

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF AUGUST 2, 2012 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William G. DeMouy, Jr.
Victoria L. Rivizzigno, Secretary
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
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
Marybeth Bergin,
Traffic Engineering

Fire-Rescue Department

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

ROLL CALL:

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

HOLDOVERS:

Case #ZON2012-01137 (Planned Unit Development)

Mayo Blackmon

1446 Navco Road & 2452 McLaughlin Drive
(North side of McLaughlin Drive, 140'± West of Navco Road, extending to the West side of Navco Road, 140'± North of McLaughlin Drive)

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

Council District 4

(Also see **Case #ZON2012-01136 (Rezoning) Mayo Blackmon**, below)

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

Jerry Byrd, Byrd Surveying, represented the application and made the following points:

- A. Described the proposal for six cottages, conversion of a garage to a dwelling and the existing dwelling
- B. Described surrounding land uses
- C. Discussed minimum acreage guidelines
- D. There would be a total of 10 dwellings as proposed, a standard subdivision could also build 10 houses
- E. Rental or ownership should not be an issue
- F. Details such as buffering, sidewalks, and trees/landscaping would be shown on the Land Disturbing permit site plan.

Mr. Olsen referenced the Commissions request for conditions of approval stated at the last meeting. Copies were provided to Mr. Byrd and Commission Members. Mr. Byrd indicated that the proposed conditions were acceptable.

Hearing no opposition or further discussion, a motion was made by Mr. Vallas with second by Mr. DeMouy, to approve the above referenced request for Planned Unit Development, subject to the following conditions:

- 1) **completion of the rezoning process;**
- 2) **revision of the site plan to indicate full compliance with the landscaping and tree planting requirements of the Zoning Ordinance;**
- 3) **revision of the site plan to indicate buffering along adjacent residential sites;**
- 4) **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;**
- 5) **compliance with Traffic Engineering comments: *(Revised site plan includes turn-around at end of driveway. Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. The site plan should include, at a minimum, the construction of a sidewalk along Navco Road matching the adjacent sidewalk on the bridge section. If a fence or buffer is required between the proposed R-3 and R-1 zoning, primarily as it relates to Lots 2 and 3, this buffer may create a sight distance problem for the curved section of driveway proposed near the existing dwelling on Lot 3);***
- 6) **compliance with Engineering comments: *(1. Any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 2. A complete set of construction plans for the site work (including drainage, utilities, grading, storm water detention systems, paving) will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. 3. Any work performed in the existing ROW (right-of-way) such as***

- driveways, sidewalks, utility connections, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile ROW (Mobile City Code, Chapter 57, Article VIII).*
4. *This proposed development will require stormwater detention.*
 5. *Label each of the flood zones and show the Minimum Finished Floor Elevation on each lot on the Plat);*
 - 7) *compliance with Urban Forestry comments: (Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64);*
 - 8) *compliance with Fire Department comments: (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile);*
 - 9) *submission of two copies of a revised site plan to Planning indicating compliance with the above conditions; and*
 - 10) *full compliance with all municipal codes and ordinances.*

The motion passed with Dr Rivizzigno voting in opposition.

Case #ZON2012-01136 (Rezoning)

Mayo Blackmon

1446 Navco Road

(West side of Navco Road, 140'± North of McLaughlin Drive)

Rezoning from R-1, Single-Family Residential District, to R-3, Multiple-Family District, to allow multiple dwellings on multiple building sites.

Council District 4

(Also see **Case #ZON2012-01137 (Planned Unit Development) Mayo Blackmon**, above)

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

Hearing no opposition or discussion, a motion was made by Mr. Vallas with second by Mr. DeMouy, to recommend approval the above referenced rezoning request, subject to the following conditions:

- 1) *compliance with Traffic Engineering comments: (Revised site plan includes turn-around at end of driveway. Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. The site plan should include, at a minimum, the construction of a sidewalk along Navco Road matching the adjacent sidewalk on the bridge section. If a fence or buffer is required between the proposed R-3 and R-1 zoning, primarily as it relates to Lots 2 and 3, this buffer may create a sight distance problem for the curved section of driveway proposed near the existing dwelling on Lot 3);*
- 2) *compliance with Engineering comments: (1. Any and all proposed development will need to be in conformance with the Storm Water Management*

- and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 2. A complete set of construction plans for the site work (including drainage, utilities, grading, storm water detention systems, paving) will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. 3. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile ROW (Mobile City Code, Chapter 57, Article VIII). 4. This proposed development will require stormwater detention. 5. Label each of the flood zones and show the Minimum Finished Floor Elevation on each lot on the Plat);*
- 3) **compliance with Urban Forestry comments:** *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64);*
 - 4) **compliance with Fire Department comments:** *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile);*
 - 5) **development limited to the accompanying PUD, as meeting any required revisions;**
 - 6) **full compliance with the landscaping and tree planting requirements of the Zoning Ordinance; and,**
 - 7) **full compliance with all municipal codes and ordinances.**

The motion passed with Dr Rivvizzigno voting in opposition.

