

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF JUNE 17, 2010 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

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

Members Absent

Herb Jordan
John Vallas

Urban Development Staff Present

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

Others Present

John Lawler,
Assistant City Attorney
John Forrester,
City Engineering
Jennifer White,
Traffic Engineering

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

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

HOLDOVERS:

Case #ZON2010-01111

Wall Timber, LLC

North side of Wall Street, 375'± West of Hillcrest Road
Rezoning from B-1, Buffer Business District, to B-3, Community Business District, to allow a medical complex for light distribution of medical, dental and hospital equipment
Council District 6

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

Frank Dagley, Frank A. Dagley and Associates, asked for clarification regarding the rezoning procedure, most specifically if the request was denied, would they have the opportunity to go before the City Council and plead their case.

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Mr. Olsen stated that if the matter were recommended for denial by the Planning Commission, then the City Council would determine whether or not to hold a Public Hearing on the matter, so if that were the case, it would be beneficial for the applicant or their representative to contact the City Council person for that district and request that a Public Hearing be held on the matter.

Mr. Dagley then stated the following in favor of the matter:

- A. the staff had held the matter over based upon the applicant not providing enough information justifying the need for more B-3 zoned property in the area and noted that based upon his research all of the B-3 zoned property in the area had been developed (though the staff had found one parcel some 220 feet north of Timbers Drive that had not been developed);
- B. noted the staff's statement that the property needed to be located on a major road but that Piccadilly Square, the Mid-Most Drive/Downtowner Boulevard area, and, the Lakeside Drive/Butler Drive areas were all good examples of B-3 zoning not located on a major road;
- C. the site would be hard to develop due to the topography and the floodway located within it; and,
- D. the developer, Mike Daniels, had submitted a very long list of voluntary restrictions for approval of the property to B-3.

Mr. Olsen noted the staff had no problem with approving the matter, should the Commission so choose to include the voluntary restrictions by the applicant. He then read the staff's prepared conditions for approval of the matter:

- A. limited to the attached voluntary restrictions as submitted by the applicant on June 17, 2010;
- B. future development to fully comply with local, state, and federal regulations relating to threatened and endangered species, wetlands, and floodplains prior to the issuance of any permits or land disturbance activities;
- C. future development to comply with Engineering comments: "There is to be no fill placed within the limits of the flood plan without providing compensation. Must comply with all stormwater and flood control ordinances. The construction of any new dumpster pads will require connection to sanitary sewer, cannot discharge to storm sewer. Any work performed in the right-of-way will require a right-of-way permit;"
- D. provision of tree planting and landscaping areas to comply with the Zoning Ordinance; and,
- E. full compliance with all municipal codes and ordinances.

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Dr. Rivizzigno, after reviewing the voluntary use restrictions, asked what uses were available for the property.

Mr. Olsen noted light office, the sought after use which prompted the request, and some miscellaneous boat uses were still available.

Mr. Miller asked Mr. Dagley for the intended use of the property.

Mr. Dagley stated it was for the distribution of medical supplies, as well as a support type facility for hospitals.

Mr. Olsen responded to the comments regarding other locations being zoned B-3 and not located on major roads and said those were completely commercial developments that began and ended with B-3. He noted that the property in question began with an apartment complex and ended with another apartment complex, which were residential uses.

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Mr. Turner, to recommend the approval of this change in zoning to the City Council, subject to the following conditions:

- 1) limited to the attached voluntary restrictions as submitted by the applicant on June 17, 2010;**
- 2) future development to fully comply with local, state and federal regulations relating to threatened and endangered species, wetlands and floodplains prior to the issuance of any permits or land disturbance activities;**
- 3) future development to comply with Engineering comments: (*There is to be no fill placed within the limits of the flood plain without providing compensation. Must comply with all storm water and flood control ordinances. The construction of any new dumpster pads will require connection to sanitary sewer, cannot discharge to storm sewer. Any work performed in the right of way will require a right of way permit.*);**
- 4) provision of tree planting and landscaping areas to comply with the Zoning Ordinance; and,**
- 5) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

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Case #SUB2010-00057 (Subdivision)

Next Chapter Hillcrest Subdivision

208 Hillcrest Road

West side of Hillcrest Road, 260'± South of Cedar Bend Court

Number of Lots / Acres: 1 Lot / 17.1± Acres

Engineer / Surveyor: Clark, Geer, Latham & Associates, Inc.

