

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF JUNE 7, 2012 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
Victoria L. Rivizzigno, Secretary
Herb Jordan
Mead Miller
Roosevelt Turner
John Vallas

Members Absent

William G. DeMouy, Jr.
James F. Watkins, III

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
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

Traffic Engineering
Sam Allen,
Fire-Rescue Department

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

ROLL CALL:

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

APPROVAL OF MINUTES:

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

- October 6, 2011
- October 20, 2011
- November 3, 2011
- November 17, 2011

The motion carried unanimously.

EXTENSIONS:

Case #SUB2011-00029 (Subdivision)

Alabama West Subdivision, Unit Four

2600 McVay Drive North
(North side of McVay Drive North, 290'± West of Navco Road)
Number of Lots / Acres: 1 Lot / 1.1± Acre
Engineer / Surveyor: Byrd Surveying, Inc.
Council District 4

Mr. Olsen advised the Commission the Planning Staff had received a letter from the applicant requesting the matter be withdrawn from consideration that day.

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

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2012-00037

Joe Mason Subdivision

1412 & 1416 Wolf Ridge Road
(East side of Wolf Ridge Road, 200'± North of Moffett Road)
Number of Lots / Acres: 1 Lot / 2.2± Acres
Engineer / Surveyor: Frank A. Dagley & Associates, Inc.
Council District 1

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

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

- 1) label the subject lot as "Lot 1" or "Lot A";
- 2) label of the lot size in square feet and acres;
- 3) dedication to provide 50' from the centerline of Wolf Ridge Road to the City of Mobile;
- 4) successful application for a planned unit development or obtain demolition permits so that only one structure remains on the site before the signing of the Final Plat;
- 5) placement of the 25-foot minimum building setback line along all right-of-way frontages;
- 6) compliance with Engineering comments: *"Need to dedicate additional ROW to provide 50' from centerline of Wolf Ridge Road. Sidewalk is required to be constructed along the frontage of the property, unless a sidewalk variance is approved. 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 (Mobile City Code, Chapter 57, Article VIII);”*
- 7) **compliance with Urban Forestry comments:** *“Preservation status is to be given to the 60” Live Oak Tree and the 66” Live Oak Tree located in the center of the proposed development. Any work on or under these tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;”*
 - 8) **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;”*
 - 9) **placement of a note on the Final Plat limiting Lot 1 to one curb-cut to Wolf Ridge Road, with the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards;**
 - 10) **illustration of frontage along Pringle Drive on the Final Plat;**
 - 11) **placement of a note on the Final Plat stating the lot is denied direct access to Pringle Drive; and,**
 - 12) **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 #SUB2012-00039

Harold B. Henderson Subdivision

South side of Bear Fork Road, 2/10 mile ± East of the intersection of Bear Fork Road and Moffett Road.

Number of Lots / Acres: 1 Lot / 1.2± Acre

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. Miller, with second by Mr. Vallas, to approve the above referenced matter, subject to the following conditions:

- 1) **retention of the 25-foot minimum building setback line along Bear Fork Road;**
- 2) **retention of the lot size in square feet and acres;**
- 3) **compliance with Engineering comments:** *“Provide adequate ingress/egress easement to existing property to the south. Sidewalk is required to be constructed along the frontage of the property, unless a sidewalk variance is*

- approved. 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 (Mobile City Code, Chapter 57, Article VIII);”*
- 4) **compliance with Fire Department comments: “All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;”**
 - 5) **placement of a note on the Final Plat limiting Lot 1 to one curb-cut to Bear Fork Road, with the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards;**
 - 6) **placement of a note denying the lot access to the 15’ access road to the East; and,**
 - 7) **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 #SUB2012-00035

Provision Point Subdivision

East terminus of Janita Drive.

Number of Lots / Acres: 3 Lots / 1.4± Acre

Engineer / Surveyor: Haidt 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.

Michael Halunen, 710 Smithfield Rd, spoke on the matter. He stated that he was not present to speak for or against the application he just wanted clarification on if the applicant was required to put in a cul-de-sac.

Mr. Olsen stated that the Fire Department had approved the hammerhead turn-around and waived the cul-de-sac requirement.

