

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

Members Present

Terry Plauche, Chairman
William G. DeMouy, Jr.
Victoria L. Rivizzigno, Secretary
Roosevelt Turner
John Vallas
Scott Webster
Don Hembree
John Williams

Members Absent

Carlos Gant
James F. Watkins, III
Jarrett Wingfield
Tracie Lee-Roberson

Urban Development Staff Present

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

Others Present

Doug Anderson,
Assistant City Attorney
George Davis,
City Engineering
Marybeth Bergin,
Traffic Engineering

Fire-Rescue Department

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

ROLL CALL:

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

HOLDOVERS:

Case #SUB2013-00071 (Subdivision)

Grelot Office Park Subdivision

North side of Grelot Road, 475'± East of Somerby Drive

Number of Lots / Acres: 1 Lot / 3.0± Acres

Engineer / Surveyor: McCrory & Williams, Inc.

Council District 6

(Also see, **Case #ZON2013-01613 (Planned Unit Development) Grelot Office Park Subdivision** and **Case #ZON2013-01614 (Rezoning) Stratford, LLC** below)

December 5, 2013
Planning Commission Meeting

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.

Darryl Russell, 3207 International Dr, stated that he would like to hold over the application until February 20, 2014.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy to hold the matter over until the February 20, 2014 meeting at the applicant's request.

The motion carried unanimously.

Case #ZON2013-01613 (Planned Unit Development)
Grelot Office Park Subdivision

North side of Grelot Road, 475'± East of Somerby Drive.
Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow shared access between multiple building sites.
Council District 6

(Also see, Case #SUB2013-00071 (Subdivision) **Grelot Office Park Subdivision** above and Case #ZON2013-01614 (Rezoning) **Stratford, LLC** 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 further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy to hold the matter over until the February 20, 2014 meeting at the applicant's request.

The motion carried unanimously.

Case #ZON2013-01614 (Rezoning)
Stratford, LLC

North side of Grelot Road, 475'± East of Somerby Drive.
Rezoning from LB-2, Limited-Neighborhood Business District, to B-3, Community Business District, to allow a boat and RV storage facility.
Council District 6

(Also see, Case #SUB2013-00071 (Subdivision) **Grelot Office Park Subdivision** and Case #ZON2013-01613 (Planned Unit Development) **Grelot Office Park 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.

December 5, 2013

Planning Commission Meeting

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy to hold the matter over until the February 20, 2014 meeting at the applicant's request.

The motion carried unanimously.

Case #SUB2013-00117

Hunt Subdivision

West side of Dees Road, 120'± South of D K Road.

Number of Lots / Acres: 1 Lot / 0.9± Acre

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

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

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

- 1) **No future subdivision of Lot 1 or parent parcel R023706230000033 on either side of Dees Road until Dees Road is paved to County standards from Roush Road to the South terminus of any proposed frontage along Dees Road.);**
- 2) **Retention of the 25' minimum building setback line and lot size information on the Final Plat;**
- 3) **Placement of a note on the Final Plat stating that Lot 1 is limited to one curb-cut to Dees Road, with the size, location, and design to be approved by Mobile County Engineering and conform to AASHTO standards;**
- 4) **Placement of a note on the Final Plat stating: (This site is located in the County, and therefore any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations.);**
- 5) **Compliance with Engineering Comments: (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.); and**
- 6) **Compliance with 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).**

The motion carried unanimously.

Case #ZON2013-02447

Dolphin Storage, LLC

2715 Dauphin Street

(South side of Dauphin Street, 67'± East of Dauphinwood Drive).

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

Council District 1

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

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

Keith Vaughn, Dolphin Storage LLC, spoke on his own behalf. He stated that he would like to request that the application not be held over again.

Mr. Olsen stated that the Staff did have conditions prepared for approval.

Mr. Vaughn responded that he was in agreement with the conditions.

Mr. Olsen stated that the Staff inadvertently omitted a condition; denial of access to Florida Street and Dauphinwood.

Mr. Vaughn responded that he was aware of that.

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

- 1) **Provision of frontage and overall landscape areas as depicted and quantified on the revised site plan dated December 4, 2013;**
- 2) **Retention of all notes on the site plan;**
- 3) **Access to Dauphinwood Drive and South Florida Street is denied;**
- 4) **Compliance with Traffic Engineering Comments: (*The access to Dauphin Street, existing and as illustrated in the plan, is considered two curb-cuts. Access to Dauphin Street should be limited to one curb cut, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.*);**
- 5) **Compliance with Engineering Comments: (*1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. A complete set of construction plans for any proposed site work – including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground*)**

- structures, will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.*
- 3. 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.*
 - 4. The proposed storage yard will need to be surfaced as required by Mobile City Code, Chapter 64, Section 64-4. Any request for an Alternative Parking Surface shall be approved by the City Engineer and the Director - Urban Development Dept.*
 - 5. Add a note to the Plat stating that the proposed development must comply with all Engineering Department Policy Letters: i. 5-13-2009 Policy Letter (Car wash drains and dumpster pads to drain to Sanitary Sewer System), ii. 8-4-2004 Policy Letter (Video inspection of new Storm Sewer System Piping), iii. 3-18-2004 Policy Letter (Additional subdivision street requirements).;*
 - 6) Compliance with Urban Forestry Comments: (Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the 50" Live Oak Tree located in the landscaped area in the southern portion of Lot 1. Any work on or under the tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.);*
 - 7) 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.);*
 - 8) Completion of the Variance process prior to the issuance of permits;*
 - 9) Revision of the site plan to illustrate a paved parking surface throughout the entire site if the Variance Application is Denied; and*
 - 10) Full compliance with all municipal codes and ordinances.*

The motion carried unanimously with Mr. Vallas recusing.

