

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF FEBRUARY 16, 2012 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William G. DeMouy, Jr.
Victoria L. Rivizzigno, Secretary
Stephen J. Davitt, Jr.
Herb Jordan
Mead Miller
Roosevelt Turner

Members Absent

John Vallas
James F. Watkins, III

Urban Development Staff Present

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

Others Present

John Forrester,
City Engineering

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

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

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

HOLDOVERS:

Case #SUB2011-00122 (Subdivision)

Zion Baptist Church Subdivision

2514 Halls Mill Road

(Northwest corner of Halls Mill Road and Pollard Lane)

Number of Lots / Acres: 2 Lots / 5.6± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

Council District 4

(Also see **Case #ZON2011-02614 (Planned Unit Development) Zion Baptist Church Subdivision**, **Case #ZON2011-02676 (Planning Approval) Zion Baptist Church Subdivision**, **Case #ZON2011-02615 (Rezoning) Zion Baptist Church Subdivision**,

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.

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Brett Orrell, Polysurveying of Mobile, addressed the Commission and asked that all of the applications for Zion Baptist Church before the Commission that day be withdrawn.

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

Case #ZON2011-02614 (Planned Unit Development)

Zion Baptist Church Subdivision

2514 Halls Mill Road

(Northwest corner of Halls Mill Road and Pollard Lane)

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

(Also see **Case #SUB2011-00122 (Subdivision) Zion Baptist Church Subdivision**,
Case #ZON2011-02676 (Planning Approval) Zion Baptist Church Subdivision, **Case #ZON2011-02615 (Rezoning) Zion Baptist Church Subdivision**, **Case #ZON2011-02991 (Sidewalk Waiver) Zion Baptist Church, Pastor Bruce Moseley**)

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

Brett Orrell, Polysurveying of Mobile, addressed the Commission and asked that all of the applications for Zion Baptist Church before the Commission that day be withdrawn.

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

Case #ZON2011-02676 (Planning Approval)

Zion Baptist Church Subdivision

2514 Halls Mill Road

(Northwest corner of Halls Mill Road and Pollard Lane)

Planning Approval to allow an existing church in an R-1, Single-Family Residential District.

Council District 4

(Also see **Case #SUB2011-00122 (Subdivision) Zion Baptist Church Subdivision**,
Case #ZON2011-02614 (Planned Unit Development) Zion Baptist Church Subdivision,
Case #ZON2011-02615 (Rezoning) Zion Baptist Church Subdivision,
Case #ZON2011-02991 (Sidewalk Waiver) Zion Baptist Church, Pastor Bruce Moseley)

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.

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

Case #ZON2011-02615 (Rezoning)

Zion Baptist Church Subdivision

2514 Halls Mill Road

(Northwest corner of Halls Mill Road and Pollard Lane)

Rezoning from R-1, Single-Family Residential District and B-3, Community Business District, to R-1, Single-Family Residential District and to eliminate split zoning in a proposed subdivision.

Council District 4

(Also see **Case #SUB2011-00122 (Subdivision) Zion Baptist Church Subdivision**, **Case #ZON2011-02614 (Planned Unit Development) Zion Baptist Church Subdivision**, **Case #ZON2011-02676 (Planning Approval) Zion Baptist Church Subdivision**, **Case #ZON2011-02991 (Sidewalk Waiver) Zion Baptist Church, Pastor Bruce Moseley**)

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.

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

Case #ZON2011-02991 (Sidewalk Waiver)

Zion Baptist Church, Pastor Bruce Moseley

2514 Halls Mill Road

(Northwest corner of Halls Mill Road and Pollard Lane)

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

Council District 4

(Also see **Case #SUB2011-00122 (Subdivision) Zion Baptist Church Subdivision**, **Case #ZON2011-02614 (Planned Unit Development) Zion Baptist Church Subdivision**, **Case #ZON2011-02676 (Planning Approval) Zion Baptist Church Subdivision**, **Case #ZON2011-02615 (Rezoning) Zion Baptist Church Subdivision**,

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

Brett Orrell, Polysurveying of Mobile, addressed the Commission and asked that all of the applications for Zion Baptist Church before the Commission that day be withdrawn.

