

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF JUNE 21, 2007 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
Debra M. Butler
William DeMouy
Nicholas Holmes, III
Mead Miller
Roosevelt Turner
John Vallas

Members Absent

James Watkins, III, Vice-Chairman
Victoria Rivizzigno, Secretary
Ann Deakle

Staff Present

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

Others Present

John Lawler, Assistant City Attorney
Rosemary Sawyer, City Engineering
Jennifer White, Traffic Engineering
Pat Stewart, County 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.

APPROVAL OF MINUTES:

HOLDOVERS:

Case #SUB2007-00090 (Subdivision)

WMSHC Subdivision

227 Hillcrest Road

(East side of Hillcrest Road, 625'± South of Cedar Bend Court).

1 Lot / 1.6± Acres

Mr. Plauche announced that this application was recommended for holdover to the July 19th meeting, but if anyone was present and wished to speak today, they could do so.

No one came forward to speak.

After discussion a motion was made by Mr. Plauche and seconded by Mr. DeMouy to holdover this application until the July 19th meeting, at the applicant's request.

The motion carried unanimously.

Case #ZON2007-01164 (Planned Unit Development)

Weinacker's Montessori School, Inc.

227 Hillcrest Road

(East side of Hillcrest Road, 625'± South of Cedar Bend Court).

Planned Unit Development

Mr. Plauche announced that this application was recommended for holdover to the July 19th meeting, but if anyone was present who wished to speak today, they could do so.

No one came forward to speak.

After discussion a motion was made by Mr. Plauche and seconded by Mr. DeMouy to holdover this application until the July 19th meeting, at the applicant's request.

The motion carried unanimously.

Case #ZON2007-01165 (Planning Approval)

Weinacker's Montessori School, Inc.

227 Hillcrest Road

(East side of Hillcrest Road, 625'± South of Cedar Bend Court).

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

Mr. Plauche announced that this application was recommended for holdover to the July 19th meeting, but if anyone was present who wished to speak today, they could do so.

No one came forward to speak.

After discussion a motion was made by Mr. Plauche and seconded by Mr. DeMouy to holdover this application until the July 19th meeting, at the applicant's request.

The motion carried unanimously.

EXTENSIONS:

Case #SUB2006-00083

Grayson Subdivision

1600 Wolf Ridge Road

(East side of Wolf Ridge Road, ¼ mile± North of Moffett Road).

2 Lots / 30.5± Acres

After discussion a motion was made by Mr. Plauche and seconded by Mr. Miller to grant a one-year extension of approval for the above referenced subdivision. Additional extensions, however, would be unlikely.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2007-00129

B & R Properties Subdivision

5290 & 5480 Willis Road

(West side of U.S. Highway 90 Service Road, 500'± West of U.S. Highway 90 West, and extending West to the East side of Willis Road).

2 Lots / 3.3± Acres

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

After discussion a motion was made by Mr. Turner and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

- 1) **placement of a note on the final plat limiting Lot 1 to one curb cut with the size, location, and design to be approved by County Engineering and limiting Lot 2 to the two existing curb cuts;**
- 2) **placement of a note on the final plat stating that crossover traffic between Lots 1 and 2 is prohibited;**
- 3) **placement 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;**
- 4) **provision of the seven recorded copies, with Map Book and Page numbers, of Ram's Head Addition to Tillmans Corner Subdivision, Unit Two, Resubdivision of Lot 1 prior to signing of the final plat.**

The motion carried unanimously.

Case #SUB2007-00131

Vic Mikerona Subdivision, Resubdivision of Lot 1

South side of McLeod Road, 1380'± West of McFarland Road.

2 Lots / 8.0± Acres

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

After discussion a motion was made by Mr. Vallas and seconded by Mr. Turner to approve the above referenced subdivision subject to the following conditions:

- 1) depiction of a minimum building setback line of 25' along McLeod Road;
- 2) placement of a note on the Final Plat limiting Lots 1 and 2 to one curb cut each onto McLeod Road, with the size, design, and location to be approved by the Mobile County Engineering Department;
- 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.7. of the Subdivision Regulations;
- 4) 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; and
- 5) labeling of each lot with its size in square feet.

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

Matt Orrell, Polysurveying, was present on behalf of the applicant. Mr. Orrell stated that the subject property was located in the County and had one house on it, and his client simply wanted to divide the property into two lots so he could build another house. Mr. Orrell said when he first submitted this plat to the City they only had 45 feet of frontage, which was 5 feet less than the regulations required. They agreed to dedicate additional right-of-way to be able to increase the frontage. After reading the staff report, however, they felt the City was making it very complicated in requesting that they construct a cul-de-sac. Mr. Orrell said he had submitted a revised plat to the staff showing each lot to have 22 ½ feet of frontage on the street. It was not a cul-de-sac. It was a County road. He said his client was willing to accept a condition of no resubdivision until a new street was put in, subject to having one curb cut to be shared with both lots so they would not impact the County's right-of-way whatsoever, because they planned to use the existing driveway that was there. They would also agree to the standard requirement of placing a

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note on the final plat stating that any lots that are developed commercially and adjoin residentially developed property must provide a buffer. Mr. Orrell asked that the Commission approve the revised plat with the conditions as stated.

Mr. Vallas asked Mr. Stewart, representing County Engineering, if they had any issues with Mr. Orrell's proposal.

Mr. Stewart said County Engineering was okay with the proposal.

There was no one else to speak in this matter.

In deliberations session Mr. Vallas moved to approve this plan subject to the staff recommendation, along with the one curb cut and no further resubdivision.

Mr. Olsen stated that he would prefer a holdover until the next meeting to allow the staff time to develop adequate conditions based upon the revised plat.

Mr. Vallas withdrew his motion.

Mr. Vallas then made a motion to holdover this application until the July 5th meeting to allow staff to develop conditions for approval based upon the revised plat submitted at meeting.

The motion was seconded by Mr. Miller.

There being no further discussion, Mr. Plauche called for the vote.

The motion carried unanimously.

Case #SUB2007-00134

Azalea Park Subdivision

9486 Nursery Road

(North side of Nursery Road, extending North to the South terminus of Azalea Park Court).

2 Lots / 22.7± Acres

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

After discussion a motion was made by Mr. Miller and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

- 1) depiction of the 25-foot minimum building setback each lot at all street frontages per Section V.D.9 of the Subdivision Regulations;**

- 2) provision of a note on the final plat stating that Lot 2 is limited to one curb cut onto Azalea Park Court, with the size, location, and design to be coordinated with the Mobile County Engineering Department, and Lot 1 is limited to one curb cut onto Nursery Road, with the size, location, and design to be coordinated with the Mobile County Engineering Department;
- 3) 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;
- 4) provision of a note should be placed 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
- 5) labeling of each lot in square feet, or provision of a table with the same information.

The motion carried unanimously.

Case #SUB2007-00137

Stringfellow Subdivision

1275 & 1341 Cody Road North

(West side of Cody Road North, 220' ± South of Howells Ferry Road).

2 Lots / 2.4± Acres

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

After discussion a motion was made by Mr. Miller and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

- 1) dedication of sufficient right-of-way to provide 50' from the centerline of Cody Road;
- 2) placement of a note on the Final Plat stating that Lot 1 is limited to two curb cuts to Cody Road, and Lot 2 is limited to one curb cut to Cody Road, with the size, location, and design of all curb cuts to be approved by the Mobile County Engineering Department;
- 3) adjustment of the minimum building setback line to be measured from the dedicated right-of-way along Cody Road;
- 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; and**
 - 6) revision of the 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.

