

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF JANUARY 5, 2012 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

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

Members Absent

Nicholas H. Holmes, III
Herb Jordan

Urban Development Staff Present

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

Others Present

John Lawler,
Assistant City Attorney
George Davis,
City Engineering

Marybeth Bergin,
Traffic Engineering
District Chief Billy Roach,
Fire-Rescue Department

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

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

HOLDOVERS:

Case #SUB2011-00128 (Subdivision)

International Longshoremen's Associations Place Subdivision

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

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

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

Engineer / Surveyor: Erdman Surveying LLC

Council District 2

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

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

Noting no one in attendance on the matter and hearing no opposition or discussion, a motion was made by Mr. Watkins, with second by Dr. Rivizzigno, to deny the above referenced matter.

The motion carried unanimously with only Mr. Turner recused from voting.

Case #SUB2011-00130 (Subdivision)

Plantation North Subdivision

10700 Jeff Hamilton Road

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

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

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

County

The Chair announced the 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 applicant. He noted information and language regarding how the project was innovative in design had been submitted to the staff. He stated they only had questions regarding Condition 5 where it stated “the developer shall not transfer title to Lot 23,” as he was not sure the Commission could legally block the transfer of title to said property, otherwise, they were in agreement with the recommendations.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Turner, to waive Section V.D.2. 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 internal street must be constructed to County Engineering standards and scheduled for acceptance by the County prior to the signing of the Final Plat;**
- 2) revision of the plat to label 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) revision of the plat to indicate the correct right-of-way width of Sheffield Road after the previous dedication of 10' as recorded in Jeff Hamilton Road Property Subdivision, Re-subdivision of Lot 2 of the Re-subdivision of Lot 4;**

- 4) revision of the plat to reflect the 25' minimum building setback line along Sheffield Road after the correction of the right-of-way width;
- 5) placement of a note on the Final Plat stating that no permits shall be issued for development of Lot 23 until Sheffield Road is developed to County standards;
- 6) illustration of the 25' minimum building setback line along Jeff Hamilton Road and the internal street;
- 7) placement of a note on the Final Plat stating that Lot 1 is denied direct access to Jeff Hamilton Road;
- 8) placement of a note on the Final Plat stating that Lot 23 is limited to one curb-cut to Sheffield Road, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;
- 9) placement of a note on the Final Plat stating that Lots 1 through 22 are limited to one curb-cut each to Sharon Court, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;
- 10) placement of a note on the Final Plat stating that no structures shall be constructed within any easement;
- 11) placement of a note on the Final Plat stating that the maintenance of the common area and detention areas is the responsibility of the property owners and not Mobile County;
- 12) placement of a note on the Final Plat stating that 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;
- 13) 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;
- 14) 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,
- 15) provision of an access easement to the detention area in the Northwest corner of the subdivision, either via an access easement along the common lot line of Lots 12 and 13, or the common lot line of Lots 13 and 14.

The motion carried unanimously.

Case #SUB2011-00129 (Subdivision)

Cromer Place Subdivision

5891 Carol Plantation Road

(East side of Carol Plantation Road, 435± North of Bourne Road)

Number of Lots / Acres: 4 Lots / 7.6 Acres±

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

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

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

- 1) **depiction of the 25-foot minimum building setback line from Carol Plantation Road, as required by Section V.D.9. of the Subdivision Regulations;**
- 2) **labeling of the lot sizes, in square feet and acres, or provision of a table on the Final Plat with the same information;**
- 3) **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;**
- 4) **placement of a note on the Final Plat stating the site must comply with the City of Mobile stormwater and flood control ordinances: *“Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits;”***
- 5) **placement of a note on the Final Plat limiting all lots to one curb-cut each to Carol Plantation Road, with the size, design, and location of all curb-cuts to be approved by Mobile County Engineering and conform to AASHTO standards; and,**
- 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,**

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prior to the issuance of any permits or land disturbance activities.

The motion carried unanimously.

Case #SUB2011-00137 (Subdivision)

Sunset Point Subdivision

4640, 4628, 4616, 4612, 4608, 4600 Airport Boulevard, 200, 204, 208 April Street, 4609, 4613, 4617, 4621, 4625, 4629 Sunset Drive South, 201 & 205 University Boulevard South

(Northeast corner of Airport Boulevard and South University Boulevard extending North to Sunset Drive South, and East to April Street)

Number of Lots / Acres: 1 Lot / 6.8 Acres±

Engineer / Surveyor: Haines, Gipson & Associates, Inc.

