

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF DECEMBER 2, 2010 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
Victoria L. Rivizzigno, Secretary
Stephen J. Davitt, Jr.
Herb Jordan
Mead Miller
Roosevelt Turner
John Vallas
James F. Watkins, III

Members Absent

William G. DeMouy, Jr.
Nicholas H. Holmes, III

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Bert Hoffman,
Planner II
Marie Cross,
Planner I
Gerard McCants,
Urban Forestry
Joanie Stiff-Love,
Secretary II

Others Present

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

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

Mr. Plauche stated the number of members present constituted a quorum and called the meeting to order, advising all attending of the policies and procedures pertaining to the Planning Commission.

HOLDOVERS:

Case #SUB2010-00106 (Subdivision)

Theodore Knights of Columbus Subdivision

5800 Swedetown Road North

North side of Swedetown Road North, 300'± West of U. S. Highway 90 West

Number of Lots / Acres: 2 Lots / 10.0± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

Council District 4

(Also see **Case #ZON2010-02307 (Rezoning) John Swan**, below)

The Chair announced the application had been recommended for approval.

December 2, 2010
PLANNING COMMISSION MEETING

Brett Orrell, Polysurveying of Mobile, requested that the matter be withdrawn.

The Chair accepted the request to withdraw the matter at that time.

Case #ZON2010-02307 (Rezoning)

John Swan

5800 Swedetown Road North

North side of Swedetown Road North, 300'± West of U. S. Highway 90 West
Rezoning from R-1, Single-Family Residential District, and B-3, Community Business
District, to B-3, Community Business District, to eliminate split zoning

Council District 4

(Also see **Case #SUB2010-00106 (Subdivision) Theodore Knights of Columbus**
Subdivision, above)

The Chair announced the application had been recommended for approval.

Brett Orrell, Polysurveying of Mobile, requested that the matter be withdrawn.

The Chair accepted the request to withdraw the matter at that time.

EXTENSIONS:

Case #SUB2007-00284 (Subdivision)

Bellingrath Road Country Club Estates Subdivision, Second Addition to

8031 Bellingrath Road

East side of Bellingrath Road, 545'± South of the East terminus of Mardanne Drive

Number of Lots / Acres: 33 Lots / 25.3± Acres

Engineer / Surveyor: Rester and Coleman 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.

There was no one present to speak for or against the matter.

In deliberation, Mr. Vallas asked how many times the matter had been before the Commission requesting an extension to which Mr. Olsen expressed his belief that this was either the third or fourth request for an extension.

Hearing no opposition or further discussion, a motion was made by Mr. Miller, with second by Mr. Vallas, to deny the above referenced request for extension.

The motion carried unanimously.

Case #ZON2009-02782 (Planned Unit Development)

Dominion Senior Living of West Mobile, LLC

901 Somerby Drive

Northeast corner of Somerby Drive and Somerby Way [private street]

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow the expansion of an existing assisted living facility

Council District 6

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 Dr. Rivizzigno, to approve the above referenced request for a one-year extension.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2010-00124

Doris Place Subdivision, Re-subdivision of Lot 1

8307 Lake Louise Drive

Southeast corner of Lake Louise Drive and Lake Louise Drive East

Number of Lots / Acres: 2 Lots / 4.2± 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.

Hearing no opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Vallas, to waive Section V.D.3. and approve the above referenced matter, subject to the following conditions:

- 1) **illustration of the 25' minimum building setback line along Lake Louise Drive and Lake Louise Drive East;**
- 2) **labeling of each lot with its size in both square feet and acres, or the furnishing of a table on the final plat providing the same information;**
- 3) **placement of a note on the final plat stating that each lot is limited to one curb-cut to Lake Louise Drive, 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 approval of all applicable federal, state, and local agencies is required for**

- endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;
- 5) revision of the plat to label the marshy area NWI wetlands and 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 wetlands;
 - 6) 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;
 - 7) placement of a note on the final plat stating that compliance with FEMA floodplain regulations is required; and,
 - 8) 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 #SUB2010-00127

Theodore Oaks Shopping Center Subdivision

5796, 5808, 5810 and 5812 US Highway 90 West

Northwest corner of US Highway 90 West and Theodore Dawes Road

Number of Lots / Acres: 5 Lots / 13.8± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

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.

