

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF MARCH 7, 2013 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William G. DeMouy, Jr.
Roosevelt Turner
John Vallas
Tracie Lee-Roberson
Scott Webster
John Williams
Jarrett Wingfield

Members Absent

Victoria L. Rivizzigno, Secretary
James F. Watkins, III
Don Hembree
Carlos Gant (S)

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

HOLDOVERS:

Case #ZON2012-02873 (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 application had been recommended for denial. He added if anyone wished to speak on the matter they should do so at that time.

March 7, 2013
Planning Commission Meeting

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

- A. lot is currently heavily wooded;
- B. would like to expand the parking lot;
- C. will put a 6 ft high wood fence to shield the parking spaces from Colonial Oaks Dr.;
- D. the dumping area will be cleaned up;
- E. will be similar to a park;
- F. noise will not be an issue;
- G. will only be used for 2 hours on Sundays;
- H. storm water will be contained on site;
- I. there will be no access to Colonial Oaks Dr;
- J. feels like it will improve property values.

Mr. Vallas asked Mr. Don Williams if he had considered locating the 13 parking spaces in the retention area.

Mr. Don Williams stated that area has to be used for the retention area because it is about 3 feet lower than other areas.

Mr. Turner asked if there was an existing curb cut to Colonial Oak Dr.

Mr. Don Williams stated that there is not.

Mr. John Williams then asked if the wooded area would be thinned out.

Mr. Don Williams responded that it would be.

Mr. Turner asked if there were any condition of approval present.

Mr. Olsen stated that there were not. He then stated that the staff felt very strongly that this application is not appropriate.

Mr. Vallas stated that he was considering approving the application.

Hearing no opposition or further discussion, a motion was made by Mr. Vallas, with second by Mr. Williams, to hold the matter over until April 4, 2013 meeting, to allow the applicant to revise the site plan to relocate the proposed fence and to allow staff to develop conditions for approval.

The motion carried unanimously.

Case #ZON2012-02874 (Planning Approval)
Forest Hill Church of God

March 7, 2013

Planning Commission Meeting

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

Hearing no opposition or discussion, a motion was made by Mr. Vallas, with second by Mr. Williams, to hold the matter over until April 4, 2013 meeting, to allow the applicant to revise the site plan to relocate the proposed fence and to allow staff to develop conditions for approval.

The motion carried unanimously.

Case #SUB2012-00133

Creole Commons Subdivision

2488 Sayner Avenue

(North side of Sayner Road, 60'± North of Flowers Drive).

Number of Lots / Acres: 1 Lot / 1.5± Acre

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.

Fred Hiles, 2494 Sayner Avenue, spoke in opposition to the matter. He stated that there was a horse on the property and the owner is not containing it properly. The horse has been in the street and he had heard it had been picked up by the City.

Mr. Olsen stated that the applicant has applied for a variance to allow 2 horses.

Jerry Byrd, Byrd Surveying, spoke on behalf of the applicant. He stated that the horses will be utilizing about 1 acre on the back of the property and the applicant does not have any other livestock plans. He added that renovations have been made to the house.

Mr. Plauche asked Mr. Byrd to get will Mr. Hiles to make sure he understood everything.

Mr. Byrd agreed.

Mr. Turner asked if any other residents in the area had livestock.

Mr. Byrd responded that he only knew of a dog in the area.

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

- 1) placement of the 25 foot minimum setback line to reflect a future right of way width of 50 feet;
- 2) placement of a note on the Final Plat stating that the proposed lot is limited to two curb-cuts to Sayner Avenue with the size, design and location to be approved by Traffic Engineering and to conform with AASHTO standards;
- 3) depiction and labeling of the lot size in square feet on the final plat;
- 4) placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
- 5) compliance with Engineering Comments: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. Provide a signature block and signature from Traffic Engineering Department. 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). 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 #SUB2012-00141 (Subdivision)

Michigan & Bay Subdivision

1201 & 1203 Michigan Avenue and 1333 Bay Avenue
(Southeast corner of Michigan Avenue and Bay Avenue).

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

Engineer / Surveyor: Chris Settles

Council District 3

(Also see, Case #ZON2012-03157 (Rezoning) **Garrard Development Services, LLC** 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.

March 7, 2013

Planning Commission Meeting

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

- A. a community meeting was arranged by Councilman C.J. Small with roughly 50-60 residents in attendance;
- B. there were four issues that needed to be address that the residents were concerned over:
 - a. Lighting- lights needed to be added for safety issues.
 - b. Safety- the ability of people jumping the fence and loitering was a major concern. Applicant agrees to increase the fence to 8 ft high and add a chain link fence to prohibit access behind the building. The reasoning for the chain link is so people cannot hide behind the fence from police.
 - c. Alcohol-Family Dollar has agreed not to sell alcohol at this location.
 - d. Open late on Sundays- Family Dollar cannot agree to that. All of their stores have uniform hours, opening at 9:00 am.
- C. feels like the development will revitalize the area;
- D. will need the two curb cuts on Bay Avenue to accommodate truck trailer;
- E. only one tractor trailer will come down Ann Street once a week.

Patricia Frazier, member of Wesley Chapel, spoke in favor of the application and made the following points:

- A. Wesley Chapel is the current owner of the property
- B. most of the surrounding residents are more frustrated by what has not been done in the community than by Family Dollar;
- C. lot was last used as transmission shop;
- D. City would not give the church tax-free status because of the condition of the building;
- E. they would like to get the blight off of that corner.

