

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF JULY 5, 2007 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
Debra Butler
Mead Miller
Victoria L. Rivizzigno, Secretary
James Watkins, III

Members Absent

Clinton Johnson
William DeMouy
Nicholas Holmes, III
John Vallas
Roosevelt Turner

Urban Development Staff Present

Richard L. Olsen
Deputy Director of Planning
Bert Hoffman, Planner II
Tiffany Green, Secretary I

Others Present

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

Mr. Plauche stated the number of members present constituted a quorum and called the meeting to order.

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

HOLDOVERS:

Case #SUB2007-00109

Oyler Court Subdivision

East side of Oyler Road, 1000'± South of Jeff Hamilton Road.
29 Lots / 20.0± Acres

Vince LaCoste, Polysurveying, was present for the applicant, and concurred with the staff, and added they had faxed the staff a letter from South Alabama Utilities regarding their providing water and sewer for the subdivision.

There was no one present in opposition and no further discussion took place.

Mr. Watkins moved, with seconded by Mr. Turner, to approve the above referenced subdivision subject to the following conditions:

- 1. the new roads within the proposed subdivision be dedicated and constructed to County Engineering standards;**

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2. the placement of a note on the Final Plat stating that Lots 2 & 28, are limited to one curb cut, with the size, design and location to be determined by County Engineering;
3. all areas not designated as lots should be labeled as common areas (including wetlands and detention areas), and a note placed on the final plat stating that maintenance of all common areas is the responsibility of the property owners (association);
4. placement of a note on the Final Plat stating that any lots which are developed commercially (or multi-family residential) and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;
5. provision of a certification letter from a licensed engineer to the Planning Section of Urban Development, certifying that the stormwater detention, drainage facilities, and release rate comply with the City of Mobile stormwater and flood control ordinances, prior to the signing and recording of the final plat;
6. labeling of all lots with size in square feet, or placement of a table on the plat containing the lot size information; and
7. the submission of a letter stating the compliance of Section V.D.2. of the Subdivision Regulations prior to the signing of the Final Plat or documentation from the developer stating the location and design of a centralized sanitary system to handle the wastewater of the subdivision.

The motion carried unanimously.

Case #SUB2007-00118

Kings Branch Subdivision, Phase Two

North termini of Kings Gate Drive West, Kings Branch Drive East, and La Coste Road; and extending to the West terminus of Royalty Way, and to the North terminus of Meadow Lane.

175 Lots / 101.8± Acres

Applicant was agreeable with the recommendations.

There was no one present in opposition and no discussion.

Dr. Rivizzigno moved, with second by Mr. Watkins, to approve the above-referenced subdivision, subject to the following conditions:

- 1) revision of the plat to add a note stating that all detention areas must be located outside of the Zone “AE” floodplain;
- 2) revision of the plat to ensure that all common areas, including detention areas, are clearly labeled;
- 3) revision of the plat to ensure that all common areas have a minimum of 25-feet of access onto a public street;

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- 4) revision of the plat to depict drainage access easements near the proposed detention areas, to allow for access to the detention areas for maintenance from streets within the subdivision;
- 5) the placement of note on the final plat stating that the northern portion of the site may be impacted by the planned Eight Mile Creek Parkway and a study will be conducted at that time to determine the exact location of the parkway;
- 6) placement of a note on the plat, as depicted, stating that the approval of all applicable federal, state and local agencies will be required prior to the issuance of any permits or land disturbance activities if wetlands occur on the site;
- 7) placement of a note on the plat, as depicted, stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;
- 8) placement of a note on the plat, as depicted, stating that provision of a certification letter from a licensed engineer to the Planning Section of Urban Development, certifying that the storm water detention and drainage facilities comply with the City of Mobile storm water and flood control ordinances, is required prior to the signing and recording of the final plat for each unit;
- 9) placement of a note on the plat, as depicted, stating that maintenance of the detention and common areas is the responsibility of the subdivision's property owners; and
- 10) labeling of all lots with size in square feet, as depicted, or placement of a table on the plat containing the lot size information.

The motion carried unanimously.

Case #SUB2007-00116 (Subdivision)
Myers at General Bullard Subdivision

4686 Airport Boulevard

(Northeast corner of Airport Boulevard and General Bullard Avenue).

1 Lot / 1.1± Acres

Tom Clark of Clark, Greer, and Latham, was present for the applicant and requested a two week holdover to July 19, 2007.

There was no one present in opposition and there was no discussion.

Mr. Plauche moved, with second by Mr. Mead, to holdover this application until the meeting of February 1, 2007.