Case #SUB2013-00112 (Subdivision)

Knollwood Subdivision

6311 Cottage Hill Road

(South side of Cottage Hill Road, 320'± West of Lloyds Lane).

Number of Lots / Acres: 2 Lots / 5.6± Acres

Engineer / Surveyor: Jeremy Sharit

Council District 6

(Also see, Case #ZON2013-02431 (Planning Approval) **Knollwood Subdivision** below)

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

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

December 5, 2013
Planning Commission Meeting

Andy Rotenstreich, 420 North 20th Birmingham, Al, spoke on behalf of the applicant. He made the following points:

- A. there are no health effects from the tower;
- B. the 11th circuit has ruled that generalized concerns of aesthetics cannot be reasons for local governments to deny cell towers;
- C. a report that was done by Greystone Valuation Services, Inc. came into Mobile and determined that the cell tower would not have a negative impact on the values, or marketability on the surrounding properties;
- D. the tower will not be lit, and will not make noise;
- E. the engineers agreed to lower the tower height to 135 feet;
- F. they also proposed to camouflage the structure to look like a Pine Tree;
- G. feels as if the changes make the tower as palatable as possible.

The following people spoke in opposition to the matter:

- Don Williams, Williams Development;
- Brasher Miller, 6317 Muir Woods Dr N;
- John Dindo, 2651 Hillcrest Rd;
- B.J. Lyons, 718 Downtowner Blvd;

They made the following points against the application:

- A. feels as if AT&T has provided limited information through the application process;
- B. does not think the tower located near Muir Woods is necessary;
- C. This is not a project to help Muir Woods, it is to help a dozen neighborhoods that will not have to suffer having a cell phone tower next door;
- D. asked for a map showing collocation without the Knollwood tower;
- E. requested a holdover to allow the applicant to provide this map;
- F. other options have not be adequately researched;
- G. read a opposition letter from an internal medicine doctor;
- H. there is no evidence that cell towers are safe;
- I. AT&T should monitor the health of surrounding neighbors;
- J. the camouflage tower does not look like a real pine tree;
- K. questioned why the citizens have to give up something for a for-profit organizations;

In rebuttal, Mr. Rotenstreich stated that AT&T would prefer to collocate; it is much quicker and cheaper. They have looked at all of their options and to get the service that is needed the Knollwood tower is necessary.

Mr. Turner asked if there had been a map done that only had the collocation at Girby Road; instead of a map with both Knollwood and Girby.

December 5, 2013

Planning Commission Meeting

Mr. Rotenstreich responded that no they had not, but it still would not give the coverage that is needed.

Mr. DeMouy questioned what was wrong with the Senior Center site.

Mr. Rotenstreich responded that he did not know where the Senior Center is located. But, they have looked in their search range for all B-2 zoned properties.

Mr. Hembree asked about the collocating on the water tower.

Mr. Rotenstreich responded that is does not meet the engineering requirements.

Hearing no further opposition or discussion, a motion was made by Mr. Webster, with second by Dr. Rivizzigno to hold over the application until the January 2, 2014 meeting, to be heard with the Planning Approval application.

The motion carried unanimously with Mr. Vallas recusing.

Case #ZON2013-02431 (Planning Approval)

Knollwood Subdivision

6311 Cottage Hill Road

(South side of Cottage Hill Road, 320'± West of Lloyds Lane).

Planning Approval to allow a 150' cell tower in a B-2, Neighborhood Business District.

Council District 6

(Also see, **Case #SUB2013-00112 (Subdivision) Knollwood Subdivision** above)

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

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

Hearing no further opposition or discussion, a motion was made by Mr. Webster, with second by Dr. Rivizzigno to hold over the application until the January 2, 2014 meeting, to allow the applicant to submit propagation maps illustrating coverage that would be provided with the various planned colocations if the proposed tower is not constructed.

The motion carried unanimously with Mr. Vallas recusing.

Case #ZON2013-02454 (Planned Unit Development)

Audubon Properties, LLC.

4700 & 4960 Dauphin Island Parkway

(West side of Dauphin Island Parkway, 580'± North of Marina Drive North).

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

Council District 3.

(Also see, Case #ZON2013-02452 (Sidewalk Waiver) Audubon Properties, LLC. below)

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy to hold over the application until the December 19th meeting for the following reason:

- 1) to allow the PUD to be heard with the associated Subdivision application.

The motion carried unanimously.

Case #ZON2013-02452 (Sidewalk Waiver)

Audubon Properties, LLC.

4700 & 4960 Dauphin Island Parkway

(West side of Dauphin Island Parkway, 580'± North of Marina Drive North).

Request to waive construction of a sidewalk along Dauphin Island Parkway.

Council District 3

(Also see, Case #ZON2013-02454 (Planned Unit Development) Audubon Properties, LLC. above)

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy to hold over the application until the December 19th meeting to coincide with Subdivision application.

The motion carried unanimously.

Case #ZON2013-01823 (Sidewalk Waiver)

Anthony Smeraglia

1080 Montlimar Drive

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

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

Council District 5

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

December 5, 2013

Planning Commission Meeting

Vince LaCoste, Polysurveying, spoke on behalf of the application. He stated that he wanted to clarify that the applicant is not requesting a sidewalk waiver on Montlimar Drive, only on Carlyle Close East. The issue with going down the Carlyle side is the ground slopes up considerably. In order to meet ADA requirements they would have to excavate City right-of-way and possibly would have to relocate utilities.

