

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

Members Present

Terry Plauche, Chairman
Victoria L. Rivizzigno, Secretary
Herb Jordan
Mead Miller
Roosevelt Turner
James F. Watkins, III

Members Absent

William G. DeMouy, Jr.
Stephen J. Davitt, Jr.
John Vallas

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, the Chair, called the meeting to order at 2:05 in the afternoon. He then called roll with the following people answering at that time:

- Victoria Rivizzigno
- Roosevelt Turner
- Mead Miller
- James Watkins
- Herb Jordan

He stated the number of members present constituted a quorum and advised all attending of the policies and procedures pertaining to the Planning Commission. He then proceeded to call the first item on the agenda.

HOLDOVERS:

Case #ZON2012-00388 (Planned Unit Development)

EGM Properties, LLC

1617 Industrial Park Circle and 3748 Industrial Park Drive

(North side of Industrial Park Drive, 525'± West of Varner Drive and extending West to the East side of Industrial Park Circle, 175'± North of Industrial Park Drive)

Planned Unit Development Approval to amend a previously approve Planned Unit Development to allow multiple buildings on a single business site, and shared access and parking between two building sites.

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.

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

- 1) **revision of the site plan to depict a total of 59 parking spaces;**
- 2) **placement of a note on the site plan stating that site and parking lighting will comply with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;**
- 3) **compliance with revised Engineering comments: “1. Any proposed development will need to be in conformance with the Stormwater Management and Flood Control Ordinance. 2. The site will need to provide drainage calculations that take into account the amount of accumulated impervious area added to the site since 1984. 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. 4. The surface grading for the existing (and/or proposed) dumpster pad(s) (and/or car wash drains) 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 the storm sewer collection system. 5. Any work to be performed in the ROW (driveway, curb-cuts, sidewalks, landscaping, irrigation, utilities, etc) will require a ROW permit from the Engineering Department;”**
- 4) **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;”**

- 5) compliance with Traffic Engineering comments: *“Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;”*
- 6) 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);”*
- 7) approval otherwise limited to the site plan, as submitted;
- 8) submission of a revised PUD site plan prior to any request for site development permits; and,
- 9) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2012-00025

The Pad Subdivision

354 St. Francis Street

(North side of St. Francis Street, 55'± East of North Franklin Street)

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

Engineer / Surveyor: Byrd Surveying, 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.

Jerry Byrd, Byrd Surveying Inc., spoke on behalf of the owner regarding the following issues:

- A. requested the removal of Condition One, which called for limiting the lot to only one curb-cut; and,
- B. retain and apply Traffic Engineering comments which stated access to St. Francis Street should be limited to one two-way curb-cut or two one-way curb-cuts, with size, location, and design to be approved by said department.

Mr. Olsen advised the Commission Mr. Hoffman had just reminded him the applicant had received approval for a variance for said site and such variances were site plan specific, so if the site plan only showed one curb-cut, the applicant was bound by that.

Mr. Byrd advised he was trying to find the simplest option for his client, the staff, and the members of both the Planning Commission and Board of Zoning Adjustment.

Mr. Olsen stated it might be possible to make the condition subject to the applicant getting a variance to amend the previous variance.

Mr. Watkins stated as this was a request to approve a subdivision and not a site plan, then approving the subdivision request subject to Traffic Engineering's approval of any curb-cuts would rectify the situation.

Mr. Olsen said it was feasible to eliminate Condition One and modify Condition Six to include a statement at the end which would read "subject to amending the previously approved variance."

Mr. Watkins asked for confirmation that if the applicant was not able to get a variance for curb-cuts, they would simply have to settle for the one curb-cut as allowed by this approval.