The motion carried unanimously.

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Case #ZON2007-01460 (Planned Unit Development)

Myers at General Bullard Subdivision

4686 Airport Boulevard

(Northeast corner of Airport Boulevard and General Bullard Avenue).

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

Tom Clark of Clark, Greer, and Latham, was present for the applicant and requested a two week holdover to July 19, 2007.

There was no one present in opposition and there was no discussion.

Mr. Plauche moved, with second by Mr. Mead, to holdover this application until the meeting of July 19, 2007.

The motion carried unanimously.

Case #SUB2007-00122 (Subdivision)

Olsson Motel Subdivision

4137 Government Boulevard

(South side of Government Boulevard, 1750'± East of Crestview Drive).

1 Lot / 3.2± Acres

Don Rowe of Rowe Surveying was present on behalf of the applicant. He was in agreement with all recommendations except:

Revision of site plan to depict six foot high wooden fence and ten foot buffer.

There was no one present in opposition and no further discussion ensued.

Mr. Watkins amended condition number 2 to read “a privacy fence or a 10 feet wide natural vegetative buffer” then moved to approve, with second by Mr. Mead, the above referenced subdivision, subject to the following:

- 1) **placement of a note on the final plat stating that the site is limited to the existing curb-cuts, with any modifications subject to the approval of Traffic Engineering and ALDOT, and to comply with AASHTO standards;**
- 2) **placement of a note on the final plat stating that a 6-foot high wooden privacy fence OR a 10-foot wide natural vegetative buffer shall be provided where the site abuts single-family residences in the Crestview Subdivision, along the Southeast property line;**
- 3) **compliance with Urban Forestry comments, and placement of those comments as a note on the site plan (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 45” Live Oak Tree located**

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behind the open porch dwelling of Lot 1. 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.); and,

4) provision of a revised Zoning site plan and PUD site plan to the Planning Section of Urban Development prior to the signing and recording of the final plat.

The motion carried unanimously.

Case #ZON2007-01461 (Rezoning)

Rashimiben S. Patel

4137 Government Boulevard

(South side of Government Boulevard, 1750'± East of Crestview Drive).

Rezoning from R-1, Single-Family Residential District, to B-2, Neighborhood Business District, to allow a motel.

Council District 4

Don Rowe of Rowe Surveying was present on behalf of the applicant. He was in agreement with all recommendations except:

Revision of site plan to depict six foot high wooden fence and ten foot buffer.

There was no one present in opposition and no further discussion ensued.

Mr. Watkins amended condition number 2 to read “a privacy fence or a 10 feet wide natural vegetative buffer” then moved to approve, with second by Mr. Mead, the above referenced subdivision, subject to the following:

- 1) revision of the site plan to depict frontage trees, to be coordinated with Urban Forestry;**
- 2) revision of the site plan to depict a 6-foot high wooden privacy fence or a 10-foot wide natural vegetative buffer where the site abuts single-family residences in the Crestview Subdivision, along the Southeast property line;**
- 3) provision of a revised site plan to the Planning Section of Urban Development prior to the signing of the final plat, or the obtaining of building permits;**
- 4) compliance with Urban Forestry comments, and placement of those comments as a note on the site plan (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 45” Live Oak Tree located behind the open porch dwelling of Lot 1. 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.); and,**
- 5) full compliance with all other municipal codes and ordinances.**

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The motion carried unanimously.

Case #ZON2007-01462 (Planned Unit Development)

Olsson Motel Subdivision

4137 Government Boulevard

(South side of Government Boulevard, 1750' ± East of Crestview Drive).

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

Council District 4

Don Rowe of Rowe Surveying was present on behalf of the applicant. He was in agreement with all recommendations except:

Revision of site plan to depict six foot high wooden fence and ten foot buffer.

There was no one present in opposition and no further discussion ensued.

Mr. Watkins amended condition number 2 to read “a privacy fence or a 10 feet wide natural vegetative buffer” then moved to approve, with second by Mr. Mead, the above referenced subdivision, subject to the following:

- 1) **revision of the site plan to depict frontage trees, to be coordinated with Urban Forestry;**
- 2) **revision of the site plan to depict a 6-foot high wooden privacy fence or a 10-foot wide natural vegetative buffer where the site abuts single-family residences in the Crestview Subdivision, along the Southeast property line;**
- 3) **placement of a note on the site plan stating that the site is limited to the existing curb-cuts, with the size, design and location of any modifications to the curb-cuts to be approved by Traffic Engineering and ALDOT, and to comply with AASHTO standards;**
- 4) **provision of a revised site plan to the Planning Section of Urban Development prior to the signing of the final plat, or the obtaining of building permits;**
- 5) **compliance with Urban Forestry comments, and placement of those comments as a note on the site plan (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 45” Live Oak Tree located behind the open porch dwelling of Lot 1. 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.); and,**
- 6) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2007-00133

Carol Plantation Subdivision, Third Unit, Resubdivision of a Portion of Farm Lot 520

6800 Hayfield Circle West

(Northwest corner of Hayfield Circle North and Hayfield Circle West).

