

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF January 16, 2014 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William G. DeMouy, Jr.
Victoria L. Rivizzigno, Secretary
Roosevelt Turner
Tracie Lee-Roberson
John Vallas
Scott Webster
Carlos Gant
James F. Watkins, III
Don Hembree
John Williams

Members Absent

Jarrett Wingfield

Urban Development Staff Present

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

Others Present

Doug Anderson,
Assistant City Attorney
George Davis,
City Engineering
Marybeth Bergin,
Traffic Engineering

Fire-Rescue Department

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

ROLL CALL:

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

APPROVAL OF MINUTES:

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

- August 8, 2013

The motion carried unanimously.

HOLDOVERS:

Case #SUB2013-00135

Rangeline Business Park Subdivision, Unit Two, Resubdivision of Lots 13, 14, & 15

North side of Abigail Drive, 1000' East of Rangeline Service Road

Number of Lots / Acres: 2 Lots / 3.2± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 4

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

Jerry Byrd, Byrd Surveying spoke on behalf of the applicant. He stated that they would like to request two curb-cuts each rather than one.

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) **retention of the lot sizes in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;**
- 2) **revision of the plat to indicate the right-of-way width of Abigail Drive;**
- 3) **placement of a note on the Final Plat stating that each lot is limited to two curb cuts to Abigail Drive, with the size, design, and exact location of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) **retention of the 25' building setback line along Abigail Drive;**
- 5) **placement of a note on the Final Plat stating that maintenance of all common areas and common detention facilities is the responsibility of the property owners;**
- 6) **placement of a note on the Final Plat stating that no structures may be constructed within the drainage easement at the Northwest corner of Lot A;**
- 7) **placement of a note on the Final Plat stating that a buffer, in compliance with Section V.A.8. of the Subdivision Regulations, will be required along the North side upon development of any lot;**
- 8) **compliance with City Engineering comments: (The following comments should be addressed prior to acceptance and signature by the City Engineer: a. Provide all of the required information on the Plat (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances). b. Add a note to the Plat stating that any proposed development will need to be in accordance with the City of Mobile Storm Water Management and Flood Control Ordinance, latest**

edition. Storm water detention will be required for any future land disturbing activity. c. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. d. Include and label Abigail Drive in the vicinity map. e. Provide and label the monument set or found at each subdivision corner. f. Add a signature block for the Owner, Notary Public, Surveyor, Planning Commission, Traffic Engineer, City Engineer, and County Engineer. g. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. h. Add a note that sidewalk is required to be constructed along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved.);

- 9) compliance with the Traffic Engineering comments: (Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.);
- 10) compliance with the 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).];
- 11) 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.); and
- 12) 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 #SUB2013-00140

Labrador Run Subdivision, Phase Three A

East side of Rex Drive, 90'± North of its South terminus, extending to the South side of Labrador Run Phase I

Number of Lots / Acres: 31 Lots / 15.1± Acres

Engineer / Surveyor: Austin Engineering Company, Inc.
County

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

Miller Austin, Austin Engineering, spoke on behalf of the applicant. He stated that he believed that the Staff had changed that recommendation.

Mr. Olsen responded that was correct. They had received the plan and were able to come up with conditions for approval.

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

- 1) **Depiction of the lot size information for all lots in Phase Three A in square feet and acres on the Final Plat;**
- 2) **Provision of a (temporary) turnaround in compliance with Sections V.B.6. and V.B.14. of the Subdivision Regulations to be illustrated on the Final Plat at the terminus of Maxwell Court, if required by Mobile County Engineering;**
- 3) **Revision of the legal description to depict the correct bearings on the Final Plat;**
- 4) **Revision of notes on the Final Plat correctly stating which lots are denied direct access to Rex Drive and that all lots are limited to one curb-cut, with the size, design, and location to be approved by Mobile County Engineering and conform to AASHTO standards;**
- 5) **Retention of the 25' minimum building setback line on the Final Plat;**
- 6) **Retention of notes on the Final Plat in reference to common area maintenance;**
- 7) **Retention of notes on the Final Plat in reference to commercial buffering;**
- 8) **Placement of a note on the Final Plat stating that no permanent structures can be constructed in any easement;**
- 9) **Placement of a note on the Final Plat stating that any proposed streets must be built to Mobile County Engineering standards and be accepted by Mobile County prior to the signing of the Final Plat;**
- 10) **Placement of a note on the Final Plat stating: (Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species);**
- 11) **Compliance with Fire Comments and placement of a note on the Final Plat stating: (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.);**
- 12) **Compliance with Engineering Comments and placement of a note on the Final Plat stating: (Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of**

Mobile storm water and flood control ordinances prior to the issuance of any permits.);

- 13) Submission of an updated Master Plan to include all recorded and future phases with each additional phase beyond Phase Three A;
- 14) Provision of a Traffic Impact Study to the Planning Section of Urban Development for the entire development, and acceptance of that study, prior to the recording of any phase beyond proposed Phase Three A; and
- 15) Submission of certification to Urban Development by a licensed engineer that detention facilities are adequate to comply with City of Mobile volume and discharge rate standards prior to signing of the Final Plat.

