

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF SEPTEMBER 4, 2008 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William DeMouy, Secretary
Debra Butler
Stephen J. Davitt, Jr.
Mead Miller
Roosevelt Turner

Members Absent

Clinton Johnson
James Watkins, III
Nicholas Holmes, III
Victoria L. Rivizzigno
John Vallas

Urban Development Staff Present

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

Others Present

John Lawler,
Assistant City Attorney
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 #SUB2008-00163 (Subdivision)

Edgewood Park Subdivision, Block B, Re-subdivision of Lot 2

2218 Dauphin Island Parkway
Northwest corner of Dauphin Island Parkway and Ellen Drive
Number of Lots / Acres: 1 Lot / 0.3± Acre
Engineer / Surveyor: Byrd Surveying, Inc.
Council District 4

Jerry Byrd, Byrd Surveying Inc., spoke on behalf of the applicant, asking the Commission to reconsider limiting the site to one curb cut onto Dauphin Island Parkway as the two existing curb cuts have been there since the mid-1960's, and have not created traffic problems in the neighborhood in the past, adding that site circulation utilizing both of those curb cuts would be helpful to the business.

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

September 4, 2008
PLANNING COMMISSION MEETING

- 1) placement of a note on the final plat stating that Lot A is limited to two (2) curb cuts onto Dauphin Island Parkway and denied access to Ellen Drive with the size, location, and design of the curb cut to be approved by City Engineering and ALDOT, and conform to AASHTO standards;
- 2) depiction of the 25' minimum building setback line from all street frontages; and,
- 3) placement of a note 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 #SUB2008-00168 (Subdivision)

Zeigler Boulevard Shopping Center Subdivision, Re-subdivision of Lots 2 and 3

North side of Zeigler Boulevard, 150'± East of Athey Road, extending to the East side of Athey Road, 150'± North of Zeigler Boulevard

Number of Lots / Acres: 2 Lots / 7.9± Acres

Engineer / Surveyor: Rowe Surveying & Engineering Company, 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. Turner, to approve the above referenced re-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 onto Zeigler Boulevard with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) placement of a note on the final plat stating that Lot 2 is limited to one curb cut onto Zeigler Boulevard 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 2 is limited to the existing 3 curb cuts onto Athney Road;
- 4) depiction of the 25' minimum building setback line along all street frontages on the final plat;
- 5) labeling of each lot in size in square feet on the final plat; and,
- 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.

The motion carried unanimously.

Case #ZON2008-01862 (Planned Unit Development)

Springhill Presbyterian Church

10 Westminster Way

Southeast corner of Old Shell Road and Westminster Way, extending through to Bit and Spur Road

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

Council District 5

(Also see **Case #ZON2008-01861 (Planning Approval) Springhill Presbyterian Church**, 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. Miller, with second by Mr. DeMouy, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) **compliance with Engineering comments:** *(Detention must be provided for any impervious areas constructed in excess of 4,000 square feet since 1984. 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.)*
- 2) **preservation status granted to any tree with a DBH of 50-inches or larger ;**
- 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). Removal of any live oak tree 24-inches or larger in diameter will require review and approval by Urban Forestry.);*
- 4) **provision of two new frontage trees each along Bit and Spur Road and Westminster Way, as depicted;**
- 5) **submission of an application for a sidewalk waiver prior to submittal for land disturbance or building permits; and,**
- 6) **provision of tree protection barriers at least 10-feet from the trunk of the tree, as well as any other tree that will be retained (depicted on any plans submitted for land disturbance or building permits), to be in place prior to any land disturbance activities.**

The motion carried unanimously.

