

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF OCTOBER 2, 2008 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William DeMouy, Secretary
Debra Butler
Stephen J. Davitt, Jr.
John Vallas

Members Absent

Clinton Johnson
James Watkins, III
Roosevelt Turner
Mead Miller
Nicholas Holmes, III
Victoria L. Rivizzigno

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Bert Hoffman,
Planner II
Joanie Stiff-Love,
Secretary II

Others Present

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

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 #SUB2008-00198 (Subdivision)

Frazier Park Subdivision

2165 Old Shell Road
South side of Old Shell Road at the South terminus of Frazier Court
Number of Lots / Acres: 1 Lot / 0.5± Acre
Engineer / Surveyor: Clark, Geer, Latham & Associates, Inc.
Council District 1

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

The Chair announced that as there were not enough voting members present to represent a quorum the matter was held over until the October 16, 2008, meeting.

Mr. Olsen advised that as this was the second time the matter had to be held over due to a lack of quorum, an email would be sent to all of the Commission members

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Case #ZON2008-02186 (Planned Unit Development)
Frazier Park Subdivision

2165 Old Shell Road
South side of Old Shell Road at the South terminus of Frazier Court
Planned Unit Development Approval to allow reduced side yard setbacks for a three unit residential condominium complex
Council District 1

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

The Chair announced that as there were not enough voting members present to represent a quorum the matter was held over until the October 16, 2008, meeting.

Case #ZON2008-02185 (Rezoning)
Ashland Park LLC

2165 Old Shell Road
South side of Old Shell Road at the South terminus of Frazier Court
Rezoning from R-1, Single-Family Residential, to R-3, Multi-Family Residential, to allow the construction of three residential town home condominiums
Council District 1

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

The Chair announced that as there were not enough voting members present to represent a quorum the matter was held over until the October 16, 2008, meeting.

EXTENSIONS:

Case #SUB2005-00195 (Subdivision)
Mobile Medical Group Subdivision

6001 Airport Boulevard
South side of Airport Boulevard, between Wildwood and Pinemont Avenues
Number of Lots / Acres: 1 Lot / 1.4± Acres
Engineer / Surveyor: Rester and Coleman Engineers, Inc.
Council District 6

Don Coleman, Rester and Coleman Engineers Inc., spoke on behalf of the applicant requesting one more extension as the applicant had let him know their firm conviction the project would begin this year.

Hearing no opposition or discussion, a motion was made by Mr. Vallas, with second by Mr. Davitt, to approve the above requested extension.

The motion carried with only Ms. Butler and Mr. DeMouy voting in opposition to the extension.

Case #SUB2007-00232 (Subdivision)
Mobile Commerce Center Subdivision

South side of Pleasant Valley Road, 550'± West of Montlimar Drive, extending South to the East terminus of Markham Drive
Number of Lots / Acres: 14 Lots / 22.5± Acres
Engineer / Surveyor: Frank A. Dagley & Associates, Inc.
Council District 5

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Davitt, to approve the above requested extension, but the applicant is advised that, unless road construction is underway or units are recorded, no further extensions are likely.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2008-00201
Belle Isle Subdivision, Unit Three, Re-subdivision of Lots 2 & 7

3700 Higgins Road
North side of Higgins Road at the North terminus of Audubon Drive, extending to the South side of Belle Isle Lane East, 70'± West of its East terminus
Number of Lots / Acres: 1 Lot / 1.1± Acres
Engineer / Surveyor: Polysurveying Engineering – Land Surveying
Council District 4

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Vallas, with second by Ms. Butler, to approve the above referenced re-subdivision, subject to the following conditions:

- 1) **dedication of sufficient right-of-way to provide a minimum 30' as measure from the centerline of Belle Isle Lane North;**
- 2) **revision of the plat to correctly label Belle Isle Lane North;**
- 3) **placement of a note on the final plat stating that the lot is denied direct access to Belle Isle Lane North and limited to the existing curb cut to Higgins Road;**
- 4) **labeling of the lot with its size in square feet, or the provision of a table on the final plat with the same information;**
- 5) **depiction of the 25' minimum building setback line along Belle Isle Lane North;**

- 6) placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;
- 7) the applicant receive the approval of all applicable federal, state, and local agencies would be required prior to the issuance of any permits or land disturbance activities; and,
- 8) subject to City Engineering comments: *(Show Minimum FFE on plans and plat using 11.4 as the base flood elevation which is the high water elevation for the area measured following Hurricane Katrina. Need to scale the flood zones from the FEMA Map. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet).*

The motion carried unanimously.

