

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

Members Present

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

Members Absent

Don Hembree
Carlos Gant

Urban Development Staff Present

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

Others Present

John Lawler,
Assistant City Attorney
George Davis,
City Engineering
Marybeth Bergin,
Traffic Engineering

Fire-Rescue Department

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

ROLL CALL:

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

APPROVAL OF MINUTES:

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

- July 11, 2013

The motion carried unanimously.

HOLDOVERS:

**Case #SUB2013-00050 (Subdivision)
Harris Place Subdivision, Resubdivision of Lot 1**

1000 Farnell Lane

(West side of Farnell Lane at the East terminus of Brossett Street).

Number of Lots / Acres: 2 Lots / 0.9± Acre

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

Council District 4

(Also see, **Case #ZON2013-01824 (Planned Unit Development) Harris Place Subdivision, Resubdivision of Lot 1** below)

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

Don Rowe, Rowe Surveying & Engineering, spoke on behalf of the applicant. He stated that the back of the lot is wooded, but the undergrowth has died. He would like to request a waiver on Condition #1.

Mr. Olsen responded that there could be a note added that states that it's allowed to remain as is today, but should the adjacent residential property be cleared and used an adequate buffer should be provided.

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) placement of a note on the final plat stating each lot shall be limited to one curb-cut to Farnell Lane, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;*
- 2) placement of a note on the final plat stating that a buffer in compliance with Section V.A.8. of the Subdivision Regulations will be required;*
- 3) submission of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the Final Plat;*
- 4) placement of a note on the final plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;*
- 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. 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). 3. Add a note to the plat stating 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). 4. Add a note that the existing, shared curb cut must be maintained by the Owner of Lot B. 5. 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. 6. Provide a signature from the Planning Commission, Owner(s) (notarized), and the Traffic Engineering Department. 7. The existing gravel drive on Farnell Lane appears to be a part of a shared driveway with the parcel to the north (998 Farnell Ln). The curbcut will need to be brought up to current standards prior to obtaining the City Engineer's signature on the Plat.”;

- 6) compliance with Traffic Engineering comments: “Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards”;*
- 7) compliance with Urban Forestry comments: “Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64)”;* and
- 8) compliance with Fire comments: “All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.”*

The motion carried unanimously.

Case #ZON2013-01824 (Planned Unit Development)

Harris Place Subdivision, Resubdivision of Lot 1

1000 Farnell Lane

(West side of Farnell Lane at the East terminus of Brossett Street).
Planned Unit Development Approval to allow multiple buildings on a single building site.

Council District 4

(Also see, Case #SUB2013-00050 (Subdivision) **Harris Place Subdivision, Resubdivision of Lot 1** above)

The Chair announced the applications had been recommended for approval. He added if anyone wished to speak on the matter they should do so at 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) *provision of protection buffers must be made where the site abuts residentially zoned or residentially utilized properties in accordance with chapter 64-4.D.1 of the Zoning Ordinance;*
- 2) *provision of only three parking spaces with bumper stops on lot B;*
- 3) *submission of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the Final Plat;*
- 4) *permits for compliance will be required for tree planting, buffers, and bumper stops prior to the signing of the Final Plat;*
- 5) *full compliance with all other municipal codes and ordinances;*
- 6) *compliance with Engineering comments: "1. Add a note to the PUD drawing stating that any work performed in the existing 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. Add a note to the PUD drawing 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). 3. Add a note to the PUD drawing stating that any existing or proposed dumpster pad(s) must be designed to collect storm water in a separate surface drain that is connected to the Sanitary Sewer system. 4. Add a note to the PUD drawing stating that any work performed within this development must comply with all Engineering Department Policy Letters.";*
- 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 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 #SUB2013-00081 (Subdivision)

Dauphin-65 Subdivision, Resubdivision of Lots 2 & 3

3290 Dauphin Street

(Northeast corner of Dauphin Street and East I-65 Service Road North).

Number of Lots / Acres: 1 Lot / 3.3± Acres

Engineer / Surveyor: The Coleman Engineering Group of McCrory Williams
Council District 1

(Also see, Case #ZON2013-01822 (Planned Unit Development) Dauphin-65 Subdivision, Resubdivision of Lots 2 & 3 below)

The Chair recused himself from discussion and voting on the matter.

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

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

- 1) *retention of the lot sizes in square feet and acres;*
- 2) *retention of the note regarding the right-of-way of Interstate 65 as 300' minimum;*
- 3) *retention of the note stating that no structures will be allowed in any easement;*
- 4) *retention of the note stating that the development is limited to the existing curb cuts;*
- 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 Engineering comments, "The following comments should be addressed prior to review, acceptance and signature by the City Engineer: a. Provide all of the required information on the Final Plat (i.e. signatures, required notes) b. Provide a signature from the Planning Commission, Owner(s) (notarized), Surveyor and the Traffic Engineering Department. c. 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). d. 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). e. 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.";*
- 7) *compliance with Traffic Engineering comments, "I-65 East Service Road is an ALDOT roadway. Driveway number, size, location and design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards. Please include signage on site plan provided for the Land Disturbance permit indicating one-way circulation around the drive-thru area";*

- 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). Full compliance with landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.";*
- 9) *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; and*
- 10) *submittal of two (2) copies of the revised Planned Unit Development site plan prior to the signing of the Final Plat.*

The motion carried unanimously with the Chair recusing.