Case #ZON2008-01861 (Planning Approval)

Springhill Presbyterian Church

10 Westminster Way

Southeast corner of Old Shell Road and Westminster Way, extending through to Bit and Spur Road

Planning Approval to allow the expansion an existing church in an R-1, Single- Family Residential District, to include a new chapel building

Council District 5

(Also see **Case #ZON2008-01862 (Planned Unit Development) Springhill Presbyterian Church**, 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. Miller, with second by Mr. DeMouy, to approve the above referenced Planning Approval, subject to the following conditions:

- 1) **compliance with Engineering comments:** *(Detention must be provided for any impervious areas constructed in excess of 4,000 square feet since 1984. 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.)*
- 2) **preservation status granted to any tree with a DBH of 50-inches or larger ;**
- 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). Removal of any live oak tree 24-inches or larger in diameter will require review and approval by Urban Forestry.);*
- 4) **provision of two new frontage trees each along Bit and Spur Road and Westminster Way, as depicted;**
- 5) **submission of an application for a sidewalk waiver prior to submittal for land disturbance or building permits; and,**
- 6) **provision of tree protection barriers at least 10-feet from the trunk of the tree, as well as any other tree that will be retained (depicted on any plans submitted for land disturbance or building permits), to be in place prior to any land disturbance activities.**

September 4, 2008
PLANNING COMMISSION MEETING

The motion carried unanimously.

EXTENSIONS:

Case #SUB2006-00130 (Subdivision)

Hawthorn Suites Golf Resort Subdivision

North side of Magnolia Grove Parkway, 400' ± West of Legends Row

Number of Lots / Acres: 2 Lots / 10.0± Acres

Engineer / Surveyor: Morgan Engineering PLLC

Council District 7

(Also see **Case #ZON2006-01356 (Planned Unit Development) Hawthorn Suites Golf Resort 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. Plauche, with second by Mr. DeMouy, that the above referenced request for extension be approved and that the applicant be advised that a third extension is unlikely.

The motion carried unanimously.

Case #ZON2006-01356 (Planned Unit Development)

Hawthorn Suites Golf Resort Subdivision

North side of Magnolia Grove Parkway, 400' ± West of Legends Row

Planned Unit Development Approval to allow multiple buildings on multiple building sites and shared parking between sites

Council District 7

(Also see **Case #SUB2006-00130 (Subdivision) Hawthorn Suites Golf Resort 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. Plauche, with second by Mr. DeMouy, that the above referenced request for extension be approved and that the applicant be advised that a third extension is unlikely.

The motion carried unanimously.

September 4, 2008
PLANNING COMMISSION MEETING

Case #SUB2007-00230 (Subdivision)
Nursery Road Development Subdivision

9486 Nursery Road

North side of Nursery Road, extending North to the South terminus of Azalea Park Court

Number of Lots / Acres: 27 Lots / 22.8± Acres

Engineer / Surveyor: McFadden Engineering, 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 Mr. DeMouy, that the above referenced request for extension be approved, subject to the additional condition:

- 1) **re-design of the cul-de-sac to provide a minimum 120-foot right-of-way diameter to allow for a 96-foot diameter paved circle, in compliance with the requirements of the 2003 International Fire Code, as adopted by the City of Mobile.**

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2008-00183
Ridgewood Subdivision, Re-subdivision of Lot 3

206 Ridgewood Place

East side of Ridgewood Place, 210'± North of The Cedars

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

Engineer / Surveyor: Rester and Coleman Engineers, 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. Turner, with second by Mr. DeMouy, to approve the above referenced re-subdivision, subject to the following conditions:

- 1) **illustration all existing structures and paved areas that will remain with all the proper dimensions and setbacks depicted on the Final Plat; and,**
- 2) **re-vision of the plat to show a minimum 25' minimum building setback line Ridgewood Place.**

The motion carried unanimously.

September 4, 2008
PLANNING COMMISSION MEETING

Case #SUB2008-00186

Neptune's Daughters Subdivision

951 South Lawrence Street

Southeast corner of South Carolina Street and South Lawrence Street

Number of Lots / Acres: 1 Lots / 0.8± Acre

Engineer / Surveyor: Clark, Geer, Latham & Associates, Inc.

Council District 3

Thomas E. Latham, Clark, Geer, Latham and Associates, Inc., spoke on behalf of the applicant, stating that after meeting with the staff, it was agreed that the applicant could wait to show the paved area for the existing building on the final plat, prior to its being submitted.

