

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF OCTOBER 21, 2010 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William G. DeMouy, Jr.
Victoria L. Rivizzigno, Secretary
Stephen J. Davitt, Jr.
Nicholas H. Holmes, III
Herb Jordan
Mead Miller
Roosevelt Turner

Members Absent

John Vallas
James F. Watkins, III

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Bert Hoffman,
Planner II
Marie Cross,
Planner I
David Daughenbaugh,
Urban Forestry Coordinator
Joanie Stiff-Love,
Secretary II

Others Present

John Forrester,
City Engineering
Jennifer White,
Traffic Engineering

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

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 #SUB2010-00075 (Subdivision)

**Saint Ignatius Parish Subdivision, Re-subdivision of
3650 Springhill Avenue**

Northwest corner of Springhill Avenue and Tuthill Lane
Number of Lots / Acres: 1 Lot / 13.3± Acres
Engineer / Surveyor: Clark, Geer, Latham & Associates, Inc.
Council District 7

(Also see **Case #ZON2010-01599 (Planned Unit Development) Saint Ignatius Parish Subdivision, Re-subdivision of**, and, **Case #ZON2010-01598 (Planning Approval) Saint Ignatius Parish Subdivision, Re-subdivision of**, below)

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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.

The following people spoke in favor of the matter:

- Eric Adams, Clark, Geer, Latham & Associates, for the applicant;
and,
- Trey Atchison, for St. Ignatius Church.

They added the following:

- A. asked for clarification regarding Condition 6 of the Planned Unit Development and the 25 foot street setback for the privacy fence, wondering if that were the building setback or the right-of-way setback; and,
- B. regarding the fence, it was asked if the church chose to build a 3 foot privacy fence, could that fence be built at the street right-of-way.

Mr. Olsen clarified that the 25 feet referenced was the building setback because it was a six foot high privacy fence and the Zoning Ordinance required that such a fence could only be 3 feet high within that setback. He confirmed that if the fence were a 3 foot high fence, it could be built to the right-of-way/property line.

Barbara Smith, 912 Knowles Street, Mobile, AL, spoke in opposition and made the following points:

- A. had questions regarding the drainage that would leave St. Ignatius and enter Knowles Street;
- B. expressed her happiness that the City's Engineering Department had come to Knowles Street to examine many of the issues the residents had brought before the Commission when the matter was heard before and as a result had changed some of their recommendations on the matter;
- C. wanted to know how the Knowles Street residents would be advised that the City permits had been pulled as many would like to keep up with such, especially the scope of work allowed under those permits; and,
- D. recognized that there were no procedures in place to notify area residents when permits were pulled, however, reminded all in attendance that much of the property adjacent to the Church had deteriorated and notification would make it easier on the area residents to secure their property.

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Mr. Olsen explained that there was no notification process for neighboring property owners when permits were pulled, however, it was his understanding that no permits were being considered at the current time and this had been done strictly to allow for the incorporation of the additionally acquired property. He added that when any of the permits were requested that the Building Code, Planning, and Engineering departments would all have to review the plans submitted for the permit and okay the same.

The Chair wondered if notification of the area residents regarding the issuance of permits could be added as a condition of approval.

Mr. Olsen asked if notification would come from the applicant or from the City.

The Chair stated the applicant would be responsible and Mr. Olsen stated that it would be possible to do so.

The Chair advised Ms. Smith that the Commission could include a recommendation as a condition for approval that the applicant notify the area property owners on Knowles Street in much the same way as they were notified for that day's public hearing.

Mr. Olsen offered a point of clarification regarding the fence as he had misread the wording of the condition. He stated that what had been recommended was a six foot high privacy fence along the south, west, and north property lines where the site abutted residential properties, with the one on the west being set in 25 feet. He acknowledged the confusion in stating that the fence could be carried out to the property's right-of-way line at three feet, noting that could only happen if the Commission modified that condition to strike the portion that stated "six foot along the 25 foot setback."

The Chair asked what would be the staff's recommendation in this case and was advised by Mr. Olsen the staff had mixed feelings.

Mr. Adams with Clark, Geer, and Latham, asked that as the area was greenspace, St. Ignatius would like to have that 25 foot setback area for use since it was not "a building in a fence," which would have the required fence where the right-of-way and property line met.

