

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF JULY 20, 2006 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
Victoria L. Rivizzigno, Secretary
Ann Deakle
Bill DeMouy
Mead Miller
Roosevelt Turner
John Vallas
James Watkins III

Members Absent

Nicholas Holmes, III
Clinton Johnson

Urban Development Staff Present

Richard L. Olsen, Planner II
Deputy Director of Planning
Bert Hoffman, Planner II
Frank Palombo, Planner II
David Daughenbach, Urban Forestry
Val Manuel, Secretary II

Others Present

John Lawler, Assistant City Attorney
Jennifer White, Traffic Engineering
Pat Stewart, County Engineering
Beverly Terry, City Engineering

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

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

HOLDOVERS:

Case #SUB2006-00111 (Subdivision)

D. J.'s Subdivision

1736 and 1870 Schillinger Road South
(West side of Schillinger Road South, 100'± South of Terry Drive).

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

After discussion a motion was made by Mr. Watkins and seconded by Dr. Rivizzigno to approve the referenced subdivision subject to the following conditions:

- 1) submission of proof that Lots 1 and 2 are served by public water and/or sanitary sewer, prior to signing the final plat;
- 2) the placement of the 25-foot building setback lines on the final plat;
- 3) the placement of a note on the final plat stating that any lots that are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations; and
- 4) the placement of a note on the final plat stating that the entire site is limited to three curb cuts, with size, location, and design subject to County Engineering approval.

The motion carried unanimously.

Case #SUB2006-00117 (Subdivision)

Wade Business Park Subdivision

Northwest corner of Government Boulevard and Montlimar Creek, extending to the East side of Lakeside Drive, at the East terminus of Joy Springs Drive.

Mr. Plauche stated that this application would be held over until the August 3, 2006, meeting at the applicant's request

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to holdover this application until the August 3, 2006, meeting, at the applicant's request.

The motion carried unanimously.

Case #SUB2006-00118 (Subdivision)

Oak Hill Subdivision

8490 Oak Hill Drive

(North side of Oak Hill Drive, ½ mile± North of Moffett Road).

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Miller to approve the above referenced subdivision subject to the following conditions:

- 1) provision of proof that the site will have public water and sanitary sewer services, prior to signing the final plat;
- 2) depiction on the final plat of the major street right-of-way dedication for Magee Road, as shown on the plat submitted;
- 3) dedication of 25-foot curb radii at the intersection of the new street stub with Magee Road;
- 4) the placement of a note on the final plat stating that all lots are denied direct access both to Oak Hill Drive and Magee Road;
- 5) the labeling of all traffic circles as common area and the placement of a note on the final plat stating that maintenance of all common areas is the property owners' responsibility;
- 6) the construction and dedication of the new streets to County Engineering standards;
- 7) the placement of the 25-foot building setback lines on the final plat; and

- 8) the placement of a note on the final plat stating that any lots that are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations.

The motion carried unanimously.

**Case #ZON2006-01136 (Planning Approval)
Over Flow Ministries, Inc. (Wilbert Hardy, Pastor)**

1201 North Drive

(Southwest corner of North Drive and an unopened, unnamed public right-of-way).

A request for Planning Approval to allow a church with child day care activities in an R-1, Single-Family Residential District was considered.

The plan illustrates the existing building and parking.

Mr. Plauche stated that the application was recommended for holdover until the August 17, 2006, meeting.

After discussion a motion was made by Mr. Plauche and seconded by Mr. DeMouy to holdover this application until the August 17, 2006, meeting for the following reasons:

- 1) revised site plan, drawn to scale, showing parking area designed to comply with the Zoning Ordinance;
- 2) revision of the site plan, if necessary, to depict stormwater detention facilities that may be required due to the parking area; and
- 3) revision of the site plan to depict compliance with the tree and landscaping requirements of the Zoning Ordinance.

The motion carried unanimously.

**Case #ZON2006-01028 (Rezoning)
River 4 Properties L.L.C.**

4061 Hillcrest Lane West

(South side of Hillcrest Lane West at Pansy Court [private street]).

The request for a change in zoning from R-1, Single-Family Residential district, to R-3, Multi-Family Residential district, to allow residential condominiums was considered.

The plan illustrates the proposed private streets and building sites.

(See Case #ZON2006-01031 - Wisteria Trace Subdivision (Planned United Development) – Below; and Case #SUB2006-00101 - Wisteria Trace Subdivision – Below).

Jerry Byrd, Byrd Surveying Company, was present on behalf of the applicant. Mr. Byrd stated that the property was located on Hillcrest Lane West near Wildwood Drive, and

Wildwood Drive had direct access out to Cottage Hill Road for traffic flow. There were presently 11 rental houses on the property and the applicant proposed to remove the existing houses and construct 23 single-family detached dwellings with enclosed garages. All of the 23 property owners would own the open space, but each dwelling would have a defined yard area. Mr. Byrd noted that the proposed Wisteria Trace had almost five times more open space than the regulations required. They would coordinate construction with Urban Forestry concerning the three live oak trees on the property. Mr. Byrd noted that at present there was an 8-foot board fence along the South property line. They planned to construct an 8-foot board fence on the East line and the West line, and ask that they not be required to have the vegetative buffer inside of that. Mr. Byrd stated that the staff had recommended denial of the rezoning because of revisions needed to the site plan. Their site plan indicated a pavement width of 20 feet, whereas a width of 26 feet was required. He said they had plenty of room to expand that out. Also, they would have no problem deleting the lot lines.

With reference to the recommendation for denial of the subdivision application, Mr. Byrd said they felt there was no reason to deny it, as they were merely taking a metes and bounds parcel and making a one-lot subdivision.

Mr. Watkins asked Mr. Byrd if this site would be developed as a condominium.

Mr. Byrd said that it would be handled with condominium documents.

Ms. Deakle asked if she understood correctly that all of these structures would be detached.

Mr. Byrd said they would be detached dwellings with garages.

Henny Bolton, with Tri-State Real Estate, stated that he represented the seller. He said that Chris Keifer, the owner, lived in the area, and there were other people that lived on Hillcrest Lane that were very much in favor of this proposal. He understood that the opposition did not adjoin this property, but was in the next subdivision over. Regarding the 11 dwellings currently on the property, Mr. Bolton said that Mr. Keifer constantly had to go in and eject vagrants and homeless people from these dwellings. He did not think the members of the community would want these properties to remain in their present condition. He said Mr. Keifer could also present another plan that would re-evaluate this 3.6 acres for the construction of Section 8 rental homes, but he did not think the community would want that either. Mr. Bolton felt the proposed condominiums, which would be a gated community and would sell for \$250,000 - \$300,000, would not only enhance the properties on Hillcrest Lane, but also the surrounding subdivisions as well. Mr. Bolton asked that the Commission take a stronger look at this proposal and approve it.

There being no one else to speak in favor of this application, Mr. Plauche asked if there was anyone present to speak in opposition.

Charlotte Stephens, a resident of Hillcrest Lane West, voiced her objection due to an increase in traffic that this development would cause on this already heavily traveled street. She said people used this street as a cut-through to Cottage Hill or to Azalea Road. She was also opposed to the density of the project, and felt most of the neighbors would not object if they only developed 11 or 12 homes like there were now. Ms. Stephens was also concerned that they would have to cut down a lot of trees for this development.

Sankoori Kal Varghese, a resident of the area, also objected to this proposal due to the density, and felt it would be more acceptable if the developer constructed just 10 or 11 houses on the site. Mr. Varghese noted that a petition in opposition signed by about fifty residents of the area was presented to the Commission at the last meeting. He asked for the Commission's consideration in this matter.

Eunice Hartley, 4010 Hillcrest Lane West, voiced her objection due to the potential of increased traffic. She said this street was already heavily traveled, as it was a cut-through to Cottage Hill Road and Azalea Road. There were a lot of children moving into the area and she was concerned with cars going down Hillcrest Lane at 40 mph.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Miller to recommend denial of this request to the City Council for the following reasons:

- 1) based upon the PUD site plan; and
- 2) the density of the proposed development is not in character with the surrounding residential development.

In further discussion Mr. Watkins said he felt this property should be used for residential purposes, but felt the proposed condominiums were a little too much. He wanted the applicant and owner to know that possibly a revised plan with a few less units might be looked upon more favorably by the Commission.

Dr. Rivizzigno agreed with Mr. Watkins. She felt this would be an overuse of the property.

Mr. Miller also agreed, saying the proposed lots were very small for the area. He also felt the Commission might look favorably upon a revised plan with fewer units.

Mr. Olsen pointed out to the Commission that if this application were denied and was upheld by the City Council, the applicant would have to wait six months to re-apply. That would give him adequate time to come up with a different configuration.

Mr. Watkins asked Mr. Olsen if he had had any conversations with the developer that might lead him to believe that a holdover would be beneficial as opposed to denial and a six-month wait.

Mr. Olsen said that the last conversation he had with the developer indicated that this plan was what he wanted.

Dr. Rivizzigno commented that she had been on the Commission for a number of years and this was the first time she had seen condominiums that were not butted up, wall-to-wall, but were separate units.

Mr. Olsen said that there had been only one or two commercial condominium plans submitted in the past eight or ten years that were separate buildings on a single property.

There being no further discussion, Mr. Plauche called for the vote.

The motion carried unanimously.

