

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF APRIL 21, 2011 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Nicholas H. Holmes, III
Herb Jordan
Mead Miller
Roosevelt Turner
John Vallas
James F. Watkins, III, Acting Chairman

Members Absent

Terry Plauche, Chairman
William G. DeMouy, Jr.
Victoria L. Rivizzigno, Secretary
Stephen J. Davitt, Jr.

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Frank Palombo,
Planner II
David Daughenbaugh,
Urban Forestry Coordinator
Joanie Stiff-Love,
Secretary II

Others Present

John Lawler,
Assistant City Attorney
Rosemary Sawyer,
City Engineering
District Chief Billy Roach,
Fire-Rescue Department

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

Mr. Watkins was the acting Chair for the meeting and stated the number of members present constituted a quorum and called the meeting to order, advising all attending of the policies and procedures pertaining to the Planning Commission.

APPROVAL OF MINUTES:

Mr. Miller moved, with second by Mr. Vallas, to approve the minutes from the following regular meeting:

- March 17, 2011

The motion carried unanimously.

HOLDOVERS:

Case #ZON2011-00322 (Rezoning)

Joe Mason Subdivision

1412 & 1416 Wolf Ridge Road

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

Rezoning from B-2, Neighborhood Business District, to B-3, Community Business District, to allow automobile sales.

Council District 1

April 21, 2011
PLANNING COMMISSION MEETING

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

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

- 1) **limited to the voluntary conditions and use restrictions submitted by the applicant on March 30, 2011;**
- 2) **compliance with Urban Forestry comments: “*Preservation status is to be given to the 60” Live Oak Tree and the 66” Live Oak Tree located in the center of the proposed development; any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;*”**
- 3) **revision of the site plan to indicate all required landscaping area and tree planting as being on the site, outside of the right-of-way, or any required dedication area;**
- 4) **provision of two copies of the revised site plan to the Planning Section of the Urban Development Department; and,**
- 5) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2011-00122 (Planned Unit Development)

Whisper Oak Subdivision

4512 Higgins Road

(North side of Higgins Road, 215'± West of Shipyard Road)

Planned Unit Development Approval to allow a mobile home park with 22 mobile home spaces and one apartment building with gravel accessways and parking.

Council District 4

(Also see **Case #ZON2011-00119 (Planning Approval) Whisper Oak Subdivision**, and, **Case #ZON2011-00121 (Rezoning) David L. Pitts**, below)

The Chair announced the application had been recommended for approval. He added if anyone wished to speak on the matter they should do so at that time.

Brett Orrell, Polysurveying of Mobile, spoke on behalf of the applicant and asked that the matter be held over to allow time for the Board of Zoning Adjustment to hear and respond to the applicant’s request for variance.

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Mr. Miller, to hold the matter over until the May 19, 2011, meeting, at the applicant’s request.

April 21, 2011
PLANNING COMMISSION MEETING

The motion carried unanimously.

Case #ZON2011-00119 (Planning Approval)

Whisper Oak Subdivision

4512 Higgins Road

(North side of Higgins Road, 215'± West of Shipyard Road)

Planning Approval to allow a mobile home park in an R-3 Multiple Family Residential District.

Council District 4

(Also see **Case #ZON2011-00122 (Planned Unit Development) Whisper Oak Subdivision**, above, and, **Case #ZON2011-00121 (Rezoning) David L. Pitts**, below)

The Chair announced the application had been recommended for approval. He added if anyone wished to speak on the matter they should do so at that time.

Brett Orrell, Polysurveying of Mobile, spoke on behalf of the applicant and asked that the matter be held over to allow time for the Board of Zoning Adjustment to hear and respond to the applicant's request for variance.

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Mr. Miller, to hold the matter over until the May 19, 2011, meeting, at the applicant's request.

The motion carried unanimously.

Case #ZON2011-00121 (Rezoning)

David L. Pitts

4512 Higgins Road

(North side of Higgins Road, 215'± West of Shipyard Road)

Rezoning from R-1, Single-Family Residential District, to R-3 Multiple Family Residential District to allow a mobile home park.

Council District 4

(Also see **Case #ZON2011-00122 (Planned Unit Development) Whisper Oak Subdivision**, and, **Case #ZON2011-00119 (Planning Approval) Whisper Oak Subdivision**, above)

The Chair announced the application had been recommended for approval. He added if anyone wished to speak on the matter they should do so at that time.

Brett Orrell, Polysurveying of Mobile, spoke on behalf of the applicant and asked that the matter be held over to allow time for the Board of Zoning Adjustment to hear and respond to the applicant's request for variance.

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Mr. Miller, to hold the matter over until the May 19, 2011, meeting, at the applicant's request.

The motion carried unanimously.

Case #SUB2011-00021 (Subdivision)

Summer Subdivision

6133 Old Shell Road and 75 & 79 West Drive

(Southeast corner of Old Shell Road and West Drive)

Number of Lots / Acres: 3 Lots / 4.0± Acres

Engineer / Surveyor: Clark, Geer, Latham and Associates, Inc.

Council District 6

(Also see **Case #ZON2011-00451 (Planned Unit Development) University Grande Apartment Complex**, and, **Case #ZON2011-00452 (Rezoning) Davis Companies, LLC**, below)

Mr. Vallas recused himself from discussion and voting on the matter.

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Watkins, with second by Mr. Turner, to hold the matter over until the May 19, 2011, meeting and all information should be submitted by May 2, 2011, for the following reasons:

- 1) **dedication to provide sufficient right-of-way along West Drive to provide for the addition of the turn lane, as required by Traffic Engineering;**
- 2) **compliance with Traffic Engineering Comments: “*The developer must follow the new recommendations as well as the recommendations from the June 2008 study. In addition, the developer must submit construction plans for the addition of the turn lane on West Drive as it appears additional ROW may be required;*”**
- 3) **retention of the 25-foot minimum building line along all public rights-of-way, with modifications as necessary due to any required dedication;**
- 4) **combining Lots 2 & 3 into one lot, named Lot 2;**
- 5) **placement of a note on the Final Plat limiting Lot 2 to two curb-cuts, with the size, design, and exact location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 6) **placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species; and,**
- 7) **completion of the rezoning process.**

April 21, 2011
PLANNING COMMISSION MEETING

The motion carried unanimously.

Case #ZON2011-00451 (Planned Unit Development)

University Grande Apartment Complex

6133 & 6201 Old Shell Road and 75 & 79 West Drive

(Southeast and Southwest corners of Old Shell Road and West Drive)

Planned Unit Development Approval to allow multiple buildings on a single building site, off-site parking and shared access.