Case #ZON2013-01822 (Planned Unit Development)
Dauphin-65 Subdivision, Resubdivision of Lots 2 & 3

3290 Dauphin Street

(Northeast corner of Dauphin Street and East I-65 Service Road North).

Planned Unit Development Approval to allow multiple buildings on a single building site with shared drives, access and parking

Council District 1

(Also see, Case #SUB2013-00081 (Subdivision) **Dauphin-65 Subdivision, Resubdivision of Lots 2 & 3** above)

The Chair recused himself from discussion and voting on the matter.

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

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

- 1) *retention of the note stating that the proposed building will utilize private services for trash pick-up;*
- 2) *revision of the site plan to illustrate the dumpster screening with the height labeled;*
- 3) *retention of landscape area information;*
- 4) *retention of the gross square footage of both buildings and parking calculations;*
- 5) *revision of the site plan to illustrate full compliance with tree planting requirements for the proposed new building area;*
- 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.);*

- 7) *compliance with Engineering comments, “The following comments should be addressed prior to review, acceptance and signature by the City Engineer: a. Provide all of the required information on the Final Plat (i.e. signatures, required notes) b. Provide a signature from the Planning Commission, Owner(s) (notarized), Surveyor and the Traffic Engineering Department. c. 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). d. 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). e. 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.”;*
- 8) *compliance with Traffic Engineering comments, “I-65 East Service Road is an ALDOT roadway. Driveway number, size, location and design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards. Please include signage on site plan provided for the Land Disturbance permit indicating one-way circulation around the drive-thru area”;*
- 9) *compliance with Urban Forestry comments, “Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Full compliance with landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.”; and*
- 10) *submittal of two (2) copies of the revised Planned Unit Development site plan prior to the signing of the Final Plat.*

The motion carried unanimously with the Chair recusing.

Case #SUB2013-00096 (Subdivision)

Venetia Station Subdivision

2417, 2419 and 2421 Venetia Drive

(South side of Venetia Road, 358.2± East of Venice Court).

Number of Lots / Acres: 2 Lots / 4.6± Acres

Engineer / Surveyor: The Coleman Engineering Group of McCrory & Williams, 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. Watkins, with second by Mr. Turner to approve the above referenced matter, subject to the following conditions:

- 1) *revise site plan to depict 25' minimum building setback line;*
- 2) *provide nonconforming documentation to show that the multiple single family dwelling units existed prior to 1967, and that the guesthouse has been in continuous use or submit for a rezoning application or use variance application; or removal of the cooking facilities from the guesthouse prior to the signing of the Final Plat;*
- 3) *subject to Engineering comments: "The following comments should be addressed prior to acceptance and signature by the City Engineer: a. Provide all of the required information on the Plat (i.e. signature blocks, signatures, certification statements, 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 block and signature for the Owner (notarized), Planning Commission, and Traffic Engineer. d. Provide and label the monument set or found at each subdivision corner. e. 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. f. 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). g. Show the Minimum Finished Floor Elevation (MFFE) for Lot 1 and Lot 2. h. Show and label POC for the legal description. i. Show and label witness monument(s) along Dog River. j. Provide a signature block for the City Engineer and County Engineer."*
- 4) *subject to Fire comments: "All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.";*
- 5) *subject to Traffic Engineering comments: "Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards"; and*
- 6) *subject to Urban Forestry Comments: "Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).";*

The motion carried unanimously.

Case #SUB2013-00101 (Subdivision)

O’Fallon and O’Fallon First Addition Subdivision

West side of McFarland Drive, 290’± South of Hamilton Creek Drive.

Number of Lots / Acres: 52 Lots / 19.4± Acres

Engineer / Surveyor: Austin Engineering Company 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. Watkins, with second by Mr. Turner to approve the above referenced matter, subject to the following conditions:

- 1) *revise site data table on the plat to reflect the correct number of total lots;*
- 2) *revise notes on the plat to reflect the correct lot numbers that are denied direct access to McFarland Road;*
- 3) *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”;*
- 4) *compliance with Fire comments: “All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.”;*
- 5) *placement of a note on the plat stating that approval of all applicable Federal, state and local agencies is required for wetland issues, if any, prior to the issuance of any permits or land disturbance activities.*
- 6) *approval of all applicable federal, state and local agencies prior to the issuance of any permits or land disturbance activities; and*
- 7) *full compliance with all other municipal codes and ordinances.*

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

November 7, 2013
Planning Commission Meeting

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.

Doug Anderson, Burr & Foreman law firm, stated that he was originally hired for this application. Since the application was filed, Mr. Anderson's law partner was appointed to be City Attorney; it would be a conflict of interest to make a presentation to the Commission. Mr. Anderson requested a two week holdover.

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 November 21st meeting at the applicant's request.

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 for holdover. 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. DeMouy to hold the matter over until the November 21st.

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 for holdover. He added if anyone wished to speak on the matter they should do so at that time.

November 7, 2013
Planning Commission Meeting

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno to hold the matter over until the November 21st meeting.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2013-00117

Hunt Subdivision

West side of Dees Road, 120'± South of D K Road.

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

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

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

Brett Orrell, Polysurveying, spoke on behalf of the applicant. He stated that a condition was put on the plat that the parent tract could not be further resubdivided until Dees Road was paved; and there are no plans for the County to do that. This property has been purchased so they are asking that this lot to move forward as a one lot subdivision. The mobile home is on site with a septic system, they are just trying to get power for Ms. Hunt's son.

