

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF JANUARY 9, 2003 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Robert Frost, Chairman
Victor McSwain, Secretary
Victoria L. Rivizzigno
Ann Deakle
John Vallas
Terry Plauche
James Laier (S)

Members Absent

Wendell Quimby, Vice-Chair
Stephen Nodine
Norman Hill (S)

Staff Present

Laura J. Clarke, Director,
Urban Development Department
Richard L. Olsen, Planner II
Margaret Pappas, Planner II
Shayla Jones, Planner I
Frank Palombo, Planner I
Jennifer Henley, Secretary II

Others Present

Wanda Cochran, Assistant City Attorney
Ron Jackson, Urban Forestry
Jennifer White, Traffic Engineering
Pat Stewart, County Engineering
Beverly Terry, City Engineering

Mr. Frost 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 #ZON2002-02505

Charles J. Browning

Southeast corner of Moffett Road and Bear Fork Road.

The request for a change in zoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, for a retail store was considered.

The site plan illustrates the proposed subdivision and structure.

(Also see Case #SUB2002-00271 – **Browning Place Subdivision** – Below)

Mr. Frost commented that this application had been heldover in order to give Mr. Nodine an opportunity to meet with some of the neighbors. Mr. Frost had spoken with Mr. Nodine yesterday and he had not met with the neighbors at that point.

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Mr. Ty Irby was representing the applicant and concurred with the staff recommendations.

Mr. Norman Figures was present and stated that at the last meeting Mr. Nodine had said he would meet with the neighbors. Mr. Figures felt because of the Christmas holidays, Mr. Nodine had not had a chance to meet with them. Mr. Figures asked that this be heldover one more time to give the neighbors the opportunity to meet with Mr. Nodine and possibly come up with a workable solution.

Mr. Frost felt that a holdover would be appropriate.

Mr. Irby said that he had tried to reach Mr. Nodine and he had not returned any of his calls. Mr. Irby pointed out that this issue had been going on for four years and they would really like to have it settled today, but they would defer to the Commission's wishes.

Ms. Pappas said that the subdivision application needed to be acted upon unless the applicant wished to request a holdover or agreed to a holdover.

Mr. Irby said that he would rather that they move forward with this.

Mr. Frost felt that it was the Commission's preference to hold this over. He asked for indulgence in this matter. He said that if they wished the Commission could go ahead and vote on the subdivision application. Mr. Frost knew that Mr. Nodine was committed to speaking with the neighbors in order to work something out, but had not had a chance to do so.

Mr. Irby said that he would prefer that they vote on the issue today.

Mr. Frost said that the Commission could still holdover the zoning application.

Mr. Irby asked that they move forward with the subdivision today.

Mr. Frost asked if Mr. Figures had any objections to the subdivision.

Mr. Figures replied no.

In discussion, a motion was made by Ms. Deakle to holdover this application until the meeting of January 23, 2003.

Ms. Deakle said that she would like to go ahead and vote on the rezoning matter, but she respected that Mr. Nodine wanted to meet with the neighbors.

Dr. Rivizzigno said that she certainly encouraged the Council members to meet with the public in their districts, but she was concerned that this application had been heldover for a month and a half.

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Ms. Clarke said that she had spoken with Mr. Nodine and he had indicated that he was in favor of approving the rezoning, but that he would be more than happy to meet with the neighbors. She hoped that if the Commission chose not to hold this over, that between now and when this went to the City Council that a meeting with the neighbors would take place. Mr. Nodine had also indicated that he was diligently working with the State to try and get a traffic light placed at the Magnolia Grove entrance.

Mr. Frost said that he would like to see the rezoning application heldover. Mr. Nodine had promised the neighbors he would meet with them and he had reiterated to Mr. Frost that he would live up to the promise if he had some more time. Mr. Frost said he did want to vote on this matter at the next meeting.

The motion was seconded by Mr. Plauche.

The motion carried unanimously.

Mr. McSwain said that the issue of a traffic light had been mentioned and he did not want to see a condition on the rezoning application regarding such a traffic light.

Case #SUB2002-00271

Browning Place Subdivision

Southeast corner of Moffett Road and Bear Fork Road.