Council District 6

(Also see Case #SUB2011-00021 (Subdivision) **Summer Subdivision**, above, and, Case #ZON2011-00452 (Rezoning) **Davis Companies, LLC**, below)

Mr. Vallas recused himself from discussion and voting on the matter.

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Watkins, with second by Mr. Turner, to hold the matter over until the May 19, 2011, meeting and all information should be submitted by May 2, 2011, for the following reasons:

- 1) **additions of buffering along adjacent residential properties and West Drive as required by The Zoning Ordinance;**
- 2) **provide an appropriate dumpster enclosure and sanitary sewer connection for all dumpsters on the site;**
- 3) **provide signage within the off-site parking lot stating that the lot is for the residents of University Grande Apartment Complex to be approved by Urban Development;**
- 4) **provide design and style characteristics for the parking lot;**
- 5) **how the lot will be maintained to minimize debris;**
- 6) **security measures to enhance safety;**
- 7) **full compliance with the tree planting and landscaping requirements of the Zoning Ordinance;**
- 8) **compliance with Traffic Engineering Comments: “The developer must follow the new recommendations as well as the recommendations from the June 2008 study. In addition the developer must submit construction plans for the addition of the turn lane on West Drive as it appears additional ROW may be required;”**
- 9) **compliance with Engineering Comments: “Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;”**

- 10) to provide design and style characteristics for the parking lot that are consistent with the University Grande Apartment Community;
- 11) to maintain the lot in order to minimize debris;
- 12) to provide security measures to enhance safety;
- 13) provision of two copies of the revised site plan to the Planning Section of the Urban Development Department indicating compliance with all of the aforementioned conditions; and,
- 14) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2011-00452 (Rezoning)

Davis Companies, LLC

6133 Old Shell Road

(Southeast corner of Old Shell Road and West Drive)

Rezoning from R-1, Single-Family Residential District, to R-3, Multiple-Family Residential District, to allow an off-site parking lot for an apartment complex.

Council District 6

(Also see Case #SUB2011-00021 (Subdivision) **Summer Subdivision**, and,

Case #ZON2011-00451 (Planned Unit Development) **University Grande Apartment Complex**, above)

Mr. Vallas recused himself from discussion and voting on the matter.

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Watkins, with second by Mr. Turner, to hold the matter over until the May 19, 2011, meeting and all information should be submitted by May 2, 2011, for the following reasons:

- 1) **amending the rezoning from B-2, Neighborhood Business and R-1, Single-Family Residential to R-3, Multi-Family Residential;**
- 2) **compliance with Traffic Engineering Comments: “The developer must follow the new recommendations as well as the recommendations from the June 2008 study. In addition the developer must submit construction plans for the addition of the turn lane on West Drive as it appears additional ROW may be required;”**
- 3) **to provide design and style characteristics for the parking lot that are consistent with the University Grande Apartment Community;**
- 4) **to maintain the lot in order to minimize debris;**
- 5) **to provide security measures to enhance safety;**

April 21, 2011
PLANNING COMMISSION MEETING

- 6) to allow the lot to revert to the original zoning of R-1, Single-Family Residential when/if the parking lot cease to be a parking lot;
- 7) full compliance with the tree planting and landscaping requirements of the Zoning Ordinance; and,
- 8) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2011-00026

Woodham Subdivision

7501 and 7555 Half Mile Road

(Southwest corner of Half Mile Road and Padgett Switch Road)

Number of Lots / Acres: 2 Lots / 16.2± Acres

Engineer / Surveyor: Preble-Rish LLC

County

The Chair announced the application had been recommended for approval. He added if anyone wished to speak on the matter they should do so at that time.

John Avent, Preble-Rish, spoke on behalf of the applicant, and asked that the buffer requirement be removed as Lot 1 was not residential and Lot 2 had an existing vegetative buffer in place. He added that in lieu of that requirement a note be placed on the Final Plat that stated the applicant would maintain the existing trees and vegetation in the current buffer within ten feet of the southwest property lines.

Dorothy O'Berry Whitney, 9550 Pagett-Switch Road, Irvington, AL, spoke against the matter and made the following points:

- A. owned 11 acres adjacent to the south boundary of the already commercial property;
- B. property currently had terrible issues as it was flood prone;
- C. presented pictures to document the flooding issues;
- D. previously there was a drainage ditch on the boundary line, however, it did not work as the sand from the sandblasting business on the site had filled in said ditch;
- E. previously contacted the County regarding this and the County required the commercial property owner to install screens, but those were never installed;
- F. the commercial property owners were asked by the County to install a retaining pond, which was never done;
- G. County Road 39 was widened, which resulted in a reduction in the size of her property;
- H. noted the sandblasting sand had started to fill her catfish pond;

April 21, 2011
PLANNING COMMISSION MEETING

- I. noted with every heavy rain, her garage flooded, and they had to dig out about a half a pick-up truck load of the adjacent sandblasting company's sand; and,
- J. had installed additional drainage on their property including sump pumps to protect their investment.

Mr. Watkins advised Mrs. Whitney one of the staff requirements addressed the property being brought into compliance with the City's Stormwater and Flood Control Ordinances, so the issues she brought to the Commission's attention would have to be addressed.

Mrs. Whitney asked if the term "subdivision" meant they were trying to divide the property for residential use.

Mr. Watkins advised that was not the case. He noted the applicant was proposing taking the one lot they currently had and dividing it into two lots, but it would not prohibit them from later dividing the property again and those lots possibly being residential in nature.

Mr. Vallas noted currently there was nothing the Planning Commission could do to address the issues she had discussed, however, once it was approved by the Commission, then the conditions for approval which addressed those issues could be enforced.

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

- 1) **depiction of the 25-foot minimum building setback line from all public right-of-ways, as required by Section V.D.9. of the Subdivision Regulations;**
- 2) **the labeling of each lot with its size in square feet, or placement of a table on the plat with the same information;**
- 3) **placement of a note on the Final Plat stating that the 10' Landscape buffer along the south and west line of Lot 2 to be maintained in its existing vegetative state;**
- 4) **placement of a note on the Final Plat to comply with the City of Mobile stormwater and flood control ordinances (*Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits*);**

April 21, 2011
PLANNING COMMISSION MEETING

- 5) approval of all applicable federal, state, and local agencies prior to the issuance of any permits or land disturbance activities;
- 6) placement of a note on the Final Plat limiting Lot 1 to one curb-cut to Half Mile Road, and Lot 2 with one curb-cut each on Half Mile Road and Padgett Switch Road, with the size, design, and location of all curb-cuts to be approved by Mobile County Engineering and conform to AASHTO standards;
- 7) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities; and,
- 8) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2011-00032

Brenda Parker Subdivision

3609 Riviere Du Chien Road

(East side of Riviere Du Chien Road, 500' North of its Southern terminus)

Number of Lots / Acres: 2 Lots / 3.2± Acres

Engineer / Surveyor: Austin Engineering Co. Inc.

