

MOBILE CITY PLANNING COMMISSION
MEETING OF JULY 6, 2006 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
Nicholas Holmes
Mead Miller
John Vallas
James Watkins III

Members Absent

Ann Deakle
Clinton Johnson
James Laier (S)
Victoria L. Rivizzigno
William Demouy

Staff Present

Richard L. Olsen, Deputy Director of
Planning
Bert Hoffman, Planner II
Madeleine Masters, Planner I
Mae Sciple, Secretary II

Others Present

John Lawler, Assistant City Attorney
David Daughenbaugh, Urban Forestry
Jennifer White, Traffic Engineering
Pat Stewart, County Engineering
Beverly Terry, City Engineering

Mr. Plauche 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 Chairman who does not participate in voting unless otherwise noted.

Mr. Plauche also noted that there was a minimum quorum for this meeting, and there were several applications that one or more of the members present would have to recuse themselves on. This included #9. TREC, LLC, and #18 and #19. Spring Hill College. The hearing on these applications would be postponed until the July 20, 2006 meeting.

APPROVAL OF MINUTES:

A motion was made by Mr. Miller and seconded by Mr. Vallas to approve the minutes of the June 1, 2006, meeting as submitted. The motion carried unanimously.

HOLDOVERS:

Case #SUB2006-00086 (Subdivision)

Carol Plantation Subdivision, 5th Unit, Resubdivision of Farm 658 and a Portion of Farm 659

5035 Gunn Road

(East side of Gunn Road, 730'± South of Three Notch Road).

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

Matt Orrell, Polysurveying, was present on behalf of the applicant and said they would like to withdraw the application.

Mr. Plauche asked if there was anyone who would like to speak in this matter. There was no one else to speak.

Case #SUB2006-00088

Quinnie Place Subdivision

7212 and 7228 Bellingrath Road

(West side of Bellingrath Road, 140'± South of Will Casher Lane).

Number of Lots / Acres: 2 Lots / 0.5± Acre

Mr. Plauche announced that the applicant had requested that this application be held over until the August 3, 2006, meeting.

Mr. Plauche asked if there was anyone present to speak in this matter. There was no one.

A motion was made by Mr. Plauche and seconded by Mr. Watkins to hold over this application to the meeting of August 3, 2006.

The motion carried unanimously.

Case #SUB2006-00091 (Subdivision)

Turtle Creek Subdivision, Phase Two

East and North termini of Highfield Way, extending South to the East terminus of Turtle Creek Lane South.

Number of Lots / Acres: 59 Lots / 25.6± Acres

Ruffin Graham of 5966 Shenandoah Road, developer of this subdivision, stated that they had completed the first unit and wanted to develop the second unit. He noted that in the original application of the subdivision they had an issue with a piece of property contiguous to this that was landlocked. The staff recommended a stub out to keep that parcel from being landlocked. Mr. Graham said they met with the staff and showed them their plan to locate all of Turtle Creek in the highlighted portion, which he pointed out on the plan, and everything to the East would be for future development. He said they were in agreement with the staff recommendation except for the condition requiring a street stub to the east. Mr. Graham said they were trying to make Turtle Creek, which was an exclusive subdivision, autonomous to the rest of the property. It would have an additional stub out to the north in the third unit. Mr. Graham asked that the Commission waive the stub out requirement to the east.

After discussion a motion was made by Mr. Vallas and seconded by Mr. Miller to approve this plan subject to the following conditions:

- 1) the entire parcel(s) to the East be shown on the final plat as Future Development;
- 2) placement of a note on the final plat stating that maintenance of all common areas shall be the responsibility of the property owners association;
- 3) placement of a note on the final plat stating that no lots shall have direct access to Repoll Road or Richmond Pearson Road; and
- 4) developer to obtain all necessary federal, state and local approvals prior to the issuance of any permits.

The motion carried unanimously.

Case #ZON2006-01032 (Planning Approval)

Jeffery Higginbotham

South side of Old Shell Road, 150'± East of Wilroh Drive East.

A request for Planning Approval to allow a swimming club in an R-1, Single-Family Residential district was considered.

The plan illustrates the proposed building, parking and pool.

Jean Higginbotham, applicant, was present in this matter and was in agreement with the staff recommendations.

There being no one else to speak in favor of this application, Mr. Plauche asked if there was anyone who wished to speak in opposition.

Herb Hervet, president of the Cobblestone Homeowners Association, said many of the residents of Cobblestone were present at the June meeting and expressed their objections. Mr. Hervet said they felt a swim club at this location would be detrimental to the well being of the neighborhood. He pointed out that Cobblestone lies to the immediate south of the proposed swim club, and there were elderly residents on both sides of the proposed facility who were opposed to it, as well as residents across Old Shell Road. They were concerned that lights from the swim club would shine into the neighborhood at night. They also objected to the noise it would create, and were concerned that this use would bring criminal activity into the neighborhood. Mr. Hervet said they already had flooding problems coming from Old Shell Road, and they were concerned that additional drainage from this site would cause worse flooding. Also, they felt this site should be rezoned from residential, R-1, to a business zoning, since this was a business use. It was not a swimming club per se country club. Mr. Hervet also mentioned that at the last meeting Ms. Higginbotham said that they were going to use salt water in the pool. They had not addressed how they were going to get rid of the water from the pool. He said if that water were allowed to drain into the ditch on their property and into their retention pond, it would make the retention pond worthless. Mr. Hervet asked if the applicant would have to comply with the stormwater drainage ordinance.

Mr. Plauche said they would have to comply with the stormwater drainage ordinance.

Mr. Hervet further referred to Section 17.12 of the ordinance, which states that stormwater runoff will not be allowed to flow across adjoining property lines unless a hold harmless agreement was signed by the adjoining property owner. He said they feel this proposed swim club would hurt Cobblestone, which was a development of 141 patio homes with 95 percent elderly residents. Mr. Hervet asked that the Planning Commission deny approval of this application.

David G. Cooling stated that he was in charge of the committee that takes care of the retention pond, and they were very concerned with added flow into that retention pond. As it was, Mr. Cooling said they were going to have to dig the bottom out of the pond. They were also concerned because salt water would kill the vegetation in the pond, and that pond also goes into Dog River. Mr. Cooling further stated that Cobblestone was a zero-lot-line development and most of the lots were 40-something feet wide. He said this was a unique situation in Mobile and they took care of their property and were proud of it. Mr. Cooling said all the residents came from areas like midtown where they had nice homes, but the neighborhood went to pieces and they had to get out while they could. They were now trying to save a good quality life they have in this neighborhood.

