

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF APRIL 4, 2013 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

William G. DeMouy, Jr.
Victoria L. Rivizzigno, Secretary
James F. Watkins, III
John Vallas
Tracie Lee-Roberson
Scott Webster
John Williams
Roosevelt Turner
Carlos Gantt

Members Absent

Terry Plauche, Chairman
Don Hembree
Jarret Wingfield

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
Jennifer White,
Traffic Engineering
Billy Roach,
Fire-Rescue Department

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

ROLL CALL:

Mr. DeMouy 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 #ZON2012-02873 (Planned Unit Development)

Forest Hill Church of God

5508, 5512, 5468 and 5462 Moffett Road and 1850 and 1856 Forest Oaks Drive
(Southeast corner of Moffett Road and Forest Oaks Drive at the East terminus of Howells Ferry Road, extending to the West terminus of Colonial Circle West)
Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow shared access and parking between multiple lots
Council District 7

(Also see, Case #ZON2012-02874 (Planning Approval) **Forest Hill Church of God** below)

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

Don Williams, Williams Engineering, spoke on behalf of the applicant. He stated that the church would like to expand a parking lot into a residential lot within a residential subdivision.

Mr. Williams noted that the only changes that were made to the site plan was he added a "construction limit line" on the site plan. He stated that they will self impose that limit line. He noted that they will put a 6 ft high wood privacy fence on the edge of the asphalt parking lot. The remaining 2/3rds of the lot will remain wooded, but it would be thinned out. He suggested that the wooded area would become a shady area for the neighborhood.

Mr. Williams stated they have no problem with any of the staff recommended conditions, and will fully comply with all of the recommendations.

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

- 1) **Approval limited to the site plan, as revised for the April 4, 2013 meeting;**
- 2) **All new lighting on the site to comply with Section 64-6.A. of the Zoning Ordinance;**
- 3) **Compliance with Engineering comments (1) Any work, including grading, drainage, driveways, sidewalks, utility connections, irrigation, or landscaping performed in the existing Moffett Road ROW will require both an ALDOT Permit and a City of Mobile ROW Permit. The City ROW permit may be obtained 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) An ADEM NOR is required for any land disturbance activity over 1 acre. Provide a copy of the ADEM registration information for the site prior to the issuance of a Land Disturbance permit. 4) Access should be denied to Colonial Circle W. unless specifically allowed by the Planning Commission. 5) Sidewalk along Moffett Road shall be extended to the east property line.);**
- 4) **Compliance with Traffic Engineering comments (Moffett Road is a state maintained roadway. Driveway number, size, location and design to be approved by ALDOT (Moffett Road) and Traffic Engineering and conform to AASHTO standards. No additional curb-cuts are illustrated on the site**

- plan; however the existing driveways for the proposed lots should be closed. An ALDOT right-of-way permit, in addition to city permits, will be necessary.);
- 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).);**
 - 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.);**
 - 7) **Full compliance with all other municipal codes and ordinances, including the obtaining of the appropriate land disturbance, fence and right-of-way permits necessary to undertake the proposed improvements.**

The motion carried unanimously.

Case #ZON2012-02874 (Planning Approval)

Forest Hill Church of God

5508, 5512, 5468 and 5462 Moffett Road and 1850 and 1856 Forest Oaks Drive
(Southeast corner of Moffett Road and Forest Oaks Drive at the East terminus of Howells Ferry Road, extending to the West terminus of Colonial Circle West)

Planning Approval to amend a previously approved Planning Approval to allow an expansion of church parking in an R-1, Single-Family Residential District

Council District 7

(Also see, **Case #ZON2012-02873 (Planned Unit Development)****Forest Hill Church of God** above)

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 further discussion, a motion was made by Mr. Turner, with second by Mr. Watkins, to approve the above referenced matter, subject to the following conditions:

- 1) **Approval limited to the site plan, as revised for the April 4, 2013 meeting;**
- 2) **All new lighting on the site to comply with Section 64-6.A. of the Zoning Ordinance;**
- 3) **Compliance with Engineering comments (1) Any work, including grading, drainage, driveways, sidewalks, utility connections, irrigation, or landscaping performed in the existing Moffett Road ROW will require both an ALDOT Permit and a City of Mobile ROW Permit. The City ROW permit may be obtained 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) An ADEM NOR is required for any land disturbance activity over 1 acre. Provide a copy of the ADEM registration information for the site prior to the issuance of a Land Disturbance permit. 4) Access should be denied to Colonial Circle W. unless specifically allowed by the Planning Commission. 5) Sidewalk along Moffett Road shall be extended to the east property line.);

- 4) Compliance with Traffic Engineering comments (Moffett Road is a state maintained roadway. Driveway number, size, location and design to be approved by ALDOT (Moffett Road) and Traffic Engineering and conform to AASHTO standards. No additional curb-cuts are illustrated on the site plan; however the existing driveways for the proposed lots should be closed. An ALDOT right-of-way permit, in addition to city permits, will be necessary.);**
- 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).);**
- 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.);**
- 7) Full compliance with all other municipal codes and ordinances, including the obtaining of the appropriate land disturbance, fence and right-of-way permits necessary to undertake the proposed improvements.**

The motion carried unanimously.

Case #ZON2013-00086

Cowles, Murphy, Glover, & Associates

1926 & 2000 Telegraph Road

(Southeast corner of Telegraph Road and Bay Bridge Road).

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

Council District 2

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:

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- 1) revision of the site plan to depict and label the overhead power line along Telegraph Road, and, if necessary, either move the proposed bald cypress trees to be more than 15-feet from the power line, or change the tree specification to live oak;
- 2) submission of two revised site plans; and
- 3) completion of the rezoning process prior to the request for permits.

The motion carried unanimously.

Case #SUB2013-00007 (Subdivision)

D.E.H. Subdivision

7747 Old Shell Road

(Southwest corner of Old Shell Road and 5th Avenue).

Number of Lots / Acres: 1 Lot / 0.5± Acre

Engineer / Surveyor: John Farrior Crenshaw

Council District 7

(Also see, **Case #ZON2013-00096 (Rezoning) D.E.H. 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 opposition or discussion, a motion was made by Mr. Watkins, with second by, Dr. Rivizzigno to deny the above referenced matter for the following reasons:

- 1) **failure to obtain authorization from the owner of the East ½ of Lot 6, West Mobile Terrace Subdivision; and**
- 2) **denial of the Rezoning request.**

The motion carried unanimously.

Case #ZON2013-00096 (Rezoning)

D.E.H. Subdivision

7747 Old Shell Road

(Southwest corner of Old Shell Road and 5th Avenue).

Rezoning from R-1, Single-Family Residential District, to B-1, Buffer Business District, to allow an office building.

Council District 7

(Also see **Case #SUB2013-00007 (Subdivision) D.E.H. 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 opposition or discussion, a motion was made by Mr. Watkins, with second by, Dr. Rivizzigno to deny the above referenced matter for the following reasons:

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- 1) **failure to obtain authorization from the owner of the East ½ of Lot 6, West Mobile Terrace Subdivision; and**
- 2) **failure of the site to meet size requirements as set forth in Section 64.3.5. of the Zoning Ordinance.**

The motion carried unanimously.

Case #SUB2013-00008 (Subdivision)

Westwood Plaza Subdivision

7765 Airport Boulevard

(Southeast corner of Airport Boulevard and Schillinger Road South, extending to the North side of Thomas Road).

Number of Lots / Acres: 5 Lots / 21 ± Acres

Engineer / Surveyor: Rowe Surveying and Engineering

Council District 6

(Also see **Case #ZON2013-00098 (Planned Unit Development)****Westwood Plaza 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.

Andrew Prescott, 41 W. I-65 Service Rd., spoke on behalf of the applicant. He stated that they would like to request a holdover.

Mr. Demouy then asked Mr. Olsen if that would be the May 2nd meeting.