The motion carried unanimously

Case #ZON2013-02814

Daniel Clark

7205 Bellingrath Road

(East side of Bellingrath Road at the West terminus of Will Casher Lane).

Request to waive construction of a sidewalk along Bellingrath Road.

Council District 4

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

In deliberation, Mr. Williams stated that there were 2 sidewalk waivers on the agenda; one was for approval and the other was for denial. He then asked what the criteria that is used to make that recommendation.

Mr. Olsen responded that predominantly it is based on Engineering's determinability if the sidewalk is buildable.

Mr. Williams then asked what feasibility is; because everything is possible.

Mr. Davis, City Engineering, then responded that he has had that discussion with the City Engineer on that question because it has been brought up before. He noted that they are looking to see if they can make a better determination on when it is constructible; engineering wise you can almost build a sidewalk anywhere you want.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno to approve the sidewalk waiver request.

The motion carried unanimously.

Case #SUB2013-00112 (Subdivision)

Knollwood Subdivision

6311 Cottage Hill Road

(South side of Cottage Hill Road, 320'± West of Lloyds Lane).

Number of Lots / Acres: 2 Lots / 5.6± Acres

Engineer / Surveyor: Jeremy Sharit

Council District 6

(Also see, **Case #ZON2013-02431 (Planning Approval) Knollwood Subdivision** below)

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

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

Mr. Anderson stated that there had been a lot of discussions on this application since last week when the Board of Adjustment denied this applicant's variances and there has been some discussion on whether or not this application should be heard since the variances were denied. Legally, these two applications are separate and you cannot legally deny this application just because the variances were denied; you can take into consideration but legally we have to move forward with this application and decide it on its own merits.

Andy Rotenstreich, Baker Donalson, spoke on behalf of AT&T. He stated that they were in agreement with the staff's recommendations. He added that they have looked at all reasonable alternatives that have been proposed; even last week they received another proposal to look at Port City Church on Hillcrest Road. It is about ½ mile south of where they are proposing to go and it is outside of the search area; it is also located on a R-1 lot, and the ordinance does not allow towers in R-1. The property that they are focused on and are attempting to get approval on is zoned B-2 and surrounded on 3 sides by B-2. He noted that they have offered to lower the tower from 150 ft to 135ft and have offered to camouflage the tower as a pine tree to fit into the wooded area.

Gigi Armbrrecht, Regional Director for AT&T for Southwest Alabama, spoke on behalf of the applicant. She stated that in the last appearances before this Commission they have dealt with the technical aspects of the tower and they have heard opposition to the tower on the basis of aesthetics, health hazards and property values. Federal law has prohibited the consideration of health hazards and aesthetics in the deciding of a cell tower. The property value issue was addressed when AT&T hired an outside appraiser to look at the property in Muir Woods and similar neighborhoods where there was a tower first, then a neighborhood where there was a neighborhood and then a tower. There is no discernable difference in the property values of neighborhoods with a cell tower next to, in it or near by. She provided the Commission with a map that shows

the actual coverage of the cell tower. There are 3,480 household inside of the footprint of the cell tower; which translates into some 7,866 people whose cell service will be positively affected by the tower. She also noted that they know from research that low and moderate income folks don't buy home computers or laptops; they use wireless devices for their access to the internet. They also know that Mobile County Public Schools have declared themselves a "bring your own device" school system. Children as young as kindergarten through the 12th grade are bringing wireless devices to school to help them with their school work and then they take them home and use them for their homework. According, to David Akridge, Chief Information Office at Mobile County Public Schools, they are seeing mostly smart phones and lots of Kindle Fires, as well as tablets. AT&T feels like that is a critically important reason to consider the location of the tower. She added that she understood that the nice people of Muir Woods do not want a cell tower in their backyard, but all the 7,000 people that will affected by this tower may not agree that they would rather have poor cell service than have to look at a cell tower.

Mr. Hembree questioned how much of a buffer zone will be around the tower between the tower and the residential area.

Mr. Rotenstreich responded that the tower is 135ft tall and the buffer to the south is over 145ft.

Mr. Watkins stated that at the last meeting he asked about moving the base of the tower further north toward the cemetery giving further buffer to the residential neighbor and asked if that was able to be accomplished.

Mr. Rotenstreich responded that they will be able to move it as far to the north as possible.

Mr. Olsen asked Mr. Rotenstreich if the Staff could get a site plan showing the revised location; the Commission's approval is site plan specific.

Mr. Rotenstreich responded that he would get that to the Staff and also added that if the Commission chooses to approve the application he was fine with making the approval subject to revising the tower to be as far north as possible in the compound.

Mr. Watkins questioned that the site plan that is front of him at the time is not reflective of where the actual tower will be located.

Mr. Olsen stated it does not reflect moving it to the north as discussed last time.

Mr. Watkins then asked what the setback requirement would be; how close to the cemetery line could they be.

