

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF DECEMBER 1, 2011 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William G. DeMouy, Jr.
Stephen J. Davitt, Jr.
Herb Jordan
Mead Miller
Roosevelt Turner
John Vallas

Members Absent

Victoria L. Rivizzigno, Secretary
Nicholas H. Holmes, III
James F. Watkins, III

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
Marybeth Bergin,
Traffic Engineering
Debbie Bryars,
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 Mr. DeMouy, to approve the following minutes:

- August 4, 2011
- August 18, 2011

The motion carried unanimously.

HOLDOVERS:

Case #SUB2011-00117 (Subdivision)

Provision Pointe Subdivision

East terminus of Janita Drive

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

Engineer / Surveyor: Haidt Land Surveying
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. He advised the Commission members of a plan located at their desk regarding the matter.

The following people spoke in favor of the matter:

- Amanda Herndon of Holston, Vaughan Law Firm, 211 South Cedar Street, Mobile, on behalf of the applicant;
- Fred Haidt, Haidt Landsurveying, on behalf of the applicant;
- Clay Buckley, 7301 Janita Drive, the applicant; and,
- Julie Northcutt, 7361 Carson Road South, within Smithfield subdivision.

They made the following statements:

- A. requested the Commission waive the required construction of a turn-around at the end of Janita Drive by the applicant;
- B. reminded the Commission, due to the cost of the turn-around, the Commission had requested the Smithfield Homeowners' Association and the applicant meet to determine the feasibility of sharing the cost for construction of said turn-around;
- C. though the parties had met in good faith to resolve the matter, no resolution was reached, in fact, opposition offered no financial support for the turn-around at all;
- D. on November 3, 2011, the Planning Commission approved a subdivision on Moffett Road and Halls Ferry Road for Mobile Area Water and Sewer at their Stickney facility, stating Mercedes Road was to the west of said site, and the matter had similar issues to this request and no hammerhead or cul-de-sac was proposed there;
- E. quoted Mobile Fire-Rescue comments regarding the previously mentioned subdivision as saying "All projects within the City of Mobile fire jurisdiction must comply with the requirements of the 2009 International Fire Code," noting the street in question with that application was 50 feet longer than Janita Drive and that matter was approved without a requirement for any type of turn-around;

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- F. applicant was in agreement with all other requirements due to size and frontage;
- G. asked the Commission grant the applicant's requested waiver of building a cul-de-sac or turn-around due to the precedent cited and the financial hardship associated;
- H. when the applicant originally purchased the lot for a fair price, based upon its condition, including \$8,000.00 in back taxes, it had become a "haven for juvenile delinquents," trash, and other things which did not enhance the character of the neighborhood and he had since enhanced its residential character;
- I. originally wished to subdivide the property into two lots, building his personal home on one side and selling the other, however, the Planning staff advised him to do so would require building a cul-de-sac but if left in one piece he would not have to construct said cul-de-sac;
- J. Mr. Haidt said it was his understanding that no one knew at the time of the application was submitted, that since 1984 the County Engineering ordinance stated all property had to be properly subdivided;
- K. due to the required cul-de-sac, it had been determined subdivision of the property and selling the extra lot would not be financially beneficial;
- L. the open storm drain on the property and a large elevation change which sloped toward the middle and west of the property were all reasons the original developer probably did not construct the cul-de-sac in at the time the subdivision was crafted;
- M. expecting to proceed without issue, the family house was sold and closed September 27, 2010, with the applicant moving a trailer onto the property December 19, 2010, and by December 20, 2010, the inspector's office called to advise the applicant's home permit was ready for pick-up, December 21, 2010, he was served with a restraining order/injunctive relief, and on December 22, 2010, Beth Moore called to advise the applicant his permits had been pulled;
- N. the applicant decided to mediate with the homeowners' association as it was they who had filed against him in court in December;
- O. based upon the minutes from the Miller Creek Estate Subdivision meeting of July 21, (no year given), the subdivision was approved without requiring the construction of a cul-de-sac or turnaround;
- P. presently the mail truck, the garbage truck, and the UPS truck could all perform a three-point turn-around so it was felt other vehicles should have no difficulty doing the same;
- Q. expressed their appreciation for the Smithfield Homeowners' Association and what they did for the neighborhood, however, felt the response to the current situation might be too extreme;

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- R. not all of the Smithfield Homeowners were in agreement with the Smithfield Homeowners' Association regarding this matter as some felt the applicant was adding to the neighborhood; and,
- S. felt it did not make sense to force the applicant to incur the financial burden of constructing the cul-de-sac because the applicant could not afford to construct the cul-de-sac and so the cul-de-sac could not be built and the area homeowners would have no more than what was currently in place, a situation with which they had lived since moving to the street.

Mr. DeMouy asked if Mr. Olsen remembered the issues with MAWSS referenced by the applicant.

Mr. Olsen stated he did and then listed the following differences in the two applications:

- A. some of the right-of-way with the MAWSS property would have to be vacated because it was included within the subdivision; and,
- B. the MAWSS property was currently developed whereas the applicant's property was not.

The following people spoke in opposition to the matter:

- Mark Pratt, Smithfield/Brentwood Homeowners' Association;
- Terri Bolin, 7300 Laurie Court, Mobile, AL;
- Greg Bolin, 7300 Laurie Court, Mobile, AL; and,
- Doug Anderson, Burr and Foreman Law Firm, on behalf of the Smithfield Homeowners' Association.

They made the following statements.

- A. felt the proponents of the project had offered information that was contrary to what the homeowners' association recalled;
- B. stated they had encountered no one in opposition to the petition against the trailer and the waiver of the required turnaround;
- C. stated the applicant did attend a meeting with the homeowners' association, but no concessions were made;
- D. the homeowners' association offered the applicant membership in their association so the covenants could be enforced, but the applicant was not interested in such;
- E. expressed belief the applicant was not interested in the home values and covenants of the Smithfield/Brentwood Subdivision homeowners and especially those around the applicant's property;
- F. expressed the belief that financial hardship should not be the basis for granting the waiver;
- G. regarding the examples of streets in the area where no cul-de-sacs/turnarounds had been built, advised school buses no longer

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- went down those streets as a result of the County allowing the streets to be built without the required turnaround;
- H. the sole request from the homeowners to the applicant has been if the property was to be completely entrenched within the Smithfield/Brentwood neighborhood, simply accept the same standards as the 350 neighbors who lived around the applicant which the applicant refused to do;
 - I. expressed the belief the applicant wanted to be a “stand alone” subdivision and in as much opposition requested the Commission apply the established rules to the applicant’s subdivision;
 - J. if rules, guidelines, and standards were excused simply on the basis of financial hardship, one could only imagine the chaos, disharmony, and lack of stability that would exist in the community;
 - K. noted the property in question had been the haven of various species of wildlife, not juvenile delinquents;
 - L. Mr. Anderson advised financial assistance had been offered regarding the matter, though not for the road, and he went on to state he would not divulge the amount as it was irrelevant and as attorneys it was unethical to discuss settlement negotiations with a “finder of fact, judge, or jury;”
 - M. simply wanted the regulations followed in this instance as waivers were only granted under certain circumstances when proof of hardship was provided and in this case the only hardship provided was financial, which should not be the basis for the waiver; and,
 - N. felt the request was out of character for the neighborhood and would have an adverse effect on said neighborhood, noting all of the cul-de-sacs in the Smithfield subdivision.