Mr. Olsen responded that it would depend on the reason for the holdover. If it is just to submit additional information and not to change the plan and they can have the information submitted by next Wednesday, it could be the next meeting; If it is to make some changes to the plan, we would need adequate time to review that, so it would need to be the June meeting.

Mr. Demouy asked Mr. Prescott what the basis of the request was.

Mr. Prescott stated that he was unsure of the reason for the request; he had just stepped into the position.

Mr. Hoffman informed the Chairman that the staff had requested numerous revisions to the site plan to address recommendations made to the traffic impact study that was provided, including a revised traffic impact study. He noted that they had still had not received ownership information regarding one of the properties involved in the site. He stated that a longer holdover would be more beneficial to the staff.

In deliberation, Mr. Olsen noted that the applicant needs to submit any revisions by April 15th, which is the deadline for the June 6th meeting.

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Hearing no opposition or further discussion, a motion was made by Mr. DeMouy, with second by, Mr. Vallas to hold the matter over until the June 6, 2013, meeting, to allow the applicant to submit revision and other documents by April 15th.

The motion carried unanimously.

Case #ZON2013-00098 (Planned Unit Development)

Westwood Plaza Subdivision

7765 Airport Boulevard

(Southeast corner of Airport Boulevard and Schillinger Road South, extending to the North side of Thomas Road).

Planned Unit Development Approval to allow shared access across multiple lots and multiple buildings on a single building site.

Council District 6

(Also see **Case #SUB2013-00008 (Subdivision)**Westwood Plaza 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.

In deliberation, Mr. Olsen noted that the applicant needs to submit any revisions by April 15th, which is the deadline for the June 6th meeting.

Hearing no opposition or further discussion, a motion was made by Mr. DeMouy, with second by, Mr. Vallas to hold the matter over until the June 6, 2013, meeting, to allow the applicant to submit revision and other documents by April 15th.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2013-00011

Broad-Lyons Subdivision, Resubdivision of

408 North Broad Street

(Northeast corner of Broad Street and Lyons Street).

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

Engineer / Surveyor: Wattier Surveying, Inc.

Council District 2

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

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. 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. Vallas, with second by Ms. Roberson, to waive of Section V.D.9. of the Subdivision Regulations and approve

the above referenced matter, subject to the following conditions:

- 1) Placement of a note on the plat stating that the site is limited to one curb-cut each onto Broad/Beauregard Street and Lyons Street, with the size, design and location to be approved by Traffic Engineering and ALDOT, and to comply with AASHTO standards;
- 2) Retaining of the note on the plat referencing the setbacks allowed by the Zoning Ordinance for B-4, General Business Districts;
- 3) Revision of the plat to include any required flood zone-related information, including base flood or finished floor elevations, as required by Engineering;
- 4) Placement of a note on the final plat stating that development must comply with all local, state and federal regulations regarding flood zones;
- 5) Removal and sodding of any unused curb-cuts along all streets, with the appropriate right-of-way permits;
- 6) Dedication of a corner radius at the street intersection, if determined necessary by Engineering and Traffic Engineering, in compliance with Section V.D.6. of the Subdivision Regulations;
- 7) Compliance with Engineering comments (*The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1) Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2) 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).*);
- 8) Compliance with Traffic Engineering comments (*Access to be limited to one curb-cut each on Broad Street and Lyons Street, with size, location and design to be approved by ALDOT (Broad Street) and Traffic Engineering and conform to AASHTO standards.*);
- 9) 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).*);
- 10) 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
- 11) Completion of the Subdivision process prior to any request for certificates of occupancy for new construction.

The motion carried unanimously, with Mr. Turner recusing.

Case #SUB2013-00013

Marine & Industrial Supply Subdivision

North side of North Carolina Street at the North terminus of Conception Street.

Number of Lots / Acres: 1 Lot / 1.0± Acre

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Engineer / Surveyor: Byrd Surveying, Inc.
Council District 3

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

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

- 1) **retention of the labeling of the lot size in square feet, or provision of a table on the Final Plat with the same information;**
- 2) **placement of a note on the Final Plat stating that the lot is limited to two curb cuts to North Carolina Street, with the size, design, and exact location of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) **placement of a note on the Final Plat stating that the lot is denied access to Virginia Street;**
- 4) **placement of a note on the Final Plat stating that the lot is denied access to the Main Line Street right-of-way under the bridge;**
- 5) **revision of the plat to depict the 25' minimum building setback line along all street frontages;**
- 6) **placement of a note on the Final Plat stating that the approval of all applicable federal, state and local agencies would be required regarding flood zone issues 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;**
- 8) **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). 2. Provide a signature block and signature from the Traffic Engineering Department. 3. 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]; and**
- 9) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2013-00014

Jackson Street Subdivision, Renea's Addition to

West side of North Jackson Street, 150'± North of State Street.

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

Engineer / Surveyor: Byrd Surveying, Inc.
Council District 2

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

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

- 1) **placement of a note on the Final Plat stating that the lot is limited to one curb cut to North Jackson Street, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **retention of the 5' minimum building setback line along North Jackson Street;**
- 3) **placement of a note on the Final Plat stating that the front minimum building setback may be governed by that allowed under Section 64-3.G.3.a.(1) of the Zoning Ordinance in lieu of the 5' setback;**
- 4) **revision of the plat to label the lot with its size in square feet and acres, or the furnishing of a table on the Final Plat providing the same information;**
- 5) **placement of a note on the Final Plat stating that the approval of all applicable federal, state and local agencies would be required regarding flood zone issues prior to the issuance of any permits or land disturbance activities;**
- 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) **placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations;**
- 8) **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). 2. Provide a signature block and signature from the Traffic Engineering Department. 3. 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).]*;**
- 9) **subject to the Fire Department comments: *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile); and***
- 10) **full compliance with all municipal codes and ordinances.**

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The motion carried unanimously.

Case #SUB2013-00015

Schillinger Commerce Place Subdivision

163 South Schillinger Road

(Southeast corner of South Schillinger Road and Highland Avenue).

Number of Lots / Acres: 1 Lot / 10.8± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

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.

John Cain, 12 Alverson Road, spoke on the matter. He was curious as to what was going on with the application.

Mr. Olsen stated that the application is a subdivision incorporating multiple parcels making it a legal lot of record. The property is zoned B-3, which is commercial. For a subdivision the Planning Commission does not have to know the use; it is not required as part of the application.

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.

Mr. Vallas stated that since there is already a cell tower on this property, the applicant would have to come back and do a planned unit development if they wanted to do any other construction.

Mr. Cain stated that he was curious about Highland Ave, and if it would run from Schillinger Rd. to Alverson Rd.

Mr. Olsen stated that the road was unopened and they were not going to construct it as part of this application.

Mr. Cain stated that opening that street was his main concern and he was also wondering what type of complex it would be.

Mr. Olsen informed him that it was zoned B-3 and it could be any type of commercial development; not industrial. But, it could be retail, apartments, or a wide range of uses.

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

- 1) dedication to provide 25' from the centerline of Highland Avenue;
- 2) dedication of a 25' radius curve at the intersection of Schillinger Road South and Highland Avenue;
- 3) placement of a note on the Final Plat stating that the site is limited to two curb cuts to Schillinger Road South, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 4) placement of a note on the Final Plat stating that access to Highland Avenue is denied;
- 5) revision of the plat to indicate the 25' minimum building setback line along Schillinger Road South as measured from the current right-of-way line;
- 6) revision of the plat to indicate the 25' minimum building setback line along Highland Avenue as measured from any required dedication;
- 7) revision of the plat to indicate the 25' minimum building setback line as measured from the dedicated radius curve at the Southeast corner of Schillinger Road South and Highland Avenue;
- 8) revision of the plat to indicate the lot size in square feet and acres as calculated after any required dedications, or the furnishing of a table on the Final Plat providing the same information;
- 9) placement of a note on the Final Plat stating that no structures are to be erected within any easement;
- 10) placement of a note on the Final Plat stating that a buffer, in compliance with Section V.A.8. of the Subdivision Regulations must be provided where the site adjoins any residential use;
- 11) placement of a note on the Final Plat stating that development of this site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
- 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). 2. Provide a signature block and signature from the Traffic Engineering Department. 3. 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). 4. Dedicate a drainage easement(s) to allow for the continued passage of the storm water drainage flowing from the existing 40' x 30' Drainage Easement located approximately 210' south of Highland Avenue. The width and location will need to be approved by the City Engineer.];*
- 13) subject to the Traffic Engineering comments: *(Driveway number, size, location, and design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards.);*
- 14) subject to the Fire Department comments: *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile); and*
- 15) completion of the Subdivision process prior to any request for permits.

