

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF SEPTEMBER 2, 2010 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William G. DeMouy, Jr.
Victoria L. Rivizzigno, Secretary
Stephen J. Davitt, Jr.
Nicholas H. Holmes, III
Herb Jordan
Mead Miller
Roosevelt Turner
John Vallas

Members Absent

James F. Watkins, III

Urban Development Staff Present

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

Others Present

John Forrester,
City Engineering

Jennifer White,
Traffic Engineering

The notation *motion carried unanimously* indicated 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 and its meetings.

HOLDOVERS:

Case #SUB2010-00075 (Subdivision)

Saint Ignatius Parish Subdivision, Re-subdivision of

3650 Springhill Avenue

Northwest corner of Springhill Avenue and Tuthill Lane

Number of Lots / Acres: 1 Lot / 13.3± Acres

Engineer / Surveyor: Clark, Geer, Latham & Associates, Inc.

Council District 7

(Also see **Case #ZON2010-01599 (Planned Unit Development)** **Saint Ignatius Parish Subdivision, Re-subdivision of**, and, **Case #ZON2010-01598 (Planning Approval)** **Saint Ignatius Parish Subdivision, Re-subdivision of**, below)

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The Chair announced the application had been recommended for approval.

Trey Hutchinson spoke on behalf of St. Ignatius Parish and requested the matter be held over until the October 21, 2010, meeting.

Mr. Davitt asked why the applicant wanted the matter held over.

Mr. Hutchinson responded that there were some engineering issues that had come up which required revisions to be submitted to the staff. He noted it was his understanding that the revisions needed to be submitted three weeks prior to the meeting where the matter would be heard. He said to meet both requirements, the applicant needed a longer hold over.

Mr. Davitt asked if there was a difference in what the applicant wanted and what the staff had recommended and was advised there was.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the October 21, 2010, meeting.

The motion carried unanimously.

Case #ZON2010-01599 (Planned Unit Development)

Saint Ignatius Parish Subdivision, Re-subdivision of

3650 Springhill Avenue

Northwest corner of Springhill Avenue and Tuthill Lane

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

Council District 7

(Also see **Case #SUB2010-00075 (Subdivision) Saint Ignatius Parish Subdivision, Re-subdivision of**, above, and, **Case #ZON2010-01598 (Planning Approval) Saint Ignatius Parish Subdivision, Re-subdivision of**, below)

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the October 21, 2010, meeting.

The motion carried unanimously.

Case #ZON2010-01598 (Planning Approval)

Saint Ignatius Parish Subdivision, Re-subdivision of

3650 Springhill Avenue

Northwest corner of Springhill Avenue and Tuthill Lane

Planning Approval for the Master Plan of an existing Church and School in an R-1, Single-Family Residential District

Council District 7

(Also see **Case #SUB2010-00075 (Subdivision) Saint Ignatius Parish Subdivision, Re-subdivision of**, and, **Case #ZON2010-01599 (Planned Unit Development) Saint Ignatius Parish Subdivision, Re-subdivision of**, above)

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Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the October 21, 2010, meeting.

The motion carried unanimously.

Case #SUB2010-00080

Southern Industrial Park Subdivision, Lot A, Re-subdivision of Lots 7 & 8

East terminus of Ironworks Road

Number of Lots / Acres: 1 Lot / 1.7± Acre

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

Council District 4

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

The following people spoke in favor of the matter:

- Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant;
- Robert Thompson, 2136 Marshfield, Mobile, AL, spoke as the original developer of the property; and,
- Mike Minto, 5635 Ironworks Road, Mobile, AL, the business owner.