Mr. Olsen responded that the staff stands by their recommendation. That was a condition placed on the Subdivision and there as been adequate time for everyone to be notified of it. It should not have been sold, without having gone through the subdivision process. The road is substandard, it has to be standard road and County maintained.

Mr. Plauche asked Mr. Orrell if he would entertain a holdover.

Mr. Orrell responded that he would.

Mr. Olsen stated that it would need to be heldover until the December 5th meeting

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno to hold the matter over until the November 21st meeting at the applicant's request.

The motion carried unanimously.

Case #SUB2013-00114

Trinity Gardens Subdivision, Fourth Addition, Resubdivision of Lots 591-592

November 7, 2013
Planning Commission Meeting

1709 & 1717 Jessie Street
(Southwest corner of Jessie Street and Carver Street).

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

Engineer / Surveyor: The Coleman Engineering Group of McCrory & Williams, Inc.
Council District 1

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

Daryl Russell, McCrory & Williams, spoke on behalf of the applicant. He requested that they would like Condition #5 to be removed.

Mr. Davis stated that Engineering has no problem with that.

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Mr. Vallas 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) *Illustration of all easements on the Final Plat along with a note stating: (No permanent structures can be constructed in any easement);*
- 3) *Placement of a note on the Final Plat limiting Lot 1 to the existing curb-cut along Carver Avenue and Lot 2 to the existing curb-cut along Jessie Street with any changes to the size, design or location of the existing curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;*
- 4) *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);*
- 5) *Compliance with Engineering Comments: (The following comments should be addressed prior to acceptance and signature by the City Engineer: a. Dedication of the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the corner of Carver Avenue and Jessie Street. b. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. 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. Add a note that sidewalk is required to be constructed along the frontage of each lot at such time when each lot is redeveloped, unless a sidewalk waiver is approved.);*
- 6) *Compliance with Traffic Engineering Comments: (Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards);*
- 7) *Compliance with Urban Forestry 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*
- 8) ***Compliance with Fire Department Comments: (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile).***

The motion carried unanimously.

Case #SUB2013-00115

Sunset Point Subdivision

4628 Airport Boulevard

(Northeast corner of Airport Boulevard and South University Boulevard extending North to Sunset Drive South, and East to April Street).

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

Engineer / Surveyor: Geosurvey, Ltd.

Council District 5

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 further 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 subdivision name to allow proper recording of the Final Plat;***
- 2) ***Submission of seven (7) copies of the May 14, 2013 recorded Final Plat for the Sunset Point Subdivision prior to the signing of the Final Plat for this application;***
- 3) ***Dedication to provide sufficient radii in accordance to Section V.B.16. of the Subdivision Regulations, with the size and design to be approved by Engineering and Traffic Engineering and in compliance with AASHTO standards;***
- 4) ***Retention of the lot area size, in square feet and acres, on the Final Plat;***
- 5) ***Retention of the 25-foot minimum building line from all street frontages on the Final Plat;***
- 6) ***Compliance with Engineering comments: (The following comments should be addressed prior to acceptance and signature by the City Engineer: 1) Provide all of the required information on the Plat (i.e. signatures, written legal description and required notes). 2) 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) Dedication of a corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the Southwest corner of LOT 2. 4) Provide a written legal description for the proposed subdivision. 5) Show and***

- label each existing easement. The "Proposed 15' Drainage and Easement" shown along the SE corner of LOT 1 should have been recorded with the original Sunset Point Subdivision, yet it is shown as a proposed easement. 6) Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. 7) 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. 8) Submit the required number of copies of the Recorded Sunset Point Subdivision Plat (SUB2011-00137). 9) The name of the proposed Subdivision should be changed because it uses the same name for the previous SUB2011-00137. 10) Correct the dates listed in the OWNER ACKNOWLEDGEMENT statement and SURVEYOR CERTIFICATE.);*
- 7) Compliance with Traffic Engineering comments: (Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Lot 2 is denied access to Airport Boulevard and University Boulevard; shared access with Lot 1 is required, and limited to existing curb-cuts.);*
 - 8) Placement of a note on the Final Plat stating that Lot 1 is limited to two (2) right-in, right-out curb-cuts to Airport Boulevard, that it is limited to one right-in, right-out only and one full access curb-cut to University Boulevard, that it is limited to one curb-cut to Sunset Drive South, and that it is limited to one in-only curb-cut from April Street;*
 - 9) Placement of a note on the Final Plat stating that Lot 2 is denied direct curb-cut access to both Airport Boulevard and University Boulevard, and is limited to shared access via Lot 1. Any existing curb-cuts from Lot 2 to Airport Boulevard are to be removed at the time Lot 2 is developed.;*
 - 10) 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).);*
 - 11) 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*
 - 12) Submission of a new PUD application for Planning Commission review prior to any new construction for Lot 2.*

The motion carried unanimously.

Case #SUB2013-00108

Falcon Pointe Subdivision, Resubdivision of Lot B

2550 Newman Road

(West side of Newman Road, 625'± South of Airport Boulevard).

Number of Lots / Acres: 18 Lots / 22.7± Acres

Engineer / Surveyor: Austin Engineering Co. 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.

Miller Austin, Austin Engineering, spoke on behalf of the applicant. He had a question about Condition # 6.

Mr. Olsen responded that the condition should be drainage and utility easements and the staff will add that to the condition.