Case #ZON2006-01031 (Planned Unit Development)

Wisteria Trace Subdivision

4061 Hillcrest Lane West

(South side of Hillcrest Lane West at Pansy Court [private street]).

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

The plan illustrates the proposed private streets and building sites.

(For discussion see Case #ZON2006-01028 (Rezoning) - River 4 Properties L.L.C. – Above; and Case #SUB2006-00101 – Wisteria Trace Subdivision - Below.)

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Miller to deny approval of this plan for the following reasons:

- 1) the site plan does not depict the minimum required pavement width and curb radii;
- 2) the site plan depicts what appears to be “lot” lines for a “condominium” development;
- 3) the site plan does not depict fence and landscape buffering along the East, South and West property lines that complies with Section 64-4.D. of the Zoning Ordinance; and
- 4) the density of the proposed development is not in character with the surrounding residential development.

The motion carried unanimously.

Case #SUB2006-00101 (Subdivision)

Wisteria Trace Subdivision

4061 Hillcrest Lane West

(South side of Hillcrest Lane West at Pansy Court [private street]).

The plan illustrates the proposed private streets and building sites

(For discussion see Case #ZON2006-01028 (Rezoning) - River 4 Properties L.L.C. – Above; and Case #ZON2006-01031 Wisteria Trace Subdivision (Planned Unit Development - Above.)

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Miller to deny the above referenced subdivision for the following reasons:

- 1) based upon the PUD site plan; and
- 2) the density of the proposed development is not in character with the surrounding residential development.

The motion carried unanimously.

Case #SUB2006-00124 (Subdivision)

I.M.S. Subdivision

4548 Halls Mill Road

(North side of Halls Mill Road, ¼ mile± East of Rochelle Street).

Mr. Plauche stated that the applicant had requested that this application be held over until the August 3, 2006, meeting, but if anyone was present to speak in this matter they could do so at this time. (There was no one present to speak.)

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to holdover this application until the August 3, 2006, meeting, at the applicant's request.

The motion carried unanimously.

Case #SUB2006-00120 (Subdivision)

Heron Landing Subdivision

South side of Dauphin Island Parkway, 70'± East of Willowdale Street, extending to the West side of Doyle Street, 600'± South of Dauphin Island Parkway.

20 Lots / 20.7± Acres

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

There was no present in opposition.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Miller to waive Section V.D.3 and approve the above referenced subdivision subject to the following conditions:

- 1) depiction and labeling of all drainage and sanitary sewer easements on the final plat;

- 2) depiction and labeling of FEMA flood zones and required finished floor elevation information on the final plat;
- 3) revision of the plat to include the phrase “future development” across all lots not proposed for inclusion in first phase of the subdivision;
- 4) placement of a note on the final plat stating that proposed lots 18-20 shall not be recorded until the zoning issues for lots 18 and 19 are resolved;
- 5) placement of a note on the plat stating that lot 5 is denied access to Doyle Street, and that lot 1 is denied direct access to Dauphin Island Parkway;
- 6) placement of a note on the plat stating that lot 20 is denied direct access to the proposed street, if it remains commercially zoned, and that the number, size and location of any curb-cuts onto Dauphin Island Parkway must be approved by Traffic Engineering and ALDOT, and conform to AASHTO standards, however, if lot 20 is rezoned to a residential designation, it shall be denied access to Dauphin Island Parkway;
- 7) revision of the plat to depict a 55-foot setback line, as measured from the centerline of Doyle Street, for lot 5;
- 8) revision of the plat to depict the 25-foot minimum building setback line from the right-of-way for all lots;
- 9) placement of a note on the final plat stating that the design and location of the proposed road intersection with Dauphin Island Parkway be approved by Traffic Engineering and ALDOT, and conform to AASHTO standards;
- 10) placement of a note on the final plat stating that approval of all applicable federal, state and local agencies is required prior to the issuance of any permits or land disturbance activities; and
- 11) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2006-01259 (Sidewalk Waiver)

TREC, LLC

133 West I-65 Service Road South

(Southwest corner of West I-65 Service Road South and Springhill Business Park).

A request to waive construction of sidewalks along West I-65 Service Road South and Springhill Business Park was considered.

Mr. Plauche and Mr. Vallas recused from discussion and voting in this matter.

Tom C. Latham, with Clark, Geer and Latham Engineers, was present on behalf of the owners. Mr. Latham stated that they were not asking for a waiver of the sidewalks, but for a waiver to extend the sidewalks fully to the end of the property line because of obstructions. He pointed out that on Springhill Business Park Drive there was an existing back-flow preventer that was in the right-of-way that was not part of their system. In order to extend the sidewalk, they would literally have to go underneath the back-flow preventer. They were requesting that they be allowed to stop the sidewalk perhaps five feet from the property line and take it to the back-blow preventer on Springhill Business Park Drive, and then when, or if, that back-flow preventer is removed or put

underground, they would extend the sidewalk, or they would place the sidewalk in the back-flow preventer. Mr. Latham said the same thing applied to the service road. Presently they had put in pipes in order to put in the sidewalks. He pointed out that the property to the South was undeveloped, and they had planned to stop the sidewalk approximately 15 feet from the South property line until that pipe was extended some time in the future.

Ms. Deakle asked why it was necessary to stop the sidewalk 15 feet from the Southeast property line.

Mr. Latham explained that the topography there was actually going downhill because there was an open ditch to the South of them and that pipe had not been extended yet.

Beverly Terry, with the City Engineering Department, stated that they agreed with what the applicant wanted to do. She noted that the Springhill Apartments had put in a discharge pipe across that property to the South and it discharged right at the corner of this property. Most likely when that property is developed, they would put in a junction box and provide the right-of-way necessary. If they terminated it just North of there, however, that would be acceptable.

Mr. Watkins asked counsel if there was any way they could be assured that this would happen at a given time.

Mr. Lawler stated that it was a continuing obligation to comply with the Subdivision Regulations and Zoning Ordinance with regard to fences between residential and business properties, so using that as a model he said that perhaps a covenant could be recorded that would require the extension of the sidewalk by the owner at some point in the future when it becomes feasible.

Ms. Deakle suggested that perhaps this was one of those situations where a bond could be placed. She said it was her experience with back-flow preventers that once one was put anywhere, it was never moved.

Mr. Lawler suggested that the property owner be required to record a covenant acknowledging his obligation to extend the sidewalk at such time that might fit the bill, and that would be something that would put the future owners on notice and perhaps could be enforced.

Mr. Latham said they would like to go ahead and construct the sidewalk to that point, and if the Commission decided they wanted them to go ahead and put it under the back-flow preventer or in the ditch, they would do that too. They would just like to be able to start construction so that that portion is okay, and then they would work with whatever was required.

In accordance with Mr. Lawler's comments, Mr. Watkins said the Commission could go ahead and allow the sidewalk to be constructed and have an agreement on record in the

Probate Court to the effect that if the adjoining property is developed, the landowner of this parcel would be required, at their expense, to extend the sidewalk an additional 15 feet.

Mr. Latham said the applicant would be receptive to that.

In deliberations session Mr. Miller said that he thought the solution as stated by Mr. Watkins was reasonable, but evidently there were some impediments in the way. He asked Ms. Terry to explain those impediments.

Ms. Terry explained that on the Springhill Business Park Drive side there was a back-flow preventer in the right-of-way, but it was in front of their property. It was a large Mobile Area Water and Sewer Board piece of equipment, and it was not likely going to go away. Also, off-site on the South of this property the drainage from another property drains through there. A large, concrete discharge pipe comes right off of their property line and discharges into that ditch that runs along the service road. That was not on their property, but it discharges right there and the sidewalk would lead right up to a hole.

Mr. Miller said he commended the applicant for his willingness to build by far the vast majority of the sidewalk, as he felt the city needed more sidewalks and he did not see any reason to have 10-foot gaps. He was concerned, however, about who would be responsible for extending the sidewalk in the future.

Mr. Olsen asked Ms. Terry if he understood correctly that if the property to the South were to develop, the owner would be required to install pipe where the ditch was and the issue would be dealt with at that time and with restrictive covenants as described by Mr. Lawler, and this applicant would then be required to connect sidewalks.

Ms. Terry said that was correct. She noted one instance, however, on property North of this site where the owner voluntarily piped a ditch to provide a sidewalk, which was quite a large expense. Quite often engineering would recommend, especially in the State right-of-way, waiving the sidewalk requirement. They did it voluntarily, however, so the Planning Commission may have to require the owner to continue it on around the corner at the time it comes in for development.

Ms. Deakle commented that she was certainly in favor of sidewalks, but not if they were not practical. She did not see any sense in making them build a new sidewalk underneath a back-flow preventer.

There was further discussion as to how to word a covenant regarding the extension of the sidewalk in the future.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Watkins to approve a temporary waiver, subject to the following condition:

- 1) the applicant must provide a covenant, to be approved by the Planning Commission attorney and recorded in Probate Court, stating that the sidewalk will be constructed at a future date, when feasible.

The motion carried unanimously.

Case #SUB2006-00127 (Subdivision)

Louise Place Subdivision

South terminus of Louise Avenue (unopened right-of-way, to be partially vacated), including Gulver Street (unopened right-of-way, to be vacated), and McMurray Street (unopened right-of-way, to be vacated), extending from McNeil Avenue to Schaub Avenue.

19 Lots / 4.7± Acres

The site plan illustrates the proposed development.

