

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF NOVEMBER 1, 2012 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William G. DeMouy, Jr.
Victoria L. Rivizzigno, Secretary
Herb Jordan
Mead Miller
Roosevelt Turner
John Vallas
James F. Watkins, III

Members Absent

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
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,
Traffic Engineering
Billy Roach,
Fire-Rescue Department

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

ROLL CALL:

Mr. Plauche stated the number of members present constituted a quorum and called the meeting to order, advising all attending of the policies and procedures pertaining to the Planning Commission.

APPROVAL OF MINUTES:

Mr. Plauche moved, with second by Mr. Turner, to approve the minutes from the following, regularly held, Planning Commission meetings:

- January 5, 2012
- January 19, 2012
- February 2, 2012
- February 16, 2012

The motion carried unanimously.

HOLDOVERS:

Case #SUB2012-00070 (Subdivision)

Prayer Tabernacle Early Church of Jesus Christ

1213 & 1223 Mobile Street

(West side of Mobile Street extending to the East side of Jessie Street, 240'± South of Main Street)

Number of Lots / Acres: 1 Lot / 1.79± Acre

Engineer / Surveyor: Haidt Land Surveying
Council District 1

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.

Fred Haidt, Haidt Land Surveying, spoke on behalf of the applicant. He stated that they were in agreement with all of the conditions, but they would like Condition 1 to be changed to 3 curb-cuts.

Mr. Olsen responded that the Commission could decide to do that if they choose, but a Planning Approval application would need to be done.

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

- 1) **placement of a note on the Final Plat stating that the subdivision is limited to a Maximum of three curb-cuts to Mobile Street, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **placement of a note on the Final Plat stating that the subdivision is denied access to Jessie Street;**
- 3) **illustration of the 25' minimum building setback lines along Mobile Street and Jessie Street;**
- 4) **labeling of the one 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 the 60" Live Oak Tree on the South side of the subdivision is given preservation status and any work on or under this tree is to be permitted and coordinated with Urban Forestry, and removal is to be permitted only in the case of disease or impending danger;**
- 6) **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;**
- 7) **subject to the Engineering comments: *"The following comments should be addressed prior to acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. A signature block and signature for the Traffic Engineering Department shall be placed on the Final Plat;"*and,**

- 8) subject to the Fire Department comments: *“All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.”*

The motion carried unanimously.

Case #SUB2012-00072 (Subdivision)

Dauphin Street Subdivision, The Army’s Addition to

1009 & 1023 Dauphin Street

(Southeast corner of Dauphin Street and Pine Street, extending to the North side of Caroline Avenue, 120’± East of Pine Street)

Number of Lots / Acres: 1 Lot / 2.73± Acre

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 2

(Also see, **Case #ZON2012-01863 (Planned Unit Development)**)

Dauphin Street Subdivision, The Army’s Addition to, Case #ZON2012-01865

(Rezoning) The Salvation Army , and Case #ZON2012-01864 (Planning Approval)

The Army’s Addition to Dauphin Street Subdivision, below)

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

Doug Anderson, Burr & Foreman Law Firm, spoke on behalf of the applicant and made the following points:

- A. does not want to withdrawal the application;
- B. would like the property to be rezoned and develop a parking lot;
- C. all property that fronts Dauphin St in that corridor is zoned B-1 or B-2;
- D. would like to add they do not plan to expand the services that they provide;
- E. there are 2 security stations and 34 cameras both inside and outside of the buildings;
- F. does not foresee this corner every being used as R-1

Mr. Turner questioned if the meeting that was held with neighbors resulted in any type of resolution.

Mr. Anderson stated no resolution was made at the meeting, but they did leave the meeting with the current plan.

The following people spoke in favor of the matter:

- Captain Dwayne Hill, Commander of the 3rd Precinct;
- Michael Smith, 1002 Dauphin St, Mobile;
- Major Mark Brown, 1009 Dauphin St, Mobile;

They made the following points:

A. the Salvation Army is located in the 3rd Precinct;

B. been Commander of the precinct for the past 6 years;

C. there is no empirical data that states that the Salvation Army or their clients have added to crime and victimization in the neighborhood;

D. to the contrary every time help is needed from the Salvation Army they have

partnered with the Commander;

E. became a member of the Old Dauphin Way Association shortly after purchasing

home 22 years ago;

F. serves on the Advisory Board for the Salvation Army;

G. has arranged 2 neighborhood members at the Salvation Army command center;

attendance was poor;

H. thinks of the Salvation Army has a good neighbor;

The following people spoke in opposition to the matter:

- Sara Kent, 1119 Dauphin St, Mobile;

- Gina Finnegan, 1306 Dauphin St, Mobile;

- Felix Vereen, 1750 Dauphin St, Mobile;

- John Klotz, 959 Dauphin St, Mobile;

- William Carroll, 254 South Broad St, Mobile;

They made the following points against the application:

A. had several incidents of crime within months of purchasing home;

B. witnessed panhandling;

C. in no way discrediting the mission of the Salvation Army;

D. the B-1 option is unnecessary if they just want to demolish the store;

E. had to place a fence surrounding home to feel comfortable to continue living with there with small children;

F. has had home broken into numerous times;

G. would prefer the lot to be a grassy, landscaped area;

H. reminded the Commission that the neighbors handed in a petition with roughly 213 signatures in opposition;

I. this will increase the likelihood of the commercial density to change in respect to the residential density;

Mr. Olsen stated that the staff had prepared conditions for approval if that was how the Commission was leaning towards voting.

In rebuttal, Mr. Anderson stated that the term spot zoning is incorrect when the surrounding properties are zoned B-1 or B-2.

Dr. Rivizzigno asked Mr. Anderson if the applicant would be willing to self impose use restrictions for the property.

