

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF SEPTEMBER 03, 2015 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Mr. James (Jay) F. Watkins, Chairman
Mr. Carlos Gant, Vice Chair
Ms. Jennifer Denson (S), Secretary
Mr. Nick Amberger (AO)
Ms. Shirley Sessions
Mr. John Vallas
Ms. Libba Latham (PJ)
Mr. Joel Daves (CC)
Mr. Allan Cameron (S)
Mr. P. Nigel Roberts
Mr. Don Hembree (PJ)
Mr. Thomas Doyle
Ms. Sujin Kim

Members Absent

Urban Development Staff Present

Bert Hoffman,
Planner II
Carla Davis,
Planner II
Jessica Watson,
Secretary II

Others Present

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

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. Watkins stated the number of members present constituted a quorum and advised all attending of the policies and procedures pertaining to the Planning Commission.

HOLDOVERS:

1. **401 Dauphin Street**
(Southwest corner of Dauphin Street and South Franklin Street).
Council District 2
ZON2015-01613
Thomas R. Townsend
Planning Approval to allow increased occupancy load for a proposed entertainment venue in the Downtown Development District.

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. Tom Townsend, Cabana Royale, spoke on his own behalf. He made the following points in reference to the application:

- A. requesting to increase the occupancy load from the 100 that is allowed for entertainment and restaurant use;
- B. venue will not be an open bar, it will be a ticketed venue;
- C. compared it to a small version of the Saenger Theater;
- D. will have an outreach for the Senior Citizens in the area;
- E. the windows will be double glassed to help with noise;
- F. they have hired 2 sound proofing experts;
- G. trying to bring the population back to Mobile;
- H. the tenant is Huka Entertainment;
- I. Huka Entertainment were the original creators of The Hangout Music Festival;
- J. have offered the building to Cathedral Place Apartments one night a

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- month for a Big Band Nights;
- K. mixed-use downtown coexist pretty well;
- L. gave examples of entertainment venues that do very well in other cities that are located next to residences;
- M. found other development options for the property to not make economic sense.

John Black, 1508 4th Street, spoke in favor of the application. He noted that this location would be a nice place to hold aviation meetings or other industrial type organizational meeting.

The following people spoke in opposition to the matter:

- 1) Al Tenhunfeld, 412 Dauphin Street Unit S;
- 2) Barry Friedman, represents the landlord of the Mattress Factory Lofts;
- 3) Jean Lankford, 356 Dauphin Street;
- 4) Wanda Cochran, 465 Dauphin Street;

They made the following points against the matter:

- A. believes it is just another Alabama Music Box, with the same principles, promises and problems;
- B. the City Council wisely created the Entertainment District and purposely excluded this area;
- C. this is a residential area;
- D. many of the supporters of the venue do not live or own property in the downtown area;
- E. would prefer a small neighborhood bar with reasonable hours;
- F. do not need a 1000 person venue downtown;
- G. Mobile does not need a competitor for the Saenger Theater;
- H. lower Dauphin Street has the largest residential population, 240, in the downtown area;
- I. the building owner has had 19 years to develop the property;
- J. in 19 years it has not been marketed for sale or for lease and has sat mostly vacant;
- K. the Catholic Archdiocese wrote a letter in opposition;
- L. the proposed use is out of scale with the location;
- M. concerned about the integrity of the Downtown Development Code.

Mr. Anderson asked Ms. Cochran if this venue was operated just like the Saenger Theater would the neighbors feel differently about the proposed venue.

Ms. Cochran responded that it would not make a difference. She stated that a Saenger Theater would not be ok on this street. She noted that other entertainment venues are not on main streets; they are on side streets.

In rebuttal, Mr. Townsend stated that he recently bought into the partnership of the building; he noted that it sat vacant for so long due to that fact there were too many partners and decisions could not be made.

Hearing no further opposition or discussion, a motion was made by Mr. Hembree, with second by Mr. Daves to deny the application due to that fact that it was not in harmony with the orderly and appropriate development of the district.

The motion carried unanimously.

2. 1625 Union Street

(West side of Union Street, 350'± South of Rochester Street, extending to the East side of James Street).

Council District 1

ZON2015-01596

Allen Roy Bush

Rezoning from R-1, Single-Family Residential District, to R-3, Multiple-Family District, to allow a special needs facility.

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

Mr. Hoffman informed Mr. Watkins that Staff had received a letter from the applicant requesting that this application be withdrawn.

3. 7450 Airport Boulevard

(North side of Airport Boulevard, 212'± West of Mckenna Court).

