

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF MARCH 17, 2011 - 2:00 P.M.**  
**MULTI-PURPOSE ROOM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Terry Plauche, Chairman  
William G. DeMouy, Jr.  
Victoria L. Rivizzigno, Secretary  
Stephen J. Davitt, Jr.  
Herb Jordan  
Mead Miller  
John Vallas  
James F. Watkins, III

**Members Absent**

Nicholas H. Holmes, III  
Roosevelt Turner

**Urban Development Staff Present**

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

**Others Present**

John Lawler,  
Assistant City Attorney  
Jennifer White,  
Traffic Engineering  
District Chief Billy Roach,  
Fire-Rescue Department

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

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

**APPROVAL OF MINUTES:**

Mr. Plauche moved, with second by Dr. Rivizzigno, to approve the minutes from the following, regularly held, Planning Commission meetings:

- January 6, 2011
- January 20, 2011
- February 3, 2011

The motion carried unanimously.

**HOLDOVERS:**

**Case #ZON2010-02754 (Planning Approval)**

**Mobile Terrace Christian Center Subdivision**

7154 Ninth Street

(North side of Ninth Street, 200'± East of Lincoln Boulevard)

Planning Approval to allow a church facility in an R-1, Single-Family Residential District.

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.

Jerry Williams, 7210 Fourteenth Street, Mobile, AL, pastor, Mobile Terrace Christian Center, spoke on his own behalf. He noted that he had spoken with his engineer and that they would be able to comply with all of the staff recommendations.

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

- 1) **provision of trees and landscaping to comply with the requirements of the Zoning Ordinance to the greatest extent possible;**
- 2) **provision of a six-foot high wooden privacy fence along the North and West property lines, with the fence only three feet high where it is within the 25-foot setback along Ninth Street;**
- 3) **limitation of the hours of operation to between 9 AM and 9 PM, seven days a week;**
- 4) **prohibition of outdoor activities;**
- 5) **depiction of a dumpster with screening or placement of a note on the site plan stating what service is to be used if a dumpster will not be utilized for waste removal;**
- 6) **depiction and provision of signage on-site stating that additional parking is available at the main church facility on Cody Road North;**
- 7) **provision of a revised site plan for the Planning Approval file prior to the submission of revised site plans for any required building permits; and,**
- 8) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

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**Case #SUB2011-00008 (Subdivision)**

**Whisper Oak Subdivision**

4512 Higgins Road

(North side of Higgins Road, 215'± West of Shipyard Road)

Number of Lots / Acres: 1 Lot / 2.7± Acre

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

Council District 4

(Also see **Case #ZON2011-00122 (Planned Unit Development) Whisper Oak Subdivision**, **Case #ZON2011-00119 (Planning Approval) Whisper Oak Subdivision**, **Case #ZON2011-00121 (Rezoning) David L. Pitts**, and, **Case #ZON2011-00123 (Sidewalk Waiver) David L. Pitts**, below)

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

Brett Orrell, Polysurveying of Mobile, spoke on behalf of the applicant and stated they only wanted the application for subdivision and the sidewalk waiver heard that day as they wanted the Planned Unit Development, Planning Approval, and Rezoning applications heldover until after the April 4, 2011, Board of Zoning Adjustment meeting, where a Use Variance would be heard. He added that if that variance was approved, there would be no need for the other applications. He then asked if under the Subdivision application, regarding curb-cuts, if they might be able to keep the two existing curb-cuts, rather than be limited to one curb-cut per the design.

Mr. Olsen asked if Traffic Engineering had any issues with Mr. Orrell's request.

Jennifer White, Traffic Engineer Department, stated that with 300 feet and a good configuration of said curb-cuts, there should be no issue with granting that request.

Mr. Olsen advised the Commission that changing that condition to read "limit the site to a maximum of two curb-cuts with size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards" would be fine.

Mr. Olsen stated the staff would have no problem holding the requested applications over until either the April 7, 2011, or April 21, 2011, Planning Commission meetings as requested by the applicant.