Mr. Hoffman also noted that on the aerial photographs there was an existing structure on the southern part of the site. He stated that if that structure no longer exists, the applicant would have to purchase an after the fact demolition permit for that building.

Deanna Graham, Neptune's Daughters, spoke regarding the matter of the demolition of the previously mentioned building, saying that when the organization bought the property in 2007, the structure shown on the aerial had already been demolished and gave January 24, 2007, as the date of demolition due to its being part of a training exercise by the Mobile Fire and Rescue. She then presented a letter signed by the Fire Department stating as much.

Mr. Hoffman stated the letter would stand in place of said permit.

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

- 1) **placement of a note stating that Lot 1 is limited to 2 curb cuts onto Lawrence Street and 1 curb cut onto South Carolina Street with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **revision of the plat to show a 25' minimum building setback line along all street frontages;**
- 3) **labeling of each lot with its size in square feet; and,**
- 4) **placement of a note on the final 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.

September 4, 2008
PLANNING COMMISSION MEETING

Case #SUB2008-00187

O'Reilly Subdivision

5900 U.S. Highway 90 West

West side of U.S. Highway 90 West, 150'± South of Carol Plantation Road

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

Engineer / Surveyor: M. Don Williams Engineering

County

Don Williams, M. Don Williams Engineering, spoke on behalf of the applicant; expressing concerns regarding condition number 1 saying the footage required for right-of-way dedication would create a 250 foot right-of-way. He added that the current right-of-way is a 104 foot right-of-way, with there being 52 feet from the property line to the center of the road. He stated that it widens to an average of 125 feet approximately a mile to the east and west of the location. He said it only becomes 250 feet when it goes through the Tillman's Corner area. The project is being done because there is an old property line in the middle of the boundaries that has created a land locked piece of property, so the applicant is putting the two parcels together to create one legal lot of record. He added that if the applicants have to provide the 125 foot for right-of-way, then the property owner would be losing an additional 73 feet of road frontage, making them the only location within a 2 mile stretch providing the 125 feet from center line of dedicated right-of-way, as well as rendering the project un-buildable.

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

- 1) **revision of the plat to indicate the current right-of-way width along U.S. Highway 90 West, and dedication of sufficient right-of-way to provide 125' from the centerline of U.S. Highway 90 West;**
- 2) **illustration of the 25' minimum building setback line along U.S. Highway 90 West, as measured from any required dedicated right-of-way;**
- 3) **placement of a note on the final plat stating that the subdivision is limited to one curb cut to U.S. Highway 90 West, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 4) **revision of the plat to label the lot with its size in square feet and acreage, or the furnishing of a table on the plat providing the same information;**
- 5) **placement of a note on the final plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater**

- detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;
- 6) placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and,
 - 7) placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2008-00182

Leighton Place Subdivision, Phase One, Re-subdivision

4084 Leighton Court

West terminus of Leighton Court extending to the Southeast corner of Riviere Du Chien Road and Leighton Place Drive

Number of Lots / Acres: 2 Lots / 0.9± Acre

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 4

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

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

- 1) placement of a note on the final plat stating that Lots 38A and 39A are limited to one curb cut each onto Leighton Court and denied access to Riviere Du Chien Road and Leighton Place Drive with the size, location, and design of each curb cut to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) labeling of the 25' minimum building setback line from all street frontages;
- 3) labeling of each lot in size in square foot on the final plat; 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.

September 4, 2008
PLANNING COMMISSION MEETING

The motion carried unanimously.

Case #SUB2008-00184

Tillman's Square Subdivision, Re-subdivision of Lot 1

5441 U.S. Highway 90 West

East side of U.S. Highway 90 West, 200'± North of Coca Cola Road

Number of Lots / Acres: 2 Lots / 11.1± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

The following people spoke in favor of the matter:

- Doug Anderson, Burr and Foreman Law Firm, representing the shopping center's owner; and,
- Marl Cummings, Cummings and Associates.

