

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF NOVEMBER 21, 2013 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
Don Hembree
Tracie Lee-Roberson
Roosevelt Turner
John Williams

Members Absent

Victoria L. Rivizzigno, Secretary
William G. DeMouy, Jr.
Carlos Gant
John Vallas
James F. Watkins, III
Jarrett Wingfield
Scott Webster

Urban Development Staff Present

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

Others Present

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

Fire-Rescue Department

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

ROLL CALL:

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

HOLDOVERS:

Case #SUB2013-00078 (Subdivision)

Blue Creek Coal Terminal Subdivision

80 Virginia Street

(Area bounded by CSX Railroad, New Jersey Street, Old Water Street, and Mobile River, extending to the North side of Virginia Street, 465'± East of Conception Street).

Number of Lots / Acres: 1 Lot / 36.9± Acres

Engineer / Surveyor: Cowles, Murphy, Glover & Associates

Council District 2

(Also see, **Case #ZON2013-01814 (Planned Unit Development) Blue Creek Coal Terminal Subdivision**, and **Case #ZON2013-01813 (Planning Approval) Blue Creek Coal Terminal Subdivision** below)

Ms. Roberson recused herself from discussion and voting on the matter.

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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.

The following people spoke in opposition to the matter:

- Carol Adams Davis, Richards DAR Museum
- Greg Vaughn, Church Street East
- Suzanne Schwartz, 360 McDonald Ave;
- Marie Dyson, 203 S. Dearborn St.

They made the following points against the application:

- A. the DAR Museum recommends denials for this application;
- B. downtown Mobile has been dealing with McDuffie Island Coal Terminal coal dust problems since the 1970's and these problems have still not been addressed properly;
- C. question why the City would consider making this existing problem worse;
- D. a coal export terminal in this location jeopardizes the economic development, health and quality of life of the neighboring communities;
- E. the environmental impacts of airborne coal dust created by the facility are not compatible with our nearby downtown neighborhoods;
- F. we have never had a coal facility this close to residences, schools, healthcare facilities, city streets and businesses;
- G. would like additional time to review the information recently submitted by Blue Creek Coal;
- H. would like a 60 day holdover;
- I. residents in the area wiped a white towel on their homes to show the coal dust that is already accumulating;
- J. it is incompatible with the neighborhood;
- K. the noise will saturate the entire area;
- L. questioned if there are any precautions in place in case of heavy rain or storm surges that could cause the holding ponds to overflow.

Mr. Turner asked if the current coal operation has been contacted to see what type of action could be taken.

Ms. Dyson responded that her neighborhood has not contacted the existing coal operation.

Mr. Turner stated that the problem with the current coal operation would still be there if McDuffie did not take action.

Mr. Williams questioned if ADEM has been in our area.

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Mr. Watkins asked if they have noticed any health affects.

Ms. Dyson responded that there is none that they could prove.

In rebuttal, Gary Cowles, 457 St. Michael St, stated that he wanted to make a couple of clarifications. This property has been a coal handling facility since 1950; it operated successfully for nearly 60 years. The facility will not handle steam coal; it will be an export facility to move metallurgical coal, mined by Alabama, to steel markets all over the world.

After discussion, the request was heldover until December 5, 2013, due to the lack of a quorum to vote on the application.

Case #ZON2013-01814 (Planned Unit Development)

Blue Creek Coal Terminal Subdivision

80 Virginia Street

(Area bounded by CSX Railroad, New Jersey Street, Old Water Street, and Mobile River, extending to the North side of Virginia Street, 465'± East of Conception Street).

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

Council District 2

(Also see, **Case #SUB2013-00078 (Subdivision) Blue Creek Coal Terminal Subdivision** above and **Case #ZON2013-01813 (Planning Approval) Blue Creek Coal Terminal Subdivision** below)

Ms. Roberson recused herself from discussion and voting on the matter.

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.

After discussion, the request was heldover until December 5, 2013, due to the lack of a quorum to vote on the application.

Case #ZON2013-01813 (Planning Approval)

Blue Creek Coal Terminal Subdivision

80 Virginia Street

(Area bounded by CSX Railroad, New Jersey Street, Old Water Street, and Mobile River, extending to the North side of Virginia Street, 465'± East of Conception Street).

Planning Approval to allow a coal handing terminal in an I-2, Heavy-Industry District.

Council District 2

(Also see, **Case #SUB2013-00078 (Subdivision) Blue Creek Coal Terminal Subdivision** and **Case #ZON2013-01814 (Planned Unit Development) Blue Creek Coal Terminal Subdivision** above)

Ms. Roberson recused herself from discussion and voting on the matter.

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.

After discussion, the request was heldover until December 5, 2013, due to the lack of a quorum to vote on the application.

Case #SUB2013-00111

Marian Elmore Subdivision

5800 & 5810 Three Notch Road

(Northeast corner of Three Notch Road and General Road).

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

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
Council District 4

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 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 December 5, 2013 meeting for the following reason:

- 1. to allow the subdivision to be heard with the associated PUD application.**

The motion carried unanimously.

Case #ZON2013-02183 (Rezoning)

Rangeline-Hamilton Commercial Park, LLC

North side of Hamilton Boulevard at the South terminus of Dockside Drive. Rezoning from I-1, Light-Industry District, to I-2, Heavy Industry District, to accommodate current and future businesses.