Doug Anderson, Burr and Foreman Law Firm, spoke on behalf of the owner/applicant. He stated they were comfortable with all of the recommendations with the exception of Condition 1. He advised the Commission members that he had provided them with a copy of the site plan with the road frontage highlighted. He then made the following points in referenced to Condition 1:

- A. noted that on the two outparcels (Lots 1 and 4), the eastern (top) lot was the location of a Hardee's restaurant which had been there for a couple of decades and the "bottom" lot

December 2, 2010
PLANNING COMMISSION MEETING

housed a Regions bank which had been constructed and opened within the last year;

- B. noted that requiring additional dedication of right-of-way on those two lots would cause the right-of-way to basically be located at the front door of each business; and,
- C. noted that he had spoken with Mr. Olsen earlier that morning about keeping Condition 1 as a requirement for Lot 2, which is the shopping center lot, but removing it as a condition for the two outparcels.

Mr. Olsen responded that the staff would be comfortable with the dedication only being for Lot 2 with the setback being shown as the setback in the future right-of-way on Lots 1 and 4, noting this was also a requirement of the Zoning Ordinance..

Hearing no opposition or further 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) **dedication of sufficient right-of-way along the U.S. Highway 90 West frontage of Lot 2 to provide 125 feet as measured from the centerline, and placement of the 25' building setback line for Lots 1 and 4 from the future right-of-way line;**
- 2) **dedication of sufficient right-of-way along Theodore Dawes Road to provide 50-feet from centerline, except for that portion adjacent to the Mobile County Water, Sewer, and Fire Protection Authority pumping station if the facility must include the property for the existing facility;**
- 3) **placement of a note on the final plat stating that the site is limited to its existing curb-cuts [three (3) to U.S. Highway 90 West and seven (7) onto Theodore Dawes Road], with any changes to the size, design, and location of the existing curb-cuts to be approved by Traffic Engineering and ALDOT, and to conform to AASHTO standards.**
- 4) **resolution of the lots crossing jurisdictional boundaries so that they are either fully within or fully excluded from the City of Mobile, prior to any attempt to obtain building permits from the City of Mobile or Mobile County;**
- 5) **depiction of the 25-foot minimum building setback line from all street frontages, as required by Section V.D.9. of the Subdivision Regulations;**
- 6) **the labeling of each lot with its size in square feet, or placement of a table on the plat with the same information;**
- 7) **compliance with Engineering comments: *“If utilizing an existing detention system, need Engineer’s certification that the detention system is adequately sized for the development and is functioning. Must comply with all stormwater and flood control***

ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;" and,

- 8) **placement of a note on the plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2010-02640

Hutchison, Moore, and Rauch LLC

Southeast corner of Dauphin Street and Sage Avenue, and West side of Sage Avenue, ¼ mile+ South of Dauphin Street, extending to the West termini of Exeter Drive and South Sherwood Drive

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow shared access between three building sites

Council District 1

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. Vallas asked if there had not been another bank outparcel at the site in question.

Doug Anderson, Burr and Foreman Law Firm, spoke on behalf of the Graff family and Graff Dairy Properties, LLC, current owners of the property in question. He addressed Mr. Vallas' question with the following information:

- A. there had been a previously approved Planned Unit Development which had included the parcel in question and at that time it had been sold to Hancock Bank, however, Hancock Bank no longer owned the property in question; and,
- B. in representing the current property owners, he expressed concern regarding Condition 7, stating that they had no problem providing privacy fencing where it was needed as a buffer, however, the current verbiage limited it to a 6 foot high wrought iron fence with brick columns and they hoped to eliminate that specific verbiage as a different tenant might not wish to use such medium.

December 2, 2010
PLANNING COMMISSION MEETING

Mr. Olsen stated that the Commission could choose to change that condition if they so wished to simply reflect a six foot high privacy fence where the site abutted R-1, residentially zoned, property.

In deliberation, Mr. Olsen advised the Commission that the other lot discussed would have to come back before the Commission regardless of their impending decision regarding the fence, as any change was considered to impact the entire Planned Unit Development.