Mr. Atchison for St. Ignatius Parrish, stated the church had nothing to hide in their endeavors; however, he was concerned over the precedent being set by having the church publicly announce their permitting process and wondered if that was a City norm.

Mr. Olsen stated it was something the Commission could require to have an applicant publicly advise they had permits.

Mr. Atchison asked if the matter of having permits would be up for public debate or was it simply a matter of making those possibly affected by the work aware.

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The Chair advised that it would not affect the applicant's ability to pull permits but was simply a way of making those residents aware.

Mr. Atchison asked who would be responsible for notifying the residents when permits were pulled and the Chair advised it would be the applicant's responsibility.

Mr. Holmes stated the applicant would need to get a list of those needing to be advised from the Planning Department.

Mr. Atchison asked if those notifications needed to be sent by certified mail so as to have signatures showing the information had been received but was advised by the Chair it could be done by standard mail just as the notices for the matter's Public Hearing that day had been sent by standard first class postage.

Mr. Olsen stated that with the exception of Subdivision applications, which were required by state law to be sent by certified mail, all Public Hearing notifications were sent by standard first class mail.

Mr. Turner stated that Public Hearing notices were sent by the Planning Department and therefore were tracked by the Planning Department. He then asked since the applicant would be responsible for sending out the permit notices, how would staff be able to track them.

Mr. Atchison stated that he would like to see the responsibility for assuring those residents were notified shouldered by the City so that if there were a problem with someone not getting that information, St. Ignatius would not be responsible.

In deliberation, Mr. Holmes noted regarding the issue of notification that the applicant wanted some sort of record that the notification were indeed sent. He added that he was not sure if this was better done by the applicant themselves or handled by the department and asked for feedback on how the Commission members might see that best being done.

Mr. Davitt stated they could be given the option of either having the Planning Department do the mail out for them with the applicant paying the cost or they could simply do it themselves.

Mr. Olsen stated that if the City did it, the applicant would have to pay that postage prior to the mailing as that mail out was not a part of the department's budget.

Mr. DeMouy suggested that they bring the letters with postage affixed and ready to be mailed to the Planning Department and the City would act as the "go between" on actually getting them in the mail. It was added they would be date stamped when received to show they had passed through the department for mailing.

Mr. Olsen stated they could submit the letters to the City at the time of permitting and then go through the City's mail system.

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Dr. Rivizzigno stated her understanding of the process as the applicant putting the letter in a postage paid envelope with the City's only responsibility being mailing it out.

Mr. Olsen stated the City would date stamp the letter upon its arrival to the department which would also allow the neighbors to know when the City received it as well.

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

- 1) **revision of the plat and site plan to reflect dedication of right-of-way along Spring Hill Avenue (50-feet from centerline) and Knowles Street (25-feet from centerline), including a corner radius for that portion of the site not previously subdivided;**
- 2) **revision of the plat and site plan to depict and label the 25-foot minimum building setback from all open public rights-of-way;**
- 3) **placement of a note on the plat and site plan stating the site is limited to an approved Planned Unit Development and Planning Approval site plan;**
- 4) **compliance with revised Engineering comments: *(There is evidence that the existing receiving drainage system on Knowles St. may be undersized and therefore additional detention and/or flow restriction measures are required on the St. Ignatius property to mitigate damages to downstream properties. It appears that the existing release rate from the detention pond is greater than the Knowles St. drainage system can handle, therefore additional detention and a reduced release rate will be required (at a minimum). Analysis of the Knowles St. drainage system will be required and proper detention/release rate implemented for any release into the Knowles St. drainage system. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.)*;**
- 5) **compliance with Urban Forestry comments: *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the four Live Oak Trees along Spring Hill Avenue from East to West; 42", 54", 40", and 42" Live Oaks. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.***

- Future development will require a revised landscape plan showing required trees for the entire school campus.);*
- 6) placement of a note on the plat and site plan stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, prior to the issuance of any permits or land disturbance activities; and,
 - 7) submission of a revised PUD and Planning Approval site plan to the Planning Section of Urban Development prior to signing the final plat.

The motion carried unanimously.

