

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF DECEMBER 6, 2012 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

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

Members Absent

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Bert Hoffman,
Planner II
David Daughenbaugh,
Urban Forestry Coordinator
Tiffany Green,
Zoning Technician

Others Present

John Lawler,
Assistant City Attorney
George Davis,
City Engineering
Marybeth Bergin,
Traffic Engineering

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.

ROLL CALL:

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:

Mr. Plauche moved, with second by Mr. DeMouy, to approve the minutes from the following, regularly held, Planning Commission meetings:

- March 1, 2012
- March 15, 2012

The motion carried unanimously.

HOLDOVERS:

Case #SUB2012-00066 (Subdivision)
Plantation Commercial Park Subdivision, Unit Two, Re-subdivision of Lot 13A
5721 U.S. Highway 90 West

(East side of U.S. Highway 90 West, 330'± South of Plantation Road)

Number of Lots / Acres: 2 Lots / 12.0± Acres

Engineer / Surveyor: Rowe Surveying & Engineering Co., Inc.
Council District 4

(Also see **Case #ZON2012-01620 (Planned Unit Development)**)

Plantation Commercial Park Subdivision, Unit Two, Re-subdivision of Lot 13A, and Case #ZON2012-01621 (Rezoning)

D & M Properties, LLC, below)

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

Don Rowe, Rowe Surveying, spoke on behalf of the applicant. He had one request that he wished to address. He stated that he did not wish to build a wall at the site. He stated that there are wetlands present and that there is an existing wall on the northwest side and on the south side of the site.

Mr. Olsen stated that the fence was being requested to prevent expansion.

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

- 1) **retention of the lot sizes in square feet and acres;**
- 2) **retention of the 25' minimum building setback line;**
- 3) **placement of a note stating that the development is limited to the existing curb cuts;**
- 4) **compliance with Fire Department comments (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);**
- 5) **compliance with Engineering comments, "Provide copies of the site construction plans (including grading and drainage plans) and engineering calculations as approved by the Mobile County Engineering Department for the existing developments. Previously approved structures/development on Lots A & B may be able to receive historic credit towards the requirement for detention. Add a note to the Plat stating that stormwater detention will be required for any unapproved development (since 1984) and any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). Provide Storm Water Detention for the 1200 sf building addition proposed on Lot A in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. Provide all of the required information on the Final Plat (i.e.**

- signature blocks, signatures, certification statements, legal description, required notes).”;
- 6) placement of a note on the Final Plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities; and
 - 7) submission of a revised Planned Unit Development site plan prior to the signing of the Final Plat.

The motion carried unanimously.

Case #ZON2012-01620 (Planned Unit Development)

Plantation Commercial Park Subdivision, Unit Two, Re-subdivision of Lot 13A

5721 U.S. Highway 90 West

(East side of U.S. Highway 90 West, 330'± South of Plantation Road)

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

Council District 4

(Also see Case #SUB2012-00066 (Subdivision)

Plantation Commercial Park Subdivision, Unit Two, Re-subdivision of Lot 13A,

above and Case #ZON2012-01621 (Rezoning)

D & M Properties, LLC, below)

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

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

- 1) retention of the lot sizes in square feet and acres;
- 2) retention of the 25' minimum building setback line;
- 3) placement of a note stating that the development is limited to the existing curb cuts;
- 4) illustration of a 10' protection buffer from all adjacent R-1, Single-Family Residential properties;
- 5) illustration of a 6' high privacy fence or 10' wide planting screen strip no less than 6' in height at the time of planting and consisting of evergreen vegetation next to all adjacent R-1, Single-Family Residential properties;
- 6) verification of dedication of the Conservation Easement to the South, and placement of a note on the PUD Site Plan stating that if that area changes or is developed, a solid 8' high solid wall or fence will be provided around areas being utilized as a storage yard (no additional wall or fencing is required on the North side);
- 7) coordination of frontage tree plantings with Urban Forestry;

- 8) retention of the note regarding curbside pickup or depiction of a dumpster enclosed by a 6' high privacy fence or wall;
- 9) retention of the note stating the size and use of each building;
- 10) placement of a note stating the number of manufacturing employees;
- 11) illustration of 5 additional paved parking and maneuvering areas for Lot A;
- 12) compliance with Fire Department comments (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.); and
- 13) compliance with Engineering comments, "Provide copies of the site construction plans (including grading and drainage plans) and engineering calculations as approved by the Mobile County Engineering Department for the existing developments. Previously approved structures/development on Lots A & B may be able to receive historic credit towards the requirement for detention. Add a note to the Plat stating that stormwater detention will be required for any unapproved development (since 1984) and any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). Provide Storm Water Detention for the 1200 sf building addition proposed on Lot A in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes)."

The motion carried unanimously.

Case #ZON2012-01621 (Rezoning)

D & M Properties, LLC

5721 U.S. Highway 90 West

(East side of U.S. Highway 90 West, 330'± South of Plantation Road)

Rezoning from B-3, Community Business District, and I-1, Light-Industry District, to I-2, Heavy Industry District, to eliminated split zoning and bring the zoning into compliance for an existing concrete manufacturing facility.

Council District 4

(Also see Case #SUB2012-00066 (Subdivision))

Plantation Commercial Park Subdivision, Unit Two, Re-subdivision of Lot 13A, and Case #ZON2012-01620 (Planned Unit Development)

Plantation Commercial Park Subdivision, Unit Two, Re-subdivision of Lot 13A,
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 this time.

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

- 1) limited to an approved Planned Unit Development;**
- 2) full compliance with all municipal codes and ordinances; and**
- 3) completion of the Subdivision process.**

The motion carried unanimously.

**Case #SUB2012-00087 (Subdivision)
951 Government Street Subdivision**

951 Government Street

(West side of Marine Street, extending from Government Street to Church Street)

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

Engineer/Surveyor: Byrd Surveying

Council District 2

(Also see **Case #ZON2012-02096 (Planning Approval)**

951 Government Street Subdivision, and **Case #ZON2012-02095 (Rezoning)**

Benjamin P Cummings, below)

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

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

Ben Cummings, Cummings Architecture, spoke on behalf of the applicant and made the following points:

- A.** would like the parking around the building to remain;
- B.** does not want to cut off future B-1 developments;
- C.** the site plan greatly improves the site from its current condition;
- D.** have submitted a voluntary use restriction form, that restricts all B-2 uses except the storage facility;
- E.** the use restrictions will protect the neighborhood.

