

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF OCTOBER 6, 2011 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
Stephen J. Davitt, Jr.
Nicholas H. Holmes, III
Herb Jordan
Mead Miller
Roosevelt Turner
John Vallas
James F. Watkins, III

Members Absent

William G. DeMouy, Jr.
Victoria L. Rivizzigno, Secretary

Urban Development Staff Present

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

Others Present

John Lawler,
Assistant City Attorney
George Davis,
City Engineering
Marybeth Bergin,
City Traffic Engineering
Capt. James May,
Fire-Rescue Department

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

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 #ZON2011-01556 (Sidewalk Waiver)

Hill Forest, LLC: David G. Sumrall

1900 Shelton Beach Road Extension
(East side of Shelton Beach Road, ½± mile North of Moffett Road)
Request to waive construction of a sidewalk along Shelton Beach Road Extension.
Council District 1

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.

David Sumrall, 1208 Belle Chene Drive, Mobile, AL, the applicant, spoke on his own behalf and made the following points in favor of approving the matter that day:

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- A. noted the problem had been discussed several times prior by the Commission;
- B. noted there was the street and a 20 foot right-of-way containing a ditch as well as heavily forested trees and shrubs and the applicants were trying to get a waiver so as not be required to install the sidewalk in the area in question;
- C. expressed the belief that a number of issues had been shown which demonstrated installing the sidewalk would create a situation where the sidewalk in question would be isolated and unseen from the street, one would have to cross a ditch to get to said sidewalk, and overall it created a dangerous situation;
- D. noted both surveyors and engineers had been to the site to mark where the sidewalk in question should be installed and they had tried to walk said area but couldn't due to the amount of natural vegetation blocking the way;
- E. felt it was premature to install a sidewalk when the planned four lane road had yet to be installed thus making it impossible to know the exact location of where the sidewalk should be placed;
- F. noted while it was physically possible to install the sidewalk in question expressed the belief to do so did not make sense;
- G. noted the traffic count for Shelton Beach Road in the area was 3400 a day which meant it would take a great deal of time for that number to rise high enough to warrant the planned road expansion; and,
- H. expressed the belief City Engineering had seen the site and they had embraced the idea that constructing the sidewalk at this time was not the thing to do.

The Chair asked George Davis, City of Mobile Engineering Department, for comments.

George Davis, City Engineering, stated the following:

- A. stated a representative from his department did meet with the applicant's engineer on site;
- B. noted alternatives had been developed with regards to actually building said sidewalk;
- C. stated from the Engineering Department's stand point, the site and the installation of said sidewalk was fine; and,
- D. expressed he did not know of any immediate plan to widen Shelton Beach Road in that area.

Mr. Summerall stated the following:

- A. did not disagree with the ability to install said sidewalk however with it being so far from the road, it did not really seem to serve a

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- purpose and by the time the existing ditch was graded out the sidewalk would have to come up;
- B. added from the developers' stand point, the apartment complex was finished and they had people who were ready to move it;
 - C. noted there was a beautiful 20 feet to 30 feet wide natural vegetative buffer that really helped cut down on traffic noise to the complex.; and,
 - D. expressed the belief that the home residences in the area probably wanted that previously discussed vegetative buffer to remain in place as well.

Mr. Davitt asked the Engineering representative if the sidewalk were installed and later the road is widened to four lanes, would the sidewalk have to be removed.

Mr. Davis responded he could not definitively answer the question as he did not know where the applicant might plan on ultimately installing the sidewalk in question or which side of the road would be widened, if one side or the other would be widened more than the other, or if it would be equal, however, if only one road lane were installed on each side of the road, he felt putting the sidewalk on the back side of the existing trees it might not have to be moved.

Mr. Davitt asked Mr. Davis to comment on the Engineering comments regarding the sidewalk terminating at the north property line basically at a location adjacent to Pallister Place North with an appropriate crossing as well as the other alternative of terminating the sidewalk at the south side of the entrance to said apartment complex.

Mr. Davis noted those had been reviewed as options because when the north end of the property was reached there did not seem to be anything past it. He stated they also looked at the possibility of ending it prior to the north property line with a crossing at Pallister Place so that walkers would have an opportunity to cross the street and access the existing sidewalk on the other side of the road. He added his department had looked at the applicant's engineer's request to run the sidewalk on the south side and terminate it at the entrance of the apartment complex. He noted that both alternates would work from an Engineering stand point.

Based upon his personally visiting the site numerous times, Mr. Miller expressed his curiosity regarding any provisions for modifications to standard, straight sidewalks in the city. He noted he didn't see the grove of trees as a hindrance to the sidewalk but possibly enhance it.

Mr. Olsen stated in the past Engineering had allowed some modification to standard sidewalk construction to allow curving around trees so it was his assumption they would still be open to such.

David Daughenbaugh, Urban Forestry, stated his department and Engineering had worked in concert to preserve large, existing trees by going around them. He did state

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that he was not sure if this particular site would be appropriate for such as it might turn the sidewalk into a meandering path as well as future widening might require the removal of said sidewalk. He added photographs had been taken for the Commission as per their request and noted those on the overhead. He stated those pictures looked both north and south from the apartment driveway. By way of the pictures, Mr. Daughenbaugh showed the view from the prospective sidewalk would not be terribly blocked by dense vegetation. He also pointed out that should no sidewalk be constructed, pedestrians would find themselves walking in the open ditch located along the property.

Mr. Miller thanked Mr. Daughenbaugh for the information and stated he felt it was important that the Commission look at all ways that would allow for the sidewalk to be constructed.

Mr. Sumrall responded to Mr. Daughenbaugh's comments. He agreed he could envision the sidewalk as described being constructed on the south side of the drive, however, he had real concerns and issues with its construction on the north side as that side had the most mature trees.

In deliberation, Mr. Miller noted that not putting a sidewalk in at this location set a very dangerous precedent which the Commission could not do. He noted regarding the plan to widen Ziegler Boulevard, federal funding had been withheld because even though it had sidewalks it did not have bike paths. He expressed his opinion that he didn't feel much progress would be made if the City started waiving sidewalks. He felt safety was not an issue and wanted to keep as many trees as possible and hoped Urban Forestry and Engineering would work with the applicant to accomplish such.