Council District 4

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Miller, with second by Mr. Turner, to waive Section V.D.3. and approve the matter, subject to the following conditions:

- 1) placement of a note on the Final Plat stating that each lot is limited to one curb-cut to Riviere du Chien Road, with the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) labeling of each lot with its size in acres and square feet, or the furnishing of a table on the final plat providing the same information;
- 3) illustration of the 25' minimum building setback line on each lot;
- 4) revision of the plat to remove the proposed minimum side yard setbacks on both lots;
- 5) revision of the plat to illustrate existing structures meet the minimum side yard setbacks off the proposed interior property

- line or demolition of noncompliant structures prior to signing the Final Plat;
- 6) placement of a note on the Final Plat stating that if NWI wetlands are present on the site, the approval of all applicable federal, state, and local agencies would be required prior to the issuance of any permits or land disturbance activities;
 - 7) placement of a note on the Final Plat stating that development of this site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species; and,
 - 8) subject to the Engineering Comments: *(Check the flood zones shown on the plat; it appears the entire site is AE/X-Shaded flood zone. Show the minimum finished floor on each lot on the plat. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit).*

The motion carried unanimously.

Case #SUB2011-00031
Summer Woods Phase 3 Subdivision, Amended

Northwest corner of Westlake Road and Scott Dairy Loop Road West, extending to the East termini of Summer Woods Circle South, Summer Woods Circle North and Summer Woods Court.

Number of Lots / Acres: 23 Lots / 7.4± Acres
Engineer / Surveyor: Don Williams Engineering
County

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Miller, with second by Mr. Jordan, to approve the matter, subject to the following conditions:

- 1) dedication and construction of the streets to County standards;
- 2) retention of a note on the Final Plat stating that Lot 121 is denied direct access to West Lake Road, and Lots 109, 110, 114, 115, 119, 120, and 121 are denied direct access to Scott

Dairy Loop Road West;

- 3) retention of a note on the Final Plat stating that each lot is limited to one curb-cut, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 4) retention of the minimum building setback line along all interior street frontages and revision of the plat to illustrate a 25' minimum building setback line where the drainage easement along West Lake Road and Scott Dairy Loop Road West is removed;**
- 5) retention of the table illustrating lot sizes on the plat or provision of the same information on the individual lots;**
- 6) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;**
- 7) placement of a note on the Final Plat stating that no construction is allowed within any easement;**
- 8) placement of a note on the Final Plat stating that the maintenance of all common areas is the responsibility of the property owners and not Mobile County;**
- 9) placement of a note on the Final Plat stating the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;**
- 10) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species; and,**
- 11) 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.8. of the Subdivision Regulations.**

The motion carried unanimously.

Case #SUB2011-00028

Legacy Subdivision, Phase Three

Southern terminus of Heritage Circle

Number of Lots / Acres: 31 Lots / 64.3± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

County

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Mr. Olsen addressed the Commission and stated Condition 9 was redundant as it was covered in an earlier condition. He also stated Condition 12, which was regarding municipal codes and ordinances, would not apply as the property was located in the County. He then asked that both of those conditions be struck.

Jerry Byrd, Byrd Surveying, Inc., spoke on behalf of the applicant, and agreed to Mr. Olsen's request.

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

- 1) **depiction of the 25-foot minimum building setback line from all public right-of-ways, as required by Section V.D.9. of the Subdivision Regulations;**
- 2) **the labeling of each lot with its size in square feet, or placement of a table on the Final Plat with the same information;**
- 3) **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.8. of the Subdivision Regulations;**
- 4) **placement of a note on the Final Plat to comply with the City of Mobile stormwater and flood control ordinances: *(Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits.);***
- 5) **approval of all applicable federal, state, and local agencies prior to the issuance of any permits or land disturbance activities;**
- 6) **placement of a note on the Final Plat limiting each lot to one**

- curb-cut to Heritage Circle, with the size, design, and location of all curb-cuts to be approved by Mobile County Engineering and conform to AASHTO standards;
- 7) provision of a turn-around to be approved by County Engineering at the terminus of Heritage Circle;
 - 8) placement of a note on the Final Plat stating that the maintenance of all common areas and detention facilities is the responsibility of the property owners and not Mobile County;
 - 9) placement of a corrected legal description; and,
 - 10) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.

The motion carried unanimously.

Case #SUB2011-00027

Kendall Brook Subdivision

9601 Nursery Road

(South side of Nursery Road, 110'± East of Raphael Court extending to the North side of Wulff Road South)

Number of Lots / Acres: 42 Lots / 11.3± Acres

Engineer / Surveyor: Preble-Rish LLC

County

The Chair announced the application had been recommended for approval. He added if anyone wished to speak on the matter they should do so at that time.

John Avent, Preble-Rish, spoke on behalf of the applicant and requested the condition regarding the eastern stub-out road be removed. He noted they would like to move the stub-out road as they have an option on 40 acres of property to the south of the proposed subdivision which went all the way to Wulff Road. He stated moving the stub-out road would allow them access to the additional property which would become the next phase of the project.

Mr. Vallas asked if they developed to the south then they would not need the stub-out to the east.

Mr. Avent responded if they developed any further they would stub-out to the east.

Mr. Olsen noted the applicant's position, however, as the staff had no comprehensive plan or application that included the property to the south, the street, as proposed, exceeded the maximum length for a closed-in street, which was one of the reasons the staff requested the street stub to the east with this application, as there was not guarantee the future units would ever come on line. He also noted that without the street in

April 21, 2011
PLANNING COMMISSION MEETING

question, the application would not comply with the Subdivision Regulations.

Mr. Turner asked if there was anything that could be noted on the plat to stipulate to it.

Mr. Lawler advised if the stub-out was not included at this time it could not be gotten later.

The following people spoke against approving the above referenced matter:

- Mark Leousis, 9651 Wulff Road, Mobile, AL; and,
- Alice Baker, 9200 Roberts Lane East, Mobile, AL, representing the Holly and Camellia LLC.