Case #SUB2007-00138

Springhill Memorial Gardens Subdivision

600 Pierce Road

(East side of Pierce Road, 1168'± North of Airport Boulevard).

2 Lots / 40.3 ± Acres

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

After discussion a motion was made by Mr. Miller and seconded by Mr. Vallas 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 with the size, location and design of all curb cuts to be approved by the Mobile County Engineering Department;**
- 2) depiction of the 25' minimum building setback line along Pierce Road;**
- 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.7. of the Subdivision Regulations;**
- 4) 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;**
- 5) placement of a note on the final plat stating that the approval of all**

- applicable federal, state and local agencies is required prior to the issuance of any permits or land disturbance activities; and
- 6) revision of the 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.

Case #SUB2007-00139

Redding Estates Subdivision

4689 Calhoun Road and 5672 Andrews Road

(North side of Andrews Road, 125' ± East of Calhoun Road and extending North and East to the East side of Calhoun Road).

2 Lots / 0.7± Acre

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

After discussion a motion was made by Mr. Turner and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

- 1) provision of a note on the final plat stating that each lot is limited to the existing curb cuts;
- 2) 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;
- 3) 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
- 4) labeling of each lot in square feet, or provision of a table with the same information.

The motion carried unanimously.

Case #SUB2007-00140

Faith Center Subdivision

North side of Zeigler Boulevard, 170' ± East of Tanner Williams Road.

2 Lots / 1.7± Acres

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

After discussion a motion was made by Mr. Turner and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

- 1) **placement of a note on the Final Plat stating that Lots 1 and 2 are limited to one curb cut each with the size, location and design to be approved by the Mobile County Engineering Department;**
- 2) **depiction of the 25' minimum building setback line along Zeigler Boulevard;**
- 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.7. of the Subdivision Regulations;**
- 4) **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; and**
- 5) **revision of the 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.

Case #SUB2007-00145

Raleigh Subdivision, Unit Three, Resubdivision of Lots 2 & 3

3475 Morgan Court

(Southwest corner of Raleigh Boulevard and Sollie Road, and extending South to Morgan Court).

2 Lots / 1.4± Acres

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

After discussion a motion was made by Mr. Turner and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

- 1) **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;
- 2) 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;
 - 3) a note should be placed on the final plat stating that both Lot 2 and Lot 3 are denied access to Sollie Road;
 - 4) deletion of the proposed right-of-way dedication;
 - 5) depiction of the current right-of-way of Sollie Road; and
 - 6) provision of the seven copies of the recorded plat of Raleigh Addition Subdivision from 2001.

The motion carried unanimously.

Case #SUB2007-00146

Knowles Addition to Fairfields Subdivision

Northwest corner of Fairfield Road and Clubhouse Road.

2 Lots / 0.4± Acre

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

After discussion a motion was made by Mr. Turner and seconded by Mr. DeMouy to approve the above referenced subdivision subject to the following conditions:

- 1) dedication of sufficient right-of-way to provide a radius at the corner of Clubhouse Road and Fairfield Road, in compliance with Section V.D.6. of the Subdivision Regulations;
- 2) depiction of the 25' minimum building setback line along both street frontages;
- 3) placement of a note on the Final Plat that each lot is limited to one curb cut, with the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards; and
- 4) revision of the 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.

Case #SUB2007-00147

Glisson Addition to Pine Hill Drive Subdivision

615, 617, and 621 Pinehill Drive

(East side of Pinehill Drive, 255'± North of Salvia Street North).

2 Lots / 0.5± Acre

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

After discussion a motion was made by Mr. Turner and seconded by Mr. DeMouy to approve the above referenced subdivision subject to the following conditions:

- 1) depiction of the 25 foot minimum building setback on both lots as per Section V.D.9 of the Subdivision Regulations;**
- 2) a note on the final plat limiting the site to the existing curb cuts;**
- 3) labeling of each lot with size in square feet, or a table provided on the plat with the same information;**
- 4) Compliance with Engineering Comments (*Show limits on x-shaded flood plain. 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*);**
- 5) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2007-00142

Dempsey Subdivision

6163 Bayou Road

(North side of Bayou Road, 660'± East of Gator Road).

3 Lots / 3.4± Acres

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

After discussion a motion was made by Mr. Turner and seconded by Mr. DeMouy to approve the above referenced subdivision subject to the following conditions:

- 1) depiction of the 25' minimum building setback line for Lots 2 and 3 along Bayou Road;
- 2) depiction of the 25' minimum building setback line on Lot 3 where that lot is at least 60' wide;
- 3) 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;
- 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) the approval of all applicable federal, state, and local agencies prior to the issuance of any permit;
- 6) labeling of each lot with its size in square feet, or provision of a table on the plat with the same information;
- 7) placement of a note on the Final Plat stating each lot is limited to one curb to Bayou Road with the size, location, and design to be approved by the Mobile County Engineering Department; and
- 8) placement of a note on the Final Plat stating that there shall be no further subdivision of Lot 1 until additional frontage on a public street is provided.

The motion carried unanimously.

Case #SUB2007-00141

The Old Finch Place Subdivision

4600 Schillinger Road South

(West side of Schillinger Road South, 175'± South of Bullitt Drive, and extending Westward to Clearview Drive).

4 Lots / 6.8± Acres

Note: This plan was previously approved as a 4-lot subdivision at the May 17, 2007 meeting, with conditions including the dedication of sufficient right-of-way to provide 50 feet, as measured from the centerline of Schillinger Road South. The applicant is requesting removal of that requirement and replacing it with an additional building setback requirement (35 feet instead of the normal 25 feet). The owner wants to retain the ownership of a large Live Oak located in what would become right-of-way if the dedication was required.

Arnold Finch, applicant and owner of the subject property, was present in this matter. In reference to condition #1 recommended by the staff, Mr. Finch said he did not feel it was

right for him to have to give 10 feet of his property, as he had already given property when the road was put in. He said he was told by Mr. Stewart, with the County Engineering Department, that the reason for that was because the County does not want to have to buy his property later, and they were holding it over the Commission's head to deny this proposal. Mr. Finch said he bought this property in the '70s. All he wanted to do was sell a portion of the property to pay his wife's hospital bills, and leave the rest of it for his children. He did not plan to build anymore houses. He was told by the Planning staff that in order to sell a portion of the property, he would have to submit a subdivision of the property. Again, he did not think it was fair that he should have to give another 10 feet, which would include the large Live Oak tree. Mr. Finch asked the Commission's consideration.

Mr. Olsen said Mr. Finch was referring to the condition requiring dedication sufficient to provide a minimum of 50 feet from centerline as required by the Major Street Plan. The existing right-of-way was 40 feet, so he would be required to dedicate another 10 feet. Mr. Olsen said this was a requirement on all subdivisions located on major streets.

Mr. Miller pointed out that Mr. Stewart was just doing his job for the County, and there was nothing personal in this.

There was no one else to speak in this matter.

In deliberations session Mr. Miller said he would like to hear the staff and/or Mr. Stewart's comments on the dedication.

Mr. Stewart said the County was happy with the staff recommendations.