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

- 1) *Revision of the legal description and acreage on the Final Plat to only describe Lot B;*
- 2) *Revision of the Final Plat to combine Lots 17 and 18 and label the area as future development;*
- 3) *Provision of a turnaround illustrated on the Final Plat in compliance with Sections V.B.6. and V.B.14. of the Subdivision Regulations, if required by Mobile County Engineering;*
- 4) *Revision of the Final Plat to accurately label all easements which are not labeled and retain all other illustrated easements;*
- 5) *Placement of a note on the Final Plat stating: (All proposed roadways to be built to City of Mobile standards and be accepted by Mobile County prior to the signing of the Final Plat.);*
- 6) *Placement of a note on the Final Plat stating: (No permanent structures shall be constructed in any drainage or utility easement.);*
- 7) *Placement of a note on the Final Plat limiting all proposed lots to one curb-cut, with the size, design and location to be approved by Mobile County Engineering and conform to AASHTO standards;*
- 8) *Placement of a note on the Final Plat denying Lot 1 direct access to Newman Road;*
- 9) *Placement of notes on the Final Plat stating: (Any development of the site must comply with local, state and federal regulations regarding wetlands.);*
- 10) *Retention of all setbacks and lot size information on the Final Plat;*
- 11) *Retention of notes on the Final Plat about maintenance of common areas;*
- 12) *Retention of notes on the Final Plat referring to commercial buffer compliance;*
- 13) *Retention of notes on the Final Plat stating compliance with regulations regarding endangered species;*
- 14) *Compliance with Fire Comments and placement of a note on the Final Plat stating: (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.); and*
- 15) *Compliance with Engineering Comments and placement of a note on the Final*

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

The motion carried unanimously.

NEW SIDWALK WAIVER APPLICATION:

Case #ZON2013-02451

HD 90, LLC

5796 U.S. Highway 90 West

(West side of U.S. Highway 90 West, 615'± North of Theodore Dawes Road).

Request to waive construction of a sidewalk along U.S. Highway 90 West.

Council District 4

The Chair recused himself from discussion and voting on the matter.

Mr. DeMouy 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. Watkins to approve the request to waive construction of a sidewalk along U.S. Highway 90 West.

The motion carried unanimously with the Chair recusing.

PLANNED UNIT DEVELOPMENT:

Case #ZON2013-02447

Dolphin Storage, LLC

2715 Dauphin Street

(South side of Dauphin Street, 67'± East of Dauphinwood Drive).

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

Council District 1

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

Mr. DeMouy announced the application had been recommended for holdover and stated the applicant was agreeable with the recommendations. He added if anyone wished to

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Speak on the matter they should do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno to hold the matter over until the December 5, 2013 meeting with revisions due by November 15, 2013 to address the following:

- 1) Obtainment of an after the fact demolition permit;*
- 2) Revision of the site plan to depict the number of storage units;*
- 3) Revision of the site plan to show the location of the office and all required parking spaces to ensure circulation is adequate;*
- 4) Revision of the site plan to illustrate the location of a dumpster in compliance with Section 64-4.D.9. of the Zoning Ordinance;*
- 5) Revision of the site plan to illustrate only one curb-cut to Dauphin Street;*
- 6) Revision of the site plan to illustrate a paved parking surface throughout the entire site or the submission of a variance application for a gravel parking surface in a B-3, Community Business District. (Please note that if the applicant desires gravel parking, the approval of the revised site plan which depicts a gravel parking surface for the RV/ boat area is contingent to the approval of the Variance Application.);*
- 7) Revision of the site plan to comply with buffering and landscaping requirements to include the illustration of a 10-foot buffer along the adjacent residentially zoned property, in conjunction with the 3-foot solid hedgerow along the 25-foot minimum building setback line of Dauphin Street;*
- 8) Placement of a note on the site plan stating that lighting on the site must comply with the requirements of Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance; and*
- 9) Placement of a note on the site plan stating that the site is denied access to Dauphinwood Drive and is to be limited to one curb cut to Dauphin Street with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.*

The motion carried unanimously with Mr. Vallas recusing.

Case #ZON2013-02449

McGowin Park, LLC

1250 and 1400 Satchel Paige Drive

(Northwest corner of Satchel Paige Drive and Bolling Bros Boulevard extending to the East side of I-65 and extending to the South side of Government Street).

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

Council District 4

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

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.

Ben Berry, Berry Engineering, spoke on behalf of the applicant. With the nature of the application and they size of the development Mr. Berry requested that Staff have the flexibility to review and make minor adjustments to the site plan as they feel is appropriate.

