

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF MAY 6, 2004 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chair
Victor McSwain, Secretary
Victoria L. Rivizzigno
Ann Deakle
John Vallas
Nicholas H. Holmes, III
James F. Watkins
Mead Miller (S)

Members Absent

James Laier
Clinton Johnson

Urban Development Staff Present

Laura J. Clarke, Director,
Urban Development Department
Richard L. Olsen, Planner II
Margaret Pappas, Planner II
Ron Jackson, Deputy Director of Urban
Forestry
Shayla Jones, Planner I
Jennifer Henley, Secretary II

Others Present

Wanda Cochran, Assistant City Attorney
Jennifer White, Traffic Engineering
Pat Stewart, County Engineering
Beverly Terry, City Engineering

Mr. Plauche stated the number of members present constituted a quorum and called the meeting to order.

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

APPROVAL OF MINUTES:

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to approve the minutes of the March 4, March 18, and April 1, 2004, meetings as submitted. The motion carried unanimously.

HOLDOVERS:

Case #SUB2004-00071

Dawes Lake Trace Subdivision

West side of Dawes Lake Road at its North terminus.
20 Lots / 10.0± Acres

Mr. Don Coleman of Rester and Coleman Engineers, Inc. was representing the applicant and requested that this application be held over again.

May 6, 2004

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to holdover this application until the meeting of May 20, 2004, at the applicant's request.

The motion carried unanimously.

Case #SUB2004-00069

Rangeline-Hamilton Commercial Park Subdivision

North side of Hamilton Boulevard, 700'± West of Rangeline Road.

12 Lots / 19.1± Acres

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

There was no one present in opposition.

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

- (1) the landlocked piece of property be incorporated into Lot 12;
- (2) the placement of the 25-foot minimum building setback line on the final plat;
- (3) the obtaining of any necessary federal, state, and local approvals; and
- (4) 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.

The motion carried unanimously.

EXTENSIONS:

Case #ZON2003-01085

Heron Lakes Subdivision, Phase One, Resubdivision of Lot 61

1104 Heron Lakes Circle (West side of Heron Lakes Circle, 75'± South of Heron Lakes Drive).

Planned Unit Development Approval to amend a previously approved Planned Unit Development to increase the maximum allowable site coverage from 35% to 37% in a single-family residential subdivision.

Request for a one-year extension of previous approval.

AND

May 6, 2004

Case #SUB2003-00089

Heron Lakes Subdivision, Phase One, Resubdivision of Lot 61

1104 Heron Lakes Circle (West side of Heron Lakes Circle, 75'± South of Heron Lakes Drive).

1 Lot / 0.3± Acre

Request for a one-year extension of previous approval.

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to grant a one-year extension of previous approval for these applications. However, a second extension would be unlikely.

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

Request for a one-year extension of previous approval.

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to grant a one-year extension of previous approval for this application.

The motion carried unanimously.

Case #SUB2003-00086

Oak Pointe Place Subdivision, Unit Two

Northeast corner of Dawes Road and Oak Pointe Court, extending to the South side of proposed Grelot Road extension.

2 Lots / 6.4± Acres

Request for a one-year extension of previous approval.

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to grant a one-year extension of previous approval for this application.

The motion carried unanimously.

Case #SUB2001-00207 (File #S2000-80)

Richmond Subdivision

North side of Johnson Road at the North terminus of Scott Dairy Loop Road West.

136 Lots / 62.7± Acres

Request for a one-year extension of previous approval.

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to grant a one-year extension of previous approval for this application.

May 6, 2004

The motion carried unanimously.

Case #SUB2003-00062

Saddlebrook Subdivision, Units 3 & 4

North termini of Saddlebrook Drive East and Saddlebrook Drive West, extending to the South terminus of Scenic Park Drive.

68 Lots / 26.0± Acres

Request for a one-year extension of previous approval.

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to grant a one-year extension of previous approval for this application.

The motion carried unanimously.

Case #SUB2002-00077

Southern Oaks Estates Subdivision, Phases 5 & 6

Northwest corner of Wear Road (paved) and Wear Road (unpaved).

91 Lots / 47.8± Acres

Request for a one-year extension of previous approval.

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to grant a one-year extension of previous approval for this application. A third extension would be unlikely.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2004-00086

Crewe of Columbus Subdivision

Southwest corner of South Conception Street and Pillans Street and Northwest corner of South Conception Street and the Illinois Central Gulf Railroad right-of-way, extending to the East side of South Franklin Street.

1 Lot / 1.3± Acres - Council District 3

(Also see Case #ZON2004-00899 – **Crewe of Columbus, Inc.** – Below)

Mr. Olsen stated that since the reports had been mailed to the members new information had come to light regarding the location of the tree along Pillans Street. Given its proximity, there would be a negative impact if the sidewalk were constructed along Pillans Street. Therefore the waiver was recommended for approval along Pillans and Tennessee Streets and denial along Franklin and Conception Streets.

The applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

May 6, 2004

A motion was made by Ms. Deakle and seconded by Mr. Vallas to waive Section V.D.9 (minimum setback requirements), of the Subdivision Regulations, and approve this subdivision subject to the following conditions:

- (1) approval of necessary setback variances; and
- (2) number, location and design of curb cuts to be approved by the Traffic Engineering Department.

The motion carried unanimously.

Case #ZON2004-00899

Crewe of Columbus, Inc.

Southwest corner of South Conception Street and Pillans Street and Northwest corner of South Conception Street and the Illinois Central Gulf Railroad right-of-way, extending to the East side of South Franklin Street.

The request to waive construction of sidewalks along all street/right-of-way frontages was considered. Council District 3

(For discussion see Case #SUB2004-00086 – **Crewe of Columbus Subdivision** – Above)

A motion was made by Ms. Deakle and seconded by Mr. Vallas to deny the waiver request for Franklin Street and Conception Street; and to approve the waiver request for Tennessee Street and Pillans Street.

The motion carried unanimously.

Case #ZON2004-00967

Heron Lakes Subdivision, Phase One, Revised Lot 32

1059 Grand Heron Court West (North side of Grand Heron Court West, 100'± East of its West terminus).

The request for Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow reduced rear and front yard setbacks and allow 40% maximum site coverage was considered. Council District 4

The plan illustrates the existing and proposed setbacks and the proposed structure.

