

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF JANUARY 19, 2012 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William G. DeMouy, Jr.
Victoria L. Rivizzigno, Secretary
Stephen J. Davitt, Jr.
Herb Jordan
Roosevelt Turner
James F. Watkins, III

Members Absent

Mead Miller
John Vallas

Urban Development Staff Present

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
Rosemary Sawyer and George Davis,
City Engineering
Marybeth Bergin,
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.

HOLDOVERS:

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**, **Case #ZON2011-02615 (Rezoning) Zion Baptist Church Subdivision**, and, **Case #ZON2011-02991 (Sidewalk Waiver) Zion Baptist Church, Pastor Bruce Moseley**, below)

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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.

Brett Orrell, Polysurveying Engineering, spoke on behalf of the applicant and asked that the matter be held over until the February 16, 2012, 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 February 16, 2012, meeting, at the applicant's request.

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**, **Case #ZON2011-02615 (Rezoning) Zion Baptist Church Subdivision**, and, **Case #ZON2011-02991 (Sidewalk Waiver) Zion Baptist Church, Pastor Bruce Moseley**, below)

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 February 16, 2012, meeting, at the applicant's request.

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**, and, **Case #ZON2011-02991 (Sidewalk Waiver) Zion Baptist Church, Pastor Bruce Moseley**, below)

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 February 16, 2012, meeting, at the applicant's request.

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The motion carried unanimously.

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, and, **Case #ZON2011-02991 (Sidewalk Waiver) Zion Baptist Church, Pastor Bruce Moseley**, below)

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 February 16, 2012, meeting, at the applicant's request.

The motion carried unanimously.

Case #ZON2011-02991 (Sidewalk Waiver)

Zion Baptist Church, Pastor Bruce Moseley

2514 Halls Mill Road

(Northwest corner of Halls Mill Road and Pollard Lane)

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

Council District 4

(Also see **Case #SUB2011-00122 (Subdivision) Zion Baptist Church Subdivision**, **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**, above)

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 February 16, 2012, meeting, at the applicant's request.

The motion carried unanimously.

Case #SUB2011-00138

Government Street Subdivision

61 South Conception Street

(Northeast corner of South Conception Street and Government Street)

Number of Lots / Acres: 1 Lot / 0.3 Acre±

Engineer / Surveyor: Clark, Geer, Latham & Associates

Council District 2

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.

Tommy Latham, Clark, Geer, Latham & Associates, spoke on behalf of the applicant. He stated the applicant was in agreement with all of the staff's recommendation with the exception of Condition 3 where it called for one curb-cut to South Conception Street. He asked that it be modified to have two curb-cuts to South Conception Street as it was a one way street going north and with the lot being only 53 feet wide it would be easier to access the lot with one "one way in" curb-cut at the north end of the property and one "one way out" curb-cut at the south end of the property.

Marybeth Bergin, City Traffic Engineering, asked if there was anyway to move the driveway closest to Government Street even farther from the intersection.

Mr. Latham stated they would happily work with Traffic Engineering regarding the placement of said curb-cut.

Mr. Palombo asked if Traffic Engineering wanted to restrict the width of the curb-cuts.

Ms. Bergin stated as those curb-cut were to be shown as one way access points they could be 14 to 16 feet wide.

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

- 1) **retention of lot area size in square feet, on the Final Plat;**
- 2) **compliance with Section V.B.16. of the Subdivision Regulations regarding curb radii at the corner of Government Street and South Conception Street;**
- 3) **placement of a note on the Final Plat stating that Lot 1 is denied access to Government Street and limited to two one-way curb-cuts to South Conception Street with the size, design, and exact location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) **compliance with Engineering comments: *"Any proposed development on this site must comply with all stormwater and flood control ordinances of The City of Mobile. According to the***

FEMA flood map information, this property is located within a Special Flood Hazard Area, AE (el 12). You will need to show and label the all flood hazard area(s) and show a minimum FFE for all proposed structures on your plat. complete set of construction plans for any proposed site work (including any grading, drainage, paving, utility lines, or stormwater detention systems) will need to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work;” and,

- 5) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species.