They made the following points against the matter:

- A. expressed concern over the large number of lots proposed on this property;
- B. expressed concern over safety;
- C. expressed concern over flooding and drainage issues already in existence;
- D. expressed concern over a retention area;
- E. expressed concern there were no play grounds or areas for children to play;
- F. noted there was a real move to maintain larger lot sizes in the Semmes area;
- G. expressed concern the drainage ditch on the property across the road from the property in question would flood, thus flooding the property as well, if the project was approved as proposed; and,
- H. noted they could not determine the lot sizes based upon the information provided.

Mr. Vallas commented the common area noted was probably for retention; however the engineer could address that, however, the Planning Commission did not typically require playgrounds unless the applicant was requesting an innovative subdivision.

Mr. Olsen responded to Ms. Baker's comments that based upon the plat, the minimum lot size was 8100 square feet, which exceeded the minimum 7200 square feet required by the Subdivision Regulations. He noted, regarding the drainage issues discussed, the site would have to comply with the City of Mobile's Stormwater ordinance, which in essence required they design their drainage and detention facilities in such a way that water did not leave their property to any greater extent, post development, than it did currently or be channeled or directed to any greater flow than currently. He noted that should help the situation with regard to runoff.

Hearing no further opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Miller, to approve the above referenced matter, subject to the following

conditions:

- 1) construction of all streets to Mobile County standards, and acceptance of the streets by Mobile County prior to the recording of the Final Plat;
- 2) placement of a street name for the proposed new road, to be approved by County Engineering, on the Final Plat;
- 3) revision of street layout to illustrate a street stub along the Eastern boundary to access future development;
- 4) placement of a note on the Final Plat stating that each lot is limited to one curb-cut, with the size, design, and location to be approved by Mobile County Engineering;
- 5) placement of a note stating that Lots 1 and 22 are denied direct access to Nursery Road;
- 6) the traffic island, entrance median, and detention areas be labeled as common areas, and placement of a note on the Final Plat stating that the maintenance of the detention common areas is the responsibility of the property owners;
- 7) placement of a note on the Final Plat stating that subdivision of the future development area will require dedication along Wulff Road, if adjacent to Wulff Road;
- 8) clarification of the drainage easement to the detention area to include ingress and egress for maintenance;
- 9) placement of the 25-foot minimum building setback line, and placement of the note on the Final Plat;
- 10) placement of a note on the Final Plat stating the subdivision *“Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits;”*
- 11) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;
- 12) 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.8. of the Subdivision Regulations; and,
- 13) labeling of the lot area size, in square feet, or provision of a table on the Final Plat with the same information, with changes as necessary due to dedications.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2011-00749

Charter South

810 Dauphin Island Parkway

(Southwest corner of Dauphin Island Parkway and Halls Mill Road)

Request to waive construction of a sidewalk along Dauphin Island Parkway and Halls Mill Road).

Council District 3

The Chair announced the application and added if anyone wished to speak on the matter they should do so at that time.

Frank Dagley, Frank A. Dagley and Associates, spoke on the matter and made the following points in favor of approving the requests for both locations:

- A. noted that in conjunction with this project, a 22.5 foot section of property was dedicated to the City for future widening of Halls Mill Road and consequently the sidewalk would be located approximately 18 feet or so from the right-of-way;
- B. noted the sidewalk, if constructed, would almost touch the building;
- C. the concern and justification for asking for the sidewalk waiver was the difference in elevation on the property with regards to where the sidewalk should be located;
- D. noted the contours on the site plan may not have illustrated the difference in elevations well enough for the staff, but there was approximately a three foot drop from the sidewalk to the right-of-way line, which was about four times what one would want;
- E. expressed the belief it would be dangerous to walk some three to four feet above the road; and,
- F. noted the sidewalk would simply terminate with the pedestrian left to walk down a hill to get off the sidewalk.

Mr. Turner asked if there were currently any sidewalks in the area.

Mr. Olsen stated there were not any he was readily aware of. He noted the staff's recommendation was always based upon Engineering comments and whether or not the sidewalk could, physically, be constructed because, ideally, the construction of new sidewalks was seen as "a link in the chain." He added if the Commission wanted to consider Mr. Dagley's comments, based upon Engineering comments it might be appropriate to hold the matter over so Engineering could address Mr. Dagley's remarks.

April 21, 2011
PLANNING COMMISSION MEETING

Mr. Watkins recognized Rosemary Sawyer, City Engineering, who stated there had been grading on the site adjacent to the building which would go over into the right-of-way which was not shown on the cross section, which was the reason for the denial.

Mr. Vallas asked after looking at it on the site plan if Engineering had different feelings regarding the matter.

She responded yes, as now there was proposed grading which would make it buildable, so her department stood by its denial of the waiver. She noted if the applicant wanted to submit a more accurate cross section which showed the proposed grading, then it would be fine to hold the matter over, however, based upon the current site plan, the denial from the Engineering Department stood.

Mr. Dagley asked if it could be held over for only one meeting as the project was almost complete.

Mr. Sawyer agreed with the one meeting hold over.

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Mr. Vallas, to hold the matter over until the May 5, 2011, meeting.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2011-00030 (Subdivision)

Springhill Boat Storage Subdivision

115, 201, 203 and 205 Furr Street

(West side of Furr Street, 370'± North of Old Shell Road).

Number of Lots / Acres: 1 Lot / 0.8± Acre

Engineer / Surveyor: Frank A. Dagley & Associates, Inc.

Council District 1

(Also see **Case #ZON2011-00750 (Planned Unit Development) Springhill Boat Storage**, and, **Case #ZON2011-00752 (Rezoning) Fallback Fund, LLC, D. B. A. Springhill Boat Storage**, below)

The Chair announced the application had been recommended for approval. He added if anyone wished to speak on the matter they should do so at that time.

The following people spoke in favor of the matter:

- Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant; and,
- Jeremy Millings, White-Spunner and Associates, who represented the ownership group as well as being a managing member of Fallback Fund LLC.