Council District 7

(Also see **Case #ZON2010-01108 (Planned Unit Development) Next Chapter Hillcrest Subdivision, below**)

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

Robert Eddington, attorney at law, representing the property owners of Willowbrook and Cedar Bend Condominiums, spoke in opposition to the matter:

- A. noted that Councilpersons Gregory and Hudson had worked with the staff and both sides to hold a meeting where a great deal was learned, including the fact that the proposed development was not compatible with the adjoining neighborhoods;
- B. it had become clear that the proposed development was for student housing, with the resident population being of a transient nature;
- C. the apartments were to be furnished, another sign those living there were more transitory and not settled families, which was very unlike the adjacent neighborhoods;
- D. noted the request for over 500 parking spaces and stated that could be expected as college students threw parties which increased the number of cars on site and thus the need for additional parking;
- E. noted that the north fence, which was adjacent to the Cedar Bend development, should be an eight foot high fence if the matter were to be approved;
- F. noted drainage concerns for Cedar Bend; and,
- G. noted that the proposed development was not in character with the adjacent neighborhoods and therefore should be denied.

Casey Pipes, Lyons, Pipes, and Cook Law Firm, spoke on behalf of the developer and made the following points in rebuttal:

- A. noted the meeting referenced was very productive;
- B. noted that the maximum fence height allowed is eight feet and that they were in agreement with that;
- C. noted that the matter now complied with all of the requirements and conditions listed by the staff and inasmuch, deserved to be approved;

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- D. noted the main reason it had been held over related to traffic concerns and where the entrance to the development would be from Hillcrest Road and it was thought that those concerns had been addressed as there had been meetings with Traffic Engineering regarding that very matter, including moving the Hillcrest Road entrance 25 feet to the north from the originally proposed location;
- E. the adjacent landowners concerns regarding the proposed development not being compatible should be addressed to and determined by the City Council, not the Planning Commission; and,
- F. based upon meeting all of the technical issues that were noted by staff, the applicant believed the Commission should approve the matter on those merits.

Mr. Miller asked how many units were proposed for the development.

Mr. Pipes stated there were 159 planned units. He noted that all of the apartments were at minimum two bedroom units with a total of 507 bedrooms located within the complex and 530 parking spaces provided.

In deliberation, Mr. Davitt expressed his unhappiness with the flow of traffic in the area while Mr. Miller noted the public street involved had just been improved. Mr. Miller stated his opinion that he did not see how the Commission could stand in the way of the development.

Mr. Olsen also noted that the Commission really had no authority to consider who might or might not be living in the development, so the fact that it would be student housing was irrelevant, as the property was zoned multi-family and student housing would fall under that umbrella.

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

- 1) retention on the Final Plat of the 25-foot minimum building setback line along all right-of-way;**
- 2) retention on the Final Plat of the notation of the lot size area, in square feet;**
- 3) retention of a note on the Final Plat stating that the lot is limited to one curb-cut to Hillcrest Road, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) full compliance with Engineering comments: (*Show Minimum Finished Floor Elevation on Plat. A flood study [A "No Rise" Certification] will be required for the construction of buildings***

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within the flood zone. Must comply with all stormwater and flood control ordinances. There is to be no fill placed within the limits of the flood plain without providing compensation. Since the property is located within a special flood hazard area, elevation certificates will be required for the construction of each individual building. The construction of any new dumpster pads, car washes or trash compactors will require connection to sanitary sewer, cannot discharge to storm sewer. Must comply with all other stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit);

- 5) retention 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 that any required permits should be obtained prior to undertaking any land disturbing or construction activity; and,
- 6) retention of a note on the Final Plat stating that the approval of all applicable federal, state, and local agencies would be required prior to the issuance of any permits or land disturbance activities.

The motion carried unanimously.

Case #ZON2010-01108 (Planned Unit Development)

Next Chapter Hillcrest Subdivision

208 Hillcrest Road

West side of Hillcrest Road, 260'± South of Cedar Bend Court

Planned Unit Development Approval to allow four (4) apartment buildings, pool, amenities building, sand volleyball court, and office on a single building site

Council District 7

(Also see Case #SUB2010-00057 (Subdivision) **Next Chapter Hillcrest Subdivision**, above)

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

- 1) completion of the rezoning process;
- 2) placement of a note on the site plan stating that the existing vegetation on the Western property line, South of Twelve Mile Creek will be maintained in compliance with Section 64-4.D.1. of the Zoning Ordinance, or an appropriate buffer be indicated on the site plan;
- 3) revision of the site plan to depict the dumpster locations with adequate area for front-loading garbage trucks to maneuver or

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provision of documentation that side-loading equipment and service is available for 3-5 cubic yard dumpsters in the City of Mobile;