After discussion a motion was made by Mr. Miller and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

- 1) dedication of sufficient right-of-way to provide 50-feet, as measured from the centerline of Schillinger Road South;**
- 2) placement of a note on the plat stating that all lots are limited to one curb-cut each, with the size, design and location to be approved by Mobile County Engineering;**
- 3) revision of the plat to depict the 25-foot minimum building setback line for all lots, adjusted for any required dedication;**
- 4) placement of a note on the final plat stating that development will be designed to comply with the storm water detention and drainage facilities 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 facilities of the City of Mobile storm water 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;**
- 5) labeling of the size of each lot in square feet, or placement of a table on the**

- plat with the same information; and**
6) 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.

The motion carried unanimously.

Case #SUB2007-00148

Isaac Lambeth Subdivision

525, 575, 595, and 603 Foster Road

(West side of Foster Road, 730'± North of Tanner Williams Road).

5 Lots / 12.6± Acres

Mr. Plauche announced that this application was recommended for holdover to the July 19th meeting, but if anyone wished to speak at this time they could do so.

Peter Olivero, with Driven Engineering, was present on behalf of the applicant. Mr. Olivero referred to the staff recommendations, saying that he felt they had met those conditions. Regarding condition #1, he said their plat shows dedication of an additional 10 feet of right-of-way to provide 30 feet from the centerline of Foster Road. On condition #3, the minimum size lot is 69,000 square feet. On condition #4, there was a note on the plat with regard to a buffer as required. On condition #5, Mr. Olivero said they had an engineer on staff who would certify as to the stormwater requirements. Going back to condition #2, Mr. Olivero said the reason for the subdivision was that Mr. Lambeth passed away this Spring, and his will directed that the land be divided amongst his children and his wife. Lot #4 is his old home, and his wife will retain ownership of that. The other four lots are being deeded through the Probate process to his children. The family's attorney suggested that instead of doing metes and bounds descriptions and having the probate judge order these lots be divided in this way, that they do a subdivision to clean up the property more or less in title terms. For this reason they were asking that Lot #1 not be denied a curb cut to Foster Road, because then one of the children would have a lot with no access.

Mr. Vallas asked if he understood that Lot 1 would be allowed one curb cut.

Mr. Olivero said there was no curb cut there now, and he understood Lot 1 would not be allowed a curb cut.

Mr. Vallas pointed out that the staff report indicated one curb cut would be allowed to Lot 1.

Mr. Olivero said he misunderstood, and that one curb cut to Lot 1 would be fine. He just wanted to clarify that they had met all the other conditions of approval.

There was no one else to speak in this matter.

In deliberations session Mr. Miller asked Mr. Olsen if he had any comments.

Mr. Olsen said that since the conditions of approval were specifically what were recommended as reasons for holdover, and he and Mr. Hoffman did have an opportunity to review the plat during the meeting, they were comfortable with approval subject to those conditions.

Mr. Miller stated that before making a motion he would like to make a statement for the minutes. He said that in the Commission's last business meeting they had decided that they did not especially like re-writing holdovers in 15 minutes at meetings, and they were not going to be very tolerant of that. He felt in this case, however, that they could allow this subdivision to be approved at this time.

A motion was made by Mr. Miller and seconded by Mr. DeMouy to approve the above referenced subdivision subject to the following conditions:

- 1) the dedication of 10 feet of right-of-way or sufficient right-of-way to provide 30 feet from the centerline of Foster Road, in compliance with Section V.B.14.;**
- 2) placement of a note on the Final Plat stating that Lots 2-5 are limited to the existing curb cuts onto Foster Road, and Lot 1 is limited to one curb cut onto Foster Road contingent upon the paving of Foster Road to County standards to the curb cut location, with the size, design and location of all curb cuts to be approved by the Mobile County Engineering Department;**
- 3) 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 Regulation; and**
- 4) placement of a note on the final plat stating that provision of a certification letter from a licensed engineer to the Planning Section of Urban Development and Mobile County Engineering Department, certifying that the stormwater detention, drainage facilities, and release rate comply with the City of Mobile stormwater and flood control ordinances will be required, prior to the issuance of any permits.**

The motion carried unanimously.

Case #SUB2007-00144

Walker Ridge Subdivision

262 and 264 West Drive

(West side of West Drive, 125'± South of Northwoods Court).

18 Lots / 3.9± Acres

Don Rowe, with Rowe Surveying and Engineering, was present on behalf of the applicant. Mr. Rowe said this was a standard subdivision, except that they were requesting a 20-foot side yard on West Drive. He also pointed out that there was a

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mistake in the drawing. Lot 9 shown on the plan was actually a detention area, and this was an 18-lot subdivision, not 19 lots. Mr. Rowe also stated that this same property was approved in February of 2005 as a 19-lot subdivision. It was virtually the same layout, except that one required some alterations of the setbacks, and square footages might have been a little bit down. The lots in this proposed subdivision were all 7200 square feet or more. Mr. Rowe said he concurred with all the staff recommendations, and the only reason he was making the presentation was because he was aware that there was some opposition. Although he realized this was not a part of the staff's consideration, he said the owners wanted him to convey that the price range of the product here would be \$275,000-\$350,000. Mr. Rowe also said he had several floor plans something like what would be proposed. They were 1900 square foot plans, which would be as small as they would go. The largest would probably be about 2500 square feet. Mr. Rowe further noted that there were concerns about drainage, which was discussed at the February 2005 meeting. He explained that the property drains from the north to the southwest corner where the detention pond was located. The runoff would be totally captured first in the street that goes down the center for the lots to the north, and in a ditch which they would construct on the back lot line for the lots south of the roadway. The detention pond discharges to the big ditch, which was really Twelve Mile Creek. They felt the drainage could be handled without causing a problem for anyone else. Mr. Rowe said he had received a call from someone who was concerned about heavy grading on the property. He explained that when they design a residential subdivision they intend for it to blend with the contours as closely as possible and to save as many trees as possible. He said there would be no heavy grading. He also pointed out that the lot widths in the subdivision were 68 feet. The lot widths in Brandy Ridge to the south, the ones that are parallel sides, are 65 feet. The lots in Northridge Court were also 65 feet wide. Across the street in Ridgefield Commons the lots were zero-lot-line, with altered setbacks and whatnot. Mr. Rowe contended that the proposed subdivision would be in character with the neighborhood, although Brandy Ridge was not part of this neighborhood because you could not drive to it and you could not see it because of the fence.

Mr. Rowe said he also wanted to address an error in the FEMA flood map that places the graphical representation of the drainage ditch in the wrong area, which he pointed out, rather than in Brandy Run like it actually was. He said this was mentioned in the 2005 minutes. FEMA was made aware of that and had corrected it in their 2007 manifestation of the flood map, of which he had a copy, but the City had not yet accepted that map. Lastly, Mr. Rowe said that all the neighbors were not in opposition, and presented a list of neighbors that were not opposed to the subdivision.

Mr. Turner asked if he understood that this was an 18-lot subdivision rather than 19 lots, and that the Lot 9 was actually a detention area.

Mr. Rowe said that was correct. The map was in error.

Mr. Vallas asked Mr. Rowe if he felt that Lot 9 would accommodate the needed retention area.

Mr. Rowe said yes. He had already designed the drainage.

Mr. Plauche asked if anyone else wished to speak in favor of this proposal.