April 21, 2011
PLANNING COMMISSION MEETING

They made the following points:

- A. passed out a rendering of the proposed facility;
- B. noted the property contained a dilapidated house and a small metal shed, with the majority of the property vacant;
- C. noted an application to rezone the property for offices and warehouses had been denied in 1999;
- D. noted the property was vacant in 1999 and was still vacant;
- E. noted the current proposed use was more desirable than the proposed use of 1999;
- F. noted traffic created by this use would be minimal and in the winter months said traffic might be zero;
- G. noted the staff report stated no indication had been given as to changes in the area, however, it was felt that the property being vacant for the last 12 years was an indication there was no residential interest in the property;
- H. noted property on two sides of the site in question was zoned as B-3, as well as having B-3 zoned property across the street;
- I. felt if the opposition would look at the renderings they would see the project would be conducive to the neighborhood, as the buildings would create a shield with regards to noise and there would be heavy landscaping across the front with one driveway entrance in the middle of the facility with no exposed, overhead doors or exposed windows, making the overall site and use creating minimal impact on the surrounding residential properties;
- J. passed out booklets to the staff and Commission regarding the matter;
- K. gave a brief history of how the proposed development came to be;
- L. noted Furr Street had historically been a mixture of residential and commercial;
- M. noted they had met with Mrs. Edwards, the neighbor to the north of the property and she had been shown the rendering as well;
- N. expressed the feeling that with the removal of the current building on the property, as well as the regular upkeep of the property which would take place as a result of its proposed use, the property would be dramatically improved over its current condition, which would also improve the surrounding neighborhood;
- O. noted there were two commercial properties on either side of the property and the neighborhood was historically a mix of commercial and residential; and,
- P. expressed the feeling that the use as storage of recreational, personal boats and watercraft would have individuals in to get their boats for the weekend and then brought back, creating a limited daily impact on the property and prove to be minimally invasive to the community as a whole.

April 21, 2011
PLANNING COMMISSION MEETING

Mr. Vallas noted Mr. Dagley had referenced a shed on the property but the site plan indicated a warehouse. Mr. Vallas asked if the property had any previous history as commercial property.

Mr. Dagley stated he was unsure of what the previous use of the building in question had been. He noted the property was owned by Springhill Lighting.

Mr. Olsen advised he believed warehouse was terminology used by the GIS Department based upon the size of the shed and not a specific reference to use

Mr. Miller, noting the potential for opposition, asked if the applicant might be willing to consider voluntary restrictions regarding hours of operation.

Mr. Dagley deferred such answers to the developers who were also present.

Mr. Turner asked if the rendering had been presented to the opposition to which Mr. Dagley responded the developers would be better suited to answer that question.

Mr. Miller asked if the proposed development was primarily for winter storage or more like “garage-ing” a boat.

Mr. Millings said it would probably be both, depending upon the individual needs.

Mr. Miller wondered if the units would house a single, small boat or would they be large enough to house a couple of smaller boats.

Mr. Millings stated his belief the width of the units would limit the ability to house more than one boat. He then referenced two similar facilities in the city and noted that typically the situation was one person/unit, one boat as the units measured 30 feet. He noted the facility was geared towards boat owners who lived in areas such as Midtown, who had no real property on which to park their boats and needed some way to keep them from parking their boats on the street.

David Cherniak, Johnstone, Adams Law Firm, spoke on behalf of Mrs. Norma Edwards and other area neighbors. He made the following points in opposition to the matter:

- A. noted the jump from R-1 to B-3 represented a significantly large, negative impact on the surrounding small, single family, residential neighborhood;
- B. noted many of the neighbors were senior citizens;
- C. noted that though landscaping and green strips had been offered, expressed the feelings it would be hard to hide a facility of this size and character;
- D. agreed it would be a handsome facility in an industrial neighborhood, but it simply did not match the character of the

April 21, 2011
PLANNING COMMISSION MEETING

- neighborhood in which it was proposed;
- E. expressed concern over the increase in traffic and noise to the neighborhood; and,
- F. stated it was simply out of character for the neighborhood.

Mr. Olsen asked the applicant to address the question of how they intended to regulate the maintenance of boats occurring on the site, and mentioned such things as washing the boat down, and outboard motor repairs.

Mr. Miller asked if the Commission could see a show of hands from those in the audience who were in attendance that day in opposition to the matter.

It was noted a large number of individuals were in attendance to oppose the matter.

Mr. Vallas noted the area did seem to be in transition stating of the 19 lots on the east side of Furr Street, six were vacant and had been for some time, and three had commercial applications. He queried as to whether the staff had taken note of that when writing their report.

Mr. Olsen stated they had taken several factors into consideration and noted that, though not showing on the map currently before the Commissioners, the area going north on Furr Street, was residential in character. He added they had also taken past history into consideration, including the previous applications for commercial uses. He stated the area, based upon staff's review, remained at status quo.

Mr. Vallas asked Mr. Cherniak if the opposition had any conditions they would like to see included, should the Commission be leaning toward approving the matter.

Mr. Cherniak noted if the residential neighborhoods where the boat owners resided did not want the boats, why should his clients. He then queried if it was possible to hide a facility of this size with such things as privacy fences and green strips.

Mr. Millings stated it was not a case of the boat owners' neighborhoods not wanting the boats, but rather a case of not having enough space or simply no space at all on which to keep the boats at those residential properties. He also felt the use was neither heavy nor industrial. He noted, based upon pictures taken of the area, the Commission could see there were much more industrial usages taking place around the area.

Mr. Olsen again asked the applicant to address the issue of on-site boat maintenance.

Mr. Millings agreed it was an important point but noted the developers had not gotten to that level of detail regarding the property as of yet.

Mr. Vallas asked if the access gate would be electronic and far enough in, as he was against a situation where someone had to get out of their vehicle, with the boat in tow and on the street, to open the access fence.

April 21, 2011
PLANNING COMMISSION MEETING

Mr. Millings advised Mr. Vallas' concerns had been taken into consideration and those would not be issues.

Mr. Turner asked if the developers had met with the neighbors and if there was a facility like this elsewhere in Mobile.

Mr. Millings stated he had met with Mrs. Edwards, but none of the other neighbors. He added there were similar boat facilities out near Rangeline Road, on Demetropolis Road, and Nevus Road.

Mr. Turner asked if the applicant felt it might be good to meet with the other neighbors as well, to which Mr. Millings stated they would be happy to do that.

Mr. Vallas noted the Ordinance only required a three foot hedge as a buffer, however, he asked Mr. Daughenbaugh, Urban Forestry, what his recommendations would be to provide more screening on the site than the required three foot hedge.

Mr. Daughenbaugh stated there had been a site similar to this in the city where a four foot berm had been put in place in addition to the evergreen buffer and felt such might help in this situation.

Mr. Olsen noted there had been such on Tacon Street and such a berm had been put in place at the Taco Bell location on Moffett Road.

In deliberation, Mr. Turner stated the project looked to be a good project, especially noting the layout of the building, however, there were a number of area residents who had issues with the potential noise pollution. He also expressed concern over rezoning the property from R-1 to B-3, when it could be used in a way which had a less negative impact. He stated after taking all of those factors into consideration, he simply could not vote in favor of the matter at this time.

