

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF FEBRUARY 3, 2011 - 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.
Nicholas H. Holmes, III
Herb Jordan
Roosevelt Turner
James F. Watkins, III

Members Absent

Mead Miller
John Vallas

Urban Development Staff Present

Frank Palombo,
Planner II
Bert Hoffman,
Planner II
David Daughenbaugh,
Urban Forestry Coordinator
Joanie Stiff-Love,
Secretary II

Others Present

John Forrester,
City Engineering
Jennifer White,
Traffic Engineering
Capt. Billy Roach,
Fire and Rescue Department

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

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

APPROVAL OF MINUTES:

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

- December 2, 2010
- December 16, 2010

The motion carried unanimously.

HOLDOVERS:

Case #ZON2010-02634 (Planning Approval)

Joyce Nelson

6901 Simpson Road

East terminus of Simpson Road [private street]

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

Council District 4

The Chair announced the 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. Davitt asked if the Commission would want to add any restrictions to the approval, such as if the mobile home were destroyed, a replacement mobile home would not be allowed.

Mr. Hoffman noted that the current mobile home had been put in place to replace a “stick built” home that had been destroyed. He noted the property did not have frontage on a public road but had frontage on what had been determined to be a prescriptive easement. He stated that Planning Approval was not restricted in terms of future mobile homes being allowed on the property and he believed that the staff did have an application being brought before the Board of Zoning Adjustment for an almost adjacent property that currently had mobile homes on it and the owners wished to add another.

Joyce Nelson, 6901 Simpson Road, Mobile, AL noted that there had been a dwelling on the site but it had been torn down in 2005. She added that her current economic situation did not allow for her to have a home built on the site which is why she had made the request to be allowed to have the mobile home on the site.

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

- 1) full compliance with Engineering Comments: (*Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right-of-way will require a right-of-way permit.*);**
- 2) placement of a note on the 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;**
- 3) retention of labeling of the parcel area size, in square feet, or provision of a table on the site plan with the same information, with changes as necessary due to dedications; and,**

February 3, 2011
PLANNING COMMISSION MEETING

4) depiction of a 25-foot minimum building setback from the prescriptive right-of-way on Simpson Road.

The motion carried unanimously.

Case #SUB2010-00140 (Subdivision)

Wesley Station Subdivision

6105 Airport Boulevard

Southeast corner of Airport Boulevard and Wesley Avenue

Number of Lots / Acres: 4 Lots / 4.3± Acres

Engineer / Surveyor: Clark, Geer, Latham & Associates, Inc.

Council District 6

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 his clients, Community Bank, who had recently purchase Lot 1 of this subdivision. He noted he was not involved in this application and did not know of its existence until coming to the meeting that day. He noted that Community Bank would have no problem with the subdivision, and if there was no one present to represent the applicant, as the Bank's representative, he requested that the matter be held over.

Scott Carrier, Clark, Geer, Latham and Associates, Inc., spoke on behalf of the applicant and asked that the matter be withdrawn.

The Chair recognized the applicant's request and the matter was withdrawn.

Case #ZON2010-02908 (Planned Unit Development)

Apostolic Overcoming Holy Church of God

2257 St. Stephens Road

Southwest corner of St. Stephens Road and Allison Street; extending to the Northwest corner of St. Stephens Road and Vetter Street

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

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 Dr. Rivizzigno, with second by Mr. Turner, to approve the matter, subject to the following conditions:

February 3, 2011
PLANNING COMMISSION MEETING

- 1) revision of the landscaping and tree planting plan to show full compliance with the Zoning Ordinance, to be coordinated with Urban Forestry;
- 2) obtaining of a Mobile Tree Commission Permit before removing existing trees from the city right-of-way along Vetter Street for construction of the proposed driveway;
- 3) obtaining of a Right-of-Way permit for the planting of trees encroaching into the right-of-way along Dickens Avenue if such trees cannot be planted entirely within the property boundaries, to be coordinated with Urban Forestry;
- 4) revision of the site plan to provide public sidewalks along all street frontages where lacking, or the submission of a sidewalk waiver application;
- 5) placement of a note on the site plan stating that any equipment in the mechanical yard within the 20' setback along Vetter Street is to be no higher than 3' above grade;
- 6) placement of a note on the site plan stating that the driveway number, size, location, and design are to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards, and all one-way aisles are to be signed and marked;
- 7) retention of the note on the site plan stating "lighting shall be provided and maintained during the operation of the parking area, and shall be so arranged that the source of light does not shine directly into adjacent residential properties or traffic";
- 8) subject to the Engineering comments: *(Need to show sidewalks on site plan along all property lines abutting public streets or apply for a sidewalk waiver. Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer); and,*
- 9) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2010-00143(Subdivision)