Cathy Matter stated that she was a property owner in Ridgefield Commons located just east of the subject property on West Road, and she was in favor of the proposed subdivision. Ms. Matter said that after speaking with the developer it became clear to her that this development would only increase the surrounding property values as well as improve the aesthetics of the street. She noted that currently there were two home places located on the property that have housed some unsavory activities and continued visits by the Mobile Police Department. She also spoke with several residents of the Ridgefield Commons subdivision, and everyone she spoke with was in favor of this project. Ms. Matter said that her understanding from Mr. Edmondson was that based on how he perceives the system to work, if he did not oppose this now he would have no control over it later on. He made it clear to her that he did not know if the drainage was to be to his satisfaction, but regardless, he would oppose it until he was advised and was satisfied with the proposed plan. Ms. Matter said she understood his concern, but she also believed that the City of Mobile had competent people in position to inspect and approve or disapprove of the various phases of development. She said she believed in development and felt that this is what had made Mobile the robust city it was today. She further noted that she personally had a rather large drainage ditch behind her house, and while this was not ideal, she purchased the property knowing it was a necessary evil. Ms. Matters said she hoped the Commission would approve this subdivision.

There being no one else to speak in favor of this application, Mr. Plauche asked if there was anyone who wished to speak in opposition.

Grady Edmondson, a resident of 6220 Brandy Run Road, said his property was south of the proposed subdivision. (He passed out handouts to the staff for the Commission members.) Mr. Edmondson said this was his fourth time down here in opposition to this subdivision. The last time it was approved as a 19-lot subdivision/PUD. The PUD was appealed to the City Council, who unanimously overturned the decision based upon the drainage issues. He said the residents of Brandy Ridge had some serious issues with this proposal. He referred to a petition in the packets provided signed by adjoining land owners opposing this development. Referring to an aerial of the site as well as the plat, Mr. Edmondson noted that the back half of the subject property dropped approximately 18-20 feet down from the top of the property to his property, which was Lot #5. The developer's own schematics showed another kind of retaining pond. It was a natural pond that runs over Lots 7 and 6 of their plat. Mr. Edmondson said that the back half of this type of property was not conducive to intensive, dense type of development without having some contrary effects on the adjoining property owners.

With regard to the detention pond, Mr. Edmondson said he understood that the applicant was trying to get the map corrected, which he may or may not be successful in doing. He said this was the same argument the applicant had made in the past three attempts to develop this property. Currently the detention pond was in the FEMA floodway.

Whether right or wrong, that is where it was and you cannot put it in the floodway. The natural place to put a detention pond, or retention pond in this case, is where the natural flow of the water comes down to Lots 6 and 7. Mr. Edmondson said there was no dispute that water from Northwoods Court drains onto the subject property. The water from the subject property then, combined with that, drains down to Brandy Ridge. He said they had never had water in their back yards in the lower subdivision, and there was a reason for that. He pointed out the aerial which showed that this property had a tremendous amount of undergrowth, and that helped absorb the water from coming onto the lower property owners. In order to develop the type of intense and dense subdivision proposed, the developer would have to clear-cut this property and expose this property to the erosive nature of water. In addition to clear-cutting the property, there would also be asphalt and shingles and driveways which would increase the flow of water. Mr. Edmondson said they had to consider not only the amount of water, but the flow and speed of the water coming off of the property and flowing onto the property to the south of it. The back part of the property was on a hill, and in order to level it out, they would have to cut into the top of it and raise the bottom of it. If not done right, Mr. Edmondson said it would undermine the integrity of the property owners' property up top. To level it out they would have to fill it in the bottom of it, possibly up to 8 to 10 feet. He said it would not be conducive to their character and to his property to have a house that was 10 feet off his back yard, and 10 feet high equal to his second story.

Lastly, Mr. Edmondson referred to the pictures of the townhouses across the road, and the erosion caused by these same drainage issues. He noted that there was a lawsuit pending there by one of the property owners. Mr. Edmondson said all of the neighbors were concerned about the drainage situation, and felt they had legitimate reasons to request that the Commission deny this application.

There being no one else to speak in opposition, Mr. Plauche asked if the applicant would like to respond.

Mr. Rowe stated that he would be horrified too if somebody developed a piece of property in the manner just described. He assured everyone that the subdivision would not be graded in the way it was just described. It would be graded in a sane fashion, and he felt sure that the drainage could positively be handled. He noted that the approval process of a subdivision was a long one, and this was just the first step. He realized he had to get the FEMA map changed, and FEMA was working with him in this regard so he did not think there was going to be a problem. If there was, he said they would not go to step 3. But they had to know what they could do before they start spending a lot of money.

In deliberations session Mr. Vallas asked if City Engineering had looked into this subdivision, or was it just premature because plans had not been submitted.

Rosemary Sawyer, representing City Engineering, said that it was just premature. She said the applicant would be required to comply with the Ordinance. She said she was not concerned if they do as they are required to do.

Mr. Turner expressed concern as to where the flow of water was going, and that a retention pond may be needed.

Mr. Vallas said he felt that was what their engineer was saying. This was step one. In step two, as he gets in and starts designing it, at that point a detention area could be moved. He also said that this approval process does not designate his common area.

Mr. Olsen noted that if the developer relocated the detention area, the plan would have to come back before the Commission.

Mr. Miller commented that in general he felt everybody wanted to live next to a forest. Just as a point, he noted that the agenda indicated this site was located in District 5. He thought it was in District 6, since it was west of University Boulevard.

Mr. Olsen said that some areas of District 5 do go past University Boulevard, but he would check into it for the record.

There being no further discussion, Mr. Plauche called for a motion.

A motion was made by Mr. Holmes and seconded by Mr. Vallas to waive Section V.D.9. of the Subdivision Regulations in favor of setback requirements for R-1 properties, as defined in the Zoning Ordinance, and approve the above referenced subdivision subject to the following conditions:

- 1) depiction of the setback lines, as shown on the preliminary plat, with a 20-foot street side, side yard setback for Lots 1 and 18;**
- 2) placement of a note on the final plat stating that all lots are denied direct access to West Drive and the unopened right-of-way on the West side of the site, and that each lot is limited to one curb cut, with the size, design and location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) revision of the plat to label all common areas, including the detention area, and the placement of a note on the plat stating that the maintenance of common areas is the responsibility of property owners;**
- 4) full compliance with Engineering comments (*No concentration of water onto adjacent property is allowed without release agreement. Show floodway and flood plain. Show minimum finished floor elevation on each lot touched by flood way or flood plain. No fill in flood plain without flood study. 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.);*
- 5) labeling of each lot in square feet, as depicted on the preliminary plat; and
 - 6) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2007-00135
Stone Gate Subdivision, Resubdivision of Lot 19

North side of Stone Road, ½ mile ± West of McCrary Road.
54 Lots / 28.6± Acres

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

After discussion a motion was made by Mr. Vallas and seconded by Mr. DeMouy to waive Section V.D.2. (Minimum Dimensions) and approve the above referenced subdivision subject to the following conditions:

- 1) the placement of a note on the Final Plat stating that direct access to the future major street (Eight Mile Creek Parkway) is denied for Lots 20-28;
- 2) the placement of a note on the Final Plat stating that Lots 4, 5, 19, 20, 34, 37, 39, 48, 50, 63 and 64 are corner lots, 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) submission and approval of individual applications for each phase or unit, to ensure that development occurs in a manner to provide the most points of access in a timely and efficient manner;
- 5) the placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;
- 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; and
- 7) labeling of all lots with size in square feet, or placement of a table on the plat containing the lot size information.

The motion carried unanimously.