Council District 7

ZON2015-01733

Joseph N. Asarisi, P.E.

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow shared access and parking between multiple building sites.

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

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. Amberger, with second by Ms. Sessions to approve the above referenced matter, subject to the following conditions:

- 1) **Depiction of frontage trees along Airport Boulevard on the revised site plan;**
- 2) **Retention of landscaping illustrations and notes on the revised site plan;**
- 3) **Retention of lighting notes on the revised site plan;**
- 4) **Retention of all dumpsters and associated notes on the revised site plan;**
- 5) **Compliance with Engineering comments (*ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: 1. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.*);**
- 6) **Compliance with Traffic Engineering comments (*The driving aisles around the site have been designated for one-way traffic, and sufficient width has been provided for the driving aisle and drive-thru queue lane. With ninety-degree parking and one-way designation, the arrows proposed in the travel aisle will need to be thermoplastic material (not paint), to extend the life of the markings.*);**
- 7) **Compliance with Urban Forestry comments (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).*);**
- 8) **Compliance with Fire Department comments (*All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Projects outside the City Limits of Mobile, yet within the Planning Commission Jurisdiction fall under the State or County Fire Code (2012 IFC).*); and**
- 9) **Any desired increase in the signage allowance will require an approved Sign Variance by the Board of Zoning Adjustment or a new PUD application.**

The motion carried unanimously with Mr. Vallas recusing.

4. **121 West I-65 Service Road North**
(West side of West I-65 Service Road North extending to the South side of South Avenue extending to the Northeast corner of College Lane South and Du Rhu Drive).
Council District 7
- A. **SUB2015-00094 (Subdivision)**
Highland at Springhill Subdivision
Number of Lots / Acres: 2 Lots / 12.6 Acres
Engineer / Surveyor: Clark, Geer, Latham & Associates / Wattier Surveying

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

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.

Thomas E. Latham, 3901 Springhill Ave, spoke on behalf of the applicant. He stated that they were in agreement with all of the conditions.

Kenny Nichols, of Volkert, spoke in reference to the traffic study. He stated that he recommended that no improvements were needed to mitigate for increased traffic as a result of the development. The study area for this project was developed in conjunction with Traffic Engineering and they have concurred with the findings. The development is located in a good spot and is conducive to traffic flow. He noted that it is his professional opinion that the impact of this development will be extremely minimal on the roadways and the intersections within the study area and thus it is his recommendation that no improvements are needed as a result.

Father Greg Lucie, 4000 Dauphin Street, spoke on behalf of the applicant. He stated that Spring Hill College is the owner of much of the property that is under consideration. He stated that he looks at this proposed development as a positive because it is a downgrading of the zoning. He believes that is a good buffer along the campus edge for the college.

The following people spoke in opposition to the matter:

- 1) Jerry Speegle, 5 Dauphin Street Suite 301;
- 2) Tommy Zeiman, 205 S Cedar Street;
- 3) Pat Covington, Office Manager for Dr. Lyons;
- 4) Virginia Radney, Legacy Oaks resident;

They made the following points against the matter:

- A. does not object to the development of this property, just this development;
- B. believes a left turn lane to the service road on Spring Hill Business Park is important;
- C. traffic is the main concern;
- D. traffic is going to back up from the service road to the project, blocking Spring Hill Business Park;
- E. does not want cut-through traffic through the Business park
- F. believes the traffic study is invalid because the traffic study is based on data taken the week of August 3rd , when schools were still on summer vacation in early August;
- G. the property sits geographically on the base of Springhill;
- H. it is a boggy piece of soil;
- I. it's wishful thinking to think that more than half of people will go out Du Rhu Drive;
- J. concerned about patients and their confidentiality in the adjacent medical offices.

Mr. Watkins asked what the width of the roadway is between the Trec building and Mr. Speegle's client.

Mr. Hoffman responded that it is a City standard street with curb and gutter and sidewalks on both sides.

Marybeth Bergin stated that in the Pre-development meeting the access to South Drive was shown, but at that time was emergency access only. When they learned from the Fire Department they only needed the two accesses they removed the access on South due to the adjacent development.