They made the following points:

- A. stated the reason the matter had been held over was due to an issue regarding the ditch easement because the City Engineer wanted an additional 20 feet of easement along the existing 30 foot easement which the applicant felt was giving up too much property without compensation;
- B. expressed concern regarding whether Condition 1 was appropriate because it was being applied to a private road;
- C. stated they had submitted the required information requested at the last meeting and noted the staff had apologized to them for stating that information had not been received;
- D. stated that they had spoken with the Engineering Department prior to the meeting and the Department seemed somewhat agreeable to working out something other than an easement, such as a letter granting permission to come onto the property;
- E. for 20 plus years, Mr. Thompson had maintained the road and the ditch and expected to continue to do so;
- F. for the past 10 years, Mr. Minto has also maintained the ditch and easement in question;

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- G. actually preferred to maintain the area themselves because it allowed them to make sure their properties continued to look nice;
- H. were prepared to grant access to the property by the property owners, however, they very much did not want to grant the amount of easement currently requested by the staff;
- I. asked that Condition 1 as stated by the staff not be placed upon the applicant as the road was a private road, however, if the condition were to be held in place, it was hoped that the City take would over the maintenance and upkeep of said road and ditch; and,
- J. reminded the Commission that the area was recently annexed into the City and as a result some of the existing conditions did not meet City standards, however, in the past, those conditions were grandfathered in, and it was hoped that would be the case in this situation.

Hearing no opposition or further discussion, a motion was made by Mr. Vallas, 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 the subdivision is limited to the existing curb-cuts along Ironworks Road with the size, location, and design of any additional curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **depiction of the 25-foot minimum building setback line along Ironworks Road;**
- 3) **labeling of the lot with its size in square feet, or the provision of a table on the plat furnishing the same information;**
- 4) **compliance with Engineering comments: *(Need to increase width of existing easement to include an area at least 20' from the top of the existing ditch, or as otherwise approved by the City Engineer, to allow for adequate access to and maintenance of the ditch. On the plat, label Ironworks Road as a private road. Must comply with all stormwater and flood control ordinances. Due to the undersized drainage system and history of flooding during rain events at the downstream location at Larue Steiner, detention (100 year storm with 10 year release) will be required for any increase in impervious area. Any work performed in the right-of-way (including easements) will require a right-of-way permit, in addition to any required land disturbance permits. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.)*;**
- 5) **placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities; and,**

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6) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2010-01640 (Planning Approval)

Carolyn Armstrong Subdivision

5190 Diamond Road

North side of Diamond Road, 280'± East of its South terminus

Planning Approval to allow a mobile home in an R-1, Single Family Residential District
Council District 4

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

Carolyn Armstrong, 5190 Diamond Road, Mobile, AL, spoke on her own behalf and made the following points:

- A. stated that she had a letter regarding when a trailer was last located on the site;
- B. noted the mobile home was moved from the site in 2004; and,
- C. noted that the original property owner's son had a mobile home on the lot across the street from the site in question, as well as there being another mobile home on the lot beside the property she currently owned.

Mr. Olsen stated the staff had conditions for approval ready for the Commission's review should they lean toward approving the matter and those were passed out to the members.

Mr. Vallas asked Ms. Armstrong if she had seen the conditions just presented by the staff and was advised she had not, so a copy was given to her for review.

Dr. Rivizzigno noted that the Commission had turned down mobile home requests previously in cases where other mobile homes existed in the area in an attempt to bring all areas of the City into compliance with that section of the Zoning Ordinance.

The Chair asked Ms. Armstrong if she was in agreement with the conditions for approval she had just received.

Ms. Armstrong stated that she did not quite understand the conditions as written.

Mr. Vallas advised her that that approval would require that she get an engineer or a surveyor to have the property surveyed so a "to scale" site plan reflecting the information required in the conditions for approval could be prepared and recorded.

Ms. Armstrong stated she had previously used Polysurveying of Mobile to survey the property.

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Mr. Olsen advised that the site plan needed to be prepared by someone who knew how to accurately depict what was being done, as well as have it done to scale, but that the work did not necessarily have to be done by a surveyor or an engineer. He noted that Polysurveying should be able to use what they had already done for Ms. Armstrong and apply the stated conditions to it to fulfill this requirement.

Mr. Turner asked for clarification as to when Ms. Armstrong purchased the property in question.

Ms. Armstrong advised she purchased the lot in January of 2010 from McArthur Davis.

Mr. Turner asked when the area was annexed.

