

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF APRIL 16, 2009 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William G. DeMouy, Jr.
Victoria L. Rivizzigno, Secretary
Debra M. Butler
Stephen J. Davitt, Jr.
Nicholas H. Holmes, III
Mead Miller
Roosevelt Turner
James F. Watkins, III

Members Absent

Clinton Johnson
John Vallas

Urban Development Staff Present

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

Others Present

John Lawler,
Assistant City Attorney
Rosemary Sawyer,
City Engineering
Bill Metzger,
Traffic Engineering
Jennifer White,
Traffic Engineering

Joanie Stiff-Love,
Secretary II

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 Mr. DeMouy, to approve the minutes from the following, regularly held, Planning Commission meetings:

- November 1, 2007
- November 15, 2007
- December 6, 2007
- December 20, 2007
- January 3, 2008
- January 17, 2008
- February 7, 2008

April 16, 2009
PLANNING COMMISSION MEETING

The motion carried unanimously.

HOLDOVERS:

Case #SUB2009-00013 (Subdivision)

Combs Place Subdivision, Re-subdivision of Lot 2

West side of Grider Road at the West terminus of Rosehill Lane

Number of Lots / Acres: 20 Lots / 6.4± Acres

Engineer / Surveyor: Patrick Land Surveying

Council District 7

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.

Larry Jones spoke on behalf of Frank Sullivan, the developer, and made the following points against the staff's reasons for denial:

- A. the developer has agreed to go south all the way to Howells Ferry Road with resurfacing and widening the street to 20 feet;
- B. streets in Mobile without curb and gutter average 18.5 to 20 feet in width;
- C. the staff stated the lots were uncharacteristically small for the area, however, there were smaller lots located on Rosehill Lane and in Summerplace; and,
- D. based upon his knowledge of Mobile, curb and gutter will probably never be installed on Grider Road.

The following people spoke in opposition to the matter:

- Jerry Murphy, 2115 Grider Road, Mobile, AL;
- Samuel H. Russ, 2042 Grider Road, Mobile, AL;
- Diane Haven-Owens, 2051 Grider Road, Mobile, AL; and,
- Walter Lister, 2100 Grider Road, Mobile, AL.

They made the following points against the subdivision:

- A. the majority of Grider Road residents are opposed to the project;
- B. the majority of the residents of that area chose to live there because of the large lot sizes, and the peace and the quiet of the area;
- C. heavy rain causes drainage issues, which will be made worse because of an inadequate drainage plan;
- D. the current average lot size is 2.75 acres as opposed to the proposed lot size of .234 acres, which is less than 1/10th of the average lot size;

April 16, 2009
PLANNING COMMISSION MEETING

- E. the International Fire Code requires that no more than 30 house be allowed on a “no outlet” road, dead end pocket, and Grider Road currently has 21 houses, which means only 9 lots could be added;
- F. the International Fire Code requires fire hydrants every 450 feet but none are shown on the plat;
- G. the detention/retention ponds, which are more than 18 inches deep, show no fences around them as required;
- H. area children walk to Orchard Elementary School via Grider Road, which has no sidewalks, which creates a dangerous situation;
- I. according to the City Subdivision Regulations and the International Fire Code, the road width must be 26 feet in width, which it is not;
- J. over the past 4 years, the applicant has come before the Planning Commission five times, each time failing to provide a plan that meets stated codes and regulations; and,
- K. the right-of-way of 50 feet is inadequate, as the City Subdivision Regulations clearly requires a right-of-way of 60 feet.

Mr. Olsen advised the Commission of an email received by staff from Capt. Gene Bennett, Mobile Fire and Rescue, stating “per the 2003 International Fire Code, Section D.103.1, the access road width, with hydrants, must have a minimum width of 26 feet. The current road is approximately 16 feet. As this is a dead-end road, the hydrant spacing will be reduced by 100 feet per 2003 International Fire Code Table C.105.1. note A “reduce the 500 foot spacing to 400 feet.” He went on to advise the Commission that should they choose to approve the matter, those conditions would need to be included in the approval.

