

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF JULY 24, 2008 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Terry Plauche, Chairman  
James Watkins, III  
William DeMouy, Secretary  
Stephen Davitt  
Nicholas Holmes, III  
Victoria L. Rivizzigno  
Roosevelt Turner  
John Vallas

**Members Absent**

Clinton Johnson  
Debra Butler  
Mead Miller

**Urban Development Staff Present**

Richard L. Olsen,  
Deputy Director of Planning  
Frank Palombo,  
Planner II  
David Daughenbaugh,  
Urban Forestry Coordinator  
Joanie Stiff-Love,  
Secretary II

**Others Present**

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

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

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

**HOLDOVERS:**

**Case #SUB2008-00129 (Subdivision)**

**Miller Family Division Subdivision**

6001 Powell Drive  
South side of Powell Drive at its West terminus  
Number of Lots / Acres: 2 Lots / 1.1± Acres  
Engineer / Surveyor: Byrd Surveying, 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. Davitt, with second by Mr. Watkins, to approve the above referenced subdivision, subject to the following conditions:

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- 1) no future subdivision of either lot shall occur until additional frontage on a public street is provided (construction of remainder of Powell Drive to City standards, including the cul-de-sac), as noted on the plat;
- 2) each lot is limited to the one curb-cut each onto the paved portion of Powell Drive, with the size, design, and location to be approved by Traffic Engineering, and to conform with AASHTO standards, as noted on the plat;
- 3) compliance with Engineering comments: (*Show Minimum FFE on plans and plat for all lots located within the X-Shaded and AE Flood Zones. No fill allowed within a special flood hazard area without providing compensation or completing a flood study showing that there is no rise for the proposed fill within the special flood hazard area. Must comply with all stormwater and flood control ordinances. Cannot concentrate stormwater runoff to an adjacent property without a release agreement or a private drainage easement. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit. Need to verify that there is sufficient capacity for the receiving drainage system to accept drainage from this property.*);
- 4) approval of all applicable Federal, state, and local agencies is required for wetland issues, if any, prior to the issuance of any permits or land disturbance activities, as noted on the plat;
- 5) 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, as noted on the plat; and,
- 6) indication of lot size in square feet, as noted on the plat.

The motion carried unanimously.

**Case #SUB2008-00132 (Subdivision)**

**Horton Hills Subdivision**

7001 Wigfield Road

South side of Wigfield Road, 685'± East of Aljon Drive, extending to the West terminus of Ray Drive [unopened public right-of-way]

Number of Lots / Acres: 3 Lots / 8.1± Acres

Engineer / Surveyor: Rowe Surveying and Engineering Company, 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. Turner, with second by Mr. Vallas, to approve the above referenced subdivision, subject to the following conditions:

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- 1) placement of a note stating that each lot is limited to one curb cut to Wigfield Road, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;
- 2) placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;
- 3) placement of a note on the final plat stating that any lots developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations;
- 4) the applicant receive the approval of all applicable local environmental agencies prior to the issuance of any permits; 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.

**Case #SUB2008-00125 (Subdivision)**

**Ralph A. and Kimberly S. Hargrove Kress Building Subdivision**

18 South Royal Street, 9 St. Emanuel Street, 119 Dauphin Street, 106 Conti Street, 108 Conti Street, and 110 Conti Street

Center of the block bounded by Royal Street, St. Emanuel Street, Dauphin Street and Conti Street, extending to the approximate middle of each street frontage

Number of Lots / Acres: 4 Lots / 0.6± Acre

Engineer / Surveyor: Hutchinson, Moore & Rauch

Council District 2

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

Hearing no opposition or discussion, a motion was made by Mr. Holmes, with second by Mr. Turner, to waive Section V.D.9. of the Subdivision Regulations (minimum front yard setback) and approve the above referenced subdivision, subject to the following conditions:

- 1) placement of a note on the final plat stating that the maintenance of the common areas, including the Conti Street access alley, is the responsibility of the property owners and not the City of Mobile;

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- 2) placement of a note on the final plat stating that the Conti Street access alley is limited to one curb cut, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.
- 3) placement of a note on the final plat stating that there are no minimum building setbacks;
- 4) labeling of each lot with its size in square feet, or the provision of a table on the final plat furnishing the same information; and,
- 5) subject to the Engineering Comments: *(Show Minimum FFE on plans and plat for all lots located within the X-Shaded and AE Flood Zones. No fill allowed within a special flood hazard area without providing compensation or completing a flood study showing that there is no rise for the proposed fill within the special flood hazard area. Must comply with all stormwater and flood control ordinances. Cannot concentrate stormwater runoff to an adjacent property without a release agreement or a private drainage easement. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit. Need to verify that there is sufficient capacity for the receiving drainage system to accept drainage from this property).*

The motion carried unanimously.

