

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF DECEMBER 17, 2009 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Terry Plauche, Chairman  
William G. DeMouy, Jr.  
Victoria L. Rivizzigno, Secretary  
William D. Curtin  
Stephen J. Davitt, Jr.  
Herbert C. Jordan  
Mead Miller  
Roosevelt Turner

**Members Absent**

Nicholas H. Holmes, III  
John Vallas  
James F. Watkins, 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  
Jennifer White,  
Traffic Engineering  
Captain James May,  
Fire Department

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 #SUB2009-00133**

**Scott Plantation Subdivision, Unit Nine**

North side of Johnson Road South at the North terminus of Scott Dairy Loop Road West, extending North then West adjacent to the North side of Scott Plantation Subdivision Unit 8

Number of Lots / Acres: 86 Lots / 35.8± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying County

The Chair announced the matter had been recommended for denial, however, if there were those who wished to speak on the matter to do so at that time. He also advised the Commission members that a packet of information regarding the matter had been provided by the applicant and was at each of their seats.

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Doug Anderson, Burr and Foreman Law Firm, spoke on behalf of the owner/applicant and made the following points for approving the matter:

- A. there was no curb cut leading from the existing subdivision to the applicant's property, though typical Planning Commission procedure was to allow a curb cut or "stub out" to property that was land locked when approving a subdivision;
- B. Scott Plantation subdivision had been approved in nine (9) separate units without ever approving a stub out to the applicant's property;
- C. the applicant has already purchased the lots in question and proposed to make an entrance to the site from those lots on Scott Plantation Drive North;
- D. the Planning Commission's attorney had advised this was not possible as the property owners in the Scott Plantation Subdivision had purchased their property under the impression that as there was no stub out to the adjacent property on the subdivision plat when they purchased their property that there would never be a stub out to the adjacent property;
- E. referenced the Saddlebrook subdivision as an example of the Planning Commission approving a developer going to an adjacent subdivision and purchasing property to create access to their new subdivision; and,
- F. regarding the issue of the property being landlocked, the site plan showed the property as a large, flag shaped lot, with only a 50 foot right-of-way as access with it costing between \$750,000.00 and \$1,000,000.00 for the applicant to build a road down the right-of-way, far higher than the cost of purchasing the property in question and creating a curb cut/stub out at the location in question.

Mr. Lawler responded by saying he could not speak to what had been done in another subdivision, especially one without objections, however, there were objections to this proposed subdivision from some of the area residents and made the following points:

- A. the adjacent property owners had purchased their homes with the expectation that the streets would remain as they were;
- B. the lot proposed for use as a street stub was located between two houses and the owners of those two houses had the expectation at the time of purchase that they would be next to a home similar to theirs and not a street with substantial traffic;
- C. the removal of the lot as a residential property is a "subdivision" and in as much, all of the property owners in the subdivision must agree to that subdivision;
- D. the property planned as the new subdivision had been an airfield at the time the Saddlebrook subdivision was created which might

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account for why no stub out had been planned regarding access to that property;

- E. “stub outs,” circulation within a subdivision, and access/egress to area properties should be determined at the time the plat is put in place, not after the neighborhood was developed; and,
- F. if the proposed subdivision was as large as shown on the plan, the proposed road would not provide adequate access to service all of the proposed lots.

Mr. Olsen confirmed that when the Saddlebrook subdivision was first brought before the Commission, the property to the north was an airfield that could be seen on the aerials and therefore no access to that property was deemed appropriate.

Mr. Anderson noted that the developer still owned the two properties located on either side of the property proposed as a stub out and that they had no issue with putting a road in at that location.

In deliberation, Mr. Lawler stated that from a legal stand point, the subdivision of land for sale, which is what has happened, required all of the property owners in the subdivision to “sign off” on it.

Mr. Miller expressed the possibility that a hold over might better serve the situation; however, Mr. Olsen answered that holding the matter over had little chance of changing the staff’s recommendations.

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

- 1) **Scott Plantation Subdivision, Unit Eight, must be included in order to re-subdivide Lot 31 of that unit into this subdivision per a determination by the City of Mobile Legal Department; and,**
- 2) **there has been no revised plat for the proposed subdivision submitted for review.**

The motion carried unanimously.

**Case #SUB2009-00163 (Subdivision)**

**D’Olive Place Subdivision**

262 West Drive

West side of West Drive, 100’ ± South of Northwoods Court

Number of Lots / Acres: 24 Lots / 4.0 ± Acres

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

Council District 6

(Also see **Case #ZON2009-02669 (Planned Unit Development) D’Olive Place Subdivision**, and, **Case #ZON2009-02678 (Rezoning) Diana Morgan**, below)

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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.

Don Rowe, Rowe Surveying & Engineering Co., Inc., spoke on behalf of the applicant and asked that the matter be held over. He also addressed the issue of using a hammerhead turnaround as opposed to a standard cul-de-sac and noted that to use a standard cul-de-sac would eliminate too much property from the development. He stated that as the subdivision was coming before them as an innovative design subdivision, the use of the hammerhead turnaround would be in keeping with such. He also stated that the dimensions on the hammerhead would make the turnaround in compliance with the International Fire Code requirements.

The following people spoke in opposition to the matter:

- Verne Royster, 6261 Brandy Run Road, Mobile, AL, president of the Brandy Run Property Owners Association, representing same; and,
- Grady Edmondson, 6220 Brandy Run Road, Mobile, AL.

They made the following points against the matter:

- A. concern that this was under review for a change from R-1, single family residential, to R-2, two family residential, since both of the subdivisions adjacent to it are zoned R-1;
- B. concern that sandwiching the R-2 subdivision between two R-1 subdivisions might negatively affect the property values of the R-1 zoned properties;
- C. concern over an increase in stormwater runoff;
- D. concern over the extraordinary number of lots proposed for the subdivision;
- E. in the Spring of 2007, the applicant was approved for 18 unit subdivision and Planned Unit Development, despite opposition from area residents;
- F. concern that the back of the area in question was boggy in nature;
- G. expressed feelings that the current bowl shape of the property did not occur naturally, but was the result of erosion due to the topography of the overall area;
- H. the current plan does not allow adequate room for a drainage ditch within the proposed 10 foot setback; and,
- I. opposition to the requested change from R-1, single family zoning classification to R-2, two family zoning classification.

