

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF FEBRUARY 7, 2008 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William DeMouy, Secretary
Debra Butler
Steven Davitt
Nicholas Holmes, III
Mead Miller
Victoria L. Rivizzigno
Roosevelt Turner

Members Absent

Clinton Johnson
James Watkins, III
John Vallas*

*Corrected by the Planning Commission on March 15, 2012, to indicate Mr Vallas was absent

Urban Development Staff Present

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

Others Present

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

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 #SUB2007-00296 (Subdivision)

The Christian Bible Teaching Church Subdivision

1805 Duncan Street
South side of Duncan Street, 70'+ East of Houston Street
Number of Lots / Acres: 1 Lot / 0.3+ Acre
Engineer / Surveyor: Rowe Surveying & Engineering Co., Inc.
Council District 3

The Chair announced the matter was recommended for holdover (at the applicant's request), 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 Dr. Rivizzigno, to hold the matter over to the March 6, 2008, meeting, but the applicant

February 7, 2008
PLANNING COMMISSION MEETING

should be advised that, since this application was originally heard December 6, 2007, and there has been no resolution, no further holdovers are likely.

The motion carried unanimously.

Case #ZON2007-02714 (Rezoning)

Rollie Steele

East side of East Drive, 240'+ North of Eastridge Place
Rezoning from R-1, Single-Family Residential, to R-3, Multi-Family Residential, to allow multiple duplex dwellings
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 Dr. Rivizzigno, with second by Mr. Turner, to approve the above referenced rezoning, subject to the following conditions:

- 1) the site is limited to one curb cut to East Drive, with the size, location, and design to be coordinated with Traffic Engineering, and conform to AASHTO standards;**
- 2) submission and approval of a Planned Unit Development application for any future units beyond the initial duplex unit;**
- 3) full compliance with the landscaping and tree planting requirements of the Zoning Ordinance;**
- 4) provision of a sidewalk; and,**
- 5) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2007-00311 (Subdivision)

Nautical Pointe Subdivision

East side of Dauphin Island Parkway, 770'+ North of Dog River
Number of Lots / Acres: 1 Lot / 0.7+ Acre
Engineer / Surveyor: Polysurveying Engineering – Land Surveying
Council District 3

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

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

- 1) placement of a note on the final plat stating that the lot is limited to two curb cuts to Dauphin Island Parkway service road, with the size, location, and design to be approved by City of Mobile Traffic Engineering, Alabama Department of Transportation, and conform to AASHTO standards;
- 2) the applicant receive the approval of all applicable federal, state, and local environmental agencies prior to the issuance of any permits;
- 3) labeling of the lot with its size in square feet, or the provision of a table on the plat with the same information;
- 4) placement of a note on the plat / site plan stating that the site will be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and,
- 5) subject to Engineering comments: *Show minimum finished floor elevation on the lot as 12.77' on plat, which is one foot above the Hurricane Katrina high water elevation in the area. No fill or grading allowed in VE zone, per FEMA regulations; add note to the plat to this effect. 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. No fill or grading allowed in VE zone. Any construction shall be in compliance with all FEMA guidelines.*

The motion carried unanimously.

Case #SUB2007-00319 (Subdivision)

R & C Leasing Subdivision

7535 Theodore Dawes Road

West side of Theodore Dawes Road, 140'+ South of the West terminus of Helton Road

Number of Lots / Acres: 1 Lot / 4.7+ Acres

Engineer / Surveyor: Lawler and Company

County

Will Lawler, Lawler and Company, spoke on behalf of the applicant requesting the matter be held over as they were having some difficulty finding one of the landowners.

February 7, 2008
PLANNING COMMISSION MEETING

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the March 6, 2008, meeting, per the applicant's request.

The motion carried unanimously.

Case #SUB2007-00316 (Subdivision)

Alabaster Subdivision

North side of Howells Ferry Road, ¼ mile ± East of the North terminus of Havens Road

Number of Lots / Acres: 9 Lots / 11.5 ± Acres

Engineer / Surveyor: Speaks & Associates Consulting Engineers, Inc.

County

William Parks, Speaks and Associates Consulting Engineers, Inc., spoke on behalf of the applicant saying they were in agreement with all of the staff recommendations except the requirement of a street stub to the north. He added the application had previously been approved without that street stub. He also apologized for allowing the approval to expire, for not filing for an extension, and for failing to get the engineering plans from the county processed in a timely manner so that construction could take place.

In deliberation, Mr. Olsen reminded the Commission that though the staff had recommended the application for denial, the Commission had previously removed the street stub in question and approved it. That being the case, if the Commission chose to approve it again, the staff was comfortable with using the previous conditions.

Mr. Turner remembered the matter had been heldover so they could provide the staff and Commission with additional information. He added they have had every opportunity to do so and failed.

Hearing no further opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Turner, to deny the application because the subdivision did not provide a street stub to the North to allow access to the undeveloped parcel, per the requirements of Section V.B.1. of the Subdivision Regulations.

In a show of hands vote, the motion carried 5 to 3 and the application was denied.

Case #SUB2007-00317 (Subdivision)

Creekwood Subdivision, Unit III

South terminus of Ridgeline Drive

Number of Lots / Acres: 26 Lots / 36.0 ± Acres

Engineer / Surveyor: Rester and Colman Engineers, Inc.

County

Don Coleman, Rester and Coleman Engineering, Inc., spoke on behalf of the applicant saying due to problems turning in all requested materials, they would like the matter heldover.

February 7, 2008
PLANNING COMMISSION MEETING

Hearing no opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Plauche, to hold the matter over until the March 6, 2008, meeting, per the applicant's request.

The motion carried unanimously.

