

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF SEPTEMBER 6, 2007 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
Victoria L. Rivizzigno, Secretary
William DeMouy
Mead Miller
Roosevelt Turner
John Vallas
James Watkins, III

Members Absent

Nicholas Holmes, III

Urban Development Staff Present

Richard L. Olsen, Deputy Director
of Planning
Burt Hoffman, Planner II
David Daughenbaugh, Urban Forestry
Coordinator
Tiffany Green, Secretary I

Others Present

John Lawyer, Assistant City Attorney
Jennifer White, Traffic Engineering
Rosemary Sawyer, 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.

HOLDOVERS:

Case #SUB2007-00157

Addition to Bellingrath Road Country Club Estates Subdivision

8031 Bellingrath Road
East side of Bellingrath Road, 585'± South of Mardanne Drive.
26 Lots /10.2± Acres

Mr. Don Coleman, Rester and Coleman Engineers, withdrew the application and advised it would be resubmitted later to comply with the requirements.

Case #SUB2007-00179

James L. Odom Subdivision, First Addition

9110 Howells Ferry Road
East side of Howells Ferry Road, 1220'± South of Firetower Road.

The Chair stated the applicant was agreeable with the recommendations and asked that if anyone wished to speak on the matter to do so at that time.

September 6, 2007
Planning Commission Meeting

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

1. **dedication of right-of-way sufficient to provide 50 feet, as measured from the centerline of Howells Ferry Road, as depicted on the preliminary plat;**
2. **depiction of the minimum building setback lines, as shown on the preliminary plat;**
3. **placement of a note on the final plat stating that each lot is limited to one curb-cut each onto Howells Ferry Road, with the size, design and location to be approved by Mobile County Engineering;**
4. **placement of a note on the final plat stating that no future subdivision of Lot 1 is allowed until additional frontage on a public street is provided;**
5. **revision of the plat to label each lot with its size in square feet, or placement of a table or note on the plat with the same information;**
6. **placement of a note on the plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering.; and,**
7. **placement of a note on the final plat stating that 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.**

The motion carried unanimously.

Case #SUB2007-00182 (Subdivision)

University Crossing Subdivision

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

5 Lots/ 17.5± Acres

September 6, 2007
Planning Commission Meeting

(Also see Case #ZON2007-01868 (Planned Unit Development) University Crossing Subdivision; and Case #ZON2007-01867 (Rezoning) Sierra Development)

Dr. Rivizzigno recused herself from discussion and voting regarding these cases.

Brett Smith, Ragan-Smith-Associates, Inc., was present on behalf of the applicant, and concurred with the staff recommendations. He also stated that they were working closely with Traffic Engineering and planned to have the final report to that department with in the next couple of weeks.

In deliberation, Mr. Plauche expressed concern regarding lighting of the proposed project's parking. Mr. Olsen stated the Zoning Ordinance required lighting be designed such that it does not shine directly on adjoining residential properties.

Hearing no further discussion, Mr. Turner moved, with Mr. DeMouy's second, to approve the above referenced subdivision subject to the following conditions:

1. **placement of a note on the plat stating that Lots 1-5 are limited to a total of 4 shared curb-cuts onto University Boulevard, as depicted on the preliminary plat;**
2. **placement of a note on the plat stating that Lot 5 is denied access to Westfield Avenue and General Bullard Avenue, and is limited to two curb-cuts onto Long Street, once it is improved to city standards between the site and Old Shell Road, as depicted on the preliminary plat;**
3. **placement of a note on the plat stating that Lot 4 is denied access to Barbara Mitchell Drive East, as depicted on the preliminary plat;**
4. **placement of a note on the plat stating that the size, design and location of all curb-cuts shall be approved by Traffic Engineering and conform to AASHTO standards, as depicted on the preliminary plat;**
5. **placement of Urban Forestry comments as a note on the plat, as depicted on the preliminary plat (Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the 60" Live Oak Tree located on the East side of Lot 3. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.);**
6. **compliance with Engineering comments,(It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are**

September 6, 2007
Planning Commission Meeting

- depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.);
7. revision of the plat to label each lot with its size in square feet, or placement of a table on the plat with the same information;
 8. placement of a note on the plat stating that maintenance of all common areas and detention areas is the responsibility of the property owners; and,
 9. placement of a note on the plat stating that the approval of all applicable federal, state and local agencies is required prior to the issuance of any permits or land disturbance activities, as depicted on the preliminary plat.

The motion carried unanimously.

Case #ZON2007-01868 (Planned Unit Development)
University Crossing Subdivision

West side of South University Boulevard, ¼ mile ± South of Old Shell Road, extending to the North termini of General Bullard Avenue and Westfield Avenue, and extending to the East side of Long Street, 900' ± South of Old Shell Road. Planned Unit Development Approval for multiple buildings on a single building site.

