

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF NOVEMBER 17, 2011 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William G. DeMouy, Jr.
Victoria L. Rivizzigno, Secretary
Herb Jordan
Mead Miller
James F. Watkins, III

Members Absent

Stephen J. Davitt, Jr.
Nicholas H. Holmes, III
Roosevelt Turner
John Vallas

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Frank Palombo,
Planner II
Bert Hoffman,
Planner II
David Daughenbaugh,
Urban Forestry Coordinator
Joanie Stiff-Love,
Secretary II

Others Present

John Lawler,
Assistant City Attorney
George Davis,
City Engineering

Butch Ladner,
Traffic Engineering
District Chief Billy Roach,
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.

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.

APPROVAL OF MINUTES:

A motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to approve the minutes from the following meetings:

- July 7, 2011
- July 21, 2011

The motion carried unanimously.

HOLDOVERS:

Case #SUB2011-00093 (Subdivision)

La Belle Subdivision, Re-subdivision and Addition to Lot 1

5951 & 5955 Old Shell Road and 14 East Drive
(Southwest corner of Old Shell Road and East Drive)

Number of Lots / Acres: 1 Lot / 1.3 Acres±

Engineer / Surveyor: Don Williams Engineering

Council District 6

(Also see **Case #ZON2011-02055 (Planned Unit Development) La Belle Subdivision, Re-subdivision and Addition to Lot 1**, and, **Case #ZON2011-02057 (Rezoning) La**

Belle LLC., below)

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

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

Don Williams, Williams Engineering, spoke on behalf of the applicant and requested the matter be held over until the December 15, 2011, meeting.

Mr. Olsen asked how many times the matter had been held over.

Mr. Williams commented the applications had been held over once before the Planning Commission and similar matters had been held over before the Board of Zoning Adjustment twice. He noted those requests had ultimately been denied by the Board of Zoning Adjustment.

Mr. Olsen noted the previous Letter of Decision had required that all revisions be submitted to the department by November 9, 2011, to allow the staff time to review and prepare a report for the Commission. He believed Mr. Hoffman had advised him those required revisions had been received Wednesday of the prior week after reports had been drafted and were in the review process as those reports had to be mailed to the Commission the Friday prior to the public meeting. He expressed the staff's frustration over applications being held over time and time again awaiting submission of required information and that information not being submitted.

Mr. Watkins asked what were the consequences to the applicant should the matter be denied.

Mr. Hoffman stated the site in question was a residentially zoned lot which was being used as parking lot without permits. He added the matter had been before Environmental Court and had been continued awaiting a result from Planning Commission to resolve the issue.

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Mr. Williams noted he needed time to get his clients to “buy in” to the fact they had to follow the City’s rules.

Mr. Watkins expressed his understanding of the staff’s issues but wondered what might be the best avenue to resolve the matter for all parties.

Mr. Lawler stated he believed the matter to be best served with one more holdover.

Mr. Watkins noted the burden being placed on staff regarding reports being turned in late thus creating items which continued to show up on Planning Commission agendas simply to be held over again and again, but, he stated, they had to be heard and jurisdictionally the Commission could not unilaterally hold them over or pull them from the agenda as they must be heard within a certain period of time.

Mr. Olsen reminded the Commission that several years ago, with different seated Commissioners, there had been discussion of adopting a policy limiting the maximum number of holdovers an application could enjoy. He stated he would do additional research on that for the Commission.

Mr. Watkins asked if there was a possibility for some type of fee to be attached to holding a matter over at the applicant’s request.

Mr. Lawler noted that would require a revision of the Ordinance as there was nothing now.

Mr. Watkins stated at this point holding a matter over was too easy an option and if the Commission made it “more painful” to abide by the rules and obligations, such action might gain attention.

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Mr. DeMouy, to hold the matter over until the December 15, 2011, meeting, at the applicant’s request.

The motion carried with Mr. Miller recusing and only Dr. Rivizzigno voting in opposition.

Case #ZON2011-02055 (Planned Unit Development)
La Belle Subdivision, Re-subdivision and Addition to Lot 1

5951 & 5955 Old Shell Road and 14 East Drive
(Southwest corner of Old Shell Road and East Drive)

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

Council District 6

(Also see **Case #SUB2011-00093 (Subdivision) La Belle Subdivision, Re-subdivision and Addition to Lot 1**, above, and, **Case #ZON2011-02057 (Rezoning) La Belle LLC.**, below)

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

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Mr. DeMouy, to hold the matter over until the December 15, 2011, meeting, at the applicant's request.

