

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF SEPTEMBER 20, 2007 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
Victoria L. Rivizzigno, Secretary
William DeMouy
Nicholas Holmes, III
Mead Miller
Roosevelt Turner

Members Absent

James Watkins, Vice-chair
John Vallas

Urban Development Staff Present

Richard L. Olsen, Deputy Director
of Planning
Bert Hoffman, Planner II
David Daughenbaugh, Urban Forestry
Coordinator
Tiffany Green, Secretary I

Others Present

John Lawyer, Assistant City Attorney
Jennifer White, Traffic Engineering
Rosemary Sawyer, City Engineering
Rosemary Sawyer, City Engineering

Mr. Plauche stated the number of members present constituted a quorum and called the meeting to order. He then advised all attendees for the rules and procedures for Planning Commission meetings.

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

HOLDOVERS:

Case #SUB2007-00130 (Subdivision)

St. Dominic Church Subdivision

4068, 4156, & 4160 Burma Road and 1168 Santa Maria Court
(North side of Burma Road, between Santa Maria Court and St. Dominic Place).
1 Lot / 12.0± Acres
(Also see Case #ZON2007-01487 (Planning Approval) **St. Dominic Church**, below)

Don Coleman, Rester and Coleman Engineers, spoke on behalf of the applicant, withdrawing it on their behalf, stating that it would be re-submitted at a later time.

Case #ZON2007-01487 (Planning Approval)

St. Dominic Church

4068, 4156, & 4160 Burma Road and 1168 Santa Maria Court
(North side of Burma Road, between Santa Maria Court and St. Dominic Place).

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Planning Approval to amend a previously approved Planning Approval to allow expansion of an existing church in an R-1, Single-Family Residential District. (Also see *Case #SUB2007-00130 (Subdivision) St. Dominic Church Subdivision, above*)

Don Coleman, Rester and Coleman Engineers, spoke on behalf of the applicant, withdrawing it on their behalf, stating that it would be re-submitted at a later time.

Case #SUB2007-00199
Country Club Court Subdivision, Resubdivision of Lot 2

North side of Country Club Court at its East terminus.

1 Lot / 0.3± Acre

The Chair stated the applicant was agreeable with the recommendations and stated that if anyone wished to speak on the matter, to do so at that time.

Paul Clinton, the owner of the lots 3 & 4 in the subdivision which are located next to the subject lot, spoke in protest of this proposed subdivision. He expressed concern over the following:

1. The area in question is common area for the subdivision and is under the jurisdiction of the property owners' association;
2. As two of the six houses built out in the subdivision applied for and were granted size variances, this has decreased the available ground for water run off. If this subdivision is approved, this will in all probability increase the strain on the current storm run-off system;
3. If the common area land is given to the developer to build a bigger house on, there will be no room for expansion and no way to make an additional retaining area;
4. The builder/developer has not come to the property owners' association regarding this, so there has been no vote by the property owners' association to allow the filing of this application.

Don Williams, Williams Engineering, representing the applicant, addressed these concerns stating that the application had been filed so that they could go to the property owners' association with a plat showing their intentions. At that time, all property owners' would have the opportunity to sign said plat, giving their approval of the subdivision and transfer of ownership of subject property to the builder/developer. He also stated that said if said ownership required compensation to the individual members of the property owners' association that would be decided internally. It was their understanding, however, that without the authorization to subdivide the property from the Planning Commission, the builder/developer would not be able to go forward with providing the final plat to the individual members of the property owners' association for their signature and final approval of said subdivision. Mr. Williams advised the Commission that if there were not signatures from ALL members of the property owners' association, that the project would not go forward.

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Several members of the Commission voiced their concern regarding the fact that it appeared the property in question was not currently owned by the builder/developer.

Mr. Olsen responded to Mr. Williams' understanding of what the staff had requested with regards to the "authorization, or documentation of authorization to file the application", stating that the document faxed to the staff, on further review, was not sufficient because it did not include authorization to include property that is not owned by the applicant.

Mr. Williams stated that it was their understanding that the original application was filed by a representative of Lot 2, a representative of the owner who is in Miami, FL, and the builder who is going to be building and purchasing said house. They further understood that it was necessary for them to get the signature of the current owner of Lot 2, which they did, and provided to the staff.

Mr. Olsen responded that the original application was accompanied by a letter of authorization signed by Steve Owens, agent for Jack Pate, Country Club Joint Venture, LLC. It was the staff's assumption that Mr. Owens' signature, as agent for Jack Pate, Country Club Joint Venture, represented the approval of the property owners' association to include the common area in question. Due to the current proceedings, that assumption seems to have been a mistake.

In deliberation, commission members stated "how can we do this when they don't own the property?" Mr. Olsen suggested that at this point the Commission deny the application. That the builder/developer can re-submit at any time as this was not a zoning application that would require a six month waiting period to re-submit. This would give the builder/developer the opportunity to work out permission from the property owners' association to allow the submission of the application.

Hearing no further discussion, a motion was made by Dr. Rivizzigno, with second by Mr. DeMouy, to deny the application based upon the following:

- 1. because applicant had not obtained permission from all property owners to make the application; and,**
- 2. was, therefore, without the authority to include the common area.**

The motion carried unanimously.

Case #ZON2007-01973 (Planned Unit Development)
Stratford LLC

North side of Grelot Road, 160'± West of Chimney Top Drive West.
Planned Unit Development Approval to allow two buildings on a single building site.
(Also see Case #ZON2007-01845 (*Rezoning*) **Stratford LLC**, below)

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The applicant/developer, Ruffin Graham, 6576 Airport Blvd., was present and spoke in opposition to the staff's recommendation for denial. He advised the Commission that he had divided the property into two different uses, so it's actually a mixed use project. The back piece is scheduled to be developed into an eighteen lot residential subdivision which will be contiguous to the Lamplighter subdivision, with the approximate 5.5 acres dedicated to a proposed commercial office park comprised of single story, professional office space. He stated that since the initial application, he has met with members of the Lamplighter Subdivision, which is contiguous to this project. In those meetings, certain things have been agreed upon and revisions have been made that he would like considered.

Mr. Olsen stated that since the mail out of staff reports, the staff has, indeed, received the additional information. It has been reviewed and conditions have been prepared, if the Commission were to want to hear them and consider approval of the application.

Mr. Miller expressed concern regarding possible traffic concerns.

Mr. Olsen stated that on the revised plan they had re-located the curb cut to Grelot to the west side of the property to correspond with a curb cut across the street, with was something that had been worked out with Traffic Engineering.

Mr. Plauche wanted clarification regarding the delineation of wetland areas, which appear on the plat.

Mr. Graham stated that yes the property was severed by what was considered two wetlands. In the northern part of the parcel there is an area delineated by the Corps of Engineers as wetlands that is a true wetland. That area is what separated the parcel into two pieces and their project will have no impact on that area. The other area in question is considered, described and referred to as "low quality wetlands". It is, in fact, a dry ditch with an eighteen inch pipe draining directly across it. That pipe comes from the Lamplighter Subdivision. Mr. Graham currently has an application to fill in that area. In their application to mitigate, they plan to re-route the drainage system from Lamplighter through the proposed development, maintain that in detention and release it into the larger wetland to the west.

Mr. Plauche also had concerns regarding the issue of curb cuts and traffic for the proposed project.

Mr. Graham addressed this by saying they were going to abandon the service road access, at the request of the traffic engineer and applauded by the neighborhood.

At this time, Mr. Miller asked Mr. Olsen to read aloud the staff's conditions for approval.

For the PUD, Mr. Olsen stated:

- 1) completion of the subdivision process;

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- 2) revision of the site plan to comply with the requirements of the approved subdivision, including the limitation of one curb cut on to Grelot Road, and the depiction of a 30 foot building set-back line from Grelot Road;
- 3) revision of the site plan to eliminate any implied extension of the service road onto the site, (There's a little line that appears to almost be an extension thereof);
- 4) compliance with Engineering comments, which are:
 - (a) need flood plan easement approved by the City Engineering,
 - (b) responsibility of the applicant to look up the site "City of Mobile" GIS system and verify if any WI-wetlands are depicted on the site. If City of Mobile/GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on the site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be formed without a permit from the Corps of Engineers,
 - (c) must comply with all storm water and flood control ordinances,
 - (d) any work performed in the right of way will require right-of-way permit;
- 5) provision of revised PUD site plan to Urban Development prior to the signing of the subdivision plat;
- 6) the approval of Federal, State, and local agencies prior to the issuance of permits; and,
- 7) full compliance with all other municipal codes and ordinances.

Mr. Graham stated he was in full agreement with those conditions.

