

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF June 6, 2013 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William G. DeMouy, Jr.
Victoria L. Rivizzigno, Secretary
James F. Watkins, III
John Vallas
Tracie Lee-Roberson
Scott Webster
John Williams
Roosevelt Turner
Don Hembree
Jarret Wingfield

Members Absent

Carlos Gant

Urban Development Staff Present

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

Others Present

John Lawler,
Assistant City Attorney
George Davis,
City Engineering
Marybeth Bergin,
Traffic Engineering
Billy Roach
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 #SUB2013-00020 (Subdivision)

Nurfio Subdivision

6606 Old Shell Road
(North side of Old Shell Road, 285'± West of Dickens Ferry Road).

Number of Lots Acres: 1 Lot / 1.7± Acre

Engineer / Surveyor: Don Williams Engineering

Council District 7

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

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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 Engineering, spoke on behalf of the applicant and made the following points:

- A. property is currently a house on Old Shell Road;
- B. it is surrounded by commercial properties;
- C. the neighbor to the north is the University of South Alabama;
- D. a real estate office would like to move into this property;
- E. parking will be in the front yard , to handicap accessibility easier;
- F. applicant will put in 6 over-story trees to buffer the assisted living center;
- G. feels like a real estate office is a compatible use to the neighborhood.

Mr. Olsen noted that the application was recommended for approval, but the staff still felt like it was not a good zoning decision. However, the commission indicated to staff that they would like to see a recommendation for approval with conditions.

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

- 1) **placement of a note on the final plat stating that access to Old Shell Road is limited to one curb cut, with size location, and design to conform to ASHTO standards and approved by the Traffic Engineer;**
- 2) **the 25' minimum building setback line be illustrated on the Final Plat, as it is on the Preliminary Plat submitted;**
- 3) **the lot size be noted in both acreage and square footage;**
- 4) **placement of a note on the final plat stating that approval of all applicable federal, state and local environmental agencies for wetlands or floodplain issues is required prior to the issuance of any permits or land disturbance activities;**
- 5) **placement of a note on the final plat stating that approval of all applicable Federal, state and local agencies for endangered, threatened or otherwise protected species is required prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

Case #ZON2013-00455 (Rezoning)

Richard & Rachel Nurfio

6606 Old Shell Road

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

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

Council District 7

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

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

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

- 1) **completion of the subdivision process;**
- 2) **obtaining of all proper permits for commercial use (to replace all residential permits previously obtained – to be the under the building code in force at the time of commercial permits being issued), all appropriate inspections, and issuance of a CO prior to issuance of zoning certification, business license, sign permit, or the commercial occupancy of the site;**
- 3) **the site be brought into compliance to the greatest degree practicable with landscaping and tree planting requirements;**
- 4) **provision of an 8' privacy fence along the East property line, adjacent to the assisted living facility, supplemented by planting of required frontage trees that cannot be planted along the road frontage to provide additional buffering; and**
- 5) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2013-00029

Financial Plaza Subdivision

41 West I-65 Service Road North

(Southwest corner of West I-65 Service Road North and College Lane South).

Number of Lots / Acres: 1 Lot / 4.2± Acres

Engineer / Surveyor: Rowe Surveying and Engineering

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

- 1) **revision of the plat to indicate at least a 150' width from the centerline of I-65 currently exists, or dedication sufficient to provide 150' from the**

- centerline of I-65;
- 2) subject to the Engineering comments: *(Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). Dedicate a radius (minimum 25' radius) at the corner of College Lane South and the West I-65 Service Rd N. Final location to be approved by the City Engineer and Traffic Engineer.);*
 - 3) subject to Traffic Engineering comments: *(Driveway number, size, location, and design to be approved by Traffic Engineering (including required curb radii and existing curb cuts) and conform to AASHTO standards.);*
 - 4) subject to the Urban Forestry comments: *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).);and*
 - 5) 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 #SUB2013-00033

Gulf Coast Federal Credit Union Commercial Subdivision, Resubdivision of

1001 Springhill Avenue

(South side of Springhill Avenue, 150'± East of North Pine Street extending to the East terminus of Oak Street).

Number of Lots / Acres: 1 Lot / 1.1± Acre

Engineer / Surveyor: John Farrior Crenshaw

Council District 2

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

Hearing no opposition or discussion, a motion was made by Mr. DeMouy, with second by Dr. Rivizzigno, to waive Section V.B14 of the Subdivision Regulations regarding right-of-way widths for Oak Street and Section V.D.9. of the Subdivision Regulations regarding the 25-foot front setback and to approve the above referenced matter, subject to the following conditions:

- 1) **placement of a note on the Final Plat stating that the lot is limited to the two existing curb cuts to Springhill Avenue and one curb cut to Oak Street, with the size, design, and exact location of the curb cut to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards;**

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- 2) placement of a note on the Final Plat stating that if the lot is ever rezoned to a classification other than B-4, General Business District, then the required front yard for that zoning district shall be the required front yard;
- 3) compliance with Engineering comments: (*The following comments should be addressed prior to review, acceptance and signature by the City Engineer:*
 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes).
 2. Provide a signature block and signature from the Traffic Engineering Department.
 3. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045).
 4. Show/label the MFFE on Lot 1);
- 4) placement of a note on the plat stating that approval of all applicable Federal, state and local agencies is required for flooding issues, if any, prior to the issuance of any permits or land disturbance activities; and
- 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.

The motion carried unanimously.

Case #SUB2013-00031

Jerry & Rose Patrick Subdivision

2433 & 2451 Hammock Road

(South side of Hammock Road, 1200'± West of Lake Road South).

