

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF APRIL 19, 2012 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

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

Members Absent

Urban Development Staff Present

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

Others Present

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

Fire-Rescue Department

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

ROLL CALL:

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

APPROVAL OF MINUTES:

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

- September 5, 2011
- September 15, 2011

The motion carried unanimously.

HOLDOVERS:

Case #SUB2012-00014

Hunter Family Division at Dees Road Subdivision

8520 Dees Road
(West side of Dees Road, 560'± South of DK Road)
Number of Lots / Acres: 2 Lots / 1.1± Acre
Engineer / Surveyor: Joseph T. Regan, Jr.
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 Dr. Rivizzigno, to waive Section V.D.1. and to approve the above referenced matter, subject to the following conditions:

- 1) **placement of a note on the Final Plat stating that each lot is limited to one curb-cut to Dees Road, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 2) **illustration of the 25' minimum building setback line on both lots as on the preliminary plat;**
- 3) **revision of the plat to label each lot with its size in square feet and acres, or the furnishing of a table on the Final Plat providing the same information;**
- 4) **placement of a note on the Final Plat stating that 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 any lots which are developed commercially and adjoin residentially developed property must provided a buffer, in compliance with Section V.A.8 of the Subdivision Regulations; and,**
- 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.**

The motion carried unanimously.

Case #SUB2012-00018 (Subdivision)

April 19, 2012
Planning Commission Meeting

OSR Subdivision

5559 Old Shell Road

(South side of Old Shell Road, 570'± East of University Boulevard South)

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

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 5

(Also see **Case #ZON2012-00566 (Planned Unit Development) OSR Subdivision**, 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.

Don Coleman, Rester and Coleman Engineers, Inc., spoke on behalf of the applicant. He asked that the matter be held over until the July 5, 2012, meeting, to allow his client the opportunity to address and rectify issues noted by the staff.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over to the July 5, 2012, meeting, per the applicant's request

The motion carried unanimously.

Case #ZON2012-00566 (Planned Unit Development)

OSR Subdivision

5559 Old Shell Road

(South side of Old Shell Road, 570'± East of University Boulevard South)

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

Council District 5

(Also see **Case #SUB2012-00018 (Subdivision) OSR Subdivision**, 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 opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over to the July 5, 2012, meeting, per the applicant's request

The motion carried unanimously.

Case #SUB2012-00021 (Subdivision)

Vaughan's Dauphin Subdivision

2715 Dauphin Street

(South side of Dauphin Street, 67'± East of Dauphinwood Drive)

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

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

April 19, 2012
Planning Commission Meeting

Council District 1
(Also see **Case #ZON2012-00579 (Planned Unit Development) Vaughan's Dauphin Subdivision**, below and **Case #ZON2012-00580 (Rezoning) KV Properties, LLC** below)

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

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.

Keith Vaughn, KV Properties, LLC, spoke on his own behalf. He stated that he was in agreement with all conditions with the exception of not allowing access to Dauphinwood Dr. He requested that that be allowed to keep that option open. He did add that at this point he had no plans to use that access but in the future they may.

Mr. Olsen stated that the main reason that no access to Dauphinwood was recommended was because the maneuverability there does not make for a very good traffic pattern.

Mr. Vaughn noted that it would be very little use; he did not foresee it being for everyday use.

Robert Ross, 2704 Dauphin St, spoke in opposition to the matter and made the following points:

- A. owns the lot across the street and has won a beautification award from the city
- B. the proposed property is in an historic area
- C. the proposed development provides no jobs; maybe one
- D. traffic is horrible at certain times of day
- E. three schools in the area take in and let out around the same time
- F. his business has to limit the time frames tractor-trailers come and go
- G. the amount of fuel that will be stored in the facility is hazardous to the apartments located behind the development
- H. midtown does not need a storage lot

Mr. Vaughn stated that his business will generate very little traffic. He noted that the site will be fenced and will have security cameras. He felt like the citizens of midtown area underserved; there are not many store facilities in the area.