- 4) full compliance with Engineering comments: *Show Minimum Finished Floor Elevation on Plat. A flood study (A “No Rise” Certification) will be required for the construction of buildings within the flood zone. Must comply with all stormwater and flood control ordinances. There is to be no fill placed within the limits of the flood plain without providing compensation. Since the property is located within a special flood hazard area, elevation certificates will be required for the construction of each individual building. The construction of any new dumpster pads, car washes or trash compactors will require connection to sanitary sewer, cannot discharge to storm sewer. Must comply with all other stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit;*
- 5) 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 and that any required permits should be obtained prior to undertaking any land disturbing or construction activity; and
- 6) placement of a note on the site plan stating that the approval of all applicable federal, state, and local agencies would be required prior to the issuance of any permits or land disturbance activities;
- 7) provision of an eight foot (8') high privacy fence along the North property line, as agreed to at the meeting;
- 8) lighting to be directed into the site, as required by the Zoning Ordinance;
- 9) provision of 2 copies of the revised PUD plan to the Planning Section of Urban Development prior to the issuance of any permits; and,
- 10) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2010-00060

George V. Poiroux Family Division Subdivision

6405 Maurice Poiroux Road

East side of Maurice Poiroux Road, 785'± South of Leytham Road

Number of Lots / Acres: 2 Lots / 9.0± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

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

Brett Orrell, Polysurveying of Mobile, spoke on behalf of the applicant and stated they were in agreement with all of the staff's recommendations with the exception of the "placement of a note on the Final Plat stating that there shall be no further re-subdivision of Lot 2 until such time that McAllister Drive is extended into the site or additional frontage onto a paved public or private street is provided"

Mr. Olsen expressed staff's concern regarding the aforementioned request was public road access if Lot 2 was subdivided.

Mr. Orrell responded that there would be 50 feet of access to the north on Lot 2 for the remaining portion of the lot.

Mr. Olsen asked if that would be done by creating a road there or by creating more flag shaped lots to which Mr. Orrell stated it would be done by creating more flag shaped lots. He reminded the Commission that the property involved was family owned and flag shaped lots were not as frowned upon within family subdivisions.

Mr. Olsen stated that based upon the statement there would be more flag shaped lots created, staff could not support the removal of the condition as requested by the applicant.

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

- 1) placement of a note on the Final Plat stating that each lot is limited to one curb-cut to Maurice Poiroux Road, with the size, location, and design of all curb-cuts to be approved by County Engineering and conform to AASHTO standards;**
- 2) placement of a note on the Final Plat stating that there shall be no further re-subdivision of Lot 2 until such time that McAllister Drive is extended into the site or additional frontage onto a paved public or private street is provided;**
- 3) illustration of the 25' minimum building setback line for Lot 1, as measured from the West line of the buildable site;**
- 4) illustration of the 25' minimum building setback line for Lot 2 as measured from the Maurice Poiroux Road right-of-way;**
- 5) illustration of a 25' minimum building setback line at the West terminus of McAllister Drive;**
- 6) labeling of the lots with their sizes in square feet and acres, or the furnishing of a table on the Final Plat providing the same information;**

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- 7) placement of a note on the Final Plat stating that the development will 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. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;
- 8) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species prior to the issuance of permits for land disturbance or building activities; and,
- 9) 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.

The motion carried unanimously.

EXTENSIONS:

Case #SUB2008-00095 (Subdivision)

Falling Leaf Subdivision, Unit Two

East side of Sollie Road, 400'± North of the East terminus of Isle of Palms Drive, extending to the East terminus of Raleigh Boulevard

Number of Lots / Acres: 82 Lots / 43.8± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations then 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 approve the above referenced request.

The motion carried unanimously.

Case #ZON2008-01208 (Planned Unit Development)

Falling Leaf Subdivision, Units One & Two

East side of Sollie Road, 400'± North of the East terminus of Isle of Palms Drive, extending to the East terminus of Raleigh Boulevard

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Planned Unit Development Approval to allow a gated private street single-family residential subdivision with one-lane, one-way streets and reduced lot widths and sizes
Council District 6

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations then 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 approve the above referenced request.

The motion carried unanimously.

