

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF OCTOBER 7, 2004 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
James Laier, Vice-Chair
James F. Watkins
Ann Deakle
John Vallas
Nicholas H. Holmes, III
Mead Miller (S)

Members Absent

Victor McSwain, Secretary
Victoria L. Rivizzigno
Clinton Johnson

Urban Development Staff Present

Laura J. Clarke, Director,
Urban Development Department
Margaret Pappas, Planner II
David Daughenbaugh, Urban Forestry
Coordinator
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.

The September 16, 2004, Planning Commission was canceled due to Hurricane Ivan. Therefore, the agenda from that meeting was heard, in addition to the regular agenda, at this meeting.

APPROVAL OF MINUTES:

A motion was made by Ms. Deakle and seconded by Dr. Laier to approve the minutes of the July 15, 2004, meeting as submitted. The motion carried unanimously.

SEPTEMBER 16, 2004, AGENDA

HOLDOVERS:

Case #SUB2004-00180

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Eagle Creek Subdivision

South side of Moffett Road, ½ mile± West of the South terminus of Double Branch Drive, extending West to the East termini of Lynn Drive and Satsuma Place, and extending South to the North terminus of Whitestone Drive.

228 Lots / 87.4± Acres

This application was heldover prior to the meeting at the applicant's request.

A motion was made by Mr. Plauche and seconded by Mr. Watkins to holdover this application until the meeting of October 21, 2004, at the applicant's request.

The motion carried unanimously.

Case #ZON2004-01787

Marie D. Devery

Landlocked parcel adjacent to the East side of 1515 South University Boulevard.

The request for a change in zoning from R-1, Single-Family Residential, to B-1, Buffer Business, to allow additional parking for an existing medical supply distributorship was considered.

Council District 5

The site plan illustrates the existing building and parking configuration along with the proposed parking and proposed area to be rezoned.

(Also see Case #ZON2004-01795 – **Saad Healthcare** – Below)

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

Mr. Tom M. White, 5617 Regency Oaks Drive North, stated that he owned about 4 ½ acres adjacent to the east of the subject property. He was concerned about runoff, noting that his property was downhill from the subject property. He wanted to make sure there was an adequate holding pond and also a berm or ditch to prevent water from running over his property. He also asked if the 25' buffer zone would extend all the way down the east side of the property.

Mr. Plauche said that one of the requirements of development would be that the developer comply with the stormwater code, which included detention, so that drainage would be addressed. Also, a buffer would be required wherever the property abutted residential property.

Mr. White also said he owned one of the parcels adjacent to this and there was a discrepancy between the plat the Commission had been provided and his deed, which reflected that he had clear title to 75' rather than 41' as shown on the plat.

Mr. Plauche advised Mr. White that was a civil matter and he might want to contact the owner about that.

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

- (1) development limited to an approved PUD to allow the shared access;
- (2) submission of documentation to establish the site as a legal lot of record, or submission of a subdivision application prior to the issuance of any permits; and
- (3) full compliance with all municipal codes and ordinances.

Mr. Vallas recused. The motion carried.

Case #ZON2004-01795

Saad Healthcare

1515 South University Boulevard (East side of University Boulevard, 560'± South of Boulevard Executive Park, and an adjacent landlocked parcel on its East side).

The request for Planned Unit Development Approval to allow shared access and shared parking between two building sites was considered.

Council District 5

The site plan illustrates the existing building and parking configuration along with the proposed parking and proposed area to be rezoned.

(For discussion see Case #ZON2004-01787 – **Marie D. Devery** – Above)

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

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

- (1) completion of the rezoning process;
- (2) provision of a 6' privacy fence along the property lines where the site abuts residentially zoned properties, with a 25' natural buffer which is to remain in a natural state;
- (3) submission of documentation to establish the site as a legal lot of record, or submission of a subdivision application prior to the issuance of any permits; and
- (4) full compliance with all municipal codes and ordinances.

Mr. Vallas recused. The motion carried.

Case #SUB2004-00189

Oak Hollow Estates Subdivision

Southeast corner of Oak Hill Drive (North-South), and Oak Hill Drive (East-West).

8 Lots / 34.0± Acres

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Dr. T. E. Gully, 8575 Oak Hill Drive, Semmes, Alabama, applicant, was present and explained that the proposed subdivision was to divide the property into eight lots for his children. He said he did not understand the staff's requirement of only two flag-shaped lots for access.

Ms. Pappas explained that it was the staff's recommendation that there be only two flag-shaped lots for the entire subdivision, one to the west and one to the north. If the Commission were to agree with that recommendation, that would necessitate either the elimination of one of the flag-shaped lots, or a slight configuration of lots so that there were not two flag-shaped lots, Lots 6 and 7, facing north.

Dr. Gully stated that there was already access to Lot 7, where the communications tower was located; the tower owner put in the road. He also said the staff suggested that they divide this into seven lots rather than eight. The problem was, they were dividing the property up among eight people. Dr. Gully noted that none of his neighbors objected to this subdivision.

There was no one present in opposition.

In discussion, Mr. Watkins asked about the flag-shaped lots.

Ms. Pappas explained that it was the recommendation of the staff that the number of flag-shaped lots be reduced by one. She said if the Commission wished to go along with the eight lots, that would not be unprecedented.

Mr. Watkins asked if that would create a problem administratively.

Ms. Clarke replied that it would not be a problem.

A motion was made by Mr. Holmes 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 there shall be no resubdivision of flag shaped lots until a minimum of 50-feet of frontage is provided to an open and maintained public right-of-way;
- (2) 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
- (3) the placement of the 25-foot minimum setback lines on the final plat.

The motion carried unanimously.

Case #ZON2004-01791
Premier Capital Funding, Inc.

October 7, 2004

153 West I-65 Service Road North (Northwest corner of West I-65 Service Road North and South Avenue).

The request to waive construction of sidewalks along West I-65 Service Road North and South Avenue was considered.

Council District 7

Mr. Frank Dagley was representing the applicant. Mr. Dagley said they had numerous meetings on the site with the Highway Department, the Engineering Department, and the Right-of-Way Department and everyone had said that there did not need to be a sidewalk at this location. A sidewalk could not meet City standards. Mr. Dagley said no one, however, was willing to stand up at the meeting and say that it was not needed. They could not get the Highway Department to write a letter. The Engineering Department said that if they got such a letter, they would have no problem waiving the sidewalk. Mr. Dagley said the problem with building a sidewalk was that there was a curb cut adjacent to the property that was required as part of the drainage and detention system. There were some openings through the curb that allowed water to go through that would drain across the sidewalk. So they felt a sidewalk could not be built to City standards, and they had oral statements from the Right-of-Way Department, Engineering Department and from the Highway Department that they felt this was not a good place to put a sidewalk. Therefore, Mr. Dagley respectfully requested that the sidewalk waiver be granted.

There was no one present in opposition.

In discussion, Mr. Vallas asked if aerial photos could be provided showing where the sidewalks ultimately went. He asked if there were sidewalks to the north of this property and on South Avenue.

Ms. Pappas replied that there were.

Ms. Clarke said if the Commission wanted to hold this over the staff could get some aerials. She also felt it was important to remember that there was a school down the road and there was a well-developed residential subdivision directly behind it.

Ms. Deakle wondered why they were putting the trees where the sidewalks were supposed to go, as later they would have to go in and move the trees.

Mr. Watkins asked if they would have to move the trees whether they put the sidewalk in or not.

Ms. Clarke said they would.

Ms. Deakle said that the way the area was developing with a residential/business mix, she felt sidewalks were really going to become very important.

A motion was made by Ms. Deakle to deny this request.

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Ms. Deakle asked Ms. Terry if a sidewalk could be built here.

Ms. Terry said it was her opinion it could not be built to standards. However, the property to the north was owned by the same property owner and they put in a difficult sidewalk over a large drainage pipe. They built the sidewalk up over it with a handrail. She said where these tie in, it was going to be a little difficult, but it could be done. Ms. Terry also said she spoke with Mr. Rusty Dennis at ALDOT who told her that they neither want, nor do they not want a sidewalk, but he did not see where it was that big of a problem.

Mr. Holmes seconded the motion.

The question was called. Dr. Laier was opposed. The motion carried.

EXTENSION:

Case #SUB2001-00241

File #S2000-218

Crichton Commerce Place Subdivision (formerly M & E Subdivision)

North side of Moffett Road, 610'± West of Western Drive extending to the East side of Crichton Street.

11 Lots / 15.7± Acres

Request for a one-year extension of previous approval.

Mr. Don Coleman of Rester and Coleman Engineers, Inc., was representing the applicant and stated that there had been some interest in part of this property and the owner would like to get it extended one more time.

There was no one present in opposition.

A motion was made by Mr. Vallas and seconded by Ms. Deakle to approve a one-year extension of previous approval for this application. The applicant is advised that any further requests for extension will be denied.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #ZON2004-01895

Bebo's Express No. 1 (Doug Klyce, Agent)

171 Cody Road South (East side of Cody Road South, 220'± North of Airport Boulevard).

The request for a change in zoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, to allow the expansion of an existing convenience store and carwash was considered.

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Council District 7

The plan illustrates the existing facilities and proposed additions.