City Church of Mobile Subdivision

3750 Michael Boulevard

North side of Michael Boulevard, 800'± East of Downtowner Boulevard

Number of Lots / Acres: 1 Lot / 6.3± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

Council District 5

(Also see Case #ZON2010-02878 (Planned Unit Development) **City Church of Mobile Subdivision**, and, Case #ZON2010-02879 (Rezoning) **William C. Smith Jr.**, below)

February 3, 2011
PLANNING COMMISSION MEETING

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 and asked that instead of limiting the site to the two existing curb-cuts, that the applicant be allowed one additional curb-cut, as the west side of the property had approximately 250 foot of unused frontage. He added that additional parking for the sanctuary was planned for the future.

Mr. Palombo commented that the applicant had approximately 780 linear feet along Michael Boulevard so the additional curb-cut would not be a problem as long as it conformed to Traffic Engineering and AASHTO standards.

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

- 1) dedication sufficient to provide 50 feet from the centerline of Michael Boulevard;**
- 2) retention of the lot area size labeling, in square feet, with modifications as necessary due to any required dedication;**
- 3) retention of the 25-foot minimum building line along all public rights-of-way, with modifications as necessary due to any required dedication;**
- 4) placement of a note on the Final Plat limiting the site to three curb-cuts, with the size, design, and exact location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 5) 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;**
- 6) completion of the rezoning process; and,**
- 7) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

February 3, 2011
PLANNING COMMISSION MEETING

Case #ZON2010-02878 (Planned Unit Development)

City Church of Mobile Subdivision

3750 Michael Boulevard

North side of Michael Boulevard, 800'± East of Downtowner Boulevard

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

Council District 5

(Also see **Case #SUB2010-00143(Subdivision) City Church of Mobile Subdivision**, above, and, **Case #ZON2010-02879 (Rezoning) William C. Smith Jr.**, below)

Brett Orrell, Polysurveying of Mobile, noted with regards to Condition 5 and the relocation of the sign on the site due to any required right-of-way dedications, that the sign currently sat at 45 feet and the right-of-way was 90 feet. He noted that it was simply not cost effective for them at this point in time to move the sign back an additional five feet, as a new sign was planned in the future.

Mr. Palombo advised that the applicant would have to get a Right-of-Way Use Agreement through the City Clerk's office if they wished to keep the sign in its current location, otherwise it must be moved.

Pastor Bill Smith, City Church of Mobile, 3750 Michael Boulevard, noted that the sign was a permanent sign which had been in place since approximately 1979. He stated that the sign did not in any way affect water run off, nor was it in any manner in a place that would cause issues with power lines, trees, or traffic.

Mr. Palombo explained that with the City's Right-of-Way Use Agreement, each department commented from their perspective and if they all agreed that the sign was not an issue, then the applicant would be issued the Agreement.

Mr. DeMouy felt they were discussing two separate issues, one being the existing use of the right-of-way and a case where use of the right-of-way would go before a committee. He expressed his understanding that in the case of the latter, it never went before the City Clerk and that it was an agreement made by the committee on behalf of the City.

Mr. Palombo asked where the applicant would need to get that information and Mr. DeMouy advised they should contact his office, Real Estate Asset Management, and his staff would be happy to send them an application electronically.

Mr. Smith noted they presently had two right-of-ways and they were in the process of upgrading and expanding the same. He stated that on the other lot, as a necessity to maintain the 125 parking spots and without access to another curb-cut, they would be unable to get to the access which would require channeling their traffic in a negative way.

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

February 3, 2011
PLANNING COMMISSION MEETING

- 1) widening of all drive aisles to 24 feet in width;
- 2) maintain at least 125 parking spaces on the site;
- 3) provide an appropriate dumpster enclosure and sanitary sewer connection for all dumpsters on the site;
- 4) indicate required dedications on the site plan;
- 5) submission of a Non-Utility Right-of-way Use Agreement request for the sign in order to allow it to remain in its current location;
- 6) full compliance with the tree planting and landscaping requirements of the Zoning Ordinance;
- 7) compliance with Traffic Engineering comments: *“Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. The eastern driveway is less than the standard of twenty-four feet wide and should be widened or eliminated. The aisle to the rear parking lot is too narrow for parking on both side of the aisle and parking on one side of the drive should be eliminated;”*
- 8) compliance with Engineering comments: *“Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right-of-way will require a right-of-way permit. Drainage from the proposed any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;”*
- 9) provision of two copies of the revised site plan to the Planning Section of the Urban Development Department indicating compliance with all of the aforementioned conditions; and,
- 10) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2010-02879 (Rezoning)

William C. Smith Jr.