(For discussion, see Case #SUB2007-00182 (Subdivision), University Crossing Subdivision – above; also see Case #ZON2007-01867 (Rezoning), Sierra Development – below)

After discussion, a motion was made by Mr. Turner, with second by Mr. DeMouy, to approve the above referenced Planned Unit Development subject to the following conditions:

1. limited to the revised site plan, including a maximum of four shared curb-cuts onto University Boulevard – future development of the out parcels will require new PUD applications to amend the existing PUD;
2. completion of the Traffic Impact Study, and acceptance of the study by Traffic Engineering;
3. completion of the Subdivision process; and,
4. full compliance with all municipal codes and ordinances.

The motion carried unanimously.

September 6, 2007
Planning Commission Meeting

Case #ZON2007-01867 (Rezoning)

Sierra Development

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

(For discussion, see Case #SUB2007-00182 (Subdivision, University Crossing Subdivision – above; also see Case #ZON2007-01868 (Planned Unit Development) University Crossing Subdivision – above)

After discussion, a motion was made by Mr. Turner, with second by Mr. DeMouy, to approve the above referenced rezoning subject to the following conditions:

- 1. completion of the Subdivision process;**
- 2. completion of the Traffic Impact Study, and acceptance of the study by Traffic Engineering; and,**
- 3. full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2007-00196

Law Subdivision

Northwest corner of Byrnes Boulevard and Jordan Lane.

2 Lots/ 0.4± Acre

Jonathan Law represented the applicant and concurred with the staff recommendations.

Hearing no discussion, a motion was made by Mr. Vallas, with second by Mr. DeMouy, to approve the above referenced subdivision subject to the following conditions:

- 1. placement of a note on the final plat stating that each lot is limited to one curb-cut, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards; and,**
- 2. full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2007-00205

Tricon Subdivision

3464 Spring Hill Avenue

North side of Spring Hill Avenue, 205'±. West of Spring Hill Plaza Court.

1 Lot / 0.9± Acre

September 6, 2007
Planning Commission Meeting

The Chair stated the applicant was agreeable with the recommendations and asked that if anyone wished to speak on the matter to do so at that time.

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

- 1. the depiction on the final plat of the 25' front setback line along Spring Hill Avenue;**
- 2. labeling of the lot with its size in square feet, or the provision of a table on the final plat with the same information;**
- 3. placement of a note on the final plat stating that the site is limited to two curb cuts, with the size, location, and design to be approved by Traffic Engineering, and conform to AASHTO standards; and,**
- 4. subject to the Engineering Comments (*It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS show wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.*)**

The motion carried unanimously.

Case #SUB2007-00207

Viking Park Subdivision

Northeast corner of Snow Road and Wulff Road.

1 Lot / 3.1± Acres

The Chair stated the applicant was agreeable with the recommendations and asked that if anyone wished to speak on the matter to do so at that time.

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

- 1. dedication of right-of-way sufficient to provide a minimum of 50-feet, as measured from the centerline of Wulff and Snow Roads, as depicted;**
- 2. adjustment of the property line at the intersection corner to provide an appropriate radius consistent with Section V.D.6. of the Subdivision Regulations, to be approved by Mobile County Engineering;**

September 6, 2007

Planning Commission Meeting

3. **adjustment of the 25-foot minimum building setback line to accommodate condition number 2;**
4. **placement of a note on the final plat stating that Lot A is limited to two curb-cuts onto Wulff Road and two curb-cuts onto Snow Road, with the size, design and location of all curb-cuts to be approved by Mobile County Engineering;**
5. **revision of the plat to label Lot A with its size in square feet (in addition to the acres), or placement of a table on the plat with the same information;**
6. **placement of a note on the plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering; and,**
7. **placement of a note on the final plat stating that 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.**

The motion carried unanimously.

Case #SUB2007-00208

Riverwood Cove Subdivision

5620 Gulf Creek Circle

North side of Gulf Creek Circle [North], 485'± West of Rabbit Creek Drive

1 Lot / 1.0± Acre

Hearing no opposition and no other discussion, a motion was made by Mr. Plauche, with second by Mr. Vallas, to hold the matter over until the October 4, 2007, meeting, to allow the applicant to revise the plat and application to reflect two lots (including the provision of new postage fees to allow for corrected notifications); revisions and fees must be submitted by September 12, 2007.

The motion carried unanimously.

Case #SUB2007-00215

Golden Glow Farm Subdivision, Resubdivision of Lots 41 & 42

South side of Halls Mill Road, 350'± West of Halls Mill Service Road.

1 Lot / 1.1± Acres

September 6, 2007
Planning Commission Meeting

The applicant, Tommy Prator, stated they were in agreement with all conditions, but asked that the width of the lot be set at 200 feet, and, there be two (2) curb cuts on Hall's Mill Road, based upon the size of the proposed building as well as the proposed used as per the site's zoning.

Mr. Bob Berg of Berg and Company spoke as property owner, stating that he also represented the owners on either side of the two lots and that these property owners had no objections to the project.

