

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF July 11, 2013 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
Victoria L. Rivizzigno, Secretary
James F. Watkins, III
Tracie Lee-Roberson
John Williams
Roosevelt Turner
Don Hembree
Carlos Gant

Members Absent

William G. DeMouy, Jr.
John Vallas
Scott Webster
Jarret Wingfield

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Bert Hoffman,
Planner II
David Daughenbaugh,
Urban Forestry Coordinator
Jessica Watson,
Secretary II

Others Present

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

Fire-Rescue Department

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

ROLL CALL:

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

APPROVAL OF MINUTES:

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

- April 5, 2012
- April 19, 2012
- May 3, 2012
- June 7, 2012

The motion carried unanimously.

HOLDOVERS:

Case #SUB2013-00008 (Subdivision)

Westwood Plaza Subdivision

7765 Airport Boulevard

(Southeast corner of Airport Boulevard and Schillinger Road South, extending to the North side of Thomas Road).

Number of Lots / Acres: 5 Lots / 21 ± Acres

Engineer / Surveyor: Rowe Surveying and Engineering

Council District 6

(Also see, **Case #ZON2013-00098 (Planned Unit Development) Westwood Plaza Subdivision** below)

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

Philip Burton, Westwood Plaza LLC, spoke on his own behalf. He stated that he had been so focused on Pinebrook that he had not had a chance to go over the Staff's recommendations for this application and he asked that one of the Planners go over the major issues.

Mr. Hoffman stated that the issue with the application is that the Staff is requesting dedication of right-of-way along Schillingers Road because it is a major street. The current right-of-way is 80 feet in width and the major street plan requires 100 feet in width. So, the Staff is requesting a dedication of 10 feet of right-of-way for Lot B. For proposed Lots C & D instead of dedication the Staff will ask that there be an additional building setback to allow future right-of-way acquisition. It is also requested that Lot E provide a 10 feet dedication. He stated that the development will need to be in full compliance with the tree and landscaping requirements of the zoning ordinance.

Mr. Burton responded that one of the critical path items that he needed approved the day of the meeting was the Subdivision application; he was okay with a holdover for the PUD application. He added that Lot C and D are existing projects and he is prohibited from their lease to interfere with what exist there today and he noted they he does not own the property that Wendy's sits on. He suggested to the staff that from the Wendy's north they would provide the additional right-of-way requested and provide the additional setback.

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

- 1) **Revision of the plat to reflect dedication to provide 50-feet from centerline along Schillinger Road for proposed Lot B, from the North side of the Wendy's lot North to Airport Boulevard;**

- 2) Revision of the plat to reflect additional setback of 10-feet along Schillinger Road, in lieu of dedication, for that portion of Lot B located South of the Wendy's lot, and Lots C, D and E;
- 3) Revision of the plat to reflect compliance with Engineering comments: (1) *Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes).* 2) *Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045). A copy of site and drainage plans approved by Mobile County may be submitted to establish any historic drainage credit.* 3) *Proposed dedication will need to be approved by the City Engineer and Traffic Engineer.);*
- 4) Revision, if necessary, to reflect compliance with Traffic Engineering comments: *(A revised site plan has been submitted for this site, as well as a revised traffic impact study. Traffic Engineering approval of this site is contingent upon the construction by the developer/owner of all improvements identified in the study. It should be noted that the improvements include the installation of a traffic signal on Schillinger Road at Thomas Road. Installation of this traffic signal is contingent upon the removal of the traffic signal at Schillinger Road/Glider Road. Signalization changes are also included at the intersection of Airport Boulevard/ Alverson Road, as well as off-site improvements in the median and access changes for the Burger King site. The improvements to the site also include physical changes to the driveway nearest Wendy's, to limit the driveway to right-in, right-out only; striping will not be considered a physical improvement. Additional driveways on Airport Boulevard and Schillinger Road must either be modified or closed, as discussed in the study, as well as modifications to the median along Airport Boulevard. Design plans for all improvements within the public right-of-way must be approved by Engineering and Traffic Engineering. Upon completion of the Access Management Study underway for this corridor, additional restrictions may be implemented, including limitations to the proposed driveway between Chick-Fil-A and Krystal.);*
- 5) Depiction of the 25-foot minimum building setback line along all street frontages, reflecting any required dedication or future right-of-way widths; and
- 6) Curb-cuts limited to an approved Planned Unit Development.

The motion carried unanimously.

Case #ZON2013-00098 (Planned Unit Development)

Westwood Plaza Subdivision

7765 Airport Boulevard

(Southeast corner of Airport Boulevard and Schillinger Road South, extending to the North side of Thomas Road).

July 11, 2013

Planning Commission Meeting

Planned Unit Development Approval to allow shared access across multiple lots and multiple buildings on a single building site.

Council District 6

(Also see, **Case #SUB2013-00008 (Subdivision) Westwood Plaza Subdivision** above)

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

Philip Burton, Westwood Plaza LLC, spoke on his own behalf. He requested that the application be heldover to allow more time to address the issues.

Hearing no opposition or further discussion, a motion was made by Mr. Turner, with second by Dr. Rivizzigno, to hold the matter over until the August 8th meeting.

The motion carried unanimously.

**Case #SUB2013-00041 (Subdivision)
Carmelite Nuns Discalced Subdivision**

716 Dauphin Island Parkway

(Northwest corner of Dauphin Island Parkway and Halls Mill Road, extending to the Southeast corner of Gosson Street and Johnston Avenue).

Number of Lots / Acres: 1 Lot / 6.0± Acre

Engineer / Surveyor: Cowles, Murphy, Glover & Associates

Council District 2

(Also see, **Case #ZON2013-01094 (Planned Unit Development) Carmelite Nuns Discalced Subdivision** and **Case #ZON2013-01095 (Planning Approval) Carmelite Nuns Discalced Subdivision** below)

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the September 5th meeting in order for the applicant to make the appropriate revisions previously listed as well as expand the site plan to include any additional properties proposed to be within the project scope. Revisions and additional applications should be submitted no later than July 15th.

The motion carried unanimously.

**Case #ZON2013-01094 (Planned Unit Development).
Carmelite Nuns Discalced Subdivision**

716 Dauphin Island Parkway

(Northwest corner of Dauphin Island Parkway and Halls Mill Road, extending to the Southeast corner of Gosson Street and Johnston Avenue).

July 11, 2013

Planning Commission Meeting

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

Council District 2

(Also see, **Case #SUB2013-00041 (Subdivision) Carmelite Nuns Discalced Subdivision** above and **Case #ZON2013-01095 (Planning Approval) Carmelite Nuns Discalced Subdivision** below)

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the September 5th meeting in order for the applicant to make the appropriate revisions previously listed as well as expand the site plan to include any additional properties proposed to be within the project scope. Revisions and additional applications should be submitted no later than July 15th.

