

**PLANNED UNIT DEVELOPMENT,
PLANNING APPROVAL &
SUBDIVISION STAFF REPORT****Date: September 5, 2013**

<u>NAME</u>	Blue Creek Coal Terminal Subdivision
<u>SUBDIVISION NAME</u>	Blue Creek Coal Terminal Subdivision
<u>LOCATION</u>	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))
<u>CITY COUNCIL DISTRICT</u>	District 2
<u>PRESENT ZONING</u>	I-2, Heavy-Industry District
<u>AREA OF PROPERTY</u>	1 lot / 36.9 acres ±
<u>CONTEMPLATED USE</u>	Planning Approval to allow a coal handling terminal in an I-2, Heavy-Industry District, Planned Unit Development approval to allow multiple buildings on a single building site, and Subdivision approval to create one legal lot.
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	After appropriate approvals are obtained.

**ENGINEERING
COMMENTS****Subdivision**

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. 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 for the Owner, Notary, Planning Commission and Traffic Engineer.
- 4) Provide and label the monument set or found at each subdivision corner.
- 5) Show and label the existing parcel lines.

- 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.

Planned Unit Development and Planning Approval

- 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. Additional requirements may be added during the Land Disturbance Permit review process depending on the proposed containment and CBMPP related to for water quality issues related to runoff.
- 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) 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 PUD Site Plan. Also, you will need to list the Minimum Finished Floor Elevation (MFFE) for the Lot.
- 5) No Land Disturbance Permit will be issued until any on-site remediation is complete.
- 6) 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)
 - C) 3-18-2004 Policy Letter (Additional subdivision street requirements)

TRAFFIC ENGINEERING**COMMENTS**

Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

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).

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.

MAWSS**COMMENTS**

MAWSS has water and sewer services available, but a Capacity Assurance application for sewer service has not been applied for. MAWSS cannot guarantee sewer service until the Capacity application is approved by Volkert Engineering Inc.

REMARKS

The applicant is requesting Planning Approval to allow a coal handling terminal in an I-2, Heavy-Industry District, Planned Unit Development approval to allow multiple buildings on a single building site, and Subdivision approval to create one legal lot. Coal handling terminals require Planning Approval when located in I-2 districts.

The applicant proposes to redevelop a vacant site that was once a coke and iron ore handling facility. All structures on the site were demolished in 2011-2012 to make way for a modern coal handling facility. The proposed facility is approximately 2,000 feet North of the McDuffie Coal Terminal.

The review required for Planning Approval examines the applicant's location and site plan with regard to transportation, parking and access, public utilities and facilities, traffic congestion and hazard, and to determine if the proposal is in harmony with the orderly and appropriate development of the district.

Planned Unit Development review examines the site with regard to its location to ensure that it is generally compatible with neighboring uses; that adequate access is provided without generating excess traffic along minor residential streets in residential districts outside the PUD; and that natural features of the site are taken into consideration. PUD review also examines the design of the development to provide for adequate circulation within the development; to ensure adequate access for emergency vehicles; and to consider and provide for protection from adverse effects of adjacent properties as well as provide protection of adjacent properties from adverse effects from the PUD.

Planning Approval and PUD approval are site plan specific, thus the plan must be accurate at time of submittal, and any changes to the site plan must be approved by the Planning Commission.

Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set forth in the Subdivision Regulations for lot size, road frontage, lot configuration, etc.

The site fronts onto Virginia Street, a minor street at this location, with an existing right-of-way of 50-feet. No dedication will be required.

The preliminary plat depicts additional street rights-of-way adjacent to the proposed lot, but information available to staff indicates that the rights-of-way abutting the North side of the site, and that portion of Virginia Street that is East of the proposed entrance to the property have been vacated. The surveyor should verify that abutting rights-of-way have been vacated, and accordingly revise the plat.

The site plan submitted with the application depicts one proposed curb-cut to Virginia Street. As PUD and Planning Approval review are site plan specific, the site should be limited to the single proposed curb-cut, with the size, design and location to be approved by Traffic Engineering, and to comply with AASHTO standards. It should be noted, however, that the presence of a guard building at the entrance to the site implies to staff that the entrance may be gated. If an entry gate is proposed, it should be depicted on the site plan and it should be set at least 60-feet from the right-of-way of Virginia Street so that emergency vehicles will have sufficient room to turn around if necessary.

The applicant proposes to construct a new dock, stockpile coal shuttle conveyors, stockpile transfer conveyors, a ship loader, a barge unloader, maintenance and office buildings, and parking spaces for employees and visitors. Two storm water detention areas will be provided on-site.

The proposed buildings on the site include a 2,400 square foot office, a 1,500 square foot bathroom and break room building, a 900 square foot stevedore building, and a 5,000 square foot maintenance facility. Twenty (20) parking spaces are proposed, which will comply with the requirements of the Zoning Ordinance. A guard building is also proposed as the entrance to the site.

Regarding the coal handling aspects, the site will have the capacity for two coal stockpiles of 180,000 metric tons each. Various conveyors will link the dock area on the North side of the dredged slip, which services barges, to the stockpiles, and to the dock area on the South side of the dredged slip, which will serve ships up to approximately 1,000 feet in length. The facility will receive coal deliveries by barge, and export coal by ship.