Case #SUB2007-00286 (Subdivision)

Briar Grove Subdivision

West side of Jeff Hamilton Road, 850'+ South of Repoll Road

Number of Lots / Acres: 271 Lots / 84.4+ Acres

Engineer / Surveyor: Engineering Development Services, LLC

County

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

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

- 1) **dedication of sufficient right-of-way to provide 50-feet from the centerline of Jeff Hamilton Road;**
- 2) **the approval of all applicable federal, state, and local agencies for wetlands prior to the issuance of any permits or land disturbance activities;**
- 3) **certification via placement of a note on the plat stating that the property owner/developer will comply with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected flora and fauna;**
- 4) **the placement of a note on the final plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of a letter from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the signing of the final plat. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;**
- 5) **the placement of a note on the Final Plat stating that Lots 1-10, 70-75, 157, 158, 239, and 260-271 are denied direct access to Jeff Hamilton Road and allowed one curb cut to the new street, with the size, design, and location to be approved by Mobile County Engineering Department;**

- 6) the placement of a note on the Final Plat stating that Lots 11, 21, 39, 40, 57, 76, 89, 94, 108, 109, 124, 125, 139, 140, 156, 182, 183, 200, 201, 217, 250, and 271 are corner lots therefore, a note should be placed on the Final Plat limiting each lot to one curb cut each, with the size, design, and location to be approved by County Engineering;
- 7) revision of the plat to label the lot with its size in square feet, or placement of a table on the plat with the same information;
- 8) the 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,
- 9) placement of a note on the plat stating that maintenance of the detention and common areas is the responsibility of the subdivision's property owners.

The motion carried unanimously.

Case #SUB2007-00328 (Subdivision)

Revised Hillcrest Trace Subdivision, Re-subdivision of Lot 12

Southeast corner of Hillcrest Road and Hillcrest Trace Drive

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

Engineer / Surveyor: Polysurveying Engineering – Land surveying

Council District 6

(Also see **Case #ZON2007-02932 (Planned Unit Development) Revised Hillcrest Trace Subdivision, Re-subdivision of Lot 12**, below)

Hallie Brown, 1173 Heron Lakes Circle, spoke on his own behalf, saying the staff now had an accurate plat showing the exact location of the 54 inch heritage oak tree. He added that he could probably manage with a 12 foot setback as he was only moving the garage over 7 feet 4 inches. He said the city's Urban Forester advised that there was simply not enough room to place the garage in the required location without risking the tree. He also let it be known that an existing concrete block wall had previously been put in place on the 12 foot setback line.

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

- 1) **revision of plat and site plan to depict 12-foot setback along Hillcrest Road;**
- 2) **placement of a note on the plat and site plan stating that the lot is denied direct access to Hillcrest Road;**
- 3) **preservation status given to the 54-inch live oak on the lot;**
- 4) **labeling of the lot with its size in square feet; and,**

- 5) provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final plat.

The motion carried unanimously.

Case #ZON2007-02932 (Planned Unit Development)

Revised Hillcrest Trace Subdivision, Re-subdivision of Lot 12

Southeast corner of Hillcrest Road and Hillcrest Trace Drive

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow a further reduced side street setback

Council District 6

(Also see **Case #SUB2007-00328 (Subdivision) Revised Hillcrest Trace Subdivision, Re-subdivision of Lot 12**, above)

(See **Case #SUB2007-00328 (Subdivision) Revised Hillcrest Trace Subdivision, Re-subdivision of Lot 12** for discussion)

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

- 1) revision of plat and site plan to depict 12-foot setback along Hillcrest Road;
- 2) placement of a note on the plat and site plan stating that the lot is denied direct access to Hillcrest Road;
- 3) preservation status given to the 54-inch live oak on the lot;
- 4) provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final plat; and,
- 5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2007-00340 (Planned Unit Development)

Montecito Subdivision

Northwest corner of Demetropolis Road and Halls Mill Road, extending to the East side of Government Boulevard at the East termini of Lansdowne Drive and Drexel Drive

Number of Lots / Acres: 3 Lots / 28.1± Acres

Engineer / Surveyor: Engineering Development Services, LLC

Council District 4

(Also see **Case #ZON2007-02939 (Planned Unit Development) Montecito 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.

February 7, 2008
PLANNING COMMISSION MEETING

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

- 1) access drive #1 must line up with Lansdowne Drive;**
- 2) developer will install traffic signal on Government Boulevard at Lansdowne Drive and Site Access drive #1 as well any improvements to the intersection;**
- 3) the developer will also be responsible for the recommended intersection improvements at Halls Mill and Demetropolis; and,**
- 4) detailed plans for improvements must be approved by Urban Development, Engineering, and Traffic Engineering.**

The motion carried unanimously.

Case #ZON2007-02939 (Planned Unit Development)

Montecito Subdivision

Northwest corner of Demetropolis Road and Halls Mill Road, extending to the East side of Government Boulevard at the West terminus of Lansdowne Drive

Planned Unit Development Approval to allow 14 apartment buildings (366 total units) and a clubhouse on a single building site

Council District 4

(Also see **Case #SUB2007-00340 (Planned Unit Development) Montecito 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 Dr. Rivizzigno, with second by Mr. DeMouy, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) access drive #1 must line up with Lansdowne Drive;**
- 2) developer will install traffic signal on Government Boulevard at Lansdowne Drive and Site Access drive #1 as well any improvements to the intersection;**
- 3) the developer will also be responsible for the recommended intersection improvements at Halls Mill and Demetropolis; and,**
- 4) detailed plans for improvements must be approved by Urban Development, Engineering, and Traffic Engineering.**

The motion carried unanimously.

Case #SUB2007-00341 (Subdivision)

Gates at the Palms Subdivision

South side of Southland Drive, 800'± West of Knollwood Drive, extending to the West terminus of Southland Drive

Number of Lots / Acres: 1 Lot / 10.8± Acres

Engineer / Surveyor: Engineering Development Services, LLC

Council District 6

(Also see **Case #ZON2007-02941 (Planned Unit Development) Gates at the Palms 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 Dr. Rivizzigno, with second by Mr. DeMouy, to approve the above referenced subdivision, subject to the following conditions:

- 1) **developer will be responsible for intersection improvements at Knollwood and Southland Drive;**
- 2) **the developer must also re-stripe a dedicated left turn for southbound traffic as well as the recommended northbound left turn lane; and,**
- 3) **detailed plans for improvements must be approved by Urban Development, Engineering and Traffic Engineering.**

The motion carried unanimously.