Carla Durham, a resident of 7000 Hedgestone Way, asked that those present in opposition to this proposal raise their hands. (There was a show of hands.) Ms. Durham also pointed out that there was a petition in opposition signed by most of the residents of Cobblestone, as well as those over on Old Shell Road. They were concerned about the noise and the activity in a neighborhood of mostly older people. She said most of the residents were much like her, with grown kids, and this was very much a work-at-home environment. Ms. Durham was concerned that the noise from a swim club would disrupt her work activity, and she would have to seek another place to live where she could have a quiet environment. She said she specifically bought in this neighborhood six months ago because of the quiet area, the lack of kids, and the ability to do her work at home. Ms. Durham said she chose to live here because of the type of company she works for, and she felt it would behoove Mobile to attract workers like herself and provide those kinds of communities in which they could work productively.

Sylvia Dietz, a resident of 26 Stonebridge Court, stated that Cobblestone was located between two speedways. Old Shell Road between Cody Road and Hillcrest Road was a two-lane road, and was an east-west artery for the students from USA as well as Dickson School. She said it was impossible to get off of Foreman Road at certain times of the day, and felt that a swim club at this location would aggravate the traffic situation even more.

Mr. Plauche asked if the applicant would like to respond.

Jean Higgenbotham stated that she had been in this area for 15 years and Cody and Old Shell Road had been a very depressed area for a long time. She noted that there were plans to widen Old Shell Road to five lanes. Also, there was a boys and girls club at the corner of Old Shell and Cody that was already booked and new children could not get in.

Ms. Higgenbotham further pointed out that Cobblestone was surrounded by Old Shell Road, Cody Road, Airport Boulevard and Providence Hospital, which were all noisy, and Cobblestone did not seem to her like a very quiet place to settle down. She reiterated that Old Shell Road where she lived was very depressed and had been for a long time, and she felt the area needed some new ideas.

In deliberation session, Mr. Vallas said he could see the neighbors' arguments if the swim club would be generating a lot of traffic and noise, but as he understood it, they would only be allowed to have 6-8 kids at a time.

Mr. Olsen said they would be allowed 6 or 8 members, and there would be individual memberships and family memberships.

Mr. Vallas asked if there was nothing to prevent a member from bringing 20 guests?

Mr. Miller said he wished the applicant were here, because he felt there was probably some limit. But unfortunately, six family memberships with guests could be quite a crowd.

Mr. Olsen noted that there would only be 16 parking spaces. He also thought that there was a cap on the number of individuals that would be allowed at any given time.

Mr. Hoffman said that would just be based on the membership.

Mr. Miller said he was very hesitant to change zoning without a compelling reason. If this was to be a full commercial swimming pool, how would it be justified?

Mr. Olsen said it would be strictly membership only, and there was a cap on their membership. There was a process through which one would have to go to become a member, and based on the Zoning Ordinance definition of a sports club membership, this would fall into that category.

Mr. Miller asked if that did not require that it seek its membership from the adjoining neighborhood.

Mr. Vallas commented that these types of projects were ideally located in B-1 or B-2 districts.

Mr. Olsen said if they were looking strictly at commercial use of this, it would require B-2 zoning.

After discussion a motion was made by Mr. Vallas and seconded by Mr. Holmes to deny approval of this plan.

The motion carried. (There was one vote in opposition.)

Case #ZON2006-01019 (Planning Approval)

Mike & Daphne Sullivan and Delmas & Sue Whatley

4161 Dauphin Island Parkway

East side of Dauphin Island Parkway, 190'± North of Terrell Road).

This request for Planning Approval to allow a recreational vehicle park in a B-3, Community Business district, was considered.

The plan illustrates the proposed buildings, drives, and parking.

(Also see Case #ZON2006-01020 (Planned Unit Development) Mike & Daphne Sullivan and Delmas & Sue Whatley – Below).

Daphne Sullivan of 2502 River Forest Road, applicant, was present and stated that she was in agreement with the staff's recommendation for approval, with the exception of condition #1. Ms. Sullivan said they would like to leave the site plan as it was for possible future development on the North side of the facility. Also, they wanted to be able to use gravel on some areas of the site.

Mr. Plauche asked what the code was for pavement in this type of zone.

Mr. Olsen said all the drives and circulation area would have to be paved. The stalls would not have to be paved.

Ms. Sullivan said they would be in agreement with that.

Mr. Plauche asked if there was anyone else present to speak in favor or against this application. There was no one.

In deliberations session a motion was made by Mr. Miller and seconded by Mr. Vallas to approve this plan subject to the following conditions:

- 1) revision of the site plan to depict the RV parking area 50 feet North of the location depicted on the revised site plan;
- 2) relocation of the proposed dumpster so that it fully complies with Section IV.D.9. of the Zoning Ordinance;
- 3) approval of all applicable federal, state and local agencies prior to the issuance of any permits or land disturbance activities;
- 4) placement of a note on the site plan stating that the site is limited to one curb-cut, with the size, design and location to be approved by Traffic Engineering and ALDOT, and conform to AASHTO standards;
- 5) full compliance with the tree and landscaping requirements of the Zoning Ordinance;
- 6) provision of a 6-foot high privacy fence along the South boundary of the property, except for that portion within 25-feet of the right-of-way of Dauphin Island Parkway;

- 7) full compliance with all other municipal codes and ordinances; and
- 8) submission and approval of the revised site plan to Urban Development – Planning Section, prior to submission for building or land disturbance permits.

In further discussion, Mr. Watkins asked if they needed to make any reference to the gravel.

Mr. Olsen said that was not a condition.

Mr. Holmes asked the staff to explain condition #1.

Mr. Hoffman pointed out that to the south of the subject property was residential property developed with single-family homes. The idea was that by moving the RV parking area at least to the middle of the site – further north – it would provide additional buffer to the residences to the south.

There being no further discussion, Mr. Plauche called for the vote.

The motion carried unanimously.

Case #ZON2006-01020 (Planned Unit Development)

Mike & Daphne Sullivan and Delmas & Sue Whatley

4161 Dauphin Island Parkway

East side of Dauphin Island Parkway, 190'± North of Terrell Road).

This application for Planned Unit Development Approval to allow multiple buildings on a single building site was considered.

The plan illustrates the proposed buildings, drives, and parking.

(For discussion See Case #ZON2006-01019 (Planning Approval) Mike & Daphne Sullivan and Delmas & Sue Whatley – Above).

After discussion a motion was made by Mr. Miller and seconded by Mr. Vallas to approve this plan subject to the following conditions:

- 1) revision of the site plan to depict the RV parking area 50 feet North of the location depicted on the revised site plan;
- 2) relocation of the proposed dumpster so that it fully complies with Section IV.D.9. of the Zoning Ordinance;
- 3) approval of all applicable federal, state and local agencies prior to the issuance of any permits or land disturbance activities;
- 4) placement of a note on the site plan stating that the site is limited to one curb-cut, with the size, design and location to be approved by Traffic Engineering and ALDOT, and conform to AASHTO standards;

- 5) full compliance with the tree and landscaping requirements of the Zoning Ordinance;
- 6) provision of a 6-foot high privacy fence along the South boundary of the property, except for that portion within 25-feet of the right-of-way of Dauphin Island Parkway;
- 7) full compliance with all other municipal codes and ordinances; and
- 8) submission and approval of the revised site plan to Urban Development

The motion carried unanimously.