**Case #SUB2008-00121 (Subdivision)**

**ZPM Subdivision**

South side of Grelot Road, 520' ± East of Knollwood Drive

Number of Lots / Acres: 5 Lots / 3.0± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(Also see **Case #ZON2008-01383 (Planned Unit Development) ZPM Subdivision**, below)

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

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

- 1) full compliance with Section VIII.E.2 (Standards);
- 2) placement of a note on the final plat stating that Lots 3 and 4 are denied direct access to Grelot Road;
- 3) any required detention facilities be illustrated on the final plat as common area/detention facilities, and a note placed on the

- final plat stating that maintenance of the common area/detention facilities shall be maintained by the property owners association; and,
- 4) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species.

The motion carried unanimously.

**Case #ZON2008-01383 (Planned Unit Development)**

**ZPM Subdivision**

South side of Grelot Road, 520'± East of Knollwood Drive

Planned Unit Development Approval to allow multiple buildings on a single building site in a private street commercial subdivision

Council District 6

(Also see Case #SUB2008-00121 (Subdivision) **ZPM Subdivision**, above)

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

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

- 1) the private street be constructed in full compliance with Section VIII.E.2 (Standards);
- 2) submission of a revised PUD plan illustrating compliance with conditions of these approvals;
- 3) placement of a note on the revised PUD plan stating that Lots 3 and 4 are denied direct access to Grelot Road;
- 4) any required detention facilities be illustrated on the revised PUD plan as common area/detention facilities, and a note placed on the final plat stating that maintenance of the common area/detention facilities shall be maintained by the property owners association.
- 5) placement of a note on the revised PUD plan stating that development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and,
- 6) placement of a note on the revised PUD plan stating that development of Lots 2-5 shall require new PUD Approval(s).

The motion carried unanimously.

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**Case #ZON2008-01380 (Rezoning)**

**Bill Bunch**

4960 Dauphin Island Parkway

West side of Dauphin Island Parkway, 580'± North of Marina Drive North

Rezoning from R-1, Single Family Residential, to B-3, Community Business, to bring the zoning into compliance for an existing marina and boat yard

Council District 4

(Also see **Case #ZON2008-01708 Bill Bunch** below)

Matt Orrell, Polysurveying of Mobile, spoke on behalf of the applicant and requested the matter be held over until the August 21, 2008, meeting.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Vallas, to hold the matter over until the August 21, 2008, meeting at the applicant's request.

The motion carried unanimously.

**Case #SUB2008-00144 (Subdivision)**

**Hatcher-Smith Subdivision**

7031, 7049 and 7075 Swedetown Road

East side of Swedetown Road, 225'+ South of Swedetown Road North, extending to the South side of Swedetown Road North, 175'+ East of Swedetown Road

Number of Lots / Acres: 4 Lots / 4.0± Acres

Engineer / Surveyor: Polysurveying Engineering- Land Surveying County

Matt Orrell, Polysurveying of Mobile, spoke on behalf of the applicant and stated the following:

- A. property was marketed and sold as commercial property;
- B. property is in the county, being a flag-shaped lot should not be an issue;
- C. stated there would be no issue in limiting re-subdivision until a county maintained road was in place; and,
- D. the parties involved have agreed to all of the standard conditions normally imposed by the staff.

The following people also spoke in favor to the subdivision:

- Jim Hatcher, owner of 7031, 7049, and 7075 Swedetown Road; and,
- Rebecca Smith, 7049 Swedetown Road.

They stated the following:

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- A. has a signed document from Microfab which is adjacent to the property on the west side;
- B. advised the Commission that on the south side of the property is Theodore High School and on the east side is All-Weather, all of these commercial properties; and,
- C. a privacy fence had been agreed to regarding the commercial property in a private agreement at the time of purchase.

Mr. Vallas asked if Mr. Hatcher would have a business on one of the lots himself or was he going to sell off all 3 of the lots.

Mr. Hatcher said he would have one and was selling the other two.

Mr. Turner asked for clarification regarding the commercial character of the area, as all he saw on the maps indicated the area was residential in nature.

Mr. Olsen stated that according to the staff's research and maps, the area noted was primarily residential. He noted that though Theodore High School was a school, its use was considered residential in nature, so if approved, a privacy fence would be needed along there as well. Mr. Olsen also reminded the Commission that there is no zoning in the county. He also reminded the Commission of their position against flag-shaped lots, except in extreme circumstances.

Mr. Vallas asked for clarification regarding the manufacturing facility adjoining the property.

Mr. Hatcher advised it was Microfab and to the other side, All-Weather Heating and Cooling.

