

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF APRIL 3, 2003 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Robert Frost, Chairman  
Terry Plauche, Vice Chairman  
Victor McSwain, Secretary  
Ann Deakle  
Councilman Stephen Nodine  
Wendell Quimby  
Dr. Victoria Rivizzigno  
John Vallas  
Dr. James Laier (S)

**Members Absent**

Norman Hill (S)

**Staff Present**

Laura J. Clarke, Director  
Richard L. Olsen, Planner II  
Margaret Pappas, Planner II  
Angie Etheridge, Secretary III  
Tim Ashley, Planner I

**Others Present**

Wanda Cochran, Asst. City Attorney  
Ron Jackson, Urban Forestry  
Jennifer White, Traffic Engineering  
Beverly Terry, City Engineering  
Shayla Jones, Long Range Planning  
Pat Stewart, County 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 #ZON2003-00674**

**Moffett Road Assembly of God**

6159 Moffett Road (South side of Moffett Road, ¾ mile± West of Powell Drive).

A request for Planning Approval to allow the expansion of an existing church in an R-1, Single-Family Residential district to include classrooms, Sunday School, and daycare facilities was considered.

The site plan illustrates the existing building, parking and proposed building addition.

Vincent LaCoste, 3463 LaCoste Road, was present representing the application and concurred with the staff recommendations in consideration of a revised site plan illustrating the proposed 70' x 180' playground, with a four foot fence and two cross walks from the buildings to the playground.

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There was no one present in opposition.

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

- 1) full compliance with the landscaping and tree planting requirements of the Ordinance for the portion of the site that is developed (no trees are to be removed to develop the playground); and
- 2) the approval of Traffic Engineering for the exact location and design of the crosswalks.

The motion carried unanimously.

**Case #SUB2003-00022**

**Heron Lakes Subdivision, Phase One, Resubdivision of and Addition to Lot 29**

1050 Grand Heron Court West (West terminus of Grand Heron Court West).

1 Lot / 1.2± Acres

Mr. Vallas recused himself from the discussion and vote with regard to this case.

Mr. Frost stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

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

Mr. Vallas recused, Mr. McSwain was opposed; the motion carried.

**Case #SUB2003-00033**

**Hunter Addition to Cedar Point Road Subdivision**

2257 Cedar Point Road (East side of Cedar Point Road, 300'± South of Rosedale Road).

2 Lots / 1.2± Acres

Mr. Frost stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Mr. Plauche and seconded by Mr. Vallas to waive Section V.D.3 of the Subdivision Regulations and approve this subdivision.

The motion carried unanimously.

**Case #SUB2003-00020**

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**Oakston Subdivision**

52 Oakland Avenue (Northwest corner of Oakland Avenue and Marston Lane).  
3 Lots / 1.0± Acre

Mr. Frost stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

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

- 1) the dedication of sufficient right-of-way to provide 25 feet from the centerline of Marston Lane; and
- 2) the dedication of a 25' radius at the intersection of Marston Lane and Oakland Avenue.

The motion carried unanimously.

**Case #SUB2003-00028**

**Vallimar Subdivision Addition**

10027 and 10051 Blackwell Nursery Road (South side of Blackwell Nursery Road, 715'± West of Snow Road).  
5 Lots / 12.8± Acres

*The application was initially proposed as a 6 lot subdivision; however, a revised plat was submitted illustrating a 5-lot subdivision.*

Matt Orrell, Polysurveying Engineering – Land Surveying, was present representing the applicant. Mr. Orrell noted that the staff recommended denial due to the flag-shaped configuration of the lots; however, he felt the Commission had approved such lots in the past with a waiver of Section V.D.3 of the Subdivision Regulations governing width to depth ratio.

John Williams was present and explained he wanted to divide the subject property and build three homes with an entrance on Blackwell Nursery Road because he could not afford the 1,000' road to be constructed to County standards.