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

- 1) dedication to provide 50-feet from the centerline of Dauphin Street on the Final Plat;**

- 2) placement of a note on the Final Plat stating that the development is limited to one curb-cut to Dauphin Street, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 3) placement of a note on the Final Plat, stating no access to Dauphinwood Drive;
- 4) illustration of the 25' minimum building setback line on the Final Plat;
- 5) revision of the plat to label the lot with its size in square feet and acres, or the furnishing of a table on the final plat providing the same information;
- 6) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;
- 7) compliance with the Engineering comments: *“A 4' wide sidewalk shall be installed along Dauphin Street along the entire property frontage. 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. On-site detention is required and must be in conformance with the City of Mobile Stormwater Management and Flood Control Ordinance. If any 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 storm water and flood control ordinances Of the City of Mobile;”*
- 8) 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 two 50” Live Oak Trees located on the South East side of Lot 1 along the Illinois Central Gulf Railroad easement. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;”* and,
- 9) compliance with Fire Department comments: *“All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.”*

The motion carried unanimously, with Mr. Vallas recusing.

Case #ZON2012-00579 (Planned Unit Development)

Vaughan's Dauphin Subdivision

2715 Dauphin Street

(South side of Dauphin Street, 67'± East of Dauphinwood Drive)

Planned Unit Development Approval to allow aggregate surfacing, non delineated parking and multiple buildings on a single building site for an existing commercial site.

Council District 1

(Also see Case #SUB2012-00021 (Subdivision) **Vaughan's Dauphin Subdivision**, above and Case #ZON2012-00580 (Rezoning) **KV Properties, LLC** 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 further opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. DeMouy, to approve the above referenced matter, subject to the following conditions:

- 1) revision of the site plan to show ALL improvements on the site but not limited to, to include Traffic Engineering comments (The access to Dauphin Street, existing and as illustrated in the plan, is considered two curb-cuts. Access to Dauphin Street should be limited to one curb cut, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);
- 2) placement of a note on the site plan stating that access to Dauphinwood Drive is denied;
- 3) placement of a note stating, that lighting on the site must comply with the requirements of Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;
- 4) provision of a 10-foot natural buffer, to be approved by Urban Development along the adjacent residentially zoned property, in conjunction with the 3-foot solid hedgerow along the 25-foot minimum building setback line of Dauphin Street and illustrated on the revised site plan;
- 5) completion of rezoning and subdivision process prior to the issuance of permits;
- 6) submission of two copies of the revised Planned Unit Development site plan to the Planning Section, Urban Development prior to adoption by the City Council; and,
- 7) full compliance with all municipal codes and ordinances.

The motion carried unanimously, with Mr. Vallas recusing.

Case #ZON2012-00580 (Rezoning)

KV Properties, LLC

2715 Dauphin Street

(South side of Dauphin Street, 67' ± East of Dauphinwood Drive)

Rezoning from R-1, Single-Family Residential District, and R-3, Multiple-Family Residential District, to B-3, Community Business District, to allow a proposed recreational vehicle and boat storage facility.

Council District 1

(Also see **Case #ZON2012-00579 (Planned Unit Development) Vaughan's Dauphin Subdivision**, below and **Case #SUB2012-00021 (Subdivision) Vaughan's Dauphin Subdivision** 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 further opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. DeMouy, to approve the above referenced matter, subject to the following conditions:

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

The motion carried unanimously, with Mr. Vallas recusing.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2012-00030

Shantora Hudson Subdivision

1629 Kuffskie Lane

(West side of Kuffskie Lane, 75'± South of Eastview Lane)

Number of Lots / Acres: 1 Lot / 0.4± Acre

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

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

- 1) **retention of the 25-foot minimum building setback line along Kuffskie Lane;**
- 2) **retention of the labeling of the lot with its size in square feet and acres, or placement of a table on the plat with the same information;**
- 3) **compliance with Engineering comments: “Sidewalk needs to be shown on the plans and constructed per City of Mobile (C.O.M.) standards along Kuffskie Lane unless a sidewalk waiver is applied for and 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 code and ordinances. Any and all proposed development within the property will need to be in conformance with the Stormwater Management and Flood Control Ordinance;”**
- 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 the lot to one curb-cut to Kuffskie Lane, 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 #SUB2012-00028