The site plan depicts trees and landscape areas on the site. As the site is in an I-2 zone, only frontage trees are required. Calculations by staff indicate that 14 frontage trees are required, to be planted within the 25-foot setback along the Virginia Street frontage. Only 13 trees are depicted, and none appear to be within the setback area. Measurements of the site area by staff indicate that the non-navigable water portion of the site is no more than 22 acres of the total 36.9 acres. As such, the landscape area calculations on the site plan should be revised to only consider the dry land area, not any portion of the site over water (such as a dock), or the water area associated with the Mobile River: essentially any area behind the bulkhead should provide the basis for the landscape area calculations. The site plan and calculations should be revised to reflect the reduced landscape area requirements.

The site plan does not indicate which portions of the on-site access road will be paved, versus surfaced with aggregate or other materials. The site plan should be revised to depict paved versus aggregate surfacing. Additionally, the parking area should include concrete wheel stops if no curb-and-gutter will be provided.

Regarding the Subdivision, it appears that the entire site is within a flood zone associate with the Mobile River. The preliminary plat includes a minimum finished floor elevation, and such should be depicted on the final plat, if approved.

As the site is located within a flood zone, development of the site must comply with all local, state and federal regulations regarding development within a flood zone.

The size of the proposed lot on the application was stated as 36.9 \pm acres, while a note on the plat indicates that it is 37.1 \pm acres. The final plat should be labeled with the correct area, in both square feet and acres, as should the PUD and Planning Approval site plans.

As previously mentioned, the preliminary plat depicts abutting street rights-of-way that according to information available to staff have been vacated. The plat should be revised to remove vacated rights-of-way from the plat.

A note on the plat indicates the abutting railroad is the Louisville and Nashville Railroad. The L & N Railroad disappeared in 1983 when it was merged into a new rail provider that is now CSX. The plat should be revised to re-label the abutting railroad as CSX.

Finally, the 25-foot minimum building setback line is depicted on the preliminary plat but is not depicted on the site plans. The site plans should be revised to also depict the 25-foot minimum building setback line.

RECOMMENDATION

Planning Approval: The request is recommended for Approval, subject to the following conditions:

- 1) Revision, if necessary, to label the correct size of the lot in square feet and acres, to match that on the final plat;
- 2) Revision of the site plan to depict any proposed entrance gate at least 60 feet from the edge of the Virginia Street right-of-way;
- 3) Revision of the site plan to depict the 25-foot minimum building setback line from Virginia Street;
- 4) Revision of the site plan to depict 14 frontage trees located within the 25-foot minimum building setback;
- 5) Revision of the site plan and landscape area calculations to only provide frontage and total landscape area based upon only that portion of the site that is actual land (that is, behind the bulkhead);
- 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 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. Additional requirements may be added during the Land Disturbance Permit review process depending on the proposed containment and CBMPP related to for water quality issues related to runoff.*
- 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) 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 PUD Site Plan. Also, you will need to list the Minimum Finished Floor Elevation (MFFE) for the Lot.
- 5) No Land Disturbance Permit will be issued until any on-site remediation is complete.
- 6) 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); C) 3-18-2004 Policy Letter (Additional subdivision street requirements.);
- 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) Compliance with Fire comments (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);
- 10) Development of the site must comply with all local, state and federal regulations regarding development within a flood zone;
- 11) Revision of the site plan to indicate which portions of the on-site access road and parking area will be paved in asphalt, concrete or similar, versus aggregate;
- 12) Depiction of concrete wheel stops in the parking area if no curb-and-gutter will be provided;
- 13) Submission of a revised site plan to the Planning Section prior to the signing of the final plat; and
- 14) Full compliance with all other municipal codes and ordinances, including the obtaining of the appropriate permits for land disturbance and new construction.

Planned Unit Development: The request is recommended for Approval, subject to the following conditions:

- 1) Revision, if necessary, to label the correct size of the lot in square feet and acres, to match that on the final plat;
- 2) Revision of the site plan to depict any proposed entrance gate at least 60 feet from the edge of the Virginia Street right-of-way;
- 3) Revision of the site plan to depict the 25-foot minimum building setback line from Virginia Street;
- 4) Revision of the site plan to depict 14 frontage trees located within the 25-foot minimum building setback;

- 5) Revision of the site plan and landscape area calculations to only provide frontage and total landscape area based upon only that portion of the site that is actual land (that is, behind the bulkhead);
- 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 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. Additional requirements may be added during the Land Disturbance Permit review process depending on the proposed containment and CBMPP related to for water quality issues related to runoff. 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) 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 PUD Site Plan. Also, you will need to list the Minimum Finished Floor Elevation (MFFE) for the Lot. 5) No Land Disturbance Permit will be issued until any on-site remediation is complete. 6) 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); C) 3-18-2004 Policy Letter (Additional subdivision street requirements).);*
- 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) Compliance with Fire comments (*All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.*);
- 10) Development of the site must comply with all local, state and federal regulations regarding development within a flood zone;
- 11) Revision of the site plan to indicate which portions of the on-site access road and parking area will be paved in asphalt, concrete or similar, versus aggregate;
- 12) Depiction of concrete wheel stops in the parking area if no curb-and-gutter will be provided;
- 13) Submission of a revised site plan to the Planning Section prior to the signing of the final plat; and
- 14) Full compliance with all other municipal codes and ordinances, including the obtaining of the appropriate permits for land disturbance and new construction.

Subdivision: The request is recommended for Tentative Approval, subject to the following conditions:

- 1) Revision, if necessary, to label the correct size of the lot in square feet and acres;
- 2) Revision of the plat to remove or label all abutting vacated rights-of-way, as appropriate;
- 3) Revision of the plat to label the abutting railroad as CSX;
- 4) Placement of a note on the plat stating that the lot is limited to one curb-cut to Virginia Street, with the size, design and location to be approved by Traffic Engineering, and to comply with AASHTO standards;
- 5) Full compliance with all local, state and federal regulations regarding development within a flood zone;
- 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 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. 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 for the Owner, Notary, Planning Commission and Traffic Engineer. 4) Provide and label the monument set or found at each subdivision corner. 5) Show and label the existing parcel lines. 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) 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) 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
- 10) Submission of revised PUD and Planning Approval site plans prior to the signing of the final plat.