Case #ZON2007-02941 (Planned Unit Development)

Gates at the Palms Subdivision

South side of Southland Drive, 800'± West of Knollwood Drive, extending to the West terminus of Southland Drive

Planned Unit Development Approval to allow seven apartment buildings (183 total units) and a clubhouse on a single building site

Council District 6

(Also see **Case #SUB2007-00341 (Subdivision) Gates at the Palms 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 Dr. Rivizzigno, with second by Mr. DeMouy, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) **the developer will be responsible for intersection improvements at Knollwood and Southland Drive;**

February 7, 2008
PLANNING COMMISSION MEETING

- 2) the developer must also re-stripe a dedicated left turn for southbound traffic as well as the recommended northbound left turn lane; and,
- 3) detailed plans for improvements must be approved by Urban Development, Engineering, and Traffic Engineering.

The motion carried unanimously.

EXTENSIONS:

Case #SUB2007-00079 (Subdivision)

Overlook Station Subdivision

1408 Cody Road North and 6960 Overlook Road
(Southeast corner of Overlook Road and Howells Ferry Road extending West to Cody Road, and South to Victor Road).

Number of Lots / Acres: 62 Lots / 17.6± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
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. Turner, to approve the requested extension for the above referenced subdivision.

The motion carried unanimously.

Case #SUB2007-00034 (Subdivision)

Donham Place Subdivision, Unit Three

West terminus of Donham Court, extending West along the Illinois Central Gulf Railroad right of way to the unopened Middle Ring Road Extension prescriptive right of way and North to the South terminus of Thistlewaite Drive

Number of Lots / Acres: 17 Lots / 4.6± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 7

(Also see **Case #ZON2007-00596 (Planned Unit Development) Donham Place Subdivision, Unit Three**, below)

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

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

The motion carried unanimously.

Case #ZON2007-00596 (Planned Unit Development)

Donham Place Subdivision, Unit Three

West terminus of Donham Court, extending West along the Illinois Central Gulf Railroad right of way to the unopened Middle Ring Road Extension prescriptive right of way and North to the South terminus of Thistlewaite Drive

Planned Unit Development Approval to allow reduced front yard and side yard setbacks
Council District 7

(Also see **Case #SUB2007-00034 (Subdivision) Donham Place Subdivision, Unit Three**, above)

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to approve the requested extension for the above referenced Planned Unit Development.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2008-00002

Old Shell & McGregor Subdivision

Southwest corner of Old Shell Road and South McGregor Avenue.

Number of Lots / Acres: 1 Lot / 1.6± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 5

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

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

- 1) **dedication as necessary along McGregor Avenue to provide a minimum of 40' from centerline;**
- 2) **dedication as necessary along Old Shell Road to provide a minimum of 35' from centerline;**
- 3) **dedication as necessary to provide an adequate radius at the intersection of McGregor Avenue and Old Shell Road, to be determined by the City Engineering Department;**
- 4) **placement of a note on the final plat stating that the subdivision is limited to one curb cut to McGregor Avenue, located near the southern boundary of the lot, exact size, location, and design to conform to AASHTO standards and**

- approved by the Traffic Engineering Department;
- 5) placement of a note on the final plat stating that the subdivision is limited to one curb cut to Old Shell Road, located near the western boundary of the lot, exact size, location, and design to conform to AASHTO standards and approved by the Traffic Engineering Department;
 - 6) provision of documentation that any and all rights to the existing cross easements on this property for ingress and egress to other properties have been relinquished by all effected property owners, said document to be recorded in Probate Court and recording information to be referenced on the Final Plat; and,
 - 7) placement of a note on the Final Plat stating that the required building setback line shall be in accordance with City of Mobile Zoning Ordinance requirements.

The motion carried unanimously.

Case #SUB2007-00346

Harold L. Moseley Subdivision, Re-subdivision of Lot 2

5801 Creel Road

East side of Creel Road, 800'± South of Theodore Dawes Road

Number of Lots / Acres: 2 Lots / 3.1± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

Matt Orrell, Polysurveying of Mobile, spoke on behalf of the applicant saying they objected to the dedication of right-of-way along Creel Road and asked for a 75 feet setback from the center line of same in lieu of dedication. He also said they would like to keep the “pole” of the flag shaped lot as they might wish to subdivide lot 1 in the future and being able to divide the “pole” would allow both of those lots to have individual access to Creel Road.

Mr. Olsen reminded the Commission, as previously discussed in their business meeting they, as a general rule, would no long approve flag shaped lots. This application called for the creation of two different poles on one lot, an extreme situation in any case. He also reminded them of their common practice of requiring dedication of a right-of-way on commercial lots as opposed to allowing only a setback.

Hearing no further opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Turner, to waive Sections V.D.1. and V.D.3. for proposed lot 1, and approve the above reference re-subdivision, subject to the following conditions:

- 1) dedication of right-of-way sufficient to measure 50' from the center line of Creel Road;
- 2) lots 1 and 2 are limited to 1 curb cut each, with the size, design,

- and location to be approved by County Engineering;
- 3) revision of the plat to depict the 25' minimum building setback line from the dedicated street right-of-way;
 - 4) revision of the plat to eliminate the southern-most pole of lot 1 so that it is incorporated into lot 2;
 - 5) placement of a note on the plat stating that there shall be no additional subdivision of lot 1 until additional frontage on a public street is provided;
 - 6) 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 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;
 - 7) placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;
 - 8) 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,
 - 9) labeling of each lot with its size in square feet in addition to acreage.

The motion carried unanimously.

Case #SUB2007-00345

Bay Subdivision

4151 Bay Front Road

East side of Bay Front Road, 550'± North of Terrell Road

Number of Lots / Acres: 3 Lots / 0.7± Acre

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 3

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

Ed Burkett, 3905 Terry Lane, expressed his concern that the proposed division of the lot would create two additional lots that were out of place with the rest of the lots in the neighborhood.