The motion carried unanimously.

Case #ZON2013-01095 (Planning Approval)

Carmelite Nuns Discalced Subdivision

716 Dauphin Island Parkway

(Northwest corner of Dauphin Island Parkway and Halls Mill Road, extending to the Southeast corner of Gosson Street and Johnston Avenue).

Planning Approval to allow a building expansion and expanded parking lot at an existing monastery in an R-1, Single-Family Residential District.

Council District 2

(Also see, **Case #SUB2013-00041 (Subdivision) Carmelite Nuns Discalced Subdivision** and **Case #ZON2013-01094 (Planned Unit Development) Carmelite Nuns Discalced Subdivision** above)

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the September 5th meeting in order for the applicant to make the appropriate revisions previously listed as well as expand the site plan to include any additional properties proposed to be within the project scope. Revisions and additional applications should be submitted no later than July 15th.

The motion carried unanimously.

EXTENSIONS:

Case #SUB2012-00052 (Subdivision)

McRee Place Subdivision

July 11, 2013
Planning Commission Meeting

3916 Old Shell Road
(Northeast corner of Old Shell Road and Provident Lane).
Number of Lots / Acres: 4 Lots / 1.3± Acre
Engineer / Surveyor: Rester and Coleman Engineers, Inc.
Council District 7
(Also see, **Case #ZON2012-01424 (Planned Unit Development) McRee Place Subdivision** below)

Application was withdrawn prior to the meeting.

Case #ZON2012-01424 (Planned Unit Development)
McRee Place Subdivision

3916 Old Shell Road
(Northeast corner of Old Shell Road and Provident Lane).
Planned Unit Development approval to allow a private street subdivision with reduced front and side yard setbacks and increased site coverage.
Council District 1
(Also see, **Case #SUB2012-00052 (Subdivision) McRee Place Subdivision** above)

Application was withdrawn prior to the meeting.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2013-00048
Riverwood Estates Subdivision, Phase Four, Lot 1

West side of Old Rangeline Road, extending to the East terminus of Riverwood Drive.
Number of Lots / Acres: 1 Lot / 4.8± Acres
Engineer / Surveyor: Austin Engineering Company, Inc.
County

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

Hearing no opposition or discussion, a motion was made by Mr. Watkins, with second by Dr. Rivizzigno, to deny the above referenced matter, for the following reasons:

- 1) **There is no provision of a cul-de-sac, per Section V.B.6, or the continuation of the existing street stub to Old Rangeline Road as required by Section V.B.1; and**
- 2) **There is no provision of any street stub providing access to the landlocked parcel to the northwest of the proposed subdivision per V.B.1.**

The motion carried unanimously.

Case #SUB2013-00052
Wacker Subdivision, Revision and Addition to Lot 2

July 11, 2013

Planning Commission Meeting

309 Wacker Lane North

(West side of Wacker Lane, 150'± North of Stein Street).

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

Engineer / Surveyor: Richard L Patrick, PLS
Council District 7

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

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

- 1) revision of note 7 to state that Lot 2 is limited to existing curb cut onto Wacker Lane; with the size, design and location of all curb-cut to be approved by Traffic Engineering and conform to AASHTO standards.
- 2) revision of note 4 to reference section V.A.8.;
- 3) retain note on the plat stating the site must be developed in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
- 4) retain the 25' setback and the required 8.5' dedication on the final plat;
- 5) retain lot size and square footage on final plat;
- 6) compliance with Engineering comments: *(The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. Correct the distance shown along the western property line so that the callout on the drawing matches the written legal description. 3. Correct the bearing shown along the south line of the proposed Dedicated ROW so that the callout on the drawing matches the written legal description. 4. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045). 5. Add a note to the plat stating that any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 6. Submit for signature concurrently with the submittal of the Subdivision Plat for Gulfwood Unit No. 1 – Revised Lot 8 & Addition to Unit No. 1 (Case # SUB2013-00053));*
- 7) compliance with Traffic Engineering comments: *(Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Note 7 should be revised to read Wacker Lane, not*

- Worth Drive);*
- 8) **compliance with Urban Forestry comments:** *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).;*
 - 9) **compliance with Fire Department comments:** *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile); and*
 - 10) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2013-00060

Blue Creek Coal Sales Inc. Subdivision

1251 Baker Street

(South side of Baker Street extending from Yeend Street to the East side of Bay Street).

Number of Lots / Acres: 1 Lot / 64.6± Acres

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

Council District 3

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

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

- 1) **provision of a 75' setback from each side of the centerline of the proposed Royal Street Extension to allow for the future major street (50' from centerline for the major street right-of-way and 25' for the required setback);**
- 2) **compliance with Engineering Comments** *(The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). 3. Add a note to the plat stating that any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 4. Provide the recording data and limits of the vacated Bay*

Street ROW on the plat.)

- 3) placement of a note on the Final Plat stating the size, location and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 4) the approval of all applicable federal, state and local environmental agencies prior to the issuance of any permits or land disturbance activities;
- 5) placement of a note on the Final Plat stating that the site must be developed in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species; and
- 6) The Commission request staff to review the viability of Royal Street Extension (and others in the VE flood zones) for possible removal from the Major Street Component of the Comprehensive Plan.

The motion carried unanimously.

Case #SUB2013-00061

Theodore Church of God Subdivision

6360 and 6370 Theodore Dawes Road

(North side of Theodore Dawes Road, 1085'± East of Skyline Drive).

Number of Lots / Acres: 1 Lot / 2.2± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying County

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

William Maag, 6370 Theodore Dawes Rd, spoke in reference to the above referenced application and made the following points:

- A. has no issue with the church being built;
- B. original easement was from the driveway diagonally to his home;
- C. he is a Marshall and an ATTF Agent and his police car leaves in Code 3 most of the time;
- D. a neighbor had small children and put up a fence for their safety;
- E. he agreed with the fence and agreed to use the other driveway to make sure the children were safe;
- F. agrees with everything on the application, except for his easement shows 10 feet;
- G. the easement should be to the right closest to the house, not in the middle of the tree line;
- H. he cannot drive through the trees.

Mr. Olsen stated that since the fence is not something that is a permanent structure it would be difficult to say that it be next to the fence.

Brett Orrell, Polysurveying, spoke on behalf of the applicant. He wanted clarification on

what Mr. Maag was speaking about.

The Chairman asked Mr. Orrell and Mr. Maag to step outside to discuss the issue and the Commission would come back to them at the end.

Mr. Orrell stated that the easement will follow the west line of the proposed lot one with the easement to follow the existing fence line.