The motion carried unanimously.

Case #SUB2013-00012

Hutson-Key Subdivision, Unit Two, Resubdivision of Lot 3

1360 East I-65 Service Road South

(Northeast corner of Michael Boulevard and Hutson Drive extending to the South side of Key Street.

Number of Lots / Acres: 2 Lots / 13.3± Acres

Engineer / Surveyor: The Coleman Engineering Group of McCrory & Williams, Inc.
Council District 5

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

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

- 1) **placement of a note on the Final Plat stating that Lot 3A be limited to the existing curb cuts, Lot 3B should be limited to one curb-cut, to West I-65 Service Road South and one curb-cut to Pleasant Valley Road, with the size, design and location of all curb-cuts to be approved by ALDOT and Traffic Engineering and conform with AASHTO standards.**
- 2) **the labeling of each lot with its size in square feet, or placement of a table on the plat with the same information;**
- 3) **compliance with Engineering comments, (1) *Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes); 2) Provide a signature block and signature from the Traffic Engineering Department; and 3) 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); and***
- 4) **placement of a note on the final plat stating that the maintenance of ALL detention or common areas is the responsibility of the property owners;**
- 5) **approval of all applicable federal, state and local agencies for floodplain and wetland issues prior to the issuance of any permits or land disturbance activities; and**
- 6) **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 #SUB2013-00016

Shelly's Roost Subdivision

4082 Leroy Stevens Road

(North side of Leroy Stevens Road, 495'± East of Gold Mine Road).

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

Engineer / Surveyor: Byrd Surveying, Inc.
County

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

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

- 1) **placement of a note on the Final Plat stating that each lot is limited to one curb cut to Leroy Stevens Road, with the size, design, and location of the curb cuts to be approved by Mobile County Engineering and conform to AASHTO standards;**
- 2) **illustration of the 25' minimum building setback line along Leroy Stevens Road;**
- 3) **labeling of each lot with its size in square feet and acres, or the furnishing of a table on the Final Plat providing the same information;**
- 4) **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.)*;**
- 5) **placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;**
- 6) **placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations; and**
- 7) **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 #SUB2013-00010

New Country Club Estates Subdivision, First Unit, Lot 19, Resubdivision of

4235 Wilkinson Way

(Northeast corner of Wilkinson Way and Jordan Lane).

Number of Lots / Acres: 3 Lots / 0.8± Acre

Engineer / Surveyor: Haidt Land Surveying
Council District 5

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

Fred Haidt, Haidt Land Surveying, spoke on behalf of the applicant. He would like the first two conditions waived by the staff. The first condition is for additional right-a-way on Jordan Lane; it is a 50 ft right-a-way with paved road with a valley gutter. In 2007 Law subdivision was approved with a 50 foot right-a-way with no additional right-a-way given and no additional setbacks were required. So, they would like the same consideration.

Mr. Olsen stated that he spoke with Mr. Haidt earlier in the week; he did mention the subdivision but he did not have a chance to pull the file, so he could not address the question of additional setback. He noted that normally if the Commission has waived a dedication for a substandard right-a-way, such as this, there has been a setback from the future right-a-way line. But, it is up to the Commission on how they will handle that.

In deliberation, Mr. Watkins questioned that if they remove Condition 1 would they have to remove Condition 2 as well; or can the 25 foot minimum setbacks from the proposed 30 foot centerline be the new setback line.

Mr. Olsen stated that since the condition does say after dedication, we would need to say from the future right-a-way line along Jordan Avenue.

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

- 1) **modification and depiction of the 25-foot minimum building setback line from the future right-of-way line after dedication along Jordan Lane;**
- 2) **placement of a note on the final plat stating that each lot is limited to one (1) curb-cut each, with the size, design and location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) **demolition of the existing structure prior to recording of the Final Plat;**
- 4) **the table indicating lot sizes in acreage and square feet be retained on the**

Final Plat;

- 5) **compliance with Engineers comments:** 1. *Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes).* 2. *Provide a signature block and signature from the Traffic Engineering Department.* 3. *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).*
- 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; and
- 7) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2013-00019

LHRP Commercial Park Subdivision

1651 Schillinger Road North

(West side of Schillinger Road North, ½ mile± North of Howells Ferry Road).

Number of Lots / Acres: 3 Lots / 8.3± Acres

Engineer / Surveyor: Richard L. Patrick PLS
County

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

Richard Patrick, 3317 Fairfield Rd, spoke on behalf of the applicant. He stated that he and the applicant were in agreement with the staff report, with the exception of one part. The report states that there are no other flag lots in the area. He then provided the Commission with two maps with plats that showed the flag lots in the area. He stated that the applicant is going to build a dental office in front of the existing warehouse; he felt like this would really make the site more appealing.

Mr. Vallas asked Mr. Patrick if there would be separate ownership for the back parcel and the future dental office.

Mr. Patrick then responded that it would be the same owner. He also reiterated that there are many other flag lots in the area.

The Commission then reviewed conditions that were passed out by Mr. Hoffman.

Mr. Turner asked how long the other flag lots have been in this area.

Mr. Patrick stated that the recording information was on the plats, and that some were very recently.

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

- 1) **revision of the plat to indicate the correct current right-of-way width of Schillinger Road North;**
- 2) **placement of a note on the Final Plat stating that all lots must use the ingress/egress easement for access to Schillinger Road North;**
- 3) **placement of a note on the Final Plat stating that Lot 2 is allowed one curb cut to Schillinger Road North; with size, design and location to be approved by Mobile County Engineering and conform to AASHTO standards;**
- 4) **placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations;**
- 5) **placement of a note on the Final Plat stating “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) **retention of the labeling of the lot sizes in square feet and acres, or the furnishing of a table on the Final Plat providing the same information;**
- 7) **revision of the plat to illustrate the minimum building setback line for Lot 3 where the lot is at least 60’ in width;**
- 8) **placement of a note on the Final Plat stating that no structures are to be constructed within any easement;**
- 9) **placement of a note on the Final Plat stating that maintenance of the detention areas are the responsibility of the property owners and not Mobile County;**
- 10) **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;**
- 11) **compliance with the Fire-Rescue Department comments: (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.); and**
- 12) **placement of a note on the Final Plat stating no future subdivision of Lot 3 until adequate frontage on a public maintained road is provided.**

The motion carried with only Mr. Watkins voting in opposition.

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Case #SUB2013-00017

Duncan Place Subdivision, Resubdivision of Lots 19-28

West side of Pinemont Drive, 150'± North of McMurray Street.

Number of Lots / Acres: 10 Lots / 1.5± Acres

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

Harriett Adkerson, 1063 Wildwood Ave, wanted an explanation of Condition 4. She wanted further explanation of the water situation.

George Davis, with City Engineering, explained that condition is just a general note. It is just stating that when they do any development on the lot, they must be in compliance with the storm water ordinance.

Hearing no opposition or further discussion, a motion was made by Mr. Turner, with second by Mr. Williams, to waive of Section V.D.2. of the Subdivision Regulations and approve the above referenced matter, subject to the following conditions:

- 1) **retention of the 25-foot minimum building setback line from Pinemont Drive on the Final Plat;**
- 2) **placement of a note on the final plat stating that each lot is limited to one (1) curb-cut, with the size, design and location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) **the lot sizes in acreage and square feet be retained on the Final Plat;**
- 4) **compliance with Engineers comments: 1. *Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes).* 2. *Provide a signature block and signature from the Traffic Engineering Department.* 3. *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).***
- 5) **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**
- 6) **full compliance with all other municipal codes and ordinances.**

It is also recommended that the applicant be advised that standard setbacks and site coverage allowances shall apply unless an appropriate PUD application is submitted and approved.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2013-00450

Thermo King

5340 Willis Road

(South and East side of Willis Road, 320 ± West of USHY 90 W).