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

- 1) **compliance with Engineering comments:** *“Due to an existing undersized drainage system, any stormwater discharge from the east side of the property will require, at a minimum, detention for a 100 year storm event with a 10 year storm event release rate. The receiving system must be analyzed to verify that there is enough capacity to receive the discharge and needs to be analyzed down to at least Ralston Rd. Discharge to the west (Sage Avenue drainage system) also requires analysis verifying that there is sufficient capacity to receive the discharge. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. All runoff from the property needs to be collected on site and shall not discharge onto City of Mobile ROW;”*
- 2) **compliance with Traffic Engineering comments:** *“Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. As per the Traffic Impact Study, the driveway on Dauphin Street is restricted to a right in/right out access only. Changes should be made to the access to accommodate this restriction;”*
- 3) **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). Due to existing Live Oak Trees located within the 25’ building setback line along Dauphin Street, all new curb cuts and internal drives for this project shall be coordinated with Urban Forestry in order to minimize the impact to the roots of the Live Oak Trees;”*
- 4) **revision of the bank site plan to depict full compliance with the tree and landscape requirements of the Zoning Ordinance;**
- 5) **revision of the bank site plan and drive-through design to ensure the provision of 9-foot wide minimum drive-through**

December 2, 2010
PLANNING COMMISSION MEETING

- lanes with stacking areas meeting Zoning Ordinance requirements;
- 6) revision of the site plan to ensure that any proposed generator or other structure exceeding three feet in height complies with all required setbacks;
 - 7) provision of a natural buffer with a 6' high wooden privacy fence along the East property line where the LB-2 abuts residentially zoned properties, and a 6' high wooden privacy fence along the East property line where the R-3 abuts residentially zoned properties, at the time of development of those lots;
 - 8) compliance with Fire Department Comments: *“All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, with local amendments, and the 2003 International Existing Building Code;”*
 - 9) the driveway number, location, and size are limited to an approved PUD site plan (one curb-cut to Dauphin Street and one curb-cut to Sage Avenue) subject to Traffic Engineering approval;
 - 10) construction and repairs of sidewalks along Dauphin Street and Sage Avenue as necessary, as the adjacent property is developed;
 - 11) full compliance with all municipal codes and ordinances;
 - 12) submission of a revised site plan reflecting these conditions prior to the issuance of any permits; and,
 - 13) submission of a new application for PUD approval prior to the development of Lots 1, 3, 4, or 5 beyond the driveways associated with the development on Lot 2.

The motion carried unanimously.

Case #ZON2010-02642

WRC Properties, LLC

3333 Cottage Hill Road and 800 Executive Park Drive

East side of Cottage Hill Road, 180'± West of Executive Park Drive, extending to the West side of Executive Park Drive, 30'± South of the West terminus of Executive Park Circle

Planned Unit Development Approval to allow shared access and over-flow parking between two building sites and an off-site inflatable equipment lay-down yard
Council District 5

Mr. Plauche recused himself from discussion and voting on the matter at which point, Dr. Rivizzigno, as Planning Commission Secretary, led the meeting.

Dr. Rivizzigno announced the request for the off-site inflatable equipment lay-down

December 2, 2010
PLANNING COMMISSION MEETING

yard in a B-2 district had been recommended for denial, however, the request for shared access and over-flow parking between two building sites had been recommended for approval. She added that if there were those who wished to speak on the matter to please do so at that time.

The applicant was in agreement with the recommendations.

The following people spoke in opposition to the matter:

- Frank Dagley, 717 Executive Park Drive, Mobile, AL, Frank A. Dagley and Associates;
- Tom Galloway, Jr., Galloway, Wettermark, Everest, Rutens, and Gaillard Law Firm, 3263 Cottage Hill Road, Mobile, AL;
- Ray Thompson, Rayco, 808 Executive Park Drive, Mobile, AL; and,
- Richard Ellison, Shoe Station, 720 Executive Park Drive, Mobile, AL.

They made the following points against the matter:

- A. as owners of property on Executive Drive, expressed the feeling that the neighborhood character was one of professional offices and inasmuch the development would not be in character with the subdivision;
- B. noted the property that fronted Cottage Hill Road had B-3 zoning and the property that fronted Executive Park Drive had B-2 zoning and to allow a driveway which would access both properties was total against the reasons for zoning;
- C. expressed concern that the drive would unnecessarily increase traffic on Executive Park Drive as well as create “cut thru” traffic issues;
- D. expressed no objections to Mobile Popcorn using the lot for employee parking, such as was done by the Harley-Davidson distributor, however, there were strong objections to their being allowed to drive through the lot;
- E. noted much opposition to the potential of large trucks, transport trucks, and delivery trucks, including 18 wheelers, coming and going from Mobile Popcorn, as this was seen to be very much outside the professional character of the neighborhood and it was felt it would devalue the current properties, as well as put a strain of the current traffic situation; and,
- F. expressed the belief that the entire Executive Park area was designed and meant for professional office buildings and expressed concern regarding noise and other distractions

December 2, 2010
PLANNING COMMISSION MEETING

that the development, as proposed, might cause.