1 Lot / 1.3± Acres

(For discussion see Case #ZON2002-02505 – **Charles J. Browning** – Above)

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

- (1) dedication of sufficient right-of-way to provide 50-feet from the centerline of Moffett Road; and
- (2) placement of a note on the final plat stating that the site is limited to two curb cuts (one to Moffett Road and one to Bear Fork Road), exact size, location and design to be approved by the Traffic Engineering Department.

The motion carried unanimously.

EXTENSIONS:

Case #SUB2001-00326

Craig's Place Subdivision, Phase II

West terminus of James Street, 765'± West of Travis Road.

11 Lots / 6.4± Acres

Request for a one-year extension of previous approval.

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A motion was made by Mr. Plauche and seconded by Mr. Vallas to approve a one-year extension of previous approval for the above referenced subdivision.

The motion carried unanimously.

Case #SUB2001-00325

Westchester Place Subdivision, Second Addition, Phase II

North terminus of Pebble Creek Drive.

7 Lots / 2.6+ Acres

Request for a one-year extension of previous approval.

This application was withdrawn prior to the meeting.

GROUP APPLICATIONS:

Case #ZON2002-02694

Azalea Baptist Church Subdivision

4050 Halls Mill Road (West side of Halls Mill Road, 490'± North of Azalea Road).

The request for Planning Approval to allow the expansion of a church in an R-1, Single-Family Residential District, to include a multi-purpose building (gymnasium and fellowship hall) and additional parking was considered.

The plan illustrates the existing structures and asphalt, along with the proposed structure and paving.

(Also see Case #ZON2002-02693 – **Azalea Baptist Church Subdivision** – Below; and Case #SUB2002-00288 - **Azalea Baptist Church Subdivision** – Below)

Mr. Frank Dagley of Frank A. Dagley & Associates, Inc. was representing the applicants and stated that Azalea Baptist Church was existing and was located on Halls Mill Road near Azalea Road. He pointed out the existing building on the map. He said that the applicants had a desire to build a gymnasium and fellowship hall adjacent to the existing building. He commented that the staff had recommended that this issue be heldover, but the applicants wished to have it heard today. Mr. Dagley realized that there were some concerns about the parking and flow of traffic. He said that their main purpose was to go ahead and get approval for the building and the issue of parking and circulation was something that they could work out with the staff. He did not want to have to come back before the Commission for things that were typically worked out between applicants and the staff. He knew that Planned Unit Developments were site plan specific.

Mr. Frost had a concern that because the staff had so many objections to the application and parking that the site would have to be reconfigured in such a way that additional conditions might be warranted. He asked the staff their opinion.

Mr. Olsen said that Mr. Dagley had submitted a revised drawing but the staff had not had a chance to fully review it. Mr. Olsen said that the revised plan did seem to address

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several of the issues the staff had, but he would like Traffic Engineering to review it because there were major concerns about circulation, especially to the front of the site. If the Commission wanted to make a determination to approve this subject to staff and Traffic Engineering approval they could definitely do so.

Mr. Frost said that he did not have a problem moving forward with this. However, the Commission had a policy of holding over applications that had last minute changes.

Mr. Dagley said that he would agree to a holdover if necessary, but he felt that it would be superfluous to have to come back when the main issue was whether or not another building would be allowed on this site.

There was no one present in opposition.

In discussion, Dr. Rivizzigno felt that the Commission should see the revised site plan prior to voting on this.

Mr. Olsen said that he had briefly looked at the revised site plan and the applicant had addressed several of the concerns expressed in the staff report. However, he would like the staff and Traffic Engineering to give final approval on it.

Ms. Deakle felt that there was plenty of room on the site to do whatever they needed to do.

Mr. Frost stated that it would be acceptable to him if the Commission wanted to vote on this today or if they wanted to hold it over.

Dr. Rivizzigno said that there had been a trend of late plans being received and applicant's trying to work out deals with other City departments. This was something that she hoped would stop.

Mr. Vallas inquired if the staff had any conditions they would like to add if this were approved today other than traffic approval.

Mr. Olsen said that they would need to comply with the landscaping and tree planting requirements of the Ordinance.

