

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF MAY 21, 2009 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William G. DeMouy, Jr.
Stephen J. Davitt, Jr.
Nicholas H. Holmes, III
Roosevelt Turner
James F. Watkins, III

Members Absent

Clinton Johnson
Victoria L. Rivizzigno, Secretary
Mead Miller
John Vallas

Urban Development Staff Present

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

Others Present

John Lawler,
Assistant City Attorney
John Forrester,
City Engineering

Jennifer White,
Traffic Engineering

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

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

APPROVAL OF MINUTES:

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

- February 21, 2008
- March 6, 2008

The motion carried unanimously.

HOLDOVERS:

Case #SUB2009-00027 (Subdivision)

The Bluffs at Cypress Creek Subdivision, Phase One

4450 Cypress Business Park Drive

North terminus of Cypress Business Park Drive extending to the West side of Shipyard Road

Number of Lots / Acres: 43 Lots / 52.0± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 4

B.J. Lyon, 9 Hillwood Road, Mobile, AL, spoke on behalf of the owner saying he believed this was held over because Mrs. Harrison, an adjacent landowner, had landlocked property there and wanted an easement provided by the owner so she would have access to her property. He stated they had met with Mr. Olsen and the staff and a deed had been prepared for Mrs. Harrison, per requirement 1, which will provide her with dedicated access to her property.

Mr. Olsen advised the Commission that Mrs. Harrison had contacted staff to let them know she would not be able to attend the meeting that day as she was ill. The staff explained their recommendations to her and advised her that her inability to attend the meeting that day would not be grounds for the Commission to hold the application over again.

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

- 1) **recording of the deed providing real property access/frontage to the land locked parcel simultaneously with the recording of the final plat;**
- 2) **the revision of the 25-foot minimum building setback to reflect 25-foot within the actual buildable area;**
- 3) **the placement of a note on the Final Plat stating that lots 1-6, 11, 24-26 and 31-43 are limited to one curb-cut, and lots 7 & 8, 9 & 10, 12 & 13, 14 & 15, 16 & 17, 18 & 19, 20 & 21, 22 & 23, 27 & 28 and 29 & 30 are limited to a shared curb-cut along their common interior lot lines, with the size, design, and location to be approved by Traffic Engineering and conform to ASHTO standards;**
- 4) **the construction and dedication of the new streets to City Engineering standards and acceptance by City Engineering prior to signing the Final Plat;**
- 5) **subject to City Engineering comments: *(Shipyard Road shall be constructed to City Standard up through proposed Cypress Park Drive. Show Minimum FFE on plans and plat. No fill***

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allowed within a special flood hazard area without providing compensation or completing a flood study showing that there is no rise for the proposed fill within the special flood hazard area. No work to be permitted within wetlands without providing documentation that all required permits have been acquired from the Corps of Engineers. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Must provide detention for any impervious area added in excess of 4,000 square feet);

- 6) approval of all applicable federal, state, and local agencies for wetlands prior to the issuance of any permits or land disturbance activities;
- 7) placement of a note on the plat/site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;
- 8) labeling of all lots with the size in square feet, or placement of a table on the plat with the same information; 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.

Case #SUB2009-00051 (Subdivision)
Lena Estates Subdivision, 1st Addition

North side of Lena Road North (private street) at its West terminus

Number of Lots / Acres: 1 Lot / 2.0± Acres

Engineer / Surveyor: Baskerville Donovan, Inc.

County

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

The Chair stated that due to the recusal of a Planning Commission member there was a lack of quorum to vote on a subdivision, which constituted an amendment to the master plan for which the Code of Alabama requires 6 voting members, thus the application would be reheard by the Planning Commission at the June 4, 2009, meeting. The Chair also advised that the matter had been recommended for denial then opened the floor to anyone who still wished to speak on the matter.

Cecil Tanner, 275 Novatan Road, Mobile, AL, owner of the property adjoining the above referenced parcel, expressed his concern that the drainage for the property would be monitored, especially its effects on a spring located adjacent to both properties.