The following people spoke in opposition to the matter:

- Rev. Robert Turner, 1251-1255 Rev a T Days Street, Mobile;
- Charles Smith, 1410 Melrose Street, Mobile;
- Kevin ,1200 Michigan Avenue, Mobile;
- Catherine Smith, 1410 Melrose Street, Mobile;

They made the following points against the application:

- A. disagreed with Mr. Anderson's comment about the community being in favor of the Family Dollar;
- B. the member of Wesley Chapel Church is in favor of the application because their Church is the current owner of the property;
- C. stated that every other business in the area does not open until 11:00 am on Sundays out of respect to worship services;

March 7, 2013

Planning Commission Meeting

- D. Ann Street needs to be repaired, doesn't understand why the tractor trailer will come that way;
- E. the Family Dollar will be a detriment to traffic and to the pedestrians safety;
- F. feels like Family Dollar stores are a magnet for crime
- G. owns a business across the street and has an issue with loitering;
- H. worried about crime increasing;
- I. more traffic brings more safety issues;
- J. Family Dollar stores in Mobile are nasty;
- K. grandchildren will not be able to play outside safely.

In rebuttal, Mr. Anderson reminded the Commission that the front part of the property is already zoned B-2.

Mr. Turner asked if Family Dollar plans on providing security guards.

Mr. Anderson responded that he did not know at this time.

Mr. Turner then asked if the would applicant would consider changing the opening time.

Mr. Anderson responded that Family Dollar wants to stick with a 9:00 am opening.

Councilman C.J. Small, District 3, spoke in regards to the matter. He stated that he was neither for nor against the application. He noted that he did poll the attendants of the community meeting; there were approximately 60 people in attendance and the majority was in favor of the Family Dollar store.

In deliberation, Mr. Vallas stated that he did not see anything wrong with this project. He felt like the Family Dollar store could not be any worse than what is already there. He also stated that he did not agree with requiring the applicant to adjusting to their hours.

Mr. Turner stated that the applicant has made an effort to resolve the issues. But, he does have a problem with the applicant not agreeing to change their hours; the other surrounding business have agreed to it.

The Commission asked the staff to prepare conditions for approval.

Mr. Palombo read the conditions for approval.

Mr. Anderson stated that he was in agreement with the proposed conditions.

Hearing no further opposition or discussion, a motion was made by Mr. DeMouy, with second by Ms. Roberson, 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 curb-cuts to Bay Avenue and one curb cut to Michigan Avenue, and**

- that the size, design and location of all curb-cuts must be approved by Traffic Engineer and comply with AASHTO standards;
- 2) dedication of a corner radius compliant with Section V.D.6. of the Subdivision Regulations;
 - 3) placement of a note on the Final Plat stating that approval of all applicable federal, state and local environmental agencies for wetlands or floodplain issues is required prior to the issuance of any permits or land disturbance activities;
 - 4) 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;
 - 5) 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. Provide a signature block and signature from the Traffic Engineering Department; 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).; and*
 - 6) compliance with Fire comments (*All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.*).

The motion carried unanimously.

Case #ZON2012-03157 (Rezoning)

Garrard Development Services, LLC

1203 Michigan Avenue and 1333 Bay Avenue

(Southeast corner of Michigan Avenue and Bay Avenue).

Rezoning from R-1, Single-Family Residential District, to B-2 Neighborhood

Business District to allow a retail building.

Council District 3

(Also see, Case #SUB2012-00141 (Subdivision) Michigan & Bay 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 further opposition or discussion, a motion was made by Mr. DeMouy, with second by Ms. Roberson, to approve the above referenced matter, subject to the following conditions:

- 1) completion of the Subdivision process;

- 2) subject to the attached Voluntary Conditions and Use Restrictions offered by the applicant; and
- 3) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2012-00139 (Subdivision)

Savell Subdivision

3108 Club House Road and 1707 Brill Road

(West side of Club House Road, 240'± West of Dauphin Island Parkway).

Number of Lots / Acres: 2 Lots / 2.5± Acres

Engineer / Surveyor: Don Williams Engineering

Council District 3

(Also see, Case #ZON2012-03144 (Rezoning) Jean Savell 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.

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

- A. property is zoned R-1, but surrounding neighbors include a CVS Pharmacy, McDonalds, and a mobile home park;
- B. parking will be directly in front of the antique store;
- C. antique store will be roughly about 300 ft from the nearest house and roughly 200 feet from the McDonalds;
- D. store will be open 5 days a week, possibly 6 days a week.

Mr. Olsen stated that at the previous meeting a few of the Commission members suggested that they would be in favor of approving this application, so the staff had prepared conditions for approval. He added that the staff still stands by their recommendation for denial.

Hearing no opposition or further 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) illustration of the 25' minimum building setback line;
- 2) illustration of the lot size in square feet and acres;
- 3) 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. Provide a signature block and signature from the Traffic Engineering Department. 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) **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 limiting each lot to one curb cut each to Club House Road, with the size, design, and location of the curb cut to be approved by Traffic 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 #ZON2012-03144 (Rezoning)

Jean Savell

3108 Club House Road and 1707 Brill Road

(West side of Club House Road, 240'± West of Dauphin Island Parkway).

Rezoning from R-1, Single-Family Residential District, to R-1, Single-Family Residential District, and B-1, Buffer-Business District, to allow an antique shop.

Council District 3

(Also see, Case #SUB2012-00139 (Subdivision) Savell Subdivision above)

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

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

- 1) **full compliance with tree and landscaping requirements;**
- 2) **provision and illustration of either a 6' high privacy fence, or a 6' high 10' wide evergreen vegetative buffer in compliance with Section 64.4.D.1. of the Zoning Ordinance for all adjacent residentially zoned or utilized properties; and**
- 3) **completion of the Subdivision process.**

The motion carried unanimously.

Case #SUB2012-00138 (Subdivision)

Turner Marine Supply Subdivision

5010 Dauphin Island Parkway

(West side of Dauphin Island Parkway extending to the East side of Dog River).