Mr. Miller asked if a “hammer head” turn around would be as acceptable to the neighbors as the cul-de-sac.

Mr. Bolin advised any form of a turn around acceptable to the City would be acceptable to the homeowners.

Mr. Vallas asked Mr. Bolin to remind him from the last meeting if there was a considerable amount of trash and dumping taking place on the property as he remembered pictures of the property with trash and debris on it.

Mr. Bolin did state over the years, trash had been dumped on the property, however satellite pictures show the lot to simply be wooded.

Mr. Vallas noted no one who actually lived on Janita Drive was there to speak that day.

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Mr. Turner reminded everyone of the fact the parties were supposed to meet to discuss the shared financial responsibility for the turn around and wondered what the association's current position was on the matter.

Mr. Vallas addressed the issue of the request being out of character for the neighborhood stating that only by creating three lots from the one large lot would the property remain in character.

In deliberation, Mr. Vallas commented he felt he had been the most vocal of the members regarding this project but he did not see the need to make the applicant construct the cul-de-sac. He did not object to requiring the right-of-way, but historically, the City had been granted right-of-way but not proceed with widening the road in that area.

Mr. Olsen stated widening the road was a different scenario than right-of-way for a cul-de-sac or a turnaround. He added it had been his experience that the County would not accept unconstructed right-of-way.

Mr. Vallas stated Janita Court had been functioning many years quite safely without the existence of a cul-de-sac or turnaround and not every street had to have a cul-de-sac or hammerhead. He felt the case before the Commission was a fine example of not needing either. He stated his opinion that it was far from the truth to state the applicants had created a "loop hole" with regards to not conforming to the rest of the subdivision.

Mr. Miller stated he agreed with a lot of Mr. Vallas' points. He added he felt the trailer issue had nothing to do with the matter either, other than to create "bad blood." He wished there had been some offer from the neighborhood to assist financially with the creation of the turnaround as he very much saw a need for a turn around of some kind.

Mr. Turner expressed his terrible disappointment in the fact both sides had not come together and formulated a compromise as to how the hammerhead could be constructed as he did not feel it was a financial burden that should be the primary responsibility of the developer of the land in question as it would benefit all of the residents of both subdivisions.

Mr. Vallas commented the best case scenario would have been for the applicant to agree to adopt the property owners' association's covenants if the property owners' association would pay for the hammerhead.

Mr. Miller wondered, as both sides now knew the feelings of the Commission, if another hold over might provide the necessary time for both sides to come to a mutually beneficial agreement.

Mr. Davitt added his belief the applicant was a very astute buyer as he purchased approximately an acre and a half piece of property in an established subdivision located in the county, and that said property was not bound by any of the covenants and/or restrictions within the subdivision which allowed him to benefit indirectly from said

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covenants and/or restrictions, yet the applicant was willing to come before the Planning Commission and asked that the requirement of him constructing a cul-de-sac or hammerhead be waived. Mr. Davitt stated he was not in favor of waiving anything and would like to see the matter approved as recommended by staff.

Mr. Vallas reminded Mr. Davitt the Commission could not enforce covenants in any way whatsoever, so the existence of said covenants should not carry any weight in this matter.

Mr. Davitt noted his understanding of Mr. Vallas' comment and added the financial hardship of constructing the required cul-de-sac should not carry any weight either.

Mr. Lawler commented the Commission was able to consider the circumstances surrounding the property and while the Commission was not bound by any property owners' covenants, the fact they existed and their relationship to other properties could certainly be considered.

Mr. Olsen reminded everyone the property was in the county, not bound by covenants and there was no zoning, so in reality the property could be developed commercially, which the Commission should consider as well. He added if the property were to be developed commercially, not saying the applicant would do so, but the potential to do so did exist at any point in time as long as it remained in the county and not under any zoning jurisdiction, which illustrated even more the need for some type of turn around to be provided.

Mr. Vallas asked if a trailer could be kept on the property without a building permit.

Mr. Olsen stated that was a question to be answered by the County.

Mr. Vallas asked Mr. Davitt's opinion on if a condition were made that subject to the property owner agreeing to adopting the covenants of the subdivision on providing a waiver of the cul-de-sac.

Mr. Lawler advised that could not be done.

Mr. Miller again presented the option of holding the matter over again.

Mr. Vallas moved the matter be approved subject to the staff's recommendation, removing Condition 1 which required the construction and dedication of the 120-foot hammerhead turnaround and associated right-of-way at the terminus of Janita Drive as depicted, modification of Condition 2 to state 25-foot minimum building setback line from the property line, and no further subdivision of said property.

Mr. Jordan seconded the motion.

Mr. Lawler pointed out the whole idea of the Planning Jurisdiction was the thought that the property involved might one day come into the city and thus be subject to zoning at

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some time. He added the idea of subdivision control was also to create harmonious development where things fit together. He noted, with that in mind, a cul-de-sac or a hammerhead was a part of good planning in this residential area.

Mr. Turner commented that was the problem as it was not fair to place the entire burden for the construction of such a turnaround on one individual when an entire subdivision benefitted from its construction.

Mr. Vallas noted pictures had been provided to the Commission at the last meeting the matter was heard showing where the applicant had taken a piece of property which had become a place people threw trash and debris and developing it properly into a compatible residential lot, which was more important than letting it remain as it was.

The Chair called the vote on Mr. Vallas' motion. The vote was tied with four in favor and four against, so the Chair cast the deciding vote against the matter and the motion died.

Mr. Davitt asked legal counsel for both sides if they believed if between that day's meeting and the January 5, 2012, meeting, some reconciliation could be made.