He stated that neither he nor Major Brown had that authority; that decision would have to be made by the Salvation Army board in Atlanta.

Dr. Rivizzigno stated that she can understand the residents' feelings, but she is also disturbed that there is residential land use in B-1/B-2 locations and they never bothered to change it to residential.

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

- 1) A corner lot be created containing the three existing legal lots on Dauphin Street and Pine Street (to be rezoned to B-1), with approximately 120 feet of frontage along Dauphin Street, and approximately 141 feet of frontage along Pine Street;
- 2) Another lot be created containing the bulk of the Salvation Army facility and parking (to remain B-2);
- 3) Dedication of a corner radius at Dauphin and Pine Streets, in conformance with Section V.D.6. of the Subdivision Regulations;
- 4) Placement of a note on the final plat stating that the corner lot is limited to one curb-cut onto Dauphin Street and denied access to Pine Street, with any changes in the size, design and location of the Dauphin Street curb-cut to be approved by Traffic Engineering and Engineering, and to conform with AASHTO standards;
- 5) Placement of a note on the final plat stating that the main lot is limited to one curb-cut onto Dauphin Street and denied access to Caroline Avenue, with any changes to the size, design and location of the Dauphin Street curb-cut to be approved by Traffic Engineering and Engineering, and to comply with AASHTO standards;
- 6) Revision of the plat to depict each lot size in square feet, or placement of a note on the final plat with the lot size information;
- 7) Submission of revised PUD and Planning Approval site plans to reflect revised Zoning and Subdivision requests; and
- 8) Completion of the Subdivision process prior to any issuance of permits for site improvements, including parking lot development and tree planting.

The motion carried unanimously.

**Case #ZON2012-01863 (Planned Unit Development)
Dauphin Street Subdivision, The Army's Addition to**

1009 & 1023 Dauphin Street

(Southeast corner of Dauphin Street and Pine Street, extending to the North side of Caroline Avenue, 120'± East of Pine Street)

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

Council District 2

(Also see, Case #SUB2012-00072 (Subdivision) Dauphin Street Subdivision, The Army's Addition to above, Case #ZON2012-01865 (Rezoning) The Salvation Army, and Case #ZON2012-01864 (Planning Approval) The Army's Addition to Dauphin Street Subdivision, below)

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

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

- 1) Removal of any unused curb-cuts and relandscaping to match adjacent;
- 2) Limited to the October 15, 2012 revised site plan which depicts the proposed parking, landscaping and other associated site improvements, with revisions to the site plan only to reflect the revised lot and zoning requests; and
- 3) Completion of the Subdivision and Zoning processes prior to any request for new construction (demolition can occur).

The motion carried unanimously.

Case #ZON2012-01865 (Rezoning)
The Salvation Army
 1009 & 1023 Dauphin Street
 (Southeast corner of Dauphin Street and Pine Street, extending to the North side of Caroline Avenue, 120' ± East of Pine Street)
 Rezoning from R-1, Single-Family Residential District, and B-2, Neighborhood Business District, to B-2, Neighborhood Business District, to eliminate split zoning in a proposed commercial subdivision.
 Council District 2
 (Also see, Case #SUB2012-00072 (Subdivision)
Dauphin Street Subdivision, The Army's Addition to, Case #ZON2012-01863 (Planned Unit Development) Dauphin Street Subdivision, The Army's Addition to above, and Case #ZON2012-01864 (Planning Approval)
The Army's Addition to Dauphin Street Subdivision, below)

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

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

- 1) Completion of the two-lot Subdivision process; and
- 2) Full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2012-01864 (Planning Approval)

The Army's Addition to Dauphin Street Subdivision

1009 & 1023 Dauphin Street

(Southeast corner of Dauphin Street and Pine Street, extending to the North side of Caroline Avenue, 120'± East of Pine Street)

Planning Approval to amend a previously approved Planning Approval to allow a parking lot expansion for an emergency shelter in a B-2, Neighborhood Business District.

Council District 2

(Also see, Case #SUB2012-00072 (Subdivision))

Dauphin Street Subdivision, The Army's Addition to, Case #ZON2012-01863

(Planned Unit Development) Dauphin Street Subdivision, The Army's Addition to,

and Case #ZON2012-01865 (Rezoning)

The Salvation Army above)

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

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

- 1) Removal of any unused curb-cuts and relandscaping to match adjacent;
- 2) Limited to the October 15, 2012 revised site plan which depicts the proposed parking, landscaping and other associated site improvements, with revisions to the site plan only to reflect the revised lot and zoning requests; and
- 3) Completion of the Subdivision and Zoning processes prior to any request for new construction (demolition can occur).

The motion carried unanimously.

Case #SUB2012-00080 (Subdivision)

Pinebrook Subdivision

3952, 3954, 3958, 3960, 3962, 3964, 3966, 3968, 3972 Airport Boulevard and 271, 273, 275, 277, 279, 281 and 283 South McGregor Avenue

(Northwest corner of Airport Boulevard and McGregor Avenue)

Number of Lots / Acres: 5 Lots / 18.5± Acres

Engineer / Surveyor: Clark, Geer, Latham & Associates

Council District 5

(Also see, Case #ZON2012-01903 (Planned Unit Development))

Pinebrook Subdivision below)

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

Philip Burton, Pinebrook Investments, spoke on his own behalf. He made the following points:

- A. would like to maintain the 12ft dedication rather than 20ft.
- B. taking 20ft would remove all parking on the eastern property line in front of that retail;
- C. would like a condition on all the applications to state that they have 5 years to comply with dumpsters connecting to the sanitary sewer system;
- D. questioned if the parking on McGregor Rd. could be included in a right-a-way use in agreement; so the parking could be used as it is today and they could still give the City dedication;

Mr. Olsen stated that the parking spots could only be included in a right-a-way agreement if the parking is not included in the required parking.