Case #SUB2007-00136
Camden Pointe Subdivision

3633 Dawes Road
(East side of Dawes Road, 630' ± South of Dawes Lake Road).
60 Lots / 18.0± Acres

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

Mr. Plauche asked if anyone else wished to speak in this matter.

Leslie Coburn stated that he owned adjoining property in Heid Place, and there was already a flooding issue at this location. He submitted pictures showing the flooding. Rick Bass and Jack Hughes, two of his neighbors, were also present concerning the drainage. Mr. Coburn said a retention pond was proposed right behind one of the neighbors, and they wanted to know more about how the runoff would be handled and the retention pond. As it was, after a heavy rain their street floods with two feet of water. Mr. Coburn said they were in the County, and he had lived at this location for 14 years and had maintained the ditch the whole time.

Mr. Vallas asked Mr. Coburn if their subdivision had a retention area.

Mr. Coburn said it did not. There was just a five or six-foot deep ditch, 8-10 feet wide, that went behind and on the west side of his property. Sometimes the water actually goes over the top of the ditch onto Dawes Road. Mr. Coburn said he was putting a pool in his back yard, which was usually about a foot deep in water, so they were going to have to build it up.

Jack Hughes stated that he owned plot 5 in Heid Way Estates. As Mr. Coburn stated, a tremendous amount of water comes through their property, and it comes through rapidly. The water actually gets about 4 foot deep where the culvert goes under their street. Mr. Hughes said his house had been flooded four times. He was paying \$750 a year for flood insurance, and he did not even live around water. Mr. Hughes said this problem was created when Wynnford Subdivision was approved in 1978 or 1979. The water from that subdivision drains down onto them and it has no place to go. There was also water coming from under Dawes Road and from under Dawes Lake Road. Mr. Hughes said they could not stand to have any more water draining onto their property.

Mr. Miller commented that he was not on this Commission in 1979, but noted that in the last several months the Planning Commission has begun enforcing the City of Mobile standards with regard to drainage and stormwater on subdivisions in the County within the Planning Jurisdiction. So there was now much stricter control on drainage. With regard to the existing situation, Mr. Miller suggested the residents talk to their County Commissioners.

Mr. Plauche asked if the applicant would like to respond.

Jerry Luker, with Speaks and Associates, engineers for the applicant, stated that they were familiar with the history of the drainage situation in the neighborhood. Mr. Luker said they were going to submit a design to the County that would address the issues with the piece of property they were dealing with, but they could not address the issues off-site or beyond their property, or what had gone on in the past. Mr. Luker said one thing they would be attempting to do would be to collect all of the water from their subdivision, put it in their detention pond, and release it at much less, or at least the same rate, that it was being released now. They did not think it would have any impact on what was there now.

Mr. Holmes asked where the water would go when they released it.

Mr. Luker said it would go into the existing ditch where the water goes now.

Mr. Miller said that obviously Mr. Luker had researched this property and was aware of the problems, and realized that it may affect the sale of homes in this area.

Mr. Luker said they had seen the history of this area and realized there were problems.

In deliberations session the members expressed concern about the drainage problems. Mr. Miller again noted that the Commission was now requiring subdivisions in the County to comply with the stricter City of Mobile Ordinance, and they had to count on the County and City Engineering staff to enforce these regulations.

After discussion a motion was made by Mr. Miller and seconded by Mr. Vallas to waive Sections V.D.1. and V.D.3. for Lot 58 and approve the above referenced subdivision subject to the following conditions:

- 1) provision of documentation to the Planning Section of Urban Development verifying that parcel R023406140000004.001. has had multiple ownership changes, prior to the signing of the final plat;**
- 2) dedication of right-of-way sufficient to provide 50-feet, as measured from the centerline of Dawes Road;**
- 3) depiction of the 25-foot minimum building setback line for all lots (including lots 58-60), adjusted to reflect required dedication;**
- 4) placement of a note on the final plat stating that Lot 1 is denied direct access to Dawes Road, and that all lots are limited to one curb-cut each, with the size, design and location of all curb-cuts to be approved by the Mobile County Engineering Department;**
- 5) placement of a note on the plat stating that future subdivision of Lot 58 not allowed until additional frontage on a public street is provided;**
- 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) revision of the plat to label each lot with its size in square feet, or provision of a table on the plat depicting the same information;
- 8) labeling of all common areas, including the detention basins, and placement of a note on the final plat stating that maintenance of the common areas is the responsibility of the subdivision's property owners; and
- 9) 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 #SUB2007-00132

Grady Subdivision

2870 Johnson Road West

(Southwest corner of Johnson Road West and Cowart Road).

68 Lots / 20± Acres

Mr. Plauche stated that this application was recommended for holdover to the July 19th meeting, but if anyone would like to speak in this matter today they could do so.

Terry Simmons, with Geographic Solutions, Inc., was present on behalf of the applicant. Based on the staff's comments in their report on this subdivision, Ms. Simmons requested that this subdivision be conditionally approved, as many of the comments were addressed on their original preliminary plan, including the dedication of the 20 feet of right-of-way from the centerline of Johnson Road West. She said her office had also spoken with John Murphy and Patrick Stewart with County Engineering regarding the paving of Johnson Road. She said those plans would be submitted at the time construction plans were submitted for this subdivision, and paved at the time the subdivision was being developed. With regard to staff comments #3-5, Ms. Simmons said that all access to these lots would be via the interior of the subdivision, but they would have no problem in placing a note on the final plat stating that access could not be obtained via Johnson Road or Cowart Road. With regard to comment #6, Ms. Simmons said that each lot had been labeled with its square footage. The smallest lot would be a little over 7400 square feet, and most of the other lots would be between 12,000 and 13,000 square feet. Regarding comment #7 requiring a street stub to the West in the vicinity of Lots 16-17, she said they were aware that this might be an issue and did not have a problem providing a street stub. Since this would mean that they would lose a lot, however, they requested that they be allowed to rearrange the streets to incorporate an additional lot to make up for the lot being lost due to the street stub. Regarding comment #8, Ms. Simmons pointed out that there was no commercial development intended within this subdivision, but they would not have a problem with putting a note on the final plat stating that any lots that were developed commercially and adjoin residentially developed property must provide a buffer. Regarding comment #9, Ms. Simmons said that all common areas were labeled on the preliminary plan submitted. And finally, in regard to comment #10, Ms. Simmons

said their preliminary plan did include a note stating that a licensed engineer would be designing and certifying all of the drainage according to the 25-year flood storm.

Mr. Vallas asked if the staff was okay with approving the subdivision with the conditions as stated.

Mr. Olsen said the staff did have a concern regarding reconfiguring streets and lots to provide a street stub, and would need to see a revised plat.

Mr. Plauche asked if there was anyone else who wished to speak in this matter.

No one came forward.

In deliberations session Mr. Miller said there were quite a few conditions, and he was not terribly comfortable with approving this unless the staff was comfortable with it.

As stated in the public hearing, Mr. Olsen said the staff would prefer to see a revised plan.