The following people spoke in opposition to the matter:

- Henry Morrisette, 164 South Georgia Avenue, Mobile;
- Rhonda Davis, Executive Director of the Historic Mobile Preservation Society;

They made the following points against the application:

- A.** the biggest reason to be in opposition to this application is that it fails to satisfy the requirements for the zoning ordinance;

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- B. is not good for the historic preservation movement and for the Oakleigh Garden District;
- C. this would create a void space on Government Street of people;
- D. would not want the architecture of the building changed.

In rebuttal, Mr. Cummings stated that the new use would not change the architecture of the building; it is a stand alone building and it looks dilapidated.

In deliberation, Mr. Watkins said that he agreed with the staff's recommendations; but the building is an eye sore and he wished they could figure out some way for the neighborhood and the developer to come to an understanding.

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

- 1) **the recommended denial of the Zoning application;**
- 2) **the recommended denial of the Planning Approval application; and**
- 3) **the proposed subdivision would not be consistent with the mixed-use and residential vision of the site recommended by the findings of the New Plan for Mobile, adopted in January 2012.**

The motion carried unanimously with Mr. Vallas recusing.

Case #ZON2012-02096 (Planning Approval)

951 Government Street Subdivision

951 Government Street

(West side of Marine Street, extending from Government Street to Church Street)

Planning Approval to allow a self storage facility in a B-2, Neighborhood Business District

Council District 2

(Also see **Case #SUB2012-00087 (Subdivision)**)

951 Government Street Subdivision, above and **Case #ZON2012-02095 (Rezoning)**

Benjamin P Cummings, below)

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

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

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

- 1) **the requested rezoning would not be consistent with the Government Street Zoning Study from 1984; and**

- 2) **the proposed use would not be consistent with the mixed-use and residential vision of the site recommended by the findings of the New Plan for Mobile, adopted in January 2012.**

The motion carried unanimously with Mr. Vallas recusing.

Case #ZON2012-02095 (Rezoning)

Benjamin P Cummings

951 Government Street

(West side of Marine Street, extending from Government Street to Church Street)

Rezoning from B-1, Buffer Business District, to B-2, Neighborhood Business District, to allow a self storage facility.

Council District 2

(Also see **Case #SUB2012-00087 (Subdivision)**

951 Government Street Subdivision, and **Case #ZON2012-02095 (Rezoning)**

Benjamin P Cummings, above)

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

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

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

- 1) **the applicant has not adequately shown that there are changing conditions in a particular area make a change in the Zoning Ordinance necessary and desirable;**
- 2) **the applicant has not adequately shown that there is a need to increase the number of sites available to business or industry;**
- 3) **the requested rezoning would not be consistent with the Government Street Zoning Study from 1984; and**
- 4) **the proposed use would not be consistent with the mixed-use and residential vision of the site recommended by the findings of the New Plan for Mobile, adopted in January 2012.**

The motion carried unanimously with Mr. Vallas recusing.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2012-00103

Anders Place Subdivision

2469 & 2473 Rothfield Place

(South side of Rothfield Place, 275'± East of its West terminus)

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

Engineer / Surveyor: Erdman Surveying, LLC
Council District 4

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

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Dr. Rivizzigno, to waive Section V.B.14. of the Subdivision Regulations and approve the above referenced matter, subject to the following conditions:

- 1) **correction of the lot size in square feet and acres;**
- 2) **correction of the spelling of the street name (Rothfield Place) on the Final Plat;**
- 3) **provision of documentation that the easement has been vacated prior to signing Final Plat;**
- 4) **compliance with Engineering comments (*The following comments should be addressed prior to acceptance and signature by the City Engineer:* 1. submit a copy of the recording information for the vacated easement. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. A signature from the Traffic Engineering Department. 3. Add a note to the Plat stating that storm water detention will be required for any unapproved development (since 1984) and any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). correct street name shown on plat**
- 5) **compliance with Fire Department comments (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);**
- 6) **placement of a note on the Final Plat limiting the Lot to two curb-cuts to Rothfield Place, with the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards;**
- 7) **obtaining of a Right-of-Way permit, after the fact, for the Eastern-most curb-cut**
- 8) **obtaining of all required building permits and approvals, after the fact, for the accessory structure built on the Eastern portion of the site; and ;**
- 9) **placement of a note on the Final Plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

Case #SUB2012-00107

Nassar Subdivision

1700 Michigan Avenue and 1463 Eagle Drive
(Southwest corner of Michigan Avenue and Eagle Drive, extending to the Southeast corner of Eagle Drive and Cardinal Drive East)

Number of Lots / Acres: 1 Lot / 1.1± Acre

Engineer / Surveyor: Byrd Surveying, Inc.
Council District 3

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

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

- 1) **dedication to provide 60' from the centerline of Michigan Avenue;**
- 2) **illustration of the 25' minimum building setback line along all street frontages adjusted to be measured from required dedication;**
- 3) **labeling of the lot size in square feet and acres after required dedications;**
- 4) **obtaining a demolition permit for the masonry building along Cardinal Drive prior to the signing of the Final Plat;**
- 5) **compliance with Engineering comments (*The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. A signature block and signature for the Traffic Engineering Department shall be placed on the Final Plat. 3. Add a note to the Plat stating that storm water detention will be required for any unapproved development (since 1984) and any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045) – Land Disturbance Permit required. 4. Add a note to the plat that any development will be required to install sidewalk along Cardinal Drive and Eagle Drive in accordance with Mobile City Code Chapter 57, Article VIII (ROW Permit required). 5. Provide additional ROW (radius) at the corner of Cardinal Dr/Eagle Dr and at the corner of Eagle Drive/Michigan Ave.*);**
- 6) **compliance with Fire Department comments (*All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.*);**
- 7) **placement of a note on the Final Plat stating size, location and design of curb cuts is to be approved by Traffic Engineering and conform to AASHTO standards; and**
- 8) **placement of a note on the Final Plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or**

otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.

The motion carried unanimously.

Case #SUB2012-00113

BAPS Subdivision

East side of Dauphin Island Parkway, 940'± North of Cedar Point Road.