February 7, 2008
PLANNING COMMISSION MEETING

Hearing no further 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) **compliance with Engineering comments (*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.*);**
- 2) **placement of a note on the plat stating that each lot is limited to one (1) curb-cut onto Bay Front Road, and that the size, design, and location of all curb-cuts are to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) **dedication of sufficient right-of-way to provide 25-feet, measured from the centerline of Bay Front Road;**
- 4) **placement of a note on the plat stating that approval of all applicable Federal, state, and local agencies is required for wetland issues, if any, prior to the issuance of any permits or land disturbance activities;**
- 5) **placement of a note on the plat stating that approval of all applicable Federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities; and,**
- 6) **the labeling of the lots with their size in square feet.**

The motion carried unanimously.

Case #SUB2007-00344

Hunter's Park Subdivision, Unit IV

East side of Dykes Road, 230'± North of Hunter's Trace.

Number of Lots / Acres: 19 Lots / 9.9± Acres

Engineer / Surveyor: Austin Engineering Co., Inc.

County

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

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

February 7, 2008
PLANNING COMMISSION MEETING

conditions:

- 1) the construction and dedication of the new streets to County Engineering standards and acceptance by County Engineering prior to signing the final plat;
- 2) placement of a note on the final plat stating that all lots, including corner 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;
- 3) placement of a note on the final plat stating that lots 32 and 33 are denied direct access to Dykes Road South;
- 4) revision of the final plat to include access provisions for all common areas;
- 5) placement of a note on the final plat stating that the maintenance of all common areas will be the responsibility of property owners;
- 6) placement of a note on the final plat stating that no construction is allowed within drainage and landscape easements;
- 7) revision of the final plat to reflect the corrected legal description;
- 8) placement of a note on the plat / site plan 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;
- 9) placement of a note on the final plat stating that any lots developed commercially and adjoin residentially developed property shall provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and,
- 10) submission of a letter from a licensed engineer certifying compliance with the City of Mobile's stormwater and flood control ordinances to the Mobile County Engineering Department and the Planning Section of Mobile Urban Development prior to signing the final plat.

The motion carried unanimously.

Case #SUB2008-00009

Taylor Pointe Subdivision, Unit Two

West terminus of Taylor Pointe Drive.

Number of Lots / Acres: 50 Lots / 20.1± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

The Chair stated the applicant was agreeable with the recommendations and asked if

February 7, 2008
PLANNING COMMISSION MEETING

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) the provision of one traffic circle on Taylor Pointe Drive between lots 54 and 55, size, location, and design be approved by County Engineering and conform to AASHTO standards;
- 2) the placement of a note on the Final Plat stating that lots 69, 70, 77, 78, 87, 88, and 97 are corner lots and are limited to one curb cut each, with the size, design, and location to be approved by County Engineering and conform to AASHTO standards;
- 3) the labeling of all common areas and the placement of a note on the final plat stating that maintenance of common areas will be property owners' responsibility;
- 4) the placement of a note on the final plat stating that any lots that are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations;
- 5) labeling of each lot with its size in square feet, or the provision of a table depicting the same information;
- 6) the placement of a note on the final plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of a letter from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the signing of the final plat. Certification is to be submitted to the Planning Section of Urban Development and County Engineering; and,
- 7) certification via placement of a note on the plat stating that the property owner/developer will comply with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected flora and fauna.

The motion carried unanimously.

Case #SUB2008-00012

Woodberry Forest Subdivision Additions

West side of Wilson Road West at its South terminus, extending to the North terminus of Selby Phillips Drive.

Number of Lots / Acres: 78 Lots / 47.9± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until March 6, 2008, for the following reasons:

- 1) **revision of the plat to clearly indicate that access to adjacent land-locked parcels is addressed through deeds or public rights-of-way, and provision of supporting documentation;**
- 2) **revision of the plat to depict required dedication along Wilson Road West to provide 50-feet, as measured from the centerline of Wilson Road West;**
- 3) **revision of the plat to depict 120-foot diameter cul-de-sac rights-of-way;**
- 4) **revision of the lot layout and size as necessary per items #2 and 3;**
- 5) **labeling of all lots with their size in square feet;**
- 6) **depiction of the 25-foot minimum building setback lines from all street frontages – existing and proposed; and,**
- 7) **provision of 6 revised plats and supporting documentation for deeded parcels for adjacent land-locked properties to the Planning Section of Urban Development by February 13, 2008.**

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2008-00036

Clear Channel Radio

1435 Telegraph Road

100'± West of Telegraph Road, 1,000'± South of Three Mile Creek

Request to waive construction of a sidewalk along Telegraph Road.

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.

February 7, 2008
PLANNING COMMISSION MEETING

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

The motion carried unanimously.

NEW PLANNING APPROVAL APPLICATIONS:

Case #ZON2008-00048

Greater Macedonia Baptist Church

1350 Chinquapin Street

West side of Peach Street, extending from Spruce Street to Chinquapin Street, and South side of Chinquapin Street and North side of Chisam Street, 80'± West of Peach Street
Planning Approval to amend the site plan of a previously approved Planning Approval to allow a new fellowship hall and parking lot expansion at an existing church in an R-1, Single-Family Residential District
Council District 2

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

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

- 1) **that landscaping and tree planting be coordinated with Urban Development;**
- 2) **full compliance with all other municipal codes and ordinances;**
- and,**
- 3) **approval of any variances necessary by the Board of Adjustment.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2008-00006 (Subdivision)

Kentwood Subdivision

4181 Alden Drive

South side of Alden Drive, 215'± East of McCurry Lane

Number of Lots / Acres: 1 Lot / 2.0± Acres

Engineer / Surveyor: Engineering Development Services, LLC

Council District 4

(Also see **Case #ZON2008-00045 (Planned Unit Development) Kentwood Subdivision**, below)

The Chair stated the applicant was agreeable with the recommendations and asked if

February 7, 2008
PLANNING COMMISSION MEETING

anyone wished to speak on the matter to do so at that time.

