

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF JULY 03, 2014 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William G. DeMouy, Jr.
Victoria L. Rivizzigno, Secretary
John Vallas
Scott Webster
Levon Manzie
Roosevelt Turner
Tracie Lee-Roberson

Members Absent

James F. Watkins, III
Carlos Gant
Don Hembree

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Bert Hoffman,
Planner II
Carla Davis,
Planner II
David Daughenbaugh,
Urban Forestry Coordinator
Jessica Watson
Secretary II

Others Present

Doug Anderson,
Assistant City Attorney
George Davis,
City Engineering
Marybeth Bergin,
Traffic Engineering

Fire-Rescue Department

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

ROLL CALL:

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:

1. **Case #SUB2014-00056 (Subdivision)**
(&2) **Government Boulevard Subdivision, Bateh Addition to**
East side of Government Boulevard, 964'± North of Rochelle Street.
Number of Lots / Acres: 1 Lot / 4.6± Acres
Engineer / Surveyor: The Coleman Engineering Group of McCrory Williams
Council District 4

The Chair announced the applications had been recommended for approval. He

added if anyone wished to speak on the matter they should do so at that time.

Darryl Russell, McCrory and Williams, requested that the application be heldover until the August 7th meeting.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno to hold the matter over at the applicant's request.

The motion carried unanimously.

2. Case #ZON2014-01085 (Rezoning)
(&1) C & S Bateh Properties, LLC

East side of Government Boulevard, 964'± North of Rochelle Street.

Rezoning from R-1, Single-Family Residential District, to B-3, Community Business District, to allow for future commercial development.

Council District 4

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

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno to hold the matter over at the applicant's request.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

3. Case #SUB2014-00061
The Delaware Double Subdivision

906 and 908 Delaware Street

(North side of Delaware Street, 110'± West of South Broad Street).

Number of Lots / Acres: 1 Lot / 0.2± Acre

Engineer / Surveyor: Marshall A. McLeod, PLS

Council District 2

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. Turner, with second by Dr. Rivizzigno to waive Section V.D.2 of the Subdivision Regulations and to approve the above referenced matter, subject to the

following conditions:

- 1) illustration of the 25' minimum building setback line;
- 2) retention of the lot size in square feet and acres;
- 3) placement of a note stating the development is limited to one curb-cut to Delaware Street with the size, location and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 4) compliance with Engineering comments (*The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer: Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with the of the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045), latest edition. Storm water detention may be required for any existing development (since 1984) that did not receive Land Disturbance permitting and for any future addition(s) and/or land disturbing activity. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 29 - # 78) the LOT will receive 3,000 sf historical credit of impervious area towards stormwater detention requirement per the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045), latest edition. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. Provide legible street names in the vicinity map. Show the proposed LOT designator (A, 1). Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. Provide and label the monument set or found at each subdivision corner. Could not use the legend on the 11"x17" drawing. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. Add a note that sidewalk is to be constructed along the frontage of the LOT at time of development, unless a sidewalk waiver is approved.);*
- 5) compliance with Fire Department comments (*All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);*

- 6) compliance with Traffic Engineering comments (*Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards..*);
- 7) compliance with Urban Forestry comments (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).*);
- 8) placement of a note on the Final Plat stating that approval of all applicable Federal, state and local agencies is required for floodzone issues, if any, prior to the issuance of any permits or land disturbance activities;
- 9) 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.

The motion carried unanimously.

4. **Case #SUB2014-00063**

Alfred Ward Subdivision

East side of Beverly Road Extension, 82'± North of Cemetery Road and North side of Cemetery Road, 205'± East of Beverly Road.

Number of Lots / Acres: 1 Lot / 2.3± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying County

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.

Brett Orrell, Polysurveying, spoke on behalf of the applicant. He stated that the applicant would like access to Cemetery Road.

