

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF JANUARY 3, 2013 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Terry Plauche, Chairman  
William G. DeMouy, Jr.  
Victoria L. Rivizzigno, Secretary  
Herb Jordan  
James F. Watkins, III

**Members Absent**

Roosevelt Turner  
John Vallas

**Urban Development Staff Present**

Richard L. Olsen,  
Deputy Director of Planning  
Bert Hoffman,  
Planner II  
David Daughenbaugh,  
Urban Forestry Coordinator  
Tiffany Green,  
Zoning Technician

**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, the Chair, called the meeting to order at 2:02 in the afternoon. He then called roll with the following people answering at that time:

- William DeMouy
- Victoria Rivizzigno
- James Watkins
- Herb Jordan

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. He then called roll with the following people answering at that time:

**HOLDOVERS:**

**Case #SUB2012-00110**

**Burton-Pate Industrial Park Subdivision, Re-subdivision of Lots 1 and 2**

5770 & 5780 I-10 Industrial Parkway North

(Northwest corner of I-10 Industrial Parkway North and I-10 Industrial Parkway West)

**Number of Lots / Acres:** 2 Lots / 1.7± Acre

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

Council District 4

The Chair announced the application had been recommended for holdover until February 7, 2013 at the applicant's request. He added if anyone wished to speak on the matter they should do so at this time.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Watkins, to hold the matter over until the February 7, 2013 meeting.

The motion carried unanimously.

**Case #SUB2012-00097**

**Parkway Place Subdivision**

63 Parkway Drive

(East terminus of Parkway Drive, 455'± South of Old Shell Road)

**Number of Lots / Acres:** 3 Lots / 1.8± Acre

**Engineer / Surveyor:** Jason N Estes

Council District 7

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

Hearing no opposition or discussion, a motion was made by Mr. Watkins, with second by Mr. Jordan, 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 each, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **retaining of the lot size, setback, easement, endangered species note, and dedication information depicted on the preliminary plat;**
- 3) **placement of a note on the final plat stating that no permanent structures may be placed within the drainage easement;**
- 4) **compliance with Engineering comments (*The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. A signature for the Traffic Engineering Department shall be placed on the Final Plat. 3. Add a note to the Plat stating that storm water detention will be required for any unapproved development (since 1984) and any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045). 4. Add a note to the plat any development, including any land disturbing activity will be required to obtain a Land Disturbance Permit; and any work within the Parkway Drive ROW will require a ROW Permit. 5. Show any dedication of additional ROW along Parkway*)**

- Drive as may be required by the Planning Commission and/or the Traffic Engineer.); and*
- 5) **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.

**Case #SUB2012-00104 (Subdivision)**

**Parkside Subdivision**

Northeast corner of Cottage Hill Road and Sledge Drive, extending to the East side of International Drive

**Number of Lots / Acres:** 1 Lot / 18.23± Acres

**Engineer / Surveyor:** Rester and Coleman Engineers, Inc.  
Council District 5

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 this time.

Doug Anderson, Burr & Foreman Law firm, spoke on behalf of the applicant and made the following points:

- A. they have submitted a revised site plan;
- B. agree with the staff's recommendations;
- C. removed two buildings which reduced the number of units from 288 to 240;
- D. reduced parking spaces from 565 to 396, which is a 12% reduction;
- E. it will have a 6ft high privacy fence and a 10ft buffer;
- F. a traffic impact study was performed;
- G. the study stated that the development with the recommended improvements is not expected to have any negative traffic impacts on other developments in the area;
- H. spoke with Councilman Copeland and he is in favor of the application.

The following people spoke in opposition to the matter:

- Robert Jones, 3206 North Wyoming Drive, Mobile;
- Keith Kingan, Kingan's Classic Cars;

They made the following points against the application:

- A. does not feel like there is enough parking;
- B. also feels like it will have a negative impact on the traffic;
- C. the natural drainage of Wyoming Drive will be greatly impacted, by raising the elevation of the land for the construction;
- D. this portion of Cottage Hill Road as a lower speed limit;
- E. animals will be dislocated from their habitat;
- F. there will be an increase in noise and light pollution;

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- G. concerned about flooding business parking lot;
- H. does not know what the apartments will look like;
- I. would like to see set plans on the façade of the buildings;
- J. neighbors feel like they will lose their privacy; their homes are ground level and the apartments will be 3 stories high.

In rebuttal, Mr. Anderson stated that the apartments will look similar to Legacy Village. They will be brick and a first class apartment complex.

Hearing no further opposition or discussion, a motion was made by Mr. Watkins, 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 the development is limited to one (1) curb-cut onto Cottage Hill Road, and one (1) curb-cut onto International Drive, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **compliance with Engineering comments (The following comments concerning the Final Plat should be addressed prior to review, acceptance and signature by the City Engineer:**
  - 1) **provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes);**
  - 2) **a signature block and signature for the Traffic Engineering Department shall be placed on the Final Plat;**
  - 3) **add a note to the Plat stating that storm water detention will be required for any unapproved development (since 1984) and any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045);**
  - and 4) **add a note to the plat that any development, including any land disturbing activity, will be required to obtain a Land Disturbance Permit; and any work within the Sledge Dr, International Dr, or Cottage Hill Rd ROW will require a ROW Permit.);**
- 3) **compliance with Traffic Engineering comments (A Traffic Impact Study was submitted and reviewed for this site. There are no objections to the findings in the study. Traffic Engineering approval of this site is contingent upon the construction by the developer/owner of all improvements identified in the study. It should be noted that the improvements include the installation of a right turn lane on Cottage Hill Road and modification to the center lane striping to allow a dedicated left turn lane into the site. Design of construction/improvements in right-of-way will be approved by Engineering and Traffic Engineering during the permitting process. Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. The site driveway on Cottage Hill Road should be wide enough to allow for two 12' lanes, both ingress and egress.);**

- 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) **placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;**
- 6) **provision of sidewalks along all road frontages; and completion of the Subdivision process prior to any requests for land disturbance.**

The motion carried unanimously.

