

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF JUNE 2, 2011 - 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.  
Mead Miller  
Roosevelt Turner  
James F. Watkins, III

**Members Absent**

Nicholas H. Holmes, III  
Herb Jordan  
John Vallas

**Urban Development Staff Present**

Frank Palombo,  
Planner II  
Caldwell Whistler,  
Planner I  
David Daughenbaugh,  
Urban Forestry Coordinator  
Joanie Stiff-Love,  
Secretary II

**Others Present**

John Lawler,  
Assistant City Attorney  
John Forrester,  
City Engineering  
District Chief 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.

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 #SUB2011-00035**

**Government at Michigan Avenue Plat # 1 Subdivision, A Re-subdivision of the Major Portion of Lots 1, 2, 3 and a Portion of Lot 4 of Glendale Park Subdivision**

1307 Government Street

(Southwest corner of Government Street and Michigan Avenue)

Number of Lots / Acres: 1 Lot / 0.4± Acre

Engineer / Surveyor: Jade Consulting, LLC

Council District 2

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

Mr. DeMouy, Vice chairman, 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.

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

- 1) **placement of the label of the lot with its size in square feet;**
- 2) **placement of the 25-foot minimum building setback line along all right-of-way frontages;**
- 3) **placement of a note on the Final Plat limiting the development to one curb-cut each to Government Street and Michigan Avenue, with the size, design, and location of all curb-cuts to be approved by Mobile City Engineering and conform to AASHTO standards;**
- 4) **compliance with Engineering comments: *(Need to provide a 25' radius to be dedicated to the City at the intersection of Government Street and Michigan Avenue. On the plat, rename Government Boulevard to Government Street and indicate the ROW widths on Government Street and Michigan Avenue. Also on the plat, expand the flood zone designation of Zone X to show that the property is located in Zone X-Unshaded. Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet since 1984 will require detention. Drainage from the site needs to tie subsurface to a City maintained system. The receiving system will need to be analyzed to show that it has the capacity to receive drainage from the site. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.)*;**
- 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) **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,**
- 7) **approval of all applicable federal, state, and local agencies prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

**Case #SUB2011-00034 (Subdivision)**

**Atlantis Subdivision**

Northwest corner of Halls Mill Road and Demetropolis Road extending to the East side of Government Boulevard

Number of Lots / Acres: 2 Lots / 28.1± Acres

Engineer / Surveyor: Preble-Rish LLC

Council District 4

(Also see **Case #ZON2011-00936 (Planned Unit Development) Atlantis Subdivision**, below)

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

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

- 1) **placement of a note on the Final Plat stating that Lot 1 is limited to one (1) curb-cut onto US Highway 90, and one (1) curb-cut onto Halls Mill Road;**
- 2) **placement of a note on the Final Plat stating that Lot 2 is limited to a maximum of two (2) curb-cuts onto US Highway 90;**
- 3) **placement of a note on the Final Plat stating that the size, design, and location of all curb-cuts are to be approved by Traffic Engineering and ALDOT (for US Highway 90 curb-cuts), and to conform to AASHTO standards;**
- 4) **compliance with Engineering comments: *(It appears that connection to a City maintained drainage system is impractical without either acquiring a private drainage easement or a release agreement from the affected downstream property owner(s), unless it can be shown that the discharge from this site is designed such that it will comply with the revised stormwater ordinance. Due to the existing topography, drainage from Lot 2 will be required to discharge onto Lot 1, therefore the proposed detention pond will either need to be sized to accommodate the detention required for Lot 2 or sized accordingly to receive the controlled discharge from Lot 2. The discharge from both Lots 1 & 2 shall be designed to provide at a minimum, detention from a 100 year storm with a 2 year release rate as outlined in the stormwater ordinance. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit.)*;**
- 5) **compliance with Urban Forestry comments: *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private***

*properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the 108" Live Oak Tree located on the South side of Lot 1. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger. Tree removal permits are required from Urban Forestry before removing or trimming 24" DBH or larger Live Oak Trees.);*

- 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;**
- 7) **provision of a revised PUD site plan depicting sidewalks, if the sidewalk waiver is not approved by the Planning Commission at its June 16, 2011 meeting; and,**
- 8) **completion of the Subdivision process prior to any requests for land disturbance.**

The motion carried unanimously.