3750 Michael Boulevard

North side of Michael Boulevard, 800'± East of Downtowner Boulevard

Rezoning from B-2, Neighborhood Business District and R-1, Single-Family Residential District, to B-1, Buffer Business District, to allow an addition to an existing church and eliminate split zoning

Council District 5

(Also see **Case #SUB2010-00143(Subdivision) City Church of Mobile Subdivision**, and, **Case #ZON2010-02878 (Planned Unit Development) City Church of Mobile Subdivision**, above)

February 3, 2011
PLANNING COMMISSION MEETING

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Mr. Davitt, to approve the requested change in zoning to the City Council, subject to the following conditions:

- 1) completion of the subdivision process;**
- 2) full compliance with the tree planting and landscaping requirements of the Zoning Ordinance; and,**
- 3) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2010-00135 (Subdivision)
Overlook Road VOA Housing Subdivision

6917 Overlook Road

South side of Overlook Road, 625'± East of Cody Road

Number of Lots / Acres: 2 Lots / 7.8± Acres

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

Council District 7

(Also see **Case #ZON2010-02992 (Planned Unit Development) Volunteers of America**, and, **Case #ZON2010-02743 (Rezoning) Volunteers of America**, below)

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

Mr. Watkins stated his recollection from the last meeting where this matter had been heard, that there was some discussion of the access road being built to City standards and if the back portion of the lot were to be developed, it would also be dedicated.

Don Rowe, Rowe Surveying and Engineering, Co., Inc., advised that Mr. Watkins was remembering correctly and that the applicant had supplied a letter to the staff to that affect.

Mr. Watkins asked if there needed to be something stated in the Requirements that there be a note on the Plat that Lot 2 not be developed unless that right-of-way is dedicated.

Mr. Rowe stated that it was noted as "Future Development" currently.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Turner, to waive Section V.D.1. and approve the above referenced matter, subject to the following conditions:

- 1) revision of the plat to label the lot sizes in both square feet and acres, or the furnishing of a table on the final plat providing the same information;**
- 2) revision of the plat to label Lot 2 as "Future Development";**

- 3) revision of the site plan to depict the 25' setback line along Overlook Road and along the proposed access street;
- 4) placement of a note on the plat stating that the subdivision is limited to one shared driveway and curb-cut with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 5) 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,
- 6) subject to the Engineering comments: *(Must comply with all stormwater and flood control ordinances. Proposed detention pond shall be sized to accommodate the 100 year storm event with a 2 year release to discharge onto adjacent properties unless a release agreement is recorded in Probate court for all downstream properties or the discharge is contained within a private easement until it discharges into a City maintained drainage system. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer. Driveway radii shall not extend beyond the projected property line at the edge of pavement, without written authorization from adjacent property owner to do so).*

The motion carried unanimously.

Case #ZON2010-02992 (Planned Unit Development)

Volunteers of America

6917 Overlook Road

South side of Overlook Road, 625'± East of Cody Road

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

Council District 7

(Also see **Case #SUB2010-00135 (Subdivision) Overlook Road VOA Housing Subdivision**, above, and, **Case #ZON2010-02743 (Rezoning) Volunteers of America**, below)

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

- 1) completion of the subdivision process;
- 2) revision of the site plan to identify the stormwater detention area as in the subdivision plat;

February 3, 2011
PLANNING COMMISSION MEETING

- 3) revision of the tree planting plan to allocate frontage trees according to individual road frontages and not the site as a whole;
- 4) revision of the site plan to provide a 6' wooden privacy fence where the site adjoins residential properties;
- 5) revision of the site plan to depict the 25' setback line along Overlook Road and along the proposed access street;
- 6) lighting for the site is to be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic, as per Section 64-6.A.3.c. of the Zoning Ordinance;
- 7) the site is limited to one shared driveway and curb-cut, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 8) subject to the Engineering comments: *(Must comply with all stormwater and flood control ordinances. Proposed detention pond shall be sized to accommodate the 100 year storm event with a 2 year release to discharge onto adjacent properties unless a release agreement is recorded in Probate court for all downstream properties or the discharge is contained within a private easement until it discharges into a City maintained drainage system. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer. Driveway radii shall not extend beyond the projected property line at the edge of pavement, without written authorization from adjacent property owner to do so); and,*
- 9) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2010-02743 (Rezoning)

