

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF AUGUST 4, 2011 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Terry Plauche, Chairman  
Stephen J. Davitt, Jr.  
Nicholas H. Holmes, III  
Herb Jordan  
Mead Miller  
John Vallas  
James F. Watkins, III

**Members Absent**

William G. DeMouy, Jr.  
Victoria L. Rivizzigno, Secretary  
Roosevelt Turner

**Urban Development Staff Present**

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

**Others Present**

John Lawler,  
Assistant City Attorney  
George Davis,  
City Engineering  
Jennifer White,  
Traffic Engineering  
Marybeth Bergin,  
Traffic Engineering  
District Chief Billy Roach,  
Fire and 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.

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.

**HOLDOVERS:**

**Case #SUB2011-00062 (Subdivision)**

**Grandview Apartments Subdivision**

6151 Marina Drive

(East side of Marina Drive South at the mouth of Dog River)

Number of Lots / Acres: 2 Lots / 16.1± Acres

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

Council District 4

(Also see **Case #ZON2011-01447 (Planned Unit Development) Grandview Apartments Subdivision**, and, **Case #ZON2011-01495 (Rezoning) Dog River Venture, LLC**, below)

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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. Davitt, with second by Mr. Vallas, to waive Section V.D.2. of the Subdivision Regulations regarding the 60-foot minimum frontage requirement for Lot 2 and approve the above referenced matter, subject to the following conditions:

- 1) **retention of the 25-foot minimum building line along all public right-of-way frontages on the Final Plat;**
- 2) **retention of the lot area size labeling, in square feet, on the Final Plat;**
- 3) **placement of a note on the Final Plat stating that Lot 2 is limited to one curb-cut to Bay Road North, with size, design, and exact location to be approved by County Engineering and conform to AASHTO standards whenever such time as Bay Road North is constructed to County Paved Road Standards as evidenced by certification from the County Engineer.**
- 4) **placement of a note on the Final Plat stating that Lot 1 is limited to the existing curb-cut to Marina Drive South with size, design, and exact location to be approved by County Engineering and conform to AASHTO standards;**
- 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; and,**
- 6) **compliance with Engineering comments: *“The majority of the site is located in the VE flood zone and the remainder of the property is located in the AE flood zone. On each lot, show required Minimum Elevation for the lowest horizontal structural member on the plat. There is to be no structural fill placed within the limits of the VE flood zone, therefore any proposed buildings will require pile foundations. There is to be no fill placed within the limits of the VE zone and any proposed development will require a No Rise Certificate or an approved Flood Study. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.”***

The motion carried unanimously.

**Case #ZON2011-01447 (Planned Unit Development)**

**Grandview Apartments Subdivision**

6151 Marina Drive

(East side of Marina Drive South at the mouth of Dog River)

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

Council District 4

(Also see **Case #SUB2011-00062 (Subdivision) Grandview Apartments Subdivision**, above, and, **Case #ZON2011-01495 (Rezoning) Dog River Venture, LLC**, below)

Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant. He noted they were in agreement with all of the conditions for approval with the exception of the second one, which called for appropriate enclosures and connections to sanitary sewer. He noted that due to the current construction of the project such a condition was not currently necessary or prudent. He noted that his client would agree to any appropriate and necessary enclosures and/or connections to a sanitary sewer at such time as City Engineering required it, but currently City Engineering did not require it.

Mr. Olsen noted that as City Engineering had made no objection to Mr. Dagley's proposal, staff was in agreement with that change.

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

- 1) completion of the rezoning process;**
- 2) revision of the site plan to indicate the location of dumpsters, with appropriate enclosures and connections to the sanitary sewer – if/when required by City Engineering, or placement of a note on the site plan indicating that garbage removal will be by curbside pickup;**
- 3) placement of a note on the site plan that access to Bay Road North is denied until such time as Bay Road North is constructed to county paved road standards as evidenced by a certification from the County Engineer;**
- 4) any gated access to Bay Road North, if properly constructed, will require submittal of a PUD to review the access and queuing spaces;**
- 5) 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;**
- 6) compliance with Engineering comments: *“The majority of the site is located in the VE flood zone and the remainder of the property is located in the AE flood zone. On each lot, show***

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*required Minimum Elevation for the lowest horizontal structural member on the plat. There is to be no structural fill placed within the limits of the VE flood zone, therefore any proposed buildings will require pile foundations. There is to be no fill placed within the limits of the VE zone and any proposed development will require a No Rise Certificate or an approved Flood Study. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer” and,*

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

The motion carried unanimously.