EXTENSIONS:

Case #SUB2005-00049 (Subdivision)

Cypress Shores Subdivision, Bounds 1st Addition to

East side of Cypress Shores Drive, 200'± North of Canal Drive.

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

Matt Orrell, Polysurveying, was present on behalf of the applicant.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Miller to grant a one-year extension of approval for the above referenced subdivision.

The motion carried unanimously.

Case #SUB2005-00065 (Subdivision)

The Quarters at Heron Lakes Subdivision

North terminus of Skyview Drive, extending to the West side of Skywood Drive, 650'± South of Government Boulevard.

Number of Lots / Acres: 83 Lots / 18.3± Acres

After discussion a motion was made by Mr. Plauche and seconded by Mr. Miller to grant a one-year extension of approval for the above referenced subdivision.

The motion carried unanimously.

Case #ZON2005-00803 (Planned Unit Development)

The Quarters at Heron Lakes Subdivision

North terminus of Skyview Drive, extending to the West side of Skywood Drive, 650'± South of Government Boulevard.

A Planned Unit Development Approval to allow a gated, private street town home and single-family residential subdivision with reduced lot widths and sizes, reduced building setbacks increased site coverage, alleyway access, and on-street parking was considered.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Miller to grant a one-year extension of approval for the above referenced Planned Unit Development.

The motion carried unanimously.

Case #SUB2002-00158 (Subdivision)

Ram's Head Addition to Tillman's Corner Subdivision (formerly Head's Addition to Tillman's Corner Subdivision)

South side of Cross Street, 100'± East of Middle Road.

Number of Lots / Acres: 5 Lots / 20.3± Acres

After discussion a motion was made by Mr. Plauche and seconded by Mr. Miller to grant a one-year extension of approval for the above referenced subdivision.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2006-00123

Commonwealth National Bank Subdivision

2214 St. Stephens Road

(East side of St. Stephens Road, 460'± North of the East terminus of Allison Street, extending to the West side of Dr. Martin Luther King, Jr. Avenue, 60'± South of the East terminus of Osage Street).

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

A representative of the applicant was present and concurred with the staff recommendations.

After discussion a motion was made by Mr. Watkins and seconded by Mr. Holmes to approve this plan subject to the following conditions:

- 1) dedication of sufficient right-of-way to provide 50 feet from the centerline of St. Stephens Road;
- 2) adjustment of the 25-foot building setback line to reflect the dedication;
- 3) the placement of a note on the final plat stating that future redevelopment of the site is limited to a single curb cut to each street; and
- 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). Mobile Tree Commission Permit is required before removing trees from existing city right of way.).

The motion carried unanimously.

Case #SUB2006-00124

I.M.S. Subdivision

4548 Halls Mill Road

(North side of Halls Mill Road, $\frac{1}{4}$ mile \pm East of Rochelle Street).
Number of Lots / Acres: 2 Lots / 26.0 \pm Acres

Mr. Plauche stated that since there was one recusal in this matter, this application would be held over to the meeting of July 20, 2006.

Case #SUB2006-00128

Storagemax Subdivision, Resubdivision of Lots 4 & 5

1058 Church Street

(North side of Church Street, 130' \pm East of George Street).

Number of Lots / Acres: 1 Lot / 0.3 \pm Acre

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant and concurred with the staff recommendations.

After discussion a motion was made by Mr. Vallas and seconded by Mr. Miller to approve the above referenced subdivision subject to the following conditions:

- 1) the placement of a note on the final plat stating that the site is limited to a single curb cut; and
- 2) the placement of the Historic District Overlay setbacks on the final plat.

The motion carried unanimously.

Case #SUB2006-00125

Beard Subdivision

West side of Monarch Drive West at its South terminus, extending to the West terminus of Wolf Creek Drive North, and extending to the East terminus of Jalama Drive.

Number of Lots / Acres: 2 Lots / 6.4 \pm Acres

Bobby McBryde, Rowe Surveying, was present on behalf of the applicant and concurred with the staff recommendations.

After discussion a motion was made by Mr. Vallas and seconded by Mr. Miller to approve the above referenced subdivision subject to the following conditions:

- 1) the placement of a note on the final plat stating that size, location, and design of all curb cuts is subject to Traffic Engineering approval; and
- 2) the placement of a note on the final plat stating that Lot A is limited to a single curb cut.

The motion carried unanimously.

Case #SUB2006-00126

L.M.S. Subdivision

8140 Oak Avenue

(Northeast corner of Oak Avenue and Crestwood Drive).

A representative of the applicant was present and concurred with the staff recommendations.

Richard Bonner, 8080 Oak Avenue, submitted a petition in opposition signed by most of the residents in the neighborhood. The petition listed the following concerns: (1) Crestwood Drive would be the main access into the new subdivision and would cause an increase in traffic, eroding the quiet of the neighborhood and increasing the risk to their children because the road would no longer be a dead end street; (2) the roads in the neighborhood were over 30 years old and were not designed to handle the construction vehicles needed to build these homes; (3) the development would cause further drainage problems; (4) access to the proposed subdivision could be made via the applicant's adjacent property, as the roads were new and met the standards and could handle the additional traffic; and (5) the applicant purchased the property with full knowledge of the limited access, and he wanted to make his profit at the expense of the neighborhood.

Mr. Bonner said most of the residents of Crestwood purchased their homes because it was a small neighborhood with each road ending in a cul-de-sac creating a safe environment for their families. He further noted existing drainage problems due to the slope of the land, and contended further development would make this problem worse.

Wayne Smith, 8144 Ward's Lane, reiterated Mr. Bonner's comments about this being a quiet neighborhood. He also expressed concern for the safety of the children in the neighborhood due to increased traffic, and felt this development would cause property values to decrease.

Mr. Vallas commented that he was missing the traffic concerns being voiced, as this proposal was for a subdivision of two lots, one of which had a house on it and the remaining 15-acre+ parcel for which there were no plans for development at this time. He asked the staff to clarify the situation.

Mr. Olsen explained that the application before the Commission was for a two-lot subdivision. The rear portion would be acquiring a part of the corner lot to give it frontage on Crestwood Drive. The rear portion would be a single lot of record. Mr. Olsen noted that this property was in the county, so there was no zoning.