Council District 4

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

Rick Courtney, spoke on behalf of the applicant. He explained that the applicant is planning on using the properties for his business that is called sterilization. He places garbage into a high-pressure sterilizing machine and takes out the foreign bugs before it goes into a land fill. Mr. Courtney also stated that the applicant was willing to provide voluntary use restrictions.

Mr. Olsen stated that the staff does have conditions prepared for approval.

Mr. Courtney responded that he would be willing to accept those conditions.

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

- 1. obtain after-the-fact land disturbance permits, building permits, and right-of-way permits;**
- 2. compliance with all municipal codes and ordinances; and**
- 3. compliance with the voluntary use restrictions.**

The motion carried unanimously.

Case #SUB2013-00093 (Subdivision)

Storrs Manor Subdivision

115 Providence Street and 118 Catherine Street North
(West side of Providence Street, 280'± South of Spring Hill Avenue extending to the East side of Catherine Street North, 230'± South of Spring Hill Avenue).

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

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 2

(Also see, **Case #ZON2013-02189 (Rezoning) Storrs Manor Subdivision** below)

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

Jerry Byrd, Byrd Surveying, spoke on behalf of the applicant. He stated that he would like the application to be held over again.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to hold the matter over until the January 2, 2014 meeting at the applicant's request.

The motion carried unanimously.

Case #ZON2013-02189 (Rezoning)

Storrs Manor Subdivision

115 Providence Street and 118 Catherine Street North
(West side of Providence Street, 280'± South of Spring Hill Avenue extending to the East side of Catherine Street North, 230'± South of Spring Hill Avenue).

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

Council District 2

(Also see, **Case #SUB2013-00093 (Subdivision) Storrs Manor Subdivision** above)

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

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to hold the matter over until the January 2, 2014 meeting at the applicant's request.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2013-00123

Alano Subdivision

908 McRae Avenue

(North side of McRae Avenue, 164'± South of Pleasant Valley Road).

Number of Lots / Acres: 1 Lot / 1.0± Acre

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

Council District 3

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

Jerry Byrd, Byrd Surveying, spoke on behalf of the applicant. He stated that the only issue he had was with the dedication of 25 feet on McRae Ave.

Mr. Olsen responded that the Staff would suggest that the wording state that the setback be sufficient to provide 75 feet from the centerline on McRae Ave.

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

- 1) **revision of the plat to reflect a minimum building setback of 75 feet from the centerline of McRae Avenue;**
- 2) **placement of a note on the Final Plat stating the site is limited to two existing curb-cuts to McRae Avenue, with changes to the size, location, and design to be approved by Traffic Engineering, and conform to AASHTO standards;**
- 3) **the labeling of the lot in acres and square feet;**
- 4) **compliance with Engineering comments: "1. Provide all of the required information on the Plat (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, bearings and distances). 2. 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). 3. Provide a written legal description for the proposed subdivision and matching bearing and distance**

labels. 4. Add a signature block for the Planning Commission, Traffic Engineer, City Engineer and County Engineer. 5. Provide and label the monument set or found at each subdivision corner. 6. Provide the Surveyor's Certificate and the Owner's and Notary Public Certificates. 7. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. 8. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) would be required prior to the issuance of a permit for any land disturbance activity."

- 5) compliance with Traffic Engineering comments: *"Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards."*;
- 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). Preservation status is to be given to the 45" Live Oak Tree located on the North West side of Lot 1. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger."*; and
- 7) compliance with Fire comments: *"All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile";*

The motion carried unanimously.

Case #SUB2013-00127

Airport Heights Commercial Park Subdivision

350 Victoria Drive

(West side of Victoria Drive, 275'± South of Airport Boulevard).

Number of Lots / Acres: 1 Lot / 0.9± Acre

Engineer / Surveyor: Rowe Surveying & Engineering Co., Inc.
Council District 6

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

Andrew Prescott, Burton Property Group, stated that this application will be a part of Westwood Shopping Center. He requested approval on the condition that they submit a PUD on connecting the two sites together.

Mr. Olsen responded that the Staff learned earlier in the day that this site would become part of the Westwood Plaza Shopping Center. Because it is to be part of it, it will require a new PUD application to incorporate it into the shopping center. He also asked Mr. Prescott if Burton Property Group had intentions to improve Victoria Drive to City standards.

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Mr. Prescott responded that Don Rowe has spoke with someone in City Engineering that their intent is to improve the section in front of their property; to do curb and gutter and new paving up to the center of the road.

George Davis, City Engineering, responded that he did speak with Mr. Rowe and they did agree that half of the road would be improved.

Marybeth Bergin, Traffic Engineering, stated that Condition #5 should cover this issue. Traffic Engineering would not permit a driveway on Victoria until the property frontage was improved.

