

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF JULY 8, 2010 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William G. DeMouy, Jr.
Stephen J. Davitt, Jr.
Herb Jordan
Mead Miller
John Vallas

Members Absent

Victoria L. Rivizzigno, Secretary
Nicholas H. Holmes, III
Roosevelt Turner
James F. Watkins, III

Urban Development Staff Present

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

Others Present

John Lawler,
Assistant City Attorney
Rosemary Sawyer,
City Engineering
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.

APPROVAL OF MINUTES:

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

- May 6, 2010
- May 20, 2010
- June 3, 2010

The motion carried unanimously.

Mr. Miller noted that up until a few months prior the meeting minutes were like a “history lesson.” He commended the staff member who had taken on the task of getting the minutes up to date.

HOLDOVERS:

Case #SUB2010-00054 (Subdivision)

Checkers Hwy 90 W. Subdivision

5415 U. S. Highway 90 West

Northeast corner of U.S. Highway 90 West and Wiley Orr Road

Number of Lots / Acres: 1 Lot / .25± Acre

Engineer / Surveyor: R. James Halsema

Council District 4

(Also see **Case #ZON2010-00980 (Planned Unit Development) Checkers Hwy 90 W. Subdivision**, below)

The Chair announced the staff recommended the application be withdrawn, and if there were those present who wished to speak to please do so at that time.

Mr. Olsen advised that the staff had also received a letter from the applicant withdrawing the matter, and so the above referenced matter was withdrawn by the applicant.

Case #ZON2010-00980 (Planned Unit Development)

Checkers Hwy 90 W. Subdivision

5415 U. S. Highway 90 West

Northeast corner of U.S. Highway 90 West and Wiley Orr Road

Planned Unit Development Approval to allow two buildings on a single building site and shared access and parking

Council District 4

(Also see **Case #SUB2010-00054 (Subdivision) Checkers Hwy 90 W. Subdivision**, above)

The Chair announced the staff recommended the application be withdrawn, and if there were those present who wished to speak to please do so at that time.

Mr. Olsen advised that the staff had also received a letter from the applicant withdrawing the matter, and so the above referenced matter was withdrawn by the applicant.

Case #SUB2010-00048

Shilco Subdivision, Lot 1, Re-subdivision of Lot 1

2409 Schillinger Road

East side of Schillinger Road, 380'± North of Cottage Hill Road

Number of Lots / Acres: 1 Lot / 5.1± Acres

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

Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant and made the following points:

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- A. it was a two lot subdivision consisting of one large lot which is planned as a large shopping center and one smaller lot on which a McDonald's is located;
- B. the original holdover was due to both lots having to participate in the subdivision process and that matter was complicated by the owner of the smaller lot making their par participation in the process contingent upon the owner of the larger lot stipulating to no restaurants being located in the shopping center;
- C. due to the imposition of restrictions by the other property owner, the applicant was trying to go forward with the project without having to include the other property owner;
- D. the Subdivision Regulation allow two curb-cuts per lot but based upon the issues presented the applicant wished for two curb-cuts for the large lot, in addition to the current curb-cuts to the smaller, occupied lot;
- E. presented a drawing which showed the delivery truck routes that had been previously agreed upon with the adjacent property owners;
- F. noted it was typical with any shopping center to direct all tractor-trailer deliveries to the rear of the property and felt the solution present was a better option than having the tractor-trailers accessing the property via one driveway and pulling through the main parking lot; and,
- G. based upon all of the information presented, especially that involving the heavy restrictions from the smaller property owner, it was requested that the Commission would approve the two curb-cuts subject to the approval of the county engineer.

Mr. Olsen responded that should the Commission be of a mind to approve the matter, the staff had some recommendations prepared and they were as follows:

- A. placement of a note on the final plat stating that Lot 1, including the future lease, area is limited to a maximum of two (2) curb-cuts, with the size, design, and location to be approved by Mobile County Engineering, and to conform to AASHTO standards;
- B. labeling and depiction on the final plat of the 25-foot minimum building setback line and lot size information in square feet, as shown on the preliminary plat;
- C. placement of a note on the final plat stating that any lots that are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations;
- D. 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

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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 prior to the issuance of permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;

- E. labeling of the lot with its size in square feet; and,
- F. placement of a note on the final plat stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities.

Mr. Dagley stated the applicant was in agreement with the recommendations just read by Mr. Olsen.