Harris Robinson, 8070 Oak Avenue, stated that he would like to support comments already made that all the streets in the Crestwood Subdivision do end in cul-de-sacs. He said that the residents had invested and poured their lives into establishing their homes on these non-traffic flow streets, and to kick out these cul-de-sacs would ruin their neighborhood. They wanted to be able to raise their families without having to be concerned about through traffic. He was also concerned about future development, which could open up the adjoining subdivision into Shenandoah and cause a massive amount of traffic flow from that subdivision into Crestwood Drive. Also, Mr. Robinson was concerned that future development could open up the cul-de-sac at the end of Oak

Avenue where he lives. He said the residents of Crestwood do not want additional traffic coming through their neighborhood.

Mr. Vallas commented that the residents kept referring to a cul-de-sac, and he did not see a cul-de-sac on the plan. He asked if any of the previous subdivision plats showed a cul-de-sac, or if they had always had those stub streets.

Mr. Hoffman stated that previous plats showed no actual cul-de-sac at this location, or at the end of Oak Avenue. If you looked at the aerial photograph, however, there was a cul-de-sac within the existing right-of-way, and also on part of private property.

James Layton, 3287 Crestwood Drive, stated that they had just moved to the area and finally after many years he was able to move his children to an area where he did not have to worry about them walking on the street. He said even though it was a small neighborhood, one of the things that they liked about it was the fact that there were no open lots. They did not have to worry about construction, which also brings a lot of extra traffic. Mr. Layton said this was a mixed subdivision of all ages, whose goal was to live in a very quiet neighborhood without a lot of traffic.

An unidentified resident submitted another petition in opposition and expressed concern about the drainage, and submitted a picture of the cul-de-sac on Oak Avenue.

In deliberations session Mr. Miller said he appreciated what they had heard from the residents in opposition, but this was simply making two lots of record, and he did not see any reason not to approve it.

A motion was made by Mr. Miller and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

- 1) placement of a note on the final plat stating that no future subdivision of Lot 2 is allowed until the right-of-way of Crestwood Drive meets the minimum standards of the Subdivision Regulations, and additional frontage onto a road constructed to the standards of the Subdivision Regulations is provided;
- 2) placement of a note on the final plat stating that land-locked parcels adjacent to Lot 2 must be provided access to a public street if Lot 2 is further subdivided at a future date;
- 3) depiction of the 25-foot minimum building setback line, as required by Section V.D.9.; and
- 4) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.

In further discussion Mr. Vallas said he felt the neighbors would make a more compelling argument if the second lot should come in for further subdivision.

Mr. Holmes also commented that he thought the reason for requiring stubouts was because you could not determine where and how property was going to be developed in the future.

Mr. Olsen said that was correct, and it was to provide for the development of those large undeveloped tracts of land as required by the Subdivision Regulations.

Mr. Watkins wanted to make sure it was clear that when the large undeveloped parcel was developed, it would have to come before the Planning Commission for approval.

Mr. Olsen said that was correct. He again pointed out that this site was in the county, so there was no zoning.

There being no further discussion, Mr. Plauche called for the vote.

The motion carried. (There were three votes in favor of the motion and two opposed.)

Case #SUB2006-00119

Springhill South Subdivision

3451 Spring Hill Avenue

(South side of Spring Hill Avenue, extending from West I-65 Service Road North to Bishop Lane North).

Number of Lots / Acres: 2 Lots / 1.2± Acres

Larry Jones, Thompson Engineering, was present on behalf of the applicant. Mr. Jones said they were in agreement with the staff recommendations except for condition #2 regarding curb cuts. Mr. Jones said there were four existing curb cuts, and they planned to bring them up to code and use them in the same area they were in now.

In deliberations session Mr. Miller asked if the staff had any comment on the four existing curb cuts.

Referring to the site plan submitted, Mr. Olsen pointed out that the fourth curb cut was considerably smaller than it appeared. It was shown as a two-way cut on the plat submitted, but it did not appear to be now. Mr. Olsen asked Traffic Engineering to comment on the curb cuts.

Ms. White said Traffic Engineering had looked at the curb cuts and they were much larger than needed. The two to Spring Hill Avenue were 36', and the applicant was proposing 24' driveways. He wanted to make them smaller and limit access back to Spring Hill Avenue. The reason he wanted to widen the second driveway on the service road was mainly for his dumpster pick-up. It would help with the flow of traffic behind the buildings so they could get in there and pick up the dumpsters. Ms. White said they did not have a problem with it, as he was bringing them up to standards so it would be better than what was existing.

Mr. Vallas stated that he was aware that there was an application coming in across the street, which was turned down before, and they were asking for curb cuts. He felt the curb cuts should be approved with the size and number at the discretion of Traffic Engineering, and tying it in with the application across the street so there would be no problem there.

Mr. Olsen noted that the only difference between the site across the street and this one was that the site across the street, when it was originally subdivided was specifically denied curb cuts to Spring Hill Avenue because it had its access via Spring Hill Plaza Court.

After discussion a motion was made by Mr. Vallas and seconded by Mr. Miller to approve the above referenced subdivision subject to the following conditions:

- 1) application for Administrative Planned Unit Development review prior the signing of the final plat;
- 2) placement of a note on the final plat stating that the size, design, location, and number of curb cuts to be approved by Traffic Engineering, and conform to AASHTO standards; and
- 3) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2006-00120

Heron Landing Subdivision

South side of Dauphin Island Parkway, 70'± East of Willowdale Street, extending to the West side of Doyle Street, 600'± South of Dauphin Island Parkway.

Number of Lots / Acres: 20 Lots / 20.7± Acres

Mr. Plauche stated that this application was recommended for holdover to the August 3, 2006, meeting, but if anyone was present and wished to speak they could do so now.

Mr. Olsen stated that after discussion with the applicant's surveyor, holdover to the July 20th meeting would be acceptable to both the staff and the applicant.

George Owens stated that he was present to speak on behalf of his father, James Owens, who owned the property at 2458 Doyle Street. He was also present in the audience. Mr. Owens said what he was about to say was based upon 40 years of living in that area and having walked every square foot of that property over most of his lifetime. First of all, he noted that the proposed plan showed lot 1 having a 25' x 320' strip of land to the front and to Dauphin Island Parkway. In actuality, Mr. Owens said that strip of land was a right-of-way; an easement that was granted to the county of Mobile in 1962 as part of the Fulton Road Extension project. The right-of-way consisted of a storm drainage discharge pipe, which discharges water collected by the storm drainage system on Dauphin Island Parkway, and the water was allowed to free-flow above ground down that easement until it reached a ditch that was pre-existing the easement. That ditch then follows