Mr. Olsen responded the annexation was in 2009. He also reminded the Commission that the letter presented to the Commission by the applicant noted that the previous trailer on the site had been removed in 2004.

Ms. Armstrong stated that trailer was simply moved to her brother's yard across the street from the site in question.

Mr. Holmes clarified his understanding that there had been a trailer present on the site until 2004 and that trailer had been moved directly across the street from its previous location.

Mr. Miller asked if there was currently a trailer on the site and was advised there was and that one had been on the lot since January 2010 when Ms. Armstrong purchased the property.

In deliberation Mr. Miller stated the matter should be approved in this specific case, however, he also felt the Commission should make it clear that no other mobile homes would be permitted in the area.

Mr. Vallas asked if the applicant had tried to get a land disturbance permit and was that what "triggered" all of this.

Mr. Palombo stated that the matter began because a Service Request Order was issued through the City's 311 system.

Mr. Olsen added the complaint began an investigation by the department that found a mobile home had been moved onto the site without any approvals or permits.

Mr. Turner said his issues with the matter were the Commission had recently been asked by two or three others to allow mobile homes in the City and those had been turned down.

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

- 1) placement of a note on the site plan stating that the site is limited to one curb-cut, 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 Diamond Road;
- 3) labeling of the lot with its size in square feet and acres, or the furnishing of a table on the site plan providing the same information;
- 4) placement of a note on the site plan stating that development of this site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;
- 5) placement of a note on the site plan stating the Subdivision approval 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;”*
- 6) placement of a note on the site plan stating that there shall be no replacement of the mobile home in the future;
- 7) revision of the site plan to show the mobile home in its current location, or relocation of the mobile home to match the site plan submitted with the application;
- 8) submission of two revised site plans to Urban Development reflecting the above conditions prior to obtaining a building permit for the mobile home; and,
- 9) obtaining of all necessary permits for locating the mobile home on the site.

The motion carried with Dr. Rivizzigno and Mr. Turner voting in opposition.

Case #SUB2010-00084 (Subdivision)

Pecan Grove Place Subdivision, Phase Two, Re-subdivision of Lot 1

9291 Pecan Grove Drive

Southeast corner of Pecan Drive and Praline Court, extending to the East terminus of Praline Court

County

(Also see Case #ZON2010-01892 (Vacation Request) **Pecan Grove Place Subdivision, Phase Two, Re-subdivision of Lot 1**, below)

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

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

- 1) revision of the plat to label each lot with its size in square feet and acres, or the furnishing of a table on the final plat providing the same information;**
- 2) placement of a note on the final plat stating that Lot 2 (corner lot), is limited to one curb-cut, with the size, design and location to be approved by County Engineering;**
- 3) placement of a note on the final plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;**
- 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) 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; and,**
- 6) placement of a note on the final plat stating that the maintenance of the Common Area is the responsibility of the property owners and not Mobile County.**

The motion carried unanimously.

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Case #ZON2010-01892 (Vacation Request)
Pecan Grove Place Subdivision, Phase Two, Re-subdivision of Lot 1

9291 Pecan Grove Drive

Southeast corner of Pecan Drive and Praline Court, extending to the East terminus of Praline Court

Vacation Request to vacate the drainage and utility easement along Pecan Grove Drive.
County

(Also see **Case #SUB2010-00084 (Subdivision) Pecan Grove Place Subdivision, Phase Two, Re-subdivision of Lot 1**, above)

The Chair announced the application had been recommended for approval.

Rick Twilley, 6348 Piccadilly Square, Mobile, AL, noted a clerical error in the condition as it stated Lots 1 and 5 when it should have stated Lots 1 through 5.

Mr. Olsen advised the Commission Mr. Twilley was correct and that it would be corrected.

In deliberation, Mr. Davitt noted that the applicant had mentioned something regarding the lots and asked for clarification of same.

Mr. Olsen stated that under the Vacation Request, Condition 1 should read “completion of the subdivision process for Lots 1 through 5,” not “Lots 1, 5.”

