

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF NOVEMBER 1, 2007 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Terry Plauche, Chairman  
Victoria L. Rivizzigno, Secretary  
Steve Davitt  
William DeMouy  
Nicholas Holmes, III\*  
Mead Miller  
Roosevelt Turner\*  
John Vallas  
James Watkins, III\*

**Members Absent**

Clinton Johnson

**Urban Development Staff Present**

Richard L. Olsen,  
Deputy Director of Planning  
Bert Hoffman,  
Planner II  
David Daughenbaugh,  
Urban Forestry Coordinator  
Tiffany Green,  
Secretary I

**Others Present**

John Lawyer,  
Assistant City Attorney  
Rosemary Sawyer,  
City Engineering  
Jennifer White,  
Traffic Engineering

\*no information available to confirm attendance

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

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

**HOLDOVERS:**

**Case #SUB2007-00240 (Subdivision)**

**Cypress Cove Subdivision**

East side of Schillinger Road South at the East terminus of Candlewood Drive  
Number of Lots / Acres: 1 Lot / 48.9± Acres  
Engineer / Surveyor: Rester and Coleman Engineers, Inc.  
County

Don Coleman, Rester and Coleman Engineers Inc., spoke on behalf of the applicant. He asked the Commission to consider approving the subdivision as he had given the staff documentation regarding the subdivision of the adjacent property from that property owner.

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Mr. Olsen stated the staff would not oppose the approval of the application at this point, subject to the following recommendations:

- A. access to the site would be limited to one access point to Schillinger Road that has been constructed;
- B. they obtain all necessary approvals from applicable federal, state, and local agencies due to the environmental nature of the property, wetlands, and the floodway;
- C. the provision of certification that the drainage meets City of Mobile standards;
- D. they will provide buffering along the property lines that are adjacent to residential; and,
- E. that the plat for this subdivision not be recorded until such time as the subdivision for the property to the east that is the remainder of the parent parcel be submitted.

Mr. Coleman stated his agreement with the conditions recommended above.

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

- 1) the plat NOT be signed or recorded until an application for subdivision of the remainder of the parent parcels has been submitted;**
- 2) placement of a note on the final plat stating that access to Schillinger Road is limited to the existing curb cut/Private Street;**
- 3) approval by all applicable federal, state and local agencies prior to the issuance of any permits;**
- 4) placement of a note on the plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile storm water 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; and,**
- 5) provision of buffering in compliance with Section V.A.7. of the Subdivision Regulations, if applicable.**

The motion carried unanimously.

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**Case #ZON2007-02285 (Planning Approval)**

**Nazaree Full Gospel Church**

Southwest corner of West I-65 Service Road North and First Avenue (unopened public right-of-way)

Planning Approval to allow a private school in a B-3, Community Business district Council District 1

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 Dr. Rivizzigno, with second by Mr. DeMouy, to approve the above reference Planning Approval, subject to the following conditions:

- 1) **changes to the scope of operations that increase the number of students beyond 220 students, the number of teaching stations beyond 11 stations, the hours of operation beyond 6:00 AM to 6:00 PM, or that result in significant changes to the size and location of buildings and parking will require a new application for Planning Approval;**
- 2) **full compliance with Engineering comments (*Minimum finished floor elevation needs to be verified with City Engineering. If public water is conveyed on property, please provide drainage easement. Any drainage-way conveying public water cannot be relocated without approval by City Engineering. No fill allowed in special flood hazard area without flood study. Show limit of special flood hazard area on plat. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit*);**
- 3) **full compliance with the revised Traffic Engineering comments (Driveway number, size, location, and design to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards. A traffic impact study will be required. The study should specifically address the stacking associated with drop off traffic as well as the minimum number of parking spaces required with consideration for teacher and visitor parking.) The study should be completed and accepted by Traffic Engineering prior to the issuance of permits for building or**

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- parking lot construction. Changes to the site plan may be required to accommodate recommendations in the traffic impact study, and if the changes are a significant deviation from the site plan approved for the Planning Approval, a new application for Planning Approval will be required. If revisions to the site plan are required by the traffic impact study, a revised copy of the site plan should be submitted to the Planning Section of Urban Development prior to the obtaining of permits for building or parking lot construction.;
- 4) full 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).);
  - 5) full compliance with Fire-Rescue comments (All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate. Building and site design shall specifically comply with 2003 IFC Section 503.1.1 buildings and facilities. Fire apparatus access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. May require an automatic sprinkler system and Commercial hood with automatic fire suppression system); and,
  - 6) approval of all applicable federal, state and local agencies for wetlands prior to the issuance of any permits or land disturbance activities; and, full compliance with all other municipal codes and ordinances, including the tree and landscaping requirements of the Zoning Ordinance.

The motion carried unanimously.