They made the following comments:

- A. the shopping center has been located on an 11 acre, one lot subdivision since 1986, and at this time, they wish to make the parcel two lots, and the staff's recommendation for denial was based upon the April 2008 Subdivision Regulations regarding flag shaped lots;
- B. hardship could be proven based upon having to give up roadway frontage, which would limit their ability to get a mortgage; and,
- C. there was a well functioning ingress/egress system already in place and the staff's recommendations would interfere with those and they have been working well for over 20 years.

The Chair asked if the staff had conditions for possible approval based upon Mr. Anderson's argument.

Mr. Palombo advised the Commission regarding the staff's recommendations.

Mr. Turner mentioned that the applicants were not interested in having a curb cut off of lot 2 because it would create a hazard and did the staff stand by their recommendation regarding the curb cut on lot 2.

Mr. Palombo stood by the recommendations.

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

- 1) dedication of sufficient right-of-way to provide 125' from the centerline of U.S. Highway 90 West;**

- 2) illustration of the 25' minimum building setback line along Lot 1 as measured from any required dedicated right-of-way;
- 3) illustration of the 25' minimum building setback line along Lot 2 as measured from its front property line (West line) along Lot 1;
- 4) placement of a note on the final plat stating that Lot 1 is limited to the existing curb cuts to U.S. Highway 90 West, with the size, location, and design of all curb cuts to be approved by County Engineering and conform to AASHTO standards;
- 5) placement of a note on the final plat stating that Lot 2 is limited to one curb cut to U.S. Highway 90 West, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;
- 6) labeling of each lot with its size in square feet and acres, or the furnishing of a table on the plat providing the same information;
- 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 issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;
- 8) placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and,
- 9) placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2008-00185

Airwest Subdivision

Southwest corner of Airport Boulevard and Snow Road South

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

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

Don Coleman, Rester and Coleman Engineers Inc., spoke on behalf of the applicant

September 4, 2008
PLANNING COMMISSION MEETING

regarding the following:

- A. the owners have already provided the dedication/easement requested in condition number 1;
- B. regarding condition number 2, the applicant requested that it be 50 feet from the center line of the right-of-way of Snow Road; and,
- C. regarding curb cuts for lot 2, as it has so much frontage along Snow Road, the applicant requested 3 curb cuts, as opposed to staff recommended 2.

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

- 1) **provision via dedication or easement to provide the equivalent of a right-of-way width of 50' from the centerline of Airport Boulevard;**
- 2) **dedication of sufficient right-of-way to provide 50' from the centerline of Snow Road South right-of-way;**
- 3) **illustration of the 25' minimum building setback line along all street frontages as measured from any required dedication;**
- 4) **placement of a note on the final plat stating that Lot 1 is limited to one curb cut to Airport Boulevard and one curb cut to Snow Road South, with the size, location, and design of all curb cuts to be approved by County Engineering and conform to AASHTO standards;**
- 5) **placement of a note on the final plat stating that Lot 2 is limited to one curb cut to Airport Boulevard and three (3) curb cuts to Snow Road South, with the size, location, and design of all curb cuts to be approved by County Engineering and conform to AASHTO standards;**
- 6) **labeling of the lots with their size in acres, or the furnishing of a table on the final plat providing the same information;**
- 7) **placement of a note on the final plat stating that 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;**
- 8) **placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered,**

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

The motion carried unanimously.

Case #SUB2008-00188

Merchants Bank Subdivision

North side of Moffett Road at the North terminus of Illinois Street

Number of Lots / Acres: 2 Lots / 14.0± Acres

Engineer / Surveyor: Goodwyn, Mills & Cawood, Inc.

County

Shane Sawyer, Goodwyn, Mills & Cawood, spoke on behalf of Merchants Bank, stating that as the current right-of-way in the area ranges from 100 feet to 120 feet, and as the road may not be centered on the right-of-way, they would like the ability to move the back lot line by whatever space necessary to allow for the 50 feet requested for dedication.