Hearing no opposition or discussion, a motion was made by Mr. Vallas, with second by Dr. Rivizzigno, to approve the request to vacate the drainage and utility easement, subject to the following condition:

- 1) completion of the Subdivision process for Lots 1 - 5, and the Common Area, Pecan Grove Place Subdivision, Phase Two, and Lot 13, Pecan Grove Place Subdivision, Phase One.**

The motion carried unanimously.

EXTENSIONS:

Case #SUB2008-00190
Spring Grove Subdivision, Unit Four

West side of Dawes Road at the West terminus of Willow Oak Drive, extending to the North terminus of Nan Wright Way

Number of Lots / Acres: 34 Lots / 11.5± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

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

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Don Coleman, Rester and Coleman Engineers Inc., spoke on behalf of the applicant and asked for a six month extension on the matter as opposed to a complete denial.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. DeMouy, to approve a six (6) month extension of the matter as requested by the applicant.

The motion carried unanimously.

Case #SUB2009-00132 (Subdivision)

Fowlers Cove Subdivision

2465 Venetia Road B

At the end of a private Road, 950' ± South of the East terminus of Venice Court

Number of Lots / Acres: 3 Lots / 6.2± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 4

(Also see **Case #ZON2009-02077 (Planned Unit Development) Fowlers Cove Subdivision**, below)

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to approve the above referenced matter; however, the applicant was advised that future extensions would be unlikely.

The motion carried unanimously.

Case #ZON2009-02077 (Planned Unit Development)

Fowlers Cove Subdivision

2465 Venetia Road B

At the end of a private Road, 950' ± South of the East terminus of Venice Court

Planned Unit Development to allow construction of a private street subdivision

Council District 4

(Also see **Case #SUB2009-00132 (Subdivision) Fowlers Cove Subdivision**, above)

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to approve the above referenced matter; however the applicant was advised that future extensions would be unlikely.

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The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2010-00091

City/County Offices Subdivision

850 St Anthony Street & 272 North Broad Street

Northeast corner of St. Anthony Street and North Broad Street, extending to the Southeast corner of North Broad and Congress Street.

Number of Lots / Acres: 2 Lots / 3.3± Acres

Engineer / Surveyor: McCrory & Williams Inc., Engineers Surveyors

Council District 2

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 opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the October 7, 2010, meeting, with the submission of the Planned Unit Development (PUD) application due by September 7, 2010, to allow the applicant to address the following:

- 1) submission of a Planned Unit Development (PUD) application to allow front and side yard reduction, shared access and parking.**

The motion carried unanimously.

Case #SUB2010-00089

Michael Grimes Subdivision

11070 Wulff Road South

North side of Wulff Road South, 650'± West of Caldwell Road

Number of Lots / Acres: 4 Lots / 8.9± Acres

Engineer / Surveyor: John H. Peacock, PLS

Council District County

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.

Alex Grimes, 10980 Wulff Road South, Semmes, AL, spoke on behalf of his brother, the applicant. He noted the staff had been told the application was for a family subdivision at the time it was filed, however that information might not have been written down, which had led to the holdover recommendations and having to appear before the Commission that day. He stated that the previous day he had faxed to the staff the necessary documentation that the subdivision was, indeed, a family subdivision.

Mr. Olsen stated that the staff had received the information as Mr. Grimes had stated.

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He added that adjacent to and east of the property in question there was an existing, family, flag shaped lot, subdivision. He noted that the staff had prepared conditions for approval should the Commission lean in that direction and presented those to the members.

The Chair advised Mr. Grimes to review the conditions to determine whether or not they were in agreement with those.

Mr. Grimes advised that if the submitted plat were reviewed, it would be seen that the applicant had already agreed to the conditions just presented.