Both sides agreed to work very hard to that end with the applicant's attorney expressing concern that a hold over of that length would have her client living in a hotel another month.

Mr. Davitt compromised with offering December 15, 2011, as the hold over date, which was accepted.

At which time Mr. Miller moved, with second by Mr. Davitt, to hold the matter over until the December 15, 2011, meeting, with the applicant's agreement to allow time for the two sides to come to a mutually agreeable compromise.

The motion carried unanimously.

Case #ZON2011-02547 (Sidewalk Waiver)

Board of Water and Sewer Commissioners

(Northwest corner of Moffett Road and Shelton Beach Road Extension extending to the East side of Woodley Road, 420'± North of Moffett Road, extending to the East terminus of Mercedes Road extending to the South side of Le Ruth Road, 440± North of Mercedes Road).

Request to waive construction of a sidewalk along Shelton Beach Road, Mercedes Road, Le Ruth Road and a portion of Moffett Road.

Council District 1

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

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Tony Schachle, Volkert Inc., 3809 Moffett Road, spoke on behalf of the Board of Water and Sewer Commissioners. He made the following points for overall approval:

- A. there was a desire to put a silo on the site to enhance water treatment capabilities and to maintain compliance with EPA regulations;
- B. no additional construction or development was done at or around the property;
- C. as stated before it was not feasible to construct a City of Mobile standard sidewalk within the existing right-of-way along Moffett Road and Shelton Beach Road, a comment echoed by City of Mobile Engineering Department staff;
- D. installation of the sidewalk recommended for denial would require relocating the existing security fence surrounding the facility and most likely the utilities as well;
- E. there were security issues now in place that had not been in place prior to September 11, 2001, as the Department of Homeland Security had issued plans regarding guidelines for the same as presented in documentation from such organizations as the American Society of Civil Engineers, American Water Works Association, and Water Environment Federation;
- F. documents regarding the physical security of these type sites as developed by these organizations discussed deterrents and moving the fence closer to said facilities would create a security concern;
- G. putting in a sidewalk beside the facility would encourage people to walk there thus creating an increase in security risks; and,
- H. another site was planned for development along Shelton Beach Road and the sidewalk was proposed for construction at that location, with said sidewalk connected to Onderdonk Estate Apartments (aka Onderdonk Cottages)

In deliberation, Mr. Miller said he was all for modifying the sidewalk where Urban Forestry or City Engineering felt appropriate as he wanted the sidewalk built.

Mr. Davitt asked if the denial were more for the Moffett Road location or the Shelton Beach Road location.

Mr. Hoffman stated it was for both, as to the north of the Shelton Beach Road location a new apartment complex was being built on the east side of the road as well as there being existing residences on the west side of the road. He noted on the overhead the location of a single family residential subdivision in the area, the existing apartments, and the new apartment being built. He reminded the Commission of the need to continue the sidewalk which existed in front of the existing subdivision, providing the "link", so when the other property was developed, the sidewalks would be connected. He also noted the shopping center and grocery store within walking distance which added to the need for safe walking paths.

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Mr. Davitt said the point of his question was whether or not the sidewalk in question needed to run the full length of the property or was there a point where it could be stopped short by approximately 12 feet, eliminating the need to move fences and address security issues.

Mr. Hoffman stated the main locations where there would be fence issues would be near the intersection as the other fences were relatively near Moffett Road and Shelton Beach Road respectively. He added those areas also had utility issues, as well. Noting he was not an engineer, Mr. Hoffman stated it would seem there were sections of fencing which could be moved approximately five feet with minimum disruption as such a move did not appear to affect the basins and such.

Hearing no further opposition or discussion, a motion was made by Mr. Miller, with second by Mr. Turner, to deny the request for a sidewalk waiver along Moffett Road and Shelton Beach Road, as a sidewalk may be possible with an easement and relocation of an existing fence, and to approve the request for a sidewalk waiver along Woodley Road, Mercedes Road and Le Ruth Roads.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2011-00128

International Longshoremen's Associations Place Subdivision

505 Dr. Martin Luther King, Jr. Avenue, 251, 253 and 255 North Hamilton Street, and 256 North Lawrence Street.

(Northeast corner of North Lawrence and State Street and extending East to North Hamilton Street and North to Dr. Martin Luther King Jr. Avenue)

Number of Lots / Acres: 1 Lot / 0.9 Acre±

Engineer / Surveyor: Erdman Surveying LLC

Council District 2

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

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.

Jimmy Lafitte, 5360 Crosscreek Drive, Mobile, AL, spoke on behalf of the International Longshoremen's Association. He said his organization simply wanted to construct a parking lot on the property they were renovating. He said he saw the matter was recommended for holdover and was confused.

The Chair asked the staff to clarify for the applicant their reasons for requesting the holdover.

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Mr. Olsen stated a Planned Unit Development application need to be submitted in conjunction with the current subdivision request as there was a need to combine the multiple lots and parcels into one legal lot of record which would have more than one building on said lot.

Mr. Lafitte stated one of the structures was to be demolished so the parking lot could be built.

Mr. Olsen advised the site currently showed three structures and even if the applicant removed one of the structures, having two on the one legal lot of record would still require a Planned Unit Development application.

Mr. Lafitte advised the building in the front of the property belonged to someone else.

Mr. Olsen stated, based upon what had been submitted, the staff understood all of the property was owned by one entity and the information just provided confused the matter even more.

Mr. Lafitte advised the building and property not owned by the International Longshoremen's Association was actually owned by a member of the organization and that piece of property was very small in size.

Mr. Vallas asked if the applicant's engineer was present and was advised he was not.

The Chair asked if the staff would need additional information.

Mr. Olsen advised such was necessary especially due to the new information disclosed by the applicant at the meeting. He asked the applicant to have his engineer contact Mr. Palombo in the Planning Department.

Mr. Davitt asked Mr. Olsen to clarify which parcel needed to be included.

Mr. Olsen stated that was part of the confusion that needed to be cleared up during the holdover.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, to hold the above referenced matter over until the meeting of January 5, 2012, in order for the applicant to submit a separate Planned Unit Development application, to be submitted no later than December 5, 2011:

- 1) the inclusion of parcel R022906400003188, and applicable lots, fees and mailing labels;**
- 2) labeling of the size of the lot, in square feet, or provision of a table on the plat with the same information;**
- 3) dedication sufficient to comply with Section V.B.16 of the Subdivision Regulations at the intersection radius of North**

Lawrence Street and State Street;

- 4) **compliance with Engineering comments: “Provide dedication of a minimum radius of 25’, or as otherwise approved by the City, at N. Lawrence Street & State Street. 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 and must comply with all City of Mobile ROW code and ordinance requirements;”**
- 5) **placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies would be required prior to the issuance of any permits; and,**
- 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.**

The motion carried unanimously with only Mr. Turner recusing.