The motion carried with Mr. Miller recusing and only Dr. Rivizzigno voting in opposition.

Case #ZON2011-02057 (Rezoning)

La Belle LLC.

14 East Drive

(West side of East Drive, 100' ± South of Old Shell Road)

Rezoning from R-1, Single-Family Residential District, and B-2, Neighborhood Business District, to B-2, Neighborhood Business District to eliminate split zoning in a proposed Subdivision and allow construction of a parking lot.

Council District 6

(Also see **Case #SUB2011-00093 (Subdivision) La Belle Subdivision, Re-subdivision and Addition to Lot 1**, and, **Case #ZON2011-02055 (Planned Unit Development) La Belle Subdivision, Re-subdivision and Addition to Lot 1**, above)

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

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Mr. DeMouy, to hold the matter over until the December 15, 2011, meeting, at the applicant's request.

The motion carried with Mr. Miller recusing and only Dr. Rivizzigno voting in opposition.

Case #SUB2011-00092 (Subdivision)

Mr Rooter Subdivision

2409 Wolfridge Road

(Southwest corner of Wolf Ridge Road and Feed Mill Road [private street])

Number of Lots / Acres: 1 Lot / 3.4 Acres±

Engineer / Surveyor: Don Williams Engineering

Council District 1

(Also see **Case #ZON2011-02054 (Planned Unit Development) Mr Rooter Subdivision**, and, **Case #ZON2011-02056 (Rezoning) Mr. Rooter Plumbing**, below)

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

Don Williams, Williams Engineering, Inc., spoke on behalf of the applicant and asked that the matter be heldover until the December 15, 2011, meeting.

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Mr. Olsen asked how many times the matter had been held over.

Mr. Williams noted the applications had been held over twice before Planning Commission.

Mr. Olsen said this was the third time the matter had been before the Planning Commission. He then stated the staff had issue with cases where the staff recommended denial and the applicant requested numerous holdovers without providing any additional requested and required materials, especially when the business involved continued to operate. He expressed his feeling the business associated with this application continued to operate without permission due to the ability to manipulate the system. He advised the Commission Mr. Rooter been issued a citation and the case associated with said citation has been continued and continued awaiting a Planning Commission decision for the outcome of these applications. He noted, intentional or not, it was a manipulation of the system.

Mr. Williams responded his firm did not become associated with the applicant until after the citation. He noted the applicant had “about everything wrong in the book,” having approximately eight or nine violations the first time with most of those being site issues and he had worked with the applicant to fix and resolve those. He noted the applicant’s commercial use of the site in what appeared to be a commercial area, however, the site and the surrounding area remained zoned R-1. He noted the site was just inside the limits of the City of Mobile, adjacent to the City of Prichard, with a transmission place across the street, a feed mill behind the site, and several road contractors down the street from the applicant with all operating in an R-1 zoned district within the City of Mobile.

Mr. Olsen responded to the reference to other non-conforming, non-legal uses around the site by noting the business in question in this case had obtained a home occupation zoning clearance and license which allowed it to operate only from within a home in which the applicant lived with no outside storage and no outside employees. He noted this had been obtained in 2009 and after that date, the applicant brought in additional buildings without permits. Mr. Olsen advised the applicant now had outside storage and outside employees, apparently “snubbing their nose” at City of Mobile requirements as they had knowledge of the City’s requirements. He stated with this particular case, the investigation began in February of 2011, so the applicant had knowingly operated outside of the Ordinance since that time.

Mr. Watkins recognized the staff’s frustration in the matter, however, as an attorney who had to take their clients as found, he also understood Mr. Williams’ situation, so his question was, if the matter were denied today, would the Commission not still be faced with this same issue in the coming months.

Mr. Olsen stated if the matter were denied that day, the applicant had the option and ability to appeal to City Council but was not sure of the outcome. He noted there was

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also the option of filing an injunction in Circuit Court to have the applicant cease operation until such time as the matter was resolved.

Mr. Lawler acknowledged such an action could take a long time and Mr. Watkins noted its expense to the City as well.

Mr. Olsen said a third option was to allow the matter to run its course and have it come before Environmental Court, allowing the judge to decide.