Mr. Olsen stated that it would be the same as any other property line; so they would still ultimately have to have a variance. Whether it is Board of Adjustment re-filing in 6 months, or appealing to Circuit Court.

Ms. Armbrecht stated that she had failed to mention that they had found the four wireless stores closest to this neighborhood and asked people who came into the stores how they felt about the cell tower on Cottage Hill Road; 172 people signed a petition saying they would like to see the tower. She noted that they have no way of knowing how many people actually live in the coverage area.

The following people spoke in opposition to the matter:

- B.J. Lyon, 718 Downtowner Blvd;
- Father Emile Noel, 312 Lafitte St Mandeville, LA;
- Jane Conkin, resident of Muir Woods
- Don Williams, Williams Development;

They made the following points against the application:

- A. Muir Woods has a petition signed by 51 of 52 of the residents of the neighborhood;
- B. Ms. Armbrecht stated that 7,866 people were in the area, but she didn't state how many of those people were actually AT&T customers;
- C. Ms. Armbrecht also did not mention how many customers would have wi-fi at home and would not have a necessity to use the cell service at home;
- D. does not want to see a picket fence of cell towers running down Cottage Hill Road;
- E. does not want a cell tower located behind the cemetery;
- F. even disguised as a pine tree, it is not appropriate to a cemetery;
- G. finds the argument that you cannot put the cell tower anywhere else is somewhat disingenuous;
- H. the applicant is asking for a B-3 use in a B-2 zone;
- I. neighbors do not want the cell tower at all;
- J. there is no way of putting the branches of "tree" cell tower back up if they ever fall off;
- K. the lowering of the cell tower does not make a difference to the residents of Muir Woods, it will still be a cell tower;
- L. believes that the cell tower will hurt property values;
- M. Mr. Williams took the service level maps submitted by AT&T and matched scale with the City street grid system, and determined that the AT&T maps only presumes collocation at existing towers, along with a potential new tower at the Senior Center;
- N. does not feel like the residents of Muir Woods should have to take one for the team.

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Mr. Watkins asked Mr. Lyon what is the current status of the Telecommunications Act on respect to collocations and this idea of a picket fence down Cottage Hill. He stated that it was his impression that the law was they were required to collocate first if that was available.

Mr. Anderson responded that is correct. The application procedure within the City falls in line with that regard and requires the applicant to submit engineering data showing that they cannot collocate. He noted that the based on the recommendation in the staff report the Staff was satisfied and the applicant had me that burden.

Mr. Watkins stated that the Commission has heard from the applicant that they have agreed to reduce the height and they are willing to push it back as far as they can to the north of the property line and they are willing to camouflage it; he then asked Mr. Lyon if in his client's opinion is there anything, short of it just not being there, that would be a compromise that would give the applicant some opportunity to put the tower there.

Mr. Lyon responded that one of the problems that we have in the City is, is that there is no ability for the Staff to vet the engineering claims that were submitted by the applicant. He suggested to Councilwoman Rich that the City consider passing some sort of enhanced fee where the City could pay an independent contractor to review the quality of the engineering data that you receive from the applicant.

Mr. Turner asked how many residents live in Muir Woods Subdivision.

Mr. Lyon responded that there are 52 homes, so several hundred.

In rebuttal, Mr. Rotenstreich stated that this tower will be available for other carriers and fully expect them to come. He noted that the last figure he had seen was that over 40% of homes do not have landlines; so you have to consider wireless as the only viable alternative. AT&T has done everything reasonable to try and accommodate the oppositions concerns. The tower will not emit noise, it will not emit odor, it will not increase traffic, and there will be no lighting at the top of the tower.

Mr. Turner asked if he saw the map that Mr. Williams presented and asked what his comments were.

Mr. Rotenstreich responded that he has, but did not look at it prior to the meeting. He stated that Mr. Williams was moving the whole network around and that is not where AT&T needs to be.

In deliberation, Mr. Watkins asked Mr. Anderson to describe briefly what the

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Commission parameters are under the Communications Act.

Mr. Anderson responded that the two biggest points of the Federal Communications Act is that they have to prove they cannot collocate and that you cannot consider the health aspect of any argument.

Dr. Rivizzigno asked if the applicant could ask for a variance to locate on the City owned property.

Mr. Olsen responded that they could.

Mr. Hembree questioned who defines where a tower is required.

Mr. Olsen responded that the applicant's engineer determines that.

Mr. Hembree then asked for clarification that the applicant is allowed to set the threshold of service.

Mr. Anderson responded that the applicant is allowed to determine what their network is and determine if they have a gap in their network.

Hearing no further opposition or discussion, a motion was made by Mr. Gant, with second by Mr. Williams approve the above referenced subdivision application.

The motion failed to carry due to a lack of affirmative votes, with Mr. Vallas and Ms. Roberson recusing.

Case #ZON2013-02431 (Planning Approval)

Knollwood Subdivision

6311 Cottage Hill Road

(South side of Cottage Hill Road, 320'± West of Lloyds Lane).
Planning Approval to allow a 150' cell tower in a B-2, Neighborhood Business District.