Case #SUB2009-00088 (Subdivision)

Oak Forest Place Subdivision

South side of Clarke Road, 156'± East of Dawes Road

Number of Lots / Acres: 15 Lots / 9.5± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations then 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 approve the above referenced request, however, as road construction is not required, the applicant should be advised that future extensions were unlikely.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2010-00069

Williams Estates Subdivision

East side of Lancaster Road 1± mile South of Laurendine Road

Number of Lots / Acres: 1 Lot / 6.0± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

County

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

Brett Orrell, Polysurveying of Mobile, spoke on behalf of the applicant and requested the matter be held over so that their client could address some of the issues regarding the recommendation for denial, as well as their having the opportunity to attend the actual meeting to plead their case.

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Hearing no opposition or discussion, a motion was made by Mr. Miller, with second by Dr. Rivizzigno, to hold the matter over until the July 22, 2010, meeting, per the applicant's request.

The motion carried unanimously.

Case #SUB2010-00068

The Old Finch Place Subdivision, Re-subdivision of Lots 3 & 4

4631 & 5046 Clearview Drive

East side of Clearview Drive at the East terminus of Middle Ring Road

Number of Lots / Acres: 3 Lots / 2.7± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

County

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

Jerry Byrd, Byrd Surveying, spoke on behalf of the applicant and made the following points in favor of its approval:

- A. development of the property began in the early 1980's when it was permissible to write "metes and bounds" property descriptions;
- B. the owner gave the two pieces of property to one of his sons with a noted easement ingress/egress, as well as giving individual adjacent parcels to another son and daughter;
- C. the reason behind the request for subdivision was simply the elder Finch's desire to get the property out of his name and into the name of the son; and,
- D. noted that the two flag shaped lots were not being done to create access as each of those had 125 feet of frontage onto the county road and the back parcels had access to the 50 foot easement on which they could build an adequate public road if desired.

Mr. Olsen stated that he had been in contact with Mr. Byrd earlier in the week regarding the matter, and that he could not argue strongly either for or against the matter. He did note, however, that the staff had no conditions for approval ready regarding this case, should the Commission be leaning towards approving the matter.

Mr. Watkins asked why the applicant did not bring the back two lots into the subdivision at that time.

Mr. Byrd stated that to do so would eliminate frontage to a publicly maintained county road for the two back parcels in question.

Mr. Olsen stated that as the lots were created pre-1984, the time when the County began

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helping the City with enforcement, and thus the lots had been grandfathered in as they were, however, it would set an undesirable precedent to approve development of property that was without frontage to a publicly maintained road or an approved, private, road within a family subdivision at this time.

Mr. Watkins noted the current access way did not meet the private road standard.

Mr. Olsen replied they would have to construct a private road and it was his understanding that was not something they wished to do.

Dr. Rivizzigno stated her belief that part of the reason the Commission was including some of the easement for Lot 3 was due to the fact that the property was not part of the “family.”

Mr. Miller stated his opinion that the matter needed more review.

Mr. Turner asked for clarification that it would be Lot 3 that would be sold to someone outside of the family and was advised yes.

Dr. Rivizzigno noted that would then make the property not a part of a family subdivision and thereby not fall under the umbrella of those special circumstances and inasmuch she was not very in favor of approving this.

Mr. Turner asked if the father was comfortable selling the piece of property that could effectively “cut off” his sons’ access points.

Mr. Byrd stated it would not be possible to cut off the sons as there was a recorded, deeded easement.

Ethel Richardson, 4605 Clearview Drive, Mobile, AL, stated she and her husband owned and lived on one of the lots in question. She stated that other than receiving the letter informing her of that day’s proceedings, she was unaware of what was planned for the property.

Dr. Rivizzigno advised that the applicant was trying to subdivide the property without having to build a “to standard” road.

In deliberation, Dr. Rivizzigno moved to deny the request but the motion died for lack of a second.

Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Holmes, to hold the matter over until the July 22, 2010, meeting, at the applicant’s request.

The motion carried with only Dr. Rivizzigno voting in opposition.

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Case #SUB2010-00067

Labrador Run Subdivision

Southern termini of Rex Drive and Hanna Court extending West to Ben Hamilton Road

Number of Lots / Acres: 413 Lots / 178.3± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

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

Doug Anderson, Burr and Foreman Law Firm, spoke on behalf of the applicant. He noted they were agreeable with the holdover, however, they wanted to discuss Condition 1 which required a Traffic Impact Study. He made the following points regarding the matter:

- A. in 2006, the Planning Commission approved the 427 lot subdivision to be done in eight phases;
- B. Units 1 and 2 had been built out and recorded;
- C. Unit Phase 3, which was being added to the plan now was originally designated as common area on the original plat and had been reserved for an on-site wastewater treatment facility;
- D. they have recently been able to pump that water to an off-site facility thereby removing the need for an on-site wastewater treatment facility and leaving that area available for homes to be built;
- E. in 2006, when the original application was made, Traffic Impact Studies were not required;
- F. noted it would take some 12-15 years to complete the project as well as the opinion that the information learned from a Traffic Impact Study done at this time would change over those years;
- G. expressed the opinion based upon the information at hand, requiring the applicant to have a Traffic Impact Study was unreasonable and an unnecessary cost;
- H. noted a 100 foot right-of-way running through the site that separated Units 1 and 3 from the remaining sites, with no changes whatsoever occurring to the remaining sites;
- I. wondered if the applicant would be required to go back and change circulations and streets in an approved subdivision based upon the findings of the Traffic Impact Study; and,
- J. expressed the opinion that as the area is very underdeveloped, no helpful information could be gathered for the future by a Traffic Impact Study.

The Chair asked if there were any who wished to speak in opposition to the matter to please do so then.

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Ron Muschel, 213 Rockcreek Parkway, Fairhope, AL, spoke as a nearby landowner. He stated that he owned property just north of Labrador Run and that part of the original development drained through his property. He expressed his concern regarding how the new development would drain and how that drainage would affect his property.

Mr. Olsen advised that the Subdivision Regulations now required that any subdivision approved by the Planning Commission must comply with the City's Stormwater Ordinance, which meant that no water could drain from the property any more quickly than or at any more greater concentration than it did pre-development, so the applicant would have to provide the necessary detention ponds for that to be accomplished.

Mr. Watkins asked what the threshold was for a Traffic Impact Study.

Mr. Olsen stated that a Traffic Impact Study on a residential subdivision was usually started with 100 lots.

Jennifer White, Traffic Engineering Department, stated the threshold for a Traffic Impact Study was 100 units for an apartment and 150 lots for single family homes.

Mr. Davitt noted that the Commission did not start requiring Traffic Impact Studies until 2008.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the July 22, 2010, meeting, with the following revisions to be submitted to staff by July 6, 2010:

- 1) provision of a Traffic Impact Study for the overall 490 unit development;**
- 2) provision of justification for the proposed Phase Three lots that will be less than 60-feet in width;**
- 3) correction of the legal description as well as the acreage information to ensure that the entirety of the development is accurately described;**
- 4) revision of the plat to ensure that cul-de-sac rights-of-way and pavement diameters for Phases Three and higher comply with Sections V.B.14. (120-foot right-of-way diameter) and V.B.15. (96-foot pavement diameter) of the Subdivision Regulations;**
- 5) revision of the plat to accurately depict the recorded layout of Phases One and Two;**
- 6) revision of the plat to depict provision of street-stubs to the land-locked parcel North of proposed lots 20-21 and 26-27 in Phase Five, and the land-locked parcel South of Phase Seven, in compliance with Section V.B.1. of the Subdivision Regulations;**
- 7) revision of the plat to identify of all portions of the site to fully account for all acreage and the manner of site development**

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- (near Lot 23 in Phase Three, near Lot 7 in Phase Five, near Lot 390 in Phase Seven, and near Lot 189 in Phase Nine);
- 8) revision of the plat to depict any existing drainage easements associated with previous subdivisions (Lot 1, Duncan Subdivision), or submission of a vacation request for the easements;
 - 9) revision of the plat to identify the size of all lots in square feet, either via a table on the plat, or by the labeling of each lot, to ensure that each lot meets the minimum lot size identified in Section V.D.2. of the Subdivision Regulations;
 - 10) depiction of the 25-foot minimum building setback line, in conformance with Section V.D.9. of the Subdivision Regulations;
 - 11) identification and labeling of all common areas, including greenspaces, road medians, and detention areas, and placement of a note on the plat stating that maintenance of all common areas shall be the responsibility of the subdivision's property owners;
 - 12) placement of a note on the plat stating that access to the 60-foot roadway easement on the West side of site is denied;
 - 13) placement of a note on the plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, prior to the issuance of any permits or land disturbance activities;
 - 14) placement of a note on the plat stating that approval of all applicable federal, state, and local agencies is required for wetland issues, prior to the issuance of any permits or land disturbance activities;
 - 15) 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;
 - 16) placement of a note on the plat stating that submission of certification to Urban Development by a licensed engineer that detention facilities are adequate to comply with City of Mobile volume and discharge rate standards prior to signing of the final plat; and,
 - 17) placement of a note on the plat stating that each lot is limited to one curb-cut, with the size, design, and location to be approved by Mobile County Engineering, and to comply with AASHTO standards.

The motion carried unanimously.

