

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF MARCH 15, 2012 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William G. DeMouy, Jr.
Victoria L. Rivizzigno, Secretary
Nicholas H. Holmes, III
Mead Miller
Roosevelt Turner
John Vallas

Members Absent

Stephen J. Davitt, Jr.
Herb Jordan
James F. Watkins, III

Urban Development Staff Present

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

Others Present

John Lawler,
Assistant City Attorney
George Davis,
City Engineering
Marybeth Bergin,
Traffic Engineering

Fire-Rescue Department

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

ROLL CALL:

Mr. Plauche, the Chair, called the meeting to order at 2:03 in the afternoon. He then called roll with the following people answering at that time:

- William DeMouy
- Victoria Rivizzigno
- Roosevelt Turner
- John Vallas
- Mead Miller
- Nicholas Holmes

He stated the number of members present constituted a quorum and advised all attending of the policies and procedures pertaining to the Planning Commission. He then proceeded to call the first item on the agenda.

HOLDOVERS:

Case #SUB2012-00003

TBG II Subdivision

5463 Moffett Road

(Southeast corner of Central Boulevard and Moffett Road)

Number of Lots / Acres: 1 Lot / 1.1± Acre

Engineer / Surveyor: 4 Site, Inc.

Council District 7

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

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

- 1) **demolition of at least one of the two existing structures on the site prior to signing the Final Plat;**
- 2) **revision of the plat to indicate at least a 50' width from the centerline of Moffett Road currently exists, or dedication sufficient to provide 50' from the centerline of Moffett Road;**
- 3) **illustration of the 25' minimum building setback line along all street frontages, including the unopened public right-of-way to the rear, adjusted to be measured from any required dedication;**
- 4) **labeling of the lot to indicate its size in square feet and acres, revised to account for any required dedication, or the furnishing of a table on the Final Plat providing the same information;**
- 5) **placement of a note on the Final Plat stating that access to Moffett Road is denied and the site is limited to one curb-cut along Central Boulevard, with the number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 6) **placement of a note on the Final Plat stating that access to the unopened public right-of-way to the rear of the site is denied;**
- 7) **completion of the Vacation of Easement process for the central drainage and utility easement prior to signing the Final Plat;**
- 8) **placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;**
- 9) **subject to the Engineering comments: *“(1) Any work performed in the existing ROW (right-of-way) such as driveways,***

- sidewalks, utility connections, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile ROW code and ordinances. 2) If the proposed improvements increase the total impervious area of the site to over 4,000 square feet the owner will be required to provide on-site detention, which must comply with all stormwater and flood control ordinances of the City of Mobile. 3) A 4' wide sidewalk shall be installed along Moffett Road and Center Street along the entire property frontage. A handicapped ramp shall be installed at the corner. 4) Any existing utility or drainage lines within the existing drainage and utility easement will need to be relocated within new or existing easements, as approved by the City Engineer, prior to recording the plat;"*
- 10) subject to the Fire Department comments: *"All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;"*
- 11) subject to the Traffic Engineering comments: *"Driveway number, size, location, and design to be approved by Traffic Engineering and ALDOT (Moffett Road) and conform to AASHTO standards. Access to Moffett Road is contingent upon ALDOT approval;"*
- 12) closure and re-landscaping of all unused curb cuts; and,
13) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2012-00010 (Subdivision)

Broad Palmetto Subdivision

202 South Broad Street

(West side of South Broad Street, 55'± South of Palmetto Street and extending West to the South side of Palmetto Street, 130'± West of South Broad Street)

Number of Lots / Acres: 2 Lots / 0.4± Acre

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
Council District 2

(Also see **Case #ZON2012-00385 (Planned Unit Development) Broad Palmetto Subdivision**, and, **Case #ZON2012-00387 (Rezoning) Michael Rost**, below)

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. He also advised them there were two letters regarding the matter at their places.

Michael Rost, 4904 Mercedes Road, Mobile, spoke as one of the partners in the matter and made the following points in favor of approval:

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- A. at the last meeting the applicants had been asked to return with compelling reasons why this project should be approved and after consulting with his partner and the engineer involved, it had been decided he would return and give reasons outside of the scope of what had been discussed at the last meeting;
- B. there were no more “stumps” on Broad Street, reminding the Commission that the house in question had been known to the City’s Architectural Review Board and the MHDC as “Stump House,” referencing the concrete tree stump replicas which were part of the front porch columns and façade;
- C. for a long time many had considered the house a “black eye” in an already blighted area of town;
- D. part of the pre-requisite for getting their building permit had been the removal of the “stumps,” however, said “stumps” remained as architecturally significant pieces in landscaped areas through out the Oakleigh neighborhood at such places as the Joe Cain House, with two kept to be part of the landscaping at the property in question;
- E. the restoration/renovation of the house in question was high quality with a lot of attention paid to detail with hopes to receive the “banner and shield,” which served as an award for excellent restoration of a historic property and was presented by the Mobile Historic Development Commission;
- F. if the plan were approved there would be no more vacant lots within the block in question;
- G. currently, the developers had a verbal agreement with the Oakleigh Venture Revolving Fund that if the plan put before the Commission were to be approved, the developers would purchase the Palmetto Street property to continue the plans;
- H. the Oakleigh Venture Revolving Fund had purchased the corner of Marine Street and Palmetto Street some time back and this was the last remaining parcel they had intended to build on but had not;
- I. stated the money secured through the purchase of the last remaining lot as previously mentioned would provide the capital for Phase II of the Oakleigh Venture Revolving Fund’s current restoration project located at 1204 Old Shell Road;
- J. the purchase of said lot would also allow for the construction of a Nuevo-historic house to be build on the Palmetto Street lot, pending the approval of house plans by the Oakleigh Venture Revolving Fund;

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- K. the project improved a blighted area along Broad Street which was a heavily trafficked corridor in Mobile; and,
- L. stated when they began this project only one of the five structures located on this side of Broad Street had any type of restoration going on at all and that restoration was primarily on the interior, but as this project had progressed, improvements to other nearby properties had taken place as well.

The following people spoke against the matter:

- David Bolka, 906 Palmetto Street, Mobile;
- Christie Gustin, 251 South Georgia Avenue, and on behalf of the Mobile Historic Development Commission; and,
- Gaines Slade, 915 Palmetto Street, Mobile.

They made the following points in opposition:

- A. there were a couple of large specimen oak trees located either on the property or directly adjacent to said property so that it's branches and functioning root system cover approximately two-thirds of the Palmetto Street property, including the area for proposed parking lot which would endanger the life of said tree;
- B. concern regarding drainage of the lot if the proposed parking area was constructed as shown;
- C. noted the enclosed area, if constructed as shown, would create an area behind the required six foot fencing which would not be visible from any of the associated streets meaning to be able to check on the property for any mischief the police would have to drive on to the property via the driveway and into the property itself and then back out again;
- D. based upon experience and the nature of the neighborhood, the situation described above was considered to be an invitation to mischief;
- E. the Mobile Historic Development Commission heard about the site plan, met regarding approximately five issues with which the Commission had difficulty;
- F. the Mobile Historic Development Commission voted to support the staff's findings and denials, with the majority of the MHD Commissioners voting to oppose the rezoning request as they saw it as a "step" in the wrong direction for the Oakleigh Garden District;

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- G. expressed excitement regarding the restoration of the physical property but felt that particular section of Broad Street was a very tight residential area;
- H. stated there were a number of other Oakleigh Garden District residents attending that day's meeting in opposition to the project as proposed;
- I. the Mobile Historic Development Commission voted to oppose the subdivision application because they believed doing so would create an unnecessary substandard lot and the associated substandard driveway created would be a potential source of problems for the property;
- J. the Mobile Historic Development Commission voted to support the Oakleigh Garden District residents' efforts to keep the perimeter of the area as they wanted it;
- K. the Mobile Historic Development Commission voted that should the Planning Commission vote to approve the project, they would suggest a variance for the property would be more appropriate than the outright rezoning from the current R-1, single family residential enjoyed by said property;
- L. as an adjacent neighbor for the last three years, expressed real concern regarding the proposed privacy fencing which would abut their back yard;
- M. as an adjacent neighbor expressed very real concern for the drainage issues associated with the development as he was very aware of the current impact water run off from the site had upon his property; and,
- N. stated one of the reasons for purchasing their property had been the number of trees adjacent their property and felt the proposed development endangered the lives of said trees.

Mr. Vallas stated the six foot privacy fence was required by the Zoning Ordinance for any commercial property abutting residential property. He asked, based upon opposition's statements, if there were any modifications which could be made to said fencing regarding the matter of adequate surveillance.

Mr. Lawler said he believed the rules with regards to Planned Unit Developments were broad enough to encompass modifications to the fencing requirements in a situation such as this.

The Chair asked if such modifications would have to have Architectural Review Board approval as well.

Mr. Olsen stated any exterior work would have to have Architectural Review Board approval.

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Mr. Vallas stated drainage issues would have to comply with City Engineering requirements and it was his belief the parking lot in question would require detention.

Mr. Bolka responded his assumption drainage would be a requirement, however, in looking at the property, if the drainage on the property were “fixed” such a “fix” would cause problems for the surrounding properties as there would be no place else for the water to go.

John Forrester, City Engineering, stated any concentrated run off would have to be accounted for and if the increase were greater than 4,000 square feet, detention would be required.

Mr. Miller asked to see a show of hand of those members of the audience who were there in opposition to the project and a large number of those present raised their hands.