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

- 1) **Retention of the 25-foot minimum setback line and lot size information on the Final Plat;**
- 2) **Placement of a note on the Final Plat limiting Lot 1 to one curb-cut to the existing curb-cut to Victoria Drive, with any changes to the size, design or location to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) **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.)*;**
- 4) **Compliance with Engineering Comments: *(The following comments should be addressed prior to acceptance and signature by the City Engineer: a. Add a note to the 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). b. Add a note to the Plat stating that a City standard street section will need to be constructed prior to issuing any Land Disturbance activity for Lot 1. c. Add a note to the Plat stating that a sidewalk is required to be constructed with any new development on Lot 1. d. Provide and label the monument set or found at each subdivision corner. e. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. f. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) would be required prior to the issuance of a permit for any land disturbance activity. g. Clarify the Existing Lot boundaries, and list the associated subdivision of each labeled lot number. Also, there appears to be a portion of a Lot 1 (unknown subdivision) that is left out of the proposed subdivision. h. Clearly label the point used as the POB. It appears that the computed corner is not the POB, but the drawing and description appear to begin at the computed corner.)*;**
- 5) **Compliance with Traffic Engineering Comments: *(The roadway width of Victoria Drive is substandard and will need to be improved along the property***

frontage prior to permitting any driveways for this site. Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);

- 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).);*
- 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.); and*
- 8) **Submission of a new Planned Unit Development application to include this site in the Westwood Plaza development, and approval of such by the Planning Commission, prior to development of the site.**

The motion carried unanimously.

Case #SUB2013-00119

AS Subdivision, Resubdivision of Lots 1 & 3

9971 Airport Boulevard

(South side of Airport Boulevard, 630'± West of Snow Road).

Number of Lots / Acres: 2 Lots / 7.1± Acres

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

Marl Cummings III, Cummings & Associates, spoke on behalf of the applicant. He stated the Staff has an issue with a leftover sliver of land. The purchaser does not need or want the sliver of land and is not in a position to pay for anymore land and that is why Lot 1 is configured that way. He added that they own the property that is adjacent to the little sliver; because of the size and configuration it is basically useless, unless you combine it to the rest of our property to the east. The Staff suggested that we either sell it to the man purchasing Lot 1 or holdover and submit a new Subdivision to include that in the property that we own adjacent to it. But, we do not feel like either one of those options are viable.

Mr. Olsen responded that he did not necessarily follow everything that Mr. Cummings was explaining. He stated that the Staff did suggest to Mr. Cumming that they either incorporate that into Lot 1 or that they include the property to the east in the Subdivision now and have that incorporated into it as opposed to having it has a little unusable sliver that does not comply with the Subdivision Regulations. In discussion, with Mr. Anderson the only option that we see that could be feasible, is if is approved in this configuration a condition should be added that this can not be recorded until the other Subdivision application is submitted.

Mr. Cummings responded that is a problem. The buyer is the existing Urgent Care place and he wants to expand now; not when we might have some use for our adjacent property to our East. He added that they would be in agreement with adding a note to the plat and he felt like the little sliver of land is not even the point of the application. It is just leftover land.

Mr. Olsen responded that the sliver is not the point of the application, the point of the application is to divide the property. It is not being divided in a manner consistent with the Subdivision Regulations.

Mr. Anderson stated that legally what Mr. Cumming and the applicant are trying to create here does not comply with Subdivision Regulations.

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

- 1) **placement of a note on the Final Plat limiting the lots to a combined total of 2 curb-cuts with the location, size and design to be approved by Mobile County Engineering and to conform to AASHTO standards;**
- 2) **retention of 50' right-of-way width as depicted from centerline of Airport Boulevard on the Final Plat;**
- 3) **retention of 25-foot minimum building setback line on the Final Plat;**
- 4) **revision of the plat to eliminate the pole portion of Lot 3, East of Lot 1;**
- 5) **revision of the lot sizes in acres and square feet on the Final Plat to reflect changes required by number 4;**
- 6) **placement of a note on the Final Plat stating no structures shall be constructed or placed in any easements;**
- 7) **placement of a note on the Final Plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;**
- 8) **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;**
- 9) **placement of a note on the Final Plat stating that development *"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."***
- 10) **retention of all other existing notes depicted on the preliminary plat to be illustrated on the Final Plat; and**

- 11) **Submission of a new Subdivision application to integrate the sliver of land between Lot 1 and the East property line with the property to the East, and removal of that portion of land from the final plat, prior to the signing of the final plat.**

The motion carried unanimously.

Case #SUB2013-00120

Craft Acres Subdivision, Resubdivision of

1201 Dykes Road North

(West side of Dykes Road North, 6/10 mile± South of Tanner Williams Road).

Number of Lots / Acres: 2 Lots / 13.4± Acres

Engineer / Surveyor: McCrory Williams, 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. Williams to waive Section V.D.3 of the Subdivision Regulations and to approve the above referenced matter, subject to the following conditions:

- 1) **retention of 30' right-of-way of Dykes Road North as depicted from centerline on the Final Plat;**
- 2) **retention of 25-foot minimum building setback line from Dykes Road North, as required by Section V.D.9. of the Subdivision Regulations;**
- 3) **retention of the lot sizes in acres and in square feet;**
- 4) **placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations;**
- 5) **placement of a note on the Final Plat stating the site must comply with the City of Mobile 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.);**
- 6) **placement of a note on the Final Plat limiting each lot to one curb cut to Dykes Road North, with the size, design, and location of all curb-cuts to be approved by Mobile County Engineering and conform to AASHTO standards; and**
- 7) **placement of a note on the Final Plat stating that approval of all applicable**

federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.

The motion carried unanimously.

Case #SUB2013-00125

Illinois Central Gulf Subdivision

900 Alabama State Docks Boulevard

(Northeast corner of Beauregard and Dekle Drive at the North terminus of Delchamps Drive).

Number of Lots / Acres: 2 Lots / 38.8± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
Council District 2

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.

Brett Orrell, Polysurveying, spoke on behalf of the applicant. This application came before the Commission less than a year ago and was approved; it has been recorded as a 1 lot Subdivision. The Client is now looking to re-subdivide this property into 2 lots.