Mr. Vallas asked the staff if an off-site, inflatable equipment lay down yard was meant to include inflatable “jumps” and was advised by Mr. Olsen yes. Mr. Olsen also reminded the Commission that part of the application had been recommended for denial by the staff.

Mr. Watkins noted that in looking at Lot 5, he could not tell if there was ingress and egress from that lot or if it was simply parking.

Mr. Olsen stated the proposed development called for a driveway to connect Lot 5 to the existing Mobile Popcorn site.

Mr. Watkins explained he was looking at Lot 5’s frontage on Executive Park Drive and needed clarification as to whether those were parking spots which appeared to be open onto Executive Park Drive and would those be closed.

Mr. Olsen responded that what Mr. Watkins saw was the proposed driveway. He advised that the current Executive Park Drive lot was undeveloped and the information showing on the plat was what was being proposed and not actual.

Mr. Vallas asked what the zoning requirements were for an inflatable equipment lay down yard.

Mr. Olsen stated that outside equipment storage required a minimum of B-3 zoning.

Mr. Vallas noted that it was his understanding that B-3 was for a contractor’s storage yard or something along that line, however, the type of equipment planned for the site would not have the same negative impact on the area.

Mr. Olsen noted that the Zoning Ordinance did not directly address the type of rental equipment involved nor the storage of the same, however, every other type of storage yard facility required B-3 if it was not completely enclosed within a structure.

Chris Reilly, one of the owners of WRC Properties and of Mobile Popcorn, spoke in response to the opposition. He offered the following:

- A. when WRC decided to develop this property, they tried to go through all of the right channels including going to the subdivision’s Architectural Control Committee;
- B. noted that a copy of the information from their meeting with that Architectural Control Committee should be in the file and also noted that the Committee had approved it 100% including the opening of the two properties and the driveway;
- C. noted the purpose of the proposed parking lot was for

December 2, 2010

PLANNING COMMISSION MEETING

- parking as they needed additional parking for company vehicles as well as their two potential building tenants;
- D. noted that the company had lost one of their building tenants due to the lack of sufficient parking;
 - E. noted the company had no intention of storing anything on the lot and was concerned over the confusion that they had planned to store the inflatables on the lot and explained they felt such action would not work as it created a risk with regards to those inflatables being stolen; and,
 - F. noted that in speaking with the Harley-Davidson owner, it had been determined that Harley-Davidson did not have enough property to provide a driveway which was why one was never proposed.

Mr. Vallas asked Mr. Reilly if the Commission considered approving the application strictly for the parking, with no access to Executive Park Drive, would it still serve their purpose.

Mr. Reilly noted that would create more traffic congestion on the Cottage Hill Road side of the building with regards to their customers, if done as Mr. Vallas suggested. He advised the Commission that Mobile Popcorn loaded their customers from the back of the warehouse located on the property and Mobile Popcorn would like for those customers to be able to exit the property onto Executive Drive.

Mr. Vallas expressed his opinion that his suggestion would solve two of the company's problems by providing the parking but also eliminate the opposition's concern over eighteen-wheelers unloading in an obviously profession office park area.

Mr. Vallas expressed his belief that if the proposed parking was used only for employee parking that the current parking available at the front would be sufficient. He then asked who Mobile Popcorn's tenant was.

Mr. Reilly stated it was the "Shopper," a news magazine.

Mr. Vallas asked how many visitors the tenant usually had on a daily basis to which Mr. Reilly responded very few.

Mr. Reilly then stated that Mobile Popcorn did, indeed, rent inflatables and that on Tuesdays they needed additional room to "open them up" for inspection after which they are deflated and stored. He added their idea had been that on the days the inflatables were inspected that all of the vehicles usually parked in the main area on the back would be moved to the front so that the back area could be used for the inflatables and their inspections.

Mr. Miller asked if the Commission should decide to limit the proposal in some way, would the applicant's preference be no access to Executive Park Drive and more

December 2, 2010
PLANNING COMMISSION MEETING

vehicular access between the two lots or some other limitation they might suggest.

