

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF January 02, 2014 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Terry Plauche, Chairman  
Victoria L. Rivizzigno, Secretary  
Roosevelt Turner  
Tracie Lee-Roberson  
John Vallas  
Scott Webster  
Carlos Gant  
James F. Watkins, III

**Members Absent**

William G. DeMouy, Jr.  
Don Hembree  
John Williams  
Jarrett Wingfield

**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 #SUB2013-00093 (Subdivision)**

**Storrs Manor Subdivision**

115 Providence Street and 118 Catherine Street North  
(West side of Providence Street, 280'± South of Spring Hill Avenue extending to the East side of Catherine Street North, 230'± South of Spring Hill Avenue).

**Number of Lots / Acres:** 1 Lot / 0.6± Acre

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

**January 2, 2014**

**Planning Commission Meeting**

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

Jerry Byrd, Byrd Surveying, spoke on behalf of the applicant. He stated that he would like this application to be heldover again. The corporation in Atlanta has recognized that there is a title problem and they are hoping to have the issue resolved soon.

Mr. Hoffman responded that until the ownership issue is resolved the Commission cannot consider approving the rezoning and subdivision request. Therefore, the next meeting would be the February 6<sup>th</sup> meeting.

Hearing no opposition or further discussion, a motion was made by Mr. Vallas, with second by Ms. Roberson to holdover the application until the February 6<sup>th</sup> meeting, at the applicant's request.

The motion carried unanimously.

**Case #ZON2013-02189 (Rezoning)**

**Storrs Manor Subdivision**

115 Providence Street and 118 Catherine Street North

(West side of Providence Street, 280'± South of Spring Hill Avenue extending to the East side of Catherine Street North, 230'± South of Spring Hill Avenue).

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

Council District 2

The Chair announced the applications had been recommended for withdrawal. 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. Vallas, with second by Ms. Roberson to holdover the application until the February 6<sup>th</sup> meeting, at the applicant's request.

The motion carried unanimously.

**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.

**January 2, 2014**  
**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.

Andy Rotenstreich, of Baker, Donalson, Bearman, Caldwell & Berkowitz PC, spoke on behalf of the applicant. He stated that he was asked to provide 2 propagation maps that have been provided today. He noted that he believed they were in response to Mr. Webster's request to show one of the maps with the Knollwood site turned off and with the Southern Way (a future collocation site for AT&T) turned on; the 2<sup>nd</sup> map was requested to show the Senior Center. The reason that the Senior Center will not work is because of its proximity to the Southern Way site. The sites are too close and the interference will be a problem. Mr. Rotenstreich stated that he has looked at all the collocation opportunities inside the search ring and none of them meet AT&T's engineering requirements; they have looked at all the available B-2 properties and this site is the most wooded and the one that does not have existing structures on the property. He also added that federal law prohibits us from looking at the health affects and the aesthetics. As far, as property values the valuation report proves that the neighboring properties will not have negative valuation affects. AT&T has agreed to lower the tower from 150 ft to 135 ft and they have also agreed to camouflage the tower as a pine tree. He concluded that he felt like they have met the requirements of the ordinance and respectfully request Subdivision Approval and Planning Approval.

The following people spoke in opposition to the matter:

- Natalie Noel, 2620 Rose Court, Mobile;
- B.J. Lyon, 718 Downtowner Blvd;
- Don Williams, Williams Development;

They made the following points against the application:

- A. the Noel Family Cemetery has been there since 1916;
- B. the Archdiocese of Mobile gave Ms. Noel's family this property have their own cemetery;
- C. does not understand why anyone would want to put a cell tower directly behind a family cemetery;
- D. it will not only just devalue the cemetery, but it will indeed destroy the sacredness of the site;
- E. the Noel family is completely opposed to the cell tower;
- F. it is naïve to think that if the cell tower were to fall it would cause no harm or damage to the neighbors;
- G. is unsure why the Noel family did not receive notification of the cell tower;
- H. 31 days ago this application was before the Commission and they were kind enough to put this matter over for AT&T to supply a propagation map;
- I. the propagation map was not submitted in a timely manner;
- J. it was disingenuous of AT&T to present the propagation map without the opposing neighbors having an opportunity to look at the map and evaluate it;

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- K. AT&T is asking you in faith to accept what they present;
- L. this tower will be there forever;
- M. if not denied, would like to see the application held over again.

