

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF MAY 6, 2010 - 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
Herb Jordan
Mead Miller
John Vallas
James F. Watkins, III

Members Absent

Victoria L. Rivizzigno, Secretary
Roosevelt Turner

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Bert Hoffman,
Planner II
Frank Palombo,
Planner II
Carla Scruggs,
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. Davitt noted that the April 15, 2010, minutes needed to show his recusal on the request for extension on the Grelot Office Park Subdivision and Planned Unit Development applications.

Duly noting Mr. Davitt's aforementioned recusal, Mr. Plauche moved, with second by Mr. DeMouy, to approve the minutes from the following, regularly held, Planning Commission meetings:

- April 1, 2010
- April 15, 2010

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The motion carried unanimously.

HOLDOVERS:

Case #SUB2010-00031 (Subdivision)

Willie G. McElroy Jr. Subdivision

Northwest corner of Hickory Street and Persimmon Street

Number of Lots / Acres: 1 Lot / 0.5± Acre

Engineer/Surveyor: Haidt Land Surveying

Council District 2

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations then 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. DeMouy, to waive Section V.B.14., and approve the above referenced matter, subject to the following conditions:

- 1) **placement of a note on the final plat stating that the lot is limited to a maximum of one curb-cut, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **removal of any fences erected without appropriate permits prior to signing final plat (inspection required to verify); and,**
- 3) **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.**

The motion carried unanimously.

Case #SUB2010-00032 (Subdivision)

Gates at the Palms Subdivision

5799 Southland Drive

(South side of Southland Drive, 800'± West of Knollwood Drive extending to the West terminus of Southland Drive)

Number of Lots / Acres: 1 Lot / 10.7± Acre

Engineer / Surveyor: Northstar Engineer Services

Council District 4

(Also see **Case #ZON2010-00630 (Planned Unit Development) Gates at the Palms Subdivision**, below)

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

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The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations then 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:

- Don Beebee, 3488 Rue Royal, and, 3030 Knollwood Drive, Mobile, AL;
- Reggie Copeland on behalf of John Williams, council person for District 4;
- Ben Brooks, 4953 Audobon Drive, Mobile, AL, former District 4 council person and current State Senator for that area; and,
- Kenneth Owens, 5705 Blueridge Drive South, area resident and engineer with the Department of Transportation.

They made the following points against the development:

- A. presented pictures of the area to emphasis the traffic safety concerns;
- B. noted that John Williams appeared before the Commission the last time this matter was heard and stated his opposition to the project for traffic and safety reasons;
- C. the Atchison Law Firm has been located at the corner of Southland Drive and Knollwood Drive since 1998;
- D. the law firm, based on traffic concerns, asked the City to install a traffic light at that location but was told it was not feasible due to sight lines and topography;
- E. the law firm asked for a curb-cut from the firm's parking lot and was originally told no due to it not being safe, but Traffic Engineering relented with conditions, one being a "No Left Turn" sign;
- F. the area was home to Gordon Oaks, an assisted living home for the elderly;
- G. based upon topography, there were two blind spots regarding traffic in the area in question, one being the hill and the other the curve on Knollwood Drive;
- H. there was a traffic impact study submitted and it stated that the road in question should be 4-laned and that this project not be approved until the road was 4-laned;
- I. the original 2008 approval of the matter was subject to some very serious traffic restrictions, including a recommended left turn lane, however, the current recommendations made no mention of that because it was not possible to do;
- J. expressed the opinion that if the project were approved as is, and the necessary mitigation factors not done to make the road in question safe, traffic fatalities would ensue;

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- K. expressed the desire that the Commission reject the current proposal and demand that more lanes be built in the area;
- L. noted that the vertical sight distance is inadequate;
- M. the curve was approximately a four degree curve and by DOT standards, it should have been super elevated by at least three percent;
- N. there have been fatal car crashes there in the past, with the most recent being an individual who ran off the road, hit a tree, and their vehicle caught fire;
- O. the current design of the road could not handle any additional traffic; and,
- P. it was a 30 foot wide road way that had been striped to have three 10 foot lanes, which were inadequate.

The Chair gave Casey Pipes of the Helmsing, Leach, Herlong, Newman and Rouse Law Firm, 150 Government Street, attorney for the applicant, Tom Wasson, an opportunity to speak on behalf of the applicant.