**Case #SUB2007-00241 (Subdivision)**

**Snowden Place Subdivision**

6106 Cottage Hill Road

North side of Cottage Hill Road, 110'+ East of Christopher Drive East

Number of Lots / Acres: 16 Lots / 13.3+ Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(Also see **Case #ZON2007-02287 (Planned Unit Development) Snowden Place Subdivision**, and **Case #ZON2007-02286 (Rezoning) Reid Cummings**, below)

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

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

- 1) **compliance with Engineering comments (Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.);**
- 2) **compliance with Section VIII.E.2.c. through Section VIII.E.2.k. of the Subdivision Regulations, including the provision of notes on the plat, covenants, and certification letter from a licensed engineer;**
- 3) **placement of a note on the plat and site plan stating that the gate must remain operational and in use as a condition of the continuation of private street status;**
- 4) **placement of a note on the plat stating the site coverage request for Lots 1-15 (50%), as well as the reduced setbacks for Lots 1-15;**
- 5) **placement of a note on the final plat stating that Lots 1-15 are limited to one curb-cut each, that Lot 16 is limited to curb-cuts depicted on the revised PUD site plan, and that the size, design and location of all curb-cuts are to be approved by Traffic Engineering and comply with AASHTO standards;**
- 6) **revision of the plat to label the correct width of the right-of-way for Cottage Hill Road, or dedication of right-of-way necessary to provide 50-feet, as measured from the centerline of Cottage Hill Road; and,**
- 7) **provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the Subdivision plat.**

The motion carried unanimously.

**Case #ZON2007-02287 (Planned Unit Development)**

**Snowden Place Subdivision**

6106 Cottage Hill Road

North side of Cottage Hill Road, 110' + East of Christopher Drive East

Planned Unit Development Approval to allow 15 single-family residential lots with reduced front and side setbacks, reduced lot sizes, and increased site coverage, and a 35-unit townhouse condominium complex with multiple buildings on a single building site, in a gated, private street subdivision

Council District 6

**November 1, 2007**  
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(Also see **Case #SUB2007-00241 (Subdivision) Snowden Place Subdivision**, above, and **Case #ZON2007-02286 (Rezoning) Reid Cummings**, below)

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

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. Vallas, with second by Dr. Rivizzigno, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) provision of a 6-foot high wooden privacy fence where the site abuts existing single-family residential development;**
- 2) completion of the Subdivision process; and,**
- 3) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2007-02286 (Rezoning)**  
**Reid Cummings**

6106 Cottage Hill Road

North side of Cottage Hill Road, 110' + East of Christopher Drive East

Rezoning from R-1, Single-Family Residential, to R-3, Multi-Family Residential, to allow a townhouse condominium complex

Council District 6

(Also see **Case #SUB2007-00241 (Subdivision) Snowden Place Subdivision**, and, **Case #ZON2007-02287 (Planned Unit Development) Snowden Place Subdivision**, above)

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

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. Vallas, with second by Dr. Rivizzigno, to approve the above referenced rezoning request, subject to the following conditions:

- 1) provision of a 6-foot high wooden privacy fence where the site abuts existing single-family residential development; 2) completion of the Subdivision process; and**
- 3) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

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**Case #ZON2007-02209 (Planned Unit Development)**

**UNO Subdivision**

East side of Sollie Road, 800'± South of Shadow Creek Drive

Planned Unit Development Approval to allow twenty buildings on a single building site for a residential apartment complex

Council District 6

(Also see **Case #ZON2007-02210 (Rezoning) Crossroads, LLC**, 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.

Will Chase spoke representing the landowner to the south of the Crossroads development. He expressed the desire of his client, as well as other neighbors, not to approve this proposed development. He cited the submission of a new site plan and traffic study as reasons for such. He stated that as the development was proposed as an apartment complex and District 6 was single family, residential neighborhood, the development was out of character for the area as well. He also expressed concerns over any additional access points in the area, as well as the need for buffers to residential property.

Jeanne Proffitt, president of the Charleston Oaks homeowners association, said she represented about 70 homeowners and spoke in opposition to the project, stating the following reasons:

- A. the proposed development doesn't meet the purpose set out in the subdivision regulations on the City of Mobile's website that says they will not allow subdivisions and they will protect the character and the social and economic stability of all the area within the subdivision jurisdiction;
- B. the proposed development would have a negative effect on the social and economic stability of the neighborhood, based upon data provided by the U.S. Department of Agriculture. This is due to an increase in traffic as well as the value of the adjoining property; and,
- C. an apartment complex is not compatible to the residential area comprised of homeowners.