Revised for the October 17, 2013 meeting:

The applications were heldover from the September 5, 2013 to allow the applicant to submit more detailed information about equipment, process, and environmental protections to be provided. No additional information was provided by the applicant, as requested by the Planning Commission.

RECOMMENDATION

Planning Approval: *The request is recommended for Denial for the following reason:*

- 1) *The applicant failed to provide detailed information about equipment, process, and environmental protections, as requested by the Planning Commission.*

Planned Unit Development: *The request is recommended for Denial for the following reason:*

- 1) *The applicant failed to provide detailed information about equipment, process, and environmental protections, as requested by the Planning Commission.*

Subdivision: *The request is recommended for Denial for the following reason:*

- 1) *The applicant failed to provide detailed information about equipment, process, and environmental protections, as requested by the Planning Commission.*

Revised for the November 21, 2013 meeting:

The applications were heldover from the October 17th meeting, at the applicant's request.

The applicant submitted additional information regarding the various technologies that will be used in the proposed coal handling facility in order to minimize environmental impacts.

A revised site plan indicates that the coal will be unloaded from barges utilizing a gantry continuous unloader with dust misting sprinkler with surfactant injection. The coal then travels by a conveyor with a continuous dust cover to the stockpiles, where it is deposited using telescoping dustless chutes. The stockpile dust is controlled using misting cannons. Coal is then transferred from the stockpiles to conveyors with continuous dust covers, with dust suppression fog cannons in use as the coal is moved from the stockpile to the conveyors, to the receiving bulk vessel. Coal is transferred from the conveyor system to the vessel by a dock conveyor with a dustless telescoping loading chute.

A note on the site plan states that:

“dust misting cannons will be automated to operate based on the changing weather environment and weather forecast. Misting cannons will be equipped with surfactant injection system for stock pile dust control.”

The technologies that applicant references on the site plan are more fully described in the product brochures submitted with the revised site plan.

While staff may not have the expertise to determine if the dust control technologies proposed for the coal terminal will meet or exceed industry standards for such uses adjacent to water bodies, the systems proposed appear to provide protective measures as described by the applicant at the previous meetings.

Staff has concern regarding the source of water that will be used for dust suppression, and the nature of the surfactants that will be used in the water, and their potential impact on the adjacent Mobile River if they drift or drain into the river.

However, as permits from environmental regulatory agencies will be required due to the location of the site, approval by those agencies should indicate compliance with state and national requirements.

RECOMMENDATION

Planning Approval: The request is recommended for Approval, subject to the following conditions:

- 1) Subject to approvals by state and national environmental agencies of the proposed use, as required;
- 2) Subject to implementation, at minimum, of the dust control measures indicated on the revised site plan and associated dust control product brochures;
- 3) Revision, if necessary, to label the correct size of the lot in square feet and acres, to match that on the final plat;
- 4) Revision of the site plan to depict any proposed entrance gate at least 60 feet from the edge of the Virginia Street right-of-way;
- 5) Revision of the site plan to depict the 25-foot minimum building setback line from Virginia Street;
- 6) Revision of the site plan to depict 14 frontage trees located within the 25-foot minimum building setback;
- 7) Revision of the site plan and landscape area calculations to only provide frontage and total landscape area based upon only that portion of the site that is actual land (that is, behind the bulkhead);
- 8) Compliance with Traffic Engineering comments (*Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.*);
- 9) 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) 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. Additional requirements may be added during the Land Disturbance Permit review process depending on the proposed containment and CBMPP related to for water quality issues related to runoff. 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) 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 PUD Site Plan. Also, you will need to list the Minimum Finished Floor Elevation (MFFE) for the Lot. 5) No Land Disturbance Permit will be issued until any on-site remediation is complete. 6) 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); C) 3-18-2004 Policy Letter (Additional subdivision street requirements).);

- 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.;*);
- 12) Development of the site must comply with all local, state and federal regulations regarding development within a flood zone;
- 13) Revision of the site plan to indicate which portions of the on-site access road and parking area will be paved in asphalt, concrete or similar, versus aggregate;
- 14) Depiction of concrete wheel stops in the parking area if no curb-and-gutter will be provided;
- 15) Submission of a revised site plan to the Planning Section prior to the signing of the final plat; and
- 16) Full compliance with all other municipal codes and ordinances, including the obtaining of the appropriate permits for land disturbance and new construction.

Planned Unit Development: The request is recommended for Approval, subject to the following conditions:

- 1) Revision, if necessary, to label the correct size of the lot in square feet and acres, to match that on the final plat;
- 2) Revision of the site plan to depict any proposed entrance gate at least 60 feet from the edge of the Virginia Street right-of-way;
- 3) Revision of the site plan to depict the 25-foot minimum building setback line from Virginia Street;
- 4) Revision of the site plan to depict 14 frontage trees located within the 25-foot minimum building setback;
- 5) Revision of the site plan and landscape area calculations to only provide frontage and total landscape area based upon only that portion of the site that is actual land (that is, behind the bulkhead);
- 6) Compliance with Traffic Engineering comments (*Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.;*);
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- 11) Revision of the site plan to indicate which portions of the on-site access road and parking area will be paved in asphalt, concrete or similar, versus aggregate;
- 12) Depiction of concrete wheel stops in the parking area if no curb-and-gutter will be provided;
- 13) Submission of a revised site plan to the Planning Section prior to the signing of the final plat; and
- 14) Full compliance with all other municipal codes and ordinances, including the obtaining of the appropriate permits for land disturbance and new construction.

