

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF MARCH 7, 2002 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Wendell Quimby, Vice-Chair
Victoria L. Rivizzigno
Ann Deakle
John Vallas
Terry Plauche
James Laier (S)

Members Absent

Robert Frost, Chairman
Victor McSwain, Secretary
Clinton Johnson
Norman Hill (S)

Staff Present

Laura J. Clarke, Director
Urban Development Department
Christopher Boone, Deputy Director
Land Use Administration
Richard L. Olsen, Planner II
Shayla Jones, Long Range Planning
Jennifer Henley, Secretary II

Others Present

John Lawler, Assistant City Attorney
Fred Brown, Traffic Engineering
Margaret Swindle, City Engineering
Pat Stewart, County Engineering

Mr. Quimby chaired the meeting in Mr. Frost's absence. Mr. Quimby stated the number of members present constituted a quorum and called the meeting to order.

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

APPROVAL OF MINUTES:

A motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to approve the minutes of the February 7, 2002, meeting as submitted. The motion carried unanimously.

HOLDOVERS:

Case #ZON2002-00272

EBM Midtown Investments, L.L.C. (Charles L. Miller, Agent)

27, 51, and 53 Alexander Street, and 2609 Cameron Street (West side of Alexander Street, 100'± South of Cameron Street, extending to the South side of Cameron Street, 150'± West of Alexander Street, and to the Southeast corner of Cameron Street and Boyles Lane).

The request for a change in zoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, for the expansion of an existing telecommunications business was considered.

The plan illustrates the existing structure and parking, along with the proposed building and parking.

(Also see Case #SUB2002-00021 – **EBM Midtown Subdivision** – Below)

Mr. Vallas recused himself from the discussion and vote regarding this matter.

Mr. Chuck Miller was representing the applicant and stated that they were proposing to construct an addition to the existing office building for their tenant Schlumberger. The telecommunications company currently employed 173 people at the Mobile office and the facility there now was too small to accommodate their growth and present operations. The increase had been gradual over the last few years and they had experienced severe problems with parking. EMB had acquired some additional lots on Alexander Street and received a variance that allowed them to construct a parking facility along the rear portion of those lots. That had alleviated some of the problem, but they now needed more parking. They had gone before the Board of Zoning Adjustment to obtain another

March 7, 2002

variance, but they had been told that any further expansion would require a zoning change and this was why they were before the Commission today. Mr. Miller pointed out that this area was designated as commercial on the Comprehensive Plan and there had been commercial expansion in this area. The proposed expansion would provide a 5' berm along Alexander Street with an additional 5' of heavy landscaping and there would be no traffic outlets allowed on Alexander Street. He felt this would be adequate insulation for Alexander Street; with a 10' high buffer anyone driving or walking should not be able to see the parking facility. He also felt that by opening this area up, they would be helping make it safer. The Board of Adjustment had granted the variances based on safety concerns. The Board had been concerned that cars parked on the street could hinder emergency vehicles. Mr. Miller explained that Schlumberger was a telecommunications and software development company that operated 24 hours a day, 7 days a week. Security was a big issue for them and because there was someone there at all times they could help keep watch on the area. Schlumberger needed this expansion in order to stay in Mobile. This company was constantly solicited by other cities to relocate and had been offered various incentives to move. However, they wanted to stay in Mobile and expand at their current location. They would comply with all codes and ordinances, including saving a large oak tree on the site that Urban Forestry had recommended be preserved. Mr. Miller cited other commercial businesses in the vicinity. He pointed out the employment opportunities available with Schlumberger.

Mr. Hal Howard, vice president of operations for Schlumberger, was present and stated that he wished to go over the company's background and scope of operations. Schlumberger manufactured, maintained and installed high capacity digital recording systems and telephone systems that were used in various correctional facilities across the United States. They also developed and maintained the software and systems that operated the telephone recording systems. In addition, they handled the data processing and customer service associated with their operation. In 1993 Global TelLink was acquired by Schlumberger and at that time they became a wholly owned subsidiary of Schlumberger, which was a \$13 billion global organization that operated in 100+ countries and employed 85,000 people. The Mobile operation was supported by a data processing center in Houston. They were recognized in this business as a technology leader and they wanted to maintain this position, which had contributed to their growth. They had increased approximately 15% per year over the last three years and they expected to continue at this rate of growth over the next two years. They recruited employees from Mobile and their turnover was less than 10%. They also tried to do business with local companies whenever possible. They participated in several civic events in support of the community.

Mr. Jim Apple of 1225 Selma Street was present and stated that he used to live on Alexander Street. He commented that Schlumberger was one of the largest technology based companies in Mobile and was a member of the Gulf Coast Technology Council. He thought this was a rare chance for Mobile to partner with a technology company and increase the number of jobs, which was an investment the citizens were clamoring for. He asked that these applications be approved so Schlumberger could stay in Mobile.

Ms. Mary Ketterer of 9 Alexander Street was present in opposition and asked that this application be denied. She said that this neighborhood had been the subject of several rezoning issues, many of which were negative. She felt that the proposal before them today would be highly detrimental to the surrounding area. For this construction to occur, three residences would have to be demolished or removed, which would "sandwich" B-2 zoning in with residential zoning. She thought this would be more acceptable if it were moved elsewhere, but not in the middle of their neighborhood as proposed. She commented that Schlumberger was classified as a B-2, Neighborhood Business, but no one in this area would ever utilize this business. She felt this would set a precedent if approved. She was concerned about commercial traffic using Alexander Street as a cut through since this was already happening with some of the other businesses in the area. She pointed out that additional employees would only worsen the traffic problem. She felt that this would affect their standard of living. She asked that this company look for another location and not inflict their "growing pains" on this residential community.