David Diehl, Engineering Development Services, Inc., spoke on behalf of the applicant, saying the client had purchased this 34 acres as well as the surrounding property. The applicant purchased the property with clear knowledge that it was zoned R-3, multi-family, and B-2. In both zoning districts, an apartment complex is allowed by right. This zoning has been in place since the 1970's. The purpose of applying for rezoning was due to the fact that the applicant wanted the two parcels made into one parcel. To do so requires that the new parcel have a single zoning. This is why the applicant is requesting rezoning to R-3, which would have less of a negative impact to the area. Mr. Diehl also spoke on the traffic study saying it called for a second access to the side and as the client

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was already in the process of designing a subdivision to the north, it was decided to “throw that in with this side and make it all a part”.

Mr. Vallas asked if there were any off site traffic improvements proposed.

Mr. Olsen had Mr. Hoffman read for the Commission the following traffic study recommendations:

- A. construct a southbound, left turn lane on Sollie Road at the intersection of access point 1 to the development;
- B. construct a southbound, left turn lane on Sollie Road at the intersection of access point 2, which is the access point straight into the actual apartment development; and,
- C. optimize the traffic signal timings at the Cottage Hill Road and Sollie Road intersection.

Mr. Davitt asked if the two parcels were “metes and bounds” properties of record.

Mr. Olsen stated they were and that the Commission had approved the subdivision application at their last regular meeting.

Mr. Davitt asked if, hypothetically, the two parcels were still under separate ownership, could the two different property owners construct apartments on those parcels without having to gain approval from the Commission, based upon their current zoning.

Mr. Olsen advised the Commission that multi-family dwellings were allowed by right on R-3 zoned property as well as the B-2 zoned property. He stated that a PUD would be required if the development contained multiple buildings, but a single building apartment complex could have been built without needing approval from the Planning Commission.

Mr. Turner asked Mr. Diehl if his client was aware of opposition to this development from the adjoining landowners.

Mr. Diehl said they were not aware of opposition from the owner to the south, but they were aware that other neighbors opposed the creation of a multi-family development. However, as both properties are currently zoned for such, the applicant would probably not be able to accommodate those desires.

In deliberation, Mr. Miller asked how the R-3 zoning classification came to be.

Mr. Olsen stated it was from an overall PUD that had been submitted back in the 1970's and 1980's.

Mr. Miller commented that a lot of the residents in the area had down zoned by doing single family in this area.



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Mr. Vallas stated if the Commission approved the matter today; it would still have to receive final approval from the City Council. That interim time could be used to review the findings from a traffic study, unless the Traffic Engineering representative could offer any grave concerns.

Jennifer White, Traffic Engineering, stated their main concern was the apartment complex have access in and out on the north side of the development, which was currently gated. Traffic Engineering wanted some assurances that the apartment residents would have access in that area.

With assurances from staff that one of the staff recommendations in the report was complete access of the apartment residents to the gated area in the north, a motion was made by Mr. Miller, with second by Dr. Rivizzigno, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) **completion of the rezoning process;**
- 2) **completion and revision of the Traffic Impact Study, and acceptance of the study by Traffic Engineering and Urban Development;**
- 3) **submission of the 16-lot subdivision labeled as “Future Development”, which provides the second access to the PUD;**
- 4) **recording of the 16-lot subdivision, including the construction and acceptance of the public road to city standards prior to the issuance of any Certificates of Occupancies for the apartment complex;**
- 5) **submission of a revised site plan prior to the issuance of any permits; and,**
- 6) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2007-02210 (Rezoning)**

**Crossroads, LLC**

East side of Sollie Road, 800'± South of Shadow Creek Drive

Rezoning from B-2, Neighborhood Business, and R-3, Multi-Family Residential, to R-3, Multi-Family Residential, to eliminate split zoning in a one-lot subdivision to allow a 384-unit residential apartment complex

Council District 6

(Also see **Case #ZON2007-02209 (Planned Unit Development) UNO Subdivision** above for discussion)

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

- 1) **development limited to an approved PUD; and,**

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2) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**EXTENSIONS:**

**Case #SUB2006-00248 (Subdivision)**

**PBC Subdivision**

6701 Airport Boulevard

(South side of Airport Boulevard, 4/10 mile± West of Hillcrest Road).

Number of Lots / Acres: 4 Lots / 21.9± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(Also see **Case #ZON2006-02245 (Planned Unit Development) PBC Subdivision**, below)

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to approve this application for extension.

The motion carried unanimously.

**Case #ZON2006-02245 (Planned Unit Development)**

**PBC Subdivision**

6701 Airport Boulevard

South side of Airport Boulevard, 4/10 mile± West of Hillcrest Road

Planned Unit Development Approval to amend the master plan for Providence Hospital to allow multiple building/lot sites with private drive, shared access and parking.

Council District 6

(Also see **Case #SUB2006-00248 (Subdivision) PBC Subdivision**, above)

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to approve this application for extension.

The motion carried unanimously.

