

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

Members Present

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

Members Absent

Victoria L. Rivizzigno, Secretary

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Frank Palombo,
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
District Chief Bill 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.

CALL TO ORDER/ROLL CALL

Mr. Plauche, the Chair, called the meeting to order at 2:01 in the afternoon. He then called roll with the following people answering at that time:

- William DeMouy
- Roosevelt Turner
- John Vallas
- Mead Miller
- James Watkins
- Stephen Davitt
- Herb Jordan

He stated the number of members present constituted a quorum and advised all attending of the policies and procedures pertaining to the Planning Commission. He then proceeded to call the first item on the agenda.

EXTENSIONS:

Case #SUB2011-00003 (Subdivision)

Perch Creek Landing Subdivision

East side of Dauphin Island Parkway, 505'± South of Staples Road

Number of Lots / Acres: 2 Lots/ 15.6± Acres

Engineer / Surveyor: Austin Engineering Co., Inc.

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. Plauche, with second by Mr. Watkins, to approve the request for extension, however, the applicant was advised that future extensions will be unlikely.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2012-00006

TBG III Subdivision

607 Wilson Avenue South

(Northwest corner of Wilson Avenue South and Osage Street)

Number of Lots / Acres: 1 Lot / 0.9± Acre

Engineer / Surveyor: 4Site, Inc.

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.

Melissa Ballard, The Broadway Group, stated they were in agreement with the staff's recommendations with the exception of Conditions 1 and 4 for which she made the following points:

- A. requested the side street setback on Osage Street be reduced from 25 feet to 20 feet; and,
- B. since the cross town loop extension would not be built for some time, requested the Wilson Avenue dedication be changed to a setback off of the right-of-way.

Mr. Olsen advised the Commission staff had met with the applicant that morning and there were no problems with making the requested modifications.

Hearing no opposition or discussion, a motion was made by Mr. Watkins, with second

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by Mr. Vallas, to approve the above referenced subdivision, subject to the following conditions:

- 1) provision of a 25' setback from the future right of way line along Wilson Avenue (20' future ROW + 25' = 45' Setback);
- 2) relocation or demolition of the existing structure to remove it from the required dedication with proper permits;
- 3) retention of lot area size in square feet and acres, on the Final Plat;
- 4) provision of a 20' minimum set back line along Osage Street, on the Final Plat;
- 5) revision of the labeling of "Parcel A" to "Lot 1" or "Lot A";
- 6) compliance with Section V.B.16. of the Subdivision Regulations regarding curb radii at the corner of Wilson Avenue South and Osage Street;
- 7) placement of a note on the Final Plat stating that site is denied access to Osage Street and limited to one curb-cut to Wilson Avenue South with the size, design, and exact location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 8) 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;" and,
- 9) 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.

Case #SUB2012-00009

Charter Southland Hospital Subdivision, Re-subdivision of Lot 1, Re-subdivision of Lots 1 & 2

5750 & 5800 Southland Drive

(North side of Southland Drive, 615'± West of Knollwood Drive)

Number of Lots / Acres: 1 Lot / 17.0± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 4

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

Mr. Davitt noted this was located in an area where the Commission had heard an application for apartments. He asked if, based upon the information available, the

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project would have an additional impact on traffic in that area.

Mr. Olsen responded there was no projected change to traffic in the area.

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Mr. Vallas, to hold the matter over until the April 5, 2012, meeting, to allow the applicant to submit a Planned Unit Development application by March 5, 2012, to allow multiple buildings on a single building site, to be heard in conjunction with the one-lot subdivision application.

The motion carried unanimously.

Case #SUB2012-00012

J Johnston Estates Subdivision

5620 & 5640 Sermon Road North

(Northwest corner of Sermon Road North and Willis Road)

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

Engineer / Surveyor: John Farris Crenshaw

Council District 4

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.