In deliberation, Mr. Miller stated he felt the development was just too much for the area to handle.

Mr. Davitt expressed his concern that the street would not be the 26 feet wide, without curb and gutter as required by the Fire Code, as well as feeling that the minimum square footage on the lots should be in the 12,000 feet area.

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

- 1) the subdivision would result in lot sizes uncharacteristic to the immediate vicinity, per section V.D.1. of the Subdivision Regulations; and,**
- 2) Grider Road is a substandard road, even with the proposed improvements, and cannot accommodate additional traffic until it is improved to City standards, thus it does not meet the accessibility requirements of Section I.B.2. of the Subdivision Regulations.**

The motion carried unanimously.

Case #SUB2009-00024 (Subdivision)
Roger Barnhill Family Division Subdivision

6831 Louis M Poiroux Road West

Southeast corner of Louis M Poiroux Road West and Louis M Poiroux Road North

Number of Lots / Acres: 3 Lots / 2.6± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

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

The following people spoke in support of the proposed subdivision:

- Matt Orrell, Polysurveying of Mobile; and,
- Roger Barnhill, 8750 Old Pascagoula Road, Mobile, AL.

They made the following points:

- A. some six years previously, a plat was recorded showing the road to have a 60 foot right-of-way from Old Pascagoula Road to past the property owned by Mr. Barnhill;
- B. the road in question is public in nature, as it has no gates or other devices which limit its use, and is considered a private road only inasmuch as the upkeep and maintenance is done by the area landowners and not the city;
- C. at the previous Planning Commission meeting, the applicant had been given a set of conditions for approval and all but the one requiring dedication, would be met;
- D. the area just came under the Planning Commission's jurisdiction and if it were still under the County's jurisdiction, it is believed that it would gain approval without much effort;
- E. the road in question is a 30 foot concrete and gravel road with a 60 foot easement; and,
- F. the area has the necessary infrastructure in place.

Mr. Davitt asked if there were a recorded document with regards as to who is responsible for the maintenance of the road in question.

Mr. Orrell said there was no such document; however the adjacent property owners recognized their responsibility for the road and accepted responsibility for its upkeep.

In deliberation, Mr. Holmes wanted clearer definition of what constituted a private versus a public road.

April 16, 2009
PLANNING COMMISSION MEETING

Mr. Olsen said the Subdivision Regulations stated that each lot is to front on a public, maintained road and the road in question was not a public, maintained road, regardless of the fact that it is open to the public for use.

Mr. Turner asked if information regarding any necessary upgrades to the road had been given to the applicant.

Mr. Olsen stated he believed the engineer of record for the applicant had that information. He also added that in the past, the Commission, in the case of family subdivisions, had allowed two or three lots on a street that was not fully, publicly maintained.

Hearing no further opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Ms. Butler, to deny the above referenced subdivision for the following reasons:

- 1) none of the lots would front on a public street;**
- 2) there is no possibility of the subdivision to be developed as an innovative private street subdivision; and,**
- 3) as proposed, the subdivision is not a true family subdivision.**

The motion carried with only Mr. Turner and Mr. Watkins voting against denial.

Case #SUB2009-00027 (Subdivision)

The Bluffs at Cypress Creek Subdivision, Phase One

4450 Cypress Business Park Drive

North terminus of Cypress Business Park Drive extending to the West side of Shipyard Road

Number of Lots / Acres: 43 Lots / 52.0± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 4

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

Don Coleman, Rester and Coleman Engineers, Inc., spoke on behalf of the applicant and requested the matter be held over to the May 21, 2009, meeting, to allow more time to negotiate with the adjacent landowner.

Rosemary Harrison, 4876 Fellowship Drive, Mobile, AL, stated she found that someone had put a storm drain and retention pond on her property and she opposes the approval of this subdivision until this matter is addressed and rectified.

Mr. Davitt asked for clarification as to which parcels were land locked.

Ms. Harrison noted her property on the maps provided by staff. She stated the applicants had dug, without permission, their own canal through the property she had inherited from

April 16, 2009
PLANNING COMMISSION MEETING

her father and had created Cypress Creek. As a result, the applicants had agreed to provide the property with a city standard road to access the property, which to date has not been done.