After all opposition speakers had concluded, the Chair asked if the applicant would like to respond. The applicant advised he did not wish to respond at that time.

In deliberation, Mr. Vallas noted the letter by Mr. Carroll, the City Council Representative for District 2 where the property was located and stated Mr. Carroll would probably have the last word on any rezoning approval. Mr. Vallas expressed his support for the project, stating the developers had made a substantial investment in the property and in trying to improve an area that appeared to be blighted. He added his belief that most of the properties on that block were either vacant or had some commercial application already, though he did recognize the issues with traffic.

Mr. Olsen stated the one way driveway was a major concern with regards to traffic.

Mr. Vallas asked if the proposed use was for a law firm.

Mr. Olsen responded that was the current proposed use, however, if the property were rezoned as R-B then any other use allowed in R-B would then be allowed at that location, which would include certain types of retail and even certain restaurants and things of that nature.

Mr. Vallas asked if it would be possible to approve it and specify the allowed uses.

Mr. Olsen said that could not be done as such was considered contract zoning.

Dr. Rivizzigno asked if the matter would be better served by the applicant requesting a use variance for the property.

Mr. Olsen advised the applicant could apply for a variance, however, variances were granted based upon hardship associated with the property that would make uses under its current zoning not possible. He added a variance would not address issues associated with the request for subdivision.

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Mr. Miller said both sides had good arguments, however, based upon the issues brought forth, he did not feel he could support the matter.

Mr. Vallas asked if the Commission denied the rezoning request but approved the subdivision and Planned Unit Development applications, would that give the proposed development a chance?

Mr. Olsen advised if the Commission denied the rezoning request, it would go before the City Council if the applicants appealed the Planning Commission's denial and it would then be up to the City Council as to whether or not they held a public hearing on the matter. He said if the applicant did not appeal a denial by the Planning Commission, then within a certain number of days the denial was affirmed. He added the subdivision application was necessary if the applicant was to do the site plan they proposed and the Planned Unit Development at this point could be denied by the Planning Commission and the applicant could include the setback issues with the proposed house in any variance requests made. He noted based upon the site plan and the orientation shown for the proposed house there was a live oak in the right-of-way and where the driveway for said house would be located and he seriously doubted the applicant's would receive a permit from the City of Mobile Tree Commission to remove said tree.

Hearing no further opposition or discussion, a motion was made by Mr. DeMouy, with second by Dr. Rivizzigno, to deny the above referenced request for subdivision for the following reason:

- 1) does not meet minimum lot size requirements of Section V.D.2. of the Subdivision Regulations.**

The motion carried with only Mr. Vallas voting in opposition.

Case #ZON2012-00385 (Planned Unit Development)
Broad Palmetto Subdivision

202 South Broad Street

(West side of South Broad Street, 55'± South of Palmetto Street and extending West to the South side of Palmetto Street, 130'± West of South Broad Street)

Planned Unit Development Approval to allow reduced lot width, reduced lot size, reduced access way width, reduced maneuvering area and aggregate surfacing to allow renovation of an existing dwelling for office as well as construction of a new single family dwelling on proposed substandard lot.

Council District 2

(Also see **Case #SUB2012-00010 (Subdivision) Broad Palmetto Subdivision**, above, and, **Case #ZON2012-00387 (Rezoning) Michael Rost**, below)

The Chair announced the issue was moot, as the Subdivision and the Rezoning applications were recommended for denial, however, if there were those who wished to speak on the matter to please do so at that time.

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Hearing no further opposition or discussion, a motion was made by Mr. DeMouy, with second by Dr. Rivizzigno, to deny the above referenced matter, because the Subdivision and Rezoning applications were denied, the Planned Unit Development application was moot.

The motion carried with only Mr. Vallas voting in opposition.

Case #ZON2012-00387 (Rezoning)

Michael Rost

202 South Broad Street

(West side of South Broad Street, 55'± South of Palmetto Street and extending West to the South side of Palmetto Street, 130'± West of South Broad Street)

Rezoning from R-1, Single-Family Residential District, to R-B, Residential-Business District, to allow conversion of a dwelling into a professional office building.

Council District 2

(Also see **Case #SUB2012-00010 (Subdivision) Broad Palmetto Subdivision**, and, **Case #ZON2012-00385 (Planned Unit Development) Broad Palmetto Subdivision**, above)

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

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

- 1) does not meet the requirements of Section 64-9.A.2.a. of the Zoning Ordinance.**

The motion carried with only Mr. Vallas voting in opposition.

EXTENSIONS:

Case #SUB2011-00028

Legacy Subdivision, Phase Three

Southern terminus of Heritage Circle.