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

- 1) the illustration of the 20-foot setback along the Interstate 10 front; and,**
- 2) the placement of a note on the Final Plat stating the development is limited to two curb cuts, with the design, size, and location to be approved by Traffic Engineering and conform to AASHTO standards.**

The motion carried unanimously.

Case #ZON2008-00045 (Planned Unit Development)

Kentwood Subdivision

4181 Alden Drive

South side of Alden Drive, 215'± East of McCurry Lane

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

Council District 4

(Also see **Case #SUB2008-00006 (Subdivision) Kentwood Subdivision**, above)

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

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

The motion carried unanimously.

Case #SUB2008-00008 (Subdivision)

Congress Street Subdivision

254 Congress Street

North side of Congress Street, 60'± West of North Joachim Street, extending to the West side of North Joachim Street, 78'± North of Congress Street

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

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 2

(Also see **Case #ZON2008-00052 (Planned Unit Development) Congress Street Subdivision**, 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.

Epsie Foreman, developer of the proposed subdivision, spoke on his own behalf, making

February 7, 2008
PLANNING COMMISSION MEETING

the following points:

- A. the object of the proposed development was to promote smart growth and create urban land use infill;
- B. desire to build a second 4-plex in an area that has always been multi-family; and,
- C. desire to keep the curb cut on Congress as it has always been.

Mr. Hoffman responded for the staff by saying:

- A. as the property uses additional property owned by someone else for access, the regulations say that information and property should be included as part of the Planned Unit Development; and,
- B. the staff is lacking some information about whether the site meets the Planned Unit Development common area requirements, as well as the number of units in the existing building, and this information had been provided that day.

Mr. Foreman responded by saying that expecting the other property owner to do what the staff requested without reservations would be difficult. He also said that these issues had the potential of causing him unnecessary financial hardship, as the bank required he begin in 45 days.

Charlie McKnight, the owner of 250 Congress Street, addressed to the Commission, saying he and the applicant had an amicable relationship with regards to ingress/egress on the site via his property, however, he did need additional time to speak with Mr. Foreman to work out more of the details which involved his property.

Mr. Foreman had no problem with the issue being heldover, however, he asked that it be heldover to an earlier date, as the March 6, 2008, date would be too late for him to have funding for the proposed development.

Hearing no opposition or further discussion, a motion was made by Dr. Rivizzigno, with second by Mr. DeMouy, to hold the matter over until the February 21, 2008, meeting.

The motion carried unanimously.

Case #ZON2008-00052 (Planned Unit Development)

Congress Street Subdivision

254 Congress Street

North side of Congress Street, 60' ± West of North Joachim Street, extending to the West side of North Joachim Street, 78' ± North of Congress Street

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

(Also see **Case #SUB2008-00008 (Subdivision) Congress Street Subdivision**, above)

(See see **Case #SUB2008-00008 (Subdivision) Congress Street Subdivision** for

discussion)

Hearing no opposition or further discussion, a motion was made by Dr. Rivizzigno, with second by Mr. DeMouy, to hold the matter over until the February 21, 2008, meeting, so that the applicant could provide the following information:

- 1) **inclusion of the property located at the corner of Congress and North Joachim Street as part of the PUD (showing parking, total building area and use, footprint area, landscape area, etc), with owner approval and new labels and postage for the entire notification area to be provided to Planning by Wednesday, February 13th, or revision of the site plan to eliminate shared access between corner property and the PUD site's exit driveway;**
- 2) **revision of the site plan to identify the number of dwelling units in the existing building and the proposed building;**
- 3) **revision of the site plan to provide landscape area information to depict compliance with the tree and landscaping requirements of the Zoning Ordinance, as well as the per-unit landscaping requirements of the PUD regulations, and potentially provision of a statement about the innovative nature of the development to explain why not all of the 60% of the 12% of the required landscaping can be placed within the frontage area (if this is the case), and explaining how it will be accommodated elsewhere within the development;**
- 4) **revision of the site plan to depict elimination and landscaping of any curb-cuts determined unnecessary for the development;**
- 5) **revision of the site plan to depict / calculate site coverage area for any portion of the site covered by a roofed structure;**
- 6) **revision of the site plan to include a statement regarding the provision of a dumpster, or placement of a note on the site plan stating that dumpsters will not be provided as part of the development;**
- 7) **revision of the site plan to comply with Engineering Comments (*Denote entire area in AE flood zone with minimum finished floor elevation = 13.00 on plat. All stormwater must tie subsurface to City of Mobile storm drain system including roof drains. 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*)**

February 7, 2008
PLANNING COMMISSION MEETING

- require a right-of-way permit.*); and,
8) **provision of five (5) copies of the revised site plan and any other supporting documentation to the Planning Section of Urban Development by Monday, February 18, 2008.**

The motion carried unanimously.

Case #SUB2008-00013 (Subdivision)

Boyd Properties Subdivision

Southwest corner of Paper Mill Road and McKinley Street.

Number of Lots / Acres: 1 Lot / 18.8+ Acres

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

Council District 2

(Also see **Case #ZON2008-00061 (Rezoning) Boyd Brothers Transportation, Inc.**, below)

Frank Dagley, Frank A. Dagley and Associates, 7170 Executive Park Drive, spoke on behalf of the applicants asking that the matter be heldover until the March 6, 2008, meeting.

The Chair restated the holdover request and added that if there were those present who wished to speak on the matter to please do so at that time.

The following people spoke in opposition:

Aurelia Phillips Craig, 1017 Jakes Lane; and,
Ruth Ballard, 2557 Garfield Street.

They offered the following points:

- A. concern over how much parking would be created;
- B. concern over the hours of operation;
- C. the area is primarily residential, comprised of elderly and retired people; and,
- D. noise and traffic created by a trucking company in the neighborhood would have a negative effect on the quality of life for the majority of the residents.