Number of Lots / Acres: 2 Lots / 10.0± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying County

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

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

- 1) retention of the 25' minimum building setback line;
- 2) retention of the lot size, in square feet and acres, or provision of a table on the Final Plat with the same information;
- 3) 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;

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- 4) placement of a note on the Final Plat stating the site must comply with the City of Mobile storm water and flood control ordinances: *(Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits.);*
- 5) compliance with Fire Department comments *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);*
- 6) placement of a note on the Final Plat stating that approval of all applicable Federal, state and local agencies is required for wetland issues, if any, prior to the issuance of any permits or land disturbance activities;
- 7) placement of a note on the Final Plat limiting Lots 1 to one curb cut to Hammock Road, and Lot 2 to the two existing curb cuts, with the size, design, and location of the curb cuts to be approved by Mobile County 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 #SUB2013-00032

Claremont Hillcrest Subdivision

6354 Sarasota Drive

(Northeast corner of Sarasota Drive and Hillcrest Road).

Number of Lots / Acres: 2 Lots / 0.3± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

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.

Brett Orrell, Polysurveying, spoke on behalf of the applicant and requested a holdover until the August meeting.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the August 8, 2013 meeting, with modification due by June 17.

The motion carried unanimously.

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Case #SUB2013-00035

Charlton Family Division Subdivision

2956 Busby Road

(South terminus of Busby Road).

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

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

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

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

- 1) **The lot size information on the preliminary plat should be revised for any required dedication on the final plat;**
- 2) **The final plat should illustrate a dedication to provide 30 feet from centerline as compliant with Section V.D.6. of the Subdivision Regulations manual;**
- 3) **The final plat should be revised to reflect additional dedication of Lot 1 along Busby Road and the dedication of the corner radius;**
- 4) **The 25-foot minimum building setback line should be modified for Lot 1 to reflect dedication and retained elsewhere on the final plat;**
- 5) **Placement of a note on the final plat stating that each lot is limited to one curb-cut, with the size, design and location to be approved by Mobile County Engineering; and**
- 6) **Placement of notes on the final plat relating to endangered/threatened species, buffering of commercial development, and storm water compliance.**

The motion carried unanimously.

Case #SUB2013-00042

Dublin Street Subdivision

1601 Dublin Street East

(Southeast corner of Dublin Street East and Dublin Street

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

Engineer / Surveyor: Cowles, Murphy, Glover & Associates
Council District 2

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.

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John Glover, Cowles, Murphy, Glover & Associates, spoke on behalf of the applicant. He requested that the setback on Dublin Street go to a 5 foot setback and the setback on Dublin Street East go to a 15 foot setback; with the current 25 foot setback on either street it only allows for 49 square foot for available building. He stated that they had increased their right-of-way from 40 foot to 50 foot on Dublin Street and Dublin Street East.

Mr. Olsen asked if Mr. Glover was proposing new construction.

Mr. Glover responded yes and they have a variance application submitted.

Mr. Vallas asked if the Commission's conditional approval would need to be subject to the variance.

Mr. Olsen answered that it would not.

Mr. Hoffman responded that the application to the Board of Adjustment was heard earlier in the week and was held over until next month to allow the Planning Commission to act on their subdivision application.

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

- 1) **revision of the plat to label the lot size in square feet and acres after required dedication, or provision of a table on the Final Plat with the same information;**
- 2) **revision of the plat to provide a corner radius dedication at the intersection of Dublin Street and Dublin Street East, with the size and location to be coordinated with Traffic Engineering and City Engineering;**
- 3) **placement of a note on the Final Plat stating that the site is limited to one curb cut to Dublin Street and one curb cut to Dublin Street East, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) **revision of the plat to illustrate the 5' minimum building setback line along Dublin Street and 15' along Dublin Street East, or whatever may be approved by the Board of Zoning Adjustment, measured from any required dedications;**
- 5) **placement of a note on the Final Plat stating that the site must be developed in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;**
- 6) **subject to the Engineering comments: *(The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1) Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2) Provide a signature block and signature from the Traffic Engineering***

Department. 3) Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). 4) Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII);

- 7) subject to the Traffic Engineering comments: (Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. City of Mobile driveway standards are 24 foot wide with 20 foot radii. Changes must be made to the driveway as shown to meet the standards and eliminate backing into the right-of-way.); and*
- 8) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2013-00043

Joe Mason Subdivision

1412 & 1416 Wolf Ridge Road

(East side of Wolf Ridge Road 200'± North of Moffett Road)

Number of Lots / Acres: 1 Lot / 2.2± Acres

Engineer / Surveyor: Frank A. Dagley & Associates, Inc.

Council District 1

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until August 8, subject to the following conditions, with submission due by June 17:

- 1) Submission of rezoning application to amend the previous approved zoning amendment, to remove the tree preservation note;**
- 2) label Zoning from B-2 to B-3 on the Final Plat;**
- 3) label of the lot size in square feet and acres;**
- 4) dedication to provide 50' from the centerline of Wolf Ridge Road to the City of Mobile;**
- 5) successful application for a Planned Unit Development or obtain demolition permits so that only one structure remains on the site before the signing of the Final Plat;**
- 6) placement of the 25-foot minimum building setback line along all right-of-way frontages;**
- 7) compliance with Engineering comments: (Provide all of the required**

information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes) including the Professional Land Surveyor seal and signature. Provide a signature block and signature from the Planning Commission, Owner(s) (notarized), and the Traffic Engineering Department. Provide a signature block for the City Engineer and the County Engineer. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045). Any work performed in the existing 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). Dedicate additional ROW to provide 50' from the centerline of Wolf Ridge Road. Sidewalk is required to be installed along the Public ROW frontage, unless a sidewalk variance is approved.);

- 8) *compliance with Urban Forestry comments (Preservation status is to be given to the 60" Live Oak Tree and the 66" Live Oak Tree located in the center of the proposed development. Any work on or under these tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.);*
- 9) *compliance with Fire Department comments (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);*
- 10) **placement of a note on the Final Plat limiting the development to one curb cut to Wolf Ridge Road, with the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards;**
- 11) **illustration of frontage along Pringle Drive on the Final Plat;**
- 12) **placement of a note on the Final Plat stating the lot is denied direct access to Pringle Drive; and**
- 13) **placement of a note on the Final Plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

Case #SUB2013-00044

Ringfellow Subdivision, Chuck Vance Addition to

1341 Cody Road North

(West side of Cody Road, 199'± South of Howells Ferry Road).