Mr. Olsen responded that it was unclear on the application; the Staff did think it was for both. The Staff still stands by their recommendation of denial for Carlyle; some point in the future the property to rear could be developed.

Hearing no opposition or further discussion, a motion was made by Dr. Rivizzigno, with second by Mr. DeMouy to hold over the application until January 2, 2014, to allow the applicant to illustrate that issues relating to Carlyle Close East sidewalk construction and coordinate with the Engineering Department.

The motion carried unanimously.

Case #SUB2013-00078 (Subdivision)

Blue Creek Coal Terminal Subdivision

80 Virginia Street

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

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

Engineer / Surveyor: Cowles, Murphy, Glover & Associates

Council District 2

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

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

Mr. Williams stated that he would like to make an opening statement on the matter. He stated that he felt as if this may be one of the largest issue's that has faced the Planning Commission. He noted that he did not feel comfortable with the facts presented, not that they are incorrect, but wanted to know what is absolutely factual. The study that was presented today is going to take some time to look over. He stated that he did not want to make the issue political, but would like the Administration to take this under consideration. Therefore, Mr. Williams requested a holdover for at least 45 days.

Mr. Anderson responded that the Commission cannot deny the right to speakers.

Mr. Vallas questioned how many times the application has been heldover; he did not feel like this is fair to the developer.

December 5, 2013

Planning Commission Meeting

In rebuttal, Gary Cowles, 457 St. Michael, questioned what other materials the Commission would like him to present. He stated that he has met with Mobile Baykeepers, they presented some materials to Staff, and we have met with Mr. Vaughn.

Mr. Plauche responded that the meeting may not be the venue to go over that.

Mr. Anderson stated that he believed the Commission had received information, presented by Mr. Cowles, at the last meeting. It showed the technical apparatus, which is the new technology that they will be using for environmental protection. He stated that he will make sure that all Commission members will receive all the information that the applicant has submitted to the Staff. He also asked Mr. Cowles to submit a copy of the ADEM permit, so they can look at exactly what it covers.

Mr. Plauche stated that the Staff would also like to see the letters sent in for opposition.

Hearing no opposition or further discussion, a motion was made by Mr. Williams, with second by Mr. DeMouy, to hold the matter over until the February 20, 2014 meeting to be considered with the Planning Approval and PUD.

The motion carried unanimously.

Case #ZON2013-01814 (Planned Unit Development)

Blue Creek Coal Terminal Subdivision

80 Virginia Street

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

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

Council District 2

(Also see, **Case #SUB2013-00078 (Subdivision) Blue Creek Coal Terminal**

Subdivision above and **Case #ZON2013-01813 (Planning Approval) Blue Creek Coal Terminal Subdivision** below)

The Chair announced the applications had been recommended for 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. Williams, with second by Mr. DeMouy, to hold the matter over until the February 20, 2014 meeting to allow the Planning Commission and City Administration additional time to review documents submitted by both the applicant and the opposition.

The motion carried unanimously.

Case #ZON2013-01813 (Planning Approval)

Blue Creek Coal Terminal Subdivision

80 Virginia Street

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

Planning Approval to allow a coal handling terminal in an I-2, Heavy-Industry District.

Council District 2

(Also see, **Case #SUB2013-00078 (Subdivision) Blue Creek Coal Terminal**

Subdivision and **Case #ZON2013-01814 (Planned Unit Development) Blue Creek**

Coal Terminal Subdivision above)

The Chair announced the applications had been recommended for 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. Williams, with second by Mr. DeMouy, to hold the matter over until the February 20, 2014 meeting to allow the Planning Commission and City Administration additional time to review documents submitted by both the applicant and the opposition.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2013-00128

Amy Byrd Homestead Subdivision

2901 Alston Court

(North terminus of Alston Court).

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

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

Council District 3

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

Mr. Olsen stated the Staff does have conditions prepared for approval. The Staff received additional information after the Staff Report went out.

Brett Orrell, Polysurveying, stated that they were in agreement with the conditions.

Mark Kenny, who spoke on behalf of Robert H. Logan, stated they were disputing the application. He stated that the Byrd's have purchased a quick claim deed to a piece of the property that Mr. Logan has physically possessed for the last 40 years. He wanted to know if they Byrd's were asking for inclusion of the remainder of this parcel as part of their property.

Mr. Olsen responded that the piece property Mr. Kenny was speaking of is not included in the application.

Mr. Kenny stated that he apologized that he was not aware of that.

Hearing no further 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) **Retention of the 25-foot minimum setback line and lot size information on the Final Plat;**
- 2) **Placement of a note on the Final Plat stating: *(No permanent structure can be constructed in any easement);***
- 3) **Placement of a note on the Final Plat limiting Lot 29A to the existing curb-cut along Alston Court with any changes to the size, design or location to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) **Placement of a note on the Final Plat stating: *(Development of the site must comply with local, state and federal regulations regarding flood zones and wetlands)***
- 5) **Placement of a note on the Final Plat stating: *(Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species);***
- 6) **Compliance with Engineering Comments: *(The following comments should be addressed prior to acceptance and signature by the City Engineer: a. Add a note to the Plat stating that a Land Disturbance permit is required for any land disturbing activity in accordance with the latest edition of the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). b. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) would be required prior to the issuance of a Land Disturbance permit. c. Show and label all flood zones. d. Show and label the MFFE (Minimum Finished Floor Elevation). e. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. f. Add a note that a sidewalk is required to be constructed along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved.);***
- 7) **Compliance with Traffic Engineering Comments: *(Site is limited to one curb-cut, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards);***
- 8) **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).);***
- 9) **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);***

- 10) **Completion of the Vacation Process prior to the issuance of permits; and**
- 11) **Completion of the Subdivision process prior to any request for a final Certificate of Occupancy.**

The motion carried unanimously.

