

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF JANUARY 6, 2011 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Terry Plauche, Chairman  
Victoria L. Rivizzigno, Secretary  
Stephen J. Davitt, Jr.  
Nicholas H. Holmes, III  
Herb Jordan  
Mead Miller  
John Vallas  
James F. Watkins, III

**Members Absent**

William G. DeMouy, Jr.  
Roosevelt Turner

**Urban Development Staff Present**

Frank Palombo,  
Planner II  
Bert Hoffman,  
Planner II  
Marie Cross,  
Planner I  
David Daughenbaugh,  
Urban Forestry Coordinator  
Joanie Stiff-Love,  
Secretary II

**Others Present**

John Lawler,  
Assistant City Attorney  
Jennifer White,  
Traffic Engineering  
  
Capt. Billy Roach,  
Fire Department

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

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

**HOLDOVERS:**

**Case #ZON2010-02634 (Planning Approval)**

**Joyce Nelson**

6901 Simpson Road  
East terminus of Simpson Road [private street]  
Planning Approval to allow a mobile home as a primary dwelling in an R-1, Single-Family Residential District  
Council District 4

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

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Brett Orrell, Polysurveying of Mobile, spoke on behalf of the applicant and asked that the matter be heldover.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Vallas, to hold the matter over until the February 3, 2011, meeting, at the applicant's request.

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2010-00139**

**Gulf Equipment Subdivision**

South side of Willis Road, 45' East of Middle Road

Number of Lots / Acres: 1 Lot / 8.1± Acres

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

Council District 4

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

John Chism, manager, Gulf Equipment Corporation, noted their agreement with all of the conditions with the exception of Condition 5, which only allowed for one curb-cut. He noted that due to the nature of their work and the size of the site, three curb-cuts were needed.

Mr. Palombo responded that the staff would have no problem changing the condition to read three curb-cuts.

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

- 1) retention of the labeling of the lot with its size in square feet;**
- 2) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;**
- 3) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations;**
- 4) retention of the 25-foot minimum building setback line along all right-of-way frontages;**
- 5) placement of a note on the Final Plat limiting the development to three (3) curb-cuts to Willis Road, with the size, design, and location of all curb cuts to be approved by Traffic Engineering**

- and conform to AASHTO standards;
- 6) **compliance with Engineering comments: (*The width, location, and alignment of the proposed drainage easement subject to review and approval by the City Engineer. Need to provide an easement for the creek crossing the property. Show Mobile City Limits on the Final Plat. Due to the undersized drainage system and history of flooding during rain events at the downstream location at Larue Steiner, detention (100 year storm with 10 year release) will be required for any increase in impervious area. Any work performed in the right-of-way (including easements) will require a right-of-way permit, in addition to any required land disturbance permits. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.*)**
  - 7) **approval of all applicable federal, state, and local agencies prior to the issuance of any permits or land disturbance activities;**
  - 8) **correction of legal description "Southeast corner" should be "Southwest corner;" and,**
  - 9) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #SUB2010-00142**

**Bendolph Estates Subdivision**

7080 & 7084 Gipson Road

West side of Gipson Road, 350'± North of Old Military Road

Number of Lots / Acres: 1 Lot / 0.8± Acre

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 4

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

Jerry Byrd, Byrd Surveying, Inc., spoke on behalf of the applicant and noted they were in agreement with all of the conditions. He did, however, point out that Condition 5 called for the approval of Mobile County's Engineering Department and reminded the Commission that the property was now located within the City.

Mr. Palombo stated that Mr. Byrd was correct and that the verbiage regarding Mobile County's Engineering Department's approval would be removed.

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

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- 1) depiction of the 25-foot minimum building setback line;
- 2) the labeling of each lot with its size in square feet, or placement of a table on the plat with the same information;
- 3) compliance with Engineering comments: *(Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right-of-way will require a right-of-way permit.)*
- 4) approval of all applicable federal, state, and local agencies prior to the issuance of any permits or land disturbance activities;
- 5) placement of a note on the Final Plat limiting the development to one curb-cut each to Gipson Road, with the size, design, and location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 6) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities; and,
- 7) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2010-00140**

**Wesley Station Subdivision**

6105 Airport Boulevard

Southeast corner of Airport Boulevard and Wesley Avenue

Number of Lots / Acres: 4 Lots / 4.3± Acres

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

Council District 6

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

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

Nathan Handmacher, spoke on behalf of the applicant and made the following points:

- A. since the time of the application's submission, the property had been subdivided and a plat recorded which was different from the one submitted originally; and,
- B. in as much, it was hoped that the application before the Commission could be considered as a re-subdivision of Lot 2 only.

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Mr. Palombo noted that this was approximately the third subdivision of the property in question since it was originally presented to the Commission. He added that the Commission saw the first subdivision of the property in 2006, though the staff did not have photographs from that time, but it was a two lot subdivision which basically illustrated the current Lot 2 with the remainder of the site as Lot 1.

Mr. Handmacher responded that on December 30, 2010, a new subdivision Final Plat had been recorded which had split Lot 1 into Lot 1 and Lot 3. He also noted that where Lot 4 was shown on the plat was the current Lot 3. He stated that the applicant simply needed to re-subdivide Lot 2 into Lots 2 and 4 as shown.

Mr. Hoffman responded that the issue at hand was that the application submitted and before the Commission that day was for the entire piece of property and not just for the now recorded Lot 2. He added that the plat had just been recorded as the applicant had to wait for the drainage and utility easements to be vacated through the Mobile City Council process, which was done in early December 2010.

The Chair asked if it would be better to handle the matter internally or with another application.

Mr. Hoffman responded that both he and Mr. Palombo felt the applicant should resubmit a new subdivision application solely for the existing Lot 2 to be divided into two lots.

Mr. Handmacher offered to have the new owner of Lot 1 join in on the plat.

Mr. Hoffman countered that the current owner of Lot 1 was not included in the request before the Commission that day, so technically, the current request could not be considered because it was including Lot 1.

The Chair asked if it would be better to ask the applicant to withdraw its current application and resubmit another one.

Mr. Hoffman stated that was the preferred action, however, the applicant could elect to have the matter held over which would give them time to pursue obtaining the approval of the owner of Lot 1.

Mr. Lawler stated he believed the Commission could proceed with the application currently before them as the affected neighbors had already been advised that the property was up for subdivision.

Mr. Hoffman then reminded Mr. Lawler that one of the pieces of property involved was no longer owned by the applicant.

Upon hearing that, Mr. Lawler agreed that the matter should be held over two meetings to allow time for the new owner of Lot 1 to be included with the application and so that notification could be made to the owner of record.

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Mr. Handmacher asked if there were any other options for his client.