Number of Lots / Acres: 3 Lots / 7.0± Acres

Engineer / Surveyor: Don Williams Engineering

March 7, 2013
Planning Commission Meeting

Council District 3
(Also see, **Case #SUB2012-03143 (Planned Unit Development) Turner Marine Supply Subdivision** below)

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

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

- A. the purpose of the application is to add 12 feet of width to one of the three houses on the property;
- B. property is about 7 acres;
- C. the addition would be to accommodate an extra bedroom and laundry room additions;
- D. the issue is there are four lots of records, but they are not legal lots;
- E. each lot has at least 25 foot frontage on the easement;

Mr. Olsen stated that the “lots” are parcels of record, not lots of record. He also stated that the home that is being proposed for additions was constructed without permits and inspections have not been done to make sure it is compliant with building codes.

Mr. Williams stated that they could not physically find the building permits, but the owner recalls obtaining the permits.

Mr. Olsen responded that the permits could not be found in the archives.

In deliberation, Mr. Turner stated that a lot of the problem with this application is that the buildings were constructed without a subdivision or proper permitting.

Mr. Olsen stated Mr. Turner was correct and added that they also have no real access to the property. The only access to the property was via an easement to the rear.

Mr. Vallas asked how all of that would be cleaned up if the Commission does not start that process.

Mr. Olsen stated that there may not be a full cleanup that the City could sanction.

Mr. Williams asked what the applicant should do to make the house right, so in the future they can do what they are asking to do.

Mr. Olsen responded that the applicant and their design professional need to figure out a way to have real property frontage for each lot, as opposed to frontage on the easement or have the other property included in the subdivision with the easement and make it a private road.

March 7, 2013
Planning Commission Meeting

Hearing no opposition or further discussion, a motion was made by Mr. Turner, with second by Ms. Roberson, to deny the above referenced matter.

The motion carried.

Case #SUB2012-03143 (Planned Unit Development)

Turner Marine Supply Subdivision

5010 Dauphin Island Parkway

(West side of Dauphin Island Parkway extending to the East side of Dog River).
Planned Unit Development Approval to allow multiple buildings on a single building site and shared access across multiple building sites.

Council District 3

(Also see, Case #SUB2012-00138 (Subdivision) **Turner Marine Supply Subdivision** above)

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

Hearing no opposition or further discussion, a motion was made by Mr. Turner, with second by Ms. Roberson, to deny the above referenced matter.

The motion carried.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2013-00001

Dawes Point West No. 3 Subdivision

8650 Cottage Hill Road

(North side of Cottage Hill Road, 315'± West of Randlett Trace).

Number of Lots / Acres: 1 Lot 1.8± Acre

Engineer / Surveyor: Byrd Surveying, 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 that time.

Hearing no opposition or discussion, a motion was made by Mr. Turner, 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 proposed lot is limited to one (1) curb-cut onto Cottage Hill Road, with the size, design and exact location to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **labeling of the 25-foot minimum building setback line, and retaining of the**

- note on the Final Plat;
- 3) retention of lot area size in square feet, on the Final Plat;
 - 4) compliance with Engineering comments: *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.*
 - 5) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species; and
 - 6) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2013-00002

Evergreen Gardens Subdivision, Unit No. 2, Resubdivision of Lot 237

South side of Higgins Road, 630'± East of Todd Acres Drive

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

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.

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. DeMouy, to waive Section 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 each lot is limited to one (1) curb-cut each, with the size, design and location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) depiction of the 25-foot minimum building setback line, to allow for future dedication as required by Section V.D.9. of the Subdivision Regulations;
- 3) the labeling of each lot with its size in square feet, or placement of a table on the plat with the same information;

- 4) compliance with Engineers comments: 1. *Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes).* 2. *Provide a signature block and signature from the Traffic Engineering Department.* 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).*
- 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;
- 6) approval of all applicable federal, state and local agencies for flood plain issues prior to the issuance of any permits or land disturbance activities;
- 7) Placement of a note on the plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities; and
- 8) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2013-00003

Johnson Farms Subdivision

North side of River Road, 625'± East of Thomas Road.

Number of Lots / Acres: 2 Lots / 4.8± 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.

Hearing no opposition or discussion, a motion was made by Mr. Turner, 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, design and exact location to be approved by Mobile County Engineering and conform to AASHTO standards;
- 2) labeling of the 25-foot minimum building setback line, and retaining of the note on the Final Plat;
- 3) retention of lot area size in square feet, on the Final Plat;
- 4) compliance with Engineering comments: *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.

- 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.
- 6) **placement of a note on the Final Plat** stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species; and
- 7) **placement of a note on the Final Plat** stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2013-00005

Irvington Subdivision, Barbara Howard's Addition to

Northeast corner of Irvington Bayou LaBatre Highway and Half mile Road extending to the North terminus of Hodge Nursery Road.

Number of Lots / Acres: 2 Lots / 8.5± Acres

Engineer / Surveyor: Gonzalez – Strength & Associates
County

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.

Barbara Howard, current owner of the property, spoke on her own behalf and made the following points:

- A. questioned why only three curb cuts were allowed and was curious if she would be allowed more in the future;
- B. did not understand why 10 feet off of Half Mile Road is being taken away.

Mr. Olsen responded the 10 feet is for dedication of right-of-way.

Ms. Howard stated that she did not understand why the Commission would take it, because when the need comes in the future the County would automatically come in and take it. She also stated that the County would pay her for the right-of-way.

Mr. Olsen responded that it is not uncommon, when there is a subdivision on a major street that has a substandard right-of-way, for the property owner to dedicate the right-

**March 7, 2013
Planning Commission Meeting**

of-way necessary to make it standard. He also noted to Ms. Howard by the Commission granting her subdivision she is gaining a benefit.

