

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF NOVEMBER 4, 2010 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William G. DeMouy, Jr.
Stephen J. Davitt, Jr.
Herb Jordan
Mead Miller
Roosevelt Turner
John Vallas
James F. Watkins, III

Members Absent

Victoria L. Rivizzigno, Secretary
Nicholas H. Holmes, III

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Bert Hoffman,
Planner II
Tony Felts,
Planner I
David Daughenbaugh,
Urban Forestry Coordinator
Joanie Stiff-Love,
Secretary II

Others Present

John Lawler,
Assistant City Attorney
John Forrester,
City Engineering
Butch Ladner,
Traffic Engineering

The notation *motion carried unanimously* indicated a consensus, with the exception of the Chairman who did 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 #SUB2010-00106 (Subdivision)

Theodore Knights of Columbus Subdivision

5800 Swedetown Road North
North side of Swedetown Road North, 300'± West of U. S. Highway 90 West
Number of Lots / Acres: 2 Lots / 10.0± Acres
Engineer / Surveyor: Polysurveying Engineering – Land Surveying
Council District 4
(Also see **Case #ZON2010-02307 (Rezoning) John Swan**, below)

The Chair announced the application had been recommended for approval. He added if anyone wished to speak on the matter they should do so at that time.

November 4, 2010
PLANNING COMMISSION MEETING

Brett Orrell, Polysurveying of Mobile, spoke on behalf of the applicant and asked that the matter be held over until the December 2, 2010, meeting, to allow further discussion of the matter with staff.

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 December 2, 2010, meeting, per the applicant's request.

The motion carried unanimously.

Case #ZON2010-02307 (Rezoning)

John Swan

5800 Swedetown Road North

North side of Swedetown Road North, 300'± West of U. S. Highway 90 West

Rezoning from R-1, Single-Family Residential District, and B-3, Community Business District, to B-3, Community Business District, to eliminate split zoning

Council District 4

(Also see **Case #SUB2010-00106 (Subdivision) Theodore Knights of Columbus Subdivision**, above)

The Chair announced the application had been recommended for approval. He added if anyone wished to speak on the matter they should do so at that time.

Brett Orrell, Polysurveying of Mobile, spoke on behalf of the applicant and asked that the matter be held over until the December 2, 2010, meeting, to allow further discussion of the matter with staff.

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 December 2, 2010, meeting, per the applicant's request.

The motion carried unanimously.

Case #ZON2010-02362 (Rezoning)

Mayo Blackmon

1446 Navco Road

West side of Navco Road, 255'± South of McVay Drive North

Rezoning from R-1, Single-Family Residential District, to R-2, Two-Family Residential District to allow a garage apartment

Council District 4

The Chair announced the matter had been recommended for denial, however, if there were those who wished to speak on the matter to please do so at that time.

November 4, 2010
PLANNING COMMISSION MEETING

Jerry Byrd, Byrd Surveying, spoke on behalf of the applicant and made the following points in favor of approving the matter:

- A. passed out pictures of the area, including the site in question;
- B. noted that the requested use would not be a traditional garage apartment, however, it would be the creation of an apartment in an area previously used as an RV garage;
- C. noted the number of businesses located next door and across the street from the subject property and added that previous Zoning Ordinances must have allowed for the B-2 properties or else they would not be there currently;
- D. noted that the Canal Subdivision done earlier in the year, had created the lot that fronted Navco Road and did not access McLaughlin Drive;
- E. the existing two bedroom guest house associated with the proposed garage apartment faced Navco Road, which meant that it was where it needed to be ideally;
- F. noted that the nearest house on McLaughlin Drive was 85 feet to the rear of the applicant's house with vacant property between the two;
- G. noted that the report stated there had to be a minimum of 4 acres for a R-2 district but expressed the opinion that was not quite so and quoted paragraph 64-3.A.5. as saying "there are no minimum sizes for new districts created by an amendment of this chapter, provided, however, that the minimum sizes set out below shall serve as general guides," with 64-3.A.5.A. stating that it needed to be a minimum of 4 acres;
- H. noted that farther in the Zoning Ordinance it stated the same, with Section 64-9.A.2. saying there were no minimums and added that new districts of smaller sizes might be created by the Planning Commission; and,
- I. summarized by saying the properties that fronted Navco Road were a mixture of uses, with the proposed application being the equivalent of a three bedroom house sitting 300 feet away from the pavement, with normal, residential activities going on at the house.

In deliberation, Mr. Watkins asked how the staff would look at the site that was between the subject site and McVay Drive North, as far as potential rezoning was concerned. He noted he saw Mr. Byrd's perspective and wanted the staff's response to the same.

Mr. Olsen stated that without an actual application requesting a specific type of zoning and proposed use, it would be hard to say how the staff would feel. He noted that the staff stood by their recommendation for denial. He added that the staff report did not say that

November 4, 2010
PLANNING COMMISSION MEETING

the site had to meet the 4 acre minimum, but simply stated that it did not meet the 4 acre recommended size as described in that particular section. He then said it was easy to see that the site was surrounded on three sides by residentially zoned properties and that the B-2 noted across the street from the property had been there for a number of years.

Mr. Davitt asked what lots were encompassed when the Commission approved the subdivision in November of 2009.

Mr. Olsen responded with it was the very corner lot, the lot that came out onto McLaughlin Drive, and the site in question.

Regarding the duplex mentioned by Mr. Byrd, Mr. Jordan asked what was its location and zoning classification.

Mr. Olsen stated he believed it was on the other side of McVay Drive, however he was unsure as he did not believe it was on the staff's vicinity map and could not comment on its zoning classification.

Mr. Vallas noted he was not opposed to Mr. Byrd's request and, if there were other members in agreement with him, wondered if the staff had prepared any conditions for possible approval on the matter.