The motion carried unanimously.

EXTENSIONS:

Case #SUB2010-00135 (Subdivision)

Overlook Road VOA Housing Subdivision

6917 Overlook Road

(South side of Overlook Road, 625'± East of Cody Road)

Number of Lots / Acres: 2 Lots / 7.8± Acres

Engineer / Surveyor: Rowe Surveying & Engineering, Co., Inc.

Council District 7

(Also see **Case #ZON2010-02992 (Planned Unit Development) Volunteers of America**, below)

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to approve the above referenced request for extension, but the applicant was advised that, if permits for construction were not issued within one year, further extensions were unlikely.

The motion carried unanimously.

Case #ZON2010-02992 (Planned Unit Development)

Volunteers of America

6917 Overlook Road

(South side of Overlook Road, 625'± East of Cody Road)

Planned Unit Development Approval to allow multiple buildings on a single building site and shared access between two lots.

Council District 7

(Also see **Case #SUB2010-00135 (Subdivision) Overlook Road VOA Housing Subdivision**, above)

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to approve the above referenced request for extension, but the applicant was advised that, if permits for construction were not issued within one year, further extensions were unlikely.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2011-00140

B & B Subdivision

8663 Bellingrath Road

(East side of Bellingrath Road, 1915' South of Industrial Road)

Number of Lots / Acres: 1 Lot / 3.0 Acres±

Engineer / Surveyor: Byrd Surveying, 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.

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

- 1) **dedication to provide 50' from the centerline of Bellingrath Road to Mobile County;**
- 2) **depiction of the 25-foot minimum building setback line from Bellingrath Road, as required by Section V.D.9. of the Subdivision Regulations;**
- 3) **labeling of the lot sizes, in square feet and acres, or provision of a table on the Final Plat with the same information;**

- 4) 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;
- 5) placement of a note on the Final Plat stating the site must 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;”*
- 6) placement of a note on the Final Plat limiting the lot to one curb-cut to Bellingrath Road, with the size, design, and location of all curb-cuts to be approved by Mobile County Engineering and conform to AASHTO standards; and,
- 7) 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 #SUB2011-00142

Leonard E Miller Subdivision

4623 Schimpfs Lane

(East side of Schimpfs Lane, 400' South of Davis Road)

Number of Lots / Acres: 3 Lots / 9.6 Acres ±

Engineer / Surveyor: Polysurveying Engineering –Land Surveying
County

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

Brett Orrell, Polysurveying Engineering, spoke on behalf of the applicant and made the following points:

- A. regarding Lots 1 and 2 not being in compliance with Section V.D.3 of the Subdivision Regulations, across the street from the lots a subdivision had been done in 2003 and those lots had the same issue but had been granted approval;
- B. regarding Lot 3 not being in compliance with Section V.D.1. as it

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was a flag shaped lot, the applicant had informed the engineer there was currently a house on the rear lot with private road access and those had been in place for approximately the last 65 years;

- C. requested the Commission allow for a 25 foot strip on the lot, creating the flag shape so as to continue the access the rear of the property had enjoyed for such a long time.

Mr. Palombo advised the Commission no conditions for approval had been prepared by the staff as the matter was recommended for denial and suggested the matter be held over until the February 16, 2012, meeting to allow time for conditions of approval to be written.

Mr. Orrell agreed to the hold over.

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 February 16, 2012, meeting, to allow staff to prepare conditions of approval.

The motion carried unanimously.

Case #SUB2011-00145

Revised Braceland Subdivision

1451 & 1555 Harvey Hill Road

(West side of Harvey Hill Road, 105'+ North of Howells Ferry Road)

Number of Lots / Acres: 3 Lots / 19.2 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.

Mr. Hoffman advised the Commission an error had been discovered in the staff report as related to Condition 6 as the property was located in the J.B. Converse/Big Creek Lake watershed and as a result that condition should be revised to require compliance with that aspect of the Subdivision Regulations as they were revised for the watershed area, which would also match Mobile County requirements for stormwater detention.

