

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF JULY 5, 2012 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Terry Plauche, Chairman  
William G. DeMouy, Jr.  
Victoria L. Rivizzigno, Secretary  
Nicholas H. Holmes, III  
Mead Miller  
Roosevelt Turner  
James F. Watkins, III

**Members Absent**

Herb Jordan  
John Vallas

**Urban Development Staff Present**

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

**Others Present**

John Lawler,  
Assistant City Attorney  
George Davis,  
City Engineering  
Marybeth Bergin,  
Traffic Engineering  
  
Fire-Rescue Department

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

**ROLL CALL:**

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

**HOLDOVERS:**

**Case #SUB2012-00018 (Subdivision)**

**OSR Subdivision**

5559 Old Shell Road  
(South side of Old Shell Road, 570'± East of University Boulevard South)

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

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

Council District 5

(Also see **Case #ZON2012-00566 (Planned Unit Development) OSR Subdivision**, below)

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

**July 5, 2012**

**Planning Commission Meeting**

Don Coleman, Rester & Coleman Engineering, stated that he would like to withdraw the application.

Hearing no opposition or discussion, the Commission accepted the applicant's request to withdraw the matter.

The motion carried unanimously.

**Case #ZON2012-00566 (Planned Unit Development)**

**OSR Subdivision**

5559 Old Shell Road

(South side of Old Shell Road, 570'± East of University Boulevard South)

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

Council District 5

(Also see **Case #SUB2012-00018 (Subdivision) OSR 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.

Don Coleman, Rester & Coleman Engineering, stated that he would like to withdraw the application.

Hearing no opposition or discussion, the Commission accepted the applicant's request to withdraw the matter.

The motion carried unanimously.

**Case #ZON2012-01138**

**Anthony L. Smeraglia**

3915 Cottage Hill Road

(South side of Cottage Hill Road, 250' East of Azalea Road, extending to the North side Shelley Drive, 230'± East of Azalea Road).

Rezoning from B-1, Buffer Business District, to B-2, Neighborhood Business District, to allow construction of a retail store.

Council District 4

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

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

Hearing no opposition or discussion, the Commission accepted the applicant's request to withdraw the matter.

The motion carried unanimously.

**Case #ZON2012-01137 (Planned Unit Development)**

**Mayo Blackmon**

1446 Navco Road & 2452 McLaughlin Drive

(North side of McLaughlin Drive, 140'± West of Navco Road, extending to the West side of Navco Road, 140'± North of McLaughlin Drive).

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

Council District 4

(Also see **Case #ZON2012-01136 (Rezoning) Mayo Blackmon**, 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.

Jerry Byrd, Byrd Surveying, spoke on behalf of the applicant and made the following points:

- A. the conditions state that no landscaping was shown but he pointed out that it was;
- B. no detention was shown, but that normally would come with a development plan in the engineering phase so you know which way the water is flowing;
- C. there is more than ample room on the north and northeast sides to put in a detention pond.;
- D. ordinance states that a 4-acre minimum is a guideline and not a requirement;

Mr. Olsen recommended that the application be heldover again for Mr. Byrd to submit a revised plan as soon as possible.

Hearing no opposition or further discussion, a motion was made by Mr. DeMouy, with second by, Mr. Watkins to hold the matter over until the August 2, 2012, meeting, with revisions by July 13.

The motion carried unanimously.

**Case #ZON2012-01136 (Rezoning)**

**Mayo Blackmon**

1446 Navco Road

(West side of Navco Road, 140'± North of McLaughlin Drive).

Rezoning from R-1, Single-Family Residential District, to R-3, Multiple-Family District, to allow multiple dwellings on multiple building sites.

Council District 4

(Also see **Case #ZON2012-01137 (Planned Unit Development) Mayo Blackmon**, 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.

July 5, 2012

**Planning Commission Meeting**

Jerry Byrd, Byrd Surveying, spoke on behalf of the applicant and made the following points:

- E. the conditions state that no landscaping was shown but he pointed out that it was;
- F. no detention was shown, but that normally would come with a development plan in the engineering phase so you know which way the water is flowing;
- G. there is more than ample room on the north and northeast sides to put in a detention pond.;
- H. ordinance states that a 4-acre minimum is a guideline and not a requirement;

Mr. Olsen recommended that the application be heldover again for Mr. Byrd to submit a revised plan as soon as possible.

Hearing no opposition or further discussion, a motion was made by Mr. DeMouy, with second by, Mr. Watkins to hold the matter over until the August 2, 2012, meeting, with revisions by July 13.

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2012-00043**

**Colvin Subdivision**

4825 Scarborough Circle

(Southeast corner of Scarborough Circle and Scarborough Circle West).

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

**Engineer / Surveyor:** Anthony L Bryant PLS

Council District 1

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.

Charles Colvin, 301 Byron Ave W., spoke on his own behalf. He stated that the street was laid out back in 1940 and there are approximately 12 houses that are located on the street. He does not see the point in giving additional feet of right-of-way.

Mr. Olsen stated that even though the street may have been laid out that long ago it is a sub-standard right-of-way, and when the staff goes through the process of any type of re-subdivision of a property they always request dedication sufficient to bring it up to the current standard for right-of-way.

Mr. Colvin stated that there are no curbs on the street; it is just flat paved.

Mr. Olsen responded that when it says curb radius it is simply talking about the radius.

Mr. Colvin then added that the driveway is already there and it has been paved.

July 5, 2012

Planning Commission Meeting

Mr. Olsen stated that it was not shown on the plat, so the staff did not know it was there.

Mr. Colvin asked who he needed to get with to understand all of the conditions.

Mr. Olsen answered that Mr. Colvin can come up to the office after the meeting and one of the Planners can discuss the conditions with him or he can ask the Commission to holdover the application to their next meeting to allow him more time to understand the conditions.

Mr. Plauche asked Mr. Colvin if he would like the application to be heldover.

Mr. Colvin responded that he would.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by, Mr. Miller to hold the matter over until the August 2, 2012, meeting to allow the applicant to meet with staff to review recommended conditions.

The motion carried unanimously.

**Case #SUB2012-00056**

**Moore Family Subdivision**

2602 Warsaw Avenue

(North side of Warsaw Avenue, 63'± West of Jessie Street).

