

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF NOVEMBER 2, 2006 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Terry Plauche, Chairman  
Victoria L. Rivizzigno, Secretary  
Ann Deakle  
William DeMouy  
Nicholas Holmes, III  
Mead Miller  
Roosevelt Turner  
John Vallas  
James Watkins III

**Members Absent**

Clinton Johnson

**Urban Development Staff Present**

Richard L. Olsen  
Deputy Director of Planning  
Frank Palombo, Planner II  
Bert Hoffman, Planner II  
Tony Felts, Zoning Technician  
Mae Sciple, Secretary II

**Others Present**

John Lawyer, Assistant City Attorney  
Rosemary Sawyer, City Engineering  
Pat Stewart, County Engineering  
Jennifer White, Traffic 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:**

A motion was made by Mr. Watkins and seconded by Mr. Vallas to approve the minutes of the meetings of July 20, August 3, and August 17, 2006, as submitted.

The motion carried unanimously.

**HOLDOVERS:**

**Case #SUB2006-00229 (Subdivision)**

**Bay Front Subdivision**

East side of Bay Front Road at its North terminus.

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 Dr. Rivizzigno and seconded by Mr. Holmes to waive Section V.D.3. of the Subdivision Regulations and approve the above referenced subdivision subject to the following conditions:

- 1) the placement of a note on the final plat that there will be no future subdivision of the property into additional lots; and
- 2) 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 #SUB2006-00213 (Subdivision)**

**Golden Flame Subdivision**

7060 Three Notch Road

(Northeast corner of Three Notch Road and Sollie Road).

1 Lot / 1.4± Acres

Mr. Plauche stated that this subdivision had been withdrawn at the request of the applicant.

**Case #SUB2006-00196 (Subdivision)**

**Willard Subdivision, First Addition, Resubdivision of Lots 3 & 4, and Resubdivision of Lots "A" & "B" of the Resubdivision of Lots 1 & 2**

2760 Macmae Drive

(East and South sides of Macmae Drive at its South terminus).

3 Lots / 9.3± Acres

*The site plan illustrates proposed buildings, asphalt, fencing and green space.*

**(Also see Case #ZON2006-01758 (Planned Unit Development) - Willard Subdivision, First Addition, Resubdivision of Lots 3 & 4, and Resubdivision of Lots "A" & "B" of the Resubdivision of Lots 1 & 2, Lot 2 - below; and Case #ZON2006-01989 (Planning Approval) - Larry M. Tew - below.)**

**Mobile City Planning Commission  
November 2, 2006**

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. Miller to approve the above referenced subdivision subject to the following conditions:

- 1) full compliance with Engineering comments (Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.);
- 2) depiction of the size of each lot in square feet on the final plat;
- 3) depiction of a minimum 10-foot wide buffer along the South property lines, where the lots abut existing residential development in the Belvedere Park subdivision, and placement of a note on the plat stating that the this buffer area shall be landscaped or left in its natural state;
- 4) placement of a note on the final plat and site plan stating that approval of all applicable federal, state and local agencies is required prior to the issuance of any permits or land disturbance activities;
- 5) placement of a note on the plat stating that access is denied to Belvedere Circle East;
- 6) provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing and recording of the final plat; and
- 7) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

**Case #ZON2006-01758 (Planned Unit Development)  
Willard Subdivision, First Addition, Resubdivision of Lots 3 & 4, and Resubdivision of Lots "A" & "B" of the Resubdivision of Lots 1 & 2, Lot 2**

East and South sides of Macmae Drive at its South terminus.

Planned Unit Development Approval to allow three warehouse buildings and one office building on a single building site.

*The site plan illustrates proposed buildings, asphalt, fencing and green space.*

**(For discussion see Case #SUB2006-00196 (Subdivision) - Willard Subdivision, First Addition, Resubdivision of Lots 3 & 4, and Resubdivision of Lots "A" & "B" of the Resubdivision of Lots 1 & 2 - above; and Case #ZON2006-01989 (Planning Approval) Larry M. Tew - below.)**

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

There was no one present in opposition.

**Mobile City Planning Commission**  
**November 2, 2006**

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

- 1) full compliance with the revised Engineering comments (Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. )
- 2) revision of the site plan to include the following as a note on the site plan, "Lighting shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic, per the requirements of Section 64-4.A.2. of the Zoning Ordinance";
- 3) depiction of a minimum 10-foot wide buffer strip (natural or created) area along the South property line, where the site abuts existing residential development in the Belvedere Park subdivision (a proposed 15-foot wide buffer strip is depicted);
- 4) revision of the site plan to depict a reduction in the paved area on the Eastern portion of the site, and the provision of additional landscaped area and trees (trees to be located outside of the sewer easement), to create a green buffer between the site and the Mertz Court subdivision – to be coordinated with Urban Forestry;
- 5) placement of a note on the site plan stating that the Planning Approval and PUD approval are site plan specific, and that any changes to the site plan will require Planning Commission review and approval;
- 6) placement of a note on the final plat and site plan stating that approval of all applicable federal, state and local agencies is required prior to the issuance of any permits or land disturbance activities;
- 7) provision of a revised site plan to the Planning Section of Urban Development prior to the recording of the final plat;
- 8) completion of the Subdivision process; and
- 9) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

**Case #ZON2006-01989 (Planning Approval)**

**Larry M. Tew**

East and South sides of MacMae Drive at its South terminus.

Planning Approval to allow warehousing in excess of 40,000 square feet in a B-3, Community Business District.

*The site plan illustrates proposed buildings, asphalt, fencing and green space.*

**(For discussion see Case #SUB2006-00196 (Subdivision) Willard Subdivision, First Addition, Resubdivision of Lots 3 & 4, and Resubdivision of Lots "A" & "B" of the Resubdivision of Lots 1 & 2 - above; and Case #ZON2006-01758 (Planned Unit Development) Willard Subdivision, First Addition, Resubdivision of Lots 3 & 4, and Resubdivision of Lots "A" & "B" of the Resubdivision of Lots 1 & 2, Lot 2 - above.)**

**Mobile City Planning Commission**  
**November 2, 2006**

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. Miller to approve this plan subject to the following conditions:

- 1) full compliance with the revised Engineering comments (Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. )
- 2) revision of the site plan to include the following as a note on the site plan, "Lighting shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic, per the requirements of Section 64-4.A.2. of the Zoning Ordinance";
- 3) depiction of a minimum 10-foot wide buffer strip (natural or created) area along the South property line, where the site abuts existing residential development in the Belvedere Park subdivision (a proposed 15-foot wide buffer strip is depicted);
- 4) revision of the site plan to depict a reduction in the paved area on the Eastern portion of the site, and the provision of additional landscaped area and trees (trees to be located outside of the sewer easement), to create a green buffer between the site and the Mertz Court subdivision – to be coordinated with Urban Forestry;
- 5) placement of a note on the site plan stating that the Planning Approval and PUD approval are site plan specific, and that any changes to the site plan will require Planning Commission review and approval;
- 6) placement of a note on the final plat and site plan stating that approval of all applicable federal, state and local agencies is required prior to the issuance of any permits or land disturbance activities;
- 7) provision of a revised site plan to the Planning Section of Urban Development prior to the recording of the final plat;
- 8) completion of the Subdivision process; and
- 9) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2006-00202 (Subdivision)**

**Brookview at Brookside Subdivision**

2251 and 2255 Pesnell Court

(North and East sides of Pesnell Court at its North terminus, extending to the West side of Inverness Subdivision, Unit Two).

1 Lot / 18.0± Acres

*The site plan illustrates the proposed drive, buildings, and existing buildings.*

**Mobile City Planning Commission  
November 2, 2006**

**(Also see Case #ZON2006-01870 (Planned Unit Development) Brookview at Brookside Subdivision - below; and Case #ZON2006-01871 (Rezoning) O. A. Pesnell, Jr. - below.)**

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

Mr. Plauche asked if there was anyone present who wished to speak in opposition.

Preston Manley, a resident of 2100 Dorchester Drive, stated that his main concern was that this area was a wetland and a flood plain. Mr. Manley said he was aware that there were drainage problems in this area. He noted that water from Dorchester and his complex flows down to the Milkhouse Creek area, and any disruption of that could cause more problems in that area. Mr. Manley was also concerned about security and the safety of elderly residents in the event of a storm. Depreciation in property values was also a concern with the proposed rezoning to R-3.

Regarding Mr. Manley's concern that property values would be depreciated, he asked if a portion of the subject property was already zoned R-3.

Mr. Olsen pointed out the R-1 and R-3 zoned portions of the site. The applicant was requesting that the R-1 zoned section be rezoned to R-3 so the site would not be split-zoned.

Mr. Manley recommended that the R-1 portion of the site not be rezoned to R-3.

Sam Fisher, 2104 Dorchester Drive, also stated that this was a major drainage area for the whole area and was a poor place to put any sort of construction. Development would increase the amount of drainage into Milkhouse Creek. Mr. Fisher said anything built in this area would be flooded, and the City would end up picking up the tab for repairs. With regard to the private road, Mr. Fisher said private roads also have a tendency to end up becoming part of the City's responsibility. He further stated that adequate drainage was needed for the existing homes, and to build anymore any closer would be a detriment to the whole area further downstream.