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NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2010-01238

Commerce Limited Partnership #9602 & 9231)

3659 Airport Boulevard

Southwest corner of Airport Boulevard Service Road, 150'± East of Western America Drive

Planned Unit Development Approval to allow shared access and parking.

Council District 5

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations then 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. Davitt, to approve the above referenced matter, subject to the following conditions:

- 1) revision of the parking spaces to a minimum 9' in width;
- 2) relocate dumpster so that it does not affect traffic flow;
- 3) full compliance with tree planting and landscaping requirements for the overall site;
- 4) subject to Engineering comments: (*Disturbed areas may not remain denuded longer than 60 days, this includes building pads. Building pads that are expected to remain 60 days or longer must be stabilized with sod, gravel, UV resistant polyethylene or other approved materials appropriate for the use. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit*);
- 5) full compliance with all municipal codes and ordinances; and,
- 6) submission of a revised site plan to the Planning Section of Urban Development prior to the issuance of any permits or land disturbance activities.

The motion carried unanimously.

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GROUP APPLICATIONS:

Case #SUB2010-00066 (Subdivision)

New Shiloh Missionary Baptist Church Subdivision, Plat #1

2756 Old Shell Road

Northwest corner of Old Shell Road and Bay Shore Avenue

Number of Lots / Acres: 1 Lot / 3.4± Acres

Engineer / Surveyor: Jeffcoat Engineers & Surveyors, LLC

Council District 1

(Also see **Case #ZON2010-01313 (Planned Unit Development) New Shiloh**

Missionary Baptist Church Subdivision, Plat #1, and, Case #ZON2010-01312

(Planning Approval) New Shiloh Missionary Baptist Church Subdivision, Plat #1,
below)

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

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the July 22, 2010, meeting, with revisions due by noon on July 9, 2010, to address the following:

- 1) **beginning of the vacation process for the 10-foot lane right-of-way;**
- 2) **dedication sufficient for the lot to comply with Section V.D.6. of the Subdivision Regulations regarding curb radii;**
- 3) **depiction of the 25-foot minimum building line along all rights-of-way including any dedications;**
- 4) **retention of the labeling of the lot area size in square feet on the Final Plat;**
- 5) **placement of a note on the Final Plat stating that the lot is limited to one curb-cut to Old Shell Road and three curb-cuts to Bay Shore Avenue, with the size, location, and design of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards; 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.

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Case #ZON2010-01313 (Planned Unit Development)

New Shiloh Missionary Baptist Church Subdivision, Plat #1

2756 Old Shell Road

Northwest corner of Old Shell Road and Bay Shore Avenue

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

Council District 1

(Also see Case #SUB2010-00066 (Subdivision) **New Shiloh Missionary Baptist**

Church Subdivision, Plat #1, above, and, Case #ZON2010-01312 (Planning

Approval) **New Shiloh Missionary Baptist Church Subdivision, Plat #1**, below)

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

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the July 22, 2010, meeting, with revisions due by noon on July 9, 2010, to address the following:

- 1) revision of the site plan to replace dedication in compliance with Section V.D.6. of the Subdivision Regulations regarding curb radii;
- 2) revision of the site plan to delete the existing 10-foot drive off of Old Shell Road and the proposed new connecting one-way accessway;
- 3) revision of the site plan to modify the curb-cut for the existing concrete parking lot at the Old Shell Road and Bay Shore Avenue intersection to meet City of Mobile standards (including 24-foot width requirements) and relocation of the curb-cut further to the north to be out of any dedication area and align with the accessway for the parking spaces;
- 4) revision of the site plan to indicate whether or not curbs will be installed at the existing parking lot, if curbs will not be installed, bumper stops should be depicted;
- 5) placement of a note on the site plan stating that all curb-cut sizes and designs must be approved by Traffic Engineering and comply with AASHTO standards;
- 6) revision of the site plan to depict a redesign of the access, maneuvering, and parking under the canopy of the 60-inch Live Oak tree which has been granted preservation status, with the redesign to be coordinated with the Planning Section and the Urban Forestry Section of the Urban Development Department to ensure compliance;
- 7) compliance with Engineering comments: "*Development of this site shall provide adequate drainage for the runoff that currently*

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discharges across this property from adjacent properties and must not restrict the flow of runoff or cause ponding. Must comply with all stormwater and flood control ordinances. The construction of any new dumpster pads will require connection to sanitary sewer, cannot discharge to storm sewer. Any work performed in the right-of-way will require a right-of-way permit”;

- 8) revision of the site plan to add a note that the privacy fence will be no higher than 3 feet in height within the 25-foot front building setback;
- 9) revision of the site plan to depict parking lot screening along Bay Shore Avenue in compliance with Section 64-6.A.3.i. of the Zoning Ordinance;
- 10) placement of a note on the site plan stating that the development will comply with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance regarding illumination of uses and arrangement of lights so as not to shine directly into traffic or residential properties; and,
- 11) revision of the site plan to depict a dumpster with appropriate dumpster enclosure or placement of a note on the site plan stating that garbage pickup will be by curbside pickup service.