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Case #SUB2009-00059 (Subdivision)

Napoleon Subdivision

208 North Lafayette Street

Southeast and Northeast corners of North Lafayette Street and St. Stephens Road

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

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 2

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

- A. regarding the 25 foot setback on Lafayette Street, they requested that it be modified to 20 feet, as allowed by the Zoning Ordinance; and,
- B. regarding denying access from lot 1 on to St. Stephen's Road where currently there is an existing 16 foot wide driveway right at the back of the building. He stated that it is wide enough for a one way entrance into the parking area, and they need that ingress point to remain for commercial reasons.

Mr. Olsen advised the Commission that based upon how the site plan is laid out, the circulation with the drive in question would not be beneficial.

Mr. Byrd stated he had submitted more current site plans the previous week for the Board of Zoning Adjustment review.

The Chair made the Commission members aware that any approval given on the matter by the Commission was contingent upon Board of Zoning Adjustment approval of the matter coming before it regarding this property.

Mr. Olsen reminded the Commission that this application along with applications for rezoning and Planned Unit Development came before them several months ago. The Commission denied the rezoning and the Planned Unit Development, which began the 6 month waiting period that must expire before an applicant can re-submit an application on either of those applications. The applicant decided to file for use variance in lieu of the rezoning and Planned Unit Development with the use variance, if approved, having the same basic effect of allowing the commercialization of the property, so the staff allowed the submission of the subdivision application, even though split zoning is not normally recommended for a single lot. He also stated that the applicant had been advised that if the variance was not approved then approval of the subdivision would be moot.

Mr. Watkins asked Mr. Olsen, with regards to the circulation on the requested curb cut, if that could be moved upon, subject to the curb cut being approved by Traffic and staff, making it one way only.

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Mr. Olsen responded by saying that looking at the plan Mr. Byrd had just provided to staff, the circulation isle is only 20 feet, but with the angled parking that might be acceptable, but if the condition were worded to include "circulation and curb cut location be approved by Traffic Engineering and Planning staff", it would be acceptable.

Stephanie Jackson, 204 North Lafayette Street, Mobile, AL, gave the following points in opposition to the matter:

- A. she had lived adjacent to the property in question for over 40 years;
- B. there had been a number of clubs at the location, however, none of the previous clubs brought the blatant disregard and disrespect for the adjacent residential properties as the current club did;
- C. club patrons loiter and sit in their parked cars within the presently fenced parking lot with their headlights and music on;
- D. loud and obnoxious behavior, as well as public defecation, takes place at the location well into the early hours of the morning;
- E. trash from the club gets thrown between her privacy fence and theirs by patrons of the club, with clean up done by the residential owner;
- F. the patrons parking in the club's designated parking lot, as well as the Bedsole Medical Supply parking lot, on the city sidewalks along North Lafayette and St. Stephen's Road, along the area streets and in the two parking lots referenced that day to be included as legal parking for the establishment;
- G. the current application does nothing to calm the traffic concerns it is creating;
- H. if approved, her residential property will be surrounded on 3 sides with patrons of the club; and,
- I. a nightclub does not bring value to residential homes or is it in keeping with the residential character of the neighborhood, as required by the city's Smart Growth plan.

Mr. Watkins wanted to be sure that both the applicant and the resident who spoke understood that the only issue before the Commission that day was the issue of subdivision, not the use, and that the continued use of the space as a nightclub would be heard by the Board of Zoning Adjustment. He went on to add that per the Subdivision Regulations, if the property met the minimum standards for subdivision, the Commission was charged with approving the same.

Mr. Olsen stated the following:

- A. the nightclub, as it exists, is on a B-2 parcel along with the parking lot immediately adjacent to the south, with those being legal, non-conforming due to the reduced number of parking spots;
- B. an addition was made to the rear of the building, along with a new paved parking lot which was adjacent to the existing parking lot,

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- and another property was paved and made a parking lot for the nightclub, all without permits, approvals, and/or inspections; and,
- C. all of this has created a very difficult situation for all parties involved.