In deliberation, Mr. Miller, Mr. Davitt, and Dr. Rivizzigno recommended that the developer review the project to find some way to eliminate the hammerhead turnaround,

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as well as reduce the number of proposed lots and noted the adjacent northern subdivision as an example of what they would like to see accomplished.

Mr. Olsen asked that the Commission require that any revisions be submitted to the staff no later than January 8, 2010.

Hearing no further opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Turner, to hold the matter over until the January 21, 2010, meeting, with any revisions of the application to be submitted by January 8, 2010. The Planning Commission also advised the applicant that a reduced number of lots and a standard cul-de-sac would be preferred.

The motion carried unanimously.

**Case #ZON2009-02669 (Planned Unit Development)**

**D'Olive Place Subdivision**

262 West Drive

West side of West Drive, 100' ± South of Northwoods Court

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow reduced lot sizes, reduced lot widths and reduced side yard setbacks

Council District 6

(Also see **Case #SUB2009-00163 (Subdivision) D'Olive Place Subdivision**, above, and, **Case #ZON2009-02678 (Rezoning) Diana Morgan**, below)

Hearing no further opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Turner, to hold the matter over until the January 21, 2010, meeting, with any revisions of the application to be submitted by January 8, 2010. The Planning Commission also advised the applicant that a reduced number of lots and a standard cul-de-sac would be preferred.

The motion carried unanimously.

**Case #ZON2009-02678 (Rezoning)**

**Diana Morgan**

262 West Drive

West side of West Drive, 100' ± South of Northwoods Court

Rezoning from R-1, Single-Family Residential District, to R-2, Two-Family Residential District to allow construction of a single family neighborhood with up to 40% site coverage

Council District 6

(Also see **Case #SUB2009-00163 (Subdivision) D'Olive Place Subdivision**, and, **Case #ZON2009-02669 (Planned Unit Development) D'Olive Place Subdivision**, above)

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Hearing no further opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Turner, to hold the matter over until the January 21, 2010, meeting, with any revisions of the application to be submitted by January 8, 2010. The Planning Commission also advised the applicant that a reduced number of lots and a standard cul-de-sac would be preferred.

The motion carried unanimously.

**Case #SUB2009-00160 (Subdivision)**  
**McGill-Toolen High School Subdivision, Phase 2**

100 North Catherine Street

Northeast corner of North Catherine Street and Old Shell Road

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

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

Council District 2

(Also see **Case #ZON2009-02659 (Planned Unit Development) McGill-Toolen High School Subdivision, Phase 2**, **Case #ZON2009-02660 (Planning Approval) McGill-Toolen High School Subdivision, Phase 2**, **Case #ZON2009-02661 (Rezoning) Archbishop of Mobile**, and, **Case #ZON2009-02662 (Rezoning) Archbishop of Mobile**, above)

The Chair announced that the staff had stated no recommendations for the matter and asked that any who would like to speak on the matter to please do so at that time.

The following people spoke in favor of the matter:

- Doug Anderson, Burr and Foreman Law Firm, for the applicant; and,
- Father Bry Shields, 1501 Old Shell Road, headmaster, McGill-Toolen Catholic High School.

They made the following points in favor of the matter:

- A. regarding ownership questions for the property located at the northeast corner of North Catherine Street and Old Shell Road, a copy of a commitment for title ownership showing Pinpoint LLC as owner, dated December 16, 2009, was presented;
- B. the objector's only argument was whether the lease was a 20 year lease or a "month to month" lease and has presented no documents proving ownership of the property in question;
- C. McGill-Toolen currently could go forward with their development, if approved, and would come back before the Planning Commission to amend the applicant only at such time as the objector won their legal case, which was set to be heard on March 15, 2010;

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- D. requested that the condition eliminating the “on street” parking located on Catherine Street and Lafayette Street be waived, as the parking had been there for over 50 years;
- E. McGill-Toolen Catholic High School was the only Roman Catholic high school in Mobile and Baldwin counties and it served a very large number of families so the elimination of any parking would cause considerable hardship to those families;
- F. when the science center was constructed on Catherine Street, the school was not required to remove “on street” parking at that time and it was wondered why it is an issue at this time; and,
- G. none of the “on street” parking that has been requested to be removed was located directly in front of the new construction, because the school had already removed, per the recommendation of the Architectural Review Board, several parking spaces that would have been located on Lafayette Street in front of the new student center.

Mr. Davitt asked Father Shields how important the lot in question was to McGill-Toolen that it be included in the application that day.

Father Shields stated that if the school were allowed to keep the “on street” parking discussed, the school would still meet code in that matter, making the lot in question unnecessary for approval that day.

Mr. Davitt then asked if the pending lawsuit found in favor of Pinpoint LLC which would allow McGill-Toolen to buy and use the lot in question for parking, would the school then have any problem with eliminating the requested “on street” parking located on Catherine Street and Lafayette Street.

Father Shields advised that regardless of the lawsuit, the school still needed all of the parking currently used, including the “on street” parking discussed.

The following people spoke against the applications:

- Said Hussian, owner, Food Max Express, 100 North Catherine Street, Mobile, AL; and,
- Quinterrance Harris, 110 Kilmarnock Street, Mobile, AL.

They made the following points against the applications:

- A. the mortgage had been purchased in a foreclosure sale, which resulted in the current dispute regarding ownership and in as much, it was hoped that the Commission would wait until that matter was resolved before making a decision on the property; and,
- B. the store had been in the neighborhood for some time and many neighbors depended on being able to make staple purchases from

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it, so to lose the store to new development was seen as changing the character of the neighborhood.

Mr. Lawler pointed out that communications regarding the matter had been received from the attorney representing Mr. Hussain. The attorney had asked that the matter be continued until the lawsuit was resolved and that it was his opinion that there would be no harm done in honoring that request.

The Chair asked if the staff had any recommendations for approval prepared for that day's meeting.