**Case #ZON2011-01495 (Rezoning)**

**Dog River Venture, LLC**

6151 Marina Drive

(East side of Marina Drive South at the mouth of Dog River)

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

Council District 4

(Also see **Case #SUB2011-00062 (Subdivision) Grandview Apartments Subdivision**, and, **Case #ZON2011-01447 (Planned Unit Development) Grandview Apartments Subdivision**, above)

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

- 1) **subject to an approved Planned Unit Development; and,**
- 2) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2011-01556 (Sidewalk Waiver)**

**Hill Forest, LLC: David G. Sumrall**

1900 Shelton Beach Road Extension

(East side of Shelton Beach Road, ½± mile North of Moffett Road)

Request to waive construction of a sidewalk along Shelton Beach Road Extension.

Council District 1

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

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David Sumrall, 33 Inverness Center Parkway, Suite LL-130, Birmingham, AL, spoke on his own behalf and made the following points in favor of approving the matter that day:

- A. noted the location of a deep ditch which ran right between Shelton Beach Road and the proposed apartment complex;
- B. expressed concern the ditch in question created a safety issue for pedestrians;
- C. noted the existence of an existing vegetative buffer between Shelton Beach Road and the proposed apartment complex's fence and stated their desire to keep said buffer in place as it helped to shield the apartment complex from the traffic of Shelton Beach Road;
- D. noted the existing vegetative buffer was also aesthetically appealing due to the number of trees existing within said buffer and the desire not to lose any of said trees; and,
- E. acknowledged the attractiveness of the vegetative buffer but noted said buffer might create personal safety issues for pedestrians due to its density.

Mr. Olsen responded with the following points:

- A. after the dedication of required right-of-way was accomplished, there should be enough space to safely place a sidewalk in between the ditch and the apartment fence;
- B. reminded the Commission that sidewalks were seen as "links in the chain" in making Mobile a more walk-able, pedestrian friendly community and that waiving sidewalks not only removed sections of the "chain" but also set the precedent of waiving additional sections of said "chain;" and,
- C. noted that Engineering had not determined a sidewalk could not be constructed in the area.

Mr. Daugenbaugh, Urban Forestry, noted based upon the submitted plans, the existence of small pine and oak trees which could easily be removed with a Mobile Tree Commission permit. He also expressed his belief that a sidewalk could be constructed in the area though it might not be a standard, straight sidewalk.

Upon hearing this, Mr. Sumrall asked if the matter could be held over to allow Engineering and Urban Forestry the opportunity to visit the site so they could see the issues of concern.

In deliberation, Mr. Davitt noted his concern regarding safety issues he saw in requiring the applicant to build a sidewalk in the area due to the ditch located in close proximity to the proposed sidewalk's location. He also noted concern over the trees and other

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vegetation located in that area and expressed his concern that they might add to the public safety issues.

Mr. Watkins agreed with Mr. Davitt's position and noted as well his concern for the safety of individuals who might walk in that area as he felt the trees and vegetation would provide the opportunity for individuals to hide and potentially do harm to anyone walking along that portion of sidewalk.

Hearing no opposition or further discussion, a motion was made by Mr. Miller, with second by Mr. Holmes, to hold the matter over until the September 1, 2011, meeting.

The motion carried with Mr. Davitt and Mr. Watkins voting in opposition.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2011-00071**

**Bruce Place Subdivision**

7480 Old Shell Road

(Northeast corner of Old Shell Road and Fairway Avenue)

Number of Lots / Acres: 1 Lot / 1.5± Acre

Engineer / Surveyor: Haidt Land Surveying

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.

Fred Haidt, Haidt Land Surveying, spoke on behalf of the applicant and stated they were in agreement with all conditions for approval with the exception of Condition 7, which called for no direct access to Fairway Avenue. He then noted based upon the size of the lot and the planned commercial nature of the development, denying access to Fairway Avenue would create traffic problems within the site.

Jennifer White, Traffic Engineering, noted her department's concern over how the requested curb-cut would fit on Fairway Avenue, as well as its impact on the residential properties located there. She added Traffic Engineering would want to some definite answers regarding placement and control of access and egress to Fairway Avenue from the requested curb-cut.