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

- 1. completion of the subdivision process prior to the issuance of permits for actual building construction (Land Disturbing and Right-of-Way permits for road construction would be appropriate during this time frame);*
- 2. compliance with Engineering Department Comments: (Any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 1) 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. 2) The new and existing dumpsters will need to have the surface grading for the pad(s) minimized and directed to a surface drain that is connected to the Sanitary Sewer system. The drainage from any dumpster pads cannot discharge to the storm sewer system. 3) Must comply with all Engineering Department Policy Letters: a. 5-13-2009 Policy Letter (Car wash drains and dumpster pads to drain to Sanitary Sewer System) b. 8-4-2004 Policy Letter (Video inspection of new Storm Sewer System Piping) 4) 3-18-2004 Policy Letter (Additional subdivision street requirements);*
- 3. compliance with traffic engineering comments (Driveway number, size, location and design to be approved by Traffic Engineering (and ALDOT if applicable) and conform to AASHTO standards. Access for the west development is limited to the driveway connections at each roundabout and the two right-in/right-out driveway on Satchel Paige Drive. Additional driveways for outparcels will be determined at the time of their development as approved by Traffic Engineering; shared driveways may be required for multiple outparcels. A traffic impact study was completed for this site and approved by both the City and ALDOT. Development is contingent upon completion of off-site improvements, as indicated in the study);*
- 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 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). Urban Forestry will require a revised landscape plan for the existing theater development. An approved permit from the Mobile Tree Commission will be required before removal of 10 existing Live Oak Trees located on Satchel Paige Blvd.)*
- 6. approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits or land disturbance activities (other than clearing);*
 - 7. development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;*
 - 8. ALL recommended traffic and access improvements – both on and off site – are to be completed simultaneous or before completion of the initial phase of construction;*
 - 9. all internal road construction (public and private) to be approved by City staff;*
 - 10. construction of sidewalks along all road frontages (public and private, with the exclusion of parking circulation drives – as discussed at the meeting), due to right-of-way alignment, some sidewalks may have to be constructed on private property (easements shall not be required);*
 - 11. limited to the free-standing sign package as described in the application (and submitted for preliminary review);*
 - 12. full compliance with landscaping and tree planting requirements – including I-65 frontage in all calculations;*
 - 13. illustration of dumpster and/or compactor locations, screening, and notation of connection to sanitary sewer on the final PUD site plan, as well as on all site plans for permitting;*
 - 14. drive-through lanes for the gas station to be a minimum of 24' wide to allow for two lane traffic;*
 - 15. lighting of the site must comply with Sections 64-4.A.2., 64-6.A.3.c. and 64-6.A.8. of the Zoning Ordinance;*
 - 16. submission of a revised PUD site plan depicting compliance with all conditions prior to the issuance of permits for building construction; and*
 - 17. full compliance with all other municipal codes and ordinances.*

The motion carried unanimously with Mr. Watkins and Mr. Vallas recusing.

Case #ZON2013-02450

McGowin Park, LLC

1401 Satchel Paige Drive

(Southeast corner of Government Boulevard and Satchel Paige Drive, 270'± West of McVay Drive extending to the North and South sides of Bolling Bros Boulevard.

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

Council District 4

Mr. Watkins and Mr. Vallas recused themselves from discussion and voting on the

matter.

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.

Ben Berry, Berry Engineering, spoke on behalf of the applicant. With the nature of the application and the size of the development Mr. Berry requested that Staff have the flexibility to review and make minor adjustments to the site plan as they feel is appropriate.

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

1. *completion of the subdivision process prior to the issuance of permits for actual building construction (Land Disturbing and Right-of-Way permits for road construction would be appropriate during this time frame);*
2. *compliance with Engineering Department Comments: (Any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 1) 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. 2) The new and existing dumpsters will need to have the surface grading for the pad(s) minimized and directed to a surface drain that is connected to the Sanitary Sewer system. The drainage from any dumpster pads cannot discharge to the storm sewer system. 3) Must comply with all Engineering Department Policy Letters: a. 5-13-2009 Policy Letter (Car wash drains and dumpster pads to drain to Sanitary Sewer System) b. 8-4-2004 Policy Letter (Video inspection of new Storm Sewer System Piping) 4) 3-18-2004 Policy Letter (Additional subdivision street requirements);*
3. *compliance with Traffic Engineering comments (Driveway number, size, location and design to be approved by Traffic Engineering (and ALDOT if applicable) and conform to AASHTO standards. Access for the east development is limited to the driveway connections at each roundabout and the third right-in/right-out driveway on Satchel Paige Drive, and the proposed driveway onto McVay Drive. Additional driveways for outparcels will be determined at the time of their development as approved by Traffic Engineering; shared driveways may be required for multiple outparcels. A traffic impact study was completed for this site and approved by both the City and ALDOT. Development is contingent upon completion of off-site improvements, as indicated in the study);*
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 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 50" Live Oak Tree located on the South West corner of proposed development along McVay Drive. 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.);*
 - 6. approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits or land disturbance activities (other than clearing);*
 - 7. development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;*
 - 8. ALL recommended traffic and access improvements – both on and off site – are to be completed simultaneous or before completion of the initial phase of construction;*
 - 9. all internal road construction (public and private) to be approved by City staff;*
 - 10. construction of sidewalks along all road frontages (public and private, with the exclusion of parking circulation drives – as discussed at the meeting), due to right-of-way alignment, some sidewalks may have to be constructed on private property (easements shall not be required);*
 - 11. limited to the free-standing sign package as described in the application (and submitted for preliminary review);*
 - 12. illustration of dumpster and/or compactor locations, screening, and notation of connection to sanitary sewer on the final PUD site plan, as well as on all site plans for permitting;*
 - 13. lighting of the site must comply with Sections 64-4.A.2., 64-6.A.3.c. and 64-6.A.8. of the Zoning Ordinance;*
 - 14. submission of a revised PUD site plan depicting compliance with all conditions prior to the issuance of permits for building construction; and*
 - 15. full compliance with all other municipal codes and ordinances.*

The motion carried unanimously with Mr. Watkins and Mr. Vallas recusing.

NEW PLANNING APPROVAL APPLICATIONS:

Case #ZON2013-02432

Jay Todia

918 Government Street

(North side of Government Street, 530'± West of South Broad Street extending to the South side of Conti Street).

Planning Approval to allow a fitness facility in a B-1, Buffer-Business District.