Case #ZON2010-01599 (Planned Unit Development)

Saint Ignatius Parish Subdivision, Re-subdivision of

3650 Springhill Avenue

Northwest corner of Springhill Avenue and Tuthill Lane

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

Council District 7

(Also see **Case #SUB2010-00075 (Subdivision) Saint Ignatius Parish Subdivision, Re-subdivision of**, above, and, **Case #ZON2010-01598 (Planning Approval) Saint Ignatius Parish Subdivision, Re-subdivision of**, below)

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

- 1) revision of the plat and site plan to reflect dedication of right-of-way along Spring Hill Avenue (50-feet from centerline) and Knowles Street (25-feet from centerline), including a corner radius for that portion of the site not previously subdivided (the greenspace area);
- 2) revision of the plat and site plan to depict and label the 25-foot minimum building setback from all open public rights-of-way;
- 3) revision of the site plan to depict and label a 10-foot minimum building setback and buffer from all other property boundaries that are not open public rights-of-ways;
- 4) revision of the site plan to depict a sidewalk along Knowles Street, or submission of an application for a Sidewalk Waiver;
- 5) revision of the site plan to depict any existing or proposed gated driveway entries or walls;
- 6) provision of a 6-foot high wooden privacy fence for the greenspace area at the 25-foot street setback and 10-foot buffer setback lines on the South, West and North sides, removing the existing fence along Spring Hill Avenue with permits, prior to the use of the space;

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- 7) provision of frontage trees for the greenspace area along Spring Hill Avenue and Knowles Street, to be coordinated with Urban Forestry;
- 8) removal of barbed-wire from the existing fence along Knowles Street, or application for a variance to allow the barbed-wire to remain;
- 9) placement of a note on the site plan stating that a Traffic Impact Study will be required prior to the construction of any new buildings on the site, to be submitted to Traffic Engineering and Planning at least 2 months prior to the anticipated new construction
- 10) placement of a note on the plat and site plan stating that the site is limited to an approved Planned Unit Development and Planning Approval site plan;
- 11) placement of a note on the site plan stating that lighting of the site and parking areas will comply with Sections 64-6.A.3.c. and 64-4.A.2. of the Zoning Ordinance;
- 12) compliance with revised Engineering comments: *(There is evidence that the existing receiving drainage system on Knowles St. may be undersized and therefore additional detention and/or flow restriction measures are required on the St. Ignatius property to mitigate damages to downstream properties. It appears that the existing release rate from the detention pond is greater than the Knowles St. drainage system can handle, therefore additional detention and a reduced release rate will be required (at a minimum). Analysis of the Knowles St. drainage system will be required and proper detention/release rate implemented for any release into the Knowles St. drainage system. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.);*
- 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). Preservation status is to be given to the four Live Oak Trees along Spring Hill Avenue from East to West; 42", 54", 40", and 42" Live Oaks. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger. Future development will require a revised landscape plan showing required trees for the entire school campus.);*

- 14) placement of a note on the plat and site plan stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, prior to the issuance of any permits or land disturbance activities;
- 15) submission of a revised PUD site plan to the Planning Section of Urban Development prior to signing the final plat;
- 16) at the time of application for permit(s), the applicant is to submit letters of notification of permit submission, which are to be mailed to residents of Knowles Street as notified for these applications at the applicant's expense, to the Planning Section of Urban Development (letters to be date stamped by the Planning Section when received) and,
- 17) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2010-01598 (Planning Approval)

Saint Ignatius Parish Subdivision, Re-subdivision of

3650 Springhill Avenue

Northwest corner of Springhill Avenue and Tuthill Lane

Planning Approval for the Master Plan of an existing Church and School in an R-1, Single-Family Residential District

Council District 7

(Also see **Case #SUB2010-00075 (Subdivision) Saint Ignatius Parish Subdivision, Re-subdivision of**, and, **Case #ZON2010-01599 (Planned Unit Development) Saint Ignatius Parish Subdivision, Re-subdivision of**, above)

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

- 1) revision of the plat and site plan to reflect dedication of right-of-way along Spring Hill Avenue (50-feet from centerline) and Knowles Street (25-feet from centerline), including a corner radius for that portion of the site not previously subdivided (the greenspace area);
- 2) revision of the plat and site plan to depict and label the 25-foot minimum building setback from all open public rights-of-way;
- 3) revision of the site plan to depict and label a 10-foot minimum building setback and buffer from all other property boundaries that are not open public rights-of-ways;
- 4) revision of the site plan to depict a sidewalk along Knowles Street, or submission of an application for a Sidewalk Waiver;
- 5) revision of the site plan to depict any existing or proposed gated driveway entries or walls;