Mr. Vallas asked if the proposed building area and the private road was in the flood plain.

Mr. Olsen said that according to the plat submitted, the site was in flood zone A. He also pointed out a wetlands area, and said the applicant would have to do some mitigation because a portion of the private road and the buildable site were in the wetlands.

There being no other opposition speakers, Mr. Plauche asked if the applicant would like to respond.

O.A. Pesnell, applicant, stated that this was an 18-acre site, some of which was in the flood plain. A very small portion of this proposed development was in the wetlands, and

**Mobile City Planning Commission**  
**November 2, 2006**

they would be able to obtain a nation-wide wetlands permit. That part of the wetlands, however, was not in the flood plain. Mr. Pesnell said they were aware that the City would not allow any development in the flood plain. Permitting for development within the wetlands areas but outside of the flood plain would require permitting through the Corps of Engineers. Mr. Pesnell said he understood the concern expressed about the R-3 area, but said they were not going to build multi-family units. They will be building single-family detached houses, but because a portion of the site was already zoned R-3, they were required to rezone the R-1 portion to R-3 because the City does not permit split zoning. Mr. Pesnell said they had also submitted a PUD application for this site indicating single-family detached housing, and the site would have to be developed in accordance with the approved PUD. He also noted that all detention would meet the City requirements, which meant that no new water would enter that flood plain area at more capacity than it was now. He said it would probably enter at a lower rate once they retained the water for the development portion. Mr. Pesnell pointed out the single-sided street, noting that the area West of the street would remain undeveloped, and the City would not allow it to be developed. The only portion of the 18 acres that would be developed was about 4 1/2 acres on the East side of that road. It would be a single-sided street overlooking the flood plain, but would not be encroaching into the flood plain.

Mr. Vallas asked if the nation-wide permit referred to was a permit to fill the wetlands up to 1/2 acre.

Mr. Pesnell said his engineer figured out that it would be less than 1/2 half encroachment into the wetlands. There would be none in the flood plain.

As a point of clarification, Mr. Olsen noted that Mr. Pesnell indicated that the R-3 zoning was required because the site was split-zoned. He said it was also required because this site would be one lot, and while these would be detached single-family dwelling units, there would be multiple dwelling units on a single lot, thereby requiring R-3 zoning.

Mr. Miller asked the approximate size of the lots if they were to be developed as separate lots.

Mr. Pesnell said they would be approximately 45-50 feet by approximately 160-170 feet.

Mr. Vallas noted that if there were 22 units, they would be putting about five units on an acre, which was probably close to the minimum requirements for a lot of 7200 square feet.

Mr. Olsen said that because of the configuration, some of the lots were smaller. Most of them would be in the 35-40 feet wide range, and anywhere from 70-120 feet deep, and they would be approximately the minimum size requirement for R-1 if they were individual lots.

Dr. Rivizzigno asked why they did not divide the property into individual lots.

**Mobile City Planning Commission**  
**November 2, 2006**

Mr. Pesnell replied that this was to be a senior citizen - 65 and older - development, and there was no need to develop individual lots if they would not be for sale. It would be under a campus environment for seniors. Mr. Pesnell further commented that regarding the ingress/egress issue brought up earlier, the roadway leading to and from the site had to be in an area that was dry all the time, even during a 100-year flood. It would be approximately 8-10 feet above the 100-year flood line.

Mr. Miller asked if he understood correctly that there were absolutely no plans, even with the wetlands, to develop the West side of the road. He understood that sometimes you could trade wetlands.

Mr. Pesnell said that was correct. There were no plans for that development on the West side. Even if there were any way around it, they would be restricted within this PUD approval.

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

- 1) placement of a note on the site plan stating that approval of all applicable federal, state and local agencies is required prior to the issuance of any permits or land disturbance activities;
- 2) compliance with Engineering Department comments (All existing drainage easements should be shown on the preliminary plat and the COM Engineering Department will require that drainage easements accurately encompass any drainage way that accepts public stormwater. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. No fill or disturbance of the wetland areas without a permit from the Corps of Engineers.);
- 3) placement of a note on the plat stating that no future subdivision of the lot is permitted until additional frontage on a public street is provided;
- 4) placement of a note on the site plan and final plat stating that maintenance of common and detention areas will be property owners' responsibility;
- 5) depiction and labeling of a 15-foot minimum building setback line from the private street; and
- 6) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

**Case #ZON2006-01870 (Planned Unit Development)**

**Brookview at Brookside Subdivision**

2251 and 2255 Pesnell Court

(North and East sides of Pesnell Court at its North terminus, extending to the West side of Inverness Subdivision, Unit Two).

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow 22 single-family residential dwellings on a single building site



**Mobile City Planning Commission**  
**November 2, 2006**

with private street access.  
Council District 6

**(See Case #SUB2006-00202 (Subdivision) Brookview at Brookside Subdivision - above, for discussion; also see Case #ZON2006-01871 (Rezoning) O. A. Pesnell, Jr. - below.)**

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

- 1) placement of a note on the site plan stating that Planned Unit Development approval is site plan specific, and that any changes to the plan will require a new application to the Planning Commission;
- 2) placement of a note on the site plan stating that the site is limited to a total of 27 dwelling units (22 proposed, 5 existing), and that floodplain and wetland areas shown as undeveloped are to remain undeveloped;
- 3) revision of the site plan to depict a sidewalk on the residence side of the street, that meets the minimum sidewalk width requirements of the Subdivision Regulations for minor streets;
- 4) revision of the site plan to ensure that each dwelling is a minimum of 15 feet from the edge of pavement, and depiction of a 15-foot minimum building setback line from the private street;
- 5) placement of a note on the site plan stating that approval of all applicable federal, state and local agencies is required prior to the issuance of any permits or land disturbance activities;
- 6) provision of a revised site plan to the Planning Section of Urban Development prior to the signing of the final plat;
- 7) completion of the Subdivision process;
- 8) compliance with Engineering Department comments (All existing drainage easements should be shown on the preliminary plat and the COM Engineering Department will require that drainage easements accurately encompass any drainage way that accepts public stormwater. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. No fill or disturbance of the wetland areas without a permit from the Corps of Engineers.);
- 9) the placement of a note on the site plan and final plat stating that maintenance of common and detention areas will be property owners' responsibility; and
- 10) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

**Case #ZON2006-01871 (Rezoning)**  
**O. A. Pesnell, Jr.**  
2251 and 2255 Pesnell Court

**Mobile City Planning Commission**  
**November 2, 2006**

(North and East sides of Pesnell Court at its North terminus, extending to the West side of Inverness Subdivision, Unit Two).

Rezoning from R-1, S single-Family Residential, and R-3, Multi-Family Residential, to R-3, Multi-Family Residential, to eliminate split zoning in a proposed one-lot single-family residential subdivision and planned unit development.

*The site plan illustrates the proposed drive, buildings, and existing buildings.*

**(See Case #SUB2006-00202 (Subdivision) Brookview at Brookside Subdivision - above, for discussion; also see Case #ZON2006-01870 (Planned Unit Development) Brookview at Brookside Subdivision - above.)**

After discussion a motion was made by Mr. Vallas and seconded by Dr. Rivizzigno to recommend this change in zoning to the City Council subject to the following conditions:

- 1) development is limited to the approved Planned Unit Development (PUD);
- 2) approval of all applicable federal, state and local agencies is required prior to the issuance of any permits or land disturbance activities;
- 3) completion of the Subdivision process;
- 4) compliance with Engineering Department comments (All existing drainage easements should be shown on the preliminary plat and the COM Engineering Department will require that drainage easements accurately encompass any drainageway that accepts public stormwater. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right-of-way permit. No fill or disturbance of the wetland areas without a permit from the Corps of Engineers.); and
- 5) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2006-00231 (Subdivision)**  
**The Pines at the Preserve Subdivision**

North side of Girby Road, 3/10 mile± East of Lloyd's Lane, extending to the East side of Lloyd's Lane, 600'± North of Girby Road, and extending to the West side of Campground Branch Creek and the South side of Scenic West Place Subdivision.  
184 Lots / 84.2± Acres

(Mr. Vallas and Mr. Watkins recused from discussion and voting in this matter.)

**(Also see Case #ZON2006-02115 (Planned Unit Development) - The Pines at the Preserve Subdivision - below.)**

Jim Atchison was present on behalf of the applicant. Mr. Atchison referred to condition #2 of the staff recommendation, which requires full compliance with Engineering comments: (Provide detention for 100-year storm with a 10-year release rate. The

**Mobile City Planning Commission**  
**November 2, 2006**

existing receiving stream is compromised and the culvert @ Girby Road is reportedly undersized. Therefore, a complete analysis of the existing and proposed conditions will be required. In addition, the development will not be permitted for Land Disturbance unless the culvert at Girby Road has a capacity to handle a 50-year storm. The flood zones shown on the preliminary plat should be revised to more accurately delineate the FEMA designated flood zones. Dedication of a drainage easement of the flood way and portion of the flood zone containing the actual drainage way will be required. A study of the distance from the top of bank to top of bank of the drainage way plus 15 feet for maintenance vehicle access will be required for drainage easement. Detention should be accomplished above the 100-year flood elevation. And, the predevelopment runoff coefficient to be used for the existing wetland areas should be accurate for wetland areas. 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 applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands.) Mr. Atchison requested that the language be changed to the effect that they would be in full compliance with the City stormwater and flood control ordinances with the full approval by the City of Mobile Engineering Department, rather than stating that they have to deal with the culvert and so forth at this time.