Mr. Olsen stated that Staff had conditions prepared for approval. He also mentioned to Mr. Orrell that there are various rights-of-way on this site that had never been vacated.

The following people spoke in opposition to the matter:

- Brenda Bolton, 310 West Street;
- David Underhill, Conservation Chair for Sierra Club;
- May Jones, 2462 Wiley Street;

They made the following points against the application:

- A. realizes that this application is only for the subdivision of property, but it is pertinent to many citizens that this parcel has active approvals for development issues that are not included in this subdivision application;
- B. assumes this property will be used as the unloading terminal for tar sands trains for Canada;
- C. this tar sands unloading facility will include a boiler to liquefy the tar sands by heating it to almost boiling point;

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

- 1) *retention of the lot sizes in square feet and acres;*

- 2) *placement of a note stating that the development is limited to the existing curb cuts;*
- 3) *completion of the vacation of the various rights-of-way on the property prior to the signing of the Final Plat;*
- 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) *compliance with Engineering comments, "The following comments should be addressed prior to acceptance and signature by the City Engineer: a. Add a note to the 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). b. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) would be required prior to the issuance of a permit for any land disturbance activity. c. Add a signature block for the Traffic Engineer. d. There are two (2) signature blocks for the County Engineer. One is labeled Mobile County Engineer. e. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. f. Provide larger street name labels in the vicinity map. Include Dekle Dr and I-165. g. Some bearing/distance callouts show actual and record information; but the curve data does not indicate that there was a difference between the record and actual. Please clarify. h. Show and label the MFFE (Minimum Finished Floor Elevation) on LOT 1 and 2. i. Provide and label the monument set or found at each subdivision corner along the proposed interior lot line..";*
- 6) *compliance with Traffic Engineering comments, "Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Access is limited to Beauregard Street as right-in/right-out only driveways, due to the elevated access to the state docks.";*
- 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) *retention of the 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;*
- 9) *placement of a note on the Final Plat stating that approval of all applicable Federal, state and local agencies is required for floodzone issues, if any, prior to the issuance of any permits or land disturbance activities;*
- 10) *submittal of seven (7) copies of the recorded CN-Beauregard Industrial Park Final Plat; and*
- 11) *no new building or land disturbance permits to be issued for this site until a Planned Unit Development has been approved.*

The motion carried unanimously.

Case #SUB2013-00126

Ledian M. Williams Subdivision

South side of Bear Fork Road, 470'± West of Salem Street.

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

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
Council District 1

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

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

- 1) **Dedication, if necessary, to provide 30' from the centerline of Bear Fork Road;**
- 2) **Retention of the 25-foot minimum setback line and lot size information on the Final Plat and adjusted for dedication;**
- 3) **Placement of a note on the Final Plat limiting each lot one curb-cut to Bear Fork Road with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) **Placement of a note on the Final Plat stating: *(The approval of all applicable federal, state and local environmental agencies is required for wetland and flood zone issues prior to the issuance of any permits or land disturbance activities.);***
- 5) **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.);***
- 6) **Compliance with Engineering Comments: *(The following comments should be addressed prior to acceptance and signature by the City Engineer: a. Add a note to the 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). b. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) would be required prior to the issuance of a permit for any land disturbance activity. c. Add a signature block for the Traffic Engineer. d. There are two (2) signature blocks for the County Engineer. One is labeled Mobile County Engineer. e. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. f. Show and label the MFFE (Minimum Finished Floor Elevation) on LOT 2. g. Provide and label the POC, the POB, and the tie***

- line in between the two points.h. Provide a Drainage Easement for the existing drainage ditch. Size and location to be approved by the City Engineer.);*
- 7) **Compliance with Traffic Engineering Comments:** *(Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
 - 8) **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).); and*
 - 9) **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.

GROUP APPLICATIONS:

Case #SUB2013-00118 (Subdivision)

Redeemed Community Church Subdivision

6254 Howells Ferry Road

(North side of Howells Ferry Road, 500'± West of Grider Road).

Number of Lots / Acres: 1 Lot / 6.3± Acres

Engineer / Surveyor: Erdman Surveying, LLC

Council District 7

(Also see, Case #ZON2013-02593 (Planned Unit Development) **Redeemed**

Community Church Subdivision, Case #ZON2013-02595 (Planning Approval)

Redeemed Community Church Subdivision and Case #ZON2013-02594 (Sidewalk Waiver) **Redeemed Community Church Subdivision** 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 that time.

Jerry Byrd, Byrd Surveying, spoke on behalf of the applicant. He stated that they have made an application to the Board of Adjustment to allow the Church to use an aggregate surface on the asphalt and parking lot and a revision on the landscape requirements because it is a heavily wooded site. Mr. Byrd also noted that the Church does have room to construct a sidewalk but it would be a very difficult project.