Number of Lots / Acres: 1 Lot / 1.1± Acre

Engineer / Surveyor: Austin Engineering Company, Inc.

County

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

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

- 1) **dedication of sufficient right-of-way to provide 50' from the centerline of Cody Road;**
- 2) **placement of a note on the Final Plat stating that the site is limited to one curb cut to Cody Road, with the size, location, and design of all curb cuts to be approved by the Mobile County Engineering Department, and conform to AASHTO standards;**
- 3) **adjustment of the 25-foot minimum building setback line to be measured from the dedicated right-of-way along Cody Road;**
- 4) **revisions regarding the legal description of the point of beginning depicted as the northwest corner of lot 2 on the final plat;**
- 5) **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;**
- 6) **placement of a note on the Final Plat stating that development will be designed to comply with the stormwater detention and drainage facilities 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 facilities of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification to be submitted to the Planning Section of Urban Development and County Engineering; and**
- 7) **placement of a note on the final plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species.**

The motion carried unanimously.

Case #SUB2013-00039

G. R. Subdivision

4426 Government Boulevard

(North side of Government Boulevard, 530'± North of Demetropolis Road extending to the East side of Demetropolis Road, 450'± North of Government Boulevard).

Number of Lots / Acres: 2 Lots / 0.8±

Engineer / Surveyor: Wattier 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. Turner, with second by Dr. Rivizzigno, to approve the above referenced matter, subject to the following conditions:

- 1) placement of a note on the final plat stating that Lot 1 is limited to one curb-cut to Demetropolis Road, with the size, design and location of all curb-cuts to be approved by Traffic Engineering and comply with AASHTO standards;
- 2) placement of a note on the final plat stating that Lot 2 is limited to one curb-cut to Government Boulevard (U. S. Highway 90), with the size, design and location of all curb-cuts to be approved by Traffic Engineering and ALDOT, and comply with AASHTO standards;
- 3) depiction of the 25-foot minimum building setback line from all street frontages on the final plat, as required by Section V.D.9. of the Subdivision Regulations;
- 4) the labeling of each lot with its size in square feet, or placement of a table on the plat with the same information;
- 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.*);
- 6) compliance with Engineering comments (*The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. Show width of the asphalt drives connecting to LOT 2 and connecting to the adjacent property to the north along Demetropolis Rd. 3. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045). 4. Any work performed in the existing Demetropolis Rd ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping, or any sidewalk work within the US Highway 90 ROW, 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). 5. Any work performed in the existing US Highway 90 ROW will require an ALDOT permit.*); and
- 7) Placement of a note on the plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.

The motion carried unanimously.

Case #SUB2013-00034

Pinecrest East Subdivision

1939 Dauphin Island Parkway

(Northeast corner of Dauphin Island Parkway and Old Military Road).

Number of Lots / Acres: 3 Lots / 127.6± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
Council District 3

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

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

- 1) **provision to provide 75-foot setback from the centerline of Dauphin Island Parkway;**
- 2) **dedication to provide sufficient right-of-way to provide 25-foot from the centerline of Gatokoco Drive (Old Military Road);**
- 3) **dedication of sufficient radius at the intersection of Dauphin Island Parkway and Gatokoco Drive (Old Military Road), to be approved by City Engineering and Traffic Engineering and conform to AASHTO standards;**
- 4) **the placement of a note on the Final Plat stating that the development be limited to the three existing curb cuts to Dauphin Island Parkway and three existing curb cuts to Gatokoco Drive (Old Military Road), with any changes to the existing driveways to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards;**
- 5) **the subdivision process be completed prior to the issuance of any permits;**
- 6) **illustration of the 25-foot minimum building setback line along Gatokoco Drive (Old Military Road);**
- 7) **full compliance with Engineering comments: (*The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes); 2. dedicate a radius (minimum 25' radius) at the corner of Gatokoco Rd (Old Military Road). The final location and size to be approved by the City Engineer and Traffic Engineer; 3. it appears that there is a discrepancy between the legal description and the boundary at the southeast corner of LOT 1. Has the 25' radius been previously dedicated, or is it being dedicated with the recording of this subdivision? 4. What kind of monument was found or set at the Point of Beginning (southwest corner of LOT 3)?*);**
- 8) **full compliance with Traffic Engineering comments: (*Driveway number, size, location and design to be approved by Traffic Engineering (and ALDOT for Dauphin Island Parkway, if necessary) and conform to AASHTO standards.*)**

- 9) placement of a note on the Final Plat stating that approval of all applicable Federal, state and local agencies is required for wetland issues, if any, prior to the issuance of any permits or land disturbance activities;
- 10) placement of a note on the Final Plat stating that the approval of all applicable federal, state and local agencies is required for endangered or threatened species prior to the issuance of any permits or land disturbance activities, as depicted on the preliminary plat;
- 11) compliance with Fire comments: *(All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate); and*
- 12) compliance with MAWSS comments: *(MAWSS has water and sewer services available, but a Capacity Assurance application for additional sewer service has not been applied for. MAWSS cannot guarantee additional sewer service until a Capacity application is approved by Volkert Engineering, Inc.).*

The motion carried unanimously.