Mr. Olsen advised such had been prepared and that those did exclude the property in question and gave the following:

- A. for the Planning Approval application, the elimination of all "on street" parking along North Catherine Street and Lafayette Street (the condition Father Shields had asked be removed);
- B. coordination with Urban Forestry regarding tree compliance around the new student center;
- C. approval of the Architectural Review Board for all new development;
- D. placement of a note on the site plan stating the site must be developed in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;
- E. submission of revised site plan to the Planning Section of Urban Development prior to the issuance of any permits or land disturbance activities;
- F. compliance with Engineering comments; and,
- G. full compliance with all municipal codes and ordinances.

Mr. Olsen added that the conditions were basically the same for the Planned Unit development, and that the Zoning and Subdivision cases would be moot with the exclusion of the property located at the northeast corner.

The Chair noted for the record that the conditions stated were for approval without the piece of property located at the northeast corner of the proposed development.

Mr. Olsen stated that was the case, as well as stating that the applicant was free to re-submit at any point after that case was decided to include the property in question if necessary.

In deliberation, Mr. Miller stated he did not want to cause the school additional hardship, however, if the Commission were to approve the matter, it appeared they would have to exclude the property in question. He added that he would like to see the "on street"

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parking remain as it has been in place for such a long time, even though it might not be the best option from a Traffic Engineering stand point.

Jennifer White, City Traffic Engineering Department, advised the Commission regarding the parking on Lafayette Street, it was 90 degree parking and it took both lanes to access those spaces. She then asked if the spaces were allowed to remain that those spots be modified to flat, angled parking so that it was not necessary to back out into both lanes when using those spaces.

Mr. Olsen then stated any motions should strictly be for the Planning Approval and Planned Unit Development applications and that the applications for rezoning and subdivision would not be required if the property in question were excluded. He asked the Commission to consider tabling those matters due to unresolved issues regarding ownership.

Hearing no further opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Davitt, to table the subdivision request due to unresolved issues regarding ownership.

The motion carried unanimously.

**Case #ZON2009-02659 (Planned Unit Development)**

**McGill-Toolen High School Subdivision, Phase 2**

1501 Old Shell Road

South side of Old Shell Road extending from the West side of Lafayette Street to the East side of Catherine Street; Northwest corner of Old Shell Road and Kilmarnock Street, and North side of Old Shell Road between Kilmarnock Street and Catherine Street; Northeast corner of Dauphin Street and Lafayette Street; Northwest corner of Dauphin Street and Lafayette Street; Southeast corner of Old Shell Road and Lafayette Street and extending South along the East side of Lafayette Street 695'+

Planned Unit Development Approval to amend Master Plan to allow new student center and new parking lot

Council District 2

(Also see **Case #SUB2009-00160 (Subdivision) McGill-Toolen High School**

**Subdivision, Phase 2**, above, and, **Case #ZON2009-02660 (Planning Approval)**

**McGill-Toolen High School Subdivision, Phase 2**, **Case #ZON2009-02661 (Rezoning)**

**Archbishop of Mobile**, and, **Case #ZON2009-02662 (Rezoning) Archbishop of Mobile**, below)

Hearing no further opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Davitt, to exclude the property at the Northeast corner of Old Shell Road and North Catherine Street, and approve the remainder of the request subject to the following conditions:

- 1) coordination with Traffic Engineering to modify existing 90-degree on-street parking along Lafayette Street to be angled;**

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- 2) coordination with Urban Forestry regarding tree compliance around the new student center;
- 3) approval by the Architecture Review Board for all new development;
- 4) placement of a note on the site plan stating that the site must be developed in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;
- 5) submission of a revised site plan to the Planning Section of Urban Development prior to the issuance of any permits or land disturbance activities;
- 6) compliance with Engineering comments: *“Need to provide documentation if claiming historical credit for detention. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit”*; and,
- 7) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #ZON2009-02660 (Planning Approval)**

**McGill-Toolen High School Subdivision, Phase 2**

1501 Old Shell Road

South side of Old Shell Road extending from the West side of Lafayette Street to the East side of Catherine Street; Northwest corner of Old Shell Road and Kilmarnock Street, and North side of Old Shell Road between Kilmarnock Street and Catherine Street; Northeast corner of Dauphin Street and Lafayette Street; Northwest corner of Dauphin Street and Lafayette Street; Southeast corner of Old Shell Road and Lafayette Street and extending South along the East side of Lafayette Street 695'+

Planning Approval to modify an existing Planning Approval to allow a new student Center and parking lot expansion at an existing private school in an R-1, Single-Family Council District 2

(Also see **Case #SUB2009-00160 (Subdivision) McGill-Toolen High School Subdivision, Phase 2**, **Case #ZON2009-02659 (Planned Unit Development)**

**McGill-Toolen High School Subdivision, Phase 2**, above, and, **Case #ZON2009-02661 (Rezoning) Archbishop of Mobile**, and, **Case #ZON2009-02662 (Rezoning) Archbishop of Mobile**, below)

Hearing no further opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Davitt, to exclude the property at the Northeast corner of Old Shell Road and North Catherine Street, and approve the remainder of the request subject to the following conditions:

- 1) coordination with Traffic Engineering to modify existing 90-degree on-street parking along Lafayette Street to be angled;

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- 2) coordination with Urban Forestry regarding tree compliance around the new student center;
- 3) approval by the Architecture Review Board for all new development;
- 4) placement of a note on the site plan stating that the site must be developed in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;
- 5) submission of a revised site plan to the Planning Section of Urban Development prior to the issuance of any permits or land disturbance activities;
- 6) compliance with Engineering comments: *“Need to provide documentation if claiming historical credit for detention. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit”*; and,
- 7) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #ZON2009-02661 (Rezoning)**

**Archbishop of Mobile**

106 North Catherine Street

East side of North Catherine Street, 100'± North of Old Shell Road

Rezoning from B-2, Buffer Business District, to R-1, Single-Family Residential District, to allow a parking lot expansion at a private school in an R-1, Single-Family Residential District

Council District 2

(Also see Case #SUB2009-00160 (Subdivision) **McGill-Toolen High School**

**Subdivision, Phase 2**, Case #ZON2009-02659 (Planned Unit Development)

**McGill-Toolen High School Subdivision, Phase 2**, and, Case #ZON2009-02660

(Planning Approval) **McGill-Toolen High School Subdivision, Phase 2**, above, and,

Case #ZON2009-02662 (Rezoning) **Archbishop of Mobile**, below)

Hearing no further opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Davitt, to table the rezoning request due to unresolved issues regarding ownership.