Mr. Jordan asked he had understood correctly that Shelton Beach Road was scheduled for expansion and the sidewalk would have to be removed.

Mr. Olsen responded Shelton Beach Road was labeled as a future major street, however, there were no current plans for widening of it. He stated at some point in the future it would be widened but at this time there were none scheduled.

Mr. Jordan asked if it were widened would that widening affect the sidewalk.

Mr. Olsen reiterated Mr. Davis', City Engineering, comments that without knowing exactly where the sidewalk would ultimately be placed as there would be accommodation regarding the trees, nor knowing what type of widening plans would take place on Shelton Beach Road, there was no way to tell if the sidewalk would absolutely be able to stay or go.

Mr. Watkins noted the pictures provided by Urban Forestry gave a better idea of the overall situation, including the density of the vegetation located in that area. He then asked for clarification regarding where the sidewalk ends would terminate and what that would look like. He noted he was opposed to people being "dumped" from required sidewalks into the middle of other property.

Mr. Daughenbaugh noted the picture on overhead of the north property line looking southward, stating those were the exact conditions where the sidewalk would terminate. Noting a previous screen, he stated the view in the center was of the bottom property pin which was where the sidewalk would terminate and based upon Engineering's previous comments on how to transition the area, it would be up to the Commission on whether to stop the sidewalk at the property line or transition across the street.

Hearing no further opposition or discussion, a motion was made by Mr. Miller, with second by Mr. Turner, to deny the above referenced matter.

The motion carried with only Mr. Jordan voting in opposition to the denial.

Case #SUB2011-00076 (Subdivision)

Airport Waffle House Subdivision

3024 Airport Boulevard

(North side of Airport Boulevard Service Road, 490' ± West of Sage Avenue)

Number of Lots / Acres: 3 Lots / 3.7 Acres±

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

Council District 5

(Also see **Case #ZON2011-01698 (Planned Unit Development) Airport Waffle House Subdivision**, below)

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

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Vallas, to waive Section V.D.2. and Section V.D.3. of the Subdivision Regulations, and approve the matter, subject to the following conditions:

- 1) **labeling of the lot area size, in square feet, or provision of a table on the Final Plat with the same information;**
- 2) **depiction of the 75-foot minimum building setback line along all right-of-way frontages;**
- 3) **placement of a note on the Final Plat limiting Lots 1 and 2 to a shared curb-cut to Airport Boulevard Service Road and Lot 3 is limited to two curb-cuts to Airport Boulevard Service Road, with the size, design, and location of all curb-cuts to be approved by City of Mobile Engineering and conform to AASHTO standards;**
- 4) **placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species; and,**

- 5) **compliance with 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. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.”*

The motion carried unanimously.

Case #ZON2011-01698 (Planned Unit Development)

Airport Waffle House Subdivision

3024 Airport Boulevard

(North side of Airport Boulevard Service Road, 490' ± West of Sage Avenue)

Planned Unit Development Approval to allow shared access and parking between two building sites.

Council District 5

(Also see **Case #SUB2011-00076 (Subdivision) Airport Waffle House Subdivision**, above)

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

Wes Jackson, 6900 South Grey Road, Indianapolis, Indiana, 46237, spoke on behalf of the real estate owner. Regarding the privacy fence buffer, Mr. Jackson requested a modification listing the existing fence as being opaque as it was currently a security fence, located on the property with asphalt up to the fence. He felt that making it opaque with the use of plastic or wooden slat run through the holes in the existing fence would be a sufficient buffer for the adjacent residential properties. He also asked for clarification regarding the requirement of Live Oak frontage trees in the right-of-way with right-of-way permits as it related to Lot 3 and what would trigger the timing of the placement and planting of said trees.

Mr. Olsen responded to the privacy fence issue by stating the City of Mobile Ordinance did not specifically define a privacy fence as being constructed of a specific material only that it had to obstruct light and debris, so the slats would be acceptable.

The Chair stated that fence also had to be a minimum of six feet high and was advised the current fence met that minimum height.

Mr. Olsen advised the required Live Oaks would, at least, have to be installed prior to the issuance of the Certificate of Occupancy for the Waffle House project.

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

- 1) inclusion of parking data;
- 2) retention of landscaping and tree planting information;
- 3) placement of required Live Oak frontage trees in right-of-way with right-of-way permits for Lots 1 and 3;
- 4) revision of the site plan to illustrate a proper 10' wide vegetative or 6' privacy fence buffer in compliance with Section V.A.8. of the Subdivision Regulations;
- 5) provision of a dumpster for each building, screened from view and in compliance with Section 64-4.D.9 of the Zoning Ordinance, or the placement of a note on the site plan stating that garbage collection will be curb-side via a private pick-up service and no dumpster will be utilized; and,
- 6) provision of two (2) revised site plans to the Planning Section of Urban Development.

The motion carried unanimously.

Case #ZON2011-01940

Persons Development / Paul Persons

4474 & 4480 Halls Mill Road

(North side of Halls Mill Road at the Northern terminus of Laughlin Drive)

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow two buildings on a single building site and shared access between three building sites.

Council District 4

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.

Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant. He noted they very much wanted to avoid another holdover and made the following points for approving the matter that day:

- A. at the last meeting, the staff had noted five items that needed to be addressed and that had been done via a letter, however, that letter had apparently not addressed those issues to the staff's satisfaction;
- B. regarding the installation of a cul-de-sac with a 96 foot radius, it was believed the City of Mobile Fire Marshall had been to the site that day and accepted what was in place as adequate to satisfy the requirement, had advised the staff of such and Staff had advised the issue was now resolved;
- C. regarding the variance request for a limestone lay down yard, requested the variance, if approved, be included as a condition of approval prior to the submission of plans or gaining a Certificate of Occupancy;

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- D. noted the retention pond had been designed to accommodate the planned addition and the Engineering Department would require submission of that documentation when they submitted plans as well;
- E. expressed concerns regarding the landscaping requirements as this was a small industrial park and the three lots involved had been developed as such;
- F. noted since the last submittal, the building and associated parking lot had been moved and they were now 125 feet from the road;
- G. noted the total landscaping required for all three lots was 27,573 square feet, and they had a total of 78,550 square feet of landscaping, which was almost three times the required amount, however, the front landscaping was deficient by some 5,000 square feet;
- H. noted that due to the shape of the lot in question being approximately 875 feet deep by 250 feet wide, it reduced the available frontage space for planting, and to use the entire available frontage area to meet those landscaping requirements created a disproportionate situation;
- I. noted the lot on its own merit, it had adequate front landscaping, however, with the other lots, there was a shortage, and noted in the past when adequate landscaping was provided in total in excess of the required amount the Commission had waived total required for front landscaping; and,
- J. noted staff had suggested moving the front parking to the rear of the building, however, as the building was designed as multi-tenant, including a front portion user who would need front parking thus making total rear parking impractical.