Case #SUB2013-00040

Legacy Subdivision, Resubdivision of Part of

10951 Legacy Lane

(West terminus of Legacy Lane).

Number of Lots / Acres: 6 Lots / 15.5± Acres

Engineer / Surveyor: Byrd Surveying, Inc,
County

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

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

- 1) placement of a note on the Final Plat stating that each lot is limited to one curb cut to Legacy Lane, with the size, design, and location of all curb cuts to be approved by Mobile County Engineering and conform to AASHTO standards;
- 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 no structures may be erected within the utility easement on the East side of Lot F;
- 4) retention of the 25' minimum building setback line for Lots A through D as on the preliminary plat;
- 5) revision of the plat to illustrate the minimum building setback lines for Lots E and F where the lots are at least 60 wide;

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- 6) placement of a note on the Final Plat stating the site must comply with the City of Mobile storm water and flood control ordinances: *(Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits.);*
- 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 any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations; and
- 9) compliance with Fire Department comments *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.).*

The motion carried unanimously.

Case #SUB2013-00045

Cosgrove Subdivision

West terminus of Lusann Drive extending to the West terminus of Norden Drive South.

Number of Lots / Acres: 12 Lots / 5.3±

Engineer / Surveyor: Don Williams Engineering

Council District 7

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

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

- A. they plan to put in a road that will connect Norden Drive and Lusann Drive;
- B. he stated that the Condition 1 would become a problem for property that the applicant does not own;
- C. it would make it problematic for the applicant to have a driveway for lots 1 & 2;
- D. would like to work with Traffic Engineering to put in a stop sign.

Mr. Olsen stated the Fire Department potentially has an issue with the 110 degree turn. If that is what Mr. Williams wants, the application should be heldover to allow them to work it out if possible.

Hearing no opposition or further discussion, a motion was made by Mr. Vallas, with second by Dr. Rivizzigno, to hold the matter over until August 8, to allow the applicant to address the following items:

- 1) **Revision of the plat to reflect compliance with Section V.B.12. of the Subdivision Regulations regarding the minimum radius of curvature of minor streets;**
- 2) **All new road construction must comply with Engineering Department requirements;**
- 3) **Placement of a note on the final plat stating that each lot and common area is limited to one (1) curb-cut each, with the size, design and location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) **Placement of a note on the final plat stating that no structure may be built within any easements;**
- 5) **Depiction of the 25-foot minimum building setback line from all street frontages as required by Section V.D.9. of the Subdivision Regulations;**
- 6) **The labeling of each lot with its size in square feet, or placement of a table on the plat with the same information;**
- 7) **Labeling of all common areas, including detention common areas, and placement of a note on the final plat stating that the maintenance of the common areas is the responsibility of the property owners;**
- 8) **Provision of sidewalks along all new streets within the development;**
- 9) **compliance with Engineering comments (*The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes) including the Professional Land Surveyor seal and signature. 2. Provide a signature block and signature from the Planning Commission, Owner(s) (notarized), and the Traffic Engineering Department. 3. Provide a signature block for the City Engineer and the County Engineer. 4. A Land Disturbance Permit will be required for the roadway improvements to the proposed ROW. These improvements will require storm water detention in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). 5. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 6. All roadway, utility, and storm drainage improvements associated with the proposed ROW must be complete, tested, and accepted by the Engineer-of-Record. 7. Must comply with all Engineering Department Policy Letters: (i.) 8-4-2004 Policy Letter (Video inspection of new Storm Sewer System Piping); and (ii.) 3-18-2004 Policy Letter (Additional subdivision street requirements); 8. The City Engineering*)**

Department must provide Final Inspection approval. 9. The City Council must accept the proposed roads and ROW for maintenance acceptance.)

- 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** (*Driveway number, size, location, and design 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).*);
- 13) **Approval of all applicable federal, state and local agencies regarding wetlands and floodplain issues prior to the issuance of any permits or land disturbance activities;**
- 14) **Placement of a note on the plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities; and**
- 15) **Completion of the Subdivision process prior to any request for permits for new home land disturbance or construction.**

The motion carried unanimously.

Case #SUB2013-00046

Chesapeake Subdivision, Unit 1 & Unit 2

West side of Air Terminal Drive 850'± North of Grelot Road.

Number of Lots / Acres: 48 Lots / 17.0 Acres

Engineer / Surveyor: Austin Engineering Company, Inc.

County

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

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

- 1) **revision of the plat to illustrate dedication to provide 50-feet from the centerline on Air Terminal Drive;**
- 2) **construction and acceptance by Mobile County Engineering of all streets;**
- 3) **revision of the preliminary plat to illustrate acceptable turnarounds at completion of Units 1 and 2;**
- 4) **placement of a note on the Final Plat labeling all detention facilities and common area, stating that maintenance of the detention/common areas, are**

- the responsibility of the subdivision's property owners;
- 5) placement of a note on the Final Plat limiting each lot to one curb cut each, with the size, design, and location of the curb cut to be approved by Traffic Engineering and conform to AASHTO standards;
 - 6) placement of a note on the Final Plat stating that Lot 29 is denied direct access to Air Terminal Drive;
 - 7) placement of a note to comply with the City of Mobile storm water and flood control ordinances (*Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits.*); and
 - 8) placement of a note on the stating that any lots that are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2013-00942

Pinebrook Investments, LLC

3952, 3954, 3958, 3960, 3962, 3964, 3966, 3968, 3972, Airport Boulevard and 271, 273, 275, 277, 279, 281, 283 S McGregor Avenue).

Request to waive construction of a sidewalk along Airport Boulevard and McGregor Avenue.

Council District 5

The Chair announced the application had been recommended for approval along McGregor Avenue and denial along Airport Boulevard 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.