Mr. Miller noted his agreement with Mr. Turner's concerns and wondered if a holdover would actually help. He added when people bought property, they should be able to count on the zoning to remain the same as when the property was bought, especially in residential areas. He stated he would feel more inclined to support the matter if the facility was to be used as winter storage, however, noting boaters tended to keep odd hours, he felt it would have a major negative impact to the residential neighborhood to have boaters accessing their boats in the very early morning hours.

Mr. Vallas expressed his support for the project, noting its close proximity to other commercial endeavors and the amount of buffering which would be in place. He noted the property had been vacant for some time and if it was going to be used as residential property, it would do so currently and not be vacant.

Rosemary Sawyer, City Engineering, stated her department had a policy that stated to be

April 21, 2011
PLANNING COMMISSION MEETING

in compliance with the City's permit with ADEM, a car wash, or in this case a boat wash, would have to be tied into a sanitary sewer, so any concerns regarding washing of the boats would be addressed by the same.

Mr. Olsen noted an oil-water separator would have to be included with a boat wash as well.

Mr. Jordan agreed with Mr. Miller and Mr. Turner, though the building looked very nice, due to the fact the neighbors were so opposed to the matter, he felt they deserved more of a chance to have a say in what went on in their neighborhood which caused him to have real concerns over what would be constructed in that area. He added he would like to see more communication between the builder and the neighbors.

Mr. Watkins expressed his feeling the developer would prefer the matter be held over as opposed to an "up or down" vote that day.

Mr. Millings and Mr. Dagley asked for a moment to discuss the possibility of holding the matter over between themselves as this option had not been brought up previously.

Mr. Olsen advised the Commission that a holdover did not require the consent of the applicant and they could proceed with a motion to do as much.

Hearing no further opposition or discussion, a motion was made by Mr. Miller, with second by Mr. Vallas, to hold the matter over until the May 19, 2011, meeting.

The motion carried unanimously.

Case #ZON2011-00750 (Planned Unit Development)

Springhill Boat Storage

115, 201, 203 and 205 Furr Street

(West side of Furr Street, 370'± North of Old Shell Road).

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

Council District 1

(Also see **Case #SUB2011-00030 (Subdivision) Springhill Boat Storage Subdivision**,

above, and, **Case #ZON2011-00752 (Rezoning) Fallback Fund, LLC, D. B. A.**

Springhill Boat Storage, below)

The Chair announced the matter had been recommended for denial, however, if there were those who wished to speak on the matter to please do so at that time.

Hearing no further opposition or discussion, a motion was made by Mr. Miller, with second by Mr. Vallas, to hold the matter over until the May 19, 2011, meeting.

The motion carried unanimously.

Case #ZON2011-00752 (Rezoning)

Fallback Fund, LLC, D. B. A. Springhill Boat Storage

115, 201, 203 and 205 Furr Street

(West side of Furr Street, 370'± North of Old Shell Road).

Rezoning from R-1, Single-Family Residential District, to B-3, Community Business District to allow a proposed recreational boat storage facility.

Council District 1

(Also see **Case #SUB2011-00030 (Subdivision) Springhill Boat Storage Subdivision**, and, **Case #ZON2011-00750 (Planned Unit Development) Springhill Boat Storage**, above)

The Chair announced the matter had been recommended for denial, however, if there were those who wished to speak on the matter to please do so at that time.

Hearing no further opposition or discussion, a motion was made by Mr. Miller, with second by Mr. Vallas, to hold the matter over until the May 19, 2011, meeting.

The motion carried unanimously.

Case #ZON2011-00744 (Planned Unit Development)

MAWSS Stickney Plant

4800 and 4900 Moffett Road

(Northwest corner of Moffett Road and Shelton Beach Road Extension).

Planned Unit Development Approval to allow the addition on a bulk silo at a water treatment facility with multiple buildings on a single building site.

Council District 1

(Also see **Case #ZON2011-00743 (Planning Approval) MAWSS Stickney Plant**, and, **Case #ZON2011-00742 (Rezoning) MAWSS**, below)

The Chair announced the application had been recommended for approval. He added if anyone wished to speak on the matter they should do so at that time.

Tim Patton, Volkert and Associates, spoke on behalf of the applicant. He noted they were in agreement with the staff's recommendations with the exception of Condition 4 which involved the fence. He asked that the requirement of it being a wooden privacy fence be removed so as to allow them the opportunity to better secure the site with fencing inline with the security requirements for a public water treatment plant.

Mr. Olsen stated the staff had no issue with changing the fencing requirements.

Wayne Lafitte, 4821 LeRuth Road, Mobile, AL, expressed concern over the development regarding the size of the silo, noise, the security fence, and the overall size of the plant as his home and his neighborhood was adjacent to the proposed water plant.

Mr. Olsen advised the proposed silo was to be located on the front portion of the property on Moffett Road and no where near the LeRuth Road properties. He also confirmed there was no planned construction on the back portion of the property near

April 21, 2011
PLANNING COMMISSION MEETING

the residential neighborhood.

Mr. Watkins asked Mr. Olsen to show the property via the overhead projector.

Using the overhead visual display, Mr. Olsen outlined where the proposed silo would be placed and noted the large, natural vegetative buffer already in place. He did not, however, see any access point from LeRuth Road to the property in question.

Mr. Lafitte stated he saw a great deal of truck traffic going to and from the site via LeRuth Road.

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

- 1) **revision of the site plan to include the adjacent lot (Lot 7, Block 3, Forest Heights);**
- 2) **revision of the site plan to depict the recently constructed telecommunications tower;**
- 3) **placement of a note on the site plan stating that the removal of any 24-inch and larger diameter tree depicted on the site plan shall be coordinated with Urban Forestry;**
- 4) **existing security fencing to remain;**
- 5) **any new barbed-wire, razor-wire, or similar security fencing to be approved via a successful application to the Board of Zoning Adjustment prior to placement; and,**
- 6) **application for Subdivision approval (and Sidewalk Waiver, if desired) by the end of October 2011.**

The motion carried unanimously.

Case #ZON2011-00743 (Planning Approval)

MAWSS Stickney Plant

4800 & 4900 Moffett Road

(Northwest corner of Moffett Road and Shelton Beach Road Extension).

Planning Approval to allow the operation of a water treatment plant in an R-1, Single-Family Residential District.

Council District 1

(Also see **Case #ZON2011-00744 (Planned Unit Development) MAWSS Stickney Plant**, above, and, **Case #ZON2011-00742 (Rezoning) MAWSS**, below)

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

- 1) **revision of the site plan to include the adjacent lot (Lot 7, Block 3, Forest Heights);**
- 2) **revision of the site plan to depict the recently constructed**

- telecommunications tower;
- 3) placement of a note on the site plan stating that the removal of any 24-inch and larger diameter tree depicted on the site plan shall be coordinated with Urban Forestry;
 - 4) existing security fencing to remain;
 - 5) any new barbed-wire, razor-wire, or similar security fencing to be approved via a successful application to the Board of Zoning Adjustment prior to placement; and,
 - 6) application for Subdivision approval (and Sidewalk Waiver, if desired) by the end of October 2011.

