

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF AUGUST 6, 2009 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William G. DeMouy, Jr., Vice-chairman
Stephen J. Davitt, Jr.
Nicholas H. Holmes, III
Mead Miller
John Vallas
James F. Watkins, III

Members Absent

Clinton Johnson
Victoria L. Rivizzigno, Secretary
William D. Curtin
Herbert C. Jordan
Roosevelt Turner

Urban Development Staff Present

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

Others Present

John Lawler,
Assistant City Attorney
John Forrester,
City Engineering

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

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

APPROVAL OF MINUTES:

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

- July 24, 2008
- August 7, 2008
- August 21, 2008
- September 4, 2008
- September 18, 2008
- October 2, 2008
- October 16, 2008
- November 2, 2008
- November 20, 2008

The motion carried unanimously.

EXTENSIONS:

Case #SUB2008-00134 (Subdivision)
Clewis Addition to Firetower Road Subdivision

2751 Firetower Road
West side of Firetower Road, 790'+ South of Graystone Drive
Number of Lots / Acres: 60 Lots / 28.3+ Acres
Engineer / Surveyor: Rester and Coleman Engineers, Inc.
County

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

Hearing no opposition or discussion, a motion was made by Mr. Holmes, with second by Dr. Rivizzigno, to approve the above referenced request for extension, subject to the original conditions of approval as well as the following:

- 1) provision of a minimum detention capacity volume of a 50 year post development storm, with a maximum release rate equivalent to the 10 year storm pre-development rate, and the placement of a note on the final plat stating that the development has been designed to comply with all other 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, as well as the detention and release rate requirements of Mobile County for projects located within the Converse watershed, prior to the obtaining of permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering.**

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2009-00111
Chesterfield Place Subdivision, Re-subdivision of Lot 26

West side of Ronnie Byrd Lane North at its West terminus
Number of Lots / Acres: 1 Lot / 0.3± Acre
Engineer / Surveyor: Austin Engineering Co. Inc.
County

The Chair stated the applicant was agreeable with the recommendations and asked if

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anyone wished to speak on the matter to do so at that time.

Hearing no opposition or further discussion, a motion was made by Mr. DeMouy, with second by Dr. Rivizzigno, to waive Sections V.A.5. and V.B.14. of the Subdivision Regulations and approve the above referenced re-subdivision, subject to the following conditions:

- 1) **placement of a note on the final plat stating that the subdivision is limited to one curb cut to Ronnie Byrd Lane North, with the size, location, and design to be approved by County Engineering and in conformance with AASHTO standards;**
- 2) **placement of a note on the plat stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;**
- 3) **placement of a note on the final plat stating that any lots developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section V.A.8 of the Subdivision Regulations; and,**
- 4) **provision of a minimum detention capacity volume of a 50 year post development storm, with a maximum release rate equivalent to the 10 year storm pre-development rate, and the placement of a note on the final plat stating that the development has been designed to comply with all other 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, as well as the detention and release rate requirements of Mobile County for projects located within the Converse watershed, prior to the obtaining of permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering.**

The motion carried unanimously.

Case #SUB2009-00109

Highcrest Subdivision, Re-subdivision of Lot 6, Unit No. 1

3012 Demetropolis Road

Northwest corner of Highcrest Drive and Demetropolis Service Road

Number of Lots / Acres: 2 Lots / 0.7± Acre

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 4

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

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

- 1) **attainment of a demolition permit for the accessory structure, or provision of a survey showing that the accessory building is located entirely on the proposed Lot A and meets all other zoning requirements, prior to the signing of the final plat;**
- 2) **provision of labeling of the size of the lot, in square feet, or provision of a table on the plat with the same information;**
- 3) **retention of the 25-foot minimum building setback line along all public rights-of-way;**
- 4) **placement of a note on the final plat stating the Lot A is denied access to Demetropolis Service Road;**
- 5) **placement of a note on the final plat stating that Lots A and B are limited to one curb each with the size, location, and design of all curb cuts to be approved by City of Mobile Traffic Engineering and conform to AASHTO standards;**
- 6) **placement of a note on the final plat stating that approval of all applicable federal, state, and local agencies would be required prior to the issuance of any permits;**
- 7) **placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and,**
- 8) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2009-00112

Grady Buick Commercial Center Subdivision, Re-subdivision of

3001 Government Boulevard

Southwest corner of Government Boulevard Service Road and Macmae Drive

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

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 4

The Chair announced the application had been recommended for approval.