Ms. Roberson asked Ms. Noel for clarification if the tower will be located behind Ms. Noel's property or on her property.

Ms. Noel responded that it will be directly behind the property.

Mr. Anderson noted for the record that the Noel Family was notified by Certified Mail. The address on Rose Court was listed on the list of adjoining neighbors that was provided by the applicant.

In rebuttal, Mr. Rotenstreich stated that he was there to answer any questions that the Commission may have.

Mr. Turner questioned why there was a delay in turning in the propagation map.

Mr. Rotenstreich responded that he was under the impression that he was to bring it to the meeting.

Mr. Turner then asked if which towers the map includes.

Mr. Rotenstreich stated that it included the Girby Road tower, which is called Southern Way and is a future site for AT&T, and it includes the Senior Center. On a previous map we looked at the Publix tower, but the available site was only at 70ft and is too low, we have talked about the site at Mobile Christian Academy tower and it is 3700ft away. Both of those sites are outside of the search ring.

Mr. Gant asked if the site would still be wooded.

Mr. Rotenstreich responded that yes they will be keeping as many trees as they can.

Mr. Turner asked if the Staff had conditions prepared.

Mr. Hoffman responded that if the Commission were going to consider approving this request we would recommend the recommendations from the December meeting.

Mr. Rotenstreich added that he is in agreement with all of those conditions.

In deliberation, Ms. Roberson asked the Staff needed time to look at the information that was provided by AT&T and asked if it should be heldover.

Mr. Hoffman responded that the maps that were provided do show that there appears to be a coverage gap even with the collocation that is depicted. The staff would not be

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developing anymore conditions for approval other than what is already in the staff report from the December meeting.

Mr. Turner questioned that the only thing a holdover would be doing is allowing the neighbors more time review what was submitted.

Mr. Hoffman stated that was correct.

Hearing no further opposition or discussion, a motion was made by Mr. Turner, with second by Ms. Roberson to hold the matter over until the January 16th meeting to allow the Commission and concerned parties time to review the propagation maps submitted at the meeting.

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** below)

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

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

Hearing no further opposition or discussion, a motion was made by Mr. Turner, with second by Ms. Roberson to hold the matter over until the January 16th meeting to allow the Commission and concerned parties time to review the propagation maps submitted at the meeting.

The motion carried unanimously with Mr. Vallas recusing.

**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.

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Brett Orrell, Polysurveying, stated that he would like to withdraw the application.

Hearing no opposition or further discussion the application was withdrawn at the applicant's request.

The motion carried unanimously.

**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 wanted to address a few items that were on the staff report and asked that the Commission approve the applications rather than hold them over.

Mr. Hoffman stated the Staff did not have conditions prepared; the applications would have to be heldover until the next meeting.

Hearing no opposition or further discussion, a motion was made by Ms. Roberson, with second by Dr. Rivizzigno to hold the matter over until the January 16th meeting, with the applicant to provide the following revisions as soon as possible:

- 1) provision of a legal description for the proposed Lot 2 prior to the signing of the Final Plat; and**
- 2) revisions requested for the Planned Unit Development.**

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 opposition or further discussion, a motion was made by Ms. Roberson, with second by Dr. Rivizzigno to hold the matter over until the January 16th meeting, with the applicant to provide the following revisions as soon as possible:

- 1) illustrate dedication if necessary to provide 30' from the centerline of Dickens Ferry Road;
- 2) removal of connection with dirt drive access to Dickens Ferry Road, or provision of a 6' high privacy fence to block access;
- 3) placement of a note stating commercial access to Dickens Ferry Road is denied;
- 4) placement of a note stating that Lot 1 is be allowed one curb cut to Dickens Ferry Road, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 5) retention of the note stating that no structures are to built in any easement;
- 6) provide landscaping and tree planting calculations for entire PUD;
- 7) illustration of all dumpsters compliant with Section 64-4.D.9 of the Zoning Ordinance;
- 8) illustration of the required residential buffer per Section 64-4.D.1. of the Zoning Ordinance;
- 9) retention of the 25' minimum building setback along all street frontages;
- 10) compliance with Traffic Engineering comments (Lot 1 of Spectrum Subdivision was removed from the PUD, however the site plan still illustrates cross access to this lot. Commercial access to Dickens Ferry is denied.); and
- 11) 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.).