Case #SUB2008-00208

Harper's Place Subdivision

3265 Club House Road

East side of Club House Road, 100'± North of Gill Road)

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

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

Council District 4

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

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

- 1) dedication of sufficient right-of-way to provide 25' from the centerline of Club House Road;
- 2) illustration of the 25' minimum building setback line as measured from any required dedication;
- 3) placement of a note on the Final Plat stating that the subdivision is limited to one curb cut to Club House Road, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 4) labeling of the lot with its size in acres and square feet, adjusted for dedication, or the provision of a table on the plat furnishing the same information;
- 5) 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; and,
- 6) subject to the Engineering Comments: *(Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet).*

The motion carried unanimously.

Case #SUB2008-00209
Bellingrath Garage Subdivision
1114 Government Street
North side of Government Street, 430'± West of South Hallett Street
Number of Lots / Acres: 1 Lot / 0.3± Acre
Engineer / Surveyor: M. Don Williams Engineering
Council District 2

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

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

- 1) placement of a note on the Final Plat stating that the front minimum building setback line is governed by the Historic District Overlay;
- 2) placement of a note on the Final Plat stating that the lot is limited to one curb cut to Government Street, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards with the existing substandard four foot radius curb cut to be revised to meet Traffic Engineering standards;
- 3) labeling of the lot with its size in square feet, or the provision of a table on the plat furnishing the same information;
- 4) 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; and
- 5) subject to the Engineering Comments: *(Must comply with all stormwater and flood control ordinances. Cannot concentrate stormwater runoff to an adjacent property without a release agreement, a private drainage easement or providing detention for a 100 year storm event with a two year release rate per the revised COM Stormwater Ordinance. Must provide detention for*

any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit. Need to verify that there is sufficient capacity for the receiving drainage system(s) to accept drainage from this property).

The motion carried unanimously.

Case #SUB2008-00202

Kirkland Estates Subdivision, Re-subdivision of Lot 2

5962 Lundy Road

West side of Lundy Road, 260'± South of Aloyis Drive

Number of Lots / Acres: 2 Lots / 2.1± Acres

Engineer / Surveyor: Julian F. Smith

County

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

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

- 1) **placement of a note stating that each lot is limited to one curb cut to Lundy Road, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 2) **placement of a note on the final plat stating that no future subdivision of Lot B is allowed unless additional adequate frontage on a public street is provided;**
- 3) **revision of the minimum building setback line on Lot B to provide 25' from where the "pole" meets the "flag" portion of the lot;**
- 4) **the applicant receive the approval of all applicable federal, state, and local environmental agencies prior to the issuance of any permits;**
- 5) **placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;**
- 6) **placement of a note on the final plat stating that any lots developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations; and**
- 7) **submission of a letter from a licensed engineer certifying compliance with the City of Mobile's stormwater and flood**

control ordinances to the Mobile County Engineering department and the Planning Section of Mobile Urban Development prior to issuance of any permits.

The motion carried unanimously.

Case #SUB2008-00203

De Tonti Square Community Development Program Subdivision, Block 533, Map Three, Re-subdivision of Lot 12

255 and 257 Adams Street

South side of Adams Street, 100'± West of North Joachim Street

Number of Lots / Acres: 2 Lots / 0.2± Acre

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 2

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Kelle` Thompson, owner of 255 and 257 Adams Street, Mobile, addressed the Commission to make the following points:

- A. he purchased the properties from the City in 1982 at auction;
- B. no changes have occurred to the property since then; and,
- C. as he has had numerous surveys done in the past, why is another one needed at this time

Mr. Olsen stated that as Mr. Thompson has applied for a subdivision to divide the property, which for the past 30 years has been a single legal lot of record, into two legal lots of record. He added that the Subdivision Regulations require that a subdivision plat illustrating the two lots be recorded in Probate Court, and the preparation of such a plat requires that the land be surveyed.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. DeMouy, to waive Section V.D.2. and approve the above referenced re-subdivision, subject to the following conditions:

- 1) **placement of a note on the Final Plat stating that the front minimum building setback line is governed by the Historic District overlay;**
- 2) **placement of a note on the Final Plat stating that each lot is limited to one curb cut to Adams Street, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) **labeling of each lot with its size in square feet, or the provision of a table on the plat furnishing the same information;**
- 4) **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; and
- 5) **subject to the Engineering Comments: *(Show Minimum FFE on plans and plat. No fill allowed within a special flood hazard area without providing compensation or completing a flood study showing that there is no rise for the proposed fill within the special flood hazard area. Must comply with all stormwater and flood control ordinances. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit. Need to verify that there is sufficient capacity for the receiving drainage system to accept drainage from this property).***

The motion carried unanimously.