Case #SUB2012-00043 (Subdivision)

Colvin Subdivision

4825 Scarborough Circle

(Southeast corner of Scarborough Circle and Scarborough Circle West)

Number of Lots / Acres: 1 Lot / 0.3± Acre

Engineer / Surveyor: Anthony L Bryant PLS

Council District 1

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

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

- 1) labeling of the lot size, in square feet and acres, or provision of a table on the Final Plat with the same information;
- 2) dedication to provide 30-foot right-of-way from the centerline of Scarborough Circle and Scarborough Circle West;
- 3) compliance with Section V.B.16. of the Subdivision Regulations regarding the dedication of curb radii at the corner of Scarborough Circle and Scarborough Circle West, with the size and design to be approved by Traffic Engineering/Engineering and conform to AASHTO standards;
- 4) placement of a note on the Final Plat stating the lot is denied access to Scarborough Circle West and limited to one curb-cut to Scarborough Circle with the size, design, and exact location of the curb-cut to be approved by Traffic Engineering and conform to AASHTO standards;
- 5) compliance with Engineering comments: *“The following comments should be addressed prior to acceptance and signature by the City Engineer: 1. Add a signature block for the Planning Commission and Traffic Engineer. 2. Add the curve data for the northwest corner of the property. 3. If topographic contours are to remain they should be labeled. 4. Correct the spelling of the street names in the vicinity map. 5. Provide all other information required for a Final Plat review;”*
- 6) compliance with Fire Comments: *“All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;”* and,
- 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.

The motion carried unanimously.

Case #SUB2012-00041 (Subdivision)
Bit and Spur Woods Subdivision, Re-subdivision of Lot 3
4609 Bit and Spur Road
(South side of Bit and Spur Road, 150'± of the South terminus of Hawthorne Place)
Number of Lots / Acres: 2 Lots / 1.6± Acre
Engineer / Surveyor: Byrd Surveying, Inc.
Council District 5

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

Jerry Byrd, Byrd Surveying was present representing the application and made the following points:

- A. The subdivision was approved in 2010, but the approval was challenged due to improper notification;
- B. The Commission rescinded approval based on improper notification which was upheld by the Circuit Court;

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- C. Referenced prior approvals in the area for flag lots in the area;
- D. Disputed reasons for denial as stated in the staff report;

Mr. Vallas inquired about the flag lot to the West. Mr. Olsen responded that the subdivision had been approved and recorded, but was a single tax parcel.

Hearing no further discussion in favor of the request, Mr. Plauche asked if there was anyone in opposition wishing to speak.

Ben Cummings, Cummings Architecture spoke in opposition and made the following points:

- A. Stated third time to speak in opposition
- B. Opposition continues from original application
- C. Referenced flag lot section of the Subdivision Regulations
- D. Referenced infrastructure in the immediate vicinity
- E. Concurred with staff report
- F. Referenced previous lack of notification and how it may have impacted attendance and thus decision

Mr. Vallas inquired about reason for opposition and discussion of future structure location was discussed.

Opposition in audience raised hands (approximately 12).

Mr. Byrd alleged that the opposition resided on Jordan Lane, not Bit & Spur Road. He offered a 30' setback from the rear property line.

Mr. Turner asked what justification Mr. Byrd had for the creation of a flag lot. Mr. Byrd referenced an adjacent flag shaped lot and several irregular shaped lots within 1,000'

Mr. Olsen indicated that a reason for denial was omitted, which was that the subdivision would create a violation of the Zoning Ordinance – side yard setback.

Mr. Miller inquired about the adjacent flag lot, to which Mr. Olsen responded it was created prior to the adoption of the flag lot regulations.

Mr. Lawler discussed the prior Court Case and notification requirements.

Hearing no further discussion, a motion was made by Dr. Rivizzigno with second by Mr. Miller to deny the above referenced subdivision as recommended for the following reasons:

- 1) the applicant did not show that the flag lot was necessary for reasonable use of the site;**

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- 2) **the applicant did not show that the flag lot was necessary to alleviate a situation that would cause extreme hardship; and,**
- 3) **the proposed subdivision would increase traffic congestion within the neighborhood.**

The motion passed with Mr. Vallas opposed.

Case #SUB2012-00044 (Subdivision)

Knight Tract Subdivision

9339 Three Notch Road

(South side of Three Notch Road, 2/10± mile West of Ben Hamilton Road)

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

Engineer / Surveyor: Erdman Surveying LLC

County

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche with second by Dr. Rivvizzigno to Holdover the above referenced subdivision until October 4, 2012, meeting so that the applicant can submit additional information by September 13, 2012, and comply with the following:

- 1) revision of the plat to illustrate the residence on the proposed Lot 2 entirely on one legal lot of record; and,
- 2) submittal of additional mailing labels and application fees.

The motion carried unanimously.

Case #SUB2012-00042 (Subdivision)

Iain Frost Subdivision

435 Dykes Road South

(East side of Dykes Road, 160'± South of Turmac Road)

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

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

County

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

Brett Orrell, Polysurveying, was present and represented the application. He stated that when the application was heard previously one of the reasons for holdover was to allow the staff to prepare conditions for approval.

Mr. Olsen stated that he did not recall that the staff had been asked to prepare conditions. He offered that the staff could prepare conditions and have them ready before the end of

the Public Hearing portion of the meeting. Mr. Olsen recalled there had been discussion at the previous meeting regarding the original configuration, and the fact that the access to the large rear lot was sufficient to allow for construction of a road should that lot be resubdivided, but as proposed there would not be sufficient frontage for any such future resubdivision.

Mr. Orrell stated that was correct.

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

- 1) **placement of a note on the Final Plat stating that Lots 1 – 3 are limited to one curb-cut each, that Lot 4 is limited to two curb-cuts, and that the size, design and location of all curb-cuts are to be approved by Mobile County Engineering and to comply with AASHTO standards;**
- 2) **placement of a note on the Final Plat stating that there shall be no future subdivision of Lot 4;**
- 3) **compliance with the Fire Department comments: *“All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.”***
- 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) **placement of a note on the final plat stating that new development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;**
- 6) **placement of a note on the final plat stating that new development of the site must be undertaken in compliance with all local, state, and federal regulations regarding wetlands; and**
- 7) **placement of a note on the final plat stating that new development must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits.**

The motion carried unanimously.