Hearing no opposition or further discussion, a motion was made by Mr. Turner, with second by Mr. Miller, to waive Section V.D.14. and Section V.D.14. to approve the above referenced matter, subject to the following conditions:

- 1) **construction and dedication of the hammerhead turnaround and associated right-of-way at the terminus of Janita Drive as depicted;**
- 2) **retention of the 25-foot minimum building setback line around the hammerhead turnaround as depicted;**

- 3) retention of the lot area size, in square feet, exclusive of any area dedicated for the required turnaround;
- 4) placement of a note on the Final Plat limiting each lot to one curb-cut to Janita Drive with the size, design, and location to be approved by Mobile County Engineering and conform to AASHTO standards;
- 5) placement of a note on the Final Plat stating that no habitable structure or in-ground swimming pool shall be placed within any drainage or utility easements;
- 6) placement of a note on the Final Plat stating that: *“Development 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;”*
- 7) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;
- 8) compliance with Fire comments: *“All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;”* and,
- 9) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations

The motion carried unanimously.

Case #SUB2012-00038

Briargrove Subdivision, Phase Two

North side of Jeff Hamilton Road, ½ mile± West of Repoll Road extending to the West termini of Arbordale Drive and Hedgegrow Drive North.

Number of Lots / Acres: 31 Lots / 10.0 Acres

Engineer / Surveyor: Preble – Risch LLC

County

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

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

- 1) **dedication of sufficient right-of-way to provide 50-feet from the centerline of**

Jeff Hamilton Road;

- 2) the approval of all applicable federal, state, and local agencies for wetlands prior to the issuance of any permits or land disturbance activities;
- 3) certification via placement of a note on the Final Plat stating that the property owner/developer will comply with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected flora and fauna;
- 4) the 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 a letter 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 signing of the final plat. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;
- 5) the placement of a note on the Final Plat stating that Lots 28-31, be denied direct access to Jeff Hamilton Road and allowed one curb-cut to the new street, with the size, design, and location to be approved by Mobile County Engineering Department;
- 6) the placement of a note on the Final Plat stating that Lots 1, 12, 16, and 27 are limited to one curb-cut each, with the size, design, and location to be approved by County Engineering;
- 7) retention of the labeling of the lots with its size in square feet, or placement of a table on the plat with the same information;
- 8) the 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,
- 9) placement of a note on the plat stating that maintenance of the detention and common areas is the responsibility of the subdivision's property owners.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2012-01139

Pinebrook Investment

3960 Airport Boulevard

(Northwest corner of Airport Boulevard and McGregor Avenue South)

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow the reconfiguration of accessways and traffic patterns.

Council District 5

The Chair announced the matter had been recommended for holdover, however, if there

June 7, 2012
Planning Commission Meeting

were those who wished to speak on the matter to please do so at that time.

Philip Burton, 4614 Channing Ct, spoke on his own behalf. He stated that if the application was held over it would eliminate their ability to bring the tenant to the shopping center.

Mr. Olsen stated that the staff had developed a conceptual approval subject to some conditions.

Mr. Vallas asked for clarification that the PUD could have split zoning as long as they follow the subdivision lines.

Mr. Olsen responded that was correct.

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

- 1) **submission of an application for Final Approval to the Planning Commission of a final site plan reflecting compliance with Traffic Engineering Comments, and traffic impact study that has been approved by the Traffic Engineer;**
- 2) **submission of a subdivision application to incorporate the metes and bounds parcels into a legal lot(s) of record (as the site is split zoned, lot lines may follow zoning district lines, or rezoning application may be submitted to make the site one zoning classification);**
- 3) **final site plan and Subdivision plat to reflect 12' dedication along McGregor that was previously required, but never finalized;**
- 4) **no permits to be issued until Final Approval is granted; and,**
- 5) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

NEW ZONING APPLICATIONS:

Case #ZON2012-01138

Anthony L. Smeraglia

3915 Cottage Hill Road

(South side of Cottage Hill Road, 250' East of Azalea Road, extending to the North side Shelley Drive, 230'± East of Azalea Road)

Rezoning from B-1, Buffer Business District, to B-2, Neighborhood Business District, to allow construction of a retail store.

Council District 4

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

June 7, 2012

Planning Commission Meeting

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.

Layla Christian, Remax Partners, spoke on behalf of the applicant. Ms. Christian stated that the applicant had made contact with the surrounding neighbors to find out what their concerns were on the business going in at this location. She stated that many of the neighbors expressed concern about access to Shelley Dr; she noted that the applicant will be putting up a privacy fence up along Shelley Dr and there will be no access.