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

- 1) **Revision of the Final Plat to depict dedication along Cemetery Road to Mobile County and sufficient to provide 30' as measured from centerline;**
- 2) **Revision of the lot size information and 25' minimum building setback line on the Final Plat to reflect dedication;**
- 3) **Revision of the Final Plat and legal description to depict the correct distance of the eastern lot line;**
- 4) **Placement of a note on the Final Plat stating that the proposed lot is**

- limited to one (1) curb cut to Cemetery Road - and limited to one (1) curb-cut to Beverly Road Extension, with the size, design, and location to be approved by Mobile County Engineering and conform to AASHTO standards;
- 5) Placement of a note on the Final Plat stating: *(The approval of all applicable federal, state and local environmental agencies regarding wetlands, would be required prior to the issuance of any permits or land disturbance activities.);*
 - 6) Placement of a note on the Final Plat stating: *(Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.);*
 - 7) Placement of a note on the Final Plat stating: *(This site is located in the County, and therefore 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.);*
 - 8) Placement of a note and compliance with Fire Comments: *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);* and
 - 9) Placement of a note on the Final Plat and compliance with Engineering Comments: *(Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits.);*

The motion carried unanimously.

5. **Case #SUB2014-00064**
JESMAR Subdivision

Southeast corner of Airport Boulevard and Mckenna Court

Number of Lots / Acres: 2 Lots / 2.0± Acres

Engineer / Surveyor: Frank A. Dagley & Associates, Inc.
Council District 6

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 Dagley, 717 Executive Park Drive, spoke on behalf of the applicant. He stated that they would like two curb cuts on each of the lots on Mckenna Court.

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

- 1) dedication of a 25' radius curve at the Southeast corner of Airport Boulevard and McKenna Court;
- 2) placement of a note on the Final Plat stating that each lot is limited to two curb cuts to McKenna Court, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 3) placement of a note on the Final Plat stating that Lot 1 is limited to one curb cut (right out only) to Airport Boulevard;
- 4) retention of the 25' minimum building setback line along McKenna Court and Airport Boulevard;
- 5) revision of the minimum building setback line at the Southeast corner of Airport Boulevard and McKenna Court to be measured from the required radius curve dedication;
- 6) retention of the lot size labels on the Final Plat, revised for any required dedication, or the furnishing of a table on the Final Plat providing the same information;
- 7) placement of a note on the Final Plat stating that a buffer, in compliance with Section V.A.8. of the Subdivision Regulations, must be provided where the site adjoins any residential use;
- 8) placement of a note on the Final Plat stating that development of this site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
- 9) subject to the Engineering comments: *[The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer: A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with the of the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045), latest edition. Storm water detention may be required for any existing development (since 1984) that did not receive Land Disturbance permitting and for any future addition(s) and/or land disturbing activity. C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 17 - # 77) each lot will receive the following historical*

credit of impervious area towards stormwater detention requirement per the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045), latest edition, as follows: LOT 1 – NONE; LOT 2 –NONE. D. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. E. Provide a written legal description for the proposed subdivision and matching bearing and distance labels, including labeling the POC and POB. F. Provide and label the monument set or found at each subdivision corner. G. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. H. Provide the Surveyor's Certificate and Signature. I. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. Add a note that sidewalk is required to be constructed along the frontage of each lot at time of development, unless a sidewalk waiver is approved.] ;

- 10) subject to the Traffic Engineering comments: *(Access to Airport Boulevard is limited to one right out only curb-cut for Lot 1, and each lot is limited to two curb cuts to McKenna Court, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. All on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 11) subject to the Urban Forestry comments: *[Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).]; ;*
- 12) subject to the Fire Department comments: *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile); and*
- 13) completion of the Subdivision process prior to any request for permits.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

6. Case #ZON2014-01192
O'MAR, Inc.
5442 U.S. Highway 90 West
(West side of U.S. Highway 90 West, 325± North of Tillmans Corner)

Parkway).

Request to waive construction of a sidewalk along U.S. Highway 90 West
Council District 4

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

Rob Myers, Myers Oil Company, spoke on his own behalf. He stated that he did not see a reason that they needed a sidewalk based on the location.

Hearing no opposition or further discussion, a motion was made by Mr. Turner, with second by Dr. Rivizzigno to deny the request to waive construction of a sidewalk along U.S. Highway 90 West. However, the site abuts an ALDOT right-of-way, so any sidewalk would also be subject to ALDOT approval.