Mr. Watkins appreciated staff bringing the information before the Commission and recognized it appeared there had been some “gamesmanship” involved, however, he felt the Commission was better suited to deal with the issues involved than putting it in the hands of City Council or Circuit Court. He then begged the staff’s indulgence in holding the matter over one final time to allow Mr. Williams the opportunity to produce the necessary information and materials with the understanding if this was not done there would be no more delays and the next step would be an injunction from the Circuit Court to stop operations at the site.

Mr. Williams stated he would deliver that message to his client.

Hearing no opposition or further discussion, a motion was made by Mr. Jordan, with second by Mr. DeMouy, to hold the matter over until the December 15, 2011, meeting, at the applicant’s request.

The motion carried with only Dr. Rivizzigno voting in opposition.

Case #ZON2011-02054 (Planned Unit Development)

Mr Rooter Subdivision

2409 Wolfridge Road

(Southwest corner of Wolf Ridge Road and Feed Mill Road [private street])
Planned Unit Development Approval to allow multiple buildings on a single building site and shared access.

Council District 1

(Also see **Case #SUB2011-00092 (Subdivision) Mr Rooter Subdivision**, above, and,

Case #ZON2011-02056 (Rezoning) Mr. Rooter Plumbing, below)

Hearing no opposition or further discussion, a motion was made by Mr. Jordan, with second by Mr. DeMouy, to hold the matter over until the December 15, 2011, meeting, at the applicant’s request.

The motion carried with only Dr. Rivizzigno voting in opposition.

Case #ZON2011-02056 (Rezoning)

Mr. Rooter Plumbing

2409 Wolf Ridge Road

(Southwest corner of Wolf Ridge Road and Feed Mill Road [private street])

Rezoning from R-1, Single-Family Residential District, to B-3, Community Business District, to allow a commercial plumbing business.

Council District 1

(Also see **Case #SUB2011-00092 (Subdivision) Mr Rooter Subdivision**, and, **Case #ZON2011-02054 (Planned Unit Development) Mr Rooter Subdivision**, above)

Hearing no opposition or further discussion, a motion was made by Mr. Jordan, with second by Mr. DeMouy, to hold the matter over until the December 15, 2011, meeting, at the applicant's request.

The motion carried with only Dr. Rivizzigno voting in opposition.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2011-00124

D. L. Atchison Farmettes Subdivision, Phase Two

North side of Ben Hamilton Road, 1059'± North of the Northern terminus of March Road.

Number of Lots / Acres: 1 Lot / 65.8 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.

Hearing no opposition or discussion, a motion was made by Mr. Watkins, with second by Dr. Rivizzigno, to waive Section V.D.1. of the Subdivision Regulations and approve the above referenced matter, subject to the following conditions:

- 1) **depiction of the 25-foot minimum building setback line from Ben Hamilton Road, as required by Section V.D.9. of the Subdivision Regulations;**
- 2) **depiction of the 75-foot minimum building setback line from the proposed March Road Extension, as required by Section V.D.9. of the Subdivision Regulations;**
- 3) **re-label the lot as "Lot 1;"**
- 4) **placement of a note on the Final Plat limiting the lot to one curb-cut on each "pole" to Ben Hamilton Road, with the size, design, and location of the curb-cut to be approved by Mobile County Engineering and conform to AASHTO standards;**
- 5) **placement of a note stating that no future re-subdivision will be**

- allowed until a road is constructed to provide access;
- 6) labeling of the lot area size, in square feet, or provision of a table on the Final Plat with the same information;
 - 7) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations;
 - 8) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for wetland issues, if any, prior to the issuance of any permits or land disturbance activities;
 - 9) placement of a note on the Final Plat to comply with the City of Mobile stormwater and flood control ordinances: *“Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall 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;”* and,
 - 10) 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.

Case #SUB2011-00126

Dawes Point West II Subdivision

2390 Dawes Road

(West side of Dawes Road, 265'± North of Cottage Hill Road)

Number of Lots / Acres: 1 Lot / 1.4 Acre±

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

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.

C.T. Sullivan, Jr., Partridge Way, Mobile, expressed his concern over the matter, stating his property bordered 269 feet of the property in question and there were drainage issues with the property in question.

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The Chair advised the speaker the application before the Commission that day was simply to make the lot in question a legal lot of record.