Number of Lots / Acres: 1 Lot / 3.8± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
Council District 3

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 waive Section V.D.1. 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 the site is limited to one curb cut, with the design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards;**
- 2) **revision of the 25' minimum building setback line out of the pole and to be measured from the South line of Lot 1 where that lot is at least 60' wide;**
- 3) **labeling of the lot with its size in square feet and acres, or the furnishing of a table on the Final Plat providing the same information;**
- 4) **placement of a note on the Final Plat stating that there is to be no further resubdivision of Lot 1 until additional frontage on a public street is provided;**
- 5) **revision of the plat to accurately depict the current flood zone status of the site;**
- 6) **placement of a note on the Final Plat stating the approval of all applicable federal, state and local agencies would be required for wetland and floodplain issues prior to the issuance of any permits;**
- 7) **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;**
- 8) **subject to the Engineering comments: *(The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. A signature block and signature for the Traffic Engineering Department shall be placed on the Final Plat. 3. Add a note to the Plat stating that storm water detention will be required for any unapproved development (since 1984) and***

- any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). 4. Check FEMA flood maps and show and label all flood zones within the property. 5. Show approximate centerline of existing drainage ditch located near the NE corner.);*
- 9) **subject to the Traffic Engineering comments:** *(Dauphin Island Parkway (State Highway 163) is a state maintained roadway. Driveway number, size, location, and design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards);*
 - 10) **subject to the Fire Department comments:** *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile); and*
 - 11) **completion of the Subdivision process prior to any request for permits.**

The motion carried unanimously.

Case #SUB2012-00096

Heron Lakes Subdivision, Phase One, Re-subdivision of Lot 39, and Heron Lakes Subdivision, Phase One, Re-subdivision of Lots 40A and 41A of the Re-subdivision of Lots 40 and 41

4055 and 4059 Grand Heron Way

(South side of Grand Heron Way, 75'± West of Grand Heron Court East)

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

Engineer / Surveyor: Austin Engineering Co. Inc.

Council District 4

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

Hearing no opposition or discussion, a motion was made by Mr. DeMouy, with second by Dr. Rivizzigno, to waive the PUD amendment requirement and approve the above referenced matter, subject to the following conditions:

- 1) **retaining the note on the Final Plat stating that no permanent structures may be built upon the drainage easement;**
- 2) **retaining the setback and lot size information on the Final Plat;**
- 3) **compliance with Engineering comments** *(The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. Label/show the existing common property line for lots 39 and 40A. 2. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 3. A signature for the Traffic Engineering Department shall be placed on the Final Plat 4. Add a note to the Plat stating that storm water detention will be required for any unapproved development (since 1984) and any future addition(s) and/or land disturbing activity in accordance with the Storm Water*

Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045));

- 4) **compliance with Fire comments (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);**
- 5) **approval of all applicable federal, state and local agencies for floodplain issues prior to the issuance of any permits or land disturbance activities; and**
- 6) **approval of all applicable federal, state and local agencies for wetlands issues, if any, prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

Case #SUB2012-00098

Goodson Place Subdivision

6830 Cook Avenue

(North side of Cook Avenue, 4/10± mile East of Cleveland Avenue)

Number of Lots / Acres: 2 Lots / 20.2± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

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.

Jerry Byrd, Byrd Surveying, spoke on behalf of the applicant. He stated that the only objection the applicant had was on Condition 5; each lot is 175 feet wide, which would be more than ample for a re-subdivision for a possible 80 foot wide lot.

Mr. Olsen responded that if there were a re-subdivision it would create a flag shape lot and there are not any other flag shape lots in the area. So, it would not meet the requirements of the subdivision regulations. Also, based on the vicinity map there is a pond at the front of the property and that would provide adequate access for a subdivision of the back part of the property.

Mr. Byrd stated that there is a man made pond, which can be pumped out and filled in at anytime.

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

- 1) **verification of the right-of-way width of Cook Avenue, and dedication to provide 30' from centerline if the right-of-way is less than 60' in width;**
- 2) **placement of a note on the Final Plat stating that each lot is limited to one curb cut to Cook Avenue, with the size, design, and location of the curb cuts**

- to be approved by Mobile County Engineering and conform to AASHTO standards;
- 3) illustration of the 25' minimum building setback line along Cook Avenue;
 - 4) labeling of each lot with its size in square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
 - 5) placement of a note on the Final Plat stating that no further resubdivision of either lot is allowed until additional frontage on a public street is provided;
 - 6) placement of a note on the Final Plat stating that no structures are to be located within the 50' pipeline easement;
 - 7) revision of the plat to indicate the flood zones, NWI wetlands, and the floodway;
 - 8) placement of a note on the Final Plat stating that approval of all applicable Federal, state and local agencies is required for floodplain and wetland issues prior to the issuance of any permits or land disturbance activities;
 - 9) 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;
 - 10) placement of a note on the Final Plat stating the site must comply with the City of Mobile storm water and flood control ordinances: (Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits.);
 - 11) 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; and
 - 12) compliance with Fire Department comments (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.).

The motion carried unanimously.

Case #SUB2012-00102

Randy's Ponderosa Subdivision

6790 Cook Avenue

(North side of Cook Avenue, 4/10± mile East of Cleveland Avenue)

Number of Lots / Acres: 2 Lots / 20± Acres

Engineer / Surveyor: Erdman Surveying, LLC

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 Sections V.D.1 and V.D.3. of the Subdivision Regulations and approve the above referenced matter, subject to the following conditions:

- 1) **verification of the right-of-way width of Cook Avenue, and dedication to provide 30 feet from centerline if the right-of-way is less than 60-feet in width;**
- 2) **placement of a note on the final plat stating that no permanent structures shall be placed within the 50-foot wide gas pipeline easement;**
- 3) **placement of a note on the final plat stating that each lot is limited to one curb-cut, with the size, design and location to be approved by Mobile County Engineering;**
- 4) **depiction and labeling of the 25-foot minimum building setback line;**
- 5) **placement of a note on the Final Plat stating that no further resubdivision of either lot is allowed until additional frontage on a public street is provided;**
- 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 floodplains and wetlands;**
- 7) **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;**
- 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;**
- 9) **compliance with Fire comments (*All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.*); and**
- 10) **placement of a note on the final plat stating that *“The site must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits. New public roads shall be constructed and paved to standards for County Maintenance, and accepted by Mobile County, while new private roads shall be constructed and paved to minimum County or Subdivision Regulation standards, whichever are greater.***

The motion carried unanimously.