**Case #SUB2006-00242 (Subdivision)**

**Wynnfield Subdivision, Unit Five**

West terminus of Wynngate Way, extending North and West to the South terminus of Widgeon Drive

Number of Lots / Acres: 67 Lots / 70.5± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to approve this application for extension.

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The motion carried unanimously.

**Case #SUB2003-00285 (Subdivision)**

**Oak Grove Subdivision**

South side of Firetower Road, ¼ mile± East of Greenbriar Court

Number of Lots / Acres: 119 Lots / 75.4± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to approve this application for extension.

The motion carried unanimously.

**Case #SUB2006-00180 (Subdivision)**

**Labrador Run Subdivision (formerly Arcata Woods Subdivision)**

West terminus of Belmont Park Drive, extending to the South side of Ben Hamilton Road at the South terminus of Mose Circle (private street)

Number of Lots / Acres: 427 Lots / 229.3± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

In deliberation, Mr. Davitt expressed his concerns regarding the need for traffic studies in areas that have come before the Commission with large proposed build outs, citing **Case #SUB2003-00285 (Subdivision) Oak Grove Subdivision**, and, **Case #SUB2006-00180 (Subdivision) Labrador Run Subdivision (formerly Arcata Woods Subdivision)**, as cases in point. He noted that one had about 119 lots and the proposed Hopkinton Estates had over 500 proposed lots. He asked if there was some way the Commission could recommend that the two developers get together with regards to a traffic study.

Mr. Vallas agreed, saying he believed that both were represented by the same civil engineer and that a combined traffic study might be something he should recommend to his clients.

Mr. Olsen offered that the Labrador extension before them had 427 lots, and that Mr. Hoffman had reminded him of the Silver Pine Road subdivision (1100 or 1200 lots) had recently been approved. He stated that both of these developments were in the same basic location, even though the developers of the Silver Pine Road subdivision had advised the staff that they did not intend on developing to that number and as they came back on an individual unit basis, the Commission would see the lots in that subdivision increase in size, thus decreasing the overall number of units.

Mr. Miller expressed his opinion that the roads in this area would have to get better before he would feel like approving 1000 homes there.

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Mr. Olsen stated this was a topic the Commission should discuss in a “working” meeting of the Commission to determine at what point the Commission would require a traffic study to be done.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to approve this application for extension.

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2007-00258**

**Chateaugay Place Subdivision, McPhillips Addition to**

255 Woodlands Avenue

West side of Woodlands Avenue, 150'± North of Spring Hill Avenue

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

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 1

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 subdivision, subject to the following conditions:

- 1) labeling of the lot with its size in square feet, or the provision of a table on the final plat with the same information;**
- 2) placement of a note on the final plat stating that the site is limited to one curb cut, with the size, location, and design to be approved by Traffic Engineering, and conform to AASHTO standards; and,**
- 3) the placement of the 25-foot minimum building setback lines on the Final Plat.**

The motion carried unanimously.

**Case #SUB2007-00264**

**Bill Fish Subdivision**

88 Hillcrest Road

West side of Hillcrest Road, 270'± North of Cedar Bend Court

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

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

Council District 7

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The Chair stated the matter was recommended for hold over until the December 6, 2007, meeting, but if there were those present who wished to speak that they might do so at this time.

Hearing no discussion, a motion was made by Mr. Plauche, with second by Mr. Watkins, to hold the matter over until December 6, 2007, to allow the applicant to include the entire original parent parcel, or submit documentation establishing parcels of record prior to 1952, with all documentation to be submitted no later than November 15, 2007.

The motion carried unanimously.

**Case #SUB2007-00265**  
**Bethel Place Subdivision**

1825 Snow Road North

West side of Snow Road North, 4/10 mile± South of Whip Poor Will Drive

Number of Lots / Acres: 1 Lot / 1.5± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying  
County

Matt Orrell, Polysurveying of Mobile, spoke on behalf of the applicant. He stated the recommendations weren't on the web that day, so this was his first knowledge of the application being recommended for denial. He said this property was owned by the applicant's family as part of a LLC. He added the applicant had be advised by the tax assessor's office to subdivide this parcel from the parent parcel, as well as have it deeded to her by the LLC, so she could claim homestead exemption on the property to assist them with their tax liability.

Mr. Olsen recognized the information was not on the web, however, he stated if Mr. Orrell had contacted the office for that information, the staff would have faxed him the report. He stated that the staff stood by their recommendation for denial as the Commission had taken a position of denying all flag lots, as well as denying the application because the staff felt the lot was not in character with the neighborhood.

Mr. Orrell recognized the parcel as out of character for the area, but noted that 80 acres of the area were part of the parent parcel for this lot.

Mr. Olsen noted that according to the plans submitted, there appeared to be a house already on the property in question.

Mr. Orrell stated there might be one under construction, but he was unsure. He also added that the applicant would not be doing this at all if it weren't for the tax assessor's office not allowing her to "homestead" the entire property.