Council District 6

(Also see, **Case #SUB2013-00112 (Subdivision) Knollwood Subdivision** above)

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

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

Hearing no further opposition or discussion, a motion was made by Mr. Gant, with second by Mr. Williams approve the above referenced subdivision

application.

The motion failed to carry due to a lack of affirmative votes, with Mr. Vallas and Ms. Roberson recusing.

Case #SUB2013-00131 (Subdivision)

Kirby Subdivision

7049 Dickens Ferry Road and 7060 & 7068 Airport Boulevard
(North side of Airport Boulevard extending to the South side of Dickens Ferry Road, 550'± East of Cody Road).

Number of Lots / Acres: 1 Lot / 1.4± Acre

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
Council District 7

(Also see, **Case #ZON2013-02718 (Planned Unit Development) Kirby Subdivision** and **Case #ZON2013-02731 (Rezoning) John Kirby** below)

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

Brett Orrell, Polysurveying, spoke on behalf of the applicant. He requested that the application be heldover.

Hearing no opposition or further discussion, a motion was made by Dr. Rivizzigno, with second by Ms. Roberson to hold the matter over until the February 6th meeting, to give staff sufficient time to review the revised submittals.

The motion carried unanimously.

Case #ZON2013-02718 (Planned Unit Development)

Kirby Subdivision

7049 Dickens Ferry Road and 7060 & 7068 Airport Boulevard
(North side of Airport Boulevard extending to the South side of Dickens Ferry Road, 550'± East of Cody Road).

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

Council District 7

(Also see, **Case #SUB2013-00131 (Subdivision) Kirby Subdivision** above and **Case #ZON2013-02731 (Rezoning) John Kirby** below)

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

Hearing no opposition or further discussion, a motion was made by Dr. Rivizzigno, with second by Ms. Roberson to hold the matter over until the February 6th meeting, to give staff sufficient time to review the revised

submittals.

The motion carried unanimously.

Case #ZON2013-02731 (Rezoning)

John Kirby

7049 Dickens Ferry Road

(South side of Dickens Ferry Road, 550'± East of Cody Road).

Rezoning from R-1, Single-Family Residential District, to B-3, Community Business District, to eliminate split zoning.

Council District 7

(Also see, **Case #SUB2013-00131 (Subdivision) Kirby Subdivision** and **Case #ZON2013-02718 (Planned Unit Development) Kirby Subdivision** above)

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

Hearing no opposition or further discussion, a motion was made by Dr. Rivizzigno, with second by Ms. Roberson to hold the matter over until the February 6th meeting, to give staff sufficient time to review the revised submittals.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

9. Case #SUB2013-00142

Conrad Place Subdivision

3814 Austill Lane

(North side of Austill Lane, 780'± West of North McGregor Avenue).

Number of Lots / Acres: 1 Lots / 0.6± Acres

Engineer / Surveyor: Erdman Surveying, LLC

Council District 7

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

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

- 1) placement of a note on the Final Plat stating the lot is limited to two

- curb-cuts onto Austill Lane, with the size, design, and location be approved by Traffic Engineering and conform to AASHTO standards;
- 2) illustration of the 25' minimum building setback line or the voluntary 30' minimum building setback line as measured from the right-of-way edge on the Final Plat;
 - 3) labeling of the lot size in square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
 - 4) placement of a note on the Final Plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species.
 - 5) compliance with Engineering comments: *"The following comments should be addressed prior to acceptance and signature by the City Engineer: a. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with the of the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045), latest edition. b. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. c. Clarify the location indicated for the POC on the drawing and the two (2) POCs listed in the written legal description. d. Correct GENERAL NOTE #6 to include the flood zone. f. Correct GENERAL NOTE #11 to delete the word "x-unshaded" after the last word of the second sentence. g. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. h. Add a note that sidewalk is required to be constructed along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved."*;
 - 6) compliance with Traffic Engineering comments: *"Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards."*;
 - 7) 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)"* ; and
 - 8) compliance with Fire comments: *"All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile. "*

The motion carried unanimously.

10. **Case #SUB2013-00149**
Myer Marine Subdivision
North terminus of Blackburn Drive

Number of Lots / Acres: 1 Lot / 6.6± Acres
Engineer / Surveyor: Frank A. Dagley & Associates, Inc.
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.

Frank Dagley, 717 Executive Park Dr, spoke on behalf of the applicant. He stated that he would prefer not have this application be heldover. The only condition that he has an issue with is Condition 1; requiring a cul-de-sac at the end of the street. He noted that the applicant would prefer to put in a hammerhead turnaround or provide room on his property to allow a fire truck to be able to turn around.

Mr. Olsen stated that the staff has revised the recommendation for approval.