The following people spoke in favor of the matter:

- Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of

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- the applicant; and,
- Ralph Neal, 3710 Lakeside Court.

They gave the following points:

- A. objections to the first two recommended conditions;
- B. a Planned Unit Development was done 9 years prior, encompassing all of the property shown on maps handed out to the Commission;
- C. the applicant wants to create a two lot subdivision, retaining the lot shown outlined in green on the map and selling the second lot outlined in yellow to a fast food restaurant chain;
- D. the original Planned Unit Development had no curb cut to the second lot and one is necessary for it to function as a fast food restaurant;
- E. the applicant has consulted with Traffic Engineering, who have approved the location of the proposed curb cut on lot 2;
- F. once the property is sold, it will have nothing to do with the commercial interests of the parent parcel;
- G. did not feel that his client should be penalized for any failure to comply by Grady with the conditions stated in the original Planned Unit Development;
- H. the original site plan presented to Traffic Engineering had the curb cut in question lining up with the service road curb cut, but Traffic Engineering would not approve it as they felt it would create the hazard of traffic “shooting” through and suggested the curb cut be moved to the east so it would lie behind the curbing between the Macmae curb cut and the service road curb cut.

Mr. Olsen responded by saying:

- A. the property in question currently is part of the Grady property, and the plan is to remove it from such, however, compliance by the rest of the site still does, technically, relate to this property as it is still part of that Planned Unit Development;
- B. a member of the Planning staff spoke with someone in Mr. Dagley’s office within the past two days and got some of the information presented that day that the staff was previously unaware of; and,
- C. the staff has suggested the matter be held over, since it is known there are potential changes to a curb cut which appears to exist on the site as one of the Grady curb cuts and that it will have to be moved, creating a need for a revised Planned Unit Development plan to be submitted by Grady.

Mr. Vallas asked if the only impact to the new lot was the curb cut, its location, and how

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it relates to the balance of the property.

Mr. Olsen stated currently there was cross access regarding the sites and it was not known how the current plan would impact the parts of the site involved in that.

Mr. Dagley expressed his confusion regarding the matter of cross access. He added that the existing curb cut to Macmae Drive would remain and be part of the new subdivision as part of the fast food restaurant's site circulation. He stated that Grady currently did not use the curb cut onto Macmae Drive as there was a retention pond that blocks access from the main site to the site in question.

Mr. Watkins noted that Mr. Dagley had stated that Traffic Engineering was agreeable with the curb cut as discussed and wondered if there were any comments Traffic Engineering wished to make at that time.

It was noted there was no representative from Traffic Engineering was in attendance.

In deliberation, Mr. Watkins wanted to know why this was having such an impact on the remaining portion of the Planned Unit Development.

Mr. Olsen responded by saying there was cross access between the proposed lot and the existing Grady site which was all part of an approve Planned Unit Development and as all Planned Unit Developments are site plan specific, then any additions and/or subtractions to it do have very real impact on the earlier Planned Unit Development. He stated this was the staff's position on the matter; however, the Commission could choose not to require such.

Dr. Rivizzigno stated her agreement with the staff that by changing anything from the original site plan created the need for a new Planned Unit Development.

Mr. Vallas said he did not feel that traffic from the newly proposed fast food restaurant would impact Grady Buick as it would not flow through the Grady Buick site; it simply accessed a public right-of-way. He said he understood the intent of the requirement, but would the Commission actually see anything different in two weeks or so.

Mr. Olsen said that was unknown, which is why the new Planned Unit Development was needed. He then asked that, at a minimum, an administrative Planned Unit Development should be submitted prior to the signing of the final plat.