Request to waive construction of a sidewalk along Willis Road.

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. Watkins, with second by Mr. Turner, to approve the request to waive construction of a sidewalk along Willis Road.

The motion carried unanimously.

Case #ZON2013-00454

Southport Industrial Estate, LLC

4077 Hamilton Boulevard

South side of Hamilton Boulevard at the South terminus of Rabbit Creek Drive).

Request to waive construction of a sidewalk along Hamilton Boulevard.

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. Williams, with second by Mr. Turner, to approve the request to waive construction of a sidewalk along Hamilton Boulevard.

The motion carried unanimously.

NEW PLANNING APPROVAL APPLICATIONS:

Case #ZON2013-00452

Azalea City Credit Union

5662 Cottage Hill Road

(Northeast corner of Cottage Hill Road and Knollwood Drive)

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Planning Approval to allow a credit union in a B-1, Buffer-Business District.
Council District 4

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

Daryl Russell, The Coleman Engineering Group of McCrory & Williams, spoke on behalf of the applicant. He stated that they were in agreement with the holdover.

Hearing no opposition or further discussion, a motion was made by Mr. Demouy, with second by, Mr. Vallas to hold the matter over until the June 6, 2013, meeting, with revisions due by April 15, for the following to be addressed:

- 1) **submission of a rezoning application amending the condition to allow the removal of the 60-inch Live Oak by April 15th;**
- 2) **completion of the rezoning process;**
- 3) **illustration of the location of any dumpster on the site plan or a note on the site plan stating that garbage pick-up will be contracted for daily pick up;**
- 4) **placement of proper signage to guide drive-thru customers to the drive-thru canopy;**
- 5) **compliance with the buffering requirements of the Zoning Ordinance from adjacent residential uses, with the note of the buffer within the minimum building setback to be no higher than 3-feet;**
- 6) **the provision of landscaping as illustrated on the site plan; and**
- 7) **compliance with the Tree Planting requirements of the Zoning Ordinance.**

The motion carried unanimously.

Case #ZON2013-00300

Maureen Meyer

7710 Avenue E

(Northeast corner of Avenue E and 6th Street).

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

Council District 7

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

Maureen Meyer, 152 Green Park Drive Mobile, Al 36695, spoke on her own behalf. She is asking to put a mobile home on the corner of Avenue E and 6th St.

Mr. Vallas asked if we allow any mobile homes in the city limits.

Mr. Olsen advised that a mobile home requires planning approval, other than in a mobile home park. The Commission generally looks to see if it is in character with the area, and if they're other existing mobile homes in a close proximity. However, a couple of years

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ago there was a request to place a mobile home in an area a little west of this location that was also annexed. The Commission denied that application wanting to afford those new residents in the city the same protection they would have had if they had been in the city previously.

Mr. Vallas noted the last one he could remember that the Commission approved was located in Tillman's Corner and there was an existing trailer there that had been damaged before annexation.

Mr. Olsen agreed and added that they had moved the old trailer and moved a new one in.

Ms. Meyer stated the corner she has purchased is on a really poorly maintained street, and there are numerous mobile homes in the area. She does not believe that it would be out of character for the area. She purchased that corner because she is disabled and needs access to stores and doctors offices. She was the one that took the hit in the head with a hammer. She has metal on the right side of her face and head. She is still learning to drive. She just needs a place to live. She would like to beautify the area, and she feels it would be a pleasure to put flowers and trees on that corner.

Mr. Demouy asked Ms. Meyer if she heard Mr. Olsen's comments on what is acceptable and not on that lot.

Ms. Meyer noted that she is barely able to hear, she has lost hearing and eyesight. She was not able to hear the full comment.

Mr. Demouy asked that Mr. Olsen repeat his comments.

Mr. Williams stated that he was looking at it from a satellite picture and it looks mostly commercial or undeveloped.

Mr. Olsen noted that to the west /south west is predominantly commercial. It is zoned B-3, there are some lots developed commercially and other lots are still vacant and would have to comply with today's standards. There are also vacant properties to the southeast and to the north/northeast. There are a couple of existing mobile homes in the neighborhood; the other structures are standard stick-built homes. He noted again that a fairly recent application in this general area was not approved because the Commission wanted to afford the new citizens of the annexed area the same protections that would have been there had that been in the city all along.

Mr. Turner noted that the Commission has not approved any trailers or mobile homes in areas that have been annexed, that did not have applications before that annexation.

Mr. Olsen stated the only one he can recall was the one that Mr. Vallas was referring to. In that case the trailer had been there just prior to annexation and it was damaged. After annexation they pulled another trailer in not knowing that they had to go through this

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process. It was approved, but that was the only reason why it was approved.

Ms. Meyer stated that there is a mobile home on the next door lot. The corner of it actually sits a couple of feet onto the section that she bought and she would not know what to do with that and she noted that it was not on the diagram.

Mr. Olsen noted another issue that he wanted to point out to the Commission with this particular application is that the mobile home would not meet setbacks along 6th Avenue. He questioned if they could angle it or something along those line. But, as proposed and submitted it would not meet setbacks.

Mike Gooch, 152 Green Park Drive Mobile, Al 36695, spoke on behalf of the applicant. He stated that when Ms. Meyer bought this property she was not aware that it had been annexed into the City. There was a mobile home on the lot prior to them purchasing it. He stated that she would like to stay in the city and she needs to get out of where she is at. He noted that the District Attorney recommend that she move, but she has no where else to go. He stated she has tried for Section 8 housing, but the list has been closed. He noted that he felt like this was her last step, and that anything the Commission could do to help would be appreciated.

In deliberation, Mr. Williams asked what the difference is between a Modular home and a trailer. He also asked if there are any other options on this lot that would be acceptable.

Mr. Olsen answered that it depends on how one defines a Modular home. The industry standard of Modular home is where the house is brought in and assembled on site on permanent piers and is not brought it on wheels. A Modular home would be allowed on this site, provided it met all the setback requirements.

Mr. Williams noted that the site had tough setback requirements.

Mr. Olsen responded that he did not feel like it did; The lot itself is 100x100. He stated that you could put a good size house on there. The trailer in question just happens to be 80 feet long and to meet setbacks from the side street it will not work. It is up to the Commission if they would like to approve a mobile home there in the first place and if so we would need to see how they will arrange it on the lot, so it would appropriately fit. He noted that this is a Planning Approval, which is site plan specific.

Hearing no further opposition or discussion, a motion was made by Dr. Rivizzigno, with second by, Roosevelt Turner to deny the above referenced matter.

The motion carried unanimously.

GROUP APPLICATIONS:

April 4, 2013

Planning Commission Meeting

Case #SUB2013-00018 (Subdivision)

ARK Subdivision

4017 Airport Boulevard

(South side of Airport Boulevard, 565' West of Azalea Road).

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

Engineer / Surveyor: The Coleman Group of McCrory & Williams, Inc.

Council District 5

(Also see, Case #ZON2013-00453 (Planned Unit Development) **ARK Subdivision** below)

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

Daryl Russell, The Coleman Engineering Group of McCrory & Williams, spoke on behalf of the applicant. He stated that they were requesting this application not be approved for a holdover. He stated that the applicant is in agreement with all recommendations, with the exception of the recommendation to remove existing curb-cuts. This site is the old Smokey Bones Restaurant location; Outback Restaurant is planning on constructing a new building in the exact same location. The new buildings footprint will be slightly smaller than the existing building. He noted that this is an existing site, that has functioned this way for quite awhile and they are not aware of any traffic issues that would warrant removal of the curb-cuts. He also stated that this would represent a hardship on both the lessees and Outback Steakhouse, and it would also require removing parking spots. He asked that the Commission waive that requirement.