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

- 1) **depiction of a 35 foot minimum building setback line from the existing right-of-way of Wulff Road South for Lots 1-3, and a 25-foot setback for Lot 4 from where the pole meets the flag portion of the lot;**
- 2) **placement of a note on the final plat stating that each lot is limited to one curb-cut to Wulff Road South, with the size, location, and design to be approved by County Engineering and in conformance with AASHTO standards;**
- 3) **ensure that the pole of Lot 4 is at least 50 feet in width for its entirety, as required by Section V.D.1 of the Subdivision Regulations;**
- 4) **placement of a note on the final plat stating that no future subdivision of Lot 4 will be allowed until additional frontage on a public street is provided;**
- 5) **labeling of the lots with their sizes in square feet (in addition to acreage) or the provision of a table on the plat with the same information;**
- 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;**
- 7) **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,**
- 8) **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 #SUB2010-00092

Summer Woods Subdivision, Phase Three

Northwest corner of Westlake Road and Scott Dairy Loop Road West, extending to the East termini of Summer Woods Circle South, Summer Woods Circle North and Summer Woods Court

Number of Lots / Acres: 23 Lots / 7.4± Acres

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

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

Mr. Olsen advised the Commission that there were a couple of minor clarifications that needed to be noted regarding the conditions. He stated they were as follows:

- A. Condition 5 where it stated “retention of table on the plat providing the same information,” it should include “regarding lot size;” and,
- B. Condition 6 and Condition 10 were currently the same, however, one of them needed to be changed to reflect “wetlands.”

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

- 1) **dedication and construction of the streets to County standards;**
- 2) **retention of a note on the final plat stating that Lot 121 is denied direct access to West Lake Road, and Lots 109, 110, 114, 115, 119, 120, and 121 are denied direct access to Scott Dairy Loop Road West;**
- 3) **retention of a note on the final plat stating that each lot is limited to one curb-cut, with the size, location, and design to be approved by County Engineering and conform to AASHTO**

- standards;
- 4) retention of the minimum building setback line along all interior street frontages and the drainage easement along West Lake Road and Scott Dairy Loop Road West;
 - 5) retention of the table illustrating lot sizes on the plat or provision of the same information in another manner;
 - 6) placement of a note on the plat stating that approval of all applicable federal, state and local environmental agencies for wetlands or floodplain issues is required prior to the issuance of any permits or land disturbance activities;
 - 7) placement of a note on the final plat stating that no construction is allowed within any easement;
 - 8) placement of a note on the final plat stating that the maintenance of all common areas is the responsibility of the property owners and not Mobile County;
 - 9) 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;
 - 10) 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,
 - 11) 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.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2010-01980

Arc Terminal Holdings, LLC

1437 Cochrane Causeway

West side of Cochrane Causeway, 1000'± South of the South terminus of the Cochrane-Africatown Bridge

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow multiple buildings on a single building site to include two (2) additional storage tanks for a total of nine (9), office building with parking amenities and a four bay truck loading station

Council District 2

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 GCAC, a company which owned the property across the street from the property in question. He stated that Tom Garth of the Phelps, Dunbar firm was also in attendance representing the property owner adjacent to the south of the property in question. Speaking on their behalf, Mr. Anderson made the following points:

- A. it was their position that in the Planning Approval application submitted by the applicant there needed to be information regarding the type of material that would be held in the containers located on the site; and,
- B. noted that the International Fire Code, which was applicable to this matter, dealt with the set backs for said tanks based upon the type of petroleum product stored in them so it was necessary for the applicant to provide that information so the Planning Commission could accurately determine the correct location for and type of tanks.

The following people spoke in response to Mr. Anderson's comments:

- Casey Pipes, 150 Government Street, Mobile, AL, Helmsing, Leach, Herlong, Newman, and Rouse Law Firm, spoke on behalf of the applicant; and,
- Avalisha Fisher, Driven Engineering, 8005 Morris Hill Road, Semmes, AL, also for the applicant.