Case #SUB2013-00130

F & S Subdivision, Resubdivision of Lots 1 & 2

4425 Demetropolis Road

(Southeast corner of Demetropolis Road and Fellowship Drive extending to the Northeast corner of Demetropolis Road and Executive Park Drive).

Number of Lots / Acres: 2 Lots / 6.3± Acres

Engineer / Surveyor: The Coleman Engineering Group of McCrory & Williams, Inc.
Council District 4

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

Merle Miller, McCrory & Williams, spoke on behalf of the applicant. He questioned if changing the name would be appropriate in the Subdivision process.

Mr. Davis, City Engineering, responded that it is a request. He stated that it did not have to be changed at the moment; they can look at it again when the applicant requests a street ticket. He then asked if the owner was agreeable.

Mr. Miller stated that he applicant was agreeable to changing to street name. He then stated the only other thing he had an issue with was the 25 foot radius on the same intersection; there has already been a corner clipped to accommodate the extra lane.

Ms. Bergin, Traffic Engineering, responded that they would still like a radius, but it did not have to be the 25 feet.

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

- 1) **retention of the lot sizes in both square feet and acres on the Final Plat, or the furnishing of a table on the Final Plat providing the same information;**
- 2) **retention of the 25' minimum building setback line on the Final Plat;**
- 3) **placement of a note on the Final Plat stating that new access to Fellowship Drive be denied until such time it is constructed to City standards;**
- 4) **placement of a note on the Final Plat stating that Lot 1A is limited to the existing curb cut to Demetropolis Road, with the size, design, and exact location to be approved by Traffic Engineering and conform to AASHTO standards;**
- 5) **placement of a note on the Final Plat stating that Lot 2A is limited to two**

- curb cuts to Demetropolis Road, with the size, design, and exact location to be approved by Traffic Engineering and conform to AASHTO standards;
- 6) dedication to provide a 25' radius curve at the intersection of Demetropolis Road and Fellowship Drive;
 - 7) dedication to provide a radius curve at the intersection of Demetropolis Road and Executive Park Drive, to be approved by Traffic Engineering and Engineering;
 - 8) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
 - 9) subject to the Engineering comments: *(The following comments should be addressed prior to acceptance and signature by the City Engineer: a. Add a note to the Plat stating that any proposed development will need to be in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045), latest edition. Storm water detention may be required for any existing development (since 1984) that did not receive Land Disturbance permitting and for any future addition(s) and/or land disturbing activity. b. Add a note to the Plat stating that a Land Disturbance permit will be required for any land disturbing activity. c. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. d. Correct the spelling of the interstate roadway in the vicinity map. e. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. f. Add a note that sidewalk is required to be constructed along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved. g. It is requested that Executive Park Drive be renamed since there is an existing street with that name within the City. This existing 60' Right-of-Way was dedicated to Mobile County in 1996, and was recently annexed into the City (2009). No properties or buildings are currently addressed on this 1,050 ft portion of Executive Park Drive.);*
 - 10) subject to the Traffic Engineering comments: *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Corner radius dedication is required.);*
 - 11) subject to the Urban Forestry comments: *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).);*
 - 12) 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);* and
 - 13) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2013-00129

McGowin Park Subdivision

1250, 1400 and 1401 Satchel Paige Drive

(Northwest corner of Satchel Paige Drive and Bolling Bros Boulevard extending to the East side of I-65 and extending to the South side of Government Street and Southeast corner of Government Boulevard and Satchel Paige Drive, 270'± West of McVay Drive extending to the North and South sides of Bolling Bros Boulevard).

Number of Lots / Acres: 20 Lots / 89.6± Acres

Engineer / Surveyor: Berry Engineers, LLC

Council District 4

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

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Dr. Rivizzigno, to waive Section V.D.4. of the Subdivision Regulations and to approve the above referenced matter, subject to the following conditions:

- 1) **completion of the subdivision process prior to the issuance of permits for actual building construction (Land Disturbing and Right-of-Way permits for road construction would be appropriate during this time frame);**
- 2) **placement of a note on the final plat stating that the number, size, design and location of any new curb-cuts or modification of existing curb-cuts are subject to compliance with the approved PUD site plans, Traffic Engineering approval, ALDOT approval where required, and to conform with AASHTO standards.;**
- 3) **revision of the plat to depict the 25-foot minimum building setback line for all lots with frontage on a public street, as required by Section V.D.9. of the Subdivision Regulations;**
- 4) **labeling of all common areas and detention areas, and placement of a note on the final plat stating that maintenance of the detention basin/common areas, and any other common areas, are the responsibility of the subdivision's property owners;**
- 5) **labeling of all drainage and utility easements on the site, and placement of a note on the final plat stating that buildings and other permanent habitable structures are not allowed in easements;**
- 6) **retention of the labeling of each lot with its size in square feet and acres, as depicted on the preliminary plat;**
- 7) **compliance with Engineering comments (*The following comments should be addressed prior to acceptance and signature by the City Engineer: a. Provide all of the required information on the Plat (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances). b. Add a note to the Plat stating that storm water detention will be required for any land disturbing activity in accordance with*)**

the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045), latest edition. c. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. d. Provide a written legal description for the proposed subdivision and matching bearing and distance labels. e. Show and label each and every Right-Of-Way, and each drainage, utility, ingress/egress, access easements. f. Provide and label the monument set or found at each subdivision corner. g. Add a signature block for the Owner, Notary Public, City Engineer, County Engineer, Planning Commission and Traffic Engineer. h. Provide the Surveyor's Certificate and Signature. i. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. j. Add a note that sidewalk is required to be constructed along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved. k. Submit a copy of the covenants of the subdivision that address access, maintenance and operation of the common areas, detention/retention areas, drainage easements, etc.)