Mr. Olsen responded with the following:

- A. regarding the front landscape issue, the staff noted previously the issue was known prior to and going into the design phase of the project;
- B. noted there were other options regarding landscaping and pointed out a few options on the overheard; and,
- C. noted the Commission had, on occasion, in the past allowed for the reduction in front landscaping when the overall landscape provided far exceeded the minimum requirements.

In deliberation, Mr. Watkins asked if the staff had any additional conditions for approval on the matter as it had originally come before the Commission with a recommendation for holdover.

Mr. Olsen stated the staff had no further conditions to add.

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Mr. Miller again noted his strong opposition to negotiating approvals on matters where the staff was asked to develop conditions “on the fly.” He felt it was a disservice to the staff’s time and the Commission’s time and wished there were at least a standard two week holdover on matters such as these.

Mr. Vallas stated in this case he did not believe holding the matter over would have helped in this situation as the client would still have had to present a case for approval on the matter because staff would still report the application was deficient in areas. He then asked if staff had a landscape plan that reflected the correct percentages.

Mr. Olsen advised the staff did not have a plan that showed the correct percentages, only what was before the Commission that day which was roughly 5400 square feet shortage of front landscaping.

Mr. Watkins noted the landscape plan would not change unless the Commission denied it and then the applicant would have to submit something different.

Mr. Turner expressed his understanding of the landscape percentage was not correct, but he understood there to be some type of large overage.

Mr. Olsen stated the overall landscaping for the site was in excess of the minimum requirements, however, the portion of landscaping that had to be between the buildings and the street did not meet the minimum requirements as it was approximately 5400 square feet short.

Mr. Watkins asked if the speaker had been correct in his statement of the overall landscape plan was 78,000 square feet and the minimum required was 27,000.

Mr. Olsen responded he was unsure of the exact number but it did exceed the minimum requirements by a considerable amount.

Mr. Holmes noted this was all because it was a very deep lot so the percentage required was larger so one would have to go farther back.

Mr. Miller expressed his feeling that was part of requiring a frontage landscape plan regardless of how noble planting to the back might be. He also noted his understanding of the property being an industrial park.

Mr. Olsen corrected Mr. Miller by advising the property was not an industrial property as it was zoned B-3.

Mr. Miller stated again he would be most comfortable with holding the matter over for two weeks and so moved.

Mr. Olsen stated unless the holdover directed them to revise the plan to provide the adequate minimum frontage landscaping, the staff’s recommendation would not change.

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He advised the applicant knew going into the project the minimum requirements regarding front landscaping.

Mr. Miller amended his motion to show the matter held over until the November 3, 2011, meeting.

Mr. Vallas asked for confirmation the application was for Rezoning, citing ZON2011-01940, not Planned Unit Development, so landscaping would not be site plan specific.

Mr. Olsen advised the matter was a Planned Unit Development and the ZON reference was the case type involved, noting it involved the Zoning Ordinance, but as could be seen by the sketch, the request was for a Planned Unit Development.

Mr. Vallas stated if the Commission voted on the matter that day and it passed, the applicant could proceed with an approximate reduction of 5400 square feet of the required frontage landscaping. He also noted if voted on that day and it failed, would the applicant be required to resubmit a site plan or simply add the additional landscaping.

Mr. Olsen stated if the Commission voted to deny the matter that day, the applicant would have to wait six months to re-apply.

Mr. Vallas asked if they voted to approve the matter based upon the staff's recommendations, the applicant would be required to add the 5400 square feet without having to come back before the Commission.

Mr. Miller withdrew his motion.

Mr. Watkins noted the building, on paper, could be shifted back thus eliminating the 5400 square foot of landscaped frontage deficiency.

Mr. Olsen affirmed that could be done and handled administratively.

Mr. Davitt asked if Condition 1 could be made subject to either gaining a Variance from the Board of Zoning Adjustment or the removal of the limestone lay down yard and Mr. Turner agreed.

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

- 1) approval of a variance from the Board of Zoning Adjustment for the limestone laydown yard, or removal if the variance is denied;**
- 2) modification of the site plan to obtain compliance with the Tree Planting and Landscaping Area requirements;**
- 3) compliance with Engineering comments: *“Engineer needs to confirm that detention is provided for all impervious area added***

- since 1984 and shall also certify that the existing detention pond is adequately sized, functional, and stable prior to approval of any building permit. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;” and,*
- 4) **full compliance with all municipal codes and ordinances.**

The motion carried with only Mr. Vallas voting in opposition.

Case #SUB2011-00089 (Subdivision)

Asian Square Subdivision

454 & 456 Azalea Road

(West side of Azalea Road, 400'± South of Cresthaven Road)

Number of Lots / Acres: 2 Lot / 0.5 Acres ±

Engineer / Surveyor: Don Williams Engineering

Council District 5

(Also see **Case #ZON2011-01953 (Planned Unit Development) Asian Square Subdivision**, below)

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.

Don Williams, Williams Engineering, spoke on behalf of the applicant and requested that the matter be withdrawn from consideration.

The Chair recognized the applicant's request and the matter was withdrawn per the applicant's request.

Case #ZON2011-01953 (Planned Unit Development)

Asian Square Subdivision

454 & 456 Azalea Road

(West side of Azalea Road, 400'± South of Cresthaven Road)

Planned Unit Development Approval to allow shared access and parking between multiple building sites.