The motion carried unanimously.

Case #ZON2011-00742 (Rezoning)

MAWSS

4900 Moffett Road

(North side of Moffett Road 570'± West of Shelton Beach Road Extension).

Rezoning from B-2, Neighborhood Business District, to R-1, Single-Family Residential District to eliminate split zoning and allow the operation of a water treatment plant.

Council District 1

(Also see **Case #ZON2011-00744 (Planned Unit Development) MAWSS Stickney Plant**, and, **Case #ZON2011-00743 (Planning Approval) MAWSS Stickney Plant**, above)

Hearing no further opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Vallas, to approve the matter, subject to the following condition:

- 1) **limited to an approved Planned Unit Development.**

The motion carried unanimously.

OTHER BUSINESS:

The Chair opened the floor for the Public Hearing to consider amendments to the Major Street Plan component of the Comprehensive Plan. It was noted that the proposed amendments were intended to correspond with as built routes, as well as following routes on the MATS 2030 plan and as proposed by Mobile County.

Joe W. Ruffer, Mobile County Engineer, thanked the Commission for the opportunity to speak on the 2035 Mobile Area Transportation Study/Major Street Plan. He noted that the changes that were being asked to be made were denoted on the maps that had been given to the Commission. He also stated he had copies of the Mobile Transportation Study that had been adopted by the Metropolitan Plan Organization. He stated the purpose for being before the Commission that day was so that the changes before the Commission could be adopted by them, making the two plans in concert. He also requested that the right-of-ways be set at 120 feet as opposed to the 100 feet usually

April 21, 2011
PLANNING COMMISSION MEETING

adopted by the Planning Commission. He finished by saying he would be glad to answer any questions.

The Chair asked if any of the Commissioners had questions for Mr. Ruffer. Hearing none from his fellow members, Mr. Watkins noted that the speaker had indicated that this was to bring what was before the Commission that day into agreement with the MATS 2030 and asked if it was a requirement that they be compatible with one another.

Mr. Ruffer stated there was no legal requirement that the City's Street Plan be in concert with the Mobile Area Transportation Plan, however, it did enhance the development of the plan and made the plan easier to move ahead in the future when funds were available to do so.

The Chair thanked Mr. Ruffer for his comments and opened the floor to public comments.

The following people spoke in opposition to those amendments:

- Duane Poiroux, 6501 Maurice Poiroux Road, Theodore, AL; and,
- Mike Poiroux, 6675 Maurice Poiroux Road, Theodore, AL.

They made the following points:

- A. expressed concern regarding the McFarland Road extension;
- B. presented a copy of a petition against the proposed alignment of the southern end of the extension of McFarland Road, which contained over the names of over 200 Mobile County citizens, noting that some of them were attending the meeting that day, and asked that they be recognized;
- C. noted the understanding that the extension of McFarland Road was to provide a long range plan to provide adequate access from the western part of the county to Interstate 10, and quoted the plan as stating the belief that "the major artery would provide a more efficient route to Mobile, provide a needed route for hurricane evacuation, and take pressure off of already overcrowded arteries currently being used;"
- D. expressed the feeling that proposed McFarland Road extension did not provide the best solution and therefore they opposed the plan;
- E. noted that opposition was based on several key items;
- F. noted the proposed plan would increase traffic on an already congested artery along McDonald Road and Old Pascagoula Road, with a "bottle neck" for traffic already in existence from the intersection of McDonald Road and Old Pascagoula Road, south to Interstate 10;

April 21, 2011
PLANNING COMMISSION MEETING

- G. noted that the “bottle neck” area included the entrance to Haskew Elementary School;
- H. noted the proposed alignment would impact the traffic movement along McDonald Road to the north, which was an existing major artery;
- I. noted the proposed route would also adversely impact or destroy some of the most productive farmland in Mobile County;
- J. noted the proposed route would sever many properties, making them unusable from their current use today;
- K. noted it would create negative environmental impacts, including the loss of wildlife habitat, excessive run-off, and an increase in noise;
- L. noted the proposed alignment appears to be the most costly alternative, being in excess of \$30 million dollars;
- M. noted their recommendation to the Planning Commission to consider an alternate route, which would utilize existing roadways, including March Road and Ben Hamilton Road;
- N. presented maps to the Commission depicting opposition’s proposed route;
- O. noted the opposition’s proposed route provided another major artery that could efficiently move traffic from the western part of the county southward to Interstate 10;
- P. noted the belief that the proposed alternate route would better serve as a hurricane evacuation route as it would be a new option for many citizens as it made use of existing roadways to the maximum extent possible, thereby reducing the impact to the citizens and environment;
- Q. noted the proposed alternate route would require very little real estate acquisition and also preserved the highly productive farmland that was becoming scarce in the local community;
- R. noted that belief that the proposed alternate route was a much less costly alternative as it could also be used as an alternate detour route in the case of a major accident on either McDonald Road or Interstate 10;
- S. noted the speaker had recently purchased the 10 acres adjacent to his parents’ land with the help of the Federal Farmland Program, a program in place to help keep farmland from being developed;
- T. noted that “you can’t stop progress” but expressed the belief that you could manage it, and wanted it managed properly, and as citizens and constituents, they relied on elected officials and their committees to accomplish that managed growth;
- U. noted the desire that not only the economic impact of Amendment Nine be considered, but that also, more

April 21, 2011
PLANNING COMMISSION MEETING

- importantly, the devastating results to local horse and vegetable farms in the projected path;
- V. noted that the Poiroux Farm had been in continual use for 80 years, or five generations, and that they had supplied locally grown vegetables over the years to Delchamps, B&H, Jimmy Lowes Produce, and even Wal-Mart;
 - W. noted that for the last five years, they had participated in the City's "Market in the Square" program, directed by Chris Barraza from the Neighborhood Community Department;
 - X. noted Ms. Barraza's familiarity with the speaker and their farm, due to her visit there last year and her astonishment over the fact that it took so much land to produce enough vegetables to bring to the market each week just to fill one table for three hours;
 - Y. noted he had asked Ms. Barraza to visit the farm because he knew that other vendors were buying non-local produce and selling it to the citizens of Mobile as local;
 - Z. noted the "Market at the Square" program had been the best vehicle for produce for their family farm in the last 20 years, and it had also brought valuable commodities to the local citizens who were very gracious and appreciative that they are receiving excellent produce while keeping their dollars local;
 - AA. expressed the feeling that if the Commission voted for the proposed path without looking at alternative, less expensive routes, they would render one of the highest yielding farms in Mobile County useless;
 - BB. expressed how the Poiroux family had made a concerted, concentrated effort to keep their farm going for generations; and,
 - CC. noted that there was already a shortage of farmers and without farming there would be no new farmers and pleaded that the Commission not compound that problem by voting for the proposed path as shown in Amendment Nine.