Mr. Plauche asked Mr. Olsen why this condition was required.

Mr. Olsen stated that as is standard practice, when City Engineering has very specific comments relating to known drainage issues, the staff indicates that full compliance with City Engineering comments will be required, and then specifies what they are so that the applicant is fully cognizant of what those requirements would be.

Rosemary Sawyer, representing City Engineering, stated that the condition as stated was due to the fact that Girby Road was over-topped in May of 1997, in January of 1998, and in May of 1981, so they wanted to make sure to insure that the culvert was analyzed.

Mr. Plauche asked if City Engineering had problems with what Mr. Atchison just recommended.

Ms. Sawyer said the Stormwater Ordinance states what her comments specifically say, which is that the applicant would have to analyze the culvert and if it is in fact undersized, it would need to be upgraded.

Mr. Atchison stated that they would comply with the Ordinance in detail. They just do not believe it should felt they should be afforded the opportunity to make their peace with City Engineering in the language they were proposing.

Mr. Lawler commented that the applicant was on notice that the Engineering Department had made this specific recommendation, and he felt that to put the language in the form that Mr. Atchison requested would do not harm, except that it would give them an

**Mobile City Planning Commission**  
**November 2, 2006**

opportunity, once they started building this development, to demonstrate, if they can, that such is not necessary. It would not reduce the requirements of the Engineering Department. In other words, they were not bound by anything, and the recommendation would stay the same, unless City Engineering could be convinced otherwise. And if it stayed the same, the applicant would have to comply with it. Mr. Lawler did not see anything wrong with changing the language as suggested.

Mr. Atchison further stated that he felt that adjoining land owners would be coming forward asking about three cuts to this proposed subdivision. He said they did not have a problem with that. They have a plan to offer them access to Lloyds Lane through this project, but he felt this was further evidence that City Engineering perhaps had not taken into account the matter concerning the drainage. Mr. Atchison said there were 20 acres that were presently landlocked. The adjoining neighbors had a 10-acre tract, and two five-acre tracts. He did not believe they came before the Planning Commission to divide that property. He noted that if the adjacent property owners developed their property prior to them doing theirs, then that would add water under the culvert too. He noted that the subject culvert was 4' by 6', which he suggested Engineering would see that it was not adequate at present, even with nothing additional from the proposed development. Mr. Atchison said they were not going to dump on it. They would like the language changed, though, as previously stated.

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

After discussion a motion was made by Dr. Rivizzigno to approve the above referenced subdivision, with a waiver of Section V.D.2. of the Subdivision Regulations, subject to the staff recommendations, and revising the condition regarding the culvert at Girby Road as stated by Mr. Atchison.

Mr. Olsen said condition #2 would be changed to state full compliance with City of Mobile flood control and stormwater ordinances, subject to full approval from the Engineering Department.

Mr. Miller seconded the motion.

In further discussion Mr. Plauche asked if City Engineering was okay with the recommendation as revised by Mr. Olsen.

Ms. Sawyer said yes, but she would feel more comfortable with the original wording.

Mr. Miller asked Mr. Lawler if the City would be legally protected with the revised wording.

Mr. Lawler said yes. He said it may be possible that the applicant would convince Engineering that it was not needed, or maybe when they got out there on the scene it would not be needed, and if it was already a part of the conditions, the applicant would

**Mobile City Planning Commission**  
**November 2, 2006**

have to come back and get it removed. The revised condition gives both the Engineering Department and the applicant a little flexibility in meeting the requirements of the Ordinance.

Ms. Sawyer said the reason Engineering wanted the statement regarding the culvert included was because that roadway had been over-topped three times, and there was a definite problem there.

Mr. Lawler said the way the condition was revised would not make any difference with regard to compliance.

Ms. Sawyer said she was okay with the revision, as long as the applicant was required to comply with the Ordinance.

There being no further discussion, Mr. Plauche called for a vote on the motion, which is subject to the following conditions:

- 1) 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 calming measures should be included in the development);
- 2) full compliance with City of Mobile flood control and stormwater ordinances, subject to full approval from the Engineering Department;
- 3) labeling of all lots with size in square feet, or provision of a table with the lot size information on the plat; and
- 4) that the applicant obtain all necessary federal, state and local permits.

The motion carried.

**Case #ZON2006-02115 (Planned Unit Development)**

**The Pines at the Preserve Subdivision**

North side of Girby Road, 3/10 mile± East of Lloyd's Lane, extending to the East side of Lloyd's Lane, 600'± North of Girby Road, and extending to the West side of Campground Branch Creek and the South side of Scenic West Place Subdivision. Planned Unit Development approval to allow reduced lot widths and sizes, reduced building setbacks, and increased site coverage in a single-family residential subdivision.

**(See Case #SUB2006-00231 (Subdivision) - The Pines at the Preserve Subdivision - above, for discussion.)**

(Mr. Vallas and Mr. Watkins recused from discussion and voting in this matter.)

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

- 1) full compliance with the Traffic Engineering comments (driveway

**Mobile City Planning Commission**  
**November 2, 2006**

- number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards, traffic calming measures should be included in the development);
- 2) full compliance with City of Mobile flood control and stormwater ordinances, subject to full approval from the Engineering Department;
  - 3) labeling of all lots with size in square feet, or provision of a table with the lot size information on the plat; and
  - 4) that the applicant obtain all necessary federal, state and local permits.

The motion carried.

**EXTENSIONS:**

**Case #SUB2005-00223 (Subdivision)**

**Hunters Park Subdivision Units III & IV**

East side of Dykes Road, 850'± North of Airport Boulevard.

**Number of Lots / Acres:** 29 Lots / 17.7± Acres

**Engineer / Surveyor:** Austin Engineering Co., Inc.  
County

The request for a one-year extension of approval was considered.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Watkins to grant a one-year extension of approval of the above referenced subdivision.

The motion carried unanimously.

**Case #SUB2003-00285 (Subdivision)**

**Oak Grove Subdivision**

South side of Firetower Road, ¼ mile± East of Greenbriar Court.

119 Lots / 75.4± Acres

The request for a one-year extension of approval was considered.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Watkins to grant a one-year extension of approval of the above referenced subdivision.

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2006-00237**

**C.V.A., L.L.C. Subdivision**

1901 Spring Hill Avenue

**Mobile City Planning Commission**  
**November 2, 2006**

(Southwest corner of Spring Hill Avenue and Margaret Street, extending to the North side of Lorraine Street at its East terminus).

1 Lot / 0.7± Acre

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

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

- 1) the placement of a note on the final plat stating that the site is denied direct access to Lorraine Street; and
- 2) the placement of the building setback lines on the final plat, showing 25 feet from Spring Hill Avenue and 20 feet from Margaret Street.

The motion carried unanimously.

**Case #SUB2006-00241**

**Summer Woods Subdivision, Phase I, Resubdivision of Lot 20**

South side of Thresher Court, 70' ± East of its West terminus.

1 Lot / 0.2± Acre

Ray Hudson, representing the applicant, requested that this application be held over until the next meeting.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Miller to holdover this application until the meeting of November 16, 2006, at the applicant's request.

The motion carried unanimously.

**Case #SUB2006-00235**

**Wimbledon Subdivision, 2<sup>nd</sup> Unit, Block 13, Resubdivision of Lots 18, 19 & a Portion of Lot 17**

24 Kingsway

(West side of Kingsway, 2/10 mile± South of Wimbledon Drive West).

2 Lots / 1.3± Acres

Doug Anderson, with the law firm of Bowron, Latta and Wasden, was present representing the owner/applicants. Mr. Anderson requested that this application be heard today, and not be held over as recommended by the staff. He said the staff had requested a holdover so that they would be forced to include the property to the southwest. He explained that in 1992 Dr. Debakey, the owner of the property at that time, deeded a 15-foot strip to the owners of Lot 7, which was the parcel below this property, when they built their house. This was an illegal subdivision, since it did not come before the Planning Commission for the approval of the interior lot line between the two properties. Mr. Anderson said his client recently bought the property from the Debakey estate and

**Mobile City Planning Commission**  
**November 2, 2006**

was dividing it into two lots. To do what the staff was requesting would require them to get the next door neighbor involved in this subdivision. He was not sure what they would do if the neighbor did not agree to join in the subdivision. Mr. Anderson said it was his understanding that in cases such as this where the applicant had no participation in the prior illegal subdivision, the Commission would go ahead and approve their subdivision.

Mr. Watkins asked if the staff would have any other recommendations if the Commission decided to go ahead and hear this application.