Mr. Olsen added that if the Commission were considering approval of the application, the staff had recommendations they would like the applicant to consider and then read those for all to hear.

Hearing no further opposition or 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) dedication of sufficient right-of-way to provide a minimum of 50' from centerline of Swedetown Road North;**
- 2) placement of a note on the final plat stating that Lot 1 is limited to one curb cut, and Lots 2 and 3 are limited to one shared curb cut, size, location, and design to be approved by Mobile County Engineering Department;**
- 3) placement of a note on the final plat stating that there shall be no further re-subdivision of Lots 1, 2, and 3 until adequate,**

- additional frontage is provided on a dedicated and constructed County road;
- 4) placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;
  - 5) placement of a note on the final plat stating that a buffer in compliance with Section V.A.7. of the Subdivision Regulations shall be provided along the East, South and West property lines;
  - 6) the applicant receive the approval of all applicable local environmental agencies prior to the issuance of any permits; and,
  - 7) 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 with only Mr. Watkins voting in opposition.

**EXTENSIONS:**

**Case #SUB2007-00144 (Subdivision)**

**Walker Ridge Subdivision**

262 and 264 West Drive

West side of West Drive, 125' ± South of Northwoods Court

Number of Lots / Acres: 18 Lots / 3.9± Acres

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

Council District 5

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

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

The motion carried unanimously.

**Case #ZON2007-00642 (Planned Unit Development)**

**Robert Moore Park Subdivision**

4213 Halls Mill Road

East side of Halls Mill Road, 185' ± North of Alden Drive

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

Council District 4



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Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant and asked for clarification that if the extension were denied, they would have the option of filing a new application for a new Planned Unit Development, to which Mr. Olsen responded that was correct.

Hearing no further opposition or discussion, a motion was made by Mr. Vallas, with second by Mr. Davitt, to deny the above referenced requested extension for the following reasons:

- 1) a revised PUD site plan reflecting the conditions of approval was never submitted, per the approval requirements; and,**
- 2) the site plan submitted for commercial building permits in June 2008 differs significantly enough to warrant a new application for PUD approval.**

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2008-00149**

**Cherokee Street Subdivision**

West side of Cherokee Street at the West terminus of La Salle Street, extending to the East side of the Illinois Central Gulf Railroad, 240'± West of Cherokee Street

Number of Lots / Acres: 1 Lot / 0.5± Acre

Engineer / Surveyor: Polysurveying of Mobile

Council District 3

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. Turner, with second by Dr. Rivizzigno, to approve the above referenced subdivision, subject to the following conditions:

- 1) placement of a note on the final plat stating that the lot is limited to one curb cut to Cherokee Street, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) illustration of the 25' minimum building setback line along Cherokee Street;**
- 3) labeling of the lot with its size in square feet, or the furnishing of a table on the final plat providing the same information;**
- 4) placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;**

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- 5) placement of a note on the final plat stating that the lot must be rezoned to an appropriate single zoning classification prior to the issuance of any permits for site development; and,
- 6) subject to the 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. Need to verify that there is sufficient capacity for the receiving drainage system(s) to accept drainage from this property).*

The motion carried unanimously.

**Case #SUB2008-00147**

**Pinehurst Subdivision, Re-subdivision of Block 24, Re-subdivision of Lots 1 & 18**

800 Louise Avenue and 801 Schaub Avenue

South side of Howard Street [vacated public right-of-way], extending from Louise Avenue to Schaub Avenue

Number of Lots / Acres: 2 Lots / 0.4± Acre

Engineer / Surveyor: Patrick Land Surveying

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. Turner, with second by Dr. Rivizzigno, to approve the above referenced subdivision, subject to the following conditions:

- 1) dedication of 5' of the "new portion" of Lot 1 along Louise Drive;
- 2) placement of a note on the plat stating that lot 1 is limited to one curb cut onto Louise Drive, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 3) placement of a note on the final plat stating that lot 18 is limited to one curb cut onto Schaub Avenue with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards; and,
- 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.

The motion carried unanimously.

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Case #SUB2008-00150

Maggie B. Subdivision

1491 Schillinger Road South

East side of Schillinger Road South, 430'± South of Grelot Road

Number of Lots / Acres: 2 Lots / 4.3± Acres

Engineer / Surveyor: Julius Emile Barrett

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.

Jane Buell, 8350 East Goldmine Oaks Drive, spoke as the owner of an adjacent property and spoke out against the proposed subdivision, saying she had issues with the drainage and its negative effects.

Mr. Olsen stated that the county drainage regulations require an engineer certified statement saying the site is in compliance with city drainage regulations.