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

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(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 opposition or further discussion, a motion was made by Ms. Roberson, with second by Dr. Rivizzigno to hold the matter over until the January 16th meeting, with the applicant to provide the following revisions as soon as possible:

- 1) illustrate dedication if necessary to provide 30' from the centerline of Dickens Ferry Road;
- 2) illustration of the 25' minimum building setback from all street frontages;
- 3) retention of the lot size in square feet and acres;
- 4) placement of a note stating commercial access to Dickens Ferry Road is denied;
- 5) placement of a note stating that Lot 1 is be allowed one curb cut to Dickens Ferry Road, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 6) placement of a note stating that no structures are to be built in any easement;
- 7) 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.); and
- 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). 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.).

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 approval. He added if anyone wished to speak on the matter they should do so at that time.



Don Williams, Williams Development, spoke on behalf of the applicant. He stated that he only had an issue with Condition #1 on the rezoning application. He asked that the condition be waived; they would have to remove parking to be able to comply.

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

- 1) **Illustration of a 30' minimum building setback line along Halls Mill Road;**
- 2) **Retention of the lot size information in square feet and acres on the Final Plat;**
- 3) **Placement of a note on the Final Plat stating that the site is limited to the existing curb-cuts with any changes to the size, design, and 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 be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.);**
- 5) **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.);**
- 6) **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. The existing curb-cut will require modifications to meet city standards, with size, location and design to be approved by Traffic**

Engineering and conform to AASHTO standards. Two changes have been made to the site plan to more accurately reflect the existing conditions of the site. 1) The northern driveway and adjacent parking areas were resurfaced between the initial survey of the site and the December 5<sup>th</sup> meeting. The work was performed in the city right-of-way without obtaining a permit and without being reviewed by the appropriate departments. The gravel driveway is now asphalt. The owner must obtain an after-the-fact permit from the Engineering Department. 2) The southern driveway is aligned with an existing power pole containing various transformers and service drops. The power pole was previously omitted from the site plan. This is the primary entrance for the large vehicles that access the site. The circulation is clockwise around/through the building, entering from the south and exiting from the north. The placement of the pole in the existing driveway allows left turns in from the south, and right turns in from the north. The removal of the asphalt along the property line is necessary to better define the driveway and eliminate the open access to the adjacent property.);

- 7) Compliance with Urban Forestry Comments: (Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Full compliance with frontage tree requirements of the Zoning Ordinance; numbers and locations of tree to be planted shall be coordinated with Urban Forestry.);
- 8) Compliance with Fire Department Comments: (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);
- 9) Completion of the rezoning process; and
- 10) Full compliance with all other municipal codes and ordinances.

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 approval. 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 Ms. Roberson to approve the above referenced matter, subject to the following conditions:

- 1) Provision of frontage trees required by the Zoning Ordinance, a total of 8,431 square feet of landscape area, and 5,000 square feet of front landscape area, limited to the North half of the site;
- 2) Any new lighting on the site to comply with the requirements of Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;
- 3) Compliance with Engineering Comments: (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.);
- 4) 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. The existing curb-cut will require modifications to meet city standards, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Two changes have been made to the site plan to more accurately reflect the existing conditions of the site. 1) The northern driveway and adjacent parking areas were resurfaced between the initial survey of the site and the December 5<sup>th</sup> meeting. The work was performed in the city right-of-way without obtaining a permit and without being reviewed by the appropriate departments. The gravel driveway is now asphalt. The owner must obtain an after-the-fact permit from the Engineering Department. 2) The southern driveway is aligned with an existing power pole containing various transformers and service drops. The power pole was previously omitted from the site plan. This is the primary entrance for the large vehicles that access the site. The circulation is clockwise around/through the building, entering from the south and exiting from the north. The placement of the pole in the existing driveway allows left turns in from the south, and right turns in from the north. The removal of the asphalt along the property line is necessary to better define the driveway and eliminate the open access to the adjacent property);
- 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 frontage tree requirements of the Zoning Ordinance; numbers and locations of tree to be planted shall be coordinated with Urban Forestry.);
- 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) Completion of the Subdivision process prior to any requests for Land Disturbance; and
- 8) Full compliance with all other municipal codes and ordinances.