Council District 5

(Also see **Case #ZON2011-02997 (Planned Unit Development) Sunset Point Subdivision**, **Case #ZON2011-02996 (Rezoning) Ladas Development Company, Inc.**, and, **Case #ZON2011-02994 (Sidewalk Waiver) Ladas Development Company, Inc.**, below)

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

Mr. DeMouy, acting 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 applicant and made the following points in favor of the matter:

- A. the applicant was in agreement with the staff's recommendations, however, as there seemed to be opposition, the applicant's attorney asked if he could save the majority of his time for opposition rebuttal;
- B. a predevelopment meeting was held with representatives of different sections within the City and Urban Development Department in November of 2011;
- C. the site plan before the Commission that day had been developed as a result of the meeting with the representatives from those different departments;
- D. a community meeting was arranged by Reggie Copeland, City Councilperson for the district involved, and held at E.R. Dickson Elementary School;
- E. the applicant heard many concerns voiced by the neighbors at the community meeting but felt the answers given had resulted in a very productive meeting over all;

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- F. the site in question would take up the entire city block involved and the Planned Unit Development for the project included everything except the existing oil change facility at the corner, which would remain as it was;
- G. the site was a little over eight acres and would be the home of a 57,000 square foot Publix grocery store, the first to be built in Mobile;
- H. there would be two “right in/right out only” curb-cuts to Airport Boulevard, with both having a de-acceleration lane, and two curb-cuts to University Boulevard, with the south curb-cut being “right in/right out only” and the north being a standard, full service, curb-cut;
- I. on the overhead, pointed out the location of the planned six foot high, brick or masonry privacy wall, the effect of said wall would be greater due to the elevation, as on the north property line, the top of the wall would actually be 13 feet higher than the street;
- J. there would be 89 over-story trees planted from where the privacy wall stopped and beyond that there would be a three foot high hedge row with additional trees planted there as well;
- K. the truck access to the site would be in the rear, with an additional access to Sunset Drive South;
- L. the truck access had been a concern of the neighbors and the original plan had called for some way to remove it from April Street, however, due to traffic coming into the site from Airport Boulevard and from the service road, Traffic Engineering felt the truck entrance was too close to both locations and asked that it be moved back;
- M. the truck access, as proposed, would only affect one residential property on April Street, however, the truck traffic would exit April Street before it reached the house in question’s driveway; and,
- N. would vacate with the City the rights-of-way on the site and those would be included in their parking lots and in the site plan.

Mr. Miller asked for more information regarding the picture of a brick wall Mr. Anderson had included in his hand out.

Mr. Anderson stated he was saving the explanation of same for his rebuttal as it was an example of how the brick wall planned for the site would function and how it was really not very noticeable.

Mr. Miller asked what type of over story trees would be planted and if they would be six to eight feet tall at planting.

Mr. Anderson did not know the type and added that developers typically planted trees of approximately five to eight feet in height, depending upon the tree.

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Mr. Watkins noted Mr. Anderson's handout indicated the truck traffic on April Street was entrance only.

Mr. Anderson responded that was correct and added truck traffic would enter from April Street, unload in a contained, in-door type facility then exit the property via University Boulevard.

Mr. Watkins asked if Mr. Anderson knew the projected hours of delivery.

Mr. Anderson said those hours could be limited to 7:00 a.m. to 8:00 p.m. as Publix did not have any 24 hour stores and weren't starting one here. He added typical hours of operation in the Baldwin County market were 7:00 a.m. to 10:00 p.m. He also stated there would be no external dumpster and all of the trash compacting would be done inside the facility.

The following people spoke in opposition to the matter:

- Susan Canter, 173 April Street, Mobile;
- Joe Belanger, 4601 Bit and Spur Road, Mobile;
- Steve Davies, 183 June Street, Mobile; and,
- Robert McDowell, 187 East Sunset Drive, Mobile.

They made the following points against the application:

- A. the houses in Sunset Hills, the adjacent subdivision, were built in the early 1950s, and the residents living there were a close knit neighborhood;
- B. felt putting a Publix in the neighborhood would destroy the property values of the adjacent homes;
- C. there were over 200 oak and pine trees that would be destroyed should the project be approved;
- D. the project would increase traffic at a very busy and dangerous intersection;
- E. afraid the Sunset Hills neighborhood would become a "cut-thru" for people seeking a short cut to the grocery store;
- F. concerned the increased traffic would put the children who walk to E.R. Dickson Elementary School at a greater risk, as it would those who regularly walked and jogged in the Sunset Hills neighborhood;
- G. if the project were approved, the residents of Sunset Hills would be forced to endure the noise and pollution associated with the construction of a facility this size for approximately a year;
- H. felt there were better locations for the proposed store, citing Llanfair Place, the former Bruno's location at Cottage Hill Road