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

- 1) **dedication of sufficient right-of-way to provide a minimum 50' as measured from the centerline of Moffett Road;**
- 2) **placement of a note stating that each lot is limited to one curb cut to Moffett Road, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 3) **placement of a note on the site plan stating that no future re-subdivision of Lot 2 will be allowed without providing road construction for addition frontage;**
- 4) **depiction of the 25' minimum building setback line 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;**
- 6) **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,**
- 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 unanimously.

Case #SUB2008-00189

Mobile Commerce Park, Phase II, Re-subdivision of Lot 9

Southwest corner of Commerce Boulevard South and Commerce Boulevard East

Number of Lots / Acres: 2 Lots / 5.8± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

Don Coleman, Rester and Coleman Engineers, Inc., spoke on behalf of the applicant and requested 2 curb cuts onto lot 1, due to its width, location in an industrial park, and lack of frontage on another street.

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

- 1) **the placement of a note on the Final Plat stating that Lot 1 is limited to two (2) curb cuts, with the location, size, and design to be approved by County Engineering and conform to AASHTO standards;**
- 2) **the placement of a note on the Final Plat stating that Lot 2 would be allowed one curb cut along the eastern right-of-way provided the street is constructed to County Engineering standards;**
- 3) **the placement of a note on the Final Plat stating that Lot 2 is limited to two curb cuts to Commerce Boulevard South, with the size, design and location to be approved by County Engineering and conform to AASHTO standards;**
- 4) **the labeling of all detention/retention or common areas and the placement of a note on the Final Plat stating that maintenance of any common areas will be property owners' responsibility;**
- 5) **the placement of a note on the final plat stating that any lots that are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations;**
- 6) **the 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 a letter from a licensed engineer certifying that the design complies with the stormwater**

September 4, 2008
PLANNING COMMISSION MEETING

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; and,

- 7) certification via placement of a note on the plat stating that the property owner/developer will comply with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected flora and fauna.

The motion carried unanimously.

Case #SUB2008-00181

Paul Persons Subdivision, Re-subdivision of

4474 Halls Mill Road

North side of Halls Mill Road, 4/10 mile± West of the North terminus of Riviere Du Chien Road

Number of Lots / Acres: 3 Lots / 5.2± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 4

Jerry Byrd, Byrd Surveying Inc., spoke on behalf of the applicant stating that there were other properties in the neighborhood that were considered flag shaped, one of the staff's stated reasons for recommending denial. He also stated he had no knowledge of a previous PUD, another of the staff's reasons for denying the application.

Frank Dagley, Frank Dagley and Associates, spoke regarding the Planned Unit Development issue, saying he believed one had already been done for the two buildings in question.

Based upon the above mentioned information, Mr. Byrd requested the matter be held over until the October 16, 2008, meeting.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the October 16, 2008, meeting, at the request of the applicant.

The motion carried unanimously.

Case #SUB2008-00180

Riverchase Estates Subdivision, Re-subdivision and addition to Lots 17-21

6030, 6060 and 6070 Riverchase Drive South

West side of Rabbit Creek Drive, 3/10 mile± South of Rangeline Service Road

Number of Lots / Acres: 6 Lots / 54.4± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 4

September 4, 2008
PLANNING COMMISSION MEETING

Jerry Byrd, Byrd Surveying, Inc, spoke on behalf of the applicant, saying they were in agreement with all of the conditions, except condition number 6, as the owner of lot 21 desired to purchase a 75 foot strip of road frontage, some 300 feet back. He did add that the property in question was outside of the city limits, though within the Planning Commission's jurisdiction.

Mr. Palombo stated the staff's recommendations stood as the majority of lot 21 was in the city, with only a portion of it located in the county.

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

- 1) **the dedication of sufficient right-of-way to provide 30-feet of right-of-way from the centerline of Rabbit Creek Drive;**
- 2) **placement of a note on the Final Plat stating that Lots 17, 18, 19, 20, 21A and 21B are limited to one curb, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) **the placement of a note on the Final Plat stating that Lot 21B and Lots 17A through 20A are denied access to Rabbit Creek Drive;**
- 4) **certification via placement of a note on the plat stating that the property owner/developer will comply with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected flora and fauna;**
- 5) **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; and,**
- 6) **the provision that all of Lot 21A is located within the City of Mobile jurisdiction prior to the signing of the Final Plat.**

The motion carried unanimously.