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**Case #SUB2013-00121 (Subdivision)**

**Alba Place Subdivision**

2529 River Forest Road

(South side of River Forest Road, 450'± West of Alba Club Road).

**Number of Lots / Acres:** 3 Lots / 1.1± Acre

**Engineer / Surveyor:** Richard L. Patrick, PLS

Council District 3

(Also see, **Case #ZON2013-02603 (Planned Unit Development) Alba Place Subdivision** 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.

Rick Twilley, 6353 Piccadilly Square, spoke on his own behalf. He stated that he was in agreement with all of the conditions. He just needed clarification on the fence removal.

Mr. Plauche questioned Traffic Engineering why they are not requiring the roadway to be upgraded.

Marybeth Bergin, Traffic Engineering, responded that she had consulted with Engineering and the Fire Department and it was a group consensus. Since the Fire Department did not uphold their requirement for the 20ft paving in front of the roadway section Traffic went along with that as well.

Mr. Plauche then questioned the Fire Department why they were not upholding their requirement.

Mr. Roach, for the Fire Department, responded that his reviewer saw the road as being City right-of-way; a City maintained road and did not see requiring a private homeowner to pave a City road.

Mr. Hoffman then stated that it is a publicly maintained road, with an asphalt width of about 12ft. The discussions that occurred via email did result in the representative from Fire stating that they did not see where they could require to be improved to the minimum of 20ft width. Because of that Traffic Engineering and Engineering agreed that improvement of the roadway width surface should not be required. However, the dedication of 7 ½ ft is still requested.

The following people spoke in opposition to the matter:

- Roland Patterson, 3185 Whitestone Dr, Semmes, AL;
- Gene Talbot, member of the Alba Club

They made the following points against the application:

- A. concerned about parking;

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- B. if the fence is left the same would like to request that No Parking signs be put up;
- C. wants to keep the road the same;
- D. would like to see the house placed further back on the property;

Mr. Talbot accused Mr. Vallas of having a conflict of interest and stated that he felt like Mr. Vallas should recuse.

Mr. Vallas responded that he did not have any ongoing business dealings with the applicant and that Mr. Twilley could confirm that.

In rebuttal, Mr. Twilley confirmed that he and Mr. Vallas had no ongoing business deals. He also stated that he is ok with leaving the fence and he is willing to put up no parking signs.

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

- 1) **Revision of the Final Plat to depict a total of 2 lots, to match the revised site plan submitted on December 18, 2013;**
- 2) **Revision of the Final Plat to illustrate the revised lot sizes in square feet and acres for both lots;**
- 3) **Dedication of 7.5' along River Forest Road, as proposed;**
- 4) **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.);**
- 5) **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 SUBDIVISION PLAT showing the exact amount of historical credit (based on the 1984 Aerial Photo – Flight 23, Panel 84) that each LOT will receive towards storm water detention requirement per 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 SUBDIVISION PLAT showing the exact amount of impervious area that each LOT may propose before a full set of site construction plans are required to be submitted with the Land Disturbance Permit. The total combined amount of impervious area for LOT 1 & 2 is 4,000sf. d. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) would be required prior to the issuance of a permit for any land disturbance activity. e. Dedication of 7.5 feet of property to Public ROW along River Forest Rd. f. Add a note stating that the existing fence along River Forest Rd may remain until widening improvements are made to the road. g. Show and label the MFFE (Minimum**

- Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. h. Add a signature block for the City Engineer, County Engineer, Planning Commission and Traffic Engineer. i. Provide the Surveyor's, Owner's, and Notary Public's Certificate and Signature. j. Provide the Surveyor's, 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.);
- 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) Compliance with Traffic Engineering comments: (Traffic Engineering is ok with the roadway remaining as is, with either the dedication (preferred) of the additional 7.5' or reserved for future dedication. Placement of a note on the Final Plat stating that each lot should be limited to one curb-cut each, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards.);
  - 8) Compliance with Forestry comments: (Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the 44" Live Oak Tree located on the North side of Lot 1 and the 50" Live Oak Tree located between Lot 1 and Lot 2. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.);
  - 9) Submission of a revised site plan prior to the signing of the Final Plat; and
  - 10) Completion of the Subdivision process prior to any request for permits for new home-related land disturbance or construction.