- 6) provision of a 6-foot high wooden privacy fence for the greenspace area at the 25-foot street setback and 10-foot buffer setback lines on the South, West and North sides, removing the existing fence along Spring Hill Avenue with permits, prior to the use of the space;
- 7) provision of frontage trees for the greenspace area along Spring Hill Avenue and Knowles Street, to be coordinated with Urban Forestry;
- 8) removal of barbed-wire from the existing fence along Knowles Street, or application for a variance to allow the barbed-wire to remain;
- 9) placement of a note on the site plan stating that a Traffic Impact Study will be required prior to the construction of any new buildings on the site, to be submitted to Traffic Engineering and Planning at least 2 months prior to the anticipated new construction;
- 10) placement of a note on the plat and site plan stating that the site is limited to an approved Planned Unit Development and Planning Approval site plan;
- 11) placement of a note on the site plan stating that lighting of the site and parking areas will comply with Sections 64-6.A.3.c. and 64-4.A.2. of the Zoning Ordinance;
- 12) compliance with *revised* Engineering comments: *(There is evidence that the existing receiving drainage system on Knowles St. may be undersized and therefore additional detention and/or flow restriction measures are required on the St. Ignatius property to mitigate damages to downstream properties. It appears that the existing release rate from the detention pond is greater than the Knowles St. drainage system can handle, therefore additional detention and a reduced release rate will be required (at a minimum). Analysis of the Knowles St. drainage system will be required and proper detention/release rate implemented for any release into the Knowles St drainage system. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.)*;
- 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). Preservation status is to be given to the four Live Oak Trees along Spring Hill Avenue from East to West; 42", 54", 40", and 42" Live Oaks. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be*

- permitted only in the case of disease or impending danger. Future development will require a revised landscape plan showing required trees for the entire school campus.);*
- 14) placement of a note on the plat and site plan stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, prior to the issuance of any permits or land disturbance activities;
 - 15) submission of a revised PUD site plan to the Planning Section of Urban Development prior to signing the final plat;
 - 16) at the time of application for permit(s), the applicant is to submit letters of notification of permit submission, which are to be mailed to residents of Knowles Street as notified for these applications at the applicant's expense, to the Planning Section of Urban Development (letters to be date stamped by the Planning Section when received); and,
 - 17) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2010-00098

Woodberry Forest Additions Subdivision

West side of Air Terminal Drive, 1500'± North of Dawes Road and extending Southwest to the Northern terminus of Selby Phillips Drive
Number of Lots / Acres: 92 Lots / 47.9± Acres
Engineer / Surveyor: Rester and Coleman Engineers, Inc.
County

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

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Miller, to waive Section V.B.16. Curb Radii (radii shall not be less than 20-feet where an angle of intersection of less than 60-degrees is permitted, curb radii shall be increased as necessary to ensure safety) at the intersection of Air Terminal Drive/Wilson Road West only, and tentatively approved the request, subject to the following conditions:

- 1) retention of all notes on the Final Plat;
- 2) depiction of the 25-foot minimum building setback line along Selby Phillips Drive on Lot 92 and along every public right-of-way;
- 3) modification of the minimum building line along the cul-de-sacs to depict a 25-foot minimum building setback line;
- 4) labeling of all right-of-way dedication areas as such; and,

- 5) **placement of a note on the Final Plat stating that the maintenance of all common areas and detention areas are the responsibility of the homeowners association, and not the City of Mobile or Mobile County.**

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2010-00113

Evonne & Leon Grimes Estates Subdivision

9515 Magnolia Road

East side of Magnolia Road, 290'± South of Half Mile Road

Number of Lots / Acres: 2 Lots / 5.8± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

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

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

- 1) **placement of a note on the final plat stating that no future subdivision of Lot 2 will be allowed until additional frontage on a paved public street is provided;**
- 2) **placement of a note on the final plat stating that each lot is limited to one curb-cut to Magnolia Road, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 3) **placement of a note on the final plat stating development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;**
- 4) **placement of a note on the final plat stating that the approval of all applicable federal, state, and local environmental agencies for wetlands would be required prior to the issuance of any permits or land disturbance activities;**
- 5) **placement of a note on the final plat stating that any lots developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section V.A.8 of the Subdivision Regulations; and,**
- 6) **placement of a note on the final plat stating development must comply with the Mobile County Flood Damage Prevention**

Ordinance. Development shall be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater 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.