Ms. Susan Ball, 6704 Chimney Top Drive North, secretary for the Lamplighter Woods home owners' association spoke. She stated that in August, 2006, the residents of Lamplighter Woods and Sugar Creek were invited to a neighborhood meeting at Somerby of West Mobile which was initiated by the developers of Somerby. The developers had requested re-zoning changes at that time for five lots surrounding their development. Regarding Lot 5, the 14.5 acres, the developers advised the residents that it would remain R1 and act as a buffer between the residents and the commercial development along the entry way to Somerby. It was also stated that the only planned use for the 14.5 acres/Lot 5 was to be a private home built by one of the developers. In February, 2007, the 14.5 acres was sold to Strafford LLC and the acreage subsequently subdivided into two lots, 19 and 5. On Lot 5, where the residents had been told a private home would be built, a new 19 unit subdivision is planned and that development is currently waiting final plat approval by the City of Mobile. In Mr. Graham's meeting with the residents of Lamplighter he proposed to them his new commercial development for Lot 19 and

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addressed their questions and concerns. Ms. Ball wanted to state for the record a list of compromises reached at that meeting:

1. the service road running along Grelot Road will remain stubbed off to the west of Chimney Top Drive West, as proposed by the Traffic Engineering comments dated August 6, 20047, Zoning Amendment and Planned Unit Development staff report;
2. the ingress and egress to the proposed commercial site is to be moved further west to match up with the ingress/egress of the new commercial site to the south side of Grelot, which will house the future Roberts Brothers Realty;
3. Mr. Graham indicated he would build an 8 foot wooden privacy fence, shadow boxed and capped, for the first four residential homes that run along the east property line of Lot 19;
4. Mr. Graham indicated he would have a row of buffer trees planted within the 20 foot natural buffer area to add further privacy to those first four residential properties that run along the east property line of Lot 19;
5. Mr. Graham also indicated he would plant additional trees above the minimum requirements as required by the zoning ordinance along the front footage of Grelot Road to further shield the buildings;
6. we were assured at that meeting that the flow of drainage from Lamplighter Woods would no be impeded by this new commercial development and proper drainage measures would be taken by the developer, if necessary, to ensure the adequate run-off between the two properties;
7. the parking lot lights for the commercial property would reflect only that proposed development and would not be directed towards the adjacent residential properties as proposed by the staff report; and,
8. the buildings would be limited to one story structures, with the allowance beyond that for only a gabled roof to ensure further privacy to the first four residential homes that run along the property line of Lot 19, the eastern side.

To this, Mr. Graham responded by saying that regarding the trees and natural buffer, the question was did they actually want the trees taken down or not. The offer was to take the pine trees down and leave the hardwoods in place and leave it natural. If they wanted him to “start over” there would be erosion issues to deal with at that time. It seemed to make more sense to leave it natural, with some cleaning up done. With regards to the front of the subdivision, Mr. Graham was unclear as to having agreed to blocking the view from Grelot Road; that, in that regard, they had planned to adhere to the landscape ordinances and beyond, for aesthetic reasons. It is his intent to do a nice development with significant landscaping. Mr. Graham also stated that he was in agreement with building an 8 foot privacy fence along the four lots contiguous to Lot 19.

Hearing no further discussion regarding the PUD, a motion was made by Mr. DeMouy, with second by Mr. Vallas, to approve the above referenced Planned Unit Development subject to the following conditions:

- 1. completion of the Subdivision process;**

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2. revision of the site plan to comply with the requirements of the approved subdivision, including the limitation to one curb-cut onto Grelot Road, and depiction of a 30-foot building setback line from Grelot Road;
3. revision of the site plan to eliminate any implied extension of the service road onto the site;
4. provision of an 8' wooden shadow box fence along the east property line, as offered by the applicant;
5. provision of a 20-foot wide natural landscape vegetative buffer along the Eastern boundary of the site, as depicted on the site plan, with in-fill plantings as may be necessary due to installation of the privacy fence;
6. buildings limited to single-story, height not to be further limited due to the proposed gabled roof;
7. compliance with Engineering comments (Need flood plain easement, approved by City Engineering. 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.);
8. provision of revised PUD site plan to Urban Development prior to the signing of the Subdivision plat; and,
9. full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2007-01845 (Rezoning)

Stratford LLC

North side of Grelot Road, 160'+ West of Chimney Top Drive West.

Rezoning from R-1, Single-Family Residential, to B-1, Buffer Business, to allow a two-building office complex.

(Also see Case #ZON2007-01973 (Planned Unit Development) Stratford LLC, above)

(Also see Case #ZON2007-01973 (Planned Unit Development) Stratford LLC for discussion)

Hearing no further discussion, a motion was made by Mr. DeMouy, with second by Mr. Vallas, to approve the above referenced Rezoning subject to the following conditions:

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1. provision of an 8' wooden shadow box fence along the east property line, as offered by the applicant;
2. provision of a 20-foot wide natural landscape vegetative buffer along the Eastern boundary of the site, as depicted on the site plan, with in-fill plantings as may be necessary due to installation of the privacy fence;
3. completion of the Subdivision process;
4. the site is limited to single-story buildings, as offered by the applicant; and,
5. full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

EXTENSIONS:

Case #SUB2006-00192 (Subdivision)
Springhill Estates Subdivision, Unit Number One, Re-subdivision of a Portion of Lots 14 & 15

510 and 522 Evergreen Road
(West side of Evergreen Road, 715'± North of Airport Boulevard).
3 Lots / 0.8± Acre

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Vallas, to approve this request for extension, **but the applicant is advised that recording in units would not be allowed since it is only a three-lot subdivision.**

The motion carried unanimously.

Case #ZON2006-01660 (Planned Unit Development)
Cottage Hill Executive Park Subdivision, Re-subdivision of Lots 5, 6 & 7

704 and 708 Oak Circle Drive West
(Northwest corner of Oak Circle Drive West and Oak Circle Drive North).
Planned Unit Development Approval to allow an existing office building, two new portable buildings, and three existing storage sheds on a single building site.

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Vallas, to approve this application. **It is further recommended that the applicant be advised that any further extensions are unlikely unless permits are issued for site improvements as illustrated on the approved plan.**

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The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2007-00218

Center-Cox Subdivision

North side of Center Street, 85'± West of Lambert Street, extending to the West side of Lambert Street, 150'± North of Center Street.

1 Lot / 0.6± Acre

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to 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 subdivision subject to the following conditions:

- 1. the depiction on the final plat of the 25' front setback line along Center Street;**
- 2. placement of a note on the final plat stating that the site is limited to one curb cut on each street, with the size, location, and design to be approved by Traffic Engineering, and conform to AASHTO standards.**

The motion carried unanimously.

Case #SUB2007-00220

David Poiroux Place Subdivision, Re-subdivision of

6355 and 6375 Maurice Poiroux Road

(East side of Maurice Poiroux Road, 1 mile± North of Old Pascagoula Road).

2 Lots / 10.0± Acres

Al Brewer, owner of Lot 1, and Sandra Poiroux, his mother-in-law and owner of Lot 2, asked that the Commission respectfully re-consider the issue of the 10 foot "finger". He stated that this is all family owned land and that the 10 foot "finger" is a 20 year old existing farm road which has been and continues to be used by the Poiroux family to access the back of their property. The purpose of the re-subdivision is to deed back to the Poiroux family this piece of property, as the current owner is having to re-locate to Atlanta and must sell Lot 1.

Jerry Byrd, Byrd Surveying Company, also spoke. He stated that if the Commission did indeed approve the re-subdivision, that the recommendation on the number of curb cuts would need to be revised. The elimination of Lot 1's 10 foot strip(i.e. existing farm road) and it's inclusion in Lot 2 would necessitate allowing two curb cuts for Lot 2, allowing for the continued use of

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said farm road as ingress/egress regarding Lot 2. Lot 1 being 172 feet wide allows for it to have two curb cuts as well.

After discussion, it was determined that Lot 1 would be fine with just one curb cut, making it a total of 3 curb cuts between the two lots.

In deliberation, Mr. Olsen assisted the Commission in clarifying the verbiage of regarding the curb cuts with the following:

Condition 1 – “placement of a note on the final plat stating that the 10 foot strip not be used for access for any future subdivision or re-subdivision of Lot 2.”

Condition 2 – “that Lot 1 is limited to one curb cut and that Lot 2 is limited to two curb cuts” one of which would be that 10 foot finger.