(Also see Case #ZON2004-01896 – **Bebo’s at Cody Subdivision** – Below; and Case #SUB2004-00200 – **Bebo’s at Cody Subdivision** – Below)

The applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

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

- (1) that all two way drives be a minimum of 24-feet in width;
- (2) the provision of a buffer, in compliance with Section IV.D.1. where the site adjoins residential property;
- (3) full compliance with the landscaping and tree planting requirements of the Ordinance;
- (4) provision of sidewalks along both Airport Boulevard and Cody Road;
- (5) the dedication of any necessary right-of-way to provide 50-feet from the centerline of Cody Road, a planned major street;
- (6) the approval of Traffic Engineering for the location, number and design of all curb cuts; and
- (7) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2004-01896

Bebo’s at Cody Subdivision

7080 Airport Boulevard and 171 Cody Road South (Northeast corner of Airport Boulevard and Cody Road South).

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

Council District 7

The plan illustrates the existing facilities and proposed additions.

(For discussion see Case #ZON2004-01895 – **Bebo’s Express No. 1 (Doug Klyce, Agent)** – Above; also see Case #SUB2004-00200 – **Bebo’s at Cody Subdivision** – Below)

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

- (1) that all two way drives be a minimum of 24-feet in width;

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- (2) the provision of a buffer, in compliance with Section IV.D.1. where the site adjoins residential property;
- (3) full compliance with the landscaping and tree planting requirements of the Ordinance;
- (4) provision of sidewalks along both Airport Boulevard and Cody Road;
- (5) the dedication of any necessary right-of-way to provide 50-feet from the centerline of Cody Road, a planned major street;
- (6) the approval of Traffic Engineering for the location, number and design of all curb cuts; and
- (7) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2004-00200

Bebo's at Cody Subdivision

7080 Airport Boulevard and 171 Cody Road South (Northeast corner of Airport Boulevard and Cody Road South).

1 Lot / 1.8± Acres

Council District 7

(For discussion see Case #ZON2004-01895 – **Bebo's Express No. 1 (Doug Klyce, Agent)** – Above; also see Case #ZON2004-01896 – **Bebo's at Cody Subdivision** – Above)

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

- (1) dedication of any necessary right-of-way to provide 50-feet from the centerline of Cody Road, a planned major street; and
- (2) placement of a note on the final plat stating that the approval of Traffic Engineering is required for the location, number and design of all curb cuts.

The motion carried unanimously.

Case #ZON2004-01898

Mount Island Place Subdivision

East side of Mount Island Drive East, 170'± North of Airport Boulevard, extending to the West terminus of Old Government Street.

The request for Planned Unit Development Approval to allow a single-family residential subdivision with a private street was considered.

Council District 5

The plan illustrates the proposed subdivision.

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(Also see Case #SUB2004-00204 – **Mount Island Place Subdivision** - Below; and Case #SUB2004-00205 – **La Louisiana Plantation II Subdivision** – Below)

Mr. Marc Watkins with Helix Properties, applicant, stated that they were proposing a high-end, upscale, 10-unit residential development. Access would be from Old Government Street due to the 10' City park on the east side of Mount Island Drive. Homes would range from \$260,000 up to \$350,000. There would be a homeowners association and an architectural committee, as well as covenants and restrictions which all builders would have to abide by. They planned to preserve the Oak trees that were on the site. Some of the trees had been inspected by Urban Forestry and found to be diseased, but they would work with Forestry on that. Mr. Watkins said they maximized the lot size to keep the density low so as to minimize any impact on neighboring property owners. All lots were 150' deep less the 35' right-of-way that the City has asked for, and a minimum of 70' wide. There were some lots up to 86' wide.

Mr. Ron LaGrange, also with Helix Properties, said he wanted to comment about the one stipulation that was put in the approval plan, and that had to do with requiring them to take the stormwater from the front lot, fronting on Airport Boulevard, and put it in their retention pond. He said they would not own that piece of property; it was part of the La Louisiana Restaurant site. It was their understanding that it had already been sold, pending approval of this subdivision. Mr. LaGrange said they did not feel they should be required to take the other lot's stormwater.

Mr. Vallas asked if he understood correctly that the front yard setback was from the right-of-way and not the park strip.

Ms. Clarke stated that was correct.

Mr. Vallas asked if the Mount Island setback was from the right-of-way or the park strip.

Ms. Clarke said that it would be from the park strip.

Mr. Noel Nelson was representing his parents, Mr. James E. and Mrs. Helen Nelson, who lived immediately across from this proposed subdivision on East Mount Island Drive. He said they were not opposed to the residential development of this property, particularly if the development was of the upscale nature that the applicant envisioned. They did, however, have concerns with its configuration. First and foremost, they did not believe it was comparable with the lot sizes that would be directly across the street and that were essentially uniform throughout Mount Island Subdivision. There were 125' wide lots on the west side of Mount Island Drive as opposed to 70' and 80' wide lots that would be across the street. They were also concerned about the disposition of the park strip, which he said was created in 1949. The original plat of the subdivision showed a 10' park strip along the entire outer perimeter of the subdivision. The purpose of that park strip was obviously to buffer Mount Island Subdivision from any development of the adjoining lands. In 1951 a deed was executed by Mount Island Corporation conveying the park strip to the City of Mobile with the proviso that it be kept for park use only. They were

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concerned that even though there was access via the right-of-way from Pine Hill Drive to the rear of these residences, they would have addresses fronting on East Mount Island Drive. Mr. Nelson said he spoke with the developers and they envisioned having front walkways that lead from the front of the houses that face East Mount Island Drive down to a sidewalk that would run on the east side of the park strip. Their concern was that visitors to this property would be given the address of East Mount Island Drive and they would be pulling up on East Mount Island Drive in front of these houses. They would be required to access the front of these houses by going across the park strip. Mr. Nelson presented photos for the Commission to review.

Ms. Clarke said the staff understood, based on the orientation of the private drive, that the new houses, if approved, would face the private drive, not Mount Island Drive. Also, the staff verified with the City Engineer that they would not have a Mount Island Drive address. She said Ms. Terry could address that.

Ms. Terry stated that they would not be able to have addresses to Mount Island Drive since they did not have frontage on Mount Island Drive. Since the private drive was to the rear, they would have only one address; that would most likely be Old Government Street. She said that was the way with all private drives where there was only one point of frontage on a public street.

Mr. Nelson stated that was quite the opposite of what he was told by the developers when he met with them a few weeks ago. They expected that they would be fronting Mount Island Drive and that there would be sidewalks. He asked that the Commission review the photographs that he brought, all of which showed the park strip looking from lots on East Mount Island Drive, particularly 254 and 252 Mount Island Drive. He said when the subdivision was originally begun in 1942 the individual lot owners had a beautification easement on the park strip. They planted trees that had since been somewhat ravaged by the hurricanes over the years. But Mr. Nelson said they would like for that park strip to be retained as a sort of screen as it was intended when the subdivision was created. They would not want access across that park strip or parking along that park strip to what he now understood would be the rear of the houses of the proposed subdivision. He questioned whether that could be maintained if those properties were developed on the other side. He said the residents of the Mount Island Subdivision as it existed were concerned that they would be looking at parked cars continually rather than a park strip where they still had beautification rights and which they still maintained. The City had never maintained this park strip.

Mr. Nelson further stated that there were some technical aspects of the application he felt needed to be clarified for the Planning Commission. The legal description of the proposed subdivision showed it beginning on the east right-of-way line of East Mount Island Drive. The original plat of Mount Island Subdivision showed that the east right-of-way line of East Mount Island Drive was the west side of the 10' park strip. So he felt the application as it was drawn now technically encompassed by virtue of the legal description the park strip, and that should be amended or clarified in some fashion. He also felt the Commission needed to take into account the legal description in the deed

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from Mount Island Corporation to the City back in 1951 deeding the park strip to the City. The language in the deed and the legal description that was contained therein seemed to only convey the park strip in Mount Island Court, which was west of East Mount Island Drive. It did make general reference to park strips that were on the extension of Island Court on the north side, but he did not know if that would technically take into account the park strip that was along East Mount Island Drive. So, it was entirely possible that as a matter of title, the park strip on East Mount Island Drive was actually currently owned by the owners of the subdivision, not all of who were given notice about this proposed subdivision. He said if there was going to be any use of that park strip or any modification of it, he felt that everybody in that subdivision should be entitled to notice. Further, it should be taken into account that there was an implied beautification easement that was reserved in that deed to the City back in 1951 on behalf of all the owners along that subdivision, and they were the ones who have maintained it. They wanted it to act as a buffer between their street and the development, and they would like the character of the neighborhood to remain. If the Commission, however, was inclined to approve this subdivision application, they would want some assurance that the rear of these houses would be screened from Mount Island Drive in some fashion other than the current vegetation that grows there.

Mr. Ward Williams, a resident of 270 Pine Hill Drive, presented a petition signed by all the residents that are on the west side of Pine Hill Drive that would be affected by this subdivision. The petition made specific reference to the private road to be constructed behind their homes. They understood that the setback would be three feet from their property line for this private road, and felt that was a little too close. They felt it would be a privacy encroachment. They were also concerned about drainage. Mr. Williams said their petition also asked that the developer look at the feasibility of taking the private road, which they understood from the meeting with the residents that the houses would face Mount Island Drive, and place it inside the City park right-of-way on the west side of the subdivision. They now understood that there was some confusion in that respect. The residents had not been notified of any changes to the position of the homes. They would like to be apprised of any changes that had been made in that configuration, as they felt it would affect the placement of the road and how far back the setbacks should be, and whether there should be a privacy fence in addition to the decreasing vegetation that was on that boundary. Mr. Williams said they were not diametrically opposed to the subdivision, as they felt it would only increase their property values. But privacy was their concern, especially in respect to the road to be constructed right behind their property line.

