

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF SEPTEMBER 5, 2013 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William G. DeMouy, Jr.
Victoria L. Rivizzigno, Secretary
Roosevelt Turner
John Vallas
Tracie Lee-Roberson
John Williams*
Scott Webster
Don Hembree
Jarrett Wingfield

Members Absent

James F. Watkins, III
Carlos Gant

*Mr. Williams arrived late and left early

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Bert Hoffman,
Planner II
David Daughenbaugh,
Urban Forestry Coordinator
Jessica Watson
Secretary II

Others Present

John Lawler,
Assistant City Attorney
George Davis,
City Engineering
Marybeth Bergin,
Traffic Engineering

Fire-Rescue Department

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

ROLL CALL:

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

HOLDOVERS:

Case #ZON2013-01365 (Planned Unit Development)

Russell Yeckley

2409 Wolf Ridge Road

(Southwest corner of Wolf Ridge Road and Feed Mill Road [private street]).

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

Council District 1

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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) **Revision of the site plan to show the entire lot, and to show removal of all access points to Feed Mill Road;**
- 2) **Revision of the site plan to reflect any privacy fences taller than 3 feet to be at least 25-feet from Wolf Ridge Road, and 20-feet from Feed Mill Road;**
- 3) **Revision of the site plan to label gates in the fencing;**
- 4) **Depiction of any new fencing, if it will be chain link or similar;**
- 5) **Compliance with Engineering comments (1. Add a note to the PUD drawing that states: Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. Add a note to the PUD drawing that states: Any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. The existing detention facility will need to have its volume capacity and functionality verified by a licensed PE. 3. A complete set of construction plans for the site work – including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. 4. Must comply with the following Engineering Department Policy Letters: 1) 5-13-2009 Policy Letter (Car wash drains and dumpster pads to drain to Sanitary Sewer system), and 2) 8-4-2004 Policy Letter (video inspection of new Storm Sewer System Piping). 5. Previous land disturbing activity (clearing, filling, grading) must be properly permitted prior to approving any future Land Disturbance Permit application.);**
- 6) **Compliance with Traffic Engineering comments (Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.);**
- 7) **Compliance with Urban Forestry comments (Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the 48” Live Oak Tree located on the Lot along Wolf Ridge Road. 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.);
- 8) Compliance with Fire comments (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);
 - 9) Submission for a Land Disturbance permit by November 5, 2013, to address all site modifications which have occurred without permits since commercial use of the site began in early 2009, including the unpermitted clearing and grading;
 - 10) Obtaining of all permits necessary, after the fact, for use of the residential structure for commercial purposes, and for placement of the office trailer on the site;
 - 11) Obtaining of permits to place the proposed storage structure on the site;
 - 12) Removal of the sign from the right-of-way, with any new placement of the sign to only be undertaken after a sign permit has been secured;
 - 13) Submission of a revised PUD site plan prior to any request for permits;
 - 14) Completion of the permitting process prior to September 5, 2014;
 - 15) Full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2013-01599 (Planned Unit Development)

American Tank & Vessel, Inc.

900 Paper Mill Road

North side of Paper Mill Road, 315'± East of Woodland Avenue North and extending East to Chickasabouge Creek.

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

Council District 2

(Also see, Case # ZON2013-01597 (Planning Approval) **American Tank & Vessel, Inc.** below)

The Chair announced that the application had been withdrawn by the applicant.

Case # ZON2013-01597 (Planning Approval)

American Tank & Vessel, Inc.

900 Paper Mill Road

North side of Paper Mill Road, 315'± East of Woodland Avenue North and extending East to Chickasabouge Creek.

Planning Approval to allow a petroleum storage and distribution facility.

Council District 2

(Also see, Case #ZON2013-01599 (Planned Unit Development) **American Tank & Vessel, Inc.** above)

The Chair announced that the application had been withdrawn by the applicant.

Case #ZON2013-01605 (Planned Unit Development)

Port City Church of Christ

2901 Hillcrest Road

East side of Hillcrest Road, 125'± South of Medearis Court).

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

Council District 6

(Also see, **Case #ZON2013-01604 (Planning Approval) Port City Church of Christ** below)

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

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

- 1) **revision of the site plan to depict the same amount of parking spaces in both the existing parking data and existing tree data;**
- 2) **submission of two revised site plans prior to any request for permits.**
- 3) **compliance with Engineering comments: “(1. Add a note to the PUD drawing stating that any work performed in the existing Hillcrest Road ROW (right-of-way) such as grading, drainage, driveways, sidewalks, utility connections, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. Add a note to the PUD drawing stating that any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 3. Add a note to the PUD drawing stating that any work performed within this development must comply with all Engineering Department Policy Letters.)”;**
- 4) **compliance with Traffic Engineering comments: “Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards”;**
- 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).” Placement of a not on the Final Plat stating “Preservation status is to be given to the 48” Live Oak Tree located on the South side of Lot and the 50” Live Oak Tree located in the South East**

corner of Lot. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.” ; and

- 6) compliance with Fire comments: “All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.”

The motion carried unanimously.

Case #ZON2013-01604 (Planning Approval)

Port City Church of Christ

2901 Hillcrest Road

(East side of Hillcrest Road, 125’± South of Medearis Court).

Planning Approval to amend a previously approved Planning Approval to allow a building expansion at an existing church in an R-1, Single-Family Residential District.

Council District 6

(Also see, Case #ZON2013-01605 (Planned Unit Development) **Port City Church of Christ** above)

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

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

- 1) revision of the site plan to depict the same amount of parking spaces in both the existing parking data and existing tree data;
- 2) submission of two revised site plans prior to any request for permits.
- 3) compliance with Engineering comments: “(1. Add a note to the PUD drawing stating that any work performed in the existing Hillcrest Road ROW (right-of-way) such as grading, drainage, driveways, sidewalks, utility connections, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. Add a note to the PUD drawing stating that any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 3. Add a note to the PUD drawing stating that any work performed within this development must comply with all Engineering Department Policy Letters.)”;

- 4) **compliance with Traffic Engineering comments: “Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards”;**
- 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).” Placement of a note on the Final Plat stating “Preservation status is to be given to the 48” Live Oak Tree located on the South side of Lot and the 50” Live Oak Tree located in the South East corner of Lot. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.” ; and**
- 6) **compliance with Fire comments: “All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.”**

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2013-00073

Mary’s Place Subdivision

6553 Zeigler Boulevard

(South side of Zeigler Boulevard, 125’± West of Adrian Lane).

Number of Lots / Acres: 1 Lot / 0.3± Acre

Engineer / Surveyor: Gregory C. Spies

Council District 7

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

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

- 1) **retention of the 25’ minimum building setback line along all street frontages;**
- 2) **labeling of the lot size in square feet and acres;**
- 3) **revision of the plat to accurately label the minimum existing right-of-way width;**
- 4) **compliance with Engineering comments (*The following comments should be addressed prior to acceptance and signature by the City Engineer: Provide all of the required information on the Plat (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances). Add a note to the Plat stating that storm water*)**

detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045). Add a signature block for the Traffic Engineer. Provide the signature of the Owner (notarized), the Planning Commission, and the Traffic Engineer. Revision of the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information. Add a note to the Plat that any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). Placement of a note on the Plat stating that the approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) would be required prior to the issuance of a permit for any land disturbance activity).

- 5) **compliance with Fire Department comments (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);**
- 6) **placement of a note on the Final Plat limiting the lot to one curb cut, with the size, location and design of curb cuts to be approved by Traffic Engineering and conform to AASHTO standards; and**
- 7) **placement of a note on the Final Plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

Case #SUB2013-00083

Blue Creek Coal Sales Inc. Subdivision

1251 Baker Street

(South side of Baker Street extending from Yeend Street to the East side of Bay Street).