March 7, 2002

Ms. Karen Dean of 2562 Kossow Street was present in opposition and submitted photographs of the subject property. She lived adjacent to the site and was concerned that this would diminish their neighborhood even with a 10' barrier. She commented that when this came up for variance approval in 1999, the applicant had indicated at that time that they would only use the rear yard and would renovate the residences. They had also said that they would not allow access to Alexander Street. The applicant assured the Board of Adjustment that the character of the neighborhood would be maintained. Ms. Dean said that the residents had not been opposed then because they were only planning to use the rear yard. They were now planning to remove the residences and she felt they had been lied to. She was concerned about safety for the children playing in the area because of already high traffic volumes.

Mr. Miller said that when they had obtained the variance in 1999 it was not anticipated that Schlumberger would grow as much as it did. He commented that they were trying to alleviate some of the parking problems with the parking lot they had constructed and he thought they had accomplished that. He said that they had done a survey of Alexander Street and there were 27 residences and only 15 of those were owner occupied. Some of the houses were vacant. The landscaping and buffer they were proposing would maintain Alexander Street as residential property. Schlumberger had moved to Mobile without any incentive and all they were trying to do was expand. If this was not allowed, they might have to move to Baldwin County, which would eliminate 173 jobs for Mobile. He pointed out that there was an existing building and they were only planning to expand. He stated that this was a very quiet business.

In discussion, Mr. Plauche inquired if this type of intrusion into a neighborhood had been allowed in the past.

Mr. Boone said that every situation was different.

Ms. Deakle was concerned that three houses would be torn down, and one on the corner of Cameron and Alexander Streets would remain. She felt for the neighborhood and she wanted Schlumberger to stay in Mobile with the type of industry and employees that they had. However, she was not sure whether or not it would work at this location.

Mr. Boone said that the staff had proposed that the addition be moved to the west and that the rezoning application be extended northward toward Cameron Street and that it not be extended to the east.

Mr. Vallas thought that no matter where the building was moved, there would still be a parking problem.

Mr. Boone agreed. If they were to move the addition they would lose some of their parking. The applicant had obtained a variance to use the rear yards of the houses for parking. The staff had been told that if the addition were moved there was an issue of a fiberoptic line that would need to be maintained.

Dr. Laier thought the Commission should give some consideration to keeping Schlumberger here. It would be a big loss for Mobile if they were to move.

A motion was made by Dr. Laier and seconded by Dr. Rivizzigno to recommend the approval of this change in zoning to the City Council as requested by the applicant.

Dr. Rivizzigno said that she had only seconded the motion to put it on the floor for discussion. She was torn between wanting to support the neighborhood and wanting to support the business. She was concerned as to whether or not variances would have been granted if they had not made assurances that the houses would not be torn down. She pointed out that this was why the neighbors had not opposed this in 1999.

Ms. Deakle felt that the staff's recommendation had tried to take into account everyone's interests and they had come up with what was most fair.

March 7, 2002

Dr. Laier pointed out that this business was growing very rapidly and he did not think that they were aware of their growth needs in 1999.

Dr. Rivizzigno did not think that anything nefarious had been done, but the situation had changed a great deal. She was concerned about the residential lots on Cameron and Alexander Streets.

The question was called. Mr. Vallas recused. Mr. Plauche, Dr. Rivizzigno, Mr. Quimby and Ms. Deakle were opposed. The motion did not carry.

A new motion was made by Ms. Deakle and seconded by Mr. Plauche to recommend the denial of this change in zoning, as requested to the City Council. It was further recommended that Lots 1, 2 & 3 Cameron Commercial Park, as recorded in Map Book 40, Page 24, be rezoned continuing the B-2 zoning North to Cameron Street, maintaining the existing line of demarcation (along the rear property lines of Alexander Heights, as recorded in deed book 128, page 599), with the exception that Lot 1 Cameron Commercial Park extends approximately 60' East subject to the following condition:

- (1) compliance with all municipal codes and ordinances.

Dr. Laier was opposed. Mr. Vallas recused. The motion carried.

Case #SUB2002-00021

EBM Midtown Subdivision

27, 51, and 53 Alexander Street, and 2609 Cameron Street (West side of Alexander Street, 100'± South of Cameron Street, extending to the South side of Cameron Street, 150'± West of Alexander Street, and to the Southeast corner of Cameron Street and Boyles Lane).

1 Lot / 1.9± Acres

(For discussion see Case #ZON2002-00272 - **EBM Midtown Investments, L.L.C. (Charles L. Miller, Agent)** – Above)

Mr. Vallas recused himself from the discussion and vote regarding this matter.

A motion was made by Ms. Deakle and seconded by Mr. Plauche to approve this subdivision subject to the following condition:

- (1) that the plat be revised to include only Lots 1, 2 and 3, Cameron Commercial Park, MB 40, Page 24, and excluding all residentially zoned properties in Alexander Heights, as recorded in deed book 128, page 599.

Dr. Laier was opposed. Mr. Vallas recused. The motion carried.

EXTENSIONS:

Case #SUB2000-00052

Hawthorne Place Subdivision, Resubdivision of Lot 18

North side of Hawthorne Place, 400'± West of Hawthorne Place North.

2 Lots / 0.5± Acre

Request for a one-year extension of previous approval.

The applicant was present.

There was no one present in opposition.

A motion was made by Ms. Deakle and seconded by Dr. Laier to approve a one-year extension of previous approval for this subdivision.

The motion carried unanimously.

March 7, 2002

Case #SUB2001-00045

Hillcrest Trace Subdivision

East side of Hillcrest Road, 125'± South of Western Hills Avenue.

12 Lots / 2.5± Acres

Request for a one-year extension of previous approval.

Mr. Matt Orrell of Polysurveying Engineering – Land Surveying was representing the applicant.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Mr. Plauche to approve a one-year extension of previous approval for this subdivision.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #ZON2002-00430

Azalea Heights Subdivision, Resubdivision of Lots 23, 24, 25 & 26

615 Skyline Drive West (North side of Skyline Drive South, extending from Skyline Drive West to Skyline Drive East).

The request for Planned Unit Development Approval to allow reduced lot widths in a single-family residential subdivision was considered.