Case #SUB2008-00191
Bates Place Subdivision

West side of Tanner Williams Road, 6/10 mile ± South of Tanner Williams Road West, extending to the East side of Dykes Road North, ½ mile± South of Tanner Williams Road

Number of Lots / Acres: 6 Lots / 30.2± Acres

Engineer / Surveyor: Rowe Surveying & Engineering Company, Inc.
County

Mr. Hoffman advised the Commission that based upon an aerial photograph, the staff

September 4, 2008
PLANNING COMMISSION MEETING

had issues with the fact that Dykes Road North was not paved. Mr. Hoffman then indicated he had confirmed that Dykes Road North was not paved in its entirety after consultation with Mobile County Engineering regarding the same. He added that the applicant has now provided documentation showing the portion of Dykes Road North in front of their property as paved. Mr. Hoffman then stated this information necessitated the modification of condition number 3, eliminating lot 1 from those indicated.

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

- 1) **dedication of right-of-way along Tanner Williams Road to provide 50-feet, as measured from the centerline;**
- 2) **dedication of right-of-way along Dykes Road North to provide 30-feet, as measured from the centerline;**
- 3) **placement of a note on the final plat stating that no additional subdivision of lots 2-6 is allowed until additional frontage on a paved public street (via road construction onto the site) is provided;**
- 4) **placement of a note on the final plat stating that lots 1-4 are limited to one (1) curb-cut each, and that lots 5 and 6 are limited to one (1) shared curb-cut, with the size, design, and location to be approved by Mobile County Engineering Department and comply with AASHTO standards;**
- 5) **placement of a note on the final plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;**
- 6) **placement of a note on the plat stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and,**
- 7) **placement of a note on the final plat, as depicted on the preliminary plat, stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations.**

The motion carried unanimously.

Case #SUB2008-00190

Spring Grove Subdivision, Unit Four

West side of Dawes Road at the West terminus of Willow Oak Drive, extending to the North terminus of Nan Wright Way

Number of Lots / Acres: 34 Lots / 11.5± 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. DeMouy, with second by Mr. Davitt, to approve the above referenced subdivision, subject to the following conditions:

- 1) **the dedication to provide 50-feet from the centerline of Dawes Road;**
- 2) **placement of a note on the final plat stating that Lots 155-166 and 177 are denied direct access to Dawes Road;**
- 3) **placement of a note on the final plat stating that Lot 178 be limited to one curb cut to Dawes Road, with the size, design, and location to be approved by County Engineering and conform to AASHTO standards;**
- 4) **the applicant receive the approval of all applicable federal, state, and local environmental agencies prior to the issuance of any permits;**
- 5) **placement of a note on the final plat stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;**
- 6) **placement of a note on the final plat stating that 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,**
- 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 unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2008-02059

Robert S. Moore

4213 Halls Mill Road

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

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

Council District 4

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 & Associates, spoke on behalf of the applicant saying there had been a previously approved PUD, which had expired. He added that staff had advised them to apply for an extension of the PUD, which they did, however, as there were deviations from the original construction plans included with that request for extension, the staff advised him that a new application must be made. He stated that he had provided staff with rebuttal to their reasons for holdover and would be happy to provide that information to the Commission, in an effort to hear the matter that day.