Hearing no opposition or 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) **Revision of the plat to depict dedication of sufficient right-of-way to provide a hammer-head turn-around, compliant with the 2009 International Fire Code specifications, and construction there-of;**
- 2) **Revision of the plat to depict a 25-foot minimum building setback, as required by Section V.D.9. of the Subdivision Regulations;**
- 3) **Revision of the plat to include the lot size in square feet;**
- 4) **Placement of a note on the plat stating that “the lot is limited to one curb-cut, with the size, design and location of any curb-cuts are to be approved by Mobile County Engineering and comply with AASHTO standards;”** Placement of a note on the 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 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 plat stating that “the site must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits. New public roads**

shall be constructed and paved to standards for County Maintenance, and accepted by Mobile County, while new private roads shall be constructed and paved to minimum County or Subdivision Regulation standards, whichever are greater;” and

- 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.”*

The motion carried unanimously.

11. **Case #SUB2013-00143**

Dykes Road Farnettes Subdivision, Resubdivision of Lot 5

10400 Pierce Creek Road

(North side of Pierce Creek Road, 1030'± West of Dykes Road South).

Number of Lots / Acres: 2 Lots / 2.6± 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, spoke on behalf of the applicant. He stated that he did agree with the staff that he failed to submit a letter of justification for this application. He noted that he did not rename the Subdivision because it was already a legal lot of record; but it is a family division.

Hearing no opposition or further discussion, a motion was made by Ms. Roberson, with second by Mr. Turner to hold the matter over until the February 20th meeting in order to allow staff to develop conditions for approval.

The motion carried unanimously.

12. **Case #SUB2013-00144**

Doss Family Division Subdivision

East side of Dykes Road South, 140'± North of Hunter's Trace North

Number of Lots / Acres: 2 Lots / 9.8± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying County

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

Patrick Garrett, 633 Summerlake Dr. E, spoke in opposition to the application. He stated that it has come to his attention that on this lot that has been

developed next to his home will consist of 2 homes and a commercial storage building. He stated that he felt like this was not conducive to the neighborhood.

Mr. Vallas responded that the Commission would not be approving any use for this property and that the Commission has no authority to dictate the use of the property.

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

- 1) **placement of a note on the Final Plat stating that Lot 1 is limited to one curb cut to Dykes Road South, with the size, location and design to be approved by County Engineering and conform to AASHTO standards;**
- 2) **placement of a note on the Final Plat stating that Lot 1 is denied access to Summerlake Drive East;**
- 3) **placement of a note on the Final Plat stating that Lot 2 is limited to one curb cut to Dykes Road South and one curb cut to Hunter Lane, with the size, location and design of all curb cuts to be approved by County Engineering and conform to AASHTO standards;**
- 4) **retention of the 25' minimum building setback line along Dykes Road South;**
- 5) **revision of the plat to illustrate a 25' building setback line on Lot 2 at the North terminus of Hunter Lane;**
- 6) **retention of the labeling of the lots with their sizes in 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 no further resubdivision of Lots 1 and 2 will be allowed until additional public street frontage is provided;**
- 8) **placement of a note on the Final Plat stating that the site must comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;**
- 9) **placement of a note on the Final Plat stating that the approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits or land disturbance activities;**
- 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;
- 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; and
 - 12) 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.

13. **Case #SUB2013-00146**

Hamblin & Bowen Subdivision

West side of Bellingrath Road, extending to the CSX Railroad Right-of-Way

Number of Lots / Acres: 2 Lots / 117.0± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

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

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Ms. Roberson to waive Section V.D.1., V.D.2 and V.D.3 of the Subdivision Regulations and to approve the above referenced matter, subject to the following conditions:

- 1) placement of a note on the Final Plat stating that there shall be no future resubdivision of either lot until additional frontage on a public right-of-way is provided;
- 2) retention of the dedication to provide 50 feet from the centerline of Bellingrath Road for both lots;
- 3) depiction of the 25-foot minimum building setback line outside the flagpole portion of the lot, where the lot meets minimum width of 60-feet;
- 4) labeling of the lot area size, in square feet and acres, or provision of a table on the Final Plat with the same information, with changes as necessary due to dedications;
- 5) placement of a note on the Final Plat limiting each lot to one curb cut each to Bellingrath Road, with the size, design, and location of all curb cuts to be approved by Mobile County Engineering and conform to AASHTO standards;
- 6) placement of a note on the Final Plat stating that the development will be designed to comply with the storm water detention and

drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;

- 7) placement of a note on the Final Plat stating that the approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits or land disturbance activities for wetland and floodplain issues;
- 8) 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
- 9) 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.

14. **Case #SUB2013-00148**

Northside / Joint Venture Subdivision and American Red Cross Subdivision, Lot 2, Resubdivision of Lot 1

3050 Dauphin Street

(North side of Dauphin Street, 355'± West of North Sage Avenue, extending to the West side of North Sage Avenue , 180'± North of Dauphin Street).

Number of Lots / Acres: 2 Lots / 4.7± Acres

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

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.

Marl Cummings, 1 Houston Street, spoke on behalf of the applicant. He stated that he did not have any issues with the staff's recommendations and he would prefer that the application not be heldover. He stated that he understood that there was a PUD application filed by the proposed tenant that is to be heard in February; but they were two different applications and did not understand why the needed to be heard together.

Mr. Olsen responded that the way the Zoning Ordinance is written with regard to PUDs if there are any other approvals required they should be heard at the

same time.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno to hold the matter over until the February 6th meeting to be heard in conjunction with the associated PUD application.