Mrs. Pappas noted that the flag shaped lots were illegally configured to allow access from Blackwell Nursery Road, and there was inadequate room to construct a public or private street. She further noted that the Commission had denied requests of this type in the past.

Ms. Clarke explained that the staff and the Commission were required to examine possible long-term implications in addition to immediate implications. She noted that the configuration as presented would inevitably present long range implications.

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Mr. Orrell felt a note could be placed on the final plat preventing future subdivision as a resolution to the situation.

Reverend Terry Glasscock, 10050 Blakewood Drive N., was present and stated that his brother-in-law had purchased Lot 1 to build a home on, and he was attempting to provide his three children with a place to build a home in the future. He contended there would be no future re-subdivision of the lots.

There was no one present in opposition.

A motion was made by Mr. Nodine and seconded by Mr. McSwain to waive Section V.D.3 of the Subdivision Regulations and approve this 5-lot subdivision subject to the following conditions:

- 1) placement of a note on the final plat stating that there shall be no future subdivision of Lots 1-3; and
- 2) placement of a note on the final plat stating that the site shall be limited to the common drive easement as shown on the plan submitted.

The motion carried unanimously.

**Case #SUB2003-00039**

**MAWSS Parking Plaza Subdivision**

206 and 212 North Catherine Street (East side of North Catherine Street, 125' ± North of Center Street).

1 Lot / 0.6 ± Acre

Mr. Plauche recused himself from the discussion and vote with regard to this case.

Mr. Frost stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

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

- 1) the placement of a note on the final plat stating that a buffer, in compliance with Section V.A.7 of the Subdivision Regulations, will be provided where the site adjoins residential property.

Mr. Plauche recused; the motion carried.

**Case #ZON2003-00565**

**Wendy's International, Inc. (Michael Golden, Agent)**

3957 Cottage Hill Road (South side of Cottage Hill Road, 125' ± West of Azalea Road).

A request to waive construction of a sidewalk along Cottage Hill Road was considered.

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Mr. Plauche recused himself from the discussion and vote with regard to this case.

A motion was made by Ms. Deakle and seconded by Mr. Nodine to approve this request.

Mr. Plauche recused; Mr. Quimby was opposed; the motion carried.

**EXTENSION:**

**Case #SUB2001-00029 (Subdivision)**

**The Bluffs of Cypress Creek Subdivision**

West side of Shipyard Road, extending West along the North side of proposed Cypress Business Park Drive.

31 Lots / 50.0+ Acres

Request for a one-year extension of previous approval.

The applicant was present and there was no one present in opposition.

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

The motion carried unanimously.

**GROUP APPLICATIONS:**

**Case #ZON2003-00726 (Rezoning)**

**D & F, L.L.C. (Don Kelly, The Mitchell Company, Inc., Agent)**

1 North Florida Street (Northwest corner of Dauphin Street and Florida Street, and extending to the South side of Woodruff Street).

A request for a change in zoning from R-1, Single-Family Residential, and B-1, Buffer Business, to LB-2, Limited Neighborhood Business, for a pharmacy with drive-through window service was considered.

The plan illustrates the proposed structure, parking and landscaping.

Dr. Laier and Ms. Deakle recused themselves from the discussion and vote with regard to this case.

There were approximately 39 attendees in response to this case, therefore, the agenda was taken out of order and comments concerning these applications were heard immediately upon commencement of the public hearing portion of the meeting. It was noted that approximately four attendees raised their hand to reflect opposition to the case, and approximately 35 raised their hand representing support of the case.