They made the following statements:

- A. the site was an industrial site with no setbacks, per say, which was why they were not shown on the plat;
- B. with regard to what would be stored within the tanks and what the

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- applicable setback would be under the current edition of the International Fire Code, it was not felt that was an issue of concern for the Planning Commission;
- C. noted that only products that would comply with all of the local municipal laws and ordinances would be put in the tanks, but did not want to be limited by the Planning Commission with exactly what could be stored in those containers;
 - D. agreed to the hold over to address the issues brought forth by the staff, however, respectfully asked that the issues brought out by opposition not be added as an additional layer of conditions;
 - E. noted that all of the tanks on the site plan, with the exception of one and a half currently being discussed, were already in place and were in the exact location they were approved for in the prior Planned Unit Development and Planning Approval applications that came before the Commission in 2008;
 - F. the tank located in the lower right-hand corner was actually a slab as that tank had not yet been constructed and neither had the tank immediately above it; and,
 - G. stated the only reason for coming back before the Commission on the matter was due to the fact that the previous owners of the property had not completed construction so the permits for construction had expired, including the ALDOT driveway approval. Since that time, ALDOT had implemented new rules with regards to access so they were required to move the northern access to the ALDOT right-of-way which required internal changes which had resulted in having to come back before the Commission for approval of same.

The Chair noted that the Commission's legal counsel, Mr. Lawler, was not in attendance that day and inasmuch they could not seek his legal opinion on the matter, so the hold over recommendation appeared to be well in order.

Mr. Olsen stated the matter was being recommended for holdover because there had been no application for Planning Approval submitted, which was absolutely required as any type of petroleum product storage required as much. He added that when the original application for this site was submitted in 2007, a similar discussion was held regarding the class of materials and the setbacks and it was his recollection that the matter was held over then so that additional information could be provided as the Planning Approval and Planned Unit Development approvals were site plan specific. He noted that in some degree it was within the Commission's purview to know what type of materials would be stored on the location so that information could be passed on to the Fire Chief who would determine whether or not the containers met the setbacks as set out in the International Fire Code.

The Chair asked Mr. Olsen to be sure that Mr. Lawler, the Planning Commission's attorney, reviewed the matter.

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Mr. Miller stated his opinion that both sides made logical arguments and that maybe the Commission did not need to be worried about every bit of “thru foot” in the site, however, he agreed with the Chair that the matter needed to be reviewed by the Commission’s attorney and that they should wait for his advise on the matter.

In deliberation Mr. Miller wanted it noted for the record that the Commission wanted Mr. Lawler, counsel for the Planning Commission, to review the case paying special attention to the matter of approving the setbacks without knowing what material would be stored in the on-site tanks.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the October 7, 2010, meeting, subject to the following conditions:

- 1) **submission of the application by September 7th and approval of a Planning Approval application;**
- 2) **compliance with Engineering comments: (*Foundation for the proposed office building needs to comply with the requirements of FEMA 85 at a minimum. Engineer must certify that all proposed improvements are in compliance with the approved flood study for this site. 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*);**
- 3) **revision of the site plan to depict a dumpster with proper buffering or placement of a note stating that there will be no dumpster at this location;**
- 4) **placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development approval prior to the issuance of any permits;**
- 5) **placement of a note on the site plan stating that the parking area will be illuminated in accordance with the requirements of Section 64-6.A.3.c. of the Zoning Ordinance, if the parking area is used at night;**
- 6) **placement of a note on the site plan 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,**
- 7) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2010-00090

Boothe Subdivision

1512 & 1514 South Broad Street

West side of South Broad Street, 200'± South of Sutton Avenue, extends to the Illinois Central Gulf Railroad right-of-way

Number of Lots / Acres: 1 Lot / 3.6± Acres

Engineer / Surveyor: Rester & Coleman Engineers, Inc.

Council District 3

(Also see **Case #ZON2010-01943 Douglas L. Anderson**, below)

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

Hearing no opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. DeMouy, to waive Sections V.B.14. and V.D.9. along the Lucille Street right-of-way only, approve the above referenced matter, subject to the following conditions:

- 1) **correction of the legal description;**
- 2) **dedication sufficient to provide 50 feet from the centerline of the right-of-way of Broad Street;**
- 3) **provision of a note on the final plat stating that the site is limited to two curb-cuts to Broad Street with the size, location, and design of all curb-cuts to be approved by City of Mobile Traffic Engineering and conform to AASHTO standards;**
- 4) **retention of the 25 foot minimum building setback along Broad Street and along the Illinois Central Gulf Railroad right-of-way;**
- 5) **retention of lot size depictions on the final plat;**
- 6) **provision of a note on the final plat stating the 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) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