Mr. DeMouy asked Mr. Olsen if there were any other conditions that would need to be addressed that Mr. Russell would need to take care of now.

Mr. Olsen responded that if the Commission chose to waive the requirement of the two curb-cuts striking that as the reason for holdover and making everything else a condition would satisfy the zoning ordinance. He then stated that Ms. White could address the access to the service road issue.

Ms. White stated that she personally spoke with the applicant earlier in the week and they agreed to allow the two existing curb-cuts to remain that are in front of the other properties, but he had agreed to remove the middle curb-cut that is in front of the restaurant.

Mr. Demouy asked Mr. Russell if that was accurate.

Mr. Russell said that he was unsure that he would need to refer to the owner and the proposed tenant. They ultimately would not like to loose any curb-cuts because of reduction in parking and the changing of the lease agreement.

Mr. Demouy asked Mr. Olsen if that would be the only holdup in the Commission addressing the application today.

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Mr. Olsen stated that that the reason the staff recommended it for holdover, with the closing of curb-cuts, is because it alters the circulation. With Planned Unit Developments being site-plan specific they did not know how they would deal with the circulation, but it is up to the Commission.

Mr. Vallas wanted to further explanation of what was going to happen if the middle curb-cut was closed.

Ms. White answered that they would have to eliminate four spots on each side and it would alter circulation.

Mr. Watkins asked Ms. White what exactly Traffic Engineering's concern was with keeping that extra curb-cut.

Ms. White responded that they have been trying to been to cut down on the number of access points along the service roads. She stated that the more access points you have increases the number of accidents. She noted that these curb-cuts are less than 50 feet apart.

Richard Kirschman, ARK, LLC, also spoke on behalf of the applicant. He stated that Outback Steakhouse and ARK would like the Commission to consider retaining all of the curb-cuts; the main concern is reduction of parking spaces and the additional cost involved. He noted that the service road ends about a quarter of a mile down from the site. To his knowledge there has never been a traffic issue on the section of the service road. He then stated they would be willing to compromise if they had to give up one of the curb-cuts.

Mr. Watkins questioned if there was anything magical about the center curb-cut; if they closed the one to the far right it might not have has big of an impact on parking. He stated that it looked as if they would only lose 2 spaces and keep circulation.

Ms. White responded that he just puts bigger spaces between the two curb-cuts.

The applicant passed around a revised layout of the parking lot that showed the circulation with the center curb-cut eliminated. Ms. White, Mr. Olsen and the Commissioners were all in agreement that it was acceptable.

In deliberation, Mr. Watkins questioned where they ended up on this application. He stated that it was recommended for holdover, and then the applicant submitted a plat at the podium to Ms. White. He asked if the staff had seen the plat and if they were ok with two curb-cuts opposed to three curb-cuts.

Mr. Olsen stated that they had seen the plat and it felt like if they used the reasons for holdover as conditions of approval; changing the condition that limited the site to two curb-cuts and limit the approval to the revised plan submitted at this meeting.

Mr. Watkins asked if there were any standard conditions that need to be included in that.

Mr. Olsen stated that the main reason for the recommendation of holdover was how the change of the curb-cuts would impact the circulation; but with what they have submitted he felt like it would work.

Mr. Davis requested that City Engineering's comment be included in the approval.

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

- 1) **provision that the subdivision be completed prior to the issuance of any building permits;**
- 2) **placement of a note on the plat stating that maintenance of all common areas and detention areas is the responsibility of the property owners;**
- 3) **compliance with Engineering Comments (*The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes) 2. 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). Any work performed in the existing Airport Blvd 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). 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. Any proposed dumpster pad(s) must be contained and directed to a surface drain that is connected to the Sanitary Sewer system. The drainage from any dumpster pads cannot discharge to storm sewer.*); and**
- 4) **placement of a note on the plat stating that the approval of all applicable federal, state and local agencies is required for endangered or threatened species prior to the issuance of any permits or land disturbance activities, as depicted on the preliminary plat.**

The motion carried unanimously.

Case #ZON2013-00453 (Planned Unit Development)

ARK Subdivision

4017 Airport Boulevard

(South side of Airport Boulevard, 565' West of Azalea Road).

Planned Unit Development Approval to allow shared access between two lots.

Council District 5

(Also see, Case #SUB2013-00018 (Subdivision) **ARK Subdivision** above)

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

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

- 1) **limited to the revised curb cut layout presented at the meeting;**
- 2) **provision of a 6-foot privacy fence along the South property line;**
- 3) **compliance with Sections 64-4.A.2 and 64-6.A.3.C of the Zoning Ordinance; compliance with Engineering Comments (*The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes) 2. 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). Any work performed in the existing Airport Blvd 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). 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. Any proposed dumpster pad(s) must be contained and directed to a surface drain that is connected to the Sanitary Sewer system. The drainage from any dumpster pads cannot discharge to storm sewer.*) and**
- 4) **compliance with the tree and landscaping requirements of the Zoning Ordinance for new construction; and**
- 5) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2013-00020 (Subdivision)

Nurfio Subdivision

6606 Old Shell Road

(North side of Old Shell Road, 285'± West of Dickens Ferry Road).

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Number of Lots / Acres: 1 Lot / 1.7± Acre

Engineer / Surveyor: Don Williams Engineering

Council District 7

(Also see, **Case #ZON2013-00455 (Rezoning) Richard & Rachel Nurfio** below)

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

Don Williams, Williams Engineering, spoke on behalf of the applicant and made the following points in favor of the matter:

- A. the applicant is requesting a zoning change in this particular piece of property; it is roughly 1.6 acres on the north side of Old Shell Road, just west of the University of South Alabama.
- B. he described the area surrounding this property and listed other commercial and multi-family residential properties such as: apartment complexes, a gas station, a mini storage, a package store, pet boutique, Asian grocery store, alterations shop, a computer store, assisted living home,.
- C. he pointed out that these commercial and multi-family residential families properties overwhelms the single family aspect of the area.
- D. University of South Alabama is located behind this site; they have a huge amount of property which may be a football stadium in the future.
- E. Old Shell Road is now a major street, with five lines.
- F. feels like a real estate office would be in character with the area; it is minimal in parking, minimal in noise and minimal in disturbance of the neighborhood.
- G. have plenty room to comply with parking, landscaping, trees, sidewalk and anything else that would be required.

Mr. Watkins asked if the requested use for a real estate office is a written limitation or just a statement of the proposed use.

Mr. Williams responded that a real estate office is the proposed use, but the zoning would change to B-1 which would allow other things that are B-1 type facilities.

Mr. Turner asked that a map be put up on the screen to shows what the area looks like as far as zoning.

Mr. Vallas asked if the assisted living facility was zoned LB-2.

Mr. Olsen responded that it was zoned R-3.

Ms. Roberson asked Mr. Olsen if the reason for the denial was because not enough information was provided. If so, is his explanation now enough or do you still need information in writing.

Mr. Olsen answered that the subdivision was recommend for denial because a lot of the

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information that is required for a plat submission was not provided. The rezoning was recommended for denial for multiple; the "spot zoning" does not meet the minimum size requirements recommended by the zoning ordinance for the creation of a new district, two of their proposed uses are not allowed in the requested district.

Ms. Roberson then asked if they could do a holdover and give them a chance to submit that information.

Mr. Olsen responded that if the Commission was considering approving this, then yes it could be held over.

Mr. Vallas stated that he felt like B-1 may not be that offensive; based on traffic and growth in that area.

Dr. Rivizzigno expressed concern with putting a B-1 next to an R-3.

Mr. Vallas stated that he thought that was a natural buffer; he didn't know what an appropriate zone would be if B-1 was not.

Mr. Williams noted that there is an existing 6 foot high wood property fence between the two properties.

Dr. Rivizzigno asked if the applicant would be willing to restrict the use to only a real estate office.

Mr. Williams stated that his applicant only has the intent of using it as a real estate office, but he would not want to restrict the use.