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

- 1. dedication of sufficient right-of-way to provide 35' as measured from the centerline of Halls Mill Road;**
- 2. the depiction of the 25' minimum building setback line, as measured from the right-of-way line after dedication;**
- 3. placement of a note on the final plat stating that the subdivision is limited to two curb cuts to Halls Mill Road, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4. full compliance with all municipal codes and ordinances; and,**
- 5. subject to the Engineering Comments (*No stormwater can be concentrated on adjacent property without release agreement. All stormwater must tie to City of Mobile storm drainage system. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit.*)**

The motion carried unanimously.

Case #SUB2007-00204

Highercrest Subdivision, Unit 1, Resubdivision of Lots 88 & 89

Northeast corner of Wentworth Court and Longleaf Drive

2 Lots / 1.5± Acres

The Chair stated the applicant was agreeable with the recommendations and asked that if anyone wished to speak on the matter to do so at that time.

September 6, 2007
Planning Commission Meeting

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

- 1. depiction of the 25' minimum building setback line along both street frontages on the final plat;**
- 2. revision of the plat to label each lot with its size in square feet, or provision of a table on the plat depicting the same information;**
- 3. placement of a note on the final plat stating that each lot is limited to one curb cut, with the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards; and,**
- 4. subject to the Engineering Comments (*Detention required for greater than 4000 square feet of impervious area. No stormwater can be concentrated on adjacent property without release agreement. All stormwater must tie to City of Mobile stormwater drainage system. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.*)**

The motion carried unanimously.

Case #SUB2007-00206

C. Sons Subdivision

256 & 258 North Franklin Street

East side of North Franklin Street, 120'± South of Congress Street.

2 Lots / 0.2± Acre

The Chair stated the applicant was agreeable with the recommendations and asked that if anyone wished to speak on the matter to do so at that time.

Hearing no discussion, Dr. Rivizzigno moved to waive Section V.D.2. and V.D.9., with second by Mr. DeMouy, and to approve the above referenced subdivision subject to the following conditions:

- 1. the placement of the 5-foot minimum building setbacks along the street frontage;**

September 6, 2007
Planning Commission Meeting

2. labeling of each lot with the size, in square feet, or provision of a table with the same information; and,
3. the submission of an Administrative PUD for shared access and parking if required.

The motion carried unanimously.

Case #SUB2007-00214

Meyer Sanders Subdivision

5400 and 5500 Travis Road

West side of Travis Road, ¼ mile± North of Wigfield Road.

2 Lots / 12.8± Acres

The Chair stated the applicant was agreeable with the recommendations and asked that if anyone wished to speak on the matter to do so at that time.

Hearing no discussion, Dr. Rivizzigno moved to waive Section V.D.3. (width to depth ratio), with second by Mr. DeMouy, and to approve the above referenced subdivision subject to the following conditions:

1. depiction of the 25' minimum building setback line along Travis Road for Lot 1, and the depiction of the 25' minimum building setback line on the front portion of Lot 2 where the lot is at least 60' wide;
2. revision of the plat to label each lot with its size in square feet, or provision of a table on the plat depicting the same information;
3. placement of a note on the final plat stating that the approval of all applicable federal, state and local agencies is required prior to the issuance of any permits or land disturbance activities;
4. placement of a note on the final plat stating the Lot 2 is denied access to Merwood Court;
5. placement of a note on the Final Plat stating that development will be designed to comply with the stormwater detention and drainage facilities of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facilities of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification to be submitted to the Planning Section of Urban Development and County Engineering; and,
6. placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.

The motion carried unanimously.

September 6, 2007
Planning Commission Meeting

Case #SUB2007-00213

Tolbert Estates Subdivision

North side of Richmond Pearson Road, extending from Repoll Road to Alderway

9 Lots / 16.4± Acres

The Chair stated the applicant was agreeable with the recommendations and asked that if anyone wished to speak on the matter to do so at that time.

Hearing no discussion, a motion was made by Mr. Vallas, with second by Mr. DeMouy, to approve the above referenced subdivision subject to the following conditions:

1. **placement of a note on the final plat stating that Lots 1-8 are limited to one curb-cut each, and that Lot 9 is limited to two curb-cuts onto Repoll Road, and two onto Richmond Pearson Road, with the size, design and location of all curb-cuts to be approved by Mobile County Engineering;**
2. **revision of the plat to depict an appropriate corner radius at Repoll Road and Richmond Pearson Road, in conformance with Section V.D.6. of the Subdivision Regulations, to be approved by Mobile County Engineering;**
3. **depiction of the 25-foot minimum building setback line on the final plat, to accommodate condition number 2;**
4. **depiction of the lot size in square feet on the final plat, as depicted on the preliminary plat;**
5. **placement of a note on the plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering.;**
6. **approval of all applicable federal, state and local agencies prior to the issuance of any permits or land disturbance activities; and,**
7. **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.**

The motion carried unanimously.