(Also see Case #SUB2004-00085 - **Heron Lakes Subdivision, Phase One, Revised Lot 32** – Below)

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

There was no one present in opposition.

May 6, 2004

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

- (1) that the Engineer provide verification that the existing stormwater system, including designed and constructed detention, can accommodate the increased site coverage.

The motion carried unanimously.

Case #SUB2004-00085

Heron Lakes Subdivision, Phase One, Revised Lot 32

1059 Grand Heron Court West (North side of Grand Heron Court West, 100'± East of its West terminus).

1 Lot / 0.4± Acre - Council District 4

(For discussion see Case #ZON2004-00967 - **Heron Lakes Subdivision, Phase One, Revised Lot 32** – Above)

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

- (1) that the Engineer provide verification that the existing stormwater system, including designed and constructed detention, can accommodate the increased site coverage.

The motion carried unanimously.

Case #ZON2004-00968

Heron Lakes Subdivision, Phase One, Revised Lot 33

1063 Grand Heron Court West (North side of Grand Heron Court West, 200'± East of its West terminus).

The request for Planned Unit Development Approval to amend a previously approved Planned Unit Development to allowed reduced rear and front yard setbacks and allow 40% maximum site coverage was considered. Council District 4

The plan illustrates the existing and proposed setbacks and the proposed structure.

(Also see Case #SUB2004-00087 - **Heron Lakes Subdivision, Phase One, Revised Lot 33** – Below)

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

There was no one present in opposition.

May 6, 2004

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

- (1) that the Engineer provide verification that the existing stormwater system, including designed and constructed detention, can accommodate the increased site coverage.

The motion carried unanimously.

Case #SUB2004-00087

Heron Lakes Subdivision, Phase One, Revised Lot 33

1063 Grand Heron Court West (North side of Grand Heron Court West, 200'± East of its West terminus).

1 Lot / 0.4± Acre - Council District 4

(For discussion see Case #ZON2004-00968 - **Heron Lakes Subdivision, Phase One, Revised Lot 33** – Above)

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

- (1) that the Engineer provide verification that the existing stormwater system, including designed and constructed detention, can accommodate the increased site coverage.

The motion carried unanimously.

Case #ZON2004-00973

Spring Hill College

4000 Dauphin Street (North side of Dauphin Street, 1800'± West of Interstate 65).

The request for Planning Approval to amend a previously approved Planning Approval to allow dormitories, classrooms, service buildings, parking, tennis courts, and athletic fields expansions at an existing college in R-1, Single-Family Residential, and B-1, Buffer Business Districts was considered. Council Districts 5 & 7

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

(Also see Case #ZON2004-00970 – **Spring Hill College** – Below)

Mr. Don Coleman of Rester and Coleman Engineers, Inc. was representing the applicant and asked that the condition that they build College Lane South up to the new dormitory be deleted. He explained that the new dormitory was to be built right next to the sports center and they would build a new parking lot behind the sports center and the dormitories, so they would not need that street.

May 6, 2004

Ms. Pappas stated that the staff would be agreeable to the deletion of that condition. An administrative PUD would still be required for all the new construction and the staff would be looking for adequate access and parking at the time of that review.

There was no one present in opposition.

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

- (1) the submission and approval of Administrative PUD's for each phase of development;
- (2) full compliance with the landscaping and tree planting requirements of the Ordinance for each phase of development;
- (3) provision of a buffer in compliance with Section IV.D.1. where the site abuts residential development (proposed Northernmost dormitory and the proposed buildings along the East property lines); and
- (4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2004-00970

Spring Hill College

4000 Dauphin Street (North side of Dauphin Street, 1800'± West of Interstate 65).

The request for Planned Unit Development Approval to amend a previously approved Master Plan for an existing college in an R-1, Single-Family Residential District was considered. Council Districts 5 & 7

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

(For discussion see Case #ZON2004-00973 – **Spring Hill College** – Above)

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

- (1) the submission and approval of Administrative PUD's for each phase of development;
- (2) full compliance with the landscaping and tree planting requirements of the Ordinance for each phase of development;
- (3) provision of a buffer in compliance with Section IV.D.1. where the site abuts residential development (proposed Northernmost dormitory and the proposed buildings along the East property lines); and
- (4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

May 6, 2004

Case #ZON2004-00801

Ravin 2 Subdivision

South side of Cottage Hill Road, 620'± East of Hillcrest Road.

The request for Planned Unit Development Approval to allow shared access between multiple building sites was considered. Council District 6

The plan illustrates the proposed building and parking, along with the existing 25' ingress/egress easement.

(Also see Case #SUB2004-00075 – **Ravin 2 Subdivision** – Below)

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

There was no one present in opposition.

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

- (1) completion of the subdivision process;
- (2) removal of trees formerly claimed for credit as part of the Rite Aid (formerly K&B) development adjacent to the East to be coordinated with / permitted by the Urban Forester;
- (3) prior to permitting the removal of any trees, the Urban Forester to ensure that the Rite Aid (formerly K&B) site adjacent to the East is in full compliance with the tree planting requirements;
- (4) the existing fence along the South property line to remain, but if it ever falls into a state of disrepair, the commercial property shall immediately install a 6' privacy fence; and
- (5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2004-00075 (Subdivision)

Ravin 2 Subdivision

South side of Cottage Hill Road, 620'± East of Hillcrest Road.

1 Lot / 1.3± Acres - Council District 6

(For discussion see Case #ZON2004-00801 – **Ravin 2 Subdivision** – Above)

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

- (1) placement of the required setback on the final plat; and

May 6, 2004

- (2) the placement of a note on the final plat stating that if the existing privacy fence along the South property line should fall into a state of disrepair, a buffer in compliance with Section V.A.7. of the Subdivision Regulations, will be provided.

The motion carried unanimously.

NEW ZONING APPLICATION:

Case #ZON2004-00966

Saad & Vallas

2866 Brossett Street, 950 and 952 Yeager Court (Northwest corner of Brossett Street and Yeager Court, extending to the West terminus of Yeager Court).

The request for a change in zoning from R-1, Single-Family Residential, to B-3, Community Business, for auto sales and auto parts distribution was considered. Council District 5

The site plan illustrates the proposed building, parking and drive configuration, existing easements and proposed landscaping.