Number of Lots / Acres: 1 Lot / 64.6± Acres

Engineer / Surveyor: Rowe Surveying & Engineering Co., Inc.

Council District 3

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

Gary Cowles, 457 St. Michael St, spoke in favor of the application. He stated that he was in agreement with the recommendations for the Subdivision and the abandonment of the Royal Street extension.

Mr. Olsen clarified that this Subdivision was approved some time back and there was a

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condition of approval that required dedication or setback from the future right-of-way of Royal Street extension; while that road is on the Major Street Plan, we know that that street will not be constructed.

The following people spoke in opposition to the matter:

- Carol Adams Davis, 362 McDonald Ave, Mobile;
- David Underhill, Texas St., Mobile;

They made the following points against the application:

- A. in opposition to this application because it is connected to the coal terminal and handling;
- B. the Commission will be flooding the waterfront and downtown Mobile if this application is approved;
- C. this will contribute to global warming and climate changes that results from burning fossil fuels and dumping products of combustion into the atmosphere;
- D. the Commission has the opportunity by denying these applications to set a different standard and to encourage the creation of saner, more benign and renewable forms of energy as pilot projects to begin the process of reversing these damages effects;

In rebuttal, Robert Matthews, 2 N. Royal St, reiterated that this site is not connected to Virginia Street at all. He also added that this application is to remove one condition from an application that was approved about a month ago.

Hearing no further opposition or discussion, a motion was made by Ms. Roberson with second by Mr. Wingfield to waive Sections V.B.2 and V.B.14. of the Subdivision Regulations and to approve the above referenced matter, subject to the following conditions:

- 1) Compliance with Engineering comments (*The following comments should be addressed prior to acceptance and signature by the City Engineer: 1) Provide the signatures for the Owner (notarized), Surveyor, Planning Commission and Traffic Engineer. 2) Show and label the MFFE (Minimum Finished Floor Elevation) for LOT 1. 3) Add a note to the Plat stating that any development within LOT 1, due to the existing drainage outfall systems that flow through this property, will require a Flood Study. 4) Placement of a note on the Plat stating that the approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) would be required prior to the issuance of a permit for any land disturbance activity; 5) Any areas receiving drainage from a public street will require a drainage easement; the width and alignment of the required easement shall be coordinated with, and approved by, the City Engineer.*);**
- 2) Compliance with Traffic Engineering comments (*Driveway number, size, location and design to be approved by Traffic Engineering and conform to***

- AASHTO standards.);*
- 3) **Compliance with Fire comments** (*All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);*
 - 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 granted for all 50" and larger trees. All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger. Exact curb cut locations and location of the proposed street and internal circulation drive should also be coordinated with Urban Forestry to ensure that no trees 50" and larger are effected.);*
 - 5) **placement of a note on the Final Plat stating the size, location and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
 - 6) **the approval of all applicable federal, state and local environmental agencies prior to the issuance of any permits or land disturbance activities;**
 - 7) **placement of a note on the Final Plat stating that the site must be developed in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species; and**
 - 8) **The Commission request staff to review the viability of Royal Street Extension (and others in the VE flood zones) for possible removal from the Major Street Component of the Comprehensive Plan.**

The motion carried unanimously.

Case #SUB2013-00074

Cottage Hill Nursery Subdivision

9515 Magnolia Road

(East side of Magnolia Road, 455'± South of Half Mile Road).

Number of Lots / Acres: 2 Lots / 63.7± Acres

Engineer / Surveyor: Polysurveying-Engineering – Land Surveying County

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

Brett Orrell, Polysurveying, spoke on behalf of the applicant. He stated that he wanted clarification on Condition 4. He stated that his main concern is that there is no zoning in the county and would like to see if the condition can be removed. He also wanted more clarification on why the staff would like the buffer.

Mr. Olsen responded that while there is no zoning in the county, the Subdivision Regulations do have a buffer requirement in them that the Commission can include on the approval of any Subdivision within the Planning Jurisdiction. Looking at the map

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there are residential properties across the minor streets and buffering those from commercial activity is something that the Staff normally recommends.

Mr. Orrell asked Mr. Olsen to define the buffer.

Mr. Olsen responded that for a vegetative buffer it needs to be 10ft wide and the plants need to be 6ft high; dense enough at planting time to keep light and debris from going through them.

Mr. Orrell asked if the buffer could also be taken care of with a fence.

Mr. Olsen responded that it could, with a 6ft high privacy fence.

Mr. Orrell stated that the applicant had a plan to put in a 7ft chain link with barbwire on the northern end of the expansion and he believed that the remaining property is fenced in at this time. He asked that the Commission approve a chain link fence rather than a privacy fence.

Mr. Vallas asked if there would be any landscaping buffering.

Mr. Orrell responded that there are no landscaping requirements in the county and he did not understand that reasoning.

Mr. Plauche responded that there are landscaping requirements for the Subdivision Regulations in the Planning Commission jurisdiction.

Mr. Orrell asked how the City can enforce the requirements.

Mr. Olsen responded that normally the County will work with the Commission on things like that with permitting; if we receive any type of complaint that the buffer has not been provided we do send people out. The Commission has even filed in Circuit Court to ensure compliance.

Mr. Orrell stated that he just wanted to point out that this is well outside of the City limits and to the southern end of the jurisdiction.

In deliberation, Mr. Vallas asked about Condition 4. He stated that the area to the north just looked like a house and a large lot; it did not appear to be a subdivision.

Mr. Olsen stated that was correct.

Mr. Vallas stated that he felt like it was a little burdensome to ask a nursery to put in a buffer.

Hearing no opposition or further discussion, a motion was made by Dr. Rivizzigno with second by Mr. DeMouy to waive Section V.D.3. of the Subdivision Regulations and to

approve the above referenced matter, subject to the following conditions:

Hearing no opposition or further discussion, a motion was made by Dr. Rivizzigno with second by Mr. DeMouy to waive Section V.D.3. of the Subdivision Regulations and to approve the above referenced matter, subject to the following conditions:

- 1) **Retention of the lot size information and the 25-foot minimum building setback line on the Final Plat;**
- 2) **Dedication of a corner radius at the intersection of Magnolia Road and One Mile Road to comply with AASHTO standards and be approved by Mobile County Engineering;**
- 3) **Placement of a note on the Final Plat limiting both lots to the existing curb-cuts, with one additional curb-cut for Lot 1 along One Mile Road. The additional curb-cut and any changes to the existing curb-cuts to be approved by Mobile County Engineering and conform to AASHTO standards;**
- 4) **Depiction of a buffer of Lot 1 where it abuts residentially developed property;**
- 5) **Compliance with Engineering Comments and placement of a note on the Final Plat stating: (Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits.);**
- 6) **Compliance with Fire Comments and placement of a note on the Final Plat stating: (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);**
- 7) **Placement of a note on the Final Plat stating: (This site is located in the County, and therefore 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.);**
- 8) **Placement of a note on the Final Plat stating: (Any development of the site must comply with local, state and federal regulations regarding streams and wetlands.); and**
- 9) **Placement of a note on the Final Plat stating: (Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.)**

The motion carried with Mr. Vallas in opposition.

Case #SUB2013-00075

Alverson Commercial Park Subdivision, Resubdivision of Lot 1

163 and 175 Alverson Road South

(East side of Alverson Road South, 585'± North of Airport Boulevard).

