

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF DECEMBER 21, 2006 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

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

Members Absent

Clinton Johnson
Ann Deakle

Urban Development Staff Present

Richard L. Olsen
Deputy Director of Planning
Bert Hoffman, Planner II
David Daughenbaugh, Urban Forestry
Coordinator
Mae Sciple, Secretary II

Others Present

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

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

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

APPROVAL OF MINUTES:

HOLDOVERS:

Case #SUB2006-00252 (Subdivision)

Daniel Dinkins Subdivision

West side of Demetropolis Road, 245'± South of an unopened, unnamed public right-of-way.

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2 Lots / 1.0± Acres

Gloria Dinkins, a resident of 828 6th Avenue, Oakland, California, and owner of the subject property, stated that she was not present when this application was first presented to the Commission at the November 16th meeting. Since then she had spoken with the neighbors who objected to the subdivision, had weighed their concerns. She said it was not clear to her where the boundary lines were, and requested that she be given time to have the land re-surveyed and to address the issues the staff gave for recommending denial.

Mr. Plauche asked Ms. Dinkins if she would like the application be held over until she could get the property re-surveyed.

Ms. Dinkins said she would like a holdover.

Mr. Olsen noted that the next meeting would be in two weeks, and it may take longer to get the property surveyed again and to address the other issues the staff brought up. He suggested that the application be withdrawn and resubmitted after the property has been re-surveyed and the other issues addressed.

Ms. Dinkins agreed, and withdrew the application.

Alleane Dinkins, the mother of Daniel Dinkins, who was now deceased, stated that her son bought the subject property from her after her husband died. It had been surveyed and all the sewer lines were in and the City was keeping it up at for awhile. She said the end of that lot was where the sewer line was located. Since her son passed, she purchased the next acre in front of her house, and the sewer line divides their property. Ms. Dinkins said that at the time the property was surveyed for this subdivision, she tried to show the surveyor where the property lines were, but he did not listen to her. She contended that his survey was incorrect, and when she contacted the surveyor to talk to him about it, he did not want to discuss it with her.

Mr. Plauche stated that until the new survey was submitted, they could not tell for sure, legally, where the actual lines were. The new surveyor should be able to re-establish the lot lines.

Case #SUB2006-00266

SmithCo Subdivision

1020 Oakland Drive

(Southeast corner of Oakland Drive).

3 Lots / 0.6+ Acre

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

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There was no one present in opposition.

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

- 1) provision of permits to move or demolish the existing house prior to the signing of the plat; and
- 2) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2006-02335 (Planned Unit Development)

Hillcrest Self Storage, LLC

2262 Hillcrest Road

(West side of Hillcrest Road, 2/10 mile± North of Cottage Hill Road).

Planned Unit Development Approval to allow a total of 17 buildings on a single building site.

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. Turner to approve this plan subject to the following condition:

- 1) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2006-02343 (Planning Approval)

Hillcrest Self Storage, LLC

2262 Hillcrest Road

(West side of Hillcrest Road, 2/10 mile± North of Cottage Hill Road).

Planning Approval to allow a two-building expansion at an existing mini self- storage facility in a B-2, Neighborhood Business District.

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. Turner to approve this plan subject to the following condition:

- 1) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2006-00285

Armstrong Subdivision

West side of Yeend Street, 800'± South of Baker Street.

2 Lots / 9.4± Acres

Mr. Olsen stated that the applicant had requested that this application be held over to the January 4, 2007 meeting. The staff received the request in time to notify the neighboring property owners.

Mr. Plauche said that if anyone had come down to speak in this matter, they could speak now, even though the actual hearing would be on January 4, 2007.

No one came forward to speak.

A motion was made by Mr. Plauche and seconded by Mr. Watkins to holdover this application until the January 4, 2007 meeting, at the applicant's request.

The motion carried unanimously.

Case #SUB2006-00284

Carol Plantation Subdivision, Unit Number 1, Resubdivision of Farm 55

6049 Middle Road

(East side of Middle Road, 400'± North of Plantation Road).

2 Lots / 5.0± Acres

Jerry Byrd, Byrd Surveying Company, was present on behalf of the applicant. Mr. Byrd said they had no problem with the staff recommendations, except with regard to condition #2, which would allow no further resubdivision of Lot 2. He noted that Lot 2 was 4 1/2 acres, and had 104 feet of road frontage. In speaking with Mr. Olsen, he understood that the reason for the condition was because this was a flag lot, but he felt making a statement on the plat that the lot could never be resubdivided was a little strong. Mr. Byrd said if they purchased back in to the lot to the south, they could put a road in there and have lots on both sides of it, but not with a restriction on it.

Mr. Olsen said he did speak with Mr. Byrd regarding this application, and he suggested that the Commission require a note on the plat stating that there be no further resubdivision of Lot 2 unless additional adequate frontage on a public-maintained road is provided. That would allow the applicant to either build a road within Lot 2 when it is resubdivided, or as Mr. Byrd stated, acquire through the legal subdivision process the rear portion of those two lots to the south and provide additional frontage on Plantation Road.

Mr. Byrd agreed with Mr. Olsen's suggestion.

After discussion a motion was made by Mr. Watkins and seconded by Mr. Vallas to 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; and
- 2) the placement of a note on the final plat stating that no further resubdivision of Lot 2 will be allowed until additional frontage on a publicly maintained roadway is provided.

The motion carried unanimously.

Case #SUB2006-00289

Omni Office Park Subdivision, Sixth Addition, Resubdivision of Lot 2

1155 Hillcrest Road

(Northeast corner of Hillcrest Road and Omni Park Drive).

2 Lots / 2.1± Acres

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant. Mr. Coleman requested the removal of condition #1 of the staff's recommendation requiring that a note be made on the final plat stating that Lob 2-B is denied access to Hillcrest Road. He pointed out that the lot on the south side of Omni Drive had a curb cut, and all of the stores and buildings along Hillcrest Road in this area had access to Hillcrest Road.

Mr. Olsen said that Mr. Coleman was correct. Rather than deleting the condition, however, the staff would prefer that the condition be revised to limit the site to one curb cut to Hillcrest Road, with the size, location and design to be approved by Traffic Engineering.

Mr. Coleman said he would be fine with that revised condition.

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

- 1) placement of a note on the final plat stating that Lot 2-B is limited to one curb cut onto Hillcrest Road, with the size, design and location to be approved by Traffic Engineering;
- 2) placement of a note on the final plat stating that curb cut number, size, location and design onto Omni Park Drive to be approved by Traffic Engineering;
- 3) provision of a buffer in accordance with section V.A.7 of the Subdivision Regulations where the site abuts residentially zoned property; and

- 4) compliance with Engineering Comments (Show drainage easement. For development to tie to existing detention pond, confirm the detention pond was intended to accept storm water from these lots. Verify that the detention pond has the capacity and functionality to accept the storm water from the lots. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit).

The motion carried unanimously.

Case #SUB2006-00290

Spring Place Subdivision

230 South McGregor Avenue

(East side of South McGregor Avenue, 280'± South of the East terminus of Turnout Lane).

2 Lots / 0.6± Acre

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. DeMouy to approved the above referenced subdivision subject to the following conditions:

- 1) adjustment of the 25-foot minimum building setback line to reflect a future right-of-way width of 40 feet, as measured from the centerline of South McGregor Avenue;
- 2) placement of a note on the plat stating that each lot is limited to one curb cut onto South McGregor Avenue, with the size, design and location to be approved by Traffic Engineering, and comply with AASHTO standards;
- 3) labeling of each lot with its size in square feet, or provision of a table on the plat with the same information;
- 4) provision of evidence of permits to move or demolish the existing structure(s) prior to the signing of the final plat; and
- 5) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2006-00286

West Villa Subdivision, Revised, Resubdivision of Lots 14 and 15

4757 West Villa Drive

(East side of West Villa Drive, 130'± South of its North terminus).

2 Lots / 1.1± Acres

Mr. Plauche asked if the applicant was present. There was no response.

There was no one present to speak in opposition.

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

- 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.

GROUP APPLICATIONS:

Case #SUB2006-00291 (Subdivision)

Brandonwood Subdivision

2910 and 2916 Cottage Hill Road

(North side of Cottage Hill Road, 60'± West of Coventry Way).

5 Lots / 1.1± Acres

(Also see **Case #ZON2006-02546 (Planned Unit Development) - Brandonwood Subdivision - 2910 and 2916 Cottage Hill Road (North side of Cottage Hill Road, 60'± West of Coventry Way) - below.**)

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant. Noting that the staff had recommended denial of this subdivision, Mr. Coleman requested that it be held over rather than denied. He said they had written a letter to the staff earlier in the week requesting a holdover.

Mr. Olsen stated that they were proposing to submit a revised plat. In order to give the staff time to review the plat, it would have to be held over to the January 18, 2007 meeting.

Mr. Coleman said that would be fine.

Mr. Plauche asked if there was anyone present who would like to speak in this matter today, even though the application would be heard on January 18th.