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

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 recommend the approval of this change in zoning to the City Council subject to the following conditions:

- (1) the submission and final approval of a subdivision application to create one lot;
- (2) the provision of a buffer, in compliance with Section IV.D.1. where the site adjoins residential development;
- (3) full compliance with the landscaping and tree planting requirements of the Ordinance;
- (4) denial of access to Brossett Street; and
- (5) full compliance with all municipal codes and ordinances.

Mr. Vallas recused. The motion carried.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2004-00922

Natchez Trail Townhomes, Lot 29

West side of Natchez Trail Court, 50' ± North of Cottage Hill Road.

May 6, 2004

The request for Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow 41% site coverage on a single-family residential lot was considered. Council District 5

The plan illustrates the proposed structure and drive.

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

There was no one present in opposition.

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

- (1) provision of adequate detention capacity to accommodate the additional site coverage, to be coordinated with and approved by the City Engineering Department; and
- (2) no permits for increased site coverage to be issued until condition #1 is satisfied.

The motion carried unanimously.

Case #ZON2004-00971

Western Hills Subdivision, Resubdivision of Lots 8 & 9, Block 4

East side of West Drive at the East terminus of Northwoods Court, extending to the West side of Center Drive.

The request for Planned Unit Development Approval to allow multiple buildings on a single building site for a single-family residential condominium complex was considered. Council District 6

The plan illustrates the proposed structures and roads.

Mr. Plauche recused from the discussion and vote regarding this matter. Mr. McSwain chaired this portion of the meeting.

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

There was no one present in opposition.

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

- (1) relocation of the proposed dumpsters outside of the required front yard, in an area where adequate maneuvering area for garbage trucks is provided,

May 6, 2004

- location to be coordinated with and approved by Urban Development staff and Traffic Engineering;
- (2) full compliance with the landscaping and tree planting requirements of the Ordinance;
 - (3) that there be no windows facing buildings less than 20-feet apart;
 - (4) provision of a six-foot wooden privacy fence along the North and South property lines;
 - (5) denial of access to Center Drive until such time that Center Drive is constructed to City standards;
 - (6) that the one-way drives be signed and marked according to MUTCD standards; and
 - (7) full compliance with all municipal codes and ordinances.

Mr. Plauche recused. The motion carried.

Case #ZON2004-00976

Wimbledon Park Subdivision, Lot 21

3971 Wimbledon Park (South side of Wimbledon Park, 515'± West of McGregor Avenue).

The request for Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow an elevator shaft to be constructed in a required side yard in a single-family residential subdivision was considered. Council District 5

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

Ms. Pappas noted that on the reports that were mailed out to the Commission a 45-inch Oak was indicated on this site, however, that was in error and the recommendation had been modified as needed.

The applicant was present and concurred with the revised staff recommendations.

There was no one present in opposition.

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

- (1) the provision of gutters and downspouts to divert water away from the adjoining property to the West.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2004-00080

Blackburn Estates Subdivision

North side of Broughton Road, 635'± West of Blakewood Drive.

May 6, 2004

3 Lots / 23.2± Acres

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 Mr. Vallas to waive Section V.D.3., of the Subdivision Regulations, and approve this subdivision subject to the following conditions:

- (1) the 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; and
- (2) the placement of the 25-foot minimum setback lines on the final plat.

The motion carried unanimously.

Case #SUB2004-00077

Bullitt Park Subdivision

West side of Schillinger Road, 4/10 mile± North of Three Notch Road.

16 Lots / 8.8± 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 Mr. Vallas to approve this subdivision subject to the following conditions:

- (1) the dedication of adequate right-of-way to provide 50-feet from the centerline of Schillinger Road;
- (2) the placement of a note on the final plat stating that Lot 1 is denied direct access to Schillinger Road and Lot 9 is denied direct access to Clearview Drive; and
- (3) the 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 #SUB2004-00081

Burton Industrial Park Subdivision

May 6, 2004

5770 I-10 Industrial Parkway North (North side of I-10 Industrial Parkway North, 2/10 mile± West of U.S. Highway 90 West).
2 Lots / 1.3± Acres

Ms. Linda Burkett of Marshall A. McLeod, P.L.S., L.L.C. was representing the applicant and concurred with the recommendation to hold over this application.

There was no one present in opposition.

A motion was made by Mr. Plauche and seconded by Ms. Deakle to holdover this application until the meeting of May 20, 2004, to allow the applicant to include the balance of the property in the subdivision, with the additional notification information or to submit documentation to establish the balance of the property as a legal lot of record prior to 1984.

The motion carried unanimously.

Case #SUB2004-00090

The Combo Subdivision

North side of St. Francis Street, 30'± West of Broad Street, extending to the South side of Old Shell Road, 120'± West of Broad Street.
1 Lot / 0.4± Acre - Council District 2

Mr. Frank Dagley of Frank A. Dagley & Associates, Inc., was representing the applicant and concurred with the staff recommendations.

Mrs. Fritzell Collins, 1711 Chase Drive in Saraland, was present and stated that she and her husband owned the property located at 51 North Broad Street. She requested information on this application.

Mr. Olsen explained to Mrs. Collins the location of the site and the proposal for renovation of the adjacent existing building, which once housed a beauty supply business. This subdivision was combining the three vacant properties into one lot of record. The vacant, grassed lot next door had actually been used for parking for a number of years. The three vacant lots would be incorporated into one lot, a separate lot of record, and it would be paved for a parking lot for the new business to be located in the existing building. It would not affect Ms. Collins' property at all.

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

- (1) the placement of a note on the final plat stating that all curb cuts to St. Francis Street Extension and to Old Shell Road are to be approved by Traffic Engineering and Urban Development staff; and
- (2) the placement of the 25-foot minimum setback lines on the final plat.

May 6, 2004

The motion carried unanimously.

Case #SUB2004-00088

Dyson Estates Subdivision, First Addition, Resubdivision of Lot 1

South side of Gulf Creek Circle (South), 225'± West of Rabbit Creek Drive.

4 Lots / 0.8± Acre

Ms. Pappas stated that the engineer for this application had submitted a letter requesting a holdover until the May 20 meeting.

Mr. Mike Boudreaux, 5686 Spring Creek Landing, stated that his property was adjacent to this site and asked what the property would be used for, since he understood it was not going to be developed residential.