Philip Burton, Pinebrook Investment, spoke on his own behalf and made the following points:

- A. Airport Boulevard is a heavily trafficked street, over 60,000 vehicles per day;
- B. feels like putting a sidewalk along Airport will present a liability;
- C. conflicts with the proposed sidewalk plan;

Mr. Vallas wanted confirmation that the way the sidewalk was currently proposed it

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would be in the right-of-way, in the median between Airport Boulevard and the internal service road.

Mr. Burton stated that was correct.

Mr. Watkins asked what the sidewalk situation is from I-65 North to University Boulevard.

Mr. Vallas responded that they are sidewalks along the north side of the service roads, in front of the shopping centers.

Mr. Olsen stated that the applicant has filed a request for the vacation of that service road along Airport to incorporate that right-of-way into their site. If that vacation is approved, then the sidewalk will be that much closer to Airport Boulevard. He noted that was not represented on the site plan because the right-of-way as not been vacated.

Mr. Turner asked if the proposed sidewalk will be closer in than the existing service road.

Mr. Olsen responded that if the service road is vacated the sidewalk be closer to the traveled lanes on Airport Boulevard.

Mr. Hoffman stated that the Regions Bank, on the corner of Airport and McGregor, was required to have a sidewalk constructed; They did apply for a waiver and it was granted along McGregor but denied along Airport; He noted that Waive Transit has a route that goes along Airport.

Mr. Watkins asked if there was any merit in holding the application over until the Commission can see what the PUD application looks like.

Mr. Plauche asked if the Commission typically allows waivers because it interferes with the developers plans.

Mr. Olsen responded that the Commission has allowed waivers for various reasons; one thing that could help make a determination is this case would be to hold it over.

Hearing no opposition or further discussion, a motion was made by Mr. Vallas, with second by Mr. DeMouy, to hold the matter over until July 11 to be considered with an application to amend the existing PUD.

The motion carried unanimously.

Case #ZON2013-01096

Jim McAleer

3305 Springhill Avenue

(East side of Ingate Street, extending from Spring Hill Avenue to Old Carline Street).

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Request to waive construction of a sidewalk along Ingate Street and Carline Street.
Council District 1

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

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. DeMouy, to approve the request to waive construction of a sidewalk along Ingate Street and Carline Street.

The motion carried unanimously.

NEW PLANNING APPROVAL APPLICATIONS:

Case #ZON2013-01086

PDO University Crossing

116 South University Boulevard

(West side of South University Boulevard, 750' South of Old Shell Road, extending to the Northern termini of Barbara Mitchell Drive East, General Bullard Avenue, and Westfield Avenue, extending to the East side of Long Street 900'± South of Old Shell Road).

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

Council District 6

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.

John Lapointe, Bohler Engineering, spoke on behalf of the applicant. He wanted to discuss Condition 2 and the location of the dumpster. He stated that the site has an extreme fall on it, about 16 ft from the southeast corner to the northwest corner. He did not want an employee to have to push a trash cart up about 5 foot of elevation.

Mr. Olsen stated Mr. Palombo had met with Mr. Lapointe early and it was determined that the dumpster could not be moved all the way to the north because of the easement as well as the drop, so the condition could be removed.

Dr. Rivizzigno asked how often the dumpster would be emptied.

Mr. Lapointe responded that they are emptied daily during business hours.

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with

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second by Mr. Vallas, to approve the above referenced matter, subject to the following conditions:

- 1) **revision of the site plan to illustrate a residential buffer compliant with Section 64-4.D.1. of the Zoning Ordinance along the Southern property line;**
- 2) **Compliance with Engineering comments (1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. Any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 3. A complete set of construction plans for the site work – including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. 4. Must comply with the following Engineering Department Policy Letters: 1) 5-13-2009 Policy Letter (Car wash drains and dumpster pads to drain to Sanitary Sewer system), and 2) 8-4-2004 Policy Letter (video inspection of new Storm Sewer System Piping).); and**
- 3) **submission of two copies of the revised Planned Unit Development site plans to Urban Development.**

The motion carried unanimously.

NEW ZONING APPLICATIONS:

Case #ZON2013-00838 (Rezoning)

Cowles, Murphy, Glover & Associates

1926 Telegraph Road

(Southeast corner of Telegraph Road and Bay Bridge Road)

Rezoning from I-1, Light-Industry District, and B-2, Neighborhood Business District, to I-1, Light-Industry District, to eliminate split zoning.

Council District 2

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

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conditions:

- 1) **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**
- 2) **full compliance with all other applicable municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2013-01092

Augusta Tapia

87 North Sage Avenue

(West side of North Sage Avenue, 510'± South of Old Shell Road).

Rezoning from R-1, Single-Family Residential District, B-2, Neighborhood Business District, to bring the zoning into compliance with the business use of the property.

Council District 1

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

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

- 1) **Provision of a 6-foot high wooden privacy fence where the site abuts residential uses;**
- 2) **Provision of two (2) frontage trees (live oaks, if planted within 15-feet of overhead powerlines), two (2) heritage perimeter trees, and six (6) understory trees;**
- 3) **Provision of a van accessible parking space and accessible aisle;**
- 4) **Compliance with the requirements of the Zoning Ordinance if a dumpster is placed on site;**
- 5) **Completion of the parking, tree planting and fence requirements, with appropriate permits, and inspection and approval thereof by Planning staff, prior to any request for a business license; and**
- 6) **Full compliance with all other applicable municipal codes and ordinances.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2013-00037 (Subdivision)

Battotti Place Subdivision Resubdivision of Lot 48

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2453& 2457 Green Street and 1000 Newman Lane
(Northwest corner of Green Street and Newman Lane).