(See Case #ZON2006-01279 – Louise Place Subdivision (Planned Unit Development) – Below).

Mr. Plauche stated that the applicant had requested this application be held over until the August 17, 2006, meeting, but if anyone was present to speak in this matter, they could do so now. (There was no one present to speak.)

A motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to holdover the application until the August 17, 2006, meeting at the applicant's request.

The motion carried unanimously.

Case #ZON2006-01279 (Planned Unit Development)

Louise Place Subdivision

South terminus of Louise Avenue (unopened right-of-way, to be partially vacated), including Gulver Street (unopened right-of-way, to be vacated), and McMurray Street (unopened right-of-way, to be vacated), extending from McNeil Avenue to Schaub Avenue.

The request for Planned Unit Development Approval to allow reduced lot sizes and widths, reduced front yard and side yard setbacks, and increased site coverage in a single-family residential subdivision was considered.

The site plan illustrates the proposed development.

(For discussion see Case #SUB2006-00127 – Louise Place Subdivision – Above).

Mr. Plauche stated that the applicant had requested this application be held over until the August 17, 2006, meeting, but if anyone was present to speak in this matter, they could do so now. (There was no one present to speak.)

A motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to holdover the application until the August 17, 2006, meeting at the applicant's request.

The motion carried unanimously.

**Case #ZON2006-01281 (Planned Unit Development)
Spring Hill College (Dr. Charmaine May, Agent)**

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

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

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

**(See Case #ZON2006-01282 – Spring Hill College (Dr. Charmaine May, Agent)
[Planning Approval] – Below).**

Mr. Plauche recused from discussion and voting in this matter.

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

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

- 1) the submission and approval of Administrative PUD's for each phase of development (excluding Viragh II and the associated parking as specified in this approval);
- 2) full compliance with the landscaping and tree planting requirements of the Ordinance for each phase of development;
- 3) construction or extension of the access road (from College Lane South) and the parking lot, any portion of the new street that falls within the City right-of-way must be constructed to City standards;
- 4) provision of a buffer in compliance with Section IV.D.1. where the site abuts residential development (North and East property lines); and
- 5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #ZON2006-01282 (Planning Approval)
Spring Hill College (Dr. Charmaine May, Agent)**

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

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

(For discussion see Case #ZON2006-01281 – Spring Hill College (Dr. Charmaine May, Agent) [Planning Unit Development] – Above).

A request for Planning Approval to amend a previously approved Planning Approval to allow dormitory parking, office, athletic field and associated parking expansions at an existing college in an R-1, Single-Family Residential district was considered.

Mr. Plauche recused from discussion and voting in this matter.

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

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

- 1) the submission and approval of Administrative PUD's for each phase of development (excluding Viragh II and the associated parking as specified in this approval);
- 2) full compliance with the landscaping and tree planting requirements of the Ordinance for each phase of development;
- 3) construction or extension of the access road (from College Lane South) and the parking lot, any portion of the new street that falls within the City right-of-way must be constructed to City standards;
- 4) provision of a buffer in compliance with Section IV.D.1. where the site abuts residential development (North and East property lines); and
- 5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Mr. Plauche rescued from discussion and voting.

EXTENSIONS:

Case #SUB2002-00170 (Subdivision)

Calway-Jones Subdivision

West side of South University Boulevard, 175'± South of Cottage Hill Road.

6 Lots / 8.1± Acres

The request for a one-year extension of a previous approval was considered.

Mr. Plauche noted that the application was recommended for denial.

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant. Mr. Coleman said that although the applicant has had four extensions on this application, he does have a little interest in the property at this time and requested that the Commission allow him one more extension.

There was no present in opposition.

After discussion a motion was made by Mr. Vallas and seconded by Mr. Turner to approve this request, however, no future extension requests will be considered by the Commission.

The motion carried unanimously.

Case #ZON2005-01390 (Planned Unit Development)

Cottage Hill Baptist Church Subdivision

4255 Cottage Hill Road

(Southeast corner of Cottage Hill Road and North Demetropolis Road, extending to the North side of Thigpen Drive South, and, Southeast corner of North Demetropolis Road and Thigpen Drive South, extending to the North side of Troy Lane).

The request for a one-year extension of a previous approval was considered.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Turner to approve a one-year extension of approval for the above Planned Unit Development.

The motion carried unanimously.

Case #SUB2005-00132 (Subdivision)

D'Iberville Town Homes Subdivision

South side of Southland Drive, 800'± West of Knollwood Drive, extending to the West terminus of Southland Drive.

58 Lots / 10.8± Acres

The request for a one-year extension of a previous approval was considered.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Turner to approve a one-year extension of approval for the above referenced subdivision.

The motion carried unanimously.

Case #ZON2005-01291 (Planned Unit Development)

D'Iberville Town Homes Subdivision

South side of Southland Drive, 800'± West of Knollwood Drive, extending to the West terminus of Southland Drive.

The request for a one-year extension of a previous approval was considered.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Turner to approve a one-year extension of approval for the above Planned Unit Development.

The motion carried unanimously.

Case #SUB2005-00136 (Subdivision)

Hillcrest Commons Subdivision

1055 Hillcrest Road

(Northeast corner of Hillcrest Road and Johnston Lane, extending to the East side of Rosedale Avenue [unopened right-of-way], 150' ± South of Chandler Street).

2 Lots / 5.6± Acres

The request for a one-year extension of a previous approval was considered.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Turner to approve a one-year extension of approval for the above referenced subdivision.

The motion carried unanimously.

Case #ZON2005-01299 (Planned Unit Development)

Hillcrest Commons Subdivision

1055 Hillcrest Road

(Northeast corner of Hillcrest Road and Johnston Lane, extending to the East side of Rosedale Avenue [unopened right-of-way], 150' ± South of Chandler Street).

The request for a one-year extension of a previous approval was considered.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Turner to approve a one-year extension of approval for the above Planned Unit Development.

The motion carried unanimously.

Case #ZON2005-01393 (Planned Unit Development)

McGill-Toolen High School

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 695' ±).

The request for a one-year extension of a previous approval was considered.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Turner to approve a one-year extension of approval for the above Planned Unit Development.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2006-00136

Keith King Properties Subdivision

3809 Moffett Road

(South side of Moffett Road, 525' ± East of Moffett Court).

1 Lot / 6.2± Acres

Ray Miller, with Volkert and Associates, was present on behalf of the applicant. Mr. Miller said they were in agreement with the staff recommendations, but wanted to clarify that in reference to condition #2, they currently had two curb cuts on Moffett Road.

Mr. Olsen stated that the plan submitted did not reflect two curb cuts. The staff would be willing to offer a compromise, however, by changing that condition to require the placement of a note on the final plat stating that the site is limited to the existing curb cuts; redevelopment of the site shall be limited to one curb cut, the size, location and design to be approved by Traffic Engineering and ALDOT. Mr. Olsen said that would allow the applicant to continue with the curb cuts they have, but if they ever re-developed the site, then it would be limited to the one curb cut, which would be standard condition for properties on a major street such as Moffett Road.

Mr. Miller said they would be agreeable to that compromise.

There was no one present in opposition.

A motion was made by Mr. Turner and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following condition:

- 1) compliance with Engineering comments (If public water crosses the property a drainage easement will be required. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands.);
- 2) the placement of a note on the final plat stating that the site is limited to the existing curb cuts, but that redevelopment of the site will be limited to one curb cut, with size, location, and design to be approved by Traffic Engineering and ALDOT; and
- 3) the depiction of the 25-foot building setback lines on the final plat.

The motion carried unanimously.

Case #SUB2006-00133

Warren Lee Subdivision

6156 Hayfield Road

(Northwest corner of Hayfield Road and Old Pascagoula Road).

1 Lot / 3.5± Acres

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

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Mr. Miller to approve the above referenced subdivision subject to the following conditions:

- 1) the placement of a note on the final plat stating that the site is limited to a single curb cut to Hayfield Road, with size, location, and design subject to County Engineering approval, and that direct access to Old Pascagoula Road is denied;
- 2) the placement of the 25-foot building setback lines on the final plat; and
- 3) the placement of a note on the final plat stating that a buffer, in compliance with Section V.A.7 shall be provided where the commercial properties adjoin residential property.

The motion carried unanimously.

Case #SUB2006-00139

Springhill Commercial Park Subdivision, Unit Three

South side of Springhill Memorial Drive North, 410'± West of West I-65_Service Road South.

1 Lot / 2.2± Acres

(See Case #SUB2006-00137 - Springhill Commercial Park Subdivision, Unit Four – Below).

Jerry Byrd, Byrd Surveying, was present on behalf of the applicant. Regarding the staff's recommended condition #2 that the lot be limited to a single curb cut, Mr. Byrd noted that this lot had 400 feet of frontage. They requested that two curb cuts be allowed. Regarding Unit Four, Lot 1, Mr. Byrd noted that condition #2 limited Lots 1 and 2 to a single curb cut each. He noted that Lot 1 had 330 feet of frontage, and they requested that two curb cuts be allowed for this lot also.

There was no one present in opposition.

In deliberations session Mr. Olsen said that the staff had no problems with Mr. Byrd's request on the curb cuts.