Mr. Lawler added the Commission could rule on the matter themselves, but he felt that making the matter contingent on the Board of Zoning Adjustment's ruling was the proper thing to do.

Mr. Turner wondered where the necessary fencing would be required, if the Commission chose to approve the matter.

Using the overhead, Mr. Olsen showed the proposed locations for the necessary buffering of the commercial property from the residential property.

Mr. Watkins asked if the club was currently in operation without a Certificate of Occupancy.

Mr. Olsen stated it was his understanding that the club had a temporary Certificate of Occupancy, but that they are aware that if these applications are not approved, they will have to remove the addition to the rear, as well as the two parking lots.

Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Turner, to deny the above referenced subdivision based on the fact that the subdivision would result in a split zoned property.

The motion carried unanimously.

Case #ZON2009-01097 (Planned Unit Development)

SME Airport, LLC

4013 Airport Boulevard

South side of Airport Boulevard, 230'± West of Azalea Road, extending to the West side of Azalea Road, 230'± South of Airport Boulevard

Planned Unit Development Approval to allow a truck unloading and trash pickup service yard in an existing parking lot in a B-2, Neighborhood Business District.

Council District 5

Nathan Handmacher, 3378 Moffet Road, Mobile, AL, spoke on behalf of the applicant and withdrew the matter, saying the applicant had worked out the matter in such a way as to not require a Planned Unit Development.

EXTENSIONS:

Case #SUB2008-00042 (Subdivision)

Alabaster Subdivision

North side of Howells Ferry Road, ¼ mile+ East of the North terminus of Havens Road

Number of Lots / Acres: 9 Lots / 11.5± Acres

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

County

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. DeMouy, with second by Mr. Davitt, to approve the above referenced request for extension.

The motion carried unanimously.

Case #SUB2007-00036 (Subdivision)

The Woodlands at the Preserve Subdivision, Re-subdivision of Lot 27

North side of Rue Royal, 1250'± North of Rue Preserve

Number of Lots / Acres: 1 Lot / 0.1± Acre

Engineer / Surveyor: Engineering Development Services, Inc.

Council District 6

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

The Chair stated that due to the recusal of a Planning Commission member there was a lack of quorum for the matter, which meant the application would be reheard by the Planning Commission at the June 4, 2009, meeting. He also advised that the matter had been recommended for denial, however, if there were those who wished to speak on the matter that day to please do so at that time.

Case #ZON2007-00632 (Planned Unit Development)

The Woodlands at the Preserve Subdivision, Re-subdivision of Lot 27

North side of Rue Royal, 1250'+ North of Rue Preserve

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow increased site coverage

Council District 6

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

The Chair stated that due to the recusal of a Planning Commission member there was a lack of quorum for the matter, which meant the application would be reheard by the Planning Commission at the June 4, 2009, meeting. He also advised that the matter had been recommended for denial, however, if there were those who wished to speak on the matter that day to please do so at that time.

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Case #SUB2008-00066 (Subdivision)

Perch Creek Preserve Subdivision

North side of Winston Road, 1100'± West of Dauphin Island Parkway, extending West and South to Perch Creek

Number of Lots / Acres: 116 Lots / 85.1± Acres

Engineer / Surveyor: Engineering Development Services, LLC

Council District 4

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Watkins, to approve the above referenced extension, with the advisement that future extensions will be unlikely without some units being recorded or road construction being underway.

The motion carried unanimously.

Case #ZON2008-00889 (Planned Unit Development)

Perch Creek Preserve Subdivision

North side of Winston Road, 1100'± West of Dauphin Island Parkway, extending West and South to Perch Creek

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow a gated, 20'-wide, aggregate-surfaced private street single-family residential subdivision with increased cul-de-sac lengths, reduced lot widths and sizes, reduced front and side setbacks, and increased site coverage of 50%

Council District 4

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Watkins, to approve the above referenced extension, with the advisement that future extensions will be unlikely without some units being recorded or road construction being underway.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2009-00062

Riverwood Estates Subdivision, Phase Three, Lot 50

East side of Riverwood Circle East at the East terminus of Riverwood Drive

Number of Lots / Acres: 1 Lot / 2.1± Acres

Engineer / Surveyor: Austin Engineering Co. Inc.