The Chair advised the Commission members of packets before them which contained letters and signed petitions regarding the matter.

The following people spoke in opposition to the matter:

- April Douth, 4600 Benson Road, Mobile, AL; and,
- John Williams, 3905 St. Andrews Loop West, Mobile, AL, Mobile City Council District 4 Councilperson.

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They made the following points:

- A. noted their approval of withdrawing the Rezoning application;
- B. noted the Cypress Shores residents' concerns were with the possibility for a high density residential property that would be allowed by right should the property be rezoned to R-3, so they would prefer the property continue as a non-conforming R-1 zoned property;
- C. expressed their approval of the changes that have been made to the property as well as those changes proposed by the applicant;
- D. expressed that they were happy with the new owners and the changes they saw being made by them;
- E. expressed the belief that in the future if there should be need for more trailers, could simply apply to the Board of Zoning Adjustment to increase the number of units on the site;
- F. noted that there were 200 persons who attended the neighborhood meeting hosted by the area's councilperson;
- G. requested that the Commission not proceed with approving the rezoning for the development; and,
- H. asked that the neighborhood be notified when the requested variance would be heard again.

Mr. Vallas noted that he believed that any additional trailers would have to come back before the Planning Commission for approval.

Mr. Olsen noted the applicant had filed for a Use Variance which was scheduled to be heard by the Board of Zoning Adjustment in April which was why this application was requested for hold over. He advised that if the Planning Commission approved a Planned Unit Development, then any modification to said Planned Unit Development would have to return to the Commission for approval. He added that was the reason that all applications related to the use of the property had been requested for hold over in case the Board did not approve the requested variance. He also stated that based upon the information provided to the Commission in the staff report they were at the maximum number of mobile home units allowed by the Mobile Home Park ordinance.

The Chair advised that the application was not being withdrawn but simply held over.

Mr. Olsen explained that when the matter came up previously, the applicant discussed withdrawing those applications at that time. After further discussion with the Commission's attorney, it was decided that it would not be appropriate to hear the Planned Unit Development and Planning Approval applications without the rezoning approval. He noted that the applicant had since filed for variances for such things as use and parking with the Board of Zoning Adjustment. He expressed that it was his belief that based upon the neighbors' response at their community meeting, the main concern was over rezoning the property in such a way that would allow for apartments. He did add that there was no hardship associated with the property so the requested variances might

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be difficult to get approved and so holding those matters over gave the applicant leeway in that regard.

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

- 1) **retention of the 25-foot minimum building line and the notation of the lot area size in square feet;**
- 2) **placement of a note on the Final Plat limiting the site to a maximum of two curb-cuts, with the size, design, and exact location to be approved by Traffic Engineering and conform to AASHTO standards; and,**
- 3) **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.

**Case #ZON2011-00122 (Planned Unit Development)**

**Whisper Oak Subdivision**

4512 Higgins Road

(North side of Higgins Road, 215'± West of Shipyard Road)

Planned Unit Development Approval to allow a mobile home park with 22 mobile home spaces and one apartment building with gravel accessways and parking.

Council District 4

(Also see **Case #SUB2011-00008 (Subdivision) Whisper Oak Subdivision**, above, and, **Case #ZON2011-00119 (Planning Approval) Whisper Oak Subdivision**, **Case #ZON2011-00121 (Rezoning) David L. Pitts**, and, **Case #ZON2011-00123 (Sidewalk Waiver) David L. Pitts**, below)

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the April 21, 2011, meeting, per the applicant's request.

The motion carried unanimously.

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**Case #ZON2011-00119 (Planning Approval)**

**Whisper Oak Subdivision**

4512 Higgins Road

(North side of Higgins Road, 215'± West of Shipyard Road)

Planning Approval to allow a mobile home park in an R-3 Multiple Family Residential District.

Council District 4

(Also see **Case #SUB2011-00008 (Subdivision) Whisper Oak Subdivision**, and, **Case #ZON2011-00122 (Planned Unit Development) Whisper Oak Subdivision**, above, and, **Case #ZON2011-00121 (Rezoning) David L. Pitts**, and, **Case #ZON2011-00123 (Sidewalk Waiver) David L. Pitts**, below)

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the April 21, 2011, meeting, per the applicant's request.