**Case #ZON2012-02612 (Planned Unit Development)**

**Parkside Subdivision**

Northeast corner of Cottage Hill Road and Sledge Drive, extending to the East side of International Drive)

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

Council District 5

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 this time.

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

- 1) **compliance with Engineering comments (Any work performed in the existing Cottage Hill Road, Sledge Drive, or International Drive ROW (right-of-way) such as grading, drainage, driveways, sidewalks, utility connections, 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). 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. According to the City of Mobile's 1984 aerial photographs these parcels were unimproved and wooded; therefore a detention facility(ies) will be required for any land disturbing activity. Need engineer's analysis of the capacity of the receiving storm system to ensure that the receiving system is capable of handling the additional flow. The surface grading for the proposed dumpster pad(s) and car wash area must be contained and directed to a surface drain that is connected to the Sanitary Sewer system. The drainage from any dumpster**

pads cannot discharge to the storm sewer system. An ADEM NOR is required for any land disturbance activity over 1 acre. Provide a copy of the ADEM registration information for the site prior to the issuance of a Land Disturbance permit.);

- 2) **compliance with Traffic Engineering comments (A Traffic Impact Study was submitted and reviewed for this site. There are no objections to the findings in the study. Traffic Engineering approval of this site is contingent upon the construction by the developer/owner of all improvements identified in the study. It should be noted that the improvements include the installation of a right turn lane on Cottage Hill Road and modification to the center lane striping to allow a dedicated left turn lane into the site. Design of construction/improvements in right-of-way will be approved by Engineering and Traffic Engineering during the permitting process. Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. The site driveway on Cottage Hill Road should be wide enough to allow for two 12' lanes, both ingress and egress.);**
- 3) **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);**
- 4) **completion of the Subdivision process prior to any request for land disturbance;**
- 5) **submission of a revised site plan illustrating sidewalks along all road frontages;**
- 6) **illustration of compliance on the revised PUD site plan with Section 64-5.C.2. of the Zoning Ordinance requiring 700 square feet of open space per dwelling unit, which cannot include streets, drainageways, parking areas, service areas and land covered by buildings;**
- 7) **submission of two copies of the revised PUD site plan to the Planning Section of Urban Development prior to the signing of the Final Plat and full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**EXTENSIONS:**

**Case #SUB2011-00130**

**Plantation North Subdivision**

10700 Jeff Hamilton Road

(North side of Jeff Hamilton Road, 595'± West of Johnson Road West, and extending to the South side of Sheffield Road)

**Number of Lots / Acres:** 23 Lots / 6.0 Acres±

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

County

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to approve the above referenced matter.

The motion carried unanimously.

**Case #SUB2011-00135**

**Liberty Subdivision**

East side of Schillinger Road, 730± North of Meadows Boulevard extending to the Northern termini of Meadow Drive North, Meadow Dale Drive, Meadow Run Drive, Meadow Height Drive and to the Western terminus of Augustine Drive.

**Number of Lots / Acres:** 262 Lots / 120.2 Acres±

**Engineer / Surveyor:** Rester and Coleman Engineers, Inc.  
County

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to approve the above referenced matter.

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2012-00116**

**Stanton Road Subdivision, Ray's Addition to**

186 Stanton Road

(Southeast corner of Stanton Road and Oak Knoll Drive).

**Number of Lots / Acres:** 1 Lot / 3.9± Acres

**Engineer / Surveyor:** Byrd Surveying, Inc.  
Council District 1

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 this time.

Jerry Byrd, Byrd Surveying, spoke on behalf of the applicant. He stated that he felt like Condition 2 was unnecessary and would like it eliminated. He then stated they would prefer to hold over construction of a sidewalk on Oak Knoll Drive until after the development of the site. The applicant request that on Condition 10 it state 6ft high privacy fence or vegetative buffer rather than requiring both.

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

- 1) depiction of the 25-foot minimum building setback line from all street frontages on the Final Plat;
- 2) placement of a note on the Final Plat stating the approval of a Planned Unit Development application, if necessary, prior to the issuance of any building or land Disturbance permits;
- 3) placement of a note on the Final Plat stating that the site is denied access to Oak Knoll Drive;
- 4) retention of the labeling of the lot with its size in square feet, as shown on the preliminary plat;
- 5) placement of a note on the Final Plat stating that the lot is limited to two curb cuts to Stanton Road, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards;
- 6) 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). A signature block and signature for the Traffic Engineering Department shall be placed on the Final Plat. Add a note to the Plat stating that storm water detention will be required for any existing development (since 1984) that did not receive Land Disturbance permitting and any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045). Add a note to the plat any development or land disturbing activity on this LOT will require a Land Disturbance Permit; and any work within the Stanton Road or Oak Knoll Drive ROW will require a ROW Permit. Installation of a sidewalk along Oak Knoll Drive, at the time of development, which will require a ROW Permit from the Engineering Department. Remove the existing asphalt located behind the existing valley gutter at Lot 1 of Holberg Subdivision, at the time of development. Add the bearing and distance label to the proposed east property line. Any ROW (such as a radii at the corner of Stanton Road and Oak Knoll Drive) that is required by the Planning Commission shall be shown as dedicated to the City of Mobile 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 Traffic Engineering comments (*Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.*);
- 9) 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.*);
- 10) the provision of a 6-foot high privacy fence or a vegetative buffer if developed commercially; and
- 11) approval of all applicable federal, state and local agencies prior to the issuance of any permits or land disturbance activities.