Case #SUB2012-00055 (Subdivision)
Creel Company Subdivision

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3804 Norwood Lane

(North side of Norwood Lane, 70'± West of Stimpson Lane [not open] extending to the South side of Isabella Lane [not open] 100'± West of Stimpson Lane [not open])

Number of Lots / Acres: 1 Lot / 3.1± Acres

Engineer / Surveyor: Derek Peterson – Land Use Consultant

Council District 1

(Also see **Case #ZON2012-01430 (Rezoning) The Creel Company Inc.**, below)

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

Derek Peterson, the Peterson Company, was present and represented the application. He made the following points:

- A. The revised drawings were submitted late, and he understood that staff may not have had adequate time to review;
- B. He indicated that the changes were not significant;
- C. Claimed that development was not proposed, and they were not changing or adding use;
- D. Asked that it be heard that day.

Mr. Olsen responded that the staff did not receive the plan until Wednesday of the previous week, at which point staff reports had already been drafted and were in the review process so there was no time to review the revised plan. He also referenced that the use for the last five years had not been approved and that the site had been cleared for that use without permits.

Mr. Olsen went on to state that the date to submit revised drawings had been extended at the previous meeting to accommodate Mr. Peterson, and when a deadline is not met it puts a strain on the staff to try to do an adequate review.

Mr. Plauche asked about date for holdover to which Mr. Olsen responded September 6. Mr. Peterson indicated he was agreeable.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche with second by Dr. Rivizzigno to holdover the above referenced subdivision until September 6, at the applicant's request, and to allow staff time to review the revised information.

The motion carried unanimously.

Case #ZON2012-01430 (Rezoning)

The Creel Company Inc.

3804 Norwood Lane

(North side of Norwood Lane, 70'± West of Stimpson Lane [not open] extending to the South side of Isabella Lane [not open] 100'± West of Stimpson Lane [not open])

Rezoning from R-1, Single-Family Residential District, to I-1, Light Industry District, to allow a contractors storage yard.

Council District 1

(Also see **Case #SUB2012-00055 (Subdivision) Creel Company Subdivision**, above)

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

Hearing no opposition or further discussion, a motion was made by Mr. Plauche with second by Dr. Rivizzigno to holdover the above referenced subdivision until September 6, at the applicant's request, and to allow the staff time to review the revised information.

The motion carried unanimously.

Case #SUB2012-00052 (Subdivision)

McRee Place Subdivision

3916 Old Shell Road

(Northeast corner of Old Shell Road and Provident Lane)

Number of Lots / Acres: 4 Lots / 1.3± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 7

(Also see **Case #ZON2012-01424 (Planned Unit Development) McRee Place Subdivision**, below)

The Chair announced the application had been recommended for approval. He added that the applicant was agreeable with the recommendations, and 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 Mr. Turner to approve the above referenced subdivision, subject to the following conditions:

- 1) dedication of 8' along Provident Lane from the current right-of-way line;
- 2) depiction of the 10' building setback line along Provident Lane, as measured from any required dedication;
- 3) depiction of the 10' building setback line around McRee Lane;
- 4) illustration of the 5' common internal property line and 8' rear property line building setbacks (0' along the detention pond);
- 5) placement of a note on the Final Plat stating that each lot is limited to 50% maximum site coverage by all structures;

- 6) labeling of each lot with its size in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
- 7) placement of a note on the Final Plat stating that each lot is limited to one curb-cut to McRee Lane, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 8) placement of a note on the Final Plat stating that all lots are denied direct access to Provident Lane and Old Shell Road;
- 9) placement of a note on the Final Plat stating that the maintenance of the common area is the responsibility of the property owners;
- 10) compliance with Section VIII. Of the Subdivision Regulations regarding the provision of a private street;
- 11) designation on the Final Plat of utility easements acceptable to the appropriate provider of utility services within the subdivision;
- 12) placement of a note on the Final Plat stating that the street is privately maintained and not dedicated to the public;
- 13) placement of a note on the Final Plat stating that if the private street is not constructed and maintained to the appropriate City standard, and is ultimately dedicated for public use and maintenance, 100 percent of the cost of improvements required to bring the street up to the prevailing standard shall be assessed to the property owners at the time the private street is dedicated, with the assessment running with the land to any subsequent property owners;
- 14) placement of a note on the Final Plat stating that the gate must remain operational and in use as a condition of the continuation of private street status;
- 15) placement of a note on the Final Plat stating that the gate must remain open during daytime hours and may only be closed at night;
- 16) 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;
- 17) submittal of two copies of a revised PUD site plan prior to signing the Final Plat;
- 18) subject to the Engineering Comments: *“1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. Any and all proposed development will need to be in conformance with the Stormwater Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Stormwater Runoff Control. 3. A complete set of construction plans for the site work (including drainage, utilities, grading, stormwater systems, paving) will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and*

approved prior to beginning any of the construction work. 4. Drainage easements may be required to allow for existing and proposed runoff from the lots to the proposed Common Area (Detention) and the proposed outfall. Final size and location of the drainage easements to be coordinated with the Engineering Department. 5. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes);” and,

- 19) compliance with the Fire Department comments: “All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.”

The motion carried unanimously.

Case #ZON2012-01424 (Planned Unit Development)

McRee Place Subdivision

3916 Old Shell Road

(Northeast corner of Old Shell Road and Provident Lane)

Planned Unit Development approval to allow a private street subdivision with reduced front and side yard setbacks and increased site coverage.