Mr. Turner noted that the proposed alternate plan appeared to be sound and wondered if the County had looked at them and the costs associated with them.

Mr. Ruffer responded they had, however the plan presented for adoption was not developed only by the County, but had been developed in concert with the Alabama Department of Transportation, the Federal Highway Administration, the cities of Mobile, Prichard, Saraland, Chickasaw, Bayou La Batre, and other associated communities that made up the Metropolitan Plan Organization. He noted the proposed plan showed the general corridor which had been laid out. He stated that one negative issue with the March Road alignment was that March Road did not go anywhere to the south, making it hard to "hook" it into anything. He said that part of the plan was to five-lane Padgett-Switch Road all the way to Bayou La Batre, tying it into the new interchange on

April 21, 2011
PLANNING COMMISSION MEETING

McDonald Road. He added the interchange at McDonald Road, because it was built there and not at March Road, made McDonald Road the major corridor and the logical place to tie any northward development for future roads.

Mr. Turner asked for confirmation that the interchange at McDonald Road was the major reason McDonald Road was chosen over March Road and Mr. Ruffer responded yes.

Mr. Turner asked if all of the other financial implications mentioned had also been considered as well.

Mr. Ruffer advised they had and noted that McDonald Road was the least disruptive route.

Mr. Jordan asked Mr. Ruffer if he had taken a look at the opposition's proposal and was advised by Mr. Ruffer he had not seen the opposition's plan specifically but that they had looked at all of those routes and they had been discussed. Mr. Ruffer reminded the Commission that the plan before them was not just one entities plan, but rather the combined decision of all of the communities previously mentioned as being a part of the Metropolitan Plan Organization.

Mr. Jordan asked for clarification regarding what he had understood to be said as March Road not going anywhere south.

Mr. Ruffer stated March Road would be very difficult as it did not tie in to any major corridor to the south and that it would be almost like creating a "T" intersection with the interstate and then going north. He noted that it did not help with traffic to the south.

Mr. Vallas commented that it was unlike McDonald Road which continued south to Highway 90 to Bayou La Batre.

Mr. Ruffer stated when it was decided to build the interchange at McDonald Road, all of these plans had been taken into consideration.

Mr. Turner stated this put the Commission in a difficult position of having to vote on something they were not privy to any of the input on, however, they would have to assume that all of the entities mentioned had done their due diligence in reviewing all of the routes prior to deciding on the one before the Commission that day.

Mr. Ruffer stated there had been public hearings on the plan and that this had been done over a year prior.

Mr. Vallas asked what exactly was the Commission being asked to vote on that day.

Mr. Olsen stated the amendments as proposed, and added that this was not presented only by the County, but also the Planning Staff and its intent was to bring the City's Comprehensive Plan, Major Street Plan component, into compliance with the MATS

April 21, 2011
PLANNING COMMISSION MEETING

2030-2035 plan. He added that the Major Street Plan should always, at a minimum, illustrate the major streets on the MATS plan as its base for the City's Major Street Plan, noting the City could have more but could not have fewer. He said that to some degree, the vote was a moot point. He noted it allowed the Commission the ability when an application for subdivision was presented within the Planning Jurisdiction, to consider the major street and then be able to ask for dedication and/or set back from the future major street so it would be in concert with the MATS 2030-2035 plan. He stated that the MATS Plan would take precedence when it came time for actual road construction as it was the plan recognized by ALDOT.

Mr. Vallas asked when would be the earliest that the community might see these changes take place.

Mr. Olsen stated that based upon the MATS plan, this was Priority Number 4, which would be 15 to 20 years in the future.

Mr. Ruffer echoed those sentiments, stating that these were long range plans the Commission was being asked to approve and it took a long time to get the projects done.

Mr. Poiroux asked for an opportunity for rebuttal, which the Chair acknowledged and allowed, noting that it should be brief.

Mr. Poiroux asked if the alternatives had been available for public review, to which Mr. Ruffer responded the entire process of developing the referenced long range plan was available and that information was could be gotten by contacting the South Alabama Regional Planning Commission.

Mr. Poiroux asked to see the plan on how it would tie into McDonald Road, as it appeared on the map as being very near the intersection of Old Pascagoula Road and McDonald Road. He expressed his belief it would create severe traffic congestion there. He added that it appeared to him that the plan was an effort to "bottle" everything into existing arteries which were already overcrowded, which made it hard for him to believe the March Road alternative was more expensive than the \$31 million dollar project proposed, especially if one looked at the added benefits the March Road plan would pass on to the western part of Mobile County. Mr. Poiroux stated it was his understanding that there was a plan to straighten March Road which would provide prime access to the interstate from the south, yet another reason to review the plans another time.

In deliberation, Mr. Watkins asked if the Commission was being given the chance to "tweak" the recommendation or if they were simply being asked to vote "yes" or "no" on the matter.

Mr. Olsen stated it was simply a "yes" or "no" vote, because at this point, as it was following the MATS 2035 plan, it was what had been agreed upon by the other organizations and the Commission's vote would determine whether or not the City's map conformed to the map previously adopted by the other organizations.

April 21, 2011
PLANNING COMMISSION MEETING

Mr. Turner expressed that basically the Commission had no real ability to say anything about the proposed plan.

Mr. Olsen noted that if the proposed amendments were for streets not on the MATS plan, the Commission would have the ability to make changes, but in this particular instance, since the ones that are proposed, specifically the one discussed by area residents, is on the MATS plan, there were no real options for the Commission.

Mr. Miller expressed his frustration at having to vote on the matter as well as asking if there was any advise for those who had voiced opposition.

Mr. Lawler noted his opinion the Commission was being told they could reject the plan but rejection would have little effect on the ultimate outcome as apparently ALDOT and others had plans over which the Commission had no control.

Hearing no further opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Holmes, to approve the amendments as presented.

The motion carried unanimously.

Hearing no further business, the meeting was adjourned.

APPROVED: August 18, 2011

James F. Watkins, III, Acting chairman

jsl