Case #SUB2008-00204

Neese's Addition to Crichton Subdivision, Block G, Re-subdivision of Lot 10

2850 Pages Lane

North side of Pages Lane at the North terminus of Union Avenue

Number of Lots / Acres: 2 Lots / 0.5± Acres

Engineer / Surveyor: Wattier Surveying, Inc.

Council District 1

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

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

- 1) **placement of a note on the final plat stating that Lots 1 and 2 are limited to one curb cut each onto Pages Lane with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **demolition of the residential structure located on Lot 1 (with all proper permits) prior to signing of the final plat;**
- 3) **labeling of each lot with its size in square feet;**
- 4) **revision of the final plat to reflect Engineering Comments;**
- 5) **placement of a note on the final plat stating that approval of all applicable Federal, state, and local agencies is required for wetland and floodplain issues, if any, prior to the issuance of any permits or land disturbance activities; and,**
- 6) **placement of a note on the plat stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise**

protected species.

The motion carried unanimously.

Case #SUB2008-00210

Mary Hodges Subdivision, Re-subdivision of Lots 1 & 2

6158 and 6210 McDonald Road

(West side of McDonald Road, 400'± South of Hunters Point Drive North [private road]).

Number of Lots / Acres: 3 Lots / 6.7± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

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

- 1) **placement of a note on the 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) **certification via placement of a note on the plat stating that the property owner / developer will comply with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected flora and fauna;**
- 3) **labeling of the lot size in square feet on the plat, or provision of a table on the plat with the same information; and,**
- 4) **placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations.**

The motion carried unanimously.

Case #SUB2008-00211
McCovery Heights Subdivision

9851 McLeod Road
Southeast corner of McCovery Road and McLeod Road)
Number of Lots / Acres: 6 Lots / 9.4± Acres
Engineer / Surveyor: Austin Engineering Company Inc.
County

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

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

- 1) **placement of a note on the final plat stating that Lot 6 be limited to the one existing curb cut to McLeod Road;**
- 2) **placement of a note on the final plat stating that Lots 1-5 be limited to the one curb cut each to McCovery Road, with the size, design, and location to be approved by County Engineering and conform to AASHTO standards;**
- 3) **placement of a note on the Final Plat stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;**
- 4) **placement of a note on the Final Plat stating that any lots developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations; and,**
- 5) **submission of a letter from a licensed engineer certifying compliance with the City of Mobile's stormwater and flood control ordinances to the Mobile County Engineering department and the Planning Section of Mobile Urban Development prior to issuance of any permits.**

The motion carried unanimously.

Case #SUB2008-00212
Colonial Hills Subdivision, Unit 6

North terminus of Colonial Crossing, extending to the South side of Airport Boulevard,
220'± East of Snow Road South
Number of Lots / Acres: 23 Lots / 20.9± Acres
Engineer / Surveyor: Austin Engineering Company Inc.
County

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The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

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

- 1) dedication of sufficient right-of-way to provide a minimum of 50 feet from the centerline of Airport Boulevard;**
- 2) placement of a note on the final plat stating if development on Lot 23 exceeds the development criteria for requiring a Traffic Impact Study, a Traffic Impact Study (TIS) should be required if the development exceeds these thresholds:**
 - 1) residential, one hundred fifty (150) dwelling units;**
 - 2) retail, twenty-five thousand (25,000) square feet;**
 - 3) office, sixty thousand (60,000) square feet;**
 - 4) industrial, ninety thousand (90,000) square feet;**
 - 5) education, thirty thousand (30,000) square feet or two hundred fifty (250) students;**
 - 6) lodging, one hundred fifty (150) rooms; and,**
 - 7) medical, twenty-five thousand (25,000) square feet;**
- 3) placement of a note on the final plat stating that Lot 23 is limited to a maximum of two curb-cuts onto Airport Boulevard, with the size, design, and location to be approved by Mobile County Engineering and conform to AASHTO standards;**
- 4) placement of a note on the final plat stating that Lot 1 & 22, corner lots are limited to one curb cut each, with the size, design, and location to be approved by County Engineering and conform to AASHTO standards;**
- 5) placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;**
- 6) revision of the plat to ensure that the 25-foot minimum building setback line is accurately depicted as 25-feet, as adjusted for right-of-way dedication for Airport Boulevard, for all lots with frontage on a public street;**
- 7) certification via placement of a note on the plat stating that the property owner/developer will comply with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected flora and fauna;**
- 8) provision of a certification letter from a licensed engineer to the Planning Section of Urban Development, certifying that the stormwater detention and drainage facilities comply with the City of Mobile stormwater and flood control ordinances, prior**