The motion carried unanimously.

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**Case #ZON2009-02662 (Rezoning)**

**Archbishop of Mobile**

100 North Catherine Street

Northeast corner of North Catherine Street and Old Shell Road

Rezoning from B-2, Buffer Business District, to R-1, Single-Family Residential District, to allow a parking lot expansion at a private school in an R-1, Single-Family Residential District

Council District 2

(Also see **Case #SUB2009-00160 (Subdivision) McGill-Toolen High School Subdivision, Phase 2**, **Case #ZON2009-02659 (Planned Unit Development) McGill-Toolen High School Subdivision, Phase 2**, **Case #ZON2009-02660 (Planning Approval) McGill-Toolen High School Subdivision, Phase 2**, and, **Case #ZON2009-02661 (Rezoning) Archbishop of Mobile**, above)

Hearing no further opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Davitt, to table the rezoning request due to unresolved issues regarding ownership.

The motion carried unanimously.

**EXTENSIONS:**

**Case #SUB2008-00257 (Subdivision)**

**Spring Hill Business Park Subdivision, Phase Two**

West terminus of Springhill Business Park, extending to the South side of South Avenue, 245'± West of West I-65 Service Road North

Number of Lots / Acres: 1 Lot / 3.8± Acres

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. Plauche, with second by Mr. Davitt, to approve the above referenced requested extension and the applicant should be advised that future extensions would be unlikely.

The motion carried unanimously.

**Case #SUB2007-00302 (Subdivision)**

**Haiman Beltline Subdivision, Re-subdivision of Lot 2, Re-subdivision of Lot 2**

Southeast corner of Springhill Memorial Drive South and Springhill Memorial Place

Number of Lots / Acres: 2 Lots / 4.4± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 5

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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.

Don Coleman, Rester and Coleman Engineers, Inc., spoke on behalf of the applicant and advised the Commission that the owners had a buyer and were close to closing on the matter and asked their indulgence in one more extension.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Dr. Rivizzigno, to approve an extension for six (6) months.

The motion carried unanimously.

**Case #ZON2008-02842 (Planned Unit Development)**

**Spring Hill College**

4000 Dauphin Street

North side of Dauphin Street, 1800'± West of Interstate 65

Planned Unit Development Approval to amend a previously approved Master Plan for an existing college in an R-1, Single-Family Residential District to show the new student center in the same location as the old student center

Council District 7

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, to approve the above referenced requested extension; however, a second extension would be unlikely.

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2009-00171**

**Ridgewood Subdivision, Re-subdivision of Lot 8**

203 Ridgewood Place

West side of Ridgewood Place, 110'± North of The Cedars, extending to the East side of College Lane (unopened right-of-way

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

Engineer / Surveyor: Clark, Geer, Latham & Associates

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. Miller, to approve the above referenced re-subdivision, subject to the following

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conditions:

- 1) **placement of a note on the final plat stating that the site is limited to one curb cut to Ridgewood Place, with the size, design, and exact location of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **placement of a note on the final plat denying the site access to College Lane;**
- 3) **placement of a note on the final plat stating that the sum of both side yards shall be equal to at least 20 feet or removal of the side yard depictions from the plat;**
- 4) **retention of the lot size labeling, in square feet; and,**
- 5) **placement of a note on the plat stating that the site must be developed in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species.**

The motion carried unanimously.

**Case #SUB2009-00174**  
**Thorneycroft Subdivision**

21 Hillwood Road

East side of Hillwood Road at the East terminus of Country Club Road

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

Engineer / Surveyor: C. Michael Arnold

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.

John Forrester, City Engineering, addressed the Commission and asked that the matter be held over as his department had been recently informed that there had been land disturbance on the property without benefit of permit.

The Chair asked if a matter could be held over at the request of another department.

Mr. Olsen stated that the Engineering Department received the information discussed after the reports were sent out; however, the staff had received revised comments from the Engineering Department that explained all of this. He added that based upon that information, the staff would recommend the matter be held over to the January 21, 2010, meeting.

Francis Hoffmann, 5 Hillwood Road, Mobile, AL, spoke in opposition to the matter and made the following points against it:

- A. they lived adjacent to the property in question and her property

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- was being very negatively affected by the runoff of water and soil from that property;
- B. they had owned their property since early 2007 and had no problem with flooding, etc., until the Spring of 2008, when the lots to the north were subdivided and the developer began clearing them;
  - C. the flooding and soil intrusion started on April 11, 2008, after the site had been cleared and fill brought in on Lot 12, with the same being done later on Lots 13 and 14, resulting in a foot of water coming into their home and over \$35,000.00 worth of damage done to it as well;
  - D. on April 17, 2008, after consulting with Council person Reggie Copeland, they put the City on notice at which point Council person Copeland was able to accelerate the process for implementing the drainage project on Hillwood Road that was currently in progress;
  - E. in April 2008, they were in contact with the City's Engineering Department seeking diligence in their oversight of the construction site adjacent to their property to mitigate their damages;
  - F. it was believed that in the latter part of 2008, the Thorneycroft lot was cleared for the first time, including the removal of some 100 year old camellias which were actually located on the adjacent property owner's property beyond their fence line as well as damaging their fence;
  - G. subsequent to the clearing of the Thorneycroft lot, they again had problems with runoff and soil intrusion on their property, making it necessary for them to sandbag the rear of their home by their garages to stop or lessen the intrusion with those sandbags having to remain in place a year later;
  - H. the Engineering Department required silt fences, hay bales, wattles, and possibly seeding on the Thorneycroft lot in an effort to deter flooding and erosion, with the Engineering Department still determining there were two breaches in the Thorneycroft remediation; however, over time the lot had re-vegetated and there were no problems until recently;
  - I. in May 2009, the adjacent property owners met with Rosemary Sawyer and John Forrester of the City's Engineering Department and a preventive plan was supposed to be put into place alerting the Building Department of the discharge/runoff problem in the area;
  - J. while there were no drainage issues to their property based upon the City's project, when the Thorneycroft property was de-vegetated a second time in November of 2009 and additional fill brought to the site, all without the benefit of permits, most of the remediation plan in place was destroyed as well as placing the new grade of the Thorneycroft property above them which left their

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- adjacent property vulnerable to water runoff and soil intrusion;
- K. a minor rain on December 1 and 2, 2009, caused water and soil intrusion to their property from the Thorneycroft lot which was reported to City Engineering causing an inspection by John Forrester and Dudley Mask, who tried to meet with the Thorneycroft engineer and contractor to no avail and by December 3, 2009, Engineering put a “freeze” on the project;
  - L. due to the subsequent rains, their pool was contaminated resulting in over \$2,00.00 in damage done to it; and,
  - M. it is requested that immediate action be taken to correct and protect the adjacent property and its owners from the current conditions created by the Thorneycroft project.