**Number of Lots / Acres:** 1 Lot / 0.4± Acre

**Engineer / Surveyor:** Smith Kolb & Associates – Land Surveying  
Council District 1

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

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

- 1) **placement of a note on the Final Plat stating the lot is limited to one (1) curb-cut, with the size, design, and location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **depiction of the 25-foot minimum building setback line, as required by Section V.D.9. of the Subdivision Regulations;**
- 3) **the labeling the lot with its size in square feet on the Final Plat;**
- 4) **compliance with Engineering comments: “The following comments should be addressed prior to acceptance and signature by the City Engineer: 1. Add a signature block for the Planning Commission, Traffic Engineer, City**

*Engineer, and County Engineer. 2. Provide all other information required for a Final Plat review;"*

- 5) **compliance with Fire comments: "All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;" and,**
- 6) **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, prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

**Case #SUB2012-00041**

**Bit and Spur Woods Subdivision, Re-subdivision of Lot 3**

4609 Bit and Spur Road

(South side of Bit and Spur Road, 150'± of the South terminus of Hawthorne Place).

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

**Engineer / Surveyor:** Byrd Surveying, Inc.

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.

Jerry Byrd, Byrd Surveying, spoke on behalf of the applicant. He stated that the applicant would like to request a 30-day holdover with no change in the plat.

The following people spoke in opposition to the matter:

- Ben Cummings, Cummings Architecture;
- April Klienmann, 118 Jordan Lane, Mobile;
- Karen Travis, 114 Jordan Lane, Mobile;
- Michael Huddle, 150 Rochester Rd, Mobile;

They made the following points against the application:

- A. this subdivision has been denied before;
- B. the applicant took their case to the Supreme Court and they upheld the Commission's decision;
- C. agrees with the staff's recommendations;
- D. there is no hardship that necessitates the creation of a flag lot;
- E. the flag lot would create an irregularly shaped lot in a neighborhood of regularly shaped lots;
- F. flat lot would be inconsistent with the neighborhood;
- G. more traffic will wear out the roads faster;
- H. more structures will place more pressure on storm water drainage and management;

**July 5, 2012**

**Planning Commission Meeting**

- I. high density living will cause traffic to increase;
- J. traffic is already congested in the area.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to hold the matter over until the August 2, 2012.

The motion carried unanimously.

**Case #SUB2012-00044**

**Knight Tract Subdivision**

9339 Three Notch Road

(South side of Three Notch Road, 2/10± mile West of Ben Hamilton Road).

**Number of Lots / Acres:** 2 Lots / 1.0± Acre

**Engineer / Surveyor:** Erdman Surveying LLC

County

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.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by, Mr. DeMouy to hold the matter over until the August 2, 2012, meeting so that the applicant can submit additional information by July 12, 2012, and comply with the following:

- 1) **revision of the plat to illustrate the residence on the proposed Lot 2 entirely on one legal lot of record; and,**
- 2) **submittal of additional mailing labels and application fees.**

The motion carried unanimously.

**Case #SUB2012-00045**

**Shelton's Cove Subdivision**

2465 Venetia Road

(At the end of a private Road, 950'± South of the East terminus of Venice Court).

**Number of Lots / Acres:** 2 Lots / 6.2± Acres

**Engineer / Surveyor:** Byrd Surveying, Inc.

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. Miller, with second by Dr. Rivizzigno, to waive Section V.D.3. and Section VIII.E., to approve the above

referenced matter, subject to the following conditions:

- 1) **placement of a note on the Final Plat stating that no future subdivision to create additional lots will be allowed unless adequate street frontage is provided for all lots;**
- 2) **labeling of each lot with its size in acres and square feet, or the furnishing of a table on the Final Plat providing the same information;**
- 3) **illustration of the 25' minimum building setback line on each lot as measured from the easement frontage, where the lots exceed 60-feet in width;**
- 4) **subject to the Engineering Comments: *“Provide all required information for a Final Plat review;”***
- 5) **subject to the Fire Department Comments: *“All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;”***
- 6) **placement of a note on the Final Plat stating that if NWI wetlands are present on the site, the approval of all applicable federal, state, and local agencies would be required prior to the issuance of any permits or land disturbance activities; and,**
- 7) **placement of a note on the Final Plat stating that development of this site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species.**

The motion carried unanimously.

**Case #SUB2012-00046**

**Ashley Estates Subdivision, Re-subdivision of Lot 59**

7701 Tara Drive North

(Southeast corner of Tara Drive North and Hoffman Road).

**Number of Lots / Acres:** 2 Lots / 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 further opposition or discussion, a motion was made by Mr. Miller, with second by Dr. Rivizzigno, to approve the above referenced matter, subject to the following conditions:

- 1) **placement of a note on the Final Plat stating that Lot 1 is limited to one (existing) curb-cut, while Lot 2 is limited to one curb-cut to Tara Drive, with the size, design, and location to be approved by Mobile County Engineering and to conform with AASHTO standards;**



July 5, 2012

Planning Commission Meeting

- 2) depiction and labeling of the minimum building setback line of at least 25-feet on the Final Plat;
- 3) depiction and labeling of the lot size in square feet on the Final Plat;
- 4) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations;
- 5) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;
- 6) placement of a note on the Final Plat stating that development must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits; and,
- 7) 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 #SUB2012-00047**

**Springhill Estates Subdivision, A Re-subdivision of Lots 15-A, 16, 17,18 & 19**

534 Evergreen Road

(West side of Evergreen Road, 390'± North of Airport Boulevard).

**Number of Lots / Acres:** 2 Lots / 1.4± Acre

**Engineer / Surveyor:** Regan Surveying

Council District 6

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

Hearing no further 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) dedication to provide 25' from the centerline of Evergreen Road where lacking;
- 2) placement of a note on the Final Plat stating that each lot is limited to one curb-cut to Evergreen Road, with the size, design, and location to be

- approved by Traffic Engineering and conform to AASHTO standards;
- 3) labeling of each lot with its size in acres and square feet, adjusted for any required dedication, or the furnishing of a table on the Final Plat providing the same information;
  - 4) illustration of the 25' minimum building setback line on each lot, measured from any required dedication;
  - 5) placement of a note on the Final Plat stating that development of this site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;
  - 6) subject to the Engineering comments: *“The following comments should be addressed prior to acceptance and signature by the City Engineer: 1. Add a signature block for the Traffic Engineer. 2. The existing structure(s) on Lot B will receive historic credit towards the requirement for detention. 3. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, 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). 4. Stormwater detention is required for the existing structures shown on Lot A. Any and all proposed development will need to be in conformance with the Stormwater 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 Stormwater Runoff Control. 5. A complete set of construction plans for the site work (including drainage, utilities, grading, stormwater systems, paving) will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. 6. Provide all other information required for a Final Plat review;”* and,
  - 7) 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.”*

The motion carried unanimously.