The site plan illustrates the proposed resubdivision of the site.

(Also see Case #SUB2002-00029 - **Azalea Heights Subdivision, Resubdivision of Lots 23, 24, 25 & 26** – Below)

Mr. Don Coleman of Rester and Coleman Engineers, Inc., was representing the applicant and stated that they had revised and resubmitted this application with justification for being considered innovative. However, the staff had not had a chance to review the revision. He asked that this be heldover until the next meeting.

Mr. Robert Chandler of 605 Skyline Drive West was present and inquired what was being planned. He was against this being heldover.

Mr. Boone submitted a copy of the staff report and sketches to Mr. Chandler. Mr. Boone suggested that Mr. Chandler meet with Mr. Coleman to get an overview of what was proposed.

A motion was made by Dr. Rivizzigno and seconded by Dr. Laier to holdover this application until the meeting of March 21, 2002, at the applicant's request, to allow the staff time to review a revised site plan.

The motion carried unanimously.

Case #SUB2002-00029

Azalea Heights Subdivision, Resubdivision of Lots 23, 24, 25 & 26

615 Skyline Drive West (North side of Skyline Drive South, extending from Skyline Drive West to Skyline Drive East).

17 Lots / 4.1± Acres

(For discussion see Case #ZON2002-000430 - **Azalea Heights Subdivision, Resubdivision of Lots 23, 24, 25 & 2** – Above)

A motion was made by Dr. Rivizzigno and seconded by Dr. Laier to holdover this application until the meeting of March 21, 2002, at the applicant's request, to allow the staff time to review a revised site plan.

The motion carried unanimously.

March 7, 2002

Case #ZON2002-00429

Azalea Heights Subdivision, Resubdivision of Lots 9 & 10

608 Skyline Drive West (West side of Skyline Drive West at the West terminus of Skyline Drive South).

The request for Planned Unit Development Approval to allow reduced lot widths in a single-family residential subdivision was considered.

The plan illustrates the proposed subdivided lots.

(Also see Case #SUB2002-00028 - **Azalea Heights Subdivision, Resubdivision of Lots 9 & 10** – Below)

Mr. Don Coleman of Rester and Coleman Engineers, Inc., was representing the applicant and stated that they had revised and resubmitted this application with justification for being considered innovative. However, the staff had not had a chance to review the revision. He asked that this be heldover until the next meeting.

Mr. Eric Alexander of 4101 Skyline Drive South was present and stated that he lived directly across the street from the subject property. He was unsure what was being planned and requested additional information. He lived in a very quiet area and was concerned that this might change because of what was being proposed.

Mr. Quimby suggested that Mr. Alexander meet with Mr. Coleman.

A motion was made by Dr. Rivizzigno and seconded by Mr. Plauche to holdover this application until the meeting of March 21, 2002, at the applicant's request, to allow the staff time to review a revised site plan.

The motion carried unanimously.

Case #SUB2002-00028

Azalea Heights Subdivision, Resubdivision of Lots 9 & 10

608 Skyline Drive West (West side of Skyline Drive West at the West terminus of Skyline Drive South).

8 Lots / 2.0± Acres

(For discussion see Case #ZON2002-00429 - **Azalea Heights Subdivision, Resubdivision of Lots 9 & 10** – Above)

A motion was made by Dr. Rivizzigno and seconded by Mr. Plauche to holdover this application until the meeting of March 21, 2002, at the applicant's request, to allow the staff time to review a revised site plan.

The motion carried unanimously.

Case #ZON2002-00436

McGregor Square Subdivision, Resubdivision of Lot 1

3930 Airport Boulevard (Northeast corner of Airport Boulevard and McGregor Avenue).

The request for Planned Unit Development Approval to allow shared access and shared parking between two building sites was considered.

The plan illustrates the existing structures and parking.

(Also see Case #SUB2002-00036 - **McGregor Square Subdivision, Resubdivision of Lot 1** – Below)

Mr. Don Coleman of Rester and Coleman Engineers, Inc., was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

March 7, 2002

A motion was made by Ms. Deakle and seconded by Dr. Laier to approve this plan subject to the following conditions:

- (1) all properties involved in the subdivision be reflected on the PUD plan;
- (2) the development limited to the existing curb cuts, access and circulation pattern as shown on the plan submitted; and
- (3) submission of evidence that the building complies with the Building Code.

The motion carried unanimously.

Case #SUB2002-00036

McGregor Square Subdivision, Resubdivision of Lot 1

3930 Airport Boulevard (Northeast corner of Airport Boulevard and McGregor Avenue).
2 Lots / 11.4± Acres

(For discussion see Case #ZON2002-00436 - **McGregor Square Subdivision, Resubdivision of Lot 1** – Above)

A motion was made by Ms. Deakle and seconded by Dr. Laier to approve this subdivision subject to the following conditions:

- (1) all properties involved in the subdivision be reflected on the PUD plan;
- (2) the development limited to the existing curb cuts, access and circulation pattern as shown on the plan submitted; and
- (3) submission of evidence that the building complies with the Building Code.

The motion carried unanimously.

Case #ZON2002-00426

Van Rusling

4072 Old Shell Road (Northeast corner of Old Shell Road and Dilston Street).

The request for a change in zoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, to bring the zoning into compliance with the current use as a coffee shop was considered.

The plan illustrates the existing structures and parking.

(Also see Case #ZON2002-00427 – **Carpe Diem Subdivision** – Below; and Case #SUB2002-00022 - **Carpe Diem Subdivision** – Below)

Mr. Vallas recused himself from the discussion and vote regarding this matter.