Subdivision: The request is recommended for Tentative Approval, subject to the following conditions:

- 1) Revision, if necessary, to label the correct size of the lot in square feet and acres;
- 2) Revision of the plat to remove or label all abutting vacated rights-of-way, as appropriate;
- 3) Revision of the plat to label the abutting railroad as CSX;
- 4) Placement of a note on the plat stating that the lot is limited to one curb-cut to Virginia Street, with the size, design and location to be approved by Traffic Engineering, and to comply with AASHTO standards;
- 5) Full compliance with all local, state and federal regulations regarding development within a flood zone;
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- 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 for the Owner, Notary, Planning Commission and Traffic Engineer. 4) Provide and label the monument set or found at each subdivision corner. 5) Show and label the existing parcel lines. 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) *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) *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*
 - 10) *Submission of revised PUD and Planning Approval site plans prior to the signing of the final plat.*

Revised for the February 6, 2014 meeting:

The request was heldover from the December 5, 2013 meeting, to allow the Planning Commission and City Administration additional time to review documents submitted by both the applicant and concerned citizens.

No additional information has been submitted by the applicant or other interested parties for review.

The applicant's representative has requested, however, that the cases be heldover to the March 20, 2014 meeting. The owner, Walter Energy, wishes to provide additional information and education about the project to the Planning Commission staff, city officials and concerned citizens.

RECOMMENDATION

Planning Approval: *The request is recommended for Holdover to the March 20, 2014 meeting, with any revised information to be submitted by March 5, 2014.*

Planned Unit Development: *The request is recommended for Holdover to the March 20, 2014 meeting, with any revised information to be submitted by March 5, 2014.*

Subdivision: *The request is recommended for Holdover to the March 20, 2014 meeting, with any revised information to be submitted by March 5, 2014.*

Revised for the March 20 meeting:

The application was heldover from the February 6 meeting in order to allow the applicant to submit additional information by March 5th, to address informational requests of the Planning Commission. A 57 page document was submitted by the applicant for review by the Commission.

Additionally, the applicant held an “open house” at The Temple (351 St. Francis Street) on Thursday, March 13th. The 8-hour open house included multiple displays regarding the technologies that are proposed for coal movement and dust control, and representatives were available to explain and answer questions.

The applicant states that their facility has been designed to meet or exceed state and federal environmental compliance standards, and to minimize impacts to the community and the environment.

Specifically, they propose to provide covered conveyor belts and enclosed transfer points; cascading chutes (which controls the flow of coal down to the receiving location, unlike “free-fall” facilities); water misting cannons within the conveyor system and on the coal stockpiles, which are linked to real-time weather monitoring systems that will adjust operations based upon changing weather conditions; a continuous barge unloader (with a misting mechanism) designed to minimize potential dust emissions; and new containment ponds to manage storm water in accordance with state and federal clean water act requirements. Water used to mist the coal conveyors and stockpiles will be provided by the Mobile Area Water and Sewer System (MAWSS).

In addition to using water to suppress possible dust, surfactants will be utilized. Surfactants are liquids typically used in household products such as detergents, shampoos and fabric softeners, and in the case of coal, help form a crust on the surface of the coal that minimizes the potential for wind born dust. Surfactants would be applied to stockpiled coal and on barges bring coal into the facility, as needed.

The applicant also provided information to differentiate their proposed operation versus the existing operation at the McDuffie Terminal. The McDuffie facility covers over 150 acres, has a on-site coal storage capacity of about 2 million tons, and has a throughput capacity of 30 million tons per year. Coal is delivered to the McDuffie facility primarily by rail, but also by barge. The McDuffie facility, opened in the mid 1970s, has open coal conveyors throughout their system, and lacks much of the proposed dust prevention systems that will be utilized at the Blue Creek facility.

In contrast, the Blue Creek facility will utilize an area of less than 25 acres (land), will have an on-site coal storage capacity of 360,000 tons, and will have an annual throughput capacity of 6.5 millions tons per year. Coal will be delivered to the Blue Creek facility by barge from north Alabama and West Virginia. The Blue Creek facility will be designed to unload up to 12 barges per day. Barge unloading and ship loading operations will be halted during wind conditions exceeding 35 miles per hour in order to protect the equipment and control dust.

The applicant utilized a third party to conduct an air modeling of the proposed facility. The findings of the modeling showed that a vast majority of uncontrolled dust emissions would be redeposited on-site, while the annual deposition of coal dust off-site, 0.03 micrometers per year, would be much less than existing natural sources, vehicular emissions and road dust currently emitted in the area. The air quality modeling additionally indicated that “worst-case predicted ambient concentrations of particulate matter (PM10 and PM2.5) are so small as to have no impact on the Mobile area’s attainment status of the National Ambient Air Quality Standards,” as established by the US Environmental Protection Agency.

Blue Creek will export their coal via deep water ships to non-US locations. Research by staff shows that the other existing coal export facilities along the Gulf Coast are in the greater New Orleans area and the Houston area. On the East Coast of the US, coal export facilities are located in the Norfolk, VA area, Maryland (on Chesapeake Bay), and New Jersey (on the Delaware River). On the West Coast, there are coal export facilities in the Los Angeles area and in the Vancouver, British Columbia, Canada area.