Case #SUB2012-00106
Travis Road Subdivision

5265 Travis Road

(East side of Travis Road, 120' North of Knollwood Road, extending to the North terminus of Knollwood Court)

Number of Lots / Acres: 2 Lots / 12.6± Acres

Engineer / Surveyor: Timothy Brandon Bailey
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. Turner, to approve the above referenced matter, subject to the following conditions:

- 1) **placement of a note on the Final Plat stating that both lots are limited to one curb-cut each to Travis Road, with the size, design and location to be approved by Mobile County Engineering and to conform with AASHTO standards;**
- 2) **placement of a note on the Final Plat stating that Lot 2 should be allowed one curb-cut to Knollwood Court and denied access to Mingle Road until it is paved to county standards;**
- 3) **depiction and labeling of the 25' minimum building setback line from all rights-of-ways on the Final Plat;**
- 4) **depiction and labeling of the lot sizes in square feet and acres on the Final Plat;**
- 5) **placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations;**
- 6) **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;**
- 7) **placement of a note on the Final Plat stating the site must comply with the following: *(Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits.); and***
- 8) **compliance with Fire-Rescue Department comments *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the***

2009 International Fire Code, as adopted by the City of Mobile.)

The motion carried unanimously.

Case #SUB2012-00115

Willow Ridge Subdivision

8751 Three Notch Road

(South side of Three Notch Road, 750'± East of Dawes Lane Extension)

Number of Lots / Acres: 2 Lots / 5.7± 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. Turner, to approve the above referenced matter, subject to the following conditions:

- 1) **dedication to provide 50' from the centerline of Three Notch Road;**
- 2) **placement of a note on the Final Plat stating that both Lot 1 and Lot 2 are limited to one curb-cut each to Three Notch Road with the size, design and location to be approved by Mobile County Engineering and to conform with AASHTO standards;**
- 3) **depiction and labeling of the 25' minimum building setback line on the final plat;**
- 4) **depiction and labeling of the lot sizes in square feet on the final plat;**
- 5) **placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations;**
- 6) **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;**
- 7) **placement of a note on the Final Plat stating the following: *(Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits.); Compliance with Fire-Rescue Department comments (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International***

- Fire Code, as adopted by the City of Mobile.) and;*
8) **compliance with Fire-Rescue Department Comments** (*All projects within the City of Mobile fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile).*

The motion carried unanimously.

Case #SUB2012-00110

Burton-Pate Industrial Park Subdivision, Re-subdivision of Lots 1 and 2

5770 & 5780 I-10 Industrial Parkway North

(Northwest corner of I-10 Industrial Parkway North and I-10 Industrial Parkway West)

Number of Lots / Acres: 2 Lots / 1.7± Acre

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

Council District 4

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

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.

Don Rowe, Rowe Surveying spoke on behalf of the applicant. He wanted clarification on Condition 5 from City Engineering. He then requested that the application be heldover.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the January 3, 2013 meeting.

The motion carried unanimously with Mr. Turner recusing.

Case #SUB2012-00097

Parkway Place Subdivision

63 Parkway Drive

(East terminus of Parkway Drive, 455'± South of Old Shell Road)

Number of Lots / Acres: 3 Lots / 1.8± Acre

Engineer / Surveyor: Jason N Estes

Council District 7

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

Tony Florez, 50 Parkway Drive, spoke in opposition to the matter. He stated that his concern was that everyone on Parkway Drive is on a septic tank system. He questioned that if the property was subdivided would the City provide sewage and would they maintain the road. The road needs to be paved and needs curbs and sidewalks. He also questioned if that happened would they be mandated to hook up to the City sewage.

Mr. Olsen stated that the comments from MAWSS states that there is only water hook up at this time. He then stated that there is a recommendation that states the applicant would have to dedicate enough right-of-way to provide 30 feet from center line. There is also a recommendation that they dedicate right-of-way to provide cul-de-sac or half cul-de-sac at the end of the Parkway Drive.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the January 3, 2013 meeting, with revisions due by December 17th, so that the following revisions can be made:

- 1) **dedication of right-of-way sufficient to provide 30-feet from the centerline of Parkway Drive;**
- 2) **dedication of right-of-way sufficient to provide half of a turn-around complying with Sections V.B.14. and V.B.15. of the Subdivision Regulations, or at minimum meeting the requirements of the 2009 International Fire Code, as locally adopted;**
- 3) **revision of the plat to label the 25-foot setback line, after any required dedication;**
- 4) **revision of the plat to depict a common detention area, if one will be provided;**
- 5) **revision of the plat to label each lot with its size in square feet, or placement of a table on the plat with the same information; and**
- 6) **placement of a note on the plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

Case #SUB2012-00109

Gin Company Subdivision, Phase Two

South side of Dawes Road, 3/10± mile West of McFarland Road, extending to the West side of McFarland Road 1000'± South of Dawes Road; and South side of Dawes Road 1/2± mile West of McFarland Road, extending to the North side of Three Notch Road, 1/2± mile West of McFarland Road

Number of Lots / Acres: 3 Lots / 71.0± Acre

Engineer / Surveyor: Mobile County Engineering
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.

Tony Mason, 4497 Dawes Road, stated that he was not for or against the application. He wanted to understand why the County relocated his property line.

Mr. Olsen responded that he would need to contact the County Engineer.

Mike Garrett, 1174 Wakefield Dr. East, spoke on his own behalf. He stated that they have addressed the concerns of the adjacent owner and they would request that the application not be heldover.

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

- 1) **dedication of 10' along Dawes Road, as illustrated on the plat, to provide 50' from the centerline of Dawes Road;**
- 2) **revision of the plat illustrating dedication sufficient to provide 50' from the centerline of Three Notch Road;**
- 3) **revision of the plat to verify that the proposed dedication along McFarland Road is sufficient to provide at least 60' from the centerline of McFarland Road, or revision of the plat to provide at least 60' from the centerline of McFarland Road;**
- 4) **revision of the plat to indicate the 25' minimum building setback line for Lot 1 as measured from the new right-of-way along McFarland Road;**
- 5) **illustration of the 25' minimum building setback line for Lot 2 as on the preliminary plat;**
- 6) **revision of the plat to illustrate the 25' minimum building setback line for Lot 3 as measured from any required dedication along Three Notch Road;**
- 7) **placement of a note on the Final Plat stating that the number, size, location and design of all curb cuts for each lot are to be approved by Mobile County Engineering and conform to AASHTO standards;**
- 8) **labeling of each lot with its size in acres and square feet on the Final Plat, or the furnishing of a table on the Final Plat providing the same information;**
- 9) **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;**
- 10) **placement of a note on the Final Plat stating the site must comply with the City of Mobile storm water and flood control ordinances: *(Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits.);***
- 11) **placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected**

species; and

- 12) compliance with the Fire Department comments (*All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.*).