Stan Blum, 2405 Bobwhite Trail, Mobile, AL, noted his lot backed up to the area. He advised he had been in litigation with another Mitchell Home over the last eight years regarding drainage issues. He noted his fear the cleared property would continue to drain excess water into his back yard thus increase that flooding issue into his back yard and possibly into his house.

The Chair advised the development had to comply with the Mobile City Stormwater Ordinance, which meant the applicant had to take care of their water on their property.

Hearing no further opposition or discussion, a motion was made by Mr. DeMouy, with second by Mr. Jordan, to waive Section V.D.1. and V.D.3. of the Subdivision Regulations and approve the above referenced matter, subject to the following conditions:

- 1) **dedication to provide 50-feet from the centerline of Dawes Road;**
- 2) **depiction of the 25-foot minimum building setback line from all public right-of-ways, as required by Section V.D.9. of the Subdivision Regulations;**
- 3) **placement of a note on the Final Plat limiting the lot to one curb cut to Dawes Road, with the size, design, and location of all curb-cuts to be approved by Mobile County Engineering and conform to AASHTO standards;**
- 4) **placement of a note on the Final Plat stating the lot is denied direct access to Partridge Way;**
- 5) **labeling of the lot area size, in square feet, or provision of a table on the Final Plat with the same information;**
- 6) **placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations;**
- 7) **placement of a note on the Final Plat to comply with the City of Mobile stormwater and flood control ordinances: “*Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall 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;*” and,**
- 8) **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.

Case #SUB2011-00121

Gulfpark Subdivision, 2nd Addition, Re-subdivision of Lots 2 & 3

South terminus of Gulf Park Drive

Number of Lots / Acres: 2 Lots / 3.0 Acres±

Engineer / Surveyor: Paul Stewart Surveying
County

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.

Jerry Hutcherson, 10993 Gulfpark Drive, Theodore, owner of the property in question, spoke on his own behalf. He stated he had no issue with holding the matter over. He added Gulfpark Drive was an asphalt road which turned into gravel and stone farther down and across the lots. He said the County had installed a sign which read “End of County Maintenance” where the asphalt stopped and the mixed medium began, though the road itself was a County right-of-way. He asked if he simply needed to note Gulfpark Drive as a private road on the plat.

The Chair advised the matter was simply shifting an internal lot line and the issues brought up by the applicant were why the staff wanted the matter held over as they needed more information.

Mr. Olsen stated there was a conflict between what was submitted with the application and what was recorded in the original subdivision, as one had the road in question noted as private and the other as a public road. He said the staff needed verification from County Engineering as to which was the case because such information made a difference regarding what conditions for approval would need to be included.

Mr. Hutcherson stated his belief the road was a public right-of-way which was privately maintained.

Mr. Olsen noted such should be reflected on the plat and was not.

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 December 15, 2011, meeting, for the following:

- 1) submittal of documentation that Gulf Park Drive is no longer privately maintained; or,**

2) revision of the plat to illustrate a private road.

The motion carried unanimously.

Case #SUB2011-00123

Rolling Meadows Estates Subdivision, Phase 2

8253 & 8277 Howells Ferry Road

(South side of Howells Ferry Road, 900' West of Colleton Drive)

Number of Lots / Acres: 8 Lots / 8.4 Acres±

Engineer / Surveyor: Clark, Geer, Latham & Associates

County

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.

Jeff Hines, Clark, Geer, Latham & Associates, spoke on behalf of the applicant and asked that the matter be withdrawn from consideration.

Hearing no opposition or further discussion, the Commission accepted the applicant's request to withdraw the matter from consideration.

NEW PLANNING APPROVAL APPLICATIONS:

Case #ZON2011-02680

Alabama Power Company

East side of Navco Road 130'± South of Columbus Avenue)

Planning Approval to allow the expansion of an existing electrical substation in an R-1, Single-Family Residential District.

Council District 4

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

Amanda Edge, Alabama Power, 150 St. Joseph Street, Mobile, AL, spoke on behalf of the company. She stated they had concerns regarding the condition requiring revision of the site plan to depict a six foot high privacy fence. She stated many times this issue could lead to safety hazards for the crews that might be in a substation at night as there had been situations with copper grounds being cut. She noted if the applicant was not able to light the area well there could be additional safety issues. She also noted the fact that wind could catch in a privacy fence and do damage to the electrical system located within said fence. She said the substation had been in place for some time and the applicant needed to upgrade to the standards listed in the new National Electric Safety Code so as to be in compliance with the same. She asked that the chain link fence be placed back around the substation and that it be sufficient regarding the fencing requirement.