**Case #SUB2012-00048**

**Anthony Subdivision, Re-subdivision of Lot 2**

335 Eliza Jordan Road North

(Northwest corner of Eliza Jordan Road North and Legacy Lane).

**Number of Lots / Acres:** 2 Lots / 7.5± Acres

**Engineer / Surveyor:** Polysurveying Engineering – Land Surveying  
County

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

July 5, 2012

Planning Commission Meeting

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

- 1) dedication to provide 50' from the centerline of Eliza Jordan Road;
- 2) dedication of the corner radii at Eliza Jordan Road and Legacy Lane to be approved by Mobile County Engineering and conform to AASHTO standards;
- 3) illustration of the 25' minimum building setback line along Legacy Lane;
- 4) illustration of the 25' minimum building setback line along Eliza Jordan Road after dedication;
- 5) retention of the lot sizes, in square feet and acres, or provision of a table on the Final Plat with the same information;
- 6) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations;
- 7) placement of a note on the Final Plat stating the site must comply with the City of Mobile stormwater and flood control ordinances: *"Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits;"*
- 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) placement of a note on the Final Plat limiting Lot 1 to one curb-cut to Legacy Lane and Lot 2 to the two existing curb-cuts to Eliza Jordan Road, with the size, design, and location of all curb-cuts to be approved by Mobile County Engineering and conform to AASHTO standards; and,
- 10) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.

The motion carried unanimously.

Case #SUB2012-00050  
Hillwood Place Subdivision

July 5, 2012

**Planning Commission Meeting**

17 & 21 Hillwood Road

(East side of Hillwood Road, 500'± South of Old Shell Road).

**Number of Lots / Acres:** 2 Lots / 1.8±

**Engineer / Surveyor:** Byrd Surveying, Inc.

Council District 5

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

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

- 1) **placement of a note on the Final Plat stating that Lot A is limited to the two existing curb-cuts to Hillwood Road and Lot B limited to one curb-cut to Hillwood Road, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **that the location of all structures and improvements to Lot A be illustrated on the Final Plat;**
- 3) **subject to the Fire Department comments: “All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;”**
- 4) **subject to the Engineering comments: “Provide all required information for a Final Plat review;”**
- 5) **labeling of each lot with its size in square feet/acres, or the provision of a table on the Final Plat furnishing the same information; and,**
- 6) **placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species.**

The motion carried unanimously.

**Case #SUB2012-00057**

**Noel Place Subdivision, Re-subdivision of**

2612 Rose Court

(Northwest corner of Rose Court, 265'± West of Lloyds Lane).

**Number of Lots / Acres:** 2 Lots / 5.0± Acres

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

Council District 6

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

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

- 1) placement of a note on the Final Plat stating that there will be no future subdivision of either lot until Rose Court is improved to City Engineering standards;
- 2) the placement of a note on the final plat stating that Lot A is limited to one curb-cut, while Lot B is limited to two curb-cuts, with the size, location, and design to be approved by Traffic Engineering;
- 3) depiction and labeling of the 25-foot building setback on the final plat;
- 4) depiction and labeling of the area of each lot in square feet on the final plat;
- 5) 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;
- 6) compliance with Engineering comments: *“The following comments should be addressed prior to acceptance and signature by the City Engineer: 1. Add a signature block for the Traffic Engineer. 2. Add a note that states that stormwater detention will be required if there is an addition of more than 4,000 square feet of impervious area on the existing 5.0 ac lot; either on Lot A, on Lot B, or a combination thereof. 3. Provide all other information required for a Final Plat review;”* and,
- 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.”*

The motion carried unanimously.

**Case #SUB2012-00058**

**Laughlin Industrial Park Subdivision, Re-subdivision of Lots 4 & 5**

(Area bounded by Laughlin Court, Laughlin Drive and Laughlin Drive South)

**Number of Lots / Acres:** 2 Lots / 2.2± Acres

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

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

July 5, 2012

Planning Commission Meeting

- 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 each lot is limited to two (2) curb-cuts, with the size, design, and exact location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 4) 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;
- 5) subject to the Engineering comments: *"The following comments should be addressed prior to acceptance and signature by the City Engineer: 1. Add a signature block for the Traffic Engineer. 2. Provide all other information required for a Final Plat review;"* and,
- 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."*

The motion carried unanimously.

**Case #SUB2012-00059**

**Frazer- Suffich Subdivision**

119 Upham Street, 120 & 124 Frazier Court

(West side of Upham Street, 415'± North of Old Shell Road extending to the East side of Frazier Court at its North terminus).

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

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

Council District 1

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

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

- 1) retention of the dedication to provide 25' from the centerline of Upham Street to the City of Mobile;
- 2) successful vacation of the 7.5' drainage and utility easement;
- 3) retention of the 25-foot minimum building setback line along all right-of-way frontages;
- 4) retention of the lot labels with sizes in square feet and acres, or placement of a table on the plat with the same information;

July 5, 2012

Planning Commission Meeting

- 5) compliance with Engineering comments: *“Add a signature block for the Traffic Engineer. Correct the flood zone note; and show and label the existing flood zones. Provide all other information required for a Final Plat review;”*
- 6) compliance with Fire Department comments: *“All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;”*
- 7) placement of a note on the Final Plat limiting Lot A to one curb-cut to Frazer Court and Lot B to the two existing curb-cuts to Upham Street, with the size, design, and location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards; and,
- 8) 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 #SUB2012-00042**

**Iain Frost Subdivision**

435 Dykes Road South

(East side of Dykes Road, 160'± South of Turmac Road).