Tim Burgess, a resident of 432 Gordonwood Court, stated that one reason he would like to speak today was because this was the second time in two months that the residents had come down to speak, only to be told that the application would be held over. Mr. Burgess said the property in question directly adjoined his property, which was at the end of Gordonwood Court. He noted that there was a downhill slope from Cottage Hill Road, and since this property was cleared the water rushes into his yard. He felt this problem could be solved, but wanted to be sure the Commission was aware of it. Mr. Burgess also

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noted that there were 22 children under the age of 13 who lived in this subdivision, as well as cousins and grandchildren who visited, and played in his back yard along the borders of the subject property. He was concerned for the safety of these children during the construction of the subdivision, if it were to take place, and suggested some safeguards should be put in place. Mr. Burgess said the residents of the area requested plans from Blue Marlin, L.L.C., the developer, but was disappointed when they met with their representative last week and he had no plans to show them. Their representative left the meeting rather abruptly without showing them any footprint or design or ideas. Mr. Burgess felt he just wanted to get as small a lot as possible and start building. He said they were trying to be good neighbors and were trying to work with the developers, but were disappointed that they left them without any information. Mr. Burgess thanked the Commission for the work they do, and appreciated their concerns.

Mr. Plauche commented that the Commission had no control over whether the developer meets with the residents or not, but he hoped they would have some extra time now to do that.

Mr. Vallas pointed out that this same applicant came before the Planning Commission with a proposed condominium or townhome project several weeks ago, but then withdrew the application. That may be the reason he has not developed any further plans. He pointed out that if the subject application is held over, when it comes back before the Planning Commission in several weeks, it would only be for a subdivision, so the developer would not have to submit any building plans, elevations, or any of that information.

Mr. Burgess asked that whatever restrictions and rules applied to the adjoining subdivision be applied to whatever is developed on this site. He felt that changing the rules for how much space a home should have would not be appropriate in this residential neighborhood.

Mr. Vallas commented that if Mr. Burgess was speaking of deed restrictions, the Planning Commission could not enforce deed restrictions from a previously recorded subdivision.

Mr. Burgess asked if there were no rules for frontage on Cottage Hill.

Mr. Olsen explained that the Subdivision Regulations do require a minimum lot size and a minimum lot width at the building setback line, which would be 60 feet. The lots as proposed do not meet that requirement. Mr. Olsen said the applicant had discussed with the staff the possibility of reducing this plan to four lots, which would comply with all of the requirements of the Subdivision Regulations. He felt this was one reason for requesting the holdover, however, he was not certain that that was the only reason.

Mr. Plauche asked if there was anyone else who wished to speak.

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Griffin Shreves, a resident of 451 East Richardson Drive in the Rosswood Subdivision, stated that his home was located on the corner of Richardson Drive and Cottage Hill Road directly across from the subject property. Mr. Shreves said he was asked to speak on behalf of the Rosswood neighborhood, which was a very active, vibrant neighborhood and wanted to keep it thriving. That was the reason they were very interested and concerned about this proposed development. Mr. Shreves said the neighbors agreed with the recommendation of the staff that five lots would be too constricted. Any structures would be very narrow to fit on the lots as proposed and would not be in keeping with the nature, integrity and essence of the surrounding homes and neighborhoods. The neighbors were concerned that if this subdivision as proposed were approved, it would become the norm for the area. Mr. Shreves said they were definitely not against this property being developed, but felt it needed to be done in accordance with established codes and laws, and should be done in a way to maintain or even enhance the adjoining neighborhoods. In their meeting with Mr. Straub, one of the developers, nothing was shown or presented to convince them that the proposed subdivision would be beneficial, and just because something was new did not necessarily mean it would be an improvement. On behalf of the homeowners of this area, Mr. Griffin asked the Commission to deny this request.

Randy Delchamps stated that he and his wife resided at 2804 N. Rosswood Drive, just around the corner from the subject property. Mr. Delchamps said he was concerned about the drives onto Cottage Hill Road. He pointed out that there was a subdivision surrounding the subject property, but Richardson Drive was one of the primary arteries in and out of the subdivision where there were quite a few homes, and quite a few of those homeowners were present today. Although Cottage Hill Road was identified as a minor residential street, he said anybody who traveled that road would say that it was a major thoroughfare, and he did not think the proposed lots should have direct access to Cottage Hill Road. Mr. Delchamps quoted from the staff report which states: "This proposed development will not promote orderly development along Cottage Hill Road and would be incompatible with the majority of the development on Cottage Hill Road". Mr. Delchamps said one of their major concerns was the increased congestion that would occur if the minimum lot size as proposed for four or five more lots were allowed direct access to Cottage Hill Road at this location. Mr. Delchamps said they would be back, and although they had tried to meet with the developer with little success, they would try again. He thanked the Commission for their time.

There being no one else to speak, a motion was made by Mr. Plauche and seconded by Mr. Miller to holdover this application until the January 18, 2007 meeting, at the applicant's request.

The motion carried unanimously.

Case #ZON2006-02546 (Planned Unit Development)

Brandonwood Subdivision

2910 and 2916 Cottage Hill Road

(North side of Cottage Hill Road, 60' ± West of Coventry Way).

Planned Unit Development Approval to allow reduced lot widths and setbacks in a single-family residential subdivision.

(For discussion see **Case #SUB2006-00291 (Subdivision) - Brandonwood Subdivision - 2910 and 2916 Cottage Hill Road (North side of Cottage Hill Road, 60'± West of Coventry Way - above.)**)

After discussion a motion was made by Mr. Plauche and seconded by Mr. Miller to holdover this application until the January 18, 2007 meeting, at the applicant's request.

The motion carried unanimously.

Case #SUB2006-00282 (Subdivision)
Carpenter's Place Subdivision, Resubdivision of Lot 2

North side of Lola Street, 100'± West of Cuba Street.

5 Lots / 0.3± Acre

(Also see **Case #ZON2006-02536 (Planned Unit Development) - Carpenter's Place Subdivision, Resubdivision of Lot 2 - North side of Lola Street, 100'± West of Cuba Street, below.)**)

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

- 1) placement of a note on the plat stating that site coverage, side yard and rear yard setbacks are as depicted on the revised PUD site plan;
- 2) depiction and labeling on the plat of a 10-foot minimum building front yard setback line for all lots;
- 3) placement of a note on the plat stating that each lot is limited to a maximum of one curb-cut, with the size, design and location to be approved by Traffic Engineering, and conform, where possible, with AASHTO standards; and
- 4) placement of a note on the plat stating that the shotgun structures located on Lots 1-4 are contributing structures to the Campground Historic District, as listed on the National Register of Historic Places.

The motion carried unanimously.

Case #ZON2006-02536 (Planned Unit Development)
Carpenter's Place Subdivision, Resubdivision of Lot 2

North side of Lola Street, 100'± West of Cuba Street.

Planned Unit Development Approval to allow reduced lot widths, and sizes, and reduced building setbacks in a single-family residential subdivision.

(For discussion see **Case #SUB2006-00282 (Subdivision) - Carpenter's Place Subdivision, Resubdivision of Lot 2 - North side of Lola Street, 100'± West of Cuba Street** - above.)

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

- 1) placement of a note on the site plan stating that Lots 1, 2 and 5 are limited to 35% site coverage, and that Lot 3 is limited to 41% and Lot 4 is limited to 42% site coverage;
- 2) depiction and labeling on the site plan and plat of a 10-foot minimum building front yard setback line for all lots;
- 3) depiction and labeling on the site plan of the side yard setbacks for Lots 1-4, to be based on the existing setbacks;
- 4) placement of a note on the site plan stating that standard side yard setbacks, adjusted for the lot width, shall apply to Lot 5;
- 5) depiction and labeling on the site plan of the standard 8-foot rear yard setback for all lots;
- 6) placement of a note on the site plan and plat stating that the shotgun structures located on Lots 1-4 are contributing structures to the Campground Historic District, as listed on the National Register of Historic Places;
- 7) placement of a note on the site plan and plat stating that each lot is limited to a maximum of one curb cut, with the size, design and location to be approved by Traffic Engineering, and conform, where possible, with AASHTO standards; and
- 8) provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing and recording of the final plat.

The motion carried unanimously.

Case #SUB2006-00283 (Subdivision)

Hallslee Subdivision

3757 Halls Mill Road

(Southwest corner of Halls Mill Road and Lees Lane).

3 Lots / 10.0± Acres

(Also see **Case #ZON2006-02538 (Planned Unit Development) - Hallslee Subdivision 3757 Halls Mill Road (Southwest corner of Halls Mill Road and Lees Lane)** - below; and **Case #ZON2006-02538 (Sidewalk Waiver) - Bullwinkle, L.L.C. - 3757 Halls Mill Road (Southwest corner of Halls Mill Road and Lees Lane)** - below.)

Mr. Plauche announced that the staff had recommended that this application be held over until the meeting of January 18, 2007; however, if anyone was present to speak they could do so now.

Tommy Praytor, representing Bullwinkle, L.L.C., stated that they were good with the recommendations, exception for the reason a holdover was needed. Mr. Praytor said they had a two-hour pre-development meeting with the City Planning staff and all the other City departments involved. They tailor-made this development to the recommendations given to them at that meeting. Somewhere along the line the City staff did not let them know at that meeting that they wanted additional widening. Mr. Praytor said they had already submitted plans based on the staff's original recommendations made at the pre-development meeting, and the bulk of those plans had already been approved by the City. Based on those plans, they requested that this subdivision be approved without the additional widening.