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Mr. Olsen stated there was expansion in addition to equipment upgrades planned for the site. He noted the privacy fence requirement was not uncommon for substation sites, whether it be for Alabama Power, MAWSS, or Mobile Gas, when said site was surrounded by residential properties. He also pointed out, prior to the request for approval, the applicant had begun moving dirt on the site without benefit of permits or Planning Approval.

Ms. Edge responded the work had begun due to weather conditions.

The Chair noted Alabama Power had a history of beginning work on sites prior to receiving permits or approval from the City.

Ms. Edge stated the landscaping would be put back in place, though presently it was removed and noted a second time the expansion was due to Alabama Power being required to come into compliance with the new requirements published by the National Electric Safety Code.

Mr. Watkins asked what type fence had been in place previously.

Mr. Olsen noted it was a chain link fence and only present around the equipment area.

Mr. Watkins stated the height of said fence was reportedly three feet.

Mr. Olsen stated he was unsure of the fence's height but it most definitely would not meet any of the buffer requirements.

The Chair asked if the chain link fence in question was shown as the inner rectangle on the rendering and was advised it was. He also asked where the required wooden privacy fence would need to be placed.

Mr. Olsen advised the required wooden privacy fence would need to be placed on the actual property line.

Will Bridges, 2436 Venetia Road, Mobile, AL, stated he was the owner of 1751 Navco Road, noting it as adjacent to the property in question. He spoke in opposition to the plan and made the following points:

- A. noted he had purchased the 1751 Navco Road property to help control blight in the neighborhood;
- B. noted his property, though zoned residential, had previously been used commercially;
- C. noted an existing privacy fence on the south side had been installed by a private owner and had hoped for the same on the north side;
- D. noted the fan noise associated with the transformer bank should be taken into consideration, however, he did not know its decibel level; and,

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- E. with regards to landscaping, noted the former juniper or cedar trees and pampas grass had done a very good job of obscuring the substation from the adjacent residential properties and wondered how tall the new plantings would be and hoped for the same.

The Chair noted if the privacy fence were required, a vegetative buffer would be at the discretion of the applicant.

Mr. Olsen noted that as this was a request for Planning Approval, the Commission could make requirements above and beyond the minimum requirements of the Zoning Ordinance and if the Commission felt both were appropriate for the upgrade, such could be made a condition of approval.

Mr. Miller asked the applicant if they were left totally to their own devices what the applicant would do regarding the fence.

Ms. Edge stated it would be what was currently located on the site, a seven foot tall, chain link fence with one foot of barbed wire along the top.

Mr. Miller asked if the fence was fairly adjacent to the structure itself and not on the property line.

Ms. Edge stated the fence was not on the property line and was around the equipment for security.

The Chair gave Ms. Edge the opportunity to respond to the statements made by opposition and she advised there was no need.

Mr. Olsen pointed out to the Commission the site plan submitted showed no landscaping, existing or proposed.

Mr. Watkins asked if the requirement stated the buffering needed to be located on the property line or could it be around the actual structure. He stated his understanding was there had to be buffering between commercial use and residential properties. He asked if the applicant was discussing a seven foot fence located in the interior of the property and if the Commission could require enough landscaping on the boundary lines, would that be an option.

Mr. Olsen stated such would be an option if the vegetative buffering on the property line was such as to meet the minimum standard for such as stated in the Zoning Ordinance. He added the vegetative buffer would have to be a minimum of six feet tall at the time of planting and dense enough that light and debris could not pass through it and it had to be ten feet wide. He noted this was a very extensive and expensive way of buffering.

Mr. Hoffman added the way the conditions were written, the requirement for the privacy fence would be on the property boundaries, which would be in addition to any security

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fencing they would like to have around the actual compound. He noted they could have the privacy fence and additionally have a new chain link fence with barbed or razor wire atop it.

In deliberation, Mr. Miller noted he would not be adverse to a greater vegetative buffer but definitely felt the residential areas needed buffering from the site.

Dr. Rivizzigno felt to do so would open the door to other requests not to follow the regulations regarding having buffers between residential and commercial properties.