Frazier-Suffich Subdivision

119 Upham Street, 120 & 124 Frazier Court

(West side of Upham, 415'± North of Old Shell Road extending to the East side of Frazier Court)

Number of Lots / Acres: 2 Lots / 0.9± Acre

Engineer / Surveyor: Rowe Surveying & Engineers Co., 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. DeMouy, with second by Mr. Vallas, to approve the above referenced matter, subject to the following conditions:

- 1) relocating the interior lot line to 8' away from the existing garage on Lot B;
- 2) dedication to provide 25' from the centerline of Upham Street to the City of Mobile;
- 3) retention of the 25-foot minimum building setback line along all right-of-way frontages;
- 4) labeling of the lot with its size in square feet and acres, or placement of a table on the plat with the same information;
- 5) compliance with Engineering comments: *“A 4' wide sidewalk needs to be constructed per City of Mobile (C.O.M.) standards along the subdivision frontage on Upham Street and Frazier Court unless a sidewalk waiver is applied for and 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 code and ordinances. Any and all proposed development within the property will need to be in conformance with the Stormwater Management and Flood Control Ordinance. According to the City of Mobile's 1984 Aerial*

photograph, there is impervious area that can be claimed as historical credit for the determination of the need for detention on Lot B. Detention will be required on Lot B for any future development that increases the impervious area on Lot B in excess of 4,000 square feet. Detention will be required on Lot A for any future construction. An appropriate note shall be added to the plat prior to recording. Any existing utility or drainage lines within the existing drainage and utility easement will need to be relocated within new or existing easements, as approved by the City Engineer, prior to recording the plat;”

- 6) **compliance with Fire Department comments: “All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;”**
- 7) **placement of a note on the Final Plat limiting Lot A to one curb-cut to Frazer Court and Lot B to one curb-cut to Upham Street, with the size, design, and location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards; and,**
- 8) **placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

Case #SUB2012-00029
Combs Court Subdivision

2055 Grider Road

(West side of Grider Road, 155'± South of the East terminus of Rose Hill Lane)

Number of Lots / Acres: 3 Lots 2.5± Acres

Engineer / Surveyor: Richard L. Patrick, PLS

Council District 7

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

The following people spoke in opposition to the matter:

- Diane Havens Owens, 2051 Grider Road; and,
- Jerry Murphy, 2115 Grider Road;

They made the following points against the application:

- A. this property came before Planning Commission in August of 2010;
- B. after the last public hearing the property was placed on the market;
- C. one of the lots have already been sold;
- D. heard the owner of that property will build in a couple of years after they retire;
- E. the rest of the unsold property was very quickly taken off of the market;
- F. feels like the property owner of the lots in question is incapable of doing any

April 19, 2012
Planning Commission Meeting

- type of development;
- G. does not want a retention pond near her property; they are a breeding ground for mosquitoes;
- H. majority of lots on Grider Rd average 1 ½ -2 ½ acres and all homes have one home per lot;
- I. as per the Planning Commission regulation a subdivision is two or more homes and the access road is supposed to be 26 ft wide;
- J. Grider road is only 16 ft wide;
- K. feels like more than one home on this property will cause drainage problems;
- L. since dividing this lot into two lots the neighbors of Grider home expected to have one home per lot;

Doug Anderson, Burr & Foreman Law firm, spoke on behalf of the applicant. He noted that as the staff report reflects this subdivision is in character with the surrounding area. He stated that the applicant will abide by all the engineering, drainage, and traffic requirement.

In deliberation, Mr. Vallas stated that he felt like the issue with the barn was irrelevant and he could not tell if that was an issue with the prior owner or the existing owner. He also noted that the retention pond would help with the drainage issues.