Within Mobile Bay, the only deep draft locations available are on the Mobile River, up to the Cochran-Africatown Bridge, and along the Theodore Industrial Canal. Undeveloped property along the Theodore Industrial Canal is currently shown as wetlands, according to the National Wetlands Inventory.

Citizens have also continued to express their concern regarding the proposed facility and the anticipated impacts to their neighborhoods, the environment, and the community overall. The consensus of letters and emails received show that the desire is for the Commission to deny the proposed facility. It should be pointed out, however, that no documentation or evidence to support or substantiate the opposition or show that the protective measures proposed are inadequate has been submitted.

RECOMMENDATION

Planning Approval: *The request is recommended for Approval, subject to the following conditions:*

- 1) Use of “best management practices” to include dust mitigation technology and coal handling operations as proposed by the applicant, including: a) continuous barge unloader with covered conveyor, enclosed transfer chutes and fog mist equipment; b) storage pile shuttle conveyor with enclosed transfer chutes, fog mist equipment and a telescoping discharge chute; c) Misting cannon equipment on the shuttle conveyor structure for fog coverage on the storage pile; d) portable misting cannon equipment for storage pile coverage during pile maintenance; e) underground storage pile feeders; f) tunnel reclaim conveyors and vibratory feed structures below the storage piles; g) covered travelling tripper equipment and enclosed transfer chutes that deliver coal to the ship loader; h) ship loader with covered conveyor, enclosed transfer chutes, fog mist equipment and telescoping cascading loading chute; i) use of non-toxic surfactants; j) use of real-time weather monitoring software to control misting/fogging operations to minimize coal dust off-site; and k) ceasing of coal handling operations when winds exceed 35 miles per hour;*

- 2) *Subject to approvals by state and national environmental agencies of the proposed use, as required, including ongoing reporting, monitoring and stormwater water quality sampling as required or proposed;*
- 3) *Revision, if necessary, to label the correct size of the lot in square feet and acres, to match that on the final plat;*
- 4) *Revision of the site plan to depict any proposed entrance gate at least 60 feet from the edge of the Virginia Street right-of-way;*
- 5) *Revision of the site plan to depict the 25-foot minimum building setback line from Virginia Street;*
- 6) *Revision of the site plan to depict 14 frontage trees located within the 25-foot minimum building setback;*
- 7) *Revision of the site plan and landscape area calculations to only provide frontage and total landscape area based upon only that portion of the site that is actual land (that is, behind the bulkhead);*
- 8) *Compliance with Traffic Engineering comments (Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 9) *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) 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. Additional requirements may be added during the Land Disturbance Permit review process depending on the proposed containment and CBMPP related to for water quality issues related to runoff. 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) 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 PUD Site Plan. Also, you will need to list the Minimum Finished Floor Elevation (MFFE) for the Lot. 5) No Land Disturbance Permit will be issued until any on-site remediation is complete. 6) 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); C) 3-18-2004 Policy Letter (Additional subdivision street requirements).);*
- 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.);*
- 12) *Development of the site must comply with all local, state and federal regulations regarding development within a flood zone;*
- 13) *Revision of the site plan to indicate which portions of the on-site access road and parking area will be paved in asphalt, concrete or similar, versus aggregate;*
- 14) *Depiction of concrete wheel stops in the parking area if no curb-and-gutter will be provided;*
- 15) *Submission of a revised site plan to the Planning Section prior to the signing of the final plat; and*
- 16) *Full compliance with all other municipal codes and ordinances, including the obtaining of the appropriate permits for land disturbance and new construction.*

Planned Unit Development: *The request is recommended for Approval, subject to the following conditions:*

- 1) *Revision, if necessary, to label the correct size of the lot in square feet and acres, to match that on the final plat;*
- 2) *Revision of the site plan to depict any proposed entrance gate at least 60 feet from the edge of the Virginia Street right-of-way;*
- 3) *Revision of the site plan to depict the 25-foot minimum building setback line from Virginia Street;*
- 4) *Revision of the site plan to depict 14 frontage trees located within the 25-foot minimum building setback;*
- 5) *Revision of the site plan and landscape area calculations to only provide frontage and total landscape area based upon only that portion of the site that is actual land (that is, behind the bulkhead);*
- 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 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. Additional requirements may be added during the Land Disturbance Permit review process depending on the proposed containment and CBMPP related to for water quality issues related to runoff. 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) According to the FEMA flood map information, this property is*