Steven Harvey, McDowell Knight, spoke in rebuttal. He stated that most of the opposition he heard was traffic. He stated that the developers met with a number of the neighbors. The two parcels on the corners of the service road and Spring Hill Business Park have curb-cuts directly to the service road; they will be impacted less than the property on the rear which is an accounting firm. He noted that the developer is putting up a gated tenant only entrance on Springhill Business Park; which will drastically decrease traffic. Mr. Harvey noted that Mr. Saad, an abutting business owner, previously owned the northern 3 ½ acres of this property; he believes that Mr. Saad is only in objection due to the fact that he no longer owns the property. Mr. Saad had proposed numerous Commercial projects for the back property that would create much heavier traffic.

Mr. Hembree requested Mr. Nichols to address the concerns in regards to his traffic study.

Mr. Nichols, of Volkert Engineering, spoke in rebuttal and addressed some of the points that were brought up in the opposition. He stated that the original study did not take into an account that the access to Springhill Business Park would be gated and tenant only; with that assumption coupled with the revised access on Du Rhu Drive they felt because of that it would be much easier for the residents to go to the main entrance.

Ms. Bergin, Traffic Engineering, stated that the two opposing sides each have valid points. She stated that she reviewed the study that was submitted the day before the Planning Commission meeting. She noted that Mr. Nichols is over-estimating the volume of traffic that is expected at this time, thus the impacts estimated by the traffic study are greater than are likely to actually occur. The trip generation analysis still supports that the level of delay at the intersection surrounding the site will not be overall negatively impacted.

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

- 1) **submittal of two (2) revised final Traffic Impact Statements to the Planning Division;**
- 2) **illustrate an existing compliant 300' right-of-way along Interstate 65, or dedication to provide 150' from the centerline;**
- 3) **placement of a note stating that the lot is limited to one curb-cut to Du Rhu Drive and one curb-cut to Spring Hill Business Park, with the size, design, and location to be approved by Traffic Engineering, and to comply with AASHTO standards;**
- 4) **illustration of the 25' minimum building setback line along all frontages;**
- 5) **retention of a note stating the lot size in square feet and acres;**
- 6) **compliance with Engineering comments (*The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer: A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description,***

- required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. C. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. D. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved. E. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. F. Provide the Surveyor's Certificate and Signature. G. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. H. Provide an updated Plat to Engineering Dept. for review prior to submittal for City Engineer's signature. I. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.);*
- 7) *compliance with Fire Department comments (All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code. Projects outside the City Limits of Mobile, yet within the Planning Commission Jurisdiction fall under the State or County Fire Code. (2012 IFC).);*
 - 8) *compliance with Traffic Engineering comments: (A draft traffic impact study has been prepared for this site. At the time of this report, a revised final report has not yet been submitted. Based on the initial findings in the draft impact study, Traffic Engineering is satisfied to the point that the development process can proceed if deemed appropriate by the Planning Commission. Traffic Engineering approval of this site is contingent upon the construction by the developer/owner of all improvements (if any) identified in the study. The I-65 Service Road is an ALDOT maintained roadway. Driveway number, size, location and design to be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
 - 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).); and*
 - 10) **submittal of two (2) revised Planned Unit Development site plan to the Planning Division prior to the signing of the Final Plat.**

The motion carried unanimously with Mr. Vallas and Ms. Latham recusing.

B. ZON2015-01729 (Planned Unit Development)

IMS Development, LLC

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

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

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 further opposition or discussion, a motion was made by Mr. Hembree, with second by Mr. Daves to approve the above referenced matter, subject to the

following conditions:

- 1) submittal of two (2) revised final Traffic Impact Statements to the Planning Division;
- 2) illustrate an existing compliant 300' right-of-way along Interstate 65, or dedication to provide 150' from the centerline;
- 3) placement of a note on the site plan stating that parking lot lighting will comply with Section 64-6.A.8. of the Zoning Ordinance;
- 4) retention of the sidewalk along all frontages;
- 5) placement of a note stating that the lot is limited to one curb-cut to Du Rhu Drive and one curb-cut to Spring Hill Business Park, with the size, design, and location to be approved by Traffic Engineering, and to comply with AASHTO standards;
- 6) access via the Spring Hill Business Park gate limited to tenants only;
- 7) revision of the site plan to either state the proposed gates are electronic, or manual with appropriate queuing spaces per Section 64-4.F.2. of the Zoning Ordinance;
- 8) revision of the site plan to state that the proposed trash compactor will be connected to sanitary sewer and enclosed per Section 64-4.D.9. of the Zoning Ordinance;
- 9) retention of the note stating that the site will fully comply with tree planting and landscape area requirements;
- 10) compliance with Engineering comments (*ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: 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 Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans 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 land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 4. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals. 5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.);*
- 11) compliance with Fire Department comments (*All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code. Projects outside the City Limits of Mobile, yet within the Planning Commission Jurisdiction fall under the State or County Fire Code. (2012 IFC).*);
- 12) compliance with Traffic Engineering comments: (*A draft traffic impact study has been prepared for this site. At the time of this report, a revised final report has not yet been submitted. Based on the initial findings in the draft impact study, Traffic Engineering is satisfied to the point that the development process can proceed if deemed appropriate by the Planning Commission. Traffic Engineering approval of this site is contingent upon the construction by the developer/owner of all improvements (if any) identified in the study. The I-65 Service Road is an ALDOT maintained roadway. Driveway number, size, location and*