A motion was made by Mr. Miller and seconded by Mr. Turner to approve the above referenced subdivision subject to the following conditions:

- 1) that the plat is recorded simultaneously with that of Unit Four of Springhill Commercial Park Subdivision;
- 2) the placement of a note on the final plat stating the site is limited to two curb cuts, with size, location, and design to be approved by Traffic Engineering; and
- 3) the depiction of the 25-foot building setback lines on the final plat.

The motion carried unanimously.

Case #SUB2006-00137

Springhill Commercial Park Subdivision, Unit Four

North side of Springhill Memorial Drive South, 300' ± West of West I-65 Service Road South.

3 Lots / 6.6± Acres

(For discussion see Case #SUB2006-00139 - Springhill Commercial Park Subdivision, Unit Three – Above).

There was no one present in opposition.

A motion was made by Mr. Miller and seconded by Mr. Turner to approve the above referenced subdivision subject to the following conditions:

- 1) that the plat is recorded simultaneously with that of Unit Three of Springhill Commercial Park Subdivision;
- 2) the placement of a note on the final plat stating that Lot 1 is limited to two curb cuts, Lot 2 is limited to a single curb cut, and that Lot 3 is limited to three curb cuts, with size, location, and design to be approved by Traffic Engineering; and
- 3) the depiction of the 25-foot building setback lines on the final plat.

The motion carried unanimously.

Case #SUB2006-00132

Andrew Estates Subdivision

5662 and 5666 Andrews Road

(North side of Andrews Road, 200' ± East of Calhoun Road).

2 Lots / 0.7± Acre

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

There being no one else present who wished to speak for this application, Mr. Plauche asked if there was anyone who wished to speak in opposition.

John Rabon stated that he owned property on Andrew Road and wanted to know how they planned to develop the property in question. He complained that there were already trailers on both sides of his property as well as across the road, and they were ruining the value of his property. Mr. Rabon also complained about the increase in traffic on Andrew Road ever since the State put in traffic lights at the end of the street. He also complained about trash and garbage being thrown into his yard and swimming pool. Mr. Rabon said he had lived at this location for 43 years and he had a right to know what they planned to do with this property.

Mr. Plauche explained that since this property was in the County there was no zoning, so the Planning Commission had no control over how the property would be developed. They could not tell him whether it was going to be residential or commercial development. He suggested Mr. Rabon meet with the owner or the owner's representative and discuss the matter.

Mr. Rabon pointed out that he lived within the police jurisdiction.

Mr. Plauche said that had nothing to do with it. There was no zoning in the County, so the Planning Commission had no control over development.

Mr. Olsen noted that this was a two-lot subdivision, with a house on one lot. The applicant was requesting moving a lot line so that the rear portion of one lot would be incorporated into the other lot to make one lot smaller and one lot larger instead of two equal lots.

Mr. Rabon said that still did not answer his question. He also said he had received a certified letter notifying him of this hearing, and this was the first time he had ever gotten anything from the Planning Commission on anything to be done on his street.

Mr. Plauche again suggested that Mr. Rabon contact the applicant's representative, who was Marshall McLeod, for information on the proposed development. He further explained that it was part of the process that whenever a piece of property was being resubdivided or whatever, notification of people within 300 feet of that piece of property, or across the street, was required.

Mr. Olsen noted that this notification was required by the State code.

Mr. Vallas commented that it was very difficult for the Commission to deny just subdivision applications. He said they understood Mr. Rabon's concern, but suggested the better process for him may be to contact the County, or his County Commissioner. If the Commission were to approve the subdivision today, they were not issuing a building permit to further develop the site. The approval of this plan would simply allow the applicant to change the internal lines of his property. Their next step would be submitting something to the County if they planned to develop the site.

Mr. Plauche asked if the County Engineering representative would like to comment.

Mr. Stewart stated that the County Commission had no authority to regulate use. They could not deny an application for a commercial site plan for a trailer park or anything else. He said Mr. Rabon's avenue was through the State legislature in Montgomery. They would not give the County home rule, so subsequently they were making the decisions for what happens in the County.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Vallas to waive Section V.D.2 and V.D.3 and approve the above referenced subdivision subject to the following conditions:

- 1) the placement of a note on the final plat stating that any property that is developed commercially and adjoins residentially developed property shall provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2006-00144

Chambliss Properties East Subdivision

South side of Grelot Road, 750'± West of the South terminus of Chimney Top Drive West.

2 Lots / 12.1± Acres

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

There was no one present in opposition.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

- 1) placement of a note on the Final Plat stating that Lot 1 is limited to one curb-cut onto Grelot Road, and Lot 2 is limited to two curb-cuts onto Grelot Road, with the size, design and location of all curb-cuts to be approved by the Traffic Engineering Department; and
- 2) the approval of all applicable federal, state and local agencies prior to the issuance of any permits.

The motion carried unanimously.

Case #SUB2006-00147

Rhodes Subdivision

Southeast corner of Schillinger Road South and Grelot Road.

2 Lots / 4.2± Acres

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

There was no one present in opposition.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

- 1) the dedication of sufficient right-of-way to provide 50-feet as measured from the centerline of Schillinger Road South, and Grelot Road;
- 2) placement of a note on the Final Plat stating that Lot 1 is limited to one curb-cut onto Schillinger Road South and one curb-cut onto Grelot Road, Lot 2 is limited to one curb-cut onto Schillinger Road South, with the size, design and location of all curb-cuts to be approved by the Mobile County Engineering Department;
- 3) dedication of an appropriate radius at the intersection of Schillinger Road South and Grelot Road, to be coordinated with the Engineering Department and Traffic Engineering Department;
- 4) the approval of all applicable federal, state and local agencies, if necessary for wetlands, prior to the issuance of any permits or land disturbance activities; and
- 5) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed.

The motion carried unanimously.

Case #SUB2006-00134

Sugar Creek Subdivision, Unit One, Revised Plat, Resubdivision of Lots 25, 26, and 27

6501 and 6509 Sugar Creek Drive South

(South side of Sugar Creek Drive South, 60'± East of the South terminus of Indian Trail Drive).

2 Lots / 1.2± Acres

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

James Thomas, a resident of 6424 Tokeneak Trail, which was behind Sugar Creek, asked if he understood that this was going to be a resubdivision of three lots into two lots.

Mr. Plauche said that was correct.

Mr. Thomas further asked if the applicant would be required to increase the square footage of the homes.

Mr. Olsen explained that the Commission had no jurisdiction over the size of the homes to be built on the property. The Zoning Ordinance does have maximum site coverage for residential property, which was 35 percent. That was the footprint of the structure, so

they could do a two-story, but there was really nothing relative to increasing or decreasing the size of the homes that would be required.

Mr. Thomas stated that he was in approval of this plan because he felt it would guarantee less density.

Mr. Olsen noted that currently, as the lots are configured, there were two houses and a vacant lot, so there could be three houses.

There was no one present in opposition.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Vallas to approve the above referenced subdivision.

The motion carried unanimously.

Case #SUB2006-00143

Montlimar Place Subdivision, Resubdivision of

Southwest corner of Montlimar Drive and Carlyle Close East.

3 Lots / 9.8± Acres

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant. Mr. Coleman stated that they had revised their plan moving the South line between lots 1 and 2 up a little closer to the North.

Mr. Olsen stated that the staff did not have a problem with that modification to the plat, as it would still be in compliance. This would not change the staff's recommended conditions of approval.

After discussion a motion was made by Mr. Miller and seconded by Dr. Rivizzigno to approve the above referenced subdivision subject to the following conditions:

- 1) the dedication of sufficient right-of-way, to provide 25-feet from the centerline of Carlyle Close East;
- 2) placement of a note on the Final Plat stating that Lot 1 is limited to two curb-cuts along Montlimar Drive, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 3) placement of a note on the Final Plat stating that Lot 3 is limited to one curb cut to Montlimar Drive, and Lot 2 and Lot 3 share a common curb cut to Carlyle Close East, with the size, location and design of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 4) the submission of an Administrative Planned Unit Development application to allow the shared access by Lot 2 and 3;
- 5) compliance with the Buffer Requirements of the Ordinance; and
- 6) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2006-00141

The Colonnades Subdivision

Southeast corner of Sollie Road and Cottage Hill Road.

17 Lots / 39.9± Acres

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

There was no one present in opposition.

After discussion a motion was made by Mr. Turner and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

- 1) the dedication of sufficient right-of-way to provide 50-feet as measured from the centerline of Sollie Road;
- 2) dedication of an appropriate radius at the intersection of Cottage Hill Road and Sollie Road, to be coordinated with the Engineering Department and the Traffic Engineering Department;
- 3) placement of a note on the Final Plat stating that Lots 1, 2 and 11 are denied direct access to Sollie Road;
- 4) placement of a note on the Final Plat stating that Lot 1C is limited to two curb cuts to Sollie Road, exact size, location and design to be approved by the Traffic Engineering Department;
- 5) placement of a note on the Final Plat stating that the commercial development is limited to a maximum of four curb cuts to Cottage Hill Road, exact size, location and design to be approved by the Traffic Engineering Department;
- 6) placement of a note on the Final Plat stating that maintenance of all common areas shall be the responsibility of the property owners;
- 7) the approval of all applicable federal, state and local agencies, if necessary for wetlands, prior to the issuance of any permits or land disturbance activities; and
- 8) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2006-00140

Hampton Park Subdivision

Northwest corner of Zeigler Boulevard and Middle Ring Road.