Hearing no opposition or further discussion, a motion was made by Mr. DeMouy, with second by Dr. Rivizzigno, to waive Section V.D.3. of the Subdivision Regulations for Lot 2 and to approve the above referenced re-subdivision subject to the following conditions:

- 1. placement of a note on the final plat stating that the 10-foot strip shall not be used for access for any future subdivision or re-subdivision of Lot 2;**
- 2. placement of a note on the final plat stating that Lot 1 is limited to one curb cut to Maurice Poiroux Road and that Lot 2 is limited to two curb-cuts, with the size, location, and design to be approved by the Mobile County Engineering Department;**
- 3. revision of the plat to label each lot with its size in square feet, or provision of a table on the plat depicting the same information;**
- 4. 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,**
- 5. placement of a note on the Final Plat stating that development will be designed to comply with the stormwater detention and drainage facilities 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 storm water detention and drainage facilities of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification to be submitted to the Planning Section of Urban Development and County Engineering.**

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The motion carried unanimously.

Case #SUB2007-00225

Samuel Russ Subdivision

East side of Grider Road, 280' ± South of Rose Hill Lane.

1 Lot / 7.8± Acres

Mat Orrell of Polysurveying Engineering-Land Surveying addressed the Commission with regards to item 3 saying that in 18 years he had never been asked to put on a map the depiction of contour lines. He stated that it would be quite cost prohibitive to the individual and this particular type of development.

Mr. Olsen informed the Commission that Mr. Orrell was indeed correct in that this information was not normally required. He did state for the record, however, that subdivision regulations technically do require contour lines on all subdivisions, but it is not something that has been strongly enforced over the years. Mr. Olsen also stated that in this particular case, the condition could be removed.

Mr. Ty Irby, 1551 Schillinger Road, spoke on behalf of Mrs. Betty Grider, owner of the subject property. He gave a brief history of Mrs. Grider's ownership of said property and it's consequent subdivision. He also stated that he had a copy of Mobile's GIS wetlands map which showed there were no wetlands on the subject site and asked that the requirement for proving the existence of wetlands be removed.

A brief discussion by Mr. Plauche, Mr. Turner, and Dr. Rivizzigno regarding the inclusion of the wetlands condition took place, with Mr. Olsen clarifying with the Commission that they should simply include the standard verbiage regarding that condition.

Hearing no opposition or further discussion, a motion was made by Mr. DeMouy, with second by Mr. Plauche, to approve the subdivision with the following conditions:

- 1. No future re-subdivision of the property will be approved unless road construction is provided;**
- 2. labeling of the lot with its size in square feet, or the provision of a table on the final plat with the same information;**
- 3. placement of a note on the final plat stating that the site is limited to one curb, with the size, location, and design to be approved by Traffic Engineering, and conform to AASHTO standards; and,**
- 4. subject to the Engineering Comments (*It is the responsibility of the applicant to look up the site in the City of Mobile (COM)*)**

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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

5. *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 storm water and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.)*

The motion carried unanimously.

Case #SUB2007-00234

Johnson Development – Spec. 1 Subdivision

North side of Interstate 10, 700'± West of Theodore Dawes Road, extending to the South terminus of Trippell Road, and the East terminus of Firetower Road South.

2 Lots / 158.3± Acres

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. DeMouy, to approve the above referenced subdivision subject to the following conditions:

1. **depiction of the 25' minimum building setback line along the West and South right-of-way lines of Trippell Road;**
2. **depiction of the 25' minimum building setback line along the Spanish Trail Court frontage;**
3. **depiction of the 25' minimum building setback line at the East terminus of Firetower Road South;**
4. **depiction of the 25' minimum building setback line along Interstate 10;**
5. **placement of a note on the final plat stating that Lot 1 is limited to one curb cut to Trippell Road, and Lot 2 is limited to one curb cut to Spanish Trail Court, with the size, location, and design of all curb cuts to be approved by the Mobile County Engineering Department and conform to AASHTO standards;**
6. **placement of a note on the final plat stating that Lot 2 is denied access to Firetower Road South;**
7. **placement of a note on the final plat stating that both lots are denied access to Interstate 10;**
8. **depiction on the final plat of the lot sizes in acreage, or provision of a table on the plat depicting the same**

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- information;
9. 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,
 10. placement of a note on the Final Plat stating that development will be designed to comply with the stormwater detention and drainage facilities 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 facilities of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification to be submitted to the Planning Section of Urban Development and County Engineering.

The motion carried unanimously.

Case #SUB2007-00211

Ezell House Annex Subdivision

457 Conti Street

(Southwest corner of Conti Street and South Hamilton Street)

3 Lots / 0.5± Acres

Mark Ezell, president of Ezell House Corporation, addressed the Commission letting them know that the staff had not had the site plan showing the proposed parking lot at the time the report was written. They now have that information. The only issue with the recommendations is the limitation to one curb cut to South Hamilton Street. The proposed parking lot would have entrance from South Hamilton Street and exit on to Conti Street, so they would need at least two curb cuts.

Mr. Olsen stated that Mr. Ezell was correct and the staff had not had the site plan showing the proposed parking lot configuration. Having now seen that configuration, two curb cuts, one per street, is the only way that traffic flow can work, so the staff would have no problem modifying that condition to state that it be limited to one curb cut per street.

Hearing no opposition or further discussion, a motion was made by Mr. DeMouy, with second by Dr. Rivizzigno, to approve the above referenced subdivision subject to the following conditions:

1. labeling of the lots with their sizes in square feet, or the provision of a table on the final plat with the same information;
2. placement of a note on the final plat stating that Lot 1 is

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limited to one curb-cut onto Conti Street and one curb-cut onto South Hamilton Street, and that Lots 2 and 3 are limited to one curb-cut each, with the size, location, and design to be approved by Traffic Engineering, and conform to AASHTO standards;

- 3. 10' radius on the street corner of Conti Street and South Hamilton Street; and,**
- 4. depiction of rights-of-way for Conti Street and South Hamilton Street.**

The motion carried unanimously.

Case #SUB2007-00233

Plantation Commercial Park Subdivision, Unit Two

East termini of Plantation Road and East Road, extending to the East side of U.S. Highway 90 West, 330'± South of Plantation Road.

8 Lots / 44.0± Acres

Don Rowe, Rowe Surveying, addressed the lengthy list of requirements for the applicant. He stated that they were in agreement with all but number 1, which requested that the “panhandles” be removed from Lots 5, 6, and 7. He stated that making those lots in to “ice cream” cone shaped lots would be detrimental to the development to “square box” type distributions. He also stated that those “panhandles” were 40 feet wide, adequate space for the “in and out” use by large trucks.

Mr. Christopher Furger addressed the Commission with several concerns regarding the proposed subdivision. He had questions regarding curb cuts, the creation of a cul-de-sac, the clearing of trees, the amount of traffic, safety, and, the hours of operation.

Mr. Miller stated that the regulations require a public right of way in the event emergency vehicles needed to go down these roads.

Mr. Furger then addressed the issue of a privacy fence. He stated that the last time he attended a Planning Commission meeting regarding build out behind his property, he was promised that a 6 foot high wooden privacy fence would be installed by the owners. Instead, they installed a chain link fence. When he showed them the Commission’s letter requiring the 6 foot wooden privacy fence, they told him to “get a lawyer.” He wanted to know who enforces the Commission’s policies.

Mr. Olsen stated that if the condition was part of the approval for the original build out, and if Mr. Furger would get the information to the staff, a notice of violation would be sent to the owners, and if they did not comply, then legal action would be taken against them.

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Mr. Furger asked if the Commission knew what other plans there were for the property, as he and his neighbors had heard rumors that a trailer park was being planned.

Mr. Plauche stated that the Commission only handled the lay out of roads and lots, that there was no zoning in the County.

Mr. Olsen asked to clarify the issue of access to East Road, stating the current verbiage for the condition only limits to one curb cut on Plantation Road, but it does not deny access to East Road. For the record, the staff would like it to deny access to East Road.

Mr. Plauche asked if the applicant was agreeable to that change and was informed they were.

Mr. Wilbur McKee, 5500 East Road, spoke. He stated that he had been notified by the State that they intended to take an additional 25 feet off the back of his property to continue a ditch project that had been started a number of years earlier. He stated that some 40 years ago, the State had taken 18 feet from his father-in-law's property for this same project. He stated that the State had informed him that they proposed to build a wider ditch and a levy. Mr. McKee's concern is over who is responsible for the maintenance of said ditch, as he has personally had to clean debris from the ditch off of his fence and property. He also asked if they would have access to his street and would it be paved.

Mr. Plauche stated the street was the issue currently discussed and that the Commission would add a stipulation to the recommendations that there be no access to the proposed subdivision from East Road.