Mr. Pipes made the following points in response to the opposition's statements:

- A. noted they were present because the matter had been held over from the last meeting;
- B. all corrections and additions to the plans had been made and re-submitted back to the Planning Department;
- C. noted that the staff has recommended the matter be approved subject to conditions and certain changes, all to which the applicant had agreed;
- D. regarding the traffic safety issues brought up by the opposition, the daily traffic count, the width of the road, the placement of a traffic light, and the striping of Knollwood Drive were outside of the applicant's control;
- E. noted that the property in question was not located at the intersection of Knollwood Drive and Southland Drive, but rather was down Southland Drive from the intersection of those two roads, so the applicant had no control of the property at the intersection to change the situation; and,
- F. with regards to drainage, the property owner has agreed to maintain it and noted for the Commission that with the proposed development being an apartment complex, there would be only one owner and not a property owners' association, so the issues of having to get more than one person to cooperate in these regards was not an issue.

Mr. Olsen advised the Commission and the applicant that there had been an error in the staff recommended conditions. He stated that, though noted in the report itself,

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compliance with the Traffic Impact Study, as required in the approval of the 2008 application, had been inadvertently left off of the published recommendations.

Mr. Davitt asked if that was what the Commission had in the copy that stated “pre/post development conditions including a 20 foot turn lane, striping,” etc.

Mr. Olsen advised it was and noted that the recommendations in front of them currently would not have listed those items individually, but simply noted compliance with the Traffic Impact Study. He reminded them that if the applications were approved, it simply meant they had approval but could not be constructed until such time as those conditions were met. He added, that did not necessarily mean the applicant was responsible for meeting those conditions, but simply the conditions had to be met. He noted that those could be done by the applicant or in a joint venture between the applicant and the City.

Mr. Pipes read over the specific comments from the 2008 Traffic Impact Study and Traffic Engineering’s comments on the same.

Mr. Davitt queried Traffic Engineering that, based upon the photographs submitted by the opposition that day, the spot in question had nothing more than a caution signal. He then asked what the possibility was of having a full set of signals installed at the location.

Jennifer White, Traffic Engineering, stated it was her belief that a traffic signal would not fix a sight distance problem. She stated that the opposition kept noting the hill as causing a line of sight problem where cars came upon the location so fast that it was difficult to turn in or out of the intersection in question. She also stated that a traffic signal was not only based upon safety issues, but also on the amount of traffic coming out of Southland Drive and that based upon data from the Traffic Impact Study, it was not shown to warrant a traffic light at that intersection.

Mr. Davitt stated a similar situation existed on Hillcrest Drive and noted that as drivers went north on Hillcrest Drive up the hill and upon cresting that hill encountered a traffic light.

Ms. White noted that there were exceptions to the rule, however, in this case putting in a traffic light would actually cause more accidents because individuals, due to the line of sight issue, would “run up” on the signal and rear-end other drivers. She stated a traffic light at that location would be costly and suggested there were more effective, less costly, ways of solving the situation.

Mr. Davitt noted his concern was not just the volume of traffic but also, in his opinion, it was a two way street.

Mr. Watkins asked the applicant, in light of the omission, did they need additional time to review and/or consider before the Commission made a decision on it.

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Mr. Pipes stated the applicant was under a time constraint and did not need to take any more time for review.

Mr. Olsen noted that while the condition regarding the Traffic Impact Study was omitted from the recommendations in error, it was mentioned in the report as still standing, so it should not be considered a surprise to the applicant.

In deliberation, Mr. Watkins expressed his confusion that it seemed the Commission was being asked to approve something that the applicant would never be able to comply with.

Mr. Olsen advised that the Commission had previously done something very much like this with a development where off-site improvements were required. He added with the access being substandard, especially with the proposed development that certain improvements would need to be made to make adequate access onto Southland Drive. He noted that since the Commission could not require the applicant to make those improvements, the Commission can require the improvements be made prior to or in conjunction with construction of the proposed development.

Mr. Lawler suggested the Commission approve the matter subject to the conditions because the Commission would not be telling the applicant they were prohibited from developing their property but that development must be done with certain improvements in place.

Mr. Olsen reminded the Commission that compliance with the Traffic Impact Study was a condition for approval on the 2008 approval as well.