Number of Lots / Acres: 3 Lots / 0.2± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

Council District 2

(Also, see Case #ZON2013-01093 (Planned Unit Development) **Battotti Place**
Subdivision Resubdivision of Lot 48 below)

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

Brett Orrell, Polysurving, spoke on behalf of the applicant. He stated that his client would like to keep the existing driveway access as is, if possible, and they request that Item 5 under Condition 9 be removed.

Mr. Davis stated that if the applicant comes in to get a permit for a new curb-cut it will show up and if the current curb-cut needs to be removed Engineering will tell them to do so at that time.

Hearing no opposition or further discussion, a motion was made by Mr. Turner, with second by Dr. Rivizzigno, to waive Sections V.D.2 and V.D.9 and to approve the above referenced matter, subject to the following conditions:

- 1) **retention of the lot sizes in square feet and acres;**
- 2) **dedication of the corner radii at Newman Street and Green Street per Section V.D.6. of the Subdivision Regulations;**
- 3) **retention of the 13' front, 12' right, 3' left and 2' rear setbacks for Lot 1;**
- 4) **retention of the 2' front, 4' right, 3' left, and 2' rear setbacks for Lot 2;**
- 5) **retention of the 15' front, 3' right, 4' left, and 2' rear setbacks for Lot 3;**
- 6) **placement of a note stating that no additional structures will be allowed on Lots 2 and 3 without submission and approval of a new Planned Unit Development**
- 7) **placement of a note stating that the development is limited to the existing curb cuts;**
- 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) **compliance with Engineering comments, *“The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. Provide a signature block and signature from the Traffic Engineering Department. 3. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). 4. Dedicate a***

radius (minimum 25' radius) at the corner of Newman Street and Green Avenue. Final location to be approved by the City Engineer and Traffic Engineer. 5. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 6. 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. 7. A complete set of construction plans for the site work – including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work.”;

- 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; and
- 11) submission of a revised Planned Unit Development site plan prior to the signing of the Final Plat.

The motion carried unanimously.

Case #ZON2013-01093 (Planned Unit Development)

Battotti Place Subdivision Resubdivision of Lot 48

2453& 2457 Green Street and 1000 Newham Lane

(Northwest corner of Green Street and Newman Lane).

Planned Unit Development Approval to allow reduced lot sizes, reduced setbacks and increased site coverage in a residential subdivision.

Council District 2

(Also, see Case #SUB2013-00037 (Subdivision) **Battotti Place Subdivision Resubdivision of Lot 48** 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 Dr. Rivizzigno, to approve the above referenced matter, subject to the following conditions:

- 1) retention of the lot sizes in square feet and acres;
- 2) dedication of the corner radii at Newman Street and Green Street per Section V.D.6. of the Subdivision Regulations;

- 3) retention of the 13' front, 12' right, 3' left and 2' rear setbacks for Lot 1;
- 4) retention of the 2' front, 4' right, 3' left, and 2' rear setbacks for Lot 2;
- 5) retention of the 15' front, 3' right, 4' left, and 2' rear setbacks for Lot 3;
- 6) placement of a note stating that no additional structures will be allowed on Lots 2 and 3 without submission and approval of a new Planned Unit Development;
- 7) compliance with building code, as required in regards to fire-rated walls where there is a setback of 5' or less from the property line;
- 8) placement of a note stating that the development is limited to the existing curb cuts;
- 9) either obtaining non-utility right-of-way use agreements to allow structures on Lot 3 to remain in the right-of-way, or the removal of such structure from the right-of-way;
- 10) compliance with Fire Department comments (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.); and
- 11) compliance with Engineering comments, *"The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. Provide a signature block and signature from the Traffic Engineering Department. 3. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). 4. Dedicate a radius (minimum 25' radius) at the corner of Newman Street and Green Avenue. Final location to be approved by the City Engineer and Traffic Engineer. 5. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 6. 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. 7. A complete set of construction plans for the site work – including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work."*

The motion carried unanimously.

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Case #SUB2013-00038 (Subdivision)

Bay Breeze Subdivision

7020 Old Shell Road

(Northwest corner of Old Shell Road and Oklahoma Drive).

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

Engineer / Surveyor: Gulf State Engineering

Council District 7

(Also see, **Case #ZON2013-01075 (Rezoning) William S. Denton & Bonnie Campbell 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.

Ralph Etheridge, owner of the property, spoke on his own behalf. He stated that the buyers of the property would like to operate a dance studio. He noted that they are in agreement with the conditions; they just needed clarification that Lot 1 would be rezoned to LB-2 and Lot 2 would stay residential.

The Commission stated that was correct.

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

- 1) **that two lots are created from the preliminary plat (Lot 1 would be created from Lots 1 and 2, Tulsa Park Estates and Lot 2 from Lot 3, Tulsa Park Estates);**
- 2) **placement of a note on the Final Plat stating that Lot 1 is limited to the one curb cut to Old Shell Road, with the size, design, and exact location of the curb cut to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) **placement of a note on the Final Plat that Lot 1 is denied direct access to Oklahoma Drive and Lot 2 be allowed one curb cut to Oklahoma Drive, with the size, design and exact location of the curb cut to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) **retention of the 25-foot minimum building setback line and lot area sizes, in square feet, on the Final Plat;**
- 5) **Compliance with Engineering comments (*The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045). 3. Dedicate a radius (minimum 25' radius) at the corner of Oklahoma Drive and Old Shell Road. Final location*)**

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to be approved by the City Engineer and Traffic Engineer. 4. Add a note to the Plat stating that any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).); 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 #ZON2013-01075 (Rezoning)

William S. Denton & Bonnie Campbell

7020 Old Shell Road

(Northwest corner of Old Shell Road and Oklahoma Drive).