John Farris Crenshaw, design professional, spoke on behalf of the applicant. He noted they were in agreement with the recommendations with the exception of Condition 6, which called for only one curb-cut. He noted the applicant requested two curb-cuts, one for access to the office and one for access to the workshop.

Mr. Olsen stated the staff had no problems with this request as long as the two curb-cuts were approved by Traffic Engineering and conformed to AASHTO standards. He also stated as the use was for a body shop, screening of vehicles was required.

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

- 1) **retention of the 25-foot minimum building setback line along all right-of-way frontages;**
- 2) **retention of the labeling of the lot with its size in acres, or placement of a table on the plat with the same information;**
- 3) **labeling of U.S. Highway 90 with a 250' right-of-way;**
- 4) **compliance with Engineering comments: *“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***

ROW code and ordinances. Any proposed development must comply with all stormwater and flood control ordinances of the City of Mobile. 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. A 4' wide sidewalk must be constructed along the entire road frontage;"

- 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 on the Final Plat limiting the development to two curb-cuts to Sermon Road North, with the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards;
- 7) placement of a note on the Final Plat stating that the lot is denied direct access to U.S. Highway 90 and Willis Road; 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 #SUB2012-00007

Craft Acres Subdivision

1201 Dykes Road North

(West side of Dykes Road North, 4/5 mile± South of Tanner Williams Road)

Number of Lots / Acres: 2 Lots / 13.4± Acres

Engineer / Surveyor: McCrory & Williams, 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. Davitt, with second by Mr. Tumer, to waive Section V.D.3. of the Subdivision and approve the above referenced subdivision, subject to the following conditions:

- 1) dedication to provide 30' from the centerline of Dykes Road North to Mobile County;
- 2) depiction of the 25-foot minimum building setback line from

- Dykes Road North, as required by Section V.D.9. of the Subdivision Regulations;
- 3) labeling of the lot sizes, in acres, or provision of a table on the Final Plat with 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 limiting each lot to one curb-cut to Dykes Road North, 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 #SUB2012-00008

Carol Plantation Subdivision, Third Unit, Re-subdivision of Lot 520

6725 ,6741 and 6743 Hayfield Road

(South side of Hayfield Road, at the Southern terminus of Lancelot Drive)

Number of Lots / Acres: 3 Lots / 3.0± Acres

Engineer / Surveyor: McCrory & Williams, 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. Davitt, with second by Mr. Turner, to waive Section V.D.3. of the Subdivision Regulations and approve the above referenced request for subdivision, subject to the following conditions:

- 1) revision of the plat to label 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) illustration of the 25' minimum building setback line along Hayfield Road;
- 3) placement of a note on the Final Plat stating that each lot is limited to one curb-cut to Hayfield Road, 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 the approval of all applicable federal, state, and local environmental agencies for flood zone issues would be required prior to the issuance of any permits or land disturbance activities;
- 5) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations;
- 6) 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;”*
- 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) compliance with the Fire-Rescue 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 #SUB2012-00011

Minnie Lee Poiroux Family Division Subdivision

8335 Old Pascagoula Road

(South side of Old Pascagoula Road, 455'± West of Kings Ridge Road)

Number of Lots / Acres: 3 Lots / 7.9± 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. Miller, to waive Sections V.D.1. and V.D.3. of the Subdivision Regulations and approve the above referenced request for subdivision, subject to the following conditions:

- 1) **placement of a note on the Final Plat stating that no future subdivision of Lots 2 and 3 will be allowed until additional frontage on a paved public street is provided;**
- 2) **dedication of sufficient right-of-way to provide 50' from the centerline of Old Pascagoula Road;**
- 3) **illustration of the 25' minimum building setback line along Old Pascagoula Road as measured from any required dedication;**
- 4) **labeling of each lot with its size in both square feet and acres, after any required dedication, or the furnishing of a table on the Final Plat providing the same information;**
- 5) **verification that Lot 1 meets the 20,000 square-foot requirement after any required dedication;**
- 6) **placement of a note on the Final Plat stating that each lot is limited to one curb-cut to Old Pascagoula Road with the size, location, and design of all curb-cuts to be approved by County Engineering and conform to AASHTO standards;**
- 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;**
- 8) **placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section V.A.8 of the Subdivision Regulations;**
- 9) **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 storm water detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits;” and,