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The motion carried unanimously.

**Case #SUB2012-00120**

**Stokes Family Division Subdivision**

7781 Smith Road

(Southeast corner of Smith Road and Creel Road).

**Number of Lots / Acres:** 1 Lot / 0.8± Acre

**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 this 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) **dedication to provide 50' from the centerline of Creel Road Avenue;**
- 2) **illustration of the 25' minimum building setback line along all street frontages adjusted to be measured from required dedication;**
- 3) **labeling of the lot size in square feet and acres;**
- 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) **placement of a note on the Final Plat stating size, location and design of curb cuts is to be approved by County Engineering and conform to AASHTO standards; and**
- 6) **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 #SUB2012-00118**

**Lakeland Terrace Subdivision, First Unit, Resubdivision of Lots 44 and 45**

5504 & 5524 Churchill Downs Avenue

(West side of Churchill Downs Avenue at the West terminus of Epsom Downs Street).

**Number of Lots / Acres:** 2 Lots / 1.2± Acre

**Engineer / Surveyor:** Rester and Coleman Engineers, Inc.  
County

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

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

- 1) **placement of a note on the Final Plat stating that both lots are limited to the existing curb-cut to Churchill Downs Avenue, with the size, design and location to be approved by Mobile County Engineering and to conform with AASHTO standards;**
- 2) **depiction and labeling of the 25' minimum building setback line from Churchill Downs Avenue**
- 3) **depiction and labeling of the lot sizes in square feet and acres or a table should be furnished on the Final Plat;**
- 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 development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species and;**
- 6) **compliance with 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 #SUB2012-00122**

**TBG County Rd 56- A Subdivision in Mobile County Alabama**

Southeast corner of Airport Boulevard and Newman Road

**Number of Lots / Acres:** 2 Lots / 5.0± Acres

**Engineer / Surveyor:** 4-Site Inc.

County

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

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

- 1) **depiction of the 25-foot minimum building setback line from Newman Road, as required by Section V.D.9. of the Subdivision Regulations;**
- 2) **labeling of the lot sizes, in acres, or provision of a table on the Final Plat with the same information;**

- 3) 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;
- 4) placement of a note on the Final Plat stating the site must comply with the City of Mobile storm water and flood control ordinances: (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.);
- 5) placement of a note on the Final Plat limiting Lot 1 to one curb cut to Newman Road and Lot 2 is limited to one curb-cut each to Airport Boulevard and Newman 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 approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities; and
- 7) 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 #SUB2012-00121**

**Snow Road Subdivision**

West side of Snow Road, 1179'± North of Breckinridge Drive

**Number of Lots / Acres:** 65 Lots / 24.0± Acres

**Engineer / Surveyor:** Polysurveying Engineering – Land Surveying  
County

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 this time.

Hearing no opposition or discussion, a motion was made by Mr. DeMouy, with second by Mr. Jordan, to hold the matter over until the February 7, 2013 meeting, with revisions due by January 15, so that the following revisions can be undertaken:

- 1) provision of a street-stub to the property abutting the site to the West;
- 2) provision of a 25-foot setback along the rear portion of Lot 43;

- 3) provision of an easement to the proposed detention facility from a public street, and depiction of any other drainage or utility easements which are anticipated for the development; and
- 4) revision of lot size and other plat information based upon the provision of the requested street stub.

The motion carried unanimously.

**NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:**

**Case #ZON2012-02672**

**KMH, LLC**

312 & 332 Schillinger Road South and 7860 Airport Boulevard  
(Northwest corner of Schillinger Road South and Airport Boulevard).  
Planned Unit Development Approval to allow shared access and parking between multiple building sites.  
Council District 7

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

The following people spoke on behalf of the applicant:

- Frank Dagley, 717 Executive Park Drive, Mobile;
- David Dexter, 3201 Dauphin Street, Mobile;

- A. would like Condition 2 revised after speaking with Traffic Engineering;
- B. would like Condition 3 to state they can use the existing detention facility;
- C. will work with Traffic Engineering regarding curb-cuts.

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

- 1) revision of the minimum building setback line along Schillinger Road South to reflect future dedication sufficient for a 100-foot wide right-of-way;
- 2) compliance with Traffic Engineering comments (*Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. The "existing right in only" driveway on Schillinger Road nearest the restaurant site to be modified, with design to be approved by Traffic Engineering and to meet AASHTO standards.*);
- 3) compliance with Engineering comments (*1) Any work performed in the existing Airport Blvd or Schillinger Road ROW (right-of-way) such as grading, drainage, driveways, sidewalks, utility connections, 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 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. 3) The additional runoff from the proposed site will need to be accounted for by the design Engineer in the Land Disturbance Permit application package. The required, additional storm water detention may be provided within the existing on-site detention facility, or, in a new detention facility placed on-site; 4) The surface grading for the proposed dumpster pad(s) must be contained and directed to a surface drain that is connected to the Sanitary Sewer system. The drainage from any dumpster pads cannot discharge to the storm sewer system. 5) An ADEM NOR is required for any land disturbance activity over 1 acre. Provide a copy of the ADEM registration information for the site prior to the issuance of a Land Disturbance permit.);*
- 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) **provision of 4 additional frontage trees within the front setback area, to match existing trees in this area; and**
  - 6) **full compliance with all other municipal codes and ordinances, with the exception of the requirement of a sidewalk.**

The motion carried unanimously.