In deliberation, Mr. Miller expressed his reservations in approving a flag shaped lot of this size.

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Mr. Vallas and Mr. Plauche stated that the Commission had made exception in the past for family subdivisions.

Mr. Turner asked how much land would have to be dedicated to the “flag” in order to be acceptable.

Hearing no opposition or further pertinent discussion, a motion was made by Mr. Miller, with second by Dr. Rivizzigno, to deny the motion, based upon the following reasons:

- 1) the proposed subdivision does not comply with Section V.D.3 of the Subdivision Regulations;**
- 2) as there are no other flag lots in the vicinity, neither the size nor configuration of the lot would be characteristic of the area, as stated in Section V.D.1. of the Subdivision Regulations; and,**
- 3) the frontage strip as depicted on the plat does not provide access to the lot as proposed as it traverses a lake.**

The motion carried with only Mr. Vallas voicing opposition.

**Case #SUB2007-00259**  
**DIP/HMR Subdivision**

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

Jerry Byrd, Byrd Surveying Inc., speaking on behalf of the applicant requested that the matter be held over until the November 15, 2007, meeting.

Hearing no opposition or discussion on the matter, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over per the applicant’s request until the November 15, 2007, meeting.

The motion carried unanimously.

**Case #SUB2007-00260**  
**James Thomas Barnes Subdivision, Re-subdivision of**

Southeast corner of Old Shell Road and Fairview Street East  
Number of Lots / Acres: 2 Lots / 3.4± Acres  
Engineer / Surveyor: Byrd Surveying, 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.

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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) **vacation of the 40' service road along Old Shell Road prior to the signing of the final plat;**
- 2) **placement of a note on the final plat stating that Lot A is limited to one curb cut to Old Shell Road, with its size, location, and design to be approved by Mobile County Engineering and conform to AASHTO standards;**
- 3) **placement of a note on the final plat stating that Lot B is limited to two curb cuts to Old Shell Road, with the size, location and design of all curb cuts to be approved by Mobile County Engineering and conform to AASHTO standards;**
- 4) **placement of a note on the final plat stating that Lot B is denied access to Fairview Street East until it is improved to County standards. Upon improvement to county standards, Lot B is limited to one curb cut to Fairview Road East, with the size, location, and design to be approved by Mobile County Engineering;**
- 5) **illustration of the 25' minimum building setback line along Old Shell Road and Fairview Street East;**
- 6) **labeling of each lot with its size in square feet, or the provision of a table on the plat depicting the same information;**
- 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; and,**
- 8) **placement of a note on the plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile storm water 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.**

The motion carried unanimously.

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Case #SUB2007-00262

**West Moffett Commercial Park Subdivision, Lot 1, Revised Plat**

7855 Moffett Road

West side of North Schillinger Road, 280'± South of Moffett Road, extending to the South side of Moffett Road, 500'± West of North Schillinger Road

Number of Lots / Acres: 2 Lots / 29.4± Acres

Engineer / Surveyor: The RLS Group, LLC

County

Bill Wunderlich, RLS Group, a subcontractor of CEI, who represents Wal-Mart, said they were trying to subdivide the Murphy Oil lot. He added that he had flown in from Chattanooga, TN, and asked if the plat could be approved pending correcting the two recommendations so that he would not have to make a return trip on this matter.

Mr. Olsen advised the Commission that the staff would come up with some recommendations for deliberation.

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

- 1) **applicant to submit seven final copies of West Moffett Commercial Subdivision prior to the signing of the subdivision plat for this application;**
- 2) **renaming of the subdivision to be “Re-subdivision of Lot 1, West Moffett Commercial Park;”**
- 3) **placement of a note on the final plat stating that site is limited to existing curb-cuts, and that no curb-cuts or direct access are to be provided to Moffett Road or Schillinger Road;**
- 4) **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; and,**
- 5) **placement of a note on the plat stating that the development (any new construction after November 1, 2007) 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.**

The motion carried unanimously.



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**Case #SUB2007-00263**

**New Springhill Estates Subdivision, Unit No. 2, Resubdivision of Lot 82**

245 Woodhill Drive

West side of Woodhill Drive, 200'± South of Ursuline Drive

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

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 7

Richard Rowan, 4400 The Cedars, spoke on behalf of his daughter-in-law, Melanie Rowan and Jennifer Kittrell, partners in this development. He said that on Monday of that week, he had spoken with Mr. Olsen who advised him the staff had recommended denial of the application as the lot did not meet the required width to depth ratio due to its irregular shape. Mr. Olsen also suggested that Mr. Rowan appeal to the Commission for relief on the matter. Mr. Rowan said that if the lot were more rectangular, it would meet the width to depth ratio. He stated that these were very large lots, with one in excess of 16,000 square feet and the other in excess of 19,000 square feet. Mr. Rowan also stated they had some 38 signatures from area residents in favor of the subdivision.