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

- 1) the lot size information and the 25-foot minimum building setback line should be retained on the final plat;
- 2) dedication of 10 feet of right-of-way along Theodore Dawes Road, as depicted on the preliminary plat;
- 3) the illustration of an easement depicted on the site's west side, between the West property line and the existing fence line approximately 10-feet to the East, extending to the North property line, on the Final Plat along with a note stating that no permanent structures shall be constructed in the easement;
- 4) placement of a note on the Final Plat limiting Lot 1 to no additional curb-cuts along Theodore Dawes Road and any additional improvements to be coordinated with Mobile County Engineering with the size, location and design of curb-cuts to be approved by County Engineering and conform to AASHTO standards;
- 5) placement of a note on the Final Plat stating: "Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits;"
- 6) placement of a note on the Final Plat stating: "The geographic area defined by the City of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. 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: "This site is located in the County, and therefore 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 #SUB2013-00049

Motel Court Subdivision, Phase 4

Southeast corner of Motel Court and Coca Cola Road.

Number of Lots / Acres: 2 Lots / 7.7± Acres

Engineer / Surveyor: Rowe Surveying & Engineering Co., Inc.
Council District 4

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

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Dr. Rivizzigno, 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 is required for flooding issues, prior to the issuance of any permits or land disturbance activities;**
- 2) **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;**
- 3) **submittal of 7 copies of the final plat for phase one;**
- 4) **the placement of a note on the final plat stating the driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 5) **compliance with City Engineering comments: (1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes); 2. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045); 3. Add a note to the plat stating that any work performed in the existing right-of-way such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII); 4. Dedicate a 25' radius at the northeast corner of Lot 6 to Public ROW; 5. Add a note to the Plat that no development is allowed within the existing FLOODWAY. Any proposed development will require a submittal of a Flood Study by a Licensed Professional Engineer for review and approval by the City Engineer and FEMA).**

The motion carried unanimously.

Case #SUB2013-00050

Harris Place Subdivision, Resubdivision of Lot 1

1000 Farnell Lane

(West side of Farnell Lane at the West terminus of Brossett Street).

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

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

Council District 4

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

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Dr. Rivizzigno, to hold the matter over until the September 5, 2013 meeting, with revisions due by Monday, July 15, 2013 to address the following:

- 1) **submission of a Planned Unit Development application, to include a tree and landscaping plan, for the proposed lot B;**
- 2) **submission of written documentation explaining the use of the two purposed lots and justification for a flag lot for lot B;**
- 3) **placement of a note on the final plat stating each lot shall be limited to one curb-cut to Farnell Lane, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) **placement of a note on the final plat stating that a buffer in compliance with Section V.A.8. of the Subdivision Regulations will be required;**
- 5) **compliance with Engineering comments (*The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes).* 2. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). 3. Add a note to the plat stating that any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 4. Add a note that the existing, shared curb cut must be maintained by the Owner of Lot B.); and**
- 6) **Placement of a note on the final plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

Case #SUB2013-00051

Byrum Family Division Subdivision

1365 Leroy Stevens Road

(East side of Leroy Stevens Road extending to the North side of Grelot Road).

Number of Lots / Acres: 2 Lots / 10.8± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

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

Brett Orrell, Polysurveying, spoke on his own behalf. He stated that he wanted to address Condition 4; to revise the Condition to state two curb-cuts or existing curb-cuts.

Ms. Bergin, Traffic Engineering, stated that this application is located in the County. Therefore, Traffic Engineering did not review the site plan.

Mr. Olsen stated that the existing curb-cuts to Leroy Stevens would be fine.

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

- 1) a provision of a corner radius at the intersection of Grelot Road and Leroy Stevens Road be approved by Mobile County Engineering and comply with AASHTO standards;
- 2) revision of the lot size and the 25-foot minimum building setback line reflect the corner radius of Lot 1, and should be retained elsewhere on the Final Plat;
- 3) the Final Plat should be revised to illustrate the correct bearings of the southwest property line at the intersection of Grelot Road and Leroy Stevens Road and the vicinity map should be corrected to include the corner parcel for the same intersection;
- 4) placement of a note on the final plat limiting Lot 1 to three curb-cuts along Grelot Road and the existing curb-cuts along Leroy Stevens Road and Lot 2 to be limited to 2 curb-cuts along Leroy Stevens Road. The size, location and design to be approved by County Engineering and conform to AASHTO standards;
- 5) the placement of a note on the Final Plat stating: "Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed

engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits;"

- 6) placement of a note on the Final Plat stating: "The geographic area defined by the city of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. 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: "This site is located in the County, and therefore 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 #SUB2013-00053

Gulfwood Subdivision, Unit No. 1, Revision of Lot 8 and Addition to Unit No. 1

118 Batre Lane and 311 Wacker Lane

(East side of Batre Lane extending to the West side of Wacker Lane 200'± North of Stein Street).

Number of Lots / Acres: 2 Lots / 1.0± Acre

Engineer / Surveyor: Richard L Patrick, PLS

Council District 7

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

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

- 1) placement of a note on the final plat stating that Lot 8 and Lot 9 are limited to existing curb cuts with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) retain 8.5' dedication on Wacker Lane and 5' on the Southwest corner of Batre Lane on the final plat.;
- 3) submission of an application to the Board of Adjustment to address the front yard setback encroachment on proposed Lot 8, prior to the signing of the final plat or the obtaining of a Certificate of Occupancy;
- 4) revision of note 4) states *V.A.7* and should be amended to *V.A.8*;
- 5) revision of note 7) states that *Lot 8 and 9 are limited to one curb cut onto Worth Drive* and should be amended to state that Lot 8 and 9 are limited to existing curb cuts on Wacker Lane and Batre Lane;
- 6) compliance with Engineering comments (The following comments should be

- addressed prior to review, acceptance and signature by the City Engineer:
1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes).
 2. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045).
 3. Add a note to the plat stating that any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
 4. Submit for signature concurrently with the submittal of the Subdivision Plat for Wacker Subdivision, Revision and Addition to Lot 2 (Case # SUB2013-00052).
- 7) compliance with Traffic Engineering comments (*Each lot shall be limited to one curb-cut, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.*)
 - 8) compliance with Urban Forestry comments (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).*)
 - 9) compliance with Fire Department comments (*All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.*)
 - 10) placement of a note on the plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities; and
 - 11) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2013-00058

Richmond Subdivision, Resubdivision of Lot 15

2990 Richmond Drive

(North side of Richmond Drive at the North terminus of Norfolk Place).

Number of Lots / Acres: 2 Lots / 0.5± Acres

Engineer / Surveyor: McCrory & Williams

County

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

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

- 1) the lot sizes and the 25-foot minimum building setback line should be retained on the Final Plat;
- 2) the lot size and street frontage requirements for Lot 2 be waived;
- 3) placement of a note on the Final Plat stating for utility use only;
- 4) illustrations of all easements should be retained on the Final Plat along with a note stating that no permanent structures be constructed in any easement;
- 5) placement of a note limiting Lot 1 to existing curb-cut;
- 6) placement of a note on the Final Plat stating: "Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits;" and
- 7) retention of notes on the final plat relating to endangered/threatened species, buffering of commercial development, and storm water compliance.