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Case #ZON2010-01943

Douglas L. Anderson

1512 & 1514 Broad Street

West side of South Broad Street extending from Sutton Street to the Illinois Central Gulf Railroad right-of-way

Rezoning from R-1, Single-Family Residential District, and B-3, Community Business District, to I-1, Light Industry District to allow a probation office and eliminate split zoning

Council District 3

(Also see **Case #SUB2010-00090 Boothe Subdivision**, above)

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

Hearing no opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. DeMouy, to approve the requested rezoning of the above referenced property to *B-5 Office-Distribution District*, subject to the following conditions:

- 1) **completion of the subdivision process;**
- 2) **the site be brought into compliance with parking, landscaping and tree planting requirements of the Zoning Ordinance, to the greatest extent possible (redevelopment will require full compliance);**
- 3) **compliance with Section 64-4.D.1 of the Zoning Ordinance;**
- 4) **correction of the legal description, and,**
- 5) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2010-00093 (Subdivision)

Robinson Place Subdivision, Re-subdivision of Lots 1, 2, 3 & 5

1272, 1278 & 1284 Dauphin Island Parkway and 2010 Robinson Drive

North side of Robinson Drive, 200'± West of Dauphin Island Parkway, and West side of Dauphin Island Parkway, 90'± North of Robinson Drive

Number of Lots / Acres: 1 Lot / 1.6± Acre

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

Council District 3

(Also see **Case #ZON2010-01987 (Rezoning) MYMS, Inc.**, below)

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

The Chair announced the application had been recommended for approval.

Mr. Olsen advised the Commission that the requirement of dedication sufficient to provide 50 feet from center line of Dauphin Island Parkway for right-of-way, if

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necessary, had been inadvertently left off of the stated conditions. He noted that the staff was not certain of what the right-of-way was at this point in time, however, he felt it would not require a lot of footage dedicated, however as it was a major street/state highway, such dedication was required.

Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant and made the objections to Condition 3:

- A. presented hand-outs and photographs to the Commission members on the matter;
- B. ALDOT had denied the two curb-cuts requested to the property from Dauphin Island Parkway, instead allowing only one “right in-right out only” drive, which then makes the drive on Robinson Drive critical to the site;
- C. the access from Robinson Drive was important as it served the back of the strip center for deliveries as the proposed “right in-right out only” access way would prove very difficult for delivery trucks; and,
- D. noted that anyone wanting to exit the site and go north on Dauphin Island Parkway would have to turn right, go to the next median cut, make a U-turn and then head north, however, by having the driveway on Robinson Drive, they could exit there, make a legal left turn and go north on Dauphin Island Parkway.

Mr. Olsen responded with the following:

- A. the existing driveway to Robinson Drive was not a legal commercial driveway as it was on residentially zoned property, so it was hoped that the commercial businesses were not using it;
- B. with the exception of one B-3 zoned property, everything to the west of the site was zoned R-2, two family residential; and,
- C. adding a curb-cut for what would basically be a convenience store/gas station onto what was a minor residential street was not something the staff could recommend, especially when it was considered that this was the only access point for the residents of Robinson Drive to get in or out of their small subdivision.

Mr. Dagley responded though there appears to be a structure on the site, that structure was torn down some years ago, so the site was vacant.

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

- 1) correction of the legal description and name of the Subdivision to indicate that Lots 1, 2, 3, 5, 4, and 6 of Robinson Place**

- Subdivision, as recorded in Map Book 4, Page 491 of the Probate Court Records of Mobile County, Alabama;
- 2) dedication sufficient to provide 50' from centerline of Dauphin Island Parkway
 - 3) provision of documentation from ALDOT regarding the curb-cut allowance to Dauphin Island Parkway (as stated at the meeting) and placement of a note on the Final Plat stating that the site is limited to two curb-cuts (right in, right out) to Dauphin Island Parkway, with the size, design, and exact location of all curb-cuts to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards;
 - 4) placement of a note on the Final Plat stating that the site is limited to one curb-cut to Robinson Drive, with the size, design, and exact location of all curb-cuts to be approved by Traffic Engineering (curb cut to Robinson only allowed with the documentation from ALDOT listed in condition 3);
 - 5) revision of the plat to depict the 25-foot minimum building line along all public rights-of-way;
 - 6) revision of the plat to indicate the area of the lot, in square feet, or provision of a table on the plat with the same information;
 - 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 with only Mr. Miller voting in opposition.