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

- 1) **placement of a note on the Final Plat stating that the site is limited to limited to one curb cut to Howells Ferry Road, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;**

- 2) retention of the labeling of the lot size in square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
- 3) retention of the 30' minimum building setback line along Howells Ferry Road;
- 4) subject to the Engineering comments: *a. Provide all of the required information on the Plat (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances). b. Add a note to the Plat stating that 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). c. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) would be required prior to the issuance of a permit for any land disturbance activity. d. Provide a Drainage Easement for the existing drainage ditch. Size and location to be approved by the City Engineer. e. Provide and label the POC, the POB, and the tie line in between the two points. f. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.*
- 5) subject to the Traffic Engineering comments: *[Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. If approved by the Board of Zoning Adjustment, three conditions should apply: 1) Aggregate surface for driveway should not extend into the right-of-way. A city standard curb-cut is required. 2) Parking spaces should be delineated by curb stops, as spaces can not be painted on aggregate surface. 3) Handicap parking spaces, as required, must be of appropriate surface material to provide accessibility to the building, including an accessible route from the space(s) to the building.];*
- 6) subject to the Urban Forestry comments: *[Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64)];*
- 7) subject to the Fire Department comments: *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile);*
- 8) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
- 9) placement of a note on the Final Plat stating that the approval of all applicable Federal, state and local environmental agencies would be required prior to the issuance of any permits or land disturbance activities; and
- 10) submission to Planning of two (2) copies each of a revised PUD and Planning Approval site plan indicating compliance with the approval conditions of those applications, and the Sidewalk Waiver decision, prior to

the signing of the Final Plat.

The motion carried unanimously.

Case #ZON2013-02593 (Planned Unit Development)

Redeemed Community Church Subdivision

6254 Howells Ferry Road

(North side of Howells Ferry Road, 500'± West of Grider Road).

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

Council District 7

(Also see, **Case #SUB2013-00118 (Subdivision) Redeemed Community Church Subdivision** above and **Case #ZON2013-02595 (Planning Approval) Redeemed Community Church Subdivision** and **Case #ZON2013-02594 (Sidewalk Waiver) Redeemed Community Church Subdivision** 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 that time.

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

- 1) **revision of the site plan to eliminate the driveway encroachment onto the Northwest corner of the adjacent residential property to the East;**
- 2) **revision of the site plan to include the parking requirement calculations;**
- 3) **revision of the site plan to indicate either bumper stops within or curbing around the parking area;**
- 4) **revision of the site plan to show any required handicap accessible parking;**
- 5) **revision of the site plan to include landscaping calculations;**
- 6) **revision of the site plan to include tree planting calculations, including tree credits, to be coordinated with Urban Forestry, and based upon the decision of the Board of Zoning Adjustment;**
- 7) **revision of the site plan to illustrate a buffer, in compliance with Section 64-4.D.1. of the Zoning Ordinance, where the site adjoins residential properties;**
- 8) **placement of a note on the site plan stating that lighting of the parking area and site must comply with Sections 64-6.A.3.c. and 64-6.A.8. of the Zoning Ordinance, including the provision of a photometric plan;**
- 9) **revision of the site plan to illustrate the 30' minimum building setback line along Howells Ferry Road;**
- 10) **revision of the site plan to illustrate a compliant City-standard sidewalk along Howells Ferry Road, should the Sidewalk Waiver be denied;**
- 11) **revision of the site plan to either indicate a compliant dumpster with screening and sanitary sewer drainage connection or the placement of a note on the site plan indicating that there will be no dumpster utilized and**

- also indicating what type of garbage collection will be utilized;
- 12) 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;
 - 13) placement of a note on the site plan stating that the approval of all applicable Federal, state and local environmental agencies regarding wetland issues would be required prior to the issuance of any permits or land disturbance activities;
 - 14) subject to the Engineering comments: *[1) Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2) A complete set of construction plans for any proposed site work – including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work. 3) 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.]*
 - 15) subject to the Traffic Engineering comments: *[Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. If approved by the Board of Zoning Adjustment, three conditions should apply: 1) Aggregate surface for driveway should not extend into the right-of-way. A city standard curb-cut is required. 2) Parking spaces should be delineated by curb stops, as spaces can not be painted on aggregate surface. 3) Handicap parking spaces, as required, must be of appropriate surface material to provide accessibility to the building, including an accessible route from the space(s) to the building.];*
 - 16) subject to the Urban Forestry comments: *[Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64)];*
 - 17) subject to the Fire Department comments: *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile);*
 - 18) submission to Planning of two (2) copies of a revised site plan indicating compliance with all approval conditions, and the Sidewalk Waiver decision, prior to the signing of the Final Plat; and
 - 19) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #ZON2013-02595 (Planning Approval)
Redeemed Community Church Subdivision**

6254 Howells Ferry Road

(North side of Howells Ferry Road, 500'± West of Grider Road).

Planning Approval to allow a church in an R-1, Single-Family Residential District.

Council District 7

(Also see, Case #SUB2013-00118 (Subdivision) Redeemed Community Church Subdivision and Case #ZON2013-02593 (Planned Unit Development) Redeemed Community Church Subdivision above and Case #ZON2013-02594 (Sidewalk Waiver) Redeemed Community Church Subdivision 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 that time.