Mr. Davitt asked for more information regarding the terms stipulated by the smaller property owner.

Mr. Dagley stated the original restrictions were a list of certain restaurants that could not lease at the site, such as Wendy's, Burger King and some other fast food chains, however, the newer restriction stated that no restaurant of any kind could lease space in that proposed shopping center. As it currently stood, the shopping center owners could lease space to some other type restaurant not of a type that was in direct competition with the current McDonald's located on the smaller property. He added that the McDonald's had been built on a very large piece of property with no forethought regarding what might be put on the rest of the land or if the land might be sold off which has subsequently caused the issues at hand.

Mr. Davitt asked Mr. Olsen if the staff had been made aware of the restrictions.

Mr. Olsen stated they had and noted that it did call for the elimination of any other type of food service establishment which was considered extreme.

Mr. Davitt asked if any limitations needed to be put on the curb-cut to the north regarding it only being ingress.

Mr. Olsen responded by stating the County Engineer would make that determination.

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

- 1) placement of a note on the final plat stating that Lot 1, including the future lease area, is limited to a maximum of two (2) curb-cuts, with the size, design, and location to be approved by Mobile County Engineering, and to conform to AASHTO standards;**

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- 2) labeling and depiction on the final plat of the 25-foot minimum building setback line and lot size information in square feet, as shown on the preliminary plat;**
- 3) placement of a note on the final plat stating that any lots that are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations;**
- 4) placement of a note on the final plat stating 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 permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;**
- 5) labeling of the lot with its size in square feet; and,**
- 6) placement of a note on the final plat stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

Case #SUB2010-00046

Chavis Subdivision

5700 Willis Road

North side of Willis Road, 800'± West of U. S. Highway 90 West

Number of Lots / Acres: 2 Lots / 1.6± Acre

Engineer / Surveyor: Polysurveying Engineering - Land Surveying

Council District 4

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. At that time, he noted there was no one there to speak either in favor or in opposition to the matter.

Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. DeMouy, to deny the above referenced matter for the following reasons:

- 1) no Planned Unit Development application was submitted to address the proposed crossover easement between the two lots to include access points, parking reconfiguration of proposed Lot 1, or ingress/egress for the southern-most service bays of the existing building;**

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- 2) **no evidence was submitted to show that a flag lot is necessary to allow the site owner reasonable use of the site or to alleviate a situation that would otherwise cause extreme hardship as per Section V.D.1. of the Subdivision Regulations;**
- 3) **no evidence of a family subdivision was submitted as per Section V.D.1. of the Subdivision Regulations; and,**
- 4) **the flag lot would be out of character with other lots in the vicinity as per Section V.D.1. of the Subdivision Regulations.**

The motion carried unanimously.

Case #SUB2010-00061

Magnolia Springs Subdivision, Phase II

North side of Silver Pine Road at the North terminus of Maple Valley Road

Number of Lots / Acres: 43 Lots / 22.5± Acres

Engineer / Surveyor: Engineering Development Services, LLC

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.

David Diehl, Engineering Development Services, LLC, spoke on behalf of the applicant and requested that the matter be held over again as they had just received the draft copy of the required Traffic Impact Study. He added that it was hoped that the matter could be held over a bit longer to assure they had the necessary time to review the Study.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the August 19, 2010, meeting, per the applicant's request.

The motion carried unanimously.

EXTENSIONS:

Case #SUB2007-00091

Augusta Subdivision, Unit Seven

West side of Vassar Court, 265'± North of Augusta Drive North

Number of Lots / Acres: 15 Lots / 8.7± Acres

Engineer / Surveyor: Rester and Coleman Engineers, 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.

Don Coleman, Rester and Coleman, stated the current request for a year extension was based upon the fact that the housing market had been very slow over the past three years

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and that the owner had contacted him to let him know that he might have real interest in the property.

Mr. Davitt asked Mr. Coleman to clarify the statement that the property owner “might have” someone interested in the property, to which Mr. Coleman stated the owner had come by his office the day before with the information.

Mr. Davitt then asked how long Mr. Coleman believed it might take to know whether it would be done or not.

Mr. Coleman responded he did not have an idea regarding that.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Vallas, to extend the above referenced request for extension for six (6) months.