The motion carried unanimously.

15. **Case #SUB2013-00145**
Hickman's Way Subdivision

1750 Sands Drive

West side of Sands Drive at the West terminus of Garris Drive.

Number of Lots / Acres: 3 Lots / 17.6± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

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

Hearing no opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. DeMouy to waive Section V.D.1. of the Subdivision Regulations and to approve the above referenced matter, subject to the following conditions:

- 1) **Placement of a note on the Final Plat stating that no future subdivision of Lot 2 will be allowed until additional frontage along a paved public street is provided;**
- 2) **Dedication for all proposed lots to provide 30' of right-of-way along Sands Drive as measured from centerline;**
- 3) **Revision of the 25' minimum setback line to reflect dedication and to be depicted as a box where the "flag" meets the "pole" of Lot 2 on the Final Plat;**
- 4) **Revision of lot size information to reflect dedication;**
- 5) **Illustration of a 75' setback along the Western lot line of Lots 1 and 2 on the Final Plat;**
- 6) **Placement of a note on the Final Plat limiting Lot 2 to one curb-cut to Sands Drive and Lots 1 and 3 to the existing curb-cuts along Sands Drive. The additional curb-cut along with any changes to the existing curb-cuts are to be approved by Mobile County Engineering and conform to AASHTO standards;**
- 7) **Placement of a note on the Final Plat stating that Lots 1 and 2 are denied access to Eliza Jordan Road, a proposed Major street;**
- 8) **Compliance with Engineering Comments and placement of a note on the Final Plat stating: *(Must comply with the Mobile County***

Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits.);

- 9) **Compliance with Fire Comments and placement of a note on the Final Plat stating:** *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);*
- 10) **Placement of a note on the Final Plat stating:** *(This site is located in the County, and therefore any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations.);*
- 11) **Placement of a note on the Final Plat stating:** *(Any development of the site must comply with local, state and federal regulations regarding wetlands.);* and
- 12) **Placement of a note on the Final Plat stating:** *(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.

16. **Case #SUB2013-00147**
Ernest Estates Subdivision
2154 Venetia Road
(Northwest corner of Venetia Road and Riverview Avenue).
Number of Lots / Acres: 3 Lots / 2.1± Acres
Engineer / Surveyor: Paul D. Stewart, PLS
Council District 4

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

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

- 1) **placement of a note on the Final Plat stating that each lot is limited to one curb cut, with the size, location and design of all curb cuts to be approved by City of Mobile Traffic Engineering and conform to**

- AASHTO standards;
- 2) revision of the plat to indicate the 25' minimum building setback line along both Venetia Road and Riverview Avenue;
 - 3) dedication of a radius curve, compliant with Section V.D.6. of the Subdivision Regulations, at the intersection of Venetia Road and Riverview Avenue, to be coordinated with City Engineering and Traffic Engineering;
 - 4) retention of the labeling of each lot with its size in both square feet and acres, adjusted for any required dedication on Lot 3, or the furnishing of a table on the Final Plat providing the same information;
 - 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;
 - 6) subject to the Engineering Comments: *(The following comments should be addressed prior to acceptance and signature by the City Engineer: a. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 26 - # 88) each lot will receive the following historical credit of impervious area towards storm water detention requirement per the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045), latest edition, as follows: LOT 1 – NONE; LOT 2 –9,500 sf; LOT 3 – 1,750 sf. b. Add a note to the SUBDIVISION PLAT stating that each residential lot will be allowed to add the following amount of impervious area to the lot before storm water detention is required: LOT 1 – 2,500 sf, LOT 2 – NONE, LOT 3 – 1,500 sf. c. Dedication of a corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the southeast corner of LOT 3. d. Add a signature block for the Traffic Engineer and City Engineer. e. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. f. Add a note that sidewalk is required to be constructed along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved.);*
 - 7) subject to the Traffic Engineering comments: *(Revise note 1 of Subdivision Notes on the submitted plat to indicate approval of curb cuts (one per each lot) to be approved by City of Mobile Traffic Engineering and conform to AASHTO standards.); and*
 - 8) subject to 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.

17. **Case #SUB2013-00150**
ALCE PRO Subdivision
6024 & 6075 Sperry Road
(East side of Sperry Road, 270'± South of Rester Road).
Number of Lots / Acres: 7 Lots / 2.8± 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, spoke on behalf of the applicant. He noted that there are irregular shaped lots in the area that have been approved and this property is located in the County.

Mr. Olsen responded that there is only one flag shaped lot in the area and this application is proposing four flag shaped lots; flag shape lots are not in compliance with the Subdivision Regulations.

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

- 1) **the applicant's justification for the creation of 4 flag lots is based off the opinion that the property is irregularly shaped;**
- 2) **lot 1 and lot 3 do not meet the minimum 60' lot width as required by Section V.D.2; and**
- 3) **the applicant appears to be over subdividing the site in order to maximize the number of lots and avoid construction of a road.**

The motion carried.