**Case #ZON2012-02888**

**Nephrology Associates Real Estate, LLC**

1551 Old Shell Road

(Southwest corner of Old Shell Road and North Catherine Street).

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow an expansion of an existing building.

Council District 2

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 this time.

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

- 1) **revision of the site plan to illustrate a residential buffer compliant with Section 64-4.D.1. of the Zoning Ordinance;**
- 2) **obtaining a building permit for the provision of the additional buffer fence, and verification that the fence has been constructed, or placement of a 6' high 10' wide evergreen vegetative buffer; and**

- 3) **submission of two copies of the revised Planned Unit Development site plans to Urban Development.**

The motion carried unanimously.

**NEW PLANNING APPROVAL APPLICATIONS:**

**Case #ZON2012-02881**

**Le Trang Thu**

6553 Zeigler Boulevard

(South side of Zeigler Boulevard Service Road, 125'± East of Adrian Lane).

Planning Approval to allow a seafood shop in a B-2, Neighborhood Business District.

Council District 7

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 this time.

Greg Spees ,14851 Coden Belt Road, spoke on behalf of the applicant and made the following points:

- A. wanted further clarification on Condition 1;
- B. will place a fence around the dumpster;
- C. would prefer for the application not be held over.

Mr. Olsen stated that the staff would be ok with not holding the application over if a note was added that a zoning certificate or business license could not be issued until a Subdivision application was approved.

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

- 1) **submission and approval of a Subdivision application prior to issuance of a Zoning Certificate or Business License;**
- 2) **placement of a note stating the height of the fence around the dumpster (6' minimum);**
- 3) **placement of a note that dumpster pickup will occur after business hours;**
- 4) **placement of a note stating the amount of frontage landscaping provided;**
- 5) **correction of the note stating the total amount of landscaping provided; and**
- 6) **illustration of site compliance with minimum tree planting requirements.**

The motion carried unanimously.

**VACATION REQUESTS:**

**Case #ZON2012-02890**

**Breland Homes**

Northeast corner of McFarland Road and Scott Dairy Loop South  
Vacation Request to vacate existing drainage and utility easements  
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 this time.

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

- 1) **submission of seven copies of the Final Plat for Stillwater, Phase One;**
- 2) **submission of a revised site plan illustrating the proposed new drainage and utility easement; and**
- 3) **completion of the Subdivision process for Stillwater, Phase Two, or submission of an extension application.**

The motion carried unanimously.

**NEW ZONING APPLICATIONS:**

**Case #ZON2012-02875**

**Alan & Karolyn Duncan**

South side of Quill Drive, 360'± West of Azalea Road  
Rezoning from R-1, Single-Family Residential District, to B-1, Buffer Business District  
to allow a commercial building  
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 this time.

Don Williams, Williams Engineering, spoke on behalf of the applicant and made the following points:

- A. the lot has been vacant for 33 years;
- B. the location of the property would require Quill drive to be extended if it was made into a residential lot;
- C. proposed development is a 2800 sq ft building;
- D. it would be owner occupied;
- E. feels as if they do meet the requirements for rezoning;

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Mr. Olsen stated that the staff still stands by their recommendation of denial.

Mr. Watkins asked if the property is a legal lot of record.

Mr. Olsen stated that it is.

Jane Godwin, 4112 Skyline Dr. N, spoke in opposition to the matter and stated that he does not want commercial property next to his.

Hearing no further opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. DeMouy, to deny the above referenced matter because the applicant has failed to show that one or more of the following conditions prevail:

- 1) **there is a manifest error in the Ordinance;**
- 2) **changing conditions in a particular area make a change in the Ordinance necessary and desirable;**
- 3) **there is a need to increase the number of sites available to business or industry; or**
- 4) **the subdivision of land into building sites makes reclassification of the land necessary and desirable.**

The motion carried unanimously.

**Case #ZON2012-02889**

**Robert Hines**

Southeast corner of Wagner and Summerville Street  
Rezoning from R-1, Single-Family Residential District, to T-B, Transitional-Business District, to allow a beauty shop  
Council District 1

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 this time.

Nate Lang, 2161 Wagner Street, spoke in opposition to the matter and made the following points:

- A. had a petition stating they would not like to see the property rezoned;
- B. both Wagner and Summerville Street have become busy streets and the neighbors do not want to see them become even busier;
- C. potentially will cause a reduction in property value;
- D. believes it will cause loitering.

Hearing no further opposition or discussion, a motion was made by Mr. DeMouy, with second by Mr. Jordan, to hold the matter over until the February 7, 2013 meeting with



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modifications submitted by noon, Wednesday, January 9, 2013, for the following reasons:

- 1) **revision to illustrate 30' from the centerline of Summerville Street and Wagner Street or dedication to provide 30' from the centerline of both streets;**
- 2) **revision to illustrate an approved radii at the intersection of Summerville Street and Wagner Street, to be approved by City Engineering and Traffic Engineering in conformance to ASHTTO standards;**
- 3) **resubmission of a site plan that would comply with the setback requirements of T-B, Transitional Business district; and**
- 4) **compliance with all other codes and ordinances.**

The motion carried unanimously.