Mr. Olsen stated the staff had no such conditions.

Mr. Vallas noted Mr. Watkins' question regarding the large site and stated he could see the staging of B-1 or possibly R-3 on that site, with the proposed R-2 zoning to act as a buffer for the adjacent R-1 property.

Mr. Olsen stated that he was unsure how much of the property to the north was developable as it was adjacent to the creek as well as in a flood zone.

Mr. Davitt noted that though he appreciated Mr. Byrd's argument relative to other businesses in the surrounding area, he was not too sure that the property in question did not need to remain R-1.

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

- 1) there is no change in conditions within the area and nonconforming changes cannot be considered as justification for rezoning;**
- 2) the subdivision of the site into one lot with a compliant existing use does not make reclassification necessary and desirable;**
- 3) reclassification would create spot zoning in the area;**
- 4) reclassification would be out of character with the immediate surrounding residential uses; and,**

- 5) **the proposed R-2 district does not meet the 4-acre minimum size as per Section 63.3.A.5.a. of the zoning Ordinance.**

The motion carried with only Mr. Vallas voting against denying the matter.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2010-00116

Gulf Equipment Corporation Subdivision

5540 Business Parkway

Northwest corner of Kooiman Road and Business Parkway

Number of Lots / Acres: 1 Lot / 3.1± Acres

Engineer / Surveyor: Don Williams Engineering

Council District 4

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

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

- 1) **depiction of the 25-foot minimum building setback line along all public rights-of-way on the Final Plat;**
- 2) **depiction of the lot area, in square feet, or provision of a table with the same information, on the Final Plat;**
- 3) **placement of a note on the Final Plat stating that the lot is denied direct access to Kooiman Road;**
- 4) **placement of a note on the Final Plat stating that the lot is limited to two curb-cuts to Business Parkway, with the size, design, and exact location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 5) **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,**
- 6) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2010-00117

Fred & Mildred Johnson Family Subdivision

North side of River Road, 2/10± mile East of Thomas Road

Number of Lots / Acres: 2 Lots / 20.0± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

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

- 1) **retention of the note on the Final Plat stating that each lot is limited to one curb-cut, with the size, design, and location to be approved by Mobile County Engineering and to conform to AASHTO standards;**
- 2) **retention of the depiction and labeling of the 25-foot minimum building setback line, and with the setback line for Lot 1 to be setback from where the “pole” meets the “flag” portion of the lot;**
- 3) **retention of lot area size labeling, in square feet, on the Final Plat;**
- 4) **the pole for Lot 1 remains a minimum of 60-feet wide;**
- 5) **retention of the note on the Final Plat stating that there shall be no future subdivision of Lot 1 until additional frontage is provided on a public street or a private street developed in compliance with the Subdivision Regulations;**
- 6) **retention of the note on the Final 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;**
- 7) **retention of the note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for wetland and floodplain issues, prior to the issuance of any permits or land disturbance activities;**
- 8) **retention of the 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.8. of the Subdivision Regulations; and,**
- 9) **retention of the note on the Final Plat stating that development *“Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall 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.”

The motion carried unanimously.

Case #SUB2010-00115

Newcastle Landing Subdivision

Northeast corner of McFarland Road and Scott Dairy Loop Road South, extending to the South terminus of New Castle Drive

Number of Lots / Acres: 53 Lots / 22.96± Acres

Engineer / Surveyor: Engineering Development Services LLC

County

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Watkins, with second by Mr. Turner, to waive Section V.B.6. and approve the above referenced matter, subject to the following conditions:

- 1) **placement of a note on the final plat stating that Lots 1 through 13 are denied direct access to McFarland Road;**
- 2) **placement of a note on the final plat stating that Lot 14 is denied direct access to both McFarland Road and Scott Dairy Loop Road South;**
- 3) **placement of a note on the final plat stating that Lots 15, 47 and 51 are denied direct access to Scott Dairy Loop Road South;**
- 4) **placement of a note on the final stating that all lots are limited to one curb-cut each, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 5) **illustration of the 25' minimum building setback line along all interior street frontages and along McFarland Road and Scott Dairy Loop Road South;**
- 6) **labeling of each lot with its size in both square feet and acres, or the furnishing of a table on the final plat providing the same information;**
- 7) **revision of the plat to also label the entrance median on Scott Dairy Loop Road South as a common area;**

- 8) placement of a note on the final plat stating that the maintenance of all common areas is the responsibility of the property owners and not Mobile County;
- 9) placement of a note on the final 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;
- 10) placement of a note on the final plat stating 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;
- 11) 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 wetlands; and,
- 12) placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2010-02452

Mobile Festival Center

3725 Airport Boulevard

Southwest corner of Airport Boulevard Service Road and Montlimar Drive, extending to the Southeast corner of Airport Boulevard Service Road and Downtowner Boulevard
Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow multiple buildings on a single building site, shared access, parking and drives

Council District 5

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Watkins, with second by Mr. Turner, to approve the above referenced matter, subject to the following

November 4, 2010
PLANNING COMMISSION MEETING

conditions:

- 1) revision of the parking area to ensure the proposed handicap spaces meets International Building Code requirements in terms of size and access aisle location;
- 2) illustration of a dumpster with proper screening and setbacks, or placement of a note stating how waste will be handled;
- 3) revision of the site plan to delineate paved and landscaped areas, where they are not shown around the existing building;
- 4) two copies of the revised site plan to include two copies of the landscape and tree plan as proposed is submitted to the Planning Section prior to the issuance of any permits; and,
- 5) placement of a note on the site plan stating that lighting of the site or parking area will comply with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance.

The motion carried unanimously.

OTHER BUSINESS:

Hearing no further business, the meeting was adjourned.

APPROVED: November 18, 2010

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

jsl