Mr. Olsen stated that Mr. Praytor did speak with him regarding this, and he explained to him that there was somewhat of an error because Halls Mill Road was a known collector street. He said they do not always have all information with them when they go to pre-development meetings. Because of the error, Mr. Olsen said if the Commission chose to not require the dedication at this time, but require a setback from the future right-of-way of the collector street, that would be acceptable in this particular instance.

Mr. Plauche asked Mr. Olsen if the staff had recommendations if the Commission chose to act on the application today.

Mr. Olsen said that was one of the things he wanted to verify with Mr. Praytor, since he said he was fine with all the staff recommendations. Mr. Olsen said the staff did not make recommendations, except for holdover. He assumed he was referring to the staff comments about providing tree plantings along the frontage for the connection of the existing parking lot and the new driveway, as well as relocation of the dumpster out of the required setback.

Mr. Praytor said that was correct.

Mr. Olsen added that the staff would also require a condition limiting the development to three curb cuts to Halls Mill Road as opposed to four, which would most logically mean the elimination of this curb cut (pointing out on the plat) that is closest to the new central cur cut. Further, Mr. Olsen understand that the developer was proposing to construct the sidewalk along Halls Mill Road. The waiver request was strictly for Lee's Lane.

Mr. Praytor said that was correct.

Mr. Plauche asked Mr. Praytor if he was agreeable with the recommendations as stated by Mr. Olsen as far as approval.

Mr. Praytor said he was agreeable with those recommendations.

Mr. Plauche asked if the Commission members had any questions.

Mr. Watkins asked Mr. Olsen how much of a setback would be required.

Mr. Olsen said they would require an additional 10 feet, which would be a total setback of 35 feet.

In deliberations session Mr. Plauche asked Mr. Olsen to repeat the staff's recommendations.

Mr. Olsen stated that the recommended conditions of approval were as follows: 1) a setback of 35 feet from the future collector street right-of-way; 2) (for the PUD) the relocation of the dumpster to meet required setbacks; 3) (for the PUD) the provision of tree plantings along Halls Mill Road for the new connection between the sites and to the existing parking lot; and 4) a limit of three curb cuts to Halls Mill Road (deleting the one closest to the new central driveway).

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

- 1) depiction of a minimum building setback line sufficient to allow for the future right-of-way of Halls Mill Road (35-foot setback from existing right-of-way edge);
- 2) placement of a note on the final plat stating that the site is limited to 3 curb-cuts onto Halls Mill Road; and
- 3) placement of a note on the plat stating the lot size in square feet.

The motion carried unanimously.

Case #ZON2006-02538 (Planned Unit Development)

Hallslee Subdivision

3757 Halls Mill Road

(Southwest corner of Halls Mill Road and Lees Lane).

Planned Unit Development Approval to allow shared access between two building sites.

(For discussion, see **Case #SUB2006-00283 (Subdivision) - Hallslee Subdivision**
3757 Halls Mill Road (Southwest corner of Halls Mill Road and Lees Lane) - above;
also see **Case #ZON2006-02538 (Sidewalk Waiver) - Bullwinkle, L.L.C. - 3757 Halls
Mill Road (Southwest corner of Halls Mill Road and Lees Lane** - below.)

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

- 1) depiction of a minimum building setback line sufficient to allow for the future right-of-way of Halls Mill Road (35-foot setback from existing right-of-way edge);
- 2) placement of a note on the site plan stating that the site is limited to 3 curb-cuts onto Halls Mill Road;
- 3) revision of the site plan to depict provision of tree plantings along Halls Mill Road for the new connection between the sites and to the existing parking facility;
- 4) revision of the site plan to show relocation of the dumpster to comply with required setbacks and buffering from Lees Lane; and
- 5) provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final plat.

The motion carried unanimously.

Case #ZON2006-02538 (Sidewalk Waiver)

Bullwinkle, L.L.C.

3757 Halls Mill Road

(Southwest corner of Halls Mill Road and Lees Lane).

Request to waive construction of a sidewalk along Lees Lane.

(For discussion see **Case #SUB2006-00283 (Subdivision) Hallslee Subdivision**
3757 Halls Mill Road (Southwest corner of Halls Mill Road and Lees Lane) - above;
also see **Case #ZON2006-02538 (Planned Unit Development) - Hallslee Subdivision**
3757 Halls Mill Road (Southwest corner of Halls Mill Road and Lees Lane) - above.)

After discussion a motion was made by Mr. Miller and seconded by Mr. Vallas to approve this request.

The motion carried unanimously.

Case #SUB2006-00281 (Subdivision)

The Lakes at the Preserve Subdivision, Resubdivision of Lots 36 and 37

North side of Rue Bienville, 170'± West of Rue Preserve.

2 Lots / 0.6± Acre

(Also see **Case #ZON2006-02517 (Planned Unit Development) - The Lakes at the Preserve Subdivision, Resubdivision of Lots 36 and 37** - North side of Rue Bienville, 170'± West of Rue Preserve - below.)

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. Miller to approve the above referenced subdivision subject to the following condition:

- 1) that the Engineer confirms that lot lines being revised do not adjoin drainage easements or affect subdivision drainage.

The motion carried unanimously.

Case #ZON2006-02517 (Planned Unit Development)
The Lakes at the Preserve Subdivision, Resubdivision of Lots 36 and 37

North side of Rue Bienville, 170'± West of Rue Preserve.

Planned Unit Development Approval to amend a previously approved Planned Unit Development to relocate a common lot line.

(For discussion see **Case #SUB2006-00281 (Subdivision) - The Lakes at the Preserve Subdivision, Resubdivision of Lots 36 and 37 - North side of Rue Bienville, 170'± West of Rue Preserve** - above.)

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

- 1) that the Engineer confirms that lot lines being revised do not adjoin drainage easements or affect subdivision drainage.

The motion carried unanimously.

Case #SUB2006-00292 (Subdivision)
The Madeira of Mobile Subdivision

West side of South University Boulevard, 750'± South of Old Shell Road, extending to the North termini of Barbara Mitchell Drive East, General Bullard Avenue, and Westfield Avenue, and extending to the East side of Long Street, 900'± South of Old Shell Road.
3 Lots / 17.5± Acres

(Also see **Case #ZON2006-02548 (Planned Unit Development) - The Madeira of Mobile Planned Unit Development** - West side of South University Boulevard, ¼ mile ± South of Old Shell Road, extending to the North termini of General Bullard Avenue and Westfield Avenue, and extending to the East side of Long Street, 900'± South of Old Shell Road. - below; and **Case #ZON2006-02549 (Rezoning) - University of South Alabama Foundation** - below)

Mr. Plauche stated that this application was recommended for holdover until the meeting of January 18, 2007, but if anyone had come down to speak today, they could do so now.

No one came forward to speak.

A motion was made by Mr. Plauche and seconded by Mr. DeMouy to holdover this application until the January 18, 2007 meeting to accommodate the PUD revisions, and the following requirements:

- 1) revision of the plat to address Engineering Comments;
- 2) revision of the plat to place Forestry Comments as a note on the plat;
- 3) placement of a note on the plat stating that the approval of all applicable federal, state and local agencies prior to the issuance of any permits or land disturbance activities;
- 4) placement of a note on the site plan and subdivision plat stating that Lot 1 is limited to one curb-cut onto University Boulevard and denied access to Westfield Avenue, General Bullard Avenue, and Long Street (until Long Street is constructed to city standards from the site North to Old Shell Road, at which time Lot 1 should be limited to two curb-cuts), Lots 2 and 3 are limited to two curb-cuts each onto University Boulevard, that Lot 3 is denied access to Barbara Mitchell Drive East, and that the size, design and location of all curb-cuts must be approved by Traffic Engineering and conform to AASHTO standards; and
- 5) depiction of the minimum building setback line for all lots, from all street frontages.

The motion carried unanimously.

Case #ZON2006-02548 (Planned Unit Development)

The Madeira of Mobile Planned Unit Development

West side of South University Boulevard, ¼ mile ± South of Old Shell Road, extending to the North termini of General Bullard Avenue and Westfield Avenue, and extending to the East side of Long Street, 900' ± South of Old Shell Road.

Planned Unit Development Approval for multiple buildings on a single building site for a 240 unit residential apartment complex.