In rebuttal, Mr. Marc Watkins said they did meet with the neighbors and there was some confusion as far as what the City called the front versus the back of the property. Due to the public park strip on the east side of Mount Island Drive West, the 10' park strip the City maintained at the front yard would actually be to the east side of the Mount Island Drive resident's property.

To clarify that last statement, Ms. Clarke asked if the front of the proposed homes would be oriented toward the proposed private drive; to the east.

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Mr. Marc Watkins said that would be the main entrance where people would enter their homes. He thought that whether or not they wanted to put a façade that looked like a front entrance or have the front of the house facing one way with the entrance to the other would be up to the builder or the home owner.

Ms. Clarke said that the architectural design would not be up to the City because this was not in a historic district. But for clarification, they needed to know what the primary orientation was going to be. She asked which way the front door of a traditional residence would face.

Mr. Marc Watkins said the primary entrance would face the east; the private drive.

Mr. Holmes asked counsel what the City's position was on access or a walkway across a public park.

Ms. Cochran said a park was open and people could walk in parks, but of course could not build on it.

Mr. Holmes asked who maintained the park strip.

Ms. Clarke said the City did.

Mr. Vallas asked if they could build a sidewalk right up to the park strip, but just not across the park strip.

Ms. Cochran said that was correct. That strip was a park, even though it was only 10' wide. It was dedicated and it always had to be that way. There was, however, no prohibition of building up to the property line. Just because a person's property bordered a park, did not change any of the normal rules.

Mr. Marc Watkins presented photos showing that the park strip was overgrown and not maintained. He said they had originally planned to have a sidewalk on the Mount Island Drive side, which would actually allow a walkway that would give access to the City park for public use.

In discussion Mr. Vallas stated that he felt this could make a nice development, but the homeowners did not want the houses oriented to Mount Island Drive.

Ms. Deakle felt the orientation for these houses should be to Mount Island Drive; as this was the way they were going to look the best in her opinion.

Mr. Vallas agreed. He said if the homes faced Mount Island Drive they would probably be nice town homes. If they faced the other way, he did not feel it would be best for that area.

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Mr. Jay Watkins said he felt they would be creating problems if they were going to face Mount Island Drive when they had no access to the road. He felt people would be parking along Mount Island Drive to walk to the front doors of these houses. They would either be parking in the park or parking along the access way.

Mr. Vallas stated that he favored approving this with the deletion of condition #5 of the PUD, that the park strip along the west property line remain in its natural, vegetative state. He felt the City should be able to clean out the natural area if they wanted. He asked if this language would ever preclude the City from cleaning that park property.

Ms. Clarke replied no, since it was City owned land, the City had the say on what happened to that land. She further noted that the proposed private development, in whatever form or fashion, did not incorporate the public park land into their development.

Mr. Jay Watkins commented that nobody was going to know where their property ended and the park started. Three or four years from now it was going to be their front yard.

It was asked if fencing could be required.

Ms. Clarke said it could. This was a PUD and the Commission had a lot of discretion as to the requirements that they could place on an approval.

It was noted that Mr. Nelson talked about some vagueness in the survey. It was asked if the staff was sure the survey was correct.

Ms. Clarke said to their knowledge the survey was submitted by a registered civil engineer.

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

- (1) development limited to the revised plan illustrating the 35' private road right-of-way and reduced setbacks;
- (2) Old Government Street from Pinehill Drive to the site must be constructed prior to recording of the final plat;
- (3) completion of the subdivision process;
- (4) provision of a sidewalk along the West side of the private street;
- (5) compliance with Urban Forestry Comments (Any work on or under the 40" Live Oak located on the East side of Lot 9, the 50" Live Oak located on Lot 7, the 50" Live Oak located on Lot 6, the 40" Live Oak located on Lot 5 and 6, and the 40" Live Oak located on Lot 5 are to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger); and
- (6) full compliance with all municipal codes and ordinances.

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Ms. Clarke noted that since this was a City-owned public park, the applicant would not be able to go in and remove trees. If the City, however, wished to go in there tomorrow and clear out all the scrub brush, they certainly could do that. With regard to fencing, Ms. Clarke noted that typically they look at fencing between commercial and residential. It could be a visually obstructing 6' privacy fence, or it could be wrought iron and of varying height. This would not be closing off this development from the Mount Island Drive side, but at the same time not trying to incorporate it into the private development. There were some fencing options if the Commission wanted to look at that.

The question was called. Mr. Holmes abstained. Mr. Watkins was opposed. The motion carried.

Case #SUB2004-00204

Mount Island Place Subdivision

East side of Mount Island Drive East, 170'± North of Airport Boulevard, extending to the West terminus of Old Government Street.

10 Lots / 3.9± Acres

Council District 5

(For discussion see Case #ZON2004-01898 – **Mount Island Place Subdivision** - Above; also see Case #SUB2004-00205 – **La Louisiana Plantation II Subdivision** – Below)

A motion was made by Mr. Vallas and seconded by Ms. Deakle to approve this subdivision under the private road section of the Subdivision Regulations, and due to unique and/or exceptional circumstances, the private road right-of-way to be modified to allow a 35' right-of-way subject to the following conditions:

- (1) Old Government Street from Pinehill Drive to the site must be constructed prior to recording of the final plat;
- (2) full compliance with Section VII.E.2 (Standards) of the Subdivision Regulations;
- (3) provision of a sidewalk along the West side of the private street; and
- (4) compliance with Urban Forestry Comments (Any work on or under the 40" Live Oak located on the East side of Lot 9, the 50" Live Oak located on Lot 7, the 50" Live Oak located on Lot 6, the 40" Live Oak located on Lot 5 and 6, and the 40" Live Oak located on Lot 5 are to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.

Mr. Holmes abstained. Mr. Watkins was opposed. The motion carried.

Case #SUB2004-00205

La Louisiana Plantation II Subdivision

Northeast corner of Airport Boulevard and Mount Island Drive East.

1 Lot / 0.6± Acre

Council District 5

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(For discussion see Case #ZON2004-01898 – **Mount Island Place Subdivision** - Above; also see Case #SUB2004-00204 – **Mount Island Place Subdivision** – Above)

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

- (1) placement of a note on the final plat stating that access is limited to one curb cut to Airport Boulevard, size location and design to be approved by the Traffic Engineering Department; and
- (2) changes in development will necessitate a PUD and possible rezoning.

Mr. Holmes abstained. Mr. Watkins was opposed. The motion carried.

Case #ZON2004-01894

Storage Partners, LLC

1601 Gash Lane (West side of Gash Lane, 500'± North of Moffett Road).

The request for a change in zoning from R-1, Single-Family Residential, to B-3, Community Business, to allow the expansion of an existing mini storage facility was considered.

Council District 1

The site plan illustrates the proposed buildings, existing buildings, buildings to be removed, existing drives, and fencing.

(Also see Case #SUB2004-00197 - **Revised Magnolia Self Storage Subdivision, Lot 1, and Storage Partners Subdivision, Lot 2, Resubdivision of** – Below)

The applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

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

- (1) dedication of sufficient right-of-way to provide 25-feet from the centerline of Gash Lane;
- (2) denial of direct access to Gash Lane;
- (3) the provision of a 25' buffer strip along Gash Lane, as well as a 10' buffer strip, to be left in a natural vegetative state (with in-fill plantings as necessary) and an 8' privacy fence, adjacent to the residential lot on the West side of Gash Lane;
- (4) full compliance with the landscaping and tree planting requirements of the Ordinance;
- (5) the submission and approval of a PUD application to the Planning Commission prior to the issuance of any permits; and

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- (6) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2004-00197

Revised Magnolia Self Storage Subdivision, Lot 1, and Storage Partners Subdivision, Lot 2, Resubdivision of

North side of Moffett Road, 200'± West of Gash Lane, extending to the West side of Gash Lane, 500'± North of Moffett Road.

1 Lot / 9.8± Acres

Council District 1

(For discussion see Case #ZON2004-01894 – **Storage Partners, LLC** – Above)

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

- (1) dedication of any necessary right-of-way to provide 25-feet from the centerline of Gash Lane; and
- (2) placement of a note on the final plat stating that direct access to Gash Lane is denied.

The motion carried unanimously.

Case #ZON2004-01809

Van Antwerp Realty Corp., Inc. (Steve Quinnelly, Agent)

South side of Bear Fork Road, 400'+ West of the South terminus of Goodman Avenue, extending to the North side of Eightmile Creek.

The request for a change in zoning from R-1, Single-Family Residential, to I-1, Light Industry, to allow an outdoor shooting range was considered.

Council District 1

The site plan illustrates the proposed buildings, parking, drives, and existing wetland boundaries.

(Also see Case #ZON2004-01912 - **Van Antwerp Realty Corp., Inc. (Steve Quinnelly, Agent)** – Below)

Mr. Plauche announced that these applications had been recommended for holdover by the staff. No one present wished to speak on this matter.

A motion was made by Mr. Plauche and seconded by Mr. Miller to holdover this application until the meeting of October 21, 2004, to allow the applicant to submit additional information regarding noise abatement, safety features and containment of debris.

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The motion carried unanimously.

Case #ZON2004-01912

Van Antwerp Realty Corp., Inc. (Steve Quinnelly, Agent)

South side of Bear Fork Road, 400'+ West of the South terminus of Goodman Avenue, extending to the North side of Eightmile Creek.

The request for Planning Approval to allow an outdoor shooting range in an I-1, Light Industry district was considered.