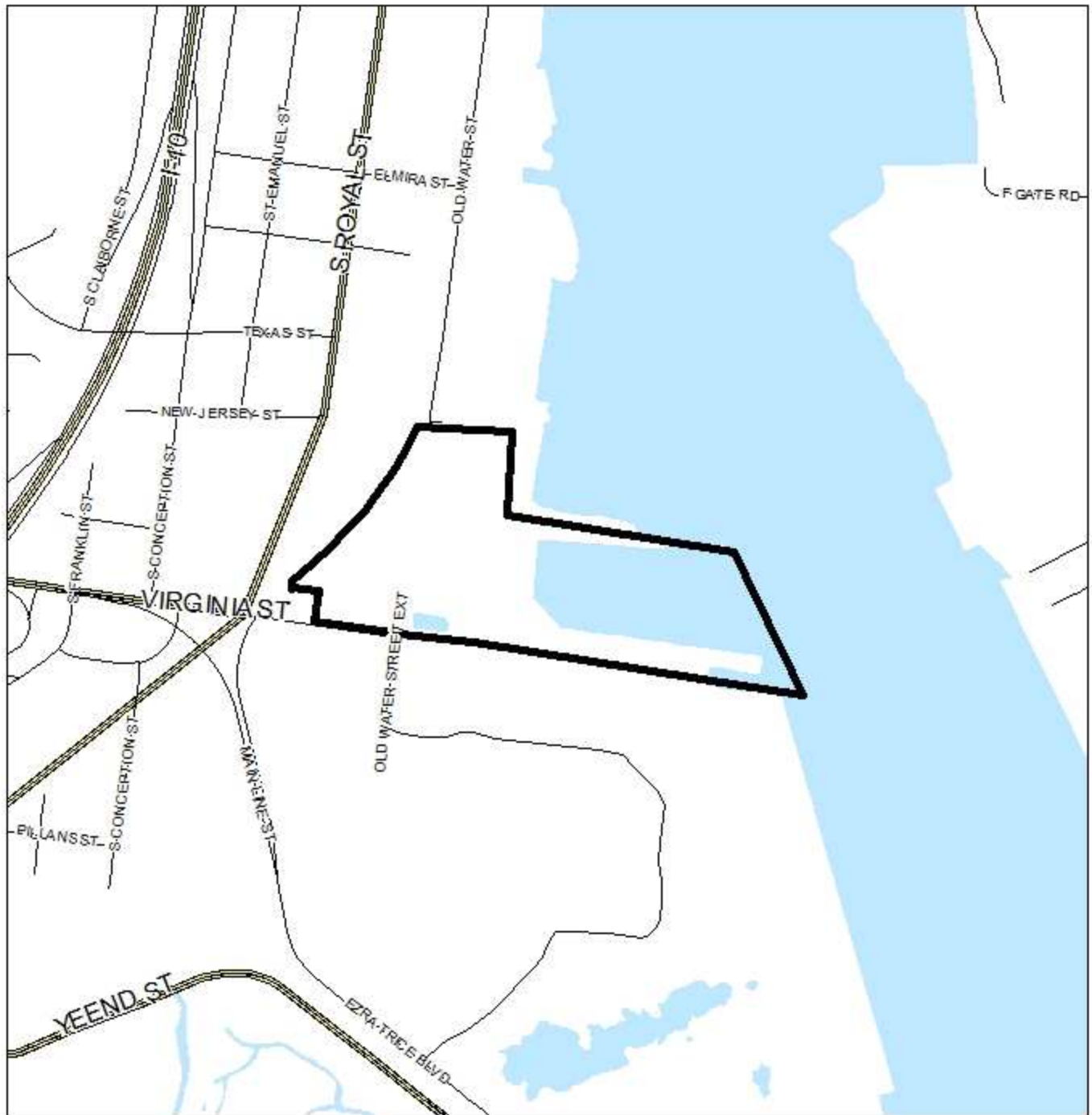
- located within a Special Flood Hazard Area. You will need to show and label the flood hazard area(s) on PUD Site Plan. Also, you will need to list the Minimum Finished Floor Elevation (MFFE) for the Lot. 5) No Land Disturbance Permit will be issued until any on-site remediation is complete. 6) Must 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); C) 3-18-2004 Policy Letter (Additional subdivision street requirements).);*
- 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) Compliance with Fire comments (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);*
 - 10) Development of the site must comply with all local, state and federal regulations regarding development within a flood zone;*
 - 11) Revision of the site plan to indicate which portions of the on-site access road and parking area will be paved in asphalt, concrete or similar, versus aggregate;*
 - 12) Depiction of concrete wheel stops in the parking area if no curb-and-gutter will be provided;*
 - 13) Submission of a revised site plan to the Planning Section prior to the signing of the final plat; and*
 - 14) Full compliance with all other municipal codes and ordinances, including the obtaining of the appropriate permits for land disturbance and new construction.*

Subdivision: *The request is recommended for Tentative Approval, subject to the following conditions:*

- 1) Revision, if necessary, to label the correct size of the lot in square feet and acres;*
- 2) Revision of the plat to remove or label all abutting vacated rights-of-way, as appropriate;*
- 3) Revision of the plat to label the abutting railroad as CSX;*
- 4) Placement of a note on the plat stating that the lot is limited to one curb-cut to Virginia Street, with the size, design and location to be approved by Traffic Engineering, and to comply with AASHTO standards;*
- 5) Full compliance with all local, state and federal regulations regarding development within a flood zone;*
- 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 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. 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 for the*

- Owner, Notary, Planning Commission and Traffic Engineer. 4) Provide and label the monument set or found at each subdivision corner. 5) Show and label the existing parcel lines. 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) *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) *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*
- 10) *Submission of revised PUD and Planning Approval site plans prior to the signing of the final plat.*