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

- 1) **depiction of the 25-foot minimum building setback line along all right-of-way frontages;**
- 2) **the labeling of the lot with its size in square feet and acres, or placement of a table on the plat with the same information;**

- 3) compliance with Engineering comments: *“Dedication of ROW at the intersection of Fairway Ave and Old Shell Rd required, 25’ minimum radius. Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.”*
- 4) 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.
- 5) approval of all applicable federal, state, and local agencies prior to the issuance of any permits or land disturbance activities;
- 6) placement of a note on the Final Plat limiting the development to one curb-cut to Old Shell Road, with the size, design, and location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 7) placement of a note on the Final Plat stating the development is limited to one gated curb cut (left exit only) to Fairway Avenue, to be approved by Traffic Engineering and conform to AASHTO standards;
- 8) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities; and,
- 9) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2011-00074**

**Woodberry Forest Additions Subdivision**

Northwest corner of Air Terminal Drive and Grelot Road.

Number of Lots / Acres: 2 Lots / 45.0± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. 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. Davitt, with second by Mr. Holmes, to approve the above referenced matter, subject to the following conditions:

- 1) depiction of the 25' minimum building setback line along all street frontages as shown on the preliminary plat;
- 2) placement of a note on the Final Plat stating that the location, size, and design of all curb-cuts are to be approved by County Engineering and conform to AASHTO standards;
- 3) labeling of each lot with its size in acres, or the furnishing of a table on the Final Plat providing the same information;
- 4) placement of a note on the Final Plat stating the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;
- 5) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for wetland and floodplain issues, prior to the issuance of any permits or land disturbance activities;
- 6) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species; and,
- 7) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations.

The motion carried unanimously.

**Case #SUB2011-00077**

**Audubon Cove Subdivision, Re-subdivision of Lots 8 & 9**

South side of Higgins Road, 225'± West of Belle Isle Lane.

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

Engineer / Surveyor: Don Williams Engineering

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. Davitt, with second by Mr. Holmes, to approve the above referenced matter, subject to the following



conditions:

- 1) revision of the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the final plat providing the same information;
- 2) revision of the plat to illustrate the 25' minimum building setback line along Higgins Road;
- 3) placement of a note on the Final Plat stating that each lot is limited to one curb-cut to Higgins Road, 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 the approval of all applicable federal, state, and local agencies would be required for floodplain and wetland issues prior to the issuance of any permits or land disturbance activities;
- 5) placement of a note on the Final Plat stating that development of this site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species; and,
- 6) subject to the Engineering Comments: *“Show Minimum Finished Floor Elevation on each lot on Plat. There is to be no fill placed within the limits of the flood plain without providing compensation. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.”*

The motion carried unanimously.

**NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:**

**Case #ZON2011-01694**

**Nick Catranis & Louis Ladas**

3762-3766 Airport Boulevard

(North side of Airport Boulevard Service Road, 102' ± East of Lleyn Avenue)

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow additional parking spaces to accommodate a restaurant.

Council District 5

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

Frank Dagely, Frank A. Dagley and Associates, spoke on behalf of the applicants and made the following points in favor of approving the matter:

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- A. the property in question was owned by his clients and not by the adjacent commercial property owners and inasmuch his clients had a right to proceed with the development of their property without the interference of the adjacent commercial property owner;
- B. did not believe that additional parking was necessary as the applicant did not plan on adding any additional seating area as the applicants saw the development as a grocery store that prepared food, not as a restaurant;
- C. expressed the opinion that forcing his clients to wait on their development so that it might be included with the pending development of the adjacent commercial property created an unnecessary hardship for his clients; and,
- D. as his clients' new development would "stand alone," it had been submitted appropriately and should be approved as it was submitted.

John Sullivan, 3767 Swansea Drive, Mobile, AL, spoke in opposition to the matter, stating he and some of his neighbors had not received any notice of the pending subdivision other than a few signs posted in the area.