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- and Hillcrest Road, or the former Michael's location off of Airport Boulevard;
- I. traffic on Bit and Spur was horrible due to the traffic on University Boulevard and felt putting in Publix would make it worse;
 - J. people were already cutting through Country Club Estates to get to the University of South Alabama and the grocery store would make it worse;
 - K. when first found out about the project, wrote a letter of concern to District 5 Councilperson, Reggie Copeland, a copy of which was given to each Commissioner;
 - L. concerned over the entrance from Sunset Drive into the proposed parking lot as it would heavily impact the traffic in the neighborhood because so much of it would come through Country Club Estates;
 - M. concerned the proposed wall, though described as being over the required height for a privacy, only went to the corner of the building and stopped where the parking lot began with only a three foot hedge row serving as buffer from that point on;
 - N. purchased a house in Sunset Hills believing it to be in a protected neighborhood and if the proposed project were approved, that would no longer be the case;
 - O. concerned over lighting and how its impact on the adjacent residential neighborhood would be limited;
 - P. concerned over the truck entrance as proposed on April Drive, even though hours of delivery might be limited to 7:00 a.m. to 8 p.m., it was widely known 18-wheelers would not arrive at 7:00 a.m. for delivery but would be there significantly earlier and idle on the street until the actual delivery time arrived and doing so in a residential neighborhood would have a significant, negative impact on the quality of life for those residents;
 - Q. concerned there were too many brick walls in the neighborhood already as they seemed to destroy the sense of community originally present in the area; and,
 - R. due to economic conditions, "nothing was for certain," and cited a number of stores who had come and gone and expressed concern that should the proposed Publix leave as others had, the surrounding neighborhood would have been sacrificed and altered forever.

The following people spoke in rebuttal to the opposition and in favor of the matter:

- Reggie Copeland, Mobile City Council President and District 5 representative;
- Avril Drummond, 200 Rochester Place, Unit A, Mobile; and,
- Theodore Pitsios, 221 Lakewood Drive, Mobile.

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They made the following points:

- A. representing District 5, Councilperson Copeland reported he had received 35 e-mail regarding the matter and of those, only one was in opposition;
- B. had heard comments from citizens for a number of years regarding when the city would be getting a Publix;
- C. felt the developers were acting in good faith and making adequate concessions for the good of all concerned;
- D. understood there would be lots of concern regarding traffic issues, most of which was associated with the University of South Alabama, however, did not see it as prudent to suggest to the University of South Alabama to stop their growth;
- E. Publix would bring in jobs and tax money, both of which were very much needed in the city;
- F. other speakers noted living in the area felt it would be a pleasure to walk to a grocery store, especially one as nice as Publix;
- G. believed living near a Publix, which had such a positive reputation, would increase, not decrease the value of the area's property;
- H. other neighbors had indicated they were in favor of the Publix;
- I. the roads in the neighborhood had always been used as alternative routes to access the Springhill area;
- J. felt the addition of a Publix might also bring the City's attention to the area regarding the construction of much needed traffic improvements;
- K. as a senior citizen who lives in the area, looked forward to being able to walk to a grocery store as opposed to crossing Airport Boulevard/University Boulevard traffic;
- L. traffic in a city that was growing was inevitable and was a good sign of positive growth;
- M. Mobile was an old city and most houses in the city were old because of that and felt the removal of some old houses was an improvement to both the area and the house;
- N. felt anything that went on the site would constitute a great improvement from the current conditions;
- O. noted the Bruno's on University Boulevard and very near the site in question was adjacent to two very nice subdivisions and none of the blight that opposition had expressed concern might occur in their neighborhood had occurred in those;
- P. the proposed project would be developed from the ground up and not be a situation where the developer "whitewashed" an existing old building as the new development would generate a lot of revenue;
- Q. the applicant's attorney asked those who were attending and in favor of the matter to please stand and a large number stood;

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- R. the applicant's attorney corrected his earlier statement that the trucks would be unloaded in an enclosed area stating it was to be covered but not enclosed;
- S. regarding the restriction of delivery hours to 7:00 a.m. to 8:00 p.m., those would be for rear deliveries only with such things as the Barber's Dairy trucks still being allowed delivery at the front of the store as was standard practice in the industry; and,
- T. after conferring with the landscape architect, the trees would be 14 to 16 feet high at planting.