**GROUP APPLICATIONS:**

**Case # SUB2012-00117 (Subdivision)**

**Mobile County Board of Health Subdivision, Resubdivision of Lot 1**

Northeast corner of North Broad Street and Congress Street, extending to the West side of Lyons Drive

**Number of Lots / Acres:** 2 Lots / 4.1± Acres

**Engineer / Surveyor:** Rester and Coleman Engineers, Inc.  
Council District 2

(Also see, **Case #ZON2012-02887 (Planned Unit Development)**)

**Mobile County Board of Health Subdivision, Resubdivision of Lot 1** below)

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 this time.

Ed White, White-Spunner and Associates, spoke on behalf of the applicant. He stated that they are in agreement with all of the comments with exception of Condition 3. He would like that comment to be revised to allow the flexibility for the maximum number of curb-cuts on future development.

Mr. Olsen stated that the staff would recommend a maximum of two on North Broad Street and Congress Street. He stated that ALDOT would have the final say on Broad.

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

- 1) **revision of the Final Plat to illustrate the no minimum building setback along all street frontages to be in accordance with the setback requirements**

- of the Zoning Ordinance for sites with B-4, General Business districts;
- 2) retention on the Final Plat of labeling each lot with its size in square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
  - 3) placement of a note on the Final Plat stating that the development is limited to a maximum of two curb cuts to North Broad Street, with the size, design, and exact location to be approved by ALDOT and Traffic Engineering, a maximum of two curb cuts to Congress Street, and one curb cut to Lyons Street, with the size, design, and exact location to be approved by Traffic Engineering and conform to AASHTO standards;
  - 4) labeling of any required detention area as common area and the placement of a note on the Final Plat stating that the maintenance of the common area is the responsibility of the property owners;
  - 5) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
  - 6) 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). A signature for the Traffic Engineering Department shall be placed on the Final Plat. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045). Add a note to the plat any development or land disturbing activity on this LOT will require a Land Disturbance Permit; and any work within the Broad Street, Congress Street, or Lyons Street ROW will require a ROW Permit. Dedicate any required radii (25' minimum) at the corner of Broad Street and Congress Street, and the corner of Broad Street and Lyon Street as required by Planning Commission and approved by the Traffic Engineer and the City Engineer. Any work performed in the existing Broad Street, Congress Street, or Lyon Street ROW (right-of-way) such as grading, drainage, driveways, sidewalks, utility connections, 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). 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. The surface grading for any proposed dumpster pad(s) must be contained and directed to a surface drain that is connected to the Sanitary Sewer system. The drainage from any dumpster pads cannot discharge to the storm sewer system. An ADEM NOR is required for any land disturbance activity over 1 acre. Provide a copy of the ADEM registration information for*

- the site prior to the issuance of a Land Disturbance permit.);*
- 7) **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);**
  - 8) **compliance with MAWSS comments: (MAWSS has water and sewer services available, but a Capacity Assurance application for additional sewer service has not been applied for. MAWSS cannot guarantee additional sewer service until a Capacity Assurance application is approved by Volkert Engineering, Inc.); and**
  - 9) **submittal of two copies of a revised PUD site plan prior to signing the Final Plat.**

The motion carried unanimously.

**Case #ZON2012-02887 (Planned Unit Development)**

**Mobile County Board of Health Subdivision, Resubdivision of Lot 1**

Northeast corner of North Broad Street and Congress Street, extending to the West side of Lyons Drive

Planned Unit Development to allow shared access and drives between two building sites  
Council District 2

(Also see, Case # SUB2012-00117 (Subdivision))

**Mobile County Board of Health Subdivision, Resubdivision of Lot 1** above)

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 this time.

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

- 1) **revision of the site plan to illustrate no minimum building setback along all lots along all road frontages;**
- 2) **placement of a note on the Final Plat stating that the development is limited to a maximum of two curb cuts to North Broad Street, with the size, design, and exact location to be approved by ALDOT and Traffic Engineering, a maximum of two curb cuts to Congress Street, and one curb cut to Lyons Street, with the size, design, and exact location to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) **placement of a note on the site plan, stating that the site will comply with Section 64-4.D.9. of the Zoning Ordinance, and with a compliant sanitary sewer connection;**
- 4) **compliance with the landscaping and tree planting requirements of the Zoning Ordinance;**
- 5) **labeling of any required detention area as common area and the placement of a note on the site plan stating that the maintenance of the common area is the responsibility of the property owners;**

- 6) 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). A signature for the Traffic Engineering Department shall be placed on the Final Plat. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045). Add a note to the plat any development or land disturbing activity on this LOT will require a Land Disturbance Permit; and any work within the Broad Street, Congress Street, or Lyons Street ROW will require a ROW Permit. Dedicate any required radii (25' minimum) at the corner of Broad Street and Congress Street, and the corner of Broad Street and Lyon Street as required by Planning Commission and approved by the Traffic Engineer and the City Engineer. Any work performed in the existing Broad Street, Congress Street, or Lyon Street ROW (right-of-way) such as grading, drainage, driveways, sidewalks, utility connections, 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). 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. The surface grading for any proposed dumpster pad(s) must be contained and directed to a surface drain that is connected to the Sanitary Sewer system. The drainage from any dumpster pads cannot discharge to the storm sewer system. An ADEM NOR is required for any land disturbance activity over 1 acre. Provide a copy of the ADEM registration information for the site prior to the issuance of a Land Disturbance permit.);*
- 7) subject to 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);*
- 8) subject to 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). Need revised landscape plan indicating minimum of 10 feet of green space from trunk of existing 24 inch Live Oak Trees within the front parking lot.);*
- 9) compliance with MAWSS comments: *(MAWSS has water and sewer services available, but a Capacity Assurance application for additional sewer service has not been applied for. MAWSS cannot guarantee additional sewer service until a Capacity Assurance application is approved by Volkert Engineering, Inc.); and*
- 10) **submittal of two copies of a revised site plan prior to signing of the Final Plat for the Subdivision.**

The motion carried unanimously.