Mr. Orrell agreed to the revised condition.

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

- 1) **dedication to provide 30' from the centerline of Harvey Hill Road to Mobile County;**

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- 2) placement of a note on the Final Plat that no further resubdivision will be allowed until Harvey Hill Road is constructed to Mobile County standards;
- 3) depiction of the 25-foot minimum building setback line from Harvey Hill Road, as required by Section V.D.9. of the Subdivision Regulations;
- 4) labeling of the lot sizes, in square feet and acres, or provision of a table on the Final Plat with the same information;
- 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.8. of the Subdivision Regulations;
- 6) provision of a minimum detention capacity volume of a 50 year post development storm, with a maximum release rate equivalent to the 10 year storm pre-development rate, and the placement of a note on the Final Plat stating that the development has been designed to comply with all other stormwater detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, as well as the detention and release rate requirements of Mobile County for projects located within the Converse watershed, prior to the obtaining of permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;
- 7) placement of a note on the Final Plat limiting each lot to one curb cut to Harvey Hill Road, with the size, design, and location of all curb-cuts to be approved by Mobile County Engineering and conform to AASHTO standards; 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 #SUB2011-00143

Woodside Subdivision, Unit Ten

6788 Barneswood Drive

(Northwest corner of Barnes Road and Barneswood Drive)

Number of Lots / Acres: 4 Lots / 1.4 Acre±

Engineer / Surveyor: Rowe Surveying & Engineering Co. 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.

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

- 1) **labeling of each lot with its size in square feet and acres, or the furnishing of a table on the Final Plat providing the same information;**
- 2) **illustration of the 25' minimum building setback line along Barnes Road and Barneswood Drive;**
- 3) **placement of a note on the Final Plat stating that each lot is limited to one curb-cut, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 4) **placement of a note on the Final Plat stating that the maintenance of the common areas is the responsibility of the property owners and not Mobile County;**
- 5) **placement of a note on the Final Plat stating that no structures shall be constructed within any drainage easement by the property owners;**
- 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 stating 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; and,**
- 8) **placement of a note on the Final Plat stating that development**

of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2011-03253

Austal USA LLC

100 Dunlap Drive

(Southeast corner of Addesco Road and Dunlap Drive)

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

Council District 2

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

Wade Burcham, Thompson Engineering, spoke on behalf of the applicant and stated his client was in agreement with the conditions.

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

- 1) **submission of two copies of the revised site plans to Urban Development; and,**
- 2) **revision of the site plan to comply 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 ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with all City of Mobile ROW code and ordinances. A complete set of construction plans for any proposed site work (including drainage, utilities, grading, stormwater systems, paving) will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. According to the FEMA flood map information, this property is located within a Special Flood Hazard Area. You will need to show and label the flood hazard area(s) on your plat and plans. All development will require a Flood Study in compliance with City of Mobile codes and ordinances).”

The motion carried unanimously.

Case #ZON2011-03254

Austal USA LLC

350 Dunlap Drive

(West side of Dunlop Drive, 1375'± South of Addesco Road)

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

Council District 2

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.

Wade Burcham, Thompson Engineering, spoke on behalf of the applicant. With regards to Condition 3, he noted Dunlop Drive was a private drive and wondered if it would be necessary to maintain it to ALDOT and AASHTO standards.

Marybeth Bergin, City Traffic Engineering, stated maintaining the drive to ALDOT standards would not be applicable but AASHTO standards needed to remain in place.