Mr. Vallas stated that the Commission does deed restriction when there have been oppositions to more offensive uses such as tattoo parlors.

Mr. Williams said that Tradition Business (TB) zoning would accommodate a real estate office and that could also be another option.

Dr. Rivizzigno asked what they wanted the applicant to do at the June meeting.

Mr. Watkins responded that the applicant was going to clean up the subdivision plat and come in with appropriate reasoning for why the rezoning would be appropriate on the application.

Dr. Rivizzigno asked if they could come in with a lesser zoning.

Mr. Watkins stated that the applicant was talking about TB zoning.

Mr. Olsen noted that he did not feel like TB zoning would be something the staff would prefer over B-1.

Mr. Olsen then asked the Commission based on the holdover if they are wanting the staff to develop conditions for approval based on what they submit.

Mr. Watkins responded that he believes that would be wise.

Mr. Vallas stated that he is not of fan of deed restricting the application. He did not feel like a real estate office was that offensive of a use.

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by, Mr. Vallas to hold the matter over until the June 6, 2013, meeting, with revisions by April 15, to address the following:

- 1) **submission of a preliminary subdivision plat;**

The motion carried unanimously.

Case #ZON2013-00455 (Rezoning)

Richard & Rachel Nurffio

6606 Old Shell Road

(North side of Old Shell Road, 285'± West of Dickens Ferry Road).

Rezoning from R-1, Single-Family Residential District, to B-1, Buffer-Business District, to allow a mixed use to include a real estate office, restaurant and small cafe.

Council District 7

(Also see, Case #SUB2013-00020 (Subdivision) **Nurffio Subdivision** above)

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

Hearing no opposition or discussion, a motion was made by Mr. Watkins, with second by, Mr. Vallas to hold the matter over until the June 6, 2013, meeting, with revisions by April 15, to address the following:

- 1) **justify rezoning per Section 64-9. of the Zoning Ordinance;**
- 2) **the site does not meet the minimum 2 acre guideline as stated in the Ordinance;**
- 3) **revise request to remove uses listed in the application that are not allowed in the requested zoning district; and**
- 4) **provide information/calculations/tables to verify that compliance with parking, landscaping and tree requirements, and other requirements of the Zoning Ordinance is possible,.**

The motion carried unanimously.

Case #SUB2013-00022 (Subdivision)

Cottage Hill – Azalea Subdivision

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751 Azalea Road

(Southeast corner of Azalea Road and Cottage Hill Road).

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

Engineer / Surveyor: Byrd Surveying

Council District 4

(Also see, **Case #ZON2013-00493 (Planning Approval) Cottage Hill – Azalea Subdivision** below)

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

Bill Partridge, 302 Park Ave, spoke on behalf of the applicant and made the following points in favor of the matter:

- A. the applicant was in agreement with the staff's recommendations, including the closing of Shelly Drive and providing a landscape buffer at that drive.
- B. asked what type of schedule would be recommended for the emptying of the dumpster
- C. the dumpster had been relocated as far away as possible from the residential area.
- D. additional dedication of right away will take away some of the existing parking, which just barely meets the regulations as it is.
- E. request that the Commission reconsider the holdover
- F. improvements would include the shrinking of curb-cuts and landscaping would improve the look of the corner.

Mr. DeMouy reminded the Commission that they all have an email from a neighbor that is opposed to the application.

Mr. Turner asked what exactly the reason for holdover was.

Mr. Hoffman stated that the reason staff recommended holdover was because the major issue is that both Cottage Hill and Azalea Road are major streets and dedication of right-a-way is typically required along both roads. On Cottage Hill Road, the plat submitted shows an 80 foot right-a-way, so they would have to dedicate 10 feet. Then on the Azalea Road side it shows a 60 foot right-a-way, so they would have to dedicate approximately 20 feet. Both of these dedications would impact the design of their site, which might impact the layout of the parking lot. It is possible that they could fit in the amount of parking, but perhaps it would have to be a one way parking lot, it may have to be angled, or you may have to enter from Azalea Road and exit onto Cottage Hill or something of that nature. So, the staff is recommending the holdover to give them an opportunity to redesign the site plan, to accommodate dedication.

Mr. Watkins asked that due to the dedications on each street would they possibly lose two parking spaces.

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Mr. Hoffman stated that he was not sure how many parking spaces would be lost.

Mr. Watkins asked how many parking spaces were required based on the size of the building.

Mr. Hoffman stated that he believed they were required to have ten parking spaces.

Mr. Watkins expressed that he was concerned that the proposed dedications would make the lot unusable at the current building size.

Mr. Partridge agreed that was their opinion as well.

Mr. Olsen noted that as Mr. Hoffman indicated there are different parking designs that could possibly allow them to do the dedications and still meet parking requirements. So, that is why the holdover was recommended. To allow the design professional time to look at various parking design lots, to determine if it is in fact possible.

Mr. Watkins asked if the minimum setbacks that are laid out on the map are with the proposed right-a-way.

Mr. Hoffman responded that no, that is how it was submitted with the application.

Mr. Watkins asked if they can park in the right-a-way.

Mr. Olsen stated that no, not in the right-a-way, but within the setback.

Mr. Hoffman stated that the building currently sits on a portion of two lots. Those lots were created prior to the current subdivision regulations, and the building was constructed prior to the current zoning ordinance.

Mr. Partridge noted that since he and Mr. Hoffman met early in the week, they have really given it an effort to see how they could rearrange the parking; they have not been able to figure out a way that would not encroach on the setbacks.

Mr. Turner asked Mr. Partridge if a holdover would give them a chance to get with the staff.

Mr. Partridge responded that it would give them a chance, but he did not feel like it would help the situation. He stated that it does not seem like there is enough property to make the parking regulations work out.

Ms. Roberson asked if the 10 and 20 foot setbacks were a firm requirement, could they require 15 foot setbacks instead.

Mr. Olsen responded that the staff could only tell them what the major street plan recommends as the right-a-way for that section of Azalea Road; what the Commission

does beyond that, is up to the Commission.

Mr. Watkins expressed that he felt like if they required less than the minimum set back for this location it would create a domino effect in the future for neighboring locations. But, he still felt like the setbacks were making the lot unusable.

Hearing no opposition or further discussion, a motion was made by Mr. DeMouy, with second by, Dr. Rivizzigno to hold the matter over until the May 2, 2013, meeting, with revisions by April 15, to address the following:

- 1) **Revision of the plat to reflect dedication of right-of-way along Cottage Hill Road and Azalea Road, to provide 50-feet from centerline;**
- 2) **Revision of the plat to reflect dedication of a corner radius compliant with the requirements of Engineering, Traffic Engineering and Section V.D.6. of the Subdivision Regulations;**
- 3) **Revision of the plat to add a note stating that access to Shelley Drive is denied, and that access to Azalea Road and Cottage Hill Road is limited to one curb-cut to each street, with the width limited to 24-feet, and to be right in, right out only, with the size, design and location to be approved by Traffic Engineering and to comply with AASHTO standards; and**
- 4) **Revision of the site plan to depict the 25-foot minimum building setback line.**

The motion carried unanimously.

Case #ZON2013-00493 (Planning Approval)

Cottage Hill – Azalea Subdivision

751 Azalea Road

(Southeast corner of Azalea Road and Cottage Hill Road).

Planning Approval to allow a seafood store in a B-2, Neighborhood Business District.