Case #SUB2007-00203

Alabama West Subdivision Additions

September 6, 2007
Planning Commission Meeting

Southeast corner of McVay Drive North and Halls Mill Road, and Northwest corner of McVay Drive North and Bolton Branch
10 Lots / 14.0± Acres

Jerry Byrd, Byrd Surveying, spoke for the applicant, saying they were in agreement with the recommendations with the exception of number 5 regarding curb cuts, stating that the primary purpose of the application was the development of lot 9. The topography of this lot shows the need for an individual curb cut on Lot 9 located somewhere near the middle of the lot. As the parcel will be used commercially, with 18 wheelers accessing the site a great portion of the time, trying to make an “S” curve onto the property would be prohibitive. As lot 13 has been recommended for 2 curb cuts, and the property owner is willing to restrict lot 13 to only one curb cut, Mr. Byrd asked that the Commission approve moving the second curb cut to lot 9.

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

- 1. dedication of adequate right-of-way to provide 35-feet from the centerline of Halls Mill Road;**
- 2. revision of the plat to depict the property line radius requirements at the intersection of Halls Mill Road and McVay Drive, in compliance with Section V.D.6. of the Subdivision Regulations;**
- 3. compliance with Engineering Comments (Verify that detention is not within flood plain; this is not allowed. Show all flood zones on the plat. Show minimum finished floor elevation on each lot affected by flood plain. It appears there is a drainage way on lot 13; if it conveys public water, a drainage easement is required. If there is a drainage way on-site conveying public water, any relocation of drainage way will require approval by City Engineering. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.);**
- 4. provision of 25-foot minimum building setback lines (reflecting any dedication along Halls Mill Road);**
- 5. placement of a note on the final plat stating that Lots 1-3 are limited to two shared curb-cuts onto Halls Mill Road; Lots 4-5**

September 6, 2007
Planning Commission Meeting

are limited to one shared curb-cut; Lot 6 is limited to two curbs-cuts; Lot 9 is limited to one curb-cut; Lots 10-12 are limited to two shared curb-cuts; and Lot 13 is limited to one curb-cut. The size, design and location of all curb-cuts to be approved by Urban Forestry and Traffic Engineering, and conform to AASHTO standards;

6. depiction of an access easement or dedicated access to the detention pond;
7. placement of a note on the final plat stating that maintenance of the detention pond common areas, and any other common areas, are the responsibility of the subdivision's property owners; and,
8. approval of all applicable federal, state and local agencies regarding the wetlands and flood plain issues prior to the issuance of any permits.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2007-02035

Crown Products

3107 Halls Mill Road

East side of Halls Mill Road, 300' ± North of Fleetwood Drive North.

Request to waive construction of a sidewalk along Halls Mill Road.

Mr. Watkins recused from discussion and voting on the matter.

The Chair stated the applicant was agreeable with the recommendation and asked that if anyone wished to speak on the matter to do so at that time.

Hearing no discussion, a motion was made by Mr. Turner, with second by Dr. Rivizzigno, to approve the above referenced sidewalk waiver.

The motion carried unanimously.

NEW PLANNING APPROVAL APPLICATIONS:

Case #ZON2007-01808

Clearwire Technologies, Inc.

50 North Lawrence Street

North side of St. Francis Street, extending from North Lawrence Street to North Hamilton Street

Planning Approval to allow two cellular communications antennae in a B-4, General Business District.

September 6, 2007
Planning Commission Meeting

The Chair stated the applicant was agreeable with the recommendations and asked that if anyone wished to speak on the matter to do so at that time.

Hearing no discussion, a motion was made by Mr. Miller, with second by Mr. Turner, to approve the above referenced Planning Approval subject to the following conditions:

- 1. approval of all necessary variances by the Board of Zoning Adjustment; and,**
- 2. full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2007-00212 (Subdivision)

Anez Subdivision

3752 Dauphin Island Parkway

Southwest corner of Dauphin Island Parkway and Boykin Boulevard

1 Lot / 0.8± Acre

(Also see Case #ZON2007-02105 (Rezoning) Mark A. Anez, below)

Linda Burkett of Marshall McLeod Professional Land Surveyor spoke for the applicant, stating they were in agreement with the recommendations and asked for clarification on size with regards to the statement “appropriate radius”. It was advised that 25 feet would be stated as the necessary size with regards to that condition.

Mr. Joe Machen spoke on behalf of himself, Mnsgr. Francis Cusack, senior minister, Our Lady of Lourdes Catholic Church, and the other parishioners of Our Lady of Lourdes Catholic Church. He stated that they were pleased that some one was interested in the property and its improvement, however, they were concerned regarding the rezoning of said property to B-3. He added that while they have no objections to the proposed use of the property as an automobile sales business, the re-zoning of the property to B-3 gave future owners the option of putting in businesses that would be in conflict with a neighborhood comprised of two churches, two daycares, an elementary school, and single family residences. He suggested that it might be better for the applicant to seek a variance for specific use rather than open up the possibility for future business that might have a negative impact on the area.

Ms. Burkett addressed this by saying she had pursued this venue as recommended by the Planning Department of the City of Mobile. However, she added, the owners were willing to stipulate to restricted uses because they, too, did not wish to have a negative impact on the neighborhood.

Mr. Olsen stated that if the applicant were open to voluntarily restricting the use of the property, the staff would be open to such a proposal.