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 May 21, 2009, meeting at the applicant's request.

The motion carried unanimously.

EXTENSIONS:

Case #SUB2006-00070 (Subdivision)

Haverty's Subdivision

7033 Airport Boulevard

South side of Airport Boulevard, 515'± East of Cody Road South

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

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

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

Don Coleman, Rester and Coleman Engineers, Inc., spoke on behalf of the applicant saying they realized this had had many extension approved in the past, however, they had been trying for some time to have the service road along Airport Boulevard adjacent to the property vacated. This had just recently been accomplished but not in enough time to record the subdivision, so they requested enough time to make that recording.

In deliberation, Mr. Watkins asked if the applicant could be given an extension of less than a year, specifically if they could be given an extension of 60 days which was time enough to record the subdivision.

Mr. Lawler stated he believed that would be enough to do so.

Hearing no further opposition or discussion, a motion was made by Mr. Watkins, with second by Dr. Rivizzigno, to approve for a sixty (60) day extension.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2009-00048

Mobile NOAA Subdivision

7350 Zeigler Boulevard

North side of Zeigler Boulevard, at the North termini of Zeigler Circle East and Zeigler Circle West

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

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

Council District 7

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

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

- 1) **placement of a note on the Final Plat stating that each lot is limited to two curb cuts to Zeigler Boulevard, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **labeling of the lots with their size in square feet, or the provision of a table on the Final Plat with the same information; and,**
- 3) **placement of a note on the Final Plat stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species.**

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2009-00824

Salvation Army

2325 Boykin Boulevard

South side of Boykin Boulevard, 200'± East of Alba Club Road

Request to waive construction of a sidewalk along Boykin Boulevard.

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 Mr. Watkins, with second by Ms. Butler, to approve the above requested sidewalk waiver.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2009-00049 (Subdivision)

Lot A, Rangeline Park Subdivision, 6th Addition, Re-subdivision of Lot 1, Phase I, and Lot 2, Phase II

5905 Rangeline Road

Northeast corner of Rangeline Service Road and Abigail Drive

Number of Lots / Acres: 1 Lot / 2.4± Acres

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

Council District 4

(Also **Case #ZON2009-00874 (Planned Unit Development) Lot A, Rangeline Park Subdivision, 6th Addition, Re-subdivision of Lot 1, Phase I, and Lot 2, Phase II,** and,

Case #ZON2009-00873 (Rezoning) Pike Manor Ltd., below)

The following people spoke in favor of the development:

- Frank Dagley, Frank A. Dagley and Associates; and,
- Larry Cook, manager, Sunbelt Rentals, 5905 Rangeline Road, Mobile, AL.

They made the following points:

- A. the property was recently annexed into the City of Mobile, with its existing tenant there since 1999;
- B. the tenant wants to construct a new building on the site and continue to operate as they have for the last 10 years;
- C. the note in the staff report that indicates proposed aggregate surface on the property is false as the surface in question has always been aggregate and was approved as such by Mobile County at the initial construction of the site;
- D. the applicant request that the side yard setback be modified to 20 feet, as it would not be desirable to have the current building located in the setback;
- E. if the Commission approves zoning as B-5, as opposed to the requested I-1, 50 additional trees would have to be planted on the site, taking up necessary room for the business' scope of operation;
- F. everything on the site was properly permitted at the time of construction and annexation into the city should not create undue hardship to the property, its owner, or tenants, to meet the new regulations that were not applicable at the time of construction; and,
- G. the I-1 zoning is more in keeping with the original scope of the business prior to being annexed into the city and thus it should

April 16, 2009
PLANNING COMMISSION MEETING

remain.

Mr. Olsen responded to those statements with the following:

- A. the staff recommended B-5, as opposed to the requested I-1, because it is sufficient for the existing use and the properties on that side of Rangeline Road have been proposed to the City Council as B-5; and,
- B. the proposed building is more than 50% of the square footage of the existing building.