- 8) *compliance with Traffic Engineering comments (Driveway number is dependent upon approved Planned Unit Development, with size, location and design to be approved by Traffic Engineering and ALDOT (as applicable on Highway 90), 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). Preservation status is to be given to the 50" Live Oak Tree located on the North West portion of proposed development labeled Common Area 1 along McVay Drive. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.);*
- 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.);*
- 11) **approval of all applicable federal, state and local agencies for wetland issues prior to the issuance of any permits or land disturbance activities (other than clearing); and**
- 12) **placement of a note on the plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2013-00131 (Subdivision)

Kirby Subdivision

7049 Dickens Ferry Road and 7060 & 7068 Airport Boulevard
(North side of Airport Boulevard extending to the South side of Dickens Ferry Road,
550'± East of Cody Road).

Number of Lots / Acres: 1 Lot / 1.4± Acre

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
Council District 7

(Also see, **Case #ZON2013-02718 (Planned Unit Development) Kirby Subdivision**
and **Case #ZON2013-02731 (Rezoning) John Kirby** below)

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

Brett Orrell, Polysurveying, spoke on behalf of the applicant. He stated that he was in agreement with the holdover; his plan was to amend the initial Subdivision, PUD, and Rezoning application.

Mr. Plauche questioned if there was some type of violation on this property.

Mr. Olsen responded that as referenced in the staff report, there was some clearing and gravel brought in without permits.

Josey Lott, 132 Woodruff Ct, spoke in opposition to the matter. She stated that she would like to see the property remain zoned R-1.

Mr. Hoffman responded that Mr. Orrell plans to divide the property with a revised application, so the part to the north will be single-family residential and the part that was developed will become commercial.

Hearing no further opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. DeMouy, to holdover the application until the January 2, 2014 meeting, with revisions due by December 13, 2013 to address the following:

- 1) **illustrate dedication if necessary to provide 30' from the centerline of Dickens Ferry Road;**
- 2) **illustration of the 25' minimum building setback;**
- 3) **retention of the lot size in square feet and acres;**
- 4) **placement of a note stating the development is denied access to Dickens Ferry Road;**
- 5) **placement of a note stating that no structures are to built in any easement;**
- 6) **compliance with Fire Department comments (*All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.*);**
- 7) **compliance with Engineering comments (*Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading,***

drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). Any and all proposed land disturbing activity 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. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work. Add a note to the Plat stating that the proposed development must comply with all Engineering Department Policy letters.);

- 8) compliance with Traffic Engineering comments (*Lot 1 of Spectrum Subdivision and Lot 1 of the proposed subdivision are denied access to Dickens Ferry Road. Permitted access to Dickens Ferry will require an approved change to the PUD.);*
- 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). Need revised site plan showing Live Oak Trees 24" and larger. Also show on the site plan the removal of existing gravel from the Critical Root Zone of the existing Live Oak Trees 24" and larger.);*
- 10) 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.);*
- 11) placement of a note on the Final Plat stating that approval of all applicable Federal, state and local agencies is required for wetland issues, if any, prior to the issuance of any permits or land disturbance activities; and
- 12) 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 #ZON2013-02718 (Planned Unit Development)

Kirby Subdivision

7049 Dickens Ferry Road and 7060 & 7068 Airport Boulevard

(North side of Airport Boulevard extending to the South side of Dickens Ferry Road, 550'± East of Cody Road).

Planned Unit Development Approval to allow multiple buildings on a single building site and shared access between two building sites.

Council District 7

(Also see, Case #SUB2013-00131 (Subdivision) Kirby Subdivision above and Case #ZON2013-02731 (Rezoning) John Kirby below)

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

Hearing no further opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. DeMouy, to holdover the application until the January 2, 2014 meeting, with revisions due by December 13, 2013 to address the following:

- 1) **illustrate dedication if necessary to provide 30' from the centerline of Dickens Ferry Road;**
- 2) **inclusion of Lot 1, Spectrum Subdivision in the rezoning request, or removal of the same lot from the Planned Unit Development;**
- 3) **inclusion of adjacent and nearby lots fronting Airport Boulevard that have shared access, or revision of the site plan to illustrate that the shared access has been eliminated;**
- 4) **placement of a note stating the development is denied access to Dickens Ferry Road;**
- 5) **placement of a note stating that no structures are to built in any easement;**
- 6) **illustration of parking spaces;**
- 7) **provide information about the types of businesses in each existing structure, and their sizes;**
- 8) **provide landscaping and tree planting calculations;**
- 9) **illustration of a dumpster compliant with Section 64-4.D.9 of the Zoning Ordinance, or place a note that curb side pick-up will be utilized;**
- 10) **illustration of the required residential buffer per Section 64-4.D.1. of the Zoning Ordinance;**
- 11) **illustration of the 25' minimum building setback along all street frontages;**
- 12) **compliance with Engineering comments (*Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). Any and all proposed land disturbing activity 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. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work. Add a note to the Plat stating that the proposed development must comply with all Engineering Department Policy letters.*);**

- 13) **compliance with Traffic Engineering comments (*Lot 1 of Spectrum Subdivision and Lot 1 of the proposed subdivision are denied access to Dickens Ferry Road. Permitted access to Dickens Ferry will require an approved change to the PUD.*)**;
- 14) **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). Need revised site plan showing Live Oak Trees 24" and larger. Also show on the site plan the removal of existing gravel from the Critical Root Zone of the existing Live Oak Trees 24" and larger.*)**; and
- 15) **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 #ZON2013-02731 (Rezoning)

John Kirby

7049 Dickens Ferry Road

(South side of Dickens Ferry Road, 550'± East of Cody Road).