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

- 1) compliance with Engineering comments: "The following comments should be addressed prior to acceptance and signature by the City Engineer: 1) Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2) A signature block and signature for the Traffic Engineering Department shall be placed on the Final Plat. 3) Dedication of 12' along South McGregor Avenue. 4) Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 5) Applicant to obtain a temporary Right of Way Agreement for Temporary Use of the Dedicated Right of Way along S McGregor Ave until used for turn lane construction, AND vacate the Service Road Right of Way along Airport Boulevard so that parking and landscaping will be within the site; 6) Any ROW and/or easement that is proposed to be vacated must be approved by the City Council. A vacation request would be submitted through the City Clerk's office. 7) Dumpster pads for all new construction shall be located so that the surface runoff within the dumpster pad is collected and tied to the Sanitary Sewer system prior to the issuance of a Certificate of Occupation, Dumpster pads for the remainder of the development shall be located so that the surface runoff within the dumpster pad is collected and tied to the Sanitary Sewer system within three (3) years of the issuance of the building permit for the anchor/major tenant. 8) Any and all proposed development within the property lines will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan

- (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 9) A complete set of construction plans for the site work (including drainage, utilities, grading, storm water systems, paving) will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work;"
- 2) compliance with Traffic Engineering comments: "A note has been included on the site plan to address the connection and compatibility of the proposed signal on Airport Boulevard, in addition to the call-out to remove the traffic signal on McGregor Avenue. The service entrance on Airport Boulevard has been separated from the signalized intersection; circulation to the west and north of the buildings should be one-way in a clockwise direction based on the confined pavement widths. Design plans for all improvements within the public right-of-way must be approved by Engineering and Traffic Engineering. Seventy parking stalls are now illustrated in the right-of-way of Airport Boulevard; a right-of-way use agreement will be required. New parking stalls and modified aisles should meet the latest standards for dimensions (24' aisles for two-way traffic and 18' x 9' parking stalls). All proposed parallel parking spaces will need to be a minimum of 23' x 8' to meet the current standard;"
- 3) compliance with Fire comments: "All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile. The proposed relocation of a fire hydrant at the rear of the Pine-brook Shopping Center will require a Sprinkler Contractor to submit plans and obtain a permit from the Fire Code Enforcement Division of the Bureau of Fire Prevention if this is a private hydrant;"
- 4) curb-cuts to McGregor Avenue and Airport Boulevard limited to an approved Planned Unit Development plan, with minimal adjustments to the size, design and location to be approved by Traffic Engineering, Planning and Engineering, and to comply with AASHTO standards;
- 5) vacation of the Airport Boulevard service road right-of-way prior to the recording of the final plat;
- 6) submission of sidewalk waiver requests for Airport Boulevard and that portion of McGregor Avenue not already waived, prior to the signing of the final plat; and,
- 7) revision of the plat to reflect lot size changes due to right-of-way dedication along McGregor and right-of-way vacation along Airport Boulevard.

The motion carried unanimously.

Case #ZON2012-01903 (Planned Unit Development)
Pinebrook Subdivision

3952, 3954, 3958, 3960, 3962, 3964, 3966, 3968, 3972 Airport Boulevard and 271, 273, 275, 277, 279, 281 and 283 South McGregor Avenue
(Northwest corner of Airport Boulevard and McGregor Avenue)
Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow shared access and parking between multiple building sites.

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

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

- 1) the provision of overstory and understory trees, at a minimum, as depicted on the October 29, 2012 revised site plan;
- 2) removal of any existing trees in the right-of-way to be via appropriate approvals, including the Mobile Tree Commission;
- 3) contribution of any required trees that will not be placed on the site to the Tree Bank, to be coordinated with Urban Forestry;
- 4) compliance with Engineering comments: "The following comments should be addressed prior to acceptance and signature by the City Engineer: 1) Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2) A signature block and signature for the Traffic Engineering Department shall be placed on the Final Plat. 3) Dedication of 12' along South McGregor Avenue. 4) Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 5) Applicant to obtain a temporary Right of Way Agreement for Temporary Use of the Dedicated Right of Way along S McGregor Ave until used for turn lane construction, AND vacate the Service Road Right of Way along Airport Boulevard so that parking and landscaping will be within the site; 6) Any ROW and/or easement that is proposed to be vacated must be approved by the City Council. A vacation request would be submitted through the City Clerk's office. 7) Dumpster pads for all new construction shall be located so that the surface runoff within the dumpster pad is collected and tied to the Sanitary Sewer system prior to the issuance of a Certificate of Occupation, Dumpster pads for the remainder of the development shall be located so that the surface runoff within the dumpster pad is collected and tied to the Sanitary Sewer system within three (3) years of the issuance of the building permit for the anchor/major tenant. 8) Any and all proposed development within the property lines will need to be in conformance with the Stormwater Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Stormwater Runoff Control. 9) A complete set of construction plans for the site work (including drainage, utilities, grading, stormwater systems, paving) will be