Council District 1

The site plan illustrates the proposed buildings, parking, drives, and existing wetland boundaries.

(For discussion see Case #ZON2004-01809 - **Van Antwerp Realty Corp., Inc. (Steve Quinnelly, Agent)** – Above)

A motion was made by Mr. Plauche and seconded by Mr. Miller to holdover this application until the meeting of October 21, 2004, to allow the applicant to submit additional information regarding noise abatement, safety features and containment of debris.

The motion carried unanimously.

Case #ZON2004-01914

City of Mobile

3201 Hillcrest Road (East side of Hillcrest Road, at the East termini of Magnolia Place Court North, Magnolia Place Court South, and Trent Lane).

The request for Planning Approval to allow a community center in an R-3, Multi-Family Residential district was considered.

Council District 6

The site plan illustrates the proposed building, parking, drives, and 50 foot buffer along with the existing drainage easements.

(Also see Case #SUB2004-00207 – **West Mobile Senior and Therapeutic Center Subdivision** – Below)

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

Mr. Jerry Luker of Speaks & Associates Consulting Engineers, Inc., was representing the applicant and concurred with the staff recommendations.

Dr. Robert Rugan, a resident of 6239 South Ridge Road South, stated that he was not really against the application but did have some concerns about it. Dr. Rugan said they wanted to be sure there was no entrance from this project to their multi-family

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subdivision. He said there was a dead end street in their subdivision where the developers had been going in and out to get soil samples and such. They had also had problems with the architects coming in with equipment and knocking down a lot of trees. They had replanted some but they were very small trees. He said they also understood there would be a 50' easement from their property line to the proposed new center. They had electricians from Mobile County come out and talk about running electrical lines 10' from their property line. They would have to clear 10' to 12' just to get the equipment in. Dr. Rugan said they would also like to be reassured that there would be no way to enter the recreation center from their subdivision.

Ms. Pappas stated that there was a Planning Approval and a Subdivision application before the Commission today. The Planning Approval was site plan specific so any deviation from this plan, such as connection to the street stub to the north, would have to come back before the Commission. There would be no cut-through traffic from this street stub to the north. There would be just one entrance to the facility from Hillcrest Road.

Dr. Rugan said when the neighbors met with Councilperson Connie Hudson and the architects, they were told they would have a privacy fence or a 50' easement of trees.

Ms. Clarke noted that the staff report had indicated a condition that the vegetation, acting as a buffer, remain in place.

Dr. Rugan asked that the Commission stipulate that any construction from Speaks or anyone else coming in there would come off of Hillcrest Road.

Mr. Watkins asked who owned the north/south easement that was shown on the drawings.

Ms. Clarke stated that was a Water and Sewer easement.

Mr. Watkins stated that the Water and Sewer Board could do anything they wanted in that easement. With respect to the access off of Valley Ridge Road, he asked if a note could be required on the plat stating that there would be no access from Valley Ridge Road.

Ms. Pappas said the Commission could request that a note be made on the final plat that access to Valley Ridge Road be denied.

Mr. William L. Guess stated that he was a resident of South Ridge Subdivision and represented the neighborhood organization. Mr. Guess said there were two things that were mentioned in the neighborhood meetings that had not been brought up. He said they were told that the lighting would be low profile so it would not affect the adjacent neighbors. They wanted to make sure this was a requirement of the Commission. Mr. Guess also had a question as to why the retention pond was on the north side of the property uphill. Why was it not on the lower section of the property where the runoff

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would drain? Other than that, Mr. Guess said the neighborhood was in support of this proposed facility.

Regarding drainage, Mr. Luker said the stormwater retention pond was on the southern portion of the lot that was being developed. He also pointed out where an existing drainage and sewer line came through their property and said that area would be re-planted after the required drainage construction was completed.

In discussion, a motion was made by Mr. Vallas and seconded by Mr. Miller to approve this plan subject to the staff recommendations.

Mr. Holmes inquired about denial of access to Valley Ridge Road.

Ms. Pappas said they could require a note on the subdivision plat denying access to Valley Ridge Road.

Mr. Vallas and Mr. Miller amended their motion and second respectively. The final motion was to approve this plan subject to the following conditions:

- (1) the provision of a continuous screen, either in the form of vegetation (six feet tall at the time of planting and of sufficient density to screen the existing residences) or a six-foot wooden privacy fence along the North property line;
- (2) compliance with the landscaping and tree planting requirements of the Ordinance—to be coordinated with Urban Forestry;
- (3) the approval of Traffic Engineering for the location and design of the proposed curb cut;
- (4) full compliance with City Engineering Comments (submission of information required for a Preliminary Plat as defined in the City of Mobile Subdivision Regulations, must comply with all stormwater and flood control ordinances, any work performed in the right of way will require a right of way permit);
- (5) denial of access to Valley Ridge Road; and
- (6) full compliance with all municipal codes and ordinances.

Mr. Plauche recused. The motion carried.

Case #SUB2004-00207

West Mobile Senior and Therapeutic Center Subdivision

3201 Hillcrest Road (East side of Hillcrest Road, at the East termini of Magnolia Place Court North, Magnolia Place Court South, and Trent Lane).

1 Lot / 17.5± Acres

(For discussion see Case #ZON2004-01914 – **City of Mobile** – Above)

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

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

- (1) placement of a note on the final plat stating that the approval of Traffic Engineering is required for the location and design of any curb cuts;
- (2) full compliance with City Engineering Comments (submission of information required for a Preliminary Plat as defined in the City of Mobile Subdivision Regulations, must comply with all stormwater and flood control ordinances, any work performed in the right of way will require a right of way permit); and
- (3) placement of a note on the final plat stating that direct access to Valley Ridge Road is denied.

Mr. Plauche recused. The motion carried.

NEW PLANNING APPROVAL APPLICATION:

Case #ZON2004-01907

Cedar Park Baptist Church (Anthony Singleton, Agent)

1508 Cedar Park Drive (North side of Cedar Park Drive, 115'± East of Dauphin Island Parkway).

The request for Planning Approval to allow a parking lot expansion at an existing church in an R-1, Single-Family Residential district was considered.

Council District 3

The plan illustrates the existing church, new construction, and parking.

Mr. Lamar Beard, 1117 North Drive, was present on behalf of the church as well as two other trustees.

There was no one present in opposition.

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

- (1) full compliance with the landscaping and tree planting requirements of the Ordinance;
- (2) provision of a sidewalk along Cedar Park Drive;
- (3) the provision of a six-foot wooden privacy fence, reduced to three-feet in height within the 25-foot front yard setback, where the site adjoins residential zoning;

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- (4) the provision of a three-foot high wooden privacy fence along Cedar Park Drive to screen the parking areas from the residential properties across Cedar Park Drive; and
- (5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATION:

Case #ZON2004-01897

Steve Statkewicz & Dennis J. Langan

3450 Hillcrest Road (West side of Hillcrest Road at the West terminus of Girby Road).

The request for Planned Unit Development approval to allow shared access and shared parking between multiple building sites, and multiple buildings on a single building site was considered.

Council District 6

The plan illustrates the proposed structures and shared parking.

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. Holmes to approve this plan subject to the following conditions:

- (1) relocation of the loading area to provide adequate access and circulation;
- (2) full compliance with the landscaping and tree planting requirements of the Ordinance;
- (3) the provision of a sidewalk along Hillcrest Road;
- (4) that PUD approval be obtained prior to the development of the adjoining lot to the South;
- (5) that the lane division for the 36-foot drive be properly marked; and
- (6) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2004-00193

Azalea Crossing Subdivision, Resubdivision of Lots 1 & 2

619 Azalea Road (North side of Azalea Road, 270'± East of the East terminus of Skyline Drive North).

1 Lot / 1.4± Acres

Council District 5

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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 Mr. Miller to approve this subdivision subject to the following conditions:

- (1) the placement of a note on the final plat stating that the subdivision is limited to a maximum of two curb cuts, with the size, location and design to be approved by Traffic Engineering;
- (2) the installation of curb cuts to be coordinated with Urban Forestry, due to existing Live Oak Trees on right of way; and
- (3) full compliance with City Engineering comments (engineering will require a note on the plat stating “ The City of Mobile will not permit any clearing, grading, or additional construction within this subdivision until an approved outfall drainage system is constructed or until an acceptable legal document from adjacent property owners, allowing storm run-off from this subdivision, to discharge their property is provided”).

The motion carried unanimously.

Case #SUB2004-00201

Bayou Island Subdivision

North side of Hamilton Boulevard, 2/10 mile± West of the South terminus of Viking Way.

8 Lots / 19.3± Acres

Mr. Jerry Still stated that he was speaking on behalf of the Bayou Island Subdivision. With regard to the staff’s recommendation for 60’ wide property widths along Hamilton Boulevard, Mr. Still said his intent was to provide a private gravel drive that would be maintained by the subdivision association within Lots 3-8. He said there was a small patch of wetlands that he was in the process of getting a permit for crossing. In so doing he would provide one single private drive and allow access for the individual property owners onto that private drive.

Mr. Plauche stated that the Commission would have to hold over the application so Mr. Still could submit that information.

Ms. Clarke explained that Mr. Still would have to submit a plat that reflected what he intended to build, and if that did include a single, private drive to provide access to Lots 3-8, that would need to be shown on the plat so the staff could make sure the appropriate standards were met.

There was no one present in opposition.

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A motion was made by Dr. Laier and seconded by Mr. Miller to holdover this application until the meeting of October 21, 2004, to allow the applicant to submit a revised plat illustrating the proposed private drive as referenced by the applicant at the meeting.