Mr. Olsen stated that if the Commission chose to approve this subdivision, the staff would request a condition requiring compliance with the minimum setback. He pointed out on the plat that the line was extremely close to the existing structure, and they would like to maintain the minimum 8-foot setback required by the Zoning Ordinance.

Mr. Anderson said the structure referred to was in the process of being demolished, so they would have no problem with that.

In deliberations session Mr. Miller asked Mr. Olsen if the staff was comfortable with Mr. Anderson's request.

Mr. Olsen said that because the transfer of that 15-foot strip had taken place 15 years ago and the property had changed hands, it might be difficult to require them to include it after this length of time. He said in researching this application the staff found no change of ownership on the Tax Assessor's Map and Probate's information. At this point, however, Mr. Anderson provided them with the Real Property Book and page number where the deed had been recorded. The staff did find that on the Tax Assessor's web site, so the staff would be comfortable with Mr. Anderson's request.

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

- 1) placement of a note on the final plat stating that standard setbacks apply for each lot.

The motion carried unanimously.

**Case #SUB2006-00234**

**Nolfe Subdivision**

West side of Johnson Road West, 1 mile± North of Cowart Road.

3 Lots / 7.7± Acres

Matt Orrell, Polysurveying, was present on behalf of the applicant. Mr. Orrell said he had a problem with the staff's recommended condition #1 regarding a certification letter from a licensed engineer. He said surveyors had been licensed to survey plats without engineers since 1930. The condition as stated would require that he have an engineer sign a letter when he was not developing anything. The applicant simply wanted to



**Mobile City Planning Commission**  
**November 2, 2006**

divide the property and give his daughter a piece of property to build a house on. The third piece would remain a property and would be on the other side of Johnson Road. Mr. Orrell complained that he was starting to see this condition requiring a certification letter on every application, and felt it should not apply in this case. He said he was not building any streets and should not have to have an engineer sign his subdivision plat. Mr. Orrell requested that condition #1 be waived in this instance, and that it be waived in instances where there is no development.

Mr. Vallas asked Pat Stewart, with County Engineering, if he had any comments in this regard.

Mr. Stewart said he had no comments on the subject.

Mr. Olsen said he and Mr. Lawler were just discussing the potential, especially for a small subdivision like this, possibly requiring a note on the final plat that states that a certification letter be provided prior to the issuance of any permits.

Mr. Orrell said he would have no problem with that.

Mr. Olsen said this would not necessarily apply to every small two- or three-lot subdivision. This site was in the County where there was no zoning. It could potentially be commercial development.

Mr. Orrell argued that it could be anything, but in this case they were not doing any engineering whatsoever and he felt he should not be required to have an engineer sign a letter.

Mr. Lawler commented that when the property is developed, the surrounding property owners need to be protected, and he felt the suggestion that he and Mr. Olsen made was a good one.

Mr. Stewart commented that it would be extremely difficult for the County to police each and every lot to make sure they provide that letter. He said the County did not have any kind of mechanism in place to make sure that was adhered to.

Mr. Lawler said they would just have to do the best they could.

In deliberations session a motion was made by Mr. Watkins and seconded by Mr. Turner to approve the above referenced subdivision subject to the staff recommendations, with condition #1 being revised as stated by Mr. Olsen.

In further discussion Mr. Stewart said the County did not agree with condition #3 requiring contour data on the final plat. The County felt that could crowd the plat too much, and requested that this information be a supplemental sheet.

**Mobile City Planning Commission**  
**November 2, 2006**

Mr. Watkins amended his motion and Mr. Turner his second to remove condition #3. The final motion was to approve the above referenced subdivision subject to the following conditions:

- 1) placement of note on final plat stating that prior to issuance of any permits, a letter will be provided 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,
- 2) that the site receive all applicable federal, State, and local approvals prior to the issuance of permits;
- 3) the provision of contour data as required by the Subdivision Regulations, on a supplemental sheet;
- 4) 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; and
- 5) 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 #SUB2006-00249**

**Pecan Grove Place Subdivision, Phase Two**

West terminus of Pecan Grove Drive.

14 Lots / 9.8± 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. Miller to approve the above referenced subdivision subject to the following conditions:

- 1) the placement of a note on the Final Plat stating that Lot 2 (corner lot) is limited to one curb-cut, with the size, design and location to be approved by County Engineering;
- 2) 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;
- 3) labeling of all lots with size in square feet, or provision of a table with the lot size information on the plat;
- 4) the approval of all necessary federal, state and local agencies; and

**Mobile City Planning Commission**  
**November 2, 2006**

- 5) 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 #SUB2006-00240**

**Southern Oaks Estates Subdivision, Unit 6**

Northwest corner of Wear Road (paved) and Wear Road (unpaved).

29 Lots / 14.3± Acres

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

Mr. Plauche asked if there was anyone present who wished to speak in opposition.

Terrance Tolbert, 261 Wear Road, stated that the applicant wanted him to provide 30 feet from the center line of the road to the property line, but they could not do that. There was a discrepancy regarding the property line, which left him with a strip of property connected to the property line. He said there was a right-of-way coming through the subdivision because of a discrepancy when the County paved the road. The County should have required 30 feet from each side, but did not do that. He said Mr. Dees gave 30 feet on his side, and they should have taken 30 feet from the property line on the other side. They just paved the existing road, and now they were trying to cut an easement through there for that subdivision.

Mr. Plauche asked Mr. Olsen if he had the plat of this property.

Mr. Olsen provided the plat and briefly discussed the situation with Mr. Tolbert. Mr. Tolbert said he did not want any right-of-way coming through there, as there was too much traffic coming down there now since they built that subdivision.

At this point Mr. Olsen suggested to the Chairman that they ask for a holdover, or let the applicant's engineer address this issue.

Mr. Vallas asked Mr. Olsen to indicated on the plat the right-of-way in question. After further brief discussion, Mr. Plauche said the Commission would probably hold over this application, but if there was anyone else present who wished to speak in this matter, they could do so now.

Eric Lumas, a resident of 5321 Wear Road, stated that he was also concerned about the right-of-way question. He said the neighbors were also concerned about the increased volume of traffic since the new subdivision was put in, and the high rate of speed that people travel down this long, straight road. He said there were a lot of small children who lived on this street and it was extremely dangerous. Mr. Lumas said the residents of

**Mobile City Planning Commission**  
**November 2, 2006**

Wear Road objected to further development which would cause a significant increase in traffic.

Rita T. Boykin, a resident of Wear Road, stated that she and her husband were not against the proposed development, but was concerned as to how the residents of the proposed subdivision would access Wear Road. She asked if it would be on the dirt side of Wear Road.

Mr. Vallas noted that all the small lots would access the internal subdivision drive.

Mr. Olsen said that was correct. All the driveways for each house would have access via the new street that would be constructed in that subdivision. They would not have access or a driveway out onto Wear Road.

Mr. Tolbert further indicated that the County was supposed to have 30 feet of right-of-way on the property line (which he pointed out). He asked how they could build houses on property owned by the County.

Mr. Plauche said he did not fully understand the argument, but they would find out when the revisions come in.

There being no further speakers in opposition, Mr. Plauche asked if the applicant would like to respond.

Millard Austin, Austin Engineering, was present on behalf of the applicant. Regarding the right-of-way question, Mr. Austin said he did not fully know the answer. The road at the location Mr. Tolbert was talking about was off-centered because of right-of-way questions that came up when that road was paved. The road was actually off-center toward the subdivision. He said there may not be 30 feet on the east side of Wear Road, but they were providing the full 30 feet on the west side, even though the road was off-center. Mr. Austin said he was aware of that conflict, but he did not think that problem would enter into what his client was proposing.

There was further discussion about the right-of-way discrepancy. Mr. Olsen said he understood Mr. Tolbert to say that when the County acquired the right-of-way, they left a small strip of land on the west side of Wear Road. He suggested the Commission holdover this application. He asked Mr. Austin if holdover to the December 7<sup>th</sup> meeting would give him enough time to find out what was going on with the right-of-way in question.

Mr. Austin said December 7<sup>th</sup> should allow him ample time, although he did not know how he could find out any more than he already knew, but he would get with the County and see if they need to do something different.

Mr. Plauche also suggested that Mr. Austin might want to talk to Mr. Tolbert after the meeting.

**Mobile City Planning Commission**  
**November 2, 2006**

After discussion a motion was made by Mr. Miller and seconded by Mr. Holmes to holdover this application until the December 7, 2006, meeting to allow right-of-way issues to be resolved.

The motion carried unanimously.

**Case #SUB2006-00239**

**Chesterfield Place Subdivision**

North side of Wulff Road South, 200' ± West of Winston Drive West.

41 Lots / 16.6± Acres

Mr. Plauche announced that this subdivision was recommended to be held over, but if there was anyone present who wished to speak in this matter, they could do so now.

Millard Austin, Austin Engineering, was present on behalf of the applicant. Mr. Austin said all of the staff comments did not show up on the agenda, however, he had read them and fully agreed with them. He said they would comply with the staff recommendations and requested that the Commission act on this application today.