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

Council District 7

(Also see, **Case #SUB2013-00131 (Subdivision) Kirby Subdivision** and **Case #ZON2013-02718 (Planned Unit Development) Kirby Subdivision** above)

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

Hearing no further opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. DeMouy, to holdover the application until the January 2, 2014 meeting, with revisions due by December 13, 2013 to address the following:

- 1) **inclusion of Lot 1, Spectrum Subdivision in the rezoning request, or removal of the same lot from the Planned Unit Development**

The motion carried unanimously.

Case #SUB2013-00132 (Subdivision)

United Rental Subdivision

4226 Halls Mill Road

(West side of Halls Mill Road, 130'± North of Alden Drive).

Number of Lots / Acres: 1 Lot / 3.2± Acres

Engineer / Surveyor: Don Williams Engineering

Council District 4

(Also see, **Case #ZON2013-02722 (Rezoning) GFC Investment Properties** below)

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno to hold the application over until the January 2, 2014 meeting with revisions due by December 16, 2013 to address the following:

1) Depiction of the lot size information in square feet and acres.

The motion carried unanimously.

Case #ZON2013-02722 (Rezoning)

GFC Investment Properties

4226 Halls Mill Road

(West side of Halls Mill Road, 130'± North of Alden Drive).

Rezoning from R-1, Single-Family Residential District, and B-3, Community Business District, to I-1, Light-Industry District, to accommodate an existing heavy equipment rental facility and eliminate split zoning.

Council District 4

(Also see, Case #SUB2013-00132 (Subdivision) United Rental Subdivision above)

The Chair announced the applications 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 Dr. Rivizzigno, with second by Mr. DeMouy to hold the application over until the January 2, 2014 meeting with revisions due by December 16, 2013 to address the following:

- 1) **Depiction of a 10' landscaping buffer along the site's western boundary where the site abuts existing R-1, Single-Family Residentially zoned property or a note stating that the existing 30' buffer will remain;**
- 2) **Revision of the site plan to illustrate and quantify full compliance with the tree and landscaping requirements of the Zoning Ordinance, including landscape area;**
- 3) **Revision of the site plan to illustrate the location of a dumpster in compliance with Section 64-4.D.9. of the Zoning Ordinance or a note stating that waste removal will be via curb-side pick-up;**
- 4) **Depiction of the 30' minimum building setback line on the site plan;**
- 5) **Compliance with Traffic Engineering Comments: (Currently, the driveway acts as a continuous shared driveway with the adjacent property. Aggregate surface near driveway should not extend into the right-of-way and should be removed.);**
- 6) **Revision of the two existing curb-cuts to provide a 24' wide paved curb-cut;**

and

- 7) **Depiction of the compliant number of parking spaces which includes the number of warehouse employees.**

The motion carried unanimously.

Case #SUB2013-00134 (Subdivision)

Spencer Ruggs Subdivision

421 Holcombe Avenue

(Northeast corner of Holcombe Avenue and Granger Street).

Number of Lots / Acres: 1 Lot / 0.9± Acre

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

Council District 2

(Also see, Case #ZON2013-02723 (Rezoning) **Spencer Ruggs w/ Dunnaway**

Corporation below)

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

Brett Orrell, Polysurveying, spoke on behalf of the applicant. He wanted clarification on Condition # 1 on the rezoning conditions.

Mr. Olsen responded that the Zoning Ordinance requires, when there is 10 or more parking spaces across from a minor residential street from residentially zoned property, that parking be screened with a hedge or a fence.

Hearing no opposition or further 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) **Illustration of the 25' minimum building setback line along Granger Street and retained along Holcombe Avenue on the Final Plat;**
- 2) **Retention of the lot size information on the Final Plat;**
- 3) **Dedication of a corner radius, as proposed;**
- 4) **Placement of a note on the Final Plat stating that any new building construction will have to comply with all setbacks;**
- 5) **Depiction of the minimum right-of-way for Holcombe Avenue, adjacent to the site, on the Final Plat;**
- 6) **Placement of a note on the Final Plat limiting the site to the existing curb-cuts, with any changes to the size, design or location to be approved by Traffic Engineering and conform to AASHTO standards;**
- 7) **Placement of a note on the Final Plat stating: (*Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species*);**
- 8) **Compliance with Engineering Comments: (*The following comments should be addressed prior to acceptance and signature by the City Engineer: a. Add a***

note to the Plat stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with the of the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045), latest edition. Storm water detention may be required for any existing development (since 1984) that did not receive Land Disturbance permitting and any future addition(s) and/or land disturbing activity. b. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. c. Show and label Holcombe Ave in the vicinity map. d. Show and label the Holcombe Ave. ROW width along this property. e. Correct the spelling for the reference to "Lot 10" in the written legal description for the proposed subdivision and matching bearing and distance labels. f. Add a signature block for the Traffic Engineer. g. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. h. Add a note that sidewalk is required to be constructed along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved.);

- 9) **Compliance with Traffic Engineering Comments:** *(Any additional development of the site will require modifications to existing curb cuts to meet city standards, with number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. At a minimum, the southern-most curb cut would need to be eliminated, and the two remaining either designed as a pair of one-way driveways, or limited to one curb cut meeting city standards.);*
- 10) **Compliance with Urban Forestry Comments:** *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Full compliance with frontage tree requirements of the Zoning Ordinance; numbers and locations of tree to be planted shall be coordinated with Urban Forestry.);*
- 11) **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.);*
- 12) **Completion of the rezoning process; and**
- 13) **Full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2013-02723 (Rezoning)

Spencer Ruggs w/ Dunnaway Corporation

421 Holcombe Avenue

(Northeast corner of Holcombe Avenue and Granger Street).