Dr. Rivizzigno said that the Commission had adopted a policy that they not approve things when the staff had not had a chance to fully review any late plans. She wanted to be accommodating, but she did not want to erode the purpose behind their policy.

Mr. McSwain thought the changes that needed to be made to accommodate the staff's concerns were minor.

A motion was made by Mr. McSwain and seconded by Mr. Vallas to approve this plan subject to the following conditions:

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- (1) reconfiguration of the parking and circulation areas, to be approved by the Urban Development and Traffic Engineering Departments;
- (2) full compliance with the landscaping and tree planting requirements of the Ordinance; and
- (3) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Dr. Rivizzigno was concerned that once they got into reviewing the plan, something major may come up.

Mr. Olsen said that if there was any disagreement with the parking and circulation, then they would come back to the Commission.

Case #ZON2002-02693

Azalea Baptist Church Subdivision

4050 Halls Mill Road (West side of Halls Mill Road, 490'± North of Azalea Road).

The request for Planned Unit Development approval to allow multiple buildings on a single-building site was considered.

The plan illustrates the existing structures and asphalt, along with the proposed structure and paving.

(For discussion see Case #ZON2002-02694 – **Azalea Baptist Church Subdivision** – Above; also see Case #SUB2002-00288 - **Azalea Baptist Church Subdivision** – Below)

A motion was made by Mr. McSwain and seconded by Mr. Vallas to approve this plan subject to the following conditions:

- (1) reconfiguration of the parking and circulation areas, to be approved by the Urban Development and Traffic Engineering Departments;
- (2) full compliance with the landscaping and tree planting requirements of the Ordinance; and
- (3) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2002-00288

Azalea Baptist Church Subdivision

4050 Halls Mill Road (West side of Halls Mill Road, 490'± North of Azalea Road).

1 Lot / 3.2± Acres

(For discussion see Case #ZON2002-02694 – **Azalea Baptist Church Subdivision** – Above; also see Case #ZON2002-02693 - **Azalea Baptist Church Subdivision** – Above)

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

- (1) reconfiguration of the parking and circulation areas, to be approved by the Urban Development and Traffic Engineering Departments;
- (2) full compliance with the landscaping and tree planting requirements of the Ordinance; and
- (3) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2002-02708

Gulf Coast Asphalt Company

East side of U. S. Highway 90, 1,527' ± North of Sixth Street.

The request for a change in zoning from R-1, Single-Family Residential, to I-2, Heavy Industry to allow a facility for the storage of methanol was considered.

The plan illustrates the proposed development and the existing easements.

(Also see Case #ZON2002-02709 – **GCAC Subdivision** – Below; Case #ZON2002-02710 – **GCAC Subdivision** – Below; Case #SUB2002-00290 – **GCAC Subdivision** – Below; and Case #ZON2002-02707 – **Gulf Coast Asphalt Company** – Below)

The applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

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

- (1) the approval of all necessary federal, state and local agencies prior to development;
- (2) provision of a buffer along the East property line, at such time the adjacent property is developed residentially;
- (3) full compliance with the landscaping and tree planting requirements of the Ordinance (frontage trees only for industrial property);
- (4) number, location and design of all curb cuts to be approved by Traffic Engineering; and
- (5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2002-02709

GCAC Subdivision

East side of U. S. Highway 90, 1,527' ± North of Sixth Street.

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The request for Planning Approval to allow hazardous material (methanol) storage in an I-2, Heavy Industry District was considered.

The plan illustrates the proposed development and the existing easements.

(For discussion see Case #ZON2002-02708 – **Gulf Coast Asphalt Company** – Above; also see Case #ZON2002-02710 – **GCAC Subdivision** – Below; Case #SUB2002-00290 – **GCAC Subdivision** – Below; and Case #ZON2002-02707 – **Gulf Coast Asphalt Company** – Below)

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

- (1) the approval of all necessary federal, state and local agencies prior to development;
- (2) provision of a buffer along the East property line, at such time the adjacent property is developed residentially;
- (3) full compliance with the landscaping and tree planting requirements of the Ordinance (frontage trees only for industrial property);
- (4) number, location and design of all curb cuts to be approved by Traffic Engineering; and
- (5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2002-02710

GCAC Subdivision

East side of U. S. Highway 90, 1,527' ± North of Sixth Street.