Mr. Reilly expressed his feelings that any limitation would probably “kill the project,” however, if necessary, he would prefer to have access between the two lots.

Hearing no further opposition or discussion, a motion was made by Mr. Miller, with second by Mr. Vallas, to deny the request for the off-site inflatable equipment lay-down yard in a B-2, Neighborhood Business District.

The motion carried unanimously.

Hearing no further opposition or discussion, a motion was made by Mr. Miller, with second by Mr. Vallas, to approve the request for shared access and over-flow parking between two building sites, subject to the following conditions:

- 1) **denial of access to Executive Park Drive;**
- 2) **revision of the site plan to indicate site compliance with the landscaping ratios of the Zoning Ordinance;**
- 3) **compliance with the Engineering comments: “*Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right-of-way will require a right-of-way permit;*”**
- 4) **full compliance with all other municipal codes and ordinances;**
and,
- 5) **submittal of two copies of a revised and approved PUD site plan to the Planning Section prior to the submittal of plans for site development.**

The motion carried unanimously.

NEW PLANNING APPROVAL APPLICATIONS:

Case #ZON2010-02634

Joyce Nelson

6901 Simpson Road

East terminus of Simpson Road [private street]

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

Council District 4

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Watkins, to hold the matter over until the January 3, 2011, meeting, with any required information to be submitted by December 10, 2010, so that the following items

December 2, 2010
PLANNING COMMISSION MEETING

could be addressed:

- 1) **submission of legal documentation regarding ingress/egress easement insuring that the site has access to Simpson Road, a private street; and,**
- 2) **depiction of a 25-foot setback from any private street easement that may exist on the site.**

The motion carried unanimously.

NEW ZONING APPLICATIONS:

Case #ZON2010-02639

Sea-N-Sea, LLC

3350 Hurricane Bay Drive

North side of Hurricane Bay Drive at its East terminus

Rezoning from B-5, Office-Distribution District, to I-1, Light Industry District, to allow a machine shop for tool cutting and grinding

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.

Doug Anderson, Burr and Foreman Law Firm, spoke on behalf of the applicant. He made the following points:

- A. noted that all of Hurricane Bay came in as B-5 zoning when it was annexed into the city;
- B. noted that since annexation, seven lots located across the street from the property in question had been successfully rezoned to I-1, Light Industry District; and,
- C. noted that he had already been contacted by two other property owners with property located on the north side of the road and adjacent to the property in question regarding having their property rezoned to I-1 as well.

Michael Schubert, representing the Rock of Mobile, 1645 Old Rangeline Road, Theodore, AL, noted that though the Rock of Mobile was not opposed to the rezoning per say, they did have residential property that abutted the property in question. He added that current there was a buffering fence in place between the two parcels. He explained that as they planned to expand the residential property, they wished to see the Commission place a condition on the business of not having a third shift.

The Chair asked if that could be done and Mr. Olsen responded that usually no limits were placed upon a business's hours of operation especially when there were no current

December 2, 2010
PLANNING COMMISSION MEETING

limits. He added that a business could conduct their industry within whatever hours of operation they set as long as they complied with the type of work allowed with in their zoning classification.

Hearing no opposition or further discussion, a motion was made by Mr. Turner, with second by Mr. Vallas, to approve this change in zoning to I-1, Light Industrial District, to the City Council ,subject to the following conditions:

- 1) **future development to fully comply with local, state, and federal regulations relating to threatened and endangered species, wetlands and floodplains;**
- 2) **compliance with Engineering comments: “Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;” and,**
- 3) **future development to comply with all municipal codes and ordinances, including trees, landscaping, parking, and buffering.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2010-00126 (Subdivision)

McGill-Toolen High School Subdivision, Phase 2

100 and 106 North Catherine Street, and 1506 Old Shell Road
Northeast corner of North Catherine Street and Old Shell Road
Number of Lots / Acres: 1 Lot / 0.8+ Acre
Engineer / Surveyor: Clark, Geer, Latham & Associates, Inc.
Council District 2

(Also see **Case #ZON2010-02622 (Planned Unit Development) McGill-Toolen High School Subdivision, Phase 2**, **Case #ZON2010-02621 (Planning Approval) McGill-Toolen High School**, **Case #ZON2010-02619 (Rezoning) McGill-Toolen High School**, and, **Case #ZON2010-02620 (Rezoning) 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. Turner, with second by Dr. Rivizzigno, to approve the above referenced matter, subject to the following conditions:

December 2, 2010
PLANNING COMMISSION MEETING

- 1) retention of the lot area size, in square feet, on the Final Plat;
- 2) depiction of the 25-foot minimum building setback line along all public rights-of-way on the Final Plat;
- 3) placement of a note on the Final Plat limiting the site to one curb-cut to Catherine Street and one curb-cut to Old Shell Road, with the size, design, and exact location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 4) dedication sufficient to provide 25 feet from the centerline of Catherine Street;
- 5) dedication sufficient to comply with Section V.B.16 of the Subdivision Regulations regarding curb radii at the intersection of Old Shell Road and Catherine Street;
- 6) 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,
- 7) completion of the rezoning process prior to signing the final plat.

The motion carried unanimously.

Case #ZON2010-02622 (Planned Unit Development)

McGill-Toolen High School Subdivision, Phase 2

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 the Master Plan to allow a new student parking lot

Council District 2

(Also see **Case #SUB2010-00126 (Subdivision) McGill-Toolen High School**

Subdivision, Phase 2, above, and, **Case #ZON2010-02621 (Planning Approval)**

McGill-Toolen High School, **Case #ZON2010-02619 (Rezoning) McGill-Toolen High School**, and, **Case #ZON2010-02620 (Rezoning) 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. Turner, with second by Dr. Rivizzigno, to approve the above referenced matter, subject to the following

December 2, 2010
PLANNING COMMISSION MEETING

conditions:

- 1) completion of the subdivision and rezoning processes;
- 2) approval of the Architectural Review Board of the Mobile Historic Development Commission for all improvements and structure removals;
- 3) full compliance with the landscaping and tree plantings ordinance;
- 4) provision of a buffer in compliance with Section 64-4.D.1. of the Zoning Ordinance where the property abuts R-1 zoned property;
- 5) compliance with Engineering Comments: *“Must comply with all stormwater and flood control ordinances. Detention must be provided for all impervious area(s) added to the site in excess of 4,000 square feet since 1984. Engineer’s analysis of the capacity of the receiving drainage system required for the release of stormwater into the system. If undersized, then either additional detention must be provided or the applicant shall improve the receiving drainage system. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;”* and,
- 6) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2010-02621 (Planning Approval)

McGill-Toolen High School

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 allow a student parking lot expansion for a private church school in an R-1, Single-Family Residential District.

Council District 2

(Also see **Case #SUB2010-00126 (Subdivision) McGill-Toolen High School Subdivision, Phase 2**, and, **Case #ZON2010-02622 (Planned Unit Development) McGill-Toolen High School Subdivision, Phase 2**, above, and, **Case #ZON2010-02619 (Rezoning) McGill-Toolen High School**, and, **Case #ZON2010-02620 (Rezoning) McGill-Toolen High School**, below)

December 2, 2010
PLANNING COMMISSION MEETING

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) **completion of the subdivision and rezoning processes;**
- 2) **approval of the Architectural Review Board of the Mobile Historic Development Commission for all improvements and structure removals;**
- 3) **full compliance with the landscaping and tree plantings ordinance;**
- 4) **provision of a buffer in compliance with Section 64-4.D.1. of the Zoning Ordinance where the property abuts R-1 zoned property;**
- 5) **compliance with Engineering Comments: “*Must comply with all stormwater and flood control ordinances. Detention must be provided for all impervious area(s) added to the site in excess of 4,000 square feet since 1984. Engineer’s analysis of the capacity of the receiving drainage system required for the release of stormwater into the system. If undersized, then either additional detention must be provided or the applicant shall improve the receiving drainage system. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;*” and,**
- 6) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2010-02619 (Rezoning)

McGill-Toolen High School

100 North Catherine Street

Northeast corner of North Catherine Street and Old Shell Road

Rezoning from B-2, Neighborhood Business District, to R-1, Single-Family Residential District, to eliminate split zoning in a proposed one-lot subdivision

Council District 2

(Also see **Case #SUB2010-00126 (Subdivision) McGill-Toolen High School**

Subdivision, Phase 2, **Case #ZON2010-02622 (Planned Unit Development)**

McGill-Toolen High School Subdivision, Phase 2, and, **Case #ZON2010-02621**

(Planning Approval) McGill-Toolen High School, and, **Case #ZON2010-02620**

(Rezoning) McGill-Toolen High School, below)