The motion carried unanimously.

Case #SUB2013-00054

Iain Frost Subdivision

435 Dykes Road South

(East side of Dykes Road South, 150'± South of Turmac Drive).

Number of Lots / Acres: 4 Lots / 5.4± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

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

Joyce Zirlott, 365 Dykes Road South, spoke in reference to the above reference application and had the following questions:

- A. is this only a housing subdivision or is it a commercial development;
- B. have Home Owner Associations documents been prepared;
- C. what size houses will be allowed.

Mr. Olsen responded that this application is located in the County. He added that he is assuming based on the size of the lots that it will be residential; but since it is in the County the Commission has no jurisdiction on how the property is used.

Hearing no opposition or further discussion, a motion was made by Mr. Turner, with second by Mr. Williams, to waive Sections V.D.1 and V.D.3 of the Subdivision Regulations and to approve the above referenced matter, subject to the following conditions:

- 1) depiction of minimum building setbacks where all lots are at least 60' in width on Final Plat;
- 2) placement of a note on the Final Plat stating that Lots 1 – 3 are limited to one curb-cut each, that Lot 4 is limited to two curb-cuts, and that the size, design, and location of all curb-cuts are to be approved by Mobile County Engineering and to comply with AASHTO standards;
- 3) placement of a note on the Final Plat stating that there shall be no future subdivision of Lot 4;
- 4) compliance with the Fire Department comments: *"All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile."*
- 5) 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;
- 6) placement of a note on the Final Plat stating that new development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;
- 7) placement of a note on the Final Plat stating that new development of the site must be undertaken in compliance with all local, state, and federal regulations regarding wetlands; and,
- 8) placement of a note on the Final Plat stating that new 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.

The motion carried unanimously.

Case #SUB2013-00055

Willis & Cross Road Subdivision

Northeast corner of Middle Road and Willis Road.

Number of Lots / Acres: 5 Lots / 11.4± Acres

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

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

Brett Orrell, Polysurveying, spoke on behalf of the applicant. He requested additional curb-cuts on Lots 2 and 3 and clarification that Lot 4 is allowed to have a curb-cut on both Willis and Cross Roads.

Ms. Bergin, Traffic Engineering, stated that she was in agreement with that revision.

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

- 1) **placement of a note on the Final Plat stating that all lots are denied access to Interstate 10;**
- 2) **placement of a note on the Final Plat stating that Lots 1 and 5 are limited to one curb-cut each, Lots 2 and 3 are limited to two curb-cuts each, and that Lot 4 is limited to one curb-cut to Middle Road and one curb-cut to Willis Road, with the size, design and location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards.**
- 3) **dedication of 25 foot of right-of-way along the entire frontage of I-10, as depicted on the preliminary plat;**
- 4) **provide appropriate radii at the corner of Cross Road and Willis road as determined by Traffic Engineering;**
- 5) **retain 25' setback along all frontages;**
- 6) **provision of the required setback from radius dedication;**
- 7) **compliance with Engineering comments (*The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes).* 2. *Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045).* 3. *Add a note to the plat stating that any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).* 4. *Dedicate a 50' radius (minimum) at the southeast corner of Lot 4 to Public ROW. Location and size to be approved by Traffic Engineer and City Engineer.*)**
- 8) **compliance with Traffic Engineering comments (*Each lot shall be limited to one curb-cut, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.*)**

- 9) compliance with Urban Forestry comments (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64.)*)
- 10) compliance with Fire Department comments (*All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.*)
- 11) approval of all applicable federal, state and local agencies prior to the issuance of any permits or land disturbance activities;
- 12) placement of a note on the plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities; and
- 13) full compliance with all other municipal codes and ordinances, including the buffering, lighting, and tree and landscaping requirements of the Zoning Ordinance.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2013-01357

Macmae Venture LLC & Georgetown Partners

2785 & 2789 Macmae Drive

(South terminus of Macmae Drive).

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

Council District 3

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to hold the matter over until the August 8th meeting in order to be heard in conjunction with the Planning Approval application to allow warehousing over 40,000 square feet in a B-3 district which has been submitted.

The motion carried unanimously.

Case #ZON2013-01361

Joco 2928, LLC

2928 McVay Drive

(East side of McVay Drive North, 470'± North of Halls Mill Road).

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

Council District 3

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

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

- 1) clearly and accurately indicate the usage for the proposed building on Lot 2;
- 2) revision of the site plan to indicate a 6' high privacy fence at the rear of Lot 2;
- 3) retention of the 20' vegetation buffer at the rear of both lots;
- 4) revision of the site plan to illustrate full compliance with tree and landscaping requirements for both lots;
- 5) compliance with Engineering comments: *(1. Extend the sidewalk to the southern boundary of Lot 2. Any portion of the existing sidewalk that is broken or uneven will also need to be repaired. 2. Add a note to the PUD drawing that states: Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 3. Add a note to the PUD drawing that states: Any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. The existing detention facility will need to have its volume capacity and functionality verified by a licensed PE. 4. A complete set of construction plans for the site work – including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. 5. Must comply with the following Engineering Department Policy Letters: 1) 5-13-2009 Policy Letter (Car wash drains and dumpster pads to drain to Sanitary Sewer system), and 2) 8-4-2004 Policy Letter (video inspection of new Storm Sewer System Piping).;*
- 6) illustration of a sidewalk along McVay Drive for Lot 2, or the submission of a sidewalk waiver;
- 7) revision of the site plan to include the legal descriptions of both lots included in this application;
- 8) submission of two copies of the revised Planned Unit Development site plans to Urban Development.

The motion carried unanimously.

Case #ZON2013-01363

Tower, LLC

1120 Paper Mill Road

(100'± North of Paper Mill Road, 660'± East of Woodland Avenue).

Planned Unit Development Approval to amend a previously approved Planned Unit Development 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. He added if anyone wished to speak on the matter they should do so at that time.

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

- 1) **submission of two copies of the revised PUD site plan illustrating the changes prior to the issuance of any Land Disturbance or building permits;**
- 2) **compliance with engineering comments:** *(1. Add a note to the PUD drawing that states: Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. Add a note to the PUD drawing that states: Any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. The existing detention facility will need to have its volume capacity and functionality verified by a licensed PE. 3. A complete set of construction plans for the site work – including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. 4. Must comply with the following Engineering Department Policy Letters: 1) 5-13-2009 Policy Letter (Car wash drains and dumpster pads to drain to Sanitary Sewer system), and 2) 8-4-2004 Policy Letter (video inspection of new Storm Sewer System Piping);*
- 3) **placement of a note on the site plan 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

- 4) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2013-01365

Russell Yeckley

2409 Wolf Ridge Road

(Southwest corner of Wolf Ridge Road and Feed Mill Road [private street]).