Mr. McKee asked if they could do so in the future. Mr. Plauche stated no, that the only way that could possibly take place was if the applicants' brought a new application to the Planning Commission just for that.

Mr. McKee then asked if the planned road would be paved. Mr. Plauche informed him that was an issue for either the County or the State, that the Planning Commission was only addressing the property.

In deliberations, several Commission members wondered as to why they didn't "T" the road. Mr. Olsen stated that he was not sure what type of design was required for them to fully comply with Fire Department standards. He also stated that the staff regularly discourages "flag shaped" lots across the board, especially in residential areas. As this was obviously not going to be a residential subdivision, the staff had no problem with the allowance of the "flag shaped" lots. Mr. Olsen also requested that the Commission require a note on

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the final plat denying access to East Road.

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

- 1. construction of Plantation Road to the County's paving standards from U.S. Highway 90 to the current East terminus;**
- 2. dedication and construction of the Plantation Road extension to the County's paving standards;**
- 3. redesign of the cul-de-sac to comply with the requirements of the 2003 International Fire Code, as adopted by the City of Mobile, and the obtaining of approval in writing from Mobile Fire-Rescue for the design (if an intermediate turn-around is required) and length of the cul-de-sac prior to the signing of the final plat;**
- 4. placement of a note on the Final Plat stating that Lot 13A is limited to the two existing curb cuts to Highway 90 Service Road;**
- 5. placement of a note on the final plat limiting Lots 5,6, and 7 to one curb cut each, with the size, location and design to be approved by the Mobile County Engineering Department and conform to AASHTO standards;**
- 6. placement of a note on the final plat limiting Lots 8, 9, 10, and 11 to two curb cuts each, with the size, location and design to be approved by the Mobile County Engineering Department and conform to AASHTO standards;**
- 7. placement of a note on the final plat stating that all lots are denied access to East Road;**
- 8. depiction of the 25' minimum building setback line along the Highway 90 Service Road for Lot 13A;**
- 9. depiction of the 25' minimum building setback line along Plantation Road for Lots 5 through 11;**
- 10. placement of a note on the Final Plat stating that development will be designed to comply with the storm water detention and drainage facilities 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 facilities of the City of Mobile stormwater and flood control ordinances prior to the signing of the final plat and any land disturbance activities. Certification to be submitted to the Planning Section of Urban Development and County Engineering;**
- 11. placement of a note on the final plat stating that the approval of all applicable federal, state and local agencies is required**

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- prior to the issuance of any permits or land disturbance activities;
- 12. placement of a note on the final plat stating that the maintenance of the “preservation conservation areas” shall be the responsibility of the property owners;**
 - 13. revision of the plat to label each lot with its size in square feet or acres, or the provision of a table on the plat depicting the same information; and,**
 - 14. provision of a 6’ high wooden privacy fence where the site adjoins residentially developed property.**

The motion carried unanimously.

ase #SUB2007-00232

Mobile Commerce Center Subdivision

South side of Pleasant Valley Road, 550'± West of Montlimar Drive, extending South to the East terminus of Markham Drive.

14 Lots / 22.5± Acres

Mr. Reid Cummings, 2316 Knollwood Drive, represented the developers and offered the following comments:

1. the application plat shows the name to be Mobile Commerce Center Subdivision, not necessarily Commerce Center;
2. the GIS system of the City of Mobile does indicate NWI wetlands inventory on the site, but the developers have a letter On file going as far back as 1989 from the Corps of Engineers, Department of the Army, saying there are no wetlands.

Mr. Cummings stated that the developers were fine with all the conditions except number 4. He stated that Lot 8 had almost 400 feet of frontage on the street, making it a large lot which could accommodate a large building, and in as much they would appreciate at least two curb cuts on Lot 8.

Ms. Brenda Freeman, 515 Malbourn Drive, spoke against the proposed subdivision. She was concerned as to the building of 14 homes on the land. She stated that most of the homes currently in the neighborhood have, at one time or another, had slab problems (i.e. cracking, sinking, shifting) that have caused structural damage. She also stated that in the past, many had plumbing problems, cracked driveways, and that large sink holes had been known to occur.

Mr. Plauche interrupted Ms. Freeman to clarify the information. He advised her that the residential build out would only be on five lots located in the corner, and that the rest of the property was a proposed commercial subdivision.

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Ms. Freeman let it be known she thought, that from the way it was being discussed, it would be going all the way from Pleasant Valley Road to Cottage Hill Road.

Mr. Olsen interjected that the overall subdivision is from the end of the speaker's street all the way up to Cottage Hill Road, but that it is in two areas. There is a proposed residential area comprised of five lots and a cul-de-sac. The rest of the subdivision, which is much larger in area and goes all the way to Pleasant Valley Road, will be a commercial subdivision with a new street that will end in a cul-de-sac. He also stated that the large area discussed is currently zoned for commercial use. At this point, Mr. Olsen addressed the Commission with regards to the cul-de-sac. He stated that in its current design, it does not comply with the Fire Department's requirements for radius and there will have to be some re-design. Though there will be no major impact on the subdivision, he did want to make the developer aware of this.

Mr. Cummings asked for clarification regarding which cul-de-sac Mr. Olsen was referencing.

Mr. Olsen responded that it was both.

Hearing no further opposition or discussion, a motion was made by Mr. DeMouy, with second by Dr. Rivizzigno, to approve the above referenced subdivision subject to the following conditions:

- 1. construction and dedication of the new streets to City of Mobile standards;**
- 2. dedication of sufficient radii at the intersection of Pleasant Valley Road and the new street, with the size and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3. the depiction of the 25' minimum building setback line along all streets, as measured from the right-of-way line;**
- 4. placement of a note on the final plat stating that all lots other than Lot 8 are limited to one curb cut each, and that Lot 8 is limited to two curb-cuts, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 5. revision of the plat to comply with the design requirements of Appendix D of the 2003 International Fire Code, as adopted by the City of Mobile;**
- 6. the illustration of a 20-foot buffer to remain in a natural vegetative state on the Final Plat where commercial zoning abuts residential zoning; and,**
- 7. full compliance with all municipal codes and ordinances.**

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The motion carried unanimously.

Case #SUB2007-00230

Nursery Road Development Subdivision

9486 Nursery Road

(North side of Nursery Road, extending North to the South terminus of Azalea Park Court).

27 Lots / 22.8± Acres

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, Dr. Rivizzigno moved to waive Section V.B.6. for the cul-de-sac length, with second by Mr. Miller, and to approve the above referenced subdivision subject to the following conditions:

1. **correction of the legal description to reflect the recorded lot;**
2. **correction of the scale issues between the drawing and the labeled scale in the title block;**
3. **redesign of the subdivision to comply with Appendix D of the 2003 International Fire Code, as adopted by the City of Mobile, and certification by the engineer or surveyor that the subdivision layout and design complies with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, placed as a note on the final plat;**
4. **labeling of the 25-foot minimum building setback line;**
5. **placement of a note on the plat stating that each lot is limited to one curb-cut onto the subdivision's cul-de-sac, and that all lots are denied direct access to Nursery Road, with the size, location, and design of all curb-cuts to be approved by the Mobile County Engineering Department;**
6. **provision 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;**
7. **labeling of all common areas, including detention areas and wetlands, and placement of a note on the plat stating that maintenance of all common areas is the responsibility of the property owners;**
8. **pprovals from federal, state, and local agencies regarding wetlands prior to the issuance of any permits or land disturbance activities;**
9. **lacement of a note on the final plat stating that the development will be designed to comply with the stormwater**

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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 signing of the final plat. Certification is to be submitted to the Planning Section of Urban Development and County Engineering; and,

- 10. labeling of each lot in square feet, or provision of a table with the same information.**

The motion carried unanimously.

Case #SUB2007-00226
Hunters Cove Subdivision, Unit 4, Phase 2

East termini of Savage Loop and Cheyenne Street North, extending to the West terminus of Cheyenne Street.

50 Lots / 12.9± Acres

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

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

- 1. the placement of a note on the Final Plat stating that Lots 54, 58 and 87 are corner lots be limited to one curb cut with the size, design and location to be approved by County Engineering;**
- 2. retaining of common area labeling, labeling of lot sizes and notes;**
- 3. graphic depiction of all drainage and utility easements referenced in the “General Notes” section;**
- 4. 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,**
- 5. placement of a note on the Final Plat stating that development will be designed to comply with the stormwater detention and drainage facilities of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer prior to signing of the Final Plat or commencing of any land disturbance activities certifying that**

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the design complies with the stormwater detention and drainage facilities of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits. Certification to be submitted to the Planning Section of Urban Development and County Engineering.

The motion carried unanimously.