Mr. Watkins asked if there were issues other than the landscape issues regarding the B-5 zoning that concerned the applicant. He also asked Mr. Olsen if the landscape issue could be addressed by the Commission and reduce the landscape requirements to what existed if the Commission chose to accept the staff's recommendation for B-5 zoning.

Mr. Olsen stated that generally the applicant can work with Urban Forestry on trees going into the tree bank, as long as they are not frontage trees, with other options being application to the Board of Zoning Adjustment for a variance to reduce the number of trees.

Mr. Lawler said that as there is a Planned Unit Development application involved at this point in development, that the number of trees could be reduced there.

Mr. Miller confirmed with Mr. Dagley that, other than the landscape issues, the B-5 zoning would accommodate the scope of commercial activity for the business.

Mr. Davitt had questions regarding the request for 20 foot setback as opposed to the 25 foot setback confirming it was due to the fact the building in question was already in place and was advised that was the case.

Mr. Miller wanted to be sure that some trees would be added to the site and that some trees would be added to the tree bank.

Mr. Watkins stated that if it were not for the recent annexation of the area, this matter would not be before the Planning Commission and he wasn't sure if the Commission shouldn't be more specific to say that existing landscaping is sufficient, though he did understand Mr. Miller's desires.

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

- 1) placement of a note on the final plat stating that curb cuts shall be limited to those shown on an approved Planned Unit Development site plan;**

April 16, 2009
PLANNING COMMISSION MEETING

- 2) provision of a 25' minimum building setback line along all street frontages;
- 3) the applicant receive the approval of all applicable federal, state, and local environmental agencies prior to the issuance of any permits or land disturbance activities;
- 4) placement of a note on the 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;
- 5) submission of a revised Planned Unit Development site plan to the Planning Section of Urban Development prior to signing the final plat; and,
- 6) subject to Engineering comments: *(Show Flood Zone locations, Wetland delineation and Minimum FFE on plans and plat. No work shall be allowed in wetlands without proper permitting 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. Must provide detention for any impervious area added in excess of 4,000 square feet.)*

The motion carried unanimously.

Case #ZON2009-00874 (Planned Unit Development)

Lot A, Rangeline Park Subdivision, 6th Addition, Re-subdivision of Lot 1, Phase I, and Lot 2, Phase II

5905 Rangeline Road

Northeast corner of Rangeline Service Road and Abigail Drive

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

Council District 4

(Also see Case #SUB2009-00049 (Subdivision) **Lot A, Rangeline Park Subdivision, 6th Addition, Re-subdivision of Lot 1, Phase I, and Lot 2, Phase II**, above, and, Case #ZON2009-00873 (Rezoning) **Pike Manor Ltd.**, below)

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

- 1) completion of the subdivision process prior to the issuance of any permits or land disturbance activity;
- 2) placement of a note on the site plan stating that Planned Unit Development is site plan specific; thus, any future changes (parking, access, structure expansion, etc.) will require a new Planned Unit Development application;
- 3) provision of trees / landscaping in compliance with I-1 standards for frontage trees;
- 4) provision of sidewalks along Rangeline Road and Abigail

- Drive, or the submission of and approval of a sidewalk waiver;
- 5) revision of the site plan to illustrate a dumpster (screened from view), in compliance with Section 64-4.D.9 of the Zoning Ordinance, or the provision a note on the site plan stating that no dumpster will be provided;
 - 6) provision of a 25' minimum building setback line along both Rangeline Road and Abigail Drive;
 - 7) placement of a note on the site plan stating that the approval of all applicable federal, state, and local environmental agencies is required prior to the issuance of any permits or land disturbance activities;
 - 8) placement of a note on the site plan 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) submission of a revised Planned Unit Development site plan to the Planning Section of Urban Development prior to the issuance of any permits or land disturbance activities;
 - 10) full compliance with all other municipal codes and ordinances; and,
 - 11) subject to Engineering comments: *(Show Flood Zone locations, Wetland delineation and Minimum FFE on plans and plat. No work shall be allowed in wetlands without proper permitting 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. Must provide detention for any impervious area added in excess of 4,000 square feet.)*

The motion carried unanimously.