- 10) compliance with the Fire-Rescue 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.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2012-00386

ZP SMC Distributors, LLC

800 Downtowner Loop West

(West side of Downtowner Loop West, 55'± South of Midmost Drive)

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

Council District 5

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

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

- 1) **submission of a revised PUD site plan to the Planning Section illustrating the conditions of approval for this PUD prior to any applications for land disturbance or building permits;**
- 2) **placement of a note on the Planned Unit Development plan stating that maintenance of the common area/detention facilities shall be the responsibility of the property owner;**
- 3) **placement of a note on the revised PUD 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;**
- 4) **subject to the Engineering comments: “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 ROW code and ordinances. Any proposed development must comply with all stormwater and flood control ordinances of the**

- City of Mobile, including verifying the capacity of the existing storm drainage system. 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) **subject to Traffic Engineering comments: “Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Existing sidewalk appears to curve onto private property to avoid the power poles and provide a continuous 4’ sidewalk. City standard parking stall is 18’ x 9’. Stall lengths in front of building should be shortened to improve the 12’ aisle to a 14’-16’ aisle (parking stalls are longer than necessary;”**
 - 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;”**
 - 7) **verification that the site plan complies with any requirements of the Americans with Disabilities Act; and,**
 - 8) **compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2012-00388
EGM Properties, LLC

1617 Industrial Park Circle and 3748 Industrial Park Drive
(North side of Industrial Park Drive, 525’± West of Varner Drive and extending West to the East side of Industrial Park Circle, 175’± North of Industrial Park Drive)
Planned Unit Development Approval to amend a previously approve Planned Unit Development to allow multiple buildings on a single business site, and shared access and parking between two building sites.
Council District 4

The Chair announced the application had been recommended for holdover and stated the applicant was agreeable with said holdover. 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. DeMouy, to hold the matter over until the April 5, 2012, meeting, with revisions due by March 16, 2012, so that the following revisions to the site plan can be made:

- 1) **revision of the site plan to depict a zero or 5-foot setback from the common property line of the proposed building addition;**
- 2) **revision of the site plan to depict a 25-foot building setback line from Industrial Park Circle;**

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- 3) revision of the site plan to depict any storage structures or outside storage areas in use, so that staff can determine if they impact circulation, parking or landscape areas;
- 4) revision of the site plan to accurately depict the “as-built” condition of existing tree, landscape, parking and fencing for the site, or the “as will be built” condition;
- 5) revision of the site plan to depict and label a barrier sufficient to prevent parking in the storm water detention area; and,
- 6) revision of the site plan to depict handicap parking and other site improvements to comply with any applicable requirements of the Americans with Disabilities Act.

The motion carried unanimously.

Case #ZON2012-00389

Regent Technology Services/ Mississippi Lime

1551 Cochran Causeway

(West side of Cochran Causeway, 500'± South of the South terminus of the Cochran-Africatown Bridge)

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

Council District 2

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

Frank Dagley, Frank A. Dagley and Associates, spoke on the matter. He requested the holdover be for only one meeting, rather than two, as his client was “ready to go” with regards to construction of the project.