Mr. Davitt stated his firm belief that a traffic light could be put at that location.

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

- 1) **placement of a note on the Final Plat stating that all access is limited to an approved Planned Unit Development site plan;**
- 2) **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;**
- 3) **placement of a note on the Final Plat stating that approval of all applicable federal, state, and local environmental agencies for wetlands or floodplains issues is required prior to the issuance of any permits or land disturbance activities;**
- 4) **placement of a note on the Final Plat regarding maintenance of all common areas by property owners;**
- 5) **compliance with Engineering Comments: *(Add note to plat stating that is shall be the responsibility of the property owner(s)***

and not the City of Mobile to maintain all drainage structures located on the property. Show Minimum Finished Floor Elevation on Plat. An easement will be required for the areas receiving public storm drainage. The easement shall be of sufficient width to allow for access and maintenance of the drainage way. There is to be no fill placed within the limits of the flood plain without providing compensation. The trash compactor and car wash areas must have connection to sanitary sewer, cannot discharge runoff to storm drainage system. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.);

- 6) **provision of and approval of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the Final Plat; and,**
- 7) **full compliance with all municipal codes and ordinances.**

The motion carried with only Mr. Davitt voting in opposition.

Case #ZON2010-00630 (Planned Unit Development)

Gates at the Palms Subdivision

5799 Southland Drive

(South side of Southland Drive, 800'± West of Knollwood Drive, extends to the West terminus of Southland Drive)

Planned Unit Development Approval to allow eight apartment buildings (182 units), pool, club house, bay (6) garages, trash compactor, and mailbox kiosk on a single building site

Council District 4

(Also see Case #SUB2010-00032 (Subdivision) **Gates at the Palms Subdivision**, above)

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

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

- 1) **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; provision of and approval of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the Subdivision plat;**
- 2) **compliance with Traffic Impact Study Requirements as stated in the 2008 approval:**

- A. developer will be responsible for intersection improvements at Knollwood and Southland Drive;
 - B. the developer must also restripe a dedicated left turn for southbound traffic as well as the recommended northbound left turn lane; and
 - C. detailed plans for improvements must be approved by Urban Development, Engineering and Traffic Engineering; and,
- 3) full compliance with all municipal codes and ordinances.

The motion carried with only Mr. Davitt voting in opposition.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2010-00048

Shilco Subdivision, Lot 1, Re-subdivision of Lot 1

2409 Schillinger Road

(East side of Schillinger Road, 380'± North of Cottage Hill Road)

Number of Lots / Acres: 1 Lot / 5.1± Acres

Engineer / Surveyor: Frank A. Dagley & Associates, Inc.

County

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.

Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant and noted the reasons listed by the staff for denial were based on the matter being a two lot subdivision and they had only shown one of the lots. He then made the following points in favor of approving the matter:

- A. noted the other lot housed an existing McDonald's franchise which had its own curb-cut;
- B. the other lot was the proposed location of a 40,000 to 50,000 square foot shopping center;
- C. for traffic purposes, it was believed that the proposed site needed two curb-cuts with one for basic in-out traffic for the customers and the northern most curb-cut would be for delivery trucks; and,
- D. as McDonald's was already established, it was not understood why a simple notation regarding their curb-cut on the final plat would not suffice.

Mr. Olsen responded that with regards to the curb-cuts, those factors should have been taken into consideration with the original design. He added that the original plat stated the entire subdivision was limited to two curb-cuts.

Mr. Dagley responded that one of the reasons for coming before the Commission that

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day was specifically to amend the original plat and that increasing the number of curb-cuts was one of those changes. He noted that at the time the original subdivision was planned, there were no plans for the second lot so there was no reason to have more than one curb-cut on it at the time. He added that currently there was a plan with completed construction plans.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Watkins, to hold the matter over until the June, 3, 2010, meeting, per the applicant's request.

The motion carried unanimously.