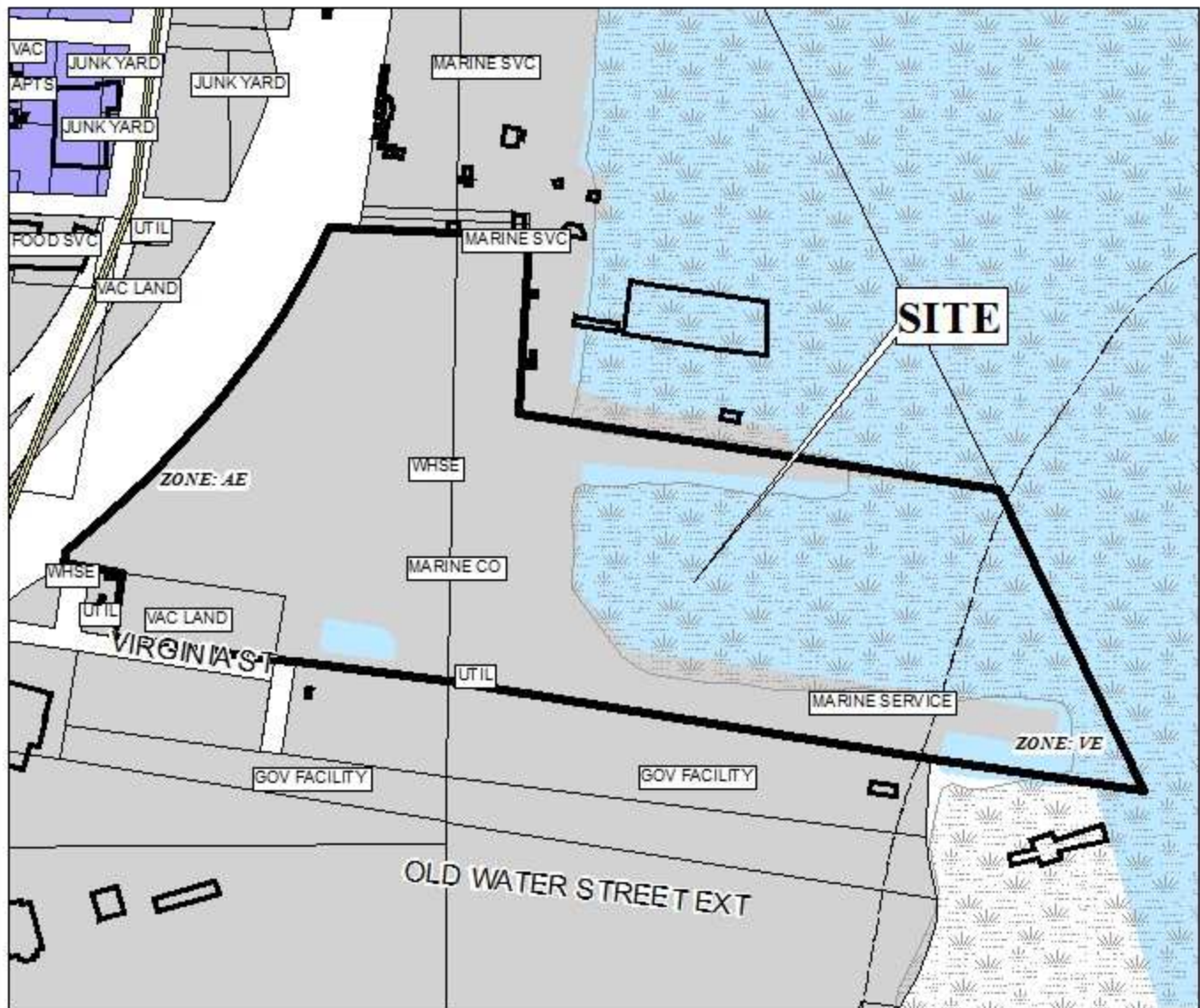
LOCATOR MAP



APPLICATION NUMBER 1, 2 & 3 DATE March 20, 2014
APPLICANT Blue Creek Coal Terminal Subdivision
REQUEST Subdivision, Planning Approval, PUD

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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by industrial land use units.