Don Coleman, Rester and Coleman Engineers, Inc., said the width to depth ratio issue was due in part to the shape of the lots as well as the rear of these two lots being the center line of a creek.

Mr. Vallas commented that from the looks of the lots, it did not appear that the Commission would be doing that much of an injustice to allow the development, unless the staff had other concerns.

Mr. Olsen stated the staff did and the developer should be aware that lot 2 would be severely limited in its development because of the 25 feet drainage easement along the north property line, as well as the required setback along the interior lot line, leaving only approximately a 25 feet build-able width.

Mr. Davitt noted the opposition was mostly because of the 90 degree square angled back.

Christopher Jones, 4151 Ursuline Drive, spoke in opposition. As his property is immediately adjacent to the north east, he queried as to whether a subdivision within a neighborhood with covenants required a formal vote of the property owners' association to make changes.

Mr. Lawler advised that covenants are a private agreement among owners in a subdivision and are enforceable via private proceedings.

Mr. Jones also asked if there were prohibitions on putting a driveway or such structure along a drainage easement.

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Mr. Olsen advised it was not prohibited but one did so at one's own peril because if the easement needed to be serviced by a governmental agency, they could do so without having to replace or repair anything previously there.

Philip Fonde, another adjacent property owner, spoke in opposition, making the following points:

- A. he believed any construction along the easement was prohibited;
- B. the house currently on the lot has almost been washed away due to drainage issues;
- C. the lots are too narrow, creating a situation of building "shotgun" housing in order to meet the setback requirements;
- D. parking would be limited because of the lot sizes, creating the on street parking issues; and,
- E. lot size and parking conditions would have a negative effect on the value of other properties in the area.

In deliberation, Mr. Miller expressed his displeasure at people going into established neighborhoods and attempting to split lots in an effort to get two lots for the price of one.

Mr. Plauche expressed that this type of issue had been before the Planning Commission previously and he was under the impression that an application could not be summarily denied simply because the neighbors say it is not compatible.

Mr. Lawler advised the Commission of issues involved with denying an application without having factual data as collaboration, citing the cases of Smith, Nugent, and Stanley and the rulings in them from the Alabama Supreme Court. He added the fact the lot in question was odd in shape might merit factual collaboration for denial.

Mr. Vallas noted that the lot in question, though long and pointed, was much larger than the existing lots in the neighborhood.

Mr. Turner expressed his concern that the real problem would be with lot 2 as the build-able space available would only be approximately 25 feet.

Mr. Watkins noted that had the lots been divided equally, then the staff would probably have recommended it for approval.

Hearing no further pertinent discussion, a motion was made by Mr. Miller, with second by Mr. Turner, to deny the above referenced subdivision, due to the following reasons:

- 1) both lots would exceed the depth-to-width ratio as stated in Section V.D.3. of the Subdivision Regulations;**
- 2) neither the size nor configuration of either lot would be characteristic of the area, as stated in Section V.D.1. of the Subdivision Regulations; and,**

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- 3) **the neighboring property owners within the well established subdivision have a reasonable expectation that the lot sizes and configurations will remain generally as originally approved.**

The motion carried and the application was denied.

**NEW SIDEWALK WAIVER APPLICATIONS:**

**Case #ZON2007-02486**

**GHK Developments, Inc.**

6395 Airport Boulevard

Southeast corner of Airport Boulevard and Hillcrest Road

Request to waive construction of a sidewalk along Hillcrest Road.

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 Dr. Rivizzigno, with second by Mr. Turner, to approve the above referenced sidewalk waiver.

The motion carried unanimously.

**Case #ZON2007-02487**

**Dunhill Terminals, LP**

1437 Cochrane Causeway

West side of Cochrane Causeway, 2/10 mile± South of the South end of Cochrane-Africa Town Bridge

Request to waive construction of a sidewalk along Cochrane Causeway.

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 Dr. Rivizzigno, with second by Mr. Turner, to approve the above referenced sidewalk waiver.

The motion carried unanimously.

**Case #ZON2007-02488**

**Auto Chlor / Orin Parker**

1609 Industrial Park Circle

North side of Industrial Park Circle at its North terminus

Request to waive construction of a sidewalk along Industrial Park Circle.

Council District 4

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The Chair asked if the applicant was present and if anyone wished to speak on the matter.

Hearing no opposition or discussion, a motion was made by Mr. DeMouy, with second by Mr. Turner, to deny the above referenced sidewalk waiver.

The motion carried unanimously.

**NEW ZONING APPLICATIONS:**

**Case #ZON2007-02453**

**Harry Palmer**

4658 Airport Boulevard

North side of Airport Boulevard, 200'± West of South University Boulevard

Rezoning from R-1, Single-Family Residential, and B-2, Neighborhood Business, to B-2, Neighborhood Business, to eliminate split zoning in a proposed commercial subdivision.