**Case #ZON2011-00936 (Planned Unit Development)**

**Atlantis Subdivision**

Northwest corner of Halls Mill Road and Demetropolis Road extending to the East side of Government Boulevard

Planned Unit Development Approval to allow 15 apartment buildings (360 total units) and a club house on a single building site

Council District 4

(Also see **Case #SUB2011-00034 (Subdivision) Atlantis Subdivision**, above)

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

- 1) **revision of the site plan to depict the minimum building setback line from all street frontages, including US Highway 90;**
- 2) **compliance with Engineering comments: *(It appears that connection to a City maintained drainage system is impractical without either acquiring a private drainage easement or a release agreement from the affected downstream property owner(s), unless it can be shown that the discharge from this site is designed such that it will comply with the revised stormwater ordinance. Due to the existing topography, drainage from Lot 2 will be required to discharge onto Lot 1, therefore the proposed detention pond will either need to be sized to accommodate the detention required for Lot 2 or sized accordingly to receive the controlled discharge from Lot 2. The discharge from both Lots 1***

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- & 2 shall be designed to provide at a minimum, detention from a 100 year storm with a 2 year release rate as outlined in the stormwater ordinance. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit.);*
- 3) **compliance with Traffic Engineering comments:** *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. A Traffic Impact Study has been submitted for the development. The developer will be responsible for construction of the recommendations and must submit full construction plans for approval from City of Mobile Traffic Engineering, Engineering, and ALDOT.);*
  - 4) **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 108” Live Oak Tree located on the South side of Lot 1. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger. Tree removal permits are required from Urban Forestry before removing or trimming 24” DBH or larger Live Oak Trees.);*
  - 5) **completion of the Subdivision process prior to any request for land disturbance;**
  - 6) **submission of a revised site plan if the sidewalk waiver request is not approved by the Planning Commission at its June 16, 2011 meeting;**
  - 7) **submission of an application for an Administrative PUD for any vehicular connection to the adjacent church property, as recommended by the Traffic Impact Study, prior to the request for Land Disturbance permits; and,**
  - 8) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

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**Case #SUB2011-00029 (Subdivision)**

**Alabama West Subdivision, Unit Four**

2600 McVay Drive North

(North side of McVay Drive North, 290'± West of Navco Road)

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

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 4

(Also see **Case #ZON2011-00747 (Planning Approval) Alabama West Subdivision, Unit Four**, and, **Case #ZON2011-01073 (Rezoning) Alabama Realty Company, Inc.**, below)

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

Hearing no opposition or discussion, a motion was made by Mr. Davitt, 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 driveway number, size, location, and design are to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **revision of the plat to illustrate the 25' minimum building setback line along McVay Drive North;**
- 3) **revision of the plat to label the lot with its size in square feet and acres, or the furnishing of a table on the Final Plat providing the same information;**
- 4) **labeling of the Future Development area as such on the Final Plat;**
- 5) **placement of a note on the Final Plat stating that the approval of all applicable federal, state, and local environmental agencies would be required prior to the issuance of any permits or land disturbance activities; and,**
- 6) **subject to the Engineering comments: *(Show Minimum Finished Floor Elevation on each lot on Plat. There is to be no fill placed within the limits of the flood plain without providing compensation. There is to be no work performed within the limits of the wetlands without prior approval from the US Army Corps of Engineers and the City of Mobile. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.)***

The motion carried unanimously.

**Case #ZON2011-00747 (Planning Approval)**

**Alabama West Subdivision, Unit Four**

2600 McVay Drive North

(North side of McVay Drive North, 290'± West of Navco Road)

Planning Approval to allow the construction and use of a 130' monopole communications tower in a B-3, Community Business District

Council District 4

(Also see **Case #SUB2011-00029 (Subdivision) Alabama West Subdivision, Unit Four**, above, and, **Case #ZON2011-01073 (Rezoning) Alabama Realty Company, Inc.**, below)