Case #SUB2007-00219
Hopkinton Estates Subdivision

West terminus of Redstone Drive South, extending to the East terminus of Roberts Lane East.
503 Lots / 226.0± Acres

Mr. Plauche noted to all Commission members there were copies of petitions and letters regarding this proposed subdivision at each of their desks.

Don Coleman, Rester and Coleman Engineers, addressed the Commission and acknowledged that the staff had recommended that it be denied. He then asked that this item be held over to the October 18, 2007, meeting.

Mr. Plauche asked Mr. Coleman if he was aware of the number of opposition inquiries the Commission had received regards this matter. Mr. Plauche then advised those in attendance that as the applicant had asked for a holdover, the actual hearing would take place on October 18, 2007, but if there were anyone present today that wished to speak, to please do so now.

Judy Hale, 9625 Roberts Lane East, spoke, stating that the entire neighborhood had a lot of concern about the proposed development, stating the following:

1. the current residents are worried over the large number of planned homes to be built in the proposed subdivision. Current plans are for 500 different residential sites. They are worried that, at this point, there will be problems with the fire department. Their current fire coverage is by a volunteer fire department and they may not be able to handle this many homes;
2. there is no public water or sewer in this area. Everyone either has a septic tank or a well;
3. they are very concerned about police coverage. Currently, when they call, they either get the Sheriff's department or they get Mobile's police department. In any case, it is at least a fifteen to twenty minute wait. The community feels that if there are 500 more homes there will be no way for the police or sheriff's departments to handle this;
4. they are concerned with the increase in traffic, as it appears there will only be two inlet/outlets. One is scheduled to be from Redstone Drive, which is going to be on the east and the other is going to be on Roberts

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Lane East, on the west side. Currently, Roberts Lane East is a dead end. She stated it is a two lane road that if one meets a neighbor coming the other way, one must pull over a bit. Their current roads are not of such a nature to handle the increase in traffic. She went on to state that if you go further to the west on Roberts Lane, there are a couple of 90 degree turns, then it turns into Jeremy Drive, where there is a smaller subdivision;

5. the area currently has a considerable drainage problem, specifically in second 90 degree turn mentioned earlier. She stated there is a little creek that runs under there that drains into Big Creek Lake. She said that in the last ten years, there have been two or three times the area has been “flooded in”. At those times, there is no exit from Roberts Lane through Jeremy. You can not exit Roberts Lane via Wolf Road. She stated there is other drainage that comes from Wolf Road to Jeremy. She advised the Commission that a man died there due to the flooding, that he was sucked into a culvert;
6. there is a creek that runs in lowest elevations of Roberts Lane East. This creek drains into Big Creek Lake. There is concern regarding how this might effect Mobile’s water supply; and,
7. the area has been home to eagles and owls. There is concern regarding how the proposed subdivision will impact the wildlife in the area.

She informed the Commission that she had two petitions against the proposed subdivision; one from the residents of Redstone Drive, and the other from residents of Roberts Lane, Laurel Oaks Drive, and Jeremy Drive. She presented these to the Commission.

Renee France, 3200 Roberts Lane, spoke in opposition. She advised the Commission that the residents of Roberts Lane where it empties into Wolf Road would also like to voice their opposition to the proposed subdivision. They oppose the tiny lots and the proposed road going through Roberts Lane West.

Thomas Weir, 3401 Roberts Lane, spoke in opposition. He advised the Commission that the area has enough problems with speeders and traffic currently. He stated he had people running through his driveway all of the time. He, too, addressed the issue of flooding, with regards to Jeremy Drive and Wolf Road, stating that when this area flooded, there is no exit. He expressed concern regarding the issue of wildlife, stating that currently they had owls, grey foxes, and even deer that many of them feed annually, but those will be gone if the proposed area is developed. He stated that most of the residents had move to that area to get away from subdivision life. They had chosen to move to a quieter area.

David Baker, Roberts Lane East, spoke in opposition. He also submitted petitions to the Commission in opposition to the proposed subdivision. He agreed with and summed up the previous speakers with the following:

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1. the feeder roads are far, too far, insufficient to support the proposed neighborhood;
2. they also fear the devaluation of the property values of their homes. Right now, most of the homes sit one house per acre, and this would be a serious concern for them; and,
3. they are very, very, concerned about all the excessive noise, pollution, and destruction of what is basically now a natural habitat for wildlife.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over at the applicant's request, until October 18, 2007, with revisions due to the staff by September 28, 2007.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2007-02145

I-65 Office, LLC

2310 West I-65 Service Road South

(West side of West I-65 Service Road South, ½ mile± North of Halls Mill Road).

Request to waive construction of a sidewalk along West I-65 Service Road South.

Hearing no discussion, a motion was made by Mr. Plauche, and seconded by Dr. Rivizzigno, to approve this sidewalk waiver request.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2007-02120

Bob Rogers

Southeast corner of Congress Street and North Washington Avenue.

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

Hearing no discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the October 18, 2007, meeting, to allow

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submission of a revised site plan showing a revision to the substandard access/maneuvering area behind the parking stalls, removal of the substandard drive off Congress Street, and calculations for green space and tree plantings.

The motion carried unanimously.

NEW ZONING APPLICATIONS:

Case #ZON2007-02219

Christopher C. Knowles III

650 Palm Street

(Northeast corner of Palm Street and Cotton Street).

Rezoning from R-1, Single-Family Residential, to B-3, Community Business, to allow a cabinet shop.

Mr. Rowe submitted a letter requesting this case be held over for two weeks. Mr. Olsen advised the staff would prefer the October 18, 2007, date, as the deadline for the October 4, 2007, meeting was the up-coming Friday. This would not provide enough time for the staff to address issues regarding the application. Mr. Rowe was agreeable with this.

Hearing no further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until October 18, 2007, at the applicant's request, with any revisions due to the staff by September 28, 2007.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2007-00221 (Subdivision)

Cody-Zeigler Commercial Subdivision

950 Cody Road North

(Northeast corner of Cody Road North and Zeigler Boulevard).

1 Lot / 1.8± Acres

(Also see Case #ZON2007-02199 (Rezoning) Think Nguyen, Nham Nguyen, and Khuyen Nguyen, below)

Mr. Vallas recused himself from discussion and voting.

Jerry Byrd, Byrd Surveying, spoke on behalf of the applicant. He addressed the issue of the radius requirement with regards to the corner, asking that as long as Traffic Engineering and City Engineering were present, would a 25 foot radius

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be sufficient?

Mr. Olsen stated that the condition actually ends with “as depicted on the preliminary plat”.

Mr. Byrd stated that would be fine.

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

- 1. dedication of 10 feet along Cody Road, as depicted on the preliminary plat;**
- 2. dedication of sufficient right-of-way at the intersection of Cody Road and Zeigler Boulevard for radius to be approved by Traffic Engineering, as depicted on the preliminary plat;**
- 3. placement of a note on the final plat stating that the site is limited to one curb cut to Zeigler Boulevard and two curb cuts to Cody Road, with the size, location and design to be approved by Traffic Engineering;**
- 4. provision of a buffer in compliance with Section V.A.7. of the Subdivision Regulations;**
- 5. illustration of the required 25-foot minimum building setback line along both street frontages; and,**
- 6. labeling of the lot with its size in square feet.**

The motion carried unanimously.

Case #ZON2007-02199 (Rezoning)

Thinh Nguyen, Nham Nguyen, and Khuyen Nguyen

950 Cody Road North

(Northeast corner of Cody Road North and Zeigler Boulevard)
Rezoning from B-3, Community Business, to B-3, Community Business, to remove a service road condition of the previous rezoning.

(Also see Case #ZON2007-00221 (Subdivision) Cody-Zeigler Commercial Subdivision, above)

(Also see Case #ZON2007-00221 (Subdivision) Cody-Zeigler Commercial Subdivision for discussion)

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

- 1. completion of the Subdivision process;**
- 2. the site is limited to two curb-cuts onto Cody Road and one curb-cut onto Ziegler Boulevard,**

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3. with the size, design and location to be approved by Traffic Engineering; and,
4. full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2007-00222 (Subdivision)

Fortune Square Subdivision

Southwest corner of Government Street and Cherokee Street.

1 Lot / 1.1± Acres

(Also see Case #ZON2007-02200 (*Rezoning*) Don R. Wijeratne, below)

Mr. Plauche advised all Commission members that there were papers at each of their desks regarding these two cases and asked if the applicant was present.