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

- 1) **compliance with Traffic Engineering comments (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. The 60 degree angled parking shown does not meet the minimum requirements of an eighteen foot aisle width. Changes should be made to the aisle width or angle of parking to meet minimum requirements. Sign and mark all one-way aisles.*);**
- 2) **provision of a 6-foot wooden privacy fence or buffer planting strip where the site abuts existing residential development, in compliance with section 64-4.D.1; and,**
- 3) **completion of the Subdivision process.**

The motion carried unanimously.

**GROUP APPLICATIONS:**

Case #SUB2007-00249 (Subdivision)

**McMurray Place Subdivision**

South side of Johnston Lane, extending from the West side of Rosedale Avenue (vacated right-of-way) to the centerline of Dickenson Avenue (vacated right-of-way), and to McCay Avenue (vacated right-of-way), 95'± South of Johnston Lane

Number of Lots / Acres: 61 Lots / 12.8± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

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. Vallas, to hold the matter over until the December 6, 2007, meeting with revisions due by Wednesday, November 7, 2007, so that the following can be addressed:

- 1) **dedication of right-of-way sufficient to provide 25-feet of right-of-way, as measured from the centerline of Johnston Lane, or revision of the plat to show the right-of-way width if the existing width is adequate (already 50-feet);**
- 2) **placement of a note on the plat stating that a 6-foot high privacy fence or masonry wall shall be provided, with appropriate permits, as a buffer around the perimeter of the development, except within any required setback area adjacent to a street;**
- 3) **placement of a note on the plat stating that the building site coverage is limited to 45%;**
- 4) **depiction, labeling, and notation of the requested setbacks, including from Johnston Lane (25-foot front, 20-foot street-side side yard, 10-foot non-street side yard, 0-foot other side yard, 8-foot rear), with clear indication of which side will be the zero lot line;**
- 5) **placement of a note on the plat stating that each lot is limited to one curb-cut, with the size, design, and location to be approved by the Traffic Engineering, and to conform to AASHTO standards;**
- 6) **revision of the plat to depict and label any required stormwater detention basin common area (minimum detention for a 100-year storm with a 10 year release rate), with accompanying drainage and utility easements, or provision of a statement if stormwater will be accommodated by other means (such as in pipe storage);**
- 7) **revision of the plat to eliminate the unexplained lot behind lots 32 and 33, or revision of the application (with new labels and**

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- postage for notification) to include the adjacent single-family residence so that a new lot can be created; and,
- 8) revision of lot size labels as necessary due to other revisions to the plat.

The motion carried unanimously.

**Case #ZON2007-02464 (Planned Unit Development)**

**McMurray Place Subdivision**

South side of Johnston Lane, extending from the West side of Rosedale Avenue (vacated right-of-way) to the centerline of Dickenson Avenue (vacated right-of-way), and to McCay Avenue (vacated right-of-way), 95' ± South of Johnston Lane  
Planned Unit Development Approval to allow reduced lot widths, sizes, and setbacks, and 45% site coverage in a zero-lot line single-family residential subdivision  
Council District 6

(Also see **Case #SUB2007-00249 (Subdivision) McMurray Place Subdivision**, above)

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Vallas, to hold the matter over until the December 6, 2007, meeting with revisions due by Wednesday, November 7, 2007, so that the following can be addressed:

- 1) **submission of an application to rezone the site to remove the existing PUD restriction associated with the current R-3 zoning conditions of approval;**
- 2) **dedication of right-of-way sufficient to provide 25-feet of right-of-way, as measured from the centerline of Johnston Lane, or revision the site plan to show the right-of-way width if the existing width is adequate (already 50 feet);**
- 3) **placement of a note on the site plan stating that a 6-foot high privacy fence or masonry wall shall be provided, with appropriate permits, as a buffer around the perimeter of the development, except within any required setback area adjacent to a street;**
- 4) **placement of a note on the site plan stating that the building site coverage is limited to 45%;**
- 5) **depiction, labeling and notation of the requested setbacks, including from Johnston Lane (25-foot front, 20-foot street-side side yard, 10-foot non-street side yard, 0-foot other side yard, 8-foot rear), with clear indication of which side will be the zero lot line;**
- 6) **placement of a note on the site plan stating that each lot is limited to one curb-cut, with the size, design and location to be**

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- approved by Traffic Engineering, and to conform to AASHTO standards;
- 7) revision of the plat to depict and label any required storm water detention basin common area (*minimum detention for a 100-year storm with a 10 year release rate*), with accompanying drainage and utility easements, or provision of a statement if storm water will be accommodated by other means (such as in pipe storage); and,
  - 8) revision of the site plan to eliminate the unexplained lot behind lots 32 and 33, or revision of the application (with new labels and postage for notification) to include the adjacent single-family residence so that a new lot can be created; and,
  - 9) revision of lot size labels as necessary due to other revisions to the site plan.