(For discussion see **Case #SUB2006-00292 (Subdivision) - The Madeira of Mobile Subdivision** - West side of South University Boulevard, 750' ± South of Old Shell Road, extending to the North termini of Barbara Mitchell Drive East, General Bullard Avenue, and Westfield Avenue, and extending to the East side of Long Street, 900' ± South of Old Shell Road - above; and **Case #ZON2006-02549 (Rezoning) - University of South Alabama Foundation** - below)

A motion was made by Mr. Plauche and seconded by Mr. DeMouy to holdover this plan until the meeting of January 18, 2007, with revisions due to Urban Development by December 27th, to give the applicant time to address the following:

- 1) revision of the site plan and subdivision plat to depict compliance with Engineering comments (*Flood zone should be depicted on plat based on the*

flood zone limits from FIRM maps, not based on elevation. Show minimum finished floor elevation on each lot. Show drainage easements. 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.);

- 2) revision of the site plan and subdivision plat to depict compliance with 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 60" Live Oak Tree located on the East side of Lot 1. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.);*
- 3) revision of the site plan to indicate the total number of parking spaces, including within garages, the total size of the "community building," the number of stories of all buildings, and labeling of the proposed pool;
- 4) consultation with Fire / Rescue to determine if modifications to the site plan are necessary to comply with their regulations, and revision of the site plan as appropriate;
- 5) revision of the site plan to depict compliance with the open space and tree and landscaping requirements of the Zoning Ordinance, including the necessary site calculations required by Section 64-5.C.2. of the Zoning Ordinance;
- 6) depiction and labeling of any required stormwater detention basins;
- 7) depiction and labeling of dumpster locations, with screening that complies with Section 64-4.D.9. of the Zoning Ordinance;
- 8) revision of the site plan to ensure that all proposed structures meet setback requirements, and depiction of the minimum building setback line on both the site plan and the subdivision plat;
- 9) provision and depiction of a 10-foot wide vegetative buffer and 6 to 8 foot high privacy fence or wall where the portion of the site to be developed abuts adjacent R-1 districts that are developed with single-family residences;
- 10) placement of a note on the site plan stating that maintenance of all common areas and detention areas is the responsibility of the property owners;
- 11) placement of a note on the site plan stating that lighting shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic, per the requirements of Section 64-4.A.2. of the Zoning Ordinance;
- 12) depiction of the pedestrian circulation system on the site plan, including the depiction of a sidewalk along University Boulevard;
- 13) placement of a note on the site plan and plat stating that the approval of all applicable federal, state and local agencies prior to the issuance of any permits or land disturbance activities; and
- 14) placement of a note on the site plan and subdivision plat stating that Lot 1 is limited to one curb-cut onto University Boulevard and denied access to Westfield Avenue, General Bullard Avenue, and Long Street (until Long Street is constructed to city standards from the site North to Old Shell

Road, at which time Lot 1 should be limited to two curb-cuts), Lots 2 and 3 are limited to two curb-cuts each onto University Boulevard, that Lot 3 is denied access to Barbara Mitchell Drive East, and that the size, design and location of all curb-cuts must be approved by Traffic Engineering and conform to AASHTO standards.

- 12) depiction of the pedestrian circulation system on the site plan, including the depiction of a sidewalk along University Boulevard;
- 13) placement of a note on the site plan and plat stating that the approval of all applicable federal, state and local agencies prior to the issuance of any permits or land disturbance activities; and
- 14) placement of a note on the site plan and subdivision plat stating that Lot 1 is limited to one curb-cut onto University Boulevard and denied access to Westfield Avenue, General Bullard Avenue, and Long Street (until Long Street is constructed to city standards from the site North to Old Shell Road, at which time Lot 1 should be limited to two curb-cuts), Lots 2 and 3 are limited to two curb-cuts each onto University Boulevard, that Lot 3 is denied access to Barbara Mitchell Drive East, and that the size, design and location of all curb-cuts must be approved by Traffic Engineering and conform to AASHTO standards.

The motion carried unanimously.

Case #ZON2006-02549 (Rezoning)

University of South Alabama Foundation

West side of South University Boulevard, 750'± South of Old Shell Road, extending to the North termini of Barbara Mitchell Drive East, General Bullard Avenue, and Westfield Avenue, and extending to the East side of Long Street, 900'± South of Old Shell Road. Rezoning from B-1, Buffer Business, B-2, Neighborhood Business, and B-3, Community Business, to B-1, Buffer Business, to eliminate split zoning in a commercial subdivision and to allow an apartment complex, and unspecified commercial use.

(For discussion see **Case #SUB2006-00292 (Subdivision) - The Madeira of Mobile Subdivision** - West side of South University Boulevard, 750'± South of Old Shell Road, extending to the North termini of Barbara Mitchell Drive East, General Bullard Avenue, and Westfield Avenue, and extending to the East side of Long Street, 900'± South of Old Shell Road - above; and **Case #ZON2006-02548 (Planned Unit Development) - The Madeira of Mobile Planned Unit Development** - above.)

A motion was made by Mr. Plauche and seconded by Mr. DeMouy to holdover this request for a change in zoning until the meeting of January 18, 2007, to accommodate revisions listed under the PUD and Subdivision recommendations.

The motion carried unanimously.

Case #SUB2006-00287 (Subdivision)
West Airport Boulevard Center Subdivision

6575 Airport Boulevard

(South side of Airport Boulevard, 675'± East of Providence Hospital Drive).

3 Lots / 19.8± Acres

(Mr. Vallas recused from discussion and voting in this matter.)

(Also see **Case #ZON2006-02544 (Planned Unit Development) West Airport Boulevard Center Subdivision - 6575 Airport Boulevard** – below.)

Jerry O'Brien, with Jerry O'Brien Associates, Inc., stated that he was the real estate broker/consultant for Wal-Mart on this project. Mr. O'Brien pointed out that he and others representing Wal-Mart met with residents in the area the previous night. Several City Council members and several members of the Urban Development staff, as well as representatives of the City Legal and Traffic Engineering Departments were also in attendance. Mr. O'Brien said they were asked to address several questions, which they did in a written response, a copy of which was provided to the Planning Commission. He said he would not go into a great deal of that, but just wanted to hit some highlights. First of all, Mr. O'Brien said this was a proposed Wal-Mart Super Center, however, it would be a 121,340 square foot Wal-Mart Super Center, as opposed to the typical stores that one would be familiar with in the Mobile area which would average approximately 200,000 square feet. It would be roughly 60 percent of the size of what most people would be familiar with in the form of a Super Center, and would not generate the same volume of traffic as the 200,000-square foot store. Mr. O'Brien said they proposed improvements in the area to deal with the traffic, including the installation of two access points to the property, one of which would be a signalized intersection. That signalized intersection would have a dual left, westbound turn lane, as well as a single, eastbound turn lane that could access Willowbrook Subdivision across the street. They would install an eastbound decel lane, turn lane, into the project at the westernmost drive. In addition, the City had requested, and Wal-Mart had agreed, to install fiber optic cable for the existing four signals and the fifth one that they would be adding for a total of five signals. They would install fiber optic cable from Hillcrest Road all the way to Cody Road, which would involve five traffic signals, and which would allow the City to then synchronize those signals, which should aid a good deal in the traffic flow. As far as the development itself, Mr. O'Brien said they would provide a buffer of approximately 35 feet along the east side of the property. A screening wall would also be required along the east and southern borders of the property, as well as the southernmost 300 feet on the west side of the property. There would be an approximately 15-20-foot undisturbed buffer on the west side of the property, and then with re-plantings the total buffer would be increased to approximately 35 feet. At the rear of the site, on the south side, they would have a 20-foot undisturbed buffer, and behind that location would be the detention, which would be several hundred feet wide, which means that the rear of the store - lights, paving and so forth - would be approximately 200-225 feet from the southern property adjoining this site. Mr. O'Brien pointed out Providence Hospital on the west side of the property. He said they had worked with Providence in an effort to provide the buffers they had

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requested. They planned to have a buffer of approximately 35 feet along that west side that would transition down to 10 feet when it gets all the way up to the north by the driveway. Again, a screening wall would be provided at the southern end.

Mr. O'Brien further pointed out that the proposal before the Commission today was not for rezoning. The property was properly zoned for the proposed use. The applications being considered today were for a Planned Unit Development (PUD) and a Subdivision. He noted that the Planning Commission previously approved, on this same piece of property, a PUD for 256,000 square feet of retail and office space, along with two out-parcels. The store they were proposing today represented a reduction of approximately 56 percent of the square footage that was previously approved for this site. Mr. O'Brien said their team of consultants was present today if anyone had any questions.

Mr. Plauche asked if there was anyone else who wished to speak in favor of the application. There was no one.

Mr. Plauche asked if there was anyone who wished to speak in opposition to the application.

Barbara Stokes, a resident of Huntleigh Woods, stated that she felt that the citizens most affected by the intrusion of another Wal-Mart could have been informed by the City in a better way, and much sooner, than an article in the newspaper only two weeks ago. She felt this was deliberate and planned very carefully for the busiest time of the year for most people, and it was the intent of Wal-Mart and its representatives here in Mobile to push this through the back door, so to speak. Ms. Stokes suggested that it would be a show of good faith to have Wal-Mart table this discussion and postpone this matter to a more appropriate time such as the end of January.

Steven Prager, a resident of 6504 Airport Boulevard, stated that he was present to speak about the aesthetics of this proposed development. Mr. Prager said that the architect's rendition that was shown to the residents at the previous night's meeting was very attractive, and he felt Mr. O'Brien had been very sincere in trying to blend his project into the existing surroundings. He asked if there was any assurance that once the PUD was approved that the developer would not go back to the ugly, box Wal-Mart everyone was accustomed to.

Mr. Plauche noted that the Planned Unit Development plan was site-plan-specific, which means that what they show on there has to go on the ground.

Mr. Olsen said that was correct. He said that if the developer were to accept the Commission adding a condition to the approval of the PUD that they be held to the style and elevation shown at the meeting, that would also guarantee it.