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

- 1) **submission of two copies of the revised site plans to Urban Development;**
- 2) **revision of the site plan to comply with Engineering comments: “Must comply with all stormwater and flood control ordinances Of the City of Mobile. Any work performed in the existing ROW (right-of-way) will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with all City of Mobile ROW code and ordinances. A complete set of construction plans for the site work (including drainage, utilities, grading, stormwater systems, paving) will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. According to the FEMA flood map information, this property is located within a Special Flood Hazard Area. You will need to show and label the flood hazard area(s) on your plat and plans. All development will require a Flood Study in compliance with City of Mobile codes and ordinances;” and,**
- 3) **revision of the site plan to comply with Traffic Engineering comments: “Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. The site plan illustrates parking on the site along the outside of the roadway curve. Currently there is guardrail along**

the edge of the roadway in this area, which is not illustrated as to remain or to be removed. Any parking that may require backing into the roadway is not recommended. Excluding the parking area through the curve, the access point to the site is nearly 140' wide. It may be appropriate to split the access point into two smaller access points, given the position of the Guard Building."

The motion carried unanimously.

NEW PLANNING APPROVAL APPLICATIONS:

Case #ZON2011-03127

Fred Cobb

5151 Jones Road North

(South side of Jones Road North, 195'± East of Jones Road)

Planning Approval to allow a mobile home as a primary residence in an R-1, Single-Family Residential District.

Council District 4

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

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

- 1) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2011-00141 (Subdivision)

Nephrology Subdivision

1551 Old Shell Road

(Southwest corner of Old Shell Road and North Catherine Street)

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

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 2

(Also see **Case #ZON2011-03204 (Planned Unit Development) Nephrology Subdivision**, below)

The Chair announced the application had been recommended for approval. He added if

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

Jerry Byrd, Byrd Surveying, spoke on behalf of the applicant, and made the following points:

- A. regarding Condition 5 for the Planned Unit Development and the widening of the existing curb-cut on Old Shell Road to 24 feet, it was requested such be deleted as the curb-cut was already a little over 20 feet wide with the west edge being four feet from the property line and to move that way would not allow for the radius of the drive;
- B. noted there was an 18 inch oak tree to the east of said drive eliminating the ability to move it in that direction;
- C. the building and driveway in question were constructed approximately 10 years prior and had functioned fine during that time; and,
- D. there was an existing driveway and a proposed driveway for the site onto Catherine Street which were 24 feet wide.

Marybeth Bergin, City Traffic Engineering, stated her department would have not problem removing the 24 foot requirement for the curb-cut on Old Shell Road.

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

- 1) dedication of a curb radius at the intersection of Old Shell Road and North Catherine Street compliant with Section V.B.16. of the Subdivision Regulations;**
- 2) depiction of the 25-foot minimum building setback line along Shell Road and North Catherine Street;**
- 3) depiction of the lot area size, exclusive of any required dedications, in square feet on the Final Plat;**
- 4) placement of a note on the Final Plat stating that Lot 1 is limited to one curb-cut to Old Shell Road and one curb-cut to North Catherine Street and Lot 2 is limited to one curb-cut to North Catherine Street with the size, design, and exact location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 5) compliance with Engineering comments: *“1. Any work performed in the existing ROW (right-of-way) will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with all City of Mobile ROW code and ordinances. 2. A complete set of construction plans for the site work (including drainage, utilities, grading, stormwater systems, paving) will be required to be submitted with the Land***

Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. 3. Must comply with all stormwater and flood control ordinances of the City of Mobile. 4. The natural topography of the site appears to indicate that stormwater runoff will discharge onto adjoining private property. Discharge from the site shall not be concentrated onto adjacent property without release agreement from all downstream property owners. It is imperative not to increase the volume of runoff on the downstream properties, thus construction of drainage system may be required along with appropriate drainage easements to protect downstream properties. 5. An ADEM NOI is required for any land disturbance activity over 1 acre. Provide a copy of the ADEM registration information for the site prior to the issuance of a Land Disturbance permit;”

- 6) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species; and,
- 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.

The motion carried unanimously.

Case #ZON2011-03204 (Planned Unit Development)

Nephrology Subdivision

1551 Old Shell Road

(Southwest corner of Old Shell Road and North Catherine Street)

Planned Unit Development Approval to allow shared access and parking between two building sites.