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

- 1) **placement of a note on the final plat stating that each lot is limited to one curb cut to Schillinger Road South, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 2) **illustration of the 25' minimum building setback line along Schillinger Road South;**
- 3) **labeling of each lot with its size in acreage, or the furnishing of a table on the final plat providing the same information;**
- 4) **placement of a note on the final plat stating that the common area is denied access to Schillinger Road South;**
- 5) **placement of a note on the final plat stating that the maintenance of the common area is the responsibility of the property owners;**
- 6) **placement of a note on the final plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;**

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- 7) **placement of a note on the final plat stating that a buffer in compliance with Section V.A.7 of the Subdivision Regulations is to be provided where the site adjoins residential property; and,**
- 8) **placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species.**

The motion carried unanimously.

**Case #SUB2008-00152**

**Jackson and Congress Subdivision**

Southeast corner of Jackson Street and Congress Street

Number of Lots / Acres: 2 Lots / 0.4± Acre

Engineer / Surveyor: Rowe Surveying and Engineering Company, Inc.

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.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Davitt, to hold the matter over until the August 21, 2008, meeting, with revisions due by August 8, 2008, to allow the applicant to address the following:

- 1) **revised plat to include the child parcel located to the North; and,**
- 2) **submittal of new labels and postage required to re-advertise; or evidence that the parcels were created prior to 1952.**

The motion carried unanimously.

**Case #SUB2008-00151**

**Greenbrier Subdivision**

6459 Bay Road

East side of Bay Road, 465'± South of Bay Road North

Number of Lots / Acres: 3 Lots / 7.8± Acres

Engineer / Surveyor: Rowe Surveying and Engineering Company, 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.

Amy Hess, 6475 Bay Road, asked what type of subdivision this was planned to be.

The Chair stated the proposed subdivision was in the county so the Planning

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Commission had no way of getting that information.

Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Vallas, to waive Section V.D.3. of the Subdivision Regulations so that the proposed plat meets the minimum requirements of the Subdivision Regulations, and approve the above referenced subdivision, subject to the following conditions:

- 1) the plat may not be signed until Green Briar Subdivision is recorded;**
- 2) placement of a note on the final plat stating that each lot is limited to one curb cut to Bay Road, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 3) illustration of the 25' minimum building setback line along Bay Road;**
- 4) labeling of each lot with its size in both square feet and acreage, or the furnishing of a table on the final plat providing the same information;**
- 5) 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 or land disturbance activities;**
- 6) placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;**
- 7) placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;**
- 8) placement of a note on the final plat stating that a letter from a licensed engineer certifying compliance with the City's stormwater and flood control ordinances is to be submitted to the Mobile County Engineering Department and the Planning Section of Mobile Urban Development prior to the issuance of any permits; and,**
- 9) removal of the existing dwelling on the site before the plat is signed, or illustration of the dwelling on the final plat not straddling an interior lot line.**

The motion carried unanimously.

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**Case #SUB2008-00145**

**Rangeline Business Park Subdivision**

East terminus of Abigail Drive (to be constructed)

Number of Lots / Acres: 19 Lots / 21.2± Acres

Engineer / Surveyor: Byrd Surveying, 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.

Jerry Byrd, Byrd Surveying Inc., spoke on behalf of the applicant, asking the matter be heard and decided at the meeting. He made the following points in support of this:

- A. regarding condition number 2, this was proposed to be developed in phases, with lots 1 and 2 in Unit 1 and the balance of the subdivision, including Abigail Drive in Unit 2, so it was felt that revising the plat to depict those proposed phases as unnecessary at this time;
- B. all street designs will be in compliance with Fire and Rescue requirements;
- C. the applicant would voluntarily agree that no Certificate of Occupancy will be issued for any building located in the proposed Unit 1 until after Abigail Drive has been constructed and accepted for maintenance by the county;
- D. conditions 4 through 10 normally appear on the final plat and are considered premature at this time; and,
- E. as there is no common area detention facility and they will be utilizing one off-site, it was felt that condition was unnecessary.

Mr. Olsen stated the staff had no challenges to Mr. Byrd's points, but would like the following:

- A. rather than completely striking condition number 3, the staff would suggested the following "that Abigail Drive being constructed to Mobile County standards along the entire length, with permanent turn-around meeting the requirements of section V.D.14 and V.D.15 of the Subdivision Regulations, to be constructed with Phase 2";
- B. placement of a note on the final plat that no Certificate of Occupancy for any construction in Unit 1 be issued until Abigail Drive is constructed and accepted by Mobile County;
- C. a copy of any agreement regarding drainage from the associated property owner allowing the off-site drainage detention area; and,
- D. the inclusion of all standard conditions.

Mr. Byrd accepted these.