Council District 2

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

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

- 1) *revisions to site plan to depict a the 25' minimum building setback line.;*
- 2) *subject to Traffic Engineering comments: "The shape of the parcel is not square, and the property narrows from Conti Street to Government Street. Therefore, at the middle of the property around the back of the building and the A/C units, the reduced width of the property is approximately 56' 10". With 2 rows of 18' parking spaces, the aisle width is reduced even more than the 21' 4", to approximately 20' 10". A BZA application has been submitted for the November 4th meeting. If a variance is approved, the varying aisle width should be acknowledged (i.e. aisle width no less than 20.5') to avoid variance compliance issues when a dimensioned site plan is submitted for approval. Also, bumper stops would be needed in the spaces along the east property line to prevent vehicles from encroaching or cutting through the adjacent property.";*
- 3) *subject to Urban Forestry comments: "Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Provide sufficient green space along Conti Street for the planting of one overstory frontage tree.";*
- 4) *revisions to site plan to indicate a dumpster will be provided in compliance with Section 64-4.D.9. or a note on the plan stating that curbside pickup will be utilized; and*
- 5) *full compliance with all other municipal codes and ordinances.*

The motion carried unanimously.

GROUP APPLICATIONS:

**Case #SUB2013-00113 (Subdivision)
Heron Lakes Subdivision, Phase One, Resubdivision of Lot 38, Resubdivision of Lot 2**

1084 Grand Heron East

South terminus of Grand Heron Court East.

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

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

Council District 4

(Also see, Case #ZON2013-02446 (Planned Unit Development) Heron Lakes)

Subdivision, Phase One, Resubdivision of Lot 38, Resubdivision of Lot 2 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. Watkins, with second by Dr. Rivizzigno to approve the above referenced matter, subject to the following conditions:

- 1) *Submission of documentation that the existing storm water facilities are adequate to handle the additional lot, to be approved by City Engineering Department prior to the signing of the Final Plat;*
- 2) *Retention of the lot size information and all setbacks on the Final Plat;*
- 3) *Placement of a note on the Final Plat limiting Lot 2 to one curb cut 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: (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: (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. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.);*
- 6) *Compliance with Traffic Engineering Comments: (Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 7) *Compliance with Fire Department Comments: (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);*
- 8) *Compliance with 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).);*
- 9) *Completion of the Subdivision process prior to any request for permits for new home-related land disturbance or construction;*
- 10) *Submission of a revised PUD site plan prior to the signing of the Final Plat;*

The motion carried unanimously.

**Case #ZON2013-02446 (Planned Unit Development)
Heron Lakes Subdivision, Phase One, Resubdivision of Lot 38, Resubdivision of Lot 2**

1084 Grand Heron East

South terminus of Grand Heron Court East.

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow increased site coverage and reduced setbacks.

Council District 4

(Also see, **Case #SUB2013-00113 (Subdivision) Heron Lakes Subdivision, Phase One, Resubdivision of Lot 38, Resubdivision of Lot 2** above)

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

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

- 1) *Submission of documentation that the existing storm water facilities are adequate to handle the additional lot, to be approved by City Engineering Department prior to signing of the Final Plat;*
- 2) *Labeling of the maximum site coverage (36%) allowed for Lot 2 on the PUD Site Plan;*
- 3) *Retention of the lot size information and all setbacks for Lot 2 on the revised PUD site plan;*
- 4) *Submission of two copies of the revised PUD site plan to the prior to the signing of the Final Plat;*
- 5) *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.);*
- 6) *Compliance with Traffic Engineering Comments: (Driveway number, size, location, and design to be approved by Traffic Engineering and conform to*

AASHTO standards);

- 7) *Compliance with Fire Department Comments: (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);*
- 8) *Compliance with 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).);*
- 9) *Completion of the Subdivision process prior to any request for permits for new home-related land disturbance or construction; and*
- 10) *Full compliance with all other codes and ordinances.*

The motion carried unanimously.

Case #SUB2013-00112 (Subdivision)

Knollwood Subdivision

6311 Cottage Hill Road

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

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

Engineer / Surveyor: Jeremy Sharit

Council District 6

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

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

Andy Rotenstreich spoke on behalf of AT&T. He stated that they were in agreement with the holdover just wanted clarification on a condition and also clarification on what the Staff wanted when it came to trees.

Mr. Olsen responded as long it complies with the planting requirements of the tree regulations it would be fine.

The following people spoke in opposition to the matter:

- Jane Conkin,
- Leland Moore, 2509 Muir Woods Dr. E;
- Elias Higdon, 6312 Muir Woods Dr. N
- Bess Rich, 625 Cumberland Rd. E

They made the following points against the application:

- A. would like to see a holdover if it is not denied;
- B. aesthetically it is not attractive;
- C. will hurt property values;

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- D. applicant is having to ask for four variances with BOA;
- E. feels as if the request for a hardship waiver is not justified;
- F. all utilities in the neighborhood are underground, so you see no power poles;
- G. concerned about the tower falling on houses;
- H. questioned who verifies the information given by the cell phone industry.

In rebuttal, Mr. Rotenstreich stated that he is proposing the least obstructive type of tower that is made in the industry; it will not be lighted and it does not emit odors or sounds.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy to hold the matter over until the December 5th meeting to allow the applicant to address the following items; with revisions due by November 15th:

- 1) provision of an actual preliminary Subdivision plat indicating the new property lines for the two proposed lots;*
- 2) illustration of the tower lease area (new lot) to be the entire Northern portion of the existing lot with no portions of the existing lot bordering the tower lease area to the East, North or West sides;*
- 3) identification of each of the proposed lots; and*
- 4) labeling of each lot with its size in square feet and acres, or the furnishing of a table on the preliminary plat providing the same information.*

The motion carried unanimously.