approximately the boundary line between property owners on Doyle Street and the property of the applicant, until it reaches a point approximately half way across the back of lot 3 of Faye Place, otherwise known as 2458 Doyle Street where Mr. Owens said he had resided most of his life. At that point, the ditch ends and the water again free-flows from that point until it reaches the head of a canal that was approximately 250 feet from Dog River. Mr. Owens said that even during a typical Mobile afternoon heavy thunderstorm, a torrent of water goes down through that ditch. He noted that this plan did not show, and it could not be ascertained from an aerial photograph, that both the properties along Doyle Street and the property of the applicant slope into both the drainage easement, the ditch, and what he would refer to from now on as the spillway area leading down to the canal. Mr. Owens said that during Hurricane Katrina the depth of the water at the back of lot 3 of Faye Place, which was where the pre-existing ditch empties into what he refers to as the spillway, would have been in excess of 6 feet deep. Under normal conditions whenever the ditch was properly maintained, which it has not been, the depth of the ditch if you're standing in it would be anywhere from mid-way between your knee to your hip, and it varies in width from 3 feet to over 12 feet. Mr. Owens further pointed out that lot #5 not only has abutment to Doyle Street itself, but to the southernmost cul-de-sac. He assured the Commission that the owner of the proposed property of lot #5 would not be able to transit from the cul-de-sac onto the property of lot #5 without crossing that ditch. You could not put a drain, or pipe, in that ditch and build a driveway over it because frequently the water goes beyond the confines of the ditch.

Mr. Owens further noted that said there was no mention in the plan as to what the applicant intended to do about the storm drainage for that road and the cul-de-sacs and the subsequent development. There was no indication as to where a storm drain would run, or where the sewer lines would run. Mr. Owens said the problem that existed along the spillway, the ditch and the county of Mobile's easement, was that no one, neither the property owner nor the county of Mobile, State of Alabama or the City of Mobile, was maintaining the property. At the rear of his father's fence right now the weeds were in excess of 6 feet tall.

Mr. Plauche interrupted Mr. Owens to say that his time was up, but since this was not the actual hearing, he asked him to summarize. He said he would still be allowed to speak at the meeting on July 20th.

Continuing, Mr. Owens stated that the development of the common area also presented a problem, in that it abutted up to the road and there would be no way to transit fire apparatus from the cul-de-sac area down into the deepest part of the common area, which was heavily forested. In addition, the plan indicated an intent to dredge the canal toward Dauphin Island Parkway a substantial distance, coming out behind lots 3 and 4, and to provide boat docking facilities. Mr. Owens said that at no time had that canal ever been wide enough or deep enough to allow even a flat-bottom boat or a canoe to navigate. He pointed out that just to the southwest of Doyle Street there was a sewage pumping station, a lift station, and there was a sewage line that ran directly across all the lots and the area where the canal was indicated. There was a manhole cover there. Mr. Owens said if they dredged beyond the current limits of that canal, it would require them to dredge over

the current existing sewer line. If they remove the sediment from over the top of the sewer line, it would either result in the infiltration of ground water into the sewer system, or it would result in exfiltration of raw sewage into the canal, which subsequently ends up in Dog River and ends up into the bay. In closing, Mr. Owens said they were not totally opposed to the development of this property, but felt there was some room for compromise here. He had spoken with Mr. Wineshaker, owner of lot 4, and had discussed the matter in detail with other people that lived on the street. They felt there was a way to develop this property that would be consistent with maintaining good drainage of Dauphin Island Parkway, not flooding the adjacent properties on Doyle Street, and yet still accomplish what the developer had in mind. This, however, would require significant revision of the plan.

Mr. Plauche thanked Mr. Owens and suggested that before the meeting on July 20th, he meet with the surveyor or the developer and see if some compromise could be worked out.

Mr. Owens further pointed out that there was a problem with lot 6, in that there were nesting alligators there.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Walkins to holdover this application until the July 20, 2006 meeting at the applicant's request.

The motion carried unanimously.

Case #SUB2006-00121

Heaven's Way Subdivision

South side of Broughton Road, 980'± East of Hardeman Road.

Number of Lots / Acres: 24 Lots / 9.2± Acres

Mr. Plauche announced that this application was recommended for holdover to the August 3, 2006 meeting, but if anyone was present to speak they could do so at this time.

Bryant Turberville, applicant, stated that the staff had recommended that they obtain the property to the west of the frontage. Mr. Turberville said there was a house on that property and he did not think the owners would want to sell. It had been there for 17 years. Regarding the requirement for a street stub to the east and south, Mr. Turberville said there was no landlocked property. On one side was a nursery and on the other side was a residence. They did not want to put any stubouts there because they wanted it to be an exclusive subdivision with a low traffic area. Regarding the retention area, Mr. Turberville said they would do whatever was required.

As a point of clarification, Mr. Olsen said the staff was referring to the inclusion of the property in the northeast corner, not the property to the West as Mr. Turberville stated.

Mr. Turberville acknowledged that Mr. Olsen was correct.

Mr. Olsen asked if that property had changed hands any number of times?

Mr. Turberville said he was not aware if it had.

Mr. Olsen said that for that property not to be included, it should have been established or sold off prior to 1984, and 17 years was not quite long enough. If the property was sold off, they had in essence created an illegal subdivision. That was the reason it was being requested that it be included at this time. Mr. Olsen said the applicant did not have to acquire the property, but the landowner just needed to be a party to the subdivision to sign the plat.

Mr. Turberville said he did not think that would be a problem.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Miller to hold over the above referenced subdivision to the August 3rd meeting to allow the applicant to revise the plat as follows, with revisions due by July 10th:

- 1) inclusion of the parcel located at 10403 Broughton Road, including additional postage and mailing labels;
- 2) provision of street-stubs to the East and South;
- 3) provision of traffic calming devices along Michael's Court, to be approved by Mobile County Engineering;
- 3) provision of direct access or an easement for the retention common area located at the South end of the site, if access is not provided by the street-stub to the South; and
- 4) placement of a note on the final plat stating that a buffer, in compliance with Section V.A.7. shall be provided where the commercial properties adjoin residential property.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2006-01259

TREC, LLC

133 West I-65 Service Road South

(Southwest corner of West I-65 Service Road South and Springhill Business Park).

Request to waive construction of sidewalks along West I-65 Service Road South and Springhill Business Park.

Mr. Plauche stated that due to two recusals in this matter, the application would have to be held over to the July 20, 2006 meeting.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2006-01276

Grand Self Storage, LLC (Mike Daniels, Agent)

6420 Grelot Road

(North side of Grelot Road, 310'± West of Hillcrest Road).

A Planned Unit Development approval to allow multiple buildings on a single building site was considered.

Mr. Plauche stated that this application was recommended for holdover to the August 3, 2006 meeting, however, if there was anyone present who wished to speak at this time they could do so.