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

- 1) revision of the site plan to eliminate the driveway encroachment onto the Northwest corner of the adjacent residential property to the East;
- 2) revision of the site plan to include the parking requirement calculations;
- 3) revision of the site plan to indicate either bumper stops within or curbing around the parking area;
- 4) revision of the site plan to show any required handicap accessible parking;
- 5) revision of the site plan to include landscaping calculations;
- 6) revision of the site plan to include tree planting calculations, including tree credits, to be coordinated with Urban Forestry, and based upon the decision of the Board of Zoning Adjustment;
- 7) revision of the site plan to illustrate a buffer, in compliance with Section 64-4.D.1. of the Zoning Ordinance, where the site adjoins residential properties;
- 8) placement of a note on the site plan stating that lighting of the parking area and site must comply with Sections 64-6.A.3.c. and 64-6.A.8. of the Zoning Ordinance, including the provision of a photometric plan;
- 9) revision of the site plan to illustrate the 30' minimum building setback line along Howells Ferry Road;
- 10) revision of the site plan to illustrate a compliant City-standard sidewalk along Howells Ferry Road, should the Sidewalk Waiver be denied;
- 11) revision of the site plan to either indicate a compliant dumpster with screening and sanitary sewer drainage connection or the placement of a note on the site plan indicating that there will be no dumpster utilized and also indicating what type of garbage collection will be utilized;
- 12) 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;
- 13) placement of a note on the site plan stating that the approval of all applicable Federal, state and local environmental agencies regarding wetland issues would be required prior to the issuance of any permits or land disturbance activities;
 - 14) subject to the Engineering comments: *[1) Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2) A complete set of construction plans for any proposed site work – including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work. 3) 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.]*
 - 15) subject to the Traffic Engineering comments: *[Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. If approved by the Board of Zoning Adjustment, three conditions should apply: 1) Aggregate surface for driveway should not extend into the right-of-way. A city standard curb-cut is required. 2) Parking spaces should be delineated by curb stops, as spaces cannot be painted on aggregate surface. 3) Handicap parking spaces, as required, must be of appropriate surface material to provide accessibility to the building, including an accessible route from the space(s) to the building.];*
 - 16) subject to the Urban Forestry comments: *[Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64)];*
 - 17) subject to the Fire Department comments: *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile);*
 - 18) submission to Planning of two (2) copies of a revised site plan indicating compliance with all approval conditions, and the Sidewalk Waiver decision, prior to the signing of the Final Plat; and
 - 19) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2013-02594 (Sidewalk Waiver)
Redeemed Community Church Subdivision

6254 Howells Ferry Road

(North side of Howells Ferry Road, 500'± West of Grider Road).

Request to waive construction of a sidewalk along Howells Ferry Road.

Council District 7

(Also see, **Case #SUB2013-00118 (Subdivision) Redeemed Community Church Subdivision**, **Case #ZON2013-02593 (Planned Unit Development) Redeemed Community Church Subdivision** **Case #ZON2013-02595 (Planning Approval) Redeemed Community Church Subdivision**, and **Case #ZON2013-02595 (Planning Approval) Redeemed Community Church Subdivision**)

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

Hearing no opposition or further discussion, a motion was made by Mr. Williams, with second by Mr. Plauche to approve the request to waive construction of a sidewalk along Howells Ferry Road.

The motion failed.

Case #SUB2013-00121 (Subdivision)
Alba Place Subdivision

2529 River Forest Road

(South side of River Forest Road, 450'± West of Alba Club Road).

Number of Lots / Acres: 3 Lots / 1.1± Acre

Engineer / Surveyor: Richard L. Patrick, PLS

Council District 3

(Also see, **Case #ZON2013-02603 (Planned Unit Development) Alba Place Subdivision** 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.

Rick Twilley, 6353 Piccadilly Drive, spoke on his own behalf. It is located on a small side street off of Alba Club Road, entering into the Alba Club parking lot. Mr. Twilley stated that they have taken great care in designing these three homes to show the intent of maximizing the property usage. The homes will be out of the way of the heritage oaks and the other trees. He requested that the street setbacks are noted on the plat because of the limited yard usage in the backyards.

Richard Patrick, 3317 Fairfield Road, also spoke in favor of the application. He stated that he wanted to address the insufficient right-of-way dedication per Section V.B.14 of the Subdivision Regulations. He noted that there is currently a 25 foot right-of-way.

Mr. Olsen stated that the marginal access road is intended to be a service road and if

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you recall any of the older applications or approvals where it ask for a 40 ft dedication for future service road that's the marginal access road the Subdivision Regulations are referring to.

The following people spoke in opposition to the matter:

- Carroll Butler, Officer for the Alba Club;
- Barbara Hogan, 2117 West Hill Wood Drive;

They made the following points against the application:

- A. the Alba Club has been located at their location for 110 years;
- B. River Forest Drive is a single lane driveway that services two properties, the Alba Club and a house;
- C. if this Subdivision is approved they will double the traffic on the one-lane drive;
- D. this will change the dynamic of the area;
- E. does not want to see variances granted for setbacks;
- F. agrees with denial of the application;
- G. it is a sensitive area.

In rebuttal, Mr. Twilley wanted to clarify that the properties will have very good coverage. He also noted that he does not want to upgrade the road; he plans to leave it as is.

Hearing no further opposition or discussion, a motion was made by Ms. Roberson, with second by Mr. Turner to hold the matter over until the December 19, 2013 meeting to allow the applicant to revise the plat to provide a compliant Fire apparatus turn-around.

The motion carried unanimously.

Case #ZON2013-02603 (Planned Unit Development)

Alba Place Subdivision

2529 River Forest Road

(South side of River Forest Road, 450'± West of Alba Club Road).

Planned Unit Development Approval to allow reduced front-yard setbacks

Council District 3

(Also see, Case #SUB2013-00121 (Subdivision) **Alba Place Subdivision** above)

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

Hearing no further opposition or discussion, a motion was made by Ms. Roberson, with second by Mr. Turner to hold the matter over until the December 19, 2013 meeting to allow the applicant to revise the plat to provide a compliant Fire apparatus turn-around.

The motion carried unanimously.