Mr. Hoffman stated that if the application was held over it would provide an additional four week timeframe; however, if the application were withdrawn and a new application submitted for only Lot 2, the wait would be approximately six weeks.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the February 3, 2011, meeting. It should also be noted that the applicant must obtain the approval of the owner of Lot 1 for this application, and evidence of this approval as well as additional postage (certified mail with return receipt) and labels for the owner of Lot 1 must be submitted to the Planning Section by January 18, 2011.

The motion carried unanimously.

**Case #SUB2010-00144**  
**NewCastle Landing Subdivision**

Northeast corner of Scott Dairy Loop Drive South and McFarland Road, extending to the South termini of New Castle Drive

Number of Lots / Acres: 51 Lots / 23.0± Acres

Engineer / Surveyor: Engineering Development Services, LLC  
County

The Chair announced the matter had been recommended for denial, however, if there were those who wished to speak on the matter to please do so at that time. He also advised the Commission members that there were three letters regarding the matter at their seats.

The following people spoke in favor of the matter:

- David Diehl, Engineering Development Services, for the applicant;
- Pete Garrone, 9149 Newcastle Drive, Mobile, AL;
- David Rowe, 3189 Newcastle Drive, Mobile, AL, as well as owner of Lot 22 of the same subdivision;
- Ricky Knowles, 9130 Old Roman Circle, Mobile, AL; and,
- Juana Straughan, 3184 Newcastle Drive, Mobile, AL.

They made the following points:

- A. this was basically the same plat that had been approved by the Commission several months prior, with the exception that the street connection from the existing Newcastle Drive, which began in the original Newcastle subdivision and was proposed to continue into the new subdivision, not be created and instead a cul-de-sac be developed on the

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- applicant's side of the property;
- B. noted this was being done because there would be a significant price point difference in the houses in the original Newcastle subdivision and the subdivision being proposed;
  - C. noted that all of the cul-de-sacs in the Newcastle subdivision did not have the necessary turning radius for a fire truck and that fire trucks would have to back out of the subdivision so requiring the additional cul-de-sac would not be in keeping with the current conditions within the subdivision;
  - D. presented a petition from the majority of the Newcastle subdivision property owners who were against requiring that the road stub in question be opened into the proposed subdivision;
  - E. noted that the property owners in the Newcastle subdivision did not want the two subdivisions connected because they did not want additional traffic in their subdivision nor did they want to be connected to homes with a different price value;
  - F. did not want the proposed subdivision to contain the name Newcastle in any form; and,
  - G. would like to see a privacy fence separating the two subdivisions.

Mr. Hoffman responded that in the previously approved application, the street connection was made and when the original subdivision, which included the property to the north, was submitted to the Planning Commission, it included through streets that connected both properties to Scott Dairy Loop Drive South. He noted that with the subdivision as now proposed, the subdivision to the north would not have the necessary cul-de-sac turn around at the end of Newcastle Drive, making it non-compliant with the Subdivision Regulations in terms of fire accessibility and stub-end streets having a cul-de-sac. He noted this as the basis of the staff's recommendation for denial as it will make neither subdivisions compliant in that regard with the Subdivision Regulations.

Mr. Miller asked, regarding the original application, if Newcastle Drive went both ways and was advised by Mr. Hoffman that it had been proposed and approved as a through street, in that it would connect through the property in question. Mr. Miller then asked if they did away with only one of the cul-de-sacs, and not both, would the situation remain the same.

Mr. Hoffman replied that the Subdivision Regulations required that where street stubs were provided and connecting to adjacent properties that the connections be made between the subdivisions or that they be properly terminated with a cul-de-sac.

Mr. Vallas asked if the streets were currently open to each other only on paper and that,

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in reality, they did not actually connect.

Mr. Hoffman answered there was no development on the new site as of yet. He noted that when the first phase was approved, it was done with Newcastle Drive shown as extending into the site in question, which was where the stormwater from the first phase was located.

Dr. Rivizzigno noted her concern that the street name was the same for both developments, which she felt would add to the problem, especially if they were not connected.

Mr. Diehl offered to have the street name within the proposed subdivision changed to something other than Newcastle Drive as he noted that the adjoining property owners had requested that the new development not included the word Newcastle in the name of the subdivision. He noted that the new developers were agreeable to both of these matters.

Mr. Vallas asked Mr. Diehl how having two back to back cul-de-sacs would affect the plan, noting that would mean putting in a cul-de-sac to accommodate the north development.

Mr. Deihl stated that to do so would reduce the number of lots in the subdivision which could alter the price of the homes being built. He noted that currently there was a cul-de-sac in Newcastle One, and that there were only one or two lots that would be affected by not having a cul-de-sac at the termination of Newcastle Drive.

Mr. Vallas asked if a hammerhead would be a possible solution for the end of Newcastle Drive.

Mr. Hoffman stated that it would require a waiver of the cul-de-sac requirement of the Subdivision Regulations, and he noted, again, that it would be the Commission's decision as to whether or not a cul-de-sac would be required.

Mr. Watkins asked what was the distance from where Newcastle Drive ended and the proposed development.

Mr. Hoffman felt it was approximately 100 to 200 feet.

Mr. Watkins noted it was his opinion that the real issue was how a fire truck would have access to the area.

Mr. Hoffman stated a fire truck would have room to back up, then noted the Fire Regulations stated, typically, if a street were longer than 150 feet, a 100 foot diameter turn lane was required.

Mr. Watkins asked if the staff possibly had conditions for approval should the



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Commission choose to waive the cul-de-sac requirement.

Dr. Rivizzigno asked the applicant to state, for the record, all of the things that had been agreed to by them regarding this subdivision.

Mr. Diehl agreed to the following:

- A. the proposed subdivision would not include the name Newcastle anywhere in its name or streets;
- B. there would not be a physical connection between the two subdivisions; and,
- C. a privacy fence would be built between the two subdivisions.

The Chair asked if these items were in addition to the already agreed to staff conditions and was advised that was the case.

Mr. Davitt asked if the stormwater detention for Phase One ran into a detention area on the proposed development.

Mr. Diehl stated it did. He added that at this point it was Mobile County water flowing onto private property. He noted there was in existance a release and servitude regarding the same that gave the County the right to route that water to the pond in question. He added the developers were agreeable to that and would also look at putting additional stormwater detention means on the property for the new development as needed.

Mr. Davitt asked for clarification that the current detention area was to hold the stormwater run off for both subdivisions.

Mr. Diehl stated it was and that the developers were expanding the detention pond a good bit to accommodate the increase in water due to the addition of the new subdivision.

Dr. Rivizzigno asked if the privacy fence agreed to would impede the drainage.

Mr. Diehl stated it would not because at this point the drainage ran underground into the property in question.