The motion carried unanimously.

Case #SUB2004-00191

B & B Commercial Subdivision

1855 Telegraph Road (West side of Telegraph Road, 115'± North of Stimrad Road).

1 Lot / 2.8± Acres

Council District 2

The applicant was not present.

There was no one present in opposition.

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

- (1) the dedication of sufficient right-of-way to provide 40' from the centerline of Telegraph Road;
- (2) the placement of a note on the final plat stating that the location, size, and design of all curb cuts are to be approved by ALDOT and Traffic Engineering; and
- (3) the placement of the 25-foot minimum setback line on the final plat.

The motion carried unanimously.

Case #SUB2004-00194

Croydon Place West Subdivision

20 Croydon Road (Northwest corner of Croydon Road and Turnout Lane).

3 Lots / 0.7± Acre

Council District 5

This application was withdrawn prior to the meeting at the applicant's request.

Case #SUB2004-00206

Fresolone Estates Subdivision

8100 Howells Ferry Road (Northeast corner of Howells Ferry Road and Harvey Hill Road [private road]).

3 Lots / 1.5± Acres

Mr. Anthony Fresolone, applicant, was present and stated that his engineer received a letter from the City stating that this application would have to be held over to include a piece of property to the west. He said that property was on the other side of a private

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road, Harvey Hill Road, and was owned by Carolyn Higby. Mr. Fresolone said he was not clear why this property needed to be shown on this plat.

Ms. Pappas explained that in conversation with the applicant's surveyor and engineer, the triangular shaped piece of property to the west used to be a part of this parcel, therefore the balance of the property would need to be included. She said they also found out that the County maintained that road, which she would let Mr. Stewart address.

Mr. Stewart stated that the County did maintain that road on a prescriptive right-of-way and would be looking for dedication of right-of-way, a minimum of 30 feet from the centerline in each direction, with a 25' radius on Howells Ferry Road at each corner.

Mr. Fresolone asked without the owner's participation, what his options would be.

Ms. Pappas said he could submit to the Commission a letter from that owner stating that they refused to participate in the application.

A motion was made by Mr. Plauche and seconded by Dr. Laier to holdover this application until the meeting of October 21, 2004, to allow the applicant to include the balance of the property to the West in the subdivision, with additional notification information; or the submission of documentation to establish the balance of the property as a legal lot of record prior to 1984.

The motion carried unanimously.

Case #SUB2004-00192

Kitty's Cove Subdivision

3811 Gulf Creek Court (West terminus of Gulf Creek Court).

2 Lots / 0.9± Acre

The applicant's engineer was present and concurred with the staff recommendations.

There was no one present in opposition.

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

- (1) the approval of all applicable federal, state and local agencies prior to the issuance of any permits; and
- (2) the placement of the 25-foot minimum setback lines on the final plat.

The motion carried unanimously.

Case #SUB2004-00199

Leroy Logan Place Subdivision, Resubdivision of Lot 1

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South side of Steve Street South, 100'± West of Zack Logan Avenue West.
1 Lot / 0.4± Acre
Council District 6

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 Mr. Miller and seconded by Mr. Watkins to approve this subdivision subject to the following condition:

- (1) any work on or under the 50" Live Oak in the southwest corner of Lot 1 is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.

The motion carried unanimously.

Case #SUB2004-00198

Cindy Pearson Subdivision

7171 Magnolia Avenue (East side of Magnolia Avenue at its North terminus).
2 Lots / 3.4± Acres

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

There was no one present in opposition.

A motion was made by Mr. Miller and seconded by Mr. Watkins to 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 #SUB2004-00196

Tangle Brush Subdivision

South side of Ward's Lane at the South terminus of Whitestone Drive, extending to the North side of the CSX Railroad right-of-way.
56 Lot / 23.4± Acres

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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 Mr. Miller and seconded by Mr. Watkins to approve this subdivision subject to the following conditions:

- (1) all common areas be indicated on the final plat with a note stating that the maintenance thereof is the responsibility of the property owners association;
- (2) 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;
- (3) the approval of all applicable federal, state and local agencies prior to the issuance of any permits; and
- (4) the placement of the 25-foot minimum setback lines on the final plat.

The motion carried unanimously.

Case #SUB2004-00195

Unity Christ Church of Truth Subdivision

5859 and 5867 Cottage Hill Road, and 2308 Pavan Drive (South side of Cottage Hill Road, extending from Pavan Drive to West Road).

2 Lot / 4.0± Acres

Council District 6

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 Mr. Miller and seconded by Mr. Watkins to approve this subdivision subject to the following conditions:

- (1) the setback of sufficient right-of-way to provide 50' from the centerline of Cottage Hill Road; and
- (2) the placement of a note on the final plat stating that the location, size, and design of all curb cuts must be approved by Traffic Engineering.

The motion carried unanimously.

Case #SUB2004-00203

University Village Subdivision

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5610 Old Shell Road (North side of Old Shell Road, 125'± East of University Boulevard).

1 Lot / 0.7± Acre

Council District 7

Mr. Marl Cummings, applicant, was present in this matter. Mr. Cummings noted the staff's recommendation that required sufficient right-of-way to provide 50 feet from the centerline of Old Shell Road. Mr. Cummings said that condition already existed, which he could confirm on the survey. Also, prior to submitting this application Mr. Cummings said he met with Mr. Bill Metzger of the Traffic Engineering Department, to review the Old Shell Road curb cuts. Mr. Metzger indicated that he would have no problem with the two existing curb cuts from the existing development remaining in place. That was contrary to the staff recommendation. He asked that the application be considered to reflect that the existing curb cuts would be allowed.

Ms. Clarke said that this would not be a problem.

There was no one present in opposition.

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

- (1) the dedication of sufficient right-of-way to provide 50' from the centerline of Old Shell Road; and
- (2) the placement of a note on the final plat stating that the two existing curb cuts are allowed to remain.

The motion carried unanimously.

Case #SUB2004-00202

Winstons Subdivision, Resubdivision of and Addition to

South side of Morris Road, 300'± East of Schillinger Road, extending to the East side of Schillinger Road, 300'± South of Morris Road, and extending to the East side of Schillinger Road, 670'± South of Morris Road.

4 Lots / 11.4± 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. Laier and seconded by Mr. Vallas to waive Section V.D.3., of the Subdivision Regulations, and approve this subdivision subject to the following conditions:

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- (1) the placement of a note on the final plat stating that Lots 1-2 and Lots 3-4 are limited to one shared curb cut to Schillinger Road, with the size, location and design to be approved by County Engineering;
- (2) the placement of a note on the final plat stating that that Lot 4 is denied direct access to Morris Drive;
- (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; and
- (4) the placement of the 25-foot minimum setback lines on the final plat.

The motion carried unanimously.

A motion was made by Ms. Deakle and seconded by Dr. Laier to go into executive session and vote on the matters from the September 16, 2004, agenda before preceding with the Public Hearing for the October 7, 2004, agenda. The motion carried unanimously.

A motion was made by Mr. Watkins and seconded by Dr. Laier to return to regular session for the October 7, 2004, Public Hearing. The motion carried unanimously.

OCTOBER 7, 2004 AGENDA

HOLDOVERS:

Case #ZON2004-01792 (Planning Approval)

Trinity Kids Learning Center

309 Pinehill Drive (East side of Pinehill Drive, 160'± South of Airport Boulevard).

The request for Planning Approval to allow a classroom expansion at an existing childcare center in a B-1, Buffer Business district was considered.

Council District 5

The plan illustrates the existing and proposed structures and paving.

Ms. Pappas stated that the Board of Adjustment met on October 4 and granted the applicant's request for an off-site parking variance, therefore the staff would recommend approval subject to compliance with Urban Forestry comments, the curb cut approval by both Traffic Engineering and Urban Development, and compliance with the tree requirements.

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

There was no one present in opposition.

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

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- (1) compliance with the Urban Forestry comments: property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64), coordination with Urban Forestry [for] the construction of the new curb cut and 12' drive due to existing Live Oak trees on right of way;
- (2) curb cut(s) to be approved by Traffic Engineering and Urban Development; and
- (3) full compliance with the tree planting requirements of the Ordinance.

The motion carried unanimously.

Case #ZON2004-01794 (Planning Approval)

Main Street Mobile

208 Dauphin Street (North side of Dauphin Street, 95'± West of Conception Street).

The Planning Approval to allow residential use within the Dauphin Street Overlay District was considered.

Council District 2

The plan illustrates the existing building and alley. The building limits are the parcel limits.

Mr. Miller recused himself from the discussion and vote regarding this matter.

The applicant was present and concurred with the staff recommendation.

There was no one present in opposition.

A motion was made by Dr. Laier and seconded by Mr. Vallas to approve this plan.

Mr. Miller recused. The motion carried.

EXTENSIONS:

Case #SUB2002-00246

File #S95-130

Creepline Subdivision

Northwest corner of Higgins Road and Shipyard Road, and running through to Interstate 10.

28 Lots / 227.0± Acres

Request for a one-year extension of previous approval.

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

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The motion carried unanimously.

Case #SUB2002-00245

Fincher's Addition to Riverview Subdivision

Northeast corner of Old Rangeline Road and Riverview Point Drive.

49 Lots / 113.9± Acres

Request for a one-year extension of previous approval.

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

The motion carried unanimously.

Case #SUB2001-00269

File #S99-253

Springfield Subdivision

Northwest corner of proposed future Dawes Road and proposed future Grelot Road and extending through to Twelve Oaks Drive.