Ms. Howard stating that is not fair that the County gets the right-of-way for free. She also noted that the County is taking an additional 25 feet around the Family Dollar store on the corner and they are paying for that portion.

Mr. Plauche informed Ms. Howard that the County would not pay her for dedication of right-of-way in the future.

Mr. Olsen stated that payments are not offered when dedication is required.

Mr. Williams asked what the right-of-way currently is and what should it be.

Mr. Olsen responded that it is currently 80 feet and the major street requirement is 100 feet.

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

- 1) dedication to provide 50 feet from centerline along both Irvington Bayou La Batre Highway and Half Mile Road;**
- 2) depiction of the 25 foot minimum building setback line for Lots 1 and 2, reflecting required dedication;**
- 3) correction of the Deed Book/Page reference regarding the 15 feet easement, and verification of its location;**
- 4) placement of a note on the Final Plat stating that Lot 1 is limited to one (1) curb-cut to Irvington Bayou La Batre Highway and one (1) curb-cut to Half Mile Road, that Lot 2 is limited to three (3) curb-cuts to Half Mile Road; size design and location to be approved by Mobile County Engineering.**
- 5) corner dedication to comply with section V.B.16 of the Subdivision Regulations;**
- 6) correction of the Plat to state right-of way will be maintained by Mobile County;**
- 7) 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;**
- 8) 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;**
- 9) compliance with Engineering comments: 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,

- 10) 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 #SUB2013-00006

Cambridge Place Subdivision, Phases 2-4

West side of Eliza Jordan Road at the West terminus of Laura Court.

Number of Lots / Acres: 90 Lots / 36.0± Acres

Engineer / Surveyor: Preble-Rish LLC
County

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

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.

Steve Pumphrey, Preble-Rish, spoke on behalf of the applicant. He stated that he wanted to discuss Conditions 1 & 2; it appears that was an illegal subdivision. The property was apparently set aside for a plant, but it was eventually conveyed by metes-and-bounds without going through the subdivision process. The developer's problem is he came along afterwards and purchased the property that is before the Commission today and has no connection with the other parcel. He stated that they have no issue with the rest of the items and if the first two Conditions were removed he would ask the Commission to move forward with approving it.

Mr. Olsen asked if Mr. Pumphrey's client is the first purchaser from the people that did the illegal subdivision.

Mr. Pumphrey stated that they are not sure.

Mr. Lawler stated that because it happened prior to the current owner acquiring the property other it would not make a difference to this property.

Mr. Olsen stated that notices may need to be sent out to those who purchased those parcels without benefit to the subdivision and notify them they need to legally subdivide their property. Condition 1 and 2 can be removed and move ahead.

March 7, 2013

Planning Commission Meeting

Hearing no opposition or further 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) revision of the plat to connect to currently proposed closed-end streets;
- 2) revision of the plat to illustrate dedication to provide 50' from the centerline on Eliza Jordan Road;
- 3) placement of a note labeling all detention facilities and common areas;
- 4) placement of a note limiting each lot to one curb cut each, with the size, design, and location of the curb cut to be approved by Traffic Engineering and conform to AASHTO standards;
- 5) placement of a note stating that Lots 116-120 are denied direct access to Eliza Jordan Road;
- 6) placement of a note to 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.*); and
- 7) placement of a note on the 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 with Mr. Vallas recusing.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2012-03191

HL Properties, LLC and Long Gardens, LLC

250 Tuthill Lane

(Southeast corner of Tuthill Lane and Garden Trace (private street), extending to the South side of Provident Lane (not open).

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow a private street subdivision.

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.

Kathy Terry, 3 Springhill Court, spoke regarding the matter. She asked that an Engineering comment from 2011 be added to the site plan stating the construction of a

March 7, 2013
Planning Commission Meeting

fence or wall will require review and approval by City Engineering.

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

- 1) **compliance with Engineering comments (1. *The addition of a gate to a private road will require that the applicant coordinate with City Engineer and Public Works to provide adequate access to the Public Drainage Easements within the development for inspections and maintenance.* 2. *Construction of a fence or wall along any property line abutting adjacent private property will require review and approval by the City Engineering Department to ensure that adequate drainage measures are accounted for in the placement of any proposed fence and/or wall.*);**
- 2) **placement of a note on the site plan stating that access to College Lane is denied;**
- 3) **revision of the site plan to illustrate the proposed gate at 60' from Tuthill Lane; and**
- 4) **provision of two revised site plans to be submitted to Urban Development.**

The motion carried unanimously.

Case #ZON2013-00086
Cowles, Murphy, Glover, & Associates

1926 & 2000 Telegraph Road
(Southeast corner of Telegraph Road and Bay Bridge Road).
Planned Unit Development Approval to allow multiple buildings on a single building site.
Council District 2

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 Mr. Turner, to hold the matter over until the April 4th meeting with revision due by March 15, 2013.

- 1) **revision of the site plan to depict 20 frontage trees and three (3) parking area trees;**
- 2) **submission of a rezoning request to eliminate split zoning;**

The motion carried unanimously.

Case #ZON2013-00090
Pintail Properties, LLC

March 7, 2013
Planning Commission Meeting

4254 & 4260 Halls Mill Road
(West side of Halls Mill Road, 80'± South of the West terminus of Alden Drive).
Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow multiple buildings on a single building site.
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 Mr. DeMouy, with second by Mr. Turner, to approve the above referenced matter, subject to the following conditions:

- 1) revision of the site plan to provide the number of warehouse employees in order to ensure all required parking is provided;**
- 2) revision of the site plan to illustrate a dumpster compliant with Section 64-4.D.9.c. of the Zoning Ordinance, or to include a note stating that curbside pickup will be utilized;**
- 3) revision of the site plan to illustrate either a 6' high privacy fence, or a 6' high 10' wide evergreen vegetative buffer in compliance with Section 64.4.D.1. of the Zoning Ordinance for both parcels; and**
- 4) provision of two revised site plans to be submitted to Urban Development.**

The motion carried unanimously.