The motion carried unanimously.

Case #SUB2012-00112

Eagles Landing Subdivision

6551 Moffett Road

(South side of Moffett Road at the South terminus of Roland Road)

Number of Lots / Acres: 3 Lots / 9.9± Acres

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

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

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

- 1) revision of the plat to indicate the current right-of-way width as measured from the centerline of Moffett Road as being a compliant 50', as shown on the recorded plat of Veterans Subdivision;
- 2) placement of a note on the Final Plat stating that the site is limited to a maximum of three curb cuts to Moffett Road, with the size, design, and location of all curb cuts to be approved by ALDOT and Mobile County Engineering and conform to AASHTO standards;
- 3) revision of the plat to illustrate the 25' minimum building setback line as measured from the right-of-way lines for Lots 1 and 2;
- 4) revision of the plat to illustrate the 25' minimum building setback line for Lot 3 as measured from the South lines of Lots 1 and 2, where the lot is a minimum 60' wide;
- 5) labeling of each lot with its size in square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
- 6) placement of a note on the Final Plat stating that that no further resubdivision of Lot 3 is allowed until additional frontage on a public street is provided;
- 7) provision of a buffer, in compliance with Section V.A.8. of the Subdivision Regulations, along the South line of Lot 3 prior to the signing of the Final Plat, with verification of the buffer to be submitted at the time of signing;
- 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;

- 9) **placement of a note on the Final Plat stating the site must comply with the City of Mobile storm water and flood control ordinances: *(Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits.)*;**
- 10) **placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities; and**
- 11) **compliance with Fire Department comments *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.)*.**

The motion carried unanimously.

Case #SUB2012-00111

Cochran Family Riverside Estate Subdivision

3801 Riviere Du Chien Road

(South side of Riviere Du Chien Road, 130'± West of the South terminus of St Andrews Loop East)

Number of Lots / Acres: 4 Lots / 4.9± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
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.

Richard Ferguson, 3721 Riviere du Chien Road, was present to speak against this application. He felt like the re-subdividing of these lots would seriously undercut the value of his property.

Mr. Olsen responded that the staff had recommended approval because it meets the subdivision regulations on lot size and because there are other flap shaped lots in the area.

Hearing no further opposition or discussion, a motion was made by Mr. Vallas, with second by Mr. DeMouy, to waive Sections V.D.1. and 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 the site is limited to a total of two (2) curb-cuts, with the size, design and location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards.
- 2) revision of the 25-foot minimum building setback line to be located where each lot is a minimum of 60-feet in width (specifically Lot 4), as required by Section V.D.9. of the Subdivision Regulations;
- 3) the labeling of each lot with its size in square feet, or placement of a table on the plat with the same information;
- 4) compliance with Engineering comments (*The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. Label/show the existing common property line for lots 39 and 40A. 2. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 3. A signature for the Traffic Engineering Department shall be placed on the Final Plat. 4. Add a note to the Plat stating that storm water detention will be required for any unapproved development (since 1984) and any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045).*);
- 5) compliance with Fire comments (*All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile*);
- 6) approval of all applicable federal, state and local agencies for floodplain and wetland issues prior to the issuance of any permits or land disturbance activities; and
- 7) 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 PLANNING APPROVAL APPLICATIONS:

Case #ZON2012-02650

Mudbugs

1870 Dauphin Island Parkway

(West side of Dauphin Island Parkway, extending from Bakers Lane to Forest Lane)

Planning Approval to amend a previously approved Planning Approval to allow an expansion of an existing seafood store in a B-2, Neighborhood Business District.

Council District 4

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

applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Owner of Mudbugs, 1870 Dauphin Island Parkway, spoke on his own behalf. He stated that he would like to keep the rolling gate since he was robbed, he opens the gates everyday. He also would like to keep the curb-cut on Bakers Lane for delivery trucks.

Mr. Olsen stated that the applicant could keep the rolling gate; he would just need to obtain an after-the-fact permit.

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

- 1) **posting of signs under the canopy and striping of pavement to designate vendor drop-off areas outside the one-way customer traffic aisle;**
- 2) **removal of the rolling security gates if they block one-way traffic flow, or application for after-the-fact permitting if they can remain;**
- 3) **placement of a note on the site plan stating that the site is limited to carry-out-only food services, and no seating for on-site food consumption, either indoors or outdoors, is allowed;**
- 4) **revision of the site plan to provide compliant dumpster details including pad, drainage and screening;**
- 5) **revision of the site plan to indicate either current compliance with the tree planting requirements of the Ordinance, or a proposed tree planting plan to bring the site into such compliance;**
- 6) **compliance with odor control measures as required by the Alabama Department of Public Health as indicate on the site plan;**
- 7) **compliance with the Fire Department comments: *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.)*; and**
- 8) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2012-00100

R & R Commercial Park Subdivision, Re-subdivision of Lots 9 & 10

7600 Bellingrath Drive West

(West side of Bellingrath Drive West at its North terminus)

Number of Lots / Acres: 1 Lot / 1.1± Acre

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

(Also see, Case #ZON2012-02606 Tommy Wilder below)

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

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

- 1) depiction of the lot size in square feet, or provision of a table on the Final Plat with the same information;
- 2) placement of a note labeling the new lot;
- 3) placement of a note on the Final Plat limiting the lot to two curb-cuts, with the size, design, and location of the curb cut to be approved by Mobile County Engineering and conform to AASHTO standards;
- 4) compliance with local, state, and federal requirements for properties located in a FEMA designated floodzone;
- 5) placement of a note on the Final Plat stating the site must comply with the City of Mobile storm water and flood control ordinances: *(Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits.);*
- 6) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations; and
- 7) 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.