Dr. Rivizzigno asked if it would be possible to extend the proposed masonry wall through most of the northern boundary.

Mr. Anderson stated such had been discussed in the pre-development meeting held with various City departments, however, it had been decided it would not be very pleasing to do so. He noted a concern which had been discussed was car headlights facing north into the residential properties, but it had been determined such was a condition that currently existed and would continue to exist as long as Mobile existed.

Mr. DeMouy asked how the applicant would respond to opposition's concern regarding 18-wheelers arriving at the site for delivery in the very early hours.

Mr. Anderson assured everyone there would be no trucks coming to the site at extreme hours as the applicant would enforce and maintain there being no rear deliveries except between the hours of 7:00 a.m. to 8:00 p.m.

Mr. Watkins asked for more information regarding the benefits of the two-way access located on Sunset Drive South.

Mr. Anderson stated regardless of what was done with the site, there would be a curb-cut to the service road. He noted the original site plan had the proposed curb-cut very near where it currently existed, however, Traffic Engineering had advised it conflicted too much with the northern curb-cut which went to University Boulevard, and asked that it be moved to the east where it was now shown. He stated the request for a sidewalk waiver had been withdrawn, so there would be sidewalks on all four sides of the site.

Mr. Miller asked how many homes were being removed.

Mr. Anderson stated he believed there were 12 to 13 houses currently under contract and would later be removed.

Mr. Miller asked if the applicant had met with the neighbors regarding the matter.

Mr. Anderson said they had, advising that the second week in December of 2011, a meeting had been arranged by Councilperson Copeland and held at E. R. Dickson

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Elementary School with approximately 25 to 30 neighbors attending and those were shown the same site plan as had been shown to the Commissioners.

Mr. Miller voiced his concern that a person who purchased a home in a R-1, single family residentially zoned district had a reasonable expectation to continue living in a R-1 zoned neighborhood. He added there was a great deal of “green space” and private homes which would be destroyed should the matter be approved, and though he appreciated the person who lived nearby being in favor of the matter, their perspective was very different from someone who would be living right next door to the development. He expressed he would like to see a plan that addressed the fears of the neighbors in terms of the traffic and residential needs versus commercial needs.

Mr. Anderson agreed there would be “green space” destroyed but their landscape architect had done a wonderful job of designing a new plan which would add a lot trees and green space back, adding the parking lot had been redesigned to have smaller and fewer parking spaces with larger landscaped space at the end of each parking aisle. With regards to destroying the residential character of the neighborhood, Mr. Anderson said the closest house to the building would be 100 to 160 feet with a public street, a right-of-way, landscaping, and buffer fencing in between. He admitted the University Boulevard/Airport Boulevard was a very busy, highly trafficked area, but it had been designed to accept heavy traffic as it had four to six lanes going in the various directions. He noted he had found out, through working on a different project, the City had plans to re-time the traffic lights on Airport Boulevard from Midtown to the airport in an effort to improve east and west traffic flow.

In deliberation, Mr. Davitt noted there were two deceleration lanes from Airport Boulevard into the proposed Publix location. He said they were shown as “right in/right out only” and asked if that was correct.

Marybeth Bergin, City Traffic Engineering, advised those were correctly shown as “right in/right out only” access points.

Mr. Davitt stated he had sat in front of Panera Bread on Montlimar Drive, which had a “one way in/one way out” access point, and had seen people disregarded those directions and turned left just so as not to have to go around the building there.

Ms. Bergin advised there was a raised median on Airport Boulevard at the proposed Publix location which would physically prevent drivers from turning left out of either of the proposed driveways.

Mr. Davitt agreed with Ms. Bergin with the exception of the proposed driveway to the furthest west and in theory use, however, based upon having observed the driving habits in Mobile, someone could attempt to cross all of the westbound traffic to reach that turn. He also asked about the northwest most turn on University Boulevard and if drivers were going to be allowed to turn left across traffic there to go south.

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Ms. Bergin stated that was correct and explained it was a five lane section to the north of that driveway so there would be space for cars to make the left turn in/left turn out of said driveway.

Mr. Davitt had real concerns regarding doing such, considering the amount of traffic on University Boulevard and he also had a problem with the site having access to Sunset Drive.

Ms. Bergin stated the developers had been asked to move the driveway on Sunset Drive further away from University Boulevard to get more distance between places where shoppers could access the site and where people would be waiting to turn onto University Boulevard. She stated the reason Traffic Engineering preferred the entrance onto Sunset Drive was because it was intended specifically for access by the neighbors.