The motion carried unanimously.

Case #SUB2010-00114

Edward & Cynthia Dunn Subdivision

2704 Warsaw Avenue

North side of Warsaw Avenue, 50'± West of Main Street

Number of Lots / Acres: 2 Lots / 0.6± Acre

Engineer / Surveyor: Byrd Surveying, 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 Dr. Rivizzigno, with second by Mr. Turner, to approve the above referenced matter, subject to the following conditions:

- 1) **illustration of the 25' minimum building setback line along Warsaw Avenue;**
- 2) **placement of a note on the final plat stating that each lot is limited to one curb cut to Warsaw Avenue, with the size, location, and design of each curb-cut to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) **revision of the plat to label each lot with its size in both square feet and acres, or the furnishing of a table on the final plat providing the same information;**
- 4) **placement of a note on the plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, prior to the issuance of any permits or land disturbance activities; and,**
- 5) **compliance with the Engineering comments: *(Must comply***

with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right-of-way will require a right-of-way permit).

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2010-02363

Grant Harkness

1607 E I-65 Service Road South

East side of East I-65 Service Road South, 820'± North of I-65 Commerce Drive

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

Council District 5

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

The following people spoke in favor of the matter:

- Frank Dagley, Frank A. Dagley and Associates, for the applicant; and,
- Grant Harkness, Jr, the owner/applicant.

They made the following points in favor of approving the matter that day:

- A. presented a handout that outlined the history and nature of the business done at that site;
- B. noted that they had met with the staff the day before to work out the issues leading to the holdover, however, nothing was finalized at the end of that meeting;
- C. noted the company began as Blue Bird Hardware and Seed Company, a local, family owned business, over 40 years ago and that as Blue Rents, it had been in its same location for over 25 years, starting out as a small tool rental business, but now served as a full scale construction rental company and party materials rental company;
- D. the company had some 40 to 50 employees;
- E. due to the nature of the two businesses, there were obvious differences in the clientele of the two divisions, so the owner sought to separate the two businesses;
- F. early in 2005, the property was subdivided into two lots with the party business located on Lot 1 and the construction rental business located on Lot 2 with one of

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- the provisions of the Subdivision approval being joint, equally distributed, ingress/egress to the site;
- G. the present application was for approval to construct a showroom building on Lot 1 for the party rentals business only;
 - H. it was the applicant's stand that as this build out had nothing to do with the adjacent construction rental business, that it's approval should not be delayed by any issues associated with said construction rental business;
 - I. noted that Lot 2 appeared to have been expanded as it had gravel added to it by the owner in an effort to control what was considered by them to be a large "mud hole" at the rear of the property, and had admitted that addition was done without first gaining a permit to do so, but the owner was agreeable to a reasonable resolution of that separate matter;
 - J. the applicant apologized for putting in gravel without first getting a permit, however, he added that due to the "jungle" his father had let the area become, he felt an "after the fact" permit fee would be cheaper than the potential nuisance fine; and,
 - K. finally, the applicant asked that the matter be approved with the condition that a Planning application would be submitted for Lot 2 to address the issue of the expanded gravel issue with a proposed six month time frame to resolve that matter, and thus allow the timely construction of the much need party showroom building.

Mr. Olsen responded to Mr. Dagley's comments by saying:

- A. the reason the Planned Unit Development was required was because there had been a previous Planned Unit Development involved and those were site plan specific so when there were any changes, those must be brought back to the Planning Commission;
- B. the site may have separate lots, but by virtue of the original Planned Unit Development and the shared access, they were tied together so that anything done on one might have an impact on the other, therefore it needed to be brought back for approval; and,
- C. with regards to this case specifically, the staff's research had shown expansions on Lot 1 without the required planning approval or permits which caused the staff to recommend that no part of the project should proceed until such time as all of the issues were before the Commission at the same time.