Mr. Olsen pointed out that the staff had noted that to make the road three lots would have to be taken from the previous subdivision. He noted there had been a change in legal opinion since the subdivision’s original approval in 2007 that stated if a lot were taken to make a street to develop a new subdivision, the entire subdivision from which the lot was taken had to be a party to said subdivision application.

Mr. Lawler added that the idea was if a person bought in to a subdivision, there was an implied covenant that the subdivision, including streets, would remain the same, and as they proposed to take out three lots from the original subdivision to build a road to another subdivision, then the property owners from the original subdivision had a right to be a part of that decision making process. He likened it to when a street was being closed in a subdivision, that all property owners in that subdivision had a vote in that matter.

Mr. Jordan asked that if the applicant was given the six month period, would it provide them enough time to contact the other residents regarding notification.

Mr. Lawler stated that as the matter already had previous approval, notification of the subdivision’s property owners would only be an issue should the sixth months proposed extension of the subdivision expire.

Mr. Miller asked for more information regarding the matter in an effort to make an informed decision.

Mr. Olsen stated that his earlier statements on the matter were not done so that the Commission would deny the extension, but merely an effort to re-iterate information that had been noted in the staff report so that all parties were aware that if the request were approved and should it expire the applicant would have to re-apply based upon the newer legal opinion.

Mr. Davitt asked if notifications were sent on extensions such as this and was advised no.

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Mr. Olsen stated that per the original application from 2007 the only people that would have been notified were those adjacent to the property or directly across the street.

The motion carried unanimously.

Case #ZON2009-01494 (Planned Unit Development)
Hill Forest Subdivision, Lot 1

1900 Shelton Beach Road Extension
East side of Shelton Beach Road, 1/2± mile North of Moffett Road
Planned Unit Development Approval to allow twelve multi-story apartment buildings having a total of 128 dwelling units, clubhouse, swimming pool, playground, picnic area and above ground detention pond on a single building site
Council District 1

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. Vallas, to approve the above referenced request for extension.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2010-00072
Lighthouse Baptist Church Subdivision

6283, 6635 and 6337 Swedetown Road North
South side of Swedetown Road North, 175'± East Nan Gray Davis Road
Number of Lots / Acres: 1 Lot / 3.3± Acres
Engineer / Surveyor: Frank A. Dagley & Associates, 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. Davitt, with second by Mr. Vallas, to approve the above referenced matter, subject to the following conditions:

- 1) **depiction of the 25-foot minimum building setback line along all right-of-way frontages on the Final Plat;**
- 2) **labeling of the lot area size, in square feet, or provision of a table on the Final Plat with the same information;**
- 3) **placement of a note on the final plat limiting the site to two**

- curb cuts to Swedetown Road North, with the size, design, and location of all curb cuts to be approved by Mobile County Engineering and conform to AASHTO standards;
- 4) deletion of dedication information;
 - 5) 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;
 - 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; and,
 - 7) 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.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2010-01508

William C. Hall / Trent Hall

1514 and 1520 West I-65 Service Road South

(West side of West I-65 Service Road South, 860'± South of Cottage Hill Road).

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

Council District 4

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

Hearing no further opposition or discussion, a motion was made by Mr. Vallas, with second by Mr. Miller, to hold the matter over until the August 5, 2010, meeting, with revisions due to the Planning Section by Wednesday, July 21, 2010, so that the following items can be addressed:

- 1) revision of the site plan to indicate compliance with the tree planting and landscaping requirements of the Zoning

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Ordinance;

- 2) **closure of the northernmost curb cut;**
- 3) **improvement of the other curb cut to City of Mobile and AASHTO standards;**
- 4) **addition of one-way arrows on the northern accessway and addition of “do not enter” signage where the one-way accessway meets the main entranceway;**
- 5) **closure of the shared access with the properties to the North and South;**
- 6) **addition of an adequate dumpster enclosure with connection to the sanitary sewer; and,**
- 7) **depiction of sidewalks or submittal of a sidewalk waiver.**

The motion carried unanimously.

NEW PLANNING APPROVAL APPLICATIONS:

Case #ZON2010-01505

Alabama Power Company

South side of Airport Boulevard beginning at Providence Hospital extending along Milkhouse Creek to the North side of Grelot Road and extending to the East side of Cody Road.

Planning Approval to allow a high voltage transmission line across a residential area.
Council District 6

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

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

The following people spoke in favor of the matter:

- John Leach, 2251 Ashland Place Avenue, Mobile, AL, of the law firm Helmsing, Leach, Herlong, Newman, and Rouse, spoke as legal counsel for Alabama Power; and,
- James Weninegar, Line Routing and Survey Manager, Alabama Power Company, Birmingham, AL.