**Number of Lots / Acres:** 4 Lots / 5.4± Acres

**Engineer / Surveyor:** Polysurveying Engineering – Land Surveying County

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

Brett Orrell, Polysurveying, spoke on behalf of the applicant and made the following points:

- A. originally submitted back in 2011;
- B. applicant has since thought of a different way to configure the lots;
- C. same number of lots, just shifting some things around;
- D. goal of the applicant is to have a circular drive;
- E. asked the commission to waive the width/depth ratio for Lot 4 as well as the size and shape;

Mr. Olsen stated that if the Commission would like to approve this application the staff does not have conditions prepared. He suggested that the application be held over for the staff to prepare conditions for possible approval.

The Chair asked Mr. Orrell if a holdover would be ok.

Mr. Orrell responded that would be fine.

July 5, 2012

Planning Commission Meeting

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the August 2, 2012 to allow staff to prepare conditions for possible approval.

The motion carried unanimously.

**GROUP APPLICATIONS:**

**Case #SUB2012-00049 (Subdivision)**

**AHEPA Subdivision**

2550 Hillcrest Road

(West side of Hillcrest Road, 290'± South of Cottage Hill Road).

**Number of Lots / Acres:** 1 Lot / 4.8± Acres

**Engineer / Surveyor:** Speaks & Associates, Consulting Engineers, Inc.

Council District 6

(Also see **Case #ZON2012-01414 (Planned Unit Development) AHEPA 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. Olsen stated that the staff inadvertently omitted the Engineering comments from the recommendation and Mr. Palombo has those to give to the applicant.

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

- 1) **dedication to provide 50-foot right-of-way from the centerline of Hillcrest Road;**
- 2) **placement of a note on the Final Plat stating the development is limited to the existing curb-cut onto Hillcrest Road, and any improvements to the curb-cut be approved by Traffic Engineering and comply with AASHTO standards;**
- 3) **compliance with Engineering comments: *“Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, 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 development will need to be in conformance with the Stormwater 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 Stormwater Runoff Control. A complete set of construction plans for the site work (including drainage, utilities, grading, stormwater systems, paving) will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work;”*

- 4) **subject to the Fire Department Comments: “All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;”**
- 5) **revision of the Final Plat to label the lot with its size in square feet/acres, or placement of a table on the plat with the same information;**
- 6) **submission of two copies of the revised PUD site plan prior to the signing of the Final Plat;**
- 7) **placement of a note on the plat stating that maintenance of all common areas and detention areas is the responsibility of the property owners; and,**
- 8) **placement of a note on the plat stating that the approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species prior to the issuance of any permits or land disturbance activities, as depicted on the preliminary plat.**

The motion carried unanimously.

**Case #ZON2012-01414 (Planned Unit Development)**

**AHEPA Subdivision**

2550 Hillcrest Road

(West side of Hillcrest Road, 290'± South of Cottage Hill Road).

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

Council District 6

(Also see Case #SUB2012-00049 (Subdivision) **AHEPA 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 Dr. Rivizzigno, with second by Mr. Miller, to approve the above referenced matter, subject to the following conditions:

- 1) **dedication to provide 50-foot right-of-way from the centerline of Hillcrest Road;**
- 2) **compliance with Engineering comments: “Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, 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 development will need to be in conformance with the Stormwater 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 Stormwater Runoff Control. A complete set of construction plans for the site work (including drainage, utilities, grading, stormwater systems, paving) will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work;”*

- 3) **subject to the Fire Department Comments: “All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;”**
- 4) **placement of Urban Forestry comments as a note on the site plan, as depicted on the preliminary plat: “Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64;”**
- 5) **lighting of the parking area and site must comply with Sections 64-4.A.2 and 64-6.A.3.C of the Zoning Ordinance;**
- 6) **compliance with the Buffer Requirements of Section 64-4.D.1.;**
- 7) **the submission of two (2) copies of the revised site plan illustrating all conditions for recommendation of approval;**
- 8) **completion of the Subdivision process; and,**
- 9) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**Case #SUB2012-00054 (Subdivision)**

**Dawson Estates Subdivision, Re-subdivision of Lot 1**

North terminus of Dawson Drive

**Number of Lots / Acres:** 1 Lot / 0.4± Acre

**Engineer / Surveyor:** Don Williams Engineering

Council District 4

(Also see **Case #ZON2012-01429 (Planned Unit Development) Dawson Estates Subdivision, Re-subdivision of Lot 1**, 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. Miller, with second by Mr. DeMouy, to approve the above referenced matter, subject to the following conditions:

- 1) compliance with Engineering comments: *“1. On the plat, show the location (if any) of wetlands or state that there are no wetlands present if applicable. 2. Provide all other information required for a Final Plat review;”*
- 2) placement of a note on the Final Plat that the lot is limited to one (1) curb-cut, with the size, design, and location to be approved by Traffic Engineering and to conform with AASHTO standards;
- 3) depiction and labeling of the 20-foot minimum building setback line on the final plat;
- 4) labeling of the lot size in square feet on the Final Plat;
- 5) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;
- 6) placement of a note on the Final Plat stating that the approval of all applicable federal, state, and local agencies is required for floodplain issues prior to the issuance of any permits or land disturbance activities;
- 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) submission of a revised PUD site plan prior to the signing of the final plat; and,
- 9) recording of the final plat prior to any request for permits.

The motion carried unanimously.

**Case #ZON2012-01429 (Planned Unit Development)  
Dawson Estates Subdivision, Re-subdivision of Lot 1**

North terminus of Dawson Drive

Planned Unit Development to allow reduced front yard setbacks.