19 Lots / 7.1± Acres

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

Cole Apple, with the Mobile Housing Board, asked if the staff could highlight what the changes were for this particular recommendation for approval relative to the one from the previous application.

Mr. Olsen stated that since that previous approval was several years ago, the staff did not pull that file and bring it to this meeting because the previous one had expired. This was a whole new application. Mr. Olsen said Mr. Apple could check that file in the Land Use office after the meeting.

There was no one present in opposition.

After discussion a motion was made by Mr. Turner and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

- 1) compliance with Engineering comments (No drainage patterns were shown as required by the Subdivision Regulations, therefore, a thorough evaluation of drainage concerns could not be completed. A Hold Harmless agreement will be required if stormwater runoff is increased and/or concentrated onto an adjacent property. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands.);
- 2) revision of the plat to provide access to common detention areas from the subdivision streets, rather than Zeigler Boulevard;
- 3) dedication of sufficient right-of-way to provide 50 feet from the centerlines of Zeigler Boulevard and Middle Ring Road, as shown on the preliminary plat;
- 4) construction and dedication of the new streets to City Engineering standards;
- 5) the placement of a note on the final plat stating that direct access to Zeigler Boulevard and Middle Ring Road is denied to Lots 1, 11, 12, 13, and 19; and
- 6) the placement of a note on the final plat stating that maintenance of common areas will be property owners' responsibility.

The motion carried unanimously.

Case #SUB2006-00145

Riverview Oaks Subdivision, Unit 2 & Unit 3

East side of Old Rangeline Road, 190'± North of Riverview Pointe Drive.

35 Lots / 39.5± Acres

Peter Olivero, with Driven Engineering, was present on behalf of the applicant. Mr. Olivero stated that in doing some surveying following up this work, they located several large heritage trees that they would like to try and save, which would require one of these roads at least to be shifted slightly.

Mr. Olsen asked how large the live oaks were, and how significant of a shift were they talking about.

Mr. Olivero said the shift would be on the order of 15 feet. The road they would shift would be River Landing Drive, which would run North next to Lot 32. The live oak is on Lot 31. He said there were only a few other trees on the whole piece of property that was worth attention.

Mr. Olsen said he did not think this should be a problem, however, just to make the applicant aware that if it were a significant change in configuration, it would have to be brought back before the Commission.

Mr. Lawler stated that a condition to this effect could be put on the approval.

In deliberations session Mr. Olsen noted that the trees would have to be coordinated with Urban Forestry, even though this property was in the County.

Mr. Stewart stated that he did not see the application, and asked if the streets were going to be built to County standards, or if they were going to be private streets.

Mr. Olsen said they would be public streets.

After discussion a motion was made by Mr. Vallas and seconded 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 lots 1, 4, 5 and common areas are denied direct access to Old Rangeline Road;
- 2) verification by the applicant that all lots provide a minimum buildable area of 7,200 square feet, exclusive of wetlands and floodways;
- 3) labeling of all common areas and detention common areas as such, and placement of a note on the final plat stating that common areas and detention common areas are to be maintained by the property owners association;
- 4) depiction of the 25-foot minimum building setback line along Old Rangeline Road;
- 5) correction of the written legal description;
- 6) approval of all applicable federal, state and local agencies regarding the wetlands and floodplain issues prior to the issuance of any permits or land disturbance activities;
- 7) any significant change in the road layout due to attempts to protect trees will require Planning Commission approval, otherwise minor changes may be approved by staff; and
- 8) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2006-00148

Leighton Place Subdivision

East side of Riviere du Chien Road, 850'± South of Lloyd Station Road.

41 Lots / 19.2± Acres

Larry Jones, with Thompson Engineering, was present on behalf of the applicant. Mr. Jones said they agreed with the staff's recommendation with the exception of condition #7 regarding the minimum building area. He said they would like that reduced to 3,500 square feet of buildable area. He noted that in R-1 zoning, you could have only 35 percent density anyhow, and he felt 3,500 square feet would be more reasonable.

There was no one present on opposition.

In deliberations session Mr. Miller asked how the staff felt about the 3,500 square feet.

Mr. Olsen noted that several years ago the Commission started requiring that when sites were adjacent to wetlands that the 7,200 square foot buildable area for each lot be exclusive of any of the wetlands. In this particular case, as Mr. Jones pointed out, the Zoning Ordinance allows maximum site coverage of 35 percent. To require the entire minimum lot size of 7,200 square feet as required by the Subdivision Regulations, therefore, may be a major impact on the applicant and a problem. Mr. Olsen said the request of 3,500 square feet may not be a big deal, but the one thing that it does do to them is somewhat tie their hands with regard to the size and configuration of the homes. They would, however, still be in compliance with the Zoning Ordinance requirements.

After discussion a motion was made by Mr. Miller and seconded by Dr. Rivizzigno to approve the above referenced subdivision subject to the following conditions:

- 1) the placement of a note on the final stating that Lots 1 and 37 thru 39 are denied direct access to Riviere du Chie Road;
- 2) the placement of a note on the final plat stating that all corner lots are limited to one curb cut each;
- 3) all common areas and detention areas be indicated on the final plat (including wetlands) and a note on the final plat stating that maintenance of all common and detention areas are the responsibility of the property owners association;
- 4) approval of all applicable federal, state and local agencies prior to the issuance of building permits or land disturbance activities;
- 5) placement of the required 25-foot minimum building setback line on the final plat;
- 6) revision of the plat to show the street-stub to the North as part of the street right-of-way network; and
- 7) verification that all lots contain a minimum buildable area of 3,500 square feet, exclusive of wetlands, and no building permit will be issued until the minimum buildable area is verified.

The motion carried unanimously.

Case #SUB2006-00149

Sollie Road Subdivision

East side of Sollie Road, 400'± North of the East terminus of Isle of Palms Drive,
extending to the East terminus of Raleigh Boulevard.
51 Lots / 70.3± Acres

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

There was no one present in opposition.

After discussion a motion was made by Mr. Turner and seconded by Mr. Vallas to waive Section V.B.6 and approve the above referenced subdivision subject to the following conditions:

- 1) full compliance with Engineering comments: *“The middle detention area is shown in the AE flood, which is not allowed. Engineering will require dedication of the AE flood zone as drainage easement. Provide the required FEMA map revision to locate the flood zone as shown prior to submittal of the Land Disturbance permit. Please provide acceptable road terminus treatment to prevent vehicular traffic from erroneously entering Second Creek. Provide minimum finished floor information for each lot affected by the AE flood zone. 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 applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory (NWI) on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant’s responsibility to confirm or deny the existence of regulatory wetlands.”*
- 2) depiction and labeling of all wetlands, FEMA flood zones, floodways and required finished floor elevation information;
- 3) placement of a note on the final plat stating that no structures may be built within the FEMA designated floodway;
- 4) dedication of sufficient right-of-way to provide 50-feet of right-of-way, as measured from the centerline of Sollie Road;
- 5) revision of the plat, if necessary, to ensure that each lot has a minimum buildable area of 7,200 square feet, exclusive of wetlands;
- 6) revision of the plat to show the buildable area and total area for each lot on the plat, either in a table or as a label on each lot;
- 7) depiction of the 25-foot minimum building setback line for all lots, including along Sollie Road;
- 8) provision of a traffic calming device in the vicinity of lots 7 and 8, with the exact location, size and design to be approved by Traffic Engineering, and conform to AASHTO standards;

- 9) labeling of all common areas and detention common areas, and placement of a note on the final plat stating that maintenance of all common areas shall be the responsibility of the property owners;
- 10) placement of a note on the final plat stating that approval of all applicable federal, state and local agencies is required prior to the issuance of any permits or land disturbance activities;
- 11) placement of a note on the final plat stating that all lots are denied direct access to Sollie Road; and
- 12) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2006-00135

Summer Woods Subdivision, Phase Two

Northwest corner of Scott Dairy Loop Road West and West Lake Road
89 Lots / 25.9± Acres

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

There was no one present in opposition.

After discussion a motion was made by Mr. Turner and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

- 1) the dedication of right-of-way sufficient to provide 50-feet as measured from the centerline of both Westlake Road and Scott Dairy Loop Road West, and provision of a smooth transition at the intersection of the rights-of-way;
- 2) placement of a note on the plat stating that lots 70-78, 109, 110, 114, 115, and 119-121, as well as the proposed detention ponds, are denied direct access to both West Lake Road and Scott Dairy Loop Road West;
- 3) depiction of the 25-foot minimum building setback line from the dedicated right-of-way for those lots that also have frontage onto Westlake Road or Scott Dairy Loop Road West;
- 4) provision of direct access or drainage easement access to Summer Woods Circle South/West for the detention pond proposed for the Southwest corner of the subdivision;
- 5) the approval of all applicable federal, state and local agencies, if necessary for wetlands, prior to the issuance of any permits or land disturbance activities;
- 6) identification of all common areas on the plat, and placement of a note on the plat stating that maintenance of the common areas and detention ponds is the responsibility of the property owners;
- 7) 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

- 8) correction of any errors in the written legal description as well as the distance errors associated with the bearings depicted on the plat.

The motion carried unanimously.

NEW PLANNING APPROVAL APPLICATIONS:

Case #ZON2006-01330

T-Mobile

South side of Government Street, 95'± East of Park Terrace

A request for Planning Approval to allow a 70' monopole cellular communications tower in a B-1, Buffer Business district.