Mr. Davitt asked if the Sunset Drive access was meant to encourage the area residents to by-pass utilizing access points on University Boulevard in favor of the one on Sunset Drive which would result in an increase in traffic on a service road.

Ms. Bergin stated it was a possibility that some shoppers would enter from the curb-cut on Sunset Drive, come through the median opening to the north, and access the site.

Mr. Davitt expressed concern over the fact that 14 single family homes would disappear for the sake of a Publix and that commercial growth was beginning the creep eastward on Airport Boulevard and wondered how far such creep would be allowed.

Mr. Daughenbaugh added a point of clarification regarding Urban Forestry's comments regarding the need for Mobile Tree Commission permits in order to remove trees in the right-of-way. He noted there were existing live oak trees in the right-of-way at the driveway being discussed on University Boulevard.

Mr. Miller noted he shared Mr. Davitt's concerns regarding the encroachment on the residential properties.

Mr. Watkins stated he felt better about the project now that he understood the reasoning behind the access drive on the service road.

Ms. Bergin stated if the service road driveway were to be removed, a lot of the traffic in the country club area which seemed to be of most concern would travel up Bit & Spur Road and make the left turn into the one driveway, increasing the traffic at the full access drive way which would potentially create more of a problem.

Mr. Miller noted when going south on University Boulevard, there was often a back up in the turn lane there but didn't think a traffic signal would work at that location.

Ms. Bergin said a traffic signal was not considered for the location.

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Mr. Miller also did not want to encourage people to utilize the neighborhood as a “cut thru” as he felt once it began they would like it and further disrupt the residential character of the area.

Dr. Rivizzigno stated the “cut thru” had always been there and noted the former Barnhill’s Buffet location.

Mr. Miller expressed his understanding, but added he did not believe Barnhill’s did the business a Publix would, because if they did, the site would not have been vacant and available to Publix.

Dr. Rivizzigno recognized residential houses would be lost but added those home owners were not forced to sell their property but did so freely.

Mr. Miller reinforced his standing belief that if people bought R-1 zoned property they had the reasonable expectation they would remain in R-1 unless overwhelming change occurred.

Mr. DeMouy added that at all most every Planning Commission meeting there were requests to rezone property.

Mr. Olsen gave a point of clarification regarding Condition 4 of the Planned Unit Development application, stating the condition should read “submission of two copies of the revised Planned Unit Development site plan as may be required to comply with this approval” being very specific that the only revisions to be made to said plan were those necessary for the approval. He also clarified where the report talked of adoption by the City Council, it referred to the adoption of the rezoning by City Council.

Mr. Miller asked for confirmation that a traffic impact study had been done regarding the project.

Mr. Olsen stated one had indeed been done and the results submitted to Traffic Engineering, where it was reviewed and recommendations made regarding changes to the site.

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

- 1) dedication to provide sufficient radii in accordance to Section V.B.16. of the Subdivision Regulations, with the size and design to be approved by Traffic Engineering and in compliance with AASHTO standards;**
- 2) completion of the vacation requests;**

- 3) placement of the lot area size, in square feet/acres, on the Final Plat or provision of a table on the Final Plat with the same information;
- 4) placement of the 25-foot minimum building line to be depicted along all street frontages on the Final Plat;
- 5) compliance with Engineering comments: *“Applicant shall provide an assessment of surface conditions as of 1984, for Engineering Department review, to be able to claim any historical credit for the determination of the detention storage calculations. Engineer shall certify to the existing capacity of the downstream storm drainage system(s). Any proposed offsite improvements shall be reviewed with the Engineering Department. Vacation of Right-of-way is subject to City Council approval. Must comply with all stormwater and flood control ordinances. Any work performed in the existing ROW (right-of-way) will require a Right-of-Way (ROW) permit from the Engineering Department and must comply with all City of Mobile ROW code and ordinance requirements. Sidewalk will be required within the rights-of-way. It appears that there is sufficient room within the ROW, or partially within the property, for construction of a sidewalk;”*
- 6) compliance with Traffic Engineering comments: *“A traffic impact study was submitted for this development. No changes are proposed to the signalized intersection of Airport Blvd and University Blvd. The only recommended improvements to the roadways adjacent to the site are the construction of right turn lanes on Airport Blvd at the two proposed site driveways. There are no objections to the findings in the study. Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. The western site driveway on Airport Blvd should be wide enough to allow for two 12’ lanes. A raised island should be provided at this location if a minimum 50 ft² area is attainable. If the proposed ROW vacation of the service road in the vicinity of April Street is granted, the western corner radius of April Street at Airport Blvd will need to be adjusted. The edge of pavement along April Street should be extended straight to Airport Blvd and a new corner turning radius should be constructed. This can be done with curb and gutter depending on the drainage conditions in this area. The sidewalk illustrated in the plan as stopping at the northern existing edge of pavement for the service road would continue south to Airport Blvd. A sidewalk waiver has been submitted for Airport Blvd only; however there is no sidewalk included along University Blvd across the frontage of the site. Sidewalk is necessary along all street frontages;”*