Mr. Doug Anderson, attorney, was representing the applicants and owners Mr. and Mrs. Van Rusling. The subject property was the site of Carpe Diem coffee shop and was on a metes and bounds lot, which was why the subdivision was necessary. They were applying for the rezoning so they could come into compliance with the proper zoning for the existing use. The Planned Unit Development application was necessary because there was more than one building on this lot. This would not result in any new development, construction, or changes to the current use. They were simply trying to come into compliance with the Zoning Ordinance. They were currently operating under a variance. The property had been used commercially for B-2 uses since 1971. He had a concern about one of the staff conditions requiring the *reconfiguration of the parking facilities to eliminate spaces #4, 10 and 11, to provide better circulation and eliminate maneuvering in the right-of-way*. Mr. Anderson had met with Mr. William Metzger and Mr. Fred Brown from the Traffic Engineering Department on the site to discuss the best way to handle the parking situation. The Zoning Ordinance requires a minimum of 17 parking spaces for this property; they currently had 20. They did not want to lose any of these spaces because of the current parking problems that were existing in this area. He thought that Traffic Engineering was of the opinion that those spaces could be saved with some possible reconfiguration and curbing to further delineate the parking. He asked that the parking situation simply be left up to Traffic Engineering approval.

March 7, 2002

Dr. Fred Bodie was present and stated that he owned the property across the street from Carpe Diem. He submitted photographs that were taken the day he received notice of this meeting. The photographs showed how congested the site was on any given day. He commented that the variance approval for this site only allowed a tea and coffee shop. Dr. Bodie commented that after receiving this variance they started using the site as a restaurant with meeting rooms upstairs and the back was used for a catering business. He gave a brief history of things that had gone on at the site, including having to receive additional approval for a porch that had been constructed for additional seating area and building without permits. He did not think that they had 20 parking spaces and some of the spaces they had were partially on Dilston Street. Because of the meeting room upstairs they had experienced a lot of problems with overflow parking onto the surrounding residences and businesses, including handicap spaces. He had seen over 40 cars there on a Monday night. He thought that if this were rezoned the City could not restrict use of the upstairs. He pointed out that the staff and Traffic Engineering Department also had concerns about the traffic. Dr. Bodie said that he had been approached by an attorney for Carpe Diem to rent some parking spaces in his lot. At the time he had been unable to do this because of another doctor that was operating there. He asked that they restrict the upstairs and the area to the rear for storage.

Ms. Connie O'Bryan of 4307 Dilston Place was present and stated that she was representing a number of people living in the adjacent townhomes. She said they had experienced problems with noise from customers of Carpe Diem. She asked that this property not be rezoned as she had concerns that future B-2 businesses locating at this area could be detrimental to the neighborhood. She commented that this area had been considered as a historic neighborhood for many years. She was concerned that this would set a precedent as the Commission had already approved commercial property in this area in the recent past. She also had concerns regarding immoral activity going on at the coffee shop. She said that there was often trash on the site.

Mr. Bob Rutledge was present and stated that he owned the property located at 121 Dilston Lane, which was directly behind Carpe Diem. He was not opposed to the business as it currently existed though there were some problems, which had been mentioned today. He felt his property value had decreased because of the commercial nature of this property. He had experienced problems with noise and parking in his yard. However, he was more concerned about future use of the property if another business were to locate here. He asked that if this were approved that the applicant be required to provide an 8' privacy fence.

Mr. John Weston of 4304 Dilston Place was present and submitted a petition from property owners in the neighborhood listing their complaints about the existing business.

Mr. Anderson said that even though this property was zoned R-1, it had been utilized as B-2 since 1971. He did not feel that it would ever be used residentially. He commented that they were going to continue to use the property as it had been for many years whether this application was approved or not; they were simply trying to comply with the Zoning Ordinance so they did not have to rely on a variance. If they decided to sell the property, Mr. Rusling was more than willing to restrict future uses on the property such as a gas station, nightclub, convenience store or drug store. He did not think that there were any parking spaces in the right-of-way of Dilston Lane as had been mentioned by one of the proponents. He realized that some of the customers did park outside of Carpe Diem's parking space. While Mr. Anderson was apologetic, this was not something the owner could control. They could warn their customers, but they could not stop them from parking in certain areas. He asked that if this were approved that the parking situation be left up to the Traffic Engineer.

Mr. Quimby inquired if they had experienced any problems with the variance that would affect the operation as it currently was.

Mr. Anderson replied no.

In discussion, Ms. Deakle said that she understood the neighbors concerns, but she felt this was an opportunity to do some "polishing" to the area. With these applications, they

March 7, 2002

could require some curbing and make the entire site look better. She did not feel that this property had a future as a residential use because it had been used as a business so long. She inquired if they could really stop them from using the top floor.

Mr. Quimby inquired if the parking provided was for the square footage of the ground floor only.

Mr. Boone said this was correct.

There was a brief discussion regarding the use of the 2nd floor. Mr. Olsen indicated that because they had not received an official complaint, they had not sent Zoning Inspectors to the site. However, they could send someone out as a result of what had been said today.

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to recommend the approval of this change in zoning to the City Council subject to the following conditions:

- (1) development limited to the accompanying PUD;
- (2) the provision of curbing to delineate drives and parking facilities, exact size and location of drives to be approved by the Traffic Engineering Department;
- (3) the provision of buffering where the site abuts residential property;
- (4) preservation of the 50" oak tree on the East property line;
- (5) provision of frontage trees (Old Shell Road and Dilston Lane), location to be coordinated with the Urban Forester; and
- (6) compliance with all municipal codes and ordinances.

Dr. Rivizzigno thought that putting in some curbing would better delineate the parking. She felt that the applicant did not need to be allowed to use the 2nd floor.

Mr. Quimby felt this would be hard to police.

Dr. Rivizzigno thought it would be best to get some limitation on uses for this site.

Mr. Lawler said that it seemed that the applicant had not done a good job of following regulations.

Mr. Quimby inquired where they could create more parking. He asked if the Commission could require off-site parking.

Mr. Boone said that based on the use of the first floor only, they had the required amount of parking. However, they probably did not realistically have enough parking for their typical customer traffic.

Mr. Plauche inquired if they should take out the condition the applicant had a problem with and simply leave this up to the Traffic Engineering Department.

Mr. Boone replied yes.

Mr. Brown said that they would like to see curbing installed.