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow multiple buildings on a single building site and shared access.
Council District 1

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the September 5th meeting, with revisions due by August 12th:

- 1) Revision of the site plan to depict the entirety of the site;**
- 2) Revision of the site plan to depict true conditions of the site and proposed improvements to the site; and**
- 3) Revision of the site plan to depict full compliance with all aspects of the Zoning Ordinance, or submission of a revised narrative providing justification for any non-compliance issues.**

The motion carried unanimously.

Case #ZON2013-01383

Jerome Ehlen

6448-A Cedar Bend Court

(North side of Cedar Bend Court, 560'± West of Hillcrest Road).

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow reduced setbacks and increased site coverage.
Council District 7

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

Brett Orrell, Polysurveying, spoke on behalf of the applicant. He requested that Condition 2 be revised to reflect note on PUD as no plat has been submitted yet.

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by

Dr. Rivizzigno, to approve the above referenced matter, subject to the following conditions:

- 1) **compliance with Fire Department comments:** *All projects within the City of Mobile Fire Jurisdiction must comply with requirements of the 2009 International Fire Code, as adopted by the City of Mobile.*
- 2) **note on PUD site plan stating driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) **application for building permit for existing wooden deck; and**
- 4) **application for building permit for existing shed.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2013-00047 (Subdivision)

Mobile Terrace Christian Center Subdivision

7154 Ninth Street

(North side of Ninth Street, 200'± East of Lincoln Boulevard).

Number of Lots / Acres: 1 Lot / .11± Acre

Engineer / Surveyor: John Farrior Crenshaw, PLS

Council District 7

(Also see, **Case #ZON2013-01134 (Sidewalk Waiver) (Holdover) William T.**

Partridge, Jr. below)

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

Bill Partridge, Coast Architecture, spoke on his own behalf. He stated that he was in agreement with the recommendations.

Hearing no opposition or further discussion, a motion was made by Mr. Turner, with second by Dr. Rivizzigno, to waive Section V.D.2 of the Subdivision Regulations and to approve the above referenced matter, subject to the following conditions:

- 1) **Revision of the plat to ensure that it is plotted to a standard engineering scale;**
- 2) **Revision of the plat to depict the minimum setback line to allow for future dedication to provide 25-feet from the centerline of Ninth Street;**
- 3) **Placement of a note on the final plat stating that the lot is limited to two curb-cuts, with the size, design and location to be approved by Traffic Engineering and to conform to AASHTO standards;**
- 4) **Compliance with Engineering comments: *(The following comments should be addressed prior to review, acceptance and signature by the City Engineer:***
 1. *Provide all of the required information on the Final Plat (i.e. signature*

blocks, signatures, certification statements, legal description, required notes).
2. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045). Delete the reference to Mobile County Flood Damage Prevention Ordinance. 3. Add a note to the plat stating that any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII);

- 5) **Compliance with Traffic Engineering comments (Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards); and**
- 6) **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 prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

Case #ZON2013-01134 (Sidewalk Waiver) (Holdover)

William T. Partridge, Jr.

7154 Ninth Street

(North side of Ninth Street, 200'± East of Lincoln Boulevard).

Request to waive construction of a sidewalk along Ninth Street.

Council District 1

(Also see, **Case #SUB2013-00047 (Subdivision) Mobile Terrace Christian Center Subdivision** above)

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

Bill Partridge, Coast Architecture, spoke on his own behalf. He stated that he was in agreement with the recommendations.

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

The motion carried unanimously.

Case #SUB2013-00056 (Subdivision)

Northside Ltd/Joint Venture Subdivision, Resubdivision of and Addition to Lot 3A

19 North Sage Avenue

(West side of North Sage Avenue, 155'± North of Dauphin Street; extending West to

the North side of Dauphin Street, 199'± West of North Sage Avenue).

Number of Lots / Acres: 2 Lots / 4.3± Acres

Engineer / Surveyor: The Coleman Engineering Group of McCrory & Williams, Inc.
Council District 1

(Also see, **Case #ZON2013-01366 (Planned Unit Development) Northside Ltd/Joint Venture Subdivision, Resubdivision of and Addition to Lot 3A** below)

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

Marl Cummings, Cummings & Associates, spoke on behalf of the applicant and made the following points:

- A. wanted verification that the land that wraps around the Regions Bank will still have same access rights under the 2009 PUD;
- B. the 2009 PUD also granted two curb-cuts to Sage Ave.

Ms. Bergin, Traffic Engineering, stated that was fine as long as the Subdivision application reads that is was approved in the Traffic Engineering conditions.

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

- 1) **compliance with Engineering comments:** *(The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). 3. Add a note to the plat stating that any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 4. Label the property corner (set or found) at the SE corner of Lot 3B. 5. Correct the distance labels shown on the eastern property line of Lot 3B. 6. Remove the existing improvements shown that are not needed for the Subdivision Plat. Some of the information shown as existing on adjacent Lots 1A and 2A do not exist, and the new Regions Bank is not shown. Also, the access drive from Sage Avenue (Lot 3A) is not shown.);*
- 2) **placement of a note on the final plat stating that Lot 3A is limited to two curb-cuts onto Sage Avenue, with the second new curb-cut to be right in, right out only, and to be located South of the existing easement curb-cut,**

- with the size, design and exact location to be approved by Traffic Engineering and to comply with AASHTO standards;
- 3) depiction and labeling of the 25-foot minimum building setback line on the Final Plat;
 - 4) labeling of the lot size in square feet on the Final Plat;
 - 5) 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;
 - 6) compliance with Traffic Engineering comments: (*Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Be prepared to show how the drive-thru stack intersecting the parking lot will be controlled (signage) with the Land Disturbance permit application.*);
 - 7) compliance with Fire comments: (*All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile*);
 - 8) submission of two copies of the revised PUD site plan prior to the signing of the Final Plat; and
 - 9) recording of the Final Plat prior to any request for permits.

The motion carried unanimously.

Case #ZON2013-01366 (Planned Unit Development)

Northside Ltd/Joint Venture Subdivision, Resubdivision of and Addition to Lot 3A

19 North Sage Avenue

(West side of North Sage Avenue, 155'± North of Dauphin Street extending West to the North side of Dauphin Street, 199'± West of North Sage Avenue).