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

- 1) placement of a note on the final plat stating that there shall be no future subdivision of lot 3;**
- 2) provision of a compliant curb radii for Combs Court;**
- 3) retention of the 25-foot minimum building setback line along all right-of-way frontages;**
- 4) retention of the labeling of the lot with its size in square feet and acres, or placement of a table on the plat with the same information;**
- 5) placement of a note on the Final Plat stating that the maintenance of the common area is the responsibility of the property owners and not the City of Mobile;**
- 6) compliance with Engineering comments: “Any and all proposed development will need to be in conformance with the Stormwater Management and Flood Control Ordinance. A complete set of construction plans for the proposed roadway, site work, and detention facility (including drainage, utilities, grading, stormwater 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 code and ordinances;”**

- 7) **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;”**
- 8) **placement of a note on the Final Plat limiting the development to one curb-cut each to Combs Court, with the size, design, and location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards, and each lot is denied direct access to Grider Road ; and,**
- 9) **placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2012-00888

LVRC LLC

9 Du Rhu Drive

(West side of Du Rhu Drive, 375'± North of Dauphin Street)

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow multiple buildings on a single building site and reduced parking.
Council District 7

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

Doug Anderson, Burr & Foreman Law firm, spoke on behalf of the applicant and made the following points:

- A. the reason for the amendment of the PUD is because they need to install additional permanent dumpsters in the rear of the shopping center;
- B. when adding the dumpsters they will be losing some parking spaces;
- C. it would not be an issue except that the applicant has under lease a restaurant and because a restaurant has a different parking ratio from retail they will fall 17 parking spaces short of the minimum required;
- D. does not agree with Condition 3;
- E. client assumed they would have a certain number of retail and restaurants and developed accordingly;
- F. the space of the new restaurant had been sitting vacant for 7 years;
- G. the shopping center has had adequate parking since it opened;
- H. all but 2 of the retail shops close at 6:00 pm;
- I. during the dinner hour the retail shops will be closed.

Mr. Olsen stated that he believed the intent of the statement in the staff report was not exactly saying that at the time of development the developer should have realized they would lease “x” number of retail and “x” number of food and beverage, he believed the

April 19, 2012
Planning Commission Meeting

intent of the statement was to say the developer should have been aware of what his maximum parking spaces for the mixes should be.

Mr. DeMouy wanted confirmation that the stores on the north end of the property have dumpsters located behind them and was curious if those dumpster would be relocated to the new corral site.

Mr. Anderson responded that he was under the impression that all the free standing dumpsters have been removed and if they haven't been they will be.

In deliberation Mr. Vallas stated he had never had an issue with parking during lunch time.

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

- 1) **revision of the PUD site plan to adjust any new dumpster corral so that there is no reduction in landscape area;**
- 2) **placement of a note on the PUD site plan stating that the restaurant proposed via this application will be allowed, and that there shall be no additional restaurant or similar uses requiring a 1 space per 100 gross square feet parking ratio – that two remaining vacant tenant spaces must accommodate uses requiring a 1 space per 300 gross square foot parking ratio;**
- 3) **elimination of the 7 parallel parking spaces depicted along the Northeastern driveway;**
- 4) **compliance with Engineering comments: “1. The surface grading for the existing (and/or proposed) dumpster pad(s) must be minimized and directed to a surface drain that is connected to the Sanitary Sewer system. The drainage from any dumpster pads cannot discharge to storm sewer. 2. The proposed development will need to be in conformance with the Stormwater Management and Flood Control Ordinance;”**
- 5) **compliance with Fire comments: “All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders and an unobstructed vertical clearance of not less than 13 feet 6 inches (503.2.1). Where a hydrant is located on a fire apparatus road, the minimum road width shall be 26 feet, exclusive of shoulders. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus (503.2.5). Anything vulnerable to vehicle impact including but not limited to: Exposed gas meters, hydrants, fire department connections are required to be protected by posts that comply with Section 312.2 or by other physical barriers that comply with Section 312.3;”**
- 6) **compliance with Traffic Engineering comments: “Parallel parking spaces**

should be 23' long for the interior spaces, 20' long for the unencumbered exterior spaces, and 8' wide. This will add 22' to the total length for the 7 proposed spaces. Truck circulation may be adversely affected if the space is extended to the northwest, and the aisle width will be adversely affected if the space is extended to the southeast. A reduction to six parallel spaces may be necessary;"