Paul Wesch, 10295 Kearns Road South, was present representing the application and distributed a presentation binder to each Commission member. He noted that included in

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the binder was the City's General Land Use Plan which indicated the intersection of Dauphin and Florida Streets as commercial. Mr. Wesch said the Commission had been consistent with the Land Use Plan in not approving any commercial use east of Florida Street. West of Florida Street along Dauphin Street, however, there had been B-1 and B-2 uses approved. There was a B-2 use next to this site, and last year, west of this site, a number of lots were zoned B-2. Mr. Wesch contended that since this corner had been found appropriate for B-1 and B-2 uses, it would certainly be appropriate for LB-2 zoning. He said LB-2 intends to encourage uses that provide goods and services that meet the every day needs of the neighbors in the area. He cited the growing midtown population and felt there was a need for this type of service in the area. Mr. Wesch noted that he had included the Smart Growth document in the binder provided to the Commission because it contained Smart Growth objectives that he felt were applicable to the application for this site. He contended that with this approval the Commission would be encouraging mixed-use development. Mr. Wesch said the design of their proposed building would be the same as that of their facility at Government and Broad Streets, which was approved by the Mobile Historic Development Commission and the Architectural Review Board. He contended that if smart, esthetically pleasing, environmentally friendly, growth was going to be encouraged in this City, that this would be a good place to start.

Bobby Allen, a resident of 34 East Chadwick Drive in Cromwell Place since 1983, was present and spoke in favor of the proposed rezoning. He felt a drug store on this corner would serve a useful purpose, as there was nothing of this type in the area and it would be beneficial to all the elderly residents in the area.

John Arendall, a resident of 25 Audubon Place, which is in the vicinity of the subject property, pointed out the rapid growth in the midtown area and the commercial uses on these four corners. He felt a drug store was needed at this location and if built properly could be appealing to the area.

Robert McLaughlin, a resident of 1 Benedict Place, approximately four streets east of the proposed site, was present in opposition to this request. Mr. McLaughlin contended there was not a need for a drug store at this location, as there was already drug stores at a shopping center, Rite Aid offered 24-hour service, and there were two facilities on Government Street. He felt the subject property would be best utilized with a B-1 use. He expressed regret that the staff had not made a recommendation on this application. He felt that many of the concerns and statements made in the staff's prior reports (when the applicant had requested B-2) remained nonetheless valid today.

Lynne Weeks of 5 Benedict Place, three blocks east of the subject property, was also present in opposition. Ms. Weeks noted that a new pharmacy had recently opened on Florida Street at Emogene Street that had delivery service and she felt another pharmacy was not needed. As a real estate agent, Ms. Weeks felt this type of rezoning would be detrimental to surrounding property values and was a deterrent to prospective property owners when the zoning was not being enforced. Ms. Weeks contended that the subject property could be rezoned to R-1, R-2 or R-3.

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Mr. Vallas asked if property values would be anymore protected as a B-1 classification as opposed to the new L-B classification.

Ms. Weeks replied that the property was currently B-1 and there had been an insurance company there. That business was not open on Saturday and Sunday, did not have drive-up windows, and closed at 5 p.m. Ms. Weeks felt the proposed rezoning would not be an enhancement to the neighborhood and would not help anybody but the developer.

In executive session Mr. Frost asked the staff if the applications were approved what were the recommended conditions.

Margaret Pappas noted that if the Commission decided to recommend the approval of the change in zoning to the City Council the staff would recommend the following conditions of approval:

- 1) prohibition of beer and wine sales, and outside telephones, as offered by the applicant;
- 2) dumpster pick-up and parking lot cleaning be limited to normal daylight business hours, as offered by the applicant;
- 3) provision of an eight-foot high wall, placed five-feet inside the property line along Woodruff Street, across from residential development, with provision of landscaping between the property line and wall, wall finish to replicate exterior finish of building;
- 4) provision of a 15-foot buffer, as well as an eight-foot wooden privacy fence, along the West property line of Lot One;
- 5) denial of direct access to Woodruff Street;
- 6) full compliance with the landscaping and tree planting requirements of the Ordinance; and
- 7) full compliance with all municipal codes and ordinances.