Case #ZON2013-00097

Financial Plaza, LLC

41 West I-65 Service Road North
(Southwest corner of West I-65 Service Road North and College Lane South, extending to the Southeast corner of Du Rhu Drive and College Lane South).
Planned Unit Development Approval to allow multiple buildings on a single building site.
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 Mr. DeMouy, to approve the above referenced matter, subject to the following conditions:

- 1) submission, Approval, and recording of a one lot subdivision, incorporating the existing lots into one legal lot of record, prior to the issuance of permits for building construction;**

- 2) **modification of the site plan/landscape plan to include table(s) illustrating compliance with the Landscaping and Tree Planting requirements of the Zoning Ordinance, to be submitted to the Planning Section of Urban Development prior to the issuance of any permits; and**
- 3) **compliance with Engineering Comments: (1. Add a note to the PUD drawing stating that a Land Disturbance Permit 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). 2. Add a note that any work within the College Lane or DuRhu Drive ROW will require a City of Mobile ROW Permit – Engineering Department (208-6070). 3. The surface grading for the existing (and/or proposed) dumpster pad(s) must be minimized and directed to a surface drain that is connected to the Sanitary Sewer system. The drainage from any dumpster pads cannot discharge to storm sewer.)**
- 4) **compliance with Traffic Engineering Comments: (Driveway number, size, location, and design to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards.)**
- 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 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). Tree removal permits are required before removing any existing Heritage Trees.)**
- 7) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2013-00119

BMO Properties, LLC

Southeast corner of Grelot Road and Grelot Place (private drive).

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow the construction of an office in a private street commercial subdivision and allow multiple buildings on a single building site

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 Mr. DeMouy, with second by Mr. Turner, to approve the above referenced matter, subject to the following conditions:

- 1) recording of the Final Plat of ZP Subdivision, Resubdivision of Lots 4 & 5.

The motion carried unanimously.

NEW ZONING APPLICATIONS:

Case #ZON2013-00095

Archdiocese of Mobile

South side of Old Shell Road, 110'± West of Center Drive

Rezoning from R-1, Single-Family Residential District, to B-2, Neighborhood Business District, to allow a retail store.

Council District 6

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. DeMouy, with second by Mr. Turner, to approve the above referenced matter, subject to the following conditions:

- 1) compliance with Traffic Engineering comments (*1. Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards; and 2. A median cut will not be permitted at this site, therefore the driveway will be right-in, right out only. Because of the raised median, additional construction of a channelizing island in the driveway will not be necessary*);
- 2) compliance with Urban Forestry (*1. 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); 2. Preservation status granted for all 50" and larger trees. All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger; and 3. Exact curb cut locations and location of the proposed street, internal circulation drive and building locations should also be coordinated with Urban Forestry to ensure that no trees 50" and larger are effected.*);
- 3) compliance with Fire Department (*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
- 4) full compliance with all municipal codes and ordinances

The motion carried unanimously.

March 7, 2013

Planning Commission Meeting

GROUP APPLICATIONS:

Case #SUB2013-00007 (Subdivision)

D.E.H. Subdivision

7747 Old Shell Road

(Southwest corner of Old Shell Road and 5th Avenue).

Number of Lots / Acres: 1 Lot / 0.5± Acre

Engineer / Surveyor: John Farrow Crenshaw

Council District 7

(Also see, **Case #ZON2013-00096 (Rezoning) D.E.H. Subdivision** below)

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

John Crenshaw, 8024 Murray Hill Road, spoke on behalf of the applicant and requested a holdover for the next meeting.

Jewel Adams Hemlong, stated that she is the owner of Lot 6 and did not know that this application affected her. She was under the impression that the street would be extended on the other side of Monk Avenue and asked if this would come onto her property.

Mr. Olsen stated that Ms. Hemlong's property is South of Monk Avenue.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the April 4th meeting, at the applicant's request. Revised information should be submitted by March 15th.

The motion carried unanimously.

Case #ZON2013-00096 (Rezoning)

D.E.H. Subdivision

7747 Old Shell Road

(Southwest corner of Old Shell Road and 5th Avenue).

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

Council District 7

(Also see, **Case #SUB2013-00007 (Subdivision) D.E.H. Subdivision** above)

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the April 4th meeting, at the applicant's request. Revised information should be submitted by March 15th.

The motion carried unanimously.

Case #SUB2013-00009 (Subdivision)

Lenz Family Subdivision

East side of Rochester Place, extending to the West side of General Pershing Avenue,
105'± North of Airport Boulevard Service Road.

Number of Lots / Acres: 1 Lot / 0.4± Acre

Engineer / Surveyor: The Coleman Engineering Group
Council District 5

(Also see, Case #ZON2013-00099 (Planned Unit Development) **Lenz Family Subdivision Subdivision** below)

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 Mr. DeMouy, to approve the above referenced matter, subject to the following conditions:

- 1) **compliance with Engineering comments (1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes); 2. Provide a signature block and signature from the Traffic Engineering Department; 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).);**
- 2) **placement of a note on the Final plat that the lot is limited to one (1) curb-cut, with the size, design and location to be approved by Traffic Engineering and to conform with AASHTO standards;**
- 3) **depiction and labeling of the 17.5-foot minimum building setback line on the Final Plat;**
- 4) **labeling of the lot size in square feet on the Final Plat;**
- 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 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);**
- 7) **submission of two copies of the revised PUD site plan prior to the signing of the Final Plat; and**
- 8) **recording of the Final Plat prior to any request for permits.**

The motion carried unanimously.