91 Lots / 57.9± Acres

Request for a one-year extension of previous approval.

Mr. Don Coleman of Rester and Coleman Engineers, Inc., was representing the applicant. Mr. Coleman noted that the proposed Grelot Road, and the connector of Grelot Road to Airport Boulevard were soon to be built. This would give them access to their property so they could go ahead with this development.

A motion was made by Mr. Vallas and seconded by Dr. Laier to approve a one-year extension of previous approval for this subdivision. The applicant is advised that any further requests for extension will be denied.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #ZON2004-01804

Emma Perryman

770 and 772 Sullivan Avenue (West side of Sullivan Avenue at the West terminus of Fairway Drive).

The request for a change in zoning from R-1, Single-Family Residential, to B-1, Buffer Business, for a drug-counseling clinic for women, including in-residence services was considered.

Council District 5

The plan illustrates the existing structures along with parking.

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(Also see Case #ZON2004-01994 – **Emma’s Harvest Home (Emma Perryman, Agent)** – Below)

Mr. Doug Anderson, attorney, was present on behalf of the applicant and concurred with the staff recommendations. Mr. Anderson commented that the original application was for a rezoning which was recommended for denial. When it was presented at the last meeting by one of his associates, he said apparently some of the Commission members felt it was a proper application for rezoning. It was recommended for a holdover so that the staff could make some recommendations for approval, as well as to allow the applicant to submit a Planned Unit Development application, which they had done. Mr. Anderson passed out handouts to the members who were not present at the last meeting.

There was no one present in opposition.

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

- (1) widening of the driveway to 24-feet to accommodate two-way traffic;
- (2) full compliance with the landscaping and tree planting requirements of the Ordinance;
- (3) provision of a buffer, in compliance with Section IV.D.1. where the site adjoins residential zoning;
- (4) full compliance with all applicable building codes; and
- (5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2004-01994

Emma’s Harvest Home (Emma Perryman, Agent)

770 and 772 Sullivan Avenue (West side of Sullivan Avenue at the West terminus of Fairway Drive).

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

Council District 5

The plan illustrates the existing structures along with parking.

(For discussion see Case #ZON2004-01804 – **Emma Perryman** – Above)

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

- (1) widening of the driveway to 24-feet to accommodate two-way traffic;
- (2) full compliance with the landscaping and tree planting requirements of the Ordinance;

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- (3) provision of a buffer, in compliance with Section IV.D.1. where the site adjoins residential zoning;
- (4) full compliance with all applicable building codes; and
- (5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2004-01999

Franklin Primary Health Center, Inc.

Northwest corner of Lyons Street and Cuba Street.

The request for a change in zoning from R-3, Multi-Family Residential, to B-1, Buffer Business, to allow a parking lot expansion at an existing health care center was considered.

Council District 2

The site plan illustrates the existing building, parking, and landscaping, along with the proposed parking area.

(Also see Case #SUB2004-00210 – **Franklin Primary Health Center Subdivision, Resubdivision of** – Below)

Mr. Travis Hyman stated that he was the project engineer for this project and represented Franklin Primary Health Center. He said they did not have any opposition to the recommendations of the staff. He asked for clarification, however, of condition #1 that called for screening of parking facilities as required by the Zoning Ordinance. He noted that the existing building was completed about a year ago and the perimeter of that property did not require any screening at that time. He felt screening around this lot would be uncharacteristic of the area and would not conform to the existing lot. Mr. Hyman said they were surrounded by Lyons Street and Cuba Street, so they were not directly adjacent to any properties that were of different zoning. They did have the intention of doing an ornamental fence around the entire property, but not a screening or privacy type fence.

Ms. Pappas noted that Section VI.A.3.i. of the Ordinance required screening of parking when the parking lot was across the street from residential development. In this case the staff would like to see a minimum of a 3' fence, wall or vegetative screen. When the Certificate of Occupancy was issued for the existing building, she said there was a screen hedge along that rear parking lot.

Mr. Hyman asked if screening would be required on Cuba Street also.

Ms. Clarke said it would be required on Cuba Street across from that portion that was zoned residential.

Mr. Hyman said the lots at the corner of MLK Avenue and Cuba Street across the street were commercial properties.

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Ms. Clarke said that wherever there was residential across the street from that parking lot, the screening would be required.

Mr. Hyman also asked about the curb cuts, noting that the one to Lyons Street was denied. He said they were actually removing that existing Lyons Street access as part of this plan. In addition, they had met with Traffic Engineering and were in conformance with the Cuba Street curb cuts that were shown, and there were no proposed plans for MLK Avenue.

Ms. Clarke explained that those were stipulated as such in case there were future changes to the site. The staff wanted to make sure that the access did remain to Cuba Street.

There was no one present in opposition.

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

- (1) provision of screening of parking facilities as required by Section VI.3.i of the Zoning Ordinance;
- (2) completion of the subdivision process; and
- (3) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2004-00210

Franklin Primary Health Center Subdivision, Resubdivision of

1303 Dr. Martin Luther King, Jr. Avenue (West side of Cuba Street, extending from Dr. Martin Luther King, Jr. Avenue to Lyons Street).

1 Lot / 3.3± Acres

Council District 2

(For discussion see Case #ZON2004-01999 – **Franklin Primary Health Center** – Above)

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

- (1) completion of the rezoning process prior to recording of the final plat;
- (2) placement of a note on the final plat stating that access to Lyons Street is denied;
- (3) placement of a note on the final plat stating that access to Dr. Martin Luther King Jr. Avenue is limited to a maximum of two curb cuts, size, location and design to be approved by the Traffic Engineering Department; and

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- (4) placement of a note on the final plat stating that access to Cuba Street is limited to a maximum of two curb cuts, size, location and design to be approved by the Traffic Engineering Department.

The motion carried unanimously.

Case #ZON2004-02005

Heron Lakes Subdivision, Phase One, Revised Lots 32 and 33

1059 and 1063 Grand Heron Court West (North side of Grand Heron Court West, 100'± and 200'± 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 #SUB2004-00214 - **Heron Lakes Subdivision, Phase One, Revised Lots 32 and 33** – Below)

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

There was no one present in opposition.

A motion was made by Dr. Laier and seconded by Mr. Holmes 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 #SUB2004-00214

Heron Lakes Subdivision, Phase One, Revised Lots 32 and 33

1059 and 1063 Grand Heron Court West (North side of Grand Heron Court West, 100'± and 200'± East of its West terminus).

2 Lots / 0.8± Acres

Council District 4

(For discussion see Case #ZON2004-02005 - **Heron Lakes Subdivision, Phase One, Revised Lots 32 and 33** – Above)

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

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- (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 #ZON2004-02009

Edward Negus

3975 Demetropolis Road (East side of Demetropolis Road, 2/10 mile± South of Halls Mill Road).

Rezoning from B-3, Community Business, to I-1, Light Industry, to allow the expansion of an existing boat storage facility.

Council District 4

AND

Case #ZON2004-02010

S/C Subdivision, Resubdivision of Lots 1 & 2

3957 and 3975 Demetropolis Road (East side of Demetropolis Road, 850'± South of Halls Mill Road).

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

Council District 4

AND

Case #SUB2004-00215

S/C Subdivision, Resubdivision of Lots 1 & 2

3957 and 3975 Demetropolis Road (East side of Demetropolis Road, 850'± South of Halls Mill Road).

1 Lot / 8.1± Acres

Council District 4

AND

Case #ZON2004-02007

Edward Negus

3975 Demetropolis Road (East side of Demetropolis Road, 2/10 mile± South of Halls Mill Road).

Request to waive construction of a sidewalk along Demetropolis Road.

Council District 4

These applications were heldover prior to the meeting at the applicant's request.

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A motion was made by Mr. Plauche and seconded by Mr. Holmes to holdover these applications until the meeting of October 21, 2004, at the applicant's request.

The motion carried unanimously.

Case #ZON2004-02004

Clark, Geer, Latham & Associates, Inc.

Southeast corner of Airport Boulevard and Wesley Avenue, extending through Henkley Avenue (unopened right-of-way, to be vacated), to the West terminus of Old Government Street (unopened right-of-way, to be vacated), 150'± West of Wildwood Avenue.

The request for a change in zoning from R-1, Single-Family Residential, and B-1, Buffer Business, to LB-2, Limited Neighborhood Business, to allow retail sales was considered. Council District 6

The site plan illustrates the proposed building, parking, landscaping, setbacks, and right-of-way to be vacated.

(Also see Case #SUB2004-00213 – **Wesley Station Subdivision** – Below)

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

Ms Pappas brought to the attention of the Commission that there was an error in the vicinity maps that were mailed out. A corrected map and plat was provided to each member. Ms. Pappas further stated that the staff would like to add that they had requested the modified turnaround on Henkley Avenue and would recommend that direct access to Henkley Avenue be denied.