Mr. Prager further noted that the proposal calls for a 10-foot natural buffer on the Airport Boulevard side of the project.

Mr. Plauche asked if that 10-foot buffer on Airport Boulevard was on the north property line.

Mr. Prager said that Huntleigh Woods and Willowbrook were on the north side of Airport Boulevard.

Mr. Plauche said he did not understand that the developer proposed a buffer on Airport Boulevard.

Mr. Olsen pointed out that there were actually two out-parcels proposed between the Wal-Mart site and the north side of Airport Boulevard. Those out-parcels would be developed at some point in the future for another use, so he could not say what type of buffer there may be there.

Mr. Prager proposed that a minimum 30-foot natural buffer, of the existing vegetation, be left on the north side of the site, except of course for the driveway. Mr. Prager also noted that so far there had been no mention of any signage for this project. He said the residents of Willowbrook and Huntleigh Woods would request that the usual 50-foot Wal-Mart sign, or whatever the height, be forbidden for this particular site, and that only a ground-level sign five or six feet be allowed. Finally, Mr. Prager proposed that any developer of this site be required to build a cement or brick privacy wall on the north side of Airport Boulevard, from Cleveland the Florist to Wintzell's Restaurant. He felt that such a wall may help alleviate some traffic noise caused by a large development such as this, and it may prevent traffic cutting through their neighborhoods to get to the proposed development. He felt it would also provide an aesthetic view for the residents living on the north side of Airport Boulevard, and might alleviate a little bit of the potential crime that comes with a Wal-Mart. In closing, Mr. Prager asked that each Commission member ask himself or herself when they go to vote if they would want this proposed development to be built across the street from their house. If their answer was "no", then he asked that they impose the restrictions that he proposed to them, as well as the restrictions the previous speaker and the next speakers propose.

Mr. Plauche asked if anyone on the Commission had any questions.

Mr. Watkins asked Mr. Prager if he understood that he was talking about a buffer on the north side.

Mr. Prager said that was correct; the north side of the development which was on the south side. He wanted the brick wall to be built on the north side of Airport Boulevard, in front of his house, in the median and the service road bordering the subdivision.

Mr. Holmes asked about the dimensions of the out-parcel, and whether the out-parcels were for sale.

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Mr. Olsen stated that it would be 250 feet from the front of the site at Airport, south to the southern boundary of the two out-parcels, and there was a 10-foot landscape buffer at the end along the Airport Boulevard frontage. Those individual properties would have to comply with the landscaping and tree planting requirements of the ordinance along their frontage and then still along the perimeters of their property.

Mr. Miller asked if he understood that the front parcels would have to come back before the Commission and buffering for those specific plans would be taken up at that time.

Mr. Olsen said that could be addressed through an amendment to the PUD.

Mr. Watkins said he could not understand how they could construct a wall in the right-of-way, and asked Traffic Engineering to comment.

Jennifer White, representing Traffic Engineering, said they would not be allowed to construct a wall in the right-of-way. It would be a site obstruction, and it would be a hazard to anybody that left the road and hit it.

It was asked if a vegetative wall would be a possibility.

Ms. White said that could be a possibility.

Mr. Watkins asked if the City could require a developer to construct a buffer on someone else's property.

Mr. Olsen said Mr. Prager was requesting the wall be built in City right-of-way, not private property. He could not recall the Commission ever having required any type of buffer physically located across a street, especially a major street such as Airport Boulevard.

Dr. Rivizzigno asked what type of signage was proposed for the site.

Mr. Olsen said the developer would have to comply with the Sign Ordinance, and if it were done as individual signs, since Wal-Mart only has the limited street frontage where those drives were, they do have enough street frontage for the maximum. For a single-tenant site they would be allowed one free-standing sign, a maximum size of 200 square feet and a maximum height of 35 feet, which is what any commercial establishment would be allowed. That would be strictly for the Wal-Mart lot. The other two lots would be allowed their individual signage.

Mr. Plauche said he could take two more speakers in opposition.

Betina Prager, a resident of 6504 Airport Boulevard, said she had some handouts for the Commission members, and handed them to Mr. Olsen. She also handed out letters which she received via e-mail that afternoon, which she understood were also mailed to the Commission members yesterday, and to Councilwomen Gina Gregory and Connie

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Hudson. Ms. Prager said that the Willowbrook, Huntleigh Woods and The Timbers neighborhoods would be greatly impacted by the proposed Wal-Mart. She noted that the wastewater and stormwater drainage situation calls for specialized systems for The Timbers Subdivision because it was downhill from the site. The Warren Apartments, which also sits low to the ground, would also be impacted. She said it was very possible that Airport Boulevard could wash out. Ms. Prager asked that the members read the information that was handed out to them from Frazier Christy, who owns the 40 acres south of the proposed development. Ms. Prager further expressed concern that construction trucks would create noise pollution and damage existing roadways, and perhaps cause windows to break from vibrations. She asked if the Commission would allow 20 acres of land to be devastated by clearing and covering with asphalt and concrete. Ms. Prager said Willowbrook and Huntleigh Woods were wonderful neighborhoods, with homes ranging in price from approximately \$200,000-\$300,000. The Timbers was a subdivision of moderately priced homes that was home to many first-time buyers. They were concerned that this subdivision would be subject to flooding in the future if this proposed development was allowed. Ms. Prager said these subdivisions were developed in the early to mid-'70s, and some of the residents were the original owners who were now quite elderly. There were also a lot of young families in the neighborhood, and they were concerned as to the impact an additional 2500-3200 cars a day would have on school buses and the safety of their children. Ms. Prager noted that Wal-Mart said that property values have gone up where there are other stores located here in Mobile. She said there was no store that they had built that had a residential area across the street. She noted that the original plan for the development of this site with 265,000 square feet, which was supposed to be light retail and offices, probably would have closed sometime between 6:00 and 8:00 p.m. She asked if this was to be a 24-hour store, and if so, they objected vehemently. The neighbors would like to see the hours of operation limited. Ms. Prager also expressed concern about potential pollution caused by diesel fuel from trucks constantly running and delivering goods to Wal-Mart, and noise from generators Wal-Mart has been known to run 24/7. Ms. Prager said she had gone behind the Wal-Marts in this town twice this week and there had been generators running behind them any hour of the day or night, as evidenced by pictures she had provided the Commission. The same thing also applied to the box compactors. With regard to crime, Ms. Prager urged the Commission to consider that Wal-Mart was one of the largest places for crime to occur, whether in the parking lot or in the store. She also referred to a packet regarding crime, which was provided to the Commission.

Mary Devereaux, a resident of 6004 Sussex Road, voiced her concern about traffic with the proposed development. Ms. Devereaux stated that she did not envy the traffic engineers in their job of managing the flow of 52,000 cars that currently drive on Airport Boulevard on a daily basis. She noted that of the top ten dangerous intersections in Alabama, seven were in Mobile. Number one on the list was Airport Boulevard at University Boulevard, #2, Airport Boulevard at Azalea and McGregor, #5, Airport Boulevard at Hillcrest, and #6, Airport Boulevard at Cody Road. She said that traffic studies provided for this project anticipate an increase of only 2500 cars per day, and that traffic flow would be modulated by the expansion of Hillcrest Road north of Airport Boulevard. Ms. Devereaux said the Hillcrest Road expansion north may seem a curious

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solution to some, but as neighbors of the University of South Alabama, they believed that this was a prime location for Wal-Mart to capitalize on the University customer base - over 13,000 daily enrolled students, and over 5,000 faculty and staff. There was, therefore, concern for cut-through traffic in some of the surrounding neighborhoods between Old Shell Road and Airport Boulevard. She said delivery of emergency services was a more pressing issue. West Mobile emergency service providers such as fire, ambulance and police already feel that an emergency lane is needed at this time on Airport Boulevard. Under optimal conditions, emergency equipment can travel the 3.85 miles from the Tapia fire station, which is located at General Bullard and Airport Boulevard, to Schillinger Road at Airport Boulevard in five minutes plus. That is when conditions are optimal, not usual conditions, and that is to the intersection only, not the final destination. Snow Road was actually their final jurisdiction. That does not include pickup or return, and they have to make it back such as to Providence Hospital back on Airport Boulevard, and they still have to make it the complete round trip. Ms. Devereaux said that at the suggestion of emergency personnel, the residents of this area would request that the proposed intersection in front of the Wal-Mart development be restricted, limiting vehicles exiting the development site to turning only right or left, and not allowing them to cross the intersection. She said they appreciated that Wal-Mart was buying the light for the intersection and providing fibers for synchronized signaling at Cody and Airport, as well as the new intersection. Ms. Devereaux also asked that Wal-Mart extend fibers to the nearby intersection, which was less than 1/4 mile, at Hillcrest Road and Airport Boulevard, if possible, and that the development not open for business until the fibers are in place and synchronized signaling is active from Cody Road to University Boulevard, because synchronized signaling has to be more than just two intersections to be effective. She also noted that the speed limit varied a lot on Airport Boulevard - between 35, 40, and 45 mph, and she felt it should be consistent to be compatible with the synchronized signaling. Ms. Devereaux further expressed the concern of the residents of Huntleigh Woods regarding speeding on Airport Boulevard and the frequency of accidents. She suggested that some of this may be due to traffic exiting Providence Hospital and illegally turning left and slamming into cars on Foreman Road. Also, some of it may be due to the delay on the turn signal lights to accommodate people probably running the lights. Ms. Devereaux suggested that the Traffic Engineers look into this situation and that improvements to remedy this problem be made a requirement of the approval of this project.