Council District 5

(Also see **Case #SUB2011-00089 (Subdivision) Asian Square Subdivision**, above)

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.

Don Williams, Williams Engineering, spoke on behalf of the applicant and requested that the matter be withdrawn from consideration.

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The Chair recognized the applicant's request and the matter was withdrawn per the applicant's request.

EXTENSIONS:

Case #ZON2009-02084 (Planned Unit Development)

St. Luke's Upper School Subdivision

1400 South University Boulevard

(South side of University Boulevard, 490'± East of Grelot Road)

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow multiple buildings on a single building site and to allow the addition of new baseball, softball, and football fields, all associated backstops and dugouts for new fields, moveable bleachers and a new ground maintenance storage building.

Council District 6

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

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Vallas, to approve the above request for extension.

The motion carried unanimously with Mr. Watkins recusing from the vote.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2011-00106

Waterfront Rescue Mission Homeless Campus Subdivision

279 North Washington Avenue and 260 North Scott Street

(Southwest corner of North Washington Avenue and Congress Street and extending to the Southeast corner of North Scott Street and Congress Street and extending to the Northwest corner of North Washington Avenue and State Street)

Number of Lots / Acres: 1 Lot / 1.5 Acre±

Engineer / Surveyor: Asarisi & Associates, LLC

Council District 2

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

Mr. Watkins, acting on behalf of 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. Davitt, with second by

Mr. Turner, to approve the above referenced matter, subject to the following conditions:

- 1) **placement of a label of the size of the proposed lot in square feet and acres on the Final Plat;**
- 2) **placement of a note on the Final Plat stating that if any side yards are to exist, they must be a minimum of 5' wide;**
- 3) **successful application for Planning Approval to operate an emergency shelter facility in a B-4, General Business District;**
- 4) **development limited to an approved Planned Unit Development (PUD);**
- 5) **placement of a note on the Final Plat limiting the lot to one curb-cut each to Scott Street and North Washington Avenue, with the size, design, and location of all curb-cuts to be approved by City of Mobile Engineering and conform to AASHTO standards;**
- 6) **compliance with Engineering comments: “At all intersections, need to provide dedication of a minimum radius of 25’, or as otherwise approved by the City Engineer. Drainage from the site shall tie subsurface to the existing culvert on Washington Avenue and drainage from the site is denied access to the Rights-of-Ways for Scott St, Congress St and State St. Must comply with all stormwater and flood control ordinances. In addition to any required land disturbance permit, any increase in impervious area in excess of 4,000 square feet since 1984 will require detention. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;”**
- 7) **placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species; and,**
- 8) **approval of all applicable federal, state, and local agencies prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously with Mr. Plauche recusing from the vote.

Case #SUB2011-00109

Edwin Townsend’s Subdivision No. 1, In Lot 3 of First Division of McVoy Tract, Re-subdivision of the East 211 Feet of Lot 1

3300 Dauphin Island Parkway

(Southwest corner of Dauphin Island Parkway and Gill Road)

Number of Lots / Acres: 1 Lot / 0.5 Acre±

Engineer / Surveyor: Polysurveying Engineering, Land Surveying

Council District 3

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

- 1) **dedication to provide a 25' minimum corner radius at the intersection of Dauphin Island Parkway and Gill Road;**
- 2) **revision of the plat to indicate the 25' minimum building setback line along both Dauphin Island Parkway and Gill Road;**
- 3) **placement of a note on the Final Plat stating that the subdivision is limited to one curb-cut to Dauphin Island Parkway, to be approved by ALDOT, and one curb-cut to Gill Road, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) **revision of the plat to label the lot with its size in square feet and acres after any required street dedication, or the furnishing of a table on the Final Plat providing the same information;**
- 5) **placement of a note on the Final Plat stating that development of this site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species; and,**
- 6) **subject to the Engineering Comments: *“At the intersection of Dauphin Island Parkway (DIP) and Gill Rd, need to provide dedication of a minimum radius of 25’, or as otherwise approved by the City Engineer. 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. Sidewalk needs to be shown on the plans and constructed per City of Mobile (C.O.M.) standards along Gill Rd unless a sidewalk waiver is applied for and approved. In addition to any required land disturbance permit, any work performed in the right of way along Gill Rd will require a City C.O.M. Right-of-Way (ROW) permit and since the DIP ROW is maintained by ALDOT (with the exception of sidewalk); any work performed in the DIP ROW will require an ALDOT ROW permit. Any existing sidewalk panels that are damaged along DIP need to be replaced and will require a C.O.M. ROW permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.”***

The motion carried unanimously.

Case #SUB2011-00110

Luke 4:18 Fellowship Subdivision

West side of Sollie Road, 1220'± South of Cottage Hill Road.

Number of Lots / Acres: 1 Lot / 7.5 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.

The following people spoke in opposition to the proposed subdivision:

- Ron Yancy, 7160 Londonderry Drive, Mobile, AL; and,
- George Wilson, 7120 Londonderry Drive, Mobile, AL.

They made the following points against approving the matter:

- A. concern over whether there will be drainage problems onto adjacent properties; and,
- B. requested clarification regarding the required buffer zone as the property was commercial which abutted residential;
- C. concern over light from the proposed subdivision shining directly into the adjacent residential properties.

Mr. Plauche advised the application was simply the combination of different parcels into one lot. He also expressed his thought that when the applicant came back with their development, those would be reviewed by City Engineering to be sure no water went beyond the property line.

Mr. Yancy asked if he would be advised of any future meetings regarding the property.

Mr. Olsen advised the site was located in the County so there would be no future application to the Commission regarding the matter if it were approved by the Commission that day. He stated as a condition for approval they would have to certify they would comply with the City's stormwater management ordinance. He also explained the buffer could be either a six foot high wooden privacy fence or a 10 foot wide landscaped buffer which ran the length of the property line, so densely vegetated that no light or debris could pass through it.

Mr. Plauche suggested the opposition get with the applicant at the time they were developing the property to avoid issues with lighting and other concerns.