Case #ZON2013-00099 (Planned Unit Development)

Lenz Family Subdivision

East side of Rochester Place, extending to the West side of General Pershing Avenue, 105'± North of Airport Boulevard Service Road.

Planned Unit Development Approval to allow reduced front yard setback from 25 feet to 17.25 feet in an R-1 Single-Family Residential District.

Council District 5

(Also see, Case #SUB2013-00009 (Subdivision) Lenz Family Subdivision above)

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 Mr. DeMouy, to approve the above referenced matter, subject to the following conditions:

- 1) **revision of the site plan to depict and label a front setback of 17.5-feet, 20-foot combined side yard setbacks, a rear yard setback of 10 feet, and a maximum site coverage of 35%;**
- 2) **compliance with Engineering comments (1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes); 2. Provide a signature block and signature from the Traffic Engineering Department; 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).);**
- 3) **placement of a note on the site plan that the lot is limited to one (1) curb-cut, with the size, design and location to be approved by Traffic Engineering and to conform with AASHTO standards**
- 4) **revision of the site plan to depict any HVAC, generators or similar items that will be placed on site, to ensure that they meet all required setbacks;**
- 5) **labeling of the lot size in square feet on the site plan;**
- 6) **placement of a note on the site plan stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;**
- 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); and**
- 8) **submission of two copies of the revised PUD site plan prior to the signing of the Final Plat.**

The motion carried unanimously.

Case #SUB2013-00004 (Subdivision)

I-65 East Service Road Development Subdivision, Resubdivision of Lot 1

925 East I-65 Service Road South

(East side of East I-65 Service Road South extending to the West and North sides of International Drive).

Number of Lots / Acres: 2 Lots / 26.8± Acres

Engineer / Surveyor: Hutchinson, Moore, & Rauch, LLC

Council District 5

(Also see, **Case #ZON2013-00079 (Planned Unit Development) I-65 East Service Road Development Subdivision, Resubdivision of Lot 1** and **Case #ZON2013-00080 (Sidewalk Waiver) CenterPoint Integrated Solutions** below)

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 Mr. DeMouy, to approve the above referenced matter, subject to the following conditions:

- 1) **retention of the lot sizes in both square feet and acres on the Final Plat, or the furnishing of a table on the Final Plat providing the same information;**
- 2) **retention of the 25' minimum building setback line on the Final Plat;**
- 3) **placement of a note on the Final Plat stating the lot 1A is limited to two curb cut to East I-65 Service Road South and Lot 1B is limited to one curb cut to East I-65 Service Road South, with the size, design to be approved by Traffic Engineering, and ALDOT and conform to AASHTO standards;**
- 4) **placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;**
- 5) **subject to the Engineering comments: *(1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. Provide a signature block and signature from the Traffic Engineering Department. 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. One (1) existing easement is under review for vacation. Show and label all existing easements, recently vacated easements (if any), and any easements that are proposed to be vacated.)*; and**
- 6) **compliance with Fire Department comments: *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile).***

The motion carried unanimously.

Case #ZON2013-00079 (Planned Unit Development)

I-65 East Service Road Development Subdivision, Resubdivision of Lot 1

925 East I-65 Service Road South

(East side of East I-65 Service Road South extending to the West and North sides of International Drive).

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

Council District 5

(Also see, Case #SUB2013-00004 (Subdivision) **I-65 East Service Road**

Development Subdivision, Resubdivision of Lot 1 above and Case #ZON2013-00080 (Sidewalk Waiver) **CenterPoint Integrated Solutions** below)

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 Mr. DeMouy, to approve the above referenced matter, subject to the following conditions:

- 1) retention of the lot sizes in both square feet and acres on the site plan, or the furnishing of a table on the site plan providing the same information;
- 2) **revision of the site plan to provide the front and total landscaping square footage in percentages as illustrated on the Planned Unit Development application;**
- 3) **revision of the site plan to provide dumpster buffering, in compliance with Section 64-4.D.9. of the Zoning Ordinance, and tied to sanitary sewer;**
- 4) **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;**
- 5) **subject to the Engineering comments: (1. Any work performed in the existing I-65 Service Road ROW (right-of-way) such as grading, drainage, driveways, sidewalks, utility connections, irrigation, or landscaping will require a permit from ALDOT. A copy of the ALDOT permit application package and plans will need to be submitted with the Land Disturbance Permit application; 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. 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 storm sewer; 4. An ADEM NOI 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; 5. A copy of the USACOE Section 404 Permit must be submitted prior to any construction begins within the existing isolated wetlands; 6. A permit will be required from ALDOT for the proposed revisions to the existing drainage system along, and under, the Service Road; and 7. One (1) existing easement is under review for vacation. Show and label all existing easements, recently vacated easements (if any), and any easements that are proposed to be vacated);

- 6) 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); and*
- 7) **submittal of two copies of a revised site plan prior to signing of the Final Plat for the Subdivision.**

The motion carried unanimously.

Case #ZON2013-00080 (Sidewalk Waiver)

CenterPoint Integrated Solutions

925 East I-65 Service Road South

(East side of East I-65 Service Road South extending to the West and North sides of International Drive).

Request to waive construction of a sidewalk along East I-65 Service Road South.

Council District 5

(Also see, Case #SUB2013-00004 (Subdivision) **I-65 East Service Road**

Development Subdivision, Resubdivision of Lot 1 and Case #ZON2013-00079

(Planned Unit Development) I-65 East Service Road Development Subdivision, Resubdivision of Lot 1 above)

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 Mr. DeMouy, to approve the request to waive construction of a sidewalk along East I-65 Service Road South.

The motion carried unanimously.