In response, Mr. Hoffman stated the staff had prepared the following conditions for approval in the case the Commission felt lead to approve the matter:

- A. placement of a note on the Final Plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a

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- licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the Planning Section of Urban Development and County Engineering;
- B. placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;
  - C. placement of the note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations;
  - D. placement of the lot area size, in square feet;
  - E. placement of the 25-foot minimum building setback line along all right-of-way frontages;
  - F. placement of a note on the Final Plat limiting each lot to one curb-cut each, with the size, design, and location of all curb-cuts to be approved by Mobile County Engineering and conform to AASHTO standards;
  - G. labeling of all common areas, including detention areas, and placement of a note on the Final Plat stating that the maintenance of the detention common areas is the responsibility of the property owners;
  - H. placement of a note on the Final Plat stating that no direct access to Scott Dairy Loop Drive South and McFarland Road will be granted;
  - I. renaming of Newcastle Drive to another name that does not reference the New Castle Subdivision, to be approved by County Engineering;
  - J. renaming of the subdivision to remove any references to the adjacent New Castle subdivision; and,
  - K. provision of a 6-foot high wooden privacy fence or wall along the entirety of the development where it abuts the Newcastle subdivision.

In deliberation, Mr. Miller noted his concern that the proposed subdivision would create 51 homes with only one access point. He added the City had a responsibility not to promote streets ending in stubs across the area. He recognized that the residents looked at the matter from a local perspective; however, in his role as a Planning Commissioner, it was his responsibility to look at it from a city-wide view.

Mr. Hoffman expressed his belief that there were no criteria listed in the Subdivision Regulations stating a limit to the number of houses on a single access point, nor did he know if there was a recommendation regarding the same in the International Fire Code.

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Captain Roach, City of Mobile Fire Department, stated he did not know of any such recommendation within the International Fire Code.

Mr. Miller wondered if the applicant would also be allowed non-compliance with the cul-de-sac requirement as listed in the Regulations.

Mr. Hoffman responded that as it had been pointed out during the meeting, the subdivision to the north had what was essentially a three-point turn around so that a fire truck could go to the dead end street, back up into the existing cul-de-sac, and then make its way back out of the subdivision.

Both Mr. Miller and Mr. Vallas asked Captain Roach of the City of Mobile Fire Department his opinion on the matter.

Captain Roach stated his department would like to have more access, however, he had not studied the plans well enough to provide any further answers.

In deliberation, Mr. Miller expressed his concern that there were 51 houses with only one access. He also noted the Commission had a fiduciary responsibility to the City as a whole to have streets that did not “stub everywhere.” He noted his sympathy with the area residents and their reasons regarding their stated desires, however, he reminded the Commission of their responsibility to the entire City.

Mr. Hoffman responded that he did not believe that the Subdivision Regulations provided any criteria that noted how many homes should be located on a single access point. He also noted that he did not know if the International Fire Code had any recommendations regarding the ratio of access points to number of houses.

Captain Roach, Mobile Fire and Rescue Department, stated that he knew of no such guidelines in the International Fire Code.

Mr. Miller expressed his continued opposition to weakening the Subdivision Regulations stand on the previously discussed matter, as well as weakening it by allowing a waiver of the cul-de-sac, a standard requirement in such cases.

Mr. Hoffman noted that, as was pointed out during the meeting, the fact that the subdivision to the north essentially had a three point turn around which would allow a fire truck to go to the dead end, then back up into the existing cul-de-sac, and then make its way back out.

Mr. Miller asked the Fire Department representative his feelings on that matter.

Captain Roach noted that it was not a perfect solution; however, it would meet the requirements of the International Fire Code.

Mr. Vallas asked Captain Roach if the City’s fire truck could turn around in the cul-de-

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sacs as they were currently designed.

Captain Roach noted he did not have enough information to comment on that.

Mr. Hoffman noted that the Fire Code currently called for a 120 foot diameter cul-de-sac, but that anything built prior to the change in the Subdivision Regulations that now required the 120 foot diameter would not have a cul-de-sac that met that requirement. He noted that the first part of the Newcastle Subdivision had been built prior to that and though it did not comply with current regulations, it complied with the regulations at that time.

Hearing no further opposition or discussion, a motion was made by Mr. Watkins, with second by Dr. Rivizzigno, to waive Section V.B.1. and V.B.6. and approve the matter, subject to the following conditions:

- 1) placement of a note on the Final Plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;**
- 2) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;**
- 3) placement of the note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations;**
- 4) placement of the lot area size, in square feet;**
- 5) placement of the 25-foot minimum building setback line along all right-of-way frontages;**
- 6) placement of a note on the Final Plat limiting each lot to one curb-cut each, with the size, design, and location of all curb-cuts to be approved by Mobile County Engineering and conform to AASHTO standards;**
- 7) labeling of all common areas, including detention areas, and placement of a note on the Final Plat stating that the maintenance of the detention common areas is the responsibility of the property owners;**
- 8) placement of a note on the Final Plat stating that no direct**

- access to Scott Dairy Loop Drive South and McFarland Road will be granted;
- 9) renaming of Newcastle Drive to another name that does not reference the New Castle subdivision, to be approved by County Engineering;
  - 10) renaming of the subdivision to remove any reference to the adjacent New Castle subdivision; and,
  - 11) provision of a 6-foot high wooden privacy fence or wall along the entirety of the development where it abuts the New Castle subdivision.

The motion carried with only Mr. Miller voting in opposition.

**NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:**

**Case #ZON2010-02908**

**Apostolic Overcoming Holy Church of God**

2257 St. Stephens Road

Southwest corner of St. Stephens Road and Allison Street; extending to the Northwest corner of St. Stephens Road and Vetter Street

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow multiple buildings on a single building site

Council District 2

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

Joseph Cleveland, Joseph Cleveland Architects, spoke on behalf of the applicant and made the following points for having the matter heard that day:

- A. stated they had begun working with the staff when they found out the matter was recommended for holdover and had subsequently submitted revised drawings addressing the staff's concerns; and,
- B. expressed feelings that as the information had been submitted to the staff, the matter could be heard that day.

Mr. Palombo noted that the revisions discussed by Mr. Cleveland had been received by the Planning Staff that day and there had been no time to adequately review them so the staff's recommendation to hold the matter over remained.

Mr. Hoffman pointed out that the revisions received that day also had not been distributed to either the Engineering or Traffic Engineering departments for their reviews, further basis for needing the matter held over.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with

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second by Dr. Rivizzigno, to hold the matter over until the February 3, 2011, meeting, to allow staff to review the revisions submitted by the applicant on January 6, 2011.

The motion carried unanimously.

**NEW SIDEWALK WAIVER APPLICATIONS:**

**Case #ZON2010-02881**

**William C. Hall/ Trent Hall**

1514 & 1520 West I-65 Service Road South  
West side of West I-65 Service Road South, 860'± South of Cottage Hill Road  
Request to waive construction of a sidewalk along West I-65 Service Road South  
Council District 4

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Vallas, to approve the request for a waiver of the sidewalk along West I-65 Service Road South.