The motion carried unanimously.

GROUP APPLICATIONS:

7. Case #SUB2014-00062 (Subdivision)
(&8) G and P Subdivision

2550, 2552, 2556 and 2558 Kossow Street
(Northwest corner of Kossow Street and North Florida Street).

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

Engineer / Surveyor: Byrd Surveying, Inc.
Council District 1

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

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

Jerry Byrd, Byrd Surveying, spoke on behalf of the applicant. He stated that they are requesting that this site be rezoned to B-1 and noted that the site is surrounded by B-1 zoning.

Mr. Vallas asked if there was any consideration to have access on Kossow Street rather than Florida Street.

Mr. Byrd stated that the Traffic comment would only allow one driveway on Kossow.

Will Phillips, 50 North Florida Street, spoke on his own behalf. He stated that the one house that they are using is occupied by his staff at this time, and then

there is another house that has been vacant for many years.

Mr. Olsen asked Mr. Phillips if he understood correctly that they are currently occupying one of the houses.

Mr. Phillips stated that they are using that house.

Mr. Olsen responded that house is zoned R-1.

Mr. Phillips stated that was correct but they wanted to resolve that problem with the current request.

Pat Fillingim, 2553 Kossow Street, spoke in opposition to the matter. She stated that the only people that signed the petition that were in agreement with this development live on the other side of Kossow Street.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy to hold the matter over until the August 21st meeting at the applicant's request.

The motion carried unanimously with Mr. Webster recusing.

8. Case #ZON2014-01190 (Rezoning)
(&7) G P Investments, LLC

2550, 2552, 2556 and 2558 Kossow Street

(Northwest corner of Kossow Street and North Florida Street).

Rezoning from R-1, Single-Family Residential District, to B-1, Buffer Business District to allow a proposed office building.

Council District 1

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

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy to hold the matter over until the August 21st meeting at the applicant's request.

The motion carried unanimously with Mr. Webster recusing.

9. Case #SUB2014-00066 (Subdivision)
(&10) Georgia Crown Distributing Subdivision

4476 Shipyard Road

(Southwest corner of Shipyard Road and Crown Drive)

Number of Lots / Acres: 1 Lot / 3.9± Acres

Engineer / Surveyor: Don Williams Engineering

Council District 4

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

Don Williams, Don Williams Development, spoke on behalf of the applicant. He stated that this property was annexed into the City 22 years ago and somehow was missed and zoned R-1; but it has operated as B-5 zoning for the past 7 years. He asked that the Commission reconsider the frontage tree compliance requirement due to the number of existing trees on the property.

Staff stated that the frontage tree compliance requirements could be postponed to redevelopment or building expansion.

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

- 1) **retention of the right-of-way width of Shipyard Road and Crown Drive on the Final Plat;**
- 2) **illustration of the 25' minimum building setback line along Shipyard Road and Crown Drive on Final Plat;**
- 3) **the labeling of the lot with its size in square feet and acres, or the furnishing of a table on the Final Plat providing the same information;**
- 4) **prior to any new construction on the site, the applicant should submit a sidewalk waiver or provide a sidewalk at time of new construction as required by the Subdivision Regulations;**
- 5) **placement of a note on the Final Plat stating that the lot is limited to two curb-cuts to Crown Drive with any changes to the size, design, and location to be approved by Traffic Engineering and ALDOT, 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;**
- 7) **placement of a note on the Final Plat stating that approval of all applicable Federal, state and local agencies is required for flood zone issues prior to the issuance of any permits or land disturbance activities;**
- 8) **compliance with Engineering comments: *"The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer: A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description,***

required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with the of the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045), latest edition. Storm water detention may be required for any future addition(s) and/or land disturbing activity. C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 23 - #90) the Lot will receive historical credit of impervious area towards storm water detention requirement per the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045), latest edition. Coordinate with City Engineering Department staff to establish the exact amount prior to the submittal of the Land Disturbance Permit application. D. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. E. Provide a vicinity map. F. Revision of the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information. G. Provide a written legal description for the proposed subdivision and matching bearing and distance labels. H. Show and label all flood zones. I. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. J. Provide and label the monument set or found at each subdivision corner. K. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. L. Provide the Surveyor's Certificate and Signature. M. Provide the Owner's (notarized), Planning Commission, and Traffic Engineering signatures. N. Add a note that sidewalk is required to be constructed along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved.”;