Mr. Olsen stated that the access to Shelley Dr. was only one of many concerns that the neighbors had expressed with previous applications. He stated that the issue is that when this property is rezoned to B-2, in the future any type of B-2 business can be located at the property. He also said that he believed that the B-1 zoning that is there now was a compromise after several unsuccessful attempts at rezoning it B-2.

Ms. Christian responded that they have considered restricting it to a LB-2 rather than a B-2.

Mr. Olsen responded that the Commission can consider that if they would like, but the staff's recommendation remains the same.

The following people spoke in opposition to the matter:

- Travis Grant, 1013 Pace Parkway Mobile;
- Gary Beasley 3912 Shelley Dr., Mobile;
- Kelly Woods, 3827 Hillcrest Lane, Mobile;
- John Williams, 3905 St. Andrews Loop W., Mobile;

They made the following points against the application:

- A. have been contacted by other neighbors stating their opposition to the rezoning;
- B. do not have enough information on the plans for the site;
- C. request that the Commission stand by the recommendation of the staff to deny the application or at least hold it over;
- D. concerned about when Loop Coin moves out;
- E. took the time to visit the potential tenant; he runs a nice business;
- F. Loop Coin is also a pawn shop;
- G. Sky Ranch and Bayview Heights subdivisions are already heavily used as cut-throughs from downtown to the Azalea Rd. area;

Mr. Olsen stated that if there is a pawn shop aspect to this business a LB-2 zoning would not work.

Brett Orrell, Polysurveying, stated that the developer is out of the country at the moment and they ask that the application please be heldover. They would like to set up a meeting

June 7, 2012
Planning Commission Meeting

with any concerning citizens in the area and answer any questions they may have.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to hold the matter over until the July 5, 2012, meeting.

The motion carried unanimously with Mr. Vallas recusing from the vote.

GROUP APPLICATIONS:

Case #ZON2012-01137 (Planned Unit Development)

Mayo Blackmon

1446 Navco Road & 2452 McLaughlin Drive

(North side of McLaughlin Drive, 140'± West of Navco Road, extending to the West side of Navco Road, 140'± North of McLaughlin Drive)

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

Council District 4

(Also see **Case #ZON2012-01136 (Rezoning) Mayo Blackmon**, below)

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.

Jerry Byrd, Byrd Surveying, spoke on behalf of the applicant and made the following points:

- A. the site is not 4 acres, but it does not have to be;
- B. in the zoning ordinance 4 acres is a guideline except for when R-3 adjoins B-2 or B-3;
- C. the site is 2.7 acres;
- D. surrounding properties are zoned B-2;
- E. would like to build 6 Katrina Cottages;
- F. does not feel like this will add any additional traffic on McLaughlin;
- G. tree sizes range from 16 inches to 40 inches on oak trees as required
- H. staff reports states that landscaping was not shown; there were 11 trees shown;

Dina Bender, Riverpark Association, spoke in opposition to the matter and stated that she had a petition that she would like to give to the Commission.

Mr. Vallas asked Ms. Bender how close Riverpark is to this site.

Mr. Bender responded that Riverpark is South on Navco Rd.

Dr. Rivizzigno stated that she is concerned that employees would rent the homes.

Mr. Vallas stated that he would like to see something there; he felt as if it would be a benefit to that intersection.

June 7, 2012
Planning Commission Meeting

Mr. Byrd stated that the owners of the property work for Pilot Catastrophe. There are roughly 400-500 employees; in this group of employees there is always someone looking for a home to rent. They will know the people they are renting to and they are long term leases.

Hearing no further opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Vallas, to hold the matter over until the July 5, 2012, meeting.

The motion carried with Dr. Rivizzigno opposing.

Case #ZON2012-01136 (Rezoning)

Mayo Blackmon

1446 Navco Road

(West side of Navco Road, 140'± North of McLaughlin Drive)

Rezoning from R-1, Single-Family Residential District, to R-3, Multiple-Family District, to allow multiple dwellings on multiple building sites.

Council District 4

(Also see **Case #ZON2012-01137 (Planned Unit Development) Mayo Blackmon**, above)

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.

Hearing no further opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Vallas, to hold the matter over until the July 5, 2012, meeting.

The motion carried with Dr. Rivizzigno opposing.