The Chair suggested that the two speakers get with the applicant's representative to discuss these issues.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the March 6, 2008, meeting.

The motion carried unanimously.

February 7, 2008
PLANNING COMMISSION MEETING

Case #ZON2008-00061 (Rezoning)

Boyd Brothers Transportation, Inc.

Southwest corner of Paper Mill Road and McKinley Street.

Rezoning from R-1, Single-Family Residential, to I-2, Heavy Industry, to allow a trucking facility.

Council District 2

(Also see **Case #SUB2008-00013 (Subdivision) Boyd Properties Subdivision**, above)

(See **Case #SUB2008-00013 (Subdivision) Boyd Properties Subdivision** for discussion)

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the March 6, 2008, meeting.

The motion carried unanimously.

Case #SUB2008-00003 (Subdivision)

Hutson-Key Subdivision, Unit Two, Re-subdivision of Lot 3

Northwest corner of West I-65 Service Road South and Pleasant Valley Road, extending to the Northeast corner of Michael Boulevard and Hutson Drive, and extending to the South side of Key Street, 490'± West of West I-65 Service Road South

Number of Lots / Acres: 2 Lots / 13.3± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 5

(Also see **Case #ZON2008-00041 (Rezoning) Blackwood, Inc., et al (Blacksher White-Spinner, Agent)**, below)

Nancy Stone, 3201 Dauphin Street, spoke regarding lot 3A and the one curb cut to each street recommendation. She stated that as the parcel has 700 feet of frontage on Hudson Drive, they were asking to be given another curb cut on that street as it looked to be a good opportunity to subdivide it into two parcels, both of which would need curb cuts. She also said that the property did, indeed, have wetlands, and that those were specifically located on the hotel site, but the 10 acres in question did not seem to have any.

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

- 1) **placement of a note on the final plat stating that Lot 3A be limited to the existing curb cuts and a total of two curb-cuts onto Hutson Drive, Lot 3B should be limited to one curb-cut, to West I-65 Service Road South and one curb-cut to Pleasant Valley Road, with the size, design and location of all curb-cuts to be approved by Traffic Engineering and conform with AASHTO standards;**
- 2) **the labeling of each lot with its size in square feet, or placement**

- of a table on the plat with the same information;
- 3) compliance with Engineering comments;
 - 4) placement of a note on the final plat stating that the maintenance of the detention common area is the responsibility of the property owners;
 - 5) full compliance with all other municipal codes and ordinances; and,
 - 6) placement of a note on the plat stating that approval of all applicable Federal, state, and local agencies is required for wetland issues, if any, prior to the issuance of any permits or land disturbance activities.

The motion carried unanimously.

Case #ZON2008-00041 (Rezoning)

Blackwood, Inc., et al (Blacksher White-Spunner, Agent)

Northwest corner of West I-65 Service Road South and Pleasant Valley Road.

Rezoning from I-1, Light Industry, to B-3, Community Business, to allow a hotel.

Council District 5

(Also see **Case #SUB2008-00003 (Subdivision) Hutson-Key Subdivision, Unit Two, Re-subdivision of Lot 3**, above)

(See **Case #SUB2008-00003 (Subdivision) Hutson-Key Subdivision, Unit Two, Re-subdivision of Lot 3** for discussion)

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

- 1) completion of the Subdivision process;
- 2) placement of a note on the final plat stating that Lot 3A be limited to the existing curb cuts and a total of two curb-cuts onto Hutson Drive, Lot 3B should be limited to one curb-cut, to West I-65 Service Road South and one curb-cut to Pleasant Valley Road, with the size, design, and location of all curb-cuts to be approved by Traffic Engineering and conform with AASHTO standards;
- 3) full compliance with all other municipal codes and ordinances; and,
- 4) placement of a note on the plat stating that approval of all applicable Federal, state, and local agencies is required for wetland issues, if any, prior to the issuance of any permits or land disturbance activities.

The motion carried unanimously.

February 7, 2008
PLANNING COMMISSION MEETING

**Case #SUB2008-00007 (Subdivision)
Country Club of Mobile Subdivision**

4101 Wimbledon Drive West

North and South sides of Wimbledon Drive West, 200'± West of Turnin Lane, extending to the East and South sides of Country Club Road, and the North side of Airport Boulevard, ¼ mile± West of South McGregor Avenue

Number of Lots / Acres: 2 Lots / 189.6± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 5

(Also see **Case #ZON2008-00051 (Sidewalk Waiver) Country Club of Mobile Subdivision**, **Case #ZON2008-00049 (Planned Unit Development) Country Club of Mobile Subdivision**, and, **Case #ZON2008-00050 (Planning Approval) Country Club of Mobile Subdivision**, 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.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the March 6, 2008, meeting to allow the application to be considered with the accompanying Planning Approval, Planned Unit Development, and Sidewalk Waiver applications.

The motion carried unanimously.

**Case #ZON2008-00051 (Sidewalk Waiver)
Country Club of Mobile Subdivision**

4101 Wimbledon Drive West

North side of Airport Boulevard, ¼ mile± West of South McGregor Avenue

Request to waive construction of a sidewalk along Airport Boulevard

Council District 5

(Also see **Case #SUB2008-00007 (Subdivision) Country Club of Mobile Subdivision**, above, **Case #ZON2008-00049 (Planned Unit Development) Country Club of Mobile Subdivision**, and, **Case #ZON2008-00050 (Planning Approval) Country Club of Mobile Subdivision**, 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.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the March 6, 2008, meeting to allow the application to be considered with the accompanying Planning Approval, Planned Unit Development, and Sidewalk Waiver applications.

The motion carried unanimously.