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

conditions:

- 1) dedication to provide 50' from the centerline of Sollie Road to Mobile County;
- 2) depiction of the 25-foot minimum building setback line from all public right-of-ways, as required by Section V.D.9. of the Subdivision Regulations;
- 3) placement of a label of the size of the proposed lot in square feet and acres on the Final Plat, with changes as necessary due to dedications;
- 4) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations;
- 5) placement of a note on the Final Plat to comply with the City of Mobile stormwater and flood control ordinances: *“Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits;”*
- 6) placement of a note on the Final Plat limiting the lot to two curb-cuts to Sollie Road, with the size, design, and location of all curb-cuts to be approved by Mobile County Engineering and conform to AASHTO standards; and,
- 7) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.

The motion carried unanimously.

Case #SUB2011-00107

Simpshur Subdivision

10250 Johnson Road South

(North side of Johnson Road South, 115'± West of Plantation Drive West).

Number of Lots / Acres: 2 Lots / 2.3 Acres±

Engineer / Surveyor: Doug Bryant

County

The Chair announced the application had been recommended for approval and stated the

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applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Daniel McMillian, 9800 Hamilton Creek Drive North, Mobile, AL, an adjacent property owner, had questions regarding whether or not the survey used for the requested subdivision was current and whether or not stakes and pins from said survey had to be set and visible.

Mr. Olsen stated it would have to be surveyed and pins set prior to recording of the Final Plat.

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

- 1) **correction of the frontage dimension label for Lot 1;**
- 2) **depiction of the 25-foot minimum building setback line from all public right-of-ways, as required by Section V.D.9. of the Subdivision Regulations;**
- 3) **placement of a label of the size of the proposed lots in square feet and acres on the Final Plat;**
- 4) **placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations;**
- 5) **placement of a note on the Final Plat to comply with the City of Mobile stormwater and flood control ordinances: *“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;”***
- 6) **placement of a note on the Final Plat limiting the lots to one curb-cut each to Johnson Road South, with the size, design, and location of all curb-cuts to be approved by Mobile County Engineering and conform to AASHTO standards;**
- 7) **placement of a note on the Final Plat stating no re-subdivision until adequate frontage on a public maintained road is provided; and,**
- 8) **placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any,**

prior to the issuance of any permits or land disturbance activities.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2011-00105 (Subdivision)

Hallmark at Mobile Subdivision

Southeast corner of Gurley Road and Cody Road North.

Number of Lots / Acres: 1 Lot / 7.1Acres±

Engineer / Surveyor: McCrory and Williams, Inc.

Council District 7

(Also see **Case #ZON2011-02185 (Planned Unit Development) Hallmark at Mobile Subdivision**, below)

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

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

- 1) **dedication sufficient to provide 50 feet from the centerline of Cody Road North, 30 feet from the centerline of Gurley Road, and a curb radius at the intersection of Cody Road North and Gurley Road compliant with Section V.B.16. of the Subdivision Regulations;**
- 2) **depiction of the 25-foot minimum building setback line along Cody Road North, and a 20-foot minimum building line along Gurley Road, and Britonburg Drive;**
- 3) **depiction of the lot area size (including the common area), exclusive of any required dedications, in square feet on the Final Plat;**
- 4) **placement of a note on the Final Plat stating that Lot 1 is limited to one curb-cut to Cody Road North, with the size, design, and exact location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards and direct access to Gurley Road and Britonburg Drive is denied;**
- 5) **placement of a note on the Final Plat stating that maintenance of the common area is the responsibility of the property owner (or property owner's association) and not the City of Mobile;**
- 6) **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 60” Live Oak Tree located on the South West side of Lot 1. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;”*
- 7) **compliance with Engineering comments: “Show Minimum Finished Floor Elevation on Plat. On the plat, show the location (if any) of wetlands or state that there are no wetlands present if applicable. There is to be no fill placed within the limits of the flood plain without providing compensation. Need to contain runoff within the property limits and runoff must not be allowed to discharge onto adjacent properties. The detention pond is required to have maximum slopes of 3:1 and must be solid sodded. Sidewalk needs to be shown on the plans and constructed per City of Mobile (C.O.M.) standards along Cody Rd unless a sidewalk waiver is applied for and approved. Must comply with all stormwater and flood control ordinances. The land disturbance plans shall contain a sequenced or phased erosion and sediment control plan such that to mitigate erosion and sedimentation from leaving the property during all phases of construction. An onsite preconstruction meeting will be required prior to construction that shall include the engineer of record, the site QCI, the contractor and a City of Mobile Engineering Department representative. In addition to any required land disturbance permit, any work performed in the right-of-way will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;”**
- 8) **placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species; and,**
- 9) **placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies would be required prior to the issuance of any permits.**

The motion carried unanimously.

Case #ZON2011-02185 (Planned Unit Development)

Hallmark at Mobile Subdivision

Southeast corner of Gurley Road and Cody Road North.

Planned Unit Development Approval to allow multiple buildings on a single building site to include four (4) multi-story apartment buildings with a total of 92 units and a clubhouse.

Council District 7

(Also see **Case #SUB2011-00105 (Subdivision) Hallmark at Mobile Subdivision,**

above)

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. Vallas, to approve the above referenced matter, subject to the following conditions:

- 1) **depiction of any required dedications and minimum building setback line on the site plan;**
- 2) **placement of a note on the site plan stating that the site is denied direct access to Gurley Road and Britonburg Drive;**
- 3) **placement of all buildings on or behind the minimum building setback line;**
- 4) **depiction of a proper dumpster enclosure and sanitary sewer connection at the dumpster;**
- 5) **depiction of a buffer compliant with Section 64-4.D.1. of the Zoning Ordinance wherever the site abuts residentially zoned property;**
- 6) **compliance with landscaping and tree planting requirements of the Zoning Ordinance;**
- 7) **depiction of a city standard sidewalk along all public rights-of-way, or request a sidewalk waiver from the Planning Commission;**
- 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). Preservation status is to be given to the 60” Live Oak Tree located on the South West side of Lot 1. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;”***
- 9) **compliance with Engineering comments: *“Show Minimum Finished Floor Elevation on Plat. On the plat, show the location (if any) of wetlands or state that there are no wetlands present if applicable. There is to be no fill placed within the limits of the flood plain without providing compensation. Need to contain runoff within the property limits and runoff must not be allowed to discharge onto adjacent properties. The detention pond is required to have maximum slopes of 3:1 and must be solid sodded. Sidewalk needs to be shown on the plans and constructed per City of Mobile (C.O.M.) standards along Cody Rd unless a sidewalk waiver is applied for and approved. Must comply with all stormwater and flood control ordinances. The***

land disturbance plans shall contain a sequenced or phased erosion and sediment control plan such that to mitigate erosion and sedimentation from leaving the property during all phases of construction. An onsite preconstruction meeting will be required prior to construction that shall include the engineer of record, the site QCI, the contractor and a City of Mobile Engineering Department representative. In addition to any required land disturbance permit, any work performed in the right-of-way will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;"

- 10) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;
- 11) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies would be required prior to the issuance of any permits; and,
- 12) provision of two copies of the revised site plan to the Planning Section of Urban Development prior to any land disturbance activities.