Case #SUB2010-00051

Lily Baptist Church Subdivision, Addition to Square 41, Camp Ground Tract

Northwest corner of Basil Street and Harrison Street, extending to the East side of Kennedy Street, 90'± South of Lyons Street

Number of Lots / Acres: 1 Lot / 0.9± Acre

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

Council District 2

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

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

- 1) **depiction of the correct legal description on the Final Plat;**
- 2) **dedication of sufficient right-of-way to provide 25' from the centerline of Harrison Street;**
- 3) **placement of a note on the Final Plat stating that the lot is limited to the existing curb-cuts with the size, location, and design of any new curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) **retention of labeling of the size of the lot, in square feet, or provision of a table on the plat with the same information;**
- 5) **retention of the 25' minimum building setback line along all public rights-of-way;**
- 6) **dedication sufficient to comply with Section V.B.16 of the Subdivision Regulations regarding curb radii;**
- 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: *(Must comply with all stormwater and flood control ordinances. Must provide***

detention for any increase in impervious area to the site since 1984 in excess of 4,000 square feet. The construction of any new dumpster pads will require connection to sanitary sewer, cannot discharge to storm sewer. Any work performed in the right-of-way will require a right-of-way permit); and,

- 9) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2010-00043

DeTonti Square Subdivision, Re-subdivision of Lot 12 Block 553, Map Three

255 and 257 Adams Street

(South side of Adams Street, 80'± West of North Joachim Street)

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

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 2

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

Hearing no opposition or discussion, a motion was made by Mr. Miller, with second by Mr. Vallas, to waive Section V.D.2., and approve the above referenced matter, subject to the following conditions:

- 1) **placement of a note on the Final Plat stating that the front minimum building setback line is governed by the Historic District overlay;**
- 2) **placement of a note on the Final Plat stating that each lot is limited to one curb-cut to Adams Street, 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 plat furnishing the same information;**
- 4) **placement of a note on the Final Plat stating that development of this site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;**
- 5) **compliance with Engineering Comments: (*Show Minimum Finished Floor Elevation on Plat. There is to be no fill placed within the limits of the flood plain without providing compensation. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.*); and,**
- 6) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2010-00045

Hamilton Bridges Subdivision, Re-subdivision of Lots 5 & 6, Unit Four

8630 Three Dean Way

(North side of Three Dean Way at the North terminus of Parliament Court)

Number of Lots / Acres: 2 Lots / 0.3± Acre

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

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

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

- 1) **placement of a note on the final plat stating that the lots are limited to one curb-cut each to Three Dean Way, with the size, location, and design to be approved by County Engineering and in conformance with AASHTO standards;**
- 2) **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;**
- 3) **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.8 of the Subdivision Regulations; and,**
- 4) **placement of a note on the final plat stating “*development must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. New public roads shall be constructed and paved to standards for County Maintenance, and accepted by Mobile County, while new private roads shall be constructed and paved to minimum County or Subdivision Regulation standards, whichever are greater.*”**

The motion carried unanimously.

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Case #SUB2010-00046

Chavis Subdivision

5700 Willis Road

(North side of Willis Road, 800'± West of U. S. Highway 90 West)

Number of Lots / Acres: 2 Lots / 1.6± Acre

Engineer / Surveyor: Polysurveying Engineering - Land Surveying
Council District 4

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.

Brett Orrell, Polysurveying of Mobile, spoke on behalf of the applicant and requested the matter be held over to allow time for them to meet with the staff to discuss the issues behind their recommendation for denial.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the June 3, 2010, meeting, per the applicant's request.

The motion carried unanimously.

Case #SUB2010-00047

Bailee Cove Subdivision

6964 Howells Ferry Road

(North side of Howells Ferry Road, 150'± East of Overlook Road)

Number of Lots / Acres: 2 Lots / 2.8± Acres

Engineer / Surveyor: Polysurveying Engineering - Land Surveying
Council District 7

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

Deana Walston, 301 East Drive, Mobile, AL, and owner of 6955 Howells Ferry Road, asked if the subdivision would be adjacent to her property on Howells Ferry Road.

Mr. Vallas noted that the only way she would have had received a letter from the Planning Department regarding the proposed subdivision would have been as an adjacent property owner. He advised Ms. Walston that the property in question was an approximately three acre tract and the applicant was seeking to have it subdivided into two separate parcels.