Case #SUB2011-00131

Revised Rangeline Business Park Subdivision, Unit One, Re-subdivision of Lots 1 & 2

3841 Abigail Drive

(South side of Abigail Drive, 495’ East of Rangeline Road)

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

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 4

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

Jerry Byrd, Byrd Surveying, spoke on behalf of the applicant. He asked for clarification from City of Mobile Engineering regarding dedication as specified in Condition 6 of the recommended conditions for approval. He added the 60 foot right-of-way located in front of Lot A was a result of it being developed with an open ditch section and when the road was extended it was done with curb and gutter and underground drainage. He stated currently there was a 50 foot right-of-way in front of it now. He felt the only space needed for dedication now was an area approximately five foot by five foot at the corner of Lot A.

Mr. Davis agreed with Mr. Byrd and accepted the five foot by five foot space at the corner of Lot A for dedication.

In deliberation, Mr. Davitt asked for clarification regarding the item mentioned by Mr. Byrd regarding staff’s recommendation number 6.

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Mr. Olsen offered there was a small portion of Lot A which had not been dedicated to make Abigail Drive 60 feet wide. He added as it was desirable to have Abigail Drive 60 feet wide the entire length of the lot, dedication of the five feet by five feet section from Lot A would accomplish such and the applicant was agreeable to the same.

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

- 1) **labeling of the lot sizes, in square feet, or provision of a table on the Final Plat with the same information;**
- 2) **placement of a note on the Final Plat stating that each lot is limited to one curb-cut to Abigail Drive, with the size, design, and exact location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) **depiction of the 25' minimum building setback line along Abigail Drive on the Final Plat;**
- 4) **placement of a note on the Final Plat stating that approval of all federal, state, and local agencies, as necessary due to wetlands, will be required prior to the issuance of any permits;**
- 5) **placement of a note on the Final Plat stating that the site must be developed in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species; and;**
- 6) **subject to the Engineering comments: “1) provide a dedication of a minimum 5' along Lot A, or as otherwise approved by the City Engineer; 2) any construction must comply with all stormwater and flood control ordinances; 3) 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; and 4) the plat should show the location of any existing wetlands or state that there are no wetlands present (if applicable.)”**

The motion carried unanimously.

Case #SUB2011-00132

Marston Place Subdivision, Re-subdivision of Lot 5 & Part of Lot 6

10 Oakland Avenue

(East side of Oakland Avenue, 200'± North of Old Shell Road)

Number of Lots / Acres: 2 Lots / 1.3 Acres±

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

Council District 7

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

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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 further opposition or discussion, a motion was made by Mr. Turner, with second by Mr. DeMouy, to waive Section V.D.3. of the Subdivision Regulations and approve the above referenced matter, subject to the following conditions:

- 1) placement of a note on the Final Plat stating that each lot is limited to one curb-cut to Oakland Avenue, with the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) labeling of each lot with its size in acres and square feet, with the correction of the size in square feet for Lot B, or the furnishing of a table on the Final Plat providing the same information;**
- 3) illustration of the 25' minimum building setback line on each lot;**
- 4) illustration of a compliant side yard setback for the carport on the West side of Lot B; and,**
- 5) placement of a note on the Final Plat stating that development of this site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species.**

The motion carried unanimously.

Case #SUB2011-00129
Cromer Place Subdivision

5891 Carol Plantation Road
(East side of Carol Plantation Road, 435'± North of Bourne Drive)
Number of Lots / Acres: 3 Lots / 5.5 Acres±
Engineer / Surveyor: Polysurveying Engineering – Land 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.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Vallas, to hold the above referenced matter over until the January 5, 2012, meeting so that the applicant can submit additional information by December 7, 2011, and comply with the following:

- 1) inclusion of Lot 2, Cromer Estates in the subdivision; and,**
- 2) submittal of mailing labels and notification fees.**

The motion carried unanimously.

Case #SUB2011-00130

Plantation North Subdivision

10700 Jeff Hamilton Road

(North side of Jeff Hamilton Road, 595'± West of Johnson Road West, and extending to the South side of Sheffield Road)

Number of Lots / Acres: 23 Lots / 6.0 Acres±

Engineer / Surveyor: Speaks & Associates Consulting Engineers, Inc.

County

The Chair announced the matter had been recommended for denial, however, if there were those who wished to speak on the matter to please do so at that time. He added there was also a file with information regarding the matter located at their places.

Doug Anderson, Burr and Foreman Law Firm, spoke on behalf of the site owner. He made the following points for approval:

- A. said over half of the lots in the subdivision met the 7200 square foot requirement with the smallest lot being a little over 6600 feet;
- B. felt the waiver regarding lot size should be granted noting the Briargrove Subdivision, located approximately a mile away on Jeff Hamilton Road from the proposed subdivision and was approved by the Commission in 2009, and had 40 substandard lots with the smallest being 5200 square feet, in Unit 1, with a total of 93 substandard lots finally approved;
- C. while not creating a true patio home in the proposed subdivision, the smaller lots would be very similar to such but would meet the City's setback requirement;
- D. a purchase agreement already existed with a homebuilder to buy all of the lots and build homes with the site plan currently before the Commission; and,
- E. there was a real demand for homes and lots such as proposed.

Mr. Olsen responded with the following points:

- A. when the Briargrove subdivision came before the Commission, it was believed they submitted documentation regarding why the development should have been considered an innovative subdivision, but no such documentation had been submitted with this application;
- B. no conditions had been prepared by staff as there was no justification for waiving any of the requirements; and,
- C. staff requested the matter be held over to allow time for the applicant to present justification for the requested waiver of requirements and time to prepare conditions based upon the same, if the Commission were leaning toward approval of the matter.

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Mr. Anderson stated they would be glad to present their justification in writing and had no issue with holding the matter over.

Mr. Vallas asked if there had been previous discussion regarding reducing some of the minimum requirements for lot sizes as there was a trend toward smaller lot sizes.

Mr. Olsen stated there had been discussion regarding modifying lot sizes and even in the City doing some density based residential zoning classifications, however, with staffing shortages, these issues were being addressed as time permitted.

Mr. Vallas voiced his understanding of current conditions and expressed his hope the Commission could consider these type requests which did seem reasonable.

