depict sidewalks on all road frontages;**
- 4) **revision of the site plan to depict any dumpster storage facility, in compliance with Section 64-4.D.9. of the Zoning Ordinance;**
- 5) **placement of a note on the site plan stating that on-site lighting must fully comply with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;**
- 6) **provision of a revised Planning Approval site plan to the Planning Section of Urban Development prior to the signing of the final subdivision plat;**
- 7) **a letter from the owners of Matthews Park and the YMCA allowing for overflow parking on their sites;**
- 8) **completion of the Subdivision process;**
- 9) **full compliance with all other municipal codes and ordinances;**
and,
- 10) **the submission and approval of a Traffic Impact Study as required by Traffic Engineering.**

The motion carried unanimously.

Case #ZON2008-00250 (Planned Unit Development)

Korbet Square (Revised)

2029 Airport Boulevard

South side of Airport Boulevard, 600' ± West of Williams Street and extending through to Government Street

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow shared access and parking between multiple building sites

Council District 2

(Also see **Case #ZON2008-00249 (Rezoning) Ethel Catranis (Ben Cummings, Agent)**, below)

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

The following two people spoke in favor of the matter:

Ben Cummings, Cummings Architecture, 1 Houston Street
representing the applicant; and,
Nick Catranis, 2033 Airport Boulevard.

They stated the following:

- A. other curb cuts in the area, including one for a development being done by Mr. Catranis directly across the street from this property on Airport Boulevard, are wider than the 24 feet standard;
- B. there was confusion over the value of reducing the curb cut in question as the developer was simply trying to put a “drive-in” on the property; and,
- C. the property had two more driveways when it was originally purchased by Mr. Catranis, but he eliminated those two and the owner simply does not want to eliminate another one.

Mr. Hoffman explained that from appearances, the intention of Traffic Engineering regarding the proposed reduction in curb cut size was to prevent the possible “clipping” of a parked car in the parking space located at the curb cut.

Jennifer White, the city’s Traffic Engineering representative, stated that was one of the reasons for the recommendation, but another was the department was trying to standardize all curb cut widths in the city by recommending modification to 24 feet wide when non-standard curb cuts were evident in proposed developments.

Mr. Vallas suggested rather than modify the width of the curb cut to prevent damage to a parked car, eliminate one or two spaces at that entrance as the site had an excess of parking spaces.

Mr. Cummings said the developer would be agreeable to that as a condition.

February 21, 2008
PLANNING COMMISSION MEETING

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

- 1) submission of a revised site plan illustrating the removal of two parking spaces near the entrance from Little Flower Avenue, and the replacing of those spaces with striping or parking bumpers to prohibit parking;**
- 2) provision of trees, with the number, species, and location to be approved by the Urban Forester; and,**
- 3) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2008-00249 (Rezoning)

Ethel Catranis (Ben Cummings, Agent)

2054 Government Street

Northeast corner of Government Street and Little Flower Avenue

Rezoning from B-2, Neighborhood Business District, to B-3, Community Business District, to eliminate split zoning in a commercial shopping center

Council District 2

(Also see **Case #ZON2008-00250 (Planned Unit Development) Korbet Square (Revised)**, above)

(See **Case #ZON2008-00250 (Planned Unit Development) Korbet Square (Revised)** for discussion)

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

- 1) submission of a revised site plan illustrating the removal of two parking spaces near the entrance from Little Flower Avenue, and the replacing of those spaces with striping or parking bumpers to prohibit parking;**
- 2) provision trees, with the number, species, and location to be approved by the Urban Forester; and,**
- 3) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

OTHER BUSINESS:

There being no further business, the meeting was adjourned.

February 21, 2008
PLANNING COMMISSION MEETING

APPROVED: May 21, 2009

William G. DeMouy, Jr., Secretary

Terry Plauche, Chairman.

jsl