Case #ZON2013-02431 (Planning Approval)

Knollwood Subdivision

6311 Cottage Hill Road

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

Planning Approval to allow a 150' cell tower in a B-2, Neighborhood Business District.

Council District 6

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

The Chair announced the applications had been recommended for holdover. 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. Plauche, with second by Mr. DeMouy to hold the matter over until the December 5th meeting to allow the applicant to address the following items; with revisions due by November 15th:

- 1) revision of the tower height drawings to indicate the maximum height of the tower/antennae to not exceed 150' over-all height, or the revision of this application to allow the required over-all height for adequate communications operation;*
- 2) revision of the site plan to indicate the lease area lot configuration to correspond with the lot configuration as per the Subdivision;*

- 3) *revision of the site plan to eliminate the barbed wire fencing atop the chain link fencing around the equipment compound, or submission of documentation from the Federal Communications Commission verifying that the barbed wire fencing is required, and the submission of a Fence Variance to the Board of Zoning Adjustment;*
- 4) *revision of the site plan to indicate compliant tree plantings within the lease area;*
- 5) *revision of the site plan to provide a 6'-high wooden privacy fence along the South side of the lease area;*

The motion carried unanimously.

Case #SUB2013-00116 (Subdivision)

LHRP 2 Commercial Park Subdivision

1651 Schillinger Road North

(West side of Schillinger Road, 35'± South of Tara Drive).

Number of Lots / Acres: 2 Lots / 8.3± Acres

Engineer / Surveyor: David Shumer

County

(Also see, Case #ZON2013-02453 (Vacation Request) Lance Hankinson 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. Webster to waive Section V.D.1 of the Subdivision Regulations and to approve the above referenced matter, subject to the following conditions:

- 1) *depiction of the lot sizes in square feet and acres, or provision of a table on the Final Plat with the same information;*
- 2) *illustration of the 25' minimum building setback for both lots;*
- 3) *placement of a note on the Final Plat limiting the development to one shared curb cut to Schillinger Road North, with said curb cut to be located on the proposed Lot 2, with the size, design, and location of the curb cut to be approved by Mobile County Engineering and conform to AASHTO standards;*
- 4) *placement of a note on the Final Plat stating that the development will be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;*
- 5) *placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a*

- buffer, in compliance with Section V.A.8. of the Subdivision Regulations; and*
- 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.*

The motion carried unanimously.

Case #ZON2013-02453 (Vacation Request)

Lance Hankinson

1651 Schillinger Road North

(West side of Schillinger Road, 35'± South of Tara Drive).

Request to vacate an existing drainage easement.

County

(Also see, Case #SUB2013-00116 (Subdivision) **LHRP 2 Commercial Park Subdivision** above)

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

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

- 1) *submission of seven (7) copies of the LHRP Commercial Park Subdivision plat as recorded in Mobile County Probate Court.*

The motion carried unanimously.

Case #ZON2013-02454 (Planned Unit Development)

Audubon Properties, LLC.

4700 & 4960 Dauphin Island Parkway

(West side of Dauphin Island Parkway, 580'± North of Marina Drive North).

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

Council District 3

(Also see, Case #ZON2013-02452 (Sidewalk Waiver) **Audubon Properties, LLC.** below)

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

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 December 5, 2013 meeting, with revisions due by November 18, 2013 to address the following:

- 1) *submission of a subdivision application;*
- 2) *revision of the site plan to illustrate accessible parking spaces;*
- 3) *revision of the site plan to depict correct calculations of trees or the number of trees illustrated on the site plan;*
- 4) *revision of the site plan to show the relocation of the existing gate to provide a 60' queuing distance from the right-of-way line;*
- 5) *labeling of right-of-way width of Dauphin Island Parkway on site plan;*
- 6) *revision of the site plan to indicate a driveway width of 24';*
- 7) *placement of a note on the site plan stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species;*
- 8) *placement of a note on the site plan stating that approval of all applicable Federal, state and local agencies is required for wetland and floodplain issues, if any, prior to the issuance of any permits or land disturbance activities;*
- 9) *revision of the site plan to indicate if the dumpster will be connected to sanitary sewer;*
- 10) *retention of all other existing notes on any revised plans;*
- 11) *subject to Traffic Engineering comments: "Driveway number, size, location and design to be approved by Traffic Engineering and ALDOT conform to AASHTO standards. The current pavement width of the driveway is approximately 16' at the gate opening. This width is substandard and should be upgraded. An ALDOT permit will be required for this work. There is approximately 30' between the edge of the travel lane and the gate. This is sufficient off-roadway storage for one vehicle to stop to open the gate, but only a vehicle, not a vehicle towing a boat. It appears that there will no longer be boat launching at this site, however boat storage is a possibility. There is an 8' paved shoulder along the edge of the roadway; it could be possible for a vehicle/trailer combination to pull out of the travel lanes without adversely affecting traffic. Aggregate surface will require parking spaces to be delineated with curb stops, as illustrated.";*
- 12) *subject to 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). 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. Include storm water quality measures in the site design. 4. According to the FEMA flood map information, this property is located within a Special Flood Hazard Area. You will need to show and label the flood hazard area(s) on your plat and plans. Also, you will need to list the Minimum Finished Floor Elevation (MFFE) for each Lot. 5. Add a note to the PUD Plan 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.”