- 7) **submission of a revised PUD site plan to the Planning Section of Urban Development prior to any request for permits to undertake site modification; and,**
- 8) **full compliance with all other municipal codes and ordinances, including the securing of all necessary permits.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2012-00032 (Subdivision)

Gods Kingdom Church Ministry Subdivision

2425 St Stephens Road

(Southeast corner of St Stephens Road and Brownlee Street)

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

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

Council District 1

(Also see **Case #ZON2012-00860 (Planning Approval) Gods Kingdom Church Ministry Subdivision**, and, **Case #ZON2012-00861 (Rezoning) Benjamin Torrance**, below)

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

Brett Orrell, Polysurveying Inc, spoke on behalf of the applicant. He stated that the applicant was agreeable with all the recommendations except for Condition 1. He asked that the client be allowed to have curb-cuts on both St. Stephens and Brownlee.

Mr. Olsen stated that one of the concerns was that Brownlee St. is residential and having that access from a non-residential use onto a minor residential side street is not encouraged.

Mr. Orrell stated that he has been in touch with ALDOT to try to determine if they can still continue to use the St. Stephens entrance.

Mr. Olsen asked when Mr. Orrell expected to get a response from ALDOT.

Mr. Orrell responded that he would hope in the next day or two.

Mr. Olsen stated that he felt like it would be better to holdover the application because

the application is site plan specific.

Mr. Orrell responded that the only problem with that is the new meeting schedule.

Mr. Watkins questioned that since the application is site plan specific is there any way the Commission can approve this and give the staff the discretion to locate a curb-cut on Brownlee in the event ALDOT denies access to St. Stephens.

Mr. Olsen responded that it was an option if that is what the Commission chooses to do; usually the staff does not like to take that much discretion.

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

- 1) **placement of a note on the Final Plat stating that the site is limited to one curb-cut, either on St. Stephens Road or Brownlee Street, subject to ALDOT approval, with the size, location, and design to be approved by ALDOT (if applicable) and Traffic Engineering and conform to AASHTO standards;**
- 2) **placement of a note on the Final Plat stating that the right-of-way sidewalk should include the construction of a handicap ramp at the Southeast corner of St. Stephens Road and Brownlee Street;**
- 3) **illustration of the 25' minimum building setback line along St. Stephens Road;**
- 4) **illustration of the 20' minimum building setback line along Brownlee Street;**
- 5) **dedication of a radius curve at the intersection of St. Stephens Road and Brownlee Street in compliance with Section V.D.6. of the Subdivision Regulations, with the exact size and location to be coordinated with Traffic Engineering;**
- 6) **labeling of the lot with its size in square feet and acres, adjusted for any required dedication, or the furnishing of a table on the Final Plat providing the same information;**
- 7) **placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;**
- 8) **compliance with Engineering comments: “1. A site visit showed that additional concrete has been placed between the front of the building and the St. Stephens Road sidewalk without obtaining a Land Disturbance Permit or submitting revised plans for BLD2011-01104. This work will need to be approved through the land disturbance permit process. Detention will be required for the work completed under permit BLD2011-01104 and the work that has not been permitted. 2. 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. 3. Any and all proposed development within the property will need to be in conformance with the Stormwater Management and Flood Control Ordinance. 4. Detention will be required and will need to take into account any impervious area added since 1984;”*
- 9) **compliance with the 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;”*
 - 10) **compliance with the Fire Department comments:** *“All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;”* and,
 - 11) **submittal of a revised Planning Approval site plan prior to the signing of the Final Plat.**

The motion carried unanimously.