Rezoning from R-1, Single-Family Residential District, to T-B, Transitional Business District, to allow the construction of a dance studio

Council District 7

(Also, see Case #SUB2013-00038 (Subdivision) **Bay Breeze 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. Watkins, with second by Dr. Rivizzigno, to approve the above referenced matter, subject to the following conditions:

- 1) that Lot 1 is referred to (Lots 1 and 2, Tulsa Park Estates);
- 2) completion of the subdivision process; and
- 3) full compliance with all other codes and ordinances.

The motion carried unanimously.

Case #SUB2013-00041 (Subdivision)

Carmelite Nuns Disalced Subdivision

716 Dauphin Island Parkway

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

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

Engineer / Surveyor: Cowles, Murphy, Glover & Associates

Council District 2

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

Carmelite Nuns Disalced Subdivision and Case #ZON2013-01095 (Planning

Approval) Carmelite Nuns Discalced Subdivision

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

Hearing no opposition or discussion, a motion was made by Mr. DeMouy, with second by Dr. Rivizzigno, to hold the matter over until the July 11th meeting in order to be considered in conjunction with revised PUD and Planning Approval applications, and a Zoning Amendment application to unify the over-all zoning of the site.

The motion carried unanimously.

Case #ZON2013-01094 (Planned Unit Development).

Carmelite Nuns Discalced Subdivision

716 Dauphin Island Parkway

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

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

Council District 2

(Also, see Case #SUB2013-00041 (Subdivision)

Carmelite Nuns Discalced Subdivision above and Case #ZON2013-01095 (Planning Approval) **Carmelite Nuns Discalced Subdivision** below)

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

Hearing no opposition or discussion, a motion was made by Mr. DeMouy, with second by Dr. Rivizzigno, to hold the matter over until the July 11th meeting , with revision due by June 17th, in order for the applicant to address the following items:

- 1) **revision of the site plan to indicate a 24' wide drive aisle;**
- 2) **revision of the site plan to indicate a compliant curb cut to Dauphin Island Parkway, to be coordinated with Traffic Engineering;**
- 3) **if driveway gates are proposed, revision of the site plan to indicate a three-vehicle, 60' queuing space out of the public right-of-way;**
- 4) **indication of humper stops or curbing within the parking areas;**
- 5) **placement of a note on the site plan stating that the 72" Live Oak tree (within the proposed handicapped parking area) is granted Preservation status and any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;**
- 6) **revision of the site plan to locate the proposed handicapped parking area away from the 72" Live Oak tree given Preservation status;**

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- 7) revision of the site plan to indicate that the nose-in/back-out parking along Dauphin Island Parkway is to be removed and replaced with landscaping, if such is the case;
- 8) revision of the site plan to indicate the 25' minimum building setback line along all street frontages;
- 9) revision of the site plan to indicate required over-story trees within the first 25' of street frontages, to be coordinated with Urban Forestry due to the abundance of over-story trees within the project area;
- 10) revision of the site plan to indicate a City-standard public sidewalk along Johnston Avenue at the Northwest corner of the project area, or the submission of a Sidewalk Waiver application;
- 11) revision of the site plan to indicate a buffer along adjacent residential sites to the North of the project area;
- 12) revision of the site plan to indicate a compliant dumpster with enclosure and sanitary sewer drainage connection, or the placement of a note on the site plan stating that no dumpster will be utilized and stating what method of garbage collection will be utilized; and
- 13) submission of a Zoning Amendment application to unify the zoning of the over-all site.

The motion carried unanimously.

Case #ZON2013-01095 (Planning Approval)

Carmelite Nuns Discalced Subdivision

716 Dauphin Island Parkway

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

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

Council District 2

(Also see, Case #SUB2013-00041 (Subdivision) Carmelite Nuns Discalced Subdivision, and #ZON2013-01094 (Planned Unit Development) Carmelite Nuns Discalced Subdivision above)

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

Hearing no further opposition or discussion, a motion was made by Mr. DeMouy, with second by Dr. Rivizzigno, to hold the matter over until the July 11th meeting, with revision due by June 17th, in order for the applicant to address the following items:

- 1) revision of the site plan to indicate a 24' wide drive aisle;
- 2) revision of the site plan to indicate a compliant curb cut to Dauphin Island Parkway, to be coordinated with Traffic Engineering;
- 3) if driveway gates are proposed, revision of the site plan to indicate a three-

- vehicle, 60' queuing space out of the public right-of-way;
- 4) indication of bumper stops or curbing within the parking areas;
 - 5) placement of a note on the site plan stating that the 72" Live Oak tree (within the proposed handicapped parking area) is granted Preservation status and any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;
 - 6) revision of the site plan to locate the proposed handicapped parking area away from the 72" Live Oak tree given Preservation status;
 - 7) revision of the site plan to indicate that the nose-in/back-out parking along Dauphin Island Parkway is to be removed and replaced with landscaping, if such is the case;
 - 8) revision of the site plan to indicate the 25' minimum building setback line along all street frontages;
 - 9) revision of the site plan to indicate required over-story trees within the first 25' of street frontages, to be coordinated with Urban Forestry due to the abundance of over-story trees within the project area;
 - 10) revision of the site plan to indicate a City-standard public sidewalk along Johnston Avenue at the Northwest corner of the project area, or the submission of a Sidewalk Waiver application;
 - 11) revision of the site plan to indicate a buffer along adjacent residential sites to the North of the project area;
 - 12) revision of the site plan to indicate a compliant dumpster with enclosure and sanitary sewer drainage connection, or the placement of a note on the site plan stating that no dumpster will be utilized and stating what method of garbage collection will be utilized; and
 - 13) submission of a Zoning Amendment application to unify the zoning of the over-all site

The motion carried unanimously.