The motion carried unanimously.

**GROUP APPLICATIONS:**

**Case #SUB2010-00137 (Subdivision)**

**Goodwill Easter Seals Subdivision**

7431 Airport Boulevard  
South side of Airport Boulevard, 350'± East of Portside Boulevard  
Number of Lots / Acres: 1 Lot / 3.3± Acres  
Engineer / Surveyor: Clark, Geer, Latham & Associates, Inc.  
Council District 6

(Also see **Case #ZON2010-02768 (Planned Unit Development) Goodwill Easter Seals Subdivision**, below)

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

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

Frank Harkins, CEO, Goodwill/Easter Seals, spoke on behalf of the applicant. He made the following points:

- A. noted that Goodwill/Easter Seals had been a part of the Mobile community for over 55 years by primarily

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- providing services to individuals with disabilities and this was the first time the organization had ever purchased a building;
- B. they were in agreement with the recommendations with the exception of the condition requiring the planting of ten frontage trees, as well as ten feet of additional green space;
  - C. asked that the requested trees be planted in the existing green space due to the additional cost of purchasing the trees and cited their history of ninety-eight cents of every dollar collected by the non-profit organization went toward assisting their clients so the requirement was a financial hardship; and,
  - D. noted that parking was an issue on the property and inasmuch the loss of spaces due to having to provide the trees and additional green space would decrease the space available for clients and visitors.

The Chair asked if the organization simply wanted to move where the trees would be planted or eliminate some number of the trees.

Mr. Harkins stated his understanding of that recommendation was that the organization had 350 feet of frontage and that required ten trees in that frontage area. He noted that there was existing green space on the site and that they would prefer to plant the ten trees in that area if they were required to have all of the trees.

The Chair asked Mr. Daughenbaugh, Urban Forestry Department, if he was familiar with the matter.

Mr. Daughenbaugh stated he was and that there was no existing green space on the site as it had been developed prior to 1992. He noted that Urban Forestry's goal was to get trees planted in this area. He added his department's desire to work with the applicant to get the trees planted as close to compliance as possible. He expressed that Urban Forestry looked to the Commission to help assure that the property not only had trees but also the necessary, appropriate landscaping.

The Chair noted that based upon Urban Forestry, the site, as it currently existed, did not have the required 12% landscape coverage.

Mr. Vallas asked the staff to clarify what was being done on the site that would require the applicant coming into compliance with the portion of the Ordinance in question.

Mr. Palombo stated they were changing the occupancy, renovating the interior site, and had also presented a Planned Unit Development plan.

Mr. Vallas noted that both of the buildings were currently in existence and it was his understanding that all of the improvements were internal and not external.

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Mr. Palombo stated he had looked at the site and that the frontage setback was all concrete. He stated that the applicant had stated the recommendations would take in some of the existing parking, however, he noted that was not correct. He added that the staff was not asking for a large amount of landscaping, only enough that ten trees would be viable and the location of those could be coordinated with Urban Forestry.

Mr. Vallas felt that staff requiring new commercial property owners to make major exterior improvements to their newly purchased property especially when those owners had not planned to make major exterior improvements could be extremely detrimental to property values and property sales.

Dr. Rivizzigno recognized Mr. Vallas' point and expressed her feelings to the staff stating the property owner and Urban Forestry coordinating the tree and landscaping issues was a good compromise.

Donald Mitchell, Westover Homeowners' Association, spoke on behalf of himself and his neighbors. He stated he had had the opportunity to speak with the developer and the engineer on behalf of himself and his fellow homeowners. He noted they were in favor of someone moving onto the property as it had been vacant for quite some time. He added that the applicant was very open to answering the questions regarding the property and expressed his opinion that he felt the project would have a positive impact.

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

- 1) **compliance with Engineering comments: *(Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right-of-way will require a right-of-way permit. Drainage from the proposed Compactor as well as any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.)***;
- 2) **placement of a note on the Final Plat stating that the lot is limited to the existing two (2) curb-cuts, with the size, design, and location to be approved by Traffic Engineering and in compliance with AASHTO standards;**
- 3) **placement of a note on the final plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;**
- 4) **the labeling of the lot with its size in square feet; and,**
- 5) **provision of a revised PUD site plan prior to the signing of the**



**Final Plat.**

The motion carried unanimously.

**Case #ZON2010-02768 (Planned Unit Development)**

**Goodwill Easter Seals Subdivision**

7431 Airport Boulevard

South side of Airport Boulevard, 350'± East of Portside Boulevard

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

Council District 6

(Also see Case #SUB2010-00137 (Subdivision) **Goodwill Easter Seals Subdivision**, above)

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

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

- 1) **completion of the Subdivision process;**
- 2) **compliance with Engineering comments: (*Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right-of-way will require a right-of-way permit. Drainage from the proposed Compactor as well as any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.*);**
- 3) **placement of a note on the site plan stating that the lot is limited to two (2) curb-cuts, with the size, design, and location to be approved by Traffic Engineering and in compliance with AASHTO standards;**
- 4) **the labeling of the lot with its size in square feet;**
- 5) **provision of ten (10) heritage frontage trees along Airport Boulevard, to be coordinated with Urban Forestry; and,**
- 6) **provision of a revised PUD site plan prior to the signing of the Final Plat.**

The motion carried unanimously.

**Case #SUB2010-00141 (Subdivision)**

**H. S. Nordan Place Subdivision, Re-subdivision of Lots 2 & 3**

1016 Hillcrest Road

West side of Hillcrest Road, 470'± South of Wall Street

Number of Lots / Acres: 1 Lot / 1.2± Acre

Engineer / Surveyor: Anil Badve & Associates

Council District 6

(Also see **Case #ZON2010-02877 (Rezoning) Anil Badve, P. E.**, below)

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Mr. Davitt asked if the Commission wanted to include a restriction regarding the site not having a crematorium.

Mr. Hoffman noted he believed the site had previously been approved for use as a crematorium, however, no one ever moved forward with construction regarding that project. He noted there had been an issue regarding rezoning of that property as a result of the crematorium request and subsequently denied at the City Council level.

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

- 1) **placement of a note on the final plat stating that the site is limited to two curb-cuts onto Hillcrest Road, with the size, design, and location of all curb-cuts to be approved by Traffic Engineering and in conformance with AASHTO standards;**
- 2) **labeling of the lot with its size in square feet, or the provision of a table on the plat with the same information;**
- 3) **placement of a note on the plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;**
- 4) **subject to the Traffic Engineering comments: (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Narrow driveway widths to sixteen feet or less and improve the radii to twenty feet. Sign and mark the driveways as one-way. An abbreviated traffic impact study is required for this development.*); and,**
- 5) **subject to Engineering comments: (*Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require***

*detention. Need to indicate size and type of drainage structures located in drainage easement. Need an Engineer's certification of that the receiving storm drainage system has the capacity and functionality to receive the proposed runoff. The radii for the proposed driveway shall be a minimum of 20' and the width of the proposed drive shall be a minimum of 24', unless approved otherwise by Traffic Engineering and ROW. Any work performed in the right-of-way as well as any public drainage easement will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer).*

The motion carried unanimously.