Mr. Vallas noted that the staff suggested that they needed to see a revised plan to illustrate the dedication of a right-of-way.

Mr. Austin stated that there was a little piece of 6-foot right-of-way that tied Churchill Downs into some property to the north, which they were willing to do. He said they could go ahead and revise the plat and put all the staff comments on the plat without it having to be held over.

Mr. Plauche asked if that was possible.

Mr. Olsen said the staff would prefer to see the revised plat.

Mr. Austin said they would agree to the holdover.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Watkins to holdover this application until the December 7, 2006 meeting to allow the applicant to revise the plan and illustrate the dedication of right-of-way from the street stub from Winston Drive to the right-of-way dedicated by the Travis Sellers subdivision. Revised materials, additional lot fees, mailing fees, and labels must be received in Urban Development by November 9, 2006.

The motion carried unanimously.

**Case #SUB2006-00238**

**Torrington Place Subdivision**

**Mobile City Planning Commission**  
**November 2, 2006**

Southeast corner of Snow Road and Nursery Road.  
50 Lots / 18.5± 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 Dr. Rivizzigno and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

- 1) verification of the right-of-way width for Nursery Road, and correction of the plat if necessary;
- 2) the dedication of right-of-way sufficient to provide 50-feet from the centerline of Snow Road, as depicted on the preliminary plat;
- 3) placement of a note on the final plat stating that lots 1-4, 30-33, and the main detention area are denied direct access to Nursery Road, that lots 10 and 11 are denied direct access to Snow Road, and that lot "B" is limited to one curb-cut onto Snow Road, and lot "A" is limited to one curb-cut onto Snow Road and one curb-cut onto Nursery Road, with the size, design and location of all curb-cuts to be approved by the Mobile County Engineering Department;
- 4) labeling 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;
- 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) revision of the plat to label each lot in square feet, or provision of a table on the plat depicting the same information; and
- 7) placement of a note on the final plat stating that a buffer, in compliance with Section V.A.7. of the Subdivision Regulations shall be provided where the commercial properties adjoin residential property.

The motion carried unanimously.

**Case #SUB2006-00242**

**Wynnfield Subdivision, Unit Five**

West terminus of Wynngate Way, extending North and West to the South terminus of Widgeon Drive.

67 Lots / 70.5± Acres

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

**Mobile City Planning Commission**  
**November 2, 2006**

There was no one present in opposition.

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

- 1) provision of a street stub to the land-locked parcel (R023303071000023.), to the East of proposed lots 22, 23 and 35, as depicted on the preliminary plat;
- 2) all roads be constructed to City of Mobile standards;
- 3) revision of the plat to label each lot in square feet, or provision of a table on the plat depicting the same information;
- 4) depiction on the final plat of the 25-foot minimum building setback line;
- 5) placement of a note on the final plat stating that maintenance of all common areas and detention areas shall be the responsibility of the property owners;
- 6) compliance with City Engineering comments (*The City does not allow the construction of a dam in the right-of-way to provide detention. Channel routing and storage calculations will be required for the impact of the existing stream of the proposed development. 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 applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands.*);
- 7) compliance with City Traffic Engineering comments (*Driveway number size, location, and design to be approved by Traffic Engineering and 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) 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; and
- 9) compliance with all applicable federal, state and local regulations regarding the potential wetlands issues.

The motion carried unanimously.

**Case #SUB2006-00236**

**Dawes Oak Subdivision**

West side of Dawes Lane, 3/10 mile± South of Three Notch Road, extending to the East side of Airport Road.

82 Lots / 28.1± Acres

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

**Mobile City Planning Commission**  
**November 2, 2006**

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

Darlene Stewart stated that she had been a resident of 5115 Dawes Lane Extension for 20 years. Her property was within 300 feet of the subject property. Ms. Stewart said she was not objecting to the subdivision itself, but was concerned about major drainage problems in the area. She said everything drained to a small ditch that runs on the other side of Dawes Lake Extension. The ditch was only about four feet deep and about eight feet wide. The area has major flooding problems due to erosion over many years. She noted that the pine trees on the subject property had all been bull-dozed in the last couple of days, and she was greatly concerned that this development would increase the flooding in the area. Although her house was high enough that it would not flood, there was another house directly across the street next to the drainage ditch that had already flooded twice. Ms. Stewart also expressed concern about additional traffic this proposed 80-lot subdivision would create on Dawes Road Extension, which was only about a mile long. She estimated there would be about 300-400 cars per day using this road. Safety was also a concern with cars doing 50-70 mph. She said the sheriff's department had been very diligent in the last few months being out there trying to catch speeders and issuing tickets, which she said included a lot of contractors working in the area. Ms. Stewart again stressed the existing drainage problems and felt there needed to be an extensive study done on the drainage of this 100 acres draining through this area. She said she had walked the entire property owned by the Atchison family and it was extremely sloping property. She wanted to know what would happen to the water once the retention pond was full. She said the property had a dirt barrier between where the ditch ended and where it drained on into Belmont Park Lake. Ms. Stewart further stated that they needed a traffic calming device on Dawes Road Extension.

Brenda McDonald, a resident of 9004 Dawes Creek Drive, stated that she agreed with Ms. Stewart regarding the increased traffic, as well as the high speeds at which people traveled Dawes Road Extension. Ms. McDonald also noted that the homes in the Dawes Creek Subdivision were required to have 1800 square feet or more, and the residents wanted to make sure the houses in the proposed subdivision would be of comparable size so as not to devalue their property.

Mr. Plauche said the Planning Commission had no jurisdiction regarding the size of the houses to be built. He advised Ms. McDonald to speak with the developer or his representative after the meeting in that regard.

Cecil Nolan, a resident of 5175 Dawes Lane Extension, stated that the drainage ditch referred to ran through his property. He was on the north side of the ditch. Mr. Nolan said when Dawes Lane Extension was paved the property owners gave up 20 feet for the drainage ditch. He said he had complained to the County many times about the construction of this ditch. Even at times when it had not rained in the area for a week, you could go there and see at least two or three places along the ditch where water was holding. Mr. Nolan said the ditch was constructed in a way that most of the riff-raff of rock put down was on the south side of the bottom of the ditch. The ditch creates a gully



**Mobile City Planning Commission**  
**November 2, 2006**

on the north side about two feet wide. Mr. Nolan said at the previous meeting he reported that he had lost over 300 square feet of his yard at the end where it meets the ditch. After that meeting, he said the County did construct a little barrier there, but when he was out there today there was still about 100 square feet of his land missing. He said the ditch was about 20 feet deep because it had washed, but it was constructed for only maybe three or four feet of water. He understood it was supposed to be 20 feet wide. On the north side of his property the ditch sloped off probably at about a 45-degree angle. The part of the ditch on the south side stands almost at a 90-degree angle. So, as the ditch fills, it flows over onto his property. In the 14 years he had owned the property, Mr. Nolan said you could see where the water had eroded the ground around the trees by about 9-12 inches. He said all the water drains down into the detention area that was supposed to hold the water, but that detention area had never been cleaned out since it had been built.

Mr. Vallas asked Mr. Nolan to explain where his parcel was in relation to the subject parcel.

Mr. Nolan said he was directly across from the subject property.

Mr. Vallas asked if this subdivision was proposing to tie into the existing ditch.

Mr. Nolan said yes. There would be another 82 homes and another detention pond would drain into that ditch. The property drained from the north and from the south, and now it would drain from two subdivisions from the west, and he was at the bottom of that drainage area. He asked that the Commission take into consideration the drainage situation.

Mr. Vallas noted that the plan submitted indicated significant detention area, actually more than he had seen in a subdivision such as proposed. It was larger than 20' x 20'.

Mr. Olsen stated that the proposed development had approximately seven acres of common area/detention area, which he pointed out on the plat.

Pat Fell, a resident of 9166 Dawes Creek Drive, stated that he lived behind Lot 43 in Dawes Creek. He was concerned about the sewer system, noting that their subdivision had a problem putting in their sewer system. He wanted to know where they intended to put it if that became an issue. As long as it did not back up next to his property, Mr. Fell said he was not opposed to it.

Mr. Plauche asked if the applicant would like to respond to the comments by the neighbors.

Jason Estes, with Engineering Development Services, was present on behalf of the applicant. Mr. Estes said the sewer system would be run by MAWSS. They planned to run a low pressure line all the way down to Meadow Lake School, so there would not be an on-site treatment facility at the subdivision. Regarding the drainage, Mr. Estes pointed

**Mobile City Planning Commission**  
**November 2, 2006**

out the area that would be most affected and said there was only one subdivision that was constructed in that drainage area. Mr. Estes noted that this project had come before the Planning Commission previously and had been approved by City Engineering. They had redesigned it because the property had changed hands. The proposed detention ponds would be even bigger than those previously proposed. At the previous meeting Mr. Estes said the property owner who lived across the street was present and expressed concern as to how this development would affect his property. He was concerned about a ditch that was about five feet deep that flowed to the rear of his property and dumped off into a large gully, and actually dropped off another 10 or 15 feet once it gets into the gully. Mr. Estes said they had addressed this problem. Instead of releasing what they could release before the pre-development flow, they addressed what the ditch would hold and tried to hold everything else back. That was the reason they had such a large detention area. They felt the release rate would be reduced after they constructed the subdivision.