Case #ZON2012-02606

Tommy Wilder

7600 Bellingrath Drive West

(West terminus of Bellingrath Drive West)

Vacation Request to remove an existing utility easement

County

(Also see, Case #SUB2012-00100 R & R Commercial Park Subdivision, Re-subdivision of Lots 9 & 10 above)

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

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

- 1) **completion of the Subdivision process for Resubdivision of Lots 9 and 10, R & R Commercial Park.**

The motion carried unanimously.

Case #SUB2012-00101 (Subdivision)

Greystone Place Subdivision

3446 Lloyds Lane

(Northwest corner of Lloyds Lane and Girby Road)

Number of Lots / Acres: 1 Lot / 5.7± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

Council District 6

(Also see, Case #ZON2012-02607 (Planned Unit Development) **Greystone Place Subdivision** below)

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

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

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

- 1) **Site limited to 1 curb-cut to Lloyds Lane and 1 curb-cut to Girby Rd (if required by Fire, to be emergency only), with size design and location to be approved by Traffic Engineering**
- 2) **Labeling of lot size in square feet on final plat;**
- 3) **Compliance with Engineering comments (1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. A signature block and signature for the Traffic Engineering Department shall be placed on the Final Plat. 3. Add a note to the Plat stating that storm water detention will be required for any unapproved development (since 1984) and any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 ,**

- Ordinance #65-007 & #65-045).*);
- 4) **Compliance with Fire comments (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);**
 - 5) **Placement of note on plat stating (Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.); and**
 - 6) **Completion of Subdivison process prior to any request for permits.**

The motion carried unanimously with Mr. Vallas recusing.

Case #ZON2012-02607 (Planned Unit Development)

Greystone Place Subdivision

3446 Lloyds Lane

(Northwest corner of Lloyds Lane and Girby Road)

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

Council District 6

(Also see, **Case #SUB2012-00101 (Subdivision) Greystone Place Subdivision** above)

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

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

- 1) **Limited to the revised PUD site plan (with only minor modifications allowed, including widening of the main curb-cut to Lloyds Lane to a maximum of 36 feet, and the provision of a second, emergency only access if required by Fire, both subject to Traffic Engineering approval);**
- 2) **Compliance with Engineering comments (1. Any work performed in the existing Girby Road or Lloyds Lane ROW (right-of-way) such as grading, drainage, driveways, sidewalks, utility connections, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. Any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 3. According to the City of Mobile's 1984 aerial photographs these parcels were unimproved and wooded; therefore a detention facility(ies) will be required for any land disturbing activity. Need engineer's analysis of the**

capacity of the receiving storm system to ensure that the receiving system is capable of handling the additional flow. 4. The surface grading for any proposed dumpster pad(s) must be contained and directed to a surface drain that is connected to the Sanitary Sewer system. The drainage from any dumpster pads cannot discharge to the storm sewer system. 5. An ADEM NOR is required for any land disturbance activity over 1 acre. Provide a copy of the ADEM registration information for the site prior to the issuance of a Land Disturbance permit. 6. Provide sidewalk along the entire frontage of Girby Road and Lloyds Lane, unless a sidewalk waiver is approved.);

- 3) Completion of the Subdivision process prior to any request for permits; and
- 4) Full compliance with all other municipal codes and ordinances.

The motion carried unanimously with Mr. Vallas recusing.

Case #SUB2012-00104 (Subdivision)

Parkside Subdivision

Northeast corner of Cottage Hill Road and Sledge Drive, extending to the East side of International Drive)

Number of Lots / Acres: 1 Lot / 18.23± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 5

(Also see, Case #ZON2012-02612 (Planned Unit Development) **Parkside Subdivision** below)

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

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

Kent Levinson, 3525 Piedmont Road Bldg 8 Suite 205 Atlanta, GA, requested that the application be heldover.

The following people spoke in opposition to the matter:

- Robert Johns, 3206 North Wyoming Dr, Mobile;
- Keith Kingan, Kingan's Classic Cars;
- David Scott, 500 West Wyoming Dr, Mobile;

They made the following points against the application:

- A. concerned about the wetlands;
- B. worried about the noise pollution;
- C. stated that the traffic impact on Cottage Hill will be horrendous;
- D. the surveyors have come in and disturbed the land without any permits.

December 6, 2012
Planning Commission Meeting

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the January 3, 2013 meeting at the applicant's request.

The motion carried unanimously with Mr. Vallas recusing.

Case #ZON2012-02612 (Planned Unit Development)
Parkside Subdivision

Northeast corner of Cottage Hill Road and Sledge Drive, extending to the East side of International Drive)

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

Council District 5

(Also see, Case #SUB2012-00104 (Subdivision) Parkside Subdivision above)

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

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.

Kent Levinson, 3525 Piedmont Road Bldg 8 Suite 205 Atlanta, GA, requested that the application be heldover.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the January 3, 2013 meeting at the applicant's request.

The motion carried unanimously with Mr. Vallas recusing.

Case #SUB2012-00114 (Subdivision)

Old Shell Road Elementary Subdivision

1706 Old Shell Road and 107 & 109 Gilbert Street

(Northwest corner of Old Shell Road and Gilbert Street)

Number of Lots / Acres: 3 Lots / 4.5± Acres

Engineer / Surveyor: Joseph T. Regan, Jr.

Council District 2

(Also see, Case #ZON2012-02649 (Planned Unit Development)

Old Shell Road Elementary Subdivision and Case #ZON2012-02648 (Rezoning)

Southeast Real Estate Acquisitions, LLC below)

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

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

The following people spoke in opposition to the matter:

- William Carroll, District 2 Council Member
- Bryan Pugh, 104 Gilbert Street, Mobile;
- Nancy Seibt, 112 Beverly Court, Mobile;
- Megan Jorns, 1554 Fearnway Street, Mobile;
- Robert Morgan, 61 Semmes Avenue, Mobile;

They made the following points against the application:

- A. purchased home for the historic aspects of both the home and surrounding area;
- B. the proposed apartments will not provide sufficient parking spaces for the units;
- C. they're proposing 154 units with 147 total parking spaces;
- D. the Lagniappe stated that it is 54 less parking spaces than what the city ordinance calls for;
- E. supports responsible development, but does not feel as if this development is responsible or well planned;
- F. at this time children can play outside in their yards, but will not be able to that after these apartments are developed;
- G. fearful that the streets will become a cut through;
- H. an apartment complex does not fit into the character of a historic neighborhood;
- I. can see the playground of the former Old Shell Road Elementary School from their backyard.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the February 7, 2013 meeting, with revisions to be submitted by January 3rd and the following modifications be made to the site plan:

- 1) **revision of the plat to depict dedication along Gilbert Street for Lot A to provide 25-feet from centerline;**
- 2) **revision of the plat to depict dedication of a corner radius where Gilbert Street and Old Shell Road intersect;**
- 3) **revision of the plat to correctly identify flood zones;**
- 4) **revision of the plat to depict the 25-foot minimum building setback line on all lots, adjusted for any dedication; and**
- 5) **revision of the plat to label each lot with its size in square feet, or the placement of the information on a table, reflecting any required dedication.**

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

Case #ZON2012-02649 (Planned Unit Development)

Old Shell Road Elementary Subdivision

1706 Old Shell Road Street and 107 & 109 Gilbert Street

(Northwest corner of Old Shell Road and Gilbert Street)

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

site.

Council District 2

(Also see, Case #SUB2012-00114 (Subdivision)

Old Shell Road Elementary Subdivision above and Case #ZON2012-02648

(Rezoning)

Southeast Real Estate Acquisitions, LLC below)

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

The Chair announced the application had been recommended for holdover. 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. Plauche, with second by Mr. DeMouy, to hold the matter over until the February 7, 2013 meeting, with revisions to be submitted by January 3rd and the following modifications be made to the site plan:

- 1) **provision of additional justification to exceed the allowed by right number of dwelling units on the site, or reduction in the number of proposed units to comply with the Zoning Ordinance;**
- 2) **provision of additional justification to reduce the required parking ratio to allow a reduced number of parking spaces per dwelling unit, or provision of additional parking spaces to comply with the number per dwelling unit required by the Zoning Ordinance;**
- 3) **revision of the site plan to provide 1. Total landscape area, 2. Frontage landscape area, 3. Frontage, perimeter and parking area tree calculations, and 4. Common area open space per dwelling unit calculations;**
- 4) **revision of the site plan to eliminate access for the school site to Gilbert Street;**
- 5) **revision of the site plan to depict any exterior dumpster storage locations;**
- 6) **revision of the site plan to include a maximum building height for any new construction; and**
- 7) **revision of the site plan to reflect dedication along Gilbert Street, and dedication of a corner radius at the Gilbert Street and Old Shell Road intersection.**

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

Case #ZON2012-02648 (Rezoning)

Southeast Real Estate Acquisitions, LLC

1706 Old Shell Road Street and a portion of lots 107 & 109 Gilbert Street

(Northwest corner of Old Shell Road and Gilbert Street)

Rezoning from R-1, Single-Family Residential District, to R-3, Multiple-Family Residential District to allow a multi-family apartment complex.

Council District 2

(Also see, Case #SUB2012-00114 (Subdivision) **Old Shell Road Elementary**

Subdivision and Case #ZON2012-02649 (Planned Unit Development) **Old Shell**

Road Elementary Subdivision above)

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

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

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the February 7, 2013 meeting, with revisions to be submitted by January 3rd and the following modifications be made to the site plan:

- 1) **revision of the Zoning site plan to reflect PUD and Subdivision changes.**

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

Case #SUB2012-00108 (Subdivision)
West Airport Boulevard Center Subdivision

6575 Airport Boulevard

(South side of Airport Boulevard, 675'± East of Providence Hospital Drive)

Number of Lots / Acres: 6 Lots / 19.8± Acres

Engineer / Surveyor: Kimly-Horn & Associates, Inc.

Council District 6

(Also see, Case #ZON2012-02644 (Planned Unit Development) **West Airport Boulevard Center Subdivision** below)

The Chair announced the applications 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.

Bettina Prager, 6504 Airport Boulevard, stated she wanted clarification on what type of Wal-Mart would be going in at this location and also if fiber optics were ever installed along Airport Boulevard.

Mr. Olsen responded that the fiber optics were installed right after the previous approval and Ms. Prager may want to speak with the applicant about what exactly was being developed.

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

- 1) **retention of the 25-foot minimum building setback along Airport Boulevard on the Final Plat;**
- 2) **retain on the Final Plat of labeling each lot with its size in 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 the development is limited to two curb cuts to Airport Boulevard (existing curb cut and private street access point), with the size, design, and exact location to be approved by Traffic Engineering and conform to AASHTO standards, any changes to Airport Boulevard are subject to approval by Traffic Engineering and any intersection improvement (including signalization) and median modifications, as recommended by Traffic Engineering, to be completed prior to the issuance of any Certificates of Occupancy;
 - 4) relabeling of Lot 6 on the Final Plat as detention/retention/common area and the placement of a note on the Final Plat stating that the maintenance of the common area is the responsibility of the property owners;
 - 5) provision of a 8-foot privacy fence along the south and East property lines, where the site abuts residential properties;
 - 6) the provision of a 10-foot buffer planting strip, or an 8-foot wooden privacy fence beginning at the southwest corner and extending northwardly along the west property line for approximately 270-feet where the site adjoins the residential facility to the west;
 - 7) 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;
 - 8) compliance with Engineering comments: *(The following comments concerning the Final Plat should be addressed prior to review, acceptance and signature by the City Engineer: 1) provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2) add the County Engineer disclaimer stating that no ROW or easement is accepted for maintenance; 3) a signature block and signature for the Traffic Engineering Department shall be placed on the Final Plat; and 4) add a note to the Plat stating that storm water detention will be required for any unapproved development (since 1984) and any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045). Any work performed in the existing Airport Blvd ROW (right-of-way) such as driveways, sidewalks, utility connections, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). Any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. According to the City of Mobile's 1984 aerial photographs these parcels were unimproved and wooded; therefore a detention facility(ies) will be required for any land disturbing activity. Need engineer's analysis of the*

capacity of the receiving storm system to ensure that the receiving system is capable of handling the additional flow. Detention facilities can either be designed for the entire subdivision in which each separate facility must be located within Common Area(s), each individual Lot in which the detention facility must be located within an easement on the Lot, or a combination where an initial facility is constructed within a Common Area to account for the development of the subdivision ROW's and future facility(ies) will be constructed on each individual Lot. It appears that storm water discharge from the site may cross private residential properties. If this is the case care needs to be taken to ensure no damage is caused to downstream properties. The applicant will need to provide a court recorded release agreement from any and all effected downstream properties or each detention facility would need to be designed for the 100 year storm event with a release rate for the 2 year storm. The surface grading for the proposed dumpster pad(s) must be contained and directed to a surface drain that is connected to the Sanitary Sewer system. The drainage from any dumpster pads cannot discharge to storm sewer. An ADEM NOR is required for any land disturbance activity over 1 acre. Provide a copy of the ADEM registration information for the site prior to the issuance of a Land Disturbance permit. Provide additional proposed sidewalk from the ramp on the west side of the west entrance to the existing sidewalk along the service road. unless a sidewalk waiver is approved.);