The motion carried unanimously.

Case #ZON2010-01312 (Planning Approval)

New Shiloh Missionary Baptist Church Subdivision, Plat #1

2756 Old Shell Road

Northwest corner of Old Shell Road and Bay Shore Avenue

Planning Approval to allow a church expansion in an R-1, Single-Family Residential District.

Council District 1

(Also see Case #SUB2010-00066 (Subdivision) **New Shiloh Missionary Baptist**

Church Subdivision, Plat #1, and, Case #ZON2010-01313 (Planned Unit

Development) New Shiloh Missionary Baptist Church Subdivision, Plat #1, above)

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

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the July 22, 2010, meeting, with revisions due by noon on July 9, 2010, to address the following:

- 1) revision of the site plan to replace dedication in compliance

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- with Section V.D.6. of the Subdivision Regulations regarding curb radii;
- 2) revision of the site plan to delete the existing 10-foot drive off of Old Shell Road and the proposed new connecting one-way accessway;
 - 3) revision of the site plan to modify the curb-cut for the existing concrete parking lot at the Old Shell Road and Bay Shore Avenue intersection to meet City of Mobile standards (including 24-foot width requirements) and relocation of the curb-cut further to the north to be out of any dedication area and align with the accessway for the parking spaces;
 - 4) revision of the site plan to indicate whether or not curbs will be installed at the existing parking lot, if curbs will not be installed, bumper stops should be depicted;
 - 5) placement of a note on the site plan stating that all curb-cut sizes and designs must be approved by Traffic Engineering and comply with AASHTO standards;
 - 6) revision of the site plan to depict a redesign of the access, maneuvering, and parking under the canopy of the 60-inch Live Oak tree which has been granted preservation status, with the redesign to be coordinated with the Planning Section and the Urban Forestry Section of the Urban Development Department to ensure compliance;
 - 7) compliance with Engineering comments: "*Development of this site shall provide adequate drainage for the runoff that currently discharges across this property from adjacent properties and must not restrict the flow of runoff or cause ponding. Must comply with all stormwater and flood control ordinances. The construction of any new dumpster pads will require connection to sanitary sewer, cannot discharge to storm sewer. Any work performed in the right-of-way will require a right-of-way permit*";
 - 8) revision of the site plan to add a note that the privacy fence will be no higher than 3 feet in height within the 25-foot front building setback;
 - 9) revision of the site plan to depict parking lot screening along Bay Shore Avenue in compliance with Section 64-6.A.3.i. of the Zoning Ordinance;
 - 10) placement of a note on the site plan stating that the development will comply with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance regarding illumination of uses and arrangement of lights so as not to shine directly into traffic or residential properties; and,
 - 11) revision of the site plan to depict a dumpster with appropriate dumpster enclosure or placement of a note on the site plan stating that garbage pickup will be by curbside pickup

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service.

The motion carried unanimously.

Case #ZON2010-01342 (Planned Unit Development)

Rich's Car Wash

1066 Hillcrest Road

Northwest corner of Hillcrest Road and Johnston Lane

Planned Unit Development to allow car drying/vacuuming shed, oil change building, office and customer waiting area on a single building site

Council District 6

(Also see **Case #ZON2010-01343 (Rezoning) Don Williams**, below)

The Chair noted there was a letter regarding the matter at each member's position and announced the matter was recommended for approval and if there were those present who wished to speak to please do so at that time.