An unidentified lady in the audience expressed concern about the traffic and the small size of the lots, which she said would not be comparable to the other subdivision in the area.

Mr. Estes said he did not have any information on the size houses to be developed.

Mr. Plauche said this site was in the County, and the size of the proposed houses would not be something this Commission considered anyway.

Mr. Estes commented that the traffic would be addressed by the Engineering Department.

Mr. Plauche asked Mr. Estes if he had an estimate of the acreage that would be in the detention area.

Mr. Estes said he did not know off hand, but pointed out two really large detention ponds on the site. One would be in the center of the property along the north line, and the other on the property to the southeast. The northwest detention area was not really detention, but rather it would be common area.

Mr. Olsen noted that the reason the staff's drawing was labeled "common area/detention area", was because that was how it was labeled on the plat submitted.

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

- 1) the dedication of right-of-way sufficient to provide 50-feet from the centerline of Airport Road;
- 2) the illustration of the 25-foot building setbacks from all streets, including the planned major street right-of-way dedication, and provision of a side yard setback for proposed Lots 1 and 82 to provide the equivalent of a 25-foot setback from the right-of-way edge of Dawes Lane Extension;
- 3) the placement of a note on the final plat stating that the site is denied access

**Mobile City Planning Commission**  
**November 2, 2006**

- to Airport Road until it is constructed to County standards;
- 4) the placement of a note on the final plat stating that Lots 42 and 43 are denied direct access to Airport Road, and that Lots 1 and 82 are denied direct access to Dawes Lane Extension;
  - 5) the construction of the new streets and traffic calming devices to County Engineering standards;
  - 6) the connection of the southern street stub to the Dawes Creek stub, as shown on the plat;
  - 7) the placement of a note on the final plat stating that maintenance of common and detention areas will be property owners' responsibility;
  - 8) verification of the minimum and maximum lots sizes within the subdivision, and revision of the lot size notes on the plat if necessary;
  - 9) 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
  - 10) the placement of a note on the final plat stating that any lots that 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.

**NEW SIDEWALK WAIVER APPLICATIONS:**

**Case #ZON2006-02225**

**B & B Industrial Supply**

1855 Telegraph Road

(West side of Telegraph Road, 115'± North of Stimrad Road).

Request to waive construction of a sidewalk along Telegraph Road.

Frank Dagley, 717 Executive Park Drive, was present on behalf of the applicant. Mr. Dagley said that when he saw the comments in the staff report, he asked the Engineering Department and the Traffic Engineering Department to take a second look at the property. He was surprised when they came back and still recommended denial. Mr. Dagley said their basic concern was that this was a heavy, heavy industrial area along Telegraph Road with no foot traffic. There were a few sidewalks scattered here and there. The curb and gutter section they submitted showed that there was adequate room for a sidewalk. They showed a fence between the fence and the curb. He said the curb was basically level with the asphalt because the street had been resurfaced so many times. He said it was scary when you stand it that narrow strip of grass with semis going past at 50 mph. Traffic Engineering contends it is safer to have a sidewalk than not, but he would not think they would encourage people to walk there. Mr. Dagley said they were also told by City Engineering that they thought there may be a sidewalk under the dirt. He did not feel that they should have to dig down there to find out. Mr. Dagley felt that

**Mobile City Planning Commission**  
**November 2, 2006**

they had presented evidence that this was not a place where a sidewalk should be constructed.

Mr. Olsen noted that the cross section that Mr. Dagley referenced did not show that the resurfacing of Telegraph Road had brought the level of the road up to the top of the curb. It actually showed the standard curb section.

Richard Beal, applicant, was present and stated that he was the owner of B & B Supply. Mr. Beal said he took over this business in the mid-'70s, and to his knowledge Telegraph Road had never had any true curb and gutter. He said it was proposed at one time, but it never materialized. Mr. Beal said the traffic in the area where they recommend a sidewalk be built was violent with 18-wheelers going down that road. There was nothing to protect anyone between where the fence was and the road. He contended there was no pedestrian traffic anyway, and to encourage it would be a liability not only on the City's part but on their part. In his 40 years of running this business, Mr. Beal said there had never been any City maintenance of any of that right-of-way on either side of the road. It was overgrown and he had no idea what was under it. He respectfully requested that this sidewalk waiver be granted.

After discussion a motion was made by Mr. Watkins and seconded by Mr. Miller to approve this request.

There were seven votes in favor of the motion and one against.

The motion carried.

**Case #ZON2006-02242**

**Ruffin J. Graham, III**

4718 Halls Mill Road

(North side of Halls Mill Road, 725' ± East of the South terminus of Rochelle Street).

Request to waive construction of a sidewalk along Halls Mill Road.

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

There was no one present in opposition.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Vallas to grant this request.

The motion carried unanimously.

**GROUP APPLICATIONS:**

**Mobile City Planning Commission**  
**November 2, 2006**

**Case #SUB2006-00246 (Subdivision)**

**Ashland Place United Methodist Church Subdivision**

5, 7, and 15 Wisteria Avenue, and 2203 and 2315 Old Shell Road

(Southwest corner of Old Shell Road and Wisteria Avenue, extending to the North side of Dauphin Street, 285'± West of Wisteria Avenue).

1 Lot / 3.8± Acres

*The site plan illustrates proposed buildings, parking, and existing buildings.*

**( Also see Case #ZON2006-02231 (Planned Unit Development) Ashland Place United Methodist Church Subdivision - below; and Case #ZON2006-02247 (Planning Approval) Ashland Place United Methodist Church Subdivision - below.)**

(Mr. Watkins recused from discussion and voting in this matter.)

Mr. Plauche announced that this application had been recommended for holdover and would be heard at the December 7, 2006 meeting. If there was anyone present who wished to speak in this matter today, however, they could do so now.

Ann Jernigan, a resident of 2302 Dauphin Street for 30 years, stated that her property adjoined the driveway that accesses the church parking lot from Dauphin Street. Ms. Jernigan said she wanted to comment on two statements in the staff report. The report indicated that the staff recognized the impact that some aspects of this project would have on the residential character of the neighborhood. She said she was not opposed to the proposed expansion project per se. She pointed out that there were only two residential structures remaining on that side of Wisteria Avenue behind her house, and if those two homes were removed it would leave her house as the sole buffer between a parking lot and Dauphin Street, and a driveway on the other side. Ms. Jernigan also noted a comment on page 3, paragraph 2, of the staff report, which stated that neighboring property owners had indicated that the access to Dauphin Street was a desirable alternative to access via Wisteria Avenue. She said that apparently those comments came from somebody that lives on Wisteria Avenue, because the people who live on Dauphin Street would not like to see the traffic increase from that Dauphin Street driveway. Ms. Jernigan said that driveway was originally just a driveway to service one home in the middle of the block. She understood that the church wanted to remove that house. At the time they bought their property Ms. Jernigan said there was no access to Old Shell Road, but over the years there have been several homes removed on Old Shell Road and two or three homes removed on Wisteria Avenue. The residential neighborhood was decreasing, which was a real concern to the neighbors. Ms. Jernigan also noted the prospect of increased traffic via the access drive to Dauphin Street to the parking lot behind her home. The issue of lighting for the parking lot was also a concern, as her bedroom window was right along the rear property line. She said another overriding concern of the residents in the whole block was with regard to drainage, because this had been a problem in the past and additional construction on this site would aggravate the situation.

**Mobile City Planning Commission**  
**November 2, 2006**

Mr. Plauche commented that the church would have to provide drainage plans to comply with the City of Mobile Ordinance.

Lawrence McDavid, a resident of 2314 Dauphin Street, said his only objection to the proposed project was drainage. Mr. McDavid pointed out his home on the plat, and said in the 20 years he had lived there he had never had a problem with drainage until the church recently decided to do something to the parking lot. There were times when he could not go in his back yard for two weeks after a rain because of drainage. Mr. McDavid said the neighbors to his east and west also had the same problem. They have had someone from City Engineering come out to look at the problem, and they say there is nothing they can do. He pointed out that there was a ditch behind all the other houses starting at where the Jernigan's live that had been there for 20 years. To his knowledge that ditch had never been cleaned out, even though there was a culvert there for it to drain into with a square top to it. Mr. McDavid noted that their lots were about four feet lower than Old Shell Road, and every time the church did something to their parking lot they get more water on their property. He said he also spoke for the lady next door to him who grew up in that house, who said there had always been a drainage ditch through his yard and their yard, as well as the yard west of them, and that the City used to maintain the ditch. The ditch was all filled in now, and Mr. McDavid requested that this matter be addressed.