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

Case #SUB2011-00142

Leonard E Miller Subdivision

4623 Schimpfs Lane

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

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

Engineer / Surveyor: Polysurveying Engineering –Land Surveying
County

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

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. DeMouy, to waive Sections V.D.1. and V.D.3. of the Subdivision Regulation regarding size and shape of lots and maximum depth of lots and approve the above referenced request for subdivision, subject to the following conditions:

- 1) **retention of the 25-foot minimum building setback line and the lot area size, in square feet, on the Final Plat;**
- 2) **dedication sufficient to provide 30 feet from the centerline of Schimpfs Lane;**
- 3) **placement of a note on the Final Plat limiting each lot to one curb-cut to Schimpfs Lane;**
- 4) **placement of a note on the Final Plat stating that no future subdivision of Lot 3 will be allowed until additional frontage is provided on a public right-of-way;**
- 5) **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;**
- 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 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,**

- 8) **full 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. Turnaround must be compliant with Appendix D of the International Fire Code.”*

The motion carried unanimously.

Case #SUB2011-00146 (Subdivision)

Star Imports Subdivision

2600 Government Boulevard

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

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

Engineer / Surveyor: Polysurveying Engineering –Land Surveying

Council District 5

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

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

Brett Orrell, Polysurveying of Mobile, spoke on behalf of the applicant. He reminded the Commission the site was formerly a restaurant and bar which would be demolished if the matter were approved. He noted the current building was located at or over the right-of-way on two minor streets and the applicant wanted the setback reduced to five foot only on the two minor streets. He stated he had spoken with staff, who wanted dedication of 125 feet from the center line of Government Boulevard, however, the location was currently 117 feet from the right-of-way line on Government Boulevard. Mr. Orrell provided copies of a letter from Mr. Lee Reach of the Alabama Department of Transportation which stated that ALDOT had no use for widening the street in question at this time. He then summarized his comments stating the applicant simply wanted to keep the right-of-way at its current location, not reduce the size of the lot any further as it was difficult to build upon and asked for reduced setbacks on the two minor streets regarding the Subdivision and Planned Unit Development applications.

Mr. Olsen responded the staff stood behind their recommendation to deny the Planned Unit Development and Rezoning aspects of the matter, however, if the Commission were leaning toward approving the matter, staff had drafted some conditions of approval. Regarding the rezoning request, Mr. Olsen pointed out to the Commission that while there was B-3 to the north, B-2 was the most logical zoning for the property, given the existing configuration with Kreitner Street being the line of delineation between B-2 and B-3 zoning. He noted the restaurant use was allowed in B-2 and there were also non-conforming issues associated with the property.

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The Chair asked that Mr. Orrell be given the opportunity to review the conditions of approval.

Mr. Orrell reviewed the conditions and stated he still had issues with the 125 feet dedication request and asked if some compromise could be reached based on his earlier comments. He noted the applicant could go from the 125 feet from the center line of Government Boulevard and from there go an additional 25 feet for the setback line so they could continue to build on the site. He stated if this was done, and if or when future right-of-way was acquired, the site would be built to City code at that time.

Mr. Olsen noted the request would also apply to Condition 2 of the Planned Unit Development where it called for the depiction and dedication of the right-of-way without calling specifically for the 125 feet. He stated it would need to be revised as well to state set back from future right-of-way line.

In deliberation, Mr. Miller asked if the staff would be okay with the applicant's request regarding the setback. He also asked if there were other issues staff would care to address.

Mr. Olsen stated part of the problem was the property was zoned B-2 at the time it was purchased and in as much there should have been some understanding of what the use was prior to that purchase. He added the applicant did not provide documentation nor answers to the "change in condition" or any of the other reasons specified in the Zoning Ordinance to substantiate the need for the request in rezoning.

Mr. Hoffman stated the applicant proposed selling cars from the site, however, as the site was so small, there were issues regarding "on site" parking availability for customers and staff, as well as paved parking for the vehicle inventory associated with a car lot. He advised the applicant had previously advised they wanted to sell 20 to 30 cars from the site however as it was currently drawn, they probably could not fit 20 to 30 cars on the site. He also noted there was the issue of how the used cars would be delivered to the site and queried whether they would be individually driven to the site or would they be delivered by truck and if by truck, where would said truck park.

