

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF MARCH 15, 2007 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Terry Plauche, Chairman  
Victoria Rivizzigno, Secretary  
Ann Deakle  
Nicholas Holmes, III  
Mead Miller  
John Vallas

**Members Absent**

Clinton Johnson  
William DeMouy  
Roosevelt Turner  
James Watkins, III

**Staff Present**

Richard Olsen, Deputy Director of  
Planning  
Bert Hoffman, Planner I  
Mae Sciple, Secretary II

**Others Present**

John Lawler, Assistant City Attorney  
Rosemary Sawyer, City 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 #SUB2007-00004 (Subdivision)**

**Snowden Place Subdivision**

6106 Cottage Hill Road

(North side of Cottage Hill Road, 110'± East Christopher Drive East)

16 Lots / 13.3± Acres

(Also see **Case #ZON2007-00054 (Planned Unit Development) - Snowden Place Subdivision**; and **Case #ZON2007-00055 (Rezoning) - Reid Cummings – below.**)

Reid Cummings, with America South Realty, 2316-C Knollwood Drive, was present as agent for the property owner. Mr. Cummings said the applications for this site were originally scheduled to be heard at the February 1<sup>st</sup> meeting, but since the application lacked certain information, they were asked to hold this matter over until today. They had since met with the Urban Development staff to address several concerns they had, and had also met with the residents of the Hickory Ridge and Edgefield subdivisions to address their concerns. At the invitation of Councilperson Connie Hudson, Mr.

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Cummings said they attended a meeting of the Hickory Ridge Homeowners Association on January 29<sup>th</sup>. Also in attendance were numerous residents of Edgefield. Mr. Cummings said they addressed the concerns of the neighboring residents and worked with the staff to revise their plans to address their concerns. They met with the neighbors again on February 6<sup>th</sup> to present their revised site plan and to explain the process they had gone through to address their concerns. Traffic was the first major concern of the neighbors, and he explained that he met with Mr. Metzger, the City Traffic Engineer, and it was determined that the only way to access the site was via the current entrance from the existing service road. In order to reduce congestion and decrease the overall impact, they changed the site plan to relocate the entrance gate system 100 feet into the property, Mr. Cummings said they would also straighten the existing curve entrance into the property from the service road.

The second concern of the neighbors was the need for permanent fencing around the entire perimeter of the property, and for it to be built first. Mr. Cummings said they had agreed to place a note on the site plan stating that perimeter fencing at least 6 feet high would be installed around the entire perimeter of the property, not just the proposed R-3 portion as required by code. They also agreed that the fence construction would take place in conjunction with the additional site work, and that it would be completed prior to commencement of any single-family or condominium construction.

The third major concern of the neighbors was the location of the condominium units a distance of 11 feet from the southernmost Hickory Ridge property line. Mr. Cummings said they had revised the plan to relocate the condominium building closest to the southernmost property line of Hickory Ridge to a distance of 75 feet from this line. The closest condominium parking space was 87 feet from this line. They had also located an R-1 zoned single-family lot between Hickory Ridge and the R-3 portion of the site. Another concern of the neighbors was that lighting may present problems for the surrounding properties. Mr. Cummings said a note would be placed on the site plan stating that lighting shall be so arranged so that the source of light does not shine directly into the adjacent residential properties or into the traffic. Noise and dust during development and construction was also a concern. Mr. Cummings said it was virtually impossible to eliminate noise during construction, but they did agree to take all reasonable steps to put in place rules and regulations dealing with noise that will occur during the development, and they would make all reasonable attempts to enforce those with their contractors and sub-contractors working on the site. With further reference to the traffic concern, Mr. Cummings said the latest traffic count done by the City indicated that there were 28,500 cars per day on Cottage Hill Road between Knollwood Drive and Hillcrest Road. Mr. Metzger calculated that as a result of the proposed development, an additional 21 cars per day would be entering Cottage Hill Road during the peak time. Mr. Cummings noted that they could have chosen either office or retail uses for this site, or a patio home type plan, but felt that would cause a greater increase in traffic. He hoped the surrounding property owners would bear this in mind. They felt this proposed development would enhance the surrounding property values. Mr. Cummings also pointed out that one of the unique attributes of this area was the abundance of trees, in particular the oak trees. He said they had worked closely with Mr. Daughenbaugh in

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order to save as many trees as possible. Of the 50 trees on the site, only 14 would have to be removed, including only 4 live oaks. They designed the site so that all condominium buildings would fall outside the critical root zone of the 23 remaining live oaks. In summary, Mr. Cummings said they had read the staff's recommendation and had only two concerns. With regard to the 50-foot right-of-way required for the private street design, they were requesting that the Planning Commission require only a 40-foot right-of-way. The reason was due to the uniqueness of the site and their efforts to preserve as many of the trees as possible. With regard to the Ordinance requirement that allows a 35 percent site coverage, Mr. Cummings said that due to the size of the lake – almost 7 acres – site coverage with the R-3 lots was not a problem, however, the R-1 lots were slightly smaller by design, and due to attempts to move the private street farther to the west and thereby save as many oak trees as possible, they were requesting that 45 percent site coverage be allowed. Since this development would have a private street, and would have no through-street connectivity and would foreseeably never be widened, and because they hoped to preserve as many live oaks as possible, they requested that the Planning Commission consider invoking unusual difficulties in the Innovative Design provision of Section VIII of the Subdivision Regulations and approve this application inclusively, with a 40-foot private street right-of-way and 45 percent site coverage ratio for R-1 lots.