- 9) *compliance with Traffic Engineering comments: “Site is denied access to Shipyard Road, and limited to the two existing curb cuts on Crown Drive, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.”;*
- 10) *compliance with Urban Forestry comments: “Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).”; and*
- 11) *compliance with Fire comments: “All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.”*

The motion carried unanimously.

10. Case #ZON2014-01211 (Rezoning)
(&9) Georgia Crown Distributing Subdivision

4476 Shipyard Road

(Southwest corner of Shipyard Road and Crown Drive).

Rezoning from R-1, Single-Family Residential District, to I-1, Light-Industry District, to accommodate an existing business.

Council District 4

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

Hearing no opposition or further discussion, a motion was made by Mr. Turner, with second by Mr. Manzie to approve the above reference application as a B-5, Office-Distribution District, subject to the following conditions:

- 1) provision of adequate frontage trees to be coordinated with Planning and Urban Forestry when redeveloped, or with renovation or addition of 50% or more;**
- 2) completion of the Subdivision process; and**
- 3) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

11. Case #SUB2014-00060 (Subdivision)
(&12) Azalea Oaks Center Subdivision

3945 and 3949 Government Boulevard

(Southeast corner of Government Boulevard and Azalea Road).

Number of Lots / Acres: 2 Lots / 5.9± Acres

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

Council District 4

The Chair announced the applications 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 further discussion, a motion was made by Mr. Vallas, with second by Mr. Manzie to approve the above referenced matter, subject to the following conditions:

- 1) Provision of a corner radius along the intersection of Azalea Road and Government Boulevard, in compliance with Section V.D.6. of**

- the Subdivision Regulations;
- 2) Revision of the lot size information and 25' minimum setback line on the Final Plat to reflect dedication;
 - 3) Retention of the right-of-way widths for all streets;
 - 4) Placement of a note on the Final Plat stating: *(Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.);*
 - 5) Compliance with Traffic Engineering Comments and placement of a note on the Final Plat stating: *(Government Boulevard (U.S. Highway 90) is an ALDOT maintained roadway. Lot 1 is limited to two curb cuts to the Service Road, with the size, location and design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards. Lot 1 and Lot 2 are limited to one shared curb cut on Azalea Road, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. All on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
 - 6) Compliance with Engineering Comments: *(The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer: A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with the of the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045), latest edition. Storm water detention may be required for any future addition(s) and/or land disturbing activity. C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 23 - #83) the Lots will receive historical credit of impervious area towards storm water detention requirement per the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045), latest edition. Coordinate with City Engineering Department staff to establish the exact amount prior to the submittal of the Land Disturbance Permit application. D. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. E. Revise the written legal description or the distance labels for the first section south of the POB and the last section north of the POB to indicate the 200' and 300' distance*

correctly. F. Provide and label the monument set or found at each subdivision corner. G. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. H. Provide the Surveyor's Certificate. I. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. J. Add a note that sidewalk is required to be constructed along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved.);

- 7) **Compliance with Urban Forestry Comments:** *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).);*
- 8) **Compliance with Fire Department Comments:** *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.); and*
- 9) **Submission of a revised PUD site plan prior to the signing of the Final Plat.**

The motion carried unanimously.

12. Case #ZON2014-01182 (Planned Unit Development)
(&11) Azalea Oaks Center Subdivision

3949 Government Boulevard

(Southeast corner of Government Boulevard and Azalea Road).