Rezoning from R-1, Single-Family Residential District and B-3, Community Business District, to B-3, Community Business District, to allow the use of a daycare and eliminate split zoning.

Council District 2

(Also see, Case #SUB2013-00134 (Subdivision) Spencer Ruggs Subdivision above)

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

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

- 1) Provision of a hedge or wall 3' tall buffer along the site's southern boundary where the site abuts existing R-1, Single-Family Residentially zoned property as required by Section 64-6.A.3.i.;
- 2) Revision of the site plan to depict a 6' high wooden privacy fence along the site's eastern boundary;
- 3) Revision of the site plan to illustrate the location of a dumpster in compliance with Section 64-4.D.9. of the Zoning Ordinance;
- 4) Placement of a note on the site plan stating any new lighting on the site will have to comply with the requirements of Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;
- 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). Full compliance with tree requirements of the Zoning Ordinance at the time of redevelopment/future development; numbers and locations of tree to be planted shall be coordinated with Urban Forestry.);*
- 6) Compliance with Traffic Engineering Comments: *(Any additional development of the site will require modifications to existing curb cuts to meet city standards, with number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. At a minimum, the southern-most curb cut would need to be eliminated, and the two remaining either designed as a pair of one-way driveways, or limited to one curb cut meeting city standards.);*
- 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.);*
- 8) Completion of the Subdivision process; and
- 9) Full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2013-00133 (Subdivision)

Airport-Providence Subdivision

6576 Airport Boulevard

(North side of Airport Boulevard, 265'± East of Huntleigh Way).

Number of Lots / Acres: 3 Lots / 1.9± Acre

Engineer / Surveyor: Don Williams Engineering
Council District 6
(Also see, **Case #ZON2013-02721 (Planned Unit Development Airport-Providence Subdivision below)**)

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

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

- 1) **revision of the plat to illustrate the 25' minimum building setback along all lots as measured from where the lots are at least 60' wide;**
- 2) **revision of the plat to label each lot with its size in square feet and acres, or the furnishing of a table on the Final Plat providing the same information;**
- 3) **placement of a note on the Final Plat stating that the subdivision is limited to one curb cut to Airport Boulevard Service Road, with the size, design, and exact location to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) **labeling of any required detention area as common area and the placement of a note on the Final Plat stating that the maintenance of the common area is the responsibility of the property owners;**
- 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) **compliance with Engineering comments:** *(The following comments should be addressed prior to acceptance and signature by the City Engineer: a. Provide all of the required information on the Plat (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances). b. Add a note to the Plat stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with the of the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045), latest edition. Storm water detention may be required for any existing development (since 1984) that did not receive Land Disturbance permitting and any future addition(s) and/or land disturbing activity. c. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. d. Provide a vicinity map. e. Label each lot with its size in acres and square feet, or furnish a table on the Plat providing the same information; f. Provide bearing and distance labels that match the written legal description for the proposed subdivision. g. Provide and label the monument set or found at each*

subdivision corner. h. Add a signature block for the Owner, Notary Public, Planning Commission and Traffic Engineer. i. Provide the Surveyor's Certificate and Signature. j. Provide the Owner's (notarized), Planning Commission, and Traffic Engineering signatures. k. Add a note that sidewalk is required to be constructed along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved. l. Show and label the Airport Blvd and Service Road Right-Of-Way, and all existing easements.)

- 7) **compliance with the Traffic Engineering comments: (Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);**
- 8) **compliance with the Urban Forestry comments: (Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).);**
- 9) **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);**
- 10) **verification that the rear privacy fence or wall, as required by the PUD, has been installed, with permits, prior to signing the Final Plat; and**
- 11) **submittal of two (2) copies of a revised PUD site plan prior to signing the Final Plat.**

The motion carried unanimously.

**Case #ZON2013-02721 (Planned Unit Development
Airport-Providence Subdivision**

6576 Airport Boulevard

(North side of Airport Boulevard, 265'± East of Huntleigh Way).

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow shared access and parking for multiple building sites.

Council District 6

(Also see, Case #SUB2013-00133 (Subdivision) Airport-Providence Subdivision above)

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

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

- 1) **revision of the site plan to illustrate the 25' minimum building setback line along all lots as measured from where the lots are at least 60' wide;**
- 2) **revision of the site plan to illustrate the existing 6' high wooden privacy fence along the rear (North) property line;**

- 3) revision of the site plan to provide a dumpster, in compliance with Section 64-4.D.9. of the Zoning Ordinance, and with a compliant sanitary sewer connection, or the placement of a note on the site plan stating that trash collection will be curb-side or via private pick-up service;
- 4) revision of the site plan to depict compliance with frontage trees, to be coordinated with Urban Forestry;
- 5) labeling of any required detention area as common area and the placement of a note on the site plan stating that the maintenance of the common area is the responsibility of the property owners;
- 6) subject to the Engineering comments: *(1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. Any and all proposed land disturbing activity 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. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work. 3. Add a note to the Plat stating that the proposed development must comply with all Engineering Department Policy letters.);*
- 7) subject to the Traffic Engineering comments: *(Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 8) subject to the Urban Forestry comments: *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).);*
- 9) subject to 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);*
- 10) verification that the required rear privacy fence or wall has been installed, with permits, prior to signing the Final Plat for the Subdivision; and
- 11) submittal of two (2) copies of a revised site plan prior to signing of the Final Plat for the Subdivision.