September 6, 2007
Planning Commission Meeting

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

1. **placement of a note on the final plat stating that the site is limited to one curb-cut onto Dauphin Island Parkway and one curb-cut onto Boykin Boulevard, with the size, design and location to be approved by ALDOT and Traffic Engineering, and conform to AASHTO standards;**
2. **revision of the plat to provide a corner with a 25-foot radius at the intersection of Boykin Boulevard and Dauphin Island Parkway, in conformance with Section V.D.6. of the Subdivision Regulations;**
3. **revision of the plat to label the lot size in square feet;**
4. **full compliance with Engineering comments (*Show 100-year flood plain and minimum finished floor elevation on each lot. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.*); and,**
5. **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2007-02105 (Rezoning)

Mark A. Anez

3752 Dauphin Island Parkway

Southwest corner of Dauphin Island Parkway and Boykin Boulevard
Rezoning from R-1, Single-Family Residential, to B-3, Community Business, to allow auto sales.

(Also see Case #SUB2007-00212 (Subdivision) Anez Subdivision, above)

(For discussion, see Case #SUB2007-00212 (Subdivision) Anez Subdivision, above)

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

1. **completion of the Subdivision process;**
2. **uses limited to as described by the Voluntary Use Restriction form as offered by the applicant (must be recorded in Probate Court);**

September 6, 2007

Planning Commission Meeting

3. the site is limited to one curb-cut onto Dauphin Island Parkway and one curb-cut onto Boykin Boulevard, with the size, design and location to be approved by ALDOT and Traffic Engineering, and conform to AASHTO standards;
4. compliance with Traffic Engineering comments (*Narrow driveway to Dauphin Island Parkway to twenty-four feet or mark as three lanes.*);
5. full compliance with Engineering comments (*Show 100-year flood plain and minimum finished floor elevation on each lot. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all storm water and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.*);
6. compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance;
7. revision of the site plan to depict residential adjacency buffers, in compliance with Section 64-4.D.1.; and,
8. full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2007-00210 (Subdivision)

Lynwood Subdivision

4164 Halls Mill Road

(West side of Halls Mill Road, 775'± South of Azalea Road)

1 Lot / 9.4± Acres

(Also see *Case #ZON2007-02099 (Planning Approval) Lynwood Nursing Home, below*)

Doug Warnett with Warnett Consulting & Engineers in Hoover, AL, spoke for the owner, Omega Healthcare of Maryland. He stated he had spoken with Frank Palombo just prior to the meeting regarding the land going back to the rear of the property being resolved.

Hearing no further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the October 4, 2007, meeting, to allow the applicant to provide detailed information by September 10, 2007: 1) to correct the area intended in the proposed subdivision; and, 2) the submission of information on the discrepancy of the applicant's survey and the County parcel data in regards to parcel R023301122000045.001.

The motion carried unanimously.

September 6, 2007
Planning Commission Meeting

Case #ZON2007-02099 (Planning Approval)

Lynwood Nursing Home

4164 Halls Mill Road

(West side of Halls Mill Road, 775'± South of Azalea Road).

Planning Approval to allow an expansion of an existing nursing home in an R-3, Multi-Family Residential District.

(Also see Case #SUB2007-00210 (Subdivision) Lynwood Subdivision, above)

(For discussion, see Case #SUB2007-00210 (Subdivision) Lynwood Subdivision, above)

Hearing no further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the October 4, 2007, meeting, to allow the applicant to provide detailed information by September 10, 2007: 1) a revised site plan depicting compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance.

The motion carried unanimously.

Case #SUB2007-00216 (Subdivision)

Cottage Hill Gardens Subdivision, Re-subdivision of Lots 11 & 12

631 and 633 Azalea Road

North side of Azalea Road, 290'± West of Village Green Drive.

2 Lots / 3.0± Acres

(Also see Case #ZON2007-02111 (Planning Approval) Cindy Carter, Case #ZON2007-02112 (Rezoning) Cindy Carter, and, Case #ZON2007-02113 (Rezoning)

Cindy Carter, below)

Cindy Carter spoke on her own behalf and advised the Commission regarding the positive impact of the proposed doggy daycare on the Mobile community.

Jim Stokes of 6216 Cottage Hill Road, Virginia Guy of 16 Bienville Avenue, and Joe Riggins of Baskerville Donovan, all spoke on Mrs. Carter's behalf and in favor of all four of the applications. Mr. Stokes also brought to the attention of the Commission that there was a large number of persons in attendance who had come to support Mrs. Carter.

Sherry Lucas owner of Putting On The Ritz spoke against the applications, making the following points in opposition:

1. due to the five schools in the area and the apartment complex located behind the proposed doggy daycare, there are a large number of children that frequent the area, and in as much, there was an increased potential for harm to the children due to the distraction the dogs would cause them; and,
2. she anticipated an increase in noise and odor due to the presences of the dogs.

September 6, 2007

Planning Commission Meeting

Mr. Olsen advised the Commission, that if they were looking to approve these applications, the staff would like to ask for a hold over, so that they could come up with some conditions with regards to the rezoning of the parcel to B-2.