**Case #ZON2010-02877 (Rezoning)**

**Anil Badve, P. E.**

1016 Hillcrest Road

West side of Hillcrest Road, 470'± South of Wall Street

Rezoning from B-2, Neighborhood Business District, and B-3, Community Business District, to B-3, Community Business District, to amend the condition of a previous rezoning to allow visitation at an existing funeral home and eliminate split zoning in a proposed commercial subdivision and allow funeral home parking expansion

Council District 6

(Also see **Case #SUB2010-00141 (Subdivision) H. S. Nordan Place Subdivision, Re-subdivision of Lots 2 & 3**, above)

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

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

- 1) completion of the Subdivision process;**
- 2) provision of a 6' high privacy fence, in compliance with Section 64-4.D. of the Zoning Ordinance, where the site abuts residentially zoned property to the West;**
- 3) revision of the site plan to comply with the requirements of the Zoning Ordinance;**
- 4) compliance with Traffic Engineering comments: *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Narrow driveway widths to sixteen feet or less and improve the radii to twenty feet. Sign and mark the driveways as one-way. An abbreviated traffic impact study is required for this***

- development.);*
- 5) revision of the site plan to either show a compliant dumpster or the placement of a note on the site plan stating that no dumpster will be utilized on the site;
  - 6) approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;
  - 7) subject to Engineering comments: *(Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Need to indicate size and type of drainage structures located in drainage easement. Need an Engineer's certification of that the receiving storm drainage system has the capacity and functionality to receive the proposed runoff. The radii for the proposed driveway shall be a minimum of 20' and the width of the proposed drive shall be a minimum of 24', unless approved otherwise by Traffic Engineering and ROW. Any work performed in the right-of-way as well as any public drainage easement will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer);* and,
  - 8) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2010-00143(Subdivision)**  
**City Church of Mobile Subdivision**

3750 Michael Boulevard

North side of Michael Boulevard, 800'± East of Downtowner Boulevard

Number of Lots / Acres: 1 Lot / 6.3± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

Council District 5

(Also see **Case #ZON2010-02878 (Planned Unit Development) City Church of Mobile Subdivision**, and, **Case #ZON2010-02879 (Rezoning) William C. Smith Jr.**, below)

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, hold the matter over until the February 3, 2011, with revisions due to the Planning Section by noon on Thursday, January 20, 2011, to address the following:

- 1) revisions to the associated Planned Unit Development, and Rezoning Applications as outlined.

The motion carried unanimously.

**Case #ZON2010-02878 (Planned Unit Development)**

**City Church of Mobile Subdivision**

3750 Michael Boulevard

North side of Michael Boulevard, 800'± East of Downtowner Boulevard

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

Council District 5

(Also see Case #SUB2010-00143(Subdivision) City Church of Mobile Subdivision,

above, and, Case #ZON2010-02879 (Rezoning) William C. Smith Jr., below)

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, hold the matter over until the February 3, 2011, with revisions due to the Planning Section by noon on Thursday, January 20, 2011, to address the following:

- 1) **submittal of an acceptable, detailed narrative describing the project in detail as required in Section 64-5.D. of the Zoning Ordinance;**
- 2) **revision of the site plan to show ALL improvements on the site, including, but not limited to, dimensions of parking stalls or drive aisles, indicate paving materials, and indicate the seating capacity of the church and other information needed to ensure parking compliance;**
- 3) **compliance with Traffic Engineering Comments: *“Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. The eastern Driveway is less than the standard of twenty-four feet wide and should be widened or eliminated. The aisle to the rear parking lot is too narrow for parking on both side of the aisle and parking on one side of the drive should be eliminated;”* and,**
- 4) **compliance with Engineering Comments: *“Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right-of-way will require a right-of-way permit. Drainage from the proposed any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.”***

The motion carried unanimously.

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**Case #ZON2010-02879 (Rezoning)**

**William C. Smith Jr.**

3750 Michael Boulevard

North side of Michael Boulevard, 800'± East of Downtowner Boulevard

Rezoning from B-2, Neighborhood Business District and R-1, Single-Family

Residential District, to B-1, Buffer Business District, to allow an addition to an existing church and eliminate split zoning

Council District 5

(Also see **Case #SUB2010-00143(Subdivision) City Church of Mobile Subdivision**, and, **Case #ZON2010-02878 (Planned Unit Development) City Church of Mobile Subdivision**, above)

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, hold the matter over until the February 3, 2011, with revisions due to the Planning Section by noon on Thursday, January 20, 2011, to address the following:

- 1) **submittal of an acceptable, detailed narrative describing the project in detail;**
- 2) **submittal of justification for rezoning to include which, if any, of the four acceptable conditions to warrant rezoning are occurring at the site as defined by Section 64-9.A.1. of the Zoning Ordinance; and,**
- 3) **revision of the site plan to show ALL improvements on the site, including, but not limited to, dimensions of parking stalls or drive aisles, indicate paving materials, and indicate the seating capacity of the church and other information needed to ensure parking compliance.**

The motion carried unanimously.

**Case #SUB2010-00145 (Subdivision)**

**Louise Place Subdivision, Re-subdivision of Lot 26**

1146 Louise Avenue

West side of Louise Avenue, 135'± North of Louise Place West

Number of Lots / Acres: 1 Lot / 0.1± Acre

Engineer / Surveyor: Don Williams Engineering

Council District 6

(Also see **Case #ZON2010-02882 (Planned Unit Development) Louise Place Subdivision, Re-subdivision of Lot 26**, below)

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

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Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Vallas, to waive Sections V.D.2. and V.D.9., and approve the above referenced matter, subject to the following conditions:

- 1) **compliance with Engineering comments: (*Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right-of-way will require a right-of-way permit.*);**
- 2) **placement of a note on the plat, and depiction thereof, stating that the front setback shall be 15-feet, except where the structure encroaches, then the setback shall follow the line of the structure, to be no less than a 14.4 foot setback;**
- 3) **placement of a note on the plat, and depiction thereof, stating that the side yard setbacks shall be 5-feet, except on the North side where the structure encroaches, then the setback shall follow the line of the structure, to be no less than a 4.5 foot setback;**
- 4) **placement of a note on the final plat stating that the lot is limited to one curb-cut, with the size, design, and location to be approved by Traffic Engineering and conform with AASHTO standards;**
- 5) **placement of a note on the final plat stating that the lot is limited to 45% site coverage, per the approved Planned Unit Development;**
- 6) **placement of a note on the final plat stating that common area maintenance will be property owners' responsibility;**
- 7) **provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final plat;**
- 8) **completion of the Subdivision process prior to the requesting of a final Certificate of Occupancy;**
- 9) **labeling of the lot with its size in square feet, or provision of a table on the plat with the same information; and,**
- 10) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2010-02882 (Planned Unit Development)  
Louise Place Subdivision, Re-subdivision of Lot 26**