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

Don Bowden, 1657 Spring Hill Avenue, stated that he was the architect for this project, and they agreed with the staff's recommendation to hold over this matter until the December 7<sup>th</sup> meeting. Mr. Bowden said they shared the same fears as the neighbors, and said they would be resubmitting drawings by November 15<sup>th</sup>. He further commented that they did not plan increased activity to the alley (driveway) to Dauphin Street, and in fact felt if anything, it would be decreased. Regarding the two houses mentioned, Mr. Bowden said they were evaluating whether they could leave them at this time. He said it was their intent in their long range plan to build back the fabric of Wisteria Avenue. In the long range plan there would also be no parking visible from Wisteria Avenue. In terms of drainage, Mr. Bowden agreed that it was a broken system, and they were planning to re-work it in this construction. At this point they had done the re-paving of their additional parking lot and had not had any additional water. It was their intent, however, to solve the ongoing problem.

Based on an e-mail he had received from a neighboring property owner on Old Shell Road, Mr. Olsen asked Mr. Bowden if, based on the plans submitted, he could assume that the church had no plans for removal of this residence (which he pointed out on the plat).

Mr. Bowden replied that they did not, nor did they have any plans to remove it in their long range plans.

**Mobile City Planning Commission**  
**November 2, 2006**

After discussion a motion was made by Mr. Plauche and seconded by Mr. DeMouy to holdover this application until the December 7, 2006 meeting.

The motion carried unanimously.

**Case #ZON2006-02231 (Planned Unit Development)**

**Ashland Place United Methodist Church Subdivision**

5, 7, and 15 Wisteria Avenue, and 2203 and 2315 Old Shell Road

(Southwest corner of Old Shell Road and Wisteria Avenue, extending to the North side of Dauphin Street, 285'± West of Wisteria Avenue).

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

*The site plan illustrates proposed buildings, parking, and existing buildings.*

**(See Case #SUB2006-00246 (Subdivision) Ashland Place United Methodist Church Subdivision - above, for discussion; also see Case #ZON2006-02247 (Planning Approval) Ashland Place United Methodist Church Subdivision - below.)**

(Mr. Watkins 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 application until the December 7, 2006 meeting.

The motion carried unanimously.

**Case #ZON2006-02247 (Planning Approval)**

**Ashland Place United Methodist Church Subdivision**

5, 7, and 15 Wisteria Avenue, and 2203 and 2315 Old Shell Road

(Southwest corner of Old Shell Road and Wisteria Avenue, extending to the North side of Dauphin Street, 285'± West of Wisteria Avenue).

Planning Approval to allow expanded parking, an administrative and choir building, chapel transept additions, a new fellowship hall, new courtyard, and playground relocation at an existing church in an R-1, Single-Family Residential district.

*The site plan illustrates proposed buildings, parking, and existing buildings.*

**(See Case #SUB2006-00246 (Subdivision) Ashland Place United Methodist Church Subdivision - above, for discussion; also see Case #ZON2006-02231 (Planned Unit Development) Ashland Place United Methodist Church Subdivision - above.)**

(Mr. Watkins 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 application until the December 7, 2006 meeting.

The motion carried unanimously.

**Mobile City Planning Commission**  
**November 2, 2006**

**Case #SUB2006-00243 (Subdivision)**

**Brandonwood Subdivision**

2910 and 2916 Cottage Hill Road

(North side of Cottage Hill Road, 60'± West of Coventry Way).

1 Lot / 1.1± Acres

Mr. Plauche announced that this application had been withdrawn.

**Case #ZON2006-02228 (Planned Unit Development)**

**Brandonwood Subdivision**

2910 and 2916 Cottage Hill Road

(North side of Cottage Hill Road, 60'± West of Coventry Way).

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

Mr. Plauche announced that this application had been withdrawn.

**Case #ZON2006-02226 (Rezoning)**

**Blue Marlin Construction, L.L.C.**

2910 and 2916 Cottage Hill Road

(North side of Cottage Hill Road, 60'± West of Coventry Way).

Rezoning from R-1, Single-Family Residential, to R-3, Multi-Family Residential, to allow a twelve-unit residential townhouse condominium complex.

Mr. Plauche announced that this application had been withdrawn.

**Case #SUB2006-00244 (Subdivision)**

**Krewe of Marry Mates Subdivision**

Area bounded by South Washington Avenue, Kentucky Street, South Scott Street, and Tennessee Street (unopened) and the Illinois Central Gulf Railroad right-of-way.

2 Lots / 4.8± Acres

*The site plan illustrates proposed lots, existing zoning, and proposed zoning.*

**(Also see Case #ZON2006-02230 (Rezoning) - Krewe of Marry Mates, Inc. - below.)**

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations. He asked if there was anyone present who wished to speak in this matter.

Carolyn W. Johnson, a resident of 752 Kentucky Street, stated that the residents of the Oakdale community wanted to know if they would be constructing any kind of facility on this site. This being a Mardi Gras association, they were concerned about noise and traffic. She said this was already a high crime area, and they were concerned how development on this site would affect the community on Kentucky Street.



**Mobile City Planning Commission  
November 2, 2006**

Referring to the plat, Mr Olsen pointed out the property along Kentucky Street and south, which was split-zoned. Part of it was zoned R-2, and part of it zoned B-3. The applicant was requesting rezoning of the R-2 portion to B-3, which would allow the site to be developed with a power company substation. He said they had problems with drop of service in this neighborhood, and this substation would alleviate the problem, as well as provide for future needs in the general area because of increased development. A subdivision application was required because they would be moving the interior lot line. Mr. Olsen said the site was owned by a Mardi Gras association, and they may have future plans for construction there, but that was not part of this application.

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

- 1) the dedication of a 25-foot curb radius at the intersections of Washington Avenue and Kentucky Street; and Scott Street and Kentucky Street, with the size, design and location to be approved by Traffic Engineering;
- 2) the depiction of the 25-foot minimum building setback lines;
- 3) the placement of a note on the final plat stating that the site be limited to a single curb cut to Washington Avenue and Kentucky Street, with the size, design and location to be approved by Traffic Engineering;
- 4) the placement of a note on the final plat denying access to Scott Street; and
- 5) the provision of a buffer where the site adjoins residential property, in compliance with Section IV.D.1 of the Zoning Ordinance.

The motion carried unanimously.

In further comments Mr. Vallas asked if the zoning had to be changed for an electrical substation station for a utility company.

Mr. Olsen said since the property was split-zoned it R-2 and B-3, it would have required Planning Approval. Rezoning to B-3 would allow the sub-station without further approval. Mr. Olsen said utility companies were not exempt from the Ordinance.

**Case #ZON2006-02230 (Rezoning)**

**Krewe of Marry Mates, Inc.**

West side of Scott Street, extending from Tennessee Street (unopened) and the Illinois Central Gulf Railroad right-of-way to Kentucky Street.

Rezoning from R-2, Two-Family Residential, and B-3, Community Business, to B-3, Community Business, to allow an electric substation.

*The site plan illustrates proposed lots, existing zoning, and proposed zoning.*

**(See Case #SUB2006-00244 (Subdivision) - Krewe of Marry Mates Subdivision - above, for discussion.)**

**Mobile City Planning Commission**  
**November 2, 2006**

After discussion a motion was made by Mr. Vallas and seconded by Dr. Rivizzigno to recommend this change in zoning to the City Council subject to the following conditions:

- 1) the dedication of a 25-foot curb radius at the intersections of Washington Avenue and Kentucky Street; and Scott Street and Kentucky Street, with the size, design and location to be approved by Traffic Engineering;
- 2) that the site be limited to a single curb cut to Washington Avenue and Kentucky Street, with the size, design and location to be approved by Traffic Engineering;
- 3) the denial of access to Scott Street;
- 4) the provision of a buffer in compliance with Section IV.D.1 of the Zoning Ordinance; and
- 5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2006-00247 (Subdivision)**

**Pinehurst, Delaney's Addition to Spring Hill, Resubdivision of a Portion of Block 9**

North side of Howard Street (unopened right-of-way, to be vacated), extending from Louise Avenue to Schaub Avenue.

16 Lots / 2.0± Acres

*The site plan illustrates the proposed development*

**(Also see Case #ZON2006-02234 (Planned Unit Development) - Pinehurst, Delaney's Addition to Spring Hill, Resubdivision of a Portion of Block 9 - below; and Case #ZON2006-02232 (Rezoning) - Rick Twilley - below.)**

Mr. Plauche announced that this application had been recommended for holdover to the December 7, 2006 meeting, but if anyone was present who wished to speak, they could do so at this time.

Larry Jones was present on behalf of the applicant and requested that this application be heard and acted on today. Mr. Jones said he had talked to the staff and they had misinterpreted the map they had submitted. He said there was no more additional property. The property referred to in the staff report had been vacated, and they were taking in the portion that they would get if they do vacate the property to the south at Howard Street. Further, Mr. Jones said that after talking to the staff, they recommended that because of the density they requested rezoning from B-3 to R-2 rather than R-1. Also, Mr. Jones said they would increase the setback along the north and south perimeter to eight feet instead of five feet.

Mr. Plauche asked Mr. Olsen what the staff recommendations would be if the Commission decided to hear this application today.