Mr. Olsen responded that the Planning Approval application had public hearing notices which were required to be sent out a minimum of 15 days prior to the meeting. He stated due to the time constraints involved with those public hearing notices it would be impossible to have the matter heard at the March 15, 2012, meeting.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Miller, to hold the matter over until the April 5, 2012, meeting, due to the following reason:

- 1) **submittal of an accompanying Planning Approval application.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2012-00010 (Subdivision)

Broad Palmetto Subdivision

202 South Broad Street

(West side of South Broad Street, 55'± South of Palmetto Street and extending West to the South side of Palmetto Street, 130'± West of South Broad Street)

Number of Lots / Acres: 2 Lots / 0.4± Acre

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
Council District 2

(Also see **Case #ZON2012-00385 (Planned Unit Development) Broad Palmetto Subdivision**, and, **Case #ZON2012-00387 (Rezoning) Michael Rost**, below)

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

Forrest McCaughn, one of the partners in the venture, spoke on the matter. He made the following points in favor of approval:

- A. stated they were essentially restoring a home in the Oakleigh Garden District;
- B. after receiving the review from Planning, it seemed they had run afoul with some issues; and,
- C. asked to withdraw the Planned Unit Development application as they discovered the development did not have any of the characteristics of a Planned Unit Development.

Mr. Olsen disagreed with the applicant's notion the project did not have the characteristics of a Planned Unit Development. He stated it did require such an application as it showed reduced setbacks. He added it the reduced setbacks were not allowed under the City's Historic District overlay, the only other way to allow reduced setbacks at the location would be via a Planned Unit Development because a Planned Unit Development could vary the setbacks as well as there could be internal lot lines, whether or not there circulation existed between the properties. Mr. Olsen stated the applicant could ask for a variance to accomplish some of this, however, a variance did require the applicant to show a real hardship in using the property as it was designed. He noted the only hardship he was aware of was one involving design issues and those would be considered self-imposed hardships and not applicable.

Mr. McCaughn stated it was his understanding that the Planning Commission had the right to waive setbacks.

Mr. Olsen countered the Commission only had that right when such a request was a part of a Planned Unit Development application.

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Mr. Vallas asked which house was involved with the setback issue.

Mr. Olsen stated the proposed house on Lot 1.

Mr. Vallas noted the applicant could pursue a two lot subdivision that day but would not be able to build the residence as shown until the setback issue was resolved.

Mr. Olsen said the staff had pointed out several reasons why the subdivision should not be approved as they had also pointed out several reasons rezoning the property in question was inappropriate; however, the Commission could approve and recommend for approval as they liked but staff would strongly suggest the Commission review their reasons for denial and consider those.

Mr. McCaughn stated if the issue could not be resolved here, the applicant would go forward with their Planned Unit Development application. He expressed his concern that in a historical district, it was a common occurrence that setbacks were judged by the adjacent houses or the average of houses in the area. He added because of that and with the recommendation of the Architectural Review Board the standard setback footage was waived all of the time.

The Chair asked if the Planned Unit Development were to be withdrawn, would the Commission still vote on the Subdivision and Rezoning applications.

Mr. Olsen advised they would vote on such. He added the Commission could require that documentation be submitted by the applicant to illustrate the project would comply with the historic district overlay. He noted the staff's research did not find the project would meet those standards.

Mr. McCaughn withdrew his request to withdraw the Planned Unit Development application and stated he did not want the matter held over and wanted the Commission to decide the matter that day. He stated he had reviewed the staff's report and made the following statements to correct fallacies he felt were in the report:

- A. regarding Zoning Ordinance 24-1.A "favorable conditions for rezoning," he felt staff simply re-iterated what the Zoning Ordinance already said and did not apply it to the specific site;
- B. stated the manifest error in the Zoning Ordinance 24-3.A.5 did not take the historical district into consideration when imposing the four acre minimum for creating a R-B zoning district and the same was true in creating B-1 and B-2 zoning districts;
- C. with the possible exception of the Oakleigh Mansion, there were no properties within the historical district which was four acres in size;
- D. the Zoning Ordinance did not take into consideration organic growth within the historical district adding individual properties within the historic district could not be rezoned for different uses,