2 Lots / 1.8± Acres

The applicant was agreeable with all recommendations.

There being no opposition or discussion, Dr. Rivizzigno moved to approve, with second by Mr. Mead, the above referenced subdivision, with the following:

With the changes submitted, and a waiver of Section V.D.2 of the Subdivision Regulations, the plat is recommended for tentative approval subject to the following conditions:

- 1) depiction of the 25-foot minimum building setback line for all lots where they are 60' in width;
- 2) provision of a note on the final plat stating that Lot 1 and Lot 2 are limited to a single shared curb cut, with the size, design, and location to be approved by the Mobile County Engineering Department;
- 3) provision of a note on the final plat stating that no further subdivision of this property is to be allowed without acquisition of additional public right-of-way frontage;
- 4) provision of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;
- 5) provision of a note on the final plat stating that the development will be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering; and,
- 6) labeling of each lot in square feet, or provision of a table with the same information.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS

Case #SUB2007-00150

Junior Subdivision

7326 Three Notch Road

(North side of Three Notch Road at Travis Road, and extending North to the West terminus of Balsawood Drive)

1 Lot / 42.1± Acres

The application was recommended for holdover until August 2, 2007. There being no opposition or discussion, Mr. Plauche moved, with second by Dr. Rivizzigno, to hold the application over until that date:

with revisions due to the Planning Section of Urban Development by Noon on July 10, for the following reasons:

- 1) revision of the application to be a minimum of a two-lot subdivision, with labels, postage and revised application fees (for the additional lot);**
- 2) revision of the plat to depict at minimum two lots, and revision of the plat to depict requested dedication and curb-cut limitations;**
- 3) placement of a note on the plat stating that the development will be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering.; and,**
- 4) placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.**

The motion carried unanimously.

Case #SUB2007-00152

McCord-Hamilton Subdivision

2236 Park Place

(Northwest corner of Riverside Drive and Park Place).

2 Lots / 3.4± Acres

Applicant was in agreement with all recommendations.

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There being no opposition or discussion, Dr. Rivizzigno moved, with second by Mr. Watkins, to **waive Section V.D.3. of the Subdivision Regulations** and approve the above referenced subdivision, subject to the following conditions:

- 1) submission of a new “as-built” *survey* showing the location of the residence currently under construction via building permit BLD2007-02006, as well as all existing structures, to the Permitting Section of Urban Development and the Planning Section prior to the signing of the final subdivision plat;
- 2) revision of the plat to reflect dedication of right-of-way sufficient to provide 30-feet, as measured from the centerline of Park Place;
- 3) revision of the plat to depict the 25-foot minimum building setback line from all street frontages, adjusted for any required dedication;
- 4) placement of a note on the final plat stating that each lot is limited to one curb-cut, with the size, design and location to be approved by Traffic Engineering, and to conform with AASHTO standards;
- 5) labeling of each lot with its size in square feet, or placement of a table on the plat with the same information; and,
- 6) full compliance with Engineering comments, and placement of those comments as a note on the final plat (*All storm water shall be captured on-site; if water is concentrated onto an adjacent property owner, a release agreement is required. Show minimum finished floor elevation on each lot. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit.*).

The motion carried unanimously.

Case #SUB2007-00154

Broad-Elmira Subdivision

412 South Broad Street

(Northwest corner of Broad Street and Elmira Street).

2 Lots / 0.9± Acre

Jerry Byrd, Byrd Surveying, was present for the applicant. He expressed concern regarding the recommended holdover as follows:

- (1) the portion reported as omitted has been included within the metes and bounds description for some time, but the lot has been on record as a legal lot of record since the late 1800's; and,
- (2) Lot 2 does not go up into Lot 1.

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Mr. Olsen stated that based upon the staff's research, the plat does show that Lot 2 extends north into Lot 1, and in as much, may be include in the Historic district that governs that area. Mr. Olsen also asked Mr. Byrd if he knew how long Lot 3, Block 134, had been included in the metes and bounds legal description of the overall parcel. Based upon these, Mr. Olsen advised the Commission that the staff would need additional time to develop additional conditions based upon this information. He recommended July 19, 2007, as opposed to August 2, 2007.