Mr. Olsen advised the staff was most willing to consider these type requests as long as justification was provided, otherwise, staff was bound to review matters based upon the current regulations.

Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Miller, to hold the matter over until the January 5, 2012, meeting, to allow the applicant to submit justification for reduction in lot sizes.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2011-02837

Christ United Methodist Church

6101 & 6301 and Grelot Road and 1401 Hillcrest Road

(Southeast corner of Grelot Road and Hillcrest Road)

Planned Unit Development Approval to amend a previously approved Planned Unit Development allowing multiple buildings on a single building site and cross-access between building sites to allow construction of a new ball field and a new picnic pavilion.

Council District 6

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. He advised the Commission members of two letters at their places regarding the matter.

Steve Ellisor, Recreation Minister, Christ United Methodist Church, spoke on behalf of the applicant. He made the following points for approval of the matter that day:

- A. a recreation program was one of the many components of the Christ United Methodist Church's ministry with a large portion of

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- that focused upon children's recreation;
- B. 70% of the children involved in the Church's recreation program were area neighborhood children and not members of the church;
 - C. with most of the program focused on outside field play, external bathrooms were very important, the need for which had for many years been met through contracts with Port-A-Potty and hand washing facilities created using sinks purchased at Lowe's;
 - D. a decision was made that permanent facilities would be more appropriate and those were designed;
 - E. saw the plan as a glorified carport as it was a big, open facility with a couple of bathrooms and a storage area;
 - F. recognized the staff's concerns regarding additional lighting, permanent bleachers, fencing, and the like;
 - G. stated all of their equipment and such was portable, not permanently attached to the property;
 - H. as it was currently winter, this was an ideal time to build as all of their programs were now inside; and,
 - I. did not plan for any lighting which would effect the neighboring apartments.

Mr. Vallas asked the applicant's opinion regarding the staff's recommendation for a hold over.

Mr. Ellisor said he had submitted answers to the staff regarding their concerns.

Mr. Olsen advised the staff had received the applicant's responses in time so the staff had formulated Conditions of Approval which he read into the record:

- A. revision of the site plan to accurately depict all structures and fields on site, including storage buildings, location of ball fields, fencing, and bleachers (including the depiction of accurate sizes);
- B. compliance with Section 64-4.A.2. of the Zoning Ordinance, *Illumination of Uses*, which stated that "*lighting facilities used to illuminate signs, parking areas, or for other purposes shall be so arranged that the source of light does not shine directly into adjacent residence properties or into traffic;*"
- C. verification of any Americans with Disabilities Act-related site improvements required as part of the proposed ball field and pavilion, if any, and revision of the site plan to reflect those requirements;
- D. compliance with Engineering comments: "*Must comply with all stormwater and flood control ordinances, including providing stormwater detention plans and calculations for the proposed improvements;*"
- E. undertake measures to discourage users of the site from parking in non-designated/unpaved areas; and,

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F. full compliance with all other municipal codes and ordinances.

Mr. Ellisor agreed to the recommended Conditions of Approval as read.

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

- 1) **revision of the site plan to accurately depict all structures and fields on site, including storage buildings, location of ball fields, fencing and bleachers;**
- 2) **compliance with Section 64-4.A.2. of the Zoning Ordinance, *Illumination of uses, which states that “lighting facilities used to illuminate signs, parking areas, or for other purposes shall be so arranged that the source of light does not shine directly into adjacent residence properties or into traffic.”;***
- 3) **verification of any Americans with Disabilities Act-related site improvements required as part of the proposed ball field and pavilion, if any, and revision of the site plan to reflect those requirements;**
- 4) **compliance with Engineering comments: “*Must comply with all stormwater and flood control ordinances, including providing stormwater detention plans and calculations for the proposed improvements;*”**
- 5) **undertake measures to discourage users of the site from parking in non-designated / unpaved areas; and,**
- 6) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #ZON2011-02808 (Planned Unit Development)

St. Ignatius Parish

3650, 3704, 3708 and 3758 Springhill Avenue

(Northwest corner of Springhill Avenue and Tuthill Lane and extending to the Northeast corner of Springhill Avenue and Knowles Street)

Planned Unit Development Approval to amend a previously approved Planned Unit Development allowing multiple buildings on a single building site to include a future outdoor plaza, classrooms, parish hall, kitchen, cafeteria, and parking facilities.

Council District 7

(Also see **Case #ZON2011-02810 (Planning Approval) St. Ignatius Parish**, 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

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Speak on the matter they should do so at that time.

The following people spoke in opposition to the matter:

- Sjon Harless, 3724 Calderwood Drive, Mobile, AL;
- Barbara Knowles-Smith, 912 Knowles Street, Mobile, AL; and,
- Ruth Washington, 117 Carondolet Court North, Mobile, AL

They made the following points in opposition to the matter:

- A. concerns regarding noise and traffic as the residential driveways on Calderwood Drive accessed Springhill Avenue;
- B. due to the school associated traffic, at certain times of the day, the residents of 3724 Calderwood Drive would not be able to leave their property if an entrance/exit were allowed as proposed on the St. Ignatius Church property;
- C. wanted to know the plans for the property as those plans directly effected the quality of life for those with property in such a close proximity to the proposed development;
- D. wanted to know the expected time frame for the proposed construction to be completed as it had a direct effect upon the quality of life for those close to the development;
- E. still concerned over continuous drainage problems on Knowles Street and felt those would be aggravated by what was being proposed;
- F. concerned run off would not be sent in another direction but instead it would be added to the water retention problem currently in place on Knowles Street, especially the bottom left corner of the property in question as it was adjacent to residential property and stormwater run off had deteriorated part of the residential property already;
- G. expressed worry over the lighting of the field and how it would effect the adjacent residential properties;
- H. regarding the fence, the application showed it would only be on three sides, then application referenced the removal of barbed wire fencing from existing fencing along Knowles Street, or the possibility of applying for a variance to allow the barbed wire fence to remain, however, the adjacent residents wished the Commission to require the applicant to construct a wooden privacy fence as they were very opposed to the barbed wire;
- I. noted that permission had been given to St. Ignatius to put a drain through one of the adjacent property owner's land some years ago at no cost to the church so it was wondered if it would be possible to lower the land at McClain's and have the stormwater run off drain onto Springhill Avenue rather than bring it via drain down Knowles Street; and,

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- J. it was then suggested by the opposition that all come look at Knowles Street then read Psalm 37 and then read Matthew 7:21-27.