There being no further questions by Commission members, Mr. Plauche asked if the applicant would like to respond.

Regarding statements made by Ms. Devereaux, Mr. O'Brien explained that the developer would be installing the fiber optic cable for the synchronization of all of the lights starting at Hillcrest Road, the signal in front of the development, the entrance to Providence Hospital, Foreman Road and Cody Road. He emphasized that Wal-Mart would not be actually be synchronizing the signals, as that would have to be done by the Traffic Engineering Department. The installation of the fiber optic cable, however, would be the bulk of the cost of work involved as far as synchronizing those signals.

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With reference to screening to the north side of Airport Boulevard, Mr. O'Brien pointed out that the right-of-way of Airport Boulevard was approximately 200 feet wide, with the additional right-of-way of the service road that actually runs in front of Huntleigh Woods and the Willowbrook subdivisions. He said they would be installing that traffic signal, which would give the residents of Willowbrook the ability to exit onto Airport Boulevard and head eastbound through a signalized entrance, as opposed to having to cross over three lanes of traffic and make a U-turn in order to head eastbound when they are coming out of their subdivision. Mr. O'Brien said they had worked extensively with the Traffic Engineering Department and had their support. Also, the developer had provided a traffic study which concluded that when the synchronization of the signals has been completed, along with the improvements the City currently has under construction at the intersection of Hillcrest and Airport, the level of service after the development would be equal to exactly what it was today.

As far as landscaping was concerned, Mr. O'Brien said they were going to preserve as many trees as they could. He pointed out two 60-inch live oaks on the site that would be preserved. There were also multiple trees that would be saved, and all the undisturbed buffers along the east, west and south sides of the property. Mr. O'Brien said this project met 300-400 percent of the buffer requirements, as well as fencing, and they felt it would be well landscaped. He said he wanted to again point out that less than a year-and-half ago this Planning Commission approved a 265,000-square foot PUD for this site, and with their plan they were reducing that over 54 percent. Mr. O'Brien said they felt like they had complied with all the ordinances and asked for the Commission's support.

With regard to the comments and conditions placed on the project regarding drainage, Mr. O'Brien said they had been working with City Engineering concerning the drainage plan for the project. Reference was made earlier about a 10-year storm retention. He said they were actually designing for a 100-year storm, which was well in excess of the City requirement, with a 10-year release. This was what City Engineering had asked them to do. Since they do not know how the drainage is going to work at this point, Mr. O'Brien asked that the recommendations and the City Engineering comments be limited to requiring that they comply with all stormwater and flood control ordinances, and that any work performed in the right-of-way will require a right-of-way permit. Mr. O'Brien said he would be happy to answer any further questions, and all of their support people were present to answer any technical questions.

Mr. Plauche noted that the opposition had asked about the hours of operation.

Mr. O'Brien said he was a consultant, not an employee of Wal-Mart, and could not answer that question.

Mr. Plauche asked if there was an employee of Wal-Mart present who could answer that question.

Mr. O'Brien said there was not, and he did not know if that decision had been made at this time. Typically, however, their super centers do operate 24 hours a day.

Mr. Plauche asked Mr. O'Brien about proposed signage.

Mr. O'Brien said that signage had not yet been drawn up. That was not required for the PUD, but they would comply with the requirements of the Sign Ordinance.

Mr. Plauche asked if there were generators that would operate at this particular site.

Mr. O'Brien said he would have to defer that question to his engineer.

The engineer for the project said that the store has not officially been completely designed. They had emergency generator operation planned at all the stores, but there was nothing at this point in time that says there would be a generator at this store operating all the time. That had not been designed in the process yet.

Mr. O'Brien pointed out that they were in a design phase and could not answer all the questions at this point in time because they still had to design the store.

Mr. Miller asked if other Wal-Marts had generators operating when the power was uninterrupted.

Mr. O'Brien replied that if the power supply goes out, they have generator capabilities to be able to continue to operate. If the power is on, they would not have generators running except for kicking on every now and then to make sure they were still working.

Mr. Turner asked if he understood Mr. O'Brien to say that traffic, as it was currently being serviced, would not be disturbed as a result of this new installation.

Mr. O'Brien stated that the traffic studies they performed indicated that with the synchronization of the signals, as well as the additional improvements they were making to Airport Boulevard, along with the improvements by the City that were currently under construction at the intersection of Hillcrest Road and Airport Boulevard, the level of service after build-out in this development would not decrease.

Mr. DeMouy asked if he understood correctly that the developer was proposing a buffer on three sides - the east, west and south - as opposed to what the minimum was.

Mr. O'Brien said there was a 10-foot minimum buffer, or screening wall. He noted that at the time the property was rezoned, a condition of the approval was that an 8-foot privacy fence be provided. He felt that they were very close to the 10-foot, or right up against the property lines. He pointed out that along the East property line, which is the Warren Apartments, there was a minimum of 35 feet in all areas up and down, as far as a buffer. Twenty feet of that was completely undisturbed. The additional 15 feet that goes on top of the 20 to make up the 35, which is 40 in some places, would be a re-planting or landscaping. There was an undisturbed 20-foot buffer on the south side, and the detention is behind that for approximately another 200 feet. So, theoretically, there

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would be 235 feet from the southern boundary. On the west side, which adjoins Providence Hospital, would be a buffer of approximately 35 feet.

Mr. Plauche asked Mr. Olsen if the vegetative buffer was in addition to an 8-foot wall or fence.

Mr. Olsen said the plan submitted states a 6-foot high fence. He had explained to Mr. O'Brien, however, that the rezoning amendment required an 8-foot privacy fence, in addition to the buffer.

Mr. O'Brien said the only place they got down to a 10-foot buffer was right up along Airport Boulevard where there was a development with a Starbuck's. That met the code, but in every other place, over 88 percent of the development, they exceeded the code by two to three times the minimum. He pointed out on the plan all the trees that would be preserved, as well as additional plantings. There would be one area they would have to clear because of the elevation, and noted that they would plant live oaks on 30-foot centers along the front of the property.

Mr. Plauche said that would be required by the out-parcel development.

Mr. Miller asked Mr. O'Brien if he had talked to the owners of the Warren Inn.

Mr. O'Brien said they had contacted all three property owners that surrounded this site and they did not express any opposition. He talked to a representative of Providence Hospital, as well as Mr. Richard Colbert, representing the Warren Inn, regarding drainage, landscaping, and so forth. He said they were trying to be a good neighbor and trying to be a good corporate citizen in trying to design something that does not infringe on the adjoining properties.

Mr. Miller asked if he understood correctly that the property to the South was vacant.

Mr. O'Brien said the property to the South was presently zoned residential, and there was one home back there. At one time there were stables on that property.

Mr. Watkins noted that one of the speakers in opposition mentioned an elevation plan that the developers showed the neighbors at the meeting the previous night. He asked if that plan was speculative, or if it was a promotion.

Mr. O'Brien replied that the plan was not speculative. It was in a pre-development phase. He said the reason he did not bring that plan today was because he was informed that in the event they presented the plan, that basically they would be held to that plan. He emphasized that they were in a pre-development phase. They planned a very upscale looking store, and he was sure it would end up being something very close to what they presented, however, there may be some architectural impediments that change because of the actual design process. Mr. O'Brien said their architect, Mike Glenn, was present if the Commission would like to hear from him.

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Mr. Watkins asked what the neighbors were told about the elevation.

Mr. O'Brien said they were told that it was a preliminary elevation, and that the store would look something similar to that, but at the present time they have not gone through with the complete design process.

Mr. Miller asked if the plan presented was a 90 percent design, or a 61 percent design, or what.

Mike Glenn, with BRR Architecture out of Kansas City, stated that he was the architect/designer for the store at this point. He said the plan was probably a 90 percent design. He said there was a new process going on at Wal-Mart right now called "a store of the community". They actually come down and take pictures and drive the area to get a good feel for what the area is doing. They look at the other big boxes and other tracts that are done by the Starbucks, or a Kohl's, or a Target, or whatever. Obviously, there were some design ordinances from the City that they have to live with, as well as whatever has been done with the PUD. That has all been taken into consideration at this point, and they have designed a store for this particular location. Mr. Glenn said the plan the neighbors saw last night was at least a 90 percent finished product. As far as the signage that they saw last night, again, that meets the requirements of the Sign Ordinance, and they will have a monument sign. They were not proposing a 50-foot pole sign.

Mr. Plauche said he thought the neighbors were not worried about meeting the ordinances, but rather in not making it the maximum of the ordinance. He asked what the typical heights of the signs would be.

Mr. O'Brien said the monument sign would be anywhere from 15-20 feet. The Sign Ordinance allows as much as a 35-foot height. They would be allowed 200 square feet. The sign would be designed to actually match the building, so it would have some pilasters. It would probably have the cap they have proposed overlooking out of the entrance element, and it would be made of the same materials as the building.

