

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF OCTOBER 17, 2013 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Terry Plauche, Chairman  
Victoria L. Rivizzigno, Secretary  
John Vallas  
Tracie Lee-Roberson  
John Williams  
Scott Webster  
Don Hembree  
Jarrett Wingfield  
Carlos Gant

**Members Absent**

William G. DeMouy, Jr.  
Roosevelt Turner  
James F. Watkins, III

**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.

**HOLDOVERS:**

**Case #ZON2013-01823 (Sidewalk Waiver)**

**Anthony Smeraglia**

1080 Montlimar Drive

(Southwest corner of Montlimar Drive and Carlyle Close East).

Request to waive construction of a sidewalk along Montlimar Drive and Carlyle Close East.

Council District 5

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

October 17, 2013

**Planning Commission Meeting**

Brett Orrell, Polysurveying, requested that the application be held over.

Mr. Palombo asked if he would like the November 7<sup>th</sup> or 21<sup>st</sup> meeting.

Mr. Orrell responded that the November 21<sup>st</sup> meeting would be fine.

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 21<sup>st</sup> meeting at the applicant's request.

The motion carried unanimously.

**Case #ZON2013-01868 (Sidewalk Waiver)**

**Corporate Property Services**

4707 Airport Boulevard

(South side of Airport Boulevard, 2/10± mile West of University Boulevard).

Request to waive construction of a sidewalk along Airport Boulevard.

Council District 6

The Chair announced the application had been withdrawn by the applicant.

**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

(See also, **Case #ZON2013-01814 (Planned Unit Development) Blue Creek Coal Terminal Subdivision** **Case #ZON2013-01813 (Planning Approval) Blue Creek Coal Terminal Subdivision** and 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.

Gary Cowles, 457 St. Michael Street, spoke on behalf of the applicant. He requested a holdover until the November 21<sup>st</sup> meeting. He stated that the applicant has put together a state-of-the art package, but was not able to get it to the staff in time for the meeting. He also added that he was able to meet with Mobile Baykeepers and discuss at length what the applicant is proposing to do to keep the site environmentally responsible.

Carol Adams Davis, 362 McDonald Ave, spoke in opposition to the above referenced matter and made the following points:

October 17, 2013

**Planning Commission Meeting**

- A. it is a very incompatible location;
- B. all of her neighbors are in strong opposition to the matter;
- C. the International Association of Ports and Harbors base adverse effects of port development on the elevation of the site location and the environmental facets;
- D. it will jeopardize the economic development, as well as the health and quality of life for the neighboring immediate communities;
- E. the environmental impacts of airborne coal dust created by the facility are not compatible with the nearby downtown neighborhoods;
- F. there has never been a coal facility this close to residences, schools, health care facilities, city streets, and businesses;
- G. in addition to the environmental impacts there are negative economic impacts associated with the terminal;
- H. coal exports create fewer jobs than any other industry;

David Underhill, Conservation Chair for the Mobile Bay Sierra Club, spoke in opposition to the above referenced matter. He stated that he had some remarks that he intended to make but the since the applicant requested the application be heldover if the Commission felt like they would approve that request he would wait until the next meeting.

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

The motion carried unanimously.

**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

(See also, Case #SUB2013-00078 (Subdivision) **Blue Creek Coal Terminal Subdivision** above and Case #ZON2013-01813 (Planning Approval) **Blue Creek Coal Terminal 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.

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

The motion carried unanimously.

**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)

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 Dr. Rivizzigno to hold the matter over until the November 21<sup>st</sup> meeting at the applicant's request.

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2013-00095**

**Ole Fowl River Subdivision**

10685 Salt Aire Road East

Area bounded by Salt Aire Road, Salt Aire Road East, Mobile Bay, and Riverview Nursery Road.

**Number of Lots / Acres:** 4 Lots / 211.6± Acres

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

County

Mr. Vallas recused himself 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.

Logan Gewin ,10 Warwick Rd, spoke on his own behalf. He requested that Condition #4 be removed.

Mr. Palombo responded that they would allow Mobile County decide on how many curb-cuts would be allowed.

Hearing no opposition or further discussion, a motion was made by Ms. Roberson, with second by Mr. Williams 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) Dedication, if necessary, to provide adequate right-of-way for the existing round-about on Salt Aire Road, if any portion of the round-about encroaches onto any of the lots;
- 2) Placement of a note on the 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. 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.”*;
- 3) 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.*);
- 4) Placement of a note on the Final Plat stating that the number, size, design and location of all curb-cuts to be approved by Mobile County Engineering and comply with AASHTO standards;
- 5) Depiction and labeling of the 25-foot minimum building setback line;
- 6) Placement of a note on the plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding floodplain and wetland issues;
- 7) Placement of a note on the plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
- 8) Placement of a note on the plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulation; and
- 9) Revision of the lot size information to accommodate any dedication required for the round-about on Salt Aire Road, and inclusion of lot size information in square feet on the plat.