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

- 1) **revision of the plat to reflect any requirements of the City of Mobile Fire-Rescue Department regarding the design of Abigail Drive;**
- 2) **revision of the plat to depict any proposed phases of recording;**
- 3) **construction of Abigal Drive in conjunction with Phase II**
- 4) **placement of a note on the final plat stating that NO CERTIFICATE OF OCCUPANCY SHALL BE ISSUED FOR ANY CONSTRUCTION IN UNIT ONE UNTIL ABIGAL DRIVE IS CONSTRUCTED AND ACCEPTED FOR MAINTENANCE BY MOBILE COUNTY;**
- 5) **revision of the plat to label each lot with its size in square feet, or placement of a table on the plat with the same information;**
- 6) **placement of a note on the final plat stating that Lots 1, 3-7, and 9-19 are limited to one curb-cut each, and that Lots 2 and 8 are limited to two curb-cuts each, with the size, design, and location to be approved by Mobile County Engineering Department;**
- 7) **placement of a note on the final plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the signing of the final plat. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;**
- 8) **submission of agreement from adjacent property owner accepting water from this subdivision;**
- 9) **revision of the plat to depict and label common area detention facilities, if required and the provision of a note stating that the maintenance of said facilities is the responsibility of the property owners;**
- 10) **placement of a note on the plat stating that approval of federal, state, and local agencies, as necessary due to wetlands, prior to the issuance of any permits;**
- 11) **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,**

- 12) placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations.

The motion carried unanimously.

**NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:**

**Case #ZON2008-01708**

**Bill Bunch**

4960 Dauphin Island Parkway

West side of Dauphin Island Parkway, 580'± North of Marina Drive North

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

Council District 4

(Also see **Case #ZON2008-01380 (Rezoning) Bill Bunch** above)

Matt Orrell, Polysurveying of Mobile, spoke on behalf of the applicant and requested the matter be held over until the August 21, 2008, meeting.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Vallas, to hold the matter over until the August 21, 2008, meeting at the applicant's request.

The motion carried unanimously.

**Case #ZON2008-01709**

**Amity Missionary Baptist Church**

2451 St. Stephens Road

South side of St. Stephens Road, extending from Strange Avenue to Como Street, and Southwest corner of St. Stephens Road and Como Street

Planned Unit Development Approval to allow off site parking for a proposed church.

Council District 1

Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant, regarding a comment from Traffic that has been problematic in the past. He wanted to go on record as saying that Planned Unit Developments were site specific and that recently, after having received approval on a PUD, Traffic had tried to remove or move driveways after the fact, which he felt was contradictory to the PUD approval process.

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

- 1) **limited to the provided site plan, as revised per this approval;**



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- 2) provision of a 6-foot high wooden privacy fence in compliance with Section 64-4.D.1. of the Zoning Ordinance, except within the required 25-foot minimum building setback (where the fence shall be 3-feet high);
- 3) compliance with parking area screening requirements of Section 64-6.A.3.i. of the Zoning Ordinance;
- 4) compliance with the site and parking area lighting requirements of Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;
- 5) compliance with the tree and landscaping requirements of the Zoning Ordinance, and revision of the site plan to break-out the tree and landscape area information for each lot separately;
- 6) revision of the site plan to label each lot with its size in square feet, reflecting dedication required by the Subdivision approval;
- 7) depiction and labeling of the 25-foot minimum building setback line from all streets, including the setback line along Como Street to reflect dedication;
- 8) revision of the site plan to depict a dumpster, if one will be used, or placement of a note stating that no dumpster will be utilized;
- 9) placement of a note on the site plan stating that development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;
- 10) provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the Subdivision plat; and,
- 11) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**NEW PLANNING APPROVAL APPLICATIONS:**

Case #ZON2008-01700

**Tower Ventures**

2501 Government Boulevard

South side of Government Boulevard, 550'± East of Eslava Creek Parkway

Planning Approval to allow a 150' monopole telecommunications tower in a B-3,

Community Business District.

Council District 3

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

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

- 1) **the provision that the telecommunications tower is of a monopole design;**
- 2) **approval of all necessary variances by the Board of Zoning Adjustment;**
- 3) **full compliance with the landscaping and tree planting requirements of the Ordinance for the leased parcel; and,**
- 4) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**GROUP APPLICATIONS:**

**Case #SUB2008-00146 (Subdivision)**

**St Francis Place Subdivision**

763, 765, 767, 769, 771, 773, 775 Schaub Avenue and 768 Louise Avenue  
(North side of Howard Street [vacated public right-of-way], extending from Louise Avenue to Schaub Avenue

Number of Lots / Acres: 16 Lots / 2.0± Acres

Engineer / Surveyor: Patrick Land Surveying

Council District 6

(Also see **Case #ZON2008-01707 (Planned Unit Development) St Francis Place Subdivision**, below)

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

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

- 1) **placement of a note on the final plat stating that Lots 1-9 are limited to one curb cut each with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **labeling of the lot size in square feet and the maximum site coverage (50%) of each lot, or a table provided furnishing the same information, on the final plat;**
- 3) **dedication along Louise Avenue to provide 25' from the center line;**
- 4) **provide revised PUD site plan prior to signing of the final plat; and,**
- 5) **placement of a note on the plat stating that the site must be**

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**developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species.**

The motion carried unanimously.