The request for Planned Unit Development approval to allow multiple buildings on a single-building site was considered.

The plan illustrates the proposed development and the existing easements.

(For discussion see Case #ZON2002-02708 – **Gulf Coast Asphalt Company** – Above; also see Case #ZON2002-02709 – **GCAC Subdivision** – Above; Case #SUB2002-00290 – **GCAC Subdivision** – Below; and Case #ZON2002-02707 – **Gulf Coast Asphalt Company** – Below)

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

- (1) the approval of all necessary federal, state and local agencies prior to development;
- (2) provision of a buffer along the East property line, at such time the adjacent property is developed residentially;

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- (3) full compliance with the landscaping and tree planting requirements of the Ordinance (frontage trees only for industrial property);
- (4) number, location and design of all curb cuts to be approved by Traffic Engineering; and
- (5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2002-00290

GCAC Subdivision

East side of U. S. Highway 90, 1,527' ± North of Sixth Street.

3 Lots / 41.5± Acres

(For discussion see Case #ZON2002-02708 – **Gulf Coast Asphalt Company** – Above; also see Case #ZON2002-02709 – **GCAC Subdivision** – Above; Case #ZON2002-02710 – **GCAC Subdivision** – Above; and Case #ZON2002-02707 – **Gulf Coast Asphalt Company** – Below)

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

- (1) the approval of all necessary federal, state and local agencies prior to development;
- (2) provision of a buffer along the East property line, at such time the adjacent property is developed residentially; and
- (3) placement of a note on the final plat stating that the number, location and design of all curb cuts shall be approved by Traffic Engineering.

The motion carried unanimously.

Case #ZON2002-02707

Gulf Coast Asphalt Company

East side of U. S. Highway 90, 1,527' ± North of Sixth Street.

The request to waive the construction of a sidewalk along U. S. Highway 90 was considered.

(For discussion see Case #ZON2002-02708 – **Gulf Coast Asphalt Company** – Above; also see Case #ZON2002-02709 – **GCAC Subdivision** – Above; Case #ZON2002-02710 – **GCAC Subdivision** – Above; and Case #SUB2002-00290 – **GCAC Subdivision** – Above)

A motion was made by Ms. Deakle and seconded by Dr. Rivizzigno to approve this request.

The motion carried unanimously.

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NEW SUBDIVISION APPLICATIONS:

Case #SUB2002-00284

Bel Air Executive Park, Second Unit, Resubdivision of Lots 1 and 2, of a Resubdivision of Lots 13 and 14

North side of Executive Park Circle at its Eastern terminus, continuing through to the Western terminus of Angus Drive North.

1 Lot / 1.4± Acres

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

There was no one present in opposition.

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

- (1) the placement of a note on the final plat stating that the site is denied access to Angus Drive North.

The motion carried unanimously.

Case #SUB2002-00285

Courtney's Subdivision

Northeast corner of Eunice Drive and Howell's Ferry Road.

2 Lots / 1.8± Acres

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

There was no one present in opposition.

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

- (1) the placement of a note on the final stating that Lot 2 is limited to one curb cut to Howell's Ferry Road, with the size, location and design to be approved by County Engineering;
- (2) the placement of a note on the final plat stating that any lot that is developed commercially and adjoins residentially developed property shall provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and
- (3) placement of the required 25-foot minimum building setback line on the final plat.

The motion carried unanimously.

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Case #SUB2002-00287

First Assembly of Chickasaw Subdivision, Resubdivision of

Northwest corner of Desirrah Drive South and I-65.

3 Lots / 13 \pm Acres

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

There was no one present in opposition.

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

- (1) the placement of a note on the final plat stating that Lot 1 is limited to two curb cuts to West I-65 Service Road with the size, location and design to be approved by ALDOT and Traffic Engineering;
- (2) the placement of a note on the final plat stating that Lot 2 is denied access to West I-65 Service Road and is limited to two curb cuts to Desirrah Drive South with the size, location and design to be approved by Traffic Engineering; and
- (3) the placement of a twenty-five foot minimum building setback line on the final plat.