Mr. Hoffman stated he had received the information Mr. Dagley spoke of, however, it had not been received in time to review it for this meeting, and he stood by the need to hold the matter over.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the September 18, 2008, meeting, with the following due no later than September 8, 2008:

- 1) revision of site plan to clearly delineate project area in context of entire site;**
- 2) revision of the site plan to correct any “Do Not Enter” signage issues;**
- 3) revision of the site plan to depict and label a dumpster;**
- 4) revision of the site plan to depict and label a buffer along the southern boundary of the site where it abuts R-1 districts, in compliance with Section 64-4.D.1. of the Zoning Ordinance;**
- 5) revision of the site plan to ensure adequate maneuvering area for delivery trucks to the rear of all proposed buildings; and,**
- 6) provision of a detail site plan of project area depicting full compliance with the tree and landscaping requirements of the Zoning Ordinance.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2008-00179 (Subdivision)

H. S. Norden Place Subdivision, Lot 2 Amended

1016 Hillcrest Road

West side of Hillcrest Road, 470'± South of Wall Street

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

Engineer / Surveyor: Anil Badve & Associates

Council District 6

(Also see **Case #ZON2008-02064 (Rezoning) Anil Badve**, below)

Anil Badve, Anil Badve & Associates, spoke on behalf of the applicants regarding the issue of curb cuts, stating due to one of the driveways being very steep, and the nature of the clientele, he felt it was necessary to keep all curb cuts to the property as they currently were, without any modifications as suggested by Traffic Engineering.

Jennifer White, Traffic Engineering, stated the department felt that if the applicant wanted a 24 foot driveway entrance, there could only be one such to the property, however, if they wished two curb cuts, those would have to be limited in size to a 14 feet to 16 feet width, with one being designated for ingress and the other for egress, based upon the department's wish to prevent drivers from making right turns out of the property and potentially blocking the sight of others.

Mr. Badve stated that based upon the construction of Hillcrest Road, re-construction of the curb cuts would make it difficult for cars to access the property, if the applicant was required to build the curb cuts according to Traffic Engineering's requirements. He added this would also cause problems for the elderly patrons who frequent the funeral home. He added that the north entrance would be labeled "Entry Only", with the southern drive being labeled "Exit Only."

In deliberation, Ms. White stood by her department's recommendations.

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

- 1) **placement of a note on the final plat stating that the site is limited to two curb-cuts onto Hillcrest Road, with the size, design, and location of all curb-cuts to be approved by Traffic Engineering and in conformance with AASHTO standards;**
- 2) **labeling of the lot with its size in square feet, or the provision of a table on the plat with the same information;**
- 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; and,
- 4) **subject to Engineering comments:** *(Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Need to verify that there is sufficient capacity for the receiving drainage system to accept drainage from this property. Detention is not permitted within the public drainage easement).*

The motion carried unanimously.

Case #ZON2008-02064 (Rezoning)

Anil Badve

1016 Hillcrest Road

West side of Hillcrest Road, 470'± South of Wall Street

Rezoning from B-2, Neighborhood Business District, and B-3, Community Business District, to B-3, Community Business District, to eliminate split zoning in a proposed commercial subdivision, and to remove a condition of a previous rezoning to allow visitation and a crematorium at an existing funeral home.

Council District 6

(Also see **Case #SUB2008-00179 (Subdivision) H. S. Norden Place Subdivision, Lot 2 Amended**, above)

(See **Case #SUB2008-00179 (Subdivision) H. S. Norden Place Subdivision, Lot 2 Amended** for discussion)

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

- 1) **completion of the Subdivision process;**
- 2) **provision of a 6' high privacy fence, in compliance with Section 64-4.D. of the Zoning Ordinance, where the site abuts residentially zoned property to the West;**
- 3) **revision of the site plan to comply with the requirements of the Zoning Ordinance;**
- 4) **compliance with Traffic Engineering comments:** *(Both drive entrances should be narrowed to between fourteen and sixteen to prevent two-way traffic);*
- 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; and,**
- 6) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

September 4, 2008
PLANNING COMMISSION MEETING

OTHER BUSINESS:

Mr. Hoffman reminded the Commissioners of the upcoming Business Meeting for Thursday, September, 11, 2008, 2 p.m., at Mr. Plauche's office.

Hearing no further business, the meeting was adjourned.

APPROVED: August 6, 2009

William G. DeMouy, Jr., Secretary

Terry Plauche, Chairman.

jsl