Richard Thiry, owner of property directly across the corner from this property, addressed the Commission regarding concerns he had with traffic in the area. He stated it was practically impossible to make a left turn out of Cherokee Street currently, and that right turns were difficult as well. He advised the Commission that the bank across the street, previously closed for approximately two years, had recently opened and added more traffic to the already congested area. He added that in subdividing the property, the worse thing that could happen would be to put a curb cut from that property on to Government Street. He concurred with what he believed had been stated by staff, that a curb cut from that property on to Cherokee Street would be the most accurate. He felt that a curb cut from the property on to Government Street would simply block the access of the residents of Cherokee Street to Government Street.

Hearing no further discussion regarding this case, a motion was made by Mr. DeMouy, with second by Mr. Turner, to approve the above referenced subdivision subject to the following conditions:

1. placement of a note on the final plat stating that the lot is limited to one curb-cut onto Government Street, and denied access to Cherokee Street, with the size, design and location of the curb-cut to be approved by Traffic Engineering and ALDOT, and conform to AASHTO standards;
2. dedication of right-of-way sufficient to provide 50 feet, as measured from the centerline of Government Street;
3. modification of the plat to provide a corner radius of 35-feet at the intersection of Government and Cherokee Streets;
4. the labeling the lot with its size in square feet; and,
5. development of the site to fully comply with all other municipal codes and ordinances.

The motion carried unanimously.

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Case #ZON2007-02200 (Rezoning)

Don R. Wijeratne

Southwest corner of Government Street and Cherokee Street
Rezoning from B-1, Buffer Business, to B-2, Neighborhood Business, to allow retail sales.

(Also see Case #ZON2007-00222 (Subdivision) Fortune Square Subdivision, above)

(Also see Case #ZON2007-00222 (Subdivision) Fortune Square Subdivision for discussion)

Hearing no further opposition or discussion, a motion was made by Mr. DeMouy, with second by Dr. Rivizzigno, to deny the above referenced rezoning for the following reason:

- 1. conditions have not significantly changed in the area, since the previously denied application, to justify an intensification of district.**

The motion carried unanimously.

Case #SUB2007-00227 (Subdivision)

UNO Subdivision

East side of Sollie Road, 800'± South of Shadow Creek Drive.

1 Lot / 34.4± Acres

(Also see Case #ZON2007-02209 (Planned Unit Development) UNO Subdivision, and Case #ZON2007-02210 (Rezoning) Crossroads, LLC below)

Scott McNally spoke on behalf of approximately a dozen people, who were recognized by a raising of hands, attending the meeting in opposition to this. He stated he lives in Charleston Oaks, just off Sollie Road. He stated that the entire street from Sollie Road, south of Cottage Hill, consists of neighborhoods with homes that start in the \$400,000 to \$500,000 range and go up. He stated that the gentleman developing this has come and opposed other residential developments more in keeping with the street before on the basis that they were not in keeping with what he felt the street should be. Now, he intends to build a 384 unit apartment complex. On behalf of the residents in attendance, Mr. McNally stated they definitely feel that would not be in keeping with what is already there. He stated that the residents feel it would substantially decrease the property values of all the subdivisions surrounding it. He also expressed concerns over the proposed drive out to be located directly out on Sollie Road right where Winfield is, or in its very near proximity. He stated that it had the potential to add some 400 to 800 cars onto a two-lane road in the very immediate area of a drive out from another subdivision. He stated that traffic is already bad out there, with the intersection of Cottage Hill Road and Sollie Road being the location of many accidents on a regular basis. He added that

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because of the issues that surround the Shadow Creek development and its abandoned street, which attracts things like teen-age parties, and that regardless of measures taken by the police (i.e. metal barriers, steel pipes in addition to the metal barriers), nothing has curtailed the noise and things of that nature. Because of this, he stated that the residents are concerned that an apartment complex would be more of a transient nature and such things as loud music, odd hours, and people who don't have much care for the area would simply not be in keeping with the traditional nature of the area, which is upper scale.

Mr. Miller, acknowledging the issue as being held over, asked the speaker if it was realized that the three-fourth's of the site is already zoned for apartments?

Mr. McNally stated yes it was understood and they did not oppose the zoning.

Mr. Miller continued to express that the site was zoned for apartments, the majority of the site was absolutely zoned for apartments and the rest of it was zoned for retail, B2 type use, so it would be difficult to deny apartments on this site.

Mr. Olsen interjected that the rear portion of the site is zoned R3, which is multi-family residential, which allows anything from single family up to apartments.

Mr. McNally stated that it didn't have to be apartments, that it could be homes, like theirs.

Mr. Miller expressed that it was not a decision to be made by anyone other than the property owner.

Mr. Olsen stated that the B-2 portion allows many types of commercial uses, but also allows multi-family residential by right. On the B-2 portion, there can be anything from convenience stores to a lounge to a restaurant with a drive-thru; a large variety of businesses are allowed on a B-2 parcel.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the October 18, 2007, meeting, to allow the applicant to provide the staff with the following by September 27, 2007:

- 1. depiction of the 25-foot minimum building setback line;**
- 2. the submittal of the completed traffic impact study as required by Traffic Engineering;**
- 3. depiction of the location of the dumpsters; and,**
- 4. the illustration of the buffering along the sides and rear of the development.**

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The motion carried unanimously.

Case #ZON2007-02209 (Planned Unit Development)

UNO Subdivision

East side of Sollie Road, 800'± South of Shadow Creek Drive. Planned Unit Development Approval to allow twenty buildings on a single building site for a residential apartment complex.

(Also see Case #ZON2007-00227 (Subdivision) UNO Subdivision, above, and, Case #ZON2007-02210 (Rezoning) Crossroads, LLC, below)

(Also see Case #ZON2007-00227 (Subdivision) UNO Subdivision for discussion)

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the October 18, 2007, meeting, to allow the applicant time to provide the staff with the following by September 27, 2007:

- 1. the submittal of the completed traffic impact study as required by Traffic Engineering;**
- 2. depiction of the location of the dumpsters; and,**
- 3. the illustration of the buffering along the sides and rear of the development.**

The motion carried unanimously.

Case #ZON2007-02210 (Rezoning)

Crossroads, LLC

East side of Sollie Road, 800'± South of Shadow Creek Drive.

Rezoning from B-2, Neighborhood Business, and R-3, Multi-Family Residential, to R-3, Multi-Family Residential, to eliminate split zoning in a one-lot subdivision to allow a 384-unit residential apartment complex.

(Also see Case #ZON2007-00227 (Subdivision) UNO Subdivision, and, Case #ZON2007-02209 (Planned Unit Development) UNO Subdivision, above)

(Also see Case #ZON2007-00227 (Subdivision) UNO Subdivision for discussion)

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the October 18, 2007, meeting, to allow the applicant time to provide the staff with the following by September 27, 2007:

- 1. the submittal of the completed traffic impact study as required by Traffic Engineering;**

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2. depiction of the location of the dumpsters; and,
3. the illustration of the buffering along the sides and rear of the development.

The motion carried unanimously.

Case #SUB2007-00235 (Subdivision)

Shiloh Missionary Baptist Church

2756 Old Shell Road

(Northwest corner of Old Shell Road and Bay Shore Avenue)

1 Lot / 2.7± Acres

(Also see Case #ZON2007-02227 (Planned Unit Development) Shiloh Missionary Baptist Church, and Case #ZON2007-02228 (Planning Approval) Shiloh Missionary Baptist Church, below)

Mr. Turner recused from discussion and voting.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the October 18, 2007, meeting, to allow the applicant to address the issues related to the “metes and bounds” parcel, which will be considered simultaneously with the Planning Approval and Planned Unit Development applications.

The motion carried unanimously.

Case #ZON2007-02227 (Planned Unit Development)

Shiloh Missionary Baptist Church

2756 Old Shell Road

(Northwest corner of Old Shell Road and Bay Shore Avenue)

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

(Also see Case #ZON2007-00235 (Subdivision) Shiloh Missionary Baptist Church, above, and, Case #ZON2007-02228 (Planning Approval) Shiloh Missionary Baptist Church, below)

Mr. Turner recused from discussion and voting.

Hearing no discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the October 18, 2007, meeting, to allow the applicant to address ALL discrepancies within the application packet. Revised information must be submitted to the staff no later than September 27, 2007.

The motion carried unanimously.

Case #ZON2007-02228 (Planning Approval)

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Shiloh Missionary Baptist Church

2756 Old Shell Road

(Northwest corner of Old Shell Road and Bay Shore Avenue)

Planning Approval to allow the expansion of an existing church in an R-1, Single-Family Residential District to include a new sanctuary, educational building, and parking lot expansion.