Mr. Watkins stated that Grady's submission of such was not really under Mr. Dagley's or his client's purview, as they were simply purchasing the property from Grady Buick.

Mr. Olsen acknowledged that and stated the purchaser could place that requirement as part of their contingency to purchase the property.

Mr. Dagley said they could do that but reiterated his client had no control over what

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Grady Buick might or might not do.

Mr. Lawler asked if the property had already been purchased to which Mr. Dagley said he was not at liberty to discuss that information.

Mr. Olsen asked if they had a letter of authorization from Grady to file the subdivision application.

Mr. Dagley stated Mr. Byrd, Byrd Surveying, was responsible for handling the subdivision.

Mr. Byrd advised he did have such an authorization.

Mr. Lawler then asked who had title to the property in question.

Mr. Dagley said the sale had not been closed.

Mr. Lawler said that meant Grady still owned the property and was there by bound by their Planned Unit Development and if they wished to sell the property strongly enough, they would comply with the Commission's wishes.

Mr. Dagley asked to confer with his client, and after doing so, asked if the matter could be held over.

Hearing no opposition or further discussion, a motion was made by Mr. Vallas, with second by Mr. DeMouy, to hold the matter over until the September 3, 2009, meeting, per the applicant's request.

The motion carried unanimously.

Case #SUB2009-00115

D'Iberville Estates Subdivision, Re-subdivision of Lots 22 & 23

2508 D'Iberville Drive North

Southwest corner of D'Iberville Drive North and Cottage Hill Road

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

Engineer / Surveyor: Byrd Surveying, Inc.

County

The Chair announced the application had been recommended for approval.

Marl Cumming, Cummings and Associates, 1 Houston Street, Mobile, AL, spoke on behalf of a developer who proposed to purchase lot A of the proposed two lot subdivision to develop an American Lube Fast facility. He expressed concern over the staff's recommendation for a joint curb cut for lots A and B to Cottage Hill Road, specifically as it would be the only proposed cut for the two lots. He stated that cars coming from the west traveling east would need to make a wide U-turn type turn to

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access the property. He added that he had spoken with Bill Metzger, City Traffic Engineering, as well as Patrick Stewart and James Foster in the County Engineering department, and none of the departments had any problem with having two exclusive cuts, primarily because of the intended use of lot A.

Mr. Olsen responded by saying the staff's reasons for limiting the two lots to a single curb cut were:

- A. D'Iberville Drive North was a minor, residential street and commercial access to such was not something the Commission has been in favor of approving previously;
- B. regarding Cottage Hill Road, there was only approximately 200 feet of frontage along that section of Cottage Hill Road and it was at an intersection with a minor residential street; and,
- C. having one shared curb cut to a major street addressed issues looked for by both the Subdivision Regulations and the city's Comprehensive Plan regarding limiting access to those major streets.

In deliberation, Mr. Vallas said, as he had been involved in the development of the site directly across the street from the one in question, that he could see the need in each site having its own curb cuts. He said for the area residents, it might be better to have two curb cuts to Cottage Hill Road and no access to D'Iberville Drive North.

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

- 1) **provision of labeling of the lot size, in square feet, on the final plat, or provision of a table on the final plat with the same information;**
- 2) **retention of the 25-foot wherever the site fronts a public street;**
- 3) **placement of a note on the final plat limiting Lots A and B to one curb cut each to Cottage Hill Road and denying Lot B access to D'Iberville Drive North, with the size, design, and location of all curb cuts to be approved by Mobile County Engineering;**
- 4) **placement of a note on the final plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the**

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Planning Section of Urban Development and County Engineering;

- 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) 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 #SUB2009-00113

Bowers Lane Subdivision, Sullivans Addition to

West side of Bowers Lane, 160' ± South of Diamond Road

Number of Lots / Acres: 3 Lots / 5.1± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

Council District 4

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

Hearing no opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. DeMouy, to waive Section V.D.3. of the Subdivision Regulations and approve the subdivision, subject to the following conditions:

- 1) placement of a note on the final plat stating that Lots 1 and 3 are limited to one curb cut each, and Lot 2 is limited to two curb cuts, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) illustration of the 25' minimum building setback line along Bowers Lane;
- 3) labeling of each lot with its size in square feet and 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 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,
- 5) subject to the Engineering comments: *(Due to flooding in the area, detention will be required for the proposed lots assuming the maximum allowable site coverage. At a minimum, the detention shall detain the 100 year storm event, with a 2 year release rate. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require*

a right-of-way permit).