Mr. Plauche asked Mr. Byrd which date he preferred. Mr. Byrd stated July 19, 2007.

Hearing no further discussion, Mr. Plauche moved, with second by Dr. Rivizzigno, to **holdover until the July 19, 2007, meeting to allow staff time to provide conditions for approval and:**

to allow the applicant to undertake the following:

- 1) revision of the application (to include labels, postage and lot fees) and plat to include the entirety of the metes and bounds parcel; and,**
- 2) consider and reflect changes necessary to be compatible with the "Bring Back Broad" initiative.**

The motion carried unanimously.

Case #SUB2007-00158

Addition to Shadow Creek Subdivision

East terminus of Shadow Creek Drive, and extending West to Sollie Road.

2 Lots / 1.3± Acres

Applicant was agreeable with recommendations.

Craig Matthews of Charleston Oaks questioned the Commission regarding the street stub and its possible connection to Shadow Creek. He was advised by Mr. Olsen that the issue before the Commission today had no bearing on whether the street stub would connect to Shadow Creek and further more there was nothing current to show that connection taking place.

Hearing no further discussion, Mr. Miller moved to approve the above referenced subdivision with second by Mr. Watkins, subject to the following:

- 1) placement of a note on the final plat stating that both lots are limited to one curb-cut to Shadow Creek Drive, with the size, design and location to be approved by Traffic Engineering and to conform with AASHTO standards; and,**
- 2) revision of the plat to label each lot with its size in square feet, or provision of a table on the plat with the same information.**

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The motion carried unanimously.

Case #SUB2007-00153

Oak Hill Place Subdivision

Southeast corner of Oak Hill Drive and Oak Hill Drive Extension.

5 Lots / 3.6± Acres

Joe Regan of Baskerville-Donovan, Inc., for the applicant, said that the staff's issue of public water had been resolved and that South Alabama Utilities would be providing this service. He stated that a letter from them advising as such had been faxed to the Urban Development staff. He also stated that the applicant was in full agreement with all the recommendations and requested that the matter not be heldover.

Mr. Olsen agreed with Mr. Regan. He also read the following recommendations in to the record:

- (1) correction of the street name, Oak Hill Drive Extension, to read Oak Hill Drive Extension North on the final plat;
- (2) correction of the street rights-of-way on Oak Hill Drive and Oak Hill Drive Extension North to 60 feet as indicated on the Mobile County Engineering road inventory data;
- (3) dedication of sufficient right-of-way at the intersection of Oak Hill Drive and Oak Hill Drive Extension North to provide a radius in compliance with Section V.D.6, Subdivision Regulation,;
- (4) placement of a note on the final plat stating that any lots which are developed commercially and adjoined to residential property must provide a buffer in compliance with Section V.A.7 of the Subdivision Regulations;
- (5) placement of a note on the final plat stating that the development will be designed to comply with storm water detention and drainage facility of the City of Mobile's Storm Water and Flood Control Ordinances and requiring certification from a licensed engineer that the design complies with these regulations prior to the issuance of any permits and certifications to be submitted to the Planning Section of Urban Development and County Engineering;
- (6) depiction of the 25 feet minimum building set back line along all street frontages;
- (7) placement of a note on the final plat that Lot 3 is limited to one curb cut to Oak Hill Drive and one curb cut to Oak Hill Drive Extension North. Lot 4 I limited to a maximum of two curb cuts and Lots 1, 2, and 5 are limited to one curb cut each, with size, location, and design to be approved by Mobile County Engineering; and,
- (8) revision of the plat to label each lot with its size and square feet or provision of a table on the plat depicting the same information.

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A short discussion regarding the street name between Mr. Regan and a female person attending the meeting ensued.

Hearing no further discussion, Mr. Watkins moved, and was seconded by Dr. Rivizzigno, to approve the above referenced subdivision with the following conditions:

- 1) **correction of the street name “Oak Hill Drive Extension” to read “Oak Hill Drive Extension North” on the Final Plat;**
- 2) **correction of the street rights-of-way on Oak Hill Drive and Oak Hill Drive Extension North to 60’ as indicated on the Mobile County Engineering Road Inventory data;**
- 3) **dedication of sufficient right-of-way at the intersection of Oak Hill Drive and Oak Hill Drive Extension North to provide a radius in compliance with Section V.D.6. of the Subdivision Regulations;**
- 4) **placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;**
- 5) **placement of a note on the Final Plat stating that development will be designed to comply with the stormwater detention and drainage facilities 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 facilities of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification to be submitted to the Planning Section of Urban Development and County Engineering;**
- 6) **depiction of the 25’ minimum building setback line along Oak Hill Drive and Oak Hill Drive Extension North;**
- 7) **placement of a note on the Final Plat stating that Lot 3 (the corner lot) is limited to one curb cut to Oak Hill Drive and one curb cut to Oak Hill Drive Extension North, Lot 4 is limited to two curb cuts, and Lots 1, 2, and 5 are limited to one curb cut each, with the size, location, and design of all curb cuts to be approved by the Mobile County Engineering Department; and,**
- 8) **revision of the Final Plat to label each lot with its size in square feet, or provision of a table on the plat depicting the same information.**

The motion carried unanimously.

Pinto Island Industrial Park Subdivision
410, 530, and 660 Dunlap Drive

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(All property on Dunlap Drive, South of the Pinto Pass Bridge, encompassing all of Pinto Island).

6 Lots / 545± Acres

The applicant was agreeable with the recommendations.

There being no opposition and hearing no discussion, Dr. Rivizzigno moved, with second by Mr. Miller, to approve the above referenced subdivision, subject to the following conditions:

- 1) provision of an operation gate or security guard on Dunlap Drive, on the South side of Pinto Pass, prior to signing of the final plat;**
- 2) submission of documentation to verify that the ALDOT standard of the private road meets or exceeds the standard specified in the Subdivision Regulation;**
- 3) compliance with Section VIII.E.2 of the Subdivision Regulations;**
- 4) the submission of Administrative PUD applications for any new building (site built or modular), parking area, circulation drives, or major equipment; and,**
- 5) approval from all applicable federal, state and local agencies be obtained prior to the issuance of any permit.**

The motion carried unanimously.

Case #SUB2007-00156

Todd Manor Subdivision

North side of Downey Drive, 145'± West of Todd Acres Drive.

9 Lots / 2.7± Acres

Don Coleman, Rester and Coleman, was present for the applicant and in agreement with all recommendations.

The following four persons spoke in opposition, offering these points:

- 1) Karen Conner, Downey Drive, brought a petition with 42 signatures. She gave these points of concern:
 - (1) desire for single family housing to be built;
 - (2) minimum of 75 feet across frontage;
 - (3) 1700 square feet per residence;
 - (4) off street parking for at least two vehicles; and,
 - (5) storm drainage with no impact to the existing neighborhood.
- 2) Arthur Conner spoke to the following:
 - (1) the desire not to have on street parking due to small lot size; and,
 - (2) the desire to maintain a minimum of 75 feet property frontage.

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- 3) Wayne Vickers, 4303 Downey Drive, addressed drainage concerns.
- 4) James Maycock, 2465 Downey Drive, addressed:
 - (1) drainage concerns; and,
 - (2) minimum square footage with regards to finished floor elevations.

Mr. Olsen addressed these concerns by stating:

- (1) the minimum lot requirement by subdivision regulations is 60 feet. The lots as proposed meet and/or exceed these requirements with regards to lot size with the 9 proposed lots having an average frontage of 60 feet; and,
- (2) the proposed subdivision would have to comply with the City of Mobile drainage standards and that retained storm water could not flow from the site at any greater or faster rate, or concentration than before development; and,
- (3) the zoning ordinance for the City requires that off street parking must be provided, and that while a garage is not required, on site parking is a requirement.

Mr. Coleman spoke to the concerns voiced saying that Mr. Todd, the developer, had asked for the 60 feet lots and that developer planned on building houses with a minimum of 1800 square feet in this neighborhood. Mr. Coleman also said the developer had plans with regard to his ability to put in off street parking for the proposed homes.

Mr. Miller asked Mr. Lawler if the Commission could set limits with regard to lot size.

Mr. Lawler advised the Commission that once the minimum standards for a subdivision are met, the Commission had the right to take into consideration what negative impact the proposed subdivision would have on the area based upon area, topography, and in this case, water.

After hearing the discussion, Mr. Miller moved, with second by Dr. Rivizzigno, to hold over matter until the August 2, 2007, meeting.

The motion carried unanimously.

Case #SUB2007-00157

Addition to Bellingrath Road Country Club Estates Subdivision

8031 Bellingrath Road

(East side of Bellingrath Road, 585'± South of Mardanne Drive).

26 Lots / 10.2± Acres

Mr. Plauche stated the case was recommended for holdover and hearing no discussion, moved to do as much. The motion was seconded by Mr. Miller and carried unanimously.