Mr. Lawler said that the applicant had indicated that they would be willing to restrict other B-2 uses, but they did not have any documentation of that other than what had been said today.

Mr. Boone said that any rezoning that was approved was ultimately tied to the site plan. They would either have to come back in with a new zoning application and a new Planned Unit Development application if they were to change the business. If someone were to put in a restaurant or dance club, they would need more parking, which would not be possible. Any use that would require more parking would more than likely not be allowed.

March 7, 2002

Dr. Rivizzigno inquired if there was anything the Commission could do to force them to clean up the site.

Mr. Lawler said that there were litter laws.

Ms. Deakle thought that the applicant would want to keep their property clean.

The question was called. Mr. Quimby was opposed. Mr. Vallas recused. The motion carried.

Case #ZON2002-00427

Carpe Diem Subdivision

4072 Old Shell Road (Northeast corner of Old Shell Road and Dilston Street).

The request for Planned Unit Development Approval to allow multiple buildings on a single building site at an existing coffee shop was considered.

The plan illustrates the existing structures and parking.

(For discussion see Case #ZON2002-00426 – **Van Rusling** – Above; also see Case #SUB2002-00022 - **Carpe Diem Subdivision** – Below)

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to approve this plan subject to the following conditions:

- (1) the provision of curbing to delineate drives and parking facilities, exact size and location of drives to be approved by the Traffic Engineering Department;
- (2) reconfiguration of the parking facilities to provide better circulation and eliminate maneuvering in the right-of-way, to be approved by the Traffic Engineering Department;
- (3) provision of landscape material in the right-of-way between the property line and the existing roadway;
- (4) use of the second floor of the main structure and the accessory building limited to storage only due to the limited parking available on site;
- (5) provision of buffering where the site abuts residential property;
- (6) preservation of the 50” oak tree on the East property line;
- (7) provision of frontage trees (Old Shell Road and Dilston Lane), location to be coordinated with the Urban Forester; and
- (8) compliance with all municipal codes and ordinances.

The question was called. Mr. Quimby was opposed. Mr. Vallas recused. The motion carried.

Case #SUB2002-00022

Carpe Diem Subdivision

4072 Old Shell Road (Northeast corner of Old Shell Road and Dilston Street).

1 Lot / 0.4± Acre

(For discussion see Case #ZON2002-00426 – **Van Rusling** – Above; also see Case #ZON2002-00427 - **Carpe Diem Subdivision** – Above)

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to approve this subdivision subject to the following conditions:

- (1) the provision of curbing to delineate drives and parking facilities, exact size and location of drives to be approved by the Traffic Engineering Department;
- (2) provision of buffering where the site abuts residential property; and
- (3) preservation of the 50” oak tree on the East property line.

The question was called. Mr. Quimby was opposed. Mr. Vallas recused. The motion carried.

Case #ZON2002-00435

Kirby Properties, L.L.C. (John Kirby, Agent)

7061 Dickens Ferry Road (330'± South of Dickens Ferry Road, 250'± East of Cody Road).

The request for a change in zoning from R-1, Single-Family Residential, to B-3, Community Business, for the parking expansion of an existing automotive paint and body shop was considered.

The site plan illustrates the proposed zoning, proposed building to be removed, and the existing buildings.

(Also see Case #SUB2002-00027 – **Spectrum Subdivision** – Below)

Mr. John Kirby was representing the applicant and concurred with the staff recommendations.

Mr. Herb Hervet of 25 Hedgestone Way West was present and stated that he was the president of the Cobblestone (across the street from the subject property) homeowner's association. He further stated that they would not be opposed to this if they could be assured that there would not be an entrance to the business on Airport Boulevard through the lot on Dickens Ferry Road. If there was an entrance, he had a petition signed by 141 residents in Cobblestone who were opposed to this. He had some concerns about traffic.

Mr. Boone pointed out on the map what the applicant was proposing. He said that the staff had recommended that there be no connection from Dickens Ferry Road to the commercial property. He pointed out that Lot 1 would remain residential.

Mr. Kirby said that there was currently some traffic going through there now. However, this would stop because they were planning to put up a privacy fence. The purpose of the application was to provide additional parking for his business and he was planning to beautify the site.

A motion was made by Mr. Vallas and seconded by Dr. Rivizzigno to recommend the approval of this change in zoning to the City Council subject to the following conditions:

- (1) completion of the subdivision process;
- (2) submission of an administrative PUD to amend the existing PUD;
- (3) no access to or through the residential property (Lot 1);
- (4) compliance with landscaping and tree planting requirements;
- (5) provision of a 6' wooden privacy fence along the North, East and West property lines; and
- (6) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2002-00027

Spectrum Subdivision

7060 and 7068 Airport Boulevard, and 7061 Dickens Ferry Road (North side of Airport Boulevard, 400'± East of Cody Road, extending to the South side of Dickens Ferry Road, 250'± East of Cody Road).

2 Lots / 3.1± Acres

(For discussion see Case #ZON2002-00435 - **Kirby Properties, L.L.C. (John Kirby, Agent)** – Above)

A motion was made by Mr. Vallas and seconded by Dr. Rivizzigno to approve this subdivision subject to the following conditions:

- (1) placement of a note on the final plat stating that Lot 2 is denied access to or through Lot 1;

March 7, 2002

- (2) placement of a note on the final plat stating that Lot 2 is limited to the existing curb cuts; and
- (3) the provision of a 6" wooden privacy fence buffer along the North, East and West property lines where Lot 2 abuts R-1 properties.

The motion carried unanimously.

NEW ZONING APPLICATION:

Case #ZON2002-00425

Natalie Drennen, LLC

4068 Old Shell Road (North side of Old Shell Road, 90'± East of Dilston Street).

The request for a change in zoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, to bring the zoning into compliance for an existing dress shop was considered.

The site plan illustrates the existing structure, gravel drive and parking.