Case #ZON2012-01226 (Planned Unit Development)

Stericycle, Inc

2500 Paper Mill Road

(East side of Paper Mill Road ¼ ± North of Bay Bridge Road)

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

Council District 2

(Also see **Case #ZON2012-01209 (Planning Approval) Stericycle, Inc**, below)

Mr. Olsen advised the Commission the Planning Staff had received a letter from the applicant requesting the matter be withdrawn from consideration that day.

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

The motion carried unanimously.

Case #ZON2012-01209 (Planning Approval)

Stericycle, Inc

2500 Paper Mill Road

(East side of Paper Mill Road ¼ ± North of Bay Bridge Road)

Planning Approval to allow a medical waste transfer facility in an I-2, Heavy-Industry District.

Council District 2

(Also see **Case #ZON2012-01226 (Planned Unit Development) Stericycle, Inc**, above)

Mr. Olsen advised the Commission the Planning Staff had received a letter from the applicant requesting the matter be withdrawn from consideration that day.

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

The motion carried unanimously.

Case #ZON2012-01093 (Planned Unit Development)

Waterfront Rescue Mission

254 & 260 North Scott Street, 279 North Washington Avenue

(Southeast corner of Congress Street and North Scott Street, Southwest corner of Congress Street and North Washington Avenue, Northwest corner of State Street and North Washington Avenue)

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

Council District 2

(Also see **Case #ZON2012-01256 (Planning Approval) Waterfront Rescue Mission**, below)

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

Dr. Rivizzigno announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. She 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. Vallas, with second by Mr. Turner, to approve the above referenced matter, subject to the following conditions:

- 1) compliance with Engineering comments: *“Any and all proposed development will need to be in conformance with the Stormwater Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-***

045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Stormwater Runoff Control. A complete set of construction plans for the site work (including drainage, utilities, grading, storm water detention systems, paving) 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. 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 (Mobile City Code, Chapter 57, Article VIII). This proposed development will require stormwater detention. Label each of the flood zones and show the Minimum Finished Floor Elevation on each lot on the Plat. There is to be no fill placed or building constructed within the limits of the flood plain without providing compensation or submission of an approved No Rise Certification or Flood Study;”

- 2) revision of the site plan to illustrate an enclosure around the dumpster in compliance with Section 64-4.D.9. of the Zoning Ordinance;
- 3) placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development approval prior to the issuance of any permits;
- 4) placement of a note on the site plan stating that the parking area will be illuminated in accordance with the requirements of Section 64-6.A.3.c. of the Zoning Ordinance;
- 5) placement of a note on the site plan 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;
- 6) provision of a revised PUD site plan to the Planning Section of Urban Development prior to the issuance of any permits;
- 7) completion of the Subdivision process prior to the issuance of any permits;
- 8) successful application for a new Parking Variance to Board of Zoning Adjustment before the issuance of any permits; and,
- 9) full compliance with all municipal codes and ordinances.

The motion carried unanimously with Mr. Plauche recusing from the vote.

Case #ZON2012-01256 (Planning Approval)

Waterfront Rescue Mission

254 & 260 North Scott Street, 279 North Washington Avenue
(Southeast corner of Congress Street and North Scott Street, Southwest corner of Congress Street and North Washington Avenue, Northwest corner of State Street and North Washington Avenue)

Planning Approval to allow an emergency shelter in a B-4, General Business District.
Council District 2

(Also see Case #ZON2012-01093 (Planned Unit Development) Waterfront Rescue Mission, above)

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

Dr. Rivizzigno announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. She 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. Vallas, with second by Mr. Turner, to approve the above referenced matter, subject to the following conditions:

- 1) **compliance with Engineering comments:** *“Any and all proposed development will need to be in conformance with the Stormwater Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Stormwater Runoff Control. A complete set of construction plans for the site work (including drainage, utilities, grading, stormwater detention systems, paving) 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. 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 (Mobile City Code, Chapter 57, Article VIII). This proposed development will require stormwater detention. Label each of the flood zones and show the Minimum Finished Floor Elevation on each lot on the Plat. There is to be no fill placed or building constructed within the limits of the flood plain without providing compensation or submission of an approved No Rise Certification or Flood Study;”*
- 2) **placement of a note on the site plan stating that changes to the scope of operations or site plan for Waterfront Rescue Mission, Inc. will require a new application for Planning Approval;**
- 3) **placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development approval;**
- 4) **placement of a note on the site plan stating that the parking area will be illuminated in accordance with the requirements of Section 64-6.A.3.c. of the Zoning Ordinance;**
- 5) **placement of a note on the site plan 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;**
- 6) **provision of a revised Planning Approval site plan to the Planning Section of Urban Development prior to the issuance of permits;**

June 7, 2012

Planning Commission Meeting

- 7) **completion of the Subdivision process prior to the issuance of any permits;**
- 8) **successful application for a new Parking Variance to Board of Zoning Adjustment before the issuance of any permits; and,**
- 9) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously with Mr. Plauche recusing from the vote.