(Also see Case #ZON2007-00235 (Subdivision) Shiloh Missionary Baptist Church, and, Case #ZON2007-02227 (Planned Unit Development) Shiloh Missionary Baptist Church, above)

Mr. Turner recused from discussion and voting.

Hearing no discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the October 18, 2007, meeting, to allow the applicant to address ALL discrepancies within the application packet. Revised information must be submitted to the staff no later than September 27, 2007.

The motion carried unanimously.

Case #SUB2007-00231 (Subdivision)

Balloon Park Subdivision

4658 Airport Boulevard

(North side of Airport Boulevard, 200'± West of South University Boulevard)

2 Lots / 1.5± Acres

(also see Case #ZON2007-00218 (Planned Unit Development) Balloon Park Subdivision, below)

Hearing no discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the October 18, 2007, meeting, so that the applicant can submit additional information to the staff for the PUD application.

The motion carried unanimously.

Case #ZON2007-02218 (Planned Unit Development)

Balloon Park Subdivision

4658 Airport Boulevard

(North side of Airport Boulevard, 200'± West of South University Boulevard)

Planned Unit Development Approval to allow two buildings on a single building site with shared access and parking between two building sites.

(Also see Case #ZON2007-00231 (Subdivision) Balloon Park Subdivision, above)

Hearing no discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the October 18, 2007, meeting, so that

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the applicant can provide the following information on a revised site plan (5 copies) to the staff by September 27, 2007:

- 1. breakdown of uses for each building by square-feet, and delineation of any suites or separate lease-able areas within the building; and,**
- 2. depiction of any areas that can be striped to provide additional parking, while meeting the parking and access dimensional requirements of the Zoning Ordinance.**

The motion carried unanimously.

Case #SUB2007-00223 (Subdivision)

Hutson-Key Subdivision, Unit Two

1312 West I-65 Service Road South

(Northwest corner of West I-65 Service Road South and Pleasant Valley Road, extending to the Northeast corner of Michael Boulevard and Hutson Drive, and extending to the South side of Key Street, 490'± West of West I-65 Service Road South)

3 Lots / 16.4+ Acres

(Also see Case #ZON2007-00216 (Sidewalk Waiver Request) Value Place Real Estate Services, LLC, and Case #ZON2007-02205 (Rezoning) Value Place Real Estate Services, LLC, above)

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

- 1. placement of a note on the final plat stating that Lot 1 be limited to the existing curb cuts, Lot 2 be limited to two curb-cuts, while Lot 3 with greater than 200 feet of frontage on all street frontages should be limited to one curb-cut, to each street, with the size, design and location of all curb-cuts to be approved by Traffic Engineering and conform with AASHTO standards;**
- 2. depiction of the 25-foot minimum building setback line from all street frontages (including Interstate 10), as required by Section V.D.9. of the Subdivision Regulations;**
- 3. the labeling of each lot with its size in square feet, or placement of a table on the plat with the same information;**
- 4. placement of a note on the final plat stating that the maintenance of the detention common area is the responsibility of the property owners; and,**
- 5. full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

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Case #ZON2007-02216 (Sidewalk Waiver Request)

Value Place Real Estate Services, LLC

West side of West I-65 Service Road South, 500'± South of Key Street

Request to waive construction of a sidewalk along West I-65 Service Road South.

(Also see Case #ZON2007-00223 (Subdivision) Hutson-Key Subdivision, Unit Two, above, and Case #ZON2007-02205 (Rezoning) Value Place Real Estate Services, LLC, below)

Hearing no discussion, a motion was made by Mr. Turner, with second by Mr. DeMouy, to approve the above referenced sidewalk waiver request.

The motion carried unanimously.

Case #ZON2007-02205 (Rezoning)

Value Place Real Estate Services, LLC

West side of West I-65 Service Road South, 500'± South of Key Street.

Rezoning from I-1, Light Industry, to B-3, Community Business, to allow an extended stay hotel.

(Also see Case #SUB2007-00223 (Subdivision) Hutson-Key Subdivision Unit Two, and, Case #ZON2007-02216 (Sidewalk Waiver Request) Value Place Real Estate Services, LLC, above)

Hearing no discussion, a motion was made by Mr. Turner, with second by Mr. DeMouy, to approve the above referenced rezoning subject to the following conditions:

1. **completion of the Subdivision process; and,**
2. **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2007-00228 (Subdivision)

Ramshead Commercial Park Subdivision

4119 Halls Mill Road

(East side of Halls Mill Road, 210'± South of Moore Creek drainage canal)

4 Lots / 4.4± Acres

(Also see Case #ZON2007-00217 (Rezoning) Ramshead, LLC, below)

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no discussion, a motion was made by Mr. Turner, with second by Mr. DeMouy, to approve the above referenced subdivision subject to the following conditions:

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1. dedication of sufficient right-of-way to provide 35' as measured from the centerline of Halls Mill Road;
2. depiction of the 25' minimum building setback line as measured from the new right-of-way line after dedication;
3. placement of a note on the final plat stating that each lot is limited to one curb cut to Hall's Mill Road, with the size, location, and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;
4. the labeling of each lot with its size in square feet, or placement of a table on the plat with the same information;
5. placement of a note on the final plat stating that the maintenance of the common area is the responsibility of the property owners;
6. subject to the Engineering Comments (*Show minimum finished floor elevation on any lots touched by 100-year or 500-year flood plain. No fill in flood plain without flood study. 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*);and,
7. full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2007-02217 (Rezoning)

Ramshead, LLC

Rezoning from R-1, Single-Family Residential, and I-1, Light Industry, to I-1, Light Industry, to allow prospective light industrial development.

(Also see *Case #SUB2007-00228 (Subdivision) Ramshead Commercial Park Subdivision above*)

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no discussion, a motion was made by Mr. Turner, with second by Mr. DeMouy, to approve the above referenced rezoning subject to the following conditions:

1. completion of the Subdivision process; and,

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2. full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2007-00224 (Subdivision)

Graf Dairy Subdivision

2955 Dauphin Street

(Southeast corner of Dauphin Street and South Sage Avenue, extending to the West termini of Hilburn Drive, Exter Drive, and South Sherwood Drive)

6 Lots / 38.1± Acres

(Also see Case #ZON2007-02214 (Planned Unit Development) Graf Dairy Subdivision, and Case #Zon2007-02211 (Rezoning) Graf Dairy LLC, and Case #ZON2007-02215 (Rezoning) Graf Dairy, LLC below)

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the October 18, 2007, meeting, to allow completion of the Traffic Impact Study, and to allow the applicant to address other issues as noted in the staff report. Revised drawings and information must be submitted to the staff no later than September 27, 2007.

The motion carried unanimously.

Case #ZON2007-02214 (Planned Unit Development)

Graf Dairy Subdivision

2955 Dauphin Street

(Southeast corner of Dauphin Street and South Sage Avenue, extending to the West termini of Hilburn Drive, Exter Drive, and South Sherwood Drive)

Planned Unit Development to allow multiple buildings on a single building site, with shared access and parking between multiple building sites, in a private street subdivision.

(Also see Case #SUB2007-00224 (Subdivision) Graf Dairy Subdivision, above and Case #Zon2007-02211 (Rezoning) Graf Dairy LLC, and Case #ZON2007-02215 (Rezoning) Graf Dairy, LLC below)

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the October 18, 2007, meeting, to allow completion of the Traffic Impact Study, and to allow the applicant to address other issues as noted in the staff report. Revised drawings and information must be submitted to the staff no later than September 27, 2007.

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The motion carried unanimously.

Case #ZON2007-02211 (Rezoning)

Graf Dairy, LLC

2955 Dauphin Street

(Southeast corner of Dauphin Street and South Sage Avenue, extending to the West terminus of Hilburn Drive)

Rezoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, to allow a drug store, bank, and other unspecified commercial uses.

(also see Case #SUB2007-00224 (Subdivision) Graf Dairy Subdivision, and Case #ZON2007-02214 (Planned Unit Development) Graf Dairy Subdivision, above, and Case #ZON2007-02215 (Rezoning) Graf Dairy, LLC below)

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the October 18, 2007, meeting, to allow completion of the Traffic Impact Study, and to allow the applicant to address other issues as noted in the staff report. Revised drawings and information must be submitted to the staff no later than September 27, 2007.

The motion carried unanimously.

Case #ZON2007-02215 (Rezoning)

Graf Dairy, LLC

East side of South Sage Avenue, ¼ mile± South of Dauphin Street, extending to the West termini of Exter Drive and South Sherwood Drive.

Rezoning From R-1, Single-Family Residential, to R-3, Multi-Family Residential, to allow a 96-unit residential condominium complex.