Mr. Olsen responded to opposition with the following:

- A. most of the multiple buildings shown on the property were currently in place and no new buildings were being proposed at this point; and,
- B. the property in question was the lot located at the very west end which had previously been proposed as a play field, but changes had to be made to the grading and topography which had not been part of the original application which meant City Engineering required more information and additional changes and those changes required new Planning Commission approval.

The Chair advised the opposition that due to the City's Stormwater Ordinance, the proposed development had to take control of all stormwater within their property and not let it have access to the property of others.

Mr. Vallas added Knowles Street was an older, established subdivision which had probably been developed prior to the subdivision itself having retention in place. He noted the street went down from Springhill Avenue, so a lot of the water simply continued to run down hill without ever having benefit of detention. He explained when the developers of the site in question developed their site, they would have to manage the water associated with their site, but they would not be required to manage any water associated with Springhill Avenue or the existing topography of the general area.

The Chair asked if the barbed wire fencing was different from the standard buffer fencing usually listed as a condition for approval when non-residential property was adjacent to residential property.

Mr. Olsen responded Condition 5 of the staff report required the six foot privacy fence and it also required it be at the setback line and not along the property line. He stated the existing fence with barbed wire was along the property line, so if the applicant chose to make the application for variance to retain the existing barbed wire fence and it were to be approved, they would actually have two fences.

The Chair advised Mrs. Knowles-Smith that Mr. Adams was the engineer for the project and suggested she speak with him regarding the stormwater run off issues.

The Chair advised any decision to change the current plan for drainage as suggested by opposition would have to first be made by the St. Ignatius parish then come before City Engineering for review, and then the Planning Commission for approval.

Eric Adams, Clark, Geer, Latham and Associates, spoke as engineer for the project. He made the following points in response to opposition comments:

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- A. documents had been presented to the City regarding re-grading and drainage control for the green space noted for the project;
- B. the stormwater run off was being collected on the site and not “sheet flowing” into the street and across adjacent residential properties;
- C. the water was being collected at the north end of the property and being put into the underground stormwater system;
- D. regarding the issue of barbed wire, it would be removed and not replaced; and,
- E. regarding draining the property onto Springhill Avenue, noted there was approximately a 15 foot elevation difference and to attempt to change that would be financially impractical for the church.

The Chair asked Mr. Adams if he would be willing to speak with Mrs. Knowles-Smith and Mrs. Washington after the day’s meeting to which Mr. Adams agreed.

Hearing no further 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) revision of the site plan to reflect dedication of right-of-way along Spring Hill Avenue (50-feet from centerline) and Knowles Street (25-feet from centerline), including a corner radius;**
- 2) revision of the plat and site plan to depict and label the 25-foot minimum building setback from all open public rights-of-way;**
- 3) revision of the site plan to depict and label a 10-foot minimum building setback and buffer from all other property boundaries that are not open public rights-of-ways;**
- 4) revision of the site plan to depict any existing or proposed gated driveway entries or walls;**
- 5) provision of a 6-foot high wooden privacy fence for the greenspace area at the 25-foot street setback and 10-foot buffer setback lines on the South, West, and North sides, removing the existing fence along Spring Hill Avenue with permits, prior to the use of the space;**
- 6) provision of frontage trees for the greenspace area along Spring Hill Avenue and Knowles Street, to be coordinated with Urban Forestry;**
- 7) removal of barbed-wire from the existing fence along Knowles Street, or application for a variance to allow the barbed-wire to remain;**
- 8) placement of a note on the site plan stating that a Traffic Impact Study will be required prior to the construction of any**

- new buildings on the site, to be submitted to Traffic Engineering and Planning at least 2 months prior to the anticipated new construction;
- 9) placement of a note on the site plan stating that the site is limited to an approved Planned Unit Development and Planning Approval site plan;
 - 10) placement of a note on the site plan stating that lighting of the site and parking areas will comply with Sections 64-6.A.3.c. and 64-4.A.2. of the Zoning Ordinance;
 - 11) compliance with Engineering comments: *“Must comply with all stormwater and flood control ordinances, including providing stormwater detention plans and calculations for the proposed improvements. Provide a dedication of a minimum radius of 25’, or as otherwise approved by the City, at the intersections of Spring Hill Avenue & Tuthill Lane, and at Spring Hill Avenue and Knowles Street. 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. Drainage from any existing or proposed dumpster pads cannot discharge to the storm sewer system; each pad must have a connection to the sanitary sewer system;”*
 - 12) compliance with Urban Forestry comments: *“Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Coordinate with Urban Forestry the proposed grading under the drip line of the 33” Live Oak Tree located on the South side of the project area;*
 - 13) placement of a note on the plat and site plan stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, prior to the issuance of any permits or land disturbance activities;
 - 14) submission of a revised PUD site plan to the Planning Section of Urban Development prior to any request for land disturbance permits;
 - 15) at the time of application for permit(s), the applicant is to submit letters of notification of permit submission, which are to be mailed to residents of Knowles Street as notified for these applications at the applicant’s expense, to the Planning Section of Urban Development (letters to be date stamped by the Planning Section when received) and,
 - 16) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2011-02810 (Planning Approval)

St. Ignatius Parish

3650, 3704, 3708 and 3758 Springhill Avenue

(Northwest corner of Springhill Avenue and Tuthill Lane and extending to the Northeast corner of Springhill Avenue and Knowles Street)

Planning Approval to amend a previously approved Planning Approval allowing an existing church and school in an R-1, Single-Family Residential District.

Council District 7

(Also see **Case #ZON2011-02808 (Planned Unit Development) St. Ignatius Parish**, above)

Hearing no further 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) **revision of the site plan to reflect dedication of right-of-way along Spring Hill Avenue (50-feet from centerline) and Knowles Street (25-feet from centerline), including a corner radius;**
- 2) **revision of the plat and site plan to depict and label the 25-foot minimum building setback from all open public rights-of-way;**
- 3) **revision of the site plan to depict and label a 10-foot minimum building setback and buffer from all other property boundaries that are not open public rights-of-ways;**
- 4) **revision of the site plan to depict any existing or proposed gated driveway entries or walls;**
- 5) **provision of a 6-foot high wooden privacy fence for the greenspace area at the 25-foot street setback and 10-foot buffer setback lines on the South, West, and North sides, removing the existing fence along Spring Hill Avenue with permits, prior to the use of the space;**
- 6) **provision of frontage trees for the greenspace area along Spring Hill Avenue and Knowles Street, to be coordinated with Urban Forestry;**
- 7) **removal of barbed-wire from the existing fence along Knowles Street, or application for a variance to allow the barbed-wire to remain;**
- 8) **placement of a note on the site plan stating that a Traffic Impact Study will be required prior to the construction of any new buildings on the site, to be submitted to Traffic Engineering and Planning at least 2 months prior to the anticipated new construction**
- 9) **placement of a note on the site plan stating that the site is limited to an approved Planned Unit Development and Planning Approval site plan;**