Mr. Miller noted he simply wanted the ten foot vegetative buffer as opposed to the six foot wooden privacy fence but did not want to do away with the buffer completely. He reminded the Commission it had been done before.

Mr. Olsen noted either could be given as an option for buffering as long as buffering was supplied by the applicant. He noted one of the conditions for approval specifically stated the east and south property lines for the buffer, however, the north property line must be included as well.

Mr. Miller asked if the vegetative buffers were easily enforceable.

Mr. Olsen stated a technician would be sent to inspect the site to verify compliance with all conditions prior to signing off.

Mr. Watkins noted his belief the property owners' association would be quick to advise the City should the applicant fail to comply with or maintain the conditions of approval.

Mr. Hoffman asked if a revised site plan for the land disturbance would need to be required prior to the issuance of said permit and Mr. Olsen advised yes.

Mr. Miller stated for the record this was not the first time Alabama Power seemed to view the Commission as an inconvenience. He noted the Commission was here and it did not engender good feelings within the Commission members when Alabama Power continued to "operate within their own little world."

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

- 1) revision of the site plan to depict the proposed substation compound boundary and property lines;**
- 2) revision of the site plan to depict the 25-foot minimum building setback line from both Navco Road and Columbus Avenue;**
- 3) revision of the site plan to depict a six-foot high privacy fence or a 10' vegetative buffer along the North, South, and East property lines, except within the 25-foot setback area, where**

- the fence shall only be 3-feet in height;
- 4) revision of the site plan to show a paved driveway to the new compound gate, with the exact location of the driveway to be coordinated with Urban Forestry, Traffic Engineering and Engineering (Right-of-Way);
 - 5) submission of a separate building permit for the fence if barbed-wire, razor-wire or similar is proposed, so that a separate review by the Director of Urban Development can be undertaken;
 - 6) fence height is limited to 8-feet;
 - 7) compliance with Engineering comments: *“Must comply with all stormwater and flood control ordinances. Any work performed in the existing ROW (right-of-way) will require a Right-of-Way (ROW) permit from the Engineering Department;”*
 - 8) placement of a note on the site plan stating that approval is site plan specific, and that any changes to the site will require a new request for approval from the Planning Commission; and,
 - 9) submission of a revised Planning Approval site plan to Planning, prior to the request for any permits.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2011-00122 (Subdivision)

Zion Baptist Church Subdivision

2514 Halls Mill Road

(Northwest corner of Halls Mill Road and Pollard Lane)

Number of Lots / Acres: 2 Lots / 5.6 Acres±

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

Council District 4

(Also see Case #ZON2011-02614 (Planned Unit Development) **Zion Baptist Church Subdivision**, Case #ZON2011-02676 (Planning Approval) **Zion Baptist Church Subdivision**, and, Case #ZON2011-02615 (Rezoning) **Zion Baptist Church 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.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the December 15, 2011, meeting with revisions due to the Planning Section by noon on Wednesday, November 23, 2011, to address the following:

- 1) dedication sufficient to provide 25 feet from the centerline of Pollard Lane;

- 2) compliance with Section V.B.16., in regards to curb radii should be required at the intersection of Halls Mill and Pollard Lane;
- 3) placement of a note on the Final Plat stating compliance with Urban Forestry Comments: *“Preservation status is to be given to the 60” Live Oak Tree located on the center of Lot 1. Preservation status is to be given to the 48” Live Oak Tree, 50” Live Oak Tree and 52” Live Oak Tree on Lot 2. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;”* and,
- 4) illustration of 25-foot minimum building setback line after dedication.

The motion carried unanimously.

Case #ZON2011-02614 (Planned Unit Development)

Zion Baptist Church Subdivision

2514 Halls Mill Road

(Northwest corner of Halls Mill Road and Pollard Lane)

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

Council District 4

(Also see Case #SUB2011-00122 (Subdivision) **Zion Baptist Church Subdivision**, above, and, Case #ZON2011-02676 (Planning Approval) **Zion Baptist Church Subdivision**, and, Case #ZON2011-02615 (Rezoning) **Zion Baptist Church 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.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the December 15, 2011, meeting with revisions due to the Planning Section by noon on Wednesday, November 23, 2011, to address the following:

- 1) **submittal of an acceptable, detailed narrative describing the project in detail as required in Section 64-5.D. of the Zoning Ordinance;**
- 2) **revision of the site plan to show ALL improvements on the site, including, but not limited to, dimensions of parking stalls or drive aisles, indicate paving materials, and indicate the seating capacity of the church and other information needed to ensure parking compliance;**
- 3) **submission of a sidewalk waiver application or illustration of a sidewalk on the site plan is required;**
- 4) **compliance with Urban Forestry Comments: *“Preservation***

status is to be given to the 60” Live Oak Tree located on the center of Lot 1. Preservation status is to be given to the 48” Live Oak Tree, 50” Live Oak Tree and 52” Live Oak Tree on Lot 2. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;”

- 5) **compliance with Traffic Engineering Comments:** *“Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Site plan does not illustrate adequate parking facilities and access for Lot 1 or Lot 2, therefore Traffic Engineering can not fully comment on recommendations;” and,*
- 6) **compliance with Engineering Comments:** *“Any work performed in the existing ROW (right-of-way) will require a Right-of-Way (ROW) permit from the Engineering Department and must comply with all City of Mobile ROW code and ordinance requirements. Any increase in impervious area in excess of 4,000 square feet will require detention. Need to dedicate 10’ of additional ROW along Pollard St., or as otherwise approved by the City Engineer. Any site improvements requiring a building permit will require full compliance with City Code Chapter 57 including repairing any existing sidewalk panels and driveway curb cuts.”*

The motion carried unanimously.

Case #ZON2011-02676 (Planning Approval)
Zion Baptist Church Subdivision

2514 Halls Mill Road

(Northwest corner of Halls Mill Road and Pollard Lane)

Planning Approval to allow an existing church in an R-1, Single-Family Residential District.

Council District 4

(Also see **Case #SUB2011-00122 (Subdivision) Zion Baptist Church Subdivision**, and, **Case #ZON2011-02614 (Planned Unit Development) Zion Baptist Church Subdivision**, above, and, **Case #ZON2011-02615 (Rezoning) Zion Baptist Church 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.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the December 15, 2011, meeting with revisions due to the Planning Section by noon on Wednesday, November 23, 2011, to address the following:

- 1) **submittal of an acceptable, detailed narrative describing the**

- project in detail as required in Section 64-5.D. of the Zoning Ordinance;
- 2) revision of the site plan to show ALL improvements on the site, including, but not limited to, dimensions of parking stalls or drive aisles, indicate paving materials, and indicate the seating capacity of the church and other information needed to ensure parking compliance;
 - 3) submission of a sidewalk waiver application or illustration of a sidewalk on the site plan is required;
 - 4) compliance with Urban Forestry Comments: *“Preservation status is to be given to the 60” Live Oak Tree located on the center of Lot 1. Preservation status is to be given to the 48” Live Oak Tree, 50” Live Oak Tree and 52” Live Oak Tree on Lot 2. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;”*
 - 5) compliance with Traffic Engineering Comments: *“Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Site plan does not illustrate adequate parking facilities and access for Lot 1 or Lot 2, therefore Traffic Engineering can not fully comment on recommendations;”* and,
 - 6) compliance with Engineering Comments: *“Any work performed in the existing ROW (right-of-way) will require a Right-of-Way (ROW) permit from the Engineering Department and must comply with all City of Mobile ROW code and ordinance requirements. Any increase in impervious area in excess of 4,000 square feet will require detention. Need to dedicate 10’ of additional ROW along Pollard St., or as otherwise approved by the City Engineer. Any site improvements requiring a building permit will require full compliance with City Code Chapter 57 including repairing any existing sidewalk panels and driveway curb cuts.”*

The motion carried unanimously.

November 17, 2011
Planning Commission Meeting

**Case #ZON2011-02615 (Rezoning)
Zion Baptist Church Subdivision**

2514 Halls Mill Road

(Northwest corner of Halls Mill Road and Pollard Lane)

Rezoning from R-1, Single-Family Residential District and B-3, Community Business District, to R-1, Single-Family Residential District and to eliminate split zoning in a proposed subdivision.