Mr. Olsen and Mr. Palombo, after reviewing the file, noted that Mr. Sullivan was correct and there seemed to be an issue with proper notification of property owners as required by the Ordinance, which meant the matter could not be heard that day. They also reminded the Commission that Planned Unit Developments were site plan specific and that any modification to a pre-approved PUD required the submission of a new application to amend the entire Planned Unit Development. They noted that a PUD regarding all of the properties accessing the site in question was before the Commission that day and stood beside their recommendation that the matter currently being discussed be held over and included with the Llanfair PUD.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Davitt, to hold the application over to the September 1, 2011, meeting, so the site could be incorporated into the Llanfair PUD.

The motion carried unanimously.

**NEW PLANNING APPROVAL APPLICATIONS:**

**Case #ZON2011-01699**

**The Wooden Boat Ministry**

360 Rapier Street

(Northwest corner of Rapier Avenue and Texas Street)

Planning Approval to allow a Boat Building Apprenticeship Christian Ministry in an R-1, Single-Family Residential District of the Oakleigh Garden Historic District.

Council District 2

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

Jonathan Stebbins, president and founder, The Wooden Boat Ministry, spoke on his own behalf. He noted that on Monday, August 1, 2011, he had been before the Board of Zoning Adjustment on this matter and they had held it over until the September 12, 2011, meeting, to allow him more time to determine how the residents in the area felt about his plan.

Mr. Miller noted how commendable he found the applicant's plan, however, he conceded there needed to be more information in the hands of the staff and the Commission to make an informed decision on the matter. He also noted his agreement with the Board of Zoning Adjustment in holding the matter over so the applicant could determine how the neighboring residents felt about the matter as well as how the applicant planned on addressing the off-site parking.

Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Vallas, to hold the matter over until the September 1, 2011, meeting, so that the following additional information could be provided by August 12, 2011:

- 1) information regarding which sites will be used for off-site parking, and how much off-site parking will be provided;**
- 2) provision of a detailed scope of activities that will occur at the site which covers all activities proposed; and,**
- 3) to allow the applicant time to meet with residents of the neighborhood to discuss the proposed use.**

The motion carried unanimously.

**GROUP APPLICATIONS:**

**Case #SUB2011-00072 (Subdivision)**

**TBG Subdivision**

1452 Government Street

(Northeast corner of Government Street and Etheridge Street, extending to the Northwest corner of Government Street and South Lafayette Street)

Number of Lots / Acres: 1 Lot / 1.0± Acre

Engineer / Surveyor: Joel K. Garrett

Council District 2

(Also see **Case #ZON2011-01681 (Rezoning) The Broadway Group**, below)

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

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

Jacob Dosshurer, The Broadway Group, 132 Holmes Avenue NW, Huntsville, AL, spoke on behalf of the applicant. He noted the opposition to the proposed development but added the client was very willing to compromise to develop the property in such a way as to be a good neighbor. He stated they were not in the area to upset the neighboring residents or to “railroad” their wants regarding the development.

The following people spoke against the matter:

- Renee Powell, 103 Etheridge Street, Mobile, AL, representing the Etheridge Street neighbors;
- Steve Norman, 23 South Lafayette Street, Mobile, AL, representing the South Lafayette Street neighbors;
- Renee Williams, president of the Old Dauphin Way Neighborhood Association; and,
- William Carroll, 254 South Broad Street, Mobile, AL, District 2 Council person.

They made the following points against it:

- A. the area in question was very residential in character;
- B. the current owner of the property did not take care of the property but left it to be done by the adjacent neighbors;
- C. as the current owner cared so little for the property or the neighbors, how could they expect a new, big box owner to be concerned over the negative impact their proposed commercial development would have on the neighboring, historic communities;
- D. noted there was no need for a new Dollar General store as there was one approximately two blocks from the location

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- of the proposed new Dollar General Store;
- E. expressed concern the business would be too disruptive to the neighborhoods involved, citing not only all of the residential properties, but the number of churches located near the site;
  - F. expressed concern over the increase in traffic the proposed development would cause and how it would impact the safety of the children who attended Leinkauf Elementary School;
  - G. noted the proposed development was located within one historic neighborhood and adjacent to at least one more historic neighborhood;
  - H. asked the Commission to preserve the historic nature and integrity of those neighborhoods;
  - I. noted that the constituency of the area did not like nor want the proposed development;
  - J. noted the proposed development did not fit the character or architecture of the neighborhood;
  - K. presented a number of letters and petitions from neighboring residents against the matter; and,
  - L. noted the developers had quoted form based code as the model for this development however, this was definitely not a development based on form based code.