13) subject to Urban Forestry comments: “Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).”;

14) Add a note to the PUD site plan 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; and

15) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2013-02452 (Sidewalk Waiver)

Audubon Properties, LLC.

4700 & 4960 Dauphin Island Parkway

(West side of Dauphin Island Parkway, 580'± North of Marina Drive North).

Request to waive construction of a sidewalk along Dauphin Island Parkway.

Council District 3

(Also see, **Case #ZON2013-02454 (Planned Unit Development) Audubon Properties, LLC.** above)

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

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 December 5, 2013 meeting, with revisions due by November 18, 2013 to coincide with PUD.

The motion carried unanimously.

OTHER BUSINESS:

November 7, 2013
Planning Commission Meeting

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

Mr. Olsen opened up the Public Hearing by making a few comments on behalf of staff. He stated that late Tuesday staff was made aware of another proposed change to the document, which they believe will possibly violate state code in several ways. As such, the staff is going to request that a decision not be made today and the proposed document be heldover until January 16, 2014 and assign review of the document to a Planning Commission committee. This will additionally give staff time to work with the new administration and their legal team. He also noted that the Alliance has still not addressed the training of Staff. Because of this, the effective date would need to be some 60-90 days after adoption.

Elizabeth Sanders, Downtown Mobile Alliance, spoke on the proposed code and made the following points:

- A. this code would create a Downtown Development district;
- B. the code was developed by Duany Plater-Zyberk in consultation with City Staff, Property Owners, & Residents;
- C. the initiative was taken on by the Alliance following the adoption of the New Plan for Mobile;
- D. the Alliance wants the Zoning Code for Downtown to be modernized and that some form of basic guidance for new construction be instituted;
- E. 60-70% of lots downtown have no buildings on them and the Alliance does not consider that to be an Urban form that will generate activity that people want out of Downtown Mobile;
- F. the code will establish 5 transects;
- G. submitted improvements to the code;
- H. proposed a creation of a Consolidated Review Committee;

The following people spoke in favor of the matter:

- Marie Dyson, 203 South Dearborn St,
- Pete Burns, 255 North Jackson St,
- Jeremy Milling,
- Dan Dealy,

They made the following points in favor of the application:

- A. the community has worked very hard to keep Church Street East as residential as possible;
- B. likes what the code provides for the community;
- C. everyone wants what is the best interest for Mobile;
- D. believes property values will increase;
- E. believes that there is not enough high-quality residential area in Downtown Mobile as of now;

November 7, 2013

Planning Commission Meeting

- F. has seen first hand the transformational effect that Form Based Code can have on Downtowns;
- G. believes the Form Based Code is more predictable, clearer and flexible;

The following people spoke in opposition to the matter:

- Nicholas Holmes;
- Keville Larson;
- Rene Brabner;
- Cecil Pugh, 251 St. Anthony St.;
- John Klotz;
- Don Williams;
- Joy Klotz, 959 Dauphin St.;
- Douglas Hunter, 315 N. Conception;

They made the following points against the application:

- A. has seen plans come and go through the years;
- B. if we did not have the business side of De Tonti Square it would be a desert;
- C. the success of De Tonti is based on the initiative of individuals, organizations and companies following historic preservation guidelines;
- D. the guidelines have given encouragement and confidence to buyers and investors for nearly 50 years;
- E. establishing restrictive zoning now is a bait and switch, breaking a promise by which residents and businesses invested time money and care;
- F. contrary to most descriptions of Form Based Coding, the proposal for De Tonti is an arbitrary separation of uses, with some areas business and some areas residential and some areas both;
- G. current property owners in De Tonti have never known any zoning, other than the current;
- H. the Form Based Code seems to be disconnected from the 50 years of progress in De Tonti;
- I. the progress which was paid for by private money, belonging to owners and residents;
- J. would like all of De Tonti to be T-4;
- K. believes conceptually that the Form Based Code is a good idea, but this one is need of some tweaking;
- L. found the Code to be very complex and difficult to follow;
- M. Cities, such as Savannah, Montgomery and New Orleans, who have adopted a Form Based Code exempted their Preservation Ordinance from the Form Based Code;
- N. Preservation in Mobile is very important;

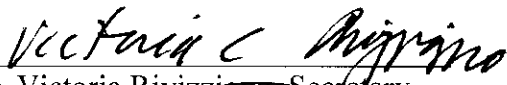
In rebuttal, Ms. Sanders noted that she would like the community to get out of the mind set that we will all have to live with this code for many years; if there are things that need to be tweaked, we need to always be tweaking.

November 7, 2013
Planning Commission Meeting

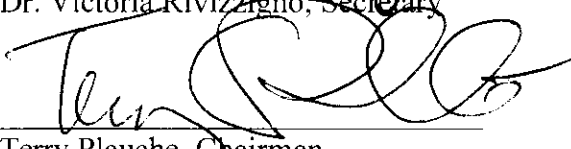
Hearing no further opposition or discussion, a motion was made by Mr. Turner, with second by Dr. Rivizzigno to hold the matter over until the January 16, 2014 meeting.

Hearing no further business, the meeting was adjourned.

APPROVED: March 6, 2014



Dr. Victoria Rivizzigno, Secretary



Terry Plauche, Chairman

/jpw