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

Council District 1

(Also see, **Case #SUB2013-00056 (Subdivision) Northside Ltd/Joint Venture Subdivision, Resubdivision of and Addition to Lot 3A** above)

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

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

- 1) revision of the site plan to depict a 25-foot minimum building setback;
- 2) compliance with Engineering comments: (*1. Add a note to the PUD drawing that states: Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile*

Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. Add a note to the PUD drawing that states: Any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. The existing detention facility will need to have its volume capacity and functionality verified by a licensed PE. 3. A complete set of construction plans for the site work – including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. 4. Must comply with the following Engineering Department Policy Letters: 1) 5-13-2009 Policy Letter (Car wash drains and dumpster pads to drain to Sanitary Sewer system), and 2) 8-4-2004 Policy Letter (video inspection of new Storm Sewer System Piping.);

- 3) placement of a note on the site plan stating that Lot 3A is limited to two curb-cuts onto Sage Avenue, with the second new curb-cut to be right in, right out only, and to be located South of the existing easement curb-cut, with the size, design and exact location to be approved by Traffic Engineering and to comply with AASHTO standards;
- 4) revision of the site plan to depict lighting of the parking area in compliance with Sections 64-4.A.8. of the Zoning Ordinance;
- 5) labeling of the lot size in square feet on the site plan;
- 6) placement of a note on the site plan stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
- 7) compliance with Traffic Engineering comments: (*Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Be prepared to show how the drive-thru stack intersecting the parking lot will be controlled (signage) with the Land Disturbance permit application.*);
- 8) compliance with Fire comments: (*All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile*); and
- 9) submission of two copies of the revised PUD site plan prior to the signing of the Final Plat

The motion carried unanimously.

Case #SUB2013-00057 (Subdivision)

University Crossing Subdivision, Resubdivision of Lots 1 & 2

West side of University Boulevard, ¼ ± mile South of Old Shell Road.

Number of Lots / Acres: 2 Lots / 2.1± Acres

Engineer / Surveyor: The Coleman Engineering Group of McCrory & Williams

Council District 6

(Also see, **Case #ZON2013-01367 (Planned Unit Development) University Crossing Subdivision, Resubdivision of Lots 1 & 2** below)

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

Darryl Russell, McCrory & Williams, spoke on behalf of the applicant. He stated that a previous Subdivision granted full access between the lots.

Ms. Bergin, Traffic Engineering, stated that she was in agreement with that.

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

- 1) **compliance with Engineering comments:** *(The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). 3. Add a note to the plat stating that any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII.);*
- 2) **depiction and labeling of the 25-foot minimum building setback line on the Final Plat;**
- 3) **labeling of the lot size in square feet on the Final Plat;**
- 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) **compliance with Traffic Engineering comments:** *(Access to University Boulevard is limited to one right-in, right-out only and one full access driveway between the traffic signal access point and the northern limits of the property in this PUD. The full access driveway to be located as the northernmost driveway. Driveway design to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 6) **compliance with Fire comments** *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile);*

- 7) **compliance with Urban Forestry comments:** (*Preservation status is to be given to the 60" Live Oak Tree located on the East side of Lot 3. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.*);
- 8) **submission of two copies of the revised PUD site plan prior to the signing of the Final Plat; and**
- 9) **recording of the Final Plat prior to any request for permits.**

The motion carried unanimously.

Case #ZON2013-01367 (Planned Unit Development)

University Crossing Subdivision, Resubdivision of Lots 1 & 2

West side of University Boulevard, ¼ ± mile South of Old Shell Road.

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow multiple buildings on a single building site along with shared access between three lots.

Council District 6

(Also see, **Case #SUB2013-00057 (Subdivision) University Crossing Subdivision, Resubdivision of Lots 1 & 2** above)

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

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

- 1) **revision of the site plan to depiction of a 25-foot minimum building setback;**
- 2) **compliance with Engineering comments:** (*1. Add a note to the PUD drawing that states: Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. Add a note to the PUD drawing that states: Any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. The existing detention facility will need to have its volume capacity and functionality verified by a licensed PE. 3. A complete set of construction plans for the site work – including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. 4. Must comply with the following*

Engineering Department Policy Letters: 1) 5-13-2009 Policy Letter (Car wash drains and dumpster pads to drain to Sanitary Sewer system), and 2) 8-4-2004 Policy Letter (video inspection of new Storm Sewer System Piping.);

- 3) revision of the site plan to illustrate a residential buffer compliant with Section 64-4.D.1. of the Zoning Ordinance along the Southern property line;
- 4) labeling of the lot size in square feet on the site plan;
- 5) compliance with the Section 64-4.A.3.c in regards to the lighting requirements of the Ordinance;
- 6) placement of a note on the site plan stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
- 7) compliance with Traffic Engineering comments: *(Access to University Boulevard is limited to one right-in, right-out only and one full access driveway between the traffic signal access point and the northern limits of the property in this PUD. The full access driveway to be located as the northernmost driveway. Driveway design to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 8) compliance with Fire comments *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile);*
- 9) compliance with Urban Forestry comments: *(Preservation status is to be given to the 60" Live Oak Tree located on the East side of Lot 3. Any work on or under this tree is to be permitted and coordinated with Urban Forestry removal to be permitted only in the case of disease or impending danger.);* and
- 10) submission of two copies of the revised PUD site plan prior to the signing of the Final Plat.

The motion carried unanimously.

Case #SUB2013-00059 (Subdivision)

Pinebrook Shopping Center Subdivision

3950-A Airport Boulevard

3950, 3952, 3954, 3958, 3960, 3962, 3964, 3966, 3968, 3972 Airport Boulevard and 271, 273, 275, 277, 279, 281 and 283 South McGregor Avenue
(Northwest corner of Airport Boulevard and McGregor Avenue).

Number of Lots / Acres: 3 Lots /15.4± Acres

Engineer / Surveyor: Rowe Surveying & Engineering Co., Inc.
Council District 5

(Also see, **Case #ZON2013-01372 (Planned Unit Development) Pinebrook Shopping Center Subdivision**, **Case #ZON2013-01371 (Rezoning) Pinebrook Investment, LLC**, and **Case #ZON2013-00942 (Sidewalk Waiver) (Holdover) Pinebrook Investments, LLC** below)

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

Phillip Burton, Pinebrook Investment, spoke on his own behalf and made the following points:

- A. has been meeting with multiple property owners, some across the street of Airport and some in the subdivision of Wimbledon Park;
- B. seems that the biggest issue with the surrounding neighbors is the buffer area in the northwestern corner;
- C. the buffer area is 10 feet in the PUD that approved in November of 2012;
- D. has provided an alternate site plan that more the doubles the buffer area in the northwest corner;
- E. the critical path item is the Stein Mart expansion;
- F. the project is very sequential.