Number of Lots / Acres: 2 Lots / 3.9± Acres

Engineer / Surveyor: Polysurveying-Engineering – Land Surveying
County

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

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

- 1) **Retention of the lot size information and the 25-foot minimum building setback line on the Final Plat;**
- 2) **Placement of a note on the Final Plat limiting both lots to the existing curbs-cuts, with any changes to be approved by Mobile County Engineering and conform to AASHTO standards;**
- 3) **Compliance with Engineering Comments and placement of a note on the Final Plat stating: (Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits.);**
- 4) **Compliance with Fire Comments and placement of a note on the Final Plat stating: (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);**
- 5) **Placement of a note on the Final Plat stating: (Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.); and**
- 6) **Placement of a note on the Final Plat stating: (This site is located in the County, and therefore 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.

Case #SUB2013-00080

Berg & Diehl Subdivision, Resubdivision of Lots 2 & 4, No. 1

1914 Old Shell Road & 104 Tuscaloosa Street

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(North side of Old Shell Road, 76'± East of Tuscaloosa Street, and East side of Tuscaloosa Street, 145'± North of Old Shell Road).

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

Engineer / Surveyor: The Coleman Engineering Group of McCrory & Williams, 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 Mr. DeMouy, to approve the above referenced matter, subject to the following conditions:

- 1) **depiction of the 25-foot minimum building setback line from all street frontages, as required by Section V.D.9. of the Subdivision Regulations;**
- 2) **placement of a note on the Final Plat stating that Lot 2A and 4A be limited to the one existing curb cut on each lot with the size, design and location of all curb-cuts to be approved by Traffic Engineering and conform with AASHTO standards.**
- 3) **approval of all applicable federal, state and local agencies for flood zone issues prior to the issuance of any permits or land disturbance activities;**
- 4) **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, if any, prior to the issuance of any permits or land disturbance activities; and**
- 5) **compliance with Engineering comments: *(Provide all of the required information on the Plat (i.e. signatures, required notes, legend, bearings and distances). Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. Provide and label the monument set or found at each subdivision corner. Provide the Surveyor's signature. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) will be required prior to the issuance of a permit for any land disturbance activity);***
- 6) **compliance with Traffic Engineering comments: *(Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);***
- 7) **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.); and***

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

The motion carried unanimously.

Case #SUB2013-00082

Chickamauga Subdivision

West side of Riviere Du Chien Road extending to the East terminus of Lloyd Station Road.

Number of Lots / Acres: 2 Lots / 36.3± Acres

Engineer / Surveyor: Polysurveying-Engineering – Land Surveying
Council District 4

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

Andrew Smith, 1908 Hickory Nut Court, spoke on his own behalf and made the following points:

- A. believes that the staff recommendation is based on a misapprehension of facts;
- B. 45 years ago Mr. Smith's father purchased this property with another gentleman.
- C. Roughly 7 years ago was the first activity on the property;
- D. 4 acres were cleared out and are in cultivation;
- E. in February the property was divided between the Smith's and the Sayer's;
- F. because Hinsdale properties is still owned half by Mr. Smith and half by his brother the property can still not be built on;
- G. prior to Mr. Smith's fathers death he owned 25%;
- H. Mr. Orrell was asked to cut out 9 acres, which is a ¼ of the property;
- I. this is a family division.

Mr. Vallas asked Mr. Olsen if the application was approved is there conditions prepared.

Mr. Olsen responded that yes there are conditions prepared.

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

- 1) **illustration of the 25' minimum building setback line, with the setback line for Lot 2-B revised to be located at the end on the pole;**
- 2) **illustration of the lot sizes in square feet and acres;**
- 3) **illustration of 30' from the centerline of Riviere Du Chien Road, with dedication if necessary;**
- 4) **illustration of the 50' wide access road which runs through the proposed**

- Lot 2-B and any associated easements;
- 5) **compliance with Engineering comments (The following comments should be addressed prior to acceptance and signature by the City Engineer: Provide all of the required information on the Plat (i.e. signatures, written legal description, required notes). Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045). Provide a written legal description for the proposed subdivision and matching bearing and distance labels. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) would be required prior to the issuance of a permit for any land disturbance activity.);**
 - 6) **compliance with Fire Department comments (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);**
 - 7) **placement of a note stating that there will be no further subdivision of the proposed Lot 2-B until such a time as a road is constructed to city standards to provide access to any future lots;**
 - 8) **placement of a note on the Final Plat limiting each lot to one curb cut each to Riviere Du Chien Road, with the size, design, and location of the curb cut to be approved by Traffic Engineering and conform to AASHTO standards;**
 - 9) **placement of a note on the Final Plat stating that approval of all applicable Federal, state and local agencies is required for wetland issues, if any, prior to the issuance of any permits or land disturbance activities; and**
 - 10) **placement of a note on the Final Plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

Case #SUB2013-00076

Bonnie Hardy Family Division Subdivision

9750 Ben Hamilton Road

(North side of Ben Hamilton Road, 8/10± mile West of Airport Road).

Number of Lots / Acres: 3 Lots / 9.8± Acres

Engineer / Surveyor: Polysurveying-Engineering – Land Surveying County

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

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

- 1) **revision of the minimum building setback line on Lot 1 to comply with Section V.D.2 of the Subdivision Regulations. Lot 2 and Lot 3 the 25-foot minimum building setback line should be retained on the Final Plat;**
- 2) **placement of a note on the final plat limiting each lot to one curb-cut each with the size, location and design to be approved by County Engineering and conform to AASHTO standards;**
- 3) **retention of the lot size information for the Final Plat;**
- 4) **placement of a note that there shall be no additional subdivision of lots 1 – 3 until additional frontage on a public road is provided;**
- 5) **placement of a note on the Final Plat stating the site must comply with the City of Mobile storm water and flood control ordinances: *(Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits.)*;**
- 6) **placement of a note on the Final Plat stating: *(The geographic area defined by the city of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.)*;**
- 7) **placement of a note on the Final Plat stating: *(This site is located in the County, and therefore 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**
- 8) **compliance with Fire Department comments: *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.)***

The motion carried unanimously.

Case #SUB2013-00084

Providence Park Subdivision, POB West, North Addition

600 Providence Park Drive East

(West side of Providence Park East, 2/10'± South of Airport Boulevard).

Number of Lots / Acres: 3 Lots / 11.6± Acres

Engineer / Surveyor: The Coleman Engineering Group of McCrory Williams, Inc.
Council District 6

September 5, 2013
Planning Commission Meeting

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy to hold the matter over until the October 3rd meeting so that the following can occur:

- 1) Submission of a Planned Unit Development application as soon as possible; and**
- 2) That the preliminary plat can be revised to label the remainder of parcel R022804203000008.040. to be for future development, with the revised plat submitted by September 13, 2013.**

The motion carried unanimously.

Case #SUB2013-00077

Gollette Family Division Subdivision

5696 McDonald Road

(West side of McDonald Road, 700'± South of Belmont Park Drive).

Number of Lots / Acres: 4 Lots / 2.2± Acres

Engineer / Surveyor: Polysurveying-Engineering – Land Surveying
County

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

Brett Orrell, Polysurveying, spoke on behalf of the applicant. He stated that for Condition #2 he has a letter from the Board of Health stating the exemption and that these lots will meet their requirements. Mr. Orrell then read a letter giving the history of the lot.

Janice Gollette, property owner, spoke on her own behalf. She stated that she had inherited the property from her father and would like to ask the Commission to please consider approving the application.

Gary Tanner, 5750 McDonald Ave, spoke on behalf of the applicant and is Ms. Gollette's brother. He also stated that he would like to see the application approved.