She noted that the staff with regard to the request for the Planned Unit Development approval would recommend the following conditions of approval:

- 1) subject to the site plan submitted, as revised by these conditions;
- 2) prohibition of beer and wine sales, and outside telephones, as offered by the applicant;
- 3) dumpster pick-up and parking lot cleaning be limited to normal daylight business hours, as offered by the applicant;
- 4) provision of an eight-foot high wall, placed five-feet inside the property line along Woodruff Street, across from residential development, with provision of landscaping between the property line and wall, wall finish to replicate exterior finish of building;
- 5) provision of a 15-foot buffer, as well as an eight-foot wooden privacy fence, along the West property line of Lot One;
- 6) denial of direct access to Woodruff Street;

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- 7) full compliance with the landscaping and tree planting requirements of the Ordinance;
- 8) limited to a total of 80 square feet of signage, including a maximum of one free-standing, monument sign, with a maximum overall height of five-feet; location, color and materials to be approved by Urban Development staff; and
- 9) full compliance with all municipal codes and ordinances.

With regard to parking, Mr. McSwain felt there should be a condition that limited parking to the minimum required by the Zoning Ordinance.

Mr. Quimby questioned why a drug store would need so many parking spaces. Several other members expressed concern that the parking spaces proposed were excessive.

Ms. Clarke noted that the applicant voluntarily reduced the parking spaces from 66 to 59, the minimum requirement was 34 spaces; and she added that the number of parking spaces to be allowed was at the discretion of the Commission.

An eight-foot high wall to be required along Woodruff Street, as well as an eight-foot wooden privacy fence along the West property line of Lot One was also discussed.

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

- 1) prohibition of beer and wine sales, and outside telephones, as offered by the applicant;
- 2) dumpster pick-up and parking lot cleaning be limited to normal daylight business hours, as offered by the applicant;
- 3) provision of an eight-foot high wall, placed five-feet inside the property line along Woodruff Street, across from residential development, with provision of landscaping between the property line and wall, wall finish to replicate exterior finish of building;
- 4) provision of a 15-foot buffer, as well as an eight-foot wooden privacy fence, along the West property line of Lot One;
- 5) denial of direct access to Woodruff Street;
- 6) full compliance with the landscaping and tree planting requirements of the Ordinance; and
- 7) full compliance with all municipal codes and ordinances.

Dr. Laier and Ms. Deakle recused; Mr. Plauche, Mr. Quimby and Mr. McSwain opposed; Mr. Frost ruled in favor; the motion carried.

**AND**

**Case #ZON2003-00727 (Planned Unit Development)**

**D & F Subdivision**

1 North Florida Street (Northwest corner of Dauphin Street and Florida Street, and extending to the South side of Woodruff Street).

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A request for Planned Unit Development Approval to allow shared access between two commercial sites and a residential neighborhood was considered.

Dr. Laier and Ms. Deakle recused themselves from the discussion and vote with regard to this case.

**See rezoning application Case #ZON2003-00726 above for discussion.**

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

- 1) subject to the site plan submitted, as revised by these conditions;
- 2) prohibition of beer and wine sales, and outside telephones, as offered by the applicant;
- 3) dumpster pick-up and parking lot cleaning be limited to normal daylight business hours, as offered by the applicant;
- 4) provision of an eight-foot high wall, placed five-feet inside the property line along Woodruff Street, across from residential development, with provision of landscaping between the property line and wall, wall finish to replicate exterior finish of building;
- 5) provision of a 15-foot buffer, as well as an eight-foot wooden privacy fence, along the West property line of Lot One;
- 6) denial of direct access to Woodruff Street;
- 7) full compliance with the landscaping and tree planting requirements of the Ordinance;
- 8) limited to a total of 80 square feet of signage, including a maximum of one free-standing, monument sign, with a maximum overall height of five-feet; location, color and materials to be approved by Urban Development staff; and
- 9) full compliance with all municipal codes and ordinances.

Dr. Laier and Ms. Deakle recused; Mr. Plauche, Mr. Quimby and Mr. McSwain opposed; Mr. Frost ruled in favor; the motion carried.