**Case #ZON2008-01707 (Planned Unit Development)**

**St Francis Place Subdivision**

763, 765, 767, 769, 771, 773, 775 Schaub Avenue and 768 Louise Avenue  
North side of Howard Street [vacated public right-of-way], extending from Louise Avenue to Schaub Avenue

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

Council District 6

(Also see **Case #SUB2008-00146 (Subdivision) St Francis Place Subdivision**, above)

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

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

- 1) labeling of the lot size in square feet and the maximum site coverage (50%) of each lot, or a table provided furnishing the same information, on the PUD site plan;**
- 2) placement of a note limiting each lot to one curb cut;**
- 3) 8 foot side-yard setback where Planned Unit Development abuts adjacent development;**
- 4) provide revised PUD site plan prior to signing of final plat;  
and,**
- 5) dedication to provide 25' from the center line on Louise Avenue.**

The motion carried unanimously.

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**Case #SUB2008-00153 (Subdivision)**

**Gospel Lighthouse Subdivision**

7727 Old Shell Road

South side of Old Shell Road, extending from Harding Boulevard [unopened public right-of-way] to Fifth Avenue [unopened public right-of-way]

Number of Lots / Acres: 1 Lot / 1.2+ Acres

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

Council District 7

(Also see **Case #ZON2008-01712 (Planned Unit Development) Gospel Lighthouse Subdivision**, and, **Case #ZON2008-01710 (Planning Approval) Gospel Lighthouse Holiness Church**, 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.

Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant, making the following points in favor of it being approved that day:

- A. the church had a county approved site plan and while they were getting their building plans completed, the area was annexed into the city;
- B. the city was contacted to determine if the site plan would be accepted and were told it would not be, as it did not meet the city standards;
- C. with regards to the right-of-way on Old Shell Road, the county has acquired all of the 100 foot right-of-way along Old Shell Road and that right-of-way line comes within 5 feet of their building and this was done so they wouldn't have to buy the building and tear it down, so the request for the 50 foot right-of-way dedication is a moot point, as it already exists;
- D. the applicant is agreeable with the dedication of right-of-way on 5<sup>th</sup> Avenue, even though this is a subdivision that was dedicated in the 1920's and the road has never been opened; and,
- E. will be glad to show the 25 foot setback on the final plat, however, the building will encroach 20 feet into Old Shell Road setback and the 5<sup>th</sup> Avenue setback, as the building is already there and has been for the last 25 years.

Mr. Olsen offered the staff's reasoning on the conditions:

- A. based upon what was submitted by the client, it was indicated approximate location of dedicated right-of-way and the staff needed more concrete information regarding the location of said dedication, and if this information is placed on the final plat, the staff has no issue with deleting condition number 1;
- B. the staff would like the sign for the church, which is now in the

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- right-of-way due to the County's acquisition of that, to be moved out of the right-of-way and back onto private property; and,
- C. the staff would have no problem on the Commission voting on the matter that day, as long as the issues stated by the staff were listed as condition for approval.

Mr. Dagley also offered that the sidewalk issues will be perpetual, as he did not believe the church would ever be able to meet the standard for such, so they would be returning with a request for a sidewalk waiver.

Hearing no opposition or further 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) modification of the plat to accurately depict Old Shell Road right-of-way ;**
- 2) relocation of the existing sign (located in the new right-of-way of Old Shell Road) onto the private property;**
- 3) dedication of sufficient right-of-way to provide a minimum 25' as measured from the centerline of 5<sup>th</sup> Avenue;**
- 4) placement of a note on the final plat stating that the subdivision is limited to the existing curb cut to Old Shell Road;**
- 5) placement of a note on the final plat stating that the subdivision is limited to one curb-cut to 5<sup>th</sup> Avenue and Harding Boulevard, with the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards;**
- 6) depiction of the 25' minimum building setback line from each street right-of-way;**
- 7) placement of a note stating that if and when 5<sup>th</sup> Avenue and Harding Boulevard are constructed, adequate radii, in compliance with Section V.B.16. of the Subdivision Regulations, will be provided;**
- 8) labeling of the lot with its size in square feet, or the provision a table on the plat with the same information;**
- 9) 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,**
- 10) subject to Engineering comments: *(Must comply with all stormwater and flood control ordinances. Must provide detention for any impervious area added since annexation in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit. Need to verify that there is sufficient capacity for the receiving drainage system(s) to***

*accept drainage from this property).*

The motion carried unanimously.