Steven Harvey, McDowell Knight Law Firm, spoke on behalf of the applicant and made the following points:

- A. based on the approval of the PUD in November 2012 Pinebrook has entered into leases, most particularly a lease with Whole Foods;
- B. these leases require a certain number of minimum parking spaces and the parking in the back is required to meet those minimums otherwise the leases will be violated;
- C. applicant has spent hundred of thousand of dollars on legal fees;
- D. applicant has already started construction.

Mr. Olsen stated that there is a fairly significant buffer that is to remain in its natural vegetative state.

Mr. Burton added that it is his intention to leave whatever natural vegetation that exist and does interfere with what he has to put in parking wise.

Mr. Turner asked if there are a number of trees that have to be cut in order to provide that parking.

Mr. Burton responded that he could not answer that question; but he knew it was a lot of underbrush.

Maury Friedlander, 740 Museum Drive, spoke on behalf of Mr. & Mrs. James Mostellar who are residents of Wimbledon Park Subdivision. He stated that they were in agreement that the buffer will be a minimum of 25 feet. They also request that a note on the plat states that no foliage within the buffer zone will be disturbed.

The following people spoke in opposition to the matter:

- Chad Brown, 208 Wimbledon Park Mobile;
- Ray Collins, 216 Wimbledon Park Mobile;

- Dawn Davis, 3985 Wimbledon Park Mobile;

They made the following points against the application:

- A. buffer has protected against noise, light and ect.;
- B. it also blocks out noise from Airport Boulevard;
- C. appraisers have stated that the deteriorate of that tree buffer will have a negative impact on the value of their homes;
- D. the proposed parking spots are in excess of the zoning ordinance requirements;
- E. no one is opposition of the development of Pinebrook;
- F. they would like the entire tree buffer to be preserved;
- G. believes that the tree buffer will maintain the harmony and the character of the residential development that the neighbors have enjoyed;
- H. does not have an issue with the use of the parking spaces;
- I. giving most of the tree line will make it difficult to enjoy the property and their homes;
- J. fearful of erosion without the vegetation;
- K. very excited about Whole Foods coming in;
- L. can coexist with grocery stores and the noise because of the buffer;
- M. no wall or fence will replace the natural buffer;
- N. the buffer has been their since Pinebrook was first developed;
- O. very few of the employees currently use the parking behind the development;

Mr. Turner asked that since the developer has proposed a 25ft buffer, will that be enough vegetation to satisfy the residents.

Mr. Brown responded that it is a significant improvement, but there will be some residents that will be profoundly impacted in a negative manner.

Mr. Turner then asked if the buffer was maintained as it is today, how many parking spaces would be affected.

Mr. Brown stated that he could not answer that however, Mr. Collins is estimating 8 spaces.

Mr. Gant asked Mr. Burton if he left the entire buffer would it affect any leasing agreements.

Mr. Burton responded that it would violate the leases he has in place.

Mr. Gant asked Mr. Collins if he could build a buffer zone on his own property.

Mr. Collins responded that his home sits right on the property line.

In rebuttal, Mr. Harvey responded that Pinebrook has been a good neighbor and wants to continue to be a good neighbor but they cannot give anymore. The parking spaces are a

necessity; Whole Foods may only need a certain number of employee parking spaces but they are other businesses that need employee parking as well. He added that the ordinance may only require 731 parking spaces, but that is what is required. The code wants you to have at least that many; that doesn't mean that is how many the shopping center needs. He then noted that the shopping center has helped Mr. Collins in the past. When Mr. Collins built his home right up to the property line, to the point that he could not get around his house to make repairs. In fact, Mr. Collins's roof hangs over the property line. So, the shopping center granted him a 5 foot easement; he even signed a perpetual easement. The easement stated that Mr. Collins would not object or attempt to prohibit the shopping center from any future zoning change or any future attempted modification of the use of the shopping center. So, he is contractually committed not to object to anything. Mr. Collins also agrees in the easement that the shopping center will have the right to build and use the surface of the easement area for drainage ditches, streets, roads, alleys, and parking areas.

Mr. Collins stated that he did not have a choice on the easement he had to have a way to get around his home to do updates.

Mr. Williams suggested that the developer get with the residents and allow the residents to plant trees within the gaps in the buffer.

Mr. Olsen stated that the developer already had a note that stated that existing vegetative buffer to remain with fill planting as necessary.

In deliberation, Mr. Turner stated that he felt as if the developer had done a great job trying to accommodate the neighbors; he added that he also felt like the developer would have given even more if they had not already entered into a contractual agreement.

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

- 1) **Compliance with Engineering comments:** *"The following comments should be addressed prior to review, acceptance and signature by the City Engineer:*
 1. *Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes).*
 2. *Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045).*
 3. *Add a note to the plat stating that any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).*
 4. *Complete the ROW vacation process and show the recording*

data for approved ROW and/or easement vacation(s). 5. Dedicate the required ROW along McGregor Ave (Lot A) or show the recent recording data.”:

- 2) **Compliance with Traffic Engineering comments:** *“Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Owner/Developer is responsible for constructing all improvements as indentified in the traffic study completed in 2012;”*
- 3) **Compliance with Fire comments:** *“All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;”*
- 4) **Placement of a note on the Final Plat stating that Curb-cuts to McGregor Avenue and Airport Boulevard limited to an approved Planned Unit Development plan, with minimal adjustments to the size, design, and location to be approved by Traffic Engineering, Planning and Engineering, and to comply with AASHTO standards;**
- 5) **Vacation of the Airport Boulevard service road right-of-way prior to the recording of the Final Plat;**
- 6) **Revision of the plat to reflect dedication along McGregor Avenue, and vacation of right-of-way along Airport Boulevard; and**
- 7) **Revision of the lot sizes due to right-of-way dedication along McGregor and right-of-way vacation along Airport Boulevard; and**
- 8) **Submission of a revised PUD site plan prior to the signing of the Final Plat.**

The motion carried unanimously.

Case #ZON2013-01372 (Planned Unit Development)

Pinebrook Shopping Center Subdivision

3950-A Airport Boulevard

3950, 3952, 3954, 3958, 3960, 3962, 3964, 3966, 3968, 3972 Airport Boulevard and 271, 273, 275, 277, 279, 281 and 283 South McGregor Avenue

(Northwest corner of Airport Boulevard and McGregor Avenue).

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow shared access and parking between multiple building sites.