The motion carried unanimously.

Case #SUB2009-00114

Broughton Road Subdivision, Stokley's Addition to

10403 Broughton Road

South side of Broughton Road, 820'± East of Hardeman Road

Number of Lots / Acres: 4 Lots / 16.0± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

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

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

- 1) **retention of labeling of the lot sizes, in square feet, on the final plat**
- 2) **revision of the 25-foot minimum building setback line revised to depict 25 feet from any dedication required;**
- 3) **provision of dedication sufficient to provide 30-feet from the centerline of Broughton Road;**
- 4) **placement of a note on the final plat limiting Lots 1 and 4 to the existing curb cuts and limiting Lots 2 and 3 to one curb cut each with the size, design, and location of all curb cuts to be approved by Mobile County Engineering;**
- 5) **placement of a note on the final plat stating that the subdivision will comply will Section V.A.5 of the Subdivision Regulations regarding Environment and Watershed Protection;**
- 6) **depiction of any flood prone areas, as designated by FEMA, or any buffer zones, as defined in Section II of the Subdivision Regulations on the final plat, or placement of a note on the final plat stating that no such areas exist on the site;**
- 7) **certification from a licensed Professional Engineer certifying that the design of the Subdivision and its stormwater detention features are designed for a minimum detention capacity to accommodate the volume of a 50 year post development storm, with a maximum release rate equivalent to the 10 year storm pre-development rate prior to signing of the final plat;**
- 8) **depiction of any stormwater detention facility on the final plat as a common area not maintained by the City of Mobile, Mobile County or the State of Alabama;**

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- 9) 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,
- 10) 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 #SUB2009-00116

Lake Heron Subdivision

North side of Joy Springs Drive, 470'± West of Lakeside Drive extending to the South side of Lakeside Drive West, 590'± East of Cottage Hill Road

Number of Lots / Acres: 4 Lots / 17.3± Acres

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

Council District 4

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

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

- 1) revision of the plat to label the lots in both square feet and acres, or the furnishing of a table on the final plat providing the same information;
- 2) revision of the plat to indicate a 25' minimum building setback line along all street frontages;
- 3) placement of a note on the final plat stating that all lots are limited to one curb cut each, 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 any excavating/filling of the lake must be approved by the City Engineering Department;
- 5) placement of a note on the final plat stating that the approval of all applicable federal, state, and local agencies would be required 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;

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- 7) placement of note on the final plat stating that the 40' natural vegetative buffer is to remain undisturbed; and,
- 8) subject to the Engineering Comments: *(Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right of way permit. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer).*

The motion carried unanimously.

Case #SUB2009-00110

Kings Branch Subdivision, Phase Two

6598 Kings Branch Drive North

North termini of Kings Gate Drive West, Kings Branch Drive East and Lacoste Road; and extending to the West terminus of Royalty Way, and to the North terminus of Meadow Lane

Number of Lots / Acres: 175 Lots / 101.9± Acres

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

County

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

Hearing no opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Holmes, to waive Section V.B.14. of the Subdivision Regulations for Unit Two only, and approve the above requested subdivision, subject to the following conditions:

- 1) **the construction and dedication of the new streets to County Engineering standards and acceptance by County Engineering prior to signing the final plat;**
- 2) **placement of a note on the final plat stating that all lots, including corner lots, are limited to one curb cut each, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 3) **revision of the front setback line on Lots 35-37 in Unit Two, Lots 5-6 in Unit Three, and Lots 8-11, 28 in Unit Four to where these lots are at least 60' in width, in accordance with Section V.D.2 of the Subdivision Regulations;**
- 4) **labeling of each lot with its size in square feet, or the provision a table on the plat with the same information;**
- 5) **placement of a note on the final plat stating that the maintenance of all common areas will be the responsibility of property owners;**
- 6) **placement of a note on the final plat stating that no construction is allowed within easements, detention areas, or wetlands;**
- 7) **placement of note on the final plat stating that the northern**