Ms. Pappas stated that the site is in the County, therefore, there was no zoning regulating the use. This body and the City would have no authority over what they could build there.

Mr. Bobby McBryde, Rowe Surveying & Engineering Company, Inc. was representing the applicant and stated that he understood they were going to use the property for boat slips to the canal for family members.

A motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to holdover this application until the meeting of May 20, 2004, at the applicant's request.

The motion carried unanimously.

Case #SUB2004-00078

Juanita Gorman Subdivision

510 McLemore Street (East side of McLemore Street, 120'± South of McKinney Street)

1 Lot / 0.1± Acre - Council District 1

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

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Mr. Watkins to waive Sections V.D.2. and V.D.3., of the Subdivision Regulations, and approve this subdivision subject to the following condition:

- (1) the placement of the 25-foot minimum setback line on the final plat.

The motion carried unanimously.

May 6, 2004

Case #SUB2004-00094

Hollon Place II Subdivision

Southeast corner of Cotton Street and Fisher Street (unopened right-of-way).

1 Lot / 0.5± Acre - Council District 1

Mr. Frank Dagley of Frank A. Dagley & Associates, Inc., was present on behalf of the applicant. He stated that this subdivision was approved in a previous meeting with a provision on it to deny access to Fisher Street. He did not agree with the staff that it was an unopened right-of-way and submitted photos showing Fisher Street. Mr. Dagley said it was the only access to the large building shown on the plat. There was a 60' right-of-way on Fisher Street and the proposed business would be on either side of it when the orange area he pointed out was developed. So access to Fisher Street was very important. Mr. Dagley also pointed out that a requirement for a 25' radius at the intersection was now being added, which was not required at a previous meeting. He said they did not feel that was necessary since this was a 60' wide right-of-way that went basically 120 feet. Mr. Dagley requested that those two provisions be taken off.

Mr. Olsen addressed several points. Regarding the photos, he said it actually appeared to be more of a driveway. It was not a street constructed to City standards. Therefore, the staff suggested that condition #1 would still be appropriate. With regard to the radius dedication, Mr. Olsen said the staff simply missed it the first time the subdivision came up for approval. This time, therefore, it was part of the recommendation. He said this was a standard condition for lots located at intersections.

Mr. Dagley commented that he did not see how they could call a 24' paved street with a stop sign and City sign saying "dead end" on a 60' right-of-way a driveway. He contended it was a City street and they should have access to it.

There was no one present in opposition.

In discussion Mr. Watkins asked if Fisher Street was actually a street.

Ms. Pappas explained that Fisher Street was a dedicated right-of-way, however the improvements in it were substandard. She said based on the photos, it was essentially a two-way drive. The right-of-way was owned by the City.

Dr. Rivizzigno asked if it was not really a City street.

Ms. Pappas replied that the construction standards were not.

Mr. McSwain said it depended on what one considered a City street; a 60' right-of-way and pavement.

Ms. Pappas said the staff would recommend that the radius be required if they were going to continue to access it.

May 6, 2004

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

- (1) the dedication of a 25' radius at the intersection of Cotton and Fisher Streets.

The motion carried unanimously.

Case #SUB2004-00089

JYMCO One Subdivision

Southwest corner of Dickens Ferry Road and Burtonwood Drive.

2 Lots / 0.5± Acre - Council District 7

Ms. Linda Burkett of Marshall A. McLeod, P.L.S., L.L.C., was representing the applicant 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 Lot 1 is denied direct access to Dickens Ferry Road.

The motion carried unanimously.

Case #SUB2004-00083

Mallon Estates Subdivision, Resubdivision of Lot A

West side of Myland Avenue, 166'± South of its North terminus.

2 Lots / 2.2± Acres - Council District 7

Mr. Jerry Byrd of Byrd Surveying, Inc. was representing the applicant and concurred with the staff recommendation.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Mr. Vallas to approve this subdivision.

The motion carried unanimously.

Case #SUB2004-00091

Midtown Park Subdivision, 2nd Unit, Resubdivision of Lots 6, 7, 8, 9, 10 and 11, Resubdivision of

50, 52 and 58 Midtown Park East (West side of Midtown Park East, 500'± South of Dauphin Street).

May 6, 2004

4 Lots / 1.9± Acres - Council District 5

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

There was no one present in opposition.

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

- (1) a note should be placed on the final plat stating that the size, location and design of curb cuts for Lot 4 must be approved by Traffic Engineering.

The motion carried unanimously.

Case #SUB2004-00092

Pine Valley Subdivision, Resubdivision of

East side of Schillinger Road, 160'± South of Adobe Ridge Road South.

3 Lots / 58.8± Acres

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

There was no one present in opposition.

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

- (1) the dedication of sufficient right-of-way to provide 50-feet from the centerline of Schillinger Road;
- (2) the placement of a note on the final plat stating that each lot is limited to one curb cut to Schillinger Road, with the size, location and design to be approved by County Engineering;
- (3) the placement of a note on the final plat stating that Lot 3 is denied access to Adobe Ridge Road South and Ridgeline Drive;
- (4) the placement of a note on the final plat stating that if any property is developed commercially and adjoins residentially developed property, a buffer in compliance with Section V.A.7. of the Subdivision Regulations, will be provided;
- (5) the developer obtain any necessary federal, state, and local environmental approvals prior to development; and
- (6) the placement of the 25-foot minimum building setback line on the final plat.

The motion carried unanimously.

May 6, 2004

Case #SUB2004-00076

Ridgewood Subdivision, Resubdivision of and Addition to Lot 2

202 Ridgewood Place (East side of Ridgewood Place, 110' ± North of The Cedars).

1 Lot / 0.5± Acre - Council District 7

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

Ms. Pappas stated that there was a 45" Live Oak on this site and the staff recommended that any work under the tree be permitted and coordinated with Urban Forestry.

Mr. Jackson stated that one of the reasons the City had preservation status was because the 1992 Tree Ordinance did not affect developed residential property. The 1992 Ordinance says that if you have a swimming pool, the tree is automatically permitted. So it really ties the hands of Urban Forestry and Urban Development as for saving these large trees. Mr. Jackson said what they were asking for was to go beyond the 1992 Ordinance for this tree. This was why the recommendation said "removal is to be permitted only in case of disease or any danger", which meant that the tree had to be either diseased by insects or the tree was going to fall over for the City to permit that tree to come down. So if they want to put a swimming pool in the back yard they would have to come back to the Planning Commission and have that taken off.