(Also see Case #SUB2007-00224 (Subdivision) Graf Dairy Subdivision, and Case #ZON2007-02214 (Planned Unit Development) Graf Dairy Subdivision, and Case #ZON2007-02211 (Rezoning) Graf Dairy, LLC above)

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the October 18, 2007, meeting, to allow completion of the Traffic Impact Study, and to allow the applicant to address other issues as noted in the staff report. Revised drawings and information must be submitted to the staff no later than September 27, 2007.

The motion carried unanimously.

Case #SUB2007-00236 (Subdivision)

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Chamberlin Station Subdivision

North terminus of Skyview Drive, extending to the West side of Skywood Drive, 650'± South of Government Boulevard.

5 Lots / 17.3± Acres

(Also see Case #ZON2007-02238 (Planned Unit Development) Chamberlin Station Subdivision, and Case #ZON2007-02237 (Rezoning) RCR Properties, Inc., below)

Mr. Miller recused from discussion and voting.

Reid Cummings, 2316 Knollwood Drive, spoke on behalf of the applicant. He stated he was in agreement with the recommendations, but had a question regarding clarification on the rezoning. The parcel in question has been submitted for subdivision into two different, yet similar, dense subdivisions. The R3 zoning in this case seems to be due to the density and smallness of the lots. This R3 zoning would continue and be applicable and restricted to this site plan. However, Mr. Cummings stated, it's likely he will come back at some point soon with a revision to the site plan just because they haven't gone over final engineering, so it may be necessary for them to relocate and re-size the retention pond, possibly even adding another one. In that case, the applicant would have to go back through the rezoning process, unless a note can be made regarding this possibility.

Mr. Olsen stated that the rezoning had to come back because the original rezoning was tied to the specific PUD. The condition recommended by the staff for this rezoning is that it be an approved PUD, which would allow for the modifications.

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

- 1. compliance with Section VIII.E.2 of the Subdivision Regulations for private streets (minimum standard);**
- 2. gates to remain functional (the gate to remain operational and in use, if gate ceases to be used, the street must be brought into compliance with city standards and dedicated to the city);**
- 3. placement of a note on the final plat stating that maintenance of all common areas and detention facilities shall be the responsibility of the property owners;**
- 4. completion of the rezoning process prior to the issuance of any permits; and,**
- 5. placement of a note on the final plat stating that development limited an approved PUD.**

The motion carried unanimously.

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Case #ZON2007-02238 (Planned Unit Development)

Chamberlin Station Subdivision

North terminus of Skyview Drive, extending to the West side of Skywood Drive, 650'± South of Government Boulevard.

Planned Unit Development Approval to amend a previously approved Planned Unit Development Approval to allow a gated, private street single-family residential subdivision with reduced lot widths and sizes, reduced building setbacks, and increased site coverage.

(Also see Case #SUB2007-00236 (Subdivision) Chamberlin Station Subdivision, above, and Case #ZON2007-02237 (Rezoning) RCR Properties, Inc., below)

(Also see Case #SUB2007-00236 (Subdivision) Chamberlin Station Subdivision for discussion)

Mr. Miller recused from discussion and voting.

Hearing no opposition or further discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Turner, to approve the above referenced planned unit development subject to the following conditions:

1. **completion of the rezoning and subdivision processes prior to the issuance of any permits;**
2. **full compliance Urban Forestry Comments – for the overall development (Property to be brought into full compliance with landscape and tree requirements of the zoning ordinance. Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [City Code Chapters 57 and 64 and State Act 61-929]); and,**
3. **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2007-02237 (Rezoning)

RCR Properties, Inc.

North terminus of Skyview Drive, extending to the West side of Skywood Drive, 650'± South of Government Boulevard.

Rezoning from R-3, Multi-Family Residential, to R-3, Multi-Family Residential, to amend a site plan condition of a previously approved rezoning.

(Also see Case #SUB2007-00236 (Subdivision) Chamberlin Station Subdivision, and Case #ZON2007-02238 (Planned Unit Development) Chamberlin Station Subdivision, above)

(Also see Case #SUB2007-00236 (Subdivision) Chamberlin Station

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Subdivision for discussion

Mr. Miller recused from discussion and voting.

Hearing no further discussion, a motion was made by Dr. Rivizzigno, and seconded by Mr. Turner, to approve the above referenced rezoning subject to the following conditions:

- 1. completion of the subdivision process;**
- 2. development of the site limited to an approved PUD; and,**
- 3. full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2007-02212 (Planned Unit Development)

McGill-Toolen High School (Fr. Bry Shields)

1501 Old Shell Road

(South side of Old Shell Road, extending from the West side of Lafayette Street to the East side of Catherine Street; Northwest corner of Old Shell Road and Kilmarnock Street, and North side of Old Shell Road between Kilmarnock Street and Catherine Street; Northeast corner of Dauphin Street and Lafayette Street; Northwest corner of Dauphin Street and Lafayette Street; Southeast corner of Old Shell Road and Lafayette Street and extending South along the East side of Lafayette Street 696'±).

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

(Also see Case #ZON2007-02213 (Planning Approval) McGill-Toolen High School (Fr. Bry Shields), below)

Mr. Jerry Luker with Speaks and Associates spoke on behalf of the applicant. He stated they are preparing the additional information for the hold over, however the issue of existing parking spaces within the existing city right-of-way still requires work with the staff and traffic engineering. There have been some restrictions on it and the school is very concerned because parking is a premium. They are working diligently to resolve that issue by the October 18th meeting.

Hearing no further discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to hold the matter over until the October 18, 2007, meeting, to allow the applicant time to provide the staff revised site plans by September 27, 2007, as well as the following:

- 1. the construction be limited to the submitted and approved site plan;**
- 2. the provision of landscaping, trees and buffering where the site**

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- abuts residential uses; revision of the site plan to depict sidewalks all road frontages;
3. revision of the site plan to depict any dumpster storage facility, in compliance with Section 64-4.D.9. of the Zoning Ordinance;
 4. placement of a note on the site plan stating that on-site lighting must fully comply with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance; and,
 5. full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2007-02213 (Planning Approval)
McGill-Toolen High School (Fr. Bry Shields)

1501 Old Shell Road

(South side of Old Shell Road, extending from the West side of Lafayette Street to the East side of Catherine Street; Northwest corner of Old Shell Road and Kilmarnock Street, and North side of Old Shell Road between Kilmarnock Street and Catherine Street; Northeast corner of Dauphin Street and Lafayette Street; Northwest corner of Dauphin Street and Lafayette Street; Southeast corner of Old Shell Road and Lafayette Street and extending South along the East side of Lafayette Street 696'±)

Planning Approval to amend the previously approved Comprehensive Master Plan for an existing church school in an R-1, Single-Family Residential district to allow its expansion to include existing parking and entrance drive reconfigurations, a covered walkway between across-street sites, new science classroom buildings, a new student center, and a new classroom building

(Also see Case #ZON2007-02212 (Planned Unit Development) McGill-Toolen High School (Fr. Bry Shields), above)

Hearing no further discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to hold the matter over until the October 18, 2007, meeting, to allow the applicant time to provide the staff with the following, as well as revised site plans, by September 27, 2007:

1. the revision of the Planning Approval site plan to include all parking areas that are used by the students and staff and reflect the change in parking spaces and reduction of landscaping with plan detail regarding the connection of the proposed parking facility with existing parking facilities so that staff can determine if existing parking and circulation facilities will be impacted;
2. the illustration of sidewalks or the submission of a sidewalk waiver; and,
3. a revised site plan depicting compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance for the entire site.

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The motion carried unanimously.

OTHER BUSINESS:

Mr. Olsen addressed the Commission regarding the recent annexation of portion A of West Mobile. He stated they anticipate everything to be approved by the Justice Department, with the Judge of Probate certifying the election results some time next week. Though unable to give a specific time that Zoning Ordinance will be enforced in the newly annexed area, he did want the Commission to know that the staff is immediately initiating a zoning study of the area to create a plan for this new section of the city. He advised that when an area is annexed into the city it is automatically zoned R1 per the Alabama state code, which makes all commercial uses in the corridor as non-conforming. As soon as that is completed, it will be presented so that the Commission can call for a public hearing on the matter.

Mr. Plauche also let the Commission members know that they should be receiving a letter from Linda St. John regarding a meeting with consultant about the proposed Village of Springhill. That meeting was scheduled for the next Tuesday at 3 p.m., in the mayor's office, and he hoped that as many members as possible would be able to attend.

Hearing no further business, the meeting was adjourned.

APPROVED: November 20, 2008

Victoria Rivizzigno, Secretary

Terry Plauche, Chairman.

jl