Mr. Jerry Byrd of Byrd Surveying, Inc., was representing the applicant and said that they had a concern regarding staff recommendation #1: *the provision of curbing to delineate drive and parking facilities, exact size and location of drive to be approved by the Traffic Engineering Department.* He stated that this property had received approval for the gravel drive and parking surface by the Board of Zoning Adjustment on Monday provided that concrete wheel stops be installed to delineate parking spaces. He asked that this stipulation be enforced instead of #1. The gravel had been there for 25-27 years and it was packed fairly well and would not move around too much.

There was no one present in opposition.

In discussion, a motion was made by Ms. Deakle and seconded by Dr. Rivizzigno to recommend the approval of this change in zoning to the City Council subject to the following conditions:

- (1) the provision of curbing to delineate drive and parking facilities, exact size and location of drive to be approved by the Traffic Engineering Department;
- (2) elimination of the head in parking along Old Shell Road;
- (3) provision of landscape material in the right-of-way between the property line and the existing roadway;
- (4) the provision of buffering where the site abuts residential property;
- (5) preservation of the 50" oak tree on the West property line;
- (6) provision of frontage trees, location to be coordinated with the Urban Forester; and
- (7) compliance with all municipal codes and ordinances.

There was a brief discussion regarding whether or not to require curbing.

Ms. Deakle said that she would like to leave her motion for approval as recommended by the staff.

There was a brief discussion regarding future uses.

Mr. Olsen said that given the size of this property it would be difficult for something such as a fast food restaurant to move in because of their requirement for two-way traffic flow.

The question was called. The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2002-00032

Argain Subdivision

March 7, 2002

West side of Cochrane Causeway, 1,000' ± South of the South terminus of the Cochrane-Africatown Bridge.

2 Lots / 28.3± Acres

Mr. Doug Bryant of ADB Surveying Company, was representing the applicant and inquired if staff condition #3: *the approval of all applicable federal, state and local agencies prior to the issuance of any permits* could be shown as a note on the final plat.

Mr. Boone replied yes.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Mr. Plauche to approve this subdivision subject to the following conditions:

- (1) placement of a note on the final plat stating that Lots 1 & 2 are limited to two curb cuts each to U. S. Highway 90, with the size, location and design to be approved by Alabama Department of Transportation and Traffic Engineering Department;
- (2) placement of required 25' minimum building setback lines on the final plat; and
- (3) the approval of all applicable federal, state and local agencies prior to the issuance of any permits.

The motion carried unanimously.

Case #SUB2002-00037

Dix Subdivision, Unit Two, Resubdivision of & Addition to Lot 2

South side of Cottage Hill Road, 250' ± West of Dawes Road, extending to the West side of Dawes Road, 200' ± South of Cottage Hill Road.

3 Lots / 5.7± Acres

Mr. Don Coleman of Rester and Coleman Engineers, Inc., was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to approve this subdivision subject to the following conditions:

- (1) the dedication of sufficient right-of-way to provide 50' from the centerline of Dawes Road;
- (2) the placement of a note on the final plat stating that Lot 1 is limited to one curb cut to Cottage Hill Road, with the location and design to be approved by the County Engineering Department;
- (3) the placement of a note on the final plat stating that Lot 2 is limited to one curb cut to Cottage Hill Road and one curb cut to Dawes Road, with the location and design to be approved by the County Engineering Department;
- (4) the placement of a note on the final plat stating that Lot 3 is limited to one curb cut to Dawes Road, with the location and design to be approved by the County Engineering Department;
- (5) the placement of a note on the final plat stating any lots which are developed commercially shall provide a buffer in compliance with Section V.A.7 of the Subdivision Regulations; and
- (6) the removal of the structure prior to the recording of the final plat.

The motion carried unanimously.

Case #SUB2002-00023

Downtowner Apartments Subdivision

North side of Downtowner Loop North, 180' ± East of Downtowner Loop West.

March 7, 2002

1 Lot / 1.0± Acre

Mr. M. Don Williams of M. Don Williams Engineering was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Ms. Deakle and seconded by Dr. Laier to approve this subdivision subject to the following conditions:

- (1) placement of a note on the final plat stating the development be limited to two curb cuts to Downtowner Loop North with the size, location and design to be approved by Traffic Engineering Department; and
- (2) the placement of 25' minimum building setback lines along Downtowner Loop North on the final plat.

The motion carried unanimously.

Case #SUB2002-00035

Foster Properties Subdivision

East side of Bellingrath Road, 950'± South of Degusa Industrial Road, extending to the West side of Brasfield Road (not open).

1 Lot / 13.6± Acres

Mr. Matt Orrell of Polysurveying Engineering – Land Surveying was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Dr. Laier and seconded by Mr. Plauche to approve this subdivision subject to the following conditions:

- (1) the dedication of sufficient right-of-way to provide 50' from the centerline of Bellingrath Road;
- (2) the property to the South (labeled as future development) be included as Lot 2 on the final plat;
- (3) the property to the North be labeled as future development on the final plat;
- (4) the placement of a note on the final plat stating that the site is denied access to Brasfield Road (unopened right-of-way) until such time as Brasfield Road is improved to county standards;
- (5) the placement of a note on the final plat stating that Lot 1 is limited to two curb cuts to Bellingrath Road, with location and design to be approved by County Engineering;
- (6) the placement of a note on the final plat stating that Lot 2 is limited to two curb cuts to Bellingrath Road, with location and design to be approved by County Engineering; and
- (7) the placement of the required twenty five foot setback on the final plat.

The motion carried unanimously.

Case #SUB2002-00033

Loftin Subdivision

North side of Jeff Hamilton Road, 950'± East of McKinnell Road.

2 Lot / 0.6± Acre

The applicant was present and concurred with the staff recommendations provided that there was a grandfather clause involved. He explained that some of the existing buildings that had been there for 30 years could partially be in the setback because Jeff Hamilton Road had been widened. He did not have any problems with these conditions for future construction.

March 7, 2002

There was no one present in opposition.