Don Williams, Williams Engineering, spoke on behalf of the applicant. He noted they had no problems with the staff's recommendations, with the exception of condition one, requiring a 6 foot high wooden privacy fence along the entire western portion of the site. He then made the following points:

- A. the lot was a backwards flag shaped lot, with the bulk of the property along the road frontage with the smaller, pole portion, adjacent to the neighborhood;
- B. it was noted that the smaller, pole portion of the property was zoned R-1, but that a several years prior the owner had been granted permission to put a parking lot there;
- C. the piece in question ran approximately 650 feet back, with the parking lot only going back approximately 250 feet back, which left approximately 350 feet of vegetation;
- D. noted there was vegetation on either side of the property line to the west;
- E. noted that if the staff's recommendations were followed, approximately 350 feet worth of trees would have to be removed along the line to put in the 6 foot high privacy fence whose purpose would be to shield approximately 60 feet of trees from another 300 feet of trees;
- F. noted the applicant would have no issue complying with the recommendation if and when the adjacent property was developed residentially;
- G. noted the current location of the dumpster was in the right-of-way and that the applicant would have it removed, however, they had decided to forgo having a dumpster, and had elected to begin using garbage cans;
- H. in response to the letter written by a Mrs. Forsythe, reminded the

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- Commission that the parking lot had been approved;
- I. noted there were no plans to install additional vacuum machines; and,
 - J. the request for rezoning was due to the fact the property was currently split-zoned and the applicant desired to have it all fall under one zoning classification.

Mr. Olsen responded with the following:

- A. understood the applicant's argument regarding the wooden fence and the staff would have no problem modifying the condition to state either a 6 foot high, wooden fence, or a natural, vegetative buffer; and,
- B. noted the existence of a portable shed on the property that protruded into the right-of-way and asked what were the plans for said structure as it did not meet setbacks, it extended into the right-of-way as noted, and it was put in place without benefit of permits.

Mr. Williams responded that the shed was 11 feet off of the property line and it had not been permitted. He noted that though an application had been made to the Board of Zoning Adjustment to be granted "after the fact" permission for the canopy, it was realized that the portable structure would not be granted any variances, therefore none were attempted.

Mr. Davitt asked if, with the exception of the portable shed, what was on the site was not changing why was there a Planned Unit Development hearing.

Mr. Olsen stated it was standard procedure that a hearing be done to amend the PUD to accommodate a change when anything changed on that Planned Unit Development, such as zoning classification. He noted it was not done when the parking lot was added, but stated that was added by variance by the Board of Zoning Adjustment.

Mr. Watkins asked if the staff had any changes they would like considered.

Mr. Olsen offered the following:

- A. change the buffer condition as previously stated;
- B. permitting of all non-permitted structures;
- C. approval of the requested variance by the Board of Zoning Adjustment; and,
- D. removal of the un-permitted, portable shed and the appropriate permit to do so.

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

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- 1) provision of a 6' high wooden privacy fence or vegetative buffer along the entire Western portion of the site to comply with Section 64-4.D.1;
- 2) depiction of dumpster location on the site plans to comply with Section 64-4.D.9 of the Zoning Ordinance and placement of a note on the site plans stating that dumpsters will be completely screened from view or placement of a note stating how garbage will be removed and that drainage from any new dumpster pads must connect to the sanitary sewer system via a grease trap/oil separator;
- 3) placement of a note on the site plan stating that the runoff from the vehicle washing facility must drain to the sanitary sewer system, and the connection must include an oil separator;
- 4) placement of a note on the site plan stating that any new lighting on the site will comply with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;
- 5) removal of the unpermitted portable storage building that encroaches into the right-of-way, with appropriate permits;
- 6) permitting of any other unpermitted structures (and necessary variances for setback encroachments) and,
- 7) submittal of two copies of the revised PUD site plan to the Planning Section of Urban Development.

The motion carried unanimously.

Case #ZON2010-01343 (Rezoning)

Don Williams

1066 Hillcrest Road

Northwest corner of Hillcrest Road and Johnston Lane

Rezoning from R-1, Single-Family Residential District and B-2, Buffer Business District to B-2, Buffer Business District eliminate split zoning for an existing car wash.

Council District 6

(Also see **Case #ZON2010-01342 (Planned Unit Development) Rich's Car Wash, above**)

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

Don Williams, Williams Engineering, spoke on behalf of the applicant

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

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- 1) limited to an approved Planned Unit Development;**
- 2) provision of a 6' high wooden privacy fence or vegetative buffer along the entire Western portion of the site to comply with Section 64-4.D.1;**
- 3) removal of the un-permitted portable storage building that encroaches into the right-of-way, with appropriate permits;**
- 4) permitting of any other un-permitted structures (and necessary variances for setback encroachments); and**
- 5) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

OTHER BUSINESS:

Mr. Olsen advised the Commission of the need to have a business meeting in July. The meeting was tentatively planned for July 15, 2010, in the Pre-Council meeting room at 2 p.m. that day. The members advised him to choose a date and they would advise whether or not they would be able to attend.

Hearing no further business, the meeting was adjourned.

APPROVED: September 16, 2010

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

jsl