**Case #ZON2008-01712 (Planned Unit Development)**

**Gospel Lighthouse Subdivision**

7727 Old Shell Road

South side of Old Shell Road, extending from Harding Boulevard [unopened public right-of-way] to Fifth Avenue [unopened public right-of-way]

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

Council District 7

(Also see **Case #SUB2008-00153 (Subdivision) Gospel Lighthouse Subdivision**, above, and, **Case #ZON2008-01710 (Planning Approval) Gospel Lighthouse Holiness Church**, below)

(See for **Case #SUB2008-00153 (Subdivision) Gospel Lighthouse Subdivision**, discussion)

Hearing no opposition or further 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) **modification of the plat to accurately depict Old Shell Road right-of-way ;**
- 2) **relocation of the existing sign (located in the new right-of-way of Old Shell Road) onto the private property;**
- 3) **dedication of sufficient right-of-way to provide a minimum 25' as measured from the centerline of 5<sup>th</sup> Avenue;**
- 4) **revision of the site plan to illustrate square footages of all existing and proposed buildings;**
- 5) **depiction of the 25' minimum building setback line from each street right-of-way;**
- 6) **placement of a note on the site plan stating that if and when 5th Avenue and Harding Boulevard are constructed, adequate radii, in compliance with Section V.B.16. of the Subdivision Regulations, will be provided;**
- 7) **provision of stormwater detention, if needed;**
- 8) **provision of a dumpster, in compliance with Section 64-4.D.9. of the Zoning Ordinance;**
- 9) **provision of buffering for residentially zoned properties adjacent to the site, including shielding and directing lighting of parking facilities away from those residentially zoned properties;**
- 10) **revision of the site plan to illustrate a sidewalk along Old Shell, or the applicant should request a Sidewalk Waiver;**
- 11) **placement of a note on the site plan stating that if and when 5<sup>th</sup>**

- Avenue and Harding Boulevard are ever developed, sidewalks will be constructed, or waivers will be requested;
- 12) provision of a revised Planned Unit Development site plan to the Planning Section of Urban Development by no later than August 7<sup>th</sup>; and,
  - 13) placement of a note on the site plan stating that the site will be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species.

The motion carried unanimously.

**Case #ZON2008-01710 (Planning Approval)**

**Gospel Lighthouse Holiness Church**

7727 Old Shell Road

South side of Old Shell Road, extending from Harding Boulevard [unopened public right-of-way] to Fifth Avenue [unopened public right-of-way]

Planning Approval to allow the construction of a fellowship hall and new parking lot at an existing church in an R-1, Single-Family Residential District.

Council District 7

(Also see **Case #SUB2008-00153 (Subdivision) Gospel Lighthouse Subdivision**, and, **Case #ZON2008-01712 (Planned Unit Development)**

**Gospel Lighthouse Subdivision**, above)

(See for **Case #SUB2008-00153 (Subdivision) Gospel Lighthouse Subdivision**, discussion)

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

- 1) **modification of the plat to accurately depict Old Shell Road right-of-way ;**
- 2) **relocation of the existing sign (located in the new right-of-way of Old Shell Road) onto the private property;**
- 3) **dedication of sufficient right-of-way to provide a minimum 25' as measured from the centerline of 5th Avenue;**
- 4) **revision of the site plan to illustrate square footages of all existing and proposed buildings;**
- 5) **depiction of the 25' minimum building setback line from each street right-of-way;**
- 6) **placement of a note on the site plan stating that if and when 5th Avenue and Harding Boulevard are constructed, adequate radii, in compliance with Section V.B.16. of the Subdivision Regulations, will be provided;**
- 7) **provision of stormwater detention, if needed;**
- 8) **provision of a dumpster, in compliance with Section 64-4.D.9.**

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- of the Zoning Ordinance;
- 9) provision of buffering for residentially zoned properties adjacent to the site, including shielding and directing lighting of parking facilities away from those residentially zoned properties;
  - 10) revision of the site plan to illustrate a sidewalk along Old Shell Road;
  - 11) placement of a note on the site plan stating that if 5<sup>th</sup> Avenue and Harding Boulevard are ever developed, sidewalks will be constructed, or waivers will be requested;
  - 12) provision of a revised Planning Approval site plan to the Planning Section of Urban Development by no later than August 7<sup>th</sup>; and,
  - 13) placement of a note on the site plan stating that the site will be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species.

The motion carried unanimously.