The motion carried unanimously.

**Case #ZON2013-02603 (Planned Unit Development)**

**Alba Place Subdivision**

2529 River Forest Road

(South side of River Forest Road, 450'± West of Alba Club Road).

Planned Unit Development Approval to allow reduced front-yard setbacks

Council District 3

(Also see, Case #SUB2013-00121 (Subdivision) Alba Place 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 further opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Webster to approve the above referenced matter, subject to the following conditions:

- 1) Dedication of 7.5' along River Forest Road, as proposed;
- 2) Removal of the existing gate and fence along River Forest Road or relocation to the newly proposed property line after dedication is accounted for;
- 3) Revision of the site plan to depict the lot size in square feet and acres;
- 4) Revision of the site plan to depict the maximum site coverage (35%) allowed for both lots;
- 5) Retention of all proposed setbacks on the site plan;
- 6) Placement of a note on the site plan stating that each lot should be limited to one curb-cut each, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards.;
- 7) Placement of a note on the site plan stating: (Development of the site must comply with local, state and federal regulations regarding flood zones and wetlands.);
- 8) Placement of a note on the site plan stating: (Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.);
- 9) 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.);
- 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) Compliance with Traffic Engineering comments: (Traffic Engineering is ok with the roadway remaining as is, with either the dedication (preferred) of the additional 7.5' or reserved for future dedication. Placement of a note on the Final Plat stating that each lot should be limited to one curb-cut each, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards);
- 12) Compliance with Forestry comments: (Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the 44" Live Oak Tree located on the North side of Lot 1 and the 50" Live Oak Tree

- located between Lot 1 and Lot 2. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.);
- 13) Submission of a revised site plan prior to the signing of the Final Plat;
  - 14) Completion of the Subdivision process prior to any request for permits for new home-related land disturbance or construction; and
  - 15) Compliance with all other municipal codes and ordinances.

The motion carried unanimously.

**EXTENSIONS:**

**Case #SUB2011-00135 (Subdivision)**

**Liberty Subdivision**

East side of Schillinger Road, 730'± North of Meadows Boulevard extending to the Northern termini of Meadow Drive North, Meadow Dale Drive, Meadow Run Drive, Meadow Height Drive and to the Western terminus of Augustine Drive.

**Number of Lots / Acres:** 262 Lots / 120.2 Acres±

**Engineer / Surveyor:** Rester and Coleman Engineers, Inc.  
County

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

Wayne Crosby, 3661 Fox Well Lane Norfolk, VA, spoke on behalf of the applicant. He stated that he there were a couple of reasons for asking for another extension. First, their team has done an extensive redo of the architectural theme of the community; they are not changing the plans just the product line. The other issue is that they have been dealing with banks for the past 24 months.

Mr. Plauche asked Mr. Hoffman if the standard extension was one year.

Mr. Hoffman responded that was correct and mentioned that the applicant was advised at the previous extension that a future one would not be recommended. Since this project does require road construction and no construction has begun they would need more time to get a phase underway.

Mr. Vallas asked if the Commission was to consider it could they extend it for 6 months rather than a year.

Hearing no opposition or further discussion, a motion was made by Mr. Vallas, with second by Dr. Rivizzigno the extension request was granted for a period of 6 months.

The motion carried unanimously.



**Case #SUB2012-00097 (Subdivision)**

**Parkway Place Subdivision**

63 Parkway Drive

(East terminus of Parkway Drive, 455'± South of Old Shell Road)

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

**Engineer / Surveyor:** Jason N Estes

Council District 7

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Turner the extension request was granted and the applicant was advised that future extensions would be unlikely.

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2013-00141**

**Will's Place Subdivision**

10 St Emanuel Street and 153 & 155 Dauphin Street

(West side of St Emanuel Street, 115'± South of Dauphin Street)

**Number of Lots / Acres:** 1 Lot / .05± Acre

**Engineer / Surveyor:** Byrd Surveying

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

- 1) **Illustration of the lot size in square feet and acres on the Final Plat;**
- 2) **Placement of a note on the Final Plat stating that the lot is limited to one curb-cut along St. Emanuel Street, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) **Placement of a note on the Final Plat stating: *(Development of the site must comply with local, state and federal regulations regarding flood zones.);***
- 4) **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 SUBDIVISION PLAT (i.e.***

*signature blocks, signatures, certification statements, written legal description, required notes).* b. Add a note to the SUBDIVISION 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. c. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. d. Revision of the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information; e. Show and label all flood zones. f. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. 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, Traffic Engineer, City Engineer, and County Engineer. i. Provide the Surveyor's Certificate and Signature. j. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.);

- 5) Compliance with Traffic Engineering Comments: (Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);
- 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).); 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.