- design to be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 13) **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**
- 14) **submittal of two (2) revised Planned Unit Development site plan to the Planning Division prior to the signing of the Final Plat.**

The motion carried unanimously with Mr. Vallas and Ms. Latham recusing.

C. ZON2015-01730 (Rezoning)
IMS Development, LLC

Rezoning from B-1, Buffer-Business District, and B-3, Community Business District, to B-1, Buffer-Business District, to eliminate split zoning.

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

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 further opposition or discussion, a motion was made by Mr. Hembree, with second by Mr. Daves to approve the above referenced matter, subject to the following conditions:

- 1) **completion of the Subdivision process;**
- 2) **limited to an approved Planned Unit Development; and**
- 3) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously with Mr. Vallas and Ms. Latham recusing.

NEW SUBDIVISION APPLICATIONS:

5. **6868 Old Shell Road**
(North side of Old Shell Road, 230'± East of Allen Drive).
Council District 7
SUB2015-00095
McCoy of Springhill Subdivision, Resubdivision of Lots 1 & 2
Number of Lots / Acres: 1 Lot / 5.2± Acres
Engineer / Surveyor: Stewart Surveying

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.

Sara Sears, 56 Alan Drive, spoke in reference to the application. She stated that the Public Hearing notices that were sent out referenced "Allen" Drive instead of "Alan" Drive. She requested that the application be heldover so that it would not be misleading to other nearby residents.

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Ms. Latham to hold the matter over until the October 1st meeting to allow for the re-notification of abutting property owners using the correct spelling of "Alan" Drive.

The motion carried unanimously.

6. **3721 The Cedars**
(Southeast corner of The Cedars and Tuthill Lane).
Council District 7
SUB2015-00098
The Cedars Avenue Subdivision, Resubdivision of Lot 1
Number of Lots / Acres: 1 Lot / 0.2± Acre
Engineer / Surveyor: McCrory & Williams, Inc.

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

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

- 1) **Provision of 7 copies of the recorded plat for The Cedars Subdivision prior to the signing of the Final Plat;**
- 2) **Retention of the 25' centerline of both Tuthill Lane and The Cedars, as shown on the preliminary plat;**
- 3) **Retention of the corner radius at the intersection of Tuthill Lane and The Cedars in compliance with Section V.D.6. of the Subdivision Regulations, as shown on the preliminary plat;**
- 4) **Retention of the 25' minimum building setback along The Cedars;**
- 5) **Retention of the 20' minimum building setback along Tuthill Lane;**
- 6) **Retention of the note on the Final Plat, stating that the lot is limited to one curb cut, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 7) **Retention of the lot size in square feet and acres on the Final Plat, if approved;**
- 8) **Compliance with Engineering Comments (*The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer: 1. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. 2. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.*);**
- 9) **Compliance with Traffic Engineering Comments (*Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.*);**
- 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).*); and**
- 11) **Compliance with Fire Department comments (*All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Projects outside the City Limits of Mobile, yet within the Planning Commission Jurisdiction fall under the State or County Fire Code (2012 IFC).*).**

The motion carried unanimously with Ms. Latham recusing.

7. **1924 East I-65 Service Road North**
(East side of East I-65 Service Road North, 2/10± mile North of First Avenue).
Council District 1
SUB2015-00097
Cummins Subdivision
Number of Lots / Acres: 2 Lots / 8.7± Acres
Engineer / Surveyor: Byrd Surveying, Inc.

The Chair announced the application had been recommended for approval and

stated the applicant was agreeable with the recommendations.

Jerry Byrd, Byrd Surveying, spoke on behalf of the applicant. He requested that Condition #7-F be reworded. The easement that cuts through toward Ruby Street and back out are not needed.