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

- 1) **completion of the Subdivision process;**
- 2) **subject to 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]*);**
- 3) **subject to Traffic Engineering comments: (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards*);**
- 4) **subject to the Engineering comments: (*Show Minimum Finished Floor Elevation on each lot on Plat. There is to be no fill placed within the limits of the flood plain without providing compensation. There is to be no work performed within the limits of the wetlands without prior approval from the US Army Corps of Engineers and the City of Mobile. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.*);**
- 5) **the provision of a 6' high wooden privacy fence where the site abuts residentially-zoned property;**
- 6) **the provision of a 6' high chain link fence around the equipment compound;**
- 7) **subject to the approval of all applicable federal, state, and local environmental agencies prior to the issuance of any permits or land disturbance activities;**
- 8) **subject to the approval of all required variances associated with the proposed 140' over-all high tower;**
- 9) **placement of a note on the site plan stating that clearing of the site is limited to the area necessary for construction of the compound and access road and the remainder of the site is to remain in its natural vegetative state; and,**

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- 10) submittal to Planning of a more detailed site plan showing all conditions of approval of the Planning Approval and any required variances prior to the application for land disturbance and construction permits.

The motion carried unanimously.

**Case #ZON2011-01073 (Rezoning)**

**Alabama Realty Company, Inc.**

2600 McVay Drive North

(North side of McVay Drive North, 290'± West of Navco Road)  
Rezoning from R-1, Single-Family Residential District, to B-3, Community Business District, to allow the construction and use of a cellular communications tower  
Council District 4

(Also see **Case #SUB2011-00029 (Subdivision) Alabama West Subdivision, Unit Four**, and, **Case #ZON2011-00747 (Planning Approval) Alabama West Subdivision, Unit Four**, above)

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

- 1) **completion of the Subdivision process;**
- 2) **subject to 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]*);**
- 3) **subject to Traffic Engineering comments: (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards*);**
- 4) **subject to the Engineering comments: (*Show Minimum Finished Floor Elevation on each lot on Plat. There is to be no fill placed within the limits of the flood plain without providing compensation. There is to be no work performed within the limits of the wetlands without prior approval from the US Army Corps of Engineers and the City of Mobile. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.*);**
- 5) **the provision of a 6' high wooden privacy fence where the site abuts residentially-zoned property; and,**
- 6) **subject to the approval of all applicable federal, state, and local environmental agencies prior to the issuance of any permits or land disturbance activities.**



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The motion carried unanimously.

**Case #SUB2011-00047 (Subdivision)**

**Maryland & Franklin Subdivision**

211 South Franklin Street

(East side of Franklin Street, 155'± North of Virginia Street and extending East to South Conception Street)

Number of Lots / Acres: 3 Lots / 1.8± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 2

(Also see **Case #ZON2011-01082 (Planned Unit Development) Maryland & Franklin Subdivision**, below)

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

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the June 16, 2011, meeting, as requested by the applicant, with any revisions due to the Planning Section by June 8, 2011.

The motion carried unanimously.

**Case #ZON2011-01082 (Planned Unit Development)**

**Maryland & Franklin Subdivision**

206 & 211 Maryland Street

(East side of Franklin Street, 155'± North of Virginia Street and extending East to South Conception Street)

Planned Unit Development Approval to allow shared access between three building sites

Council District 2

(Also **Case #SUB2011-00047 (Subdivision) Maryland & Franklin Subdivision**, above)

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the June 16, 2011, meeting, as requested by the applicant, with any revisions due to the Planning Section by June 8, 2011.

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2011-00051**

**Springer Subdivision**

2616 & 2618 Dauphin Street

(Northeast corner of Dauphin Street and Tacon Street)

Number of Lots / Acres: 1 Lot / 0.2± Acre

Engineer / Surveyor: Byrd Surveying, Inc

Council District 1

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

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Dr. Rivizzigno, to waive Section V.D.9. of the Subdivision Regulations regarding the minimum building setback line for Tacon Street only and a waiver of Section V.B.14. of the Subdivision Regulations regarding right-of-way dedication for Dauphin Street only and approve the above referenced matter, subject to the following conditions:

- 1) dedication sufficient to comply with Section V.B.16. of the Subdivision Regulations regarding curb radii at the corner of Dauphin Street and Tacon Street;**
- 2) labeling of the lot area size in square feet;**
- 3) retention of the 25-foot minimum building setback line along Dauphin Street and the 20-foot minimum building setback line along Tacon Street;**
- 4) placement of a note on the Final Plat stating that the lot will be denied access to Dauphin Street and will be limited to one curb-cut to Tacon Street with the size, design, and exact location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards, at any time the site is redeveloped or the existing development is modified; and,**
- 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.**

The motion carried unanimously.