- portion of the site may be impacted by the planned Red Creek-Eight Mile Creek Parkway and a study will be conducted at the time of its construction to determine the exact location of the parkway;
- 8) the applicant receive the approval of all applicable federal, state, and local environmental agencies prior to the issuance of any permits or land disturbance activities;
 - 9) 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;
 - 10) placement of a note on the final plat stating that any lots developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section V.A.8 of the Subdivision Regulations; and,
 - 11) submission of a letter from a licensed engineer certifying compliance with the City of Mobile's stormwater and flood control ordinances to the Mobile County Engineering department and the Planning Section of Mobile Urban Development prior to issuance of any permits.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2009-01739
Valenti Southeast Realty

3215 Airport Boulevard
South side of Airport Boulevard extending to the North side of Airport Boulevard
Service Road, 670' ± West of Bel Air Boulevard
Planned Unit Development Approval to allow reduced front yard setbacks for a restaurant.
Council District 5

The Chair announced the application had been recommended for approval.

The following people spoke in favor of the matter:

- Catherine Clark, Gulf States Engineering, 4110 Moffet Road, Mobile, AL, for the applicant; and,
- Troy Valenti, Valenti Southeast Management, LLC, 1400 Urban Center, Suite 125, Vestavia, AL, the applicant.

Ms. Clark queried about the cross walk to the east that lead to overflow parking and expressed their desire to keep it in its current location. She also wanted to have

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clarification that the developer would be responsible for the striping of both the cross walk across Airport Boulevard and the one going parallel to Airport connecting the two parcels and that the City would be responsible for the lighting and the loop detector relocations.

Mr. Olsen advised the Commission that this was the first staff had heard any of the information just stated by Ms. Clark, with overflow parking on another parcel being of special concern. While Mr. Olsen recognized that mention of this might have taken place between the developer and Traffic Engineering, the Planning staff was completely unaware of it.

Mr. Vallas noted the site was an out parcel to the mall so it was part of an existing Planned Unit Development already, but since they're adding the new site plan they have to show everything.

Mr. Olsen stated that if they are planning for overflow parking on any other mall parcels that information should have been shown on the Planned Unit Development application and it was not.

Mr. Vallas asked if the site met code without showing the overflow parking.

Mr. Olsen said it did.

Mr. Watkins asked for confirmation that the applicant was not technically required to have overflow parking and was told that was the case.

Mr. Olsen stated that as there was no one from Traffic Engineering at the meeting to discuss the issues regarding signalization that the matter might need to be held over.

Mr. Valenti asked that, as the proposed project was drawn, did it meet the listed requirements for approval.

Mr. Olsen stated that based upon his reading of Traffic Engineering's comments, they would like the crosswalk on the northeast side of the development relocated to the northwest side of the development where there were existing pedestrian signals.

Mr. Valenti stated that was not his understanding from meetings with Traffic Engineering.

Mr. Olsen stated that the Traffic Engineer comments that were in the recommendation were quoted directly from those submitted by Traffic Engineering for this submission and report.

Hearing no opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Holmes, to hold the matter over until the September 3, 2009, meeting.

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The motion carried unanimously.

NEW PLANNING APPROVAL APPLICATIONS:

Case #ZON2009-01691

Carl Pope

7411 Kim Avenue

East side of Kim Avenue, 350'± North of Oriental Avenue

Planning Approval to allow a mobile home in an R-1, Single-Family Residential District.

Council District 4

The Chair announced the application had been recommended for approval.

Jerry Byrd, Byrd Surveying, spoke on behalf of the applicant and stated that it was his opinion that condition one as listed on the staff recommendations (i.e. "completion of a successful subdivision application") was in error. He added that the staff report stated the parcel was a legal, non-conforming "metes and bounds" parcel. He had spoken with the staff member who wrote the report who agreed the condition should not be there.