The motion carried unanimously.

**Case #SUB2013-00106**

**Dauphin Square Commercial Park (Amended Plat), Resubdivision of Lots 4-7**

North side of Dauphin Square Connector, 290'± West of Sage Avenue.

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

**Engineer / Surveyor:** The Coleman Engineering Group of McCrory & Williams, Inc.  
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 Ms. Roberson, with second by Mr. Vallas to approve the above referenced matter, subject to the following conditions:

- 1) **retention of a minimum of a 25' building setback line along the street frontage;**
- 2) **retention of the lot size in square feet and acres;**
- 3) **verification of the right-of-way width of Dauphin Square Connector, with dedication if necessary to provide 25' from the centerline;**
- 4) **compliance with Engineering comments (*The following comments should be addressed prior to acceptance and signature by the City Engineer: a. Provide all of the required information on the Plat (i.e. signature blocks, signatures, certification statements, written legal description, required notes). 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 signature block and 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).*).**
- 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) **placement of a note on the Final Plat limiting the lot to one curb cut to Dauphin Square Connector, with the size, location and design of the curb cut to be approved by Traffic 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 #SUB2013-00111**

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno to hold the matter over until the November 21, 2013 meeting, with revisions due by Monday, October 28, 2013 to address the following:

- 1) **revision of the plat to reflect dedication of sufficient right-of-way to provide 50' from the centerline of Three Notch Road;**
- 2) **submission of a Planned Unit Development application for Lot 2;**
- 3) **placement of a note on the Final Plat stating that Lot 1 and Lot 2 are limited to one (1) curb cut each to Three Notch Road, and Lot 1 is limited to one (1) curb cut to General Road with the size, location, and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) **adjustment of the 25-foot minimum building setback line to be measured from the dedicated right-of-way along Three Notch Road;**
- 5) **revision of the corner radius on General Road and Three Notch Road should be illustrated to reflect the required dedication;**
- 6) **the labeling of lots 1 and 2 in acres and square feet should be retained and provided on the Final Plat;**
- 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) **full compliance with all other municipal codes and ordinances; and**
- 9) **compliance with Engineering comments: “1. Provide all of the required information on the Plat (i.e. signature blocks, signatures, required notes). 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. Add a signature block and signature for the Traffic Engineer. 4. 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. 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)."**

The motion carried unanimously.

**Case #SUB2013-00110**

**Pecan Ridge Subdivision, Unit Three, Resubdivision of Lots 1, 2, 8, 9 and a portion of Lot 10**

4771 & 4833 Dawes Lane East and 8780 Three Notch Road  
(East side of Dawes Lane East extending to the North side of Three Notch Road, 525'± East of Dawes Lane East).

**Number of Lots / Acres:** 4 Lots / 14.2± Acres

**Engineer / Surveyor:** Wattier Surveying, Inc.

County

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

Mark Wattier, Wattier Surveying, spoke on behalf of the applicant. He described the existing conditions and the existing lot configuration to explain why they were asking for this flag-shaped lot.

Mr. Palombo informed the Commission that conditions of approval had been prepared.

Mr. Wattier stated that he was in agreement with the conditions.

Hearing no opposition or further discussion, a motion was made by Mr. Vallas, with second by Dr. Rivizzigno 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) Dedication of right-of-way for Lot C sufficient to provide 50' from the centerline of Three Notch Road, a proposed major street;**
- 2) Revision of the lot size information for Lot C to reflect dedication, and retained elsewhere on the Final Plat;**
- 3) Revision of 25' minimum building setback line for Lot C to be depicted where the lot is a minimum of 60' in width where the "Flag" meets the "Pole" of the lot, and all other setbacks should be retained elsewhere on the Final Plat;**
- 4) Placement of a note on the Final Plat stating: *(The future subdivision of Lot C is prohibited until additional frontage on a public or private street is provided.)*;**