Mr. Watkins asked that if the Commission were looking to approve these applications and a hold over was granted for the staff, would the applicant still be able to operate without fear of closure by the City, until the outcome of the next meeting.

Mr. Lawler stated that it had been his experience that in past situations such as this, the suggestion was that with a pending approved application, they were able to operate without negative repercussions.

Mr. Olsen stated that no inspectors would go to the business unless a complaint was called in, and even in that event, the person would have 30 days to rectify the matter. In this case, the matter would have come back before the Commission and in all probability the issue would then be moot.

Hearing no other opposition or further discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Vallas, to hold the matter over until the October 4, 2007, meeting, so that staff could develop conditions of approval for the associated Rezoning and Planning Approval cases.

The motion carried unanimously.

Case #ZON2007-02111 (Planning Approval)

Cindy Carter

631 Azalea Road

North side of Azalea Road 390'± West of Village Green Drive

Planning Approval to allow a dog day care facility with outside runs in a B-2, Neighborhood Business District.

(Also see Case #SUB2007-00216 (Subdivision) Cottage Hill Gardens Subdivision, Re-subdivision of Lots 11 & 12, above, Case #ZON2007-02112 (Rezoning)

Cindy Carter, and, Case #ZON2007-02113 (Rezoning) Cindy Carter, below)

(For discussion, see Case #SUB2007-00216 (Subdivision) Cottage Hill Gardens Subdivision, Re-subdivision of Lots 11 & 12, above)

Hearing no other opposition or further discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Vallas, to hold the matter over until the October 4, 2007, meeting, so that staff could develop conditions of approval for the associated Rezoning and Planning Approval cases, and for the applicant to provide additional information regarding the hours of operation.

The motion carried unanimously.

Case #ZON2007-02112 (Rezoning)

September 6, 2007
Planning Commission Meeting

Cindy Carter

631 Azalea Road

North side of Azalea Road 390'± West of Village Green Drive

Rezoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, to allow a dog day care facility and retail sales.

(Also see Case #SUB2007-00216 (Subdivision) Cottage Hill Gardens Subdivision, Re-subdivision of Lots 11 & 12, Case #ZON2007-02111 (Planning Approval) Cindy Carter, above, and, Case #ZON2007-02113 (Rezoning) Cindy Carter, below)

(For discussion, see Case #SUB2007-00216 (Subdivision) Cottage Hill Gardens Subdivision, Re-subdivision of Lots 11 & 12, above)

Hearing no other opposition or further discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Vallas, to hold the matter over until the October 4, 2007, meeting, so that staff could develop conditions of approval for the associated Rezoning and Planning Approval cases.

The motion carried unanimously.

Case #ZON2007-02113 (Rezoning)

Cindy Carter

633 Azalea Road

North side of Azalea Road 290'± West of Village Green Drive

Rezoning from R-1, Single-Family Residential, to B-1, Buffer Business, to allow offices.

(Also see Case #SUB2007-00216 (Subdivision) Cottage Hill Gardens Subdivision, Re-subdivision of Lots 11 & 12, Case #ZON2007-02111 (Planning Approval), Cindy Carter, and, Case #ZON2007-02112 (Rezoning) Cindy Carter, above)

(For discussion, see Case #SUB2007-00216 (Subdivision) Cottage Hill Gardens Subdivision, Re-subdivision of Lots 11 & 12, above)

Hearing no other opposition or further discussion, Dr. Rivizzigno moved, with Mr. Vallas' second, to hold the matter over until the October 4, 2007, meeting, so that staff could develop conditions of approval for the associated Rezoning and Planning Approval cases.

The motion carried unanimously.

Case #SUB2007-00217 (Subdivision)

Laughlin Industrial Park Subdivision

South side of Halls Mill Road, ¼ mile± West of Halls Mill Service Road

14 Lots / 45.7± Acres

(Also see Case #ZON2007-02114 (Rezoning) TSS, LLC, below)

Don Roe, Roe Surveying, spoke on behalf of the applicant, saying they were in agreement with all of the recommendations with the exception of number 3, saying the

September 6, 2007
Planning Commission Meeting

property is truly just one large holding and that the tax assessor has chosen to divide it up into multiple little bitty parcels. He added that the large parcel has several outlets to Hall's Mill Road, thereby not making it land locked. As it should become a commercial park with more than one outlet onto Hall's Mill Road, he requested that no street stub be provided.

Mr. Olsen remarked that as the tax assessor shows it as a multi-parceled holding, it can be sold as such, thereby creating a situation which would make one land locked.