Mr. Coleman asked if the applicant had applied for a pool permit.

Mr. Jackson said Urban Forestry would not have permitted it as long as it was pending on the Planning Commission agenda, so no permit had been granted for this tree. He said it was Urban Forestry's fault that the engineer did not realize that there was a condition.

Mr. Coleman said that was no problem.

Ms. Clarke informed the Chairman that the staff was going to check upstairs in Permitting to verify whether or not a pool permit had been submitted, and if it had, obviously this would be moot.

Mr. Plauche later asked if the staff had found anything out about the pool.

Ms. Clarke stated that they found that permits for building, mechanical and electrical, also including an in-ground pool, were issued at the end of March. So the tree issue is moot since we've cleared a permit for that.

In discussion, Ms. Deakle asked the staff to explain the situation with the tree.

Ms. Pappas explained that the bottom line was, while the tree was a 45" Live Oak which Urban Forestry had gone and looked at and recommended preservation status for, the staff had now determined that the applicant had already obtained a permit for

May 6, 2004

improvements including a pool that had been signed off on. So the preservation status was essentially moot.

Ms. Clarke stated that she felt since the applicant had been issued a valid permit that they lost out on that preservation opportunity.

Mr. Plauche asked if it meant necessarily taking the tree down, or that it just would not be preserved.

Mr. Jackson replied that the tree could be removed or it could be so severely damaged at the root system that they would not want to save it. Since they had a permit to put a pool in, then more than likely the tree was in the way of the pool.

Mr. Coleman commented that the permit for the pool was issued before the application was ever submitted.

A motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to approve this subdivision.

The motion carried unanimously.

Case #SUB2004-00093

Riverwood Subdivision

East side of Rabbit Creek Drive, 330'± West of Dog River Road, adjacent to the West side of Mandrell's Addition to Hollingers Island Subdivision.

187 Lots / 82.7± Acres

Mr. Mike Green with Reid, Still and Associates, Inc., was present on behalf of the applicant. Mr. Green asked why the staff had recommended a holdover for this application.

Ms. Pappas stated that the balance of the property taken from the larger parcel needed to be accounted for within the subdivision to ensure compliance with the Subdivision Regulations as to adequate access and so forth.

Mr. Green said that as far as he understood, the legal description was correct. They still had that piece of property because the owner was not purchasing that. The owner of that property had agreed to sell it to the owner of the subject property and keep the other parcel.

Mr. Olsen explained that anytime a parcel of record is divided it has to be part of the subdivision. So the other parcel needed to be included with the owner of that parcel being in participation. He said it did not necessarily mean that he would be subject to specific restrictions, but he would need to be part of it to show where the remainder of that property was going.

May 6, 2004

Mr. Vallas asked if that property had access.

Mr. Olsen said he thought it had access to Range Line Road, but if was not included, they did not know.

There was no one present in opposition.

A motion was made by Mr. Plauche and seconded by Mr. Vallas to holdover this application until the meeting of June 3, 2004, to allow the applicant to submit a revised plat to address the concerns expressed in the staff report, and to include the remainder of all property(s) involved in the application.

The motion carried unanimously.

Case #SUB2004-00084

Rolling Meadows Estates Subdivision

South side of Howells Ferry Road, 515'± East of the South terminus of Eunice Drive.

3 Lots / 8.4± Acres

The applicant was present and concurred with the recommendations of the staff.

There was no one present in opposition.

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

- (1) the placement of a note on the final plat stating that Lots 2 and 3 shall share a curb cut 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 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; and
- (3) the placement of the 25-foot minimum building setback line on the final plat.

The motion carried unanimously.

Case #SUB2004-00082

Washington's Hannon Road Subdivision

1105 and 1107 Hannon Road (South side of Hannon Road, ½ mile± West of Bay Front Road).

2 Lots / 1.3± Acres - Council District 3

May 6, 2004

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

There was no one present in opposition.

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

- (1) the removal of the accessory structure (shed) on Lot 2 prior to the recording of the final plat (including the obtaining of a demolition permit); and 2) the placement of the 25-foot minimum building setback line on the final plat.

The motion carried unanimously.

Case #SUB2004-00079

Wilson's Wolf Ridge Road Subdivision

East side of Wolf Ridge Road, 200'± North of Moffett Road.

1 Lot / 1.3± Acre - Council District 1

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

There was no one present in opposition.

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

- (1) the dedication of sufficient right-of-way to provide 50' from the centerline of Wolf Ridge Road;
- (2) the placement of a note on the final plat stating that the site is limited to one curb cut to Wolf Ridge Road, with the location, size, and design to be approved by Traffic Engineering; and
- (3) the placement of a note on the final plat stating that the site is denied direct access to Pringle Drive.

The motion carried unanimously.

OTHER BUSINESS:

Public Hearing

To consider the proposed Historic District Overlay.