Case #SUB2007-00159

The Legends at Magnolia Grove Subdivision, Unit 2

2600 Legends Row

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(North terminus of Legends Row, extending North to Graham Road, and the West terminus of Champions Run)
53 Lots / 20.0± Acres

The applicant was agreeable with all recommendations.

Chairman Plauche called for anyone needing to speak on the matter and the following three persons spoke in opposition stating the increase in traffic to the area was of major concern:

- (1) Kenny Miller, 2578 Legends Row, Mobile, AL 36618, addressed these:
 - (a) that size of the proposed lots be consistent with the existing lot sizes; and
 - (b) apprehension over the paving of Graham Road. He expressed concern over the fact that it would create an other access point to the subdivision and the impact that increased traffic would have on the area, and presented a petition from the neighborhood stating:

We, the residents and property owners of The Legends at Magnolia Grove, with regards to Case#SUB2007-00159, request that the Mobile City Planning Commission deny approval for Case#SUB2007-00159, the Legends at Magnolia Grove subdivision, Unit 2, a 53 lot, 20 acre± subdivision. The undersigned are united in our concern over the proposed plan, particularly the stipulation that requires Unit 2 have access to Graham Road due to the increased traffic that will travel through The Legends at Magnolia Grove as a result of this part of the plan. We are concerned about vehicular and pedestrian traffic and the subsequent decrease in property value and quality of life as a result. Our children and pets play in the street and the habitual increase in traffic that would cut through our neighborhood and adjacent golf course would prevent them from doing so safely. We respectfully ask for the Planning Commission's support in regards to this matter. Sincerely, the residents of The Legends at Magnolia Grove.

- (2) Jason McClendon, 7004 Champions Run, stated the additional access to the subdivision via the proposed Hawthorne Suites project and the increase in traffic it would produce was of great concern to him as a parent and property owner.

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- (3) Jeff Roberts, 2570 Legends Road, voiced anxiety over the increase in traffic as well, bringing to light the issues of morning and afternoon work related traffic. He added that opening up this area in Legends would provide those going to and from work another “cut thru” to shorten their drive time without regard to the impact it would have on the children and other residents of the neighborhood.

Mr. Olsen made the following comments with regards to the concerns of the opposition speakers:

- (1) the staff’s recommendation with regard to the stub follows what was required by the Planning Commission when they first approved the Legends development several years ago;
- (2) the requirement of the connection and its paving was due to the fact that this was the only access point to all of these lots, and that without it, if anything were to occur, the residents would have no means of public egress from the subdivision and basically would be trapped; and,
- (3) the subdivision regulations require connection to existing street stubs.

Mr. Watkins asked for clarification regarding the paving of Graham Road (i.e. how much, where).

Mr. Olsen advised that only the 50 feet of right of way of Graham tying it to the existing paving of Mayflower would be required.

Mr. Watkins asked if the hotel development would currently have an impact on this site.

Mr. Olsen advised that all three previous approvals that had come before the Commission regarding the development of Hawthorne Suites had expired and in as much would have no affect on this proposal.

Mr. Watkins asked for the reasoning behind not having the stub out for this subdivision on the north side of the subdivision.

Mr. Olsen said that property was not part of the application, was under separate ownership, and is landlocked. He did state that the cul-de-sac actually has a stub to connect to it that will provide access when the property is developed. Mr. Olsen stated again that the reason that the staff and the original approvals required the connection at that point was because Mayflower going up was currently paved and county maintained, thus giving the most immediate access to the subdivision.

Mr. Plauche, hearing no further opposition, asked if the applicant would like to respond.

David Deihl with Engineering Development Services, spoke on behalf of the applicant and made the following points:

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- (1) the overall plan for this development had been approved some time ago and the stub in question was a requirement of that plan; and,
- (2) elimination of the stub-out might put the plan in conflict with the requirements of the Engineering Department and/or Traffic Engineering Department.

Mr. Watkins asked the Traffic Engineer if the Commission were to approve the subdivision and take out the tie-in to Graham Road, would that have any negative impact on the previously approved plans with regard to Traffic Engineering?

The city's traffic engineer responded that their department would have no problems with the Commission doing such.

In deliberation, Mr. Miller commented on the pros and cons of living on a cul-de-sac/dead end street and asked the other Commission members for their thoughts on the matter.

Dr. Rivizzigno stated that she felt the city could manage traffic through the neighborhood with the placement of speed bumps, but that it was not within the Commission's purview to limit the access of the general public to public roadways because it created an inconvenience to those that lived along those public roads.