- 9) *compliance with Traffic Engineering comments: (A Traffic Impact Study has previously been prepared for this site, however, a revised study is required to account for the site changes and how the improvements may be impacted. Although the exact land use for the out parcels is unknown, the study should account for an estimated trip generation based on potential development that could occur.);*
- 10) *compliance with Fire Department comments: (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile);*
- 11) *compliance with Urban Forestry comments: (Preservation status is to be given to the 60" Live Oak Tree located on the East side of Lot 3 and the 60" Live Oak Tree located on the West side of Lot 6. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.);*
- 12) *the placement of a note on the Final Plat stating the provision of a 10-foot buffer and six-foot high solid privacy fence adjacent to residentially zoned properties; and*
- 13) *submittal of two copies of a revised PUD site plan prior to signing the Final Plat.*

The motion carried unanimously.

Case #ZON2012-02644 (Planned Unit Development)

West Airport Boulevard Center Subdivision

6575 Airport Boulevard

(South side of Airport Boulevard, 675'± East of Providence Hospital Drive)
Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow shared access between multiple building sites.
Council District 6
(Also see **Case #SUB2012-00108 (Subdivision) West Airport Boulevard Center Subdivision** above)

The Chair announced the applications 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 further discussion, a motion was made by Mr. Watkins, with second by Mr. Vallas, to approve the above referenced matter, subject to the following conditions:

- 1) **retention of the 25-foot minimum building setback along Airport Boulevard on the PUD site plan;**
- 2) **retain on the PUD site plan of labeling each lot with its size in 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 PUD site plan stating that the development is limited to two curb cuts to Airport Boulevard (existing curb cut and private street access point), with the size, design, and exact location to be approved by Traffic Engineering and conform to AASHTO standards, any changes to Airport Boulevard are subject to approval by Traffic Engineering and any intersection improvement (including signalization) and median modifications, as recommended by Traffic Engineering, to be completed prior to the issuance of any Certificates of Occupancy;**
- 4) **relabeling of Lot 6 on the PUD site plan as detention/retention/common area and the placement of a note on the Final Plat stating that the maintenance of the common area is the responsibility of the property owners;**
- 5) **provision of a 8-foot privacy fence along the south and East property lines, where the site abuts residential properties;**
- 6) **the provision of a 10-foot buffer planting strip, or an 8-foot wooden privacy fence beginning at the southwest corner and extending northwardly along the west property line for approximately 270-feet where the site adjoins the residential facility to the west;**
- 7) **placement of a note on the PUD site plan 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;**
- 8) **compliance with Engineering comments: *(Any work performed in the existing Airport Blvd ROW (right-of-way) such as driveways, sidewalks, utility connections, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration***

Ordinance (Mobile City Code, Chapter 57, Article VIII). Any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. According to the City of Mobile's 1984 aerial photographs these parcels were unimproved and wooded; therefore a detention facility(ies) will be required for any land disturbing activity. Need engineer's analysis of the capacity of the receiving storm system to ensure that the receiving system is capable of handling the additional flow. Detention facilities can either be designed for the entire subdivision in which each separate facility must be located within Common Area(s), each individual Lot in which the detention facility must be located within an easement on the Lot, or a combination where an initial facility is constructed within a Common Area to account for the development of the subdivision ROW's and future facility(ies) will be constructed on each individual Lot. It appears that storm water discharge from the site may cross private residential properties. If this is the case care needs to be taken to ensure no damage is caused to downstream properties. The applicant will need to provide a court recorded release agreement from any and all effected downstream properties or each detention facility would need to be designed for the 100 year storm event with a release rate for the 2 year storm. The surface grading for the proposed dumpster pad(s) must be contained and directed to a surface drain that is connected to the Sanitary Sewer system. The drainage from any dumpster pads cannot discharge to storm sewer. An ADEM NOR is required for any land disturbance activity over 1 acre. Provide a copy of the ADEM registration information for the site prior to the issuance of a Land Disturbance permit. Provide additional proposed sidewalk from the ramp on the west side of the west entrance to the existing sidewalk along the service road, unless a sidewalk waiver is approved.);

- 9) *compliance with Traffic Engineering comments: (A Traffic Impact Study has previously been prepared for this site, however, a revised study is required to account for the site changes and how the improvements may be impacted. Although the exact land use for the out parcels is unknown, the study should account for an estimated trip generation based on potential development that could occur.);*
- 10) *compliance with Fire Department comments: (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile);*
- 11) *compliance with Urban Forestry comments: (Preservation status is to be given to the 60" Live Oak Tree located on the East side of Lot 3 and the 60" Live Oak Tree located on the West side of Lot 6. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.);*
- 12) *the placement of a note on the PUD site plan stating the provision of a 10-foot buffer or eight-feet high solid privacy fence adjacent to residentially*

- zoned properties;
- 13) submittal of two copies of a revised PUD site plan prior to signing the Final Plat; and
- 14) compliance with all other codes and ordinances.

The motion carried unanimously.

OTHER BUSINESS:

1. **Accept and Ratify agreement with Mobile County for the continued administration and enforcement of the City of Mobile Subdivision Regulations in the Planning Jurisdiction.**

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 this time.

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

The motion carried unanimously.

2. **Call for Public Hearing on January 3, 2013, to consider amending 64-11.8.b.6, to expand the area in which Sandwich Board Signs are allowed.**

He also announced a Call for Public Hearing scheduled for January 3, 2013.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the Public Hearing on January 3, 2013.

The motion carried unanimously.

Hearing no further business, the meeting was adjourned.

APPROVED: August 8, 2013



Dr. Victoria Rivizzigno, Secretary



Terry Plauche, Chairman

jpw