1146 Louise Avenue

West side of Louise Avenue, 135'± North of Louise Place West

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow reduced front and side yard setbacks and increased site coverage Council District 6

(Also see **Case #SUB2010-00145 (Subdivision) Louise Place Subdivision, Re-subdivision of Lot 26**, above)

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

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

- 1) **compliance with Engineering comments: (*Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right-of-way will require a right-of-way permit.*);**
- 2) **placement of a note on the site plan, and depiction thereof, stating that the front setback shall be 15-feet, except where the structure encroaches, then the setback shall follow the line of the structure, to be no less than a 14.4 foot setback;**
- 3) **placement of a note on the site plan, and depiction thereof, stating that the side yard setbacks shall be 5-feet, except on the North side where the structure encroaches, then the setback shall follow the line of the structure, to be no less than a 4.5 foot setback;**
- 4) **placement of a note on the site plan stating that the lot is limited to one curb-cut, with the size, design, and location to be approved by Traffic Engineering and conform with AASHTO standards;**
- 5) **placement of a note on the site plan stating that the lot is limited to 45% site coverage;**
- 6) **placement of a note on the site plan stating that common area maintenance will be property owners' responsibility;**
- 7) **provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final plat;**
- 8) **labeling of the lot with its size in square feet, or provision of a table on the plat with the same information**
- 9) **completion of the Subdivision process prior to the requesting of a final Certificate of Occupancy; and,**
- 10) **full compliance with all other municipal codes and ordinances.**



The motion carried unanimously.

**Case #SUB2010-00147 (Subdivision)**

**McGowin North Subdivision, Unit 1, Re-subdivision of Lot 1,**

2912 McVay Drive North

Northeast corner of McVay Drive North and Halls Mill Road, extending to the East side of Belvedere Circle West

Number of Lots / Acres: 1 Lot / 1.0± Acre

Engineer / Surveyor: 4-Site Inc.

Council District 4

(Also see **Case #ZON2010- 02890 (Rezoning) The Broadway Group,** below)

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

James Parker, 1110 Belvedere Circle West, Mobile, AL, spoke on the matter and asked for clarification as to the site's location on Halls Mill Road, with an emphasis on the locations of the entrances. He noted he was most concerned with traffic in the area.

Mr. Palombo advised, using the overhead map, that it was located at the corner of Halls Mill Road and McVay Drive North. He then noted the entrances as being on McVay Drive, away from Halls Mill Road, with another large entrance located on Halls Mill Road.

Lee McKay, 132 Holmes Avenue, Huntsville, AL, spoke on behalf of the applicant and noted their agreement with the staff's recommendations.

Hearing no opposition or further discussion, a motion was made by Mr. Miller, with second by Dr. Rivizzigno, to waive Section V.D.9. regarding minimum building lines, along Halls Mill Road and Belvedere Circle West only, and approve the matter, subject to the following conditions:

- 1) **completion of the rezoning process;**
- 2) **dedication sufficient to comply with Section V.B.16. of the Subdivision Regulations regarding curb radii;**
- 3) **placement of a note on the Final Plat denying Lot 1 direct access to Belvedere Circle West;**
- 4) **placement of a note on the Final Plat stating that Lot 1 is limited to one curb-cut to McVay Drive and one right in/right out curb-cut to Halls Mill Road, with the size, design, and exact location of each curb cut to be approved by Traffic Engineering and conform to AASHTO standards;**
- 5) **taking of appropriate measures to prevent cut-thru traffic in the parking lot as approved by Traffic Engineering;**
- 6) **retention of the 25-foot minimum building line along McVay**

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- Drive and the 20-foot minimum building line along Halls Mill Road and Belvedere Circle West;
- 7) retention of the lot area size, in square feet, on the Final Plat;
  - 8) full compliance with Urban Forestry comments: *“Preservation status is to be given to the 48” Live Oak Tree located along Halls Mill Road. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;”*
  - 9) full compliance with Engineering comments: *“On plat, refer to flood zone “X” Out as “X-Unshaded”. Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Sidewalks need to be shown along property lines adjacent to public streets or apply for a sidewalk waiver. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;”*
  - 10) placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species; and,
  - 11) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #ZON2010- 02890 (Rezoning)**

**The Broadway Group**

2912 McVay Drive North

Northeast corner of McVay Drive North and Halls Mill Road, extending to the East side of Belvedere Circle West

Rezoning from B-3, Community Business District, to B-3, Community Business District, to remove a previous condition denying access to Halls Mill Road Council District 4

(Also see **Case #SUB2010-00147 (Subdivision) McGowin North Subdivision, Unit 1, Re-subdivision of Lot 1**, above)

Mr. Hoffman corrected Condition 3, which originally referred to “evergreen tree plantings, such as Live Oaks and Bald Cypress,” by removing “Bald Cypress” as they were not evergreen trees.

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

- 1) completion of the Subdivision process;
- 2) provision of a privacy fence in compliance with Section 64-

- 4.D.1.A. of the Zoning Ordinance where the site abuts residentially zoned property;
- 3) provision of sufficient overstory, evergreen tree plantings (such as Live Oaks or Southern Magnolias) so as to provide a continuous buffer in the 10 foot buffer area between the required privacy fence and the development;
  - 4) prohibition of parking within the buffer area;
  - 5) prohibition of commercial signage on the eastern portion of the lot along Belvedere Circle West and Halls Mill Road;
  - 6) denial of direct access to Belvedere Circle West;
  - 7) limitation of access to Halls Mill Road to right in/right out curb-cut with the size, design, and exact location of the curb-cut to be approved by Traffic Engineering and conform to AASHTO standards;
  - 8) full compliance with tree plantings and landscaping requirements;
  - 9) full compliance with Urban Forestry comments: *“Preservation status is to be given to the 48” Live Oak Tree located along Halls Mill Road. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;”*
  - 10) full compliance with Engineering comments: *“On plat, refer to flood zone “X” Out as “X-Unshaded”. Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Sidewalks need to be shown along property lines adjacent to public streets or apply for a sidewalk waiver. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;”* and,
  - 11) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2010-00138 (Subdivision)**

**University Crossing Subdivision**

112 South University Boulevard

West side of South University Boulevard, 750’ South of Old Shell Road, extending to the Northern termini of Barbara Mitchell Drive East, General Bullard Avenue, and Westfield Avenue, extending to the East side of Long Street 900’± South of Old Shell Road

Number of Lots / Acres: 5 Lots / 17.4± Acres

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

Council District 6

(Also see Case #ZON2010-02874 (Planned Unit Development) **University Crossing Subdivision**, below)

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Dr. Rivizzigno and Mr. Vallas recused themselves from discussion and voting on the matter.