The motion carried unanimously.

Case #SUB2002-00289

Cassie Herrin Subdivision

West side of Theodore Dawes Road, 300' \pm South of Helton Road.

2 Lots / 13.6 \pm Acres

The applicant was present and concurred with the staff recommendations.

Mr. Olsen said that there was a typo on the sketch and therefore the lot numbers were transposed. He stated that staff condition #1 should read: *the placement of a note on the final plat stating that Lot 1 is limited to two curb cuts and Lot 2 is limited to one curb cut to Theodore Dawes Road, with the size, location and design to be approved by County Engineering.*

The applicant indicated that this would be acceptable.

There was no one present in opposition.

A motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to waive Section V.D.3., of the Subdivision Regulations, and approve this subdivision subject to the following conditions:

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- (1) the placement of a note on the final plat stating that Lot 1 is limited to two curb cuts and Lot 2 is limited to one curb cut to Theodore Dawes Road, with the size, location and design to be approved by County Engineering;
- (2) the placement of a note on the final plat stating that if any property is developed commercially and adjoins residential property, a buffer in compliance with Section V.A.7. of the Subdivision Regulations will be provided; and
- (3) that the 25-foot setback line for Lot 1 be placed where the lot is 60-feet wide (the minimum buildable width).

The motion carried unanimously.

Case #SUB2002-00286

Norwood Subdivision

East side of South Washington Avenue, 160'± North of Gorgas Street.

1 Lot / 0.1± Acre

This application was heldover prior to the meeting.

NEW SIDEWALK WAIVER APPLICATION:

Case #ZON2002-02705

Bay Area Screw & Supply

3405 Moffett Road (South side of Moffett Road, 380'± East of I-65).

The request to waive construction of a sidewalk along Moffett Road was considered.

Mr. Frank Dagley of Frank A. Dagley & Associates, Inc. was representing the applicant and stated that City Engineering had recommended this application for approval. However, the staff had taken the opposite view. He asked that the request be approved. He said that this was a very isolated end of the property that was bordered by the Interstate and heavy industrial uses including railroad tracks. He commented that this was very minimal frontage.

Mr. Frost inquired where they were requesting the waiver.

Ms. Pappas said that it was the small portion of frontage along Moffett Road. She stated that the staff had been unable to ride by the site prior to reports being mailed out, but they had visited the site this morning. The property on the other side of the railroad tracks had a sidewalk along its frontage; then there was the railroad tracks and then the subject property. The staff felt that sidewalks would be appropriate on both sides of the railroad tracks. She also pointed out that there was a foot path that continued under the Interstate and along Moffett Road on this side of the road.

There was no one present in opposition.

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In discussion, Mr. Vallas inquired about the walkway that had been mentioned.

Mr. Olsen said that there was a foot path under the Interstate, but no actual sidewalk. Then just West of the Interstate there was a bridge across the creek, with a walkway on the bridge.

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to deny this request.

Mr. Vallas was opposed. The motion carried.

OTHER BUSINESS:

Public Hearing - Consideration of a proposed amendment to the Sign Ordinance to allow Sandwich Board Signs in the Loop Area

Mr. Devereaux Bemis, Director of the Mobile Historic Development Commission (MHDC), was present and stated that the Architectural Review Board (ARB) had found through the years that trying to review sandwich board signs in the downtown area was disastrous. Therefore, they felt that it was not appropriate for them to review things outside of the historic districts. He asked that the Commission recommend to the City Council that the ARB review of all sandwich board signs be eliminated from the Ordinance. He said that there were guidelines on how big the signs needed to be and the materials that could be used. He stated that the signs would not really have an impact on historic districts.

Ms. Adline Clarke was representing the Loop Merchants Association and stated that she owned Black Classics Books and Gifts in the Loop Area. She felt that everyone was in agreement on this matter. She said that they wanted permission to use sandwich board signs as markers and a form of advertisements. She commented that most of the businesses in the area were small and the signs were an inexpensive way from them to advertise. She asked that the amendment be approved.