- required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work;"
- 5) compliance with Traffic Engineering comments: "A note has been included on the site plan to address the connection and compatibility of the proposed signal on Airport Boulevard, in addition to the call-out to remove the traffic signal on McGregor Avenue. The service entrance on Airport Boulevard has been separated from the signalized intersection; circulation to the west and north of the buildings should be one-way in a clockwise direction based on the confined pavement widths. Design plans for all improvements within the public right-of-way must be approved by Engineering and Traffic Engineering. Seventy parking stalls are now illustrated in the right-of-way of Airport Boulevard; a right-of-way use agreement will be required. New parking stalls and modified aisles should meet the latest standards for dimensions (24' aisles for two-way traffic and 18' x 9' parking stalls). All proposed parallel parking spaces will need to be a minimum of 23' x 8' to meet the current standard;"
- 6) compliance with Fire comments: "All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile. The proposed relocation of a fire hydrant at the rear of the Pine-brook Shopping Center will require a Sprinkler Contractor to submit plans and obtain a permit from the Fire Code Enforcement Division of the Bureau of Fire Prevention if this is a private hydrant;"
- 7) curb-cuts to McGregor Avenue and Airport Boulevard limited to an approved Planned Unit Development plan, with minimal adjustments to the size, design, and location to be approved by Traffic Engineering, Planning and Engineering, and to comply with AASHTO standards;
- 8) vacation of the Airport Boulevard service road right-of-way prior to the recording of the final plat;
- 9) the marking and signing of the service drive to be one-way in from Airport Boulevard and one-way out (with "do not enter" signs) where the service drive rejoins the parking and circulation at the Northeast portion of the site;
- 10) submission of a sidewalk waiver request for Airport Boulevard and for that portion of McGregor Avenue not already waived prior to the recording of the final plat;
- 11) completion of the dumpster sanitary sewer connection and Americans with Disabilities Act compliance within 5 years of the date of Planning Commission approval; and,
- 12) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Wakulla Subdivision, Re-subdivision of Lot 1

4750 & 4760 Wakulla Drive

(West side of Wakulla Drive, 500± North of Lakeland Drive)

Number of Lots / Acres: 2 Lots / 2.5± 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 Mr. Turner, with second by Mr. Vallas, to approve the above referenced matter, subject to the following conditions:

- 1) retention of the 50-foot minimum building setback line from Wakulla Drive;
- 2) retention of the lot size, in square feet and acres, or provision of a table on the Final Plat with the same information;
- 3) 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;
- 4) placement of a note on the Final Plat stating the site must 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;"

- 5) compliance with Fire Department comments: "All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;"
- 6) placement of a note stating that Lot 2 will cease to utilize the access to Wakulla Drive through the adjacent property or provision of documentation and illustrate an easement through the adjacent property;

- 7) placement of a note on the Final Plat limiting each lot to one curb-cut to Wakulla Drive, with the size, design, and location of the curb-cut to be approved by Mobile County Engineering and conform to AASHTO standards; 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.

Case #SUB2012-00089

Boykin Plantation Subdivision

Northeast corner of Carol Plantation Road and Old Spanish Trail, extending to the South side of Boykin Park

Number of Lots / Acres: 151 Lots / 119.0± 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 Mr. Turner, with second by Mr. Jordan, to waive Section V.D.3. and to approve the above referenced matter, subject to the following conditions:

- 1) **placement of a note on the Final Plat stating that Lots 1-151 are denied direct access to Carol Plantation Road, with each lot limited to one curb-cut to a street being constructed as part of the subdivision, with the size, design, and location to be approved by Mobile County Engineering and to comply with AASHTO standards;**
- 2) **placement of a note on the final plat stating that Lot 152 is limited to three (3) curb-cuts onto Carol Plantation Road with the size, design, and location to be approved by Mobile County Engineering and to comply with AASHTO standards;**
- 3) **placement of a note on the final plat stating that all lots are denied access to Interstate 10;**
- 4) **construction and paving in concrete or asphalt of all roads to Mobile County Engineering standards, and acceptance thereof, prior to recording of any phase of the subdivision;**
- 5) **no future subdivision of any lot exceeding the width to depth ratio of Section V.D.3. of the Subdivision Regulations, unless the lots will have adequate frontage on a public street;**
- 6) **compliance with Fire comments: “All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;” and,**
- 7) **full compliance with all other requirements of the Subdivision Regulations.**

The motion carried unanimously.

Case #SUB2012-00087 (Subdivision)

951 Government Street Subdivision

951 Government Street

(West side of Marine Street, extending from Government Street to Church Street)

November 1, 2012
Planning Commission Meeting

Number of Lots / Acres: 1 Lot / 1.4± Acres

Engineer / Surveyor: Byrd Surveying

Council District 2

(Also see, **Case #ZON2012-02096 (Planning Approval)**)

951 Government Street Subdivision, and **Case #ZON2012-02095 (Rezoning)**

Benjamin P Cummings below)

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

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

Ben Cummings, Cummings Architecture, spoke on behalf of the applicant and made the following points:

- A. would request that the Commission hear the case and not hold it over;
- B. to convert the property into residential apartments would cost over \$5 million; it was determined that the risk was to great;
- C. the applicant is offering to self restrict the uses of the property;
- D. the applicant does not want to develop the rear portion of the site for residential use;
- E. they would like to keep the two cub-cuts on Government St.;

Mr. Hoffman stated that the staff would like to see a revised site plan that shows the site being brought into compliance, removal of the parking spaces that back into Marine St, and reconstructing how the existing parking lot is striped so that you can eliminate any unnecessary curb-cuts.

Mr. Cummings stated that they were in agreement with all of those conditions.