18. **Case #SUB2013-00151**
Rosies Christian Ministries Subdivision
3200 Halls Mill Road
(North side of Halls Mill Road, 310'± West of Satchel Paige Drive).
Number of Lots / Acres: 1 Lot / 1.0± Acres
Engineer / Surveyor: Byrd Surveying, Inc.
Council District 4

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

Doug Ham, an adjacent property owner, inquired about the purpose of the application.

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

- 1) dedication to provide 35-feet from the centerline of Halls Mill Road if necessary;
- 2) retention of the 25' minimum building setback line adjusted for any required dedication;
- 3) placement of the lot size in square feet and acres adjusted for any required dedication;
- 4) compliance with Engineering comments (*The following comments should be addressed prior to acceptance and signature by the City Engineer: a. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, required notes, legend). b. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with the of the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045), latest edition. c. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. d. Show and label the existing Right-Of-Way width of Halls Mill Road. e. Provide and label the monument set or found at each subdivision corner. f. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, City Engineer, and County Engineer. g. Provide the Surveyor's Certificate and Signature. h. Provide the Owner's (notarized), Planning Commission, and Traffic Engineering signatures. i. Add a note that sidewalk is required to be constructed along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved..*);
- 5) 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.*);
- 6) compliance with Traffic Engineering comments (*Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.*);
- 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) placement of a note on the Final Plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities; and

- 9) completion of the Subdivision process prior to any request for permits to develop the site.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

19. **Case #ZON2013-03018**
Altapointe Health Systems
5750 and 5800 Southland Drive
(North side of Southland Drive, 615'± West of Knollwood Drive)
Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow multiple buildings on a single building site.
Council District 6

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.

Larry Smith, S.E. Civil, spoke on behalf of the applicant. He stated that after the application had been submitted the owner decided they needed additional parking. He requested that the application be heldover so they can submit a revised site plan to the City.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno to holdover the above referenced matter to the February 20th meeting.

The motion carried unanimously.

GROUP APPLICATIONS:

20. **Case #ZON2013-02984 (Planning Approval)**
(&21) **JDS Construction, LLC**
West side of Todd Acres Drive at the North terminus of Private Road 371 (Jackson Lane).
Planning Approval to allow the operation of a borrow pit in an I-2, Heavy Industry District.
Council District 4
(Also see, **Case #ZON2013-02914 (Rezoning) JDS Construction, LLC** below)

The Chair announced the application had been recommended for holdover and stated the applicant was agreeable with the recommendations. He added if

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno to hold the matter over until the February 20th meeting in order to be heard in conjunction with a Planned Unit Development application addressing access issues. The PUD application should be submitted no later than January 21st. A narrative should be provided to address all Planning Approval criteria listed in Section 64-12.1.b. of the Zoning Ordinance, as well as identifying the scope of operation issues identified in the staff report.

The motion carried unanimously.

21. Case #ZON2013-02914 (Rezoning)
(&20) JDS Construction, LLC

West side of Todd Acres Drive at the North terminus of Private Road 371 (Jackson Lane).

Rezoning from R-A, Residential-Agricultural District, to I-2, Heavy Industry District, to allow a borrow pit.

Council District 4

(Also see, Case #ZON2013-02984 (Planning Approval) JDS Construction, LLC above)

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno to hold the matter over until the February 20th meeting in order to be heard in conjunction with a Planned Unit Development application addressing access issues. The PUD application should be submitted no later than January 21st. A narrative should be provided to address all Planning Approval criteria listed in Section 64-12.1.b. of the Zoning Ordinance, as well as identifying the scope of operation issues identified in the staff report.

The motion carried unanimously.

22. Case #ZON2013-02939 (Planned Unit Development)
(&23 Gulf Equipment Corporation
&24) 5540 Business Parkway

(Northwest corner of Kooiman Road and Business Parkway).

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

Council District 4

(Also see, Case #ZON2013-02940 (Rezoning) Gulf Equipment Corporation and Case #ZON2013-02941 (Sidewalk Waiver) Gulf Equipment Corporation 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.

Tom Grainger, Sawgrass Consulting, spoke on behalf of the applicant. He stated that he had two issues the staff's recommendations. The first one was regarding Condition #2 on the PUD. He asked what exactly that meant.

Mr. Olsen responded that calculations were not provided to illustrate that it does comply with the tree and landscaping requirements of the Zoning Ordinance.

Mr. Grainger then requested that the sidewalk waiver be approved.