The motion carried unanimously.

Case #SUB2011-00108 (Subdivision)

East Beltline Subdivision

216 East I-65 Service Road North

(East side of East I-65 Service Road North, 610'± North of Old Shell Road)

Number of Lots / Acres: 1 Lot / 0.7 Acre±

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 1

(Also see **Case #ZON2011-01915 (Planning Approval) (Holdover) Bay Bank**, below)

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

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

- 1) **submission of two copies of a revised and approved site plan for the PUD meeting the conditions of approval prior to the signing of the Subdivision Final Plat;**
- 2) **placement of a note on the Final Plat stating that the site is limited to the two existing curb-cuts to East I-65 Service Road North, with the size, location and design to be approved by**

- ALDOT and Traffic Engineering and conform to AASHTO standards;
- 3) revision of the plat to illustrate the 25' minimum building setback line on the Final Plat;
 - 4) revision of the plat to label the lot with its size in square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
 - 5) placement of a note on the Final Plat stating that no buildings are to be placed within the Alabama Power Company easement;
 - 6) placement of a note on the Final Plat stating that development of this site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species; and,
 - 7) subject to the Engineering comments: *“Engineer needs to confirm that detention is provided for all impervious area added since 1984 and shall also certify that any existing detention pond is adequately sized, functional and stable prior to approval of any building permit. Must comply with all stormwater and flood control ordinances. Any work performed in the ALDOT ROW will require an ALDOT ROW permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.”*

The motion carried unanimously.

Case #ZON2011-01915 (Planning Approval) (Holdover)

Bay Bank

216 East I-65 Service Road North

(East side of East I-65 Service Road North, 425'± North of Old Shell Road)

Planning Approval to allow Equipment Sales, Rental, and Leasing, Heavy in a B-3, Community Business District.

Council District 1

(Also see **Case #SUB2011-00108 (Subdivision) East Beltline Subdivision**, above)

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

Jerry Byrd, Byrd Surveying, spoke on behalf of the applicant regarding the following:

- A. regarding Condition 3, a ten foot vegetative buffer, noted the site plan showed a 6 foot wooden privacy fence and a six foot landscape area along the fence along the east property line;
- B. noted the plan to include understory trees and other low planting in the six foot vegetative buffer with the six foot fence taking care of any visibility problems on the low side;

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- C. expressed the believe in the combination of both a six foot vegetative buffer and the six foot privacy fence as being adequate enough thus not needing the 10 foot vegetative buffer only; and,
- D. noted the 10 foot vegetative buffer had not been mentioned in any of the previous staff reports.

Mr. Olsen noted it was the Commission's option to change or modify the landscape condition as the staff had simply used the standard 10 foot vegetative buffer option from the Zoning Ordinance as a vegetative buffer was already shown.

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

- 1) **revision of the site plan to indicate a fence along the North property line, as mentioned in the narrative;**
- 2) **revision of the site plan to indicate as much compliance as possible with the landscaping and tree planting requirements, to be coordinated with Urban Forestry;**
- 3) **revision of the site plan to provide a 6' minimum landscape buffer along the rear adjacent to residential properties;**
- 4) **revision of the site plan to make the Southern drive a one-way entrance;**
- 5) **revision of the site plan to make the Northern drive a one-way exit, or revision of that drive to 24' minimum width to allow for two-way traffic;**
- 6) **revision of the site plan to eliminate any cross-access to the adjacent property to the North at the Northern drive;**
- 7) **revision of the site plan to indicate a compliant City standard sidewalk along the street frontage;**
- 8) **subject to the Engineering comments: *"Engineer needs to confirm that detention is provided for all impervious area added since 1984 and shall also certify that any existing detention pond is adequately sized, functional and stable prior to approval of any building permit. Must comply with all stormwater and flood control ordinances. Any work performed in the ALDOT ROW will require an ALDOT ROW permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;"***
- 9) **furnishing of two copies of a revised site plan to Planning meeting the above conditions of approval prior to signing the Subdivision Final Plat; and,**
- 10) **completion of the subdivision process.**

The motion carried unanimously.

Case #SUB2011-00112 (Subdivision)

Azalea Park Subdivision

680 Azalea Road

(West side of Azalea Road, 670'± North of Cottage Hill Road)

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

Engineer / Surveyor: Daniel Clark, PLS

Council District 5

(Also see **Case #ZON2011-02294 (Planned Unit Development) Azalea Park Subdivision**, and, **Case #ZON2011-01827 (Planning Approval) (Holdover) William T Partridge**, below)

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

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

- 1) **revision of the plat to depict dedication of right-of-way sufficient to provide 50-feet, as measured from the centerline of Azalea Road;**
- 2) **depiction and labeling of the 25-foot minimum building setback line to reflect dedication;**
- 3) **labeling of the lot size in square feet;**
- 4) **placement of a note on the final plat stating that the site is limited to two curb-cuts, with the size, design, and location of any curb-cuts to be approved by Traffic Engineering and to conform with AASHTO standards;**
- 5) **compliance with Traffic Engineering comments: “*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;*”**
- 6) **compliance with 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. In addition to any required land disturbance permit, any work performed in the right-of-way will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;*”**
- 7) **closure and landscaping of any unused curb-cuts;**
- 8) **placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species; and,**
- 9) **submittal of revised PUD and Planning Approval site plans prior to the signing of the final plat.**

The motion carried unanimously.