The following people spoke in opposition to the matter:

- Suzanne Cleveland, 957 Church Street, Mobile;
- Derek Luzang, 954 Church Street, Mobile;
- David Newell, 963 Church Street, Mobile;
- Henry Morrissette, 164 South Georgia Ave, Mobile;

They made the following points against the application:

- A. does not feel like the development will be in harmony with the neighborhood;
- B. would increase traffic in the neighborhood;
- C. not sure why the developer would want to put another storage facility along 2 blocks from another storage facility;
- D. would like the neighborhood to remain as it is today;
- E. believes it would be a set back to the progress the neighbors have made in the neighborhood;

F. the development does not satisfy any of the criteria for rezoning;

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Watkins, to hold the matter over until the December 6, 2012 meeting, with revisions due by November 14, 2012, so that the following items can be addressed:

- 1) revision of the plat to depict a corner radius at Government and Marine Streets, and Marine and Church Streets, in compliance with Section V.D.6. of the Subdivision Regulations;
- 2) revision of the site plan to reflect Traffic Engineering comments: *“This site is located on an ALDOT maintained roadway. Government Street and Marine Street should each be limited to one curb-cut, with size, location, and design to be approved by ALDOT (Government Street) and Traffic Engineering (both frontages), and conform to AASHTO standards. The Government Street driveway should be constructed as a right-in, right-out only, in the vicinity of the eastern driveway, to provide separation from the adjacent property’s driveway. Note: The existing driveway radii do not appear to be illustrated accurately. The curb-cut on Marine Street should be two-way with no turning restrictions. Parking aisles will need to be adjusted to allow for internal circulation. Any parking stalls that require backing or maneuvering in the right-of-way should be eliminated. This includes the parking adjacent to the building along Marine Street, and internal angled spaces near the Government Street driveway. The western site perimeter will need physical obstructions to prevent cross access from the adjacent business and residence;”*
- 3) revision of the plat to reflect Engineering comments: *“1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. A signature block and signature for the Traffic Engineering Department shall be placed on the Final Plat. 3. Dedicate ROW radius at the corner of Government St and Marine St, and at Church St and Marine St, with the size to be approved by Traffic Engineering and Engineering;”* and,
- 4) revision of the lot size in square feet to reflect dedication.

The motion carried unanimously.

Case #ZON2012-02096 (Planning Approval)

951 Government Street Subdivision

951 Government Street

(West side of Marine Street, extending from Government Street to Church Street)

Planning Approval to allow a self storage facility in a B-2, Neighborhood Business District.

Council District 2

(Also see, Case #SUB2012-00087 (Subdivision)

951 Government Street Subdivision above and Case #ZON2012-02095 (Rezoning)

Benjamin P Cummings below)

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

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

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Watkins, to hold the matter over until the December 6, 2012 meeting, with revisions due by November 14, 2012, so that the following items can be addressed:

- 1) **revision of the site plan to reflect Traffic Engineering comments:** *“This site is located on an ALDOT maintained roadway. Government Street and Marine Street should each be limited to one curb-cut, with size, location, and design to be approved by ALDOT (Government Street) and Traffic Engineering (both frontages), and conform to AASHTO standards. The Government Street driveway should be constructed as a right-in, right-out only, in the vicinity of the eastern driveway, to provide separation from the adjacent property’s driveway. Note: The existing driveway radii do not appear to be illustrated accurately. The curb-cut on Marine Street should be two-way with no turning restrictions. Parking aisles will need to be adjusted to allow for internal circulation. Any parking stalls that require backing or maneuvering in the right-of-way should be eliminated. This includes the parking adjacent to the building along Marine Street, and internal angled spaces near the Government Street driveway. The western site perimeter will need physical obstructions to prevent cross access from the adjacent business and residence;”*
- 2) **revision of the site plan to include information regarding the amount of office space to remain in the building, the provision of parking spaces adequate to serve any storage office use on site and spaces necessary for customers;**
- 3) **revision of the site plan to reflect Engineering comments:** *“1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. A signature block and signature for the Traffic Engineering Department shall be placed on the Final Plat. 3. Dedicate ROW radius at the corner of Government St and Marine St, and at Church St and Marine St, with the size to be approved by Traffic Engineering and Engineering;”*
- 4) **revision of the site plan to reflect 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). Full compliance with frontage tree planting requirements of the Zoning Ordinance; number and location to be coordinated with Urban Forestry due to existing mature Live Oak Trees along Government Street and the planting of one understory tree for every 20 parking spaces to be planted within interior of the lot to break up the expanse of paving;” and*
- 5) **revision of the site plan to depict the 10-foot wide residential buffer, and relocation of the proposed dumpster to be outside of any required buffer.**

The motion carried unanimously.

Case #ZON2012-02095 (Rezoning)

Benjamin P Cummings

951 Government Street

(West side of Marine Street, extending from Government Street to Church Street)

Rezoning from B-1, Buffer Business District, to B-2, Neighborhood Business District, to allow a self storage facility.

Council District 2

(Also see, **Case #SUB2012-00087 (Subdivision)**

951 Government Street Subdivision and **Case #ZON2012-02096 (Planning Approval) 951 Government Street Subdivision**, above)

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

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

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Watkins, to hold the matter over until the December 6, 2012 meeting, with revisions due by November 14, 2012, so that the following items can be addressed:

- 1) revision of the site plan to reflect changes requested for the Planning Approval and Subdivision applications.**

The motion carried unanimously.

EXTENSIONS:

Case #SUB2011-00009 (Subdivision)

Snowden Place Subdivision

6106 Cottage Hill Road

(North side of Cottage Hill Road, 110'± East of Christopher Drive)

Number of Lots / Acres: 52 Lots/13.3± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(Also see, **Case #ZON2011-00124 (Planned Unit Development)**

Snowden Place Subdivision below)

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to approve the application for a one-year extension.

The motion carried unanimously.

Case #ZON2011-00124 (Planned Unit Development)

Snowden Place Subdivision

6106 Cottage Hill Road

(North side of Cottage Hill Road, 110'± East of Christopher Drive)

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow a single-family residential subdivision with lots less than 60' wide, reduced lot sizes, reduced building setbacks and increased site coverage, and a private, gated 40' right-of-way street.