Doug Anderson, representing the applicant, stated that on condition #2 on the rezoning, the recommendation in the staff report refers to the 35' buffer west of Henkley Avenue. Their site plan had the 35' buffer east of Henkley Avenue. Mr. Anderson said they had no problem with the staff recommendations, however, there was some opposition to this application present and he would like to make some statements concerning the application. He said he met with the neighbors prior to submitting this application and that Mr. Vallas and the developers had met with Connie Hudson, the Council representative for this district, and some of the neighbors. Mr. Billy Robinson, who was present today, was the representative of the neighborhood. He met with Mr. Robinson prior to submitting the application to go over with him what their plans were. Mr. Robinson responded by faxing a memorandum to his client with some concerns. He said they had responded to some of those concerns in the packet that was provided to the Commission. Included was a letter that was sent by his client to all the neighbors at the first meeting, and then Mr. Robinson's response to that meeting and his client's response back to Mr. Robinson. Some of their concerns they were able to deal with, others they could not agree with. They had tried since then to communicate with the neighbors but had not been successful. Mr. Anderson said that the developer had bent over backwards to communicate with the neighbors in an effort to resolve all issues as much as they could before the meeting today. He said the neighbors met with Connie Hudson on Tuesday

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night, but he was not invited to the meeting. He learned Wednesday morning, based on his conversations with Ms. Hudson and Ms. Pappas, that the neighbors had three main concerns that they were going to present today. First, they wanted the developer to agree to an 8' wooden privacy fence and a vegetative buffer as shown on their plat. Their plat had a 35' buffer on the south property line east of Henkley Avenue, and a 10' buffer west of Henkley Avenue. Mr. Anderson said they would also agree to keep that buffer in place as well as the fencing. Second, they had asked the developer to square off the south property line making it a straight line all the way from east to west. Mr. Anderson said they could not agree to that. They had already reduced the southwest property line to a large degree. They reduced the site by an acre, or 20 percent, based on the neighbors' request. Along Wesley Avenue they had given up 200 feet of this development that would be needed for retention. The property they were now asking them to remove from the development would create a lot less than 50' wide, which was a substandard lot. Instead of squaring that off since it was needed for retention, they would agree not to build any permanent improvements in that 47'-49' wide section. They felt with those conditions the neighbors adjacent to the property on the south would be well protected. Further, Mr. Anderson pointed out that this site did not go as far south as the Malaga Plaza, which was to the west across Wesley Avenue. As shown on the vicinity map it went 30 or 40 percent further into the residential area on that side of the street, so they would not be encroaching even close to that. He said the final issue was parking. He said when they first met with the neighbors they wanted them to stick with the 94 parking spaces, which was the minimum 3-1 parking ratio required by the City. He said that there was no way they could agree to that. He said that national and regional tenants required at least a 5-1 or 6-1 ratio. If they had less than that, the development would not be built. They would not be successful in bringing in outside development, national or regional retailers, to stimulate the growth of Mobile. He gave as an example the Panera Bread restaurant, which was a new development at Montlimar Drive and Airport Boulevard, where the developer was able to get a 6-1 parking ratio. Along with Fed Ex-Kinko's they filled up that parking lot, as shown in photos he presented. They had 15,000 square feet and only half of it was leased right now. They had a 6-1 parking ratio and it was not really sufficient. Mr. Anderson said they could have the same problem with this site if they were held to less than a 6-1 or 5-1 ratio. He pointed out that Ruby Tuesday's on Airport Boulevard had 159 parking spaces and the Roadhouse Grill across the street had 178 spaces. They were asking for 194 spaces. This was a proposed building and they did not know how many total square feet they would have or who their tenants would be until they got some leases. At that point they would be able to come up with a final site plan and a final number of parking spaces. Also, Mr. Anderson said 26 percent of the site would be landscaped; the City Ordinance require only 13 percent.

Ms. Deakle asked if the number of parking spaces was critical to attracting future tenants.

Mr. Anderson said yes. To attract national and regional tenants they needed a parking ratio better than 5-1.

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Ms. Pappas pointed out that the no-build area that would have no permanent improvements on it, could be used for retention. However, no structures, parking, or drives would be allowed.

Mr. Billy Robinson, 768 Henkley Avenue, said he and several other homeowners on Henkley Avenue were present today. They were concerned about a big commercial establishment in their back yards. With regard to the retention area, they were concerned about mosquitoes. He also expressed concern about drainage. Mr. Robinson said they were not opposed to this development, but they objected to how far they were going back into the neighborhood. They felt it would affect their property values. He pointed out that they were not proposing to go as far back as Plaza de Malaga, which he said was not fully occupied. There had been vacant buildings in there for years. He said they would like it to not be such a big development and they wanted less parking spaces. They would also like to see an 8' fence.

Mr. Clint Travis, a resident of 769 Henkley Avenue, said he was all for development of Airport Boulevard, but he felt this establishment would be too big. It would be encroaching into the residential property. He said they were many lots being developed in the neighborhood now and he was concerned about commercial encroachment. The drainage was also a concern.

Ms. Carla St. Paul stated that she was a resident of Henkley Avenue and was speaking on behalf of those who could not be here today. She said the neighbors had met and had put together their basic concerns, which they would like to present. She said they would like to echo the two other residents' point of view that no one was opposed to commercial development along Airport Boulevard in line with the B-1 zoning that was already established. She pointed out La-Z-Boy on the right and Mobile Medical and other offices. They felt these were completely appropriate. These establishments closed at 5:00 p.m. and there were no negative effects from them, and that actually they were an enhancement to the neighborhood. Among their concerns Ms. St. Paul said were drainage, the size of the development, and encroachment into the residential area. She said lots were being developed now in Pinehurst and they felt if the lots were available for residential development that it would happen. They felt the proposed development should be designed to preserve the neighborhood character with regard to property values, aesthetics, noise levels, lighting, health issues, and traffic safety. They felt the current B-1 classification for the contiguous property on Airport Boulevard was a most desirable zoning for the proposed development because the neighborhood was not negatively impacted. She noted that B-2 zoning was available in the adjacent Malaga Center which had been vacant. She questioned the need for this commercial development in the area, as there were many vacant retail sites further to the west. If the property must be developed, Ms. St. Paul said they would ask the following: (1) that the number of parking spaces be reduced, which would make it more appropriate to the area and also solve the problem of encroaching on the residential; (2) that the site be squared so it did not encroach on the residential area; (3) that the developer provide a 35' natural buffer along the complete south side of the lot, and they would request the same buffer on the other side; (4) that an 8' privacy fence be provided; (5) that the residents of Henkley

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Avenue be assured that their street would not be widened or opened; and (6) that the residents be assured that the south side area that projected into the residential area would not have improvements built on it. Ms. St. Paul said a holding pond was also a question because of health issues. She noted that counsel for the applicant suggested that the lot where the retention pond would be built was not a viable lot. She asked Ms. Pappas if that was correct.

Ms. Pappas stated that it was a legal lot of record for Pinehurst Subdivision, therefore a residence could be built on that lot.

Ms. St. Paul said they would work with the developers to make a good situation for appropriate commercial development of the area.

Ms. Janet Kennedy stated that she agreed with Ms. St. Paul on pretty much every issue. She said she lived on Wildwood Avenue where there was residential development going on now and she felt that the lots that they were talking about could very easily be used for residential development. The holding pond was also a concern. She said they already had one holding pond and this would contribute to their significant mosquito problem.

Ms. Pappas asked for a clarification regarding the vegetative buffer. She said there was not a distinction between natural or new in-fill plantings in the vegetative buffer.

Mr. Anderson said he did not know what they were going to do as far as removing some of the underbrush and in-filling, but they did plan to leave the trees.

Ms. Clarke stated that it was the staff's understanding, based on what the developer had submitted, that they wanted to seek a buffer strip left in its natural vegetative state with supplemental planting to give it density.

Mr. Anderson said they were agreeing to the 8' privacy fence and the standard buffers as indicated on the plat, but as to whether they were going to be left 100 percent in their natural state as they were today, he did not know. In response to comments made by the speakers, Mr. Anderson said that Mr. Robinson mentioned that this development was going to be in his back yard. He pointed out that there were two 50-foot lots between Mr. Robinson's residence and their proposed south property line. That was in addition to the buffer they were going to be giving him. Regarding lots being developed residential, he pointed out that the two lots north of Mr. Robinson had not been built on. Another speaker mentioned that this project was too big for this area. Mr. Anderson pointed out on a map three other developments adjacent to this site that intruded further into the residential than this development would. Further, they were requesting LB-2 zoning, not the B-2 or B-3 zoning, which existed in the area. Mr. Anderson said he agreed with the staff recommendation and asked that the Commission approve this request.

In discussion, a motion was made by Ms. Deakle to recommend the approval of this change in zoning to the City Council subject to the staff recommendations and the conditions offered by the applicant.

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Mr. Miller agreed with Ms. Deakle but wondered if there would be any good for a final sit down among the parties to see if they could work this out.

Ms. Deakle felt that was reasonable. It appeared from what had been presented today that there had been an effort to do that.

It was stated that there seemed to be two matters of contention here. One was the number of parking spaces and the size of the development. The other was whether this back 50 feet could be squared off or not. It was felt that the Commission needed to move on and determine whether or not the size and parking issues were something that needed to be adjusted or not, and whether or not there was any reason to push the issue on squaring off the back lot.

Ms. Deakle agreed that to attract a regional or national business, they would have to have a certain parking ratio. If the development did not meet the parking requirements they would go to another city. She felt there was a need for that 5-1 or 6-1 parking ratio for this development.

Ms. Pappas also noted that the developer had offered 26 percent landscaping.