After discussion a motion was made by Mr. Miller and seconded by Mr. Turner to holdover this application until the July 19th meeting, with revisions due by June 25th, to address the following:

- 1) the dedication of sufficient right-of-way along Johnson Road West to provide 50' from centerline for the portion on the Major Street Plan;**
- 2) that Johnson Road West be improved to County standards up to the entrance to the proposed development;**
- 3) the placement of a note on the Final Plat stating that direct access is denied to Johnson Road West for Lots 1, and 63-68; and that direct access is denied to Cowart Road for Lots 35-37, 48-50, and 61-63;**
- 4) the placement of a note on the Final Plat stating that Lots 1, 23, 24, 29, 30, 42, 43, 55, 56 and 68 are corner lots and are limited to one curb cut with the size, design and location to be approved by County Engineering;**
- 5) the placement of a note on the Final Plat stating the denial access to Cowart Road from the access point of the development until Cowart Road is paved to County Engineering standards;**
- 6) labeling of each lot with its size in square feet, or provision of a table on the plat with the same information;**
- 7) the provision of a street-stub to the West in the vicinity of Lots 16-17;**
- 8) the placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;**
- 9) the labeling of all easements and Common Areas accompanied by a note on the Final Plat stating that maintenance of the common area will be the responsibility of the property owners; and**

- 10) the 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.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2007-01537

Waffle House, Inc.

1269 Hillcrest Road

(East side of Hillcrest Road, 590'± North of Grelot Road).

Request to waive construction of a sidewalk along Hillcrest Road

Mr. Plauche stated that this request was recommended for approval.

There was no one present in opposition.

After discussion a motion was made by Mr. Plauche and seconded by Mr. DeMouy to approve this request.

The motion carried unanimously.

Case #ZON2007-01589

Alabama Power Company

249 Yeend Street

(South side of Yeend Street, 700'± East of South Lawrence Street).

Request to waive construction of a sidewalk along Yeend Street.

Mr. Plauche stated that this application was recommended for holdover to the August 2nd meeting, but if anyone wished to speak in this matter today they could do so.

No one came forward to speak.

After discussion a motion was made by Mr. Plauche and seconded by Mr. DeMouy to holdover this request until the August 2, 2007, meeting, with 3 copies of the cross sections in the area where the sidewalk waiver is being requested (i.e. the right-of-way) to be submitted to the Planning Section of Urban Development by noon on July 9, 2007.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2007-01567

Hancock Bank

West side of Demetropolis Road, 268'± South of Cottage Hill Road).

Planned Unit Development Approval to allow shared access between two building sites.

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

After discussion a motion was made by Mr. Vallas and seconded by Mr. Turner to approve this plan subject to the following conditions:

- 1) **the compliance with Urban Forestry Comments, (Preservation status is to be given to the 52" Live Oak Tree located on the East side of proposed drive. 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. That the construction of the drive complies with Notes on PUD plan:**
 - 1) **the area to be paved with permeable material;**
 - 2) **the tree root system is not to be disturbed;**
 - 3) **tree trimming to be performed by an Arborist; and**
 - 4) **that all work and materials is to be coordinated and permitted with the City of Mobile Urban Forestry Section); and**
- 2) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2007-00102 (Subdivision)

Longleaf Gates Subdivision

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

159 Lots / 84.2± Acres

(Also see **Case #ZON2007-01288 (Planned Unit Development) - The Pines at the Preserve LLC**; and **Case #ZON2007-01541 (Sidewalk Waiver) - The Pines at the Preserve LLC** – below.)

Mr. Vallas recused from discussion and voting in this matter.

Jim Atchison was present on behalf of the applicant. Mr. Atchison stated that this was the same subdivision that the Commission had approved in November 2006, except that they had changed the name of the subdivision and revised the plan to make it a private, gated community as opposed to a regular subdivision. Regarding condition #9 on the

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PUD and #8 on the Subdivision regarding drainage requirements, Mr. Atchison requested that the wording be revised as the Commission allowed when it came up previously. They would like the condition to simply state that there would be in full compliance with the City's stormwater and flood control ordinances with full approval by the City of Mobile Engineering Department. Mr. Atchison said their engineers were currently working with the Engineering Department and had provided calculations showing that they would actually be reducing the amount of water flowing into the culvert. Regarding condition #6 of the PUD and #5 of the Subdivision on street stubs, Mr. Atchison pointed out that this would be a private, gated subdivision, and to require stubs to the adjoining 20 acres labeled as "future development", which this subdivision would not control, would be inappropriate and would negatively impact the development. He pointed out that the 20 acres referred to had access to the north, and the owners were also in negotiations with the developer concerning the five acres to provide another means of access.

Mr. Atchison also said they had reviewed the additional conditions recommended by the staff, which were not a part of the previous approval, and had no objections to them. They did, however, question the need to holdover the request for the sidewalk waiver. He said they had provided pictures and sections, some of which were right at the culvert, and asked what other information was needed.

Rosemary Sawyer, representing City Engineering, said they appreciated the pictures showing the culvert and the water surface elevation, but it would be better if they could see a cross-section so they could see a distance.

Mr. Luker, engineer for the applicant, said it was approximately 10-12 feet from the edge of the pavement to the end of the culvert. It was about six feet down from the head wall to the bottom of the culvert to the water surface. He said they could provide the information requested by Ms. Sawyer.

Mr. Plauche asked if there was anyone else who wished to speak in this matter.

Cathy Terry, a resident of 3 Springhill Court, stated that she owned 1/3 of the 20 acres that was landlocked. She was present in opposition last Fall when a subdivision of this property was approved, and explained at that time that the property was not owned by one family. Ms. Terry said she and her two sisters owned 10 acres. She also owned another five acres, and Susan Cunningham-Merritt owned five acres. She said that there was no access to the north. According to the City Engineer, Ms. Terry said that Lot 60 on Lindholm Drive, owned by Dr. Loupe, was a dedicated detention area and could not be used for access for their 20 acres. Also, contrary to what Mr. Atchison said, none of the property owners were in negotiations for anything on the five acres next to them. Ms. Terry said that according to the subdivision approved last November, access was approved on the little five-acre jut-out, which was split between her five acres and Ms. Cunningham-Merritt's five acres. She asked that they continue to have access to a road, at whatever time that property is developed, so they would not be landlocked.

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Mr. Turner asked if the reason for the stubouts was for access to the landlocked properties.

Mr. Olsen explained that the plat as submitted does illustrate a stub from the proposed public street into the landlocked properties. The condition of approval that recommended a street stub to the private street would be from the future development area, when it is improved or comes before the Commission, to provide an access strictly for emergency purposes only. It would be a gated access point for emergencies only, and would not be a day-to-day access point.

Mr. Turner asked if all the stubouts would be gated.

Mr. Olsen said yes, with the exception of the one shown at one point (which he pointed out) to the public street. That would be a dedicated and constructed public street. The other streets within the development would be private and gated.

Mr. Holmes asked if the public street had already been built, and if not, when it was going to be built.

Mr. Olsen said that street had not yet been constructed, and it was up to the developer as to when they build that unit of the subdivision.

Mr. Holmes asked if that unit would be built by the same developer.

Mr. Olsen said it was part of this application.

Mr. Plauche asked if anyone else wished to speak in this matter.

Mr. Luker said he failed to point out that Phase II was a public street, so the way the streets are in Phase II in accessing the property in question were the same as approved on the previous application.

Mr. Plauche asked if he understood that the developer did not want to eliminate the access to Ms. Terry's property.

Mr. Luker said no. They were talking about two different access points. He was referring to the access point from Phase II, and the condition that they have asked to be addressed has to do with the property for future development.

Mr. Holmes pointed out that if Phase II never happens, Ms. Terry would never have access.

There was further discussion as to whether there was currently access to the north, which would eventually go to Lloyds Lane.