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

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- 1) dedication of sufficient right-of-way to provide 50' from the centerline of Howells Ferry Road, in compliance with the Major Street Plan and dedication to provide 30' from the centerline of Myland Avenue;
- 2) revision of the lot size information to reflect dedication;
- 3) depiction of the 25-foot minimum building setback line along all public rights-of-way including Myland Avenue;
- 4) placement of a note on the Final Plat denying Lot 2 access to Myland Avenue;
- 5) placement of a note on the Final Plat stating that each lot is limited to one curb-cut with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 6) revision of labeling of the size of the lot, in square feet, or provision of a table on the plat with the same information reflecting required dedication;
- 7) dedication sufficient to comply with Section V.B.16 of the Subdivision Regulations regarding curb radii;
- 8) must comply with Engineering comments: *Must comply with all stormwater and flood control ordinances. Must provide detention for any increase in impervious area to the site since 1984 in excess of 4,000 square feet. Show an area reserved for detention on the plat and add a note to the plat that each individual lot will require a land disturbance permit and must provide detention for construction of impervious area in excess of 2,000 square feet. Once developed, if the property does not drain to a City maintained drainage system, then detention for a 100 year storm event with a 2 year release rate will be required unless a release agreement is provided by all downstream properties. Any work performed in the right-of-way will require a right-of-way permit;*
- 9) 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; and,
- 10) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2010-00049

Orso Subdivision, Re-subdivision of

411 Begeman Road

(South side of Begeman Road, 150'± West of its East terminus)

Number of Lots / Acres: 2 Lots / 2.6± Acres

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

County

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

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

- 1) **retention of the labeling of the lot size area, in square feet, on the Final Plat;**
- 2) **retention of the depiction of the 25-foot minimum building line as shown for Lot A, and modification of the same for Lot B to be depicted where the lot opens to its standard width of 177.5 feet;**
- 3) **placement of a note on the Final Plat limiting each lot to one curb cut each to Begeman Road, with the size, design, and exact location of all curb cuts to be approved by County Engineering and conform to AASHTO standards;**
- 4) **placement of a note on the Final Plat stating that no further re-subdivision shall be permitted until such time as additional frontage on a public right-of-way, built and maintained to County standards is provided;**
- 5) **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”*;**
- 6) **placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species; and,**
- 7) **placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8 of the Subdivision Regulations.**

The motion carried unanimously.

Case #SUB2010-00050

Russell & Pamela Woodson Subdivision

South terminus of Stevens Lane

Number of Lots / Acres: 3 Lots / 1.9± Acres

Engineer / Surveyor: Polysurveying Engineering - Land Surveying

Council District 7

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

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

- 1) **dedication of sufficient right-of-way to provide half of a 60' radius cul-de-sac, centered 60' North of the South terminus of Stevens Lane;**
- 2) **placement of a note on the final plat stating that each lot is limited to one curb-cut, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) **illustration of the 25' minimum building setback line along Stevens Lane, revised to show a setback around any dedicated cul-de-sac radius at the South terminus of Stevens Lane;**
- 4) **labeling of each lot with its size in both square feet and acres, or the furnishing of a table on the final plat providing the same information;**
- 5) **illustration of both the easement within the property at its North end, and the easement adjacent to the property along its West side;**
- 6) **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;**
- 7) **placement of a note on the Final Plat stating that approval of all applicable federal, state, and local environmental agencies for wetlands or floodplains issues is required prior to the issuance of any permits or land disturbance activities; and,**
- 8) **subject to the Engineering Comments: *(Show Minimum Finished Floor Elevation on Plat on each individual lot. There is to be no fill placed within the limits of the flood plain without providing compensation. Must provide detention for any increase in impervious area to the site since 1984 in excess of 4,000 square feet. Show an area reserved for detention on the plat and add a note to the plat that each individual lot will require a land***

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disturbance permit and must provide detention. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.)

The motion carried unanimously.

Case #SUB2010-00044

Labrador Run Subdivision, Phase Three

East side of Rex drive extending to the South side of Labrador Trail South

Number of Lots / Acres: 71 Lots / 24.2± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

The matter was withdrawn by the applicant.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2010-00879

Gospel Lighthouse Holiness Church Subdivision

7727 Old Shell Road

(South side of Old Shell Road, extending from Fifth Avenue [unopened public right-of-way) to Harding Boulevard [unopened public right-of-way]

Request to waive construction of a sidewalk along Old Shell Road.

Council District 7

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

Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. DeMouy, to approve the sidewalk waiver request along Old Shell Road.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2010-00955

University Grande Subdivision

6201 Old Shell Road

(Southwest corner of Old Shell Road and West Drive)

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow two apartment buildings (156 units), pool, volleyball court and clubhouse on a single building site.