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Steve Weller, 312 Montevallo Court, Mobile, AL, spoke on the matter and expressed the following concerns:

- A. stated it appeared that the development was adjacent to property owned by him;
- B. expressed concern regarding drainage run off from the development onto his property;
- C. asked what was the off set distance regarding development of the property from his property; and,
- D. wanted the developers to give him some type of access to his property via the proposed development from Long Street.

The Chair advised the speaker that one to the staff's recommendations addressed that the site must be in compliance with the City's stormwater and drainage ordinance, thus protecting him regarding the same.

Mr. Palombo advised there was a ten foot off-set from the proposed development to the speaker's property.

Mr. Hoffman noted that Long Street was not fully improved.

Mr. Palombo stated the proposed development was not accessing Long Street, therefore they would not be required to provide any access to said street.

Mr. Davitt noted the property was located to the southwest of the intersection of Old Shell Road and University Boulevard and reminded everyone of some of the severe drainage issues that area had in the past. He asked if the City had done some improvements in that area and was advised they had.

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

- 1) placement of a note on the plat stating that Lot 5 is limited to a total of one curb-cut onto University Boulevard, as depicted on the preliminary plat;**
- 2) placement of a note on the plat stating that Lot 5 is denied**

- access to Westfield Avenue and General Bullard Avenue, and is limited to two curb-cuts onto Long Street, once it is improved to city standards between the site and Old Shell Road, as depicted on the preliminary plat;
- 3) placement of a note on the plat stating that the size, design and location of all curb-cuts shall be approved by Traffic Engineering and conform to AASHTO standards, as depicted on the preliminary plat and comply with the suggested improvements of the Traffic Impact Study submitted with the previous application, subject to approval by Traffic Engineering and Urban Development;
  - 4) placement of Urban Forestry comments as a note on the plat, as depicted on the preliminary plat: *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64.. Preservation status is to be given to the 60" Live Oak Tree located on the East side of Lot 3. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.);*
  - 5) compliance with Engineering comments: *(Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Detention not permitted within flood zone. Need to show Minimum FFE on the plat. No fill is permitted within the flood zone without providing compensation. The radius tie to existing edge of pavement cannot exceed the projected property line at that point without written consent from the adjacent property owner(s). Any work performed in the right-of-way or any public drainage easement will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.);*
  - 6) revision of the plat to label the lot with its size in square feet, or placement of a table on the plat with the same information;
  - 7) placement of a note on the plat stating that maintenance of all common areas and detention areas is the responsibility of the property owners; and,
  - 8) placement of a note on the plat stating that the approval of all applicable federal, state, and local agencies is required for endangered or threatened species prior to the issuance of any permits or land disturbance activities, as depicted on the preliminary plat.

The motion carried unanimously.

**Case #ZON2010-02874 (Planned Unit Development)**

**University Crossing Subdivision**

112 South University Boulevard

West side of South University Boulevard, 750' South of Old Shell Road, extending to the Northern termini of Barbara Mitchell Drive East, General Bullard Avenue, and Westfield Avenue, extending to the East side of Long Street 900'± South of Old Shell Road

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow multiple buildings on a single building site along with shared access between three lots

Council District 6

(Also see Case #SUB2010-00138 (Subdivision) **University Crossing Subdivision**, above)

Dr. Rivizzigno and Mr. Vallas recused themselves from discussion and voting on the matter.

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

- 1) **limited to the revised site plan, including limiting Lot 5 to one curb-cut onto University Boulevard – future development of the out parcels will require new PUD applications to amend the existing PUD;**
- 2) **adherence to the Traffic Impact Study, and acceptance of the work by Traffic Engineering and Urban Development;**
- 3) **placement of Urban Forestry comments as a note on the site plan, as depicted on the preliminary plat: *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64.. Preservation status is to be given to the 60" Live Oak Tree located on the East side of Lot 3. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.);***
- 4) **lighting of the parking area and site must comply with Sections 64-4.A.2 and 64-6.A.3.C of the Zoning Ordinance;**
- 5) **the submission of two (2) copies of the revised site plan illustrating all conditions for recommendation of approval;**
- 6) **completion of the Subdivision process; and,**
- 7) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**Case #SUB2010-00146 (Subdivision)**  
**Tuthill Gates Subdivision, Re-subdivision of**

3671 Hayfield Place

Northeast corner of Springhill Avenue and Tuthill Lane, extending to the South side of Hayfield Place

Number of Lots / Acres: 8 Lots / 2.6± Acres

Engineer / Surveyor: Don Williams Engineering

Council District 7

(Also see **Case #ZON2010-02885 (Planned Unit Development) Tuthill Gates Subdivision, Re-subdivision of**, below)

The Chair announced the application had been recommended for approval. He noted the Commission members had some information regarding the site at their seats then stated if anyone wished to speak on the matter they should do so at that time.

Don Williams, Williams Engineering, spoke on behalf of the applicant. He made the following points:

- A. noted it was an existing, nine lot, private, gated, road subdivision, with road frontage on all four sides, but the subdivision's access was only via its private road;
- B. noted that the front yards and back yards in the subdivision were reversed;
- C. noted that all of the houses in the subdivision would be turned toward the private road;
- D. noted there would be no access to the subdivision via the roads on all four sides of the development;
- E. noted the development had been bought by a new owner who wished to reduce the lot numbers by combining three of the lots into two;
- F. noted the applicant was in agreement with the recommendation with three exceptions;
- G. with regards to new wall or fences complying with all setback requirements, and the depiction of a 20-foot setback where each lot abutted a public street, as noted in the PUD, would effectively create 20-foot rear setbacks on all eight of the proposed lots, with that setback effectively becoming a side yard setback in some cases;
- H. would like to have the 20-foot setback requirement softened to show the applicant's originally requested 10-foot setback on Tuthill Lane, Hayfield Place, and, Springhill Avenue;
- I. noted there was a 20-foot drainage easement on the Hayfield Place side, and inasmuch as the requested footage already existed in that area, the applicant agreed to the condition at that location;

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- J. due to the setbacks requested, it was felt that the fence location required too much property sacrificed by the new homeowners, especially as there were fences located along most all of the property line;
- K. noted that to require the setbacks and fence would cause the development's underground detention pond to be located on property outside of their fence line;
- L. noted they could put a three-foot high wooden privacy fence on the property line but that would be across their backyards which faced the opposite property owners front yards;
- M. noted the developer would like to match the fencing that is in place now, which is approximately a six to seven foot high masonry wall, as they would like to put some type of opaque fencing there; and,
- N. agreed to put no gates in the fencing which would put them in compliance with the recommendation that all lots would be denied direct access to Springhill Avenue, which would deny not only the implied vehicular traffic but also deny pedestrian traffic to the area from those sites.