The motion carried unanimously.

**Case #ZON2011-00121 (Rezoning)**

**David L. Pitts**

4512 Higgins Road

(North side of Higgins Road, 215'± West of Shipyard Road)

Rezoning from R-1, Single-Family Residential District, to R-3 Multiple Family Residential District to allow a mobile home park.

Council District 4

(Also see **Case #SUB2011-00008 (Subdivision) Whisper Oak Subdivision**, **Case #ZON2011-00122 (Planned Unit Development) Whisper Oak Subdivision**, and, **Case #ZON2011-00119 (Planning Approval) Whisper Oak Subdivision**, above, and, **Case #ZON2011-00123 (Sidewalk Waiver) David L. Pitts**, below)

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the April 21, 2011, meeting, per the applicant's request.

The motion carried unanimously.

**Case #ZON2011-00123 (Sidewalk Waiver)**

**David L. Pitts**

4512 Higgins Road

(North side of Higgins Road, 215'± West of Shipyard Road)

Request to waive construction of a sidewalk along Higgins Road.

Council District 4

(Also see **Case #SUB2011-00008 (Subdivision) Whisper Oak Subdivision**, **Case #ZON2011-00122 (Planned Unit Development) Whisper Oak Subdivision**, **Case #ZON2011-00119 (Planning Approval) Whisper Oak Subdivision**, and, **Case #ZON2011-00121 (Rezoning) David L. Pitts**, above)

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Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Jordan, to approve the Sidewalk Waiver request.

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2011-00019**

**West Bellingrath Commercial Park Subdivision, Re-subdivision of Lots H, I, J & K**

5640 Half Mile Road

(North side of Half Mile Road, 475'± West of Bellingrath Road)

Number of Lots / Acres: 1 Lot / 55.8± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

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.

The following people spoke in favor of the matter:

- Jerry Byrd, Byrd Surveying, for the applicant; and,
- Adam Metcalf, Metcalf and Company, 5 Dauphin Street, Mobile, on behalf of the property owner and Foley Products.

They made the following points for approval:

- A. noted they wished to take four very large lots and combine them into one lot with an individual ready to come in and begin construction;
- B. noted the desire to develop a manufacturing facility on the site;
- C. expressed the desire to have three curb-cuts on Half-mile Road due to the amount of road frontage the property had;
- D. noted that they had spoken with the staff who recognized that the number of curb-cuts recommended was an over sight; and,
- E. noted that in 2001, when the subdivision was first heard by the Commission, the two lots which had been subdivided into one lot, had by right two curb-cuts apiece and the owner simply wanted to get some of that access back.

Mr. Olsen noted the staff would have no problem with the additional curb-cuts as long as County Engineering was able to approve the size, location, and design of the same.

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

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- 1) depiction of the 25-foot minimum building setback line from all public right-of-ways, as required by Section V.D.9. of the Subdivision Regulations;
- 2) the labeling of each lot with its size in square feet, or placement 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 to 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 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.);*
- 5) placement of a note on the Final Plat limiting the lot to one curb-cut to Bellingrath Road, and three curb-cuts to Half Mile Road with the size, design, and location of all curb-cuts to be approved by Mobile County Engineering and conform to AASHTO standards;
- 6) 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; and
- 7) approval of all applicable federal, state, and local agencies prior to the issuance of any permits or land disturbance activities.

The motion carried unanimously.