Council District 1

(Also see Case #SUB2012-00052 (Subdivision) **McRee Place Subdivision**, above)

The Chair announced the application had been recommended for approval. He added that the applicant was agreeable with the recommendations, and 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 Mr. Turner to approve the above referenced subdivision, subject to the following conditions:

- 1) **revision of the site plan to also indicate a sidewalk along Old Shell Road;**
- 2) **revision of the site plan to illustrate any easements which may be required by the Subdivision;**
- 3) **placement of a note on the site plan stating that each lot is limited to 50% site coverage by all structures;**
- 4) **illustration of all front, side and rear setbacks, as proposed;**
- 5) **illustration of all walls and fences, as proposed;**
- 6) **completion of the Subdivision process; and,**
- 7) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2012-00051 (Subdivision)

Broad Palmetto Subdivision

202 South Broad Street

(West side of South Broad Street, 55'± South of Palmetto Street and extending West to the South side of Palmetto Street, 130'± West of South Broad Street)

Number of Lots / Acres: 2 Lots / 0.4± Acre

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

Council District 2

(Also see **Case #ZON2012-01421 (Planned Unit Development) Broad Palmetto Subdivision**, and, **Case #ZON2012-01420 (Rezoning) Michael Rost**, below)

The Chair announced the application had been recommended for denial. He added if anyone wished to speak on the matter they should do so at that time. He also advised the Commission there was a packet of information at their paces regarding the application.

Forrest McCaughn, applicant, was present representing the application and made the following points:

- A. No objections from Fire Department, Traffic Engineering, or Urban Forestry in previous report;
- B. There were comments that were in the report and that were not consistent with proposal;
- C. Alleged that all four reasons for rezoning applied;
- D. Alleged that minimum size references in staff report were inaccurate
- E. Alleged that RB did not consider character of Historic District, minimum size should not apply;
- F. Debated staff comments regarding lot configuration and parking spaces;
- G. Debated staff position that entire site should have been included in the rezoning request;
- H. Referenced meeting with neighboring property owners, and submission of alternative plans for the development.
- I. Claimed that there is a difference between living within the Historic District and along Broad Street, and that RB/mixed use is the best use for such properties
- J. Ask that applications be approved

The following people spoke in opposition to the matter:

- Tom Host, 262 South Broad Street, Mobile;
- John Baker, 956 Charleston Street, Mobile;
- Christie Guston, 2000 Dauphin Street, Mobile;
- Roy Harrell, 200 Marine Street, Mobile

They made the following points against the application:

- A. Does consider his home on Broad Street as well as the rest of Broad Street part of the Historic District

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- B. Supports staff report and recommendation for denial
- C. Feel it is the Planning Commission's Duty to protect the neighborhoods
- D. Stated that poor decisions in the past do not justify approving the applications
- E. Referenced the rezoning of much of the area from R-3 to R-1 in 1992, to re-establish its original intended use
- F. Discussed alternatives submitted to neighborhood and reasons for not being accepted
- G. stated that a bad business decision by the applicant should not be grounds for approval
- H. Does not believe the request meets any of the required reasons for rezoning stated in the zoning ordinance
- I. Referenced impact on property values
- J. Approval would set a precedent for future such applications
- K. Referenced existing commercial lots that are in disrepair and/or neglected
- L. Other allowed uses could be offensive to the neighborhood
- M. Homes are too close together to be mixed use
- N. Application was being considered in error- cannot consider application for same classification for same property within 6 months of denial

Mr. Turner asked if the neighborhood had any discussions or had presented alternatives to the applicant. Mr. Host indicated that the neighbors were very unified in their opinion that the proposal was not acceptable for the neighborhood.

Mr. Vallas stated he did not see a problem with business in the area and that he felt the future trend for Broad would not be for residential.

Mr. Host indicated that he personally was not opposed to some mixed use, such as some of the existing ones in the area. The building in question was built as residential. And there was some concern as to what future use could locate there.

Discussion about other uses in other areas ensued.

Mr. Turner asked about uses allowed in RB, and some uses were discussed. It was asked if uses could be restricted.

Mr. Olsen replied that his recollection was that there was discussion about voluntary use restrictions at the last meeting. Mr. Vallas stated that in his opinion limiting it to B-1 uses would be appropriate. Mr. Olsen stated that any restrictions would have to be voluntary.

In rebuttal, Mr. McCaughn claimed that there were some voluntary restrictions limiting it to attorney offices, professional offices, some other uses and low parking impact uses. As for plans submitted to the neighbors, they were significantly different and provided for buffers or R-1 zoning between the rezoning and the neighborhood.

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Hearing no further discussion, a motion was made by Mr. Miller with second by Mr. Jordan to deny the above referenced subdivision for the following reason:

- 1) does not meet the minimum lot size requirements of Section V.D.2. of the Subdivision Regulations.

The motion passed with Mr. Vallas opposed.

Case #ZON2012-01421 (Planned Unit Development)

Broad Palmetto Subdivision

202 South Broad Street

(West side of South Broad Street, 55'± South of Palmetto Street and extending West to the South side of Palmetto Street, 130'± West of South Broad Street)

Planned Unit Development Approval to allow reduced lot size and reduced setbacks in a proposed subdivision

Council District 2

(Also see Case #SUB2012-00051 (Subdivision) **Broad Palmetto Subdivision**, above, and, Case #ZON2012-01420 (Rezoning) **Michael Rost**, below)

Hearing no further discussion, a motion was made by Mr. Miller with second by Mr. Jordan to deny the above referenced PUD for the following reasons:

- 1) denial of the Subdivision application; and,
- 2) denial of the Rezoning application.

The motion passed with Mr. Vallas opposed.

Case #ZON2012-01420 (Rezoning)

Michael Rost

202 South Broad Street

(West side of South Broad Street, 55'± South of Palmetto Street and extending West to the South side of Palmetto Street, 130'± West of South Broad Street)

Rezoning from R-1, Single-Family Residential District, to R-B, Residential-Business District, to allow conversion of a dwelling into a professional office building.