- 5) Revision of the legal description information for the eastern property line of Lot C on the Final Plat,
- 6) Placement of a note on the Final Plat stating: *(No permanent structures shall be constructed in any easement.);*
- 7) Placement of a note on the Final Plat limiting Lots A and B to the existing curb-cuts along Dawes Lane East, with one curb-cut allowed for Lot D along Dawes Lane East and one curb-cut allowed for Lot C along Three Notch Road. The new curb-cuts and any changes to the existing curb-cuts are to be approved by Mobile County Engineering and conform to AASHTO standards;
- 8) Compliance with Engineering Comments and placement of a note on the Final Plat stating: *(Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits.);*
- 9) Compliance with Fire Comments and placement of a note on the Final Plat stating: *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);*
- 10) Placement of a note on the Final Plat stating: *(This site is located in the County, and therefore any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations.);*
- 11) Placement of a note on the Final Plat stating: *(Any development of the site must comply with local, state and federal regulations regarding wetlands.);*  
and
- 12) Placement of a note on the Final Plat stating: *(Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.)*

The motion carried unanimously.

**Case #SUB2013-00107**

**Joseph Teague Subdivision**

521 Bay Shore Avenue and 1519 & 2810 Mill Street

(West side of Bay Shore Avenue extending to the East to Mill Street).

**Number of Lots / Acres:** 1 Lot / 5.4± Acres

**Engineer / Surveyor:** Harper & Garrett Engineering

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 Ms. Roberson with second by Dr. Rivizzigno to approve the above referenced matter, subject to the following conditions:

- 1) **preparation of the Final Plat by a currently licensed engineer/surveyor prior to submission for signing;**
- 2) **revision of the plat to correctly depict the current configuration of the property with the necessary revisions along the East side to depict vacated rights-of-way and/or acquisitions by others;**
- 3) **revision of the plat to label its size in square feet and acres, or the provision of a table on the Final Plat providing the same information;**
- 4) **placement of a note on the Final Plat stating that the lot is limited to two curb cuts, with the size, design, and exact location of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 5) **revision of the plat to depict the 25' minimum building setback line along all street frontages;**
- 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;**
- 7) **subject to the Engineering comments: [The following comments should be addressed prior to acceptance and signature by the City Engineer: a.) Provide all of the required information on the Plat (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances). b.) Add a note to the Plat stating that 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). c.) Add a signature block for the Planning Commission and Traffic Engineer. d.) Revision of the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information; e.) Provide a written legal description for the proposed subdivision and matching bearing and distance labels. f.) show and label each and every Right-Of-Way and easement. g.) Provide and label the monument set or found at each subdivision corner. h.) Provide the Surveyor's Certificate and Signature. i.) Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. j.) 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. k.) Provide a Plat showing and labeling the proposed 2 LOTS subdivision and showing and labeling the entire proposed 5.4 acres. The**

- drawing that was submitted was unclear about the existing and proposed LOTS.];
- 8) subject to the Traffic Engineering comments: (Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.);
  - 9) 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);
  - 10) subject to the Fire Department comments: (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 20029 International Fire code, as adopted by the city of Mobile.); and
  - 11) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**PLANNED UNIT DEVELOPMENT:**

**Case #ZON2013-02344**

**Westwood Plaza, LLC**

7765 Airport Boulevard

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

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

Council District 6

Mr. Vallas recused himself 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.

Andrew Prescott, Burton Property Group, spoke on his own behalf. He stated that they were in agreement with all the conditions except for Condition #4. They asked that the t-bone island be striped rather than curbed.

Ms. Bergin, Traffic Engineering, stated that she was in agreement with the change.

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

- 1) **Revision of the site plan to accurately list the total number of parking spaces proposed, including the Chick-fil-A and Krystal sites;**

- 2) No increase in building area or change in parking ratios allowed without a new PUD application;
- 3) Compliance with Engineering comments ( *1) Any work performed in the existing Airport Blvd or Schillinger Road ROW (right-of-way) such as grading, drainage, driveways, sidewalks, utility connections, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2) Any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 3) Any proposed dumpster pad(s) must be contained and directed to a surface drain that is connected to the Sanitary Sewer system. The drainage from any dumpster pads cannot discharge to storm sewer. 4) Any existing dumpster pad(s) will be required to be contained and directed to a surface drain that is connected to the Sanitary Sewer system at such time that application is made for a Building or Land Disturbance Permit for any work associated with any of the existing structure(s). 5) Any work performed within this development must comply with all Engineering Department Policy Letters.*);
- 4) Compliance with Traffic Engineering comments (*Traffic Engineering approval of this site is contingent upon the construction by the developer/owner of all improvements identified in the study. It should be noted that the improvements include the installation of a traffic signal on Schillinger Road at Thomas Road. Installation of this traffic signal is contingent upon the removal of the traffic signal at Schillinger Road/Glider Road. Signalization changes are also included at the intersection of Airport Boulevard/ Alverson Road, as well as off-site improvements in the median and access changes for the Burger King site. The improvements to the site also include physical changes to the driveway nearest Wendy's, to limit the driveway to right-in, right-out only. Additional driveways on Airport Boulevard and Schillinger Road must either be modified or closed, as discussed in the study, as well as modifications to the median along Airport Boulevard. Design plans for all improvements within the public right-of-way must be approved by Engineering and Traffic Engineering. Upon completion of the Access Management Study underway for this corridor, additional restrictions may be implemented.*);
- 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). Mobile Tree Commission permit is required before removing any existing trees from the right of way.*);
- 6) Compliance with Fire comments (*All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.* );
- 7) No reduction in the proposed total and frontage landscape area depicted on the site plan submitted for the October 17, 2013 meeting;