Case #SUB2013-00008 (Subdivision)

Westwood Plaza Subdivision

7765 Airport Boulevard

(Southeast corner of Airport Boulevard and Schillinger Road South, extending to the North side of Thomas Road).

Number of Lots / Acres: 5 Lots / 21 ± Acres

Engineer / Surveyor: Rowe Surveying and Engineering

Council District 6

(Also see, Case #ZON2013-00098 (Planned Unit Development) **Westwood Plaza**

Subdivision 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 Mr. DeMouy, to hold the matter over until the April 4th meeting, with the following revisions due by March 18th:

- 1) provision of documentation showing that the applicant owns all of the property included as part of the application, or that they are authorized to act on the behalf of the property owner;
- 2) revision of the plat to reflect dedication to provide 50-feet from centerline along Schillinger Road for proposed Lots 1, 2 and 5;
- 3) revision of the plat to reflect additional setback along Schillinger Road of 10-feet for proposed Lots 3 and 4;
- 4) revision, if necessary, to reflect 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. 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 storm sewer. 4. An ADEM NOI 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.*);
- 5) revision, if necessary, to reflect compliance with Traffic Engineering comments (*The proposed traffic signal on Schillinger Road will not be permitted at the site driveway. The proposed location is less than the recommended distance from the nearest signalized intersections, to both Airport Boulevard to the north and Glider Avenue to the south. In addition, an ALDOT safety project is to be completed along this corridor in the very near future to improve traffic flow and apply access management techniques. Existing signals may be altered or even removed, and new signalized intersections created that will provide improved access to the corridor. A draft traffic impact study has been submitted and was reviewed. Revisions to the study are necessary to accept the document as final and complete.*);
- 6) depiction of the 25-foot minimum building setback line along all street

frontages, reflecting any required dedication or future right-of-way widths.

The motion carried unanimously.

Case #ZON2013-00098 (Planned Unit Development)

Westwood Plaza Subdivision

7765 Airport Boulevard

(Southeast corner of Airport Boulevard and Schillinger Road South, extending to the North side of Thomas Road).

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

Council District 6

(Also see, Case #SUB2013-00008 (Subdivision) Westwood Plaza Subdivision 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 Mr. DeMouy, to hold the matter over until the April 4th meeting, with the following revisions due by March 18th:

- 1) **provision of documentation showing that the applicant owns all of the property included as part of the application, or that they are authorized to act on the behalf of the property owner;**
- 2) **revision of the site plan to reflect right-of-way dedication along Schillinger Road, as specified for the Subdivision plat;**
- 3) **revision of the site plan to reflect the required 25-foot minimum building setback line along all street frontages, adjusted for required dedication or additional setback;**
- 4) **revision of the site plan to depict sidewalks along all street frontages, or placement of a note on the site plan stating that a Sidewalk Waiver application will be submitted;**
- 5) **revision of the site plan to ensure that an adequate number of “accessible” and “van accessible” parking spaces with accompanying access aisles are provided, in compliance with the 2009 International Building Code;**
- 6) **revision of the site plan, including the placement of a note on the plan, to ensure that all parking spaces are a minimum of 9 x 18 feet;**
- 7) **revision, if necessary, to reflect 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. 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 storm sewer. 4. An ADEM NOI 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.);

- 8) revision, if necessary, to reflect compliance with Traffic Engineering comments (*The proposed traffic signal on Schillinger Road will not be permitted at the site driveway. The proposed location is less than the recommended distance from the nearest signalized intersections, to both Airport Boulevard to the north and Glider Avenue to the south. In addition, an ALDOT safety project is to be completed along this corridor in the very near future to improve traffic flow and apply access management techniques. Existing signals may be altered or even removed, and new signalized intersections created that will provide improved access to the corridor. A draft traffic impact study has been submitted and was reviewed. Revisions to the study are necessary to accept the document as final and complete.*);
- 9) revision of the site plan to depict full compliance with the tree and landscape requirements of the Zoning Ordinance, or provision of justification as to why the development will not meet the minimum requirements; and
- 10) revision of the site plan to depict a 10-foot wide setback buffer, and either an evergreen vegetative buffer or a six-foot high wooden privacy fence.

The motion carried unanimously.

Case #ZON2013-00091 (Planned Unit Development)

5540 E. Rite Road, LLC

5500 E Rite Road

(North terminus of E. Rite Road).

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

Council District 4

(Also see, Case #ZON2013-00092 (Planning Approval) 5540 E. Rite Road, LLC, Case #ZON2013-00093 (Rezoning) 5540 E. Rite Road, LLC, and Case #ZON2013-00089 (Sidewalk Waiver) 5540 E. Rite Road, LLC below)

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 Mr. DeMouy, to approve the above referenced matter, subject to the following

conditions:

- 1) limited to the site plan approved by the Planning Commission;
- 2) the lot undergoing new development to comply with the frontage landscape area and frontage tree requirements for that lot only;
- 3) overall landscape area to be counted for compliance for the entire site to be based upon the wetlands and floodplain area North of the developed / to be developed area;
- 4) new curb-cuts and existing curb-cuts that are modified, to be approved by Traffic Engineering regarding their size and design, and to comply with AASHTO standards;
- 5) revision of the site plan to depict parking bumpers for those new parking spaces that abut adjacent property or landscape areas;
- 6) appropriate permitting of any new fencing and gates on the site, and placement of a note on the site plan stating that will be operated in a manner so as to not impair traffic on East Rite Road;
- 7) full compliance with the Traffic Engineering comments (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.*);
- 8) full compliance with Engineering comments (*1. Any work performed in the existing East Rite Rd 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. 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 storm sewer. 4. An ADEM NOI 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.*);
- 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) full compliance with any local, state and federal regulations regarding floodplain issues;
- 11) full compliance with any local, state and federal regulations regarding wetlands issues;
- 12) site lighting to comply with Section 64-6.A. of the Zoning Ordinance; and
- 13) full compliance with all other municipal codes and ordinances.