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

- 1) Placement of a note on the Final Plat stating that no future subdivision of Lots 1, 2, or 3 will be allowed until additional frontage on a paved public**

- street is provided;
- 2) Dedication to provide 50' of right-of-way along McDonald Road as measured from centerline and revision of the 25' minimum setback line to reflect dedication;
 - 3) Revision of lot size information to reflect dedication;
 - 4) Revision of the 25' minimum setback line to be depicted as a box where the "flag" meets the "pole" of the lot and retained elsewhere on the Final Plat;
 - 5) Placement of a note on the Final Plat limiting Lot 4 to one curb-cut and Lots 1, 2, and 3 are to share the existing curb-cut. The additional curb-cut along with any changes to the existing curb-cuts are to be approved by Mobile County Engineering and conform to AASHTO standards;
 - 6) Compliance with Engineering Comments and placement of a note on the Final Plat stating: (Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits.);
 - 7) Compliance with Fire Comments and placement of a note on the Final Plat stating: (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);
 - 8) Placement of a note on the Final Plat stating: (This site is located in the County, and therefore 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.);
 - 9) Placement of a note on the Final Plat stating: (Any development of the site must comply with local, state and federal regulations regarding wetlands and flood zones.); and
 - 10) Placement of a note on the Final Plat stating: (Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.)

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2013-01823

Anthony Smeraglia

1080 Montlimar Drive

(Southwest corner of Montlimar Drive and Carlyle Close East).

Request to waive construction of a sidewalk along Montlimar Drive and Carlyle Close

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East.
Council District 5

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

Brett Orrell, Polysurveying, spoke on behalf of the applicant and requested that the application be held over.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over at the applicant's request.

The motion carried unanimously.

Case #ZON2013-01868
Corporate Property Services
4077 Airport Boulevard
(South side of Airport Boulevard, 2/10± mile West of University Boulevard).
Request to waive construction of a sidewalk along Airport Boulevard.
Council District 6

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.

Bess Rich, 625 Cumberland Rd, spoke on the matter. Ms. Rich stated that there are some lovely trees in the area and according to the Engineering comments there is sufficient right-of-way for a sidewalk, however that would perhaps mean removal of the trees. She questioned if the Planning Staff or the Commission has ever considered using pavers as a process to get a hard surface for a walking path.

Mr. Davis, City Engineering, stated that there is nothing in Engineering's regulations that would allow that but he does agree that it would be great to have other options.

Todd Rogers, Civil Engineer and Getra Thomason, Developer Manager of Chick-fil-A, Inc. spoke on the sidewalk issue. Mr. Rogers stated that he has discussed this project with their landscape architect and the actual tree roots are out of the ground. The landscape architect stated that if they start cutting into the soil it will both disturb the roots that hold the tree up and the feeder roots could be damaged. The paver idea may be a good idea, but it is not ADA compliant. Ms. Thomason stated they could take where the sidewalk ends now and turn it into the parking lot.

Mr. Daughenbaugh asked Mr. Roger is anyone from the design staff looked at an option of putting the sidewalk on the property, close to the driveway.

Mr. Rogers responded that is why he had consulted with the landscape architect who

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said that doing that would disturb the trees.

Mr. Daughenbaugh stated that was correct, if you cut into the existing grade; but if you put a fill material down you should be able to get a sidewalk in at that location.

Mr. Rogers asked if that was on top of the feeder roots.

Mr. Daughenbaugh responded that on top of the existing site yes; but added you should not cut the roots; you put down a fill material and build on top of them.

Mr. Rogers stated that they did cross-sections that were submitted in the critical root zone; some of the roots already go under the highway and the existing parking lot.

Mr. Davis, City Engineering, stated that he did look at the possibility of bringing the sidewalk on to the site but it looks like their drive-thru will be close to the trees and it may not be the safest place to put a sidewalk. The other option would be to turn it into the development and tie into their system.

Mr. Plauche stated that it seems as if the new drive-thru will impact the trees more than putting in a sidewalk.

Ms. Thomason responded that it will not impact any of the existing trees.

Mr. Davis also added he is not sure what the vertical change will be if they build the sidewalk on top of the roots.

Hearing no opposition or further discussion, a motion was made by Mr. Turner, with second by Mr. Vallas, to hold the matter over until the October 17th meeting to allow the applicant's Landscape Architect, Urban Forestry, and Engineering staff to meet at the site and review alternatives, if any.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2013-01821

JJT Properties, LLC

1407 & 1419 East I-65 Service Road South

(Southeast corner of East I-65 Service Road South and Pleasant Valley Circle).

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

Council District 4

The Chair announced the application had been recommended for approval and stated the

applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

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

- 1) **Planting of two new heritage trees, as proposed;**
- 2) **Compliance with Engineering comments (1) Any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 2) A complete set of construction plans for the site work – including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. 3) According to the FEMA flood map information, this property borders a Special Flood Hazard Area and a Floodway. You will need to show and label the flood hazard area(s) and Floodway on your plat and plans. 4) The new and existing dumpsters will need to have the surface grading for the pad(s) minimized and directed to a surface drain that is connected to the Sanitary Sewer system. The drainage from any dumpster pads cannot discharge to the storm sewer system. 5) Must comply with all Engineering Department Policy Letters: A) 5-13-2009 Policy Letter(Car wash drains and dumpster pads to drain to Sanitary Sewer System); B) 8-4-2004 Policy Letter (Video inspection of new Storm Sewer System Piping); C) 3-18-2004 Policy Letter (Additional subdivision street requirements).);**
- 3) **Compliance with 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). Heritage Tree Relocation permit is required from Urban Forestry before relocation of Crape Myrtle Trees.);**
- 4) **Compliance with Fire comments (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);**
- 5) **Revision of the site plan to depict any existing storage buildings that will remain on the site;**
- 6) **Revision of the site plan to depict / note compliance with Section 64-4.D.9. of the Zoning Ordinance, regarding the relocated dumpster and any new dumpsters;**
- 7) **Compliance with Sections 64-4.A.2., 64-6.A.3.c. and 64-6.A.8. of the Zoning Ordinance, regarding site lighting; and**
- 8) **Compliance with all other municipal codes and ordinances, including signage requirements for new signs.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2013-00041 (Subdivision) (Holdover)

Carmelite Nuns Discalced Subdivision

712 & 716 Dauphin Island Parkway

(Northwest corner of Dauphin Island Parkway and Halls Mill Road, extending to the Northeast corner of Gosson Street and Johnston Avenue).

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

Engineer / Surveyor: Cowles, Murphy, Glover & Associates

Council District 2

(Also see, **Case #ZON2013-01094 (Planned Unit Development) (Holdover)**)

Carmelite Nuns Discalced Subdivision, **Case #ZON2013-01095 (Planning Approval) (Holdover) Carmelite Nuns Discalced Subdivision**, **Case #ZON2013-01809 (Rezoning) Cowles, Murphy, Glover & Associates** and **Case #ZON2013-01808 (Sidewalk Waiver) Cowles, Murphy, Glover & Associates** below)

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

Gary Colwes, 457 St. Michael Street, spoke on behalf of the applicant. He stated that they were in agreement with all the Conditions except for Condition #4 on the PUD and Planning Approval.

Mr. Olsen responded that the Condition is referring to some nose in/back out gravel parking. He then asked Ms. Bergin if the State would need to be involved since Dauphin Island Parkway is State highway.

Ms. Bergin responded that it is State Highway and they will be involved on the driveway curb-cut that is proposed on the Lot to the north.

Mr. Olsen responded that if the condition was removed now, that when they go for permits for the parking lot on Lot 2 ALDOT may look at that Condition at that point.