**Case #ZON2003-00730 (Planned Unit Development)**

**Heron Lakes Subdivision, Phase Two, "Corrected Plat", Resubdivision of Lots 110, 111, and 112**

South side of Blue Heron Ridge, 560'± East of Skywood Drive.

A request for Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow reduced side yard setbacks in a single-family residential subdivision was considered.

The site plan illustrates the proposed building area, proposed setbacks, existing easements and proposed lot subdivision.

Mr. Vallas recused himself from the discussion and vote with regard to this case.

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Mr. Frost stated that 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 approve this plan subject to the following condition:

- 1) compliance with all conditions of the original PUD approval.

Mr. Vallas recused; Mr. McSwain was opposed; the motion carried.

**AND**

**Case #SUB 2003-00048 (Subdivision)**

**Heron Lakes Subdivision, Phase Two, "Corrected Plat", Resubdivision of Lots 110, 111, and 112**

South side of Blue Heron Ridge, 560'± East of Skywood Drive.

2 Lots / 0.6± Acre

Mr. Vallas recused himself from the discussion and vote with regard to this case.

Mr. Frost stated that 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 approve this subdivision subject to the following conditions:

- 1) reduced setbacks or building limits be removed for the final plat; and
- 2) placement of the 25' minimum building setback line on the final plat.

Mr. Vallas recused; Mr. McSwain was opposed; the motion carried.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2003-00040**

**Ahepa IX Subdivision, Resubdivision of**

North side of Old Pascagoula Road, ¼ mile± West of Theodore-Dawes Road.

1 Lot / 7.0± Acres

Mr. Vallas recused himself from the discussion and vote with regard to this case.

Mr. Frost stated that the applicant was present and concurred with the staff recommendations.

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There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle 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 one curb cut to Old Pascagoula Road, with the location and design to be approved by the County Engineering Department;
- 2) the placement of a note on the final plat stating that Lot 1 is denied access to Garden Grove Drive; and
- 3) the placement of a note on the final plat stating that if the property is developed commercially and adjoins residential property, a buffer, in compliance with Section V.A.7 of the Subdivision Regulations will be provided.

Mr. Vallas recused; Mr. McSwain was opposed; the motion carried.

**Case #SUB2003-00041**

**Ahepa X Subdivision**

East side of McCrary Road, 915'± North of Moffett Road.

1 Lot / 4.0± Acres

Mr. Vallas recused himself from the discussion and vote with regard to this case.

Richard Jay, Speaks & Associates Consulting Engineers, Inc., was present representing the applicant and questioned the staff recommendation to limit Lot 1 to one curb cut to McCrary Road. Mr. Jay questioned whether the area illustrated as “future development” would be authorized a curb cut in adherence with a prior subdivision approval.

A motion was made by Mr. Frost and seconded by Ms. Deakle to hold over this request for subdivision to the April 17, 2003 meeting to allow submission of a plat illustrating inclusion of the future development area as a lot.

Mr. Vallas recused; Mr. McSwain was opposed; the motion carried.

**Case #SUB2003-00049**

**Indian Commercial Park Subdivision, Phase II**

East side of Schillinger Road, 300'± South of Zeigler Boulevard.

1 Lot / 1.0± Acre

Mr. Frost stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

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A motion was made by Ms. Deakle and seconded by Dr. Laier 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 one curb cut to Schillinger Road, with the location and design to be approved by County Engineering; and
- 2) the placement of a note on the final plat stating that a buffer, in compliance with Section V.A.7 will be provided where the site adjoins residentially developed property.

The motion carried unanimously.

**Case #SUB2003-00044**

**Lusann Woods Subdivision**

West terminus of Lusann Drive, extending to the North side of and West terminus of Norden Drive South.

8 Lots / 5.9± Acres

Dean B. Chesbrough, owner, 162 E. Border Drive, was present and requested that the subdivision be approved with the main access from Lusann Drive and a second access from Norden Drive South. Mr. Chesbrough did not want to construct a culdesac on the end of Norden Drive due to the close proximity of Twelve Mile Creek. He shared concerns that a motorist may drive off into the 30' drop-off.