They made the following points:

- A. the applicant was seeking approval of a 115kV transmission line, known as the West Grelot Transmission Line, which would serve the rapidly growing area of West Mobile;
- B. currently there were at least 2000 apartments that have either been built or are proposed in that area, which has caused Alabama

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- Power to have reached its capacity to provide adequate service in those areas;
- C. the route had been approved by both the Probate and Circuit Courts of Mobile County pursuant to the Eminent Domain Code of the State of Alabama;
 - D. noted there would be a short video shown after the proponent speakers were finished to show the outline of the transmission line in question;
 - E. noted that the endeavor was unique;
 - F. noted that this was the first time Alabama Power had been asked by a municipality within the State of Alabama to apply for approval of a matter such as this;
 - G. presented a series of maps that illustrated the area, its growth, and the power needs for this area;
 - H. noted the proposed transmission line would relieve the power demands from the Lindel, DS on Cottage Hill Road and Dawes Road, and Grelot Road substations;
 - I. without these improvements, Alabama Power had determined that the only other option would be roving blackouts in the area;
 - J. presented an illustration of the areas that would be affected by the proposed roving blackouts;
 - K. noted that four other routes were examined but that due to specific limitation or need requirements, they were determined to be unacceptable;
 - L. noted that in having to go through the court system, justification had to be given to both courts involved as to why the route picked was the one which represented the greatest benefit to the community while incurring the least negative repercussions to the same; and,
 - M. a short PowerPoint presentation was shown.

The Chair asked what were the plans regarding the right-of-way and were they going to clear the entire 100 feet as proposed.

Mr. Weninegar stated that the 100 foot right-of-way would not be cleared in every place as it would not be possible, noting that there was an area that included land that was drainage sensitive as well as being part of the sewer easement. He noted that Alabama Power Company had also installed taller poles in an effort to keep from cutting down what were considered danger trees, which were those trees that when falling, would fall within five feet of a conductor and disrupt power. He advised the Commission that the court provide Alabama Power Company the right to cut those trees down at their discretion. He then noted on the maps the areas that would not be cut. Mr. Weninegar advised that Alabama Power Company had also worked with Mobile Area Sewer and Water regarding drainage in the area so that it remained just as it was prior to the construction of the proposed transmission line. He added that there was an area that Alabama Power had no plans to even cut roads, instead they planned to hand cut the

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necessary trees, and bring in the transmission line equipment via helicopter.

The Chair then asked what the plans for re-vegetating the right-of-way were.

Mr. Weninegar stated that Alabama Power had a vegetation program in place that called for grassing the area right after the right-of-way was cleared at the beginning of a project with further re-vegetation as the project continued. He added that due to concerns expressed regarding this project, they would plant low growing trees on the east side of the right-of-way.

Mr. DeMouy noted the applicant had mentioned three possible routes looked at and wondered, regarding the other two routes, if they were financially unfeasible due to easement acquisition or construction issues.

Mr. Weninegar stated that on some of those it would have meant buying less easement but involved other issues such as maintenance.

Mr. DeMouy asked if Alabama Power now owned all of the right-of-way in question.

Mr. Weninegar stated that they currently had all of the legal rights to construct the project, including the ADEM permit, Corps of Engineer permits, and would be constructing the project under the Corps of Engineers National Wetlands permit.

Mr. DeMouy noted the applicant had known this was coming for some time and wondered how long this particular project had been on the drawing board, starting with the acquisition of the right-of-way.

Mr. Weninegar stated he did not have a fixed date but roughly felt it was within the last three years that the route was finalized.

The Chair asked for clarification of the statement that there would be no change in the drainage pattern for the area or the amount of water that would flow onto adjacent property as a result of the project.

Mr. Weninegar stated that from a pattern stand point, it was to drain the same after the project was finished as it did currently. He noted that from a volume flow, run-off studies for before and after had been done and submitted to the City's Engineering Department and these have shown a negligible increase in run-off.

The Chair noted his concern over this matter stating that the area would only have grass when it had trees and bushes to hinder run-off before.

The following people spoke in opposition to the matter:

- Al Storey, 6609 Somerby Lane, Mobile, AL; and,
- Charlie Baucom, State Line Road, Moss Point, MS.