Case #ZON2013-00452 (Planning Approval) (Holdover)

Azalea City Credit Union

5662 Cottage Hill Road

(Northeast corner of Cottage Hill Road and Knollwood Drive)

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

Council District 4

(Also see, Case #ZON2013-01087 (Rezoning) **Azalea City Credit Union** 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 further opposition or discussion, a motion was made by Mr. DeMouy, with second by Mr. Turner, to approve the above referenced matter, subject to the following conditions:

- 1) limited to the site plan approved by the Planning Commission;
- 2) revision of the site plan to depict parking bumpers for those parking spaces that abut adjacent property or landscape areas;
- 3) full compliance with the Traffic Engineering comments: *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 4) compliance with Urban Forestry comments: *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64), Urban Forestry is acceptable with removing the Preservation Status for the 60" Live Oak Tree located within the proposed footprint of new office building);*
- 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.);*
- 6) site lighting to comply with Section 64-6.A. of the Zoning Ordinance; and
- 7) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2013-01087 (Rezoning)

Azalea City Credit Union

5662 Cottage Hill Road

(Northeast corner of Cottage Hill Road and Knollwood Drive).

Rezoning from B-1, Buffer-Business District, to B-1, Buffer Business District, to remove a previously approved condition of Rezoning.

Council District 4

(Also see, Case #ZON2013-00452 (Planning Approval) **Azalea City Credit Union** 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. DeMouy, with second by Mr. Turner, to approve the above referenced matter, subject to the following conditions:

- 1) compliance with the Traffic Engineering comments:*(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Access to Cottage Hill Road is limited to right in/right out only.);*
- 2) 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*

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Chapters 57 and 64), Urban Forestry is acceptable with removing the Preservation Status for the 60" Live Oak Tree located within the proposed footprint of new office building); and

- 3) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2013-01088 (Planned Unit Development)

U M S Alumni & Parents Association

65 North Mobile Street

(Southwest corner of Mobile Street and Old Shell Road, extending North and West to the CN Railroad right-of-way and the South terminus of Martin Street).

Planned Unit Development Approval to amend a previously approved Master Plan for an existing school in an R-1, Single-Family Residential District, to allow a parking lot expansion.

Council District 4

(Also see, Case #ZON2013-01089 (Planning Approval) **U M S Alumni & Parents Association** 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.

Doug Anderson, Burr & Foreman Law Firm, spoke on behalf of the applicant. He wanted clarification that the way the recommendations read the applicant would be required to plant 15 trees along the perimeter between the new parking lot and the railroad tracks.

Mr. Hoffman responded that was the suggestion.

Mr. Anderson stated that they would like to remove that condition. He stated that no one would see the trees along the railroad tracks.

Mr. Olsen noted that the trees could be banked and be planted else where in the city.

Mr. Anderson agreed the applicant would be ok with that.

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

- 1) **Compliance with Engineering comments** (1. *Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).* 2. *Any and all proposed*

development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 3. A complete set of construction plans for the site work – including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. 4. Must comply with the following Engineering Department Policy Letters: 1) 5-13-2009 Policy Letter (Car wash drains and dumpster pads to drain to Sanitary Sewer system), and 2) 8-4-2004 Policy Letter (video inspection of new Storm Sewer System Piping.)

- 2) **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). Provision of trees and landscaping to bring the site into compliance with the requirements of the Zoning Ordinance.);**
- 3) **Provision of perimeter trees in the vicinity of the site where the new parking area will be constructed, or the trees maybe donated to the Tree Bank;**
- 4) **Provision of understory trees for the new parking area at a ratio of 1 tree for every 20 or fraction thereof parking spaces;**
- 5) **Future construction of the proposed middle school facility and athletic facility will require new applications for Planning Approval and Planned Unit Development approval prior to the issuance of any permits; and**
- 6) **Full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2013-01089 (Planning Approval)

U M S Alumni & Parents Association

65 North Mobile Street

(Southwest corner of Mobile Street and Old Shell Road, extending North and West to the CN Railroad right-of-way and the South terminus of Martin Street).

Planning Approval to amend a previously approved Master Plan for an existing school in an R-1, Single-Family Residential District, to allow a parking lot expansion.

Council District 4

(Also see, Case #ZON2013-01088 (Planned Unit Development) **U M S Alumni & Parents Association** above)

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

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

- 1) **Compliance with Engineering comments** (*1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. Any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 3. A complete set of construction plans for the site work – including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. 4. Must comply with the following Engineering Department Policy Letters: 1) 5-13-2009 Policy Letter (Car wash drains and dumpster pads to drain to Sanitary Sewer system), and 2) 8-4-2004 Policy Letter (video inspection of new Storm Sewer System Piping).*)
- 2) **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). Provision of trees and landscaping to bring the site into compliance with the requirements of the Zoning Ordinance.*);
- 3) **Provision of perimeter trees** in the vicinity of the site where the new parking area will be constructed, or the trees maybe donated to the Tree Bank;
- 4) **Provision of understory trees** for the new parking area at a ratio of 1 tree for every 20 or fraction thereof parking spaces;
- 5) **Future construction** of the proposed middle school facility and athletic facility will require new applications for Planning Approval and Planned Unit Development approval prior to the issuance of any permits; and
- 6) **Full compliance** with all municipal codes and ordinances.

The motion carried unanimously.

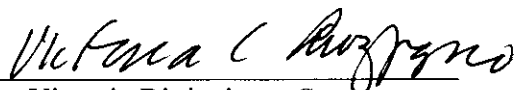
OTHER BUSINESS:

Mr. Olsen stated the staff and the Commission needed to have a business meeting. He noted that he had a few dates that were options and the Commission could let him now today or at the next meeting. The dates he mentioned were: July 25, August 15 or August 22.


Hearing no further business, the meeting was adjourned.

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APPROVED: October 3, 2013



Dr. Victoria Rivizzigno, Secretary



Terry Plauche, Chairman

jpw