Mr. Nodine raised concerns due to safety with construction of a walking trail along Twelve Mile Creek between the creek and the property line along the subject site.

Mr. Frost and Dr. Rivizzigno explained that maneuvering space was necessary for garbage trucks, other utility trucks and emergency vehicles.

Mr. Frost explained to Dean Chesbrough that there were also concerns with storm water retention.

A motion was made by Ms. Deakle and seconded by Dr. Rivizzigno to hold over this request to the April 17, 2003 meeting to allow the applicant an opportunity to address the staff's concerns with stormwater detention and the possible construction and dedication of a cul-de-sac.

The motion carried unanimously.

**Case #SUB2003-00045**

**Mertz Station Subdivision**

West side of Halls Mill Road, extending from the South side of Fairway Drive to the North side of Pleasant Valley Road, adjacent to the East side of Fairview Subdivision.

2 Lots / 5.2± Acres

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Mr. Frost stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

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

- 1) the dedication of the necessary right-of-way to provide 50-feet from the centerline of Fairway Drive; and
- 2) the placement of a note on the final plat stating that the development is limited to the existing curb cuts to Fairway Drive, Halls Mill Road and Pleasant Valley Road.

The motion carried unanimously.

**Case #SUB2003-00046**  
**Middle Bay Marine Subdivision**

East side of Dauphin Island Parkway, 190'± North of Terrell Road.  
1 Lot / 9.6± Acres

Mr. Frost stated that the applicant was present and concurred with the staff recommendation that the application be held over.

There was no one present in opposition.

A motion was made by Ms. Deakle and seconded by Dr. Rivizzigno to hold over this application to the April 17, 2003 meeting in order to be considered with the pending PUD application.

The motion carried unanimously.

**Case #SUB2003-00047**  
**Old Military Addition to Bellingrath Subdivision, Unit Two, Resubdivision of Lot 4**

South side of Old Military Road at the South terminus of Gipson Road.  
2 Lots / 1.0± Acre

Mr. Frost stated that 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 approve this subdivision subject to the following condition:

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- 1) 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.

The motion carried unanimously.

**Case #SUB2003-00050**

**OSR Subdivision**

5559 and 5565 Old Shell Road (South side of Old Shell Road, 500'± East of University Boulevard).

3 Lots / 1.9± Acres

Mr. Frost announced that the applicant requested that this request be held over to the May 1, 2003 meeting due to disputes concerning easements.

There was no one present in opposition.

A motion was made by Mr. Frost and seconded by Dr. Rivizzigno to hold over this request for subdivision to the May 1, 2003 meeting as requested by the applicant.

The motion carried unanimously.

**Case #SUB2003-00043**

**Riviere du Chien Woods Subdivision, Lloyd Station Unit, Lipscomb-Jones Addition to**

South side of Lloyd Station Road, 500'± East of Riviere du Chien Road.

9 Lots / 4.4± Acres

Mr. Frost stated that 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 approve this subdivision subject to the following conditions:

- 1) the placement of a note on the final plat stating that Lots A, G and H are denied access to the private street; and
- 2) that the private street be constructed to the standards as set forth in Section VIII.E.2 of the Subdivision Regulations, including the submission of all necessary engineering documentation and certifications prior to the recording of Lots B, C, D, E, F and J.

The motion carried unanimously.

**Case #SUB2003-00051**

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**SMG Subdivision**

West side of Azalea Road, 530'± South of Airport Boulevard.

2 Lots / 10.1± Acres

Mr. Frost stated that 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 approve this subdivision subject to the following conditions:

- 1) the dedication of sufficient right-of-way to provide 50-feet from the centerline of Azalea Road;
- 2) the submission and approval of an Administrative PUD application prior to the issuance of any permits; and
- 3) the provision of a buffer in compliance with Section V.A.7 of the Subdivision Regulations where the site adjoins residential property.