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John Loupe, one of the developers, pointed out the 20-acre tract. He said there were actually two, five-acre parcels that were really not five-acre parcels. According to the City, it was a 10-acre parcel. The other 10-acre parcel was north of that. The five-acre parcel (which he pointed out) gives the 10 acres adjacent to it to the right, access to Lloyds Lane. What was not giving access to the top 10 acres, was the bottom 10 acres. The top 10 acres was landlocked by the bottom 10 acres, owned by the same family. Mr. Loupe said this was explained at a previous meeting, and this plan was approved. The only change now was that it was a private, gated subdivision. The five-acre tract was not private or gated. There was a dedicated 50-foot right-of-way for a public street into the five-acre parcel.

Mr. Plauche asked Mr. Olsen if Ms. Terry's land had access.

Mr. Olsen said that once this stubout (which he pointed out on the plat) was constructed, she would have access. The right-of-way shown would not actually be dedicated until the road was built and the plat recorded. It would be a public street and would not be gated.

Mr. Hoffman said he wanted to make a statement regarding the private development area. He pointed out the 42 acres to be developed at some future time with single-family homes. It would have one point of access to either to Girby Road or to Lloyds Lane. He said the Phase II portion of the development, which would be a public street development accessed to 20 acres, was zoned R-2 and R-3, so potentially a large number of dwelling units could be built in this area. Since there would be only one access point to a public street, there was concern that in an emergency situation there could be an access issue. The staff suggested that there be a connection, gated, that would be used for emergency purposes only between the future development area and this area (which he pointed out).

Mr. Turner asked if those were the stubouts that the applicant requested be removed.

Mr. Olsen said yes.

Mr. Holmes asked if the developer had any problem with the staff's recommendation.

Mr. Atchison said they were in agreement with the staff's recommendation.

Ms. Terry further stated that the reason she talked about Lot 60 was because it was mentioned by Mr. Atchison that there was access to the north. She said there was not access to the north. Also, she said each parcel was not owned by the same family. There was one person who owned the other five acres of the 10 bottom acres who was not related to them.

In deliberations session Mr. DeMouy asked Mr. Olsen if he understood correctly that Ms. Terry did not have access to her property at this time, but if this development was approved, then actually Phase II of the development would give her access.

Mr. Olsen said that was correct. He pointed out where a street stub would be located between the two southernmost parcels which would give Ms. Terry access.

Mr. DeMouy asked Mr. Lawler if it was correct that, from a legal standpoint, anyone with a landlocked piece of property did have some remedy.

Mr. Lawler said that was correct. A person could have a private condemnation. He also pointed out three or four lots that looked like they may have been the subject of an illegal subdivision at some point along the way, otherwise they would have access. So this development was not creating the problem with regard to access. It was actually providing access to the property. Mr. Lawler felt the plan as presented, and as recommended by the staff, should be approved.

Mr. Hoffman noted that when he was compiling the recommendations regarding the engineering comments, he mistakenly forwarded the engineering recommendations from the time before last when this was recommended for approval. In November of 2006, the actual Engineering recommendation had been changed to require full compliance with City of Mobile flood control and stormwater ordinances, subject to full approval from the Engineering Department. That would be the replacement language Mr. Atchison referred to earlier on condition #7 of the Subdivision and #8 of the PUD.

Mr. Miller asked if the applicant was in agreement with the gated emergency access.

Mr. Olsen said the applicant had agreed to that condition.

Mr. Holmes suggested the condition as currently stated in the recommendations be changed to make it clear that the access stub would be for emergency use only.

After discussion a motion was made by Mr. Miller and seconded by Mr. Vallas to waive Section V.D.2. and approve the above referenced subdivision subject to the following conditions:

- 1) revision of the plat to encompass the entirety of the parcels associated with the “future development” area;**
- 2) 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;**
- 3) revision of the plat to delineate common area in acres by phases, and overall total;**
- 4) revision of the plat to label all common areas, and placement of a note on the plat stating that maintenance of the common areas is the responsibility of the homeowners (association);**
- 5) 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;**
- 6) 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, with the size, design and location to be approved by Traffic Engineering and comply with AASHTO standards;
- 7) full compliance with the Traffic Engineering comments (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Traffic Engineering requires traffic calming measures for "straight" sections of roadway over 650 feet in length with location and design to be approved by Traffic Engineering.*);
 - 8) full compliance with City of Mobile flood control and stormwater ordinances, subject to full approval from the Engineering Department;
 - 9) provision of documentation proving that adequate buildable area is provided for all lots with wetlands;
 - 10) labeling of all lots with size in square feet, or provision of a table with the lot size information on the plat;
 - 11) that the applicant obtain all necessary federal, state and local permits;
 - 12) compliance with Section VIII. of the Subdivision Regulations, regarding the provision of a private street;
 - 13) designation on the plat of utility easements acceptable to the appropriate provider of utility services within the subdivision;
 - 14) placement of a note on the plat identifying which streets are private, and that they are privately maintained and not dedicated to the public;
 - 15) 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;
 - 16) 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
 - 17) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2007-01288 (Planned Unit Development)

The Pines at the Preserve LLC

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

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

(For discussion see Case #SUB2007-00102 (Subdivision) **Longleaf Gates Subdivision** – above; also see Case #ZON2007-01541 (Sidewalk Waiver) - **The Pines at the Preserve LLC** – below.)

Mr. Vallas recused from discussion and voting in this matter.

After discussion a motion was made by Mr. Miller and seconded by Mr. Vallas to approve this plan subject to the following conditions:

- 1) revision of the site plan to encompass the entirety of the parcels associated with the “future development” area;**
- 2) 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;**
- 3) revision of the site plan to delineate common area in acres by phases, and overall total;**
- 4) revision of the site plan to label all common areas, and placement of a note on the site plan stating that maintenance of the common areas is the responsibility of the homeowners (association);**
- 5) placement of a note on the site plan identifying which streets are private, and that they are privately maintained and not dedicated to the public;**
- 6) 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;**
- 7) 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, with the size, design and location to be approved by Traffic Engineering and comply with AASHTO standards;**
- 8) full compliance with the Traffic Engineering comments (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Traffic Engineering requires traffic calming measures for “straight” sections of roadway over 650 feet in length with location and design to be approved by Traffic Engineering.*);**
- 9) full compliance with City of Mobile flood control and stormwater ordinances, subject to full approval from the Engineering Department;**
- 10) labeling of all lots with size in square feet, or provision of a table with the lot size information on the plat;**
- 11) provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final plat; and**
- 12) that the applicant obtain all necessary federal, state and local permits.**

The motion carried unanimously.

Case #ZON2007-01541 (Sidewalk Waiver)
The Pines at the Preserve LLC

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

Request to waive construction of a sidewalk along Girby Road and Lloyds Lane.

(For discussion see **Case #SUB2007-00102 (Subdivision) Longleaf Gates Subdivision** – above; also see **Case #ZON2007-01288 (Planned Unit Development) The Pines at the Preserve LLC** – above.)

Mr. Vallas recused from discussion and voting in this matter.

After discussion a motion was made by Mr. Plauche and seconded by Mr. DeMouy to holdover this request until the July 19th meeting, with 4 copies of revisions due to the Planning Section of Urban Development by June 27th, for the following reason:

- 1) the Engineering Department requires additional information depicting the edge of shoulder and the culvert, and water surface elevation, in plan and section as necessary to determine feasibility of sidewalk construction.**

The motion carried unanimously.