Mr. Davitt asked if the house begun on the Thorneycroft lot was begun without benefit of a land disturbance permit.

Mr. Forrester responded that a building permit had been issued but no land disturbance permit was issued, though the architect and the contractor were both notified that a land disturbance permit was required within 30 days of getting the building permit prior to construction and that had not been done.

Mr. Davitt said it sounded as if there were two issues at hand, one the creation of a two lot subdivision and the second being more of a legal issue against the owner of record for the Thorneycroft property. He stated was not sure if Planning Commission was the correct venue for addressing the latter concerns unless conditions could be put in place regarding them.

Mr. Olsen responded that some of the issues were civil matters that should be addressed in circuit court as they are not under the city’s purview; however, the City’s Engineering Department did have the authority if work was done without appropriate permits to make them correct issues on site but not to correct damage done to adjacent property.

Mr. Lawler asked if further development would make the situation worse and if that were the case, then the matter should not be approved today and the developer should be advised that until those matters were corrected there would be no approval of further developments.

Mr. Forrester said the Engineering Department had advised the developer to continue with all erosion control measures. He added that the location of the proposed home is in the middle of a naturally occurring drain which takes drainage from seven (7) acres to that one point and that no amount of erosion control could be expected to hold it.

Hearing no further opposition or discussion, a motion was made by Dr. Rivizzigno, to deny the application, however, that motion died for want of a second.

A motion to hold the matter over until the January 21, 2010, meeting was made by Mr.

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Davitt, with second by Mr. Turner, at the Engineering Department's request. The applicant is advised to resolve the drainage issues, as directed by the Engineering Department, prior to the January 21, 2010, meeting.

The motion carried with only Dr. Rivizzigno voting in opposition to it.

**Case #SUB2009-00173**

**Legacy Subdivision, Phase Two & Phase Three**

East terminus of Darling Road, extending Northeastward to the West terminus of Legacy Lane and the South terminus of Heritage Circle

Number of Lots / Acres: 23 Lots / 85.3± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

County

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.

Jerry Byrd, Byrd Surveying, Inc., spoke on behalf of the applicant and asked that the matter be held over. He made the following points in favor of such:

- A. one of the private roads was to be constructed to county road standards serving the homes set up as a family compound;
- B. the other roads planned, due to the size of the lots and not knowing construction costs, were proposed to be constructed to the former county road standard with a 24 foot wide asphalt valley wing with 8 inches of sand/clay base and underground drainage;
- C. a street stub to the west connecting to Darling Road (a private roadway) had been proposed, but that could easily be removed, however, the plan was to connect the two with a gated entrance between the two, which would limit the access to and from Darling Road;
- D. the large parcels that were adjacent to the property in question were family owned and already had access to public roads so it was not understood why there was concern regarding those; and,
- E. concern over limiting Lots 17, 19, and 21 to only one curb cut each as they are very big lots with a large amount of road frontage.

Mr. Olsen responded as follows:

- A. Darling Road is a private road so the applicant does not have legal access to said road, and access would not be allowed via the approval of the plan by Planning Commission;
- B. even though the land locked lots appear to be owned by individuals who are family members to the adjacent non-land locked property, that does not guarantee them public road access and the regulations require that they have access to publicly maintained roadways,

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- which they do not have at this time; and,
- C. due to these factors, the staff has not prepared any recommendations for approval and if the Commission were leaning toward approving the matter, the staff would ask that the matter be held over until the January 21, 2010, meeting, to allow them time to do so.

Mr. Jimmy Smith, 650 Novatan Road, Mobile, AL, asked the following:

- A. when was construction of the project supposed to start;
- B. what was the location of the proposed road between Legacy Lane and Heritage Circle; and,
- C. what effect would the proposed road have on his adjacent property.

The Chair suggested that Mr. Smith speak with the applicant's engineer, Mr. Byrd, for answers to his questions.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Miller, to hold the matter over until the January 21, 2010, meeting, to allow the applicant time to revise the plat to comply with the requirements of the Subdivision Regulations. Any revisions are due to staff by January 8, 2010.

The motion carried with only Dr. Rivizzigno voting in opposition to it.

**NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:**

**Case #ZON2009-02841**

**DBM Company, LP**

1234 & 1248 Hillcrest Road

Northwest corner of Hillcrest Road and Grelot Road

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

Council District 6

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Davitt, to hold the matter over until the January 21, 2010, meeting, with revisions due by January 8, 2010, to allow the applicant time to submit a revised site plan addressing the following:

- 1) inclusion of all properties sharing access via the joint ingress/egress easement, along with the submittal of additional fees and mailing labels;**
- 2) elimination of both the Eastern curb cut onto the shared ingress/egress easement and the existing curb cut to Hillcrest**

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- Road (on the Southernmost lot);
- 3) revision of the site plan to accurately delineate the existing curb cut onto Hillcrest Road for the joint ingress/egress easement;
  - 4) revision of the dumpster location to comply with Section 64-3.E.3 of the Zoning Ordinance; and,
  - 5) revision of the site plan to label the Northern property as Lot 5-B, instead of 5-A.

The motion carried unanimously.

**GROUP APPLICATIONS:**

**Case #SUB2009-00165 (Subdivision)**

**Twin Oaks Subdivision**

857 Crawford Lane

East terminus of Crawford Lane

Number of Lots / Acres: 1 Lot / 7.2± Acres

Engineer / Surveyor: Volkert, Inc.