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

- 1) **dedication to provide a 25' radius curve at the corner of Halls Mill Road and Gosson Street, and at the corner of Gosson Street and Johnston Avenue;**
- 2) **placement of a note on the Final Plat stating that the lot is limited to two**

- curb cuts to Dauphin Island Parkway, with the size, location and design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards;
- 3) placement of a note on the Final Plat stating that the lot is denied access to Halls Mill Road, Gosson Street, Johnston Avenue, and the unopened public alley on the North side of the site;
 - 4) illustration of the 25' minimum building setback line along all street frontages;
 - 5) retention of the lot size label on the Final Plat, or the furnishing of a table on the Final Plat providing the same information;
 - 6) compliance with the Engineering comments: [1) Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes) including the Professional Land Surveyor seal and signature. 2) Provide a signature block and signature from the Planning Commission, Owner(s) (notarized), and the Traffic Engineering Department. 3) Provide a signature block for the City Engineer and the County Engineer. 4) A Land Disturbance Permit will be required for the proposed site. These improvements will require storm water detention in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). 5) Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).];
 - 7) compliance with the Traffic Engineering comments: [Dauphin Island Parkway (State Highway 163) is an ALDOT roadway. Driveway number, size, location and design to be approved by ALDOT (Dauphin Island Parkway only) and Traffic Engineering and conform to AASHTO standards];
 - 8) placement of a note on the Final Plat stating that preservation status is to be given to the 72" Live Oak tree just West of the handicap parking area and 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;
 - 9) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
 - 10) submission of two (2) copies of revised PUD and Planning Approval site plans prior to signing of the Final Plat; and
 - 11) completion of the Rezoning process prior to signing the Final Plat.

The motion carried unanimously.

Case #ZON2013-01094 (Planned Unit Development) (Holdover)

Carmelite Nuns Discalced Subdivision

712 & 716 Dauphin Island Parkway

(Northwest corner of Dauphin Island Parkway and Halls Mill Road, extending to the Northeast corner of Gosson Street and Johnston Avenue).

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

Council District 2

(Also see, Case #SUB2013-00041 (Subdivision) (Holdover) **Carmelite Nuns Discalced Subdivision** above and Case #ZON2013-01095 (Planning Approval) (Holdover) **Carmelite Nuns Discalced Subdivision**, Case #ZON2013-01809 (Rezoning) **Cowles, Murphy, Glover & Associates** and Case #ZON2013-01808 (Sidewalk Waiver) **Cowles, Murphy, Glover & Associates** below)

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

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

- 1) **placement of a note on the site plan stating that all vehicular gates are to remain open during all events at the site;**
- 2) **revision of the site plan to illustrate bumper stops within parking stalls or curbing around the parking areas;**
- 3) **placement of a note on the site plan stating that preservation status is to be given to the 72" Live Oak tree just West of the handicap parking area and 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;**
- 4) **illustration of the 25' building setback line;**
- 5) **provision of frontage trees within the project area, to be coordinated with Urban Forestry due to the abundance of over-story trees already within this area;**
- 6) **revision of the site plan to provide frontage sidewalks along Gosson Street and Johnston Avenue, in the event Sidewalk Waivers should be denied for such;**
- 7) **revision of the site plan to indicate existing sidewalks along Dauphin Island Parkway and Halls Mill Road;**
- 8) **revision of the site plan to provide a 6' high wooden privacy fence along the North side of the site adjacent to residential properties;**
- 9) **provision of a three-foot high vegetative buffer within the frontage area of the new parking lot along Dauphin Island Parkway across from residential properties;**
- 10) **revision of the site plan to provide a compliant enclosed dumpster and pad with sanitary sewer connection, or the placement of a note on the site plan**

- stating that no dumpster will be utilized and refuse collection will either be by private collection services or curbside pick-up;
- 11) revision of the site plan to include a legal description to match the legal description of the Subdivision;
 - 12) subject to the Engineering comments: [1) Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes) including the Professional Land Surveyor seal and signature. 2) Provide a signature block and signature from the Planning Commission, Owner(s) (notarized), and the Traffic Engineering Department. 3) Provide a signature block for the City Engineer and the County Engineer. 4) A Land Disturbance Permit will be required for the proposed site. These improvements will require storm water detention in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). 5) Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).];
 - 13) subject to the Traffic Engineering comments: [Dauphin Island Parkway (State Highway 163) is an ALDOT roadway. Driveway number, size, location and design to be approved by ALDOT (Dauphin Island Parkway only) and Traffic Engineering and conform to AASHTO standards];
 - 14) submission of two (2) copies of a revised site plan indicating compliance with the above conditions prior to signing the Final Plat for the Subdivision; and
 - 15) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2013-01095 (Planning Approval) (Holdover)

Carmelite Nuns Discalced Subdivision

712 & 716 Dauphin Island Parkway

(Northwest corner of Dauphin Island Parkway and Halls Mill Road, extending to the Northeast corner of Gosson Street and Johnston Avenue).

Planning Approval to allow a building expansion and expanded parking lot at an existing monastery in an R-1, Single-Family Residential District.

Council District 2

(Also see, Case #SUB2013-00041 (Subdivision) (Holdover) Carmelite Nuns

Discalced Subdivision and Case #ZON2013-01094 (Planned Unit Development)

(Holdover) Carmelite Nuns Discalced Subdivision above and Case #ZON2013-01809

(Rezoning) Cowles, Murphy, Glover & Associates and Case #ZON2013-01808

(Sidewalk Waiver) Cowles, Murphy, Glover & Associates below)

The Chair announced the applications had been recommended for approval. He added if

anyone wished to speak on the matter they should do so at that time.

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

- 1) placement of a note on the site plan stating that all vehicular gates are to remain open during all events at the site;
- 2) revision of the site plan to illustrate bumper stops within parking stalls or curbing around the parking areas;
- 3) placement of a note on the site plan stating that preservation status is to be given to the 72" Live Oak tree just West of the handicap parking area and 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;
- 4) illustration of the 25' building setback line;
- 5) provision of frontage trees within the project area, to be coordinated with Urban Forestry due to the abundance of over-story trees already within this area;
- 6) revision of the site plan to provide frontage sidewalks along Gosson Street and Johnston Avenue, in the event Sidewalk Waivers should be denied for such;
- 7) revision of the site plan to indicate existing sidewalks along Dauphin Island Parkway and Halls Mill Road;
- 8) revision of the site plan to provide a 6' high wooden privacy fence along the North side of the site adjacent to residential properties;
- 9) provision of a three-foot high vegetative buffer within the frontage area of the new parking lot along Dauphin Island Parkway across from residential properties;
- 10) revision of the site plan to provide a compliant enclosed dumpster and pad with sanitary sewer connection, or the placement of a note on the site plan stating that no dumpster will be utilized and refuse collection will either be by private collection services or curb-side pick-up;
- 11) revision of the site plan to include a legal description to match the legal description of the Subdivision;
- 12) subject to the Engineering comments: [1) Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes) including the Professional Land Surveyor seal and signature. 2) Provide a signature block and signature from the Planning Commission, Owner(s) (notarized), and the Traffic Engineering Department. 3) Provide a signature block for the City Engineer and the County Engineer. 4) A Land Disturbance Permit will be required for the proposed site. These improvements will require storm water detention in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). 5) Any work performed in the existing ROW (right-of-

way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).];

- 13) subject to the Traffic Engineering comments: [Dauphin Island Parkway (State Highway 163) is an ALDOT roadway. Driveway number, size, location and design to be approved by ALDOT (Dauphin Island Parkway only) and Traffic Engineering and conform to AASHTO standards];
- 14) submission of two (2) copies of a revised site plan indicating compliance with the above conditions prior to signing the Final Plat for the Subdivision; and
- 15) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2013-01809 (Rezoning)

Cowles, Murphy, Glover & Associates

712 & 716 Dauphin Island Parkway

(Northwest corner of Dauphin Island Parkway and Halls Mill Road, extending to the Northeast corner of Gosson Street and Johnston Avenue).