**Case #SUB2007-00130 (Subdivision)
St. Dominic Church Subdivision**

4068, 4156, & 4160 Burma Road and 1168 Santa Maria Court
(North side of Burma Road, between Santa Maria Court and St. Dominic Place).
1 Lot / 12.0± Acres

(Also see **Case #ZON2007-01487 (Planning Approval) St. Dominic Church** – below.)

Mr. Plauche stated that this application was recommended for holdover to the July 19th meeting, but if anyone wished to speak in this matter today they could do so.

Larry Jones, a resident of 1171 Santa Maria Court, presented a petition in opposition signed by the residents of Santa Maria Court. Mr. Jones said he did not have a problem with the overall layout except for the use of the house that was currently on Lot 1168. He said that three years ago he approached the owners of that lot on behalf of the church about selling their property, which at that time was proposed to be used to extend the parking lot so the church would have additional parking and be able to build a day care. Mr. Jones said the residents just wanted the church to honor what they told them three years ago. They did not want them to use the site for a youth center or CYO, because their activities were at night and they would disturb the residents adjacent to it, who were mostly elderly people. Also, the residents of Santa Maria Court already had a problem with traffic to and from the church. Mr. Jones said the priest who was there now was not the one that was there when they initially approached the owners about purchasing the property for additional parking.

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Mr. Turner asked Mr. Jones if the neighbors had discussed this proposal with St. Dominics.

Mr. Jones said they were not aware of this proposal until they received the notices. He had been a member of the parish for 35 years, and all of those who signed the petition in opposition went to church there. No one from the church had contacted any of the neighbors about their plans. They just proceeded without even talking to them about covenants or restrictions or anything else. Mr. Jones said he did go over and talk to the priest, but he did not know anything about the previous agreement to purchase the house and use the property for additional parking. He agreed that they needed a day care, but they also needed additional parking. The neighbors would not be opposed as long as they did not have night time activities and the property was screened. Mr. Jones asked that the Commission holdover this request until he could meet with the current pastor and try to resolve this.

Mr. Olsen noted that if there were restrictive covenants in the neighborhood, that was a private contract between the residents and the church and the Commission had no authority in that case.

Mr. Jones said he understood that was a civil matter.

Tommy Cruse stated that he was a resident of 1160 Santa Maria Court, which was two houses down from the house the church purchased. Mr. Cruse said he had no problem with the church putting a parking lot on the subject property, but he did not want any kind of building or activity there at night creating more traffic. He complained that the residents had a problem now trying to get in and out, and he was concerned that they could do anything they wanted if the property was rezoned.

Carolyn Sawyer stated that she owned property directly across the street from St. Dominic's on Burma Road. Ms. Sawyer said her house was on the corner of Burma and Anchor Drive and her driveway was on Burma Road, and she was here because of the traffic issues they face now. She was also present for the children that walk in this area. Ms. Sawyer noted that originally Kate Shephard School faced Azalea Road, but now it faces Burma Road. Within a two-block area was Kate Shephard Elementary School, and west of that was a school for the deaf and blind on Santa Maria Court. Ms. Sawyer noted that the property between Santa Maria Court and the deaf and blind school was offered to St. Dominic's church, which would have provided them an additional acre on Burma Road, if they would have found the Granades a suitable house. The Granades offered their property to the church if they would find them a comparable house. This would have given St. Dominic's almost another acre on which to expand. Ms. Sawyer said she objected because St. Dominic's was now proposing a brand new day care facility on the corner of what was now the parking lot, which would add 100+ cars to an already heavily congested location due to the three schools, and a residential property to the west that was a facility for four-year-olds, in this two-block area. She said it was already almost impossible for her to get out of her driveway. Ms. Sawyer also pointed out that trees would have to be removed for additional parking and the new day care facility.

Mr. Vallas said he did not want to interrupt, but reminded Ms. Sawyer that this application would be held over. He recommended she take up the traffic issue with the church.

There was no one else who wished to speak in this matter.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Turner to holdover this application until the July 19th meeting to allow the applicant to provide by June 25th:

- 1) to correct the area intended in the proposed subdivision; and**
- 2) the submission of information on the discrepancy of the applicant's survey and the County parcel data in regards to the right-of-way along Burma Road.**

The motion carried unanimously.

Case #ZON2007-01487 (Planning Approval)

St. Dominic Church

4068, 4156, & 4160 Burma Road and 1168 Santa Maria Court

(North side of Burma Road, between Santa Maria Court and St. Dominic Place).

Planning Approval to amend a previously approved planning approval to allow expansion of an existing church in an R-1, Single-Family Residential District.

(For discussion see **Case #SUB2007-00130 (Subdivision) - St. Dominic Church Subdivision** – above.)

After discussion a motion was made by Mr. Plauche and seconded by Mr. Turner to holdover this plan until the July 19th meeting to allow the applicant to provide by June 25th:

- 1) the submission of a Planned Unit Development (PUD) master plan of the overall campus;**
- 2) the revision of the Planning Approval site plan to reflect the change in parking spaces and reduction of landscaping with plan detail regarding the connection of the proposed parking facility with existing parking facilities so that staff can determine if existing parking and circulation facilities will be impacted;**
- 3) the illustration of sidewalks or the submission of a sidewalk waiver;**
- 4) provision of information with regard to enrollment, broken down by elementary school level, middle school level and high school level, as well as a count of all existing parking spaces available to ensure compliance with the parking requirements; and**
- 5) a revised site plan depicting compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance.**

The motion carried unanimously.

Case #SUB2007-00143 (Subdivision)

American Red Cross Subdivision

Southwest corner of North Sage Avenue and Dauphin Square Connector.

3 Lots / 8.7± Acres

(Also see **Case #ZON2007-01288 (Planned Unit Development) Northside, Ltd** – below.)

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

Mr. Plauche asked if there was anyone else who wished to speak in this matter.

John Lassiter, 2500 Dauphin Street, said he owned the property due north of the subject property. Mr. Lassiter said he wanted to whole-heartedly commend the applicant for wanting to do something with this property and was totally in support of it. He hoped the Commission would see that the area needs some development, and that this project needed to be approved. Mr. Lassiter said he also hoped that the City would do something about the vacant armory across the street.

There was no one present in opposition.

After discussion a motion was made by Mr. Miller and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

- 1) the placement of a note on the Final Plat stating the development be limited to one curb-cut onto the Dauphin Street, two curb cuts to North Sage Avenue and two curb cuts to Dauphin Square Connector, with the size, design and location to be approved by Traffic Engineering, and conform to AASHTO standards; and**
- 2) the placement of the 25-foot building setbacks on the Final Plat.**

Case #ZON2007-01288 (Planned Unit Development)

Northside, Ltd

Southwest corner of North Sage Avenue and Dauphin Square Connector.

Planned Unit Development Approval to allow shared access between two building sites.

(For discussion see **Case #SUB2007-00143 (Subdivision) American Red Cross Subdivision** – above.)

After discussion a motion was made by Mr. Miller and seconded by Mr. Vallas to approve this plan subject to the following conditions:

- 1) the submission of full Planned Unit Development applications prior to the development of Lots 2 and 3;
- 2) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

OTHER BUSINESS:

New Member

Mr. Olsen introduced new Planning Commission member Ms. Debra Butler. The Commission welcomed Ms. Butler.

There being no further business, the meeting was adjourned.

APPROVED: 08/02/2007

Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

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