Council District 2

(Also see **Case #ZON2009-02867 (Rezoning) Twin Oaks Subdivision**, below)

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

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

- 1) completion of the Vacation process for the unopened East terminus of Crawford Lane;
- 2) construction of the cul-de-sac to City standards prior to signing the final plat;
- 3) dedication along both sides of Crawford Lane to provide 25' from centerline;
- 4) dedication to provide 25' from the centerline of Carver Street;
- 5) revision of the plat to indicate the 25' minimum building setback line as measured from any required dedication along Crawford Lane and Carver Street;
- 6) placement of a note on the final plat stating that the site is limited to the existing curb cuts on the North side of Crawford Lane, and two curb cuts on the South side of Crawford Lane, with the size, location, and design of all curb cuts to be approved by Traffic engineering and conform to AASHTO standards;
- 7) placement of a note on the final plat stating that access to

- Carver Street is denied;
- 8) placement of a note on the final plat stating the provision of appropriate residential buffers required by Section 64-4.D.1. of the Zoning ordinance, such as a 6' wooden privacy fence or 10'-wide landscaped buffer are required.
  - 9) labeling of the lot with its size in square feet, or the furnishing of a table on the plat providing the same information;
  - 10) compliance with Forestry comments: *“Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the 60” Live Oak Tree located in front of the existing Structure. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger”*;
  - 11) compliance with Engineering comments: *“Label plat showing the required minimum finished floor elevation (MFFE). Since the site is located in the AE Flood Zone; add a note to the plat stating that there is to be no fill brought onto the property without the approval of the City Engineer. Flood-proofing may be required if the existing FFE is lower than the minimum required FFE. Construction of a City standard cul-de sac will be required. Must comply with all other stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Any existing damaged sidewalk panels will be required to be replaced. Any new dumpster pads must have sanitary sewer connection”*;
  - 12) placement of a note on the final plat stating that the approval of all applicable federal, state, and local agencies would be required for wetlands and floodplains prior to the issuance of any permits; and,
  - 13) 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.

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**Case #ZON2009-02867 (Rezoning)**

**Twin Oaks Subdivision**

857 Crawford Lane

East terminus of Crawford Lane

Rezoning from R-1, Single-Family Residential District and B-1, Buffer Business District to B-1, Buffer Business District to eliminate split zoning in a commercial subdivision

Council District 2

(Also see **Case #SUB2009-00165 (Subdivision) Twin Oaks Subdivision**, above)

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

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

- 1) **completion of the Vacation process for the unopened East terminus of Crawford Lane;**
- 2) **completion of the subdivision process;**
- 3) **provision of appropriate residential buffers as required by Section 64-4.D.1. of the Zoning Ordinance;**
- 4) **compliance with Forestry Comments: “*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the 60” Live Oak Tree located in front of the existing Structure. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger*”;**
- 5) **full compliance with tree planting and landscape requirements;**
- 6) **installation of sidewalks along Crawford Lane, or approval of a sidewalk waiver application by the Planning Commission; and,**
- 7) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

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**Case #SUB2009-00172 (Subdivision)**

**UMS Wright Corporation**

65 North Mobile Street

Southwest corner of North Mobile Street and Old Shell Road, extending North and West to the CN Railroad right-of-way and the South terminus of Martin Street

Number of Lots / Acres: 1 Lot / 51.8± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 1

(Also see **Case #ZON2009-02884 (Planned Unit Development) UMS Wright Corporation**, and, **Case #ZON2009-02882 (Planning Approval) UMS Wright Corporation**, below)

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

Mr. Olsen corrected the printed recommendation that required the information to be submitted by January 14, 2010, and stated the required information had to be submitted to the staff by January 8, 2010.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, to hold the matter over until the January 21, 2010, with required information submitted by January 8, 2010, to allow the applicant to address the following items:

- 1) **placement of a note on the plat stating that the development is limited to the existing approved curb-cut along Old Shell Road with the size, design, and location of all new or revised curb-cuts must be approved by Traffic Engineering, and should comply with AASHTO standards; and,**
- 2) **depiction and labeling of the 25-foot setback line along Old Shell Road within the proposed building site.**

The motion carried unanimously.

**Case #ZON2009-02884 (Planned Unit Development)**

**UMS Wright Corporation**

65 North Mobile Street

Southwest corner of North Mobile Street and Old Shell Road, extending North and West to the CN Railroad right-of-way and the South terminus of Martin Street

Planned Unit Development to amend a previously approved Planned Unit Development Master Plan to allow a new practice field for softball and soccer and new parking area.

Council District 1

(Also see **Case #SUB2009-00172 (Subdivision) UMS Wright Corporation**, above, and, **Case #ZON2009-02882 (Planning Approval) UMS Wright Corporation**, below)

The Chair announced the matter was recommended for holdover, but if there were those

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present who wished to speak to please do so at that time.

Mr. Olsen corrected the printed recommendation that required the information to be submitted by January 14, 2010, and stated the required information had to be submitted to the staff by January 8, 2010.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, to hold the matter over until the January 21, 2010, with required information submitted by January 8, 2010, to allow the applicant to address the following items:

- 1) **revision of the site plan to illustrate provision of all “future” and additional parking, access roads, buffers, and site circulation;**
- 2) **provision of trees and landscaping to bring the site into compliance with the requirements of the Zoning Ordinance;**
- 3) **placement of a note on both site plans stating that lighting of parking facilities will comply with Section 64-6.A.3.c of the Zoning Ordinance;**
- 4) **placement of a note on both site plans stating that the site will be in full compliance with screening and landscaping requirements for parking lots to comply with Section 64-6.A.3.i. of the Zoning Ordinance; and,**
- 5) **placement of a note on the site plans stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development Approval prior to the issuance of any permits.**

The motion carried unanimously.

**Case #ZON2009-02882 (Planning Approval)**

**UMS Wright Corporation**

65 North Mobile Street

Southwest corner of North Mobile Street and Old Shell Road, extending North and West to the CN Railroad right-of-way and the South terminus of Martin Street

Planning Approval to amend a previously approved Planning Approval Master Plan to allow a new practice field for softball and soccer and new parking area at an existing private school in an R-1, Single-Family Residential District

Council District 1

(Also see **Case #SUB2009-00172 (Subdivision) UMS Wright Corporation**, and, **Case #ZON2009-02884 (Planned Unit Development) UMS Wright Corporation**, 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.