Rezoning from R-1, Single-Family Residential District, R-3, Multiple-Family District and B-3, Community Business District, to R-3, Multiple-Family District to eliminate split zoning.

Council District 2

(Also see, Case #SUB2013-00041 (Subdivision) (Holdover) Carmelite Nuns

Discalced Subdivision and Case #ZON2013-01094 (Planned Unit Development)

(Holdover)Carmelite Nuns Discalced Subdivision, Case #ZON2013-01095

(Planning Approval) above, (and Case #ZON2013-01808 (Sidewalk Waiver)

Cowles, Murphy, Glover & Associates below)

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

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

- 1) provision of a legal description for the entire site for the Rezoning to match that of the proposed one-lot Subdivision, to be furnished prior to the Amendment going forward to the City Council;
- 2) preservation status to be given to the 72" Live Oak tree just West of the handicap parking area and 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;
- 3) completion of the Rezoning process prior to signing the Final Plat for the

Subdivision; and
4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2013-01808 (Sidewalk Waiver)

Cowles, Murphy, Glover & Associates

712 & 716 Dauphin Island Parkway

(Northwest corner of Dauphin Island Parkway and Halls Mill Road, extending to the Northeast corner of Gosson Street and Johnston Avenue).

Request to waive construction of a sidewalk along Johnston Avenue, Gosson Street, Halls Mill Road and Dauphin Island Parkway.

Council District 2

(Also see, **Case #SUB2013-00041 (Subdivision) (Holdover) Carmelite Nuns Discalced Subdivision** and **Case #ZON2013-01094 (Planned Unit Development) (Holdover) Carmelite Nuns Discalced Subdivision**, **Case #ZON2013-01095 (Planning Approval)** and **Case #ZON2013-01809 (Rezoning) Cowles, Murphy, Glover & Associates** above)

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

Hearing no opposition or further discussion, a motion was made by Mr. Turner, with second by Mr. DeMouy, to approve the waiver of sidewalk along Johnston Avenue, Gosson Streets, Halls Mill Road and Dauphin Island Parkway.

The motion carried unanimously.

Case #SUB2013-00050 (Subdivision) (Holdover)

Harris Place Subdivision, Resubdivision of Lot 1

1000 Farnell Lane

(West side of Farnell Lane at the East terminus of Brossett Street).

Number of Lots / Acres: 2 Lots / 0.9± Acre

Engineer / Surveyor: Rowe Surveying & Engineering Co., Inc.

Council District 4

(Also see, **Case #ZON2013-01824 (Planned Unit Development) Harris Place Subdivision, Resubdivision of Lot 1** below)

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

Don Rowe, Rowe Surveying, requested that the application be heldover due to the client being out town.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy to hold the matter over at the applicant's request.

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The motion carried unanimously.

Case #ZON2013-01824 (Planned Unit Development)

Harris Place Subdivision, Resubdivision of Lot 1

1000 Farnell Lane

(West side of Farnell Lane at the East terminus of Brossett Street).

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

Council District 4

(Also see, **Case #SUB2013-00050 (Subdivision) (Holdover) Harris Place Subdivision, Resubdivision of Lot 1** above)

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

Don Rowe, Rowe Surveying, requested that the application be heldover due to the client being out town.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy to hold the matter over at the applicant's request.

The motion carried unanimously.

Case #SUB2013-00078 (Subdivision)

Blue Creek Coal Terminal Subdivision

80 Virginia Street

(Area bounded by CSX Railroad, New Jersey Street, Old Water Street, and Mobile River, extending to the North side of Virginia Street, 465'± East of Conception Street).

Number of Lots / Acres: 1 Lot / 36.9± Acres

Engineer / Surveyor: Cowles, Murphy, Glover & Associates

Council District 2

(Also see, **Case #ZON2013-01814 (Planned Unit Development) Blue Creek Coal Terminal Subdivision** and **Case #ZON2013-01813 (Planning Approval) Blue Creek Coal Terminal Subdivision** above)

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

Gary Cowles, 457 St. Michaels St, spoke on behalf of the applicant and made the following points:

- A. reminded the Commission that this site had been used as a coal handling facility since 1952;
- B. has handled steam coal, metallurgical coal, metallurgical coke and petroleum coke;
- C. feels like it is consistent with what has been there for many years.

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The following people spoke in opposition to the matter:

- Stefanie Christensen, Mobile Baykeeper;
- Carol Adams Davis, 362 McDonald Ave, Mobile;
- Tom Ward, 250 Conti St, Mobile;
- Brenda Bolton, 310 West St, Mobile;

They made the following points against the application:

- A. need to know if the applicant is prepared to protect our health and well being;
- B. when coal transportation, handling, extraction or stock piling happens in our neighborhoods we see increased rates of cancer, childhood & adult asthma and neurological disorders;
- C. Council Elementary School is a ½ mile from this proposed site;
- D. this facility should be state of the art if it is constructed;
- E. the proposed capacity of these coal stockpiles are 360,000 metric tons and that coal will be traveling along conveyors to and from docks;
- F. the conveyors must be covered to prevent the coal dust from entering the air;
- G. Mobile Baykeeper's preference would be that the entire facility would be housed under a roof to eliminate emissions;
- H. pumps, rain guns and misting devices should be employed to dampen & to control the dust;
- I. the terminal would mean more mile long coal trains spewing coal dust from uncovered rail cars;
- J. McDuffie Coal Terminal is the only coal terminal in the United States that gets away with dockside stockpiling;
- K. this will harm the ability of small business, residents and waterfront development that we would like to see in Mobile;
- L. ask that the Commission consider the welfare of the citizens of Mobile.

Mr. Plauche asked for clarification if the applicant would be delivering coal to this facility by rail or by barge.

Mr. Olsen responded that would be better addressed by the applicant's representative.

In rebuttal, Mr. Cowles responded that they will bring coal in by barge from North Alabama, it will off load the barges, they will be stockpiled and then they will go out on oceangoing vessels. It will be predominately metallurgical coal; not steam coal. Mr. Cowles noted that he has spoke with Casie Callaway from Mobile Baykeeper several times and discussed this project with them; they have not had any objections to this project. He added that the project will be state of the art, the conveyors will have covers, and there will be transition chutes that are completely enclosed.

Mr. Plauche asked for clarification that the conveyors belts will be covered.

Mr. Cowles responded that yes they will be covered other than the one's that cannot be

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covered and will have strictly discharge or collection.

Mr. Plauche then asked if the stockpiles will be covered.

Mr. Cowles that the stockpiles will not be covered; they will be misted and there are some chemical additives that is added to that for the minimization of dust.

Mr. Plauche asked what the definition of state of the art is.

Mr. Cowles responded that it would be the transitions and all of the conveyors that predominantly where the dust is created; it is also where you load and unload the vessel. All of this will be operated within the parameters of the ADEM air permits.

Mr. Vallas asked what exactly the misting would do.

Mr. Cowles responded that the pure water mist would create a film over the top of the surface of a coal pile, which will prevent a driving southwest wind from blowing that dust off into the river.

Dr. Rivizzigno asked what will happen to the mist water.

Mr. Cowles responded that it is collected and placed into a retention pond and then any sediment will be collected out of that and recaptured and placed back into the coal pile.

Mr. Turner asked if there was any data on to support how much the air quality will be depleted as a result of the coal being piled on the dock.

Mr. Cowles stated that there is an air permit but he did not have any data available

Dr. Rivizzigno asked for clarification that she heard Mr. Cowles correctly saying that Casi Callaway did not have any objections, because in the letter she recommended that the Commission not approve this request.