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- even within a mixed use area, which forced developers to buy up individual properties so those could be grouped together for rezoning purposes;
- E. addressed the issue of changing conditions within an area, stating all were aware that for decades Broad Street had been a major thorough fare with large amounts of commercial properties along it;
 - F. stated the City itself had even been encouraging development along Broad Street as was seen in the City's "New Plan for Old Mobile" where it calls for the establishment of development regulations which were reasonable and flexible and would promote upgrading of existing sites and the creation of effective design solutions which would provide business and property owners with unique and productive opportunities for redevelopment; the big question for the Commission was how much did the City of Mobile want to accommodate the needs of existing and new citizens as the developer had clients that wanted the small house and client that wanted a large attorneys office in the building currently being restored;
 - G. after meeting with Mr. Palombo of the Planning Staff, four areas of concern were identified on the site and unlike the review, the applicant still found only those four areas of concern and those were lack of a 24 foot drive for 202 Broad Street, a water oak root system which was in conflict with back drive and parking, the creation of a substandard R-1 lot on Palmetto Street, and the Zoning Ordinance 64-9-A-2.a (the four acres required for any zoning district);
 - H. felt most of the areas of concern addressed by the staff report should be addressed in the permitting phase of the project and had absolutely nothing to do with what the applicant was currently pursuing;
 - I. there were businesses currently in the area zoned B-4, B-2, etc., with the staff advising the site in question should be denied rezoning because they felt it was too small, but it had been allowed in other locations;
 - J. substandard lots were the norm in the district and sited 50% of the residences on his block as being substandard; and
 - K. stated from Government Street to Charleston Street, 13 of the 14 driveway curb-cuts were single driveways, which was the norm in the historical districts.

Mr. Olsen responded to Mr. McCaughn's statements with the following:

- A. presented to the Commissioners an opposition letter the staff had received from a neighbor who lived on Palmetto Street;
- B. addressed the statement regarding R-B zoning and its not taking

- into consideration historic districts stating the description of R-B as being located in the downtown or near the downtown area and the center of the City and took into account the historic structures and trying to maintain the historic character;
- C. stated the R-B district size of four acres was an attempt to avoid spot zoning but at the same time to have mixed use over a larger area instead of having one property commercially zoned that might or might not comply with other requirements of the Zoning Ordinance;
 - D. regarding the staff not taking into consideration changing conditions in the area, the “Bring Back Broad” initiative and others like it were not created to necessarily change properties which were historically residential in nature to commercial uses as the site in question was viable as residential property;
 - E. though the “New Plan for Old Mobile” referenced modifications to the codes but those codes have not yet been adopted or even developed; and,
 - F. while Mobile may be leaning more toward a more form based code for certain parts of town, until such was developed, what was being proposed simply did not comply with the current Zoning Ordinance.

Mr. Vallas noted in the block from Broad Street and Palmetto Street to Charleston Street there were six properties which fronted Broad Street, three of which were vacant and of the remaining one was an apartment, one was a plumbing office, and one was a residence. He asked, if he was in support of the zoning change, did the staff have any conditions of approval they would like to see put in place.

Mr. Olsen stated he was sure there were conditions of approval the staff would like to see met, however, the staff did not have any prepared, so at a minimum the staff would need the matter held over to adequately allow time to prepare any possible conditions of approval for the matter. He added he seemed to remember Traffic Engineering had major concerns regarding the site and the lack of a 24 foot driveway. He stated due to the conflict in circulation caused by the lack of an adequate driveway, there was no way for vehicles to enter and/or exit the site at the same time. He reminded the Commissioners that though some of the other driveways in the area referenced by Mr. Vallas might be for commercially used property, those drives had been in existence for a number of years and were outside of the staff’s control and management.

Mr. Vallas asked if there were room on the north side of the building to create full circulation on the property.

Mr. Olsen stated he did not believe so as the applicant had provided nothing which showed such.

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Mr. Vallas asked if there were room on the north side and it could be shown to the staff, they would prefer the site be given full circulation.

Mr. Miller noted the applicant had made some good points and he recognized the need for more flexibility in the historic districts, however, when the staff expressed the number of concerns seen in the staff report, he believed the only opportunity the applicant had was if the matter were to be held over.