Council District 2

(Also see Case #SUB2012-00051 (Subdivision) **Broad Palmetto Subdivision**, and, Case #ZON2012-01421 (Planned Unit Development) **Broad Palmetto Subdivision**, above)

Hearing no further discussion, a motion was made by Mr. Miller with second by Mr. Jordan to deny the above referenced rezoning request for the following reason:

- 1) does not meet the requirements of Section 64-9.A.2.a. of the Zoning Ordinance.

The motion passed with Mr. Vallas opposed.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2012-00061

S & P Mobile Subdivision

5540 East Rite Road

(North side of East Rite Road, 500'± East of U. S. Highway 90 West)

Number of Lots / Acres: 2 Lots / 1.8± Acre

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 4

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

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

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

- 1) **placement of the lot sizes in both square feet and acres on the Final Plat, or the furnishing of a table on the Final Plat providing the same information;**
- 2) **retention of the 25' minimum building setback line on the Final Plat;**
- 3) **placement of a note on the Final Plat stating that each lot is limited to one (1) curb-cut to East Rite Road, with the size, design, and exact location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 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) **subject to the Engineering comments: *“Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes)”*; and,**
- 6) **compliance with Fire Department comments: *“All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.”***

The motion passed with Mr. Vallas recusing.

Case #SUB2012-00064

Dog River Crescent Subdivision, Re-subdivision of Lots 20, 21 & 22

2558 & 2560 Crescent Drive North

(North side of Crescent Drive North, 60'± East of Crescent Drive West)

Number of Lots / Acres: 2 Lots / 1.3± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 4

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

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

- 1) **revision of the plat to depict the existing right-of-way width for Crescent Drive North;**
- 2) **revision of the plat to depict dedication along Crescent Drive North to provide 25-feet from centerline;**
- 3) **revision of the 25-foot minimum building setback line to reflect dedication;**
- 4) **labeling of the lot size in square feet, reflecting dedication;**
- 5) **placement of a note on the final plat stating that each lot is limited to one curb-cut, with the size, design, and location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards.**
- 6) **compliance with Engineering comments “1. Any land disturbance or construction activity is required to be in conformance with the Stormwater Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984). Any land disturbing activity or construction that was completed without obtaining the proper permits shall be required to obtain proper permits prior to signature of the final plat. 2. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes);”**
- 7) **compliance with Fire comments: “All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;”**
- 8) **approval of all applicable federal, state, and local agencies for floodplain issues prior to the issuance of any permits or land disturbance activities;**
- 9) **placement of a note on the plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;**
- 10) **after the fact permitting of the garage and pool at 2560 Crescent Drive North, including land disturbance and building permit applications within 6 months of Subdivision approval;**
- 11) **completion via final inspections of all other permits associated with the expansion and renovation of the house prior to the signing of the final plat; and,**
- 12) **full compliance with all other municipal codes and ordinances.**

The motion passed unanimously.

Case #SUB2012-00067

Nannybo Curves Subdivision

5880 & 5890 Leatherwood Drive

(North side of Leatherwood Drive, 375'± South of Carol Plantation Road)

Number of Lots / Acres: 2 Lots / 1.5± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

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

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

- 1) **dedication of right-of-way along Leatherwood Drive sufficient to provide 30-feet from centerline, with corner radius dedication;**
- 2) **revision of the 25-foot minimum building setback line to reflect dedication;**
- 3) **revision of the lot sizes to reflect dedication;**
- 4) **placement of a note on the final plat stating that each lot is limited to the two existing curb-cuts per lot, with any changes to the size, design, or location to be approved by Mobile County Engineering and to comply with AASHTO standards;**
- 5) **placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations;**
- 6) **placement of a note on the final plat stating that new development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;**
- 7) **placement of a note on the final plat stating that new development must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits; and,**
- 8) **compliance with Fire-Rescue Department comments: “All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.”**

The motion carried unanimously.

Case #SUB2012-00069

Fowler Subdivision

8620 Old Pascagoula Road

(North side of Old Pascagoula Road, 780'± West of McDonald Road)

Number of Lots / Acres: 2 Lots / 4.4± Acres

Engineer / Surveyor: Timothy Brandon Bailey

County

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

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

- 1) **dedication of right-of-way along Old Pascagoula Road sufficient to provide 50-feet from centerline;**
- 2) **revision of the 25-foot minimum building setback line to reflect dedication;**
- 3) **adjustment of the lot line between Lots 1 and 2 to ensure that Lot 2 is 60 feet wide for its entirety, as measured perpendicularly to the lot lines;**
- 4) **revision of the lot sizes to reflect dedication and lot adjustments;**
- 5) **placement of a note on the final plat stating that Lot 1 is limited to the two (2) existing curb-cuts and Lot 2 is limited to one (1) curb-cut, with any changes to the size, design, or location to be approved by Mobile County Engineering and to comply with AASHTO standards;**
- 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;**
- 7) **placement of a note on the final plat stating that new development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;**
- 8) **placement of a note on the final plat stating that new development must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits; and,**
- 9) **compliance with Fire-Rescue Department comments: *"All projects within the***

City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.”

The motion carried unanimously.

Case #SUB2012-00063

Hosea & Corine Weaver Estate Division Subdivision

7261, 7301 and 7345 Howells Ferry Road

(South side of Howells Ferry Road, 3/10± mile West of Cody Road)

Number of Lots / Acres: 4 Lots / 26.5± Acres

Engineer / Surveyor: Joseph T. Regan, Jr.