Mr. Watkins voiced his concern about the repercussions of opening this area up, as it was a well known fact that this area had become a major "cut thru" to Moffet Road and/or Schillinger Road. He acknowledged that the area would be developed further and that additional stub streets would be in place to tie this area in to the other developments that would come "on line" in the future.

Mr. Olsen reminded the Commission of the stipulation from the original 1999 approval, which stated "a maximum of 50% of the lots be recorded before or no more be recorded until an additional point of access to Moffett Road is provided," saying it took into consideration a much larger layout and that the developer was at that point now where the required additional point of access from the original approval would need to be provided.

Dr. Rivizzigno moved to approve the above referenced subdivision subject to the staff's recommendations. Mr. Miller seconded.

Hearing no further discussion, the chair called the vote. The motion failed.

Mr. Lawler advised the Commission that they need a motion to approve it, deleting whatever they wanted to delete from the conditions, as he was not sure they had sufficient purpose to deny the subdivision in toto.

Mr. Watkins then moved to approve the subdivision subject to the requirement of paving a portion of Graham Road, item no. 1, be removed and the stub out between Lot 35 and 36 be removed, with all other recommendations to stay the same.

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Mr. Holmes seconded the motion.

Mr. Plauche called the vote. The motion passed and the above referenced subdivision was approved with the following conditions:

- 1) **removal of the street stub to the North, between Lots 35 and 36, and adjustment of the lot lines to accommodate the removal;**
- 2) **placement of a note on the final plat stating that all lots are denied direct access to Graham Road;**
- 3) **placement of a note on the final plat stating that all lots are limited to one curb-cut each, with the size, design and location to be approved by Traffic Engineering, and to conform with AASHTO standards;**
- 4) **depiction of an additional 25-foot minimum building setback line on the rear portion of those lots with frontage onto Graham Road;**
- 5) **labeling of all common areas and detention common areas, and retaining of the note on the final plat stating that the common areas will be maintained by the property owners association; and,**
- 6) **the labeling of each lot with its size in square feet, as depicted on the preliminary plat, or the provision of a table with the same information on the final plat.**

Case #SUB2007-00149

The Legacy at Saybrook Subdivision, Unit One and Unit Two

West termini of Saybrook Boulevard and Pierson Drive.

198 Lots / 124.0± Acres

David Diehl, Engineering Development Services, spoke for the applicant, being agreeable to all recommendations, except condition no 2, and asked if there were some way to change that as both units are mirror images of the other. He also expressed concern about a proposed subdivision called Woodland Glen to the south and west of Saybrook. The developer of Saybrook is concerned that the location of a stub out in the Saybrook subdivision has the potential of becoming a “cut-thru”, and asked the Commission to consider removing that stub out.

Mr. Olsen stated that staff had no problem changing the wording on condition 2 to read “individual applications for each phase or unit if there are to be more than two units as shown on the approved plan.”

Mr. Plauche asked if anyone needed to speak on Legacy at Saybrook

Charles Bryars, the property owner to the north on the development’s east line, asked the Commission to have the developer place two stub outs to his two parcels, which constitute approximately 35 acres. He stated the following reasons why:

- (1) each lot has access to Sollie Road only via a 25 feet strip each, as created in 2003, when the parcels were first subdivided;
- (2) though this situation is self-imposed, this was the only way

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to create driveways for the two parcels, as there are drainage easements that must be crossed.

Mr. Diehl responded that if the Commission felt stub outs were in order, that they limit it to one for the following reasons:

- (1) the parcels in question are neither being developed or landlocked; and
- (2) the Commission would be asking the developer to incur additional expense to make other property developable, which has not been their position previously.

After discussion by the Commission, Mr. Watkins moved to approve the above referenced subdivision, amending requirement no. 2 to read “submission of the approval of individual applications for each phase of the unit, if more than two units are shown on the approved plan to insure the development occurs in a manner to provide the points of access in a timely and efficient way, and to provide a single stub out between Lot 133 and 138 on the plan.”