Case #ZON2013-02591 (Planned Unit Development)

S & P Mobile, LLC

5540 & 5580 East Rite Road

(North side of East Rite Road, 300'± East of U. S. Highway 90 West).

Planned Unit Development Approval to allow existing drives, parking and storage areas to remain paved in asphalt and shared access between two lots.

Council District 4

(Also see, **Case #ZON2013-02590 (Planning Approval) S & P Mobile, LLC** and **Case #ZON2013-02589 (Sidewalk Waiver) S & P Mobile, LLC** 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 Ms. Roberson, with second by Mr. Turner to approve the above referenced matter, subject to the following conditions:

- 1) **compliance with Engineering comments** (*1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. A complete set of construction plans for any proposed site work – including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work. 3. Any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.*);
- 2) **placement of a note stating that the development is limited to the existing curb cuts, with any modifications to be approved by Traffic Engineering;**
- 3) **placement of a note on the site plan stating that approval of all applicable Federal, state and local agencies is required for floodzone issues, if any, prior to the issuance of any permits or land disturbance activities;**
- 4) **revision of the site plan to depict and label any dumpsters, or placement of a note on the site plan stating that dumpsters will not be used;**
- 5) **illustration of 6 frontage trees along Lot 5;**
- 6) **placement of the scale on the site plan;**
- 7) **provision of two (2) revised PUD site plans to the Planning Section of Urban**

**Development prior to the submittal for the permits; and
8) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2013-02590 (Planning Approval)

S & P Mobile, LLC

5540 & 5580 East Rite Road

(North side of East Rite Road, 300'± East of U. S. Highway 90 West).

Planning Approval to allow the expansion of an existing outside storage area.

Council District 4

(Also see, **Case #ZON2013-02591 (Planned Unit Development) S & P Mobile, LLC** above and **Case #ZON2013-02589 (Sidewalk Waiver) S & P Mobile, LLC** below)

The Chair announced the applications had been recommended for withdrawal 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 Ms. Roberson, with second by Mr. Tumer to approve the withdrawal of the application.

The motion carried unanimously.

Case #ZON2013-02589 (Sidewalk Waiver)

S & P Mobile, LLC

5540 & 5580 East Rite Road

(North side of East Rite Road, 300'± East of U. S. Highway 90 West).

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

Council District 4

(Also see, **Case #ZON2013-02591 (Planned Unit Development) S & P Mobile, LLC** and **Case #ZON2013-02590 (Planning Approval) S & P Mobile, LLC** 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 Ms. Roberson, with second by Mr. Tumer to approve the request to waive construction of a sidewalk along East Rite Road.

The motion carried unanimously.

Case #SUB2013-00103 (Holdover)

Longleaf Gates Subdivision, Phase Two

(North side of Girby extending to the East terminus of Whitebark Drive).

Number of Lots / Acres: 61 Lots / 42.2± Acres

Engineer / Surveyor: Preble-Rish, LLC
Council District 6
(Also see, **Case #ZON2013-02191 (Holdover) Longleaf Gates Subdivision, Phase Two** and **Case #ZON2013-02606 (Rezoning) Preble-Risch, LLC** 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.

Bess Rich, 625 Cumberland Rd E, spoke in opposition to the matter. She stated that she welcomes the down zoning to R-1, but she had a question regarding Magpie Drive. She questioned why that was not just a full cul-de-sac.

Mr. Olsen responded that is there for emergency access, because it was a condition on a previous approval.

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

- 1) **completion of the Rezoning process prior to signing the Final Plat;**
- 2) **revision of the Current Zoning classification on the plat to R-1;**
- 3) **retention of the 25' minimum building setback line on the Final Plat;**
- 4) **revision of the plat to show the cul-de-sac at the West terminus of Magpie Drive, in agreement with the PUD and Rezoning site plans;**
- 5) **retention of the labeling of the all lots and common areas with their sizes in square feet and acres, revised for any required dedication, or the furnishing of a table on the Final Plat providing the same information;**
- 6) **placement of a note on the Final Plat stating that each lot is limited to 35% maximum site coverage by all structures;**
- 7) **placement of a note on the Final Plat stating that no structures may be constructed within any easements;**
- 8) **dedication sufficient to provide 50' from the centerline of Girby Road;**
- 9) **placement of a note on the Final Plat stating that each lot and common area is limited to one curb cut, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 10) **placement of a note on the Final Plat stating that the Southern common area is denied direct access to Girby Road;**
- 11) **placement of a note on the Final Plat stating that private streets shall be developed in compliance with Section VIII of the Subdivision Regulations;**
- 12) **labeling of all streets as "Private Street" on the Final Plat;**
- 13) **placement of a note on the Final Plat stating that maintenance of the private streets is the responsibility of the property owners;**
- 14) **placement of a note on the final Plat stating that if the private streets are not constructed and maintained to the appropriate City standard, and ultimately dedicated for public use and maintenance, 100 percent of the cost**