Case #ZON2008-00049 (Planned Unit Development)

Country Club of Mobile Subdivision

4101 Wimbledon Drive West

North and South sides of Wimbledon Drive West, 200'± West of Turnin Lane, extending to the East and South sides of Country Club Road, and the North side of Airport Boulevard, ¼ mile± West of South McGregor Avenue

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow multiple buildings on multiple building sites

Council District 5

(Also see Case #SUB2008-00007 (Subdivision)

Country Club of Mobile Subdivision, Case #ZON2008-00051 (Sidewalk Waiver)

Country Club of Mobile Subdivision, and, Case #ZON2008-00050 (Planning Approval) Country Club of Mobile Subdivision, 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.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the March 6, 2008, meeting to allow the applicant to address issues referenced in the remarks section of the report (ie. exact location of curb cut to Airport Boulevard and location of proposed gate, location of detention facilities, MFD approval of fuel tanks, environmental issues surrounding the pesticide building, lighting of parking facility, etc), and to allow the application to be considered with the accompanying Subdivision, Planning Approval, and Sidewalk Waiver applications. Additional information must be submitted by February 15, 2008.

The motion carried unanimously.

Case #ZON2008-00050 (Planning Approval)

Country Club of Mobile Subdivision

4101 Wimbledon Drive West

North and South sides of Wimbledon Drive West, 200'± West of Turnin Lane, extending to the East and South sides of Country Club Road, and the North side of Airport Boulevard, ¼ mile± West of South McGregor Avenue

Planning Approval to amend a previously approved Planning Approval to allow a golf course maintenance facility at an existing country club in an R-1, Single-Family Residential District.

Council District 5

(Also see Case #SUB2008-00007 (Subdivision) **Country Club of Mobile**

Subdivision, Case #ZON2008-00051 (Sidewalk Waiver) Country Club of Mobile Subdivision, and, Case #ZON2008-00049 (Planned Unit Development) Country Club of Mobile 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.

February 7, 2008
PLANNING COMMISSION MEETING

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the March 6, 2008, meeting to allow the applicant to address issues referenced in the remarks section of the report (ie. exact location of curb cut to Airport Boulevard and location of proposed gate, location of detention facilities, MFD approval of fuel tanks, environmental issues surrounding the pesticide building, lighting of parking facility, etc), and to allow the application to be considered with the accompanying Subdivision, Planned Unit Development, and Sidewalk Waiver applications. Additional information must be submitted by February 15, 2008.

The motion carried unanimously.

Case #SUB2008-00011 (Subdivision)

Somerby Subdivision, Re-subdivision of Lots 1 &2 of a Re-subdivision of Lot 2, Corrected Plat, Re-subdivision of Lots 49 – 57, Re-subdivision of Lot 1

North side of Somerby Lane (private street), 460'± East of Somerby Drive.

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

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(Also see **Case #ZON2008-00054 (Planned Unit Development)**)

Somerby Subdivision, Re-subdivision of Lots 1 &2 of a Re-subdivision of Lot 2, Corrected Plat, Re-subdivision of Lots 49 – 57, Re-subdivision of Lot 1, below)

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

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

- 1) labeling of the size of each lot in square feet on the final plat;**
- 2) provision of a revised PUD site plan prior to the signing and recording of the final plat; and,**
- 3) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2008-00054 (Planned Unit Development)
Somerby Subdivision, Re-subdivision of Lots 1 & 2 of a Re-subdivision of Lot 2, Corrected Plat, Re-subdivision of Lots 49 – 57, Re-subdivision of Lot 1

North side of Somerby Lane (private street), 460' ± East of Somerby Drive
Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow reduced lot widths at the building setback line, and zero lot lines in a private street single-family residential townhouse subdivision

Council District 6

(Also see **Case #SUB2008-00011 (Subdivision) Somerby Subdivision, Re-subdivision of Lots 1 & 2 of a Re-subdivision of Lot 2, Corrected Plat, Re-subdivision of Lots 49 – 57, Re-subdivision of Lot 1**, above)

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

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

- 1) **placement of a note on the site plan stating that PUD approval is site plan specific, and that any changes to the site plan will require Planning Commission review and approval;**
- 2) **revision of the PUD site plan to depict required front, side, and rear yard setbacks, and placement of a note on the site plan stating the required setbacks;**
- 3) **placement of a note on the site plan stating maximum site coverage;**
- 4) **placement of a note and/or labeling of the lots with the size of the lot in square feet;**
- 5) **revision of the site plan to reflect compliance with the tree and landscaping requirements of the Zoning Ordinance;**
- 6) **completion of the Subdivision process; and,**
- 7) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2007-00323 (Subdivision)

Idlewood Village Subdivision

Southeast corner of Old Military Road and River Bend Drive (private street), extending to the West termini of Vaughan Drive North and Convy Street

Number of Lots / Acres: 30 Lots / 7.7± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 4

(Also see **Case #ZON2008-00040 (Planned Unit Development) Idlewood Village Subdivision**, below)

February 7, 2008
PLANNING COMMISSION MEETING

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.

The following people spoke in opposition to the matter:

James Williams, 2504 Convey Street;
Raphael Maharaj, 2237 Vaughn Drive East;
Richard Ortman, 2200 Pratt Drive; and,
Clinton L. Howell, 2500 South Vaughn Drive.

They made the following points in opposition to the proposed development:

- A. the plan to develop a 30-unit residential subdivision in an already established subdivision compromises the character and integrity of Idlewood's 40 year history of ranch-styled, spaciouly developed homes;
- B. Idlewood is in an ecologically sensitive area where any development would impact the wildlife in the area;
- C. there is no underground drainage in most of the community;
- D. no other innovative subdivision goes through an established subdivision in Mobile;
- E. the additional traffic will negatively impact the health and safety of neighbors who walk or play in the area;
- F. the area residents are not against growth, however, they feel the area would be better served if the developer brought the proposed subdivision in from Old Military Road and not use Vaughn or Convey as thoroughfares; and,
- G. the residents believe a privacy fence should be erected in the areas that abut the proposed development and Idlewood, and that the existing wooded area should remain as a buffer as well.

Mr. John Williams, 3905 St. Andrew's Loop West and Councilperson for District, spoke saying this was the largest show of opposition he had seen since taking office the previous year and that the residents had made their points very well. He added he hoped the Commission and the developer could reach a common ground regarding this project.