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

- 1) **placement of a note on the final plat stating that setbacks shall be determined by the applicable zoning district;**
- 2) **revision of the plat to include the lot size in square feet;**
- 3) **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;"**
- 4) **compliance with Engineering comments: "1. Any proposed development will need to be in conformance with the Stormwater Management and Flood Control Ordinance. 2. 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. 3. The existing driveway curb-cut to the west of the existing entrance needs to be removed, and any sidewalk panels repaired. 4. Any work to be performed in the ROW (driveway, curb-cuts, sidewalks, landscaping, irrigation, utilities, etc) will require a ROW permit from the Engineering Department;"**
- 5) **compliance with Traffic Engineering comments: "Access to St. Francis Street should be limited to one 2-way curb cut, or two 1-way curb cuts, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards" subject to amending the previously approved variance if necessary;**
- 6) **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);”*
- 7) **placement of a note on the plat stating that development of the site will comply with any applicable federal, state, and local regulations regarding flood-related issues;**
 - 8) **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; and,**
 - 9) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2012-00023

Falcon Pointe Subdivision

2550 Newman Road

(West side of Newman Road, 930'± South of Airport Boulevard)

Number of Lots / Acres: 2 Lots / 32.4± Acres

Engineer / Surveyor: Austin Engineering Co. 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 further discussion, a motion was made by Mr. Turner, with second by Mr. Jordan, to waive Section V.D.1. of the Subdivision Regulations and approve the above referenced matter, subject to the following conditions:

- 1) **depiction of the 25-foot minimum building setback line from Newman Road, as required by Section V.D.9. of the Subdivision Regulations;**
- 2) **labeling of the lot sizes, in acres, or provision of a table on the Final Plat with the same information;**
- 3) **placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations;**
- 4) **placement of a note on the Final Plat stating the site must comply with the City of Mobile stormwater and flood control ordinances: “*Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the***

- stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits;”*
- 5) placement of a note on the Final Plat limiting each lot to one curb-cut to Newman Road, with the size, design, and location of all curb-cuts to be approved by Mobile County Engineering and conform to AASHTO standards; and,
 - 6) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2012-00009 (Subdivision) (Holdover)
Charter Southland Hospital Subdivision, Re-subdivision of Lot 1, Re-subdivision of Lots 1 & 2

5750 & 5800 Southland Drive

(North side of Southland Drive, 615'± West of Knollwood Drive)

Number of Lots / Acres: 1 Lot / 17.0± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 4

(Also see **Case #ZON2012-00736 (Planned Unit Development) Charter Southland Hospital**, below)

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

Regina Simmons, 5804 Blue Ridge Drive South, spoke in opposition to the matter, making the following points:

- A. her subdivision was located next to access to the proposed apartments;
- B. stated there were already 300 apartments built there which were not yet open as the developers had not completed the required changes to the road;
- C. advised there had been several serious accidents on Knollwood Drive in the recent past as Knollwood was very narrow through the area in question; and,
- D. increasing the number of apartments from 300 to 600 would further increase the traffic on Knollwood and increase the chance for traffic accidents.

April 5, 2012
Planning Commission Meeting

Mr. Olsen advised the application currently before the Commission was not for apartments, rather an attempt by Charter Southland to combine multiple properties into one property. He added the reason for the Planned Unit Development and the multiple buildings was because most of those currently existed and the applicant simply wanted to add one more building. He stated no evidence or request for a change in occupancy load had been presented to the staff by the applicant.

Larry Smith, SE Civil, stated Mr. Olsen had advised the Commission correctly regarding Charter Southland's plans for the property and that no new apartments were planned by the applicant. He added the first phase was only for additional parking for the existing buildings.

The Chair asked Mr. Smith if he would discuss his client's plans with the opposition.

Mr. Smith asked about Condition Five which called for the revision of the site plan to illustrate the 60' radius turnaround dedication at the west terminus of Southland Drive, advising his client did not own both sides of said right-of-way.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the May 3, 2012, meeting, so it could be heard in conjunction with a revised PUD site plan.

The motion carried unanimously.

Case #ZON2012-00736 (Planned Unit Development)

Charter Southland Hospital

5750 and 5800 Southland Drive

(North side of Southland Drive, 615'± West of Knollwood Drive)

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

Council District 4

(Also see **Case #SUB2012-00009 (Subdivision) (Holdover) Charter Southland Hospital Subdivision, Re-subdivision of Lot 1, Re-subdivision of Lots 1 & 2**, above)

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the May 3, 2012, meeting, to allow the applicant to submit a revised site plan, with revisions due by April 16, 2012, addressing the following items:

- 1) revision of the site plan to provide parking requirement calculations based on the uses of the various buildings;**
- 2) revision of the site plan to illustrate compliant dumpster locations;**
- 3) revision of the site plan to illustrate a protection buffer along the North property line adjacent to Leesburg Subdivision, in compliance with Section 64-4.D.1. of the Zoning Ordinance;**

- 4) revision of the site plan to provide a note stating that lighting of the site will be in compliance with Sections 64-4.A.2 and 64-6.A.3.c of the Zoning Ordinance;
- 5) revision of the site plan to illustrate the 60' radius turnaround dedication at the West terminus of Southland Drive;
- 6) revision of the site plan to label the gravel drive on the Western portion as being for maintenance purposes only, or revision of the site plan to indicate that the drive will be developed to compliant standards; and,
- 7) revision of the site plan to indicate termination of the gravel drive short of Southland Drive or the illustration of some type of vehicular barrier across the drive to prevent vehicular access to Southland Drive.

The motion carried unanimously.

Case #ZON2012-00389 (Planned Unit Development) (Holdover)
Regent Technology Services/ Mississippi Lime

1551 Cochran Causeway

(West side of Cochran Causeway, 500'± South of the South terminus of the Cochran-Africatown Bridge)

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

Council District 2

(Also see **Case #ZON2012-00683 (Planning Approval) Regent Technology Services/ Mississippi Lime**, below)

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

Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant. He stated the Engineering Department had only advised his organization the day before that a flood study had been done on the site and there was an imaginary line that went north and south along the river and nothing could be built west of said line and said line also went through the building in question. He added, after speaking with staff and the corporate headquarters for Mississippi Lime, no one had any issues with shifting the proposed building to the east so the proposed building could be shown and constructed behind said imaginary line. He said staff had advised him a conditional approval could be obtained and provide staff with a revised site plan which would show the new location for the building which would meet all of the required conditions. He also commented on the condition requiring the approval of all federal, state, and local agencies for endangered, threatened, or otherwise protected species was required prior to the issuance of any permits or land disturbance activities, asking if it could be changed to verbiage that required a note on the plat that stated there were no endangered, threatened, or otherwise protected species on the site, because it would take months, possibly years, to get all of those approvals.

Mr. Olsen advised the staff would try to come up with some wording to address the issue by the time the Commission deliberated the matter.

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

- 1) **submission of two copies of the revised Planned Unit Development site plan prior to the issuance of the building permit;**
- 2) **placement of a note on the revised site plan stating that there are no endangered, threatened, or otherwise protected species on site OR 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;**
- 3) **revision of the site plan to comply with Engineering Comments: *“GIS indicates potential wetlands exist on this project site. Applicant will need to provide a wetlands delineation or letter stating that no wetlands exist on the site. No work shall be permitted within any wetlands without approval of the Corps of Engineers. According to the FEMA flood map information, this property is located within a Special Flood Hazard Area. You will need to show and label the flood hazard area(s) on your plat and plans. Show the Minimum Finished Floor Elevation (MFFE) for the lot. No fill is allowed within the flood plain without providing compensation. Plan must address temporary and permanent stockpiled materials and be approved by the City Engineer. Any proposed development will need to be in conformance with the Stormwater Management and Flood Control Ordinance;”***
- 4) **revision of the site plan to comply 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,**
- 5) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2012-00683 (Planning Approval)
Regent Technology Services/ Mississippi Lime

1551 Cochran Causeway

(West side of Cochran Causeway, 500'± South of the South terminus of the Cochran-Africatown Bridge)

Planning Approval to allow the expansion of an existing limestone crushing facility in

an I-2, Heavy Industrial District.
Council District 2

(Also see **Case #ZON2012-00389 (Planned Unit Development) (Holdover) Regent Technology Services/ Mississippi Lime**, above)