The motion carried unanimously.

**Case #ZON2007-02484 (Planned Unit Development)**

**Stewart Memorial CME Church**

1252 and 1266 Dr. Martin Luther King, Jr. Avenue

Block bounded by Dr. Martin Luther King, Jr. Avenue, Hickory Street, Live Oak Street, and Hercules Street

Planned Unit Development Approval to allow two buildings on a single building site  
Council District 2

(Also see, Case #ZON2007-02485 (Planning Approval) **Stewart Memorial CME 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 M.r Vallas, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) **submission of a revised site plan illustrating the provision of minimum required parking, or the submission and approval of a variance prior to the issuance of a Certificate of Occupancy;**
- 2) **provision of two frontage trees, to be planted along the Dr. Martin Luther King, Jr Avenue frontage, in or near the project area; and,**
- 3) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

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**Case #ZON2007-02485 (Planning Approval)**

**Stewart Memorial CME Church**

1252 and 1266 Dr. Martin Luther King, Jr. Avenue

Block bounded by Dr. Martin Luther King, Jr. Avenue, Hickory Street, Live Oak Street, and Hercules Street

Planning Approval to allow a sanctuary entrance expansion to an existing church in an R-2, Two-Family Residential District

Council District 2

(Also see **Case #ZON2007-02484 (Planned Unit Development) Stewart Memorial CME 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. Vallas, to approve the above referenced Planning Approval, subject to the following conditions:

- 1) **submission of a revised site plan illustrating the provision of minimum required parking, or the submission and approval of a variance prior to the issuance of a Certificate of Occupancy;**
- 2) **provision of two frontage trees, to be planted along the Dr. Martin Luther King, Jr Avenue frontage, in or near the project area; and,**
- 3) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**Case #SUB2007-00256 (Subdivision)**

**Nimit Subdivision**

4567 Airport Boulevard

Southeast corner of Airport Boulevard and Summit Drive

Number of Lots / Acres: 1 Lot / 0.8+ Acre

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

Council District 5

(Also see **#ZON2007-02384 (Planning Approval) Sivaporn & Varin Nimityongskul**, below)

Mr. Dagley spoke on behalf of the applicant requesting the application be held over due to some confusion as to what is actually being done and to allow them the opportunity to get all the proper information to the staff.

Hearing no opposition or further pertinent discussion, a motion was made by Mr. Plauche, with second by Mr. Watkins, to hold the matter over until the December 6, 2007, meeting, per the applicant's request

The motion carried unanimously.



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**#ZON2007-02384 (Planning Approval)**

**Sivaporn & Varin Nimityongskul**

4567 Airport Boulevard

Southeast corner of Airport Boulevard and Summit Drive

Planning Approval to allow a meditation center in an R-1, Single-Family Residential district

Council District 5

(Also see **Case #SUB2007-00256 (Subdivision) Nimit Subdivision**, above)

(Also see **Case #SUB2007-00256 (Subdivision) Nimit Subdivision** for discussion)

Hearing no opposition or further pertinent discussion, a motion was made by Mr. Plauche, with second by Mr. Watkins, to hold the matter over until the December 6, 2007, meeting, per the applicant's request

The motion carried unanimously.

**OTHER BUSINESS:**

Mr. Olsen advised the Commission that the wrong date had been given regarding the Call for Public Hearing to consider a Zoning Plan for the recently annexed "Area A".

A motion was made by Mr. Plauche, with second by Mr. Vallas, to Call for Public Hearing to consider a Zoning Plan for the recently annexed "Area A" at the December 6, 2007, public meeting of the Planning Commission.

The motion carried unanimously.

Mr. Olsen advised the Commission regarding the vacation of an unopened right-of-way on the south side of Nugget Road, 885'± West of LeRoy Stevens Road, stating that the applicant, JEFFREY WARD SURGINER, 8251 NUGGET RD, Mobile, AL 36695, had been advised by the staff regarding the matter, including staff recommended conditions.

A motion was made by Mr. Plauche, with second by Mr. Watkins, to approve the vacation of an unopened right-of-way on the south side of Nugget Road, 885'± West of LeRoy Stevens Road, subject to the following conditions:

- 1) the re-subdivision and inclusion of LOT 2 L A BRYANT SUBD MBK 46 PG 29 into either LOT 17 or 18 GOLD MINE ESTS MBK 18 PG 33; and,**
- 2) vacation documents to be recorded simultaneously with the final plat.**

The motion carried unanimously.

Hearing no further business, the meeting was adjourned.

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**APPROVED:** April 16, 2009

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William G. DeMouy, Jr., Secretary

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Terry Plauche, President

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