Case #ZON2010-01987 (Rezoning)

MYMS, Inc.

1272, 1276, 1278 & 1284 Dauphin Island Parkway and 2010 Robinson Drive
North side of Robinson Drive, 200'± West of Dauphin Island Parkway, and West side of
Dauphin Island Parkway, 90'± North of Robinson Drive
Rezoning from B-2, Neighborhood Business District, and R-2, Two-Family Residential
District, to B-2, Neighborhood Business District, to allow the construction of a
convenience store and restaurant and to eliminate split zoning
Council District 3

(Also see **Case #SUB2010-00093 (Subdivision) Robinson Place Subdivision, Re-subdivision of Lots 1, 2, 3 & 5**, above)

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

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

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

- 1) **correction of the legal description on the site plan;**
- 2) **provision of a buffer in full compliance with Section 64-4.D.1. of the Zoning Ordinance where the site abuts residentially zoned property and along Robinson Drive;**
- 3) **dedication sufficient to provide 50' from centerline of Dauphin Island Parkway**
- 4) **provision of documentation from ALDOT regarding the curb-cut allowance to Dauphin Island Parkway (as stated at the meeting) stating that the site is limited to two curb-cuts (right in, right out) to Dauphin Island Parkway, with the size, design, and exact location of all curb-cuts to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards;**
- 5) **the site is limited to one curb-cut to Robinson Drive, with the size, design, and exact location of all curb-cuts to be approved by Traffic Engineering (curb-cut to Robinson only allowed with the documentation from ALDOT listed in condition 4);**
- 6) **completion of the subdivision process; and,**
- 7) **full compliance with all municipal codes and ordinances.**

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

Case #ZON2010-01975 (Planned Unit Development)

Alabama Power Company

505 Hillcrest Road

Northeast corner of Airport Boulevard and Hillcrest Road

Planned Unit Development Approval to allow shared access between two building sites and multiple buildings on a single building site

Council District 6

(Also see **Case #ZON2010-01976 (Planning Approval) Alabama Power Company**, below)

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

Christopher Baker, Hutchinson, Moore and Rauch, spoke as the representative of Alabama Power, saying he was ready to answer any possible questions the Commission or the public might have.

Hearing no questions, 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:

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- 1) the site be limited to the existing curb-cuts;
- 2) compliance with City Engineering comments: *(Need to provide certification that the existing detention system is sized to accommodate the increase in impervious area or need to provide additional detention. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer); and,*
- 3) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2010-01976 (Planning Approval)

Alabama Power Company

505 Hillcrest Road

East side of Hillcrest Road, 370'± North of Airport Boulevard extending to the North Side of Airport Boulevard 235'± East of Hillcrest Road

Planning Approval to allow the construction of a 197' self supporting communications tower in a B-2, Neighborhood Business District

Council District 6

(Also see **Case #ZON2010-01975 (Planned Unit Development) Alabama Power Company**, above)

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

Hearing no questions, 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 site plan stating that Planning Approval is site plan specific, and that any changes to the site plan will require a new application to the Planning Commission;
- 2) approval of all necessary variances by the Board of Zoning Adjustment;
- 3) compliance with City Engineering comments: *(Need to provide certification that the existing detention system is sized to accommodate the increase in impervious area or need to provide additional detention. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.); and,*

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4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

OTHER BUSINESS:

Mr. Olsen advised the Commission that he had several copies of the full video “Gambling Against Mother Nature,” which the Commission saw at their July business meeting. He said any of the members could borrow a copy should they wish to see all three segments.

Hearing no further business, the meeting was adjourned.

APPROVED: October 7, 2010

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

jsl