The motion carried unanimously.

Case #SUB2013-00111 (Subdivision) (Holdover)

Marian Elmore Subdivision

5800 & 5810 Three Notch Road

(Northeast corner of Three Notch Road and General Road).

Number of Lots / Acres: 2 Lots / 1.3± Acres

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

(Also see, **Case #ZON2013-02742 (Planned Unit Development) Alvin M Elmore**
below)

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

Brett Orrell, Polysurveying, spoke on behalf of the applicant. He stated that they would like to split off the automotive shop from the other two structures, to possibly sell. Would like to modify Condition #2 to allow the site to remain in its current configuration.

Mr. Olsen responded that he would suggest that the existing parking be allowed to remain until the site is redeveloped or additional development on site.

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

- 1) **the 50' right-of-way from centerline of Three Notch Road should be retained on the Final Plat;**
- 2) **placement of a note on the Final Plat stating that Lot 1 and Lot 2 are limited to one (1) curb-cut each to Three Notch Road, and Lot 1 is limited to one (1) curb-cut to General Road with the size, location, and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) **the labeling of lots 1 and 2 in acres and square feet should be retained and provided on the Final Plat;**
- 4) **the 25' minimum building setback line as measured from the dedicated right-of-way along Three Notch Road and General Road should be retained on the Final Plat;**
- 5) **revision of the corner radius on General Road and Three Notch Road should be retained on the Final Plat;**
- 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;**
- 7) **compliance with Engineering comments:“ “1. Add a note to the Plat stating that storm water detention will be required for any existing development (since 1984) that did not receive Land Disturbance permitting and any**

- future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045). 2. Add a signature block for the Traffic Engineer. 3. Clarify the use of “(UNION CHURCH ROAD)” underneath Three Notch Road. d. Provide the Surveyor’s, Owner’s (notarized), Planning Commission, and Traffic Engineering signatures. 4. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) would be required prior to the issuance of a permit for any land disturbance activity.”;
- 8) compliance with Traffic Engineering comments: “Driveway number, size, location and design to be approved by 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).”; and
 - 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”.

The motion carried unanimously.

Case #ZON2013-02742 (Planned Unit Development)

Alvin M Elmore

5800 & 5810 Three Notch Road

(Northeast corner of Three Notch Road and General Road).

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

Council District 4

(Also see, Case #SUB2013-00111 (Subdivision) (Holdover) **Marian Elmore** **Subdivision** above)

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

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

- 1) a 25’ minimum building setback line be provided, to only apply to new construction;
- 2) existing parking may remain unless/until redevelopment or additions to the existing development;
- 3) removal of one of the existing curb-cuts to be coordinated with Traffic Engineering;

- 4) removal of any asphalt in the right-of-way that is not required for curb-cut access and landscaping of the area;
- 5) coordination with Urban Forestry to provide frontage trees;
- 6) submission of two revised PUD site plans to the Planning Section of Urban Development prior to the signing of the Final Plat; and
- 7) revisions to site plan to indicate a dumpster will be provided in compliance with Section 64-4.D.9. or a note on the plan stating that curbside pickup will be utilized;
- 8) compliance with Engineering comments: “1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. Any and all proposed land disturbing activity 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. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work. 3. Add a note to the Plat stating that the proposed development must comply with all Engineering Department Policy letters.”;
- 9) compliance with Traffic Engineering comments: “The PUD site plan does not indicate any site features in the right-of-way. Any additional development of the site will require modifications to existing curb cuts to meet city standards, with number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. The pair of driveways will either need to be designed as a pair of one-way driveways, or limited to one curb cut meeting city standards.”;
- 10) compliance with Urban Forestry comments: “Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).”; and
- 11) 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.

OTHER BUSINESS:

- A. Vote regarding the proposed amendment the Zoning Ordinance to modify parking requirements for Multi-Family dwelling units.

Mr. Williams stated that he felt as if this amendment was all about one particular project, and that we do not have a city wide parking issue regarding multi-family dwellings. He noted that the Commission should be careful on what requirements we place on the developers of this City.

Mr. Turner asked if we looked at any language that take into account the apartment situation where they were renting them out by bedroom as opposed to by the unit.

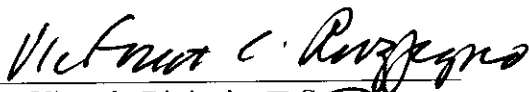
Mr. Olsen responded that they did not, because there is not a way to keep up with that. It could be constructed as a standard type of apartment, and then converted to rental by bedroom in the future. He noted that what the Staff did look at were other cities and how they handled parking. He stated that before this amendment was presented to the Commission, he had a meeting at the Board of Realtors and with a member of the Apartment Association, and that representative did not have a problem with the proposed amendment. The representative said the majority of apartment complexes already provide one parking space per bedroom.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy to approve the above amendment.

The motion failed with 4 opposing.

Hearing no further business, the meeting was adjourned.

APPROVED: March 6, 2014



Dr. Victoria Rivizzigno, Secretary



Terry Plauche, Chairman

/jpw