The site plan illustrates the proposed tower location, easement, and lease parcel.

Mr. Plauche announced that this application had been recommended for holdover, but if there was anyone present who wished to speak at this time they could do so. (There was no one to speak.)

After discussion a motion was made by Mr. Plauche and seconded by Mr. Miller to holdover this application until the August 3, 2006, meeting, to allow the applicant time to consider and address the impacts of being located within the historic district.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2006-00138 (Subdivision)

The Gates of Springhill Subdivision (Revised), Resubdivision of Lot 26

4272 Bit and Spur Road

(North side of Gates Drive [private street], 265'± West of its East terminus).

1 Lot / 0.1± Acre

(Also see Case #ZON2006-01372 – The Gates of Springhill Subdivision (Revised), Resubdivision of Lot 26 [Planned Unit Development] – Below).

The site plan illustrates the proposed building and setbacks.

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

There was no one present in opposition.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. DeMouy to approve the above referenced subdivision subject to the following conditions:

- 1) that the Engineer provide verification that the existing stormwater system, if any for the development, including designed and constructed detention, can accommodate the increased site coverage;
- 2) placement of a note on the final plat and revised PUD site plan stating the approved maximum site coverage for the site in percentage and square feet, and the required setbacks;
- 3) placement of a note on the final plat and revised PUD site plan stating that the site shall not be allowed further increase in site coverage;
- 4) provision of a revised PUD site plan to Urban Development, Planning Section prior to the signing of the final plat; and
- 5) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

**Case #ZON2006-01372 (Planned Unit Development)
The Gates of Springhill Subdivision (Revised), Resubdivision of Lot 26**

4272 Bit and Spur Road

(North side of Gates Drive [private street], 265'± West of its East terminus).

(Also see Case #SUB2006-00138 – The Gates of Springhill Subdivision (Revised), Resubdivision of Lot 26 – Above.)

The request for Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow increased site coverage was considered.

The site plan illustrates the proposed building and setbacks.

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

There was no one present in opposition.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. DeMouy to approve this plan subject to the following conditions:

- 1) that the Engineer provide verification that the existing stormwater system, if any for the development, including designed and constructed detention, can accommodate the increased site coverage;
- 2) placement of a note on the final plat and revised PUD site plan stating the approved maximum site coverage for the site in percentage and square feet, and the required setbacks;
- 3) placement of a note on the final plat and revised PUD site plan stating that the site shall not be allowed further increase in site coverage;
- 4) completion of the Subdivision process;
- 5) provision of a revised PUD site plan to Urban Development, Planning Section prior to the signing of the final plat; and
- 6) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2006-00130 (Subdivision)

Hawthorn Suites Golf Resort Subdivision

North side of Magnolia Grove Parkway, 400' ± West of Legends Row.

2 Lots / 10.0± Acres

The site plan illustrates the proposed buildings, parking, and public roadway.

(Also See Case #ZON2006-01356 – Hawthorn Suites Golf Resort Subdivision – [Planned Unit Development] Below.)

Mr. Watkins recused from discussion and voting in this matter.

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

There was no one present in opposition.

After discussion a motion was made by Mr. Vallas and seconded by Mr. Turner to approve the above referenced subdivision subject to the following conditions:

- 1) dedication and construction of the new street to city standards, including sidewalks;
- 2) the illustration of the 25-foot minimum building setback lines to be shown on the final Plat; and
- 3) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2006-01356 (Planned Unit Development)

Hawthorn Suites Golf Resort Subdivision

North side of Magnolia Grove Parkway, 400' ± West of Legends Row

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

The site plan illustrates the proposed buildings, parking, and public roadway.

(For discussion see Case #SUB2006-00130 – Hawthorne Suites Golf Resort Subdivision – Above.)

Mr. Watkins recused from discussion and voting in this matter.

There was no one present in opposition.

After discussion a motion was made by Mr. Turner and seconded by Mr. Vallas approve this plan subject to the following conditions:

- 1) dedication and construction of the new street to city standards, including sidewalks;
- 2) compliance with all conditions of the rezoning *[1) the document offered by the applicant, and titled VOLUNTARY CONDITIONS AND USE RESTRICTIONS {see attached}, prohibiting all other uses allowed in B-3, except those affiliated with the use as a hotel {food and beverage, recreational facilities, etc.} be attached to this rezoning amendment and recorded in Probate Court; 2) the accompany subdivision application be recorded to establish a legal description for the site in question prior to the issuance of a Certificate of occupancy; 3) provision of the required buffer protection with the initial phase of construction; and 4) full compliance with all municipal codes and ordinances.];*
- 3) full compliance with the landscaping and tree planting requirements of the Ordinance;
- 4) full compliance with all other municipal codes and ordinances; and
- 5) that the villas along the public street be shifted to provide a minimum setback of 25-feet.

The motion carried unanimously.

Case #SUB2006-00142 (Subdivision)

Louis J. Naman Subdivision, Resubdivision of Lots 2 & 3

4137 and 4151 Moffett Road

(South side of Moffett Road, 260'± West of Wolf Ridge Road).

2 Lots / 2.8± Acres

The site plan illustrates the existing improvements along with the proposed buildings, parking, drives, and structures to be removed.

(Also see Case #ZON2006-01375 – Dr. Louis J. Naman (Ben Cummings, Agent [Planned Unit Development]-Below; and see Case #ZON2006-01374 – Dr. Louis J. Naman (Ben Cummings, Agent) [Rezoning]- Below).

Ben Cummings, with Cummings Architecture, was present on behalf of the owner, Dr. Naman. Mr. Cummings referred to condition #3 of the staff recommendations, which requires dedication of 50 feet from the centerline of Wolf Ridge Road for widening, since Wolf Ridge Road is on the Major Street Plan. Mr. Cummings said that measuring 50 feet from the centerline of Wolf Ridge Road would take approximately 30 feet of this property. Thirty feet by the length of Wolf Ridge Road, which is approximately 200 feet, would be 6,000 square feet of land that would be taken. Mr. Cummings said they were obviously opposed to that. He noted that if 30 feet were taken from this property, he assumed 30 feet would also be required from the properties to the South of this site. There were six houses on Wolf Ridge Road in the area to the South, and he contended that taking 30 feet from those properties would be detrimental to those existing houses. Mr. Cummings further noted that there was no time line for the widening of Wolf Ridge

Road. It was not on any plan to be widened any time soon. Mr. Cummings pointed out that several years ago Dr. Naman came before the Planning Commission to request this property be rezoned to B-2. The property was rezoned, but at that time the Planning Commission waived the requirement for the dedication for the widening of Wolf Ridge Road. Mr. Cummings asked that the Commission again waive that requirement for this rezoning.

Regarding condition #6 on the PUD and Zoning applications, Mr. Cummings stated that to the best of his knowledge, and to the owner's knowledge, the property was in conformance with all the regulations, as evidenced by a letter from Mr. Olsen dated January 12, 2004.

Mr. Olsen acknowledged that the staff did write that letter in 2004 when the site was required to be brought into compliance with the previous rezoning. He said it was because of the entire site being rezoned to B-3 that they placed that condition for this property and other property, which he pointed out, when it is developed. He pointed out the properties the previous rezoning related to, which was what the letter of compliance was in relation to. This being for the entire site, for the PUD and rezoning, this was the only way they could bring these two into compliance.

Mr. Plauche asked Mr. Cummings if he was okay with the holdover on the sidewalk waiver (application #22).

Mr. Cummings said he was okay with that.

There was no one else to speak either for or against this application.

In deliberations session Mr. Miller asked Mr. Olsen to comment on the 30-foot setback.

Mr. Olsen said they were requesting rezoning of the site from B-2 to B-3. The commercial uses allowed in B-3 were much wider, more intense. Although Wolf Ridge Road was on the Major Street Plan, Mr. Olsen said he could not say when the South section of it would be built, and until such time as it is removed from the Major Street Plan they have to consistently ask for dedication on the rezoning and commercial properties.

Mr. Plauche asked Mr. Olsen if he remembered the last time that requirement was waived.

Mr. Olsen said he did not recall.

After discussion a motion was made by Mr. Miller and seconded by Mr. Turner to approve the above referenced subdivision subject to the following conditions:

- 1) compliance with Urban Forestry comments (*Property to be developed in compliance with state and local laws that pertain to tree preservation and*

- protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the 40" Live Oak Tree located on the West side of Lot 1, the 54" Live Oak Tree located on the North side of Lot 2, the 54" Live Oak Tree located on the West side of Lot 3, and the 60" Live Oak Tree located on the North side of Lot 3. Any work on or under these trees are to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.);*
- 2) compliance with Engineering comments (*No drainage patterns were shown as required by the Subdivision Regulations, therefore, a thorough evaluation of drainage concerns could not be completed. A Hold Harmless agreement will be required if stormwater runoff is increased and/or concentrated onto an adjacent property. All increase in impervious area since the implementation of the COM Stormwater Ordinance must be accounted for and be brought into detention compliance. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands.);*
 - 3) the placement of a note on the final plat stating that a buffer is required, in compliance with Section V.A.7, where the site adjoins residentially zoned property, including retention of the landscaped buffer, as shown on the plat; and
 - 4) the placement of a note on the final plat stating that upon redevelopment, the site is limited to a single curb cut to Moffett Road for each lot, with size, location, and design subject to Traffic Engineering approval.