**Mobile City Planning Commission  
November 2, 2006**

Mr. Olsen said if the Commission chose to act on this application today, the staff would agree with the modification for rezoning to R-2 rather than R-1 to allow the density proposed. Also, they would recommend completion of the vacation process. With regard to the PUD, it would be limited to the plan as revised at the meeting, which would be the increase of the setbacks along the north and south perimeter to eight feet to maintain the standard setback to adjacent properties outside the PUD, as well as the completion of the vacation process, and limiting each lot to one curb cut, size, location and design to be approved by Traffic Engineering. For the subdivision, they would require completion of the vacation process, and the placement of a note on the final plat limiting each lot to one curb cut. Also, it would require waiver of the minimum lot size requirements of the Subdivision Regulations.

Mr. Jones further stated that they planned to do underground detention, which was the reason that was not shown on the plat. Also, because of the extra three feet they were going to take out on the north and south perimeters, they would have to re-balance those lots. They would probably be narrower by about 8/10s of a foot.

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

Joe Hulbert, a resident of 801 Louise Avenue, pointed out his property on the east side of the street. Mr. Hulbert had a question about vacation of the right-of-way.

Mr. Jones said if Mr. Hulbert owned property adjacent to the right-of-way, he would have to go through the vacation process and would automatically get half of it.

Mr. Olsen said that was correct, but the property owner on the other side of the right-of-way would also have to agree to the vacation. Mr. Olsen said the owner of that property could be found on the City of Mobile's web site, or at the County Tax Assessor's Office.

After discussion a motion was made by Mr. Watkins and seconded by Dr. Rivizzigo to waive the minimum lot size requirements of Section V.D.3. of the Subdivision Regulations and approve the above referenced subdivision subject to the conditions as stated by Mr. Olsen.

In further discussion Mr. Olsen stated that he failed to mention it in the public hearing session, but dedication of right-of-way along Louise Avenue would be required as shown on the plat submitted.

Mr. Watkins amended his motion, seconded by Dr. Rivizzigno, to include the dedication of right-of-way as stated by Mr. Olsen as a condition of approval. The final motion was to waive the minimum lot size requirements of Section V.D.3. of the Subdivision Regulations and approve the above referenced subdivision subject to the following conditions:

**Mobile City Planning Commission  
November 2, 2006**

- 1) completion of the right-of-way vacation process;
- 2) each lot limited to one curb cut, with the size, design and location to be approved by Traffic Engineering; and
- 3) dedication of right-of-way along Louise Avenue to provide 30 feet from centerline, as shown on the plat.

The motion carried unanimously.

**Case #ZON2006-02234 (Planned Unit Development)**

**Pinehurst, Delaney's Addition to Spring Hill, Resubdivision of a Portion of Block 9**

North side of Howard Street (unopened right-of-way, to be vacated), extending from Louise Avenue to Schaub Avenue.

Planned Unit Development Approval to allow reduced lot sizes and widths, reduced building setbacks, and increased site coverage in a single-family residential subdivision.

*The site plan illustrates the proposed development*

**(For discussion See Case #SUB2006-00247 (Subdivision) - Pinehurst, Delaney's Addition to Spring Hill, Resubdivision of a Portion of Block 9 - above; also see Case #ZON2006-02232 (Rezoning) - Rick Twilley - below.)**

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

- 1) completion of the right-of-way vacation process;
- 2) provision of an 8-foot setback along the North and South boundaries of the development; and
- 3) limitation of each lot to one curb cut, with the size, design and location to be approved by Traffic Engineering.

The motion carried unanimously.

**Case #ZON2006-02232 (Rezoning)**

**Rick Twilley**

North side of Howard Street (unopened right-of-way, to be vacated), extending from Louise Avenue to Schaub Avenue.

Rezoning from B-3, Community Business, to R-1, Single-Family Residential, to allow a single-family residential subdivision.

*The site plan illustrates the proposed development*

**(For discussion See Case #SUB2006-00247 (Subdivision) - Pinehurst, Delaney's Addition to Spring Hill, Resubdivision of a Portion of Block 9 - above; also see Case #ZON2006-02234 (Planned Unit Development) - Pinehurst, Delaney's Addition to Spring Hill, Resubdivision of a Portion of Block 9 - above.)**

**Mobile City Planning Commission**  
**November 2, 2006**

After discussion a motion was made by Mr. Watkins and seconded by Dr. Rivizzigno to recommend a change in zoning from B-3, Community Business, to R-2, Two-Family Residential, to the City Council subject to the following conditions:

- 1) rezoning limited to the accompanying Planned Unit Development; and
- 2) completion of the right-of-way vacation process.

The motion carried unanimously.

**Case #SUB2006-00248 (Subdivision)**

**PBC Subdivision**

6701 Airport Boulevard

(South side of Airport Boulevard, 4/10 mile± West of Hillcrest Road).

4 Lots / 21.9± Acres

*The site plan illustrates the existing buildings, parking, and drives.*

**(Also see Case #ZON2006-02245 (Planned Unit Development) - PBC Subdivision - below; and Case #ZON2006-02246 (Rezoning) - Providence Hospital (Lee Metzger, Agent - below.)**

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.

The motion carried unanimously.

**Case #ZON2006-02245 (Planned Unit Development)**

**PBC Subdivision**

6701 Airport Boulevard

(South side of Airport Boulevard, 4/10 mile± West of Hillcrest Road).

Planned Unit Development Approval to amend the master plan for Providence Hospital to allow multiple building/lot sites with private drive shared access and parking.

*The site plan illustrates the existing buildings, parking, and drives.*

**(Also see Case #SUB2006-00248 (Subdivision) - PBC Subdivision - above; and Case #ZON2006-02246 (Rezoning) - Providence Hospital (Lee Metzger, Agent) - below.)**

After discussion a motion was made by Mr. Miller and seconded by Mr. Vallas to approve this plan.

**Mobile City Planning Commission**  
**November 2, 2006**

The motion carried unanimously.

**Case #ZON2006-02246 (Rezoning)**  
**Providence Hospital (Lee Metzger, Agent)**

6701 Airport Boulevard

(South side of Airport Boulevard, 4/10 mile± West of Hillcrest Road).

Rezoning from B-1, Buffer Business, and B-3, Community Business, to B-1, Buffer Business, to eliminate split zoning in a proposed commercial subdivision.

*The site plan illustrates the existing buildings, parking, and drives.*

**(Also see Case #SUB2006-00248 (Subdivision) - PBC Subdivision - above; and Case #ZON2006-02245 (Planned Unit Development) - above.)**

After discussion a motion was made by Mr. Miller and seconded by Dr. Rivizzigno to recommend this change in zoning to the City Council.

The motion carried unanimously.

**Case #SUB2006-00245 (Subdivision)**  
**Rochester Place Subdivision, Resubdivision of Lots 1, 2, 12, and 13**

Northeast and Northwest corners of Rochester Place and Airport Boulevard Service Road.

2 Lots / 0.7± Acre

*The site plan illustrates the proposed buildings, parking, sidewalks, setbacks, easements, and green space.*

**(Also see Case #ZON2006-02227 (Rezoning) - Rochester Place, LLC (Matthew Walker, Agent) - below.)**

(Mr. Holmes recused from discussion and voting in this matter.)

Bobby McBryde, with Rowe Surveying, was present on behalf of the applicant and respectfully requested that action on this application be delayed until the December 7, 2006 meeting to allow his client time to meet with the adjacent property owners in the area.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Vallas to holdover this application until the December 7, 2006 meeting, at the request of the applicant.

The motion carried unanimously.

**Mobile City Planning Commission**  
**November 2, 2006**

**Case #ZON2006-02227 (Rezoning)**  
**Rochester Place, LLC (Matthew Walker, Agent)**

Northeast and Northwest corners of Rochester Place and Airport Boulevard Service Road.

Rezoning from R-1, Single-Family Residential, to R-3, Multi-Family Residential, to allow two five-unit multi-family town homes.

*The site plan illustrates the proposed buildings, parking, sidewalks, setbacks, easements, and green space.*

**(For discussion see Case #SUB2006-00245 (Subdivision) - Rochester Place Subdivision, Resubdivision of Lots 1, 2, 12, and 13 - above.)**

(Mr. Holmes recused from discussion and voting in this matter.)

After discussion a motion was made by Mr. Plauche and seconded by Mr. Vallas to holdover this application until the December 7, 2006 meeting, at the request of the applicant.

The motion carried unanimously.

**OTHER BUSINESS:**

Mr. Olsen introduced Tony Felts, the staff's new Zoning Technician. He said they hoped to fill several other vacant Planner positions in the near future.

Dr. Rivizzigno said she would like the Commission to note that the agenda was handled in an orderly manner and the meeting ended in a timely fashion. Although they had been harassed about changing their method of operating these meetings, she felt their modus operandi had been proven.

Mr. Miller voiced his agreement. He added that he was proud of the Commission he served on and of the job that they all do.

Mr. Olsen commented that he felt changing the format the little bit they did to take the smaller subdivisions first, and then go to the individual zoning, planning approval and PUDs, and then taking the group applications at the end helped immensely.

The members generally concurred.

**Mobile City Planning Commission**  
**November 2, 2006**

There being no further business, the meeting was adjourned.

**APPROVED: January 18, 2007**

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Victoria Rivizzigno, Secretary

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Terry Plauche, Chairman

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