The motion carried unanimously.

**Case #SUB2003-00042**

**Victoria Trace Subdivision**

3300 Riviere du Chien Loop West (West side of Riviere du Chien Loop West, 280'± North of Shadow Wood Court).

6 Lots / 5.0± Acres

Mr. Frost stated that 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 waive Section V.D.3 of the Subdivision Regulations and approve this subdivision subject to the following condition:

- 1) the approval of all applicable federal, state, and local agencies.

The motion carried unanimously.

**NEW SIDEWALK WAIVER APPLICATION:**

**Case #ZON2003-00724**

**Terminix (Goodwyn, Mills & Cawood, Agents)**

1032 North University Boulevard (East side of University Boulevard, 315'± North of Zeigler Boulevard).

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A request to waive construction of a sidewalk along a portion of the University Boulevard Service Road was considered.

Mr. Plauche recused himself from the discussion and vote with regard to this case.

Mr. Nodine questioned where a sidewalk could possibly be constructed on the subject site.

Mrs. Terry advised that there was inadequate room to construct a sidewalk at the subject site and felt the waiver should be approved.

A motion was made by Mr. Nodine and seconded by Mr. Vallas to approve this request.

Mr. Plauche recused; the motion carried.

**OTHER BUSINESS:**

**Public Hearing**

**Consideration of the proposed Smart Growth Policy Document**

Mr. Frost opened a public hearing for consideration of the proposed Smart Growth Policy Document. The staff had no comments to offer at this time, therefore Mr. Frost invited members of the public to speak in this regard.

Mrs. Wanell Beegle, 4604 Oak Ridge Road, expressed her opinion that the Policy for Smart Growth in Mobile was long overdue, however, she had several serious concerns about it. She referenced a statement in the Policy with regard to “**encouraging** mixed use development, and a following phrase which said “**will do this**”. She said the statements were contradictory. Also, Mrs. Beegle referred to a statement to “revise all appropriate codes and ordinances to eliminate excessive and/or restrictive development standards”. She asked who would be the person to totally disregard her rights and desires as a citizen to eliminate these.

Addressing Mrs. Beegle’s concerns, Mr. Frost commented that obviously there were some people of the opinion that business uses should not be in neighborhood areas, however, he said there were many examples of businesses within neighborhoods that work quite well and that many neighbors like to be there. The Policy encourages a concept of integrating commercial with residential neighborhoods. How much of a mix, what the scale would be, and all those factors would come into play.

Regarding revising the appropriate codes, Mr. Frost explained that the codes are subject to change at any time, and Mrs. Beegle’s rights as a citizen were to discuss those, as they were doing then, and make comments. Mr. Frost said that Smart Growth was a policy statement. The exact changes to be made to the codes and ordinances would ultimately go to the City Council. Anyone would have the right to state their approval or objections with their Councilperson, but the governing body had the right to change ordinances if they deemed it appropriate. This would involve a lot of issues, but the public would have

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an opportunity as the policy was flushed out to address their comments or concerns to each specific thing that's addressed in the Policy.

Mrs. Beegle further stated that the bottom line of her concern was that although a citizen had the right to object and comment, why was there not a statement in this policy indicating that when the restrictions of an area were being challenged, the majority of the residents involved rule.

Mr. Frost explained that our system of government did not work that way. Our system is with the City Council and Mayor, whereby a majority elects a representative from each district. The City was governed by seven Councilpersons who decided what the policies were to be.

There being no one else to speak, Mr. Frost closed the public hearing on the Smart Growth Policy.

In executive session a motion was made by Mr. Frost and seconded by Ms. Deakle to adopt the Smart Growth for Mobile Policy Document. The motion carried unanimously.

There being no further business, the meeting was adjourned.

**APPROVED:**            May 15, 2003

/s/ Victor McSwain, Secretary

/s/ Robert Frost, Chairman

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