In deliberation, it was noted by the Commissioners the extreme opposition shown to the project, not only by the neighbors, but also by the staff.

Hearing no further opposition or discussion, a motion was made by Mr. Miller, with second by Davitt, to deny the matter for the following reasons:

- 1) the accompanying rezoning request is recommended for denial, and the approval of the subdivision request would result in a split-zoned lot; and,**
- 2) discrepancies between the preliminary plat and the submitted site plan may cause the subdivision, as depicted, to be changed.**

The motion carried unanimously.

**Case #ZON2011-01681 (Rezoning)**

**The Broadway Group**

1452 Government Street

(Northeast corner of Government Street and Etheridge Street, extending to the Northwest corner of Government Street and South Lafayette Street)

Rezoning from R-1, Single-Family Residential District, and R-3, Multiple Family Residential District, to LB-2, Limited-Neighborhood Business District, to allow the construction of a retail store.

Council District 2

(Also see **Case #SUB2011-00072 (Subdivision) TBG Subdivision**, above)

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

Hearing no further opposition or discussion, a motion was made by Mr. Miller, with second by Mr. Davitt, to deny the matter for the following reasons:

- 1) **the applicant failed to detail which of the four acceptable conditions for rezoning was occurring at the site;**
- 2) **none of the four acceptable conditions for rezoning are readily apparent at this site;**
- 3) **the rezoning would disrupt existing development patterns in the area; and**
- 4) **the site plan has several discrepancies which could cause the site the have to come back before the Commission for approval if it were approved .**

The motion carried unanimously.

**Case #SUB2011-00073 (Subdivision)**

**Midtown Mobile Subdivision**

1753 & 1763 Springhill Avenue, 117 & 125 Mobile Infirmary Boulevard and 1810, 1812 and 1814 Old Shell Road

(Southwest corner of Springhill Avenue and Mobile Infirmary Boulevard extending to the North side of Old Shell Road 200'± West of Mobile Infirmary Boulevard

Number of Lots / Acres: 5 Lots / 9.2± Acres

Engineer / Surveyor: Rester & Coleman Engineers, Inc.

Council District 1

(Also see **Case #ZON2011-001724 (Planned Unit Development) Midtown Mobile Subdivision**, and, **Case #ZON2011-001682 (Rezoning) Aronov Realty, Inc.**, below)

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

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

Doug Anderson, Burr and Foreman Law Firm, spoke on behalf of his client, Aronov Realty, and that based upon the staff's comments and the need for a Traffic Impact

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Study, they were in agreement with the recommended holdover.

Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Miller, to hold the matter over until the September 1, 2011, meeting, with revisions due to the Planning Section of Urban Development by noon on Friday, August 19, 2011, to address the following:

- 1) **placement of the lots area size, in square feet, on the Final Plat or provision of a table on the Final Plat with the same information;**
- 2) **placement of the 25-foot minimum building line to be depicted along all street frontages;**
- 3) **compliance with Engineering comments: *“Development of this size will require compliance with FEMA and COM Floodplain Management requirements, which includes a No Rise or Flood Study. A LOMR has been submitted and forwarded to FEMA and a CLOMR is expected due to improvements to the downstream culvert. Proposed culvert shall be in keeping with the COM Capital Project Improvement criteria and shall match the downstream culvert construction including easement width. The culvert depicted on the east side of Mobile Infirmary Blvd is the location of the old culvert. Need to depict the location of the recently constructed culvert. Also show location of existing culvert across the subject property. Approval of the size, location, and alignment of the proposed culvert and easements will be at the discretion of the City Engineer. There is a pipe discharging to the property from Old Shell Road Place that is not shown on the plans. Need to locate this pipe culvert and provide an easement. A valley ditch is required to receive and convey drainage from the adjacent lots of Old Shell Road Place to the culvert. Show Minimum Finished Floor Elevation on each lot on Plat. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer”;***
- 4) **compliance with Urban Forestry comments *“Note: Preservation status is to be given to the 50” Live Oak Tree located on the West side of Lot 2. 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. Coordinate with Urban Forestry location and design of the proposed driveway to Old Shell Road in order to minimize impact to the root systems of existing Live Oak Trees. Coordinate with Urban Forestry location and design of the access, maneuvering, and***

- parking along Spring Hill Avenue to minimize the impact to the root system of the 50" Live Oak Tree on Spring Hill Avenue right of way that is not shown on the site plan";*
- 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) **removal of the proposed Lot 5 and the inclusion of parcel R022907240004006 to be included into the proposed Lot 2; and,**
  - 7) **completion of the rezoning process.**

The motion carried unanimously.