Frank Dagley, 717 Executive Park Drive, was present on behalf of the applicant and asked that the Commission hear this application today. Mr. Dagley said he had been in contact with the Engineering Department and Traffic Engineering, and he felt all the objections had been worked out. Regarding easements, he said there were three easements going across the property, all of which were shown on the drawing. Mr. Dagley said he was involved with the original development of Grand Slam and the putt-putt course and was aware of where the easements were then. He was also involved in the lot next door, which was off the easement. Mr. Dagley said he had faxed a copy of the subdivision plat that was done by Rester and Coleman to Ms. Terry. The plat showed the location of the easements, which agrees with their drawings. Mr. Dagley said he did not know what the problem was, but was told that some roadway plan with Grelot Road showed the drainage easement in another location. He said perhaps those drawings were incorrect.

Ms. Terry said the City's plans for the Grelot Road widening that was prepared several years ago by David Volkert and Associates showed the culvert and actual easement. It showed it within the building limits as shown on this proposal.

Mr. Dagley contended that the drawings were wrong. He had a subdivision plat that showed where the easement was located. He developed both of those lots, did the site engineering, and he knew where the easement was. Mr. Dagley said if they have to move to build a foot or two to satisfy the Engineering Department, they could do that, but felt there was no reason to hold this over. As far as the curb on Grelot Road, Mr. Dagley said they showed the curb veering off to the South, where actually that had been widened and it should have been a straight line. Regarding parking, he said they had provided 24 parking spaces, which was more than enough for a mini-warehouse and the circulation was proper. He said they would like to go forward with this project and saw no reason to hold it over.

Mr. Olsen said he would defer to Ms. Terry with regard to the Volkert drawing and the easement shown on this plan. With regard to the parking, Mr. Olsen said they were dealing with an increase by the addition of a second building. If there was in fact parking

that did not comply with the minimum aisle circulation requirements of the Zoning Ordinance; it should be corrected as a result of this particular application. While the parking may be in excess of the minimum requirements of the Zoning Ordinance, all aisle circulation areas should meet the minimum requirements. Either the plan should be revised to reflect a lesser number of parking spaces with adequate circulation, or this would not be in compliance with the Zoning Ordinance.

Regarding the easement, Ms. Terry said it was just a difference of opinion and they could work it out during the land disturbance permitting process, although she felt it should be worked out prior to that.

Mr. Watkins asked if a requirement could be worded in such a way that the applicant could not pull a building permit until this issue was resolved.

Ms. Terry said she was comfortable with the applicant not obtaining a land disturbance or any other building permit or right-of-way permit until they resolved the easement and location of the culvert issue.

Mr. Olsen said that if the Commission wanted to go ahead and approve this application, the staff had recommended several conditions, which he asked Mr. Hoffman to read.

Mr. Hoffman stated the conditions as follows: (1) full compliance with the City Of Mobile's stormwater regulations; that would include not locating buildings on drainage easements; (2) full compliance with Urban Forestry comments, which would include tree and landscaping ordinance; (3) full compliance with Traffic Engineering requirements which would include modifying the parking layout to meet minimum requirements; (4) provision of a revised site plan to Urban Development, Planning Section, prior to obtaining land disturbance or building permits; and (5) full compliance with all other municipal codes and ordinances.

Mr. Dagley said they had no problem with any of those conditions. He felt what they had was correct, but they would certainly take a second to look at it and satisfy Ms. Terry's reservations before they proceeded.

After discussion a motion was made by Mr. Vallas and seconded by Mr. Miller to approve this plan subject to the following conditions:

- 1) full compliance with City of Mobile stormwater regulations, and resolution of the easement issues with Engineering;
- 2) full compliance with Urban Forestry comments, including tree and landscaping requirements;
- 3) full compliance with Traffic Engineering requirements, including revision of the parking area to meet minimum standards;
- 4) provision of a revised site plan to Urban Development – Planning Section,
- 5) prior to obtaining land disturbance or building permits; and
- 6) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2006-01277

Satish Mulekar

3221 Spring Hill Avenue

(South side of Spring Hill Avenue, 200'± East of Durant Street).

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

The applicant was present and concurred with the staff recommendations.

There was no one else present to speak for or against the application.

After discussion a motion was made by Mr. Miller and seconded by Mr. Vallas to approve this plan subject to the following conditions:

- 1) submission of an Administrative PUD application for the second phase, providing detailed information with regard to the numbers of units involved, number of employees, and number of parking spaces provided;
- 2) 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
- 3) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2006-00129 (Subdivision)

Eastridge Place Subdivision, Resubdivision of Lots 14 & 15

5929 and 5933 Eastridge Place

(Southeast corner of Eastridge Place and East Drive).

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

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant and concurred with the staff recommendations.

There was no one else present to speak either for or against this application.

After discussion a motion was made by Mr. Miller and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

- 1) placement of a note on the site plan and final plat stating that all common areas to be maintained by the property owners association;

- 2) placement of a note on the site plan and final plat stating that the maximum building site coverage shall not exceed 35% ;
- 3) placement of the following note on the site plan and final plat –
“Preservation status granted for all 50-inch and larger trees. All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger”;
- 4) placement of a note on the site plan and final plat stating that no permanent structures, such as buildings or pools, may be placed in easements; and
- 5) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2006-01280 (Planned Unit Development)
Eastridge Place Subdivision, Resubdivision of Lots 14 & 15
5929 and 5933 Eastridge Place
(Southeast corner of Eastridge Place and East Drive).

A Planned Unit Development Approval to amend a previously approved Planned Unit Development Approval to remove a side yard setback line was considered.

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant and concurred with the staff recommendations.

There was no one else to speak either for or against this application.

After discussion a motion was made by Mr. Miller and seconded by Mr. Vallas to approve this plan subject to the following conditions:

- 1) completion of the subdivision process;
- 2) placement of a note on the site plan and final plat stating that all common areas to be maintained by the property owners association;
- 3) placement of a note on the site plan and final plat stating that the maximum building site coverage shall not exceed 35% ;
- 4) placement of the following note on the site plan and final plat – *“Preservation status granted for all 50-inch and larger trees. All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger”;*
- 5) placement of a note on the site plan and final plat stating that no permanent structures, such as buildings or pools, may be placed in easements; and
- 6) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2006-00127 (Subdivision)

Louise Place Subdivision

South terminus of Louise Avenue (unopened right-of-way, to be partially vacated), including Gulver Street (unopened right-of-way, to be vacated), and McMurray Street (unopened right-of-way, to be vacated), extending from McNeil Avenue to Schaub Avenue.

Number of Lots / Acres: 19 Lots / 4.7± Acres

Mr. Olsen stated that the applicant had requested this application be held over to the meeting of July 20, 2006.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Miller to holdover this application to the July 20, 2006 meeting.

The motion carried unanimously.

Case #ZON2006-01279 (Planned Unit Development)

Louise Place Subdivision

South terminus of Louise Avenue (unopened right-of-way, to be partially vacated), including Gulver Street (unopened right-of-way, to be vacated), and McMurray Street (unopened right-of-way, to be vacated), extending from McNeil Avenue to Schaub Avenue.