March 7, 2013

Planning Commission Meeting

The motion carried unanimously.

Case #ZON2013-00092 (Planning Approval)

5540 E. Rite Road, LLC

5500 E Rite Road

(North terminus of E. Rite Road).

Planning Approval to allow the expansion of an existing gas storage facility.

Council District 4

(Also see, Case #ZON2013-00091 (Planned Unit Development)

5540 E. Rite Road, LLC above, Case #ZON2013-00093 (Rezoning) **5540 E. Rite Road, LLC**, and Case #ZON2013-00089 (Sidewalk Waiver) **5540 E. Rite Road, LLC** below)

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 Mr. DeMouy, to approve the above referenced matter, subject to the following conditions:

- 1) **limited to the site plan approved by the Planning Commission;**
- 2) **the lot undergoing new development to comply with the frontage landscape area and frontage tree requirements for that lot only;**
- 3) **overall landscape area to be counted for compliance for the entire site to be based upon the wetlands and floodplain area North of the developed / to be developed area;**
- 4) **new curb-cuts and existing curb-cuts that are modified, to be approved by Traffic Engineering regarding their size and design, and to comply with AASHTO standards;**
- 5) **revision of the site plan to depict parking bumpers for those new parking spaces that abut adjacent property or landscape areas;**
- 6) **appropriate permitting of any new fencing and gates on the site, and placement of a note on the site plan stating that will be operated in a manner so as to not impair traffic on East Rite Road;**
- 7) **full compliance with the Traffic Engineering comments (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.*);**
- 8) **full compliance with Engineering comments (*1. Any work performed in the existing East Rite Rd 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. 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 storm sewer. 4. An ADEM NOI 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.);

- 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) full compliance with any local, state and federal regulations regarding floodplain issues;
- 11) full compliance with any local, state and federal regulations regarding wetlands issues;
- 12) site lighting to comply with Section 64-6.A. of the Zoning Ordinance; and
- 13) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2013-00093 (Rezoning)

5540 E. Rite Road, LLC

5500 E Rite Road

(North terminus of E. Rite Road).

Rezoning from I-1, Light-Industry District, to I-2, Heavy-Industry District to allow the expansion of a gas storage facility.

Council District 4

(Also see, Case #ZON2013-00091 (Planned Unit Development)5540 E. Rite Road, LLC and Case #ZON2013-00092 (Planning Approval)5540 E. Rite Road, LLC above, and Case #ZON2013-00089 (Sidewalk Waiver) 5540 E. Rite Road, LLC below)

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 Mr. DeMouy, to approve the above referenced matter, subject to the following conditions:

- 1) **site development limited to an approved Planned Unit Development; and**
- 2) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2013-00089 (Sidewalk Waiver)

5540 E. Rite Road, LLC

5500 E Rite Road

(North terminus of E. Rite Road).

Request to waive construction of a sidewalk along E Rite Road.

Council District 4

(Also see, **Case #ZON2013-00091 (Planned Unit Development)****5540 E. Rite Road, LLC** and **Case #ZON2013-00092 (Planning Approval)****5540 E. Rite Road, LLC** and **Case #ZON2013-00093 (Rezoning)** **5540 E. Rite Road, LLC**)

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 Mr. DeMouy, to approve the request to waive construction of a sidewalk along E. Rite Road.

The motion carried unanimously.

OTHER BUSINESS:

The Chair called for Public Hearing to consider an amendment to 64.11 (Sign Regulations) to address and regulate on-premise digital signs city-wide.

Linda St. John, 2 Spring Bank Road North, spoke in regards to the amendment and made the following points:

- A. she is the current President of the Village of Springhill, which is a non-profit corporation formed to strictly facilitate improvements in the Springhill area;
- B. the Village of Springhill brought a stricter digital sign ordinance to the City Council a couple of months ago, because digital signs were coming more and more of an issue in the small community;
- C. after learning the Planning Department had plans to implement something City wide the Village of Springhill decided to stop their independent initiative and work with the City instead;
- D. they are concerned with both safety issues and aesthetics;
- E. within the Village of Springhill's boundaries there are 4 schools, 7 churches, 2 parks, and one of the key elements of Village of Springhill's master plan is to create a pedestrian friendly neighborhood community connecting all of these amenities with sidewalks.
- F. in the last 5 years they have built over 63,000 sq ft of privately funded sidewalks;
- G. believes digital signs would create a safety issue for the pedestrians;
- H. digital signs can become a dominate visual element viewed from people's living rooms;

March 7, 2013
Planning Commission Meeting

A motion was made by Mr. Plauche, with second by Mr. DeMouy, to approve the ordinance has printed.

The motion carried unanimously.

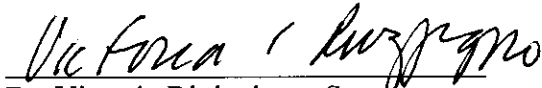
Mr. Lawler discussed with the Commission the need to correct conditions of Ray's addition to Stanton Road Subdivision. The rezoning application allowed access that the Subdivision application denied and the conditions should coincide. So, the subdivision conditions should be revised to coincide with the rezoning conditions since rezoning occurred first.

A motion was made by Mr. Plauche, with second by Mr. Turner, to correct conditions of Ray's addition to Stanton Road Subdivision to coincide with conditions on rezoning.


The motion carried unanimously.

Hearing no further business, the meeting was adjourned.

APPROVED: October 3, 2013



Dr. Victoria Rivizzigno, Secretary



Terry Plauche, Chairman

jpw