- to the signing and recording of the final plat;
- 9) labeling of all lots with size in square feet, or provision of a table with the lot size information on the plat; and,
- 10) correction of the written legal description and the labeled bearings along the Western boundary of the development to include the 50-feet of the Alabama Power Company right-of-way.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2008-02269

A & B – 10 LLC

6991 Old Shell Road

South side of Old Shell Road, 270' ± East of Wilroh Drive East

Request to waive construction of a sidewalk along Old Shell Road.

Council District 7

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to approve the above referenced sidewalk waiver request along Old Shell Road, subject to the following condition:

- 1) sidewalks within the Breydon Square Subdivision are still required.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2008-02271

Infirmiry Health Systems

190 Mobile Infirmiry Boulevard

(East side of Mobile Infirmiry Boulevard at the East terminus of Oak Knoll Drive).

Planned Unit Development Approval to amend a previously approved Planned Unit Development at an existing medical complex, to allow a parking lot expansion.

Council District 1

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.

Don Coleman, Rester and Coleman Engineers Inc., spoke on behalf of the applicant and asked that the matter be heard and approved that day. He stated he had met with staff

and had agreed to comply with all of the conditions listed and has done so at this time.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Ms. Butler, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) **revision of the detailed PUD parking lot site plan to depict full compliance with the tree and landscaping requirements of the Zoning Ordinance, including the provision of frontage trees along all public and private streets, and acceptance of the plan by Planning prior to submitting of revised plans for building permits;**
- 2) **revision of the detailed parking lot site plan to reflect Traffic Engineering comments: (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Final approval for all driveways, proposed and existing will be given upon submittal of final plans. A physical barrier (plantings or fence) should be installed on the east side of Mobile Infirmary Drive along the parking lot to prevent vehicles at Oak Knoll Drive from jumping the curb and using the parking lot as a cut-through.*);**
- 3) **revision of the detailed parking lot site plan to reflect Engineering comments: (*No fill allowed within a special flood hazard area without providing compensation or completing a flood study showing that there is no rise for the proposed fill within the special flood hazard area. Must comply with all stormwater and flood control ordinances. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit. Need to verify that there is sufficient capacity for the receiving drainage system to accept drainage from this property.*);**
- 4) **revision of the detailed parking lot site plan to reflect 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). Tree removal permit from Urban Forestry is required before removing any Live Oak Tree 24 inches DBH and larger.*);**
- 5) **revision of the detailed parking lot site plan to comply with Section 64-6.A.3.c., Lighting, of the Zoning Ordinance, which states that if parking areas “contain ten (10) or more cars, lighting shall be provided and maintained during their operation, and shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic.”;**
- 6) **revision of overall PUD site plan prior to any new applications**

- for Mobile Infirmiry site; and,
7) obtaining of a Tree Removal Permit from Urban Forestry for the removal of any Live Oak tree 24 inch DBH or greater in size, prior to submitting revised plans for building permits.

The motion carried unanimously.

GROUP APPLICATIONS:

Case#SUB2008-00205 (Subdivision)

American Red Cross Subdivision, Re-subdivision of and Addition to Lot 3

North side of Dauphin Street, 200'± West of North Sage Avenue, extending to the West side of North Sage Avenue, 200'± North of Dauphin Street

Number of Lots / Acres: 3 Lots / 4.8± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 1

(Also see Case #ZON2008-02272 (Planned Unit Development) **American Red Cross Subdivision, Re-subdivision of and Addition to Lot 3**, below)

The following people spoke regarding the matter:

- Marl Cummings, Cummings and Associates, spoke on behalf of the applicant; and,
- Karen Bailey, Sain and Associates, Suite 200, West Valley Avenue, Birmingham, AL.