Council District 4

(Also see Case #SUB2012-00054 (Subdivision) Dawson Estates Subdivision, Re-subdivision of Lot 1, 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. Miller, with second by Mr. DeMouy, to approve the above referenced matter, subject to the following conditions:

- 1) revision of the site plan to depict and label a front setback of 20 feet, side yard setbacks of 10 feet each, a rear yard setback of 15 feet, and a maximum site coverage of 29%;

- 2) compliance with Engineering comments: *“1. On the plat, show the location (if any) of wetlands or state that there are no wetlands present if applicable. 2. Provide all other information required for a Final Plat review;”*
- 3) placement of a note on the site plan that the lot is limited to one (1) curb-cut, with the size, design, and location to be approved by Traffic Engineering and to conform with AASHTO standards
- 4) revision of the site plan to depict parking for two vehicles outside of the front setback area, as well as any driveway (noting that the lot is limited to one curb-cut);
- 5) revision of the site plan to depict any HVAC, generators, or similar items that will be placed on site, to ensure that they meet all required setbacks;
- 6) labeling of the lot size in square feet on the site plan;
- 7) placement of a note on the site plan 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;
- 8) placement of a note on the site plan stating that the approval of all applicable federal, state, and local agencies is required for floodplain issues prior to the issuance of any permits or land disturbance activities;
- 9) compliance with Fire comments: *“All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;”* and,
- 10) submission of a revised PUD site plan prior to the signing of the final plat.

The motion carried unanimously.

**Case #SUB2012-00055 (Subdivision)**

**Creel Company Subdivision**

3804 Norwood Lane

(North side of Norwood Lane, 70'± West of Stimpson Lane [not open] extending to the South side of Isabella Lane [not open] 100'± West of Stimpson Lane [not open]).

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

**Engineer / Surveyor:** Derek Peterson – Land Use Consultant

Council District 1

(Also see **Case #ZON2012-01430 (Rezoning) The Creel Company Inc.**, below)

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

Derek Peterson, 8081 Oakhill Dr., Semmes, spoke on behalf of the applicant and made the following points:

- A. Norwood Lane is heavy traffic with tow trucks, tractor trailers and other large

July 5, 2012

Planning Commission Meeting

- industrial equipment;
- B. property is completely surrounded by industrial uses;

Mr. Olsen stated that while Mr. Peterson is correct about many of the surrounding uses, the application at hand did not have a site plan with it to show how the property was being developed. The site also has been somewhat developed and used without any approvals or permits. The staff needs to know how the site is going to be developed and there would be potentially some paving requirements. If it is being used in conjunction with a business across the street a Planned Unit Development would be appropriate as well.

Mr. Peterson stated that there is no development proposed, so a site plan would not show anything other than what has been provided. It's simply a storage yard for equipment; no buildings will be developed.

Mr. Plauche asked Mr. Peterson if he would need a holdover.

Mr. Peterson stated that he did not, and questioned why he would need to holdover the application.

Mr. Olsen responded that Mr. Peterson needed to submit a site plan. I-1 zoning does not allow aggregate.

Mr. Peterson stated that there was a site plan he submitted showing substandard surfacing. The applicant has submitted to the Board of Zoning Adjustment for aggregate surfacing because of the tractors and dozers that would rip up any asphalt that they would provide.

Mr. Watkins questioned if there was a site plan with the Board of Adjustment application. He stated that Mr. Peterson is referring to a site plan and the staff states that they do not have one.

Mr. Olsen responded that there is a site plan, but it simply shows a dash line and an existing aggregate surface storage yard.

Mr. Olsen stated that approval of the application would require full compliance with frontage tree plantings and landscaping. Circulation of storage of the vehicles needs to be shown also. The site plan as it is is not sufficient for staff to recommend for approval.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by, Mr. DeMouy to hold the matter over until the August 2, 2012, meeting so that the applicant can submit a revised site plan by July 16, 2012.

The motion carried unanimously.

July 5, 2012

Planning Commission Meeting

**Case #ZON2012-01430 (Rezoning)**

**The Creel Company Inc.**

3804 Norwood Lane

(North side of Norwood Lane, 70'± West of Stimpson Lane [not open] extending to the South side of Isabella Lane [not open] 100'± West of Stimpson Lane [not open]).

Rezoning from R-1, Single-Family Residential District, to I-1, Light Industry District, to allow a contractors storage yard.

Council District 1

(Also see **Case #SUB2012-00055 (Subdivision) Creel Company Subdivision**, above)

The Chair announced the Zoning application had been recommended for denial, but the Subdivision application 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. Plauche, with second by, Mr. DeMouy to hold the matter over until the August 2, 2012, meeting so that the applicant can submit a revised site plan by July 16, 2012.

The motion carried unanimously.

**Case #SUB2012-00040 (Subdivision)**

**International Longshoremen's Associations Place Subdivision**

505 Dr. Martin Luther King, Jr. Avenue, 251, 253 and 255 North Hamilton Street, and 256 North Lawrence Street.

(Northeast corner of North Lawrence and State Street and extending East to North Hamilton Street and North to Dr. Martin Luther King Jr. Avenue).

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

**Engineer / Surveyor:** Erdman Surveying LLC

Council District 2

(Also see **Case #ZON2012-01422 (Planned Unit Development) International Longshoremen's Associations Place Subdivision**, below)

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

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. DeMouy, with second by Mr. Watkins, to waive Section V.D.9., to approve the above referenced matter, subject to the following conditions:

- 1) **placement of a note on the final plat stating that the minimum building setback shall be determined by the applicable zoning district;**

- 2) compliance with Engineering comments: *“1.) Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2.) Any and all proposed development will need to be in conformance with the Stormwater 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 Stormwater Runoff Control. 3.) A complete set of construction plans for the site work (including drainage, utilities, grading, stormwater systems, paving) will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work;”*
- 3) compliance with Fire comments: *“All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;”*
- 4) retention of the lot size information in square feet on the final plat;
- 5) retention of the corner radius dedication on the final plat;
- 6) placement of a note on the final plat stating that the lot is limited to the existing curb-cuts (one to State Street, one to North Lawrence Street), with any change in size or location to be approved by Traffic Engineering, and to conform to AASHTO standards;
- 7) 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;
- 8) placement of a note on the Final Plat stating that the approval of all applicable federal, state, and local agencies will be required for flood issues prior to the issuance of any permits or land disturbance activities; and,
- 9) completion of the Subdivision process prior to any request for Certificate of Occupancy or Letters of Substantial Completion for work on the existing building, if applicable.

The motion carried unanimously with Mr. Turner recusing from the vote.

**Case #ZON2012-01422 (Planned Unit Development)**

**International Longshoremen’s Associations Place Subdivision**

505 Dr. Martin Luther King, Jr. Avenue, 251, 253 and 255 North Hamilton Street, and 256 North Lawrence Street.

(Northeast corner of North Lawrence and State Street and extending East to North Hamilton Street and North to Dr. Martin Luther King Jr. Avenue).