Mr. Watkins was concerned that many of the neighbors who saw the plan presented last night were okay with the design and therefore did not come to the meeting today because they thought it would be approved as presented to them. The developer said today that the plan was 90 percent, but next month they could go up with a white metal building with a blue stripe on it. Mr. Watkins questioned whether or not the Commission could impose conditions on the approval requiring that the developer build to a particular style.

Mr. Glenn stated that part of his job with Wal-Mart was special elevations. He said he did not do, and was not hired to do, what he referred to as "the old gray and blue battleships". He said those were gone. Mr. Glenn said that this year alone his firm was going to design approximately 100 stores for Wal-Mart across the world, and not a single one of them would be a "gray and blue battleship". He said that was not what "the store of the community" concept was. They were in the process right now of developing a new prototype of Wal-Mart that was more along the lines of what this store would be with a

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more upscale look. Mr. Glenn said he could guarantee that this design was at least 90 percent of what the store would finally look like.

Mr. Lawler pointed out that the PUD gives the Commission the opportunity to make sure that the project blends in, and allows them to make certain requirements with regard to design, the whole ball of wax. He said this proposal was a little disappointing because there was still a lot loose. The drainage plan was not complete, and they were only 90 percent sure that the design presented would be the final design. The Commission has the opportunity, if they want, to set some parameters for how this is going to be, other than leaving it open.

Mr. O'Brien pointed out, again, that this same Planning Commission, 15 months ago, approved a PUD for this site and none of those things were considered. That PUD was approved for 265,000 square feet, and this PUD was only 121,000 square feet.

Mr. Plauche commented that they were two separate projects with two totally different parameters, so they cannot do apples and apples there.

Mr. Lawler further commented that there were just some things that were not complete about the application. The developer had presented a range of what was going to happen, but the Commission did not know what exactly was going to happen. He said this was an opportunity for them to say that the design and signage was going to be a certain way.

Mr. Watkins related that he was on the other side of the podium several years ago when the neighbors were shown one proposal and a year later something else was put there. His concern was that the developer presents a pretty picture, but then delivers something different. Mr. Watkins said he was looking for some level of detail that the Commission could put down in their approval that gives the neighbors some assurance that the plan would be developed as presented to them.

Mr. O'Brien said their land use counsel may have some language they could agree to, but he said he was not familiar with this type of a contingent typically being placed on a PUD. He said it was not their intent to deceive at all. The product they intend to build may change slightly, but he felt they had gone above and beyond what was required with their buffering, and with their cooperation with the Traffic Engineering Department and the Engineering Department. He did not understand the need to single this particular project out for a process that was not typical of what he had experienced.

With regard to Mr. Lawler's and Mr. Watkins' comments, Mr. Plauche said the Commission was not trying to single out anything, but it had happened before that a developer changed his plans from what they had initially presented – not intentionally, but due to the way a project sometimes evolves financially or in other ways. Mr. Plauche said they were just trying to eliminate some of the fluidity that they had in there.

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Mr. Lawler suggested that the Commission may want to place a condition on the approval that the building be designed substantially as presented here, and if not, it would be necessary for them to come back and amend their plan.

Casey Pipes, 2255 Ashland Place Avenue, stated that he was counsel for Wal-Mart. Regarding Mr. Lawler's comment that something was incomplete about the application, Mr. Pipes said he did not think he meant it in the sense that some people in the room might have understood it. He pointed out that elevations were not required for PUD or subdivision approval, nor were the drainage plans required at this level. Their plans were preliminary. They were 90 percent complete plans, and he would hate for their people to be penalized for being ahead of the curve and having this information at this stage when really this was more information than was typically required under the PUD or Subdivision Regulations.

Mr. O'Brien stated that he and Mr. Glenn were not employees of Wal-Mart, and it was therefore very difficult for them to commit from part of the corporation they work for as consultants, but do not actually represent. Mr. Glenn indicated, however, that he did not have a problem in committing to something that was going to be substantially the type of look presented to the neighbors and the Commission. But again, Mr. O'Brien felt that they were going to a level that was beyond what was typical in this process, and hoped everyone understood that they wanted to be a good neighbor and that they wanted to build more stores in the area, and they fully intended to build what they had shown.

Mr. Lawler further commented that with regard to the drainage requirements, the Engineering Department had suggested some requirements that fit this particular area, which has some real drainage problems. They had suggested some conditions that he felt were important and that should be imposed.

Rosemary Sawyer, representing City Engineering, stated that they had submitted revised comments to Urban Development regarding the drainage.

Mr. Miller further commented that the Commission was not trying to single them out, but said that Wal-Mart has a major impact in the community, and also an emotional impact. This Commission has also become more proactive over the last several months and were becoming more aggressive with the drainage requirements. Mr. Miller said he hoped the developers understood their concerns.

Mr. O'Brien said he totally understood.

With further reference to drainage, Mr. Olsen said that the revised comments that Ms. Sawyer was speaking about were basically the standard comments, which were that the development must comply with all stormwater and flood control ordinances, and that any work performed in the right-of-way would require a right-of-way permit. Mr. Olsen said there was some specificity in the original conditions that almost limited the development to a specific drainage plan when there are other viable options.

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Mr. Holmes asked Ms. Sawyer if she was familiar with the comments concerning the drainage issue from the Frazier Corporation.

Ms. Sawyer said she had seen the letter. She explained that, basically, if any water is concentrated onto an adjacent property, the City's stormwater ordinance does address that, and they had addressed that specifically in their comments. When Wal-Mart comes in and submits drainage plans, they will have to address all those things required by the City's ordinance, and the things addressed in Mr. Christy's letter would be addressed with the drainage design. Mr. O'Brien said they were committed to 100-year detention with a ten-year release rate. The 100-year detention is in excess of what is required. The City's ordinance simply requires the 10-year detention. Ms. Sawyer said that at the plan review stage, when the developer comes in for a Land Disturbance Permit, the plans will be reviewed and they would have to be in compliance with the City's ordinance, from which the points in the original comments were taken. So those will be addressed in the final design phase.

In deliberations session Mr. Miller commented that he used to live in the Summer Oaks Condominiums in Daphne adjacent to Wal-Mart. He was on the condo board at the time and they were very concerned about the Wal-Mart coming in and had a lot to say against it. He still owned the condo, but now rented, and he could say that Wal-Mart had not been a bad neighbor. Littering up against the fence was bad, but there had been no crime problem and no problem with the property values. Mr. Miller felt the Commission had heard a lot of good comments today, and if they approved this PUD and subdivision he felt they should hold the developer's feet to the fire on a couple of things. He pointed out that Airport Boulevard creates a pretty substantial block from this property, and felt concerns may be somewhat overstated due to that. Regarding crime, he said that if any shoplifter ran the thousand feet across Airport Boulevard, he would probably be killed before he got to the other side of the street. Mr. Miller said he did understand the concerns expressed, but noted that the site was already zoned to allow the proposed use, and the Commission could not really be arbitrary. The developer could not discriminate, nor could the Board discriminate. He said that Wal-Mart was a force to be reckoned with, but there was only so much that the Commission could dictate. He felt they should hold their feet to the fire, but did not really see how they could deny a reasonable use in proper zoning.

Mr. Lawler stated that the reason he brought up the drainage issue was because prior to the meeting he read the staff report containing the Engineering Department's suggestions about conditions for drainage, and in fact he talked about it with Mr. Pipes, the attorney for the applicant. The original suggestion required that in addition to compliance with the City's storm water and flood control ordinance, that a hold-harmless agreement from any effect to down-stream property owners would be required, since the storm water would be concentrated.

Ms. Sawyer stated that the ordinance does require a developer to have a hold-harmless agreement. Engineering, however, would give them the option to purchase a drainage easement in lieu of a hold-harmless agreement.

Mr. Olsen further clarified that the Engineering Department would allow the developer, in lieu of a hold-harmless agreement, to acquire a drainage easement from that adjacent property. He noted that the specificity of the original comments would have tied the developer to a specific drainage plan, and there are other options. For that reason, Mr. Olsen said the Engineering Department was comfortable with removing those other specific requirements and limiting the drainage to the standard Engineering requirements, as previously stated.

Mr. Lawler apologized for any confusion, saying he was just trying to support what he thought the Engineering Department wanted, and was not aware of their revised suggestions.

Mr. Miller asked Mr. Lawler if the Commission could require that all signaling improvements be in place prior to opening.

Mr. Lawler said they could make that a condition of approval. And, further, they could require that the building be constructed substantially in conformance with the plans that were presented at this meeting, and to the neighborhood last night.

Regarding the Airport Boulevard buffering on the two restaurant blocks, Mr. Miller asked if that was something the Commission could address when that comes up.

Mr. Olsen said yes, the applicant could come back for an amendment to the PUD, and if there was additional buffering needed at that time, the Commission could consider that. As a side note, Mr. Olsen recalled that when the Legacy Shopping Center on DuRhu Drive was approved, one of the conditions of approval was that improvements at the Dauphin/DuRhu intersection be completed prior to the issuance of a certificate of occupancy. That was accomplished before the certificate of occupancy was issued for that development.