Number of Lots / Acres: 31 Lots / 64.3± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

County

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

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Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to approve the above referenced request for extension, however, the applicant should be aware future extension were unlikely.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2012-00013

Mobile Terrace Park Subdivision

7215 Thirteenth Street

(Southwest corner of Thirteenth Street and Lincoln Boulevard)

Number of Lots / Acres: 1 Lot / 0.7± Acre

Engineer / Surveyor: McCrory & Williams, Inc.

Council District 7

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

Don Williams, M. Don Williams Engineering, spoke on behalf of the applicant. He stated the project was for a City park. He then addressed issues with some of the recommended conditions of approval:

- A. wanted to amend Condition 1 to show a dedication of 25 feet rather than the staff recommended 30 feet stating Thirteenth Street did not have “curb and gutter” but instead had inverted crown causing storm water to run to the middle of the road;
- B. wanted to amend Condition 2 to show a dedication of 25 feet rather than the staff recommended 30 feet as Lincoln Boulevard had been constructed in the same manner as Thirteenth Street;
- C. regarding Condition 4 requested the elimination of the recommended 25 foot minimum building setback line along all right-of-way frontages because applying it to this particular project would put it in necessary fencing, playground equipment, and the like as it would be such a small park and already difficult to work with regarding the placement of playground equipment; and,
- D. intended to comply with the intent of the setback line by keeping the perimeter fencing at three feet high within the first 25 foot setback.

Mr. Olsen said the staff was fine with those changes.

Hearing no opposition or further discussion, a motion was made by Mr. Turner, with

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second by Dr. Rivizzigno, to tentatively approve the above referenced request for subdivision, subject to the following conditions:

- 1) **dedication to provide 25' from the centerline of Thirteenth Street to the City of Mobile;**
- 2) **dedication to provide 25' from the centerline of Lincoln Boulevard to the City of Mobile;**
- 3) **dedication of the corner radii at Thirteenth Street and Lincoln Boulevard per Section V.D.6. of the Subdivision Regulations should be required;**
- 4) **retention of the labeling of the lot with its size in square feet and acres, or placement of a table on the plat with the same information;**
- 5) **compliance with Engineering comments: “A 4' wide sidewalk shall be installed along Lincoln Blvd and Thirteenth St along the entire property frontage. A handicapped ramp shall be installed at the corner. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile ROW code and ordinances. If the proposed improvements increase the total impervious area of the site to over 4,000 square feet the owner will be required to provide on-site detention, which must comply with all stormwater and flood control ordinances of the City of Mobile;”**
- 6) **compliance with Fire Department comments: “All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;”**
- 7) **placement of a note on the Final Plat limiting the development to one curb-cut each to Thirteenth Street and Lincoln Boulevard, with the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards; and,**
- 8) **placement of a note on the Final Plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

Case #SUB2012-00015

Joseph C. Dotchville Subdivision

505 Donald Street

(Northwest corner of Donald Street and Clement Street)

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

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

Council District 1

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

Norman Dotch, 505 Donald Street, Mobile, spoke on his own behalf and asked if he could build the required sidewalks after the house was constructed in an effort to keep said sidewalks from being destroyed by vehicles used in the construction of said house.

Mr. Olsen advised sidewalk construction could wait until the end of construction of said house but they would have to be in place before the applicant could get a Certificate of Occupancy.

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

- 1) **dedication to provide 25' from the centerline of Donald Street to the City of Mobile;**
- 2) **dedication to provide 25' from the centerline of Clement Street to the City of Mobile;**
- 3) **dedication of the corner radii at Donald Street and Clement Street per Section V.D.6. of the Subdivision Regulations should be required;**
- 4) **retention of the 25-foot minimum building setback line along all right-of-way frontages;**
- 5) **retention of the labeling of the lot with its size in square feet and acres, or placement of a table on the plat with the same information;**
- 6) **compliance with Engineering comments: "A 4' wide sidewalk shall be installed along Donald Street and Clement Street along the entire property frontage. A handicapped ramp shall be installed at the corner. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile ROW code and ordinances. If the proposed improvements increase the total impervious area of the site to over 4,000 square feet the owner will be required to provide on-site detention, which must comply with all stormwater**

- and flood control ordinances of the City of Mobile;”*
- 7) **compliance with Fire Department comments: “All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;”**
 - 8) **placement of a note on the Final Plat limiting the development to the existing curb-cut to Clement Street, with the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards; and,**
 - 9) **placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

Case #SUB2012-00016

The Colonnades Subdivision, Corrected Plat, Re-subdivision of Lots 12 & 13

2525 Colonnades Drive West

(Area bounded by Colonnades Drives North, South, East and West)

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

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

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

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

- 1) **revision of the plat to label each lot with its size in square feet and acres, or the furnishing of a table on the Final Plat providing the same information;**
- 2) **placement of a note on the Final Plat stating that the driveway number, size, location, and design are to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) **illustration of the existing 30’ minimum building setback line along all street frontages;**
- 4) **placement of a note on the Final Plat stating that maintenance of the common areas within The Colonnades Subdivision, Corrected Plat, is the responsibility of the property owners of that subdivision and this re-subdivision;**
- 5) **placement of a note on the Final Plat stating that development**

- of this site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;
- 6) subject to the Fire Department comments: “All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;” and,
 - 7) subject to the Engineering comments: “1) Any existing sidewalk panels or curb-cuts along the property frontage that are cracked or damaged are required to be replaced according to current standards. 2) Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile ROW code and ordinances.”