The motion carried unanimously.

Case #ZON2006-01373 (Sidewalk Waiver)

Dr. Louis J. Naman (Ben Cummings, Agent)

4125, 4137, 4151, and 4203 Moffett Road

(Southwest corner of Moffett Road and Wolf Ridge Road).

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

Mr. Plauche announced that this application was recommended to be held over to the meeting of August 17, 2006.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Miller to holdover this application until the August 17, 2006, meeting to allow the applicant to submit typical cross-sections for each lot requesting Sidewalk Waiver.

The motion carried unanimously.

Case #ZON2006-01375 (Planned Unit Development)

Dr. Louis J. Naman (Ben Cummings, Agent)

4125, 4137, and 4151 Moffett Road

(Southwest corner of Moffett Road and Wolf Ridge Road).

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

The site plan illustrates the existing improvements along with the proposed buildings, parking, drives, and structures to be removed.

(For discussion see Case #SUB2006-00142 – Louis J. Naman Subdivision, Resubdivision of Lots 2 & 3-Above; also see Case #ZON2006-01374 – Dr. Louis J. Naman (Ben Cummings, Agent) [Rezoning]- Below).

After discussion a motion was made by Mr. Miller and seconded by Mr. Turner to approve this plan subject to the following conditions:

- 1) compliance with Engineering comments (*No drainage patterns were shown as required by the Subdivision Regulations, therefore, a thorough evaluation of drainage concerns could not be completed. A Hold Harmless agreement will be required if stormwater runoff is increased and/or concentrated onto an adjacent property. All increase in impervious area since the implementation of the COM Stormwater Ordinance must be accounted for and be brought into detention compliance. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands.*);
- 2) compliance with Urban Forestry comments (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the 40" Live Oak Tree located on the West side of Lot 1, the 54" Live Oak Tree located on the North side of Lot 2, the 54" Live Oak Tree located on the West side of Lot 3, and the 60" Live Oak Tree located on the North side of Lot 3. Any work on or under these trees are to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.*);
- 3) dedication sufficient to provide 50 feet from the centerline of Wolf Ridge Road, and of a turning radius at the Northeast corner of the site;
- 4) provision of a buffer, in compliance with Section 64-4.D.1. of the Zoning Ordinance, where the site adjoins residentially zoned property, including retention of the landscaped buffer, as shown on the subdivision plat;
- 5) that upon redevelopment, the site be limited to a maximum of four curb cuts to Moffett Road, and a single curb cut to Wolf Ridge Road, with size, location, and design subject to Traffic Engineering approval; and
- 6) full compliance with all municipal codes and ordinances, including landscaping, tree planting, parking, and buffering, as soon as practicable.

The motion carried unanimously.

Case #ZON2006-01374 (Rezoning)

Dr. Louis J. Naman (Ben Cummings, Agent)

4125, 4137, 4151, and 4203 Moffett Road

(Southwest corner of Moffett Road and Wolf Ridge Road).

The request for a change in zoning from R-1, Single-Family Residential, and B-2, Neighborhood Business, to B-3, Community Business, for glass sales and other commercial uses was considered.

The site plan illustrates the existing improvements along with the proposed buildings, parking, drives, and structures to be removed.

(For discussion see Case #SUB2006-00142 – Louis J. Naman Subdivision, Resubdivision of Lots 2 & 3-Above; also see Case #ZON2006-01375 – Dr. Louis J. Naman (Ben Cummings, Agent) [Planned Unit Development]- Above).

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

- 1) compliance with Engineering comments (*No drainage patterns were shown as required by the Subdivision Regulations, therefore, a thorough evaluation of drainage concerns could not be completed. A Hold Harmless agreement will be required if stormwater runoff is increased and/or concentrated onto an adjacent property. All increase in impervious area since the implementation of the COM Stormwater Ordinance must be accounted for and be brought into detention compliance. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands.*);
- 2) compliance with Urban Forestry comments (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the 40" Live Oak Tree located on the West side of Lot 1, the 54" Live Oak Tree located on the North side of Lot 2, the 54" Live Oak Tree located on the West side of Lot 3, and the 60" Live Oak Tree located on the North side of Lot 3. Any work on or under these trees are to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.*);
- 3) dedication sufficient to provide 50 feet from the centerline of Wolf Ridge Road, and of a turning radius at the Northeast corner of the site;
- 4) provision of a buffer, in compliance with Section 64-4.D.1. of the Zoning Ordinance, where the site adjoins residentially zoned property, including retention of the landscaped buffer, as shown on the subdivision plat;

- 5) that upon redevelopment, the site be limited to a maximum of four curb cuts to Moffett Road, and a single curb cut to Wolf Ridge Road, with size, location, and design subject to Traffic Engineering approval; and
- 6) full compliance with all municipal codes and ordinances, including landscaping, tree planting, parking, and buffering, as soon as practicable.

The motion carried unanimously.

Case #SUB2006-00131 (Subdivision)
Paul Persons Subdivision, Resubdivision of Lot 1

4474 Halls Mill Road

(North side of Halls Mill Road, 4/10 mile± West of the North terminus of Riviere du Chien Road).

2 Lots / 5.3± Acres

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

(Also see Case #ZON2006-01364 – Paul Persons Subdivision, Resubdivision of Lot 1 [Planned Unit Development] – Below.)

Mr. Plauche announced that this application would be held over to the meeting of August 17, 2006, but if anyone was present and wished to speak they could do so now. (There was no one to speak.)

A motion was made by Mr. Miller and seconded Mr. Turner to holdover this application until the August 17, 2006, meeting to allow the applicant time to address the following issue:

- 1) revision of the subdivision layout to address depth-to-width ratio concerns and future subdivision concerns.

The motion carried unanimously.

Case #ZON2006-01364 (Planned Unit Development)
Paul Persons Subdivision, Resubdivision of Lot 1

4474 Halls Mill Road

(North side of Halls Mill Road, 4/10 mile± West of the North terminus of Riviere du Chien Road).

The request for Planned Unit Development Approval to allow multiple buildings on a single building site with shared access between building sites was considered.

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

A motion was made by Mr. Miller and seconded Mr. Turner to holdover this application until the August 17, 2006, meeting to allow the applicant time to address the following issues:

- 1) revision of the site plan to fully comply with the conditions associated with the 1997 rezoning of the site;
- 2) provision of evidence that all of the existing development on the site was undertaken with the proper permits;
- 3) if a portion of the existing development on the site was not properly permitted, provision of a written plan outlining how existing unpermitted development will be brought into compliance with all applicable municipal codes and ordinances; and
- 4) revision of the site plan and subdivision layout to address depth to width ratio concerns and future subdivision concerns.

The motion carried unanimously.

Case #SUB2006-00146 (Subdivision)
Springhill Estates Subdivision, Unit Number One, Resubdivision of a Portion of Lots 14 & 15

510 and 522 Evergreen Road

(West side of Evergreen Road, 715'± North of Airport Boulevard).

4 Lots / 0.8± Acre

The site plan illustrates the existing buildings and proposed lot configuration.

(Also see Case #ZON2006-01376 – Springhill Estates Subdivision, Unit Number One, Resubdivision of a Portion of Lots 14 & 15 [Planned Unit Development] – Below.)

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant. Mr. Coleman said they realized that the lots were not as wide as they should be, however they were deeper than they should be, and they do have the proper square footage in the lots. The developer would like to develop the site with zero-lot-line townhouses.

Tommy Christopher, with Triple C. Properties, stated that currently there were two 40 to 50 year-old houses on the site, that he would like to remove and put in four nice townhouses. He contended he would not be running down the neighborhood, as there was commercial all around this neighborhood. There was a church, a school, a day care, and the church was buying up property putting parking lots in. Mr. Christopher said there were houses in there that had 60 to 80-foot lot lines, but everything in that area was going all different ways right now.

Reggie Copleland, Council Representative for District 6, submitted a petition in opposition from the neighbors on this particular street. Mr. Copeland said that he drove this street on a regular basis attending Corpus Christi Church, and it was a very narrow

street. There were no sidewalks for the children who go to school at Corpus Christi, and there had been tremendous growth there. He said he was mainly concerned from a safety aspect, as this was such a narrow street, and it was heavily traveled seven days a week, especially during the school year. Councilman Copeland thanked the Commission for the opportunity to speak in this regard today, and asked that they uphold the recommendation of the professional staff for denial.

Chris Rehm, a resident of Evergreen Road, stated that a number of the residents of this street had lived there for generations. Mr. Rehm said he was the exception to that, having purchased two lots from Mr. James Rhodes, whose parents had lived there, and built a house there three or four years ago. He noted that the street was very narrow and there were problems as far as parking. This was a street that mainly had families that had lived there for a long time and it was not a transient situation with rental houses and people coming and going every other year, which he would like to avoid. Mr. Rehm also noted that there were no zero-lot-line developments on the street. There were parking lots that were on Hillview, which was behind his house, that Corpus Christi had purchased, but to his knowledge they had not purchased any parking on Evergreen yet. He noted that the adjacent properties on the street adjacent to the church may become part of the church property when those people who have lived there for generations pass, but that would be adjacent to the church, not up the street. Mr. Rehm expressed concern for the safety of his small children who ride bikes on the street. He further noted that he had two lots that were 68 feet wide, and had one house on a lot that was 140 feet wide. To put four houses in the area they were proposing was to him questionable. He felt it was not logical and he opposed it. Mr. Rehm said his goal for this street was for maybe some of these smaller houses to combine lots like he did and have fewer lots, and fewer houses. He felt that would increase the safety in the area. Mr. Rehm thanked the Commission for their time.