Council District 5

(Also see, **Case #SUB2013-00059 (Subdivision) Pinebrook Shopping Center Subdivision** above and **Case #ZON2013-01371 (Rezoning) Pinebrook Investment, LLC**, and **Case #ZON2013-00942 (Sidewalk Waiver) (Holdover) Pinebrook Investments, LLC** below)

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

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

- 1) **Limited to the revised PUD site plan submitted on July 11, 2013;**

- 2) Provision of a minimum 25-foot natural vegetative buffer along the northern portion of the site, with infill planting to be approved by staff, between the western boundary of the existing detention pond West, to the North and Western boundary of the property;
- 3) The provision of overstory and understory trees, at a minimum, as depicted on the site plan;
- 4) Removal of any existing trees in the right-of-way to be via appropriate approvals, including the Mobile Tree Commission;
- 5) Compliance with Engineering comments: *“1. Add a note to the PUD drawing that states: Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. Add a note to the PUD drawing that states: Any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. The existing detention facility will need to have its volume capacity and functionality verified by a licensed PE. 3. A complete set of construction plans for the site work – including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. 4. Must comply with the following Engineering Department Policy Letters: 1) 5-13-2009 Policy Letter (Car wash drains and dumpster pads to drain to Sanitary Sewer system), and 2) 8-4-2004 Policy Letter (video inspection of new Storm Sewer System Piping). 5. Parking spaces are not allowed within a Public ROW. Applicant must complete the vacation process for the portion of the Airport Blvd ROW, or request that the proposed parking spaces be approved by the City through a ROW agreement. 6. Any ROW and/or easement that is proposed to be vacated must be approved by the City Council. A vacation request would be submitted through the City Clerk’s office. 7. All dumpster pads shall be located so that the surface runoff within the dumpster pad is collected and tied to the Sanitary Sewer system prior to the issuance of a Certificate of Occupation.”;*
- 6) Compliance with Traffic Engineering comments: *“Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Owner/Developer is responsible for constructing all improvements as identified in the traffic study completed in 2012”;*
- 7) Compliance with Fire comments: *“All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile”;*
- 8) Curb-cuts to McGregor Avenue and Airport Boulevard limited to an approved Planned Unit Development plan, with minimal adjustments to the

- size, design, and location to be approved by Traffic Engineering, Planning and Engineering, and to comply with AASHTO standards;
- 9) Provision of a buffer in compliance with Section 64-4.D.1. of the Zoning Ordinance, where the site abuts residential districts;
 - 10) New dumpsters to be installed in compliance with Section 64-4.D.9. of the Zoning Ordinance;
 - 11) New lighting on the site to comply with Sections 64-4.A.2., 64-6.A.3.c. and 64-6.A.8. of the Zoning Ordinance;
 - 12) Vacation of the Airport Boulevard service road right-of-way prior to the recording of the Final Plat;
 - 13) The marking and signing of the service drive to be one-way in from Airport Boulevard and one-way out (with "do not enter" signs) where the service drive rejoins the parking and circulation at the Northeast portion of the site;
 - 14) Submission of a revised PUD site plan prior to the signing of the Final Plat; and
 - 15) Full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2013-01371 (Rezoning)

Pinebrook Investment, LLC

3950-A Airport Boulevard

3950, 3952, 3954, 3958, 3960, 3962, 3964, 3966, 3968, 3972 Airport Boulevard and 271, 273, 275, 277, 279, 281 and 283 South McGregor Avenue (Northwest corner of Airport Boulevard and McGregor Avenue).

Rezoning from B-2, Neighborhood Business District, and B-3, Community Business District, to B-2, Neighborhood Business District to eliminate split zoning.

Council District 5

(Also see, **Case #SUB2013-00059 (Subdivision) Pinebrook Shopping Center Subdivision** and **Case #ZON2013-01372 (Planned Unit Development) Pinebrook Shopping Center Subdivision** above and **Case #ZON2013-00942 (Sidewalk Waiver) (Holdover) Pinebrook Investments, LLC** below)

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

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

- 1) **Limited to an approved Planned Unit Development;**
- 2) **Completion of the Subdivision process; and**
- 3) **Full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2013-00942 (Sidewalk Waiver) (Holdover)

Pinebrook Investments, LLC

3952, 3954, 3958, 3960, 3962, 3964, 3966, 3968, 3972, Airport Boulevard and 271, 273, 275, 277, 279, 281, 283 S McGregor Avenue).

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

Council District 5

(Also see, Case #SUB2013-00059 (Subdivision) **Pinebrook Shopping Center Subdivision**, Case #ZON2013-01372 (Planned Unit Development) **Pinebrook Shopping Center Subdivision**, and Case #ZON2013-01371 (Rezoning) **Pinebrook Investment, LLC** above)

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

Phillip Burton, Pinebrook Investments, LLC, spoke on his own behalf. He stated that he is not trying to invite pedestrian traffic along Airport Boulevard; and he has increased the sidewalks along the store fronts to invite traffic to walk the property as opposed to walking along Airport Boulevard.

Mr. Turner stated that there is sidewalk provided in front of the Regions Bank and he felt like it is very useful. He added that he felt like sidewalk all the way up that line would be useful.

In deliberation, Mr. Williams stated that he felt like before the Commission decides to deny the waiver that all Commission members should take a chance to go out there and look at the site. He added that visitors could be encouraged to walk another path by developing a different sidewalk path or encourage them by a rail.

Mr. Watkins stated that he also had reservations about placing a sidewalk along Airport Boulevard; he added that he would like to see an ability to tie the bus stop into the west corner of the shopping center.

Hearing no further opposition or discussion, a motion was made by Mr. Watkins, with second by Mr. Turner, to approve sidewalk waiver along McGregor Avenue.

The motion carried unanimously.

The Chair announced the sidewalk waiver along Airport Boulevard had been recommended for denial. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no further opposition or discussion, a motion was made by Mr. Turner, with second by Dr. Rivizzigno, to deny the sidewalk waiver along Airport Boulevard.

The motion was denied.

Hearing no further opposition or discussion, a motion was made by Mr. Williams, with second by Mr. Gant, to approve the sidewalk waiver along Airport Boulevard, except between the West property line and the western side of the proposed signalized intersection.

The motion carried

OTHER BUSINESS:

1. **Call for Public Hearing September 5, 2013 to consider an amendment to the Zoning Ordinance which would create a new type of use in the Chart of Permitted Uses to allow Outdoor Storage Yards with Aggregate Surfaces in B-5, I-1, and I-2 by right, and B-3 with Planning Approval;**

The chair announced the date of the Public Hearing.

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Mr. Williams, to hold the Public Hearing on September 5, 2013.

The motion carried unanimously.

2. **Call for Public Hearing September 5, 2013 to consider an amendment to the Zoning Ordinance which would amend the Sign Regulations to allow refacing of signs in certain circumstances to be done without a permit; and amend standards for menu board signs.**

The chair announced the date of the Public Hearing.

Hearing no opposition or further discussion, a motion was made by Mr. Turner, with second by Dr. Rivizzigno, to hold the Public Hearing on September 5, 2013.

The motion carried unanimously.

Hearing no further business, the meeting was adjourned.

APPROVED: November 7, 2013


Dr. Victoria Rivizzigno, Secretary


Terry Planché, Chairman

/jpw