The motion carried unanimously.

Case #SUB2012-00020

Wakulla Subdivision

4750 & 4760 Wakulla Drive

(West side of Wakulla Drive, 500'± North of Lakeland Drive)

Number of Lots / Acres: 1 Lot / 2.5± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying County

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

Brett Orrell, Polysurveying of Mobile, spoke on behalf of the applicant and addressed issues regarding Condition 6 of the staff’s recommendations for approval. He stated there was an existing dwelling on the back portion of the property and a second curb-cut was needed to provide access for that dwelling.

Mr. Olsen said as this was a residential neighborhood such was possible to have, however, it needed to be approved by County Engineering.

Mr. Orrell stated he was in agreement with such.

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

- 1) **retention of the 50-foot minimum building setback line from Wakulla Drive;**

- 2) retention of the lot size, in square feet and acres, or provision of a table on the Final Plat with the same information;
- 3) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations;
- 4) placement of a note on the Final Plat stating the site must comply with the City of Mobile stormwater and flood control ordinances: *“Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water 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;”*
- 5) compliance with Fire Department comments: *“All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;”*
- 6) placement of a note on the Final Plat limiting the lot to a maximum of two curb-cuts to Wakulla Drive, with the size, design, and location of the curb-cut to be approved by Mobile County Engineering and conform to AASHTO standards; and,
- 7) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.

The motion carried unanimously.

Case #SUB2012-00014
Hunter Family Division at Dees Road Subdivision
8520 Dees Road
(West side of Dees Road, 560'± South of DK Road)
Number of Lots / Acres: 2 Lots / 1.1± Acre
Engineer / Surveyor: Joseph T. Regan, Jr.
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.

Frenzeta Johnson spoke on behalf of the Hunter Family, and made the following points in favor of the matter:

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- A. stated the family was not aware of the fact that the seller of the land, Ms. Dees, had something filed against her in 2009 that stated she could no longer subdivide the property;
- B. the Hunter family's original purchase of the property took place in 2007 but did not get the final deed until complete payment for said property was made in 2010;
- C. the property was actually two parcels, not one, as Ms. Dees sold one of the parcels to the late Lucius Hunter, Sr., in the late 1970s and then sold this parcel to Lucius Mandrel Hunter;
- D. said the property tax department had confused the ownership of the properties, going so far as to consider them one parcel as opposed to the actual two, since the properties were purchased from the same seller by individuals with very similar names;
- E. when the younger Hunter purchased a mobile home and had it placed on the rear portion, he was given a separate address from the front portion of the property but it was only once the family went to pay the property taxes separately for the two properties was the family made aware of the errors.

Mr. Olsen suggested the matter be held over to the April 19, 2012, meeting, so that staff could review the information presented by the applicant that day and, if appropriate, come up with conditions for approval.

Ardell Dees, 8830 Boe Road, St. Elmo, said that at the time of the sale, she was unaware she could not sell the land in two parts and it was only once she had contacted a surveyor did she find out that information.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to hold the matter over until the April 19, 2012, meeting, to allow the applicant to submit documentation on sale date and family division.

The motion carried unanimously.

Case #SUB2012-00019

Kotis-Phillips Subdivision

200 & 202 South Georgia Avenue

(Southwest corner of South Georgia Street and Selma Street)

Number of Lots / Acres: 2 Lots / 0.3± Acre

Engineer / Surveyor: Wattier Surveying, Inc.

Council District 2

The Chair announced the application had been recommended for approval. He added if

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

Michael Thad Phillips, 200 South Georgia Avenue, Mobile, spoke on his own behalf regarding the staff's recommended Condition 3 and the curb radii at the corner of Selma Street and South Georgia Avenue. He presented pictures of his yard to the Commissioners. He stated it was his understanding that based upon the new Subdivision Regulations for the City of Mobile rounded corners were now required at the intersections of city streets as opposed to squared corners. He advised the Commissioners that as his yard was already small, as could be seen from the photographs, if the cut were made as required by the Subdivision Regulations, the curb would be almost to his front porch. He reminded the members that his neighborhood was a very old neighborhood and based upon his personal review of plats for the Oakleigh Garden District, all intersections within that recognized historic district had squared corners.

Mr. Vallas asked if the required rounded corners and compliance with Section V.B.16 of the Subdivision Regulations was something the staff really considered doing in these older, historic areas, as to do so would also remove a tree which was home to the property owner's child's swing set.