- of the improvements required to bring the streets up to the prevailing standards shall be assessed to the property owners at the time the private streets are dedicated, with the assessments running with the land to any subsequent property owners;
- 15) placement of a note on the Final Plat stating that the maintenance of all common areas (detention areas) is the responsibility of the property owners;
 - 16) placement of a note on the Final Plat stating that the approval of all applicable Federal, state and local agencies would be required prior to the issuance of any permits or land disturbance activities;
 - 17) 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;
 - 18) compliance with the Engineering comments: *[a.) Provide all of the required information on the Plat (i.e. signature blocks, signatures, certification statements, required notes, legend). b.) Add a note to the Plat stating that a Land Disturbance Permit will be required for any site improvements on the property. These improvements may require storm water detention. The Permit submittal shall be in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). c.) Add a signature for the Owner (notarized), Surveyor, Planning Commission and Traffic Engineer. d.) Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) would be required prior to the issuance of a permit for any land disturbance activity. e.) Add a note to the Plat that any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).]*
 - 19) compliance with the Traffic Engineering comments: (Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);
 - 20) compliance with the Urban Forestry comments: (Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64);
 - 21) compliance with the Fire Department comments: (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.); and
 - 22) furnishing of two (2) copies of a revised PUD site plan incorporating all conditions of approval of the PUD to Planning prior to signing the Final Plat.

The motion carried unanimously.

Case #ZON2013-02191 (Holdover)
Longleaf Gates Subdivision, Phase Two

(North side of Girby extending to the East terminus of Whitebark Drive).
Planned Unit Development Approval to allow a private road residential subdivision
Council District 6

(Also see, Case #SUB2013-00103 (Holdover) Longleaf Gates Subdivision, Phase Two above and Case #ZON2013-02606 (Rezoning) Preble-Risch, LLC 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 further opposition or discussion, a motion was made by Mr. Turner, with second by Ms. Roberson to approve the above referenced matter, subject to the following conditions:

- 1) **completion of the Rezoning process;**
- 2) **revision of the Current Zoning classification on the site plan to R-1;**
- 3) **revision of the site plan to show the cul-de-sac at the West terminus of Magpie Drive;**
- 4) **retention of the 25' minimum building setback line on the site plan;**
- 5) **retention of the labeling of all lots and common areas with their sizes in square feet and acres, revised for any required dedication, or the furnishing of a table on the site plan providing the same information;**
- 6) **placement of a note on the site plan stating that each lot is limited to 35% maximum site coverage;**
- 7) **placement of a note on the site plan stating that no structures may be constructed within any easements;**
- 8) **placement of a note on the site plan stating that each lot and common area is limited to one curb cut, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 9) **placement of a note on the site plan stating that the Southern common area is denied direct access to Girby Road;**
- 10) **compliance with the Engineering comments: *[Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). The applicant must also contact ALDOT – Ninth Division to see if any ALDOT Permits are required for this proposed project. 1) Any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the***

Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. A flood study will be required for the proposed development. 2) A complete set of construction plans for the site work – including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. 3) It is recommended that the applicant consider revising Lots 11-13, and any others, to keep the Lots outside of the Special Flood Hazard Zones so that the property is not encumbered by the Flood Zone requirements. 4) Must comply with all Engineering Department Policy Letters: i.) 5-13-2009 Policy Letter(Car wash drains and dumpster pads to drain to Sanitary Sewer System) ii) 8-4-2004 Policy Letter (Video inspection of new Storm Sewer System Piping) iii.) 3-18-2004 Policy Letter (Additional subdivision street requirements).]

- 11) compliance with the Traffic Engineering comments: (Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);
- 12) compliance with the Urban Forestry comments: (Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64);
- 13) compliance with the Fire Department comments: (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.); and
- 14) full compliance with all municipal codes and ordinances; and
- 15) furnishing of two (2) copies of a revised PUD site plan incorporating all conditions of approval of the PUD to Planning prior to signing the Final Plat.

The motion carried unanimously.

Case #ZON2013-02606 (Rezoning)

Preble-Risch, LLC

(North side of Girby extending to the East terminus of Whitebark Drive).

Rezoning from R-2, Two-Family Residential District, R-3, Multiple-Family District and B-2, Neighborhood Business District, to R-1 Single-Family Residential District to allow a single family subdivision and eliminate split zoning.

Council District 6

(Also see, Case #SUB2013-00103 (Holdover) Longleaf Gates Subdivision, Phase Two and Case #ZON2013-02191 (Holdover) Longleaf Gates Subdivision, Phase Two 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.

November 21, 2013
Planning Commission Meeting

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

- 1) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

OTHER BUSINESS:

A. Public Hearing to amend the Zoning Ordinance to modify parking requirements for Multi-Family dwelling units.

Bess Rich, 625 Cumberland Rd. E, spoke in favor of this amendment. She questioned the staff what the additional 10% of parking spots was based on.

Mr. Olsen responded that the 10% is allowed for guest.

Ms. Rich stated that she understood that, but questioned how the Staff arrived to 10%.

Mr. Olsen stated that is what is seen in other cities.

After discussion, the request was heldover until December 5, 2013, as Mr. Williams stated that he was unaware of the proposed amendment.

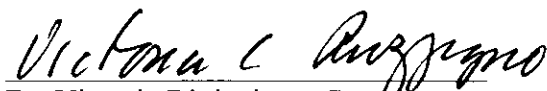
B. Election of Officers

Hearing no further opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Plauche to reelect previous officers.

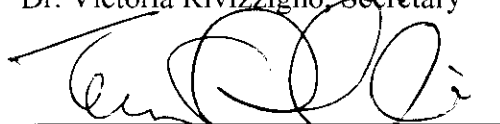
The motion carried unanimously.

Hearing no further business, the meeting was adjourned.

APPROVED: March 6, 2014



Dr. Victoria Rivizzigno, Secretary



Terry Plauche, Chairman

/jpw