Council District 6

The Chair announced the application had been recommended for approval and stated the

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applicant was agreeable with the recommendations then added if anyone wished to speak on the matter they should do so at that time.

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

- 1) **compliance with Engineering comments:** *(Must comply with all stormwater and flood control ordinances. The construction of any new dumpster pads will require connection to sanitary sewer, cannot discharge to storm sewer. Any work performed in the right-of-way will require a right-of-way permit);*
- 2) **compliance with Traffic Engineering comments:** *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. A traffic impact study was submitted for this application. The improvements to the intersection (turn lane and signal) are the responsibility of the developer and must be approved by the City of Mobile Engineering and Traffic Engineering departments);*
- 3) **placement of a note on the revised 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;**
- 4) **provision of and approval of two copies of the revised PUD site plan to the Planning Section of Urban Development prior to the approval of any permits; and,**
- 5) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2010-00971

Mobile Housing Board

452 Beauregard Street

(Area bounded by Beauregard Street, Lawrence Street, Bloodgood Street and Conception Street; East side of Lawrence Street extending from Bloodgood Street to Earle Street and the block bounded by Lawrence Street, Manassas Street, J Blair Street and Earle Street)

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

Council District 2

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

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Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. DeMouy, to approve both the PUD 1-A and PUD 1-B requests, 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.);*
- 2) **compliance with 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));*
- 3) **revision of the site plan to label all “outparcels” as common areas, to match those on the recorded Subdivision plat, or application for new subdivision approval if necessary if PUD 1-B is selected as the preferred development plan;**
- 4) **compliance with the tree and landscaping requirements of the Zoning Ordinance to be coordinated with Urban Development staff;**
- 5) **placement of a note on the site plan stating that any tree planted within 15 feet of an overhead powerline shall be either live oak (overstory) or crepe myrtle (understory), and depiction of any overhead powerlines that will remain after redevelopment;**
- 6) **placement of a note on the site plan stating that lots and residences are denied direct access to Lawrence Street and Beauregard Streets, and are limited to access to the minor streets of Manassas, J. Blair, Earle, Bloodgood, Claiborne, Conception, and the proposed new street;**
- 7) **submission of a revised PUD site plan reflecting these conditions; and,**
- 8) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

NEW ZONING APPLICATIONS:

Case #ZON2010-00960

T. E. Montgomery Construction Co., Inc.

4020 Dauphin Island Parkway

(West side of Dauphin Island Parkway, 465'± South of Staples Road)

Rezoning from R-1, Single- Family Residential District, to B-3, Community Business District to allow a construction company office and warehouse.

Council District 3

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

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Don Williams, Williams Engineering, spoke on behalf of the applicant and stated they were in agreement with the recommendations with the exception of Condition 1 and made the following points regarding that:

- A. noted that the property to the north of the applicant's property, as well as the property north of that property, were all connected to a single parking lot;
- B. noted the businesses on those lots were very active;
- C. stated they would like to keep the access as it was across the three lots without requiring any changes because to bring those two northern properties into the matter at hand would require them to participate in tree installation, landscaping, and sidewalks, all of which would serve no benefit to those businesses; and,
- D. to exclude access to the property from the other lots would create traffic problems due line of sight issues caused by the six crepe myrtle trees that were planted in the neutral ground.

Mr. Olsen asked if the applicant or their representative knew when the cross access was created.

Mr. Williams advised that it was his belief that the cross access was never officially created and had just developed over time.

Mr. Watkins asked what had created the need for rezoning at this time.

Mr. Williams advised that the applicant would like the property to be in compliance in case the applicant ever wanted to sell or lease the property to another person.

Mr. Olsen noted that the property had lost its non-conforming status a number of years prior even though the applicant now operates it in a commercial fashion without proper approvals.

Mr. Davitt asked what was the possibility of getting a recordable easement from the two other land owners.

Mr. Williams expressed his belief that it would be very difficult if it required that those businesses come into compliance regarding trees, landscaping, and the like.

In deliberation, Mr. Davitt asked that if the applicant were able to get a recorded easement between their property and the one to the north, would that resolve the matter.