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

Council District 2

(Also see Case #SUB2012-00040 (Subdivision) **International Longshoremen’s**

**Associations Place Subdivision**, above)

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

The applicant requested the matter be withdrawn from consideration that day.

Hearing no opposition or discussion, the Commission accepted the applicant's request to withdraw the matter.

The motion carried unanimously with Mr. Turner recusing from the vote.

**Case #SUB2012-00052 (Subdivision)**

**McRee Place Subdivision**

3916 Old Shell Road

(Northeast corner of Old Shell Road and Provident Lane).

**Number of Lots / Acres:** 4 Lots / 1.3± Acres

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

Council District 7

(Also see **Case #ZON2012-01424 (Planned Unit Development) McRee Place Subdivision**, 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 discussion, a motion was made by Mr. Plauche, with second by, Dr. Rivizzigno to hold the matter over until the August 2, 2012, meeting to allow the applicant to revise the plat to address the following items:

- 1) **revision of the plat to label each lot with its size in square feet and acres, after any required dedication, or the furnishing of a table on the plat providing the same information;**
- 2) **revision of the plat to indicate any required dedication to provide 25' from the centerline of Provident Lane, or revision of the plat to indicate such currently exists;**
- 3) **revision of the plat to illustrate a 20' side yard setback for Lots 1 and 4 along Provident Lane, as measured from any required dedication;**
- 4) **revision of the plat to indicate dedication of 25' corner radii at the intersection of McRee Lane and Provident Lane;**
- 5) **revision of the plat to indicate dedication to provide a 25' corner radius at the intersection of Old Shell Road and Provident Lane; and,**
- 6) **revision of the plat to indicate a 50' right-of-way for McRee Lane, in compliance with Section VIII.E.2.c of the Subdivision Regulations, and showing the private street in compliance with IFC requirements.**

The motion carried unanimously.



**Case #ZON2012-01424 (Planned Unit Development)**

**McRee Place Subdivision**

3916 Old Shell Road

(Northeast corner of Old Shell Road and Provident Lane).

Planned Unit Development approval to allow a private street subdivision with reduced front and side yard setbacks and increased site coverage.

Council District 1

(Also see **Case #SUB2012-00052 (Subdivision) McRee Place 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 discussion, a motion was made by Mr. Plauche, with second by, Dr. Rivizzigno to hold the matter over until the August 2, 2012, meeting to allow the applicant to revise the plat to address the following items:

- 1) **revision of the site plan to illustrate the site configuration after any required street frontage dedications;**
- 2) **revision of the site plan to illustrate a 20' building setback line for Lots 1 and 4 off Provident Lane, after any required dedication;**
- 3) **verification that the detention area can accommodate the increased site coverage after losing any area from required dedications;**
- 4) **revision of the site plan to indicate a 50' right-of-way for McRee Lane, in compliance with Section VIII.E.2.c of the Subdivision Regulations, and showing the private street in compliance with IFC requirements;**
- 5) **revision of the site plan to indicate gates, if planned, on the private street meeting the vehicle stacking requirements of Section 64-4.F.2. of the Zoning Ordinance;**
- 6) **revision of the site plan to illustrate a perimeter fence or wall, if planned;**
- 7) **revision of the site plan to illustrate compliant public sidewalks along Old Shell Road and Provident Lane, or the submittal of a Sidewalk Waiver application; and,**
- 8) **revision of the site plan to omit the building footprints.**

The motion carried unanimously.

**Case #SUB2012-00051 (Subdivision)**

**Broad Palmetto Subdivision**

202 South Broad Street

(West side of South Broad Street, 55'± South of Palmetto Street and extending West to the South side of Palmetto Street, 130'± West of South Broad Street).

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

**Engineer / Surveyor:** Polysurveying Engineering – Land Surveying  
Council District 2

July 5, 2012

Planning Commission Meeting

(Also see **Case #ZON2012-01421 (Planned Unit Development) Broad Palmetto Subdivision**, and, **Case #ZON2012-01420 (Rezoning) Michael Rost**, 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.

Forrest McCaughn, spoke on his own behalf and made the following points:

- A. this is the second submission, the first was denied;
- B. has met with the Urban Development Department and worked out all of the problems we had on the first submission;
- C. the neighborhood consists of substandard lots;
- D. there are as many substandard lots as there are standard lots;
- E. the character of the neighborhood is not a series of 4 acre lots; that would be inconsistent with the neighborhood;
- F. the idea that it would be spot zoning is simply not true;

Mr. Olsen stated that Mr. McCown did have a meeting with the staff and some information did not get passed on as it should have. Mr. Olsen asked that if it was ok with the applicant and the commission he would like to request to have this application heldover to the next meeting.

Richard Deacon, 204 South Broad St., spoke in favor of the matter. He stated that he has lived next door to the property for the past 10 years. In those 10 years he has seen boarding houses and crack houses; he stated that a law office would be a lot better choice than what they have had for the last several years.

Mike Breland, 4824 Mercedes Rd, spoke in favor of the matter. He felt like if it was approved it would make the property look more professional and increase property values.

The following people spoke in opposition to the matter:

- Ben Cummings, 1011 Augusta St, Mobile;
- David Bolka, 906 Palmetto St, Mobile;
- Gains Slade, 915 Palmetto St, Mobile;
- Tom Host, 262 South Broad St, Mobile;

They made the following points against the application:

- A. would prefer that the application not be heldover;
- B. in agreement with the staff's recommendations;
- C. the applicant's have done a fabulous job renovating the house on Broad St;
- D. believes this project will be a detriment to the neighborhood;
- E. in the 14 years he has lived in Oakleigh he has seen commercial properties converted back to their original residential state;

July 5, 2012

**Planning Commission Meeting**

- F. this project will be counter productive to all the good that has occurred in Oakleigh;
- G. the lots that will be created are irregular and not proportional to the other lots;
- H. the proposed residential lot is 60ft wide and 75ft deep;
- I. if the lot containing the historic home is allowed to be rezoned to RB then uses are not desirable will be allowed;
- J. the applicant has stated that the proposed use will be a law office, but the zoning ordinance allows many other uses;
- K. the asphalt lot will interfere with absorption of storm water on the lot and it will cause it to back up on the properties to the south and west of the southern boundary;
- L. already a lot of crime in the area;
- M. parking lot will not be seen from the street which will facilitate more crime issues;
- N. putting a parking lot on the roots of the live oaks is a concern;

In deliberation, Mr. Turner stated that he felt as if both groups wanted to the same thing, for the area to be revitalized. But, there is some resistance in both groups. It seems like the gentleman that is doing the development has done a great job taking on the project. The Commission has to look at the families that are already there and it seems they're resisting this. He added that he would like to see the application heldover.