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

Council District 4

The Chair announced the applications 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 further discussion, a motion was made by Mr. Vallas, with second by Mr. Manzie to approve the above referenced matter, subject to the following conditions:

- 1) **Revision of the site plan to illustrate a corner radius along the intersection of Azalea Road and Government Boulevard in coordination with the Final Plat;**
- 2) **Revision of the lot size information and 25' minimum setback line on the site plan to reflect dedication;**
- 3) **Revision of the site plan to illustrate curbing and/or bumper stops for all proposed parking spaces;**
- 4) **Retention of all sidewalks and dumpsters on the site plan, along**

- with a note stating compliance with Section 64-4.D.9. of the Zoning Ordinance regarding dumpster compliance;
- 5) Revision of the site plan to retain any trees desired for tree credits and to reflect full compliance with Section 64-4.E. of the Zoning Ordinance regarding tree and landscaping requirements;
 - 6) Placement of a note on the site plan stating full compliance with the carwash requirements of the Zoning Ordinance;
 - 7) Placement of a note on the site plan stating that development of the proposed Lot 2 will require a new PUD application to the Planning Commission, at the time of development;
 - 8) Compliance with Traffic Engineering Comments and placement of a note on the site plan stating: *(Government Boulevard (U.S. Highway 90) is an ALDOT maintained roadway. Lot 1 is limited to two curb cuts to the Service Road, with the size, location and design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards. Lot 1 and Lot 2 are limited to one shared curb cut on Azalea Road, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. All on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
 - 9) Compliance with Engineering Comments: *(1. Due to the proposed subdivision, the existing structure may need to be assigned a different 911 address. Please contact the Engineering Department (208-6216) to discuss the options. ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: 1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work. 3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 4. The proposed development must comply with all Engineering Department Policy Letters.);*

- 10) **Compliance with Urban Forestry Comments:** *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).);*
- 11) **Compliance with Fire Department Comments:** *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);*
- 12) **Submission of a revised PUD site plan prior to the signing of the Final Plat;**
- 13) **Completion of the Subdivision process prior to any request for building-related permits;**
- 14) **Submission of a revised site plan at the time of permitting depicting all proposed lighting along with a note stating all new lighting on the site will have to comply with the requirements of Sections 64-4.A.2., 64-6.A.3.c., and 64-6.A.8. of the Zoning Ordinance. Photometric plans will also be required at the time of permitting;**
- 15) **Submission of a revised site plan at the time of permitting depicting the location of any proposed freestanding sign structure and comply with Section 64-11. of the Zoning Ordinance at the time of permitting; and**
- 16) **Full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

13. Case #ZON2014-01194 (Planned Unit Development)
(&14) Historic Restoration Society, Inc.

911 Dauphin Street

(South side of Dauphin Street, 220'± West of South Broad Street extending to the North side of Conti Street, 290'± West of South Broad 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 applications had been recommended for approval. He added if anyone wished to speak on the matter they should do so at that time.

Frank Dagley, 717 Executive Park Drive, spoke on behalf of the applicant. Mr. Dagley stated that the applicant has submitted voluntary use restrictions to only allow the site to be used for an event, reception, membership organization, or meeting hall.

Taylor Atchinson, 921 Dauphin Street, stated that he was in favor of this application.

The following people spoke in opposition to the matter:

- Joy Klotz, 959 Dauphin Street;
- John Klotz, 959 Dauphin Street;
- Barbara Caddell, 1321 Dauphin Street;
- Rudy Auerbach, President of the Old Dauphin Way Association;

They made the following points against the application:

- A. the surrounding neighborhood does not need or want this property to be zoned B-2;
- B. in agreement with the proposed use but not the zoning requirement;
- C. this use will be an asset to the neighborhood;
- D. the zoning will be spot zoning;
- E. does not agree with staff's interpretation of the zoning ordinance;
- F. does not feel comfortable with the voluntary use restriction;
- G. believes they should ask for a variance instead.

Mr. Turner asked that since everyone was in agreement with the use just not the zoning, is there any way to put a waiver or something for the B-1 zoning for it to be allowed.

Mr. Olsen responded that the determination that reception hall or banquet halls required B-2 zoning was made more than 20 years ago. Once that determination had been made the only way for it to change was for either the staff to change the interpretation or for someone to file an appeal of the administrative decision made by staff to the Board of Zoning Adjustment. The Planning Commission does not have the authority to change such an interpretation.