Mr. Olsen responded the staff was required to recommend compliance the Subdivision Regulations, however, the Commission had the ability to override the staff's recommendation and in the past, especially when it came to historic districts and when the structure was very close to the property lines, had waived those portions of the Subdivision Regulations.

The Chair asked the applicant if the live oak in question would be lost if the required section of the Subdivision Regulations was enforced.

Mr. Phillips stated the tree was on the outside of the sidewalk so it was already in the City right-of-way.

Hearing no opposition or discussion, a motion was made by Mr. Vallas, with second by Mr. DeMouy, to waive Section V.D.2. and V.B.16. of the Subdivision Regulations regarding lot area size and lot width for Lot 2A, waive Section V.D.9. of the Subdivision Regulations regarding the minimum front building setback line and tentatively approve the above referenced request, subject to the following conditions:

- 1) depiction of lot area size in square feet, on the Final Plat;**
- 2) depiction of the minimum building setback line along Selma Street and South Georgia Avenue in compliance with Section 64-3.G.3(a)(1) of the Zoning Ordinance with documentation from the adjacent properties indicating the justification for the setback line depicted;**
- 3) placement of a note on the Final Plat stating that site is limited to the existing curb-cuts with the size, design, and exact**

- location of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 4) compliance with Fire Department comments: “All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;” and,
 - 5) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and federal regulations regarding endangered, threatened, or otherwise protected species.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2012-00017 (Subdivision)

Hillwood Plaza Subdivision, Re-subdivision of Lots 1 & 3B

2370 Hillcrest Road

(Northwest corner of Hillcrest Road and Cottage Hill Road)

Number of Lots / Acres: 2 Lots / 16.0± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(Also see **Case #ZON2012-00565 (Planned Unit Development) Hillwood Plaza Subdivision, Re-subdivision of Lots 1 & 3B**, below)

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

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

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

- 1) **illustration of a 25-foot minimum building setback along Cottage Hill Road and Hillcrest Road on the Final Plat;**
- 2) **placement of a note on the Final Plat stating the development is limited to the existing curb-cuts to Hillcrest Road and Cottage Hill Road to include the modifications suggested by Traffic Engineering, “*the southern driveway on Hillcrest Road should be modified to a right-in, right-out only, with a raised island. Traffic striping for the northern driveway approaching the traffic signal at Hillcrest Road should be improved to delineate one inbound lane and two outbound lanes for approximately 150’.*”**

- Traffic striping for the eastern driveway approaching Cottage Hill Road should be improved to delineate one inbound lane and one outbound lane for approximately 50'. Traffic striping includes thermoplastic lane lines, stop bars, and arrow legends" and conform to AASHTO standards;*
- 3) **compliance with Engineering comments:** *"Any existing sidewalk panels and/or driveway curb-cuts damaged along Cottage Hill Road or Hillcrest Blvd. will need to be replaced. A C.O.M. ROW permit will be required before any work is done within the ROW. Any proposed revisions to any existing drainage easements will need to coordinate with the Engineering Department. According to the City of Mobile's 1984 Aerial photographs, there is some impervious area that can be claimed as historical credit for the determination of the need for detention. The engineer will need to quantify the amount of historical credit requested and any existing detention facilities. A complete set of construction plans and drainage calculations for any proposed site work (including drainage, utilities, grading, stormwater systems, paving) will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. Existing utility lines located underneath the proposed building will need to be relocated. Any work performed in the existing ROW (right-of-way) will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with all City of Mobile ROW code and ordinances.);"*
 - 4) **labeling of the lot with its size in square feet and acres, or the furnishing of a table on the plat providing the same information;**
 - 5) **placement of a note on the plat stating that maintenance of all common areas and detention areas is the responsibility of the property owners;**
 - 6) **placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;**
 - 7) **changing of the name of the subdivision to comply with Section V.A.9. of the Subdivision Regulations; and,**
 - 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.8. of the Subdivision Regulations.**

The motion carried unanimously with Mr. Vallas recusing from the vote.

**Case #ZON2012-00565 (Planned Unit Development)
Hillwood Plaza Subdivision, Re-subdivision of Lots 1 & 3B**

2370 Hillcrest Road

(Northwest corner of Hillcrest Road and Cottage Hill Road)

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow multiple buildings on a single building site and to allow shared access and parking between three building sites.