- 7) placement of a note on the Final Plat stating the site be allowed two curb-cuts to Airport Boulevard, two curb-cuts to University Boulevard, one curb-cut to Sunset Drive and a one-way truck entrance, with the sizes, design, and location to be approved by Traffic Engineering and comply to AASHTO standards;
- 8) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species; and,
- 9) completion of the rezoning process.

Mr. DeMouy called for a show of hands vote and the motion carried with Mr. Plauche, Mr. Turner, and Mr. Vallas recused from voting and only Mr. Miller voting against.

Case #ZON2011-02997 (Planned Unit Development)

Sunset Point Subdivision

4640, 4628, 4616, 4612, 4608, 4600 Airport Boulevard, 200, 204, 208 April Street, 4609, 4613, 4617, 4621, 4625, 4629 Sunset Drive South, 201 & 205 University Boulevard South

(Northeast corner of Airport Boulevard and South University Boulevard extending North to Sunset Drive South, and East to April Street)

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

Council District 5

(Also see **Case #SUB2011-00137 (Subdivision) Sunset Point Subdivision**, above, and, **Case #ZON2011-02996 (Rezoning) Ladas Development Company, Inc.**, and, **Case #ZON2011-02994 (Sidewalk Waiver) Ladas Development Company, Inc.**, below)

Mr. Plauche, Mr. Turner, and, Mr. Vallas recused themselves 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.

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

- 1) revision of the site plan to show **ALL** improvements on the site including, but not limited to recommendations of the Traffic Impact Study and to include Traffic Engineering comments: *“Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. The western site driveway on Airport Blvd should be wide enough to allow for two 12’ lanes. A raised island should be provided at*

this location if a minimum 50 ft² area is attainable. If the proposed ROW vacation of the service road in the vicinity of April Street is granted, the western corner radius of April Street at Airport Blvd will need to be adjusted. The edge of pavement along April Street should be extended straight to Airport Blvd and a new corner turning radius should be constructed. This can be done with curb and gutter depending on the drainage conditions in this area. The sidewalk illustrated in the plan as stopping at the northern existing edge of pavement for the service road would continue south to Airport Blvd.;

- 2) placement of a note stating, Lighting on the site must comply with the requirements of Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;
- 3) correction of the out parcel outline illustrating the out parcel as Lot A-1, Uniport Subdivision, Re-subdivision of Lot 1;
- 4) submission of two copies of the revised Planned Unit Development site plan, as required to be revised to illustrate compliance with this approval to the Planning Section, Urban Development prior to completion of the rezoning by the City Council;
- 5) provision of a solid hedgerow, 3-feet in height species to be approved by Urban Development along April Street and Sunset Drive, in conjunction with the 6-foot CMU wall illustrated on the site plan;
- 6) completion of rezoning and subdivision process prior to the issuance of permits;
- 7) delivery access to April Street limited to the hours between 7 AM and 8 PM; and,
- 8) full compliance with all municipal codes and ordinances.

Mr. DeMouy called for a show of hands vote and the motion carried with Mr. Plauche, Mr. Turner, and Mr. Vallas recused from voting and only Mr. Miller voting against.

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Case #ZON2011-02996 (Rezoning)

Ladas Development Company, Inc.

4640, 4628, 4616, 4612, 4608, 4600 Airport Boulevard, 200, 204, 208 April Street, 4609, 4613, 4617, 4621, 4625, 4629 Sunset Drive South, 201 & 205 University Boulevard South

(Northeast corner of Airport Boulevard and South University Boulevard extending North to Sunset Drive South, and East to April Street)

Rezoning from R-1, Single-Family Residential District, B-1, Buffer-Business District, B-2, Neighborhood Business District, to B-2, Neighborhood Business District, to eliminate split zoning in a proposed subdivision and allow construction of a grocery store.