December 2, 2010
PLANNING COMMISSION MEETING

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 and recommend this change in zoning to the City Council subject to the following conditions:

- 1) completion of the subdivision process;**
- 2) provision of a buffer in compliance with Section 64-4.D.1. of the Zoning Ordinance where the property abuts R-1 zoned property; and,**
- 3) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2010-02620 (Rezoning)

McGill-Toolen High School

106 North Catherine Street

East side of North Catherine Street, 100'± North of Old Shell Road

Rezoning from B-2, Neighborhood Business District, to R-1, Single-Family Residential District, to eliminate split zoning in a proposed one-lot subdivision

Council District 2

(Also see **Case #SUB2010-00126 (Subdivision) McGill-Toolen High School**

Subdivision, Phase 2, Case #ZON2010-02622 (Planned Unit Development)

McGill-Toolen High School Subdivision, Phase 2, and, **Case #ZON2010-02621**

(Planning Approval) McGill-Toolen High School, and, **Case #ZON2010-02619**

(Rezoning) McGill-Toolen High School, 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. Turner, with second by Dr. Rivizzigno, to approve and recommend this change in zoning to the City Council subject to the following conditions:

- 1) completion of the subdivision process;**
- 2) provision of a buffer in compliance with Section 64-4.D.1. of the Zoning Ordinance where the property abuts R-1 zoned property; and,**
- 3) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2010-00129 (Subdivision)
Hillcrest Plaza Outparcel Subdivision

6153 and 6169 Airport Boulevard

South side of Airport Boulevard, 300'± East of Hillcrest Road

Number of Lots / Acres: 1 Lot / 0.7± Acre

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

Council District 6

(Also see **Case #ZON2010-02641 (Planned Unit Development) Hillcrest Plaza Outparcel Subdivision**, below)

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

Frank Dagley, Frank A. Dagley and Associates, stated they were in agreement with the conditions, however, they wished for clarification from the Engineering Department regarding compliance with the stormwater ordinance. He made the following statements:

- A. noted the area was totally developed and all that was taking place was the departure of one tenant and the arrival of another;
- B. noted that John Forrester, City Engineering Department, had been supplied by the Dagley organization documentation that the applicant was exempt from the 1984 ordinance due to when and how the impervious area had been added; and,
- C. noted that it would be financial impossible to dig up the entire parking lot to put in drainage retention for the simple change in occupancy that was proposed.

Mr. Forrester, City Engineering, asked Mr. Dagley to resubmit that information. He noted the comment read that retention must be provided for all impervious areas added to the site since 1984, so if there was documentation that no impervious areas had been added since then, the Engineering Department had no issue with changing that recommendation.

Mr. Dagley responded by saying that in 1995 the former Big 10 Tire store had been demolished and then the building noted to the east had been rebuilt, however, because of the existing impervious layer, no retention was required at that time, which was his basis for why it should not be required now.

Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Jordan, 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. Detention must be provided for all impervious area(s) added to the site in excess of 4,000 square feet since 1984. Engineer's analysis of the capacity of the receiving drainage system required for the release of stormwater into the system. If undersized, then either additional detention must be provided or the applicant shall improve the receiving drainage system. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;"

- 2) **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). Full compliance with frontage tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry;"*
- 3) **placement of a note on the final plat stating that the lot is limited to its existing curb-cut, with any changes of the size or design to be approved by Traffic Engineering, and to conform with AASHTO standards;**
- 4) **placement of a note on the final plat stating that the location of any approved curb-cut is limited to an approved PUD; and,**
- 5) **provision of a sidewalk along the remainder of the lot's frontage along Airport Boulevard.**

The motion carried unanimously.

Case #ZON2010-02641 (Planned Unit Development)

Hillcrest Plaza Outparcel Subdivision

Southeast corner of Airport Boulevard and Hillcrest Road

Planned Unit Development Approval to allow multiple buildings on a single building site with shared access and parking between multiple building sites

Council District 6

(Also see **Case #SUB2010-00129 (Subdivision) Hillcrest Plaza Outparcel Subdivision**, above)

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.

Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Jordan, 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. Detention must be*

- provided for all impervious area(s) added to the site in excess of 4,000 square feet since 1984. Engineer's analysis of the capacity of the receiving drainage system required for the release of stormwater into the system. If undersized, then either additional detention must be provided or the applicant shall improve the receiving drainage system. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;"*
- 2) **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). Full compliance with frontage tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry;"**
 - 3) **placement of a note on the site plan stating that the site is limited to the existing curb-cuts, with any change to the location of the curb-cuts requiring a new PUD application;**
 - 4) **placement of a note on the site plan stating that modification of the size or design of any curb-cuts is subject to the approval of Traffic Engineering, and must comply with AASHTO standards;**
 - 5) **elimination of split zoning on the site, where it crosses lot lines along Airport Boulevard, prior to any site redevelopment;**
 - 6) **any future "change of occupancy" to a higher parking ratio use such as a restaurant to require a site plan that includes a list of tenants by use and size, and a site plan accurately depicting all parking;**
 - 7) **provision of a sidewalk for that portion of the site lacking a sidewalk along Airport Boulevard;**
 - 8) **any future re-development of the site to possibly include elimination of access to adjacent properties not part of the PUD; and,**
 - 9) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2010-00125 (Subdivision)

Alvin Subdivision, Re-subdivision of Lots 1 & 2

3060 and 3150 Dauphin Street

North side of Dauphin Street, 700'± West of North Sage Avenue

Number of Lots / Acres: 2 Lots / 9.6± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 1

(Also see Case #ZON2010-02614 (Planned Unit Development) **Alvin Subdivision,**

Re-subdivision of Lots 1 & 2, 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 Dr. Rivizzigno, with second by Mr. Turner, to approve the above referenced matter, subject to the following conditions:

- 1) relocation of the proposed common property line to either be a zero lot line off the existing one story metal building, with a building code-compliant fire wall, or relocation to be at least 5' off the existing East wall of the building;
- 2) relocation of the existing portable building currently within the recorded 10' buffer on the West side of the site to be out of the buffer, after obtaining any required building permit(s);
- 3) illustration of the two above-mentioned buildings on the final plat to verify setback compliance;
- 4) placement of a note on the final plat stating that the site is limited to the existing curb-cuts along Dauphin Street;
- 5) provision of two (2) copies of a revised PUD site plan, if approved, prior to the signing of the final plat; and,
- 6) subject to the Engineering comments: *“Must comply with all stormwater and flood control ordinances. Detention must be provided for all impervious area(s) added to the site in excess of 4,000 square feet since 1984. Engineer’s analysis of the capacity of the receiving drainage system required for the release of stormwater into the system. If undersized, then either additional detention must be provided or the applicant shall improve the receiving drainage system. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.”*

The motion carried unanimously.

Case #ZON2010-02614 (Planned Unit Development)

Alvin Subdivision, Re-subdivision of Lots 1 & 2

3060 and 3150 Dauphin Street

North side of Dauphin Street, 700'± West of North Sage Avenue

Planned Unit Development Approval to Amend a previously approved Planned Unit Development to allow a showroom expansion and allow multiple buildings on two building sites with shared access and parking between the two building sites.

Council District 1

(Also see **Case #SUB2010-00125 (Subdivision) Alvin Subdivision, Re-subdivision of Lots 1 & 2**, 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 Dr. Rivizzigno, with second by Mr. Turner, 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. Detention must be provided for all impervious area(s) added to the site in excess of 4,000 square feet since 1984. Engineer’s analysis of the capacity of the receiving drainage system required for the release of stormwater into the system. If undersized, then either additional detention must be provided or the applicant shall improve the receiving drainage system. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;*”**
- 2) **relocation of the proposed common property line to either be a zero lot line off the existing one story metal building, with a building code-compliant fire wall, or relocation to be at least 5’ off the existing East wall of the building;**
- 3) **relocation of the existing portable building within the recorded 10’ buffer on the West side of the site to be out of the buffer after obtaining any required building permit(s);**
- 4) **placement of a note on the site plan stating that the site is limited to the existing curb-cuts to Dauphin Street;**
- 5) **revision of the site plan to indicate dumpster compliance, or placement of a statement on the site plan stating that no dumpster will be included as part of the development;**
- 6) **placement of a statement on the site plan stating that compliance with Section 64-6.A.3.c. of the Zoning Ordinance**

December 2, 2010
PLANNING COMMISSION MEETING

- pertaining to the lighting requirements of parking lots is required;
- 7) provision of two (2) copies of a revised PUD site plan, if approved, prior to the signing of the final plat; and,
 - 8) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

OTHER BUSINESS:

Hearing no further business, the meeting was adjourned.

APPROVED: February 3, 2011

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

jsl