Mr. Olsen agreed with the statements and said removing condition one as shown in the recommendations was fine.

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

- 1) **revision of the site plan to indicate parking spaces compliant with Sections 64-6.A.2 and 64-6.A.6 of the Zoning Ordinance;**
- 2) **full compliance with all codes and ordinances regarding stabilization of mobile homes; and,**
- 3) **full compliance with all municipal codes and ordinances.**

The motion carried with only Dr. Rivizzigno voting in opposition.

Case #ZON2009-01696

Bender Real Estate Group Inc.

North side of West I-65 Service Road North, 300'± East of Dauphin Street Service Road

Planning Approval to allow a bank in a B-1, Buffer Business District.

Council District 7

The Chair announced the application had been recommended for approval.

David Deihl, Engineering Development Services, Inc., spoke on behalf of the applicant regarding condition eight which addressed the location of the proposed driveway onto the service road. He said they have the proposed driveway located as far to the left and

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to the east as possible as it is the beginning of a taper for a turn lane on the service road. He added that City Engineering wanted it to be moved further west due to drainage considerations. He then asked that based on all of these factors, if condition eight could be re-worded to work out some of those issues.

Mr. Olsen said they could add the following verbiage, "the exact location to be coordinated with Traffic Engineering" regarding that condition, if that would be acceptable to the applicant.

Mr. Forrester stated that City Engineering would prefer that it be outside of the ditch, however, if Traffic Engineering had reasons for it not be located to the west, then Engineering would defer to their judgment.

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

- 1) **revision of the site plan to indicate a two-lane, one-way drive along the East and rear of the building, with the outer lane designated for the rear parking area or pass-through traffic, and the inner lane designated for the drive-through teller stations, with the appropriate markings and signage to be approved by Traffic Engineering;**
- 2) **revision of the site plan to indicate two-lane traffic drives as being a minimum 24' wide curb-to-curb, and the teller lanes under canopy as being a minimum 9' wide curb-to-curb;**
- 3) **revision of the site plan to indicate angled parking in the rear;**
- 4) **provision of the appropriate markings and signage at both the two-way main entrance and the one-way exit, to be approved by Traffic Engineering;**
- 5) **removal of the awning encroaching from the building on the adjacent property to the West into the sanitary sewer easement;**
- 6) **obtaining of approval of all applicable federal, state, and local agencies prior to the issuance of any permits or land disturbance activities;**
- 7) **full compliance with the landscaping and tree planting requirements;**
- 8) **subject to the Engineering comments: *(Stormwater runoff from the site must be routed subsurface to the existing drainage pipes located along the NE property line. The City of Mobile Engineering Department would prefer that the proposed driveway be relocated to the west (west of the existing grate inlet) to avoid disturbance to the existing drainage ditch, to be coordinated with Traffic Engineering. Must comply with all stormwater and flood control ordinances. Any work performed***

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in the right-of-way will require a right-of-way permit. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer); and,

- 9) **provision of a revised site plan to the Planning Section of Urban Development prior to the submittal of plans for land disturbance or building permits.**

The motion carried unanimously.

OTHER BUSINESS:

The Chair announced and moved, with second by Mr. DeMouy, a Call for Public Hearing on September 3, 2009, to consider amendments to the Zoning Ordinance suspending site plan requirements for zoning applications in the Theodore Annexation until December 31, 2009, as requested by the Mobile City Council.

The motion carried unanimously.

The Chair announced and moved, with second by Mr. Watkins, for approval of a resolution suspending application fees as specified in the Zoning Ordinance for rezoning applications in the Theodore Annexation area until December 31, 2009, as requested by the Mobile City Council.

The motion carried unanimously.

The Chair recognized and welcomed the Planning Commission's two new members from the Planning Jurisdiction, Mr. Herb Jordan and Rev. Bill Curtin.

Hearing no further business, the meeting was adjourned.

APPROVED: November 5, 2009

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

jsl