County

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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 discussion, a motion was made by Mr. Watkins, with second by Mr. DeMouy, to deny the above referenced subdivision due to the following reasons:

- 1) does not comply with Sections V.B.6 and V.B.14 of the Subdivision Regulations regarding turnarounds for closed-end streets;**
- 2) does not comply with Section V.D.2 of the Subdivision Regulations regarding public right-of-way frontage;**
- 3) does not comply with Section V.D.1 of the Subdivision Regulations regarding lot character; and,**
- 4) approval will create a large landlocked parcel and remove the last remaining street stub to future development area of Riverwood Estates Subdivision.**

The motion carried unanimously.

Case #SUB2009-00063
Smithco Subdivision, Re-subdivision Lot B
1020 Oakland Drive
Southeast corner of Oakland Drive
Number of Lots / Acres: 1 Lot / 0.2± Acre
Engineer / Surveyor: Haidt Land Surveying
Council District 6

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

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

- 1) revision of the front setback line to follow the recorded 25' front setback line but amended to follow the footprint of the building within the encroachment; and,**
- 2) the submission and approval of a Front Setback Variance by the Board of Zoning Adjustment prior to the recording of the final plat.**

The motion carried unanimously.

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Case #SUB2009-00069

RPM Subdivision

2852 Dauphin Island Parkway
Southwest corner of Dauphin Island Parkway and Levene Road
Number of Lots / Acres: 1 Lot / 0.7± Acre
Engineer / Surveyor: Frank A. Dagley & Associates, Inc.
Council District 3

Frank Dagley, Frank A. Dagley and Associates, Inc., spoke on behalf of the applicant and requested rather than deny the matter that it be held over until the June 18, 2009, meeting, to address the staff's reasons for recommending denial of the application.

Hearing no opposition or discussion, a motion was made by Mr. DeMouy, with second by Mr. Davitt, to hold the matter over per the applicant's request to the June 18, 2009, meeting.

The motion carried unanimously.

Case #SUB2009-00064

Hill Top Estates Subdivision

9240 Old Pascagoula Road
North side of Old Pascagoula Road, 215'± West of Deb Busby Road
Number of Lots / Acres: 2 Lots / 1.7± Acres
Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

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

- 1) **dedication of sufficient right-of-way to provide a minimum 50' as measured from the centerline of Old Pascagoula Road;**
- 2) **placement of a note on the final plat stating that each lot is limited to one curb cut to Old Pascagoula Road, with the size, location, and design to be approved by County Engineering and in conformance with AASHTO standards;**
- 3) **placement of a note on the final plat stating that the curb cut for Lot 2 shall be within the 25' ingress/egress easement;**
- 4) **placement of a note on the final plat stating that that no future subdivision of Lot 1 is allowed unless adequate frontage on a public street is provided;**
- 5) **placement of a note on the final plat stating that no construction is allowed within the 25' ingress/egress easement;**

- 6) depiction of a 25' minimum front building setback line on the final plat;
- 7) placement of a note on the plat stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;
- 8) placement of a note on the final plat stating that any lots developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations; and,
- 9) submission of a letter from a licensed engineer certifying compliance with the City of Mobile's stormwater and flood control ordinances to the Mobile County Engineering department and the Planning Section of Mobile Urban Development prior to issuance of any permits.

The motion carried unanimously.