In discussion, Ms. Pappas said that the staff would meet with the Commission's attorney and delete language requiring the approval of the ARB in regard to sandwich board signs.

Mr. Plauche inquired if the Commission had the authority to do that.

Ms. Pappas said that whatever they voted on would be a recommendation to the City Council for final approval.

A motion was made by Mr. Frost and seconded by Dr. Rivizzigno to approve the proposed amendment submitted by the staff to the Sign Ordinance to allow Sandwich Board Signs in the Loop Area, taking out the language regarding ARB as it pertains to Sandwich Board Signs.

The motion carried unanimously.

Discussion regarding a request to vacate the public extension of Hillcrest Road

Dr. Rivizzigno recused from discussion regarding this matter.

Ms. Clarke said that last week the staff had been made aware of a letter the University of South Alabama (USA) had sent to the Metropolitan Planning Organization (MPO). She explained that the MPO oversees the use and distribution of federal funds and other matters pertaining to highway improvement. As soon as they were made aware of this request the staff had compiled as much information as possible to present to the Commission. She said that the Planning Commission and ultimately the City Council was responsible for the Major Street Plan component of the City's Master Plan. In general, the Major Street Plan was in compliance and in alignment with the Mobile Area Transportation Study (MATS) which is overseen by the MPO. The MATS plan was essentially a listing and schedule of construction improvement projects pertaining to roadways in the City, County and she thought areas of the MSA as well.

Mr. McSwain said that the Metropolitan Planning Area was defined by certain federal regulations. It did not include the entire County, nor did it go to the East.

Ms. Clarke said that the request by USA was that the portion of Hillcrest Road (Middle Ring Road) between Old Shell Road and Zeigler Boulevard as designated on the MATS plan and the Major Street Plan be deleted from the MATS plan. The staff was trying to get a feel for the position the Commission may take on this. In essence, the ideal was to have the MATS plan and the Major Street Plan be in harmony. This was not always the case, but there were repercussions from those cases where there were differences. She felt that there were several legal questions as to what authority the City had over this State property. She said that all of this area was currently owned by USA. The staff had provided the Commission with a copy of USA's proposed site plan with the letter that was submitted by USA. The site plan showed an expansion of the existing campus to the West. Primarily the expansion would be intramural fields that were located close to the dormitories and a transportation center. She was not aware of the proposed timeframe on this. She reiterated that USA was asking that this thoroughfare be deleted because it would basically bisect the existing campus from the proposed expansion going West. She referred to a map that was submitted to the Commission showing all of the property owned by USA which included property to the West of the proposed expansion, South of the Hillsdale development. She said that the staff had wanted to bring this information to the Commission's attention. They were not necessarily looking for a vote today, but possibly some discussion and indication of the Commission's thoughts on this matter. She stated that members of the staff would be attending an MPO meeting next Wednesday and the MPO would be voting on this matter at that meeting. Ms. Clarke felt that it would be good to have an indication from the Commission as to whether or not they were in agreement or disagreement with this proposal.

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Mr. Frost said that in the last paragraph of the information sheet provided by the staff, there were several questions for the Commission's consideration, which included considering possible alternatives.

Ms. Clarke said that the bottom line was: what authority did they have to legally hold USA and their State owned property to whatever decision the Commission makes or to negotiate with USA on a possible alternative? She stated that it was her understanding that condemnation was not an option for the City to place on State owned property. She felt that they also needed to consider what type of incentives the City had to offer USA that would make them want to negotiate. She was not sure that the City had any incentives that would entice them. USA did not want a major thoroughfare bisecting their campus.

Ms. Cochran said that she had hoped to have some legal answers ready for the meeting, but she did not. She stated that her instincts told her that if there were a case where the City went against the State, the State would win. She said that there were some non-legal issues involved. She felt that it very well might be that USA wanted to remove this street from the map because they were envisioning a major intrusion such as Airport Boulevard. Perhaps, they did not realize that there were alternatives to this type of scenario. She said that with contact-sensitive design, roads could be constructed that were compatible with a campus environment. She felt that they needed to find out what USA was afraid of and how this could be dealt with. She said that there was a legal decision pending regarding what would happen if there were separate positions taken by the MPO and the Commission and what impact that would have on other projects.