Case #ZON2009-00873 (Rezoning)

Pike Manor Ltd.

5905 Rangeline Road

Northeast corner of Rangeline Service Road and Abigail Drive

Rezoning from R-1, Single-Family Residential District, to I-1, Light Industry District, to bring the zoning into compliance for an equipment rental business.

Council District 4

(Also see Case #SUB2009-00049 (Subdivision) **Lot A, Rangeline Park Subdivision, 6th Addition, Re-subdivision of Lot 1, Phase I, and Lot 2, Phase II,** and, Case #ZON2009-00874 (Planned Unit Development) **Lot A, Rangeline Park Subdivision, 6th Addition, Re-subdivision of Lot 1, Phase I, and Lot 2, Phase II,** above)

Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Dr. Rivizzigno, to approve the above referenced request for rezoning as a B-5, Office-Distribution District, subject to the following conditions:

- 1) completion of the subdivision process; and,
- 2) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2009-00047 (Subdivision) (Revised Plat)

Longleaf Gates Subdivision, Phase One (Revised Plat)

North side of Girby Road, 1800'± West of Rue Preserve, and extending Northwest to Lloyds Lane

Number of Lots / Acres: 137 Lots / 84.2± Acres

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

Council District 6

(Also see **Case #ZON2009-00872 (Planned Unit Development) (Revised Plat)**)

Longleaf Gates Subdivision, Phase One (Revised Plat), below)

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

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. Davitt, with second by Mr. Turner, to waive Section V.D.2. and V.D.3. and approve the above referenced subdivision, subject to the following conditions:

- 1) **submission of applications to correct split-zoning conditions in the “future development” area in conjunction with the other future applications that will be required for the area;**
- 2) **placement of a note on the plat stating that maintenance of the common areas is the responsibility of the homeowners (association);**
- 3) **placement of a note on the plat stating that additional street-stub connections will be required in the “future development area” – to adjacent public streets and landlocked properties (for emergency access only);**
- 4) **placement note on the site plan and plat stating that direct access to Girby Road and Lloyd’s Lane is denied for all lots and common areas, and each lot (and common area if required for maintenance purposes) should be limited to one curb-cut each, and each alley is limited to one curb-cut on each end, with the size, design, and location to be approved by Traffic Engineering and comply with AASHTO standards;**
- 5) **full compliance with the Traffic Engineering comments: (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards*);**
- 6) **full compliance with Fire comments: (*All projects must comply with the requirements of the 2003 International Fire Code,***

- including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate, and shall comply with Section 508.5.1 of the 2003 IFC.);*
- 7) **full compliance with Forestry comments: (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).*);**
 - 8) **provision of documentation proving that adequate build-able area is provided for all lots with wetlands;**
 - 9) **labeling of all lots with size in square feet, or provision of a table with the lot size information on the plat;**
 - 10) **revision of the site plan and plat to also include site coverage information for the lots;**
 - 11) **development of the site to be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;**
 - 12) **obtain all necessary federal, state, and local permits for wetlands and floodplain issues;**
 - 13) **use of “best management practices” during site development, in compliance with Section V.A.5. of the Subdivision Regulations, to minimize erosion and sedimentation during site development;**
 - 14) **compliance with Section VIII. of the Subdivision Regulations, regarding the provision of a private street;**
 - 15) **designation on the plat of utility easements acceptable to the appropriate provider of utility services within the subdivision;**
 - 16) **placement of a note on the plat identifying which streets are private, and that they are privately maintained and not dedicated to the public;**
 - 17) **placement of a note on the plat stating that if the private street is not constructed and maintained to the appropriate City standard, and is ultimately dedicated for public use and maintenance, 100 percent of the cost of the improvements required to bring the street up to the prevailing standard shall be assessed to the property owners at the time the private street is dedicated, with the assessment running with the land to any subsequent property owners;**
 - 18) **placement of a note on the plat stating that the gate must remain operational and in use as a condition of the continuation of private street status; and,**
 - 19) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2009-00872 (Planned Unit Development) (Revised Plat)
Longleaf Gates Subdivision, Phase One (Revised Plat)**

North side of Girby Road, 1800'± West of Rue Preserve, and extending Northwest to Lloyds Lane

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow a private street, gated subdivision, with reduced lots sizes, reduced front yard and side yard setbacks, and increased site coverage.