County

The Chair announced the application had been recommended for approval. He added that the applicant was agreeable with the recommendations, and 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 Mr. Turner to approve the above referenced subdivision, subject to the following conditions:

- 1) **dedication to provide 50' from the centerline of Howells Ferry Road;**
- 2) **illustration of the 25' minimum building setback line along Howells Ferry Road;**
- 3) **labeling of the lot sizes, in square feet and acres, or provision of a table on the Final Plat with the same information;**
- 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) **placement of a note on the Final Plat stating the site must comply with the City of Mobile stormwater and flood control ordinances: *“Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits;”***
- 6) **placement of a note on the Final Plat limiting the development to the two existing curb-cuts to Howells Ferry Road, and if any of the curb-cuts are relocated the size, design, and location of the curb-cuts are to be approved by Mobile County Engineering and conform to AASHTO standards; and,**
- 7) **placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or**

land disturbance activities.

The motion carried unanimously.

Case #SUB2012-00068

Legacy Subdivision, Phase Four

West terminus of Mason Drive, extending to the East terminus of Darling Road.

Number of Lots / Acres: 29 Lots / 22.4± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

County

The Chair announced the application and stated that if anyone wished to speak on the matter they should do so at that time.

Mr. Brett Orrell, Polysurveying, was present representing the applicant and requested that the application be withdrawn from consideration.

Hearing no opposition or discussion, the Commission accepted the applicant's request to withdraw the matter.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2012-01612

Cellular South

2600 McVay Drive North

(North side of McVay Drive North, 290'± West of Navco Road)

Sidewalk Waiver Request to waive construction of a sidewalk along McVay Drive North.

Council District 4

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

Adam Kirk, Hardy Engineering, 209 Linden Street, Trussville, Al, was present representing the application and made the following points:

- A. The terrain at the standard location for a sidewalk would be located in wetlands;
- B. If shifted closer to the road there is a steep slope, which would not be conducive to construction of a sidewalk;
- C. Construction of the sidewalk at the required location would require significant

fill;

D. Virtually no sidewalks around the site – 600-800' away to nearest sidewalks;

Hearing no further discussion, a motion was made by Mr. Miller with second by Dr. Rivizzigno to deny the above Sidewalk Waiver Request.

Case #ZON2012-01617

Forklift Hunter LLC

216 East I-65 Service Road North

(East side of East I-65 Service Road North, 600'± North of Old Shell Road)

Sidewalk waiver request to waive construction of a sidewalk along East I-65 Service Road North.

Council District 1

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

Jerry Byrd, Byrd Surveying, spoke on behalf of the applicant and stated that he would like to application not to be heldover.

Hearing no further discussion, a motion was made by Mr. Turner with second by Mr. Miller to deny the above Sidewalk Waiver Request.

NEW ZONING APPLICATIONS:

Case #ZON2012-01615

Mobile Infirmary Medical Center

1806 Springhill Avenue

(North side of Springhill Avenue, 405'± West of Mobile Infirmary Boulevard)

Rezoning from R-1, Single-Family Residential District, to B-1, Buffer-Business District, to allow commercial office space.

Council District 1

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

The Chair announced the application had been recommended for approval. He added that the applicant was agreeable with the recommendations, and 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. Miller to approve the above referenced subdivision, subject to the following conditions:

- 1) **completion of a one-lot subdivision for the site;**

- 2) approval of a Planned Unit Development (PUD) application;
- 3) compliance with Urban Forestry: *“Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status granted for all 50” and larger trees. All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger. Exact curb cut locations and location of the proposed street, internal circulation drive and building locations should also be coordinated with Urban Forestry to ensure that no trees 50” and larger are effected;”*
- 4) proper buffering from adjacent residential properties; and,
- 5) full compliance with all municipal codes and ordinances.

The motion carried unanimously with Mr. Vallas recusing.

GROUP APPLICATIONS:

Case #SUB2012-00065 (Subdivision)

Cobblestone Subdivision, Phase 2, Re-subdivision of Lot 34

20 Cobblestone Way West

(Southwest corner of Cobblestone Way West and Hedgestone Way)

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

Engineer / Surveyor: Don Williams Engineering

Council District 7

(Also see **Case #ZON2012-01619 (Planned Unit Development) Cobblestone Subdivision, Phase 2, Re-subdivision of Lot 34**, below)

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

Hearing no opposition or discussion, a motion was made by Mr. Turner with second by Mr. Demouy to waive Section V.D.9, and approve the above referenced subdivision, subject to the following conditions:

- 1) compliance with Engineering comments: *“Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes);”*
- 2) depiction of a 25-foot minimum building setback along Cobblestone Way West and a 12-foot minimum building setback along Hedgestone Way;
- 3) placement of a note on the final plat stating that the site is limited to one curb-cut onto Cobblestone Way West, with any changes to the curb-cut to require approval of Traffic Engineering, Right-of-Way, and Planning;
- 4) compliance with Fire comments: *“All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;”*

- 5) submission of a revised PUD site plan prior to the signing of the plat; and,
- 6) completion of the Subdivision process prior to any request for building permits.

The motion carried unanimously.

**Case #ZON2012-01619 (Planned Unit Development)
Cobblestone Subdivision, Phase 2, Re-subdivision of Lot 34**

20 Cobblestone Way West

(Southwest corner of Cobblestone Way West and Hedgestone Way)

Planned Unit Development Approval to allow reduced side-yard setbacks, reduced combined side yard setback and allow an existing 6' high privacy fence and 6' high wall to remain in the front and side yard setbacks for an existing residence.

Council District 7

(Also see **Case #SUB2012-00065 (Subdivision) Cobblestone Subdivision, Phase 2, Re-subdivision of Lot 34**, above)

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

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

- 1) depiction of a 25-foot minimum building setback along Cobblestone Way West, a 12-foot minimum building setback along Hedgestone Way, an 8-foot minimum rear setback, and a 0-foot interior side yard setback ;
- 2) placement of a note on the site plan stating that the maximum site coverage is 45%;
- 3) placement of a note on the site plan stating that the location of walls and fences are limited to as depicted on the PUD site plan, and any reconstruction or replacement must comply with the approved PUD site plan;
- 4) placement of a note on the site plan stating that any changes to the site plan will require new applications for PUD and Subdivision approvals;
- 5) placement of a note on the site plan stating that the site is limited to one curb-cut onto Cobblestone Way West, with any changes to the curb-cut to require approval of Traffic Engineering, Right-of-Way, and Planning;
- 6) compliance with Fire comments: *"All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;"* and,
- 7) submission of a revised PUD site plan prior to the signing of the plat.