They discussed the following points:

- A. clarification on condition 3 of the Planned Unit Development on whether it only applies to the part that would be developed or re-developed and not applicable to the existing Popeye's Fried Chicken restaurant currently located there;
- B. regarding the ingress and egress issues, on Dauphin Street, there are two curb cuts that serve the existing businesses located there and those have been there since the initial development of the property without problems, so it is requested that they remain;
- C. the site was originally the location of a movie theater, which has been demolished, with the property sold to the American Red Cross to function as a Disaster Relief staging area, so all access points to the site are considered necessary and as they have caused no problems in the past 25 years, it is hoped the Commission will let them remain;
- D. clarification on condition 1 of the Planned Unit Development with regards to what level of changes would require coming back before the Planning Commission, as they were still in the design process with the Regions Bank for that location; and,

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- E. concern that access to the Regions Bank site would be severely limited if it were only allowed access from Sage Avenue, therefore, they ask that the Dauphin Street access remain as the primary access point for the proposed Regions Bank.

Mr. Olsen responded as follows:

- A. regarding condition number 3 of the Planned Unit Development, the staff's perspective was for the overall PUD, so the new development would be more than 50% of what is existing so they wished to bring the entire site into compliance with the landscaping and tree ordinance;
- B. regarding condition 1 of the Planned Unit Development, the staff has no issues with slight changes (i.e. shifting a wall a foot, etc.), however, such things as shifting entire locations of proposed parking lots, increasing or decreasing the number of parking spaces, or altering the circulation path on the site would require coming back before the Commission for approval; and,
- C. regarding access to the site from Dauphin Street, the current curb cuts and their extreme proximity to each other would never be approved today, and in as much, if the Commission chose to address that issue, it was within their purview.

Jennifer White, Traffic Engineering, commented regarding the extreme number of curb cuts in that area onto Dauphin Street and how it was hoped that number could be reduced so that one driveway could have two uses, thus reducing the congestion of those entering and exiting the properties.

Mr. Cummings was not sure that a joint drive could be accomplished on the site at this time due to the corporate requirements of the current tenants.

After clarification by the staff of their recommendations, a motion was made by Mr. Vallas, with second by Mr. DeMouy, to approve the above referenced subdivision, subject to the following conditions:

- 1) **the placement of a note on the Final Plat stating that Lot A is limited to one curb cut to Sage Avenue, with the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **the placement of a note on the Final Plat stating that Lot B is limited to one curb cut to Sage Avenue, with the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards; and ,**
- 3) **the placement of a note on the Final Plat stating that Lots A, B and C are limited to a combined total of two (2) curb cuts to Dauphin Street, with the size, design, and location to be**

approved by Traffic Engineering and conform to AASHTO standards.

The motion carried unanimously.

Case #ZON2008-02272 (Planned Unit Development)

American Red Cross Subdivision, Re-subdivision of and Addition to Lot 3

North side of Dauphin Street, 200'± West of North Sage Avenue, extending to the West side of North Sage Avenue, 200'± North of Dauphin Street.

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

Council District 1

(Also see Case#SUB2008-00205 (Subdivision) **American Red Cross Subdivision, Re-subdivision of and Addition to Lot 3**, above)

After clarification by the staff of their recommendations, a motion was made by Mr. Vallas, with second by Mr. DeMouy, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) **placement of a note on the site plan stating that PUD approval is site plan specific, and that any changes to the site plan, will require a new application to the Planning Commission;**
- 2) **revision of the site plan to place the requirements of Section 64-6.A.3.c., *Lighting*, as a note on the site plan: “If parking areas contain ten (10) or more cars, lighting shall be provided and maintained during their operation, and shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic.”**
- 3) **revision of the site plan to depict compliance with the tree and landscaping requirements of the Zoning Ordinance; and,**
- 4) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2008-00206 (Subdivision)

Sussex Place Subdivision, Lot 1, Re-subdivision of Lots 10-13 & 24-31, Re-subdivision of Lot 4

6049 Sussex Drive

(South side of Sussex Drive, 175'± East of Center Drive).

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

Engineer / Surveyor: Speaks & Associates

Council District 5

(Also see Case #ZON2008-02273 (Planned Unit Development) **Sussex Place Subdivision, Lot 1, Re-subdivision of Lots 10-13 & 24-31, Re-subdivision of Lot 4**, below)

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The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

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

- 1) illustration of the building limits (foot print) on the final plan.**

The motion carried unanimously.