**Case #SUB2011-00020**  
**Southernway Subdivision**

3750 Sollie Road

(West side of Sollie Road, 1960'± mile South of Raleigh Boulevard)

Number of Lots / Acres: 4 Lots / 22.9± 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

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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. Miller, to waive Section V.D. 1. and approve the above referenced matter, subject to the following conditions:

- 1) **placement of a note on the final plat stating that Lot A is limited to its existing curb-cut, that Lot B is limited to two (2) curb-cuts, and that Lots C and D are limited to one (1) curb-cut each, with the size, design and location to be approved by Mobile County Engineering and conform to AASHTO standards;**
- 2) **placement of a note on the final plat stating that there shall be no future subdivision of Lot D until such time as additional frontage on a public or approved private street is provided;**
- 3) **retaining of the 25-foot minimum building setback line and label on the plat;**
- 4) **revision of the lot size information to also show it in square feet;**
- 5) **placement of a note on the plat stating 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**
- 6) **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, prior to the issuance of any permits or land disturbance activities; and,**
- 7) **placement of a note on the final plat stating that new development must be designed to comply with all 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 obtaining of permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering.**

The motion carried unanimously.

**GROUP APPLICATIONS:**

**Case #SUB2011-00021 (Subdivision)**

**Summer Subdivision**

6133 Old Shell Road and 75 & 79 West Drive

(Southeast corner of Old Shell Road and West Drive)

Number of Lots / Acres: 3 Lots / 4.0± Acres

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

Council District 6

(Also see **Case #ZON2011-00451 (Planned Unit Development) University Grande Apartment Complex**, and, **Case #ZON2011-00452 (Rezoning) Davis Companies, LLC**, below)

The Chair announced that the staff had recommended the matter be heldover until the April 21, 2011, meeting. He added if anyone wished to speak on the matter at this time, they should do so.

A gentleman in the audience stated they would like to wait to speak until the actual hearing date to be sure their statements stayed in the Commission's minds.

The Chair asked the gentleman if the applicant had met with the neighbors and was aware of their concerns. The gentleman replied that they had and they were well aware of the neighbors' issues. He stated that he was Darwin Murph, 6110 Pherin Woods Court, Mobile, AL.

Mr. Miller asked Mr. Murph to summarize the neighbors' points for the Commission that day.

Mr. Murph stated the following:

- A. noted that in 2008 the applicant received approval to develop apartments on the west side of West Drive;
- B. noted there were four neighbors at the end of the road that were not showing on the overhead which added to the number of cars that utilized the one access point of West Drive to Old Shell Road;
- C. noted that West Drive accessed Old Shell Road with only a Stop sign in place for traffic control;
- D. noted an apartment already existed in that immediate area which increased the traffic congestion;
- E. noted the applicant wanted to have additional parking behind Anders Bookstore as well as have the two residential properties adjacent to it re-zoned for an additional 250 parking spaces as the developers felt that without those spaces people would be parking on the streets for the adjacent apartment complex;
- F. expressed concern that there would be too much traffic in the area making it virtually impossible to turn left from West Drive onto

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- Old Shell Road;
- G. expressed concern for the safety of pedestrians; and,
- H. expressed concern over the effect the proposed change would have on their property values.

Bess Rich, Councilperson for District 6, spoke on the matter and made the following points:

- A. stated she had reviewed the staff report and noted they had shown the traffic change since 2008 since the PUD was originally submitted;
- B. noted this was the third revision to the PUD since 2008;
- C. noted that the apartment complex owners were offering to soften some of the negative impact of the development and recognized that such sanctions were self-imposed and asked if the Commission still offered that as an option with regards to conditions and asked how that was broached with the applicant;
- D. wondered if any Traffic Impact Study recommended by the staff would be done in-house or if it would be hired by the applicant;
- E. in reviewing City of Mobile codes, it was noticed that off-site parking was not allowed in R-1, R-2, or R-3 districts, which created questions regarding this Planned Unit Development.

Mr. Olsen offered the following in response:

- A. regarding self-imposed conditions, as mentioned earlier, the applicant could begin dialogue with the staff and then utilize a generic form which could be customized to fit their needs, with that form included in the application package when it came before the Commission again; and,
- B. noted that the Traffic Impact Study would be done by the applicant's engineer then reviewed by the staff.

Mr. Vallas asked if there was adequate right-of-way located at the intersection and how it would impact some of the conditions and improvements that could be considered, such as a turn lane.