May 6, 2004

Mayor Michael C. Dow was present to speak on this matter. Mayor Dow stated that the City of Mobile was really blessed right now with an unprecedented level of interest in industrial recruitment, business recruitment, cruising and tourism growth. He cited the RSA Tower and Battle House redefining the skyline, USA Cancer Centers and business parks. He said port expansion was unprecedented, and felt the next 10 years were going to be very bright with the momentum building up right now. He felt everybody shared the goals of creating a strong, vital, exciting city, and if the City wanted to compete and grow and be competitive and have that quality of life, it was critical that everyone shared a vision and that they share goals. He said Mobile must come together as neighbors and friends to plan and build this great City. He related that last year in the City's vision of planning they created and implemented a Smart Growth planning and development initiative, which he felt had a tremendous amount of promise for the future of Mobile. They had in fact gained harmony amongst City officials, developers, builders, realtors, and environmentalists, and they would have to continue along those lines developing harmony in what it was that they were doing. This was especially true if investors and builders were in one place and planners and people that had other goals and dreams were in another; those two must come together. Mayor Dow said the City was experiencing a rebirth right now in many areas. Also in this vision process, the City of Mobile was implementing a more modern customer-friendly Historic Overlay Ordinance in the midtown and downtown Historic Districts. This Overlay was meant to reduce beauracacy, attract more investors, and to simplify renovating old homes so that unnecessary costs and endless trips before review boards were not necessary. This Ordinance would have a more consistent set of rules that everyone was aware of and agreed to, so historic renovation could be done on a higher level with more investors, in a way that was less costly and less complicated. Mayor Dow said there was no question that the City of Mobile was experiencing a rebirth in residential, with older homes being renovated, new condos, loft apartments, and historic replicas. He felt this redevelopment, if simplified, encouraged, and accelerated was going to attract much more investment and a lot of mixed-use, including retail, arts, culture, and a growth in entertainment and tourism. Mayor Dow also related that the City went to the legislature this year and said that business people in the City center would like a business improvement district. This was simply where those business people could assess themselves, raise monies, and take control of the future of this City and make it stronger and better. They would get involved in more public safety, more cleanliness, and more landscaping. Also on the side of attracting retail and business and retaining business, they would get very heavily involved with their own resources. They would complement and supplement what the government could do for them. Mayor Dow felt a business improvement district was going to have a tremendous impact on the City's continued success. He stated that downtown had three new hotel owners imminent. They were looking into speed ferries, to take people to the beaches, deep-sea fishing and to other attractions – Dauphin Island, the Sea Lab, Fairhope. Mayor Dow said he was strongly in support of the total Historic District Overlay Ordinance. He had requested that B-2 and B-3 commercial zoning not be included at this time. He felt attracting investors and creating the correct mixed-use development of the City's historic core was critical right now, and they could not afford an ordinance that was going to divide the builders, the realtors, the commercial developers, historic preservationists and neighbors. It was important for them to come to

May 6, 2004

terms on what they all wanted downtown to be. Mayor Dow said he had talked to builders, developers and realtors and they had the same goals the City had. No one wanted to tear down Government Street and make it worse than it already was, or degrade the historic charm and assets of the City. Mayor Dow felt that they needed to start a dialogue about mixed-use development. It would not simply include downtown, but principally in the City center, the downtown historic area, and would apply in West Mobile as they went forward. He said they needed to develop a plan and a big picture for the City to include setting goals and rules for urban mixed-use development that was compatible so that the historic and modern investments could coexist and thrive. He pointed out that the String of Pearls put together back in the 1990's was complete. That plan had been driving them for about a decade. Now, they were greatly in need of a new and expanded vision, a more detailed plan of action for the next 10 years related to creating a great city that everyone could enjoy and be proud of. Mayor Dow said he would be communicating heavily with the Planning Commission members, the City Council, Main Street, the builders, developers, realtors and citizens all over this community to come up with a master plan which would include putting Mobile on the same competitive scale as Savannah and Charleston. They would have to come to an agreement on the issue of residential versus B-2 and B-3. Mayor Dow said they had worked for two years on the residential side to do a lot of good things. He felt the Ordinance was well thought out and there was no question it was going to help the City. If the Commission could pass the part of the Ordinance dealing with residential areas, they could come back and deal with the B-2 and B-3 issue in a way that they could keep their fragile momentum heading in the right direction right now, and not get everyone confused and scattered. This was the reason he asked to pull out the B-2 and B-3 today. Mayor Dow said the Smart Growth mission was very encouraging to him when everyone sat around and got on the same page, and he felt they needed to do that here. He hoped that the Ordinance would pass today and that everyone could their feet up under the table and keep moving. Mayor Dow said he wanted to see them put together a sophisticated master plan so that they could hand the builder or a realtor, or developer, or an investor a document, and say this is what we are trying to put together, would you be a part of this?

Ms. Clarke stated that the proposed Historic District Overlay Ordinance before the Commission today had two primary purposes: (1) to allow compatible development that respects, maintains, and enhances the unique character of the seven Historic Districts, Downtown, and the Government Street Corridor by providing a more flexible building envelop. It is a deliberate effort to maintain the integrity and continuity of the streetscapes within these areas; and (2) It seeks to simplify and streamline the development process for those properties wishing to construct or expand in a similar pattern as properties in the surrounding area by eliminating the need for variances and waivers. This Ordinance recognizes that the land development patterns, lot sizes, and parcel shapes are unique and different from the rest of the City. It also recognizes that unlike many parts of West Mobile, one is more likely to find: commercial and residential developments within the same neighborhood or even the same block; smaller, or even substandard, lots with structures on them that are built closer to the property line than currently permitted or cover a greater area of the lot than currently permitted; a majority of applications that go to the Board of Adjustment are for properties that merely wish to

May 6, 2004

construct new buildings or additions to existing buildings that are in keeping with the rest of the surrounding area. By “redefining” (even expanding) the building envelop that says how close you can build to a property line, how high you can build, and how much of the lot you can cover, many projects will no longer require waivers from the Board (which equates to a reduction of cost and time before construction can begin). The adoption of this Ordinance will mean that only those properties wishing to develop “beyond” what’s in keeping with the surrounding areas will need to go to the Board of Adjustment for an exception. There is a shift from requiring the majority who are constructing in a similar manner having to go to the Board, to having a much smaller number of applications that need to seek variance approval. Ms. Clarke said it was her understanding that today, in addition to hearing support for this Ordinance and acknowledging the letters in front of them from supporters who could not attend today, that the Commission would also hear opposition from some in the commercial development community or hear their request that commercial properties be exempt from this Ordinance. She felt sure that most here today had read about the proposed amendment to the original Ordinance. This amendment proposed to exempt properties zoned B-2, LB-2, and B-3 from application of these standards. After discussion between the Mayor and his administration and the commercial realtors and developers, it was decided that application of this Ordinance as it applied to commercially zoned properties would be further reviewed in the next year or so. Both of these changes are shown in bold on the Ordinance copy before the members. As previously mentioned, for an exception to this Ordinance, like any other section of the Zoning Ordinance, anyone can go to the Board of Adjustment. Ms. Clarke concluded by saying that the application of this Ordinance to the “non-retail” zoned properties would still provide five substantial benefits: (1) For the majority of property, the building envelop would increase and expand from what was currently permitted with respect to setbacks, height, and lot coverage; (2) It would offer greater flexibility of site design options; (3) It would encourage streetscape continuity for these mixed-use areas; (4) It would streamline the development and permitting process by eliminating the need for most variances in these areas and thus reduce costs and time requirements; and finally, (5) It would encourage greater compatibility and respect for these unique geographic areas of our City.