In deliberations session Mr. Watkins noted that across the street from this site there seemed to be a lot that had been divided, and asked Mr. Olsen if he had any history on that.

Mr. Olsen said he could not recall, but they were larger lots than what was being proposed with this development.

Dr. Rivizzigno said she could go with three lots.

Ms. Deakle noted that the possibility existed all throughout this neighborhood for further resubdivision, and whatever they decided on this application would set a precedent.

Mr. Turner asked Mr. Olsen if he knew the size of the lots across the street from this site.

Mr. Olsen said he did not know the exact size, but they were larger than what was proposed for this site, and they did meet the minimum standards of the Subdivision Regulations, not requiring a waiver. Mr. Olsen also pointed out that in the PUD, the way the typical lot layout was shown would place zero-lot-line property line adjacent to the

property outside the PUD, and reduce setback on the other side adjacent to the property outside the PUD.

A motion was made by Mr. Turner and seconded Dr. Rivizzigno to deny the above referenced subdivision for the following reasons:

- 1) does not comply with the minimum required lot width specified in the Subdivision Regulations; and
- 2) does not comply with the depth-to-width ratio recommendation within the Subdivision Regulations.

The motion carried unanimously.

Case #ZON2006-01376 (Planned Unit Development)
Springhill Estates Subdivision, Unit Number One, Resubdivision of a Portion of Lots 14 & 15

510 and 522 Evergreen Road
(West side of Evergreen Road, 715'± North of Airport Boulevard)

The request for Planned Unit Development Approval to allow reduced lot widths and building setbacks in a zero-lot-line, patio home, single-family residential subdivision was considered.

The site plan illustrates the existing buildings and proposed lot configuration.

(For discussion see Case #SUB2006-00146 – Springhill Estates Subdivision, Unit Number One, Resubdivision of a Portion of Lots 14 & 15 – Above).

A motion was made by Mr. Turner and seconded Dr. Rivizzigno to deny this plan for the following reason:

- 1) the reduced side yard setbacks and reduced lot widths would be incompatible with the majority of the existing residential development on Evergreen Road.

The motion carried unanimously.

OTHER BUSINESS:

David Hickman

1360 Conception Street Road
(North side of Conception Street Road at Three Mile Creek).

Mr. Olsen stated that this application was very similar to the Alter Trading situation that came up at a recent Planning Commission meeting. The Planning Commission approved this application subject to several conditions. The Mobile Bay Keeper appealed that

approval to the City Council, and in this particular instance, as of mailout of reports, there was not a specific agreement on conditions between the appellant and the applicant. The conditions proposed by the applicant were stated in the staff report, as well as a set of conditions that were proposed by the appellant. Mr. Olsen said he had not heard from either to know whether they had agreed upon a set of conditions or not, but the City Council did refer this back, as with the Alter Trading application, so the Commission could consider additional conditions relating to monitoring and the environment.

Mr. Plauche said they were only voting on the additional conditions to the already approved Planning Commission approval.

Mr. Olsen said that was correct. As stated, he had not been contacted by either the applicant or appellant to verify that there was an agreement on conditions. If the Commission chooses to adopt one or the other, the appellant may choose to accept it, or they may not dismiss their appeal and it would go to the City Council, and the City Council would have to act on the appeal.

Mr. Watkins asked Mr. Lawler to comment.

Mr. Lawler said they needed to hear from the people who were making the application and those who were objecting to it. He felt the proper thing to do would be to carry it over to the next meeting and have the staff tell the parties involved that they needed to let them know of their decision.

Mr. Plauche asked if there was a representative of the applicant present.

David Hickman, representing David's Auto Shredding, applicant, said they had reached an agreement with Mobile Bay Keepers, which he had signed and faxed back to them.

Mr. Plauche asked if he understood that they were in agreement with the additional recommendations.

Mr. Hickman said that was correct.

Mr. Olsen said the staff actually needed a copy of what they had agreed upon because the staff had not received the final agreement.

Mr. Hickman presented Mr. Olsen with a copy of the agreement.

Before reading the agreement, Mr. Plauche asked that a representative of Mobile Bay Keepers address the Commission and tell them whether this was the same document they had agreed to.

Denise Lamby, representing Mobile Bay Keepers, examined the agreement submitted to Mr. Olsen, and said they were the same conditions as agreed upon by Mobile Bay Keeper and Mr. Hickman.

Mr. Plauche asked Mr. Olsen to read the additional conditions agreed upon by Mobile Bay Keepers and Mr. Hickman.

Mr. Olsen stated that the three additional conditions to be added to the original Planning Approval were: (1) David's Auto Shredding, Inc., shall perform testing as frequently as necessary to reasonably assure that all supplies, including supplies received from sources outside Alabama, are de-manufactured, for instance, removal of mercury switches and other hazardous materials, before shredding the cars; (2) David's Auto Shredding, Inc., shall assure that all de-manufacturing performed on site shall effectively remove mercury switches, PCB's, lead, freon, oil and gas and other hazardous materials before shredding the cars; (3) David's Auto Shredding, Inc., shall develop and enforce a plan to assure all of this hazardous waste is disposed of in accordance with law, so as to assure protection of public health and the environment.

Mr. Plauche asked Mr. Hickman if he was agreeable to these conditions as read.

Mr. Hickman replied that he was.

Mr. Plauche asked Ms. Lamby if Mobile Bay Keepers was agreeable to these conditions as read.

Ms. Lamby stated that they were.

A motion was made by Mr. Watkins and seconded Dr. Rivizzigno to approve the additional conditions as read by Mr. Olsen as follows:

- 1) David's Auto Shredding, Inc. shall perform testing as frequently as necessary to reasonably assure that all supplies, including supplies received from sources outside of Alabama, are de-manufactured (removal of mercury switches and other hazardous materials) before shredding occurs.
- 2) David's Auto Shredding, Inc. shall assure that all de-manufacturing performed on-site shall effectively remove mercury switches, PCBs, lead, Freon, oil & gas, and other hazardous materials before shredding occurs.
- 3) David's Auto Shredding, Inc. shall develop and enforce a plan to assure that all of its hazardous waste is disposed of in accordance with law so as to assure protection of public health and the environment.

The motion carried unanimously.

Public Hearing:

Proposed Amendment to the Zoning Ordinance

A Proposed Amendment to the Zoning Ordinance Creating a New Zoning Classification of TB, Transitional Business, was considered.

Mr. Olsen stated that a new TB, Transitional Business District zoning classification was actually presented to this Commission several years ago. It is a zoning classification that encourages neighborhood and pedestrian-friendly development that is in scale with the surrounding area. It has a limitation on uses, for uses that are more appropriate in a smaller neighborhood community. It places a maximum on the number of parking spaces as well as a maximum on the size building that can be constructed to keep it in scale with the surrounding development. There were also some sign restrictions that were incorporated into this proposal that were not in the original that limit it to smaller signs than would be normally allowed in a general commercial area, but not quite as restricted as a historic district.

Mr. Plauche asked if there was anyone present who wished to speak in this matter.

Linda St. John stated that she was representing an organization called The Village of Spring Hill. Ms. St. John said their organization made the request to the City Planning Department to write a better zoning classification for neighborhoods with small commercial districts like theirs throughout the city. They wanted a zoning that maintained the existing character of these areas by emphasizing scale and size. The Transitional Business zoning district the planners proposed as an optional zoning category for the City puts a limit on building sizes, moves these buildings a little closer to the street, reduces the parking ratio requirements, creates more green space, and puts a limit on the number and size of signs. Ms. St. John said that basically it encourages development that is complementary to the surrounding areas. Best of all, it will provide another zoning alternative for our city, offering broader choices for developers, and giving an option for smarter growth.

Merrill Thomas stated that he was in the commercial real estate development and brokerage business, was a member of the Mobile Area Board of Realtors, and chairman of the Governmental Affairs Committee. Mr. Thomas said he had been asked to represent the Board of Realtors today in supporting the proposed Transitional Business District zoning classification. Mr. Thomas thanked Rick Olsen, Frank Palombo, and the entire Planning Department staff for such a progressive ordinance. Their Board feels this proposal represents the continuing efforts by the Mobile City administration to be pro-business by representing the best interest of our citizens. The TB zoning classification will provide an option in sensitive zoning situations for the land owner or businessman who is willing to provide a facility more in keeping with the character of the surrounding neighborhood, thereby providing protection to the neighboring residential community who may have concerns about rezoning to the traditional business zoning classifications of B-1, B-2, or B-3. Mr. Thomas said the Mobile Area Association of Realtors fully supported and respectfully asked for the Commission's vote in favor of the proposed Transitional Business District zoning classification.

A motion was made by Dr. Rivizzigno and seconded Mr. Watkins to approve the amendment to the Zoning Ordinance creating a Transitional Business (TB) District as stated above.

Planning Commission Meeting
July 20, 2006

The motion carried unanimously.

There being no further business, the meeting was adjourned.

APPROVED: November 2, 2006

Terry Plauche, Chairman

Dr. Victoria Rivizzigno, Secretary

vm/ms