**Case #SUB2012-00119 (Subdivision)**

**Crigler Industrial Park Subdivision**

Southwest corner of Todd Acres Drive and Kooiman Road, East side of Todd Acres Drive at the East terminus of Kooiman Road and South side of Kooiman Road 670'± West of Todd Acres Drive

**Number of Lots / Acres:** 7 Lots / 311.0± Acres

**Engineer / Surveyor:** Daniel Clark, PLS

Council District 4

(Also see, **Case #ZON2012-02895 (Rezoning) Daniel Clark, PLS** below)

The Chair announced the applications 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. DeMouy, with second by Mr. Jordan, to waive of Section V.D.3 of the Subdivision Regulations for Lots 5-7 and approve the above referenced matter, subject to the following conditions:

- 1) **placement of a note on the final plat stating that no future subdivision shall be allowed for Lots 5-7 unless adequate frontage on a public street is provided;**
- 2) **placement of a note on the final plat stating that Lots 1, 2, 4-7 are limited to one curb-cut each, that Lot 3 is limited to one curb-cut onto Todd Acres Drive and one curb-cut onto Kooiman Road, and that the size, design and location of all curb-cuts must be approved by Traffic Engineer and comply with AASHTO standards;**
- 3) **revision of the plat to reflect dedication of a corner radius for Lot 3 compliant with Section V.D.6. of the Subdivision Regulations, to include revision of the 25-foot minimum building setback line and lot area;**
- 4) **depiction and labeling of the future development area;**
- 5) **placement of a note on the final plat/site plan stating that approval of all applicable federal, state and local environmental agencies for wetlands or floodplain issues is required prior to the issuance of any permits or land disturbance activities;**
- 6) **placement of a note on the final plat/site plan 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;**
- 7) **compliance with Engineering comments (*The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1) Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2) A signature block and signature for the Traffic Engineering Department shall be***

*placed on the Final Plat. 3) Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045). 4) Add a note to the plat any development or land disturbing activity on a LOT will require a Land Disturbance Permit; and any work within the Kooiman Road or Todd Acres Drive ROW will require a ROW Permit. 5) Show any ROW that is to be dedicated to the City of Mobile, such as a radius at the corner of Kooiman Road and Todd Acres Drive (25' minimum) as required by the Planning Commission and approved by the Traffic Engineer and the City Engineer.);*

- 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.); and**
- 9) **recording of Lots 1-7 as a single phase prior to any request for permits.**

The motion carried unanimously.

**Case #ZON2012-02895 (Rezoning)**

**Daniel Clark, PLS**

Southwest corner of Todd Acres Drive and Kooiman Road, and East side of Todd Acres Drive at the East terminus of Kooiman Road and South side of Kooiman Road 670'± West of Todd Acres Drive

Rezoning from R-A, Residential-Agricultural District, to I-1, Light-Industry District to allow a proposed light industry park

Council District 4

(Also see, **Case #SUB2012-00119 (Subdivision) Crigler Industrial Park Subdivision** above)

The Chair announced the applications 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. DeMouy, with second by Mr. Jordan, to approve the above referenced matter, subject to the following conditions:

- 1) **provision of a legal description for the area being rezoned;**
- 2) **completion of the Subdivision process; and**
- 3) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2012-02720 (Planned Unit Development)**

**Dauphin Way United Methodist Church**

1507 Dauphin Street

January 3, 2013  
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(South side of Dauphin Street extending from Catherine Street to Lee Street)  
Planned Unit Development Approval to amend a previously approved Planned Unit Development to remove a previous condition of approval  
Council District 2  
(Also see, **Case #ZON2012-02719 (Planning Approval) Dauphin Way United Methodist Church** below)

The Chair announced the applications 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. Watkins, with second by Dr. Rivizzigno, to approve the above referenced matter, subject to the following conditions:

- 1) **compliance with Engineering comments (*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. 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.*);**
- 2) **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.*);**
- 3) **revision of the site plan to illustrate full compliance with landscaping requirements;**
- 4) **placement of a note on the site plan stating that should the church sell the property at 28 Lee Street, a residential buffer compliant with Section 64-4.D.1. of the Zoning Ordinance will be erected;**
- 5) **placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development approval prior to the issuance of any permits;**
- 6) **placement of a note on the site plan stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;**
- 7) **submission of two (2) copies of the revised PUD site plan to the Planning Section of Urban Development prior to the issuance of permits; and**
- 8) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2012-02719 (Planning Approval)**

**Dauphin Way United Methodist Church**

1507 Dauphin Street

(South side of Dauphin Street extending from Catherine Street to Lee Street)

Planning Approval to amend a previously approved Planning Approval to remove a previous condition of approval

Council District 2

(Also see, Case #ZON2012-02720 (Planned Unit Development) **Dauphin Way United Methodist Church** above)

The Chair announced the applications 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. Watkins, with second by Dr. Rivizzigno, to approve the above referenced matter, subject to the following conditions:

- 1) **compliance with Engineering comments (*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. 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.*);**
- 2) **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.*);**
- 3) **placement of a note on the site plan stating that changes to the scope of operations for Dauphin Way United Methodist Church will require a new application for Planning Approval;**
- 4) **revision of the site plan to illustrate full compliance with landscaping revision requirements;**
- 5) **placement of a note on the site plan stating that should the church sell the property at 28 Lee Street, a residential buffer compliant with Section 64-4.D.1. of the Zoning Ordinance will be erected;**
- 6) **placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development approval prior to the issuance of any permits;**
- 7) **placement of a note on the site plan stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;**
- 8) **submission of two (2) copies of the revised Planning Approval site plan**