Mr. Vallas stated that he was basing his decision on that this is a Planning application and there is an existing facility there that has been operating since 1950; they have torn down an old structure to build a new structure, they are improving the dock. So, they are adding some things to provide some air quality; but they are also doing it to increase their productivity.

Mr. Plauche asked Mr. Cowles when he met with Mobile Baykeeper regarding the application.

Mr. Cowles responded that it was back in June.

Hearing no further opposition or discussion, a motion was made by Mr. Vallas, with second by Ms. Roberson to approve the above referenced matter.

The motion was denied.

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 October 17th meeting to allow the applicant to submit more detailed information about equipment, process, and environmental protections to be provided.

The motion carried.

Case #ZON2013-01814 (Planned Unit Development)

Blue Creek Coal Terminal Subdivision

80 Virginia Street

(Area bounded by CSX Railroad, New Jersey Street, Old Water Street, and Mobile River, extending to the North side of Virginia Street, 465'± East of Conception Street).
Planned Unit Development Approval to allow multiple buildings on a single building site.

Council District 2

(Also see, Case #SUB2013-00078 (Subdivision) **Blue Creek Coal Terminal Subdivision** above and Case #ZON2013-01813 (Planning Approval) **Blue Creek Coal Terminal Subdivision** below)

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

Hearing no further opposition or discussion, a motion was made by Mr. Vallas, with second by Ms. Roberson to approve the above referenced matter.

The motion was denied.

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 October 17th meeting to allow the applicant to submit more detailed information about equipment, process, and environmental protections to be provided.

The motion carried.

Case #ZON2013-01813 (Planning Approval)

Blue Creek Coal Terminal Subdivision

80 Virginia Street

(Area bounded by CSX Railroad, New Jersey Street, Old Water Street, and Mobile River, extending to the North side of Virginia Street, 465'± East of Conception Street).
Planning Approval to allow a coal handling terminal in an I-2, Heavy-Industry District.

Council District 2

(Also see, Case #SUB2013-00078 (Subdivision) **Blue Creek Coal Terminal Subdivision** and Case #ZON2013-01814 (Planned Unit Development) **Blue Creek**

Coal Terminal Subdivision above)

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

Hearing no further opposition or discussion, a motion was made by Mr. Vallas, with second by Ms. Roberson to approve the above referenced matter.

The motion was denied.

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 October 17th meeting to allow the applicant to submit more detailed information about equipment, process, and environmental protections to be provided.

The motion carried.

Case #SUB2013-00079 (Subdivision)
Buffalo Marine Service, 14-Baroid Yard Subdivision

309 South Royal Street

(Area bounded by South Royal Street on West, Canal Street on South, Madison Street on North and CSX Railroad on the East).

Number of Lots / Acres: 1 Lot / 3.1± Acres

Engineer / Surveyor: Richard L. Patrick, PLS
Council District 2

(Also see, Case #ZON2013-01820 (Sidewalk Waiver) **Buffalo Marine Service, Inc.** below)

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

Tom Marian, Buffalo Marine Service, spoke on his own behalf. He requested a waiver for Condition # 3; specifically relating to the cuts in the curbs on Royal St.

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

- 1) **dedication of sufficient right-of-way to provide 40' from the centerline of South Royal Street;**
- 2) **adjustment of the 25-foot minimum building setback line to be measured from the dedicated right-of-way along South Royal Street;**
- 3) **placement of a note on the Final Plat stating that the site is limited to one driveway to Canal Street, one driveway to Madison Street, and two driveways to South Royal Street with the size, design and location to be approved by Traffic Engineering, and in conformance to the greatest extent**

- possible with AASHTO standards;
- 4) placement of a note on Final Plat stating all unused curb cuts shall be removed and landscaped to match adjacent right-of-way;
 - 5) provisions for all corners to comply with Section V.D.6 of the Subdivisions Regulation;
 - 6) placement of a note on the final plat stating that approval of all applicable Federal, state and local agencies is required for flood zone issues, prior to the issuance of any permits or land disturbance activities;
 - 7) compliance with Engineering comments: *“1. Provide all of the required information on the Plat (i.e. signatures, written legal description, required notes). 2. Show and label the MFFE (Minimum Finished Floor Elevation). 3. Provide the Surveyor’s, Owner’s (notarized), Planning Commission, and Traffic Engineering signatures. 4. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) would be required prior to the issuance of a permit for any land disturbance activity. Sidewalk Waiver: Due to the industrial zoning and the proximity of the active railroad it is recommended that this request be approved.*
 - 8) compliance with Fire comments: *“All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile”*; and
 - 9) compliance with Traffic Engineering comments: *“Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards”*;
 - 10) 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)”*.

The motion carried unanimously.

Case #ZON2013-01820 (Sidewalk Waiver)

Buffalo Marine Service, Inc.

309 South Royal Street

(Area bounded by South Royal Street on West, Canal Street on South, Madison Street on North and CSX Railroad on the East).

Request to waive construction of a sidewalk along Canal and Madison Streets.

Council District 2

(Also see, **Case #SUB2013-00079 (Subdivision) Buffalo Marine Service, 14-Baroid Yard Subdivision** above)

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

Hearing no opposition or further discussion, a motion was made by Ms. Roberson, with second by Mr. Turner, to approve the waiver of a sidewalk along Canal and Madison

Streets.

The motion carried unanimously.

Case #SUB2013-00081 (Subdivision)

Dauphin-65 Subdivision, Resubdivision of Lots 2 & 3

3290 Dauphin Street

(Northeast corner of Dauphin Street and East I-65 Service Road North).

Number of Lots / Acres: 1 Lot / 3.3± Acres

Engineer / Surveyor: The Coleman Engineering Group of McCrory Williams
Council District 1

(Also see, **Case #ZON2013-01822 (Planned Unit Development) Dauphin-65 Subdivision, Resubdivision of Lots 2 & 3** below)

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

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

Hearing no opposition or discussion, a motion was made by Mr. DeMouy, with second by Dr. Rivizzigno to hold the matter over until the October 3rd meeting, with revision due by September 16, 2013 to address the following:

- 1) **retention of the lot sizes in square feet and acres;**
- 2) **revision of the plat to illustrate Interstate 65 with a right-of-way of 300', with any dedications necessary;**
- 3) **placement of a note stating that no structures will be allowed in any easement;**
- 4) **placement of a note stating that the development is limited to the existing curb cuts;**
- 5) **compliance with Fire Department comments (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);**
- 6) **compliance with Engineering comments, "*The following comments should be addressed prior to acceptance and signature by the City Engineer: Provide all of the required information on the Plat (i.e. signatures, required notes). Add a note to the Plat stating that storm water detention will be required for any existing development (since 1984) that did not receive Land Disturbance permitting and any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045). Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) would be required prior to the issuance of a permit for any land disturbance activity*"; and**

- 7) **placement of a note on the Final Plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously with Mr. Plauche recusing.

**Case #ZON2013-01822 (Planned Unit Development)
Dauphin-65 Subdivision, Resubdivision of Lots 2 & 3**

3290 Dauphin Street

(Northeast corner of Dauphin Street and East I-65 Service Road North).

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

Council District 1

(Also see, Case #SUB2013-00081 (Subdivision) Dauphin-65 Subdivision, Resubdivision of Lots 2 & 3 above)

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

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

Hearing no opposition or discussion, a motion was made by Mr. DeMouy, with second by Dr. Rivizzigno to hold the matter over until the October 3rd meeting, with revision due by September 16, 2013 to address the following:

- 1) **revision of the site plan to provide the total gross square feet of both structures;**
- 2) **revision of the plat to provide the use of the proposed building;**
- 3) **revision of the site plan to provide adequate queuing for three drive-thru lanes, or revision of the site plan to only provide two drive-thru lanes;**
- 4) **revision of the site plan to illustrate dumpster screening compliant with Section 64-4.D.9. of the Zoning Ordinance; and**
- 5) **revision of the site plan to illustrate compliance with tree and landscaping requirements, including information about landscape area and number of trees.**

The motion carried unanimously with Mr. Plauche recusing.