Council District 6

(Also see **Case #SUB2012-00017 (Subdivision) Hillwood Plaza Subdivision, Re-subdivision of Lots 1 & 3B**, above)

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

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

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

- 1) **the submission of two copies of the revised Planned Unit Development site plans prior to the signing of the Final Plat;**
- 2) **placement of a note on the Planned Unit Development site plan stating the development is limited to the existing curb-cuts to Hillcrest Road and Cottage Hill Road to include the modifications suggested by Traffic Engineering, *“the southern driveway on Hillcrest Road should be modified to a right-in, right-out only, with a raised island. Traffic striping for the northern driveway approaching the traffic signal at Hillcrest Road should be improved to delineate one inbound lane and two outbound lanes for approximately 150’.* Traffic striping for the eastern driveway approaching Cottage Hill Road should be improved to delineate one inbound lane and one outbound lane for approximately 50’.** Traffic striping includes thermoplastic lane lines, stop bars and arrow legends) and conform to AASHTO standards;
- 3) **placement of a note on the Planned Unit Development site plan stating the development will comply with Engineering comments: *“Any existing sidewalk panels and/or driveway curb-cuts damaged along Cottage Hill Road or Hillcrest Blvd. will need to be replaced. A C.O.M. ROW permit will be required before any work is done within the ROW. Any proposed revisions to any existing drainage easements will need to coordinate with the Engineering Department. According to the City of Mobile’s 1984 Aerial photographs, there is some***

- impervious area that can be claimed as historical credit for the determination of the need for detention. The engineer will need to quantify the amount of historical credit requested and any existing detention facilities. A complete set of construction plans and drainage calculations for any proposed site work (including drainage, utilities, grading, stormwater systems, paving) will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. Existing utility lines located underneath the proposed building will need to be relocated. Any work performed in the existing ROW (right-of-way) will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with all City of Mobile ROW code and ordinances.);*
- 4) **placement of a note on the Planned Unit Development site plan stating that all projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile; and,**
 - 5) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously with Mr. Vallas recusing from the vote.

Case #SUB2012-00018 (Subdivision)

OSR Subdivision

5559 Old Shell Road

(South side of Old Shell Road, 570'± East of University Boulevard South)

Number of Lots / Acres: 1 Lot / 1.4± Acre

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 5

(Also see **Case #ZON2012-00566 (Planned Unit Development) OSR 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 further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the April 19, 2012, meeting, with revisions due by March 23, 2012, so that the applicant can undertake the following:

- 1) **include the adjacent “Subway” restaurant parcel in the Subdivision application, to include additional postage, notification labels, revised applications, and revised plats.**

The motion carried unanimously.

Case #ZON2012-00566 (Planned Unit Development)

OSR Subdivision

5559 Old Shell Road

(South side of Old Shell Road, 570'± East of University Boulevard South)

Planned Unit Development approval to allow multiple buildings on a single building site and shared access between two building sites.

Council District 5

(Also see **Case #SUB2012-00018 (Subdivision) OSR Subdivision**, above)

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the April 19, 2012, meeting, with revisions due by March 23, 2012, so that the applicant can undertake the following:

- 1) **correction of dimensional errors in the parking areas;**
- 2) **revision of the site plan to clearly show full compliance with the tree and landscaping requirements of the Zoning Ordinance;**
- 3) **revision of the site plan to depict and label all existing trees on the site that are 24-inches DBH or larger, to include the DBH and tree species;**
- 4) **revision of the site plan to show proper screening for the dumpster area;**
- 5) **revision of the site plan to comply with Urban Forestry comments: *“Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the 50” Live Oak Tree located on the South side of Lot 1 between proposed buildings. 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. Granting Preservation status to this 50” Live Oak Tree will require the applicant to redesign the site;”***
- 6) **revision of the site plan to comply with Traffic Engineering comments: *“Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. A physical barrier, such as curbing and/or grassing, must be provided between the proposed site and the existing Subway restaurant property, as it concerns with non-standard circulation (driving on the left as opposed to the right). The adjacent property contains only pavement and grass, and it is not obvious how cross access will be prohibited;”***
- 7) **revision of the site plan to comply with Engineering comments: *“1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, drainage, irrigation, or landscaping will require a ROW permit from the***

- City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile ROW code and ordinances. 2. On-site detention is required and must be in conformance with the City of Mobile Stormwater Management and Flood Control Ordinance;”*
- 8) revision of the site plan to comply with Fire comments: “*All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;*”
 - 9) revision of the site plan to include verification that tractor trailers can service the site, if such truck access is anticipated;
 - 10) revision of the site plan to depict a fence and 10-foot buffer where the site abuts residentially-zoned property;
 - 11) revision of the site plan to indicate compliance with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance regarding site and parking area lighting;
 - 12) revision of the site plan to depict the existing billboard, if it will remain on site;
 - 13) revision of the site plan to depict any stormwater detention facilities that are proposed for the site; and,
 - 14) revision of the site plan, if necessary, to comply with “accessible route” and other requirements of the Americans with Disabilities Act.

The motion carried unanimously.