Case #SUB2009-00065

Taylor Estates Subdivision, Re-subdivision and Addition to Lot 1

28 Hillwood Road

West side of Hillwood Road at the West terminus of Vickers Place

Number of Lots / Acres: 2 Lots / 2.3± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 5

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

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

- 1) illustration of the 25' minimum building setback line along Hillwood Road;
- 2) placement of a note on the final plat stating that each lot is limited to one curb cut to Hillwood Road, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 3) labeling of each lot with its size in square feet, or the provision of a table on the final plat furnishing the same information;
- 4) 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;
- 5) illustration of the resultant side yard setbacks for the existing

dwelling on proposed Lot 2A to be compliant at 8' and 12' minimums, and with a total combined width of at least 20'; and,

- 6) **subject to the Engineering Comments:** *(Must comply with all stormwater and flood control ordinances. Detention must be provided for any increase in impervious area added to the site since 1984 in excess of 4000 square feet. Any work performed in the right-of-way will require a right-of-way permit).*

The motion carried unanimously.

Case #SUB2009-00066

Revised West Moffett Commercial Park Subdivision, Re-subdivision of Lot 4

7851 Moffett Road

South side of Moffett Road, 145'± West of Schillinger Road

Number of Lots / Acres: 2 Lots / 2.0± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

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

- 1) **retention of the 25-foot minimum building setback line for Lot 4A, and revision of the minimum building setback line for Lot 4B to depict the line 25-feet from where the lot is at least 60 feet in width continuously;**
- 2) **placement of a note on the final plat stating that both of the lots are denied access to Moffett Road;**
- 3) **placement of a note on the final plat stating that there shall be no cross easements or access through properties that were not included in the Revised West Moffett Commercial Park Subdivision as recorded in Map Book 101, Page 14 of the Records of Judge of Probate of Mobile County;**
- 4) **deletion of the depicted "old right-of-way line" for Moffett Road and the depicted 10-foot right-of-way dedication as the dedication has already occurred;**
- 5) **retention of labeling showing the lot size, in square feet, for each lot;**
- 6) **placement of a note on the final plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and**

- requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;
- 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; and,
 - 8) 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.7 of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2009-00067

Regency Executive Park Subdivision, Unit Three, Re-subdivision of Lot 2

South side of Grelot Road, 225'± West of University Boulevard

Number of Lots / Acres: 2 Lots / 14.7± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

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

Sharon Wright, White-Spunner and Associates, 3201 Dauphin Street, Mobile, AL, spoke on behalf of the applicant and requested the matter be held over until the August 20, 2009, meeting.

The Chair announced the applicant had requested the matter be held over until the August 20, 2009, meeting, however, if there were those in attendance who wished to speak on the matter, they should do so at that time.

Bruce Weinard, 1601 Woodspointe Circle, Mobile, AL, president, Regency Oaks homeowners' association, spoke on their behalf saying that ideally they would like to see the area left undeveloped but recognized that would not happen. He stated his group generally supported the staff's recommendations on the project with the following exceptions:

- A. regarding the 20 foot buffer surrounding the perimeter of the property adjacent to residential, want assurances that it will be maintained and continued with any subsequent development or re-subdividing of the property; and,
- B. regarding issues of drainage and the recommendations regarding

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drainage easement required from the library site which do not address drainage, and/or stormwater run off from different areas of the subdivision into the subject property and then into Bolton Branch Creek, noting it handled a significant amount of watershed, and encourage any and all engineering necessary to make sure that stormwater run off was handled correctly and in no way blocked or slowed in how it cleared the property.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the August 20, 2009, meeting, per the applicant's request.

The motion carried unanimously.

Case #SUB2009-00068

Brennerdom Subdivision, Re-subdivision of Lot A

81 Eliza Jordan Road

West side of Eliza Jordan Road, 380'± North of the West terminus of Pete Sentz Road

Number of Lots / Acres: 2 Lots / 7.3± Acres

Engineer / Surveyor: Baskerville Donovan, Inc.