Case #ZON2012-00860 (Planning Approval)
Gods Kingdom Church Ministry Subdivision

2425 St Stephens Road

(Southeast corner of St Stephens Road and Brownlee Street).

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

Council District 1

(Also see **Case #SUB2012-00032 (Subdivision) Gods Kingdom Church Ministry Subdivision**, above, and, **Case #ZON2012-00861 (Rezoning) Benjamin Torrance**, below)

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

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

- 1) **completion of the Subdivision process prior to the issuance of any permits or land disturbance activities;**
- 2) **the site is limited to one curb-cut, subject to ALDOT approval, with the size, location, and design to be approved by ALDOT (if applicable) and Traffic Engineering and conform to AASHTO standards; (if access to St. Stephens Road is denied by ALDOT, a curb cut to Brownlee Street shall be allowed, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards);**
- 3) **revision of the site plan to indicate a handicap ramp on the right-of-way sidewalk at the Southeast corner of St. Stephens Road and Brownlee Street;**
- 4) **full compliance with the landscaping and tree planting requirements of the**

- Zoning Ordinance, including revision of landscaping calculations and revision of the site plan to properly locate trees in the landscaped area;
- 5) revision of the site plan to indicate parking bumpers or curbing and gutters in the parking area to protect landscaped areas;
 - 6) revision of the site plan to depict HVAC units and generators meeting required setbacks;
 - 7) revision of the site plan to indicate any required detention area;
 - 8) revision of the site plan to depict a compliant dumpster, or the placement of a note on the site plan stating that garbage collection will be curb-side or via a private collection service;
 - 9) revision of the site plan to depict a protection buffer in compliance with Section 64-4.D.1. of the Zoning Ordinance;
 - 10) placement of a note on the site plan stating that any lighting for the parking lot shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic, per Section 64-6.A.3.c of the Zoning Ordinance;
 - 11) provision of sidewalks along St. Stephens Road and Brownlee Street;
 - 12) placement of a note on the site plan stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;
 - 13) compliance with the Engineering comments: *“1. A site visit showed that additional concrete has been placed between the front of the building and the St. Stephens Road sidewalk without obtaining a Land Disturbance Permit or submitting revised plans for BLD2011-01104. This work will need to be approved through the land disturbance permit process. Detention will be required for the work completed under permit BLD2011-01104 and the work that has not been permitted. 2. 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. 3. Any and all proposed development within the property will need to be in conformance with the Stormwater Management and Flood Control Ordinance. 4. Detention will be required and will need to take into account any impervious area added since 1984;”*
 - 14) compliance with the 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;)”*
 - 15) compliance with the Fire Department comments: *“All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;”*
 - 16) proper permitting of the concrete plaza in front of the existing building and proper permitting of any fencing;
 - 17) submittal of a revised site plan prior to the signing of the Final Plat and prior to the submittal for land disturbance permits; and,

18) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2012-00861 (Rezoning)

Benjamin Torrance

2425 St Stephens Road

(Southeast corner of St Stephens Road and Brownlee Street)

Rezoning from R-1, Single-Family Residential District, and B-2, Neighborhood Business District, to R-1, Single-Family Residential District to eliminate split zoning.
Council District 1

(Also see **Case #SUB2012-00032 (Subdivision) Gods Kingdom Church Ministry Subdivision**, and, **Case #ZON2012-00860 (Planning Approval) Gods Kingdom Church Ministry Subdivision**, above)

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

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

- 1) **completion of the subdivision process; and,**
- 2) **full compliance with all municipal codes and ordinances**

The motion carried unanimously.

Case #SUB2012-00027 (Subdivision)

Standard Concrete Products Inc. Subdivision

7600 Mitsubishi Lane

(East terminus of Mitsubishi Lane)

Number of Lots / Acres: 2 Lots / 130.3± Acres

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

Council District 4

(Also see **Case #ZON2012-00747 (Rezoning) Standard Concrete Products Inc.**, below)

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

Bobby McBryde, Rowe Surveying, spoke on behalf of the applicant and asked that the wording be changed on Conditions 1 and 4.