**Case #SUB2011-00052**

**Revised Mt. Zion Baptist Church Subdivision**

1023 I-10 Service Road

(West side of I-10 Service Road, extending from Nellie Street to Duval Street)

Number of Lots / Acres: 1 Lot / 1.3± Acre

Engineer / Surveyor: Frank A. Dagley & Associates, 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. Turner, with second by Dr. Rivizzigno, to approve the above referenced matter, subject to the following conditions:

- 1) **labeling of the lot area size in square feet;**
- 2) **retention of the 25-foot minimum building setback line along all public rights-of-way;**
- 3) **placement of a note on the Final Plat stating that the lot is denied access to the I-10 Service Road;**
- 4) **placement of a note on the Final Plat stating that the lot is limited to one curb-cut each to Nellie Street and Duval Street, with the size, design, and exact location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 5) **compliance with Traffic Engineering comments: *“Proposed driveway should be realigned to remove the skew intersection with Nellie Street;”***
- 6) **correction of the spelling of Duval Street;**
- 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) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

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**Case #SUB2011-00050**

**Kent Place Subdivision**

2901 Club House Road

(Southwest corner of Club House Road and Kent Road)

Number of Lots / Acres: 2 Lots / 0.5±

Engineer / Surveyor: Frederick H. Haidt III, PLS

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

- 1) **placement of the labeling of the lots with size in square feet;**
- 2) **placement of the 25-foot minimum building setback line;**
- 3) **placement of a note on the Final Plat limiting the each lot to one curb cut to Kent Road, with the size, design, and location of all curb cuts to be approved by Mobile City Engineering and conform to AASHTO standards; and,**
- 4) **placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.**

The motion carried unanimously.

**Case #SUB2011-00053**

**Crichton Commerce Place Subdivision, Re-subdivision & Addition to**

3232, 3240, 3300, 3374 and 3378 Moffett Road, and 3218 Crichton Street

(North side of Moffett Road, 430'± East of I-65 Service Road North and extending to the Western terminus of Crichton Street)

Number of Lots / Acres: 3 Lots / 30.7± Acres

Engineer / Surveyor: Frank A. Dagley & Associates, Inc.

Council District 1

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 further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over to the meeting of July 7, 2011, in order for the applicant to submit a separate Planned Unit Development application for Lot 2 and Lot 3, to be submitted no later than June 6, 2011.

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The motion carried unanimously.

**NEW ZONING APPLICATIONS:**

**Case #ZON2011-01184**

**Gerald T. Still**

2350 Demetropolis Road

(West side of Demetropolis Road, 1900'± South of Cottage Hill Road). Rezoning from R-1, Single-Family Residential District, to R-3, Multiple-Family Residential District, to allow an assisted living facility.

Council District 4

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

Michael Guarino, 4241 Burma Road, Mobile, AL, spoke on his own behalf as the property owner of the small, adjacent triangle of property located at the southeast corner of the property in question. Mr. Guarino asked if his small, 1600 square foot triangle could be rezoned to match the adjacent property.

Mr. Palombo advised that if Mr. Guarino wanted the property rezoned he would need to file an application to do so himself, unless he could get with the applicant and come to some arrangement on the matter.

The applicant, Gerald Still, 2350 Demotropolis Road, Mobile, AL, responded by saying he would take advantage of the holdover and speak with Mr. Guarino to try and work something out regarding the matter.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. Davitt, to hold the matter over until the June 16, 2011, meeting, with the following revisions due by Tuesday, June 7, 2011:

- 1) justification of rezoning according to at least one of the four conditions listed in Section 64-9. of the Zoning Ordinance; and,**
- 2) correction of any data errors as it relates to property size depicted on the site plan.**

The motion carried unanimously.

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**OTHER BUSINESS:**

Hearing no further business, the meeting was adjourned.

**APPROVED:** August 18, 2011

/s/ Dr. Victoria Rivizzigno, Secretary

/s/ Terry Plauche, Chairman

jsl