Case #ZON2011-02294 (Planned Unit Development)

Azalea Park Subdivision

680 Azalea Road

(West side of Azalea Road, 670'± North of Cottage Hill Road)

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

Council District 5

(Also see Case #SUB2011-00112 (Subdivision) Azalea Park Subdivision, above, and, Case #ZON2011-01827 (Planning Approval) (Holdover) William T Partridge, below)

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

- 1) **revision of the site plan to depict dedication of right-of-way sufficient to provide 50-feet, as measured from the centerline of Azalea Road;**
- 2) **depiction and labeling of the 25-foot minimum building setback line to reflect dedication;**
- 3) **revision of the site plan to show removal of the unused curb-cut, and landscaping to match adjacent right-of-way;**
- 4) **revision of the proposed parking layout to provide adequate maneuvering area for vehicles to and from the depicted handicap parking spaces;**
- 5) **revision of the site plan to depict Americans with Disabilities Act compliant routes to and from the proposed play areas;**
- 6) **depiction and labeling of a 10-foot wide residential buffer where the site abuts R-1 zoned property;**
- 7) **provision of a 6-foot high wooden privacy fence along the entire length of the site where it abuts R-1 zoned property, with the exception of within the 25-foot setback at Azalea Road, where the fence shall not exceed 3-feet in height;**
- 8) **lighting of the parking lot is required, and any lighting of the parking area or site must comply with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;**
- 9) **revision of the site plan to depict a dumpster meeting all setback and screening requirements, to be approved by Planning staff, or placement of a note on the site plan stating that garbage will be collected utilizing roll-out cans;**
- 10) **compliance with Traffic Engineering comments: “Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;”**
- 11) **compliance with 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. In addition to any required land disturbance permit, any work performed in the right-of-way will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;”*
- 12) revision of the site plan to depict compliance with the landscaping area requirements of the Zoning Ordinance (include frontage and total landscape area calculations);
 - 13) revision of the site plan to depict compliance with the tree requirements of the Zoning Ordinance, to be coordinated with Urban Forestry;
 - 14) depiction of concrete wheel stops or parking bumpers, and location of the stops to ensure that vehicles will not encroach upon any sidewalks or landscape areas;
 - 15) depiction of storm water detention basin, if required by compliance with the City of Mobile stormwater and flood control ordinances;
 - 16) submittal of revised PUD and Planning Approval site plans prior to the signing of the final plat; and,
 - 17) full compliance with all other municipal codes and ordinances, and the obtaining of the appropriate permits for fences and land disturbance.

The motion carried unanimously.

Case #ZON2011-01827 (Planning Approval) (Holdover)

William T Partridge

680 Azalea Road

(West side of Azalea Road, 515'± North of Cottage Hill Road)

Planning Approval to allow a Church Daycare in a B-1, Buffer Business District.

Council District 5

(Also see Case #SUB2011-00112 (Subdivision) Azalea Park Subdivision, and, Case #ZON2011-02294 (Planned Unit Development) Azalea Park Subdivision, above)

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

- 1) revision of the site plan to depict dedication of right-of-way sufficient to provide 50-feet, as measured from the centerline of Azalea Road;
- 2) depiction and labeling of the 25-foot minimum building setback line to reflect dedication;
- 3) revision of the site plan to show removal of the unused curb-cut, and landscaping to match adjacent right-of-way;
- 4) revision of the proposed parking layout to provide adequate maneuvering area for vehicles to and from the depicted

- handicap parking spaces;
- 5) revision of the site plan to depict Americans with Disabilities Act compliant routes to and from the proposed play areas;
- 6) depiction and labeling of a 10-foot wide residential buffer where the site abuts R-1 zoned property;
- 7) provision of a 6-foot high wooden privacy fence along the entire length of the site where it abuts R-1 zoned property, with the exception of within the 25-foot setback at Azalea Road, where the fence shall not exceed 3-feet in height;
- 8) lighting of the parking lot is required, and any lighting of the parking area or site must comply with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;
- 9) revision of the site plan to depict a dumpster meeting all setback and screening requirements, to be approved by Planning staff, or placement of a note on the site plan stating that garbage will be collected utilizing roll-out cans;
- 10) compliance with Traffic Engineering comments: *“Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;”*
- 11) compliance with 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. In addition to any required land disturbance permit, any work performed in the right-of-way will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;”*
- 12) revision of the site plan to depict compliance with the landscaping area requirements of the Zoning Ordinance (include frontage and total landscape area calculations);
- 13) revision of the site plan to depict compliance with the tree requirements of the Zoning Ordinance, to be coordinated with Urban Forestry;
- 14) depiction of concrete wheel stops or parking bumpers, and location of the stops to ensure that vehicles will not encroach upon any sidewalks or landscape areas;
- 15) depiction of storm water detention basin, if required by compliance with the City of Mobile stormwater and flood control ordinances;
- 16) submittal of revised PUD and Planning Approval site plans prior to the signing of the final plat; and,
- 17) full compliance with all other municipal codes and ordinances, and the obtaining of the appropriate permits for fences and land disturbance.

The motion carried unanimously.

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Case #SUB2011-00113 (Subdivision)

CJ Subdivision

5526 Todd Acres Drive

(North side of Todd Acres Drive, 5/10± mile West of Commerce Boulevard East)

Number of Lots / Acres: 1 Lot / 10.0 Acres±

Engineer / Surveyor: Don Williams Engineering

Council District 4

(Also see **Case #ZON2011-02298 (Planned Unit Development) CJ Subdivision**, below)

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.

Don Williams, Williams Engineering, spoke on behalf of the applicant and made the following points:

- A. the property in question was a trailer park which prior to annexation in 2008 was located in the County;
- B. in 2007 there was a fire that destroyed the trailer in question and it was never replaced;
- C. At this time they wish to replace said trailer which will also be used to replace the current building on the site which they wish to demolish;
- D. noted though they will be getting rid of the stick frame residential property, the number of dwelling units on the site would remain the same if it were replaced with a new trailer;
- E. noted the Board of Zoning Adjustment had addressed a number of other issues such as gravel surfacing and the like, noting the applicant could only have 15 units on the site; and,
- F. noted there were currently 16 units on the site, however, one of those units had been severely damaged by a hurricane and currently housed stray dogs, which was a ministry preformed by the applicant; and,
- G. noted the staff had recommended the matter be denied and cited expansion as a reason for denial, however, the applicant wanted to reduce not expand so it was felt that if the Commission would agree, then all of the applications before them that day could and would be withdrawn.