Council District 2

(Also see **Case #SUB2011-00141 (Subdivision) Nephrology Subdivision**, above)

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

- 1) depiction of any required dedications and minimum building setback line on the site plan;
- 2) depiction of a buffer compliant with Section 64-4.D.1. of the Zoning Ordinance wherever the site abuts residentially zoned property;
- 3) compliance with landscaping and tree planting requirements of the Zoning Ordinance;

- 4) depiction of a city standard sidewalk along all public rights-of-way, or request a sidewalk waiver from the Planning Commission;
- 5) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;
- 6) compliance with Traffic Engineering comments: *“Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Parking aisles are illustrated in assumed vicinity of ADA parking for new building, but actual spaces are not designated. Additional ADA parking requirements may be applicable for the existing building. Sidewalk, either existing or proposed, is not illustrated along Catherine Street adjacent to the proposed Lot 2 and should be included in the site plan;”*
- 7) compliance with Engineering comments: *“1. Any work performed in the existing ROW (right-of-way) will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with all City of Mobile ROW code and ordinances. 2. A complete set of construction plans for the site work (including drainage, utilities, grading, stormwater systems, paving) will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. 3. Must comply with all stormwater and flood control ordinances of the City of Mobile. 4. The natural topography of the site appears to indicate that stormwater runoff will discharge onto adjoining private property. Discharge from the site shall not be concentrated onto adjacent property without release agreement from all downstream property owners. It is imperative not to increase the volume of runoff on the downstream properties, thus construction of drainage system may be required along with appropriate drainage easements to protect downstream properties. 5. An ADEM NOI is required for any land disturbance activity over 1 acre. Provide a copy of the ADEM registration information for the site prior to the issuance of a Land Disturbance permit;”* and,
- 8) provision of two copies of the revised site plan incorporating the above conditions to the Planning Section of Urban Development prior to any land disturbance activities.

The motion carried unanimously.

Case #SUB2011-00144 (Subdivision)

Westgate Pavillion Subdivision

7460 Airport Boulevard

(North side of Airport Boulevard, 405'± West of Border Circle West)

Number of Lots / Acres: 5 Lots / 27.9 Acres±

Engineer / Surveyor: Hutchinson, Moore & Rauch, LLC

Council District 7

(Also see **Case #ZON2011-03258 (Planned Unit Development) Westgate Pavillion 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.

Doug Anderson, Burr and Foreman Law Firm, spoke on behalf of GBT Realty of Nashville, Tennessee, who had the property under contract. He made the following points:

- A. the holdover had been requested by Traffic Engineering as there were some concerns regarding the traffic impact study;
- B. the applicant had responded to those concerns last week and had gotten those concerns resolved with representatives of that department; and,
- C. the applicant was aware conditions of approval had been written by staff and were being distributed to the Commissioners and the applicant was in agreement with those conditions.

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

- 1) **placement of a note on the Final Plat stating that Lot 1 is limited to one curb-cut onto Airport Boulevard, with the location, design and size to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **placement of a note on the Final Plat stating that Lots 3, 4 and 5 are denied access to Airport Boulevard, and are limited to access from Lot 2 as far as practical from Airport, as approved by Traffic Engineering;**
- 3) **compliance with Urban Forestry comments: “*Preservation status is to be given to the 45” Live Oak Tree located on the South East corner of Parcel 1 next to proposed entrance. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger. Mobile Tree Commission Permit is required before removing existing trees from city right of way. Existing Bald Cypress trees located on the Airport Boulevard median may be impacted from Traffic Signal improvements;*”**