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

conditions:

- 1) placement of a note on the plat limiting the development to the existing curb-cuts, and when any new curb-cuts are proposed, the size, location, and design to be approved by Traffic Engineering, in conformance to AASHTO standards;
- 2) labeling of the lot with its size in square feet;
- 3) provision of the 25-foot minimum building setback line along 100-foot easement;
- 4) approval of a Planned Unit Development (PUD) application by the Planning Commission prior to development, as necessary;
- 5) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;
- 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. Any proposed development will need to be in conformance with the Stormwater Management and Flood Control Ordinance;”*
- 7) 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) completion of the Subdivision process prior to any application for land disturbance or building permits.

The motion carried unanimously.

Case #ZON2012-00747 (Rezoning)
Standard Concrete Products Inc.

7600 Mitsubishi Lane

(East terminus of Mitsubishi Lane)

Rezoning from I-1, Light-Industry District, and I-2, Heavy-Industry District, to I-2, Heavy-Industry District to allow a concrete manufacturing facility and eliminate split zoning.

Council District 4

(Also see **Case #SUB2012-00027 (Subdivision) Standard Concrete Products Inc. Subdivision**, above)

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

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

conditions:

- 1) **completion of the subdivision process;**
- 2) **submission and approval of a Planned Unit Development (PUD) application to the Planning Commission at the time of development;**
- 3) **compliance with the landscaping and tree requirements of the Zoning Ordinance; and,**
- 4) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2012-00857 (Planned Unit Development)

Pleasant View Baptist Church

1517 Katye Street

(West side of Katye Street, 120'± South of Bank Avenue extending to the East side of Ruby Street, 190'± South of Bank Avenue)

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

Council District 1

(Also see **Case #ZON2012-00858 (Planning Approval) Pleasant View Baptist Church**, below)

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

Frank Dagley, 717 Executive Park Dr., spoke on behalf of the applicant. He stated that all perimeter parking will be against a side-walk or a curb, but they would prefer that the internal parking spaces not be required to have bumpers. He also requested that Condition 8 and 14 be waived.

Alfonzo Brady, a neighbor of Pleasant View Baptist Church, spoke in favor of the application. He stated that the surrounding neighbors of the church do not want a fence placed around the property. They feel as if it will take away from their efforts to beautify the community.

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

- 1) **compliance with Engineering comments: “1. 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. 2. The proposed development will need to be in conformance with the Stormwater Management and Flood Control**

- Ordinance. 3. A complete set of construction plans for the site work (including drainage, utilities, grading, stormwater 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;”*
- 2) **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;”**
 - 3) **compliance with Traffic Engineering comments: “Driveway number, size, location, and design to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards;”**
 - 4) **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;)”**
 - 5) **revision of the site plan to depict curbing and/or bumper stops for all parking and circulation areas in order to protect adjacent landscape and sidewalk areas;**
 - 6) **revision of the site plan to provide appropriately marked access aisles for all proposed handicap parking spaces, in accordance with Americans with Disability Act and/or 2009 International Building Code requirements;**
 - 7) **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;**
 - 8) **waiver of Section 64-4.D.1. of the Zoning Ordinance and placement of a note on the site plan to state that a fence or protection buffer strip along the perimeters of the site to be developed, in accordance with Section 64-4.D.1. will be provided if requested by an adjacent property owner in the future;**
 - 9) **removal of all existing exterior light fixtures that do not comply with the requirements of the Zoning Ordinance, and placement of a note on the site plan stating that the site and parking area will be illuminated in accordance with the requirements of Section 64-4.A.2. and Section 64-6.A.3.c. of the Zoning Ordinance;**
 - 10) **revision of the site plan and the tree and landscape calculations to depict full compliance for the developed portion of the site only;**
 - 11) **use of live oaks only where frontage trees are planted within 15-feet of overhead utilities;**
 - 12) **if a dumpster will be used on the site, the location of the storage area for the dumpster must be indicated on the site plan, and the location and required screening must comply with Section 64-4.D.9. of the Zoning Ordinance, as well as with all other applicable regulations, including a connection to sanitary sewer;**
 - 13) **identification of any exterior HVAC or generator units on the site plan, and placement of such so that they will meet required building setbacks;**
 - 14) **waiver of Section 64-6.A.3.i. of the Zoning Ordinance, and placement of a note on the site plan to state that parking area screening along Katy Street (3-foot tall evergreen hedge), in accordance with Section 64-6.A.3.i. will be**