Council District 6

(Also see, **Case #SUB2011-00009 (Subdivision) Snowden Place Subdivision** above)

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to approve the application for a one-year extension.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2012-00090

TBG IV Subdivision

901 South Broad Street

(Southeast corner of South Broad Street and Tennessee Street extending to the Southwest corner of South Washington Street and Tennessee Street, 170'± North of Kentucky Street)

Number of Lots / Acres: 1 Lot / 1.1± Acre

Engineer / Surveyor: Kai Belew – 4Site

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

- 1) placement of a note on the Final Plat stating that the lot is limited to one (1) curb-cut to South Broad Street and one (1) curb-cut to South Washington Avenue, with the size, design, and location to be approved by Traffic**

- Engineering and conform to AASHTO standards;
- 2) placement of a note on the Final Plat stating that the site is denied access to Tennessee Street;
 - 3) depiction of the 25-foot minimum building setback line from all street frontages as shown on the preliminary plat;
 - 4) the labeling of the lot with its size in square feet, as shown on the preliminary plat;
 - 5) compliance with Engineering comments: *“The following comments should be addressed prior to acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. A signature block and signature for the Traffic Engineering Department shall be placed on the Final Plat;”*
 - 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 48” Live Oak Tree located on the North East corner along Washington Avenue 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 Traffic Engineering comments: *“Driveway curb-cuts should be limited to one on Broad Street, one on Washington Avenue, and no access to Tennessee Street. Driveway size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;”*
 - 8) compliance with Fire comments: *“All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;”* and,
 - 9) approval of all applicable federal, state and local agencies for floodplain issues prior to the issuance of any permits or land disturbance activities.

The motion carried unanimously.

Case #SUB2012-00091

Nan Gray Park Subdivision

6663 & 6693 Nan Gray Davis Road

(East side of Nan Gray Davis Road, at the East terminus of Woodside Drive, 2/10 mile± South of Theodore Dawes Road)

Number of Lots / Acres: 2 Lots / 8.6± 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.

November 1, 2012
Planning Commission Meeting

Hearing no opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Turner, to waive Sections V.D.1., and V.D.3. and to approve the above referenced matter, subject to the following conditions:

- 1) **placement of a note on the Final Plat stating that Lot 1 is limited to two curb-cuts to Nan Gray Davis Road, and Lot 2 is limited to one curb-cut to Nan Gray Davis Road, with the size, design, and location of all curb-cuts to be approved by Mobile County Engineering and conform to AASHTO standards.**
- 2) **illustration of the 25' minimum building setback line along the street frontage of Lot 1;**
- 3) **revision of the plat to illustrate the 25' minimum building setback line for Lot 2 as measured from the West line of the main lot area;**
- 4) **labeling of each 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 that no further re-subdivision of Lot 2 is allowed until additional frontage on a public street is provided;**
- 6) **placement of a note on the Final Plat stating that no structures are to be erected within any easements on either lot;**
- 7) **provision of a buffer, in compliance with Section V.A.8. of the Subdivision Regulations, prior to the signing of the Final Plat, with verification of the buffer to be submitted at the time of signing;**
- 8) **placement of a note on the Final Plat stating the site must 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;"***
- 9) **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; and,**
- 10) **compliance with Fire Department comments: *"All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile."***

The motion carried unanimously.

Case #SUB2012-00093

Town and Country Estates Subdivision, Re-subdivision of Lot 10, Block J

5651 Clyde Drive

(Southeast corner of Clyde Drive and Carolyn Way)

Number of Lots / Acres: 2 Lots / 0.1± Acres
Engineer / Surveyor: Byrd Surveying, 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 Dr. Rivizzigno, with second by Mr. Turner, to approve the above referenced matter, subject to the following conditions:

- 1) **placement of a note on the Final Plat stating that each lot is limited to one curb-cut to Carolyn Way, with the size, design, and location of the curb-cuts to be approved by Mobile County Engineering and conform to AASHTO standards;**
- 2) **illustration of the 25' minimum building setback line along all street frontages;**
- 3) **labeling of each lot with its size in 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 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 stating the site must 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 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; and,**
- 7) **compliance with Fire Department comments: *“All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.”***

The motion carried unanimously.

Case #SUB2012-00095

Halls Mill Crossing Subdivision, Re-subdivision of Lots 1 & 2

North side of Rangeline Service Road North, 220'± East of Halls Mill Road)

November 1, 2012
Planning Commission Meeting

Number of Lots / Acres: 2 Lots / 2.6± Acres
Engineer / Surveyor: Frank A. Dagley & Associates, Inc.
Council District 4

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

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

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Jordan, to waive Section V.D.1., and to approve the above referenced matter, subject to the following conditions:

- 1) **revision to illustrate 150' from the centerline of Rangeline Road or dedication to provide 150' from the centerline of Rangeline Road;**
- 2) **illustration of the 25' minimum building setback line along Rangeline Service Road North adjusted to be measured from required dedication;**
- 3) **retention of the lot size in square feet and acres;**
- 4) **compliance with Engineering comments: *"The following comments should be addressed prior to acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. A signature block and signature for the Traffic Engineering Department shall be placed on the Final Plat;"***
- 5) **compliance with Fire Department comments: *"All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;"***
- 6) **inclusion of the common area to the East of Lot 2;**
- 7) **placement of a note stating that maintenance of the common area is the responsibility of the property owners and not the City of Mobile;**
- 8) **placement of a note stating that there will be no structures in the 25' drainage and utility easement;**
- 9) **placement of a note on the Final Plat stating Lot 1 is limited to one curb-cut to Rangeline Service Road North, and Lot 2 is allowed two curb-cuts to Rangeline Service Road North, with driveway size, location, and design to be approved by ALDOT and Traffic Engineering, and conform to AASHTO standards; and,**
- 10) **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 with Mr. Vallas recusing.