Case #ZON2008-02273 (Planned Unit Development)
Sussex Place Subdivision, Lot 1, Re-subdivision of Lots 10-13 & 24-31, Re-subdivision of Lot 4

6049 Sussex Drive

(South side of Sussex Drive, 175'± East of Center Drive).

Planned Unit Development Approval to allow reduced side yard setbacks and amend the building area foot print of a previously approved innovative single-family residential subdivision.

Council District 5

(Also see **Case #SUB2008-00206 (Subdivision) Sussex Place Subdivision, Lot 1, Re-subdivision of Lots 10-13 & 24-31, Re-subdivision of Lot 4**, above)

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

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

- 1) submission of a revised PUD site plan removing the previously approved building limits and illustrating only the new building limits; and,**
- 2) placement of a note on the final PUD site plan stating that it is site plan specific and any changes or alterations will require new application(s) and approval(s).**

The motion carried unanimously.

Case #SUB2008-00207 (Subdivision)

Providence Park POB West Subdivision, Re-subdivision of Lot 1, Re-subdivision of and Addition to Lot 1, Phase II

610 Providence Park Drive

(North side of Providence Park Drive South, 210'± East of Cody Road South).

Number of Lots / Acres: 2 Lots / 8.9± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(Also see **Case #ZON2008-02279 (Planned Unit Development) Providence Park POB West Subdivision, Re-subdivision of Lot 1, Re-subdivision of and Addition to Lot 1, Phase II**, 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 further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the November 6, 2008, meeting with the following revisions due by October 17, 2008:

- 1) **revision of the plat to depict curb-cuts across the street from the site;**
- 2) **compliance with Engineering comments: (*Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Need to verify that the detention pond has sufficient capacity and is functioning properly.*);**
- 3) **placement of a note on the final plat stating that each 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) **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**
- 5) **the labeling of the lots with their size in square feet; and,**
- 6) **provision of 7 copies of the revised plat to the Planning Section of Urban Development by October 17.**

The motion carried unanimously.

**Case #ZON2008-02279 (Planned Unit Development)
Providence Park POB West Subdivision, Re-subdivision of Lot 1, Re-subdivision of
and Addition to Lot 1, Phase II**

610 Providence Park Drive

(North side of Providence Park Drive South, 210'± East of Cody Road South).

Planned Unit Development Approval to amend a previously approved Planned Unit Development master plan for Providence Park to allow a cancer treatment facility.

Council District 6

(Also see **Case #SUB2008-00207 (Subdivision) Providence Park POB West Subdivision, Re-subdivision of Lot 1, Re-subdivision of and Addition to Lot 1, Phase II**, 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 further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the November 6, 2008, meeting with the following revisions due by October 17, 2008:

- 1) **revision of the overall PUD site plan to show what is existing versus what is proposed (examples of Bonfish Grill and Hampton Inn);**
- 2) **revision of the overall PUD site plan to clearly delineate and label all public and private streets;**
- 3) **revision of the site plan to show compliance with the tree planting requirements of the Zoning Ordinance for the cancer center site.**
- 4) **revision of the site plan to show any proposed service drives, dumpster locations, or freestanding HVAC or generator locations;**
- 5) **revision of the site plan to depict existing curb-cuts across the street from the site;**
- 6) **revision of the site plan information to correctly total the number of parking spaces;**
- 7) **revision of the site plan to depict a sidewalk along Providence Park Drive, or submission of a sidewalk waiver application;**
- 8) **compliance with Engineering comments: (*Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Need to verify that the detention pond has sufficient capacity and is functioning properly.*);**
- 9) **placement of a note on the site plan stating that approval of all applicable Federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any,**

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- prior to the issuance of any permits or land disturbance activities; and,**
10) provision of 7 copies of the revised site plans to the Planning Section of Urban Development by October 17.

The motion carried unanimously.

Case #SUB2008-00213 (Subdivision)

Clean Green Subdivision

171 Cody Road South

(East side of Cody Road South, 212'± North of Airport Boulevard).

Number of Lots / Acres: 1 Lot / 0.6± Acre

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

Council District 7

(Also see **Case #ZON2008-02281 (Rezoning) William Cox**, 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.

Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant and made the following points for approving the matter that day:

- A. the applicant would be happy to provide a 6 foot high privacy fence on the north side in addition to the 10 foot buffer shown on the plat;
- B. the other issues listed as reasons for hold over had been discussed with Mr. Palombo and he was advised that they would be in compliance with the same; and,
- C. the discrepancy between the 131 feet wide, as shown by the applicant, and the 105 feet width that is shown on the tax map, however, any discrepancy would be rectified as this is a subdivision and the final plat, which must be submitted, would show the actual, legal dimensions.

Mr. Olsen advised the Commission that the staff would have not issue with approving the matter, as long as the points mentioned by Mr. Dagley were included as conditions for approval.

Robert Browning, 165 South Cody Road, Mobile, AL, expressed his concern regarding the close proximity of the proposed commercial venture to his residential property, especially the consideration of an old, dilapidated azalea row as the vegetative buffer between the two properties and requested that the Commission change the requirement to be a 6 foot high, wooden privacy fence.

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

- 1) the dedication of sufficient right-of-way to provide a minimum of 50-feet from the centerline of Cody Road South;
- 2) placement of a note on the final plat stating that the site is limited to one curb-cut onto Cody Road South, with the size, design, and location of all curb-cuts to be approved by Traffic Engineering and in conformance with AASHTO standards;
- 3) labeling of the lot with its size in square feet, or the provision of a table on the plat with the same information; and,
- 4) 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.

The motion carried unanimously.

Case #ZON2008-02281 (Rezoning)

William Cox

171 Cody Road South

(East side of Cody Road South, 212' ± North of Airport Boulevard).

Rezoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, to allow a retail/office building.

Council District 7

(Also see **Case #SUB2008-00213 (Subdivision) Clean Green Subdivision**, above)

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

- 1) 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 North;
- 2) provision of a 10-foot greenbelt buffer, excluding retention/detention, where the site abuts residentially zoned property to the North;
- 3) changes to the revision of the site plan to comply with the requirements of the Zoning Ordinance;
- 4) 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;
- 5) revision of the site plan to comply with Section 64-6.A.3.c., Lighting, of the Zoning Ordinance, which states that if parking areas *“contain ten (10) or more cars, lighting shall be provided and maintained during their operation, and shall be so arranged*

- that the source of light does not shine directly into adjacent residential properties or into traffic.”; and,*
6) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2008-00214 (Subdivision)

Elijah House Subdivision

1867 Duval Street

(South side of Duval Street, at the South terminus of Murray Hill Court [private street]).

Number of Lots / Acres: 1 Lot / 0.5± Acre

Engineer / Surveyor: Patrick Land Surveying

Council District 3

(Also see **Case #ZON2008-02282 (Planned Unit Development) Elijah House Subdivision**, and, **Case #ZON2008-02283 (Planning Approval) Elijah House Subdivision**, 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.

The following people spoke:

- Ricky Patrick, Patrick Surveying, for the applicant; and,
- Mike Thomas, director, Elijah House;

and requested that the matter be held over for 60 days until the December 4, 2008, meeting.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the December 4, 2008, meeting, at the applicant's request.

The motion carried unanimously.

Case #ZON2008-02282 (Planned Unit Development)

Elijah House Subdivision

1867 Duval Street

(South side of Duval Street, at the South terminus of Murray Hill Court [private street]).

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

Council District 3

(Also see **Case #SUB2008-00214 (Subdivision) Elijah House Subdivision**, above, and, **Case #ZON2008-02283 (Planning Approval) Elijah House Subdivision**, 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.

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The following people spoke:

- Ricky Patrick, Patrick Surveying, for the applicant; and,
- Mike Thomas, director, Elijah House;

and requested that the matter be held over for 60 days until the December 4, 2008, meeting.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the December 4, 2008, meeting, at the applicant's request, with revisions due by November 17, 2008, to allow for the following:

- 1) **revision of the site plan to show only 4 parking spaces, meeting AASHTO design requirements to the greatest extent feasible, and to address Traffic Engineering and Urban Forestry comments contained within the Staff Report;**
- 2) **depiction of concrete wheel stops or curbing to ensure that vehicles will not encroach upon any required landscape areas or adjacent property;**
- 3) **revision of the site plan to provide 5 additional understory trees;**
- 4) **revision of the site plan to depict and label a 6-foot high wooden privacy fence along the rear of the property where it abuts Baumhauer Park; and,**
- 5) **revision of the site plan to depict a dumpster, or the addition of a note stating that no dumpster is used.**

The motion carried unanimously.