The motion carried unanimously.

Case #SUB2012-00062 (Subdivision)

Heron Lakes Subdivision, Phase One, Re-subdivision of Lot 38

1080 Grand Heron Court East

(Southeast corner of Grand Heron Way and Grand Heron Court West)

Number of Lots / Acres: 2 Lots / 0.8± Acre

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 4

(Also see **Case #ZON2012-01605 (Planned Unit Development) Heron Lakes Subdivision, Phase One, Re-subdivision of Lot 38**, below)

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

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

- 1) **compliance with Engineering Comments: *“Provide all of the required information on the Final Plat [i.e. signature blocks, signatures, certification statements, legal description, required notes]”* to be approved by City Engineering Department prior to signing of the Final Plat;**
- 2) **the North side yard setback for Lot 2 should be changed to 8-feet and illustrated on the Final Plat;**
- 3) **the placement of all setbacks for both lots on the Final Plat; and,**
- 4) **Lot 1 should be limited to the existing curb-cut and Lot 2 should be limited to one curb-cut with the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards.**

The motion carried unanimously.

Case #ZON2012-01605 (Planned Unit Development)

Heron Lakes Subdivision, Phase One, Re-subdivision of Lot 38

1080 Grand Heron Court East

(Southeast corner of Grand Heron Way and Grand Heron Court West)

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow reduced side-yard setbacks.

Council District 4

(Also see **Case #SUB2012-00062 (Subdivision) Heron Lakes Subdivision, Phase One, Re-subdivision of Lot 38**, above)

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

**August 2, 2012
Planning Commission Meeting**

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

- 1) **submission of documentation that the existing storm water facilities are adequate to handle the additional lot, to be approved by City Engineering Department prior to signing of the Final Plat;**
- 2) **the North side yard setback for Lot 2 should be changed to 8-feet and illustrated on the revised PUD site plan;**
- 3) **the placement of all setbacks for both lots on the revised PUD site plan;**
- 4) **submission of two copies of the revised PUD site plan to the Urban Development office prior to the signing of the Final Plat; and,**
- 5) **full compliance with all other codes and ordinances.**

The motion carried unanimously.

Case #SUB2012-00066 (Subdivision)
Plantation Commercial Park Subdivision, Unit Two, Re-subdivision of Lot 13A
5721 U.S. Highway 90 West
(East side of U.S. Highway 90 West, 330'± South of Plantation Road)
Number of Lots / Acres: 2 Lots / 12.0± Acres
Engineer / Surveyor: Rowe Surveying & Engineering Co., Inc.
Council District 4
(Also see **Case #ZON2012-01620 (Planned Unit Development) Plantation Commercial Park Subdivision, Unit Two, Re-subdivision of Lot 13A**, and, **Case #ZON2012-01621 (Rezoning) D & M Properties, LLC**, below)

The Chair announced the application had been recommended for holdover until September 6. He added that the applicant was agreeable with the recommendations, and if anyone wished to speak on the matter they should do so at that time.

Chris Furger, 5525 Plantation Rd, spoke in opposition to the matter and made the following points:

- A. the applicant as already encroached on most of the area's that they are talking about in the statement;
- B. questioned why the applicant does not just ask the neighbors what their opinion is;
- C. does not think they need a sidewalk.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche with second by Dr. Rivizzigno to holdover the above referenced subdivision until September 6, with additional information to be submitted by August 9, 2012, and comply with the following:

- 1) **revision of the preliminary plat to include to portion of the "Preservation**

- Conservation Area” to the South of the proposed “Lot B” that is being utilized by the concrete manufacturing facility;
- 2) submittal of additional mailing labels;
 - 3) placement of a note stating that there will be no further encroachment into the “Preservation Conservation Area”;
 - 4) retention of the lot sizes in square feet and acres;
 - 5) dedication to provide 125’ from the centerline of U.S. Highway 90 West;
 - 6) retention of the 25’ minimum building setback line;
 - 7) placement of a note stating that the development is limited to the existing curb cuts;
 - 8) compliance with Fire Department comments: *“All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;”*
 - 9) compliance with Engineering comments: *“Provide copies of the site construction plans (including grading and drainage plans) and engineering calculations as approved by the Mobile County Engineering Department for the existing developments. Previously approved structures/development on Lots A & B may be able to receive historic credit towards the requirement for detention. Add a note to the Plat stating that stormwater detention will be required for any unapproved development (since 1984) and any future addition(s) and/or land disturbing activity in accordance with the Stormwater Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). Provide Stormwater Detention for the 1200 sf building addition proposed on Lot A in conformance with the Stormwater Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Stormwater Runoff Control. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes);”* and,
 - 10) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.

The motion carried unanimously.