Mr. Olsen corrected the printed recommendation that required the information to be

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submitted by January 14, 2010, and stated the required information had to be submitted to the staff by January 8, 2010.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, to hold the matter over until the January 21, 2010, with required information submitted by January 8, 2010, to allow the applicant to address the following items:

- 1) **revision of the site plans to illustrate provision of all “future” and additional parking, access roads, buffers, and site circulation;**
- 2) **provision of trees and landscaping to bring the site into compliance with the requirements of the Zoning Ordinance;**
- 3) **placement of a note on both site plans stating that lighting of parking facilities will comply with Section 64-6.A.3.c of the Zoning Ordinance;**
- 4) **placement of a note on both site plans stating that the site will be in full compliance with screening and landscaping requirements for parking lots to comply with Section 64-6.A.3.i of the Zoning Ordinance; and,**
- 5) **placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development Approval prior to the issuance of any permits.**

The motion carried unanimously.

**Case #SUB2009-00176 (Subdivision)**

**Charles Boggan Subdivision**

175 2<sup>nd</sup> Avenue

Northwest corner of 2<sup>nd</sup> Avenue and Avenue C

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

Engineer / Surveyor: Polysurveying Engineering –Land Surveying

Council District 7

(Also see **Case #ZON2009-02889 (Planning Approval) Charles Boggan Subdivision**, below)

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

James Walker, 164 Third Avenue, Mobile, AL, spoke in opposition to the matter and made the following points against approval:

- A. wondered whether this application would “open the door” for other trailers to be brought into the subdivision;
- B. his house was built in 1977 and was the last house built in the

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- subdivision;
- C. it was rumored that other land owners in the area planned to add trailers to their lots; and,
- D. concern over how the area would develop as most people did not build new homes next to trailers.

Mr. Olsen responded with the following:

- A. the Zoning Ordinance allowed mobile homes in R-1 districts with Planning Approval and generally the staff reviewed the housing in the area in question prior to making its recommendations and took into consideration whether or not there were existing mobile homes in the area and if the placement of such a mobile home would be in character with the existing development;
- B. per the vicinity map, there were mobile homes in the area in question; and,
- C. regarding the Planning Approval application, the subdivision was already in existence so the staff was only looking at whether or not the proposal met the requirements for Planning Approval in that it was compatible and in character with the surrounding area and based upon the existing manufactured homes in the area, the staff recommended approval.

Mr. Olsen also advised the Commission that they did have the option of overriding the staff's recommendations should information be presented that showed the development in conflict with the surrounding neighborhood.

Mr. Turner asked what the closest distance of a trailer to the home in question.

Mr. Olsen stated it was approximately 100 feet and pointed out that this was the first application along these lines to come before the Commission for this neighborhood that was part of the area annexed into the city almost two years prior. He did add that the trailer in question was moved onto the site without permits in what appears to be an error on the owner's part to realize that permits were necessary to do so now.

Mr. Davitt asked if something could be done to "tag" the property so that should the trailer become non-existent then the owner would have to build a home on the site, not simply replace the trailer.

Mr. Olsen stated it would be viewed as any non-conforming structure and should it be missing or not used for a period of two years or longer, it would no longer be allowed without coming before the Planning Commission.

Charles Ray, 7620 Harding Boulevard, Mobile, AL, addressed the Commission to let them know his interest as a property owner there in the expanded the use of manufactured homes in that area of town, and he asked that the matter be approved.

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Charlotte M. O'Connor, 173 Third Avenue, Mobile, AL, the applicant's daughter, advised the Commission for the record that her father's name was spelled incorrectly on the agenda. She also asked the Commission to approve the matter, as the individuals living in the trailer on the property had no other options for housing. She added that the neighbors did not oppose this trailer as the people living in it were a positive part of the community. She also provided letters in support of the trailer from other neighbors.

Mr. Olsen advised that the documents and the record would reflect the correct spelling of the applicant's last name.

In deliberation, Mr. Miller expressed his concern over allowing trailers in the city and setting a precedent in the area for doing so as it did tend to dissuade people from building homes, however, he was inclined in this instance to approve the request for this trailer but to deny any future requests for the same.

Mr. Davitt expressed the opinion that the trailer was on the lot prior to annexation and thereby enjoyed non-conforming status but wondered if there were anyway to put limits regarding trailers on that site.

Mr. Olsen advised the Commission that the trailer was not in existence on the site prior to annexation so it did not enjoy a non-conforming status.

Mr. Turner then queried what precedents would be set if the Commission approved the trailer's presence on the lot and asked for Mr. Lawler's legal input.

Mr. Lawler advised them at the matter was part of a Planning Approval application; it gave the Commission the opportunity to help shape the annexed area with their vision for development in that part of the city. He added that all he could offer the Commission in this instance were their options as, legally, it could be supported either way. He noted, in support of Mr. Walker's objection, that once "something" was put in place it was almost impossible to be removed.

Mr. Curtin said a great deal of improvement had been seen in the area since annexation and did not want to see taking "a step backwards."

Mr. Turner stated that as there were objections from a home owner who had taken the trouble to build a house in the area, he was more inclined to vote in favor of a trailer park, however, he did not feel he could support the placement of an individual trailer on a lot in place of "stick built" homes in R-1, single family, residential areas.

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

- 1) dedication of sufficient right-of-way so as to provide a**

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- minimum 30' from the centerline both Avenue C and 2<sup>nd</sup> Avenue;
- 2) revision of the plat to provide a sufficient radius, in compliance with Section V.B.16 of the Subdivision Regulations, at the intersection of Avenue C and 2<sup>nd</sup> Avenue;
  - 3) elimination of the cross access from adjacent property to the Northwest and placement of a note on the final plat stating that the lot is limited to a maximum of one curb cut (to one street only), with the size, design, and location to be approved by Traffic Engineering and in conformance with AASHTO standards;
  - 4) revision of the plat to label the lot with its size in square feet, or provision of a table on the plat with the same information;
  - 5) depiction of a 25' minimum building setback line from both streets; the setback shall be measured from the future property lines after dedication;
  - 6) 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; and,
  - 7) submission of a revised Planning Approval site plan to the Planning Section of Urban Development prior to signing the final plat.