Council District 5

(Also see **Case #SUB2011-00137 (Subdivision) Sunset Point Subdivision**, and, **Case #ZON2011-02997 (Planned Unit Development) Sunset Point Subdivision**, above, and, **Case #ZON2011-02994 (Sidewalk Waiver) Ladas Development Company, Inc.**, below)

Mr. Plauche, Mr. Turner, and, Mr. Vallas recused themselves 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.

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

- 1) limited to an approved Planned Unit Development (PUD);**
- 2) completion of subdivision process prior to the issuance of permits; and,**
- 3) full compliance with all municipal codes and ordinances.**

Mr. DeMouy called for a show of hands vote and the motion carried with Mr. Plauche, Mr. Turner, and Mr. Vallas recused from voting and only Mr. Miller voting against.

January 5, 2012
Planning Commission Meeting

Case #ZON2011-02994 (Sidewalk Waiver)

Ladas Development Company, Inc.

4640, 4628, 4616, 4612, 4608, 4600 Airport Boulevard, 200, 204, 208 April Street, 4609, 4613, 4617, 4621, 4625, 4629 Sunset Drive South, 201 & 205 University Boulevard South

(Northeast corner of Airport Boulevard and South University Boulevard extending North to Sunset Drive South, and East to April Street)

Request to waive construction of a sidewalk along a portion of Airport Boulevard).

Council District 5

(Also see **Case #SUB2011-00137 (Subdivision) Sunset Point Subdivision**, **Case #ZON2011-02997 (Planned Unit Development) Sunset Point Subdivision**, and, **Case #ZON2011-02996 (Rezoning) Ladas Development Company, Inc.**, above)

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

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

Doug Anderson, Burr and Foreman Law Firm, spoke on behalf of the applicant and asked that the sidewalk waiver application be withdrawn from consideration.

Hearing no opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Watkins, to accept the applicant's request for withdrawal of the matter.

Mr. DeMouy called for a show of hands vote and the motion carried with Mr. Plauche, Mr. Turner, and Mr. Vallas recusing.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2011-00138

Government Street Subdivision

61 South Conception Street

(Northeast corner of South Conception Street and Government Street)

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

Engineer / Surveyor: Clark, Geer, Latham & Associates

Council District 2

The Chair announced the application had been recommended for approval 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. Olsen advised the Commission that staff had received a phone call that morning advising the applicant's representative could not be in attendance due to a death in the family and asked the matter be held over at the applicant's request until the January 19, 2012, meeting.

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 19, 2012, meeting, at the applicant's request.

The motion carried unanimously.

Case #SUB2011-00139
Blue Bird Subdivision

104 & 106 Bay Shore Avenue and 2724 Old Shell Road
(Northeast corner of Old Shell Road and Bay Shore Avenue)
Number of Lots / Acres: 1 Lot / 1.0 Acre±
Engineer / Surveyor: Frank A. Dagley & Associates, Inc.
Council District 1

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.

Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant. He stated the applicant was in agreement with the conditions and understood the approval was subject to a right-of-way use agreement, which it was believed now enjoyed the staff's support.

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

- 1) **removal of any portion of the existing structure that extends into the right-of-way of Bay Shore Avenue, or approval of a Right-of-Way Use Agreement by the City of Mobile;**
- 2) **placement of a note on the final plat stating that the lot is limited to one curb-cut onto Bay Shore Avenue and one curb-cut to Old Shell Road, with the size, design, and location to be approved by Traffic Engineering and comply with AASHTO standards;**
- 3) **removal and landscaping of all other curb-cuts, and provision of a City standard sidewalk;**
- 4) **compliance with Traffic Engineering comments: *“Traffic Engineering met with the engineer for the development and reviewed the proposed site plan. An ingress only driveway from Old Shell Road has been proposed in lieu of the direct access to the parking spaces adjacent to the building on Bay Shore Avenue. Exiting traffic will be directed separate from the roadway to the back parking lot, which has a two-way driveway.***

- This configuration is acceptable. Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;”*
- 5) **compliance with Engineering comments:** *“(1.) Any work performed in the existing ROW (right-of-way) will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with all City of Mobile ROW code and ordinances. The plans shall include construction of a sidewalk along the Old Shell Road frontage and repair of any damaged existing sidewalk panels along Bay Shore Avenue. (2.) A complete set of construction plans for the site work (including any grading, drainage, paving, utility lines, or stormwater detention systems) will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. The plans shall include adequate detail(s) for removing existing driveway/curb-cuts and replacing it with new curbing;”*
 - 6) **depiction of the 25-foot minimum building setback line; 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, prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously with Mr. Turner recused.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2011-03115

Gulf Equipment Corporation

5540 Business Parkway

(Northwest corner of Kooiman Road and Business Parkway)

Request to waive construction of a sidewalk along Kooiman Road and Business Parkway.