Hearing no other opposition or further discussion, a motion was made by Mr. Vallas, with second by Mr. Watkins, to waive Section V.B.6. for the cul-de-sac length, and subject to approval by Mobile Fire-Rescue, and to approve the above reference subdivision subject to the following conditions:

- 1. placement of a note on the final plat stating that all lots are denied access to Interstate 10;**
- 2. placement of a note on the final plat stating that lots with 200 feet or less of frontage onto the proposed cul-de-sac are limited to one curb-cut, while lots with greater than 200 feet of frontage are limited to two curb-cuts, with the size, design and location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3. compliance with Fire-Rescue comments, including the redesign of the cul-de-sac to comply with the requirements of the 2003 International Fire Code, as adopted by the City of Mobile, and the obtaining of approval in writing from Mobile Fire-Rescue for the design (if an intermediate turn-around is required) and length of the cul-de-sac prior to the signing of the final plat;**
- 4. depiction of the 25-foot minimum building setback line from all street frontages (including Interstate 10), as required by Section V.D.9. of the Subdivision Regulations;**
- 5. the labeling of each lot with its size in square feet, or placement of a table on the plat with the same information;**
- 6. placement of a note on the final plat stating that the maintenance of the detention common area is the responsibility of the property owners;**
- 7. compliance with Engineering comments (*Show detention as common area. Show 500-year flood plain and minimum finished floor elevation on each lot touched by 500-year flood plain. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers.*)**

September 6, 2007
Planning Commission Meeting

Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.)

8. **approval of all applicable federal, state and local agencies prior to the issuance of any permits or land disturbance activities; and,**
9. **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2007-02114 (Rezoning)

TSS, LLC

South side of Halls Mill Road, ¼ mile± West of Halls Mill Service Road.

Rezoning from R-1, Single-Family Residential, to I-1, Light Industry, to allow a light industrial subdivision.

(Also see Case #SUB2007-00217 (Subdivision) Laughlin Industrial Park Subdivision, above)

(Also see Case #SUB2007-00217 (Subdivision) Laughlin Industrial Park Subdivision for discussion)

Hearing no other opposition or further discussion, a motion was made by Mr. Vallas, with second by Mr. Watkins, to approve the above reference rezoning subject to the following conditions:

1. **completion of the Subdivision process; and,**
2. **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2007-00209 (Subdivision)

The Oaks at Wolf Ridge Subdivision

1503 and 1529 Wolf Ridge Road

West side of Wolf Ridge Road, 450'± North of Moffett Road, extending to the East terminus of Bristol Avenue and the South terminus of La Pine Drive

72 Lots / 22.7± Acres

(Also see Case #ZON2007-02098 (Planned Unit Development) The Oaks at Wolf Ridge Subdivision below)

Mr. Vallas recused from discussion and voting on this matter.

David Deihl with Engineering Development Services spoke on behalf of the applicant saying they were in agreement with the recommendations. He also asked if it would be possible to increase the site coverage from 35% to 40%, as the builder has now informed him that the 35% site coverage would be pushing it close. He also asked if on lots 1 and

September 6, 2007
Planning Commission Meeting

72, the lots could be approved as 51 feet wide, as opposed to the 52 feet wide of the other lots. This is due to the required right-of-way dedication on Wolf Ridge Road.

Mr. Olsen, after conferring with Mr. Lawler, let the Commission know that an increase such as this had been granted in prior cases. He also stated with regards to lots 1 and 72 being reduced to 51 feet wide from 52 feet wide, the Subdivision Regulations require that lots not be below 6000 square feet. As the reduction would not bring the overall square footage below 6000 square feet, it would be acceptable.

Mr. Daughenbaugh with the City's Urban Forestry department asked to change condition 7 in the subdivision application and condition 8 of the Planned Unit Development application due to information gathered from an on-site visit. He explained that the on-site visit had revealed that some of the trees that had originally been given preservation status, now were no longer of a condition to be granted that status and that due to development, it was questionable that said trees might not survive due to such issues as grade change and zero lot lines. In as much, he asked that the conditions read as follows:

Placement of a note on the final plat stating that the 48 inch Live Oak on lot 47, the 54 inch Live Oak on lot 56, the 40 inch Live Oak on lot 2, and the 36 inch Live Oak and the 48 inch Live Oak on lot 1, all of which should be granted preservation status, all work under the canopies as to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger, and other Live Oaks ranging larger than 24 inches throughout the property as required by ordinance, which means that a permit by Urban Forestry is required for trimming and/or removal of these trees.

Patricia Moore, 1600 East Chesterfield Drive, expressed her concerns over the proposed subdivision. Those were:

1. distance between the existing homes and new subdivision;
2. affordability of the proposed homes; and,
3. increase in noise and the possibility of noise buffers.

The Chair advised that those questions could be easily answered by the developer and/or engineer and directed her to Mr. Diehl.

Archie Rankin, 1528 Chesterfield Drive East, expressed his concern over the increase in traffic that would be created by the proposed subdivision, stating that the area already had extremely heavy traffic flow in the area of Moffett Road and Wolf Ridge Road

Lucy Carver, 1608 Chesterfield Drive East, expressed her concern over whether or not a buffer, such as a privacy fence, would be put in place between the current neighbors and the proposed subdivision.

September 6, 2007

Planning Commission Meeting

The Chair advised that buffers were required when commercial property was abutting residential property. In a case of new residential property being built abutting old residential property, there was no such requirement. He also advised that this was a matter that the neighbors could petition the developer to put such a device in place, however, that matter was out of the Planning Commission's jurisdiction.