- 4) **compliance with Engineering comments:** *“Any work performed in the existing ROW (right-of-way) will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with all City of Mobile ROW code and ordinances. A complete set of construction plans for the site work (including drainage, utilities, grading, stormwater systems, paving) will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. Must comply with all stormwater and flood control ordinances Of the City of Mobile. An ADEM NOI is required for any land disturbance activity over 1 acre. Provide a copy of the ADEM registration information for the site prior to the issuance of a Land Disturbance permit. According to the FEMA flood map information, this property is located within a Special Flood Hazard Area. You will need to show and label the flood hazard area(s) on your plat and plans. All development will be required to comply with the City of Mobile Flood Plain Management codes and ordinances. Detention is required by the stormwater ordinance. The FEMA map in effect at the time of the submittal is the map that will apply to the submittal. If a FEMA map other than the one in effect is to be used, that alternate map will need to be approved by FEMA (through the official approval process) before it can be applied to the submittal;”*
- 5) **compliance with Traffic Engineering comments:** *“Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Access to Airport Boulevard should be limited to two driveways for Lot 2. Lots 3, 4, and 5 should be designated as having no direct access to Airport Boulevard, with driveways to Lot 2 as far as practical from Airport Boulevard to prevent back-ups Airport Boulevard, as approved by Traffic Engineering. Lot 1 should be limited to one driveway, located between the two existing median openings, with design and location to be approved by Traffic Engineering. The proposed driveway at east side of the property aligns with the public street McKenna Court; pavement markings for driveway should indicate a through/left arrow for the middle lane. A traffic impact study was prepared for this development. Traffic Engineering approval of this site is contingent upon the construction by the developer/owner of all improvements identified in the study. It should be noted that the improvements include the installation of a traffic signal at McKenna Court to be incorporated into an existing signal system. This requires compatible signal equipment including but not limited to the controller, detection, and interconnectivity. City standard mast arm installation is also required. Design plans for all*

- improvements within the public right-of-way must be approved by Engineering and Traffic Engineering;”*
- 6) **placement of labeling of the lots with the size in square feet on the Final Plat, or a table on the plat with the same information;**
 - 7) **placement of a note on the Final Plat stating that maintenance of all common areas and detention areas is the responsibility of the property owners; and,**
 - 8) **placement of a note on the Final Plat stating that the approval of all applicable federal, state and local agencies is required for endangered or threatened species prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

Case #ZON2011-03258 (Planned Unit Development)

Westgate Pavillion Subdivision

7460 Airport Boulevard

(North side of Airport Boulevard, 405'± West of Border Circle West)

Planned Unit Development Approval to allow shared access and parking between five building sites.

Council District 7

(Also see **Case #SUB2011-00144 (Subdivision) Westgate Pavillion Subdivision**, above)

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

- 1) **limited to the revised site plan, – future development of the out parcels will require new PUD applications to amend the existing PUD;**
- 2) **placement of Engineering comments as a note on the revised site plan: “*Any work performed in the existing ROW (right-of-way) will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with all City of Mobile ROW code and ordinances. A complete set of construction plans for the site work (including drainage, utilities, grading, stormwater systems, paving) will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. Must comply with all storm water and flood control ordinances Of the City of Mobile. An ADEM NOI is required for any land disturbance activity over 1 acre. Provide a copy of the ADEM registration information for the site prior to the issuance of a Land Disturbance permit. According to the FEMA flood map information, this property is located within a Special Flood Hazard Area. You will need to show and label the*”**

flood hazard area(s) on your plat and plans. All development will be required to comply with the City of Mobile Flood Plain Management codes and ordinances Detention is required by the storm water ordinance. The FEMA map in effect at the time of the submittal is the map that will apply to the submittal. If a FEMA map other than the one in effect is to be used, that alternate map will need to be approved by FEMA (through the official approval process) before it can be applied to the submittal;”

- 3) **placement of Traffic Engineering comments as a note on the revised site plan: “Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Access to Airport Boulevard should be limited to two driveways for Lot 2. Lots 3, 4, and 5 should be designated as having no direct access to Airport Boulevard, with driveways to Lot 2 as far as practical from Airport Boulevard to prevent backups Airport Boulevard, as approved by Traffic Engineering. Lot 1 should be limited to one driveway, located between the two existing median openings, with design and location to be approved by Traffic Engineering. The proposed driveway at east side of the property aligns with the public street McKenna Court; pavement markings for driveway should indicate a through/left arrow for the middle lane. A traffic impact study was prepared for this development. Traffic Engineering approval of this site is contingent upon the construction by the developer/owner of all improvements identified in the study. It should be noted that the improvements include the installation of a traffic signal at McKenna Court to be incorporated into an existing signal system. This requires compatible signal equipment including but not limited to the controller, detection, and interconnectivity. City standard mast arm installation is also required. Design plans for all improvements within the public right-of-way must be approved by Engineering and Traffic Engineering,” and acceptance of the work by Traffic Engineering and Urban Development;**
- 4) **placement of Urban Forestry comments as a note on the revised site plan: “Preservation status is to be given to the 45” Live Oak Tree located on the South East corner of Parcel 1 next to proposed entrance. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger. Mobile Tree Commission Permit is required before removing existing trees from city right of way. Existing Bald Cypress trees located on the Airport Boulevard median may be impacted from Traffic Signal improvements;”**
- 5) **lighting of the parking area and site must comply with Sections**