Mr. Turner asked if the list of conditions given for approval had any restrictions included.

Mr. Hoffman said under the Zoning Ordinance, it stated "no vehicle parking or display within the landscape area or right-of-way," so essentially the applicant could fit as many cars on the site as possible as long as it was on a paved area and not on the public right-of-way, in grass. He said this lead him to believe they would not "hit" the number of cars they would like to put on said property.

Mr. Olsen stated one of the conditions referenced maintaining the maneuvering aisle for the three parking spaces on site, which would occupy a large portion of the site. He noted the site was tight and offered his opinion that it might not be the best site for B-3 or the proposed use.

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In deliberation, Mr. Miller asked if there would be any benefit in holding the matter over.

Mr. Turner noted the staff's split decision on the matter, with the subdivision recommended for approval and the others recommended for denial.

Mr. Olsen stated the subdivision was logical to approve as making the property a legal lot of record was logical for any future re-development of the site.

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

- 1) **provision of a 25' setback from the Future Right-of-Way line along Government Boulevard (US Highway 90) (125'+25'=150' from centerline);**
- 2) **placement of a note on the plat stating that the site is limited to one curb-cut, with the size, design, and location to be approved by Traffic Engineering and ALDOT, and to conform with AASHTO standards;**
- 3) **removal of any extra or unused curb-cuts, and the restoration/landscaping of the right-of-way; and,**
- 4) **full compliance with all other applicable requirements of the Subdivision Regulations.**

The motion carried unanimously.

Case #ZON2011-03251 (Planned Unit Development)

Star Imports Subdivision

2600 Government Boulevard

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

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

Council District 5

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

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

- 1) **dedication of right-of-way for Government Boulevard (US Highway 90) will additionally reduce the size of the site, negating the site plan submitted;**

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- 2) the use and design of the site, as proposed, will not provide adequate paved area for the proposed quantity of vehicles for sale; and,
- 3) delivery or removal of vehicles for sale by truck will appear to require the use of adjacent rights-of-way, rather than being contained on-site.

The motion carried unanimously.

Case #ZON2011-03252 (Rezoning)

Hossein Mohandessi

2600 Government Boulevard

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

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

Council District 5

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

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

- 1) the request did not indicate which of the four conditions for amendment applied.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2012-00002

Faris Subdivision

1918 Old Government Street

(North side of Old Government Street, 450'± West of Topic Street)

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

Engineer / Surveyor: Wattier Surveying, Inc.

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.

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Miller, to approve the above referenced request for subdivision, subject to the

following conditions:

- 1) retention of the 25-foot minimum building setback line along all right-of-way frontages;
- 2) retention of the labeling of the lot with its size in square feet, or placement of a table on the plat with the same information;
- 3) compliance with Engineering comments: *“Any work performed in the existing 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 ROW code and ordinances. If the proposed improvements increase the total impervious area of the site to over 4,000 square feet the owner will be required to provide on-site detention which must comply with all stormwater and flood control ordinances of the City of Mobile. Any existing sidewalk panels or curb-cuts along the property frontage that are cracked or damaged are required to be replaced according to current standards and ordinances;”*
- 4) compliance with Fire Department comments: *“All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate;”*
- 5) placement of a note on the Final Plat limiting the development to one curb-cut to Old Government Street, with the size, design, and location to be approved by Traffic 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, prior to the issuance of any permits or land disturbance activities.

The motion carried unanimously.

Case #SUB2012-00003

TBG II Subdivision

5463 Moffett Road

(Southeast corner of Central Boulevard and Moffett Road)

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

Engineer / Surveyor: 4 Site, Inc.

Council District 7

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.

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Melissa Ballard, The Broadway Group, 132 Holmes Avenue, Huntsville, AL, spoke on behalf of the applicant. She asked that the property be subdivided, however, there were two buildings on the property currently and one of the conditions called for the demolition of one of those buildings. She noted they would need to have that condition waived or apply for a Planned Unit Development as the applicant did not own the property until such time as permitting and plat approval were granted. She also requested access to the site from Central Boulevard as opposed to Moffett Road.