A motion was made by Dr. Laier and seconded by Ms. Deakle to approve this subdivision subject to the following conditions:

- (1) placement of a note on the final plat stating that Lots 1 & 2 are limited to two curb cuts each to Jeff Hamilton Road with the size, location and design to be approved by Alabama Department of Transportation and Traffic engineering Department;
- (2) the placement of a note on the final plat stating that any lot that is developed commercially and adjoins residentially developed property shall provide a buffer, in compliance with Section V.A.7, of the Subdivision Regulations;
- (3) placement of 25' minimum building setback lines along Jeff Hamilton Road on the final plat; and
- (4) the recording of Oak Pointe Place Commercial Subdivision simultaneously with Loftin Subdivision.

The motion carried unanimously.

Case #SUB2002-00031

Ollinger-Mostellar Subdivision, Revised

507 & 2859 Mill Street (South and West side of Mill Street, 550'± West of Bay Shore Avenue).

2 Lots / 1.1± Acres

Mr. Matt Orrell of Polysurveying Engineering – Land Surveying was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Ms. Deakle and seconded by Mr. Plauche to approve this subdivision subject to the following conditions:

- (1) the placement of a note on the final plat stating that the location and design of all curb cuts be approved by the Traffic Engineering Department; and
- (2) the provision of a buffer in compliance with Section V.A.7. of the Subdivision Regulations where the site adjoins residential property.

The motion carried unanimously.

Case #SUB2002-00024

Pinewood Subdivision, Block 1, Resubdivision of Lot 3

233 South McGregor Avenue (West side of McGregor Avenue, 600'± North of Pinebrook South).

3 Lots / 2.0± Acres

Mr. M. Don Williams of M. Don Williams Engineering was representing the applicant and stated that this application had been recommended for denial by the staff with the main concern being the size of the proposed lots compared to the other lots in the area. He commented that except for the property across the street all of the other lots in the surrounding area were closer in size to what was proposed than what was existing. He pointed out some of the other lots he was referring to on the map.

Mr. Quimby thought that the reason this was recommended for denial was the long driveways.

Mr. Boone said that the staff's objection was not so much the size, but the shape and configuration.

March 7, 2002

Mr. Williams said that they were proposing one common drive, 24' wide, for all three lots so they would have frontage on McGregor Avenue with an ingress/egress easement. This would allow the houses to sit back further off of the heavily traveled McGregor Avenue.

Mr. Quimby inquired if there was a site plan showing a common drive.

Mr. Williams said that a site plan was usually not required with a subdivision application. They had presented something showing the common drive.

Mr. Quimby commented that the plan before them reflected three separate driveways.

Mr. Williams said that there would be three driveways for ownership purposes, but the ingress/egress easement would encompass all three.

Mr. Sam St. John of 235 South McGregor Avenue was present and stated that he lived adjacent to the subject property. He said that Pinewood Subdivision consisted of six lots on the west side of McGregor Avenue with each lot having 200' of frontage. The lots were all adjacent to each other and there was one house on each lot. He was concerned about the way the proposed lots would be "stacked". He did not feel that this was in keeping with the character of their neighborhood. He asked that the Commission vote with the staff's recommendation.

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to deny this subdivision based on the configuration of the property, the proposed flag shaped lots and that the proposed subdivision would be out of character with the surrounding development.

The motion carried unanimously.

Case #SUB2002-00034

Raleigh Subdivision, Unit One, Resubdivision of & Addition to Lot 1

Northeast corner of Raleigh Boulevard and Raleigh Way.

1 Lot / 0.5± Acre

Mr. Don Coleman of Rester and Coleman Engineers, Inc., was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to approve this subdivision subject to the following condition:

- (1) the lot in Raleigh Addition Subdivision reflect the lot realignment prior to recording of the final plat.

The motion carried unanimously.

Case #SUB2002-00026

Southland Acres Subdivision

Northeast corner of Snow Road and Nursery Road.

3 Lots / 77.0± Acres

Mr. Ty Irby was present on behalf of the owners/applicants. They had a concern regarding staff recommendation #4: *placement of a note on the final plat stating that Lot 3 is limited to two curb cuts to Nursery Road and one curb cut to Snow Road with the size, location and design to be approved by County Engineering.* He said that Lot 1 was 20 acres, Lot 2 was 10 acres and Lot 3 was 50 acres. The recommendations would allow them two curb cuts on Lot 1 that had approximately 675' of frontage. With Lot 3 there would be around 1,600' of frontage on Nursery Road and 1,200'-1,300' on Snow Road. Therefore, he felt that two curb cuts to Nursery Road and one curb cut to Snow Road was somewhat limiting for that large of a parcel with that much frontage. He commented that

March 7, 2002

Lot 3 might be further subdivided in the future and he did not want to see the curb cut issue be a problem at that time. He asked that the number of curb cuts simply be left up to the County Engineering Department and not indicate a specific number.

There was no one present in opposition.

In discussion, a motion was made by Ms. Deakle and seconded by Dr. Laier to approve this subdivision subject to the following conditions:

- (1) the dedication of adequate right-of-way to provide 50' from the centerline along Snow Road, a planned Major Street;
- (2) placement of a note on the final plat stating that Lot 1 is limited to two curb cuts to Nursery Road with the size, location and design to be approved by County Engineering Department;
- (3) placement of a note on the final plat stating that Lot 2 is limited to one curb cut to Nursery Road with the size, location and design to be approved by County Engineering Department;
- (4) placement of a note on the final plat stating that the number, size and location of curb cuts for Lot 3 be approved by County Engineering Department;
- (5) the placement of a note on the final plat stating that any lot that is developed commercially and adjoins residentially developed property shall provide a buffer, in compliance with Section V.A.7, of the Subdivision Regulations; and
- (6) placement of 25' minimum building setback lines along Snow Road and Nursery Road on the final plat.

Dr. Rivizzigno thought they could go ahead and put the staff's limit on this and then the applicant could come back before the Commission if they wanted to change it.