Noting that the staff had made recommendations for approval with certain conditions, Mr. Plauche asked Mr. Lawler if the Commission could legally deny this proposal, or were they relegated to basically putting more recommendations on it.

Mr. Lawler stated that the Planned Unit Development section of the ordinance allows the Commission the opportunity to make sure the proposed project fits in with the neighborhood. While allowing the ordinance to be modified in some ways, they could also require that the applicant do certain things. He felt the plan for the building was kind of open-ended, and unless the Commission stipulates the requirements and the standards for what is going to take place in the beginning, they would lose control over it. He felt that a condition requiring the applicant to develop the site and design the building “substantially” in accordance with the plan submitted at this meeting, subject to review by the staff, would be enough. If it did not meet the staff’s approval, then it would have to come back before the Planning Commission.

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Mr. Olsen noted that the Planning section would review the final plans as part of the permitting process for compliance not only with Zoning Ordinance requirements, but any specific conditions placed on an approval such as a Planning Approval or Planned Unit Development approval. So, if the Commission were to require that the elevation or the building had to be substantially as presented at the meeting, the staff would obtain a copy of that elevation from the developer and it would be checked against what is submitted for permitting at the time of permitting.

Mr. Watkins said he was trying to balance what the developer had shown here today, and what the neighbors were shown, but he wanted the developers to have the leeway and latitude to do what everyone knows comes with development, which was that things are going to change somewhat. Mr. Watkins asked if it was in the hands of the staff at that point.

Mr. Olsen said yes, it would be in the hands of the staff at that point, unless there was something that the staff felt was a substantial change. In that case, it would have to come back before the Planning Commission.

With regard to tying the traffic improvements to the developer's certificate of occupancy, Mr. Watkins asked if that had been discussed with the developer prior to the meeting. Mr. Olsen said he had not been dealing with Traffic Engineering and could not answer that question.

Also, after the fiber optics had been laid, Mr. Watkins asked if the City had the money, manpower and where-with-all to get out there and do what it takes to get them synchronized.

Mr. Olsen pointed out that in the staff recommendation, the signalization of the intersection and median cut and turn lane improvements was specified as being completed prior to the certificate of occupancy. The only thing that was not specified - because it was not in the original comments from Traffic Engineering and the staff was not aware of it - was the fiber optics for the synchronization. Mr. Olsen felt that this was one of those points that the Chair could allow the applicant to address since it was something that came up during deliberations.

Mr. Turner noted that it was mentioned in the discussion that the flow of traffic would not be impaired, and he wanted to make sure that the City and the developer were in sync on that and that that was a given.

Jennifer White, representing Traffic Engineering, stated that they were now in the process of trying to obtain the money to implement the synchronization from McGregor Avenue. So far they had gotten some funding from the TIP at the MPO to do it from McGregor Avenue all the way to Cody Road. This would save them the Hillcrest to Cody money, and by the time Wal-Mart was built they would be ready to synchronize those signals.

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Regarding a comment made by one of the residents that traffic coming out of Wal-Mart not be allowed to go north into the subdivisions across Airport Boulevard, Mr. Plauche asked if that was possible.

Ms. White said that would be possible, but it would limit those residents from returning to their neighborhoods.

Mr. Miller commented that it would also possibly eliminate their ability to have a light, which would be a great benefit to those residents.

Mr. Olsen agreed with Ms. White, and said it would eliminate the residents of those subdivisions the ability to cross Airport Boulevard at that location. He further pointed out that these were public rights-of-way and the Commission does not have the authority to deny someone access.

Before proceeding further, Mr. Watkins wanted to be sure that Mr. O'Brien had heard this discussion about the synchronization and having fiber optics in place before the certificate of occupancy could be issued. He asked if this was Mr. O'Brien's concept of how this was going to work.

Mr. O'Brien said no, it was not actually the concept they understood. The synchronization of lights, obviously, was a concept that the City would like to have in place and was proposed to them by Bill Metzger, the City Traffic Engineer. Mr. Metzger asked if they would be willing to do that. Mr. O'Brien said he went to his client and got the approval for the monies to be spent in order to do that – running the fiber optic cables. He said they could not synchronize the lights. That had to be done by the City.

Mr. Watkins said he understood that, but he was saying that the certificate of occupancy would be tied to the fiber optics being in place.

Mr. O'Brien said he did not know what all was involved in installing the fiber optics, and he would not like to see that as a condition. He would agree with the condition of making all the improvements having to do with their signal and their turn lanes and so forth accompanying their development. He had no problem with the Certificate of Occupancy being tied to that, because obviously that has to be in place for the store to be functional. Mr. O'Brien said he would be happy to make a commitment that they were going to take care of that, but the time frame that that would be done in, as well as the mechanics involved in it, he was just not familiar with at this point in time to be willing to accept that as a condition of getting a Certificate of Occupancy. He said certainly they would cooperate and do exactly what they had already committed to do with Mr. Metzger by installing the cable. The schedule for that and the timing for that, however, may move according to the City's schedule. Mr. O'Brien said he was not familiar with the construction process, which was the reason he was inclined to say that he did not really think it was appropriate to put it in there at this point.

Mr. Watkins asked Ms. White to enlighten the Commission regarding the fiber optics.

Ms. White said they were proposing to run the fiber optics overhead on existing poles. All of their cabinets that were in place were ready to accept fiber optic cable. So all it would entail would be running the lines and dropping them to the intersections. She noted that the intersection the developer was required to build would have to be capable of accepting that drop also.

Mr. O'Brien said his engineer had just informed him that it would be fine if this is what they needed to do. He said he just did not want to make a commitment not knowing the construction process.

Mr. Plauche asked if there were any further questions.

Mr. O'Brien said he would like to say one more thing with regard to the drainage issue. He said he wanted to make it clear that there were four or five different ways that the drainage could work on this system, and that was the reason they met with Mr. Bell and Mr. Vogtner the previous day to discuss the conditions that were being required by City Engineering. He said that, obviously, everyone was in agreement that the placement of those conditions on this property could be considered to be something that ran with the land in the event that their project did not go forward and the owner was not willing to allow those conditions to be placed on his property. Mr. O'Brien said they worked out something with Mr. Bell and Mr. Vogtner that they thought was in everyone's best interest.

Regarding a comment made by one of the speakers in opposition that the hearing on this application was deliberately set to be heard four days before Christmas, Mr. Miller said it was not. He further noted that the members of this Commission served without any compensation whatsoever. This was a busy time for them also, but it was just the way the meeting date fell. Also, to the people representing Wal-Mart, Mr. Miller said the Commission was certainly not trying to gang up on Wal-Mart.

There being no further discussion, Mr. Plauche called for a motion.

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

- 1) 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;
- 2) Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any changes to Airport Boulevard are subject to approval by Traffic Engineering. Any intersection improvement (including signalization) and median modifications, as recommended by Traffic Engineering and installation of fiber optic cables from Hillcrest to Cody Road, to be completed prior to the issuance of any Certificates of Occupancy;
- 3) the provision of a note on the final Plat stating that preservation status is to

- be given to the 60” Live Oak Tree located on the North side of Lot 1 and the 60” Live Oak Tree located on the South side of Lot 1. 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.;
- 4) provision of a 8-foot privacy fence along the south and east property lines, where the site abuts residential properties;
 - 5) the provision of a 10-foot buffer planting strip, or an 8-foot wooden privacy fence beginning at the southwest corner and extending northwardly along the west property line for approximately 200 feet where the site adjoins the residential facility to the west; and
 - 6) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2006-02544 (Planned Unit Development)

West Airport Boulevard Center Subdivision

6575 Airport Boulevard

(South side of Airport Boulevard, 675’± East of Providence Hospital Drive).

Planned Unit Development Approval to allow shared access between three building sites.

(Mr. Vallas recused from discussion and voting in this matter.)

(For discussion see **Case #SUB2006-00287 (Subdivision) - West Airport Boulevard Center Subdivision - 6575 Airport Boulevard (South side of Airport Boulevard, 675’± East of Providence Hospital Drive)** – above, for discussion.)

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

- 1) 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;
- 2) driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any changes to Airport Boulevard are subject to approval by Traffic Engineering. Any intersection improvement (including signalization) and median modifications, as recommended by Traffic Engineering and installation of fiber optic cables from Hillcrest Road to Cody Road, to be completed prior to the issuance of any Certificates of Occupancy;
- 3) preservation status is to be given to the 60” Live Oak Tree located on the North side of Lot 1 and the 60” Live Oak Tree located on the South side of Lot 1. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;
- 4) completion of the subdivision process;
- 5) provision of a 8-foot privacy fence along the south and east property lines where the site abuts residential properties;

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- 6) provision of a 10-foot buffer planting strip, or an 8-foot wooden privacy fence beginning at the southwest corner and extending northwardly along the west property line for approximately 200 feet where the site adjoins the residential facility to the west;
- 7) full compliance with all municipal codes and ordinances; and
- 8) that the final building will be substantially the same as presented to the Planning Commission and the public in terms of size, style and design.

The motion carried unanimously.

OTHER BUSINESS:

There being no further business, the meeting was adjourned.

APPROVED: February 15, 2007

Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

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