Case #SUB2012-00092

Spring Grove Subdivision, Unit Two, Re-subdivision of Lots 19-24 & 40-48

East and West sides of Spring Grove West, 150'± North of Spring Grove South.

Number of Lots / Acres: 10 Lots / 1.7± 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. Vallas, to approve the above referenced matter, subject to the following conditions:

- 1) **labeling of each lot with its size in square feet and acres, or the furnishing of a table on the Final Plat providing the same information;**
- 2) **retention of the 25-foot minimum building setback line along Spring Grove West on the Final Plat;**
- 3) **placement of a note on the Final Plat stating that each lot is limited to one curb-cut, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 4) **placement of a note on the Final Plat stating that no structures shall be constructed within any drainage and utility easements by the property owners;**
- 5) **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; and,**
- 6) **placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species.**

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2012-02166

Jody Johnston

5620 Sermon Road North

(Northwest corner of Sermon Road North and Willis Road)

Request to waive construction of a sidewalk along Willis Road.

Council District 4

November 1, 2012
Planning Commission Meeting

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. Vallas, to approve the waiver of the sidewalks along Willis Road and Sermon Road North.

The motion carried unanimously.

Case #ZON2012-02287

Thompson Properties, LLC

5245 & 5255 Hamilton Boulevard

(South side of Hamilton Boulevard, 450'± East of Todd Acres Road)

Request to waive construction of a sidewalk along Hamilton Boulevard.

Council District 4

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. Vallas, to approve the waiver of the sidewalk along Hamilton Boulevard.

The motion carried unanimously.

Case #ZON2012-02312

D & M Properties, LLC

5721 U. S. Highway 90 West A

(East side of U.S. Highway 90 West, 330'± South of Plantation Road)

Request to waive construction of a sidewalk along U. S. Highway 90 West.

Council District 4

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. Vallas, to approve the waiver of the sidewalk along U.S. Highway 90 West.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2012-02286

DAA Acquisition of Alabama

3030 McVay Drive North

(East side of McVay Drive North, 2/10± mile South of U.S. Highway 90)

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow a reduction in the front landscaping requirements.

Council District 4

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

The following people spoke in favor of the matter:

- Tony Spencer, Frank Dagley & Associates;
- David Andrews, 790 Valley brook Memphis, TN;

They made the following points in favor of the application

- A. the reasoning for coming back to amend the PUDs is because the applicants business is growing and he needs more parking inventory.
- B. phase 2 is critical to the applicant's business
- C. McVay Drive only provides about 200 linear feet of street frontage, so there is very little room for front landscaping;
- D. has spent over \$3 million on improvements to the property;
- E. tree numbers will stay the same, just decreasing the depth;
- F. have created 74 full and part time jobs for the citizens of Mobile;

Mr. Olsen stated that the staff has conditions prepared if the commission is leaning towards approving the application.

Hearing no opposition or further 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) **placement of a note on the site plan stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;**
- 2) **placement of a note on the site plan stating that the placement of additional dumpsters on the site will require a new PUD submittal;**
- 3) **revision of the driveway on McMae Drive to a 24' width;**
- 4) **revision of the site plan to provide under-story in-fill trees along the McMae Drive landscape area, to be coordinated with Urban Forestry;**
- 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;
- 7) compliance with Fire Department comments: *“All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;”*
- 8) submission of two copies of a revised site plan to Planning indicating compliance with the above conditions;
- 9) full compliance with all municipal codes and ordinances; and,
- 10) submission of a new PUD application prior to construction of the proposed new detailing/parts building.

The motion carried with Mr. Miller opposing.

NEW ZONING APPLICATIONS:

Case #ZON2012-02285

Joanne Stone

4558 Moffett Road

(North side of Moffett Road, 155'± East of Northview Drive)

Rezoning from R-1, Single-Family Residential District, to B-2, Neighborhood Business District, to allow a daycare.

Council District 1

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

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

- A. the building was a residence about 60 years ago;
- B. at that time Moffett Road was a 2 lane road, it was widened 37 years ago;
- C. 30 years ago a use variance was granted for general offices, food services and retail sales;
- D. feels like residential is out of character with the surrounding properties;
- E. admits there are some deficiencies in the site plan;
- F. would be ok with approval of a LB-2 zoning rather than B-2.

Mr. Olsen stated that the staff had received a revised site plan the Tuesday before the meeting and they have prepared conditions for approval.

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

- 1) approval as LB-2, Limited Neighborhood Business District, instead of B-2, Neighborhood Business District;
- 2) full compliance with the landscaping and tree planting requirements of the Zoning Ordinance;
- 3) provision of a sidewalk along Moffett Road due to visible wear path along the street, and presence of a sidewalk 240'± West of the site;
- 4) compliance with Engineering comments: *(Based on the revised drawing submitted it appears that the applicant is proposing to pave the existing drives out into the Moffett Road ROW. This would probably require a ROW Permit from ALDOT. If a sidewalk is going to be required they would also need to obtain a ROW Permit from the city of Mobile Engineering Dept. And, any work done on site would require a Land Disturbance Permit);*
- 5) compliance with Fire Department comments: *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile);*
- 6) compliance with the Urban Forestry comments: *[Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64)];*
- 7) provision of a protection buffer, in compliance with Section 64-4.D.1. of the Zoning Ordinance;
- 8) lighting facilities to be in compliance with Section 64-4.A.2. of the Zoning Ordinance; and
- 9) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2012-00094 (Subdivision)

Lee Vella Subdivision

120 South University Boulevard

(West side of South University Boulevard, 500'± North of Bit and Spur Road)

Number of Lots / Acres: 4 Lots / 3.8± Acres

Engineer / Surveyor: McCrory and Williams, Inc.