Ms. Deakle said that the applicant did not want to be limited to these curb cuts in case they decided to do something else with the property.

Mr. Stewart said that if the applicant came to them with a specific use and site plan, County Engineering could work with them. At this time, they were fine with what the staff had recommended.

The question was called. The motion carried unanimously.

Case #SUB2002-00025

Minchew Subdivision, Resubdivision of Lot 1, and Summerville Subdivision, Sutton Tract, Resubdivision of Lot 1 of the Resubdivision of Lot 2

2201 Barretts Lane (Southwest corner of Summerville Street and Barretts Lane).

2 Lots / 0.5± Acre

Mr. Matt Orrell of Polysurveying Engineering – Land Surveying was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to approve this subdivision subject to the following conditions:

- (1) the placement of a 32' setback for Lot 1 along Barretts Lane; and
- (2) the placement of a note on the final plat stating that Lot 1 is denied access to Barretts Lane.

The motion carried unanimously.

Case #SUB2002-00030

Terrell Estates Subdivision

March 7, 2002

South side of Airport Boulevard, 600'± East of the South terminus of Flave Pierce Road, extending to the West side of Lowry Road.
207 Lots / 75.0± Acres

This application was heldover prior to the meeting.

Case #SUB2002-00039

Walker Wood Subdivision, Resubdivision of Lot 4

North side of Avriil Court, 60'± North of Sunset Drive North, extending to the West side of General Perhsing Avenue (not open).
1 Lot / 0.2± Acre

Mr. Don Coleman of Rester and Coleman Engineers, Inc., was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Mr. Plauche and seconded by Mr. Vallas to approve this subdivision subject to the following condition:

- (1) the submission of building footprint plan to illustrate compliance with building density for R-1, Single-Family Residential Districts, or that a variance be obtained prior to the recording of the final plat.

The motion carried unanimously.

OTHER BUSINESS:

Public Hearing

To consider a proposed amendment to the Zoning Ordinance regarding: the Definition Section; site coverage requirements in R-B; maximum height in B-4; residential parking exempt area within Hank Aaron Loop; parking surfaces within the Hank Aaron Loop; and residential uses in B-4 districts.

Mr. Boone explained that this was the first phase of the implementation of the Downtown Residential Plan. What was proposed today was the staff's recommendation in terms of what needed to be changed in the Zoning Ordinance to implement this plan.

There was no one present to speak on this matter.

A motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to recommend the approval of these amendments to the City Council as recommended by the staff.

The motion carried unanimously.

Public Hearing

To consider a proposed amendment to the Subdivision Regulations regarding buffer requirements.

Mr. Boone said that the City was issued as order by a judge to amend the Subdivision Regulations to clarify the buffer requirements.

Mr. Lawler said that the Regulations were called into question because of the buffer requirements. The purpose of this amendment was to make the language more clear.

Mr. Boone said that there would not be any policy change. The changes were strictly for clarification with a few more details.

Dr. Rivizzigno said that they had experienced problems in the past with sites that had a lot of grade changes in terms of how high a buffer should be.

March 7, 2002

Mr. Boone said that this was taken care of with internal policies and the staff had not really had any problems with this so far.

Mr. Plauche inquired if they would require that natural buffers could not be seen through.

Mr. Boone replied yes. If one were unable to do this, they would need to provide a fence.

Ms. Deakle thought it would be very difficult and costly to plant something that was 6' in height and not able to be seen through at the time of planting.

Mr. Plauche agreed that this would be very expensive. He thought it might lead more people to install fences instead of vegetative material.

Mr. Olsen explained that this was virtually the same as the existing requirement in the Zoning Ordinance. They had gone with this language so it would correspond to that for subdivisions within the City as well as within the Planning Jurisdiction. With the court case that Mr. Boone had referred to, the Commission had required a fence and a buffer. The judge had said that the Subdivision Regulations did not say that the Commission had the right to do both, so this was why they had changed it.

Mr. Plauche had some further concerns regarding the cost of a dense vegetative buffer at the time of planting. He inquired if there was a way that maybe they could require that the buffer achieve this density after a certain number of years instead of at the time of planting to help with some of the cost involved. He did not want to see people only putting up fences because they were cheaper.

Mr. Boone said that a lot of time there was existing vegetation on a site and to provide the buffer they simply didn't clear that area. The complete planting of this type of buffer was almost never done. He pointed out if they were to wait then they could possibly have a business next to a residence without a buffer for however many years it took for the buffer to reach maturity.

There was a brief discussion regarding the cost of installing 6' vegetative buffers.

Mr. M. Don Williams of M. Don Williams Engineering was present and inquired if one chose to put up a 6' high privacy fence, what was the language regarding putting in 10' of vegetative buffering or greenery in addition to the fence. Could they use that 10' for asphalt and still have the fence?

Mr. Boone said that in the City they could put up a 6' fence and they would have to have a 10' buffer which could be greenspace, a driveway or parking, but not a building. They would not have to have a fence and a vegetative buffer unless it was a specific condition by the Commission.

A motion was made by Dr. Rivizzigno and seconded by Dr. Laier to approve this amendment as submitted by the staff.

The motion carried unanimously.

Paul Banfi, Daniel A. Schambeau, Joel A. Schambeau, Sr., and W. A. Schambeau, Sr.

Request for vacation of right-of-way known as "Cross Road" that is approximately fifty feet in width and extends from Carol Plantation Road to Interstate 10 (located in Mobile County).

Mr. Olsen stated that the property in question was located in the County off of Carol Plantation Road. It was an unimproved, unopened right-of-way that ran from Carol Plantation Road to the Interstate. The right-of-way did not serve a purpose and the staff recommended that the Commission assent to its vacation so that it could go before the County Commission.

March 7, 2002

A motion was made by Ms. Deakle and seconded by Dr. Rivizzigno to assent to this vacation.

The motion carried unanimously.

There being no further business, the meeting was adjourned.

APPROVED: April 4, 2002

/s/ Wendell Quimby, Vice-Chair

jh