Council District 4

(Also see, Case #SUB2013-00022 (Subdivision) **Cottage Hill – Azalea Subdivision** above)

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

Hearing no opposition or discussion, a motion was made by Mr. DeMouy, with second by, Dr. Rivizzigno to hold the matter over until the May 2, 2013, meeting, with revisions by April 15, to address the following:

- 1) **Revision of the site plan to reflect dedication of right-of-way along Cottage Hill Road and Azalea Road, to provide 50-feet from centerline;**
- 2) **Revision of the site plan to reflect dedication of a corner radius compliant with the requirements of Engineering, Traffic Engineering and Section V.D.6. of the Subdivision Regulations;**

- 3) Revision of the site plan to reflect closure and landscaping of the curb-cut to Shelley Drive, and alteration to both the Azalea Road curb-cut (right in, right out only), and the Cottage Hill Road curb-cut (narrow to 24 feet, move as far East as possible, and limit to right in, right out);
- 4) Revision of the site plan to depict adjustments to parking layout and circulation because of dedication and curb-cut closures and width reductions;
- 5) Revision of the site plan regarding tree and landscape compliance, to reflect right-of-way dedication and other site modifications;
- 6) Revision of the site plan to reflect a 3-foot high vegetative buffer or fence where the parking abuts Shelley Drive;
- 7) Revision of the narrative to state how often the dumpsters will be emptied, and how deliveries will be made to the site (by front door or rear door); and
- 8) Revision of the site plan to depict the 25-foot minimum building setback line.

The motion carried unanimously.

Case #SUB2013-00021 (Subdivision)

Cypress Lake Industrial Park Subdivision

East side of Todd Acres Drive, at the East terminus of Kooiman Road and South side of Todd Acres Drive, 500'± West of Commerce Boulevard West.

Number of Lots / Acres: 10 Lots / 72.6± Acres

Engineer / Surveyor: Daniel Clark, PLS

Council District 4

(Also see, Case #ZON2013-00459 (Rezoning) **Daniel Clark PLS** below)

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. DeMouy, with second by, Mr. Watkins to hold the matter over until the May 2, 2013, meeting, with revisions by April 15, to address the following:

- 1) Revision of the plat to eliminate or minimize lots exceeding the width to depth ratio recommended in Section V.D.3. of the Subdivision Regulations, or revision of the plat to provide a public or private street to serve the larger lots;
- 2) Revision of the plat to correctly identify the acreages for "future development" areas, so that the proposed Cypress Lake plat reflects the approved but not yet recorded Crigler Industrial Park plat;
- 3) Revision of the plat to depict and label the minimum 25-foot front setback line;
- 4) Placement of a note on the final plat/site plan stating that approval of all applicable federal, state and local environmental agencies for wetlands or

- floodplain issues is required prior to the issuance of any permits or land disturbance activities;
- 5) Placement of a note on the final plat/site plan stating that approval of all applicable Federal, state and local agencies for endangered, threatened or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;
 - 6) Placement of a note on the plat stating that Lots 1 and 2 are limited to two existing curb-cuts each, and that Lots 3-10 are limited to one curb-cut each, with the size, design and location of all curb-cuts to be approved by Traffic Engineering, and to conform with AASHTO standards;
 - 7) Revision of the plat to reflect Engineering comments (*The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1) Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2) A signature block and signature for the Traffic Engineering Department shall be placed on the Final Plat. 3) 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). 4) Add a note to the plat any development or land disturbing activity on a LOT will require a Land Disturbance Permit; and any work within the Kooiman Road or Todd Acres Drive ROW will require a ROW Permit.*); and
 - 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.*).

The motion carried unanimously.

Case #ZON2013-00459 (Rezoning)

Daniel Clark PLS

East side of Todd Acres Drive, at the East terminus of Kooiman Road and South side of Todd Acres Drive, 500'± West of Commerce Boulevard West.

Rezoning from R-A, Residential Agricultural District, to I-1, Light-Industry District, to allow zoning compliance for an existing business, and to allow for a future industrial park.

Council District 4

(Also see, Case #SUB2013-00021 (Subdivision) **Cypress Lake Industrial Park Subdivision** above)

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. DeMouy, with second

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by, Mr. Watkins to hold the matter over until the May 2, 2013, meeting, with revisions by April 15, to address the following:

- 1) **Revision of the rezoning request to correctly identify the existing zoning districts that are included as part of the application;**
- 2) **Revision of the rezoning narrative to identify the existing zoning for the existing businesses;**
- 3) **Provision of a statement regarding the clearing and grubbing that has apparently occurred without appropriate permits;**
- 4) **Revision of the site plan to depict the existing curb-cuts on Lots 1 and 2; and**
- 5) **Revision of the site plan for the two developed properties to depict full compliance with the paved parking and tree and landscaping requirements of the Zoning Ordinance.**

The motion carried unanimously.

Case #ZON2013-00398 (Planned Unit Development)

Cowles, Murphy, Glover & Associates

195 Cochran Causeway

(East and West sides of Cochran Causeway, 585'± North of Dunlap Drive).

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 #ZON2013-00568 (Planning Approval) Cowles, Murphy, Glover & Associates** below)

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

Williams Harrison, 2758 Cochran Causeway, stated that he had no opposition to the application; he was just curious exactly what the plan was.

Mr. Olsen stated that the applicant is proposing to construct a 20x40 foot metal building.

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

- 1) **compliance with Engineering Comments (Any work performed in the existing Cochran Causeway ROW (right-of-way) such as grading, drainage, driveways, sidewalks, utility connections, irrigation, or landscaping will require a ROW permit from ALDOT and the City of Mobile. A copy of the permit must be submitted to the City Engineering Department. 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) 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.);
- 3) illustration of the location of any dumpster or waste storage area on the site plan;
- 4) approval of all applicable federal, state and local agencies prior to the issuance of any permits;
- 5) full compliance with all municipal codes and ordinances; and
- 6) the submission of two (2) copies of the revised site plan illustrating all conditions for recommendation of approval.

The motion carried unanimously.

Case #ZON2013-00568 (Planning Approval)

Cowles, Murphy, Glover & Associates

195 Cochran Causeway

(East and West sides of Cochran Causeway, 585'± North of Dunlap Drive).

Planning Approval to allow the expansion of an existing petroleum oil bulk terminal and distribution facility in an I-2, Heavy Industry District.

Council District 2

(Also see, Case #ZON2013-00398 (Planned Unit Development) **Cowles, Murphy, Glover & Associates** above)

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

- 1) ***compliance with Engineering Comments (Any work performed in the existing Cochran Causeway ROW (right-of-way) such as grading, drainage, driveways, sidewalks, utility connections, irrigation, or landscaping will require a ROW permit from ALDOT and the City of Mobile. A copy of the permit must be submitted to the City Engineering Department. 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.);***

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- 2) **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.*);
- 3) **illustration of the location of any dumpster or waste storage area on the site plan;**
- 4) **approval of all applicable federal, state and local agencies prior to the issuance of any permits, and**
- 5) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2013-00457 (Planned Unit Development)

DIP Exchange, LLC

93 Sidney Phillips Drive

(West side of Sidney Phillips Drive, 190'± South of Old Shell Road).

Planned Unit Development Approval to allow reduced front landscaping requirements and multiple buildings on a single building site.

Council District 1

(Also see, **Case #ZON2013-00458 (Rezoning) DIP Exchange, LLC** below)

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

Frank Dagley, 717 Executive Park, spoke on behalf of the applicant. He wanted to discuss condition 5; the revision site plan to provide a fully compliant dumpster and pad. He stated they have an existing dumpster located behind the building, and in order to tie that into a sanitary sewer they would have to run roughly 400 feet of sewer line and dig up the parking lot. He requested that the condition be waived by the Commission.

Mr. Watkins asked if the Commission can waive the dumpster pad; he was under the impression it was a requirement.

Mr. Davis stated that the City Engineer did not want to waive that requirement.

Mr. Watkins questioned what the Commission's authority was to waive a requirement like that.

Mr. Olsen stated that the most the Planning Commission could do is not to include that as a condition of approval. The Engineering Department will require it before they will issue a land disturbance permit which is required to install parking.

Mr. Watkins wanted confirmation that the location and screening of the existing dumpster was ok.

Mr. Olsen stated that the dumpster is not screened, and the zoning ordinance as been amended to specifically require screening. However, the dumpster is existing so they

would not require they install the screening on this particular application.

In deliberation, Mr. Vallas asked if they were approving the removal of Condition 5.

Mr. Olsen responded that they were changing Condition 5, to say dumpster subject to City Engineering compliance.