Dr. Rivizzigno stated that if she was considering approving the application that she felt like the Commission should remove the access to Palmetto Street and the asphalt needed to be changed to a different surfacing.

Mr. Olsen added that the reason the lot will have access to Palmetto is because the access on Broad is not adequate; it does not meet the minimum width under the zoning ordinance.

Hearing no further opposition or discussion, a motion was made by Mr. Turner, with second by, Mr. Miller to hold the matter over until the August 2, 2012, meeting to allow the staff to address internal communication issues and to allow the applicant to meet with neighbors to address concerns.

The motion carried unanimously.

**Case #ZON2012-01421 (Planned Unit Development)**

**Broad Palmetto Subdivision**

202 South Broad Street

(West side of South Broad Street, 55'± South of Palmetto Street and extending West to the South side of Palmetto Street, 130'± West of South Broad Street).

Planned Unit Development Approval to allow reduced lot size and reduced setbacks in a proposed subdivision

Council District 2

(Also see **Case #SUB2012-00051 (Subdivision) Broad Palmetto Subdivision**, above,

July 5, 2012

**Planning Commission Meeting**

and, **Case #ZON2012-01420 (Rezoning) Michael Rost**, below)

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

Hearing no further opposition or discussion, a motion was made by Mr. Turner, with second by, Mr. Miller to hold the matter over until the August 2, 2012, meeting to allow the staff to address internal communication issues and to allow the applicant to meet with neighbors to address concerns.

The motion carried unanimously.

**Case #ZON2012-01420 (Rezoning)**

**Michael Rost**

202 South Broad Street

(West side of South Broad Street, 55'± South of Palmetto Street and extending West to the South side of Palmetto Street, 130'± West of South Broad Street). Rezoning from R-1, Single-Family Residential District, to R-B, Residential-Business District, to allow conversion of a dwelling into a professional office building.

Council District 2

(Also see **Case #SUB2012-00051 (Subdivision) Broad Palmetto Subdivision**, and, **Case #ZON2012-01421 (Planned Unit Development) Broad Palmetto Subdivision**, above)

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

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by, Mr. Miller to hold the matter over until the August 2, 2012, meeting to allow the staff to address internal communication issues and to allow the applicant to meet with neighbors to address concerns.

The motion carried unanimously.

**Case #SUB2012-00060 (Subdivision)**

**Highland Professional Park Subdivision, Re-subdivision of Lots 2 & 3, Re-subdivision of Lots 2B**

6144 Airport Boulevard

(North side of Airport Boulevard, 150'± West of Highland Woods Drive East).

**Number of Lots / Acres:** 2 Lots / 7.6± Acres

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

Council District 6

(Also see **Case #ZON2012-01448 (Planned Unit Development) Highland Professional Park Subdivision, Re-subdivision of Lots 2 & 3, Re-subdivision of Lots**

July 5, 2012

Planning Commission Meeting

2B, 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.

Darrell Johnston, 608 Highland Woods Dr. E, wanted some more information on the application.

Mr. Olsen stated that the lot line is being moved south, so the Orthopedic Center can increase their parking. That is the only change that is being proposed via this application.

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 the 15' buffer along the East property line, as shown on the plat submitted, and required by the original approval;**
- 2) **provision that the subdivision be completed prior to the issuance of any permits;**
- 3) **placement of a note on the plat stating that maintenance of all common areas and detention areas is the responsibility of the property owners; and,**
- 4) **placement of a note on the Final Plat stating that the approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species prior to the issuance of any permits or land disturbance activities, as depicted on the preliminary plat.**

The motion carried unanimously.

**Case #ZON2012-01448 (Planned Unit Development)**

**Highland Professional Park Subdivision, Re-subdivision of Lots 2 & 3, Re-subdivision of Lots 2B**

6144 Airport Boulevard

(North side of Airport Boulevard, 150'± East of Highland Woods Drive East).

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 #SUB2012-00060 (Subdivision) Highland Professional Park Subdivision, Re-subdivision of Lots 2 & 3, Re-subdivision of Lots 2B**, 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

July 5, 2012

Planning Commission Meeting

Dr. Rivizzigno, to approve the above referenced matter, subject to the following conditions:

- 1) **limited to the site plan submitted, any significant modification will require new application(s) to the Planning Commission;**
- 2) **provision of the 15' buffer and 6' privacy fence along the East property line, as shown on the plan submitted (and required by the original approval), buffer area to be landscaped;**
- 3) **compliance with Sections 64-4.A.2 and 64-6.A.3.C of the Zoning Ordinance;**
- 4) **compliance with the tree and landscaping requirements of the Zoning Ordinance for new construction; and,**
- 5) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**Case #SUB2012-00053 (Subdivision)**

**Airport-Providence Subdivision**

6576 Airport Boulevard

(North side of Airport Boulevard, 260'± East of Huntleigh Way).

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

**Engineer / Surveyor:** Don Williams Engineering, Inc

Council District 6

(Also see **Case #ZON2012-01426 (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 Section V.D.3., 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 along the Airport Boulevard Service Road;**
- 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: *“1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. Any and all proposed development will need to be in conformance with the Stormwater Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 3. A complete set of construction plans for the site work (including drainage, utilities, grading, stormwater systems, paving) will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. 4. Provide all required information for a Final Plat review;”*
- 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) verification that the required rear privacy fence or wall has been installed, with permits, prior to signing the Final Plat; and,
- 9) submittal of two copies of a revised PUD site plan prior to signing the Final Plat.

The motion carried unanimously.

**Case #ZON2012-01426 (Planned Unit Development)**

**Airport-Providence Subdivision**

6576 Airport Boulevard

(North side of Airport Boulevard, 260'± East of Huntleigh Way).