- to the Planning Section of Urban Development prior to the issuance of any permits; and
- 9) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2012-02873 (Planned Unit Development)**

**Forest Hill Church of God**

5508, 5512, 5468 and 5462 Moffett Road and 1850 and 1856 Forest Oaks Drive (Southeast corner of Moffett Road and Forest Oaks Drive at the East terminus of Howells Ferry Road, extending to the West terminus of Colonial Circle West) Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow shared access and parking between multiple lots  
Council District 7

(Also see, Case #ZON2012-02874 (Planning Approval) **Forest Hill Church of God** below)

The Chair announced the applications 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 this 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 March 7<sup>th</sup> meeting, with the following revisions due by February 1st:

- 1) **revision of the site plan to accurately reflect the existing building footprints;**
- 2) **revision of the site plan to eliminate use of Lot 13, Colonial Oaks, Second Unit for any non-residential activity;**
- 3) **revision of the site plan to accurately indicate the right-of-way width of Moffett Road;**
- 4) **revision of the site plan to depict the 25-foot minimum building setback line from Moffett Road, to account for any possible future dedication necessary to provide 50-feet from centerline;**
- 5) **revision of the site plan to depict full compliance with the tree and landscaping requirements of the Zoning Ordinance for the new parking area, including the provision of calculations and the indication of existing and proposed trees;**
- 6) **revision of the site plan to ensure that privacy fencing is also provided within the 25-foot minimum building setback along Moffett Road, but that it is no higher than 3 feet in the setback area;**
- 7) **revision of the site plan to remove the 6-foot wooden privacy fence from the 25-foot minimum building setback along Colonial Circle West, so that it is no closer than the setback line to the right-of-way;**
- 8) **revision of the site plan to reflect Engineering comments ( 1) Any work, including grading, drainage, driveways, sidewalks, utility connections, irrigation, or landscaping performed in the existing Moffett Road ROW will**

*require both an ALDOT Permit and a City of Mobile ROW Permit. The City ROW permit may be obtained 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 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. 3) An ADEM NOR is required for any land disturbance activity over 1 acre. Provide a copy of the ADEM registration information for the site prior to the issuance of a Land Disturbance permit. 4) Access should be denied to Colonial Circle W. unless specifically allowed by the Planning Commission. 5) Sidewalk along Moffett Road shall be extended to the east property line.); and*

- 9) *revision of the site plan to reflect Traffic Engineering comments (Moffett Road is a state maintained roadway. Driveway number, size, location and design to be approved by ALDOT (Moffett Road) and Traffic Engineering and conform to AASHTO standards. No additional curb-cuts are illustrated on the site plan; however the existing driveways for the proposed lots should be closed. An ALDOT right-of-way permit, in addition to city permits, will be necessary.).*

The motion carried unanimously.

**Case #ZON2012-02874 (Planning Approval)**

**Forest Hill Church of God**

5508, 5512, 5468 and 5462 Moffett Road and 1850 and 1856 Forest Oaks Drive (Southeast corner of Moffett Road and Forest Oaks Drive at the East terminus of Howells Ferry Road, extending to the West terminus of Colonial Circle West)  
Planning Approval to amend a previously approved Planning Approval to allow an expansion of church parking in an R-1, Single-Family Residential District  
Council District 7

(Also see, **Case #ZON2012-02873 (Planned Unit Development) Forest Hill Church of God** above)

The Chair announced the applications 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 this 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 March 7<sup>th</sup> meeting, with the following revisions due by February 1st:

- 1) **revision of the site plan to accurately reflect the existing building footprints;**
- 2) **revision of the site plan to eliminate use of Lot 13, Colonial Oaks, Second**

- Unit for any non-residential activity;
- 3) revision of the site plan to accurately indicate the right-of-way width of Moffett Road;
  - 4) revision of the site plan to depict the 25-foot minimum building setback line from Moffett Road, to account for any possible future dedication necessary to provide 50-feet from centerline;
  - 5) revision of the site plan to depict full compliance with the tree and landscaping requirements of the Zoning Ordinance for the new parking area, including the provision of calculations and the indication of existing and proposed trees;
  - 6) revision of the site plan to ensure that privacy fencing is also provided within the 25-foot minimum building setback along Moffett Road, but that it is no higher than 3 feet in the setback area;
  - 7) revision of the site plan to remove the 6-foot wooden privacy fence from the 25-foot minimum building setback along Colonial Circle West, so that it is no closer than the setback line to the right-of-way;
  - 8) revision of the site plan to reflect Engineering comments ( *1) Any work, including grading, drainage, driveways, sidewalks, utility connections, irrigation, or landscaping performed in the existing Moffett Road ROW will require both an ALDOT Permit and a City of Mobile ROW Permit. The City ROW permit may be obtained 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 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. 3) An ADEM NOR is required for any land disturbance activity over 1 acre. Provide a copy of the ADEM registration information for the site prior to the issuance of a Land Disturbance permit. 4) Access should be denied to Colonial Circle W. unless specifically allowed by the Planning Commission. 5) Sidewalk along Moffett Road shall be extended to the east property line.); and*
  - 9) revision of the site plan to reflect Traffic Engineering comments (*Moffett Road is a state maintained roadway. Driveway number, size, location and design to be approved by ALDOT (Moffett Road) and Traffic Engineering and conform to AASHTO standards. No additional curb-cuts are illustrated on the site plan; however the existing driveways for the proposed lots should be closed. An ALDOT right-of-way permit, in addition to city permits, will be necessary.*).