The Chair asked Mr. Olsen what might be the case regarding the demolition.

Mr. Olsen advised if the plat were approved and recorded prior to demolition, it would create a violation of the Zoning Ordinance, so the applicant would need to have their Planned Unit Development approved prior to recording the plat. He explained the current owner of said property could take out demolition permits as the staff was not concerned with who did it, just that it be done. He stated if the Commission were to require the Planned Unit Development, he would suggest the matter be held over and the applicant submit said Planned Unit Development, and then all matters concerning the proposed project would be heard at the March 15, 2012, meeting.

Ms. Ballard agreed to hold the matter over as the applicant did not currently own said property and it was not believed that the current owner would voluntarily demolish one of the buildings. She then asked if the matter would be heard at the March 1, 2012, meeting.

Mr. Olsen advised the matter could not be heard at the March 1, 2012, meeting, with it heard instead at the March 15, 2012, meeting, as the Planned Unit Development application had to be submitted and the staff needed time to process the same as a regular application.

Ms. Ballard then asked what would be the staff's recommendation regarding entrance to the site from Moffett Road.

Mr. Olsen stated the staff stood by not allowing access from the site to Central Boulevard as it was a minor, residential street.

Ms. Ballard noted they did not have a determination from ALDOT regarding the same. She added the applicant did not own enough road frontage on Moffett Road to meet the 250 foot minimum distance between the intersection and their driveway, so she wasn't sure they would be allowed a permit from ALDOT.

Mr. Olsen stated the information just given by the applicant's representative sounded as though it should have been part of the due diligence which should have occurred prior to the submission of the application.

Ms. Ballard stated if the matter were held over until March 15, 2012, she would have the

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necessary information to the staff.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the March 15, 2012, meeting, to allow the applicant to submit an application for a Planned Unit Development (must be submitted by February 24, 2012) and to provide documentation from ALDOT regarding access to Moffett Road.

The motion carried unanimously.

Case #SUB2012-00004

River Forest Estates Subdivision, Re-subdivision of Lot 6

North side of River Forest Road, $\frac{3}{4} \pm$ mile East of Alba Club Road.

Number of Lots / Acres: 1 Lot / 1.9± Acres

Engineer / Surveyor: Don Williams Engineering

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. Miller, with second by Dr. Rivizzigno, to waive Section V.D.3. of the Subdivision Regulations and approve the above request for subdivision, subject to the following conditions:

- 1) **label the subject lot as “Lot 1”;**
- 2) **revision of the right-of-way along River Forest Drive to correctly illustrate a right-of-way of 50’ from the centerline;**
- 3) **depiction of the 125’ minimum building setback line along River Forest Drive;**
- 4) **retention of the 130’ rear building setback as illustrated on the preliminary plat or revision to illustrate the existing 150’ rear setback;**
- 5) **the labeling of the lot size in square feet and acres, or placement of a table on the plat with the same information;**
- 6) **compliance with Engineering comments: “Any work performed in the existing 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 ROW code and ordinances. A 4’ wide sidewalk shall be installed along River Forest Drive. Must comply with all stormwater and flood control ordinances of the City of Mobile;”**
- 7) **compliance with Fire Department comments: “All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the**

City of Mobile, and the 2003 International Existing Building Code, as appropriate;”

- 8) placement of a note on the Final Plat limiting Lot 1 to one curb-cut to River Forest Drive, with the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards;
- 9) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for wetland issues, if any, prior to the issuance of any permits or land disturbance activities; and,
- 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.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2012-00005 (Subdivision)

New Shiloh Baptist Church Subdivision, Plat #1

2756 Old Shell Road

(Northwest corner of Old Shell Road and Bay Shore Avenue)

Number of Lots / Acres: 1 Lot / 3.4± Acres

Engineer / Surveyor: Jeffcoat Engineers & Surveyors

Council District 1

(Also see **Case #ZON2012-00140 (Planned Unit Development) New Shiloh Baptist Church Subdivision, Plat #1**, and, **Case #ZON2012-00139 (Planning Approval) New Shiloh Baptist Church**, below)

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.