October 17, 2013

Planning Commission Meeting

- 8) **No reduction in the proposed number or overstory/understory mix of total and frontage trees, as depicted on the tree and landscape plan approved at the August 8, 2013 Planning Commission meeting;**
- 9) **Donation of 10 overstory trees to the tree bank, as agreed to by the applicant at the August 8, 2013 Planning Commission meeting;**
- 10) **Provision of a revised PUD site plan depicting any changes required by departmental or Planning Commission revisions prior to the request for new construction permits; and**
- 11) **Full compliance with all other municipal codes and ordinances, including the provision of a sidewalk along all street frontages, or the submission of a Sidewalk Waiver request prior to any request for new construction permits.**

The motion carried unanimously with Mr. Vallas recusing.

**GROUP APPLICATIONS:**

**Case #SUB2013-00109 (Subdivision)**

**Teague Brothers Carpet Subdivision**

519 Bay Shore Avenue and 2800, 2802, 2804 and 2806 Mill Street  
(Northwest corner of Bay Shore Avenue and Mill Street).

**Number of Lots / Acres:** 1 Lot / 5.4± Acres

**Engineer / Surveyor:** Moseley Surveying Company  
Council District 1

(See Also, Case #ZON2013-02282 (Planned Unit Development) **Teague Brothers Carpet Subdivision** 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 Dr. Rivizzigno to approve the above referenced matter, subject to the following conditions:

- 1) **revision of the plat to label the lot with its size in square feet and acres, after any required dedication, or the provision of a table on the Final Plat providing the same information;**
- 2) **dedication to provide a 25' radius curve at the intersection of Bay Shore Avenue/Farrell Street and Mill Street, and at the Southwest corner of the property where Mill Street turns from East-West to North-South;**
- 3) **placement of a note on the Final Plat stating that the driveway number, size, location, and design are to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) **revision of the plat to illustrate a 25' minimum building setback line along**

- all street frontages;
- 5) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
  - 6) subject to the Engineering comments: *[The following comments should be addressed prior to acceptance and signature by the City Engineer: a. Provide all of the required information on the Plat (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances). b. Add a note to the Plat stating that 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). c. Add a signature block for the Planning Commission and Traffic Engineer. d. Revision of the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information; e. Provide a written legal description for the proposed subdivision and matching bearing and distance labels. f. Show and label each and every Right-Of-Way and easement. g. Provide and label the monument set or found at each subdivision corner. h. Provide the Surveyor's Certificate and Signature. i. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. j. 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. k. Provide a Plat showing and labeling the existing lot(s) included within this proposed subdivision.];*
  - 7) subject to the Traffic Engineering comments: *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
  - 8) 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)];*
  - 9) 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.);*
  - 10) submission of two (2) copies of a revised PUD site plan showing compliance with the conditions of approval of the PUD prior to the signing of the Final Plat; and
  - 11) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #ZON2013-02282 (Planned Unit Development)**

**Teague Brothers Carpet Subdivision**

519 Bay Shore Avenue and 2800, 2802, 2804 and 2806 Mill Street

(Northwest corner of Bay Shore Avenue and Mill Street).