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Mr. Dagley responded that both parties were saying the same thing, only differing with regards to the timeframe.

The Chair asked the staff's feelings regarding Mr. Dagley's position that all parties wanted the same thing with the timing being the only real issue.

Mr. Olsen noted that if the Commission were of a mind to consider approving the matter that day, the staff had taken the time to write some conditions for the same and read those aloud:

1. verification and correction, if necessary, for landscape area information and depiction for Lot 1;
2. revision of the site plan to comply with the Engineering comments: *(Must comply with all stormwater and flood control ordinances. Detention must be provided for all impervious area(s) added to the site in excess of 4,000 square feet since 1984. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.);*
3. placement of a note on the site plan stating that no additional development on Lots 1 or 2 will be allowed until Lot 2 is brought into compliance with the development requirements of the City of Mobile, for the portion of the lot improved since 1997;
4. all necessary and appropriate applications be submitted within 90 days, and that any work performed without approvals and permits be either removed, or properly permitted once it has been approved by the Commission;
5. submission of a revised PUD site plan to the Planning Section of Urban Development prior to the submission of revised drawings to Permitting; and,
6. no Certificate of Occupancy for the showroom on Lot 1 until the Planning Approval and Planned Unit Development applications have been submitted.

Mr. Dagley stated they were in agreement with all of those recommendations with the exception of Condition 3 noting Lot 1's extreme size at approximately 6 acres and the fact it had been developed prior to any of the City's landscape requirements. He added that would be impossible to put in the required frontage landscaping due to the location of the buildings, unless those buildings were removed.

The Chair asked if that meant they would not be able to plant frontage trees on the larger Lot 1.

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Mr. Dagley stated Lot 1 was not an issue as they had already planted frontage trees on it as a result of the original application. He noted that frontage trees had been planted on both Lots 1 and 2 as a result of that application, but they would not be able to plant anymore on Lot 2 due to the buildings already in existence.

Mr. Olsen stated the staff's intent with that requirement was for buffering purposes and that it would be fine to put landscaping place where they were able.

Mr. Holmes asked if his understanding was correct that the sixth condition tied everything to the Certificate of Occupancy and was advised by Mr. Olsen that was correct.

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

- 1) verification and correction, if necessary, for landscape area information and depiction for Lot 1;**
- 2) revision of the site plan to comply with Engineering comments *(Must comply with all storm water and flood control ordinances. Detention must be provided for all impervious area(s) added to the site in excess of 4,000 square feet since 1984. Any work performed in the right of way will require a right of way permit in addition to any required land disturbance permit. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.)*;**
- 3) placement of a note on the site plan stating that no additional development on Lots 1 or 2 will be allowed until buffering of Lot 2 is brought into compliance with the development requirements of the City of Mobile, for that portion of the lot improved since 1997;**
- 4) all necessary and appropriate applications be submitted within 90 days, and that any work performed without approvals and permits be either removed, or properly permitted once it has been approved by the Commission;**
- 5) submission of a revised PUD site plan to the Planning Section of Urban Development prior to the submission of revised drawings to Permitting; and,**
- 6) CO for the addition on Lot 1 not be issued until the required applications (condition # 4) have been submitted.**

The motion carried unanimously.

NEW ZONING APPLICATIONS:

Case #ZON2010-02362

Mayo Blackmon

1446 Navco Road

West side of Navco Road, 255'± South of McVay Drive North

Rezoning from R-1, Single-Family Residential District, to R-2, Two-Family Residential District to allow a garage apartment

Council District 4

The Chair announced the matter had been recommended for denial, however, if there were those who wished to speak on the matter to please do so at that time.

Jennifer Bexley, 6161 Haley Court, Mobile, AL, spoke on behalf of Mayo Blackmon, the applicant and her employer, and requested the matter be held over as their surveyor, Jerry Byrd, was not in town and there was no one available to represent them at the time.

Mr. Olsen stated that as there were no changes the staff had no problem with the Commission holding the matter over until the next meeting.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, to hold the matter over until the November 4, 2010, meeting, per the applicant's request.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2010-00107 (Subdivision)

South Jones Subdivision

1926 & 2000 Telegraph Road

Southeast corner of Telegraph Road and New Bay Bridge Road

Number of Lots / Acres: 2 Lots / 3.4± Acres

Engineer / Surveyor: Erdman Surveying, Inc.