**Case #ZON2011-001724 (Planned Unit Development)**

**Midtown Mobile Subdivision**

1753 & 1763 Springhill Avenue, 117 & 125 Mobile Infirmary Boulevard and 1810, 1812 and 1814 Old Shell Road

(Southwest corner of Springhill Avenue and Mobile Infirmary Boulevard extending to the North side of Old Shell Road, 80'± West of Mobile Infirmary Boulevard)

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

Council District 1

(Also see **Case #SUB2011-00073 (Subdivision) Midtown Mobile Subdivision**, above, and, **Case #ZON2011-001682 (Rezoning) Aronov Realty, Inc.**, below)

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

Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Miller, to hold the matter over until the September 1, 2011, meeting, with revisions due to the Planning Section of Urban Development by noon on Friday, August 19, 2011, to address the following:

- 1) **the submission of a Traffic Impact Study;**
- 2) **revision of the site plan to show ALL improvements on the site including, but not limited to: recommendations of the Traffic Impact Study and the removal of the proposed Lot 5 and the inclusion of parcel R022907240004006 to be included into the proposed Lot 2;**
- 3) **compliance with Urban Forestry comments: *“Preservation status is to be given to the 50" Live Oak Tree located on the West side of Lot 2. 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. Coordinate with Urban Forestry location and design of the proposed driveway to Old Shell Road in order to minimize impact to the***



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- root systems of existing Live Oak Trees. Coordinate with Urban Forestry location and design of the access, maneuvering, and parking along Spring Hill Avenue to minimize the impact to the root system of the 50" Live Oak Tree on Spring Hill Avenue right of way that is not shown on the site plan";*
- 4) revision of the PUD site plan to include landscaping calculations and tree locations; and,
  - 5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #ZON2011-001682 (Rezoning)**

**Aronov Realty, Inc.**

1753 & 1763 Springhill Avenue, 117 & 125 Mobile Infirmary Boulevard  
(Southwest corner of Springhill Avenue and Mobile Infirmary Boulevard)  
Rezoning from R-1, Single-Family Residential District, B-1, Buffer Business District, LB-2, Limited-Neighborhood Business District, and B-2, Neighborhood Business District, to B-2, Neighborhood Business District to eliminate split zoning and allow a retail store.

Council District 1

(Also see **Case #SUB2011-00073 (Subdivision) Midtown Mobile Subdivision**, and, **Case #ZON2011-001724 (Planned Unit Development) Midtown Mobile Subdivision**, above)

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

Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Miller, to hold the matter over until the September 1, 2011, meeting, with revisions due to the Planning Section of Urban Development by noon on Friday, August 19, 2011, to address the following:

- 1) **the submission of a Traffic Impact Study;**
- 2) **removal of the proposed Lot 5 and the inclusion of parcel R022907240004006 into the proposed Lot 2;**
- 3) **compliance with Urban Forestry comments “*Preservation status is to be given to the 50" Live Oak Tree located on the West side of Lot 2. 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. Coordinate with Urban Forestry location and design of the proposed driveway to Old Shell Road in order to minimize impact to the root systems of existing Live Oak Trees. Coordinate with Urban Forestry location and design of the access, maneuvering, and parking along Spring Hill Avenue to minimize the impact to the root system of the 50" Live Oak Tree on Spring Hill Avenue right of way that is not shown on the site plan*”; and,**

4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2011-00076 (Subdivision)**

**Airport Waffle House Subdivision**

3024 Airport Boulevard

(North side of Airport Boulevard Service Road, 490' ± West of Sage Avenue)

Number of Lots / Acres: 2 Lots / 3.5± Acres

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

Council District 5

(Also see **Case #ZON2011-01698 (Planned Unit Development) Airport Waffle House Subdivision**, below)

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

Russ Holland, Waffle House Real Estate Department, 5986 Financial Dr. Norcross, GA, spoke on behalf of the applicant and made the following points:

- A. distributed a handout which outlined Waffle House's corporate position on the matter;
- B. noted there was no agreement between Lot 1 and Lot 2 and shared parking;
- C. noted that after the subdivision process, Lot 1 and Lot 2 would "stand alone" as the applicant was requesting that there be no shared curb-cut;
- D. noted that due to the nature of the proposed cab service from Lot 2, the amount of traffic coming and going from Lot 2 would increase to such a state that shared curb-cut would create a traffic hazard, thus justifying the need for two curb-cuts;
- E. noted that Waffle House met city standards, specifically with regards to landscaping, when seen alone; noted that as Lot 2's use was only proposed and not definite, any requirements based upon such were premature and should only be enforced at such time as they became definite; and,
- F. noted the cross access between the adjacent property to the west and proposed Lot 1 had been eliminated, however, the driveway involved had to remain in order to preserve a pre-existing easement.

The following people spoke on the matter:

- Margie Wilcox, Mobile Bay Transportation, 8341 Airport

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- Boulevard, Mobile, AL; and,
- Barry Theriot, on behalf of the owner of JHA-Airone, LLC.

They made the following points:

- A. possible purchaser of Lot 2 as an option to consolidate the local Yellow Cab service with Mobile Bay Transportation service noted there was not an additional budget for all of the frontage trees currently being required;
- B. as there would be no new construction on Lot 2, expressed the belief that additional landscaping should not be required;
- C. noted that as Lot 2 was proposed for not only a cab service but additional mass transportation services, the surfacing for Lot 2 needed to be pavement; and,
- D. as representative of the adjacent neighbor to the west, a reminder was made to the Commission of the recorded easement and noted the property owner needed to be able to access the back portion of their property so the easement to same needed to remain and be recognized.

Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Watkins, to hold the matter over until the September 1, 2011 meeting so that the applicant can submit additional information by August 10, 2011 for the PUD application, and comply with the following:

- 1) **compliance with Engineering comments:** *(Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.)*

The motion carried unanimously.

**Case #ZON2011-01698 (Planned Unit Development)**

**Airport Waffle House Subdivision**

3024 Airport Boulevard

(North side of Airport Boulevard Service Road, 490'± West of Sage Avenue)

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

Council District 5

(Also see Case #SUB2011-00076 (Subdivision) **Airport Waffle House Subdivision**, above)

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

Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Watkins, to hold the matter over until the September 1, 2011 meeting so that the applicant can provide the following information by August 10, 2011:

- 1) **revision of the site plan to illustrate all parking to be provided on site.**
- 2) **inclusion of the property located to the immediate West as part of the PUD (showing parking, total building area and use, footprint area, landscape area, etc), with owner approval and new labels and postage for the entire notification area to be provided to Planning by Wednesday, August 10<sup>th</sup>, or revision of the site plan to eliminate shared access between the lots;**
- 3) **revision of the site plan to depict elimination and landscaping of any curb-cuts determined unnecessary for the development;**
- 4) **revision of the site plan to depict compliance with the tree and landscaping requirements of the Zoning Ordinance, as well as the per-unit landscaping requirements of the PUD regulations, and potentially provision of a statement about the innovative nature of the development to explain why not all of the 60% of the 12% of the required landscaping can be placed within the frontage area (if this is the case), and explaining how it will be accommodated elsewhere within the development;**
- 5) **revision of the site plan to depict / calculate site coverage area for any portion of the site covered by a roofed structure;**
- 6) **revision of the site plan to include illustrate the provision of all screened dumpsters, or placement of a note on the site plan stating that dumpsters will not be provided as part of the development;**
- 7) **revision of the site plan to illustrate a proper 10' wide vegetative or 6' privacy fence buffer in compliance with Section V.A.8. of the Subdivision Regulations.**
- 8) **revision of the site plan to comply with Engineering comments: *“Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;”* and,**
- 9) **provision of five (5) copies of the revised site plan and any other supporting documentation to the Planning Section of Urban Development by Wednesday, August 10, 2011.**

The motion carried unanimously.

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**Case #SUB2011-00075 (Subdivision)**

**Llanfair Place Subdivision**

3724-3760 Airport Boulevard

(North side of Airport Boulevard Service Road, 162' ± East of Lleyn Avenue).

Number of Lots / Acres: 3 Lots / 4.7± Acres

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

Council District 5

(Also see **Case #ZON2011-01691 (Planned Unit Development) Llanfair Place Subdivision**, below)

Mr. Davitt and Mr. Vallas recused themselves from discussion and voting on the matter.