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

- 1) **subject to the Engineering comments:** *[1. Any work, including grading, drainage, driveways, sidewalks, utility connections, irrigation, or landscaping performed in the existing ROW will require a City of Mobile ROW Permit. The City ROW permit may be obtained 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). 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. An ADEM NOR is required for any land disturbance activity over 1 acre. Provide a copy of the ADEM registration information for the site prior to the issuance of a Land Disturbance permit];*
- 2) **subject to the Traffic Engineering comments:** *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 3) **revision of the parking calculations to provide 23 spaces for the 6,680 square-foot office, with a total of 25 parking spaces required;**
- 4) **submittal of a revised PUD prior to the development of the future parking area on the North side of the building;**
- 5) **dumpster subject to Engineering Department requirement for compliance;**
- 6) **placement of a note on the site plan stating that no structures may be erected within the 100' Alabama Power Company right-of-way, or within the 25' drainage easement;**
- 7) **placement of a note on the site plan stating that any future expansion of the existing 160' by 30' building on the South side of the site must comply with the zero or 5'± side yard setback requirements for I-1 districts;**
- 8) **the provision of ten (10) frontage Live Oak trees; and**
- 9) **the furnishing of two (2) copies of a revised site plan to Planning indicating compliance with the above conditions.**

The motion carried unanimously.

Case #ZON2013-00458 (Rezoning)

DIP Exchange, LLC

93 Sidney Phillips Drive

(West side of Sidney Phillips Drive, 190'± South of Old Shell Road).

Rezoning from B-3, Community Business District, and I-1, Light-Industry District, to I-1, Light-Industry District to eliminate split zoning.

Council District 1

(Also see, Case #ZON2013-00457 (Planned Unit Development) **DIP Exchange, LLC** above)

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

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

- 1) **subject to the Engineering comments:** *[1. Any work, including grading, drainage, driveways, sidewalks, utility connections, irrigation, or landscaping performed in the existing ROW will require a City of Mobile ROW Permit. The City ROW permit may be obtained 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). 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. An ADEM NOR is required for any land disturbance activity over 1 acre. Provide a copy of the ADEM registration information for the site prior to the issuance of a Land Disturbance permit];*
- 2) **subject to the Traffic Engineering comments:** *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards); and*
- 3) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2013-00461 (Planned Unit Development)

The North American Islamic Trust, Inc.

54, 59 and 63 East Drive

(East side of East Drive, 400' South of Old Shell Road, and extending to the West side of Allen Drive).

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

Council District 6

(Also see, Case #ZON2013-00462 (Planning Approval) **The North American Islamic Trust, Inc.** below)

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

A neighborhood spoke and just wanted to confirm that since it was going to be held over that no conclusion would be made at this time.

The chair confirmed that was correct.

Brian Lee, resides in Ridgefield Subdivision, spoke in regards to the application. He wanted to thank the Planning Commission for holding the application over. He stated that it will allow several of the residents in the area to make a thorough evaluation of the request.

Shafik Hammami, president of the Islamic society, spoke on behalf of the applicant. He wanted to know if Condition 5 needed to be completed prior to the final design of the building.

Mr. Olsen responded that requirement is part of the permitting process; the site plan that will have to include the lighting plan. The lighting plan would have to be installed by the completion of the project.

Hearing no opposition or further discussion, a motion was made by Mr. DeMouy, with second by, Mr. Watkins to hold the matter over until the May 2, 2013, meeting, with revisions by April 10, to address the following:

- 1) **compliance with Engineering comments (*Any work, including grading, drainage, driveways, sidewalks, utility connections, irrigation, or landscaping performed in the existing East Dr. or Allen Dr. ROW will require a City of Mobile ROW Permit. The City ROW permit may be obtained 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). 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. An ADEM NOI is required for any land disturbance activity over 1 acre. Provide a copy of the ADEM registration information for the site prior to the issuance of a Land Disturbance permit. Due to the proposed phasing of the construction the applicant will need to provide a detailed phasing plan for the construction and erosion control plans.*)**;
- 2) **revision of the site plan to illustrate full compliance with landscaping requirements;**
- 3) **revision of the site plan to illustrate full compliance with parking requirements during phases;**

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- 4) revision of the site plan to illustrate a residential buffer to the East of the site as per Section 64-4.D.1. of the Zoning Ordinance;
- 5) revision of the site plan to provide lighting of the parking area must comply with Sections 64-4.A.2 and 64-6.A.3.C of the Zoning Ordinance;
- 6) placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development approval prior to the issuance of any permits;
- 7) placement of a note on the site plan 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;
- 8) submission of two (2) copies of the revised PUD site plan to the Planning Section of Urban Development prior to the issuance of permits; and
- 9) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2013-00462 (Planning Approval)

The North American Islamic Trust, Inc.

54, 59 and 63 East Drive

(East side of East Drive, 400' South of Old Shell Road, and extending to the West side of Allen Drive).

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

Council District 6

(Also see, Case #ZON2013-00461 (Planned Unit Development) **The North American Islamic Trust, Inc.** above)

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

Hearing no opposition or further discussion, a motion was made by Mr. DeMouy, with second by, Mr. Watkins to hold the matter over until the May 2, 2013, meeting, with revisions by April 10, to address the following:

- 1) **compliance with Engineering comments** *(Any work, including grading, drainage, driveways, sidewalks, utility connections, irrigation, or landscaping performed in the existing East Dr. or Allen Dr. ROW will require a City of Mobile ROW Permit. The City ROW permit may be obtained 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). 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. An ADEM NOI is required for any land disturbance activity over 1*

acre. Provide a copy of the ADEM registration information for the site prior to the issuance of a Land Disturbance permit. Due to the proposed phasing of the construction the applicant will need to provide a detailed phasing plan for the construction and erosion control plans.);

- 2) revision of the site plan to illustrate full compliance with landscaping requirements;
- 3) revision of the site plan to illustrate full compliance with parking requirements during phases;
- 4) revision of the site plan to illustrate a residential buffer to the East of the site as per Section 64-4.D.1. of the Zoning Ordinance;
- 5) revision of the site plan to provide lighting of the parking area must comply with Sections 64-4.A.2 and 64-6.A.3.C of the Zoning Ordinance;
- 6) placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development approval prior to the issuance of any permits;
- 7) placement of a note on the site plan 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
- 8) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

OTHER BUSINESS:

The Commission approved amending the Subdivision letter of decision to allow setback in lieu of right-of-way dedication along Dauphin Island Parkway, due to existing graves within the area requested for dedication.

Mr. Olsen informed the Commission that there would be a few new employees starting the following Monday and others starting two weeks from then. With that, the staff is hopeful that with training we would be going back to two meetings a month in the not so distant future. He stated that they are considering starting the two meetings a month in the new fiscal year.

Mr. Williams pointed at the believes there will be a large amount of opposition for both the Old Shell Rd/East Dr. application and the Azalea/Cottage Hill Rd. application.

Hearing no further business, the meeting was adjourned. He suggested the other Commission members drive by Azalea/Cottage Hill to see the old Bunny Bread location; it is a very tough intersection in our community. He also commented that the only opposition to East Dr. was the parking situation, where there is a lot of parking on the side the road.

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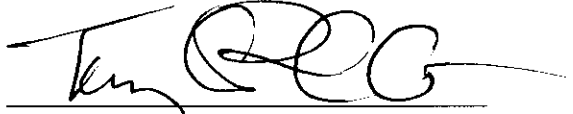
Mr. Olsen commented that the Islamic Society will be increasing the number of parking spaces considerably with their project. Upon completion, if it is approved, they will have roughly 97 parking spaces. So, that would potentially alleviate the parking issue. He then mentioned that if it was not a seafood shop, requiring planning approval, being placed at the Azalea/Cottage Hill location they could open up tomorrow and not come before the Commission.

Hearing no further business, the meeting was adjourned.

APPROVED: October 3, 2013



Dr. Victoria Rivizzigno, Secretary



Terry Plauche, Chairman

jpw