**Case #SUB2013-00088 (Subdivision)
Tillmans Corner Subdivision, Rams Head Addition, to, Resubdivision of Lot 2A of Resubdivision of Lots 2 & 3**

5340 Willis Road

(South and East side of Willis Road, 320'± West of U.S. Highway 90 W).

Number of Lots / Acres: 2 Lots / 2.6± Acres

Engineer / Surveyor: Cowles, Murphy, Glover & Associates

Council District 4

(Also see, **Case #ZON2013-01810 Tillmans Corner Subdivision, Rams Head Addition, to, Resubdivision of Lot 2A of Resubdivision of Lots 2 & 3** below)

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

Gary Cowles, 457 St. Michael St, spoke on behalf of the application. He stated that they were in agreement with all of the comments, but wanted clarification on the 25ft setback on the north line.

Mr. Olsen responded that it would be 25ft from the driveway and showed Mr. Cowles a sketch of what he was referring to.

Hearing no opposition or further discussion, a motion was made by Ms. Roberson with second by Mr. Turner, to waive Sections V.B.1 and V.D.3 of the Subdivision Regulations and to approve the above referenced matter, subject to the following conditions:

- 1) **illustration of the 25' minimum building setback line on the Final Plat, revised on Lot 2 so as to be measured from where the lot is at least 60' wide;**
- 2) **labeling of each lot on the Final Plat with its size in square feet and acres, or the furnishing of a table on the Final Plat providing the same information;**
- 3) **placement of a note on the Final Plat stating that Lot 2 is limited to one curb cut to Willis Road, and Lot 1 is limited to two curb cuts to Willis Road, with the size, design and location of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) **compliance with the Engineering comments: *[1] The following comments should be addressed prior to acceptance and signature by the City Engineer:***
 - a) Provide all of the required information on the Plat (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, bearings and distances).*
 - b) Add a note to the Plat stating that storm water detention will be required for any existing development (since 1984) that did not receive Land Disturbance permitting and any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045).*
 - c) Add a signature block for the Owner, Notary, Planning Commission, Traffic Engineer, City Engineer, and County Engineer.*
 - d) Provide a written legal description for the proposed subdivision and matching bearing and distance labels.*
 - e) Provide and label the monument set or found at each subdivision corner.*
 - f) Provide the Surveyor's Certificate and Signature.*
 - g) Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.*
 - h) Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) would be required prior to the issuance of a permit for any land*

- disturbance activity.];*
- 5) compliance with the Traffic Engineering comments: *(Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
 - 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) submission of two (2) copies of a revised PUD site plan, along with written documentation for the justification of the proposed tower, as per Section 64-J.4. of the Zoning Ordinance, prior to the signing of the Final Plat;
 - 8) completion of the subdivision process prior to any request for permits.

The motion carried unanimously.

Case #ZON2013-01810

Tillmans Corner Subdivision, Rams Head Addition, to, Resubdivision of Lot 2A of Resubdivision of Lots 2 & 3

5340 Willis Road

(South and East side of Willis Road, 320'± West of U.S. Highway 90 W).

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

Council District 4

(Also see, **Case #SUB2013-00088 (Subdivision) Tillmans Corner Subdivision, Rams Head Addition, to, Resubdivision of Lot 2A of Resubdivision of Lots 2 & 3** above)

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

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

- 1) revision of the site plan to either indicate a compliant dumpster enclosure and pad, or the placement of a note on the site plan stating that no dumpster will be utilized and refuse collection will either be by private contract collection services or curb-side pickup;
- 2) if fencing and gates are to be placed around the truck maintenance facility, revision of the site plan to indicate such, and the placement of a note on the site plan stating that the gates will remain open during business hours, or an adequate truck queuing area out of the public right-of-way should be provided;
- 3) placement of a note on the site plan stating that, if barbed wire or other dangerous type of fencing is proposed for any fences on the site, such will require the approval of the Director of Urban Development;
- 4) placement of a note on the site plan stating that, if the site is to be developed

- in phases, tree plantings should also correspond with the phasing to avoid damage to already-planted trees for one phase being damaged during the construction of the other phase;
- 5) revision of the site plan to indicate the internal lot line between the two lots;
 - 6) revision of the site plan to indicate the building setback line on Lot 2 as measured from where the lot is at least 60' wide;
 - 7) compliance with the Engineering comments: *[1) Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2) Any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 3) A complete set of construction plans for the site work – including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. 4) Must comply with all Engineering Department Policy Letters: i.) 5-13-2009 Policy Letter (Car wash drains and dumpster pads to drain to Sanitary Sewer System) ii.) 8-4-2004 Policy Letter (Video inspection of new Storm Sewer System Piping) iii.) 3-18-2004 Policy Letter (Additional subdivision street requirements)];*
 - 8) compliance with the Traffic Engineering comments: *(Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
 - 9) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
 - 10) placement of a note on the Final Plat stating that Lot 2 is limited to one curb cut to Willis Road, and Lot 1 is limited to two curb cuts to Willis Road, with the size, design and location of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;
 - 11) submission of two (2) copies of a revised PUD site plan indicating compliance with the above conditions, along with written documentation for the justification of the proposed tower, as per Section 64-J.4. of the Zoning Ordinance, prior to the signing of the Final Plat; and
 - 12) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

OTHER BUSINESS:

- 1) Public Hearing to consider an amendment to the Zoning Ordinance which would create a new type of use in the Chart of Permitted Uses to allow Outdoor Storage Yards with Aggregate Surfaces in B-5, I-1, and I-2 by right, and B-3 with Planning Approval. The Chair invited anyone who wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Plauche, with second by Mr. Turner, to hold the matter over until the October 17th meeting.

The motion carried unanimously.

- 2) Public Hearing to consider an amendment to the Zoning Ordinance which would amend the Sign Regulations to allow refacing of signs in certain circumstances to be done without a permit; and amend standards for menu board signs. The Chair invited anyone who wished to speak on the matter to do so at that time.

Bess Rich, 625 Cumberland Rd, spoke against the above reference matter. Ms. Rich speculated that one of the concerns that business may have is that when they come in and think it is something simple, the sign is in non-compliance and they have to bring it into compliance. She stated that if the Commission allows this to go under the radar and they can just switch out we will never see our Sign Code where we would like it to be.

Hearing no opposition or further discussion, a motion was made by Plauche, with second by Mr. Turner, to hold the matter over until the October 17th meeting.

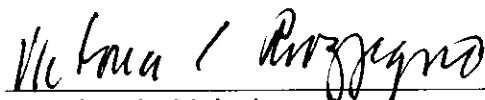
The motion carried unanimously.

- 3) Call for Public Hearing on October 17, 2013 to amend the Zoning Ordinance to modify parking requirements for Multi-Family dwelling units.

Hearing no opposition or discussion, a motion was made by Plauche, with second by Mr. Turner, to approve the Public Hearing for the October 17th meeting.

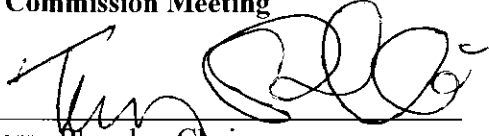
Hearing no further business, the meeting was adjourned.

APPROVED: January 16, 2014



Dr. Victoria Rivizzigno, Secretary

September 5, 2013
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Terry Plauche, Chairman

/jpw