John T. Manual spoke on behalf of the church. He stated the subject had prior approval by the Commission, but somehow the matter had “fallen through the cracks” and the original approval had expired.

Mr. Olsen stated all of the previous approvals had been conditional and based upon the subdivision plat being recorded and as it had not been recorded within the one year time frame required by the Subdivision Regulation those were now expired. He added that with the exception of a few minor changes, the project was as it had been previously.

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

- 1) **labeling of the dedication sufficient for the lot to comply with Section V.D.6. of the Subdivision Regulations regarding curb radii;**
- 2) **retention of the 25-foot minimum building line along all rights-of-way including any dedications;**
- 3) **retention of the labeling of the lot area size in square feet on the Final Plat;**
- 4) **retention of a note on the Final Plat stating that the lot is limited to one curb-cut to Old Shell Road and three curb-cuts to Bay Shore Avenue, with the size, location, and design of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 5) **full compliance with Engineering comments: “Any new work performed in the existing 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 ROW code and ordinances. Must comply with all stormwater and flood control ordinances of the City of Mobile. Construction punch list items must be completed, including providing stabilized, permanent ground cover;”**
- 6) **full compliance with Urban Forestry comments: “Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the 60” Live Oak Tree located on the North side of Lot 1. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;”**
- 7) **full 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,**
- 8) **retention of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species.**

The motion carried unanimously with only Mr. Turner recusing.

Case #ZON2012-00140 (Planned Unit Development)

New Shiloh Baptist Church Subdivision, Plat #1

2756 Old Shell Road

(Northwest corner of Old Shell Road and Bay Shore Avenue)

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

Council District 1

(Also see **Case #SUB2012-00005 (Subdivision) New Shiloh Baptist Church Subdivision, Plat #1**, above, and, **Case #ZON2012-00139 (Planning Approval) New Shiloh Baptist Church**, below)

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

- 1) **placement of appropriate directional arrows at the drive aisle both under the canopy and beside the canopy;**
- 2) **full compliance with landscaping and tree planting requirements;**
- 3) **full compliance with Engineering comments: “Any new work performed in the existing 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 ROW code and ordinances. Must comply with all stormwater and flood control ordinances of the City of Mobile. Construction punch list items must be completed, including providing stabilized, permanent ground cover;”**
- 4) **full compliance with Urban Forestry comments: “Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the 60” Live Oak Tree located on the North side of Lot 1. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;”**
- 5) **full 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,**
- 6) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously with Mr. Turner recusing.

Case #ZON2012-00139 (Planning Approval)

New Shiloh Baptist Church

2756 Old Shell Road

(Northwest corner of Old Shell Road and Bay Shore Avenue)

Planning Approval to amend a previously approved Planning Approval to allow an expansion of an existing church in a R-1, Single-Family Residential District.

Council District 1

(Also see **Case #SUB2012-00005 (Subdivision) New Shiloh Baptist Church**

Subdivision, Plat #1, and, **Case #ZON2012-00140 (Planned Unit Development) New Shiloh Baptist Church Subdivision, Plat #1**, above)

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

- 1) **completion of the Subdivision process;**
- 2) **placement of appropriate directional arrows at the drive aisle both under the canopy and beside the canopy;**
- 3) **full compliance with landscaping and tree planting requirements;**
- 4) **obtaining a sign permit for the relocation of the existing sign on the right-of-way;**
- 5) **full compliance with Engineering comments: “Any new work performed in the existing 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 ROW code and ordinances. Must comply with all stormwater and flood control ordinances of the City of Mobile. Construction punch list items must be completed, including providing stabilized, permanent ground cover;”**
- 6) **full compliance with Urban Forestry comments: “Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the 60” Live Oak Tree located on the North side of Lot 1. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;”**
- 7) **full 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,**
- 8) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously with Mr. Turner recusing.

February 16, 2012
Planning Commission Meeting

OTHER BUSINESS:

Mr. Olsen advised the Commission the staff would have packets of the suggested amendments to the Zoning Ordinance available for their review at the March 1, 2012, meeting.

Hearing no further business, the meeting was adjourned.

APPROVED: November 1, 2012

/s/ Dr. Victoria Rivizzigno, Secretary

/s/ Terry Plauche, Chairman

jsl