Mr. Olsen stated that if there were access across properties that had not been there prior, the staff would prefer that there be a Planned Unit Development filed so that the access could be verified as being in compliance with regards to aisle width, maneuverability, and the like.

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Mr. Watkins expressed his belief that the other land owners would not be party to the matter, but that he would be comfortable if the Commission at least had a recorded lease agreement or easement agreement that would indicate there was some understanding between the land owners regarding access.

Mr. Olsen also noted the location of the crepe myrtles and stated that there really was plenty of room to see traffic and that they did not create a line of sight issue.

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

- 1) submission of a recorded cross-access easement to address the shared access with the adjacent building site to the North;**
- 2) provision of tree planting and landscaping areas to comply with the Zoning Ordinance;**
- 3) provision of striped parking in compliance with the Zoning Ordinance;**
- 4) movement of the dumpster to relieve the encroachment, and provision of a dumpster pad (with connection to sanitary sewer) and an enclosure of appropriate screening around the same;**
- 5) provision of two copies of the revised site plan indicating the conditions noted; and,**
- 6) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2010-00962

Casey Pipes

208 Hillcrest Road

(West side of Hillcrest Road, 260'± South of Cedar Bend Court)

Rezoning from R-1, Single-Family Residential District to R-3, Multiple-Family District to allow construction of an apartment complex.

Council District 7

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 then added if anyone wished to speak on the matter they should do so at that time.

Mr. Olsen noted that approximately 25% of the notices sent had been returned to the office and asked Mr. Lawler if this would cause any concern regarding failure to provide proper notification.

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Mr. Lawler asked if appropriate signage had been placed in the area and was advised it had. Mr. Lawler stated in his opinion there should be no issue with failure to provide proper notification in this case.

Mr. Pipes stated that the area was surrounded by townhouses and condos and that the notification information had been gotten from the Probate Court and from tax records. He noted that the area was very densely populated as a well.

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

- 1) submittal and approval by the Planning Commission of a Subdivision Application to combine the existing six lots into one lot;**
- 2) submittal and approval by the Planning Commission of an appropriate Planned Unit Development Application;**
- 3) development of the site is to be limited to an approved Planned Unit Development; and,**
- 4) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2010-00967
Herman Neese Subdivision

5930 Moffett Road

(East side of Moffett Road at the East terminus of Powell Drive).

Rezoning from B-3, Community Business District, and R-3, Multiple-Family District, to R-3, Multiple-Family District, to allow an apartment complex.

Council District 7

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations then 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:

- Lonnie Honeycutt, 5881 Moffett Road, Mobile, AL; and,
- Jennifer Powell, 5815 Powell Drive, Mobile, AL.

They noted the traffic was extremely dense in the area and their concern for the safety of the individuals who lived along that portion of Moffett road due to the extreme amount of traffic. They expressed their concern that increasing the number of people in the area by rezoning the property for apartments would only make the situation more unsafe.

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Mr. Vallas explained the property was currently zoned both as B-3, a Community Business District, and R-3, a Multiple-Family District, which allowed for apartments, but that the applicant was trying to eliminate the B-3 zoning only. He added that it would probably be better to address the density issue once a plan was submitted that showed how many apartments would be built as at that time there would be enough information to determine how that factor would affect the population density of the area.

Mr. Olsen advised the Commission that upon his review he noted the condition regarding limiting the development to an approved Planned Unit Development had been inadvertently left off of the recommendations for approval. He noted it had been referenced in the staff report, however, it had not been stated as a specific condition. He noted that he believed the applications necessary for the Planned Unit Development had been submitted, however, the staff still wanted it stated as a condition for approval for the rezoning.

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

- 1) **completion of the subdivision process;**
- 2) **submittal and approval by the Planning Commission of an appropriate Planned Unit Development Application;**
- 3) **development of the site is to be limited to an approved Planned Unit Development; and,**
- 4) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2010-00052 (Subdivision)

Apostolic Overcoming Holy Church of God Subdivision

Northeast corner of Dickens Avenue and St Stephens Road

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

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 2

(Also see **Case #ZON2010-00976 (Planned Unit Development) Apostolic Overcoming Holy Church of God**, 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.

Joseph Cleveland, architect, spoke on behalf of the applicant and stated that after reviewing the comments, they were in agreement with all with the exception of depicting all parking areas as paved. He noted that they requested and received a variance by the Board of Zoning Adjustment allowing them to use the playground area

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for parking on Sundays. He added that the playground would remain a playground during the week as it is used by the daycare on site.