OTHER BUSINESS:

Public Hearing to consider various amendments to the Zoning Ordinance was opened. The Chair invited anyone who wished to speak on the matter to do so at that time.

Doug Anderson, Burr & Foreman Law Firm, spoke on the changes to the Zoning Ordinance and made the following points:

- A. specifically wanted to discuss the parking ratio for off street parking for multi-family;
- B. felt like the discussion on the issue arose from the student housing apartment complex that he handled on Old Shell Rd. across the street from the University of South Alabama. During both the Planning Commission stage and the City Council stage on that application, where they were ultimately denied, both bodies mentioned a separate zoning category for student housing;
- C. in discussion with Mr. Olsen and Ms. Clarke the staff made the determination that it would be difficult to monitor what is student housing and what is not;
- D. it would be hard to enforce a separate zoning classification just for student housing;
- E. feels as if the new parking requirement of 1 parking space per bedroom for multi-family housing is unnecessary and extreme;
- F. asked if the current system and regulations that are in place now broken;
- G. overall does not feel like any apartment complexes in the area have parking issues;
- H. should look at the negative impact the new ratio would cause;
- I. a developer would be required to have more land;
- J. it would cause more trees to be cut down;

Mr. Plauche asked Mr. Olsen what is the current parking ratio for multi-family dwellings.

Mr. Olsen responded that the current ratio is 1.5 spaces per unit or apartment.

Mr. Turner questioned if the Commission could set up a specialty zoning for the one parking space per bedroom.

Mr. Olsen responded that it would be difficult to enforce on a new construction project. The developers don't necessarily disclose that it will be student housing. Student housing is built identical to apartment complexes, so there is no way to tell the difference.

June 7, 2012

Planning Commission Meeting

Mr. Turner asked if the applications could be changed so they would have to disclose that information.

Mr. Anderson responded that legally you could not.

Mr. Turner stated that he felt like an analysis should be done to determine how many parking spaces the developers are putting in regardless of the minimum requirements.

Ricky Armstrong, Modern Signs, spoke on the proposed changes to the digital sign ordinance and made the following points:

- A. applying an 8 second hold time to signs is more restrictive than necessary to rid the City of flashing signage;
- B. off-premise signs are large enough they can fit an entire message into a single frame;
- C. on-premise signs are too small to display an entire message in one single frame;
- D. the 8 second hold time on on-premise signs would prevent the public from seeing the entire message when passing the sign;
- E. had an issue with the definition of flashing;
- F. feels as if flashing is a mechanism that is solely for the purpose of distraction and has no informative value;
- G. supports the prohibition of flashing but animation on the other hand allows businesses to show off aspects of products that could be displayed by static message or text;
- H. suggested taking out the requirement of such signs to be fixed within 24 hours of malfunction;
- I. believes one week would be practical;
- J. the small business administration has estimated businesses can raise their revenue anywhere between 15-150% with a digital sign;
- K. such an increase in business not only positively impacts business owners, but it also positively impacts the communities by increasing the tax base;
- L. would like to get the Commission's opinion on the grandfather clause for digital signs.

Mr. Olsen stated that grandfather or nonconforming would be the same as it is with anything else. If it is there as of the date of adoption or annexation of an area it is allowed to remain. It can be repaired, but cannot be replaced.

Hearing no opposition or discussion, a motion was made by Mr. Miller, with second by Dr. Rivizzigno, to holdover Multi-Family Parking and On-Premise Digital Signage for revision and to approve the remaining amendments.

The Chair asked if there were any other business to come before the Commission.

Mr. Olsen advised the Commission there needed to be discussion of State Act 2012-297.

June 7, 2012

Planning Commission Meeting

Hearing no further business, the meeting was adjourned.

APPROVED:

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

jpw