Volunteers of America

6917 Overlook Road

South side of Overlook Road, 625'± East of Cody Road

Rezoning from R-1, Single-Family Residential District, to R-3, Multi-Family Residential District to allow the construction of a multi family residential neighborhood

Council District 7

(Also see **Case #SUB2010-00135 (Subdivision) Overlook Road VOA Housing Subdivision**, and, **Case #ZON2010-02992 (Planned Unit Development) Volunteers of America**, above)

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Turner, to approve the requested change in zoning to the City Council, subject to the following conditions:

February 3, 2011
PLANNING COMMISSION MEETING

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

The motion carried unanimously.

EXTENSIONS:

Case #SUB2009-00147 (Subdivision)

Rolling Meadows Estates Subdivision, Phase 2

8253 Howells Ferry Road

South side of Howells Ferry Road, 635'± East of the South terminus of Harvey Hill Road

Number of Lots / Acres: 8 Lots / 8.4± Acres

Engineer / Surveyor: Clark, Geer Latham & Associates, 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. Plauche, with second by Mr. DeMouy, to approve the request for extension.

The motion carried unanimously.

Case #SUB2010-00007 (Subdivision)

Oakland Avenue Subdivision, Cornell Addition

22 Oakland Avenue

North side of Oakland Avenue, 430'± East of Marston Lane

Number of Lots / Acres: 4 Lots / 1.2± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 7

(Also see **Case #ZON2010-00006 (Planned Unit Development) Oakland Avenue Subdivision, Cornell Addition**, below)

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to approve the request for extension, but the applicant was advised that future extensions were unlikely.

The motion carried unanimously.

**Case #ZON2010-00006 (Planned Unit Development)
Oakland Avenue Subdivision, Cornell Addition**

22 Oakland Avenue

North side of Oakland Avenue 430'± East of Marston Lane

Planned Unit Development Approval to allow reduced lot sizes and reduced setbacks in an R-1, Single-Family Residential District

Council District 7

(Also see **Case #SUB2010-00007 (Subdivision) Oakland Avenue Subdivision, Cornell Addition**, above)

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to approve the request for extension, but the applicant was advised that future extensions were unlikely.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2010-00152

Theodore Oaks Shopping Center Subdivision, Phase One

5812 U. S. Highway 90 West

Northwest corner of U. S. 90 West and Theodore Dawes Road

Number of Lots / Acres: 2 Lots / 1.8± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

Council District 4

The Chair announced the application had been recommended for approval. He added if anyone wished to speak on the matter they should do so at that time. He advised the Commission members that they had a letter regarding the matter at their seats.

Doug Anderson, Burr and Foreman Law Firm, spoke on behalf of the owner of the subdivision application and made the following points:

- A. noted it was a two lot subdivision with the two outparcels in a shopping center;
- B. noted that the entire shopping center had been before the Commission in December of 2010 for subdivision;
- C. noted that at that time the two outparcels were not part of the subdivision process but were included in the staff's recommendations as needing dedication of a certain amount of front footage be dedicated to the City;
- D. noted that an agreement had been reached prior to the meeting between himself and Mr. Olsen for the staff that instead of

February 3, 2011

PLANNING COMMISSION MEETING

- dedication the Planning Commission would require the two proposed lots provide a building setback line which would accommodate the future right-of-way width of U.S. Highway 90 West;
- E. noted that it was his understanding that the agreement was, that in the future, when additional right-of-way would need to be given, that the applicant would have a setback of 25 feet from that future right-of-way;
 - F. noted that it was not learned until approximately a week or two later, while trying to finalize the plat for recording, that the staff was requiring that the Final Plat show at that time a 25 foot setback from the right-of-way as was anticipated for the future;
 - G. noted that the future right-of-way took 38.5 feet from the front of the parcel in question and, in addition to that, the staff was requesting a 25 foot setback from that future right-of-way, which was a request for 63.5 total feet from the outparcels as shown by Mr. Anderson;
 - H. noted that the setback went through the two buildings currently in place on those outparcels, one being a Regions Bank, which had been constructed the previous year, and the other was a Hardee's building that had been in place a number of years;
 - I. noted that dedication as currently requested by staff would leave the owners of those outparcels with only enough area to build parking, severely diminishing the value of those lots;
 - J. noted a letter from the Alabama Department of Transportation that stated that they had no plans in their 5 year plan, which was as far as they were allowed to comment, for any widening or projects in that immediate area; and,
 - K. noted that if the applicant were to agree with this, they would be in breach of their agreement with Regions Bank.