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

- 1) **Depiction of a 25' natural vegetative buffer park strip on Lot 2 along the Ruby Street right-of-way on the Final Plat;**
- 2) **Depiction of all easements on the Final Plat for both lots;**
- 3) **Retention of the lot size information and the minimum building setback line on the Final Plat;**
- 4) **Placement of a note on the Final Plat stating: No permanent structure(s) can be placed or constructed within any easement;**
- 5) **Placement of a note on the Final Plat stating: Lot 2 is denied access to Warsaw Avenue and the unopened right-of-way of Ruby Street;**
- 6) **Placement of a note on the Final Plat stating: Both lots are limited to the existing curb-cuts, with any changes to the size, design and location to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards;**
- 7) **Compliance with Engineering Comments (*The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer: A. Provide legible street names and label Ruby Street on the vicinity map. B. Show the existing lots for "Cummins Diesel Sales Corporation Commercial Subdivision" (MP 34, PG 34). C. Provide a legend as needed. D. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. E. Show and label the wetlands boundary. City GIS shows a potential for wetlands on the east side of the proposed subdivision. F. Show and label each and every Right-Of-Way and easement, with any change to previously recorded easements (such as those recorded under the "Cummins Diesel Sales Corporation Commercial Subdivision" (MP 34, PG 34)) to be coordinated with the City Engineer. G. Provide and label the monument set or found at each subdivision corner. H. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. I. Provide the Surveyor's Certificate and Signature. J. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. K. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control; the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. L. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 25 - #66) the Lot(s) will receive historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control). Coordinate with City Engineering Department staff to establish the exact amount prior to the submittal of the Land Disturbance Permit application. M. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. N. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved. O. Provide a copy of the FINAL PLAT to*)**

the Engineering Dept. for review prior to obtaining any signatures. P. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.);

- 8) **Compliance with Traffic Engineering Comments** (*Interstate 65 Service Road is an ALDOT maintained roadway. Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Access to unopened Ruby Street and Warsaw Avenue is denied. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 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).);* and
- 10) **Compliance with Fire Department Comments** (*All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Projects outside the City Limits of Mobile, yet within the Planning Commission Jurisdiction fall under the State or County Fire Code (2012 IFC).).*

The motion carried unanimously.

8. West side of McFarland Road, 300'± South of Hamilton Creek Drive.
County
SUB2015-00096
O'Fallon Subdivision
Number of Lots / Acres: 33 Lots / 12.5± Acres
Engineer / Surveyor: Austin Engineering Company Inc.

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. Hembree, with second by Mr. Doyle to waive Section V.B.6. of the Subdivision Regulations and to approve the above referenced matter, subject to the following conditions:

- 1) **revision of the plat to label all lots with their size in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;**
- 2) **retention of the 30' dedication along McFarland Road to provide 60' from its centerline;**
- 3) **retention of the note on the Final Plat stating that Lots 1 and 33 are denied access to McFarland Road;**
- 4) **revision of the curb cut note on the Final Plat to state that each lot and the Detention/Common Area is limited to one curb cut, with the size, design and location to be approved by Mobile county Engineering;**
- 5) **re-issuance of a letter by County Engineering accepting the road construction prior to signing the Final Plat;**
- 6) **retention of the curb radii at the intersection of O'Fallon Drive and McFarland Road on the Final Plat;**
- 7) **revision of the maintenance note for the Detention/Common Area to also state that the maintenance of the wall and landscape easements are the responsibility of the property owners;**
- 8) **retention of the 25' minimum building setback line along all street frontages if greater than any easements;**
- 9) **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;**
- 10) **placement of a note on the Final Plat stating that no structures may**

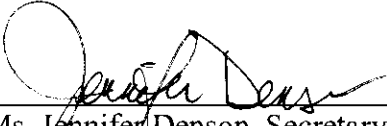
- be constructed or placed within any easements;
- 11) compliance with Engineering comments: *(Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water 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);*
 - 12) compliance with Fire comments: *[Projects outside the City Limits of Mobile, yet within the Planning Commission Jurisdiction fall under the State or County Fire Code. (2012 IFC)];* and
 - 13) revision of the plat to indicate an access to McFarland Road at the East terminus of O'Fallon Drive North in lieu of a closed-end street in the proposed First Addition prior to signing the Final Plat, or obtain written authorization from the State Fire Marshall waiving this requirement.

The motion carried unanimously.

OTHER BUSINESS:

- Tentatively Scheduled Business Meeting at 1 PM, prior to regular meeting – October 1, Map for Mobile
- Ex Parte conversation

APPROVED:



Ms. Jennifer Denson, Secretary



Mr. Carlos Gant, Chairman

/jpw