Mr. Diehl addressed the Commission and those in attendance regarding the concerns that had just been heard. He stated that he had gotten with Mr. Metzger with the City of Mobile's Traffic Engineering department to be proactive regarding any possible traffic issues. He also stated that the homes planned were nice, brick home structures and that it was this builder's standard operating procedure to put in 6 feet high wooden privacy fences across the backs of the lots.

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

September 6, 2007
Planning Commission Meeting

1. of sufficient right-of-way to provide a minimum of 50' from the centerline of Wolf Ridge Road;
2. reduction in lot width (for lots 1-11, 71, 72) by approximately 1 foot to accommodate the right-of-way dedication requirements, subject to each lot meeting the minimum area requirements of 6,000 square feet per lot, and the labeling of each lot with its size in square feet;
3. construction and dedication of new streets to City Engineering standards, including revision of the proposed cul de sac to comply with Appendix D of the International Fire Code;
4. compliance with Engineering Comments (Show park as common area. If drainage-way east of pond accepts public water, provide drainage easement Analysis of drainage structure under Wolf Ridge Road should be analyzed for capacity; if undersized, the structure should be replaced, with Engineering Department-approved design. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all storm water and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit);
5. approvals from all applicable federal, state and local agencies prior to the issuance of any permits or the commencement of clearing or land disturbing activities;
6. the note stating that maintenance of all common areas shall be the responsibility of the Oaks at Wolf Ridge property owners association be retained on the final plat;
7. the note stating that all lots shall access the interior subdivision streets only be expanded to include common areas; and,
8. placement of a note on the final plat stating that the 48" Live Oak on Lot 47, the 54" Live Oak on Lot 56, the 40" Live Oak on Lot 2, and the 36" Live Oak and 48" Live Oak on Lot 1; all of which should be granted preservation status, 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; and other live oaks ranging larger than 24" throughout the property are protected as required by ordinance, which means that a permit from Urban Forestry is required prior to trimming and/or removal.

September 6, 2007
Planning Commission Meeting

The motion carried unanimously.

Case #ZON2007-02098 (Planned Unit Development)

The Oaks at Wolf Ridge Subdivision

1503 and 1529 Wolf Ridge Road

West side of Wolf Ridge Road, 450'± North of Moffett Road, extending to the East terminus of Bristol Avenue and the South terminus of La Pine Drive.

Planned Unit Development Approval to allow reduced lot sizes and reduced side yard setbacks in a single-family residential subdivision.

(Also see Case #SUB2007-00209 (Subdivision) The Oaks at Wolf Ridge Subdivision, above)

(Also see Case #SUB2007-00209 (Subdivision) The Oaks at Wolf Ridge Subdivision for discussion)

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

1. **completion of the subdivision process;**
2. **dedication of sufficient right-of-way to provide a minimum of 50' from the centerline of Wolf Ridge Road;**
3. **construction and dedication of new streets to City Engineering standards, including revision of the proposed cul-de-sac to comply with Appendix D of the International Fire Code;**
4. **compliance with Engineering Comments (Show park as common area. If drainage-way east of pond accepts public water, provide drainage easement Analysis of drainage structure under Wolf Ridge Road should be analyzed for capacity; if undersized, the structure should be replaced, with Engineering Department-approved design. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all storm water and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.);**
5. **approvals from all applicable federal, state and local agencies prior to the issuance of any permits or the commencement of clearing or land disturbing activities;**

September 6, 2007
Planning Commission Meeting

6. the note stating that maintenance of all common areas shall be the responsibility of the Oaks at Wolf Ridge property owners association be retained on the final plat;
7. the note stating that all lots shall access the interior subdivision streets only be expanded to include common areas;
8. placement of a note on the final plat stating that the 48" live oak on Lot 47, the 54" live oak on Lot 56, the 40" live oak on Lot 2, and the 36" live oak and 48" live oak on Lot 1; all of which should be granted preservation status, 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; and other live oaks ranging larger than 24" throughout the property are protected as required by ordinance, which means that a permit from Urban Forestry is required prior to trimming and/or removal.;
9. site coverage for each lot limited to a maximum of 40% and revision of the PUD site plan to clearly label front, side and rear setbacks, the size of each lot in square feet, and maximum site coverage limitation;
10. provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final plat; and,
11. full compliance with all municipal codes and ordinances, including but not limited to the provision of sidewalks. If a sidewalk is not proposed along Wolf Ridge Road, an application for waiver must be submitted to and approved by the Planning Commission.

The motion carried unanimously.

OTHER BUSINESS:

The Chair opened the floor for a Public Hearing to consider an amendment to the Zoning Ordinance to provide regulations for the allowance of sandwich board signs citywide. Currently sandwich board signs are allowed only within the Henry Aaron Loop and the Loop Business District.

Hearing no discussion, Mr. Plauche moved to approve the amendment to the Zoning Ordinance for sandwich board signs, which was seconded by Mr. Vallas.

The motion carried unanimously.

There being no further business, meeting was adjourned.

APPROVED: , 2008

September 6, 2007
Planning Commission Meeting

Victoria Rivizzigno, Secretary

Terry Plauche, Chairman.

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