Case #SUB2012-00021 (Subdivision)
Vaughan’s Dauphin Subdivision

2715 Dauphin Street

(South side of Dauphin Street, 67’ ± East of Dauphinwood Drive)

Number of Lots / Acres: 1 Lot / 6.8 ± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 1

(Also see **Case #ZON2012-00579 (Planned Unit Development) Vaughan’s Dauphin Subdivision**, and, **Case #ZON2012-00580 (Rezoning) KV Properties, LLC**, below)

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

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

Joel Coleman, Rester and Coleman Engineers, spoke on behalf of the applicant. He advised the staff’s recommendations had been reviewed and information regarding those had been delivered to the staff for their additional review. He asked in light of that if the subdivision, planned unit development, and rezoning applications associated with the property and before the Commission that day could be held over for one meeting as

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opposed to two meetings as proposed by staff.

The Chair asked Mr. Olsen if this was possible.

Mr. Olsen advised staff was agreeable to holding the matter over, however, there was not enough time for a thorough review if the matter were heldover for only one meeting, therefore the staff requested the matter be heldover until the April 19, 2012, meeting.

Keith Vaughn, KV Properties, said normally they could agree to a two meeting holdover, however, they were under contract and were trying to get the closing done by the end of March and did not want to do so until they had a good idea as to whether the Planning Commission would be agreeable to the matter.

The Chair advised the applicant and developer the staff had to have a certain amount of time to draft their recommendations.

Mr. Olsen advised the current meeting was the last Planning Commission meeting in March so even a one meeting holdover would not allow the developer to meet the time line he had expressed to the Planning Commission.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the April 19, 2012, meeting.

The motion carried unanimously with Mr. Vallas recusing from the vote.

Case #ZON2012-00579 (Planned Unit Development)

Vaughan's Dauphin Subdivision

2715 Dauphin Street

(South side of Dauphin Street, 67' ± East of Dauphinwood Drive)

Planned Unit Development Approval to allow aggregate surfacing, non delineated parking and multiple buildings on a single building site for an existing commercial site.

Council District 1

(Also see **Case #SUB2012-00021 (Subdivision) Vaughan's Dauphin Subdivision**, above, and, **Case #ZON2012-00580 (Rezoning) KV Properties, LLC**, below)

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

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.

Hearing no opposition or further discussion on the matter, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the April 19, 2012, meeting.

The motion carried unanimously with Mr. Vallas recusing from the vote.

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Case #ZON2012-00580 (Rezoning)

KV Properties, LLC

2715 Dauphin Street

(South side of Dauphin Street, 67'± East of Dauphinwood Drive)

Rezoning from R-1, Single-Family Residential District, and R-3, Multiple-Family Residential District, to B-3, Community Business District, to allow a proposed recreational vehicle and boat storage facility.

Council District 1

(Also see **Case #SUB2012-00021 (Subdivision) Vaughan's Dauphin Subdivision**, and, **Case #ZON2012-00579 (Planned Unit Development) Vaughan's Dauphin Subdivision**, above)

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

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 further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the April 19, 2012, meeting.

The motion carried unanimously with Mr. Vallas recusing from the vote.

OTHER BUSINESS:

The Chair asked if there was other business for the Commission.

Mr. Olsen advised the members that due to various budgetary restraints, reduction in staff and the inability to fill those positions in the foreseeable future it was necessary to reduce Planning Commission to one meeting a month and change the time between submission of applications and the actual date those items would be heard. He stated this change would be effective beginning with the May 3, 2012, meeting.

The Chair asked if the Commission would go back to two a month meetings if there were an additional hire within the Planning staff.

Mr. Olsen stated the staff would be glad to return to the twice a month schedule when the section was able to get back to full staffing. He also expressed the hope that the economy would make a turn around so that the number of applications received created agendas which warranted the need for twice a month meetings.

Mr. Turner asked if the staff were to receive a significant increase in applications would the Planning Commission schedule return to the twice a month meeting schedule previously adopted.

Mr. Olsen stated the staff would do what was possible in that regard, however, with the reduction in staff he could make no guarantees.

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Mr. Olsen also brought up the need to correct the previously approved minutes of February 7, 2008, to correct the attendance of Mr. Vallas. He stated that based upon information gathered it had been determined that Mr. Vallas was, indeed, absent from said meeting. He added the City's Legal Department had concurred. He stated a notation would be made to the actual page of the minutes from that meeting to show them as amended to reflect the vote of the Planning Commission that day and then on the minutes for the current meeting notes would be recorded regarding the action and vote as well.

Hearing that, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to accept the minutes from the February 7, 2008, minutes, as corrected, to show Mr. Vallas absent from said meeting.

The motion carried unanimously with Mr. Vallas recusing from the vote.

Mr. Olsen stated the "Get Well" card was for Mr. Davitt, wishing him a speedy recovery from his recent heart attack.

Hearing no further business, the meeting was adjourned at 2:54 in the afternoon.

APPROVED:

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

jsl