- provided if requested by an effected property owner in the future;
- 15) placement of a label along the Ruby Street frontage stating that a sidewalk will be provided when that portion of the site is developed;
- 16) revision of the dimensions and right-of-way widths on the site plan to accurately reflect right-of-way dedication as indicated on the recorded plat;
- 17) 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;
- 18) provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final plat; and,
- 19) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2012-00858 (Planning Approval)

Pleasant View Baptist Church

1517 Katye Street

(West side of Katye Street, 120'± South of Bank Avenue extending to the East side of Ruby Street, 190'± South of Bank Avenue)

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

Council District 1

(Also see **Case #ZON2012-00858 (Planning Approval) Pleasant View Baptist Church**, above)

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

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

- 1) **compliance with Engineering comments:** *“1. 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. 2. The proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance. 3. A complete set of construction plans for the site work (including drainage, utilities, grading, storm water 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;”*
- 2) **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;”*

- 3) compliance with Traffic Engineering comments: *“Driveway number, size, location, and design to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards;”*
- 4) 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;)”*
- 5) revision of the site plan to depict curbing and/or bumper stops for all parking and circulation areas in order to protect adjacent landscape and sidewalk areas;
- 6) revision of the site plan to provide appropriately marked access aisles for all proposed handicap parking spaces, in accordance with Americans with Disability Act and/or 2009 International Building Code requirements;
- 7) 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;
- 8) waiver of Section 64-4.D.1. of the Zoning Ordinance and placement of a note on the site plan to state that a fence or protection buffer strip along the perimeters of the site to be developed, in accordance with Section 64-4.D.1. will be provided if requested by an adjacent property owner in the future;
- 9) removal of all existing exterior light fixtures that do not comply with the requirements of the Zoning Ordinance, and placement of a note on the site plan stating that the site and parking area will be illuminated in accordance with the requirements of Section 64-4.A.2. and Section 64-6.A.3.c. of the Zoning Ordinance;
- 10) revision of the site plan and the tree and landscape calculations to depict full compliance for the developed portion of the site only;
- 11) use of live oaks only where frontage trees are planted within 15-feet of overhead utilities;
- 12) if a dumpster will be used on the site, the location of the storage area for the dumpster must be indicated on the site plan, and the location and required screening must comply with Section 64-4.D.9. of the Zoning Ordinance, as well as with all other applicable regulations, including a connection to sanitary sewer;
- 13) identification of any exterior HVAC or generator units on the site plan, and placement of such so that they will meet required building setbacks;
- 14) waiver of Section 64-6.A.3.i. of the Zoning Ordinance, and placement of a note on the site plan to state that parking area screening along Katy Street (3-foot tall evergreen hedge), in accordance with Section 64-6.A.3.i. will be provided if requested by an effected property owner in the future;
- 15) placement of a label along the Ruby Street frontage stating that a sidewalk will be provided when that portion of the site is developed;
- 16) revision of the dimensions and right-of-way widths on the site plan to accurately reflect right-of-way dedication as indicated on the recorded plat;
- 17) 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;
- 18) provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final plat; and,
- 19) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

OTHER BUSINESS:

Mr. Plauche moved, with second by Dr. Rivizzigno, to call for public hearing on June 7, 2012 to consider various amendments to the Zoning Ordinance.

Mr. Olsen reminded everyone that beginning with the May 3, 2012, meeting, Planning Commission will only meet on the first Thursday of the month.

Hearing no further business, the meeting was adjourned.

APPROVED:

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

jpw