Mr. Hoffman responded with the following:

- A. in December 2010, the Planning Commission heard the matter and as a result, a Final Plat had been recorded for Lot 2, the larger of the two lots;
- B. as part of that decision, it was agreed that Lot 2 would be required to dedicate right-of-way with the two outparcels in question being allowed to have the setbacks discussed, which is the basis for the staff's current recommendations which would have the applicant stick to that original agreement;
- C. in preparing for that day's meeting, research had found there were a total of 22 similar cases in the area that had been heard by the Planning Commission and of those, eight were required to dedicate a minimum of 125 foot for right-of-way as required in the City's Major Street Plan and six were required to provide the additional

February 3, 2011
PLANNING COMMISSION MEETING

setback, with another six determined to have adequate right-of-way;

- D. noted that if the Planning Commission did not require a setback which, at least, anticipated the future right-of-way, it would be inconsistent with many of their previous rulings; and,
- E. noted that because the overall five lot subdivision involved Mobile County purchasing one of the lots, with one of the other large, western lots owned by a public utility or water service, an administrative Planned Unit Development which was applied for and approved on December 7, 2010, had six conditions of approval, one of those being the completion of the subdivision process which would be required prior to the issuance of any permits for construction, so if the subdivision process were not to be completed for either of these two outparcels then no construction permits would be issued for the future.

Mr. Anderson stated that in most situations the staff's request would be of no consequence, however, due to the size and development of these two lots, the requests were a hardship to the property and the property owners.

Mr. DeMouy agreed with Mr. Anderson's concerns. He also asked in the cases researched if there were any in which the setback lines went through existing buildings.

Mr. Hoffman stated that with the Outlaw II subdivision, the setback line went through the existing Checkers restaurant on the site. He noted that typically where there were existing structures, dedication itself was not required but the additional setback was because it allowed the existing buildings to remain with any new construction being required to comply with any required setbacks.

Mr. Holmes asked what percentages of the property would be lost to the staff's requirement.

Mr. Anderson stated that on the Regions site the loss was 42 percent and it was 32 percent on the Hardee's site.

Mr. Hoffman noted that the portion shown to the Commission highlighted in yellow did include the 25 foot setback plus the area that would be set aside for future right-of-way. He went on to state that should the area noted as future right-of-way be removed from the equation then there was lot sizes of approximately 24,190 square feet for the Hardee's site and 37,469 square feet for the Regions site. He reminded the Commission that since the parcels were part of an Administrative Planned Unit Development, which allowed them to have shared parking and access across their shared lot lines as it was, that any future development would have to go through the Planned Unit Development process as well.

Mr. Watkins noted it was his understanding when the matter came up in December of

**February 3, 2011
PLANNING COMMISSION MEETING**

2010, that the areas shown by the applicant as highlighted in pink was to be dedicated as part of the right-of-way on each of the two parcels in question but that the area highlighted in yellow would not be required. He reminded everyone that part of his concern at the time was the impact it would have on the existing buildings and any future use.

Mr. Hoffman advised that the buildings were currently non-conforming so, should something happen to them, they could be built back to the exact same footprint they currently enjoyed within two years of their destruction. He noted that should someone purchase one of the sites and want to redevelop it, such a redevelopment would have to comply with the current requirements. He reminded the Commission that the Subdivision Regulations state that the setback line must be from the future right-of-way edge as defined, in this case, by the Major Street Plan which stated that beginning at Pinehill Drive the right-of-way width for U.S. Highway 90 was to be 250 feet though out the metropolitan area with the setback being 25 feet from the edge of the right-of-way.

Mr. Watkins noted that as the Alabama Department of Transportation did not have any plans for widening that area in the next five years, it seemed that what the staff requested would have a large, negative impact on the land owner in question.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. DeMouy, to waive Section V.B.9. and approve the above referenced matter, subject to the following conditions:

- 1) **placement and labeling of the minimum building setback line to be 25-feet from the existing right-of-way of U.S. Highway 90 West;**
- 2) **placement of a note on the final plat stating that the lots are limited to their existing curb-cuts/shared access, with any changes to the size, design, and location of the existing curb-cuts to be approved by Traffic Engineering and ALDOT, and to conform to AASHTO standards;**
- 3) **compliance with Engineering comments: (*Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.*); and,**
- 4) **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.**

February 3, 2011
PLANNING COMMISSION MEETING

The motion carried unanimously.