Mr. Olsen noted that he was unsure if there was adequate right-of-way or other area in place should a turn lane or something be required. He noted the lack of adequate right-of-way was something that could be taken into consideration with the revised Traffic Impact Study. In response to the comments regarding off-site parking in residential areas, he reminded the audience that the property in question was zoned B-2, which did allow for apartments as well as off-site parking via the Planned Unit Development.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the April 21, 2011, meeting, with

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revisions due by March 30, 2011, to address the following:

- 1) submittal of a new preliminary plat illustrating the combining of Lots 2 and 3.**

The motion carried unanimously.

**Case #ZON2011-00451 (Planned Unit Development)**  
**University Grande Apartment Complex**

6133 & 6201 Old Shell Road and 75 & 79 West Drive  
(Southeast and Southwest corners of Old Shell Road and West Drive)  
Planned Unit Development Approval to allow multiple buildings on a single building site, off-site parking and shared access.  
Council District 6  
(Also see **Case #SUB2011-00021 (Subdivision) Summer Subdivision**, and, **Case #ZON2011-00452 (Rezoning) Davis Companies, LLC**, below)

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the April 21, 2011, meeting, with revisions due by March 30, 2011, for the following reasons:

- 1) the submission of an amended Traffic Impact Study including the proposed parking lot along West Drive; and,**
- 2) additions of buffering along adjacent residential properties and West Drive as required by The Zoning Ordinance.**

The motion carried unanimously.

**Case #ZON2011-00452 (Rezoning)**  
**Davis Companies, LLC**

6133 Old Shell Road  
(Southeast corner of Old Shell Road and West Drive)  
Rezoning from R-1, Single-Family Residential District, to R-3, Multiple-Family Residential District, to allow an off-site parking lot for an apartment complex.  
Council District 6  
(Also see **Case #SUB2011-00021 (Subdivision) Summer Subdivision**, and, **Case #ZON2011-00451 (Planned Unit Development) University Grande Apartment Complex**, above)

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the April 21, 2011, meeting, with revisions due by March 30, 2011, for the following reasons:

- 1) the submission of an amended Traffic Impact Study including the proposed parking lot along West Drive; and,**
- 2) amending the rezoning to B-2, Neighborhood Business and R-1, Single-Family Residential to R-3, Multi-Family Residential.**

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The motion carried unanimously.

**OTHER BUSINESS:**

The Chair asked if there was any other business to come before the Commission on that day.

Mr. Olsen noted that the Commission needed to announce and move to have a Call for Public Hearing, 2:00 p.m. on the 21st day of April, 2011, to consider amendments to the Major Street Plan Component of the City of Mobile's Comprehensive Plan. The proposed amendments were intended to correspond with as-built routes, as well as following routes on the South Alabama Regional Planning Commission MATS 2030 plan and as proposed by Mobile County.

Dr. Rivizzigno moved, with second by Mr. DeMouy, to announce such a Call and the matter was approved unanimously.

Mr. Olsen announced the need to select Planning Commission officers for the 2011-2012 year.

Mr. Davitt moved, with second by Dr. Rivizzigno, to keep Mr. Plauche as Chair, Mr. DeMouy as Vice-chair, and Dr. Rivizzigno, as Secretary.

The motion carried unanimously.

The Chair then asked for information regarding an upcoming trip to Montgomery.

Mr. Olsen stated that the Downtown Alliance was coordinating a trip to downtown Montgomery to meet with their mayor and his development team. He noted that the City of Montgomery was utilizing form-based code city wide with an emphasis on their downtown area. Mr. Olsen noted that the "New Plan for Mobile" had not been adopted and that it did have some form-based code elements to it. He also reminded the Commission that the Village of Springhill was basically form-based code. He stated that a coach was being rented to transport interested persons to Montgomery on March 30, 2011, with departure at 8:00 that morning and return at approximately 8:00 that evening. He added that the only expense for participants would be lunch. He asked that if any of the Commissioners were interested in attending, they should email him that information.

Hearing no further business, the meeting was adjourned.

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**APPROVED:** April 21, 2011

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Dr. Victoria Rivizzigno, Secretary

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Terry Plauche, Chairman

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