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- 64-4.A.2 and 64-6.A.3.C of the Zoning Ordinance;**
- 6) submission of two (2) copies of the revised site plan illustrating all conditions for recommendation of approval;**
 - 7) completion of the Subdivision process; and,**
 - 8) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2011-00146 (Subdivision)

Star Imports Subdivision

2600 Government Boulevard

(Northeast corner of Government Boulevard Service Road and Merwina Avenue extending to the Southwest corner of Government Boulevard Service Road and Kreitner Street)

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

Engineer / Surveyor: Polysurveying Engineering –Land Surveying
Council District 5

(Also see **Case #ZON2011-03251 (Planned Unit Development) Star Imports Subdivision**, and, **Case #ZON2011-03252 (Rezoning) Hossein Mohandessi**, 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.

Brett Orrell, Polysurveying Engineering, spoke on behalf of the applicant. He stated as the Planned Unit Development and Rezoning applications associated with this subdivision request were recommended for denial, he requested that all three matters be held over.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to hold the matter over until the February 16, 2012 meeting, at the applicant's request, to allow the applicant to address staff concerns, and any revisions should be submitted to Planning by February 1, 2012.

The motion carried unanimously.

Case #ZON2011-03251 (Planned Unit Development)

Star Imports Subdivision

2600 Government Boulevard

(Northeast corner of Government Boulevard Service Road and Merwina Avenue extending to the Southwest corner of Government Boulevard Service Road and Kreitner Street)

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

Council District 5

(Also see **Case #SUB2011-00146 (Subdivision) Star Imports Subdivision**, above, and, **Case #ZON2011-03252 (Rezoning) Hossein Mohandessi**, below)

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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.

Brett Orrell, Polysurveying Engineering, spoke on behalf of the applicant. He stated as this application, the Subdivision application, and the Rezoning application were recommended for denial, he requested all three matters be held over.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to hold the matter over until the February 16, 2012 meeting, at the applicant's request, to allow the applicant to address staff concerns, and any revisions should be submitted to Planning by February 1, 2012.

The motion carried unanimously.

Case #ZON2011-03252 (Rezoning)

Hossein Mohandessi

2600 Government Boulevard

(Northeast corner of Government Boulevard Service Road and Merwina Avenue extending to the Southwest corner of Government Boulevard Service Road and Kreitner Street)

Rezoning from B-2, Neighborhood Business District, to B-3, Community Business District, to allow automobile sales.

Council District 5

(Also see **Case #SUB2011-00146 (Subdivision) Star Imports Subdivision**, and, **Case #ZON2011-03251 (Planned Unit Development) Star Imports 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.

Brett Orrell, Polysurveying Engineering, spoke on behalf of the applicant. He stated as the Subdivision application, the Planned Unit Development application, and this request were recommended for denial, he requested that all three matters be held over.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to hold the matter over until the February 16, 2012 meeting, at the applicant's request, to allow the applicant to address staff concerns, and any revisions should be submitted to Planning by February 1, 2012.

The motion carried unanimously.

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OTHER BUSINESS:

Hearing no further business, the meeting was adjourned.

APPROVED: November 1, 2012

/s/ Dr. Victoria Rivizzigno, Secretary

/s/ Terry Plauche, Chairman

jsl