A Planned Unit Development Approval to allow reduced lot sizes and widths, reduced front yard and side yard setbacks, and increased site coverage in a single-family residential subdivision was considered.

Mr. Olsen stated that the applicant had requested this application be held over to the meeting of July 20, 2006.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Miller to holdover this application to the July 20, 2006 meeting.

The motion carried unanimously.

Case #ZON2006-01286 (Planned Unit Development)

Mobile Christian School

5900, 5910, and 5916 Cottage Hill Road

(North side of Cottage Hill Road, 230'± West of Fremont Drive West).

The Planned Unit Development Approval to allow multiple buildings on multiple building sites with shared access and parking between sites was considered.

The site plan illustrates, the existing buildings and parking along with the proposed additions.

(Also see Case #ZON2006-01287 (Planning Approval) Mobile Christian School 5900 Cottage Hill Road – Below).

A representative of the applicant was present and concurred with the staff recommendations.

Mr. Plauche asked if there was anyone else who wished to speak in this matter.

John Butler, a resident of 2204 Freemont Drive, which abuts the property in question, stated that the residents had several concerns, mainly regarding drainage and buffering. Mr. Butler said they had existing drainage problems and every time they had addressed those issues in the past it had been a quick fix issue for Mobile Christian. It involved two hay bales the last time the residents spoke to them about it. The lack of buffering was also a problem. The school had put up a batting cage within six feet of his fence, and he had to put up with the sound of the bat every day, including Saturday and Sunday. Mr. Butler said they had asked the school to put up a fence, but they said it cost too much money and proceeded to put in a football field. Mr. Butler said he put up a 6' privacy fence, which was used as a backstop until it was broken. He then put up an 8' privacy fence, as did his neighbors to the left and right. He said they had all lived there 30 or more years and had tried to be good neighbors, but had not met with reciprocity there. Mr. Butler said that the entire subdivision at one time hired a lawyer and Mobile Christian fixed some minimum problems. Mr. Butler referred to the pictures he had submitted, one of which showed a red lake in his neighbor's yard the last time they had a major rain. He also had a red river flowing through his yard. He had tried to fix the problem by putting in raised flowerbeds around the yard, but it had not helped. Mr. Butler said the residents had a hard time believing that anything the school said would actually be accomplished in regards to the neighborhood, as they seemed to have less and less consideration for the neighborhood. The residents felt this was their last resort, and asked that if this plan was approved, that the school be required to provide proper drainage and a 10' buffer zone, and whatever else was needed for the residents to enjoy the peace and quiet they had in the past.

Mr. Olsen asked Mr. Butler when the batting cages were erected.

Mr. Butler said they were erected two years ago.

Mr. Watkins noted that there was a letter submitted to the Planning Commission from Ms. Thelma M. Bowen on behalf of the adjoining property owners, which mentioned on-going work there. He asked if there was some kind of work in progress at the school.

Mr. Olsen said the school was in the process of doing some work on the bleachers, but that was to repair some damage and structural issues. Mr. Olsen said an inspector had been out to verify that it was not new construction for the expansion of the bleachers or the press box, but that it was simply repair and some reinforcement of these structural members of the existing bleachers.

Mark Erwin, with the law firm of Saterwhite & Erwin, said he had a unique situation in this particular instance. He began attending Mobile Christian School in 1977 and graduated in 1986. He now had two children who attended the school, and a third child would start school next year. Mr. Erwin said he could say, having had a father who served on the board of directors of the school for over 30 years, that in all the years since 1971 when Mobile Christian first occupied this particular piece of property, the school had always attempted to be a good citizen in the neighborhood. He had even had two school mates who lived on Freemont Drive when he was in school, so he had spent quite a bit of time there. Mr. Erwin said the issue today was an expansion and a renovation of an existing football stadium. The stadium was built in 1980 or 1981, and they were asking they be allowed to expand an additional 30 feet of concrete bleachers, and do some renovations to a press box that had now been twice destroyed by hurricanes. He contended these matters had nothing to do with the boundary line of the school. These were all contained many, many feet away from the east boundary line of the school. Mr. Erwin asked that the plans be approved as recommended by the City staff, and of course, as issues arise with the school, they would address those.

Mr. Olsen pointed out that the reason he inquired from the previous speaker about the batting cages was because they were not part of any of the previous applications for Mobile Christian School. If they were in fact constructed or erected within the last two years, it was done so without Planning Approval, and they do not meet the minimum setbacks from that east property line. So, Mr. Olsen said there is an issue with those batting cages that the school needed to be aware of.

Mr. Vallas asked if batting cages were actually erected, or was that just a net structure. Mr. Erwin said they were net structures that were hung on iron pipe.

Mr. Olsen said that based on the definition in the Zoning Ordinance, it was still considered a structure.

Mr. Erwin said if those issues needed to be addressed, they certainly would be, but they were not part of the application that was made on this particular project.

Regarding the condition recommended by Urban Forestry for landscaping and tree preservation, Mr. Vallas asked if that necessarily had to be around the stadium, or could that be orchestrated to be located along the property line.

Mr. Daughenbaugh said it could be put along the property line for screening or buffering as needed. They were just looking for some landscaping to be coordinated with Urban Forestry as part of the project.

Regarding the 10' vegetative buffer requirement, Mr. Vallas said this was usually required when there was a wooded area. He asked if that would be required in this case since the area had already been cleared.

Mr. Olsen said yes, because part of that was based on the requirement for the existing ball field to the northwest corner, when that was developed years ago. That was a condition that the Commission placed on that ball field in an attempt to keep the balls from being knocked into the neighboring yards. Since that was apparently an issue here with the batting cages, Mr. Olsen said it seemed appropriate.

In deliberations session Mr. Miller said it seemed to him like there were some issues with the neighbors that needed to be addressed, but he felt this application was so specific that he did not see any reason to deny it. He hoped the school would come back with further plans and that their relationship with their neighbors would improve a little.

Mr. Vallas said he would be inclined to approve this if they could be required to implement that landscaping and buffering along that east property line. Also, he felt they needed to look into the red clay drainage situation from the existing ball fields. Mr. Vallas said he did not want to hold this up because this was a school and they had a mission and were moving forward, but at the same time, he felt they should make sure it was being done correctly. Mr. Vallas said he could understand though, someone putting up a batting cage and really not seeing that they needed a permit.

Mr. Miller commented that the batting cages were a little intrusive though, especially if you were next door and they were used every day.

Mr. Holmes asked if the earlier landscape buffer was in place.