#### **NEW SIDEWALK WAIVER APPLICATIONS:**

**Case #ZON2013-02828**

**Cary Neil**

7033 Airport Boulevard

(South side of Airport Boulevard, 576'± East of Cody Road).

Request to waive construction of a sidewalk along Airport Boulevard.

Council District 6

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.

Bess Rich, 625 Cumberland Rd. E, spoke in opposition to the application. She stated that she appreciates the Staff's diligence in recommending this application for denial.

January 2, 2014

Planning Commission Meeting

Hearing no further opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Ms. Roberson to deny the request to waive construction of a sidewalk along Airport Boulevard.

The motion carried unanimously.

**NEW PLANNING APPROVAL APPLICATIONS:**

**Case #ZON2013-02910**

**S.E. Civil, LLC**

6827 Howells Ferry Road

(South side of Howells Ferry Road, 25'± East of Rachel Drive).

Planning Approval to allow a domiciliary care facility in an R-3, Multiple-Family District (Rezoning pending).

Council District 7

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

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

- 1) **all parking spaces shall be a minimum of 9' x 18' including accessible parking spaces;**
- 2) **bumper stops should be depicted and provided for all designated parking spaces;**
- 3) **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 or some other service will be utilized;**
- 4) **revisions to site plan to depict a privacy fence that extends to the 25' minimum building setback line;**
- 5) **compliance with Traffic Engineering comments: "Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards."**
- 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).";**
- 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 rezoning process; and**
- 9) **full compliance will all other municipal and state codes.**

**January 2, 2014**  
**Planning Commission Meeting**

The motion carried unanimously.

**NEW ZONING APPLICATIONS:**

**Case #ZON2013-02914**  
**JDS Construction, LLC**

West side of Todd Acres Drive at the North terminus of Private Road 371 (Jackson Lane).

Rezoning from R-A, Residential-Agricultural District, to I-2, Heavy Industry District, to allow a borrow pit.

Council District 4

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.

Jerry Byrd, Byrd Surveying, spoke on behalf of the applicant. He stated that he would like to holdover it over until the January 16<sup>th</sup> meeting rather than the February 6<sup>th</sup> meeting. He also stated that he was not sure if a Planned Unit Development was necessary.

David Huber, 5168 Koiiman Road, spoke in opposition to the matter. He stated that they routinely have safety issues with large trucks parked blocking the view as he tries to exist his driveway. He noted that he is not opposed to business but he does not want to see this lot zoned as industrial.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno to hold the matter over until the January 16<sup>th</sup> meeting, to coincide with the Planning Approval request that will be considered at that time. The Commission's legal counsel will additionally determine if a Planned Unit Development application is required.

The motion carried unanimously.

**OTHER BUSINESS:**

Mr. Hoffman reminded the Commission that they do have a Business Meeting Thursday, January 9 at 2 PM.

Mr. Hoffman also gave each of the Commission members a copy of the City Council Adopted Resolution from the December 31<sup>st</sup> council meeting of aboveground petroleum storage tanks. The Council is going to limit their placement to any site that has a proximity to water and the Council will have to approve a location prior to the applicant going through the Planning Commission process.

January 2, 2014

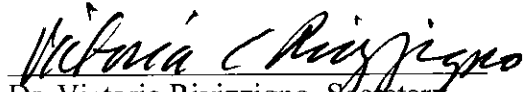
Planning Commission Meeting


Mr. Plauche then asked Mr. Anderson if it was normal to have to have approval before you have an application.

Mr. Anderson responded that the way he understood it was the application would be filed as normal, but go straight to Council and bypass Planning Commission.

Hearing no further business, the meeting was adjourned.

**APPROVED:** March 20, 2014

  
Dr. Victoria Rivizzigno, Secretary

  
Terry Plauche, Chairman

/jpw