Council District 6

(Also see **Case #SUB2009-00047 (Subdivision) (Revised Plat) Longleaf Gates Subdivision, Phase One (Revised Plat)**, above)

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

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. Davitt, with second by Mr. Turner, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) **submission of applications to correct split-zoning conditions in the “future development” area in conjunction with the other future applications that will be required for the area;**
- 2) **placement of a note on the site plan stating that maintenance of the common areas is the responsibility of the homeowners (association);**
- 3) **placement of a note on the site plan stating that additional street-stub connections will be required in the “future development area” – to adjacent public streets and landlocked properties (for emergency access only);**
- 4) **placement of a note on the site plan and plat stating that direct access to Girby Road and Lloyd’s Lane is denied for all lots and common areas, and each lot (and common area if required for maintenance purposes) should be limited to one curb-cut each, and each alley is limited to one curb-cut on each end, with the size, design and location to be approved by Traffic Engineering and comply with AASHTO standards;**
- 5) **full compliance with the Traffic Engineering comments: (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards*);**
- 6) **full compliance with Fire comments: (*All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate, and shall comply with Section 508.5.1 of the 2003 IFC.*);**

April 16, 2009

PLANNING COMMISSION MEETING

- 7) full compliance with Forestry comments: (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).*);
- 8) labeling of all lots with size in square feet, or provision of a table with the lot size information on the plat;
- 9) revision of the site plan and plat to also include site coverage information for the lots;
- 10) development of the site to be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;
- 11) obtain all necessary federal, state, and local permits for wetlands and floodplain issues;
- 12) use of “best management practices” during site development, in compliance with Section V.A.5. of the Subdivision Regulations, to minimize erosion and sedimentation during site development;
- 13) provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final plat; and,
- 14) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

OTHER BUSINESS:

Lee Metzger, Providence Hospital, addressed the Commission regarding his concerns over conditions placed on subdivision within existing Planned Unit Developments. He stated his opinion that certain conditions, specifically those related to existing infrastructure, and requiring additional improvements were unfair and placed an unnecessary financial burden on the developer. He felt that there should be no such condition since a Planned Unit Development had already been approved.

Mr. Turner saw the issue as more of being who would be responsible for monitoring such, as he knew the staff was currently understaffed and overworked.

Mr. Miller asked Mr. Olsen for staff’s position on this.

Mr. Olsen responded by saying that both Planning and Traffic have different definitions of density, which is not necessarily a zoning classification, but how dense a development is or can be. He noted changes specifically to Providence Hospital from the original master plan to what is currently in place and specifically cited a new street build in the 1990’s that was not on the original master plan.

Mr. Lawler added that no one should consider that an idea presented and approved many years prior would remain exactly as is, especially considering that circumstances can and do change greatly in that time.

April 16, 2009
PLANNING COMMISSION MEETING

Ms. Butler asked if the scope of a business' operation was the variable that drives or contributes to the "problem", then why the developer of that business shouldn't be responsible for part of the solution.

Mr. Metzger stated that when putting together investors for a project, those investors want and need to know the cost of doing that project and having to return to them for more funding later caused issues of hardship on the project.

In further business, Mr. Olsen announced that Ms. Butler was resigning from the Planning Commission and that she would sit for one more meeting.

Mr. Olsen also reminded the Commission members that at their last business meeting, they discussed some upcoming amendments to the Zoning Ordinance. He stated that at an upcoming Planning Commission meeting, the staff would have a proposed amendment to the parking regulations that will adopt Traffic Engineering standards for parking stalls, aisles, etc., and incorporate that into the Zoning Ordinance, and the Call for Public Hearing will soon be on the agenda under "Other Business" and send the proposal out with that next packet.

Hearing no further business, the meeting was adjourned.

APPROVED: October 15, 2009

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman.

jsl