Council District 4

(Also see **Case #SUB2011-00122 (Subdivision) Zion Baptist Church Subdivision**, **Case #ZON2011-02614 (Planned Unit Development) Zion Baptist Church Subdivision**, and, **Case #ZON2011-02676 (Planning Approval) Zion Baptist Church Subdivision**, above)

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the December 15, 2011, meeting with revisions due to the Planning Section by noon on Wednesday, November 23, 2011, to address the following:

- 1) **submittal of an acceptable, detailed narrative describing the project in detail;**
- 2) **compliance with Urban Forestry Comments: “*Preservation status is to be given to the 60” Live Oak Tree located on the center of Lot 1. Preservation status is to be given to the 48” Live Oak Tree, 50” Live Oak Tree and 52” Live Oak Tree on Lot 2. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;*” and,**
- 3) **revision of the site plan to show ALL improvements on the site, including, but not limited to, dimensions of parking stalls or drive aisles, indicate paving materials, and indicate the seating capacity of the church and other information needed to ensure parking compliance.**

The motion carried unanimously.

November 17, 2011
Planning Commission Meeting

Case #SUB2011-00125 (Subdivision)
New Hope Baptist Church Subdivision

1270 & 1272 Pecan Street, 605 & 608 Live Oak Street, 1261 & 1263 Persimmon Street (Northeast corner of Pecan Street and Live Oak Street extending to the Southeast corner of Pecan Street and Persimmon Street; and West side of Live Oak Street, 120'± South of Persimmon Street)

Number of Lots / Acres: 2 Lots / 1.1 Acre±
Engineer / Surveyor: Wattier Surveying, Inc.
Council District 2

(Also see **Case #ZON2011-02682 (Planned Unit Development) New Hope Baptist Church Subdivision**, and, **Case #ZON2011-02683 (Planning Approval) New Hope Baptist Church Subdivision**, below)

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

Carlos Gant, architect for the church, spoke on behalf of the church. He stated they were simply adding a new sanctuary to an existing structure. He noted he had reviewed the comments made by staff and a lot of those made by Engineering and Traffic departments had already been addressed in the construction submission and there was not time for them to review such. He then asked the matter be held over to resolve the issues involved with the Planned Unit Development application and Planning Approval application.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, to hold the matter over to the December 15, 2011, meeting, at the applicant's request.

The motion carried unanimously.

Case #ZON2011-02682 (Planned Unit Development)
New Hope Baptist Church Subdivision

1270 & 1272 Pecan Street, 605 & 608 Live Oak Street, 1261 & 1263 Persimmon Street (Northeast corner of Pecan Street and Live Oak Street extending to the Southeast corner of Pecan Street and Persimmon Street; and West side of Live Oak Street, 120'± South of Persimmon Street)

Planned Unit Development Approval to allow reduced side-street side yard setbacks and off-site parking.

Council District 2

(Also see **Case #SUB2011-00125 (Subdivision) New Hope Baptist Church Subdivision**, above, and, **Case #ZON2011-02683 (Planning Approval) New Hope Baptist Church Subdivision**, below)

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

November 17, 2011
Planning Commission Meeting

Carlos Gant, architect for the church, spoke on behalf of the church and asked that the matter be held over to resolve the issues involved with the Planned Unit Development application and Planning Approval application.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, to hold the matter over to the December 15, 2011, meeting, at the applicant's request.

The motion carried unanimously.

Case #ZON2011-02683 (Planning Approval)

New Hope Baptist Church Subdivision

1270 & 1272 Pecan Street, 605 & 608 Live Oak Street, 1261 & 1263 Persimmon Street (Northeast corner of Pecan Street and Live Oak Street extending to the Southeast corner of Pecan Street and Persimmon Street; and West side of Live Oak Street, 120'± South of Persimmon Street)

Planning Approval to allow the expansion of a church and construction of an off-site parking for church use in an R-2, Two-Family Residential District.

Council District 2

(Also see **Case #SUB2011-00125 (Subdivision) New Hope Baptist Church Subdivision**, and, **Case #ZON2011-02682 (Planned Unit Development) New Hope Baptist Church Subdivision**, above)

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

Carlos Gant, architect for the church, spoke on behalf of the church and asked that the matter be held over to resolve the issues involved with the Planned Unit Development application and Planning Approval application.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, to hold the matter over to the December 15, 2011, meeting, at the applicant's request.

The motion carried unanimously.

November 17, 2011
Planning Commission Meeting

OTHER BUSINESS:

Hearing no further business, the meeting was adjourned.

APPROVED: June 7, 2012

/s/ Dr. Victoria Rivizzigno, Secretary

/s/ Terry Plauche, Chairman

jsl