Mr. Holmes seconded and the chair called the vote on the motion to approve with the following conditions:

- 1) **the placement of a note on the Final Plat stating that Lots 1, 5, 14, 21, 22, 33, 93, 94, 104, and 105 of Unit One; and 124, 132, 148, and 149 of Unit Two are corner lots, are limited to one curb cut, with the size, design and location to be determined by County Engineering;**
- 2) **submission and approval of individual applications for each phase or unit if there are to be more than two units/phases as proposed, to ensure that development occurs in a manner to provide the most points of access in a timely and efficient manner;**
- 3) **all proposed roads be constructed to county standards, and dedicated to Mobile County;**
- 4) **all areas not designated as lots should be labeled as common areas (including wetlands and detention areas), and a note placed on the final plat stating that maintenance of all common areas is the responsibility of the property owners (association);**
- 5) **placement of a note on the final plat stating that any lots which are developed commercially (or multi-family residential) and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;**
- 6) **provision of a certification letter from a licensed engineer to the Planning Section of Urban Development, certifying that the stormwater detention, drainage facilities, and release rate comply with the City of Mobile stormwater and flood control ordinances, prior to the signing and recording of the final plat;**
- 7) **labeling of all lots with size in square feet, or placement of a table on the plat containing the lot size information; and,**
- 8) **provision of one street-stub to the North, between Lots 133 and 138.**

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The motion carried unanimously.

Case #SUB2007-00155

Woodcreek Subdivision

7600 and 7601 Lesley Court

(East terminus of Lesley Court, extending East to Sollie Road).

371 Lots / 141.0± Acres

Applicant was agreeable with recommendations.

Jack Stephens, 7440 Three Notch Road, addressed the Commission. He stated that he and his brother co-owned the property adjacent to this to the south, and not having seen any plats of the proposal, queried as to stub outs to their property.

Mr. Hoffman advised the Commission that Mr. Stephens property was the subject of the Junior subdivision, which the Commission had chosen to hold over for a month, and that the staff was recommending at least one street stub to the Stephens' property.

There being no opposition and hearing no further discussion, Dr. Rivizzigno moved, with Mr. Miller's second, to approve the above referenced subdivision as follows:

With a waiver of Section V.D.2., and subject to the following conditions:

- 1) revision of the plat to show dedication of right-of-way sufficient to provide 50-feet, as measured from the centerline of Sollie Road;**
- 2) revision of the plat to provide one street-stub connection in the vicinity of Lots 331 - 332, or Lot 318;**
- 3) revision of the plat to provide a street-stub connection to Shasta Drive, near Lot 281 – 282;**
- 4) revision of the plat to provide one street-stub connection each to parcels R023304194000002. and R023304194000001.;**
- 5) labeling of each lot with its size in square feet, or provision of a table with the same information;**
- 6) revision of the plat to label all common areas, detention areas and any unidentified areas, and provision of a table quantifying common area in square feet (by phases);**
- 7) placement of a note on the plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;**
- 8) placement of a note on the plat stating that provision of a certification letter from a licensed engineer to the Planning Section of Urban Development, certifying that the stormwater detention and drainage facilities comply with the City of Mobile stormwater and flood control ordinances, is required prior to the signing and recording of the final plat;**

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- 9) placement of a note on the plat stating that maintenance of the detention and common areas is the responsibility of the subdivision's property owners;
- 10) placement of a note on the plat stating that approval of all applicable federal, state and local agencies is required prior to the issuance of any permits or land disturbance activities;
- 11) placement of a note on the final plat stating that all lots are denied direct access to Sollie Road;
- 12) placement of a note on the final plat stating that each lot is limited to one curb-cut, with the size, design and location to be approved by Mobile County Engineering;
- 13) depiction of the 25-foot minimum building setback line from all street frontages, adjusted for any required dedication along Sollie Road;
- 14) provision of a phasing plan prior to the signing of the final plat, if the subdivision will be developed in phases, and the plats recorded in phases; and,
- 15) revision of the plat to correct any missing or extra lot lines.

The motion passed unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2007-01594

Scott Hudson

252 Azalea Road

(West side of Azalea Road, 100'± South of Airport Boulevard).

Request to waive construction of a sidewalk along Azalea Road.

Council District 5

Hearing no discussion, Mr. Mead moved to approve the new sidewalk waiver application.

Mr. Watkins seconded the motion.

The motion carried unanimously.

NEW ZONING APPLICATIONS:

Case #ZON2007-01627

Greg Dreaper

119 North Julia Street

(West side of Julia Street, 335'± South of Springhill Avenue).

Rezoning from B-1, Buffer Business District, to R-1, Single-Family Residential District, to allow a single-family residential dwelling.

Council District 2

The applicant was agreeable with the recommendation.

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Mr. James Vasick, 116 Garnet Avenue, spoke, but was soon made aware that his issues were not with this application.

Hearing no further discussion, Mr. Mead moved to approve the new zoning application.

Mr. Watkins seconded the motion, which carried unanimously.

OTHER BUSINESS:

There being no further business, the meeting was adjourned in regular form.

APPROVED: August 7, 2008

Bill DeMouy, Secretary

Terry Plauche, Chairman

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