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They made the following points:

- A. noted that Somerby was a senior citizen residence area and almost all of them are veterans or widows of veterans of World War II;
- B. after receiving a letter from Alabama Power Company regarding placing the transmission line along Milkhouse Creek, they asked why the company hadn't chosen to put the transmission line along Cody Road where there was an easement already in existence;
- C. the neighbors have concerns over an increase in run-off due to the loss of trees;
- D. a website had been created by the area residents to show their concern regarding the very issues brought up by the Commission members;
- E. noted that the information the neighbors gathered regarding the issues brought up by the Commission had been ruled as inadmissible when the groups had gone to court regarding the matter;
- F. noted there was a sewer line that ran through the area from Providence Hospital and no one has been able to tell the neighbors what possible toxins are released as a result;
- G. noted that in 2002, Somerby was proposed, with the developers approaching Councilperson Connie Hudson regarding its development;
- H. noted Councilperson Hudson drafted a letter to Alabama Power Company which detailed the history of the area and included the information that Somerby had purchased 40 acres with plans to develop all 40 acres however the City of Mobile planners advised them to leave approximately 13 acres of it that lay in the creek bed in its natural state;
- I. expressed concern that Alabama Power was able to come in and disregard all of the previously mentioned concerns;
- J. reminded the Commission that the State of Alabama utilized and implemented "Best Management" practices with regards to timber and waterways, with the number one priority of them being not to cut trees in a branch bottom but to leave a buffer strip to help protect the water way;
- K. expressed the opinion that Alabama Power wanted to do exactly the opposite of what was called for in the "Best Management" practices;
- L. noted that creeks in metropolitan areas were the last filtering systems between the run-off from urban life and such bodies of water as Dog River;
- M. noted that Mobile Area Water and Sewer System had concerns regarding the project;
- N. expressed concern over safety issues; and,

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O. asked that the matter be approved but only with a change of location.

Mr. Vallas asked if some of these same issues would not occur even if the project were moved to the suggested Cody Road location.

Mr. Baucom stated that there would be less financial and environmental impact if they utilized one of the suggested locations as they were already in place and did not require all of the work the proposed site would require.

In deliberation, Mr. Miller stated he would like to have more information as he was curious as to why the Cody Road option, which appeared to him to be logical especially if there were power pole work being done along there, was not being further explored. He also wanted input from Urban Forestry on the matter.

Mr. Olsen offered that the Zoning Ordinance only required Planning Approval for the sections of the project that were in the areas zoned R-1, single family residential but for the remainder of it that was located in the B-1 and B-3 zoned areas, the Zoning Ordinance allowed a high voltage transmission line by right.

Mr. Lawler advised that if the Commission members wanted to hold the issue over to get more information about the matter they were certainly able to do so. He suggested that the hold over might be for one meeting as he felt the parties could get the necessary information for the Commission by that time.

Mr. Miller stated that even though the Commission members received information regarding the project prior to the meeting that based upon the information brought forth by the opposition at that day's meeting he felt he could not currently lend his support to the matter at that time.

Hearing no further opposition or discussion, a motion was made Mr. Miller, with second by Mr. Jordan, to hold the matter over until the July 22, 2010, meeting, so that the following information could be submitted for review by the Planning Commission:

- 1) **discussion of the Cody Road option, including feasibility information; and,**
- 2) **discussion of the ecological issues associated with the Milkhouse Creek route.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2010-00071 (Subdivision)

Mobile Infirmary Subdivision

1& 3 Mobile Infirmary Drive and 5 Mobile Infirmary Circle

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West side of Mobile Infirmary Drive extending to the North terminus of Mobile Infirmary Circle
Number of Lots / Acres: 3 Lots / 31.9± Acres
Engineer / Surveyor: Rester and Coleman Engineers, Inc.
Council District 1
(Also see **Case #ZON2010-01499 (Planned Unit Development) Mobile Infirmary 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.

Don Coleman, Rester and Coleman Engineers, Inc., spoke on behalf of the applicant and made the following points in favor of the matter:

- A. noted that they had been working with the staff in an effort to have this matter taken care of that day;
- B. had worked to get the property owned by Mobile Infirmary that they wished to subdivide into a parcel of its own; and,
- C. Mobile Infirmary hoped to have the matter approved as soon as possible as they had plans for that property and needed the Commission's approval to move forward with that matter.