Case #SUB2011-00001

Mobile Ship Chandlery Subdivision

760 St. Louis Street

Northeast corner of St. Louis Street and North Bayou Street, extending to the Northwest corner of St. Louis Street and North Scott Street

Number of Lots / Acres: 2 Lots/ 0.6± Acre

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

Council District 2

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 and Engineering Co., Inc., spoke on behalf of the applicant and made the following points:

- A. regarding Condition 4, wanted the verbiage read as full compliance with all building and fire codes only; and,
- B. regarding Condition 2, Section V.B.16, felt that was for rounding corners in a residential area, however, the area in question was commercial, so that was not necessary.

Mr. Palombo stated the staff had no issues with changing the verbiage as requested and if the Commission wished, the condition requiring the corner being rounded could be removed completely.

Ms. White, Traffic Engineering, stated that as this was a downtown street, she did not anticipate the City ever being able to improve that radius so her department had no issues with the applicant's request regarding the corner.

Hearing no opposition or further discussion, a motion was made by Mr. Turner, with second by Mr. DeMouy, to waive Section V.B.16. and approve the above referenced matter, subject to the following conditions:

- 1) labeling of the lots with their sizes in both square feet and acres, or the furnishing of a table on the final plat providing the same information;**
- 2) placement of a note on the final plat stating that the building setback along street frontages is either zero or 5'-plus;**
- 3) full compliance with all building and fire codes;**
- 4) compliance with Engineering comments: *(Show Minimum Finished Floor Elevation on each lot on Plat. There is to be no fill placed within the limits of the flood plain without providing compensation. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will***

- require a right-of-way permit in addition to any required land disturbance permit);*
- 5) **placement of a note on the final plat stating that approval of all applicable federal, state, and local agencies regarding flood zone compliance issues would be required prior to the issuance of any permits;**
 - 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; and,**
 - 7) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2011-00003

Perch Creek Landing Subdivision

East side of Dauphin Island Parkway, 505'± South of Staples Road

Number of Lots / Acres: 2 Lots/ 15.6± Acres

Engineer / Surveyor: Austin Engineering Co., 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. Davitt, with second by Dr. Rivizzigno, to approve the above referenced matter, subject to the following conditions:

- 1) **dedication sufficient to provide 50 feet from the centerline of Dauphin Island Parkway;**
- 2) **depiction of the 25-foot minimum building setback line along all public rights-of-way on the Final Plat;**
- 3) **depiction of the lot area, in square feet, on the Final Plat;**
- 4) **placement of a note on the Final Plat stating that each lot is limited to one curb cut to Dauphin Island Parkway, with the size, design, and exact location of all curb cuts to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards;**
- 5) **compliance with Engineering comments: *“Show Minimum Finished Floor Elevation on each lot on Plat. Also show location of wetlands. There is to be no fill placed within the limits of the flood plain without providing compensation. No work shall be permitted within any wetlands without approval from the Corps of Engineers. Must comply with all storm water and flood control ordinances. Any work performed in the right***

of way will require a right of way permit in addition to any required land disturbance permit;”

- 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 the approval of all applicable federal, state and local agencies will be required prior to the issuance of any permits; and,**
- 8) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2011-00002

Camden Pointe Subdivision

West side of McFarland Road, 290'± South of Hamilton Creek Drive

Number of Lots / Acres: 60 Lots/ 20.0± Acres

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

James Bozier, 2857 Cottage Park, addressed the Commission. He noted that approximately a year prior, the area had been proposed for development and that a number of photographs had been presented to the Commission at that time, which showed the drainage issues in the area. He stated that nothing had changed with regards to the drainage problems.

Mr. Plauche advised that the developer was required to comply with the City's stormwater run off regulations even though the area was in Mobile County.

Hearing no further 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) **construction of all streets to Mobile County standards, including the street-stub to the East, and acceptance of the streets by Mobile County prior to the recording of the final plat;**
- 2) **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;**
- 3) **labeling of the 25-foot minimum building setback line, and placement of the note on the plat;**

February 3, 2011
PLANNING COMMISSION MEETING

- 4) 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;
- 5) 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;
- 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) labeling of the lot area size, in square feet, or provision of a table on the Final Plat with the same information, with changes as necessary due to dedications.

The motion carried unanimously.

OTHER BUSINESS:

Hearing no further business, the meeting was adjourned.

APPROVED: March 17, 2011

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

jsl