**Case #SUB2008-00154 (Subdivision)**

**Star Motel Subdivision**

2005 and 2009 Douglas Lane

Southwest corner of Douglas Lane and Nicholson Road

Number of Lots / Acres: 1 Lot / 1.1± Acres

Engineer / Surveyor: Thompson Engineering

Council District 4

(Also see **Case #ZON2008-01713 (Rezoning) Remax Realty Professionals**, below)

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

The following people spoke against the matter:

- Belinda Wilson, 2015 Faye Street, Mobile;
- John Meyer, 2066 Faye Street, Mobile; and,
- Heather Wigman, 2054 Faye Street, Mobile.

They made the following points:

- A. oppose rezoning for a hotel due to the neighborhood's previously negative experiences with former hotel on the site;
- B. as a residential community, they are fearful of the undesirable individuals who are known to frequent these type hotels;
- C. submission of a petition against the matter;
- D. being in such close proximity to Dauphin Island Parkway, there is



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concern over what impact the development would have on traffic and hoped a traffic impact study would be done before considering approving the proposed development;

- E. not enough information regarding the type of hotel proposed and the market it would attract; and,
- F. fear for the safety of the children in the area, including a letter from one of those children expressing their concern and fears regarding the proposed hotel.

Clifton Henderson, ReMax Realty Professionals, spoke on behalf of the applicant in response to the opposition and stated the following:

- A. the proposed development was a 29 unit, 2-story, family-style motel, similar to a Best Western or Comfort Inn;
- B. attempting to take 3 lots and have them made into one lot in order to build the hotel, with all frontage on Nicholson Road, which is directly behind the former Citgo gas station, which is owned by BMW Partnership, and they plan to re-open that facility soon; and,
- C. the desire to build out a hotel on that site is based upon the probability that the area will expand due to increases in production at facilities located in the Brookley Field area.

Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Dr. Rivizzigno, to deny the above referenced request for subdivision, based on the following reasons:

- 1) **denial of the zoning request as recommended would negate applicant's need for subdivision and would make the application moot; and,**
- 2) **approval of the subdivision would create a violation of the zoning ordinance if rezoning is denied.**

The motion carried unanimously.

**Case #ZON2008-01713 (Rezoning)**

**Remax Realty Professionals**

2005 and 2009 Douglas Lane

Southwest corner of Douglas Lane and Nicholson Road

Rezoning from B-2, Neighborhood Business District, to B-3, Community Business District, to allow the construction of a motel

Council District 4

(Also see **Case #SUB2008-00154 (Subdivision) Star Motel Subdivision**, above)

(See for **Case #SUB2008-00154 (Subdivision) Star Motel Subdivision** discussion)

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

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on the following reasons:

- 1) **expansion of a more intensive commercial uses into an existing residential subdivision, would result in development that is potentially incompatible with the existing residences on Faye Street;**
- 2) **there is no need to increase the commercial use, as the proposed use is for an motel; and,**
- 3) **changing conditions in the area were not identified to justify the rezoning request.**

The motion carried unanimously.

**Case #SUB2008-00099 (Subdivision) (Holdover)**

**Grandview Apartments Subdivision**

6151 Marina Drive South

East side of Marina Drive South at the mouth of Dog River

Number of Lots / Acres: 2 Lots / 16.1+ Acres

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

Council District 4

(Also see **Case #ZON2008-01863 (Planned Unit Development) Grandview Apartments Subdivision**, below)

Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant and requested the above referenced request for subdivision be held over until the August 21, 2008, meeting.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Watkins, to hold the matter over until the August 21, 2008, at the applicant's request.

The motion carried unanimously.

**Case #ZON2008-01863 (Planned Unit Development)**

**Grandview Apartments Subdivision**

6151 Marina Drive South

East side of Marina Drive South at the mouth of Dog River

Planned Unit Development Approval to allow multiple buildings on a single building site with shared access and parking between two building sites.

Council District 4

(Also see **Case #SUB2008-00099 (Subdivision) (Holdover) Grandview Apartments Subdivision**, above)

Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant and requested the above referenced Planned Unit Development be held over until the August 21, 2008, meeting.

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Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Watkins, to hold the matter over until the August 21, 2008, at the applicant's request.

The motion carried unanimously.

**OTHER BUSINESS:**

Mr. Olsen advised the Commission that a date was needed for the Commission to have a business meeting as it had been several months since the last one and he felt there might be items that needed to be discussed. He advised that the staff would provide the Commission some dates for that meeting by the next publicly held Planning Commission meeting for the membership to review and set.

Hearing no further business, the meeting was adjourned.

**APPROVED:** August 6, 2009

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William G. DeMouy, Jr., Secretary

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Terry Plauche, Chairman.

jsl