Mr. McSwain felt that the MATS plan was almost redundant because it stood for Metropolitan Area Transportation Study and the Major Street Plan was a City street plan. He commented that the City was almost decertified by the federal government at one point because the Major Street Plan did not include some of the projects that were on the MATS plan. The Major Street Plan could have more projects than the MATS plan, but everything on their plan had to be on the Major Street Plan. He said that the MPO was comprised of representatives from all the incorporated cities within the planning jurisdiction.

Mr. Frost felt that it would be difficult for him to make a decision because he was not privy to the studies of the need for Middle Ring Road to begin with.

Mr. McSwain said that the City had 3 representatives on the MPO, the County had 2 or 3, the other cities had 1 vote each, and the Airport Authority had a vote. He felt that the City could provide some input, but if the MPO voted to take this off the MATS plan, it would come off. The City did not have to take it off of the Major Street Plan, but in effect it would be off.

Ms. Clarke asked what it would mean if it was removed from the MATS plan.

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Mr. McSwain said that it would “kill” the project. Even if the City were to leave it on their plan, their only recourse would be condemnation, which was not an option in this case.

Mr. Vallas said that the campus was essentially already divided by a major street. USA had purchased the old shopping center at the corner of Old Shell Road and University Boulevard and that had been converted to classrooms and it had been very successful. From a planning standpoint, he felt that a negative impact to the growth of the City had been the lack of new roads within the City limits, especially major North-South arteries. He did not feel that the right-of-way should be removed.

Ms. Deakle agreed with Mr. Vallas. She felt that the biggest problem in Mobile was the lack of North-South arteries. However, she also could see how this could turn into another “Airport Boulevard” very easily if it was not done correctly. She commented that they had already faced a similar situation with UMS-Wright School. When that issue came before the Commission on how to handle the right-of-way, some of the points they had used to make their decision was the well being of the City, traffic flow, and the need for citizens to access Northern parts of the City quickly. She felt that there was a need to cross Mobile going North to South. In her opinion, the Commission would be making a mistake if they did not say that they would like to see it left in.

Mr. McSwain said that there were three “ring” roads originally planned for Mobile (Inner Ring, Middle Ring, and Outer Ring). What they were discussing today was Middle Ring and Inner Ring was University Boulevard. The Outer Ring was Cody Road, but that was eliminated because of Magnolia Grove. There was a possibility of losing two of their “ring” roads if this happened. He said that it had been indicated that most of the trips would be shifted to Cody Road and Schillinger Road, but since Cody Road did not go anywhere it would only get local trips. The long distance trips would be shifted to Schillinger Road, which was already overlaid.

Mr. Frost said that they were not required to vote, but he was under the impression that the Commission was reluctant to take this off the plan. He inquired if there was anyone on the Commission that felt strongly that they should adhere to USA’s request. No one indicated that this was their feeling.

Mr. McSwain said that he was a member of the MPO and it was his understanding that the Mayor and the staff would be attending the MPO meeting. Mr. McSwain said that at that meeting they could bring up some of the points they had brought up today including the concern from a long range planning standpoint the impact it would have on the transportation system.

Ms. Clarke said that if this was the consensus of the Commission, the staff would be more than happy to present this to the MPO.

Ms. Deakle felt that an overpass might be appropriate, which had been done by other universities and colleges.

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Mr. Frost said that there might also be some alternatives to the alignment of the road.

Ms. Clarke said that the staff questioned what or any, real or feasible alternatives had been explored. She felt that some alternative should be explored.

Mr. McSwain said that his initial reaction to this was that this should not be taken off the plan. He commented that the development had not been done yet and perhaps some changes in the design of the expansion could be made.

Ms. Deakle said that she did not want to hinder the school's growth, but the Commission needed to try to plan for the future.

Ms. Clarke said that the staff would pass on the Commission's feelings to the MPO. She felt that the discussion today showed true concern and foresight on the behalf of the Commission. She thanked the Commission for their consideration.

There being no further business, the meeting was adjourned.

APPROVED: March 20, 2003

/s/ Victor McSwain, Secretary

/s/ Robert Frost, Chairman

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