Mr. McCaughn stated he and his partners could not afford to hold the matter over for four weeks to get a decision on the issue as they had “hard money” at play in this and there simply was no time for Zoning to “come around” to dealing with the historical district in a responsible manner. He then asked for a copy of the letter presented to the Commission.

Mr. Vallas and Mr. Olsen offered their opinion if the matter was to be held over any response to the letter should be made at the hold over meeting.

Mr. McCaughn addressed the letter by saying he nor did his partners own the lot referenced by the writer though he had not seen an issue with standing water on the adjacent lot. He added the lot referenced by the writer was owned by the Oakleigh Revolving Fund. He also said he had attempted to dedicate and deed to the writer an easement between the writer’s property and his property but to no avail.

In deliberation, Mr. Vallas asked if the Commission would consider only the subdivision application that day or would they hold all of the applications over to be heard in two weeks. He stated the applicant really could not do anything with only the subdivision approved as it took all three matters for him to proceed.

Mr. Olsen recommended holding all of the applications over. Regarding only holding the matter over for two weeks, he said the staff would do their best to have reports ready on the matter, however, unless significantly different materials were submitted by the applicant, he saw neither the reports nor the staff’s recommendations changing.

Mr. Watkins stated he appreciated the applicant’s position but reminded him that each of the lots in the Oakleigh Garden District needed to be taken at “face value.” As a former resident of that area, he reminded Mr. McCaughn that some of the lots in that historic district were very small. He also stated he had very real issues with traffic and circulation as Broad Street was becoming very busy and the idea of having a single lane holding up traffic while someone either backing in or pulling up was something that needed close examination.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Jordan, to hold the matter over until the March 15, 2012, meeting.

The motion carried unanimously.

Case #ZON2012-00385 (Planned Unit Development)

Broad Palmetto Subdivision

202 South Broad Street

(West side of South Broad Street, 55'± South of Palmetto Street and extending West to the South side of Palmetto Street, 130'± West of South Broad Street)

Planned Unit Development Approval to allow reduced lot width, reduced lot size, reduced access way width, reduced maneuvering area and aggregate surfacing to allow renovation of an existing dwelling for office as well as construction of a new single family dwelling on proposed substandard lot. Council District 2

(Also see **Case #SUB2012-00010 (Subdivision) Broad Palmetto Subdivision**, above, and, **Case #ZON2012-00387 (Rezoning) Michael Rost**, below)

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Jordan, to hold the matter over until the March 15, 2012, meeting.

The motion carried unanimously.

Case #ZON2012-00387 (Rezoning)

Michael Rost

202 South Broad Street

(West side of South Broad Street, 55'± South of Palmetto Street and extending West to the South side of Palmetto Street, 130'± West of South Broad Street). Rezoning from R-1, Single-Family Residential District, to R-B, Residential-Business District, to allow conversion of a dwelling into a professional office building.

Council District 2

(Also see **Case #SUB2012-00010 (Subdivision) Broad Palmetto Subdivision**, and, **Case #ZON2012-00385 (Planned Unit Development) Broad Palmetto Subdivision**, above)

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Jordan, to hold the matter over until the March 15, 2012, meeting.


The motion carried unanimously.

OTHER BUSINESS:

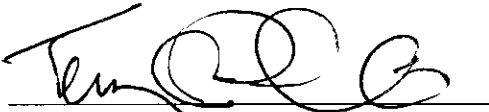
Mr. Olsen apologized to the Commission for not having copies of the proposed amendments ready for their review. He noted most of the amendments were efforts to clean up and clarify the Zoning Ordinance, however, there was one complex, new item proposed with regards to the lighting of parking lots.

Hearing no further business, the meeting was adjourned at 2:45.

APPROVED: December 6, 2012



Dr. Victoria Rivizzigno, Secretary



Terry Plauché, Chairman

jsl