Case #ZON2008-02283 (Planning Approval)

Elijah House Subdivision

1867 Duval Street

(South side of Duval Street, at the South terminus of Murray Hill Court [private street]).

Planning Approval to allow an outreach program with housing to include prison release inmates in a B-3, Community Business District.

Council District 3

(Also see **Case #SUB2008-00214 (Subdivision) Elijah House Subdivision**, and, **Case #ZON2008-02282 (Planned Unit Development) Elijah House 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.

The following people spoke:

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- Ricky Patrick, Patrick Surveying, for the applicant; and,
- Mike Thomas, director, Elijah House;

and requested that the matter be held over for 60 days until the December 4, 2008, meeting.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the December 4, 2008, meeting, at the applicant's request, with revisions due by November 17, 2008, to allow for the following:

- 1) **revision of the site plan to show only 4 parking spaces, meeting AASHTO design requirements to the greatest extent feasible, and to address Traffic Engineering and Urban Forestry comments contained within the Staff Report;**
- 2) **depiction of concrete wheel stops or curbing to ensure that vehicles will not encroach upon any required landscape areas or adjacent property;**
- 3) **revision of the site plan to provide 5 additional understory trees;**
- 4) **revision of the site plan to depict and label a 6-foot high wooden privacy fence along the rear of the property where it abuts Baumhauer Park; and,**
- 5) **revision of the site plan to depict a dumpster, or the addition of a note stating that no dumpster is used.**

The motion carried unanimously.

Case #ZON2008-02263 (Planned Unit Development)

Dunhill Terminals, L.P.

1437 Cochran Causeway

(West side of Cochran Causeway, 1000'± South of the South terminus of the Cochran-Africatown Bridge).

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

Council District 2

(Also see **Case #ZON2008-02262 (Planning Approval) Dunhill Terminals, L.P.**, below)

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

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

- 1) **compliance with revised Engineering comments: (*Show minimum finished floor elevation. Label flood zone/floodway. Check the need for 100-year detention with 10-year release with the City Engineer. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.*);**
- 2) **revision of the site plan to depict a dumpster with proper buffering or placement of a note stating that there will be no dumpster at this location;**
- 3) **revision of the site plan to depict the marking of the drives with arrows and “do not enter” signage to ensure correct circulation;**
- 4) **placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development approval prior to the issuance of any permits;**
- 5) **placement of a note on the site plan stating that the parking area will be illuminated in accordance with the requirements of Section 64-6.A.3.c. of the Zoning Ordinance, if the parking area is used at night;**
- 6) **placement of a note on the site plan 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 municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2008-02262 (Planning Approval)

Dunhill Terminals, L.P.

1437 Cochran Causeway

(West side of Cochran Causeway, 1000'± South of the South terminus of the Cochran-Africatown Bridge).

Planning Approval to allow the construction of eight storage tanks at an existing bulk fuel storage facility in an I-2, Heavy Industry District.

Council District 2

(Also see **Case #ZON2008-02263 (Planned Unit Development) Dunhill Terminals, L.P.**, above)

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The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

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

- 1) **compliance with revised Engineering comments:** *(Show minimum finished floor elevation. Label flood zone/floodway. Check the need for 100-year detention with 10-year release with the City Engineer. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.);*
- 2) **placement of a note on the site plan stating that changes to the scope of operations for Dunhill Terminals, LP will require a new application for Planning Approval;**
- 3) **revision of the site plan to depict a dumpster with proper buffering or placement of a note stating that there will be no dumpster at this location;**
- 4) **revision of the site plan to depict the marking of the drives with arrows and “do not enter” signage to ensure correct circulation;**
- 5) **placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development approval prior to the issuance of any permits;**
- 6) **placement of a note on the site plan stating that the parking area will be illuminated in accordance with the requirements of Section 64-6.A.3.c. of the Zoning Ordinance, if the parking area is used at night;**
- 7) **placement of a note on the site plan 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,**
- 8) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

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OTHER BUSINESS:

A copy of the letter that had been drafted regarding fee schedules was given to the Commission members for their review, and for Mr. Plauche's signature. Mr. Olsen said that the letter, along with a copy of the fee information would be sent to the Mayor's office by the first of the next week.

Hearing no further business, the meeting was adjourned.

APPROVED: August 6, 2009

William G. DeMouy, Jr., Secretary

Terry Plauche, Chairman.

jsl