In deliberation, Mr. Turner said he would like to see the developer come up with some type of road going out onto Old Military Road as opposed to using Vaughn or Convey.

Mr. Miller, Dr. Rivizzigno, and Mr. Holmes again expressed concerns over "innovative subdivisions" saying it appeared as a way of simply cramming more houses into an area rather than being forward thinking in the plan for a development.

Hearing no further opposition or pertinent discussion, a motion was made by Mr. Turner, with second by Mr. Miller, to hold the matter over to allow the applicant to redesign the subdivision to either closely match existing residential development in Idlewood, or reconfigure the development to have access only to Old Military Road.

February 7, 2008
PLANNING COMMISSION MEETING

The motion carried unanimously.

Case #ZON2008-00040 (Planned Unit Development)

Idlewood Village Subdivision

Southeast corner of Old Military Road and River Bend Drive (private street), extending to the West termini of Vaughan Drive North and Convy Street

Planned Unit Development Approval to allow reduced lot widths and sizes in a single-family residential subdivision

Council District 4

(Also see **Case #SUB2007-00323 (Subdivision) Idlewood Village Subdivision**, above)

(See for **Case #SUB2007-00323 (Subdivision) Idlewood Village Subdivision** discussion)

Hearing no further opposition or pertinent discussion, a motion was made by Mr. Turner, with second by Mr. Miller, to hold the matter over to allow the applicant to redesign the subdivision to either closely match existing residential development in Idlewood, or reconfigure the development to have access only to Old Military Road.

The motion carried unanimously.

Case #SUB2008-00001 (Subdivision)

Forest Cove Subdivision, Unit Three

South side of Tulane Drive, 125' ± East of Belle Wood Drive East.

Number of Lots / Acres: 74 Lots / 17.2± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 7

(Also see **Case #ZON2008-00055 (Planned Unit Development) Forest Cove Subdivision, Unit Three**, below)

Chuck Stephan, 1953 River Road, represented the Mitchell Company and spoke on behalf of the applicants saying they requested the Commission eliminate the cul-de-sac located at the end of Tulane Drive saying it would ease traffic at Forest Hills School. The cul-de-sac is also located where the subdivision's proposed playground is scheduled.

The Chair advised that one of the staff comments had been there was no justification given regarding the removal of the cul-de-sac.

Mr. Stephan commented that he did not understand this as he felt that information had been previously communicated to the staff.

Mr. Holmes questioned that the school was currently using the subdivision as an exit.

Mr. Stephan said that was correct and that the school had always done so.

Hearing no further opposition or pertinent discussion, a motion was made by Dr.

February 7, 2008
PLANNING COMMISSION MEETING

Rivizzigno, with second by Mr. Turner, to deny the application based upon the following reasons:

- 1) **no justification was provided by the applicant; and,**
- 2) **without a cul-de-sac, there is no provision for vehicular turn-around meeting city standards, without the use of private (and non-right-of-way) property.**

The motion carried unanimously.

Case #ZON2008-00055 (Planned Unit Development)

Forest Cove Subdivision, Unit Three

South side of Tulane Drive, 125' ± East of Belle Wood Drive East

Planned Unit Development Approval to remove a condition of approval of a previously approved Planned Unit Development

Council District 7

(Also see **Case #SUB2008-00001 (Subdivision) Forest Cove Subdivision, Unit Three**, above)

(See **Case #SUB2008-00001 (Subdivision) Forest Cove Subdivision, Unit Three** for discussion)

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

- 1) **no justification was provided by the applicant; and,**
- 2) **without a cul-de-sac, there is no provision for vehicular turn-around meeting city standards, without the use of private (and non-right-of-way) property.**

The motion carried unanimously.

Case #SUB2008-00010 (Subdivision)

Falling Leaf Subdivision

East side of Sollie Road, 400' ± North of the East terminus of Isle of Palms Drive, extending to the East terminus of Raleigh Boulevard

Number of Lots / Acres: 133 Lots / 70.3± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(Also see **Case #ZON2008-00053 (Planned Unit Development) Falling Leaf Subdivision**, below)

Don Coleman, Rester and Coleman Engineers, Inc., spoke on behalf of the applicant saying they had given the staff a letter requesting the matter be heldover.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second

February 7, 2008
PLANNING COMMISSION MEETING

by Dr. Rivizzigno, to hold the matter over until the March 6, 2008, meeting.

The motion carried unanimously.

Case #ZON2008-00053 (Planned Unit Development)

Falling Leaf Subdivision

East side of Sollie Road, 400'± North of the East terminus of Isle of Palms Drive, extending to the East terminus of Raleigh Boulevard.

Planned Unit Development Approval to allow a gated private street single-family residential subdivision.

Council District 6

(Also see **Case #SUB2008-00010 (Subdivision) Falling Leaf Subdivision**, above)

Don Coleman, Rester and Coleman Engineers, Inc., spoke on behalf of the applicant saying they had given the staff a letter requesting the matter be heldover.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the March 6, 2008, meeting.

The motion carried unanimously.

OTHER BUSINESS:

A Call for Public Hearing on March 6, 2008, for amendments to the city's Subdivision Regulations was scheduled, however, due to some clerical issues, it was postponed.

A motion for a Call for Public Hearing on March 6, 2008, to consider adoption of a Comprehensive Plan for The Village of Spring Hill was made by Mr. Plauche, with second by Mr. Miller. The motion carried unanimously.

Ms. Butler expressed her concerns and uneasiness about the number of proposals coming before the Commission as "innovative design". She asked if the staff could provide some informative guidelines for the Commission members in addressing such proposals. She added that she personally saw nothing innovative about the designs that had been presented; in fact, she saw no value in them at all.

Mr. Olsen said he would have the staff put together something for the Commission members in that regard.

Hearing no further business, the meeting was adjourned.

February 7, 2008
PLANNING COMMISSION MEETING

APPROVED: April 16, 2009

William G. DeMouy, Jr., Secretary

Terry Plauche, Chairman.

jsl