Mr. Palombo agreed the best remedy would be the withdrawal of both the Subdivision and the Planned Unit Development applications as the Board did approve the 15 dwelling units. He noted the staff could receive the site plan illustrating the 15 units plus the dog kennel.

Mr. Williams asked if the staff would be able to give administrative approval to the matter.

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Mr. Palombo stated as the applicant had already received Board of Zoning Adjustment use variance approval, staff could approve the matter.

Based upon the understanding reached, Mr. Williams asked that the matter be withdrawn from that day's consideration.

The Chair recognized Mr. Williams' request and the matter was withdrawn from consideration per the applicant's request.

Case #ZON2011-02298 (Planned Unit Development)

CJ Subdivision

5526 Todd Acres Drive

(North side of Todd Acres Drive, 5/10± mile West of Commerce Boulevard East)

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

Council District 4

(Also see **Case #SUB2011-00113 (Subdivision) CJ Subdivision**, above)

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.

Don Williams, Williams Engineering, spoke on behalf of the applicant and based upon his discussion of the issues asked that the matter be withdrawn from that day's consideration.

The Chair recognized Mr. Williams' request and the matter was withdrawn from consideration per the applicant's request.

Case #SUB2011-00111 (Subdivision)

Hydrocarbon of Mobile Subdivision

North side of Paper Mill Road, 315'± East of Woodland Avenue North and extending East to Chickasabougue Creek.

Number of Lots / Acres: 3 Lots / 53.0 Acres±

Engineer / Surveyor: McCrory & Williams, Inc.

Council District 2

(Also see **Case #ZON2011-02291 (Planned Unit Development) Hydrocarbon of Mobile Subdivision**, below)

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.

Casey Pipes, Helmsing Leach Herlong Newman & Rouse, spoke on behalf of the applicant and addressed the following points:

- A. regarding Condition 1 of the Subdivision application and the

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staff's confusion regarding the nature and width of Industrial Access Road which bisected Lots 1 and 2 so it was felt that condition could be removed; and,

- B. regarding the issues of being limited to three curb-cuts along the frontage, it was believed this was placed in the condition due to the staff's uncertainty regarding whether or not this was a public road or driveway;
- C. expressed the belief the road in question was a public road which had been accepted by the City after being deeded to the City by the State Port Authority; and,
- D. expressed the desire to have the curb-cut comment amended to delete the restriction on number of curb-cuts but keep the portion that stated the curb-cuts must be approved by City Traffic Engineering and conform to AASHTO standards.

Mr. Olsen noted Mr. Pipes had sent the staff copies of various deeds which showed the dedication of right-of-way to the City, so he was correct regarding the deletion of Condition 1 of the Subdivision application. He added that as the property in question was industrial property, the road in question only served the individual properties involved. He stated the staff had no problem modifying that condition as suggested by Mr. Pipes.

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

- 1) placement of a note on the Final Plat stating that the size, location and design of curb cuts to Lots 1 & 2 to be approved Traffic Engineering and conform to AASHTO Standards;**
- 2) depiction of the 25' minimum building setback line along all frontages prior to signing the Final Plat;**
- 3) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies regarding flood zone compliance issues would be required prior to the issuance of any permits;**
- 4) labeling of the lots with its sizes in square feet, or the provision a table on the plat with the same information; and,**
- 5) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

Case #ZON2011-02291 (Planned Unit Development)

Hydrocarbon of Mobile Subdivision

North side of Paper Mill Road, 315'± East of Woodland Avenue North and extending East to Chickasabouge Creek.

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

Council District 2

(Also see **Case #SUB2011-00111 (Subdivision) Hydrocarbon of Mobile Subdivision**, above)

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

- 1) **submission of a new Planned Unit Development (PUD) application prior to the development of any lots;**
- 2) **placement of a note on the site plan stating that approval of all applicable federal, state, and local agencies regarding flood zone compliance issues would be required prior to the issuance of any permits;**
- 3) **placement of a note on the site plan stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;**
- 4) **the submission of two (2) copies of the revised Planned Unit Development (PUD) site plan illustrating all conditions for recommendation of approval; and,**
- 5) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

OTHER BUSINESS:

The Chair asked if there was any other business that needed to come before the Commission.

Mr. Olsen gave the Commission members CDs of the “New Plan for Mobile.” He also reminded them of the joint meeting of the Planning Commission and Mobile City Council to be held Thursday, October 13, 2011, at 2 p.m. in the Government Plaza Multi-purpose room to review the policies and procedures related to said plan. He stated Dan Deely, a consultant to the City on the matter, has been working with the developing consultants on the plan and will also be at the meeting to answer general questions regarding it.

Mr. Olsen also advised the Commission of a recent court ruling regarding Roland Francis Properties, 5799 Southland Drive, Case #ZON201-02276 (aka Gates of the Palms

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Apartments, Creekside.) He let the Commission know the Court had granted the injunction and ruled the Planning Commission did not have the authority to approve the matter as Knollwood Drive/Southland Drive access was inadequate at the time of approval and conditioning the approval on those improvements being made was not in compliance with the requirements of the Zoning Ordinance with regards to Planned Unit Development Section.

Mr. Lawler explained the details of the judge's ruling.

Mr. Turner asked if there were other Commission decisions which this affected.

Mr. Olsen responded there could be a few but none to this level. He went on to add that all future recommendations for these type developments would be formulated with the Court's ruling in mind.

On another matter, Mr. Olsen advised the City Council had approved both of the appeals before them regarding University Grande Apartments at Old Shell Road and West Drive, so, in essence, that project was dead.

Hearing no further business, the meeting was adjourned.

APPROVED: June 7, 2012

/s/ Dr. Victoria Rivizzigno, Secretary

/s/ Terry Plauche, Chairman

jsl