Council District 4

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

Don Williams, Williams Engineering, spoke on behalf of the applicant and asked that the matter be withdrawn from consideration. He added most sidewalk waivers were for frontage along a road but in this situation it was a commercial site with 700 feet of frontage. He noted the site had been developed with a parking lot, a building, and a parking lot, with at least half of the site left as greenery. He said there was only about 250 feet of available frontage in which to put a useable sidewalk in at the location, with the remaining 500 feet or so running in front of trees, grass, and Kooiman Road. He

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noted it was probably two miles to the nearest sidewalk. He agreed there was no engineering reason the sidewalk could not be constructed, however, felt common sense dictated the sidewalk should not be constructed.

Mr. Turner asked if the applicant was proposing that the 250 feet of frontage on Business Park Way could be used for a sidewalk.

Mr. Williams stated the applicant would like to have no construction required on Kooiman Road with sidewalk construction only required for the 250 feet of developed frontage along Business Park Way.

Mr. Vallas asked why the sidewalk would not be better along Kooiman Road as opposed to Business Park Way.

Mr. Williams said it was because Kooiman Road had no connection to anyone.

Mr. Vallas expressed his understanding of the present condition but as the area had yet to be developed a sidewalk in that area would serve as a connector once the area was developed.

In deliberation, Dr. Rivizzigno called for sidewalks.

Mr. Davitt referred to the matter as “sidewalks to no where.”

Mr. Miller stated he would be comfortable if they would do something on Kooiman Road as the applicant was correct regarding Business Parkway.

Mr. Daughenbaugh stated Urban Forestry reviewed the site and three-fourths of the site was not yet developed and the applicant was only being asked to provide sidewalks for the developed portion. He added that in five to ten years when the “links in the chain” were in place and when the rest of the site was developed, not putting in the sidewalk now would create a situation where it would not be reasonable to put in a sidewalk then. He wondered if there was a way to provide a temporary waiver for the undeveloped portion of the property, as the applicant was requesting.

Mr. Miller was comfortable with Mr. Daughenbaugh’s suggestion.

Mr. Olsen advised the staff had suggested the site be subdivided which would have removed the southern portion from sidewalk consideration, thus saving it until such time as it was developed. He stated the northern portion which was currently under development and expansion would be subject to the waiver presently before the Commission.

The Chair invited Mr. Williams back to the podium to address the Commission.

Mr. Williams felt the sidewalk would be more reasonable in front of the developed

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building itself in the developed section, however, he did not consider sidewalks to be very reasonable on Kooiman Road. He added that putting in sidewalks in the city was simple as curb and gutter and a drainage system were present, but those were not in place in rural communities as the topography, specifically in this case, created problems.

Mr. Turner stated staff had provided Mr. Williams and his client a way to get around the situation by subdividing the property.

Mr. Williams noted that and explained his knowledge that the applicant wanted to keep the property intact so subdivision did not seem an option for them, however, he would take it to them.

Mr. Vallas noted if the applicant truly wanted the sidewalk waiver it would be better to come back before the Commission with an application to subdivide the property into two lots, which would get them what they wanted.

Dr. Rivizzigno suggested to Mr. Williams that he withdraw the matter.

Mr. Williams requested the matter be withdrawn from consideration that day and he would return with an application for a two lot subdivision but wondered how doing so would affect his applicant's temporary Certificate of Occupancy.

Mr. Olsen stated the staff would work with the applicant regarding the temporary Certificate of Occupancy.

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

Case #ZON2011-03116

Michael Muscat

3671 Hayfield Place

(Northeast corner of Springhill Avenue and Tuthill Lane, extending to the South side of Hayfield Place)

Request to waive construction of a sidewalk along Hayfield Place.

Council District 7

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. Miller stated he had physically reviewed the property in question. He asked the engineer, Don Williams, if there were any plans to move the wall along Springhill Avenue.

Mr. Williams stated there were no plans to move said wall and there was a sidewalk already in existence along Springhill Avenue.

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Hearing no opposition or discussion, a motion was made by Mr. Vallas, with second by Mr. Turner, to approve the above referenced request to waive the construction of a sidewalk along

The motion carried unanimously.

OTHER BUSINESS:

Hearing no further business, the meeting was adjourned.

APPROVED: November 1, 2012

/s/ Dr. Victoria Rivizzigno, Secretary

/s/ Terry Plauche, Chairman

jsl