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

Council District 1

(See Also, Case #SUB2013-00109 (Subdivision) **Teague Brothers Carpet 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 Dr. Rivizzigno to approve the above referenced matter, subject to the following conditions:

- 1) **revision of the site plan to label the lot with its size in square feet and acres, after any required dedication; or the provision of a table on the site plan providing the same information;**
- 2) **revision of the site plan to indicate any required dedications of the Subdivision;**
- 3) **placement of a note on the site plan stating that the driveway number, size, location, and design are to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) **revision of the site plan to illustrate a 25' minimum building setback line along all street frontages;**
- 5) **revision of the site plan to provide parking calculations;**
- 6) **revision of the site plan at the time of new construction or redevelopment to provide a compliant dumpster or dumpsters, or the placement of a note on the site plan stating that dumpsters will not be utilized and refuse collection will be either curb-side or via a private collection service;**
- 7) **revision of the site plan at the time of new construction or redevelopment to provide landscaping and tree planting calculations and to meet the landscaping and tree planting requirements, as much as practicable, to be coordinated with Urban Forestry;**
- 8) **revision of the site plan at the time of new construction or redevelopment to indicate public sidewalks along all street frontages, or the submission of a Sidewalk Waiver application;**
- 9) **submission of an amended PUD at the time of new construction or redevelopment;**
- 10) **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;
- 11) 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.) Any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 3.) 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. 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)] ;*
  - 12) subject to the Traffic Engineering comments: *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
  - 13) 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)];*
  - 14) 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.);*
  - 15) submission of two (2) copies of a revised PUD site plan showing compliance with the conditions of approval prior to the signing of the Final Plat; and
  - 16) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

#### **OTHER BUSINESS:**

- 1) Public Hearing to consider an amendment to the Zoning Ordinance which would create a new type of use in the Chart of Permitted Uses to allow Outdoor Storage Yards with Aggregate Surfaces in B-5, I-1, and I-2 by right, and B-3 with Planning Approval;



**October 17, 2013**

**Planning Commission Meeting**

John Kirby, 7060 Airport Blvd, spoke in favor to the above referenced amendment. He stated that felt as if it more environmentally sound.

Mr. Palombo read aloud the proposed amendment to the Zoning Ordinance.

Mr. Williams stated that this amendment is a recommendation by himself and the City Council. He noted that many businesses and land owners in the Rangeline area felt like it was a good idea and it would be an advantage to those businesses. He also added that he had originally just recommended this for I-1 and I-2 was already allowed by right.

Mr. Clarke stated that she believes the reason Staff had added B-5 and B-3 was based on the chart of permitted uses.

Hearing no opposition or further discussion, a motion was made by Mr. Williams, with second by Mr. Vallas, to approve Outdoor Storage Yards with Aggregate Surfaces in I-1.

The motion carried unanimously.

- 2) Public Hearing to consider an amendment to the Zoning Ordinance which would amend the Sign Regulations to allow refacing of signs in certain circumstances to be done without a permit; and amend standards for menu board signs.

Dr. Rivizzigno asked why a permit is required to reface a sign.

Ms. Clarke responded that in a nut-shell the Staff uses the permitting process as a check and balance in most instances. If a permit were not required a business would go to a sign company to get a face change, move into the building and then the following week come in to City Business License to change their address. At this point they will have to get a Zoning Clearance, and they could possibly find out that their business is not allowed at the new location. With requiring permits for refacing we are able, at an earlier stage through the sign permitting process, to prevent a lot cost and headache down the road.

Mr. Palombo added that requiring a permit for refacing allows the sign to come into compliance with building & zoning codes; it also affords the business owner that the sign is done correctly and that the sign company is licensed and bonded in the City of Mobile.

Dr. Rivizzigno asked Mr. Williams why the City Council thought this was necessary.

Mr. Williams responded that he has four businesses, in his district, that have marquee type signs; each one of them have received a notice of violation, because they simply slid a name out and slid a name in. He stated that his intent of this

**October 17, 2013**  
**Planning Commission Meeting**

amendment is to make it clear that the sign ordinance was never intended to be used as a tool to regulate zoning.

Ms. Clarke stated she felt like requiring a permit helps the customer as well. It affords the City to give the customer information upfront that we know that down the road could cause the customer a lot of problems.

Hearing no opposition or further discussion, a motion was made by Mr. Williams, with second by Mr. Vallas, to approve the refacing amendment.

The motion failed to carry.

Hearing no opposition or further discussion, a motion was made by Dr. Rivizzigno, with second by Ms. Roberson, to approve the amendment of the standards for menu boards.

The motion carried unanimously.

- 3) Call for Public Hearing on November 21, 2013 to amend the Zoning Ordinance to modify parking requirements for Multi-Family dwelling units.

Hearing no opposition or discussion, a motion was made by Plauche, with second by Dr. Rivizzigno, to hold the Public Hearing on November 21, 2013.

The motion carried unanimously.

Hearing no further business, the meeting was adjourned.

**APPROVED:** March 6, 2014



Dr. Victoria Rivizzigno, Secretary



Terry Plauche, Chairman

/jpw