Mr. Olsen said it was in place for the original baseball field in the northwest corner. That had been completed. There was not a specific requirement that that particular type of buffer be for the remainder of the campus. Mr. Olsen said he had discussed this with Mr. Lawler, and he would be visiting the school either tomorrow or next week putting them on notice with regards to the batting cage because it was significant based on the photographs. He said the council person would be sending in a formal request through the Mayor's office for Engineering to take a look at the drainage issue.

Ms. Terry said that they would like to request a master plan for the drainage for the whole site because they had done things in bits and pieces and they did not have a comprehensive plan for the whole site.

Mr. Holmes asked what the Zoning Ordinance required for Planning Approval of a school adjacent to residential.

Mr. Olsen said that unless the Planning Commission requires an additional buffer, a 6' privacy fence would be required, at a minimum, for the project area. If it were a new school, it would have been required for the entire site. As this school was established back in 1971, Mr. Olsen said he could not address how that occurred without getting the fence for the entire site at that time. It has been piece-meal as Ms. Terry said with the drainage issues, and over time buffering had been accomplished through the various applications. If the Commission requires buffering now on the east side based on this

application, and possibly some of the north, that should pretty much finish buffering the majority of the site.

Mr. Holmes suggested requiring the applicant to submit a master plan for the development of the entire site, so that each time they come before the Commission they would have to produce a certain part of buffering as a part of that project.

Mr. Olsen said a master plan could be required, which would include existing and future buffers.

Mr. Watkins questioned what enforcement authority the Commission would have over a master plan.

Mr. Olsen said that if the applicant submitted another application, which they would need to do for the batting cages, the Commission could hold up the approval until they submitted the master plan.

Mr. Miller asked if he understood that batting cages, wherever they were located on the property, would have to be approved by the Commission.

Mr. Olsen said that was correct.

After discussion a motion was made by Mr. Miller and seconded by Mr. Vallas to approve this plan subject to the following conditions:

- 1) submission of individual applications for each project (other than those involved in this amended application), providing detailed information with regard to the numbers of classrooms involved, number of parking spaces provided, and detailed information on the location of proposed improvements;
- 2) 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);
- 3) full compliance with the landscaping and tree planting requirements of the Ordinance for the entire campus, to be coordinated with and approved by Urban Forestry;
- 4) the provision of a 10-foot vegetative buffer on the East property line near the project area to be included with the minimum buffer requirements of the Ordinance;
- 5) the submission a subdivision application including all properties that are owned by Mobile Christian School;
- 6) full compliance with the parking requirements of the Zoning Ordinance for the bleacher expansion; and
- 7) full compliance with all municipal codes and ordinances.

In further discussion Mr. Holmes said he thought they also wanted to require the master drainage plan requested by Ms. Terry.

There was further discussion about the drainage plan and buffering.

Mr. Dagley asked if he could address the Commission on the matter of a master drainage plan, since it was not brought up in the public hearing.

Mr. Plauche said Mr. Dagley was right. He did have a right to address this matter since it was not discussed previously.

Mr. Dagley said this school was established in 1971 and a lot of drainage out there did not comply with the current City of Mobile drainage ordinance. The parking lots were contoured as they are. There may be no retention ponds. If they were going to have to bring the site up to current standards, then they would be opening up a huge can of worms. Mr. Dagley felt the applicant would be willing to correct the existing drainage problems, but he asked what the Engineering Department meant as far as a master drainage plan.

Ms. Terry said they would specifically like to see all increases in impervious areas since 1983 when the stormwater ordinance was implemented, and how it relates to the drainage patterns of the site, and if stormwater detention was not provided for those, then it needed to be provided.

Mr. Holmes asked if stormwater drainage was being provided with these additions.

Ms. Terry said she was not sure, but they had provided it for football fields and that sort of thing, and for one or two of the buildings, but they were shown very limited. The whole site was not on any plan anywhere. They show a building with its parking lot, but it does not show how it relates to the other areas.

Mr. Dagley said he felt what Ms. Terry was asking for was reasonable.

Mr. Plauche asked Mr. Miller if he would like to amend his motion.

Mr. Miller amended his motion to include the following condition:

- 1) provision of a Master Drainage Plan to Engineering, addressing improvements to the site since 1983.

Mr. Vallas seconded the motion.

The motion carried unanimously.

Case #ZON2006-01287 (Planning Approval)

Mobile Christian School

5900 Cottage Hill Road

(North side of Cottage Hill Road, 230'± West of Fremont Drive West).

A Planning Approval to allow a new press box and bleachers expansion at a football field at an existing school in an R-1, Single-Family Residential district was considered.

The site plan illustrates the existing buildings and parking along with the proposed additions.

(For discussion see Case #ZON2006-01286 (Planned Unit Development) Mobile Christian School - 5900, 5910, and 5916 Cottage Hill Road – Above).

After discussion a motion was made by Mr. Miller and seconded by Mr. Vallas to approve this plan subject to the following conditions:

- 1) submission of individual applications for each project (other than those involved in this amended application), providing detailed information with regard to the numbers of classrooms involved, number of parking spaces provided, and detailed information on the location of proposed improvements;
- 2) 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);
- 3) full compliance with the landscaping and tree planting requirements of the Ordinance for the entire campus, to be coordinated with and approved by Urban Forestry;
- 4) the provision of a 10-foot vegetative buffer on the East property line near the project area to be included with the minimum buffer requirements of the Ordinance;
- 5) the submission a subdivision application including all properties that are owned by Mobile Christian School;
- 6) full compliance with the parking requirements of the Zoning Ordinance for the bleacher expansion;
- 7) provision of a Master Drainage Plan to Engineering, addressing improvements to the site since 1983; and
- 8) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2006-01281 (Planned Unit Development)

Spring Hill College (Dr. Charmaine Mav, Agent)

4000 Dauphin Street

(North side of Dauphin Street, 1800'± West of Interstate 65)

A Planned Unit Development Approval to amend a previously approved Master Plan for an existing college in an R-1, Single-Family Residential district was considered.

The site plan illustrates the existing buildings, drives, parking, and golf course along with the proposed building and parking additions.

Mr. Plauche stated that since there was one recusal in this matter, this application would have to be held over to the meeting of July 20, 2006.

Case #ZON2006-01282 (Planning Approval)
Spring Hill College (Dr. Charmaine May, Agent)

4000 Dauphin Street

(North side of Dauphin Street, 1800'± West of Interstate 65)

The Planning Approval to amend a previously approved Planning Approval to allow dormitory parking, office, athletic field and associated parking expansions at an existing college in an R-1, Single-Family Residential district was considered.

The site plan illustrates the existing buildings, drives, parking, and golf course along with the proposed building and parking additions.

Mr. Plauche stated that since there was one recusal in this matter, this application would have to be held over to the meeting of July 20, 2006.

OTHER BUSINESS

There being no further business, the meeting was adjourned.

APPROVED: September 7, 2006

Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

ms