County

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to 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 re-subdivision, 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 Eliza Jordan Road, with the size, location, and design to be approved by County Engineering and in conformance with AASHTO standards;**
- 2) **the applicant receive the approval of all applicable federal, state, and local environmental agencies prior to the issuance of any permits or land disturbance activities;**
- 3) **placement of a note on the plat stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;**
- 4) **placement of a note on the final plat stating that any lots developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations; and,**
- 5) **submission of a letter from a licensed engineer certifying compliance with the City of Mobile's stormwater and flood**

control ordinances to the Mobile County Engineering department and the Planning Section of Mobile Urban Development prior to issuance of any permits.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2009-01211

Cowart Hospitality Services, LLC

Southwest corner of St Louis Street and Royal Street extending to the East side of St Joseph Street

Planned Unit Development Approval to allow shared access between two building sites.
Council District 2

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to 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 Planned Unit Development, subject to the following conditions:

- 1) **revision of the parking area to provide adequate maneuvering area to access and service the dumpster;**
- 2) **revision of the site plan to delineate paved and landscaped areas, where they are not shown around the existing building;**
- 3) **placement of a note on the site plan stating that lighting of the site or parking area will comply with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;**
- 4) **full compliance with the Landscaping and Tree requirements of the Zoning Ordinance;**
- 5) **compliance with Engineering Comments: *(Applicant shall comply with comments issued during the predevelopment meeting held on 1/27/2009. Site is located in AE Flood Zone; development must meet all requirements for developing in a flood zone. Must comply with all stormwater and flood control ordinances); and,***
- 6) **placement of a note on the final site plan stating that loss of parking on the PUD site will require the provision of off-site parking in compliance with Section 64.6.7.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #ZON2009-01209 (Planned Unit Development)

Regions Financial Corporation

3950 Airport Boulevard

Northwest corner of Airport Boulevard and McGregor Avenue South

Planned Unit Development Approval to allow shared access and parking between two building sites

Council District 5

(Also see **Case #ZON2009-01210 (Sidewalk Waiver) Regions Financial Corporation**, below)

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

Barkley Lackey, Sain Associates, 244 West Valley Avenue, Birmingham, AL, spoke on behalf of the applicant stating they were fine with all of the conditions with the exception of building the sidewalk.

Mr. Hoffman reminded the Commission that the sidewalk waiver request was recommended for denial and thus, if the waiver is denied, then the sidewalk should be shown on the Planned Unit Development site plan, when a revised site plan is provided, which was the intent of condition 7. He added that if the Commission approved the sidewalk waiver, they would simply strike condition 7 from the Planned Unit Development.

Mr. Turner asked if the applicant wanted to waive the sidewalk requirement for both Airport Boulevard and McGregor Avenue to which Mr. Olsen advised yes. Mr. Turner then stated there were no sidewalks on the Airport Boulevard side, but he knew there were some that came down McGregor Avenue and wondered if there was an opportunity here for compromise on both sides.

Mr. Hoffman agreed there were no sidewalks on the north side of Airport Boulevard, but there were sidewalks on the south side. He reminded the Commission that Walgreen's had received a waiver for the sidewalk located at their Airport Boulevard/McGregor Avenue intersection site, however, that waiver was based on comments from Engineering that advised the sidewalk was not buildable in that area. Engineering comments for this site stated the sidewalk was buildable; however, an easement might be required to construct a portion of it.

Ms. Lackey gave the following points in favor of waiving the sidewalk:

- A. Engineering has advised her client that they will be using all 12 feet of the dedicated easement McGregor Avenue to extend the turn lane on McGregor Avenue, making the sidewalk pointless as it would be ripped out when that extension is done; and,
- B. regarding the Airport Boulevard side of the sidewalk, the sidewalk

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would be placed between a signal pole and the back of the curb, which is estimated as being right under 5 feet wide.

Jennifer White, Traffic Engineering, stated the property owner was dedicating a 12 foot strip along the bank property so that Traffic Engineering could come in and widen around the intersection to include a right turn lane in an effort to get more traffic flow in that intersection because that section of McGregor Avenue is one of the most traffic congested intersections and it is still on the major road plan to be widened all the way to Dauphin Street.

Mr. Davitt asked for confirmation that there would be a turn lane in front of the proposed bank to which Ms. White responded yes.

Mr. DeMouy wanted to know where the sidewalk would go as the parcel was like a small island there and the sidewalk would simply “bump” into a parking lot.