Mr. Olsen advised the Commission that the staff had prepared some conditions for approval should the Commission want to consider approving the matter., copies of which were handed out to the Commission members and Mr. Coleman. He noted that the main issue the staff had was that the Subdivision, as submitted, had pieces of parcels being "cut out" and not included in the subdivision; almost remnants of property left "hanging there" and not incorporated into anything. He stated that the staff had worked with Mr. Coleman and Mobile Infirmary to advise them of the pieces in question and they have since modified the plat and the legal description to include those in the subdivision and to account for that land. He stated the conditions were lengthy, hence the reason for handing out copies as opposed to reading them aloud.

The Chair asked Mr. Coleman if he was in agreement with the conditions as handed to him and Mr. Coleman answered he was.

Sonia Nelson, 1811 Indian Creek Drive N, Mobile, AL, and noted the residents of the Linwood Subdivision, which abutted Mobile Infirmary were unclear as to how the proposed development would effect their neighborhood. She expressed concern over the statement "shared access" as she lived on a cul-de-sac in the subdivision, as well as concern over why the neighbors were notified if it were strictly Mobile Infirmary property involved.

Mr. Olsen explained that the Zoning Ordinance notification required for all property owners within a 300 foot radius of property involved in a Planned Unit Development application. He noted that ultimately what was proposed involved no new construction

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beyond the campus of Mobile Infirmary and that the matter at hand involved re-financing, so there were adjustments being made to the lots within that campus.

Hearing no opposition or discussion, a motion was made Mr. Davitt, with second by Mr. Vallas, based upon the July 7, 2010, revised site plan and plat, to approve the above referenced request, subject to the following conditions:

- 1) revision of the legal description on the plat to correct errors;**
- 2) compliance with Engineering comments - note that the Lot 3 building encroachment issue has been resolved on the July 7, 2010 revised plat: *(Show Minimum Finished Floor Elevation on Plat on each lot located within the X-Shaded or AE Flood Zone. Need to reference the March 17, 2010 FIRM on the Plat. On Lot 3, the plat shows the western end of the existing Physician Office building extending over the lot line. There is to be no fill placed within the limits of the flood plain without providing compensation. A flood study (No-Rise Certification) will be required for any buildings proposed within the X-Shaded or AE Flood Zones. For any proposed development, detention must be provided for any impervious area added since 1984 to Lots 1, 2 & 3. If there is any existing detention or drainage structures located outside of the proposed subdivision supporting portions of Lots 1, 2 or 3, then drainage easements need to be provided and shown on the plat. Must comply with all storm water 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(s).);***
- 3) compliance with Urban Forestry comments, and placement of the comments as a note on the final plat: *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Full compliance with landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.);***
- 4) placement of a note on the final plat stating that the lots are limited to their existing curb-cuts; and,**
- 5) submission of a revised PUD site plan prior to the signing of the final plat.**

The motion carried unanimously.

**July 8, 2010
PLANNING COMMISSION MEETING**

**Case #ZON2010-01499 (Planned Unit Development)
Mobile Infirmiry Subdivision**

1& 3 Mobile Infirmiry Drive and 5 Mobile Infirmiry Circle
(West side of Mobile Infirmiry Drive extending to the North terminus of Mobile Infirmiry Circle).

Planned Unit Development Approval to allow multiple buildings, shared access, maneuvering, and parking on a single building site.

Council District 1

(Also see **Case #SUB2010-00071 (Subdivision) Mobile Infirmiry Subdivision**, above)

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 Mr. Davitt, with second by Mr. Vallas, to hold the matter over until the August 5, 2010, meeting, with revisions due to the Planning Section by July 16, 2010, so that the applicant can undertake the following:

- 1) revision of the site plan to reflect revised lots proposed through the revised plat; and,**
- 2) revision of the site plan to remove any buildings that no longer exist within the PUD site.**

The motion carried unanimously.

OTHER BUSINESS:

Mr. Olsen advised the Commission that there would be a Planning Commission business meeting held at 2:00 p.m. on July 29, 2010. He added that the members of the Board of Zoning Adjustment and the members of the City's Tree Commission had also been invited to attend the meeting as the staff would be showing a series of three videos entitled "Gambling Against Mother Nature," a composite work by Grass Roots, a local, non-profit, environmental group.

Hearing no further business, the meeting was adjourned.

APPROVED: September 16, 2010

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

jsl