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

- 1) **Revision of the site plan to illustrate 82 parking spaces or the compliant number of parking spaces to include the location and size of each office and the number of warehouse employees;**
- 2) **Revision of the site plan to illustrate and quantify full compliance with the tree and landscaping requirements of the Zoning Ordinance;**
- 3) **Revision of the site plan depicting the dumpster connected to sanitary sewer as required by Section 64-4.D.9 of the Zoning Ordinance;**
- 4) **Placement of a note on the site plan stating that: *(Any new lighting on the site to comply with the requirements of Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance.);***
- 5) **Placement of a note on the site plan stating: *(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 site plan stating: *(PUD approval is site plan specific and any substantial changes to the site plan will require approval by the Planning Commission);***
- 7) **Compliance with Engineering Comments: *(1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. Any and all Any and all proposed land disturbing activity 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.);

- 8) **Compliance with Traffic Engineering Comments:** *(Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 9) **Compliance with Urban Forestry Comments:** *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).);*
- 10) **Compliance with Fire Department Comments:** *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);*
- 11) **Completion of the Rezoning process prior to the issuance of any Land Disturbance or Building permits;**
- 12) **Submission of a revised PUD site plan prior to any request for Land Disturbance or Building permits; and**
- 13) **Full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

23. **Case #ZON2013-02940 (Rezoning)**

(&22 **Gulf Equipment Corporation**

&24) 5540 Business Parkway

(Northwest corner of Kooiman Road and Business Parkway).

Rezoning from B-5, Office-Distribution District, to I-1, Light Industry District to allow an industrial storage facility.

Council District 4

(Also see, **Case #ZON2013-02939 (Planned Unit Development) Gulf Equipment Corporation** above and **Case #ZON2013-02941 (Sidewalk Waiver) Gulf Equipment Corporation** below)

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

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

- 1) **Limited to an approved Planned Unit Development;**
- 2) **Full compliance with the tree and landscaping requirements of the Zoning Ordinance; and**
- 3) **Full compliance with all other municipal codes and ordinances.**

The motion carried unanimously

- 24. Case #ZON2013-02941 (Sidewalk Waiver)**
(&22 Gulf Equipment Corporation
&23) 5540 Business Parkway
(Northwest corner of Kooiman Road and Business Parkway).
Request to waive construction of a sidewalk along Kooiman Road.
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.

The Commission discussed the constructability of the sidewalk, given existing site conditions.

Hearing no opposition or further discussion, a motion was made by Dr. Rivizzigno, with second by Ms. Roberson to hold the matter over until the February 20th meeting in order to allow the Engineering Department to review the constructability of the sidewalk.

The motion carried unanimously.

OTHER BUSINESS:

Public Hearing to consider adoption of a Form Based Code and establishment of a Downtown Development District within the Hank Aaron Loop.

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

The Chair announced the Public Hearing was open. He 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:

- Jeremy Milling, 216 St. Michael St;
- Melissa Rankin, 312 N. Joachim St;
- Alexander Ikefuna, City of Mobile;
- Don Williams, Williams Development
- Mickie Russell, former owner of Dauphin Realty

They made the following points in favor of the application:

- A. this plan provides a predictable format for developing within the Hank Aaron Loop that will protect and enhance property aesthetics and value within the Downtown;

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- B. has seen this type of code successfully used in other areas;
- C. fully supports the Form Based Code

The following people spoke in favor of T-4 in De Tonti Square:

- Mary Holmes-Acklin, 257 N Conception St;
- Keva Larson, Commercial property owner in DeTonti Square

They made the following points against the matter:

- A. T-3 would directly impact the possibility of the resale of their commercial buildings in the future;
- B. the businesses work well with the neighbors;
- C. it is valuable to be able to sale either residential or commercial;

Pete Burns, 255 N. Jackson St; spoke in opposition to T-4 in De Tonti Square and made the following points:

- A. there is a need for additional residential housing Downtown;
- B. with Airbus coming to Mobile the need for residential housing downtown is going to increase;
- C. believes T-4 will push residents out of De Tonti;
- D. some of the uses that are allowed in T-4 are frightening;

Cecil Pugh, 251 St. Anthony St; spoke in opposition to the Form Based Code and made the following points:

- A. believes that the majority of the proposals in the code are unnecessary;
- B. the Planning Commission and staff has done an excellent job in overseeing and promoting growth and integrity in the Downtown area without unnecessary restrictions and mandates;
- C. concerned about the proposal to alter the De Tonti square historic district;

Hearing no further opposition or discussion, a motion was made by Mr. Watkins, with second by Mr. Gant to adopt the ordinance.

The motion carried unanimously with Mr. Turner recusing.

Several amendments were presented by staff, including adding language to clarify several issues and correct errors.

Hearing no further opposition or discussion, a motion was made by Mr. Watkins, with second by Mr. Vallas to adopt amendments 1, 3-11.

The motion carried unanimously with Mr. Turner recusing.

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The Commission discussed the amendments regarding changing the Regulating Plan in the DeTonti Square District to try to resolve the T-3/T-4 concerns.

Hearing no further opposition or discussion, a motion was made by Mr. Gant, with second by Mr. Webster to adopt the Regulating Plan Map as shown and discussed, with the DeTonti transects to remain as originally proposed.

The motion carried unanimously with Mr. Turner recusing.

Hearing no further opposition or discussion, a motion was made by Mr. Watkins, with second by Mr. DeMouy to adopt the ordinance as amended.

The motion carried unanimously with Mr. Turner recusing.

APPROVED: April 03, 2014



Dr. Victoria Rivizzigno, Secretary



Terry Plauche, Chairman

/jpw