Mr. Olsen responded by saying the staff’s position was that the sidewalk became a “link in the chain” so to speak in an effort to put sidewalks across the city.

Mr. Turner wanted to know if there would be enough room to put one in at that location when considering such things as the traffic signal.

Ms. White stated that along McGregor Avenue the 12 foot lane would leave almost no additional right-of-way for sidewalk once the turn lane is built.

Mr. Davitt wondered if there would be more restricted ingress/egress to the site than had been previously.

Ms. White stated the applicant was removing a number of the open driveway cuts and even coming out of their proposed driveway would be “right out only” onto McGregor. She said the applicant was “cleaning up” some of the access issues from the previous owners.

Mr. Davitt said the sidewalk could go from McGregor Avenue over to the proposed bank entrance and Ms. White responded by saying yes, if there was room for it.

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

- 1) compliance with Engineering comments: (*Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.*);**
- 2) site limited to the curb-cuts as depicted, subject to approval by**

- Traffic Engineering;**
- 3) **dedication to the City by deed of 12-feet of right-of-way along McGregor Avenue, as depicted on the site plan, to be completed prior to issuance of the final Certificate of Occupancy;**
 - 4) **revision of the site plan to depict and label drive-through lane width, curb-to-curb, as 9-feet, typical;**
 - 5) **revision of the site plan to eliminate reverse flow on the North side of the bank, changing both lanes to be one-way, Westbound, with appropriate arrows, striping, and signage indicated on the plan;**
 - 6) **revision of the site plan to depict the Board of Adjustment approved tree and landscape plan, if approved, or application for new PUD approval depicting full compliance with the requirements of the Zoning Ordinance;**
 - 7) **revision of the site plan to depict a sidewalk along the Airport Boulevard frontage, if possible for design to comply with COM and ADA standards, with location and design to be approved by Engineering, Traffic Engineering and Planning;**
 - 8) **revision of the site plan to depict and label any dumpsters, or placement of a note on the site plan stating how the site will be serviced;**
 - 9) **full compliance with all municipal codes and ordinances; and,**
 - 10) **provision of a revised PUD site plan to the Planning Section of Urban Development prior to the submittal of plans for land disturbance or building permits.**

The motion carried unanimously.

Case #ZON2009-01210 (Sidewalk Waiver)

Regions Financial Corporation

3950 Airport Boulevard

(Northwest corner of Airport Boulevard and McGregor Avenue South).

Request to waive construction of a sidewalk along Airport Boulevard and McGregor Avenue South.

Council District 5

(Also see **Case #ZON2009-01209 (Planned Unit Development) Regions Financial Corporation**, above)

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

The Chair announced the matter had been recommended for denial.

In deliberation, Mr. Davitt asked would there be enough room to put a sidewalk along the Airport Boulevard side of the property.

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Mr. Turner said only the young lady had said there would not be room so no one else was able to say yes or no in that regard.

Mr. Olsen stated that based on comments from Engineering there was no recommendation that it be waived so the staff assumed there was adequate room for a sidewalk. He also added that based on the site plan there is more than 4 feet at that location.

Mr. Forrester, City Engineering, stated that based on the site plan he reviewed it didn't appear there would be an engineering reason why a sidewalk could not be installed at the location.

Mr. Olsen added that the site plan did not depict utility poles and the like which might hinder the installation of the sidewalk.

Mr. Davitt understood the reasons behind not putting sidewalk down McGregor Avenue, however, if there was room for a sidewalk on Airport Boulevard, he would like to see one installed.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Turner, to approve the request to waive the sidewalk for the McGregor Avenue Frontage, however, a sidewalk is required along the Airport Boulevard frontage, if possible for design to comply with COM and ADA standards, with location and design to be approved by Engineering, Traffic Engineering and Planning.

The motion carried unanimously.

OTHER BUSINESS:

Hearing no further business, the meeting was adjourned.

APPROVED: October 15, 2009

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman.

jsl