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

Marl Cummings, Cummings and Associates, spoke on behalf of the applicant and made the following points in favor of the development:

- A. noted that Rooms to Go had been shown on the plat for illustrative purposes only as Rooms to Go did not want to participate in the subdivision nor should they be involved;
- B. noted that as the proposed development would reduce the overall square footage of the buildings on the site; and,
- C. expressed the belief that as Rooms to Go, the proposed 7 Spice Market, and the proposed developments of his client were separate and not physically attached to each other, that each should be allowed to stand alone and be judged based upon their individual merit and the land owners not bound to each other and required to comply with conditions that might have a negative impact upon them individually.

Mr. Olsen reminded the applicant and the Commission that the businesses involved were bound together by virtue of the shared access ways between the properties. He added that could be eliminated if those land owners could provide access to their properties by some way other than the shared curb-cut located on the Airport Boulevard Service Road.

The following people spoke in opposition to the matter:

- John Sullivan, 3767 Swansea Drive, Mobile, AL; and,
- Reggie Copeland, 3707 Swansea Drive, Mobile, AL.

They made the following points:

- A. expressed concern over stormwater run-off and ponding;

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- B. expressed concern over stormwater detention and any ponds planned for such, as was not very sure how a pond would work in Wragg Swamp;
- C. expressed concern that if there were a detention pond, who would be responsible for the maintenance and upkeep of said pond;
- D. noted that if one dug in the area very much, one would hit water and wondered what plans the developers had for standing water;
- E. questioned whether or not the property would have a privacy fence;
- F. expressed concern regarding dumpsters on the site and noted those should be placed near the commercial buildings, not the adjacent residential properties;
- G. expressed concern regarding the lighting for the parking associated with the commercial ventures and what measures would be taken to prevent said lighting from coming in the adjacent residential properties;
- H. expressed concern over the number of large trucks which would probably access the commercial property, the time frame those might be coming and going from the property and the associated noise problems;
- I. Expressed the wish that the developer keep as much of the current, natural, vegetative buffer in place as possible, between the commercial development and the adjacent residential communities; and,
- J. noted there had been a discussion between Mr. Cummings and Mr. Copeland regarding the adjacent residential neighbors and wanted to see some type of meeting arranged between those and the developers so that the developers would be very aware of these individuals and their concerns.

Mr. Cummings noted that he would be more than happy to meet with the neighbors regarding their concerns.

Hearing no further opposition or discussion, a motion was made by Mr. Watkins, with second by Mr. Holmes, to hold the matter over until September 1, for the inclusion of ALL properties with shared access and/or parking to be included in the PUD, and so the applicant can provide labels and postage fees for proper notification of all property owners within 300 feet of the composite site. The additional labels and postage fees should be submitted by August 12, 2011.

The motion carried unanimously.

**Case #ZON2011-01691 (Planned Unit Development)**

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**Llanfair Place Subdivision**

3724-3760 Airport Boulevard

(North side of Airport Boulevard Service Road, 162' ± East of Lleyn Avenue)

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

Council District 5

(Also see **Case #ZON2011-01691 (Planned Unit Development) Llanfair Place Subdivision**, above)

Mr. Davitt and Mr. Vallas recused themselves from discussion and voting on the matter.

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

Hearing no further opposition or discussion, a motion was made by Mr. Watkins, with second by Mr. Holmes, to hold the matter over until September 1, for the inclusion of ALL properties with shared access and/or parking to be included in the PUD, and so the applicant can provide labels and postage fees for proper notification of all property owners within 300 feet of the composite site. The additional labels and postage fees should be submitted by August 12, 2011.

The motion carried unanimously.

**OTHER BUSINESS:**

The Chair asked if there was any other business that needed to come before the Commission.

Mr. Olsen advised the Commission had been presented the proposed list of dates for public meetings for the Planning Commission for the 2011-2012 year and that those needed to be approved.

Hearing no opposition or discussion, Mr. Miller moved, with second by Mr. Davitt, to approve the proposed dates for the public meetings for the Planning Commission for the 2011-2012 year.

The motion carried unanimously.

Hearing no further business, the meeting was adjourned.

**APPROVED:**            December 1, 2011

/s/ Terry Plauche, Chairman

jsl