Ms. Deakle amended her motion and was seconded by Mr. Holmes. The final motion was to recommend the approval of this change in zoning to the City Council subject to the following conditions:

- (1) vacation of the existing rights-of-ways prior to the recording of the final plat or issuance of any permits;
- (2) the provision of a 35-foot buffer along the south property line, located East of Henkley Avenue, adjacent to the existing residence as illustrated on the site plan submitted;
- (3) provision of a 10-foot buffer where the site adjoins residential zoning;
- (4) the provision of an eight-foot wooden privacy and vegetative buffer where the site adjoins residential zoning, as offered by the applicant;
- (5) full compliance with the landscaping and tree planting requirements of the Ordinance;
- (6) provision of sidewalks;
- (7) the approval of Traffic Engineering and Urban Development for the number, location and design of all curb cuts;
- (8) the provision of a (modified turnaround) at the northern terminus of Henkley Avenue;
- (9) denial of direct access to Henkley Avenue;
- (10) that no structures, parking or driveway(s) may be constructed within the southern 50' (between Wesley Avenue and Henkley Avenue [to be vacated]), as offered by the applicant;
- (11) that 26% of the site be landscaped, as offered by the applicant; and
- (12) full compliance with all municipal codes and ordinances.

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Mr. Vallas recused. The motion carried.

Case #SUB2004-00213

Wesley Station Subdivision

Southeast corner of Airport Boulevard and Wesley Avenue, extending through Henkley Avenue (unopened right-of-way, to be vacated), to the West terminus of Old Government Street (unopened right-of-way, to be vacated), 150'± West of Wildwood Avenue.

1 Lot / 4.4± Acres

Council District 6

(For discussion, see Case #ZON2004-02004 - **Clark, Geer, Latham & Associates, Inc.** – Above)

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

- (1) the provision of an eight-foot wooden privacy and vegetative buffer where the site adjoins residential zoning, as offered by the applicant;
- (2) placement of a note on the final plat stating that no structures, parking or driveway(s) may be constructed within the southern 50' (between Wesley Avenue and Henkley Avenue [to be vacated]), as offered by the applicant;
- (3) completion of the vacation process prior to the recording of the final plat;
- (4) placement of a note on the final plat stating that the approval of Traffic Engineering and Urban Development is required for the location, number and design of all curb cuts;
- (5) the provision of a modified turnaround at the northern terminus of Henkley Avenue; and
- (6) placement of a note on the final plat stating that access to Henkley Avenue is denied.

Mr. Vallas recused. The motion carried.

NEW ZONING APPLICATION:

Case #ZON2004-02008

Joe Vinson

442 Azalea Road (West side of Azalea Road, 195'± South of Springdale Road).

The request for a change in rezoning from B-1, Buffer Business, to LB-2, Limited Neighborhood Business, to allow an interior decorating shop was considered.

Council District 5

The site plan illustrates the existing buildings, parking, pavement, and wooded buffer.

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 Ms. Deakle and seconded by Dr. Laier to recommend the approval of this change in zoning to the City Council subject to the following conditions:

- (1) the provision of a buffer, in compliance with Section IV.D.1. where the site adjoins residential zoning;
- (2) full compliance with the landscaping and tree planting requirements of the Ordinance; and
- (3) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

NEW PLANNING APPROVAL APPLICATION:

Case #ZON2004-02003

NL Cottage Hill LP (John Toomey & Co., Inc., Agent)

2970 Cottage Hill Road (Northeast corner of Cottage Hill Road and Broadcast Drive).

The request for Planning Approval to allow a technical school in a B-1, Buffer Business district was considered.

Council District 5

Mr. Doug Anderson was representing the applicant and concurred with the staff recommendation.

There was no one present in opposition.

A motion was made by Dr. Laier and seconded by Mr. Miller to approve this plan.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2004-00208

Joan E. Baxter Subdivision

Northwest corner of Dawes Road and Baird Coxwell Road.

2 Lots / 6.5± Acres

Ms. Joan Baxter of 5078 Dawes Road, applicant, was present and asked about the staff's recommendation #2 limiting curb cuts to Dawes Road from Lots 1 and 2 to one curb cut each. Ms. Baxter said that there were already existing curb cuts for Lots 1 and 2 on Dawes Road. There was also an existing curb cut at the back corner of Lot 2 on Baird Coxwell Road. She also asked for clarification of condition #5 which would require a buffer on any lots that were developed commercially and adjoin residentially developed property.

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Mr. Plauche explained that it would either be a vegetative buffer such as a tall hedge, or a 6' privacy fence between the commercial and residential.

There was no one present in opposition.

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

- (1) the provision of a 75-foot setback (which includes the required minimum building setback of 25-feet) from the centerline of Dawes Road;
- (2) the placement of a note on the final plat stating that the location, size and design of any additional curb cuts must be approved by County Engineering;
- (3) the placement of a note on the final plat stating that direct access to Baird Coxwell Road for commercial development is denied until it is paved;
- (4) the dedication of a 25-foot radius at the corner of Dawes Road and Baird Coxwell Road;
- (5) 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
- (6) the placement of a 25-foot minimum setback line along Baird Coxwell Road on the final plat.

The motion carried unanimously.

Case #SUB2004-00216

M. D. Place Subdivision

Southeast corner of Higgins Road and Audubon Drive.

2 Lots / 5.6± Acres

Council District 4

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

There was no one present in opposition.

A motion was made by Mr. Watkins 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 approval of all applicable federal, state and local agencies prior to the issuance of any permits; and
- (2) the placement of the 25-foot minimum setback lines on the final plat.

The motion carried unanimously.

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Case #SUB2004-00209

Mandrell's Addition to Miramar Heights Subdivision, Resubdivision of Lot 12, Block B

5028 Burma Road West (Northeast corner of Burma Road West and West Brookfield Drive).

2 Lots / 0.8± Acres

Council District 4

Rev. Jim Gabel, applicant, was present and stated that this application was to resubdivide his property into two lots.

There was no one present in opposition.

A motion was made by Mr. Holmes and seconded by Mr. Miller to approve this subdivision.

The motion carried unanimously.

Case #SUB2004-00211

Rosalyn Salter Subdivision

South side of Scott Dairy Loop Road South, 540'± East of Arlington Oaks Drive.

2 Lots / 21.5± Acres

This application was withdrawn prior to the meeting at the applicant's request.

Case #SUB2004-00212

Wimmer Family Division Subdivision

West side of Cedar Crescent Drive, 75'± South of the West terminus of North Drive, extending to the West terminus of Shore Acres Drive.

7 Lots / 6.8± Acres

Council District 3

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 Mr. Miller and seconded by Dr. Laier to waive Section V.D.3., of the Subdivision Regulations, and approve this subdivision.

The motion carried unanimously.

OTHER BUSINESS:

Oak Grove, Unit One

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Ms. Pappas stated that when this subdivision was subdivided, phasing was not shown, however, they were constructing these two developments in phases. Because phasing was not shown when it was presented to the Planning Commission, a specific condition of a temporary turnaround at the end of the street stubs as they were built was not required. She said it was standard practice, however, to require those so that garbage trucks, mail carriers and so forth would have a place to turn around and get back out. Before the streets are continued the applicant on these two developments was asking that the provision of the temporary turnaround not be required.

Mr. Stewart said that these two developers were proposing to put in an aggregate turnaround.

Ms. Clarke said the private sector engineer was present and had requested the Planning Commission's and the County Engineer's approval, that in lieu of constructing a hard surface turnaround, they be allowed to go with a more temporary aggregate type material, which was not standard practice for what the Commission usually did.

Mr. Jerry Luker, engineer for the developer, said that the next year of construction was going to start almost immediately upon approval. The improvements in Unit 1 had been constructed and they were ready to get the County's final acceptance. They were asking that in lieu of constructing an asphalt turnaround, that they do it with a crushed stone. It would be essentially the same dimensions, because by the time there were houses in the subdivision the next unit would be under construction. So they would be tearing up what they had just built.

Ms. Clarke said the staff agreed that Mr. Luker's statement was reasonable. At the same time, an "almost immediately" timeframe was subjective and would be based on market factors, economics, builders and such. It may be reasonable to say upon acceptance of the fully developed streets, then a temporary aggregate turnaround would be allowed for one year.

Mr. Luker said that was more than reasonable.

Mr. Don Coleman stated that they had the same situation with the Plantation West Subdivision. He said the applicant had completed the streets and had authorized Rester and Coleman Engineers to do the plans. They were through with the plans and it was his understanding that they were going to start the next unit almost immediately after the County accepted the streets in the subdivision. They did not see any point of doing the paving because they would have to tear it out. He said they would not object to the time limit.

Mr. Stewart said to give them an incentive to conform to that time frame, the County required a \$30,000 cashier's check per turnaround. They would keep the check for a year to ensure that they had money to build a cul-de-sac in the event that it was not done by the applicant.

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Mr. Plauche asked if the cashier's check would be in the recommendation.

Ms. Pappas said it would not be, as it was not a requirement of the Subdivision Regulations.

A motion was made by Mr. Plauche and seconded by Ms. Deakle to allow the requested aggregate temporary turnaround for a period of no longer than one year from date of acceptance of the newly constructed streets.

The motion carried unanimously.

Plantation West, Unit One

(See Oak Grove, Unit 1, above, for discussion.)

A motion was made by Mr. Plauche and seconded by Ms. Deakle to allow the requested aggregate temporary turnaround for a period of no longer than one year from date of acceptance of the newly constructed streets.

The motion carried unanimously.

Call for Public Hearing: November 4, 2004

To consider the LaSalle Street – Major Street Plan

Mr. Plauche called for a Public Hearing to be held on November 4, 2004, regarding a proposed amendment to the Major Street Plan pertaining to LaSalle Street.

There being no further business, the meeting was adjourned.

APPROVED: December 16, 2004

/s/ Terry Plauche, Chairman

/ms and jh