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

- 1) **submission of two copies of the revised Planning Approval site plan prior to the issuance of the building permit;**
- 2) **placement of a note on the revised site plan stating that there are no endangered, threatened, or otherwise protected species on site OR 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;**
- 3) **revision of the site plan to comply with Engineering Comments: *“GIS indicates potential wetlands exist on this project site. Applicant will need to provide a wetlands delineation or letter stating that no wetlands exist on the site. No work shall be permitted within any wetlands without approval of the Corps of Engineers. According to the FEMA flood map information, this property is located within a Special Flood Hazard Area. You will need to show and label the flood hazard area(s) on your plat and plans. Show the Minimum Finished Floor Elevation (MFFE) for the lot. No fill is allowed within the flood plain without providing compensation. Plan must address temporary and permanent stockpiled materials and be approved by the City Engineer. Any proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance;”***
- 4) **revision of the site plan to comply 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,**
- 5) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2012-00026 (Subdivision)
Pinehurst Subdivision, Re-subdivision of Lot 3, Block 116

Southern terminus of Schaub Avenue

Number of Lots / Acres: 2 Lots / 0.2± Acre

Engineer / Surveyor: Don Williams Engineering

Council District 6

April 5, 2012
Planning Commission Meeting

(Also see **Case #ZON2012-00735 (Planned Unit Development) Pinehurst Subdivision, Re-subdivision of Lot 3, Block 116**, 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.

Don Williams, Williams Engineering, spoke on behalf of the applicant and made the following points in favor of approving the matter:

- A. developer wanted to build four houses on the three lots at the end of Schaub Avenue;
- B. issue was with Fire-Rescue Department access due to the fact the subdivision was older and had been built without the consideration of such things as adequate cul-de-sacs and right-of-ways;
- C. Schaub Avenue terminates with a substandard cul-de-sac, which was constructed by the City within the last year;
- D. currently any fire trucks responding to emergencies on that street have no place to turn around;
- E. 200 feet of Schaub Avenue remained unpaved and the three lots in question faced the unpaved, unopened area of the dedicated right-of-way and because of this those three lots could not be developed due to City Engineering's requirements and as the City had no plans or money to extend and/or pave Schaub Avenue, it would remain in its present state;
- F. the developer would like to develop the property in question into four 50 foot frontage lots but to do so he would have to take the 100 foot lot and create two 50 foot frontage lots;
- G. proposed to have Schaub Avenue terminate in a standard dead end with a hammerhead turnaround as there was a small extension of McMurray which would be incorporated into the proposed hammerhead;
- H. noted the International Fire Code Appendix A allowed for hammerhead turnarounds but only to 150 feet, so the proposed hammerhead turnaround would be 22 feet too far for Fire Code compliance but a much better situation than currently existed;

Mr. Roach stated that the last time he spoke with Mr. Williams the plan was for the hammerhead turnaround to be part of a shared driveway. He asked Mr. Williams if that was still in the plans.

Mr. Williams responded that was correct.

Mr. Roach stated that he was not sure why Mr. Williams did not tell that to the Commission and that he told Mr. Williams that would not be feasible.

Mr. Olsen noted that even if the Commission decides to approve this application the decision does not supercede the Fire Code. That issue would still have to be overcome.

April 5, 2012
Planning Commission Meeting

Mr. Watkins asked what the ramifications would be if the Commission approved it and the applicant was out of compliance with the Fire Code; will there be a permitting issue that would prohibit them from going forward.

Mr. Williams requested a one or two meeting holdover to do more research.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the May 3, 2012, meeting, at the applicant's request.

The motion carried unanimously.

Case #ZON2012-00735 (Planned Unit Development)
Pinehurst Subdivision, Re-subdivision of Lot 3, Block 116

Southern terminus of Schaub Avenue

Planned Unit Development Approval to allow reduced lot sizes and reduced lot widths in a proposed subdivision.

Council District 6

(Also see **Case #SUB2012-00026 (Subdivision) Pinehurst Subdivision, Re-subdivision of Lot 3, Block 116,**

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 Dr. Rivizzigno, to hold the matter over until the May 3, 2012, meeting, at the applicant's request.

The motion carried unanimously.

OTHER BUSINESS:

Remind everyone that this will be the LAST month in which there will be TWO Planning Commission meetings. Starting in May, Planning Commission will only meet on the first Thursday of the month. This has also affected submission deadlines as the next deadline is 4/16 for the June 7th meeting. Please check with the office for a revised schedule.

Presentation of proposed amendments to the Planning Commission for review prior to calling for the Public Hearing.

Hearing no further business, the meeting was adjourned at 2:45.

APPROVED:

April 5, 2012
Planning Commission Meeting

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

jpw