APPLICATION NUMBER 1, 2 & 3 DATE March 20, 2014

APPLICANT Blue Creek Coal Terminal Subdivision

REQUEST Subdivision, Planning Approval, PUD

LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1
													I-2



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

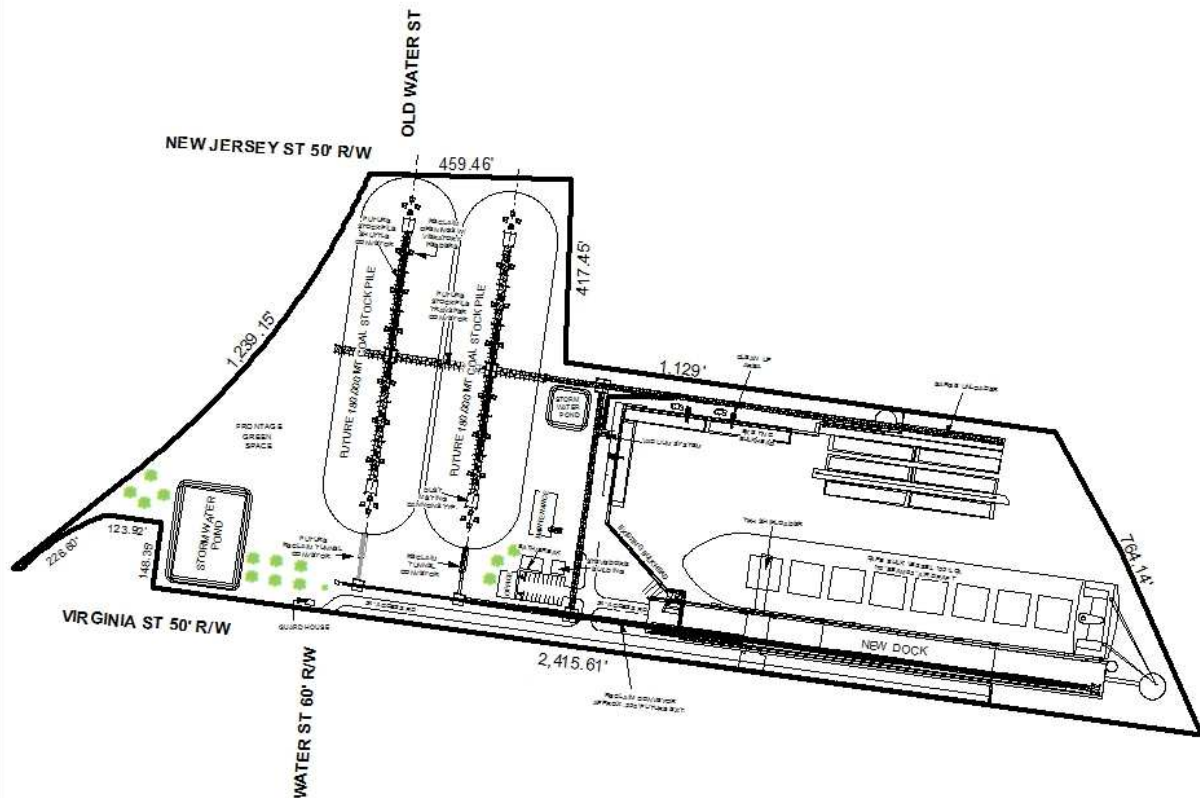


The site is surrounded by industrial land use units.

APPLICATION NUMBER 1, 2 & 3 DATE March 20, 2014
APPLICANT Blue Creek Coal Terminal Subdivision
REQUEST Subdivision, Planning Approval, PUD

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SITE PLAN



The site illustrates the future coal stock piles and transfer conveyor, new dock, future reclaim tunnel conveyor, water ponds, and buildings.

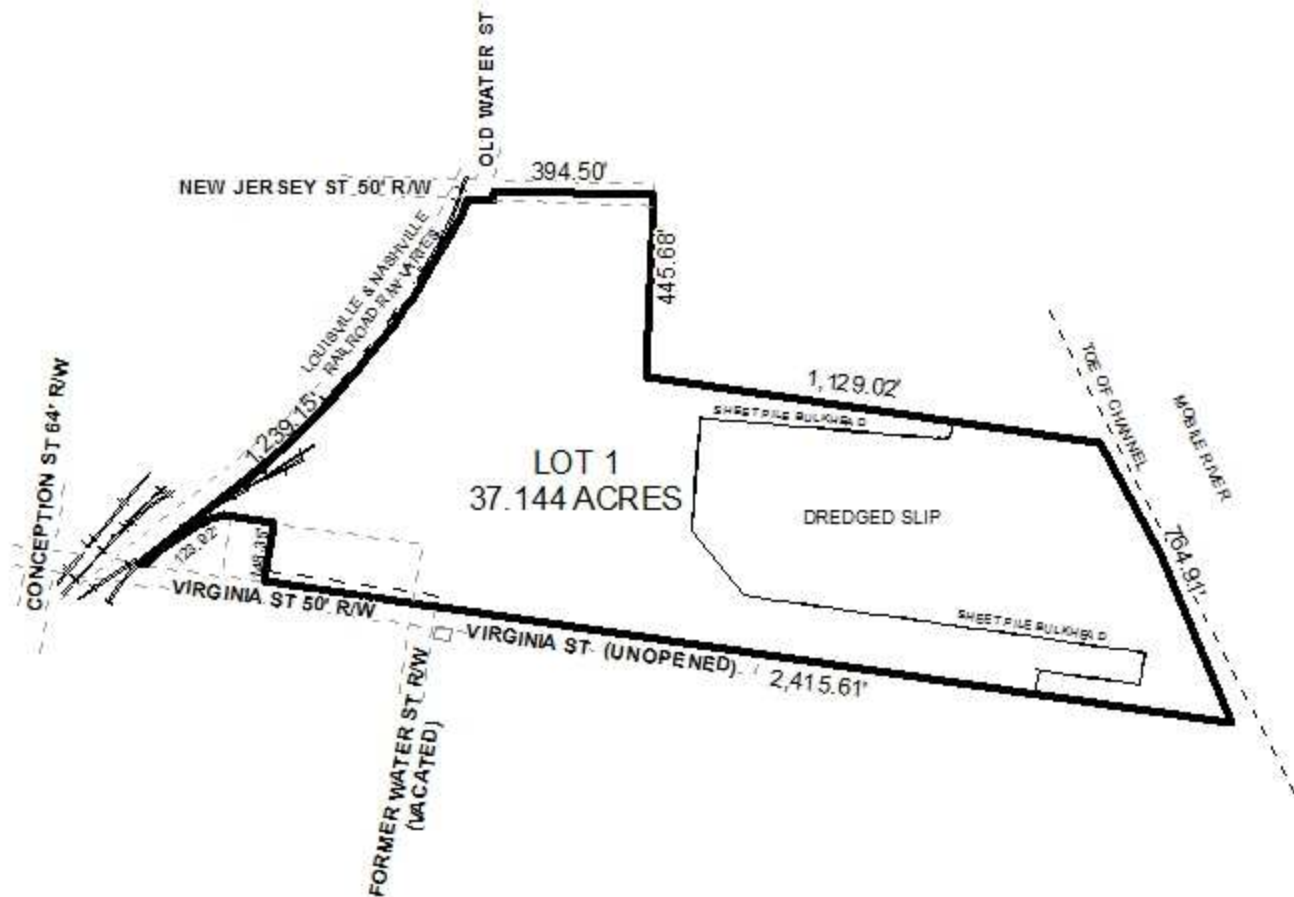
APPLICATION NUMBER 1, 2 & 3 DATE March 20, 2014

APPLICANT Blue Creek Coal Terminal Subdivision

REQUEST Subdivision, Planning Approval, Planned Unit Development



DETAIL SITE PLAN



APPLICATION NUMBER 1, 2 & 3 DATE March 20, 2014
APPLICANT Blue Creek Coal Terminal Subdivision
REQUEST Subdivision, Planning Approval, PUD

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