Planned Unit Development Approval to allow shared access, parking and maneuvering between multiple building sites.

Council District 6

(Also see **Case #SUB2012-00053 (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:

July 5, 2012

Planning Commission Meeting

- 1) revision of the site plan to illustrate the 25' minimum building setback line along all lots along the Airport Boulevard Service Road;
- 2) revision of the site plan to provide a 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, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. Any and all proposed development will need to be in conformance with the Stormwater Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 3. A complete set of construction plans for the site work (including drainage, utilities, grading, stormwater systems, paving) will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. 4. Provide all required information for a Final Plat review;”*
- 7) 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;”*
- 8) verification that the required rear privacy fence or wall has been installed, with permits, prior to signing the Final Plat for the Subdivision; and,
- 9) submittal of two copies of a revised site plan prior to signing of the Final Plat for the Subdivision.

The motion carried unanimously.

**Case #ZON2012-01425 (Planned Unit Development)**

**Gulf Coast Asphalt Company**

835 Cochrane Causeway

(West side of Cochrane Causeway, 1.0 ± mile North of Bankhead Tunnel).

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

Council District 2



July 5, 2012

Planning Commission Meeting

(Also see Case #ZON2012-01518 (Planning Approval) Gulf Coast Asphalt Company, 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. Watkins, with second by Mr. Turner, to approve the above referenced matter, subject to the following conditions:

- 1) **compliance with Engineering comments:** *“Any and all proposed development will need to be in conformance with the Stormwater 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 Stormwater Runoff Control. A complete set of construction plans for the site work (including drainage, utilities, grading, stormwater systems, paving) will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work;”*
- 2) **compliance with Fire Department comments:** *“All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;”*
- 3) **illustration of the location of any dumpster or waste storage area on the site plan;**
- 4) **approval of all applicable federal, state, and local agencies prior to the issuance of any permits;**
- 5) **full compliance with all municipal codes and ordinances; and,**
- 6) **the submission of two (2) copies of the revised site plan illustrating all conditions for recommendation of approval.**

The motion carried unanimously.

**Case #ZON2012-01518 (Planning Approval)**

**Gulf Coast Asphalt Company**

835 Cochrane Causeway

(West side of Cochrane Causeway, 1.0 ± mile North of Bankhead Tunnel).

Planning Approval to amend a previously approved Planning Approval to allow a bulk petroleum storage facility in an I-2, Heavy-Industry District.

Council District 2

(Also see Case #ZON2012-01425 (Planned Unit Development) Gulf Coast Asphalt Company, 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.

July 5, 2012

**Planning Commission Meeting**

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

- 1) **compliance with Engineering Comments:** *“Any and all proposed development will need to be in conformance with the Stormwater 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 Stormwater Runoff Control. A complete set of construction plans for the site work (including drainage, utilities, grading, stormwater systems, paving) will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work;”*
- 2) **compliance with Fire Department Comments:** *“All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;”*
- 3) **illustration of the location of any dumpster or waste storage area on the site plan;**
- 4) **approval of all applicable federal, state, and local agencies prior to the issuance of any permits, and,**
- 5) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2012-01428 (Planned Unit Development)**

**Dauphin Way United Methodist Church**

1507 Dauphin Street

(South side of Dauphin Street extending from Catherine Street to Lee Street).

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

Council District 2

(Also see **Case #ZON2012-01427 (Planning Approval) Dauphin Way United Methodist Church**, 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. Watkins, with second by Mr. Turner, to approve the above referenced matter, subject to the following conditions:

- 1) **compliance with Engineering comments:** *“Any and all proposed development will need to be in conformance with the Stormwater 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 Stormwater Runoff Control. A complete set of construction plans for the site work (including drainage, utilities, grading, stormwater systems, paving) will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work;”*

- 2) compliance with Fire Department comments: “All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;”
- 3) revision of the site plan to illustrate full compliance with landscaping requirements;
- 4) revision of the site plan to illustrate full compliance with parking requirements;
- 5) revision of the site plan to illustrate a residential buffer to the South of the site as per Section 64-4.D.1. of the Zoning Ordinance;
- 6) placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development approval prior to the issuance of any permits;
- 7) placement of a note on the site plan stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;
- 8) submission of two (2) copies of the revised PUD site plan to the Planning Section of Urban Development prior to the issuance of permits; and,
- 9) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #ZON2012-01427 (Planning Approval)**

**Dauphin Way United Methodist Church**

1507 Dauphin Street

(South side of Dauphin Street extending from Catherine Street to Lee Street).

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

Council District 2

(Also see **Case #ZON2012-01428 (Planned Unit Development) Dauphin Way United Methodist Church**, 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. Watkins, with second by Mr. Turner, to approve the above referenced matter, subject to the following conditions:

- 1) compliance with Engineering comments: *“Any and all proposed development will need to be in conformance with the Stormwater 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 Stormwater Runoff Control. A complete set of construction plans for the site work (including drainage, utilities, grading, stormwater systems, paving) will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work;”*
- 2) compliance with Fire Department comments: *“All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;”*
- 3) placement of a note on the site plan stating that changes to the scope of operations for Dauphin Way United Methodist Church will require a new application for Planning Approval;
- 4) revision of the site plan to illustrate full compliance with landscaping revision requirements;
- 5) revision of the site plan to illustrate full compliance with parking requirements;
- 6) revision of the site plan to illustrate a residential buffer to the South of the site as per Section 64-4.D.1. of the Zoning Ordinance;
- 7) placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development approval prior to the issuance of any permits;
- 8) placement of a note on the site plan stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;
- 9) submission of two (2) copies of the revised Planning Approval site plan to the Planning Section of Urban Development prior to the issuance of any permits; and,
- 10) full compliance with all municipal codes and ordinances.

The motion carried unanimously.


**OTHER BUSINESS:**


A motion was made by Mr. Plauche, with second by Mr. DeMouy, to approve the 2012-2013 Meeting & Deadline Schedule.

Hearing no further business, the meeting was adjourned.

**July 5, 2012**  
**Planning Commission Meeting**

**APPROVED:** August 8, 2013

  
\_\_\_\_\_  
Dr. Victoria Rivizzigno, Secretary

  
\_\_\_\_\_  
Terry Plauche, Chairman

jpw