The Chair asked if the staff had recommendations prepared should the Commission lean toward approving the matter that day.

Mr. Olsen stated that he believed there were other parking deficiencies for which no variance had been given and deferred to Mr. Hoffman on the matter.

Mr. Hoffman noted that some of the recommendations by Traffic Engineering would require redesigning of the remaining paved parking area located beside the proposed gym expansion. He also noted that aisle widths and turning radii might not be adequate as well, which due to redesigning of the area, might mean the number of parking spaces would be deficient. He added that there might be other issues, such as tree and landscaping, that might require variance requests after the redesign was completed.

Mr. Cleveland stated that the applicant had no problem with that if it became the case.

In deliberation, Mr. Holmes noted the staff wanted the parking re-designed to determine whether or not there were sufficient parking spaces for the site.

Mr. Olsen stated that was the usual case, because one of the things the Commission was supposed to consider was the site design, both internal as well as within the neighborhood, so modifying the parking lay out could impact that design. He added, however, that should the Commission choose to make it a condition that should this design have the applicant in compliance with aisle width and stall width but be short on parking spaces, and they applied for a parking variance, that would work as well. He also noted that if the Commission chose to approve the matter that day, then the reasons listed for holding the matter over could be changed to conditions for approval.

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

- 1) revision of the plat to reflect Engineering comments: (*Need to dedicate to the City a radius of 25' at the corner of Dickens Avenue & St Stephens Rd. Must comply with all stormwater and flood control ordinances. The construction of any new dumpster pads will require connection to sanitary sewer, cannot discharge to storm sewer. Any work performed in the right-of-way will require a right-of-way permit.*);**
- 2) revision of the area of the lot to reflect required dedication;**
- 3) revision of the minimum 25-foot building setback line to reflect dedication; and,**
- 4) placement of a note on the plat stating that the lot is limited to one curb-cut onto St. Stephens Road, with the size, design, and**

location to be approved by Traffic Engineering and ALDOT,
and to conform with AASHTO standards.

The motion carried unanimously.

Case #ZON2010-00976 (Planned Unit Development)

Apostolic Overcoming Holy Church of God

2257 St. Stephens Road

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

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

Council District 2

(Also see **Case #SUB2010-00052 (Subdivision) Apostolic Overcoming Holy Church of God Subdivision**, above)

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

- 1) **compliance with the Variances granted by the Board of Zoning Adjustment on May 3, 2010;**
- 2) **revision of the parking layout to meet the requirements of Traffic Engineering, including the closing of curb-cuts, and to ensure that parking circulation minimizes traffic conflicts as discussed in the report;**
- 3) **consult with Traffic Engineering and ALDOT to determine if the delineation of crosswalks is possible across St. Stephens Road, and revision of the site plan to depict crosswalks if determined feasible;**
- 4) **revision of the site plan to reflect Engineering comments: *(Need to dedicate to the City a radius of 25' at the corner of Dickens Avenue & St Stephens Rd. Must comply with all stormwater and flood control ordinances. The construction of any new dumpster pads will require connection to sanitary sewer, cannot discharge to storm sewer. Any work performed in the right-of-way will require a right-of-way permit.)*;**
- 5) **revision of the site plan to depict a 6-foot high wooden privacy fence where the site abuts residentially-zoned property, except within the 25-foot street-side setback, where the fence shall only be 3-feet in height;**
- 6) **revision of the site plan to depict and quantify tree and landscape compliance for each site separately, including the identification of existing trees from the previously approved tree and landscape plan;**
- 7) **revision of the site plan to indicate if a dumpster will be**

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- provided;
- 8) revision of the site plan to comply with the lighting requirements of Section 64-6.A.3.c. of the Zoning Ordinance, and placement of the following as a note on the site plan: *“lighting shall be provided and maintained during the operation of the parking area, and shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic.”*; and,
 - 9) submission of a new application to the Board of Zoning Adjustment to address parking ratio deficits, and tree / landscape deficits if applicable, that will occur due to required site redesign.

The motion carried unanimously.

OTHER BUSINESS:

Hearing no further business, the meeting was adjourned.

APPROVED:

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

jsl