- 10) placement of a note on the site plan stating that lighting of the site and parking areas will comply with Sections 64-6.A.3.c. and 64-4.A.2. of the Zoning Ordinance;
- 11) compliance with Engineering comments: *“Must comply with all stormwater and flood control ordinances, including providing stormwater detention plans and calculations for the proposed improvements. Provide a dedication of a minimum radius of 25’, or as otherwise approved by the City, at the intersections of Spring Hill Avenue & Tuthill Lane, and at Spring Hill Avenue and Knowles Street. 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. Drainage from any existing or proposed dumpster pads cannot discharge to the storm sewer system; each pad must have a connection to the sanitary sewer system;”*
- 12) compliance with Urban Forestry comments: *“Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Coordinate with Urban Forestry the proposed grading under the drip line of the 33” Live Oak Tree located on the South side of the project area;”*
- 13) placement of a note on the plat and site plan stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, prior to the issuance of any permits or land disturbance activities;
- 14) submission of a revised PUD site plan to the Planning Section of Urban Development prior to any request for land disturbance permits;
- 15) at the time of application for permit(s), the applicant is to submit letters of notification of permit submission, which are to be mailed to residents of Knowles Street as notified for these applications at the applicant’s expense, to the Planning Section of Urban Development (letters to be date stamped by the Planning Section when received;) and,
- 16) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2011-02809 (Planned Unit Development)

McGill-Toolen High School

60 & 64 North Catherine Street and 1501 Old Shell Road
(South side of Old Shell Road extending from the West side of Lafayette Street to the East side of Catherine Street; Northwest corner of Old Shell Road and Kilmarnock Street, and North side of Old Shell Road between Kilmarnock Street and Catherine Street; Northeast corner of Dauphin Street and Lafayette Street; Northwest corner of Dauphin Street and Lafayette Street; Southeast corner of Old Shell Road and Lafayette Street and extending South along the East side of Lafayette Street 695'±)

Planned Unit Development Approval to amend a previously approved Planned Unit Development Master Plan to modify a previously approved parking lot addition.

Council District 2

(Also see **Case #ZON2011-02811 (Planning Approval) McGill-Toolen High School**, 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. Vallas, with second by Mr. Davitt, to approve the above referenced matter, subject to the following conditions:

- 1) **full compliance with the landscaping and tree plantings ordinance; and,**
- 2) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2011-02811 (Planning Approval)

McGill-Toolen High School

60 & 64 North Catherine Street and 1501 Old Shell Road
(South side of Old Shell Road extending from the West side of Lafayette Street to the East side of Catherine Street; Northwest corner of Old Shell Road and Kilmarnock Street, and North side of Old Shell Road between Kilmarnock Street and Catherine Street; Northeast corner of Dauphin Street and Lafayette Street; Northwest corner of Dauphin Street and Lafayette Street; Southeast corner of Old Shell Road and Lafayette Street and extending South along the East side of Lafayette Street 695'±)

Planning Approval to amend a previously approved Planning Approval Master Plan to modify a previously approved parking lot addition and allow an existing private church school in an R-1, Single-Family Residential District.

Council District 2

(Also see **Case #ZON2011-02809 (Planned Unit Development) McGill-Toolen High School**, above)

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

- 1) full compliance with the landscaping and tree plantings ordinance; and,
- 2) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2011-02822 (Planned Unit Development)

Waterfront Rescue Mission, Inc.

254 & 260 North Scott Street, 279 North Washington Avenue
(Southeast corner of Congress Street and North Scott Street, Southwest corner of Congress Street and North Washington Avenue, Northwest corner of State Street and North Washington Avenue)

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

Council District 2

(Also see **Case #ZON2011-02823 (Planning Approval) Waterfront Rescue Mission, Inc.**, below)

Mr. Plauche and Mr. Turner recused themselves from discussion and voting on the matter.

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

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

- 1) **compliance with Engineering comments:** *“Must comply with all stormwater and flood control ordinances, including providing stormwater detention plans and calculations for the proposed improvements. Any work performed in the existing ROW (rights-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. Show the Minimum Finished Floor Elevation on the Plat. There is to be no fill placed or buildings constructed within the limits of the flood plain without providing compensation or submission of an approved No Rise Certification or Flood Study;”*
- 2) **compliance with Traffic Engineering comments:** *“Minimum sidewalk width shall be 4 feet, not 3 feet as illustrated in the plan;”*
- 3) **revision of the site plan to depict curbing and/or bumper stops for all parking and circulation areas in order to protect**

- adjacent landscape and sidewalk areas;
- 4) revision of the site plan to illustrate an enclosure around the dumpster in compliance with Section 64-4.D.9. of the Zoning Ordinance;
 - 5) placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development approval prior to the issuance of any permits;
 - 6) revision of the site plan to clearly depict a fence along the Southwest perimeter of the site, in accordance with Section 64-4.D.1. of the Zoning Ordinance;
 - 7) placement of a note on the site plan stating that the parking area will be illuminated in accordance with the requirements of Section 64-6.A.3.c. of the Zoning Ordinance;
 - 8) placement of a note on the site plan stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;
 - 9) completion of the Subdivision process;
 - 10) provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the Final Plat; and,
 - 11) full compliance with all municipal codes and ordinances.

The motion carried unanimously with Mr. Plauche and Mr. Turner recusing.

**Case #ZON2011-02823 (Planning Approval)
Waterfront Rescue Mission, Inc.**

254 & 260 North Scott Street, 279 North Washington Avenue
(Southeast corner of Congress Street and North Scott Street, Southwest corner of Congress Street and North Washington Avenue, Northwest corner of State Street and North Washington Avenue)

Planning Approval to allow an emergency shelter in a B-4, General Business District.
Council District 2

(Also see **Case #ZON2011-02822 (Planned Unit Development) Waterfront Rescue Mission, Inc.**, above)

Mr. Plauche and Mr. Turner recused themselves from discussion and voting on the matter.