The members and staff discussed the recording of the Voluntary Use Restrictions in Probate Court, and adding a zoning reversion notification condition should the Zoning Ordinance be amended to allow the proposed use in a B-1 district.

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

- 1) revision of the parking calculations to round-up fractional numbers;**
- 2) placement of a note on the site plan stating that the Dauphin Street entrance is limited to one-way-in traffic only;**
- 3) revision of the Conti Street curb cut to 24' to allow for two-way traffic;**
- 4) revision of the site plan to indicate signage and/or pavement markings designating one-way traffic only from Dauphin Street to**

- and including the 15' wide drive at the Southwest corner of the one-story building, to be coordinated with Traffic Engineering;
- 5) revision of the site plan to indicate signage and/or pavement markings within the rear parking area to designate a clock-wise one-way traffic flow, to be coordinated with Traffic Engineering;
 - 6) revision of the site plan to re-locate the two parking spaces immediately East of the 60" Live Oak tree West of the one-story building to a more accessible location;
 - 7) revision of the site plan to indicate bumper stops and/or curbing within the parking area;
 - 8) revision of the site plan to relocate the dumpster on the East side of the property so as truck access is not across required parking spaces, or scheduling of dumpster servicing during time when the meeting hall is not in use;
 - 9) revision of the site plan to indicate a compliant pad, sanitary sewer connection and screening for the dumpster;
 - 10) submission of a photometric plan for any new lighting for the site at the time of submittal for a building permit;
 - 11) revision of the tree planting calculations to indicate one more heritage tree planting within the 25' front setback along Dauphin Street as measured from the future right-of-way line;
 - 12) subject to the Engineering comments: *[According to the FEMA flood map information, this property is located within a Special Flood Hazard Area. You will need to show and label the flood hazard area(s) on your plans. Also, you will need to list the Minimum Finished Floor Elevation (MFFE) for each lot. ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: 1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work. 3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and*

- Storm Water Runoff Control. 4. the proposed development must comply with all Engineering Department Policy Letters.];*
- 13) subject to the Traffic Engineering comments: *(Site is limited to the two existing curb-cuts with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 14) subject to the Urban Forestry comments: *[Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the 80" Live Oak Tree located on the North side of existing structure along Dauphin Street. 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.];*
- 15) subject to the Fire Department comments: *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);*
- 16) submittal and approval of two (2) copies of a revised PUD site plan to Planning indicating all conditions of approval prior to the submittal for a building permit.
- 17) limited to the Voluntary Use Restrictions submitted by the applicant; and
- 18) the Voluntary Use Restrictions be recorded in Probate Court

The motion carried unanimously.

14. **Case #ZON2014-01193 (Rezoning)**
(&13) **Historic Restoration Society, Inc.**

911 Dauphin Street

(South side of Dauphin Street, 220'± West of South Broad Street extending to the North side of Conti Street, 290'± West of South Broad Street).

Rezoning from B-1, Buffer Business District, to B-2, Neighborhood Business District, to allow a meeting hall.

Council District 2

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

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

- 1) Limited to the Voluntary Use Restrictions submitted by the applicant;
- 2) The Voluntary Use Restrictions be recorded in Probate Court;
- 3) The applicant be notified if the zoning ordinance is amended to

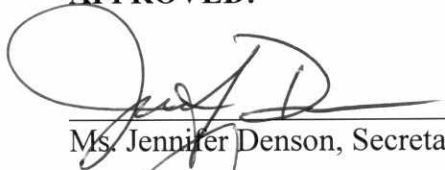
allow the use in a B-1, Buffer Business District, and that the applicant submit an application to rezone the site back to B-1, Buffer Business District;

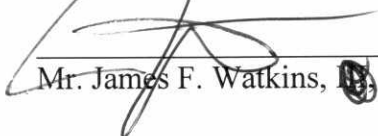
- 4) Limited to an approved Planned Unit Development; and
- 5) Full compliance with all municipal codes and ordinances.

The motion carried unanimously.

OTHER BUSINESS: December 4, 2014

APPROVED:



Ms. Jennifer Denson, Secretary

Mr. James F. Watkins, Chairman

/jpw