Mr. McSwain asked if the City designated another Historic District, would it automatically be included, or would they have to petition to have it included?

Ms. Clarke replied that a newly designated Historic District would automatically come under compliance with this ordinance. There was language in the opening body that spoke to future areas that were brought under the Historic District recognition. She noted that they had been asked whether or not this applied to the Midtown Historic District, which was on the National Register, but had not been adopted and recognized by either the local level or the Council. At this time that area would not fall under this Ordinance.

Mr. Miller asked if the Commission was going to be able to vote on an amendment taking out B-2 and B-3. He noted that what they had been studying did not have this amendment.

May 6, 2004

Ms. Cochran replied that she had reviewed the publication requirements of the Ordinance and the Commission was free to vote on the proposed amended ordinance today, but a member would have to make that a part of his motion.

Mr. Miller asked about the pre-amended Ordinance.

Ms. Cochran said there was a motion on a proposed Ordinance which was on the agenda. They could act on that or reject that, or make a motion to include the amendment language that had been submitted by staff.

Mr. Plauche asked if anyone wanted to speak in this matter.

Mr. Bob Hanks, 200 South Warren Street, stated that he felt the proposal as originally written covering both residential and business property was a very positive move. However, he felt there was something significant about the business proposal. It would provide additional protection for Government and Dauphin Streets and perhaps slow down something like the "monstrosity" that was going up on Catherine and Government Streets. He did not see that it had an effect on any other area. Mr. Hanks said he was strongly in favor of the Overlay proposal including the business districts. He said he had relatively little interest if the business districts were excluded.

Mr. Lee Metzger, a resident of 4232 The Cedars, stated that he was representing the Mobile Area Association of Realtors. He expressed their appreciation for the opportunity to present their position over the past six weeks or so because of the concern they had over some elements of the ordinance. Mr. Metzger said the Mobile Area Association of Realtors supported the vision of protecting the historical and architectural assets of the Historic Districts. They believed strongly that that was one of the most significant things that they had to sell in the community, and would never want to do anything that would be detrimental to those assets. By the same token, he said the only thing that was different was their vision of how to enhance those assets and make them flourish. Mr. Metzger said that over the last six or eight months in particular as they had become involved in the discussion of Smart Growth, they had come to the conclusion that the way to accomplish Smart Growth was to relax standards. Therefore, the Historic Overlay became a concern with regard to the commercial elements of that proposal, counter to the residential portion, that was actually creating additional terms for commercial development. Their concern was also based upon recognition that 80 percent of the ad valorem tax for the City of Mobile was generated by commercial property, and 100 percent of the sales tax was generated by commercial property. Mr. Metzger said they were aware that they were in a competitive environment with other communities in the southeast for these retailers, for these commercial developments, and it was important that they maintain their ability to compete. The most important aspect of their concern for the commercial portions of the proposed ordinance was that in order to enhance additional residential development there had to be a provision of goods and services to support that residential base. Mr. Metzger said if one looked back at the history of this 300-year old City, Government Street, Dauphin Street, Old Shell Road and Spring Hill Avenue were the commercial cores. That was where commercial activity took place, as

May 6, 2004

well as in the B-4 district downtown. He said they recognized from other cities that the provision of those commercial areas having a mixed-use in a compatible way was critical to being able to recruit those residential uses for the downtown area. With that in mind, Mr. Metzger said that last Thursday the Mobile Area Association of Realtors called a special meeting of their Board of Directors and at that time passed a resolution in support of the ordinance with the commercial B-2, B-3 and LB-2 elements taken out of the ordinance. He asked the Commission to please consider that the experience of thousands of years in the real estate industry suggested that it was in their best interest to exclude the commercial portions to support the residential. Mr. Metzger said they would make the commitment to continue to review how they could deal with these commercial districts and make certain that they had a common vision and that they would be supported in the process of making certain the right thing was done for this community. He said they appreciated the Commission's consideration for the ordinance as amended.

Ms. Tissa Hans Loehr, a resident of 201 South Dearborn Street, stated that she was also president of the Church Street East Historic District Association. Ms. Loehr said at their last meeting they passed a resolution in support of the Historic District Overlay. Speaking for herself personally, Ms. Loehr said she wanted to respond to Mr. Metzger saying that he represented the Association of Realtors. She said she was a realtor and he did not represent her, and she never received a notice regarding the Association's resolution. Ms. Loehr stated that the Historic Districts Overlay was vital to the success of a better, more profitable historic Mobile. It would provide the City with something sorely lacking, especially on streets such as Government Street, which is consistency. She said every city that thrived on tourism all had several things in common, one of which was millions and millions of dollars they brought in every single year because of tourism. The other thing was consistency with the design of shopping and residential Historic Districts. She said the opposition might try to scare people into thinking that no one would come develop here because it was so strict. Other than a drug store every eighth of a mile, she did not see anyone building in the Historic Districts even with the loose restrictions they had now. Perhaps they do not come here because they realized there was more money to be made in tourist cities where ordinances were put in place to maintain a certain look and their investment would be protected. Further, she stated that the opposition might say that they did not want progress. She said that was simply not true. No one wanted progress more than the people who lived downtown. Some of them just saw a different kind of progress than the commercial realtors and developers saw. Tourists did not go to historic cities to shop at an office supply, home improvement, discount dollar, video, tire, or drug store. Ms. Loehr said she personally wanted to see smart progress and planning for the future of the Historic Districts. She asked that the City not let people try to steer them into thinking that future developers would not come here because of strict guidelines. Many businesses all over the country had certainly proven they would break their formulas and build according to city guidelines. They did it because they were willing to spend the extra money to be in a protected environment. Mobile had a small amount of tourism, but she felt they could do so much more. She felt they would never be able to pull in five million people a year in tourism unless the tourists had something pleasing to look at and do. Ms. Loehr felt it would never happen because it was not happening now, nor had it been. To reach full potential the City

May 6, 2004

needed to change its ways and protect the Historic Districts. The commercial realtors and developers needed to get together with the City, which they had done with the Mayor, but also with the people that lived in these areas to develop a better formula for future growth and progress.