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

- 1) **compliance with Engineering comments: “*Must comply with all stormwater and flood control ordinances, including providing***

stormwater detention plans and calculations for the proposed improvements. Any work performed in the existing ROW (rights-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. Show the Minimum Finished Floor Elevation on the Plat. There is to be no fill placed or buildings constructed within the limits of the flood plain without providing compensation or submission of an approved No Rise Certification or Flood Study;”

- 2) **compliance with Traffic Engineering comments: “Minimum sidewalk width shall be 4 feet, not 3 feet as illustrated in the plan;”**
- 3) **placement of a note on the site plan that the shelter is limited to 100 beds, and an increase in the number of beds will require a new variance application be submitted to the Board of Zoning Adjustment;**
- 4) **placement of a note on the site plan stating that changes to the scope of operations or site plan for Waterfront Rescue Mission, Inc. will require new applications for Planning Approval and Planned Unit Development;**
- 5) **placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development approval prior to the issuance of any permits;**
- 6) **revision of the site plan to depict curbing and/or bumper stops for all parking and circulation areas in order to protect adjacent landscape and sidewalk areas;**
- 7) **revision of the site plan to clearly depict a fence along the Southwest perimeter of the site, in accordance with Section 64-4.D.1. of the Zoning Ordinance;**
- 8) **placement of a note on the site plan stating that the parking area will be illuminated in accordance with the requirements of Section 64-6.A.3.c. of the Zoning Ordinance;**
- 9) **placement of a note on the site plan stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;**
- 10) **completion of the Subdivision process;**
- 11) **provision of a revised Planning Approval site plan to the Planning Section of Urban Development prior to the signing of the Final Plat; and,**
- 12) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously with Mr. Plauche and Mr. Turner recusing.

Case #SUB2011-00133 (Subdivision)

Midtown Mobile Subdivision, First Addition

1729 & 1733 Springhill Avenue

(Southeast corner of Springhill Avenue and Mobile Infirmery Boulevard)

Number of Lots / Acres: 1 Lot / 1.7± Acres

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

Council District 2

(Also see **Case #ZON2011-02857 (Rezoning) Infirmery Health System, Inc.**, 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. Vallas, with second by Mr. Davitt, to approve the above referenced matter, subject to the following conditions:

- 1) **placement of a note on the plat limiting two curb-cuts to the development, with the size, location, and design to be approved by Traffic Engineering and ALDOT, in conformance to AASHTO standards;**
- 2) **labeling of the lot with its size in square feet;**
- 3) **provision of the 25-foot minimum building setback line along Springhill Avenue and Mobile Infirmery Boulevard;**
- 4) **dedication to provide sufficient radius at the corner of Springhill Avenue/Mobile Infirmery Boulevard to be approved by Traffic Engineering and ALDOT;**
- 5) **placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;**
- 6) **compliance with Urban Forestry comment: “*Preservation status is to be given to the 48” Live Oak Tree located on the North side of Lot 1. 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;*”**
- 7) **compliance with Engineering comments: “*Must comply with all stormwater and flood control ordinances, including providing stormwater detention plans and calculations for the proposed improvements. Any work performed in the existing ROW (rights-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;*” and,**
- 8) **completion of the Subdivision process prior to any application for land disturbance or building permits.**

The motion carried unanimously.

Case #ZON2011-02857 (Rezoning)

Infirmiry Health System, Inc.

1729 & 1733 Springhill Avenue

(Southeast corner of Springhill Avenue and Mobile Infirmiry Boulevard)

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

Council District 2

(Also Case #SUB2011-00133 (Subdivision) **Midtown Mobile Subdivision, First Addition**, above)

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

- 1) **completion of the subdivision process;**
- 2) **compliance with the landscaping and tree requirements of the Zoning Ordinance to include “*Preservation status is to be given to the 48” Live Oak Tree located on the North side of Lot 1. 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;*” and,**
- 3) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

OTHER BUSINESS:

The Chair opened the Public Hearing for comments regarding *The New Plan for Mobile*, an amendment to the Comprehensive Plan, and the Public Hearing to consider adoption of an amendment to the Planned Unit Development Section of the Zoning Ordinance.

The following people spoke on the matters:

- Elizabeth Sanders on behalf of the Mobile Downtown Alliance; and,
- Dan Dealy, Mayor Sam Jones’ program manager for *The New Plan for Mobile*.

They made the following points in favor of both matters:

- A. the Downtown Alliance was a partner with the City of Mobile and Mayor Jones in the development of said plan;
- B. Mayor Jones showed bold leadership in initiating the Plan as it had been many years since a new Downtown plan had been created with only an update to the 1992 plan crafted in 1996;

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- C. additionally, the Mayor showed leadership in dramatically expanding the planning area to include adjacent neighborhoods which surround the downtown area;
- D. there were many steps toward the fulfillment of the new Plan but the most important step was the adoption of said plan;
- E. approximately 35 organizations had financially contributed to the alliance, with both individuals as well as corporations paying the Alliance's contribution to the drafting of the new Plan and gave the Commission a copy of that list;
- F. in addition to the individuals and corporations listed as contributors, over the course of a year, more than 1500 citizens in the planning area participated in a series of Public Meetings and by providing feedback to the Planning team, which was in addition to stake holders who were specifically invited for direct conversations with the planners;
- G. the Plan, as before the Commission, had been vetted through the public with the recommendations, and to Mr. Dealy's knowledge, no positive or negative comments had been received regarding the Plan.

Mr. Olsen responded to Mr. Dealy by saying through the City's advertisements and via the website, it had been stated comments regarding the Plan could be made in writing to the Planning staff and none were received. He noted the meetings held in the various planning areas were very well attended, commenting he attended one at the School of Math and Science and the main auditorium there was full. He said he also attended a public meeting at Craighead School and its gymnasium was full. He added his feelings that the Plan was very representative of the thoughts and wants of the citizens for their communities.

Mr. Miller asked if Mr. Olsen felt those in attendance were positive toward the Plan to which Mr. Olsen responded absolutely and those in attendance understood it was a long range Plan, taking up to 25 years to possibly accomplish and not a mandate for development.

Hearing no further discussion, the Chair closed the Public Hearing portion of the meeting and went into deliberation on both issues.

A motion was made by Mr. Plauche, with second by Mr. Miller, to approve the adoption of The New Plan for Mobile, an amendment to the Comprehensive Plan.

The motion carried unanimously.

A motion was made by Mr. Plauche, with second by Mr. DeMouy, to adopt an amendment to the PUD Section of the Zoning Ordinance.

The motion carried unanimously.

December 1, 2011
Planning Commission Meeting

Hearing no further business, the meeting was adjourned.

APPROVED:

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

jsl