The motion carried with only Dr. Rivizzigno voting in opposition to it.

**Case #ZON2009-02889 (Planning Approval)**

**Charles Boggan Subdivision**

175 2<sup>nd</sup> Avenue

Northwest corner of 2<sup>nd</sup> Avenue and Avenue C

Planning Approval to allow a mobile home in an R-1, Single-Family Residential District Council District 7

(Also see **Case #SUB2009-00176 (Subdivision) Charles Boggan Subdivision**, above)

Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Jordan, to deny the request to allow a mobile home in an R-1, Single-Family Residential District.

The applicant is advised to make an application for a use variance to the Board of Zoning Adjustment. The next application deadline for the Board of Zoning Adjustment is January 5, 2010, for the February 1, 2010 meeting.

The motion carried with only Dr. Rivizzigno voting in opposition to it.

**Case #SUB2009-00175 (Subdivision)**

**UNO Subdivision, Phase Two**

2851 Sollie Road

East side of Sollie Road, 245± South of Shadow Creek Drive

Number of Lots / Acres: 17 Lots / 10.3± Acres

Engineer / Surveyor: Engineering Development Services, LLC

Council District 6

(Also see **Case #ZON2009-02887 (Planned Unit Development) UNO Subdivision, Phase Two**, 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. Davitt, to approve the above referenced subdivision, subject to the following conditions:

- 1) **the dedication of sufficient right-of-way along Sollie Road to provide 50' from the centerline of Sollie Road;**
- 2) **placement of a note on the site plan and Final Plat stating that direct access to Sollie Road is denied for lots 7, 9, 10 and common areas;**
- 3) **placement of a note on the Final Plat stating that each lot (and common area if required for maintenance purposes) should be limited to one curb-cut each, with the size, design, and location to be approved by Traffic Engineering and comply with AASHTO standards;**
- 4) **full compliance with the Traffic Engineering comments and the placement of a note on the Final Plat stating: *"The connection shown between the single family units and the apartment complex is to be an emergency access only and should be gated, as defined by the Traffic Impact Study"*;**
- 5) **placement of a note on the site plan and Final Plat limiting corner lots 6, 8 and 13 to one curb cut each, with the size, design, and location to be approved by Traffic Engineering and comply with AASHTO standards;**
- 6) **placement of a note on the Final Plat stating the reduced 5' side yard setbacks, except only for the interior lot lines on corner Lots 6, 7, 8, and 13, and the maximum allowable site coverage of 45% for all lots;**
- 7) **placement of a note on the Final Plat stating that maintenance of the common areas is the responsibility of the property owners;**
- 8) **labeling of all lots with size in square feet, or provision of a table with the lot size information on the Final Plat;**
- 9) **placement of a note on the Final Plat stating that development**

- of the site is to be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;
- 10) obtaining of all necessary federal, state, and local permits for wetlands and floodplain issues;
  - 11) provision of two copies of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the Final Plat including any notes required by the PUD approval; and,
  - 12) placement of a note on the Final Plat stating the Engineering Comments: *“If the proposed development on any lot will exceed 4,000 square feet of impervious area (i.e., building footprint, driveways, sidewalks, patios, etc.), then a land disturbance permit including detention will be required from the City of Mobile.”*

The motion carried unanimously.

**Case #ZON2009-02887 (Planned Unit Development)**

**UNO Subdivision, Phase Two**

2851 Sollie Road

East side of Sollie Road, 245± South of Shadow Creek Drive

Planned Unit Development Approval to allow increased maximum site coverage and decreased side yard setbacks in a proposed Single Family residential subdivision Council District 6

(Also see **Case #SUB2009-00175 (Subdivision) UNO Subdivision, Phase Two,** 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. Davitt, to approve the above referenced subdivision, subject to the following conditions:

- 1) **placement of a note on the site plan stating that maintenance of the common areas is the responsibility of the property owners;**
- 2) **placement of a note on the site plan and Final Plat stating that direct access to Sollie Road is denied for lots 7, 9, 10, and common areas, and each lot (and common area if required for maintenance purposes) should be limited to one curb-cut each, with the size, design, and location to be approved by Traffic Engineering and comply with AASHTO standards;**
- 3) **placement of a note on the site plan stating the reduced 5' side yard setbacks, except only for the interior lot lines on corner Lots 6, 7, 8, and 13, and the maximum allowable site coverage**

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- of 45% for all lots;
- 4) full compliance with the Traffic Engineering comments: *“The connection shown between the single family units and the apartment complex is to be an emergency access only and should be gated, as defined by the Traffic Impact Study”*;
  - 5) -placement of a note on the site plan and Final Plat limiting corner lots 6, 8 and 13 to one curb cut each, with the size, design, and location to be approved by Traffic Engineering and comply with AASHTO standards;
  - 6) full compliance with 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)”*;
  - 7) labeling of all lots with size in square feet, or provision of a table with the lot size information on the site plan;
  - 8) development of the site to be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;
  - 9) obtaining of all necessary federal, state, and local permits for wetlands and floodplain issues;
  - 10) use of “best management practices” during site development, in compliance with Section V.A.5. of the Subdivision Regulations, to minimize erosion and sedimentation during site development;
  - 11) provision of two copies of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the Final Plat including any notes required by these conditions;
  - 12) full compliance with all other municipal codes and ordinances; and,
  - 13) placement of a note on the site plan stating the Engineering Comments: *“If the proposed development on any lot will exceed 4,000 square feet of impervious area (i.e., building footprint, driveways, sidewalks, patios, etc.), then a land disturbance permit including detention will be required from the City of Mobile.”*

The motion carried unanimously.

**December 17, 2009**  
**PLANNING COMMISSION MEETING**

**OTHER BUSINESS:**

Hearing no further business, the meeting was adjourned.

**APPROVED:**            March 18, 2010

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Dr. Victoria Rivizzigno, Secretary

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Terry Plauche, Chairman

jsl