Corrie Carrington, 3654 Hayfield Place, Mobile, AL, spoke regarding the matter and asked the following:

- A. asked regarding Hayfield Place whether the developers wanted a 10-foot setback as opposed to a 20-foot setback, as they thought the only place a 10-foot setback was being requested was at Springhill Avenue and Tuthill Lane; and,
- B. regarding the fence along Hayfield Place, the wall that was hoped would be continued was desired to be eight feet high, not six feet high.

Mr. Watkins asked where the fence in question began.

Mr. Williams stated the fence along Hayfield Place to the north began at the corner of Hayfield Place and Tuthill Lane to approximately the first cul-de-sac on Hayfield Place.

The Chair made a comment regarding a large Live Oak in the area and Mr. Williams stated it had been granted preservation status and that the developers were happy to have it.

The Chair asked Mr. Daughenbaugh, Urban Forestry, if there was enough space on the west side, where the curbing was located and was advised that Urban Forestry felt there was enough space.



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In deliberation, Mr. Miller asked the staff for their opinion on Mr. Williams' comments, as they had left him a bit confused.

Mr. Hoffman noted that Engineering comments had stated that any new wall or fence proposed within a drainage easement would require Engineering, Right-of-Way, and Zoning approvals, so if the Commission did allow the fence to be built as proposed, with it located within the drainage easement, it would require a right-of-way permit and Engineering Department approval.

Mr. Miller asked if the staff would like to see any modifications to the setbacks as described.

Mr. Hoffman responded that the 20 foot proposed along the cul-de-sac would be in keeping with the other homes that were already constructed there so staff would agree to that. He also stated that the 10 feet from Tuthill Lane and Springhill Avenue, as originally requested, would be acceptable to the staff as well.

Mr. Watkins asked if the Commission's approval regarding the fence needed to specify whether it was masonry or stucco.

Mr. Hoffman noted the neighbors had not made any requests regarding the construction of the fence.

Hearing no opposition or discussion, a motion was made by Mr. Miller, with second by Mr. Davitt, to waive Section V.D.9. and approve the above referenced matter, subject to the following conditions:

- 1) compliance with Engineering comments: (*Setbacks shall not include drainage easements, structures are prohibited within drainage easements. Reduction in size of any drainage easements are not allowed. Any new wall or fence proposed within a drainage easement will require Engineering, ROW and Zoning approvals. Must comply with all storm water and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.*);**
- 2) compliance with Urban Forestry comments, and placement of those comments as a note on the final plat: (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the 48" Live Oak Tree located on private easement in front of Lot B. Any work on or under this tree is to be permitted and coordinated with Urban***

- Forestry; removal to be permitted only in the case of disease or impending danger.);*
- 3) placement of a note on the final plat stating that compliance with Section VIII.E. of the Subdivision Regulations will be required due to the private gated street;
  - 4) depiction of a minimum 20-foot building setback where each lot abuts Hayfield Place;
  - 5) depiction of a minimum 10-foot building setback where each lot abuts Tuthill Lane and Spring Hill Avenue;
  - 6) depiction of a 10-foot side yard setback for Lot D, where there is an existing drainage easement on the North side of the lot;
  - 7) depiction of all other internal side yard (5 feet) and private street minimum building setbacks (5 to 10 feet) as proposed;
  - 8) placement of a note on the final plat stating that all lots are denied direct access to Spring Hill Avenue, Tuthill Lane and Hayfield Place, and that access shall only be to Hayfield Place via the proposed private street easement;
  - 9) placement of a note on the plat stating that the site is limited to an approved Planned Unit Development;
  - 10) completion of a non-utility right-of-way use agreement for any existing walls or fences that will remain which are located in the public right-of-way or in a drainage easement, prior to the issuance of a certificate of occupancy for any new residence;
  - 11) placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;
  - 12) provision of a revised PUD site plan prior to the signing of the final plat; and,
  - 13) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

**Case #ZON2010-02885 (Planned Unit Development)**

**Tuthill Gates Subdivision, Re-subdivision of**

3671 Hayfield Place

Northeast corner of Springhill Avenue and Tuthill Lane, extending to the South side of Hayfield Place

Planned Unit Development Approval to allow a private street and gated subdivision with reduced front, side and rear yard setbacks, and increased site coverage in a proposed single family subdivision

Council District 7

(Also see Case #SUB2010-00146 (Subdivision) **Tuthill Gates Subdivision, Re-subdivision of**, above)

The Chair announced the application had been recommended for approval and stated

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the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

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

- 1) placement of a note on the site plan stating that the maximum building site coverage is limited to 35%;**
- 2) any new walls or fences up to 8 feet in height may be located along property lines abutting all public streets, with appropriate permits, subject to approval by Engineering and ROW for those walls or fences that will be located in existing drainage easements;**
- 3) compliance with Engineering comments: (*Setbacks shall not include drainage easements, structures are prohibited within drainage easements. Reduction in size of any drainage easements are not allowed. Any new wall or fence proposed within a drainage easement will require Engineering, ROW and Zoning approvals. Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.*);**
- 4) compliance with Urban Forestry comments, and placement of those comments as a note on the final plat: (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the 48" Live Oak Tree located on private easement in front of Lot B. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.*);**
- 5) placement of a note on the site plan stating that compliance with Section VIII.E. of the Subdivision Regulations will be required due to the private gated street;**
- 6) depiction of a minimum 20-foot building setback where each lot abuts Hayfield Place;**
- 7) depiction of a minimum 10-foot building setback where each lot abuts Tuthill Lane and Spring Hill Avenue**
- 8) depiction of a 10-foot side yard setback for Lot D, where there is an existing drainage easement on the North side of the lot;**
- 9) depiction of all other internal side yard (5 feet) and private street minimum building setbacks (5 to 10 feet) as proposed;**
- 10) placement of a note on the site plan stating that all lots are**

- denied direct access to Spring Hill Avenue, Tuthill Lane and Hayfield Place, and that access shall only be to Hayfield Place via the proposed private street easement;
- 11) placement of a note on the site plan stating that the site is limited to an approved Planned Unit Development;
  - 12) completion of a non-utility right-of-way use agreement for any existing walls or fences that will remain which are located in the public right-of-way or in a drainage easement, prior to the issuance of a certificate of occupancy for any new residence;
  - 13) placement of a note on the site plan stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;
  - 14) provision of a revised PUD site plan prior to the signing of the final plat; and,
  - 15) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

**OTHER BUSINESS:**

Hearing no further business, the meeting was adjourned.

**APPROVED:**            March 17, 2011

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Dr. Victoria Rivizzigno, Secretary

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Terry Plauche, Chairman

jsl