Council District 2

(Also see **Case #ZON2010-02356 (Planned Unit Development) South Jones Subdivision**, and, **Case #ZON2010-02357 (Rezoning) Douglas Roy Parker, III**, below)

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

Roy Parker, Jones Welding, noted that their agent had surgery and was unable to attend the meeting or explain the issues leading to the holdover and asked for clarification on that.

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Mr. Olsen gave Mr. Parker a list of the reasons for the recommended holdover and what was needed to address those. He also noted that if there were issues not addressed in the application that it was not uncommon to hold a matter over until those issues were addressed.

Mr. Parker asked if these issues needed to be taken to his agent to be fixed and was told that was the case.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to hold the matter over until the November 18, 2010, meeting, with revisions due to the Planning Section by noon on November 5, 2010, to address the following:

- 1) indicate on the plat dedication sufficient to provide 50 feet from the centerline of Telegraph Road;**
- 2) revision of the 25-foot minimum building setback line and lot sizes to reflect any required dedications;**
- 3) placement of a note on the plat stating that the site is limited to two shared curb-cuts between the two lots, with the size, design, and exact location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards; and,**
- 4) 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.**

The motion carried unanimously.

Case #ZON2010-02356 (Planned Unit Development)

South Jones Subdivision

1926 & 2000 Telegraph Road

Southeast corner of Telegraph Road and New Bay Bridge Road

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

Council District 2

(Also see **Case #SUB2010-00107 (Subdivision) South Jones Subdivision**, above, and, **Case #ZON2010-02357 (Rezoning) Douglas Roy Parker, III**, below)

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to hold the matter over until the November 18, 2010, meeting, with revisions due to the Planning Section by noon on November 5, 2010, to address the following:

- 1) depict the entirety of the paved area for maneuvering on the site, including the boundaries of all paved areas;**

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- 2) revise the site plan to depict location of all proposed fencing and gates;
- 3) where gates will be installed at curb-cuts, indicate 51 feet of queuing space between the right-of-way and the gate;
- 4) revise the site plan to indicate two shared curb-cuts to the site with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 5) revise the parking data to match what is shown on the site plan;
- 6) clearly indicate parking areas, number of spaces, and maneuvering areas;
- 7) indicate location of dumpsters on the site with appropriate dumpster pads and enclosures;
- 8) indicate full compliance for the entire site with tree planting and landscaping area requirements for the entire site; and,
- 9) revise the site plan as appropriate to account for dedications which may be required by the subdivision application.

The motion carried unanimously.

Case #ZON2010-02357 (Rezoning)

Douglas Roy Parker, III

(Southeast corner of Telegraph Road and New Bay Bridge Road).

Rezoning from I-1, Light Industry District, and B-2, Neighborhood Business District, to I-1, Light Industry District, to eliminate split zoning.

Council District 2

(Also see **Case #SUB2010-00107 (Subdivision) South Jones Subdivision**, and, **Case #ZON2010-02356 (Planned Unit Development) South Jones Subdivision**, above)

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to hold the matter over until the November 18, 2010, meeting, with revisions due to the Planning Section by noon on November 5, 2010, to address the following:

- 1) depict the entirety of the paved area for maneuvering on the site, including the boundaries of all paved areas;
- 2) revise the site plan to depict location of all proposed fencing and gates;
- 3) where gates will be installed at curb-cuts, indicate 51 feet of queuing space between the right-of-way and the gate;
- 4) revise the site plan to indicate two shared curb-cuts to the site with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 5) revise the parking data to match what is shown on the site plan;
- 6) clearly indicate parking areas, number of spaces, and

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- maneuvering areas;
- 7) indicate location of dumpsters on the site with appropriate dumpster pads and enclosures;
- 8) indicate full compliance for the entire site with tree planting and landscaping area requirements for the entire site; and,
- 9) revise the site plan as appropriate to account for dedications which may be required by the subdivision application.

The motion carried unanimously.

OTHER BUSINESS:

Mr. Olsen took a moment to introduce the Commission members to the staff's new Planner I, Marie Cross. Ms. Cross was given a warm welcome by the Commission.

Hearing no further business, the meeting was adjourned.

APPROVED: November 18, 2010

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

jsl