Council District 5

(Also see, Case #ZON2012-02284 (Planned Unit Development) **Lee Vella Subdivision** below)

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

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

- 1) revision of the Final Plat to illustrate the 25-foot minimum building setback along all lots along the South University Boulevard and the Private Street;
- 2) retain on the Final Plat of labeling each lot with its size in square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
- 3) placement of a note on the Final Plat stating that the development is limited to two curb-cuts to South University Boulevard (existing curb cut and private street access point), with the size, design, and exact location to be approved by Traffic Engineering and conform to AASHTO standards;
- 4) labeling of any required detention area as common area and the placement of a note on the Final Plat stating that the maintenance of the common area is the responsibility of the property owners;
- 5) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;
- 6) compliance with Engineering comments: *“The following comments should be addressed prior to acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes.) 2. A signature block and signature for the Traffic Engineering Department shall be placed on the Final Plat. 3. Dedicate ROW radius at the corner of University Blvd and the proposed PRIVATE DRIVE – 25’ minimum radius (each side) or as approved by Traffic Engineering and Engineering. 4. Note 6 on the Preliminary Plat should be revised to allow one (1) curb-cut each to Lot 2, 3, and 4 from the proposed PRIVATE DRIVE;”*
- 7) compliance with Fire Department comments: *“All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;”*
- 8) the placement of a note on the Final Plat stating the provision of a 10-foot buffer and six-foot high solid privacy fence adjacent to residentially zoned properties;
- 9) compliance with Section VIII.E. of the Subdivision Regulations; and,
- 10) submittal of two copies of a revised PUD site plan prior to signing the Final Plat.

The motion carried unanimously.

Case #ZON2012-02284 (Planned Unit Development)

Lee Vella Subdivision

120 South University Boulevard

(West side of South University Boulevard, 500'± North of Bit and Spur Road)

Planned Unit Development Approval to allow a private street commercial subdivision.

Council District 5

(Also see, Case #SUB2012-00094 (Subdivision) Lee Vella Subdivision above)

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

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

- 1) **revision of the site plan to illustrate the 25-foot minimum building setback along all lots along the South University Boulevard and the Private Street;**
- 2) **revision of the site plan to provide a dumpster, in compliance with Section 64-4.D.9. of the Zoning Ordinance, and with a compliant sanitary sewer connection, or the placement of a note on the site plan stating that trash collection will be curb-side or via private pick-up service;**
- 3) **compliance with the landscaping and tree planting requirements of the Zoning Ordinance;**
- 4) **labeling of any required detention area as common area and the placement of a note on the site plan stating that the maintenance of the common area is the responsibility of the property owners;**
- 5) **subject to the Engineering comments: “1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. Any and all proposed development within the property lines, including the PRIVATE DRIVE, will need to be in conformance with the Stormwater Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Stormwater Runoff Control. 3. A complete set of construction plans for the site work (including drainage, utilities, grading, stormwater systems, paving) will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work;”**
- 6) **subject to Fire Department comments: “All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;” and,**
- 7) **submittal of two copies of a revised site plan prior to signing of the Final Plat for the Subdivision.**

The motion carried unanimously.

Case #ZON2012-02277 (Planning Approval)

Forklift Hunter, LLC

216 East I-65 Service Road North

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

November 1, 2012
Planning Commission Meeting

Planning Approval to remove a condition of a previously approved Planning Approval Council District 1
(Also see, Case #ZON2012-02278 (Sidewalk Waiver) Forklift Hunter, LLC below)

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

Jim Philips, an employee of Forklift Hunter, spoke on behalf of the applicant. He stated that he needed clarification on Condition 3.

Mr. Olsen stated that the parking and maneuvering of parking is in the right-of-way and the staff recommends that be eliminated.

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

- 1) **compliance with Fire Department comments: “All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;”**
- 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) **Traffic Engineer to determine if the existing parking in the ROW can remain, and if not placement of a note that there will be no parking between the building and the right-of-way and placement of stops or similar barrier;**
- 4) **retention of the 6’ minimum landscape buffer along the rear adjacent to residential properties;**
- 5) **revision of the site plan to label gates across driveway;**
- 6) **verify and accurately depict fence location on North property line;**
- 7) **retention of the note about curbside pickup;**
- 8) **obtain business licenses and zoning clearances for all businesses operating at the site;**
- 9) **obtain sign permits for all signs on site;**
- 10) **provide a concrete or asphalt surface at the rear of the property or successful variance for aggregate surfacing and revision of the site plan to illustrate compliance;**
- 11) **placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval prior to the issuance of any permits;**
- 12) **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;**
- 13) **submission of two (2) copies of the revised site plan to the Planning Section of Urban Development prior to the issuance of permits; and,**

14) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2012-02278 (Sidewalk Waiver)

Forklift Hunter, LLC

216 East I-65 Service Road North

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

Request to waive construction of a sidewalk along East I-65 Service Road North.

Council District 1

(Also see, Case #ZON2012-02277 (Planning Approval) Forklift Hunter, LLC above)

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

Hearing no opposition or further discussion, a motion was made by Mr. Turner, with second by Mr. Jordan, to approve the waiver of a sidewalk along East I-65 Service Road North.

The motion carried unanimously.

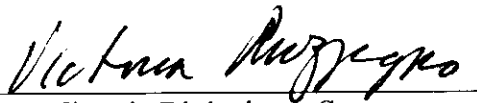
OTHER BUSINESS:

Public Hearing to consider amendments to the Zoning Ordinance relating to Barbed Wire Fencing and Signage on Personal Mobility Equipment was opened. The Chair invited anyone who wished to speak on the matter to do so at that time.


Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to approve the above referenced matter.

Hearing no further business, the meeting was adjourned.

APPROVED: August 8, 2013



Dr. Victoria Rivizzigno, Secretary



Terry Plauche, Chairman

jpw