Case #ZON2012-01620 (Planned Unit Development)

Plantation Commercial Park Subdivision, Unit Two, Re-subdivision of Lot 13A

5721 U.S. Highway 90 West

(East side of U.S. Highway 90 West, 330'± South of Plantation Road)

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

Council District 4

(Also see **Case #SUB2012-00066 (Subdivision) Plantation Commercial Park**

Subdivision, Unit Two, Re-subdivision of Lot 13A, above, and, Case #ZON2012-01621 (Rezoning) D & M Properties, LLC, below)

The Chair announced the application had been recommended for holdover until September 6. He added that the applicant was agreeable with the recommendations, and if anyone wished to speak on the matter they should do so at that time.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche with second by Dr. Rivizzigno to holdover the above referenced PUD until the September 6, 2012, meeting so that the applicant can submit additional information by August 9, 2012, and comply with the following:

- 1) **revision of the preliminary plat to include to portion of the “Preservation Conservation Area” to the South of the proposed “Lot B” that is being utilized by the concrete manufacturing facility;**
- 2) **submittal of additional mailing labels;**
- 3) **placement of a note stating that there will be no further encroachment into the “Preservation Conservation Area”;**
- 4) **retention of the lot sizes in square feet and acres;**
- 5) **dedication to provide 125’ from the centerline of U.S. Highway 90 West;**
- 6) **retention of the 25’ minimum building setback line;**
- 7) **placement of a note stating that the development is limited to the existing curb cuts;**
- 8) **illustration of a 10’ protection buffer from all adjacent R-1, Single-Family Residential properties;**
- 9) **illustration of a 6’ high privacy fence or 10’ wide planting screen strip no less than 6’ in height at the time of planting and consisting of evergreen vegetation;**
- 10) **provision of a solid 8’ high solid wall or fence around areas being utilized as a storage yard;**
- 11) **illustration of compliance with tree planting and landscaped area requirements;**
- 12) **depiction of a dumpster enclosed by a 6’ high privacy fence or wall, or placement of a note stating that curbside pickup will be used;**
- 13) **placement of a note stating the size and use of each building;**
- 14) **illustration of properly paved parking and maneuvering areas for Lot B;**
- 15) **depiction of sidewalks along U.S. Highway 90 West or submittal of a Sidewalk Waiver;**
- 16) **illustrate all structures on both lots;**
- 17) **compliance with Fire Department comments: “All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;” and,**
- 18) **compliance with Engineering comments: “Provide copies of the site construction plans (including grading and drainage plans) and engineering calculations as approved by the Mobile County Engineering Department for the existing developments. Previously approved structures/development on**

Lots A & B may be able to receive historic credit towards the requirement for detention. Add a note to the Plat stating that stormwater detention will be required for any unapproved development (since 1984) and any future addition(s) and/or land disturbing activity in accordance with the Stormwater Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). Provide Stormwater Detention for the 1200 sf building addition proposed on Lot A in conformance with the Stormwater Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Stormwater Runoff Control. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes.)”

The motion carried unanimously.

Case #ZON2012-01621 (Rezoning)

D & M Properties, LLC

5721 U.S. Highway 90 West

(East side of U.S. Highway 90 West, 330'± South of Plantation Road)

Rezoning from B-3, Community Business District, and I-1, Light-Industry District, to I-2, Heavy Industry District, to eliminated split zoning and bring the zoning into compliance for an existing concrete manufacturing facility.

Council District 4

(Also see Case #SUB2012-00066 (Subdivision) **Plantation Commercial Park Subdivision, Unit Two, Re-subdivision of Lot 13A**, and, Case #ZON2012-01620 (Planned Unit Development) **Plantation Commercial Park Subdivision, Unit Two, Re-subdivision of Lot 13A**, above)

The Chair announced the application had been recommended for holdover until September 6. He added that the applicant was agreeable with the recommendations, and if anyone wished to speak on the matter they should do so at that time.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche with second by Dr. Rivizzigno to holdover the above referenced rezoning until the September 6, 2012, meeting so that the applicant can submit additional information by August 9, 2012, and comply with the following:

- 1) revision of the preliminary plat to include to portion of the “Preservation Conservation Area” to the South of the proposed “Lot B” that is being utilized by the concrete manufacturing facility;
- 2) submittal of additional mailing labels;
- 3) placement of a note stating that there will be no further encroachment into the “Preservation Conservation Area”;
- 4) retention of the lot sizes in square feet and acres;

- 5) dedication to provide 125' from the centerline of U.S. Highway 90 West;
- 6) retention of the 25' minimum building setback line;
- 7) placement of a note stating that the development is limited to the existing curb-cuts;
- 8) illustration of a 10' protection buffer from all adjacent R-1, Single-Family Residential properties;
- 9) illustration of a 6' high privacy fence or 10' wide planting screen strip no less than 6' in height at the time of planting and consisting of evergreen vegetation;
- 10) provision of a solid 8' high solid wall or fence around areas being utilized as a storage yard;
- 11) illustration of compliance with tree planting and landscaped area requirements;
- 12) depiction of a dumpster enclosed by a 6' high privacy fence or wall, or placement of a note stating that curbside pickup will be used;
- 13) placement of a note stating the size and use of each building;
- 14) illustration of properly paved parking and maneuvering areas for Lot B;
- 15) depiction of sidewalks along U.S. Highway 90 West or submittal of a Sidewalk Waiver;
- 16) illustrate all structures on both lots;
- 17) compliance with Fire Department comments: *"All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;"* and,
- 18) compliance with Engineering comments: *"Provide copies of the site construction plans (including grading and drainage plans) and engineering calculations as approved by the Mobile County Engineering Department for the existing developments. Previously approved structures/development on Lots A & B may be able to receive historic credit towards the requirement for detention. Add a note to the Plat stating that stormwater detention will be required for any unapproved development (since 1984) and any future addition(s) and/or land disturbing activity in accordance with the Stormwater Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). Provide Stormwater Detention for the 1200 sf building addition proposed on Lot A in conformance with the Stormwater Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Stormwater Runoff Control. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes.)"*

The motion carried unanimously.


OTHER BUSINESS:

Hearing no further business, the meeting was adjourned.

APPROVED: August 8, 2013



Dr. Victoria Rivizzigno, Secretary


Terry Plauche, Chairman

jpw