The motion carried unanimously.

**Case #ZON2012-02891 (Planned Unit Development)**

**Our Savior Parish**

1801 Cody Road South

(East side of Cody Road South, 155'± North of the East terminus of Bradbury Place).

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

Council District 6

(Also see, Case #ZON2012-02892 (Planning Approval) Our Savior Parish below)

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 this time.

Ben Cummings, Cummings Architecture, spoke on behalf of the applicant and made the following points:

- A. project consist of an aluminum walk-way cover; that is about 1100 sq ft. along the side of an existing 14,000 sq ft church;
- B. the proposed walk-way cover will be wide enough for vehicular access;
- C. feels as if 14 conditions for this small of a project is a little excessive;
- D. has not intention of doing any work in the right of way;
- E. there is plenty of vegetation on the property;
- F. when the church was constructed a landscape plan was submitted at that time, and was approved;
- G. the applicant would like to stick with that landscape plan;
- H. there is already a dumpster there;

Mr. Olsen stated that he understands a lot of what Mr. Cummings said. But, he clarified to the Commission the reasoning why the staff made the conditions. He added that he was ok with the removal of the conditions Mr. Cummings discussed.

In deliberation, George Davis stated that he would like the comment to remain that stated the applicant needs to update the sidewalk along Cody Road.

Mr. DeMouy stated he that he did not understand what the sidewalk had to do with the walk-way cover in the back of the site.

Mr. Davis responded that it did not have anything to do with it directly, it was just a safety issue that he saw when inspecting the site. He stated that it was up to the Commission if they wanted to leave the condition or not.

Dr. Rivizzigno stated that it was a small project, but they always look at the total site.

Mr. Olsen stated the he agreed.

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

conditions:

- 1) **compliance with Engineering comments** (*Any work performed in the existing Cody Road ROW (right-of-way) such as grading, drainage, driveways, sidewalks, utility connections, 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). 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. An ADEM NOR is required for any land disturbance activity over 1 acre. Provide a copy of the ADEM registration information for the site prior to the issuance of a Land Disturbance permit. The existing sidewalk along Cody Road shall be adjusted at the existing curb cuts to reduce the existing vertical change in grade between the sidewalk and driveways to be less than ¼ inch. Also, any existing sidewalk panels that are damaged are to be removed and replaced.*);
- 2) **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.*);
- 3) **compliance with Traffic Engineering comments** (*Driveway number, size, location, and design to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards.*);
- 4) **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).*);
- 5) **revision of the site plan to depict curbing and/or bumper stops for all parking and circulation areas in order to protect adjacent landscape and sidewalk areas;**
- 6) **revision of the site plan to provide appropriately marked access aisles for all proposed handicap parking spaces, in accordance with Americans with Disability Act and/or 2009 International Building Code requirements;**
- 7) **placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development approval prior to the issuance of any permits;**
- 8) **placement of a note on the site plan stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;**
- 9) **provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final plat; and**

**10) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2012-02892 (Planning Approval)**

**Our Savior Parish**

1801 Cody Road South

(East side of Cody Road South, 155'± North of the East terminus of Bradbury Place).

Planning Approval to amend a previously approved Planning Approval to allow an expansion of a church in an R-1, Single-Family Residential District.

Council District 6

(Also see, Case #ZON2012-02891 (Planned Unit Development) **Our Savior Parish** above)

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 this time.

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

- 1) ***compliance with Engineering comments (Any work performed in the existing Cody Road ROW (right-of-way) such as grading, drainage, driveways, sidewalks, utility connections, 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). 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. An ADEM NOR is required for any land disturbance activity over 1 acre. Provide a copy of the ADEM registration information for the site prior to the issuance of a Land Disturbance permit. The existing sidewalk along Cody Road shall be adjusted at the existing curb cuts to reduce the existing vertical change in grade between the sidewalk and driveways to be less than ¼ inch. Also, any existing sidewalk panels that are damaged are to be removed and replaced.);***
- 2) ***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.);***
- 3) ***compliance with Traffic Engineering comments (Driveway number, size, location, and design to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards.);***

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- 4) **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).*);**
- 5) **revision of the site plan to depict curbing and/or bumper stops for all parking and circulation areas in order to protect adjacent landscape and sidewalk areas;**
- 6) **revision of the site plan to provide appropriately marked access aisles for all proposed handicap parking spaces, in accordance with Americans with Disability Act and/or 2009 International Building Code requirements;**
- 7) **placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development approval prior to the issuance of any permits;**
- 8) **placement of a note on the site plan stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;**
- 9) **provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final plat; and**
- 10) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**OTHER BUSINESS:**

A motion was made to by Dr. Rivizzigno, with second by Mr. Watkins, to recommend approval of amending 64-11.8.b.6, to expand the area in which Sandwich Board Signs are allowed.

The motion carried unanimously.

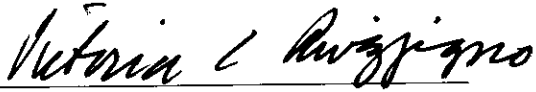
Mr. Olsen gave a brief introduction to “Mobile Development District” Form Based Code for the Downtown area.

It was also discussed to consider changing February meeting start time to 1:00 due to length of agenda and parade that evening.


Hearing no further business, the meeting was adjourned.

January 3, 2013  
Planning Commission Meeting

APPROVED:



Dr. Victoria Rivizzigno, Secretary



Terry Plauche, Chairman

jpw