Ms. Linda Burkett stated that she was with Marshall McLeod Professional Land Surveyors, and a member of the Architectural Review Board. She was present today representing Midtown. Ms. Burkett noted that the Midtown homes were on the National Historic Register, although they were not included as a local district. There were many homeowners within Midtown, and although not subject to design review, they agreed that they needed to be included and protected in the Historic Overlay. She said Midtown District homeowners represented by this group were supportive of the Overlay District and requested another addendum be added to this Ordinance. They were in favor in their community of smaller, more densely populated residential areas mixed with neighborhood businesses blended with bicycles and pedestrian traffic. They were not pleased with the recent trend for businesses being plopped down in the middle of their neighborhood without consideration of the character of that neighborhood. Ms. Burkett said that although this Ordinance may not protect them immediately, as the neighborhood had more historic homes by virtue of aging structures, whether was two years or ten years, they wanted to prepare for the future, for the common good, public safety and welfare of their community. She felt this ordinance would allow for flexible land development to preserve the existing character of historically significant areas by creating standards and simplifying plan review. This would include commercial as well as residential. She requested that the Commission revert to the original proposed ordinance, as it removed obstacles requiring variances and it allowed a minimum and maximum setback and height. Ms. Burkett said they saw this as a sensible development policy to energize the local people to develop Midtown homes. They recommend approval of this ordinance by the Mobile Planning Commission, and their recommendation to the City Council for adoption and request that the Midtown District be included.

A motion was made by Ms. Deakle and seconded by Dr. Rivizzigno to take this item out of order and proceed with the executive session portion of the hearing for this case. The motion carried unanimously.

In discussion, a motion was made by Ms. Deakle and seconded by Mr. Vallas to approve the proposed Historic District Overlay as amended and presented by the staff.

Mr. Plauche asked if there was any further discussion.

Mr. Miller stated that probably everyone in the room would say that Mobile was unique and beguiling, and, given that, it caused him to question why they were not more fearful of eroding those charms. As an urban family Mr. Miller said they continued to make statements about their heritage and vision and the high esteem in which we hold them, yet the actions of some seem to demonstrate a pervading sense of inferiority. He said many amongst us feel that we are not good enough; we do not have enough to offer. He said it seemed like they were having a track meet and lowering the hurdles and lessening the

May 6, 2004

shot put weight and maybe shortening the races. He did not think we would get anywhere in this community by lowering the bar. Mr. Miller stated that the objections of this plan before the Commission seemed to settle on whether they were setting too many encumbrances to attract business to the City. It was his belief that if a business was there, they would come. Mr. Miller noted that every city consists of many components. Nobody was recommending putting wrought iron balconies along the Beltline or walkways through the State Docks, but he thought it would be wrong to allow Government Boulevard east of the Loop to look like it was west of the Loop. He said the Oak trees along Government were one of the reasons he chose to move to Mobile. Mr. Miller said he would love to have Schillinger Road become part of the City, but he wanted to annex it, not recreate it. He felt there were ample bodies for relief for special cases. It seemed to him that if they wanted to attract really significant investment such as Hyundai, Boeing, or Mercedes, those firms would be more likely to be attracted to a city that protected its charms and virtues. The question was, do we believe in ourselves and the attractions of our City? Mr. Miller said he had a higher opinion of American business than he had heard today and he had a lot higher opinion of the real estate community. More than anything, Mr. Miller said he had a higher opinion of Mobile and did not believe they should exclude the commercial properties, and he was against the amended form of the proposed Ordinance.

In reference to points that Ms. Loehr, Ms. Burkett and Mr. Hanks mentioned, Mr. Vallas said it should be noted that commercial properties could still be developed under these guidelines. As he understood it, a developer could self-impose these setbacks. If they wanted a more traditional type of development, they could move the buildings closer to Government Street and that would require a variance.

Ms. Clarke stated that Mr. Vallas was correct.

Mr. Vallas said they could still go through that process if they so desired. Furthermore, all properties developed in the Historic Districts still had to go before the ARB, and, as he understood it, the ARB could find that a building set back differently did not meet their guidelines and they could deny that development. So the ARB could still deny a project if they did not favor the setback and design of that new project. He did not think there would be all new developments similar to Catherine and Government Streets. Mr. Vallas felt that was an unfair example, especially since that site was a six-acre site on Government Street and there was probably not another six-acre site in the affected area.

Mr. Holmes asked Mayor Dow what sort of process he envisioned for continuing the discussion towards putting the three business districts in.

Mayor Dow said he thought they had started that discussion today. He did not want anyone to conceive that they were lowering the standards. He said nothing had been lowered today. The residential was being raised, and they would discuss the commercial aspect under a process that would include everyone in this room. In fact, he mentioned to Ms. Clarke that he wanted to meet in his office with the speakers that came forward today so they could start communicating and convincing them that were not going to go

May 6, 2004

backwards. In fact, they were going to go forward put a plan together for the development of Mobile in a mixed-use fashion. He asked that they develop some trust in each other and carry the plan along forward starting tomorrow. He wanted them to put a Smart Growth kind of Commission together and start setting some kind of boundaries to what they were trying to accomplish here, and in the process determine where they were going.

Mr. Vallas pointed out that he felt a lot of the eyesore property that the residents spoke of was prior to the development of the landscape ordinance and prior to the ARB. There were strict guidelines for new development. With the combination of those two, he felt new development in these areas was already better quality and more appealing.

Mr. Miller stated that if they were taking these people at their word, then he wanted to go on record to know when someone gave him their word he expected them to keep it and not do "lip service" to get something they wanted. Mr. Miller said he obviously planned to vote against the amended version of the Ordinance, but he did not want to lose what they had. He asked counsel if the Commission would vote on the amended version first, and then if that did not pass, go to the other.

Ms. Cochran replied yes. However, there was a motion and a second to approve the amended version. If that failed, then something else could be brought up.

There being no further discussion the question was called. Mr. Miller and Mr. Watkins were opposed. The motion carried.

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to proceed with the rest of the public hearing. The motion carried unanimously.

There being no further business, the meeting was adjourned.

APPROVED: June 3, 2004

Victor McSwain, Secretary

Terry Plauche, Chairman

/ms and jh