Mr. Plauche asked if there were any comments or questions by Commission members or staff.

David Daughenbaugh, representing Urban Forestry, stated that based on a site visit, he would like to change Urban Forestry's recommendations and give the applicant a chance to respond. Mr. Daughenbaugh said they were only going to ask for preservation status for three trees. Upon visiting the site, he said they discovered problems with some of the other live oaks, apparently due to damage incurred during recent hurricanes. Some of the trees were damaged to the point where they were not safe. The 65-inch diameter live oak shown in the roadway had received a lightning strike, and at this point he did not think that tree would survive. Urban Forestry would therefore like to change their recommendation to require preservation status for three trees: a 63-inch diameter live oak to the right of the pool area; the 62-inch diameter live oak to the left of the pool area; and the 54-inch diameter live oak next to Unit 31. All work under the canopy of those trees would be required to be coordinated with Urban Forestry, and removal to be permitted by Urban Forestry only in the case of disease or impending danger. A permit would be required for such removal.

Mr. Plauche asked if the applicant concurred with the revised recommendations as stated by Mr. Daughenbaugh.

Mr. Cummings said he concurred. Regarding the 54-inch diameter live oak, however, he said if they were not successful in getting a 40-foot right-of-way for the private street, they would have to relocate the roadway, and therefore relocate the buildings, and that tree would be in jeopardy.

Mr. Plauche asked if there were any speakers in opposition.

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Jim Stokes, a resident of 6216 Cottage Hill Road, stated that neither he, nor residents of the Edgefield Subdivision that he talked to, were opposed to this development, but they were opposed to the traffic. Mr. Stokes said it seemed that the entire population of the subdivision would have to come through the one entrance at Christopher Drive to access that subdivision. He said that when they had the neighborhood meeting, Traffic Engineering was against adding any other curb cut to Cottage Hill Road, but he felt there was going to be a severe problem at the opening of Christopher onto Cottage Hill because there was a curve in Cottage Hill at this location and there was a blind spot. Traffic backs up there in the morning and evening, and he anticipated a really bad traffic situation. Other than that, Mr. Stokes said he had no opposition to the subdivision.

Mr. Miller asked if there was a traffic light at that corner.

Mr. Stokes said there was not a light at that corner. There was a light a few hundred feet west at Lloyd's Lane.

Mr. Vallas asked Ms. White if Mr. Metzger was okay with the access points as proposed.

Jennifer White, representing Traffic Engineering, said Mr. Metzger had been working with the developer on the entrances and was okay with them. As mentioned earlier, Mr. Metzger roughly estimated that there would be an additional 21 cars coming out onto Cottage Hill Road from this subdivision, at the peak hour. Ms. White emphasized that this estimate was just *at the peak hour* in the morning, not the total.

With reference to Mr. Cummings' request for a 40-foot right-of-way for the private street rather than a 50-foot right-of-way, Mr. Olsen said the staff had no problem with reducing the private street right-of-way due to the innovative design, as well as saving trees. Regarding the request for a greater site coverage, Mr. Olsen said there was nothing in the application to indicate a higher site coverage was requested for those R-1 lots, and in his discussion with Mr. Cummings he did not recall that having come up. If Engineering, however, felt that the drainage was adequate to increase the site coverage for the entire development to 45 percent, the staff would not have an issue with that.

Mr. Cummings commented that he had not discussed the site coverage issue with Mr. Olsen because that was not mentioned in the original staff report. He did not see the staff report until a few days ago, which was the only reason he mentioned it today.

In deliberations session Mr. Olsen commented that the fencing mentioned by Mr. Cummings was a private agreement between the applicant and the neighboring property owners, although the Commission could add that as a condition of approval if they chose to do so.

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

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- 1) placement of a note on the plat stating that Lots 1-15 are limited to one curb cut each onto the proposed private street, that Lot 16 is limited to one emergency access only curb cut onto Cottage Hill Road and six (6) curb cuts onto the proposed private street, and that all curb-cuts are to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) placement of a note on the plat stating that the maximum building site coverage for Lots 1-15 is 45% (subject to approval by Engineering), and for Lot 16 is 45%, subject to the rezoning of Lot 16 to R-3;**
- 3) revision of Note 1 on the plat regarding setbacks to state that the setbacks apply specifically to Lots 1-15;**
- 4) provision of a note stating that the minimum building setbacks for Lot 16 are 40 feet from Cottage Hill Road, 10-feet from the private street, and 8-feet from all other property lines, and depiction of these setbacks on the plat;**
- 5) compliance with Engineering comments (*If the ditch takes public water, provide a drainage easement. If the lake is to be used for detention, the pond design should be submitted for the additional impervious area. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands. Must comply with all stor water and flood control ordinances. Any work performed in the right-of- way will require a right of way permit.*);**
- 6) compliance with Urban Forestry comments (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status granted for the 54" diameter Live Oak adjacent to Unit 31, and the 62" and 63" diameter Live Oaks adjacent to the pool. All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger. Exact curb cut locations and location of the proposed street and internal circulation drive should also be coordinated with Urban Forestry.*);**
- 7) compliance with Section VIII. of the Subdivision Regulations, regarding the provision of a private street, with the exception that a 40-foot right-of-way is deemed acceptable;**
- 8) designation on the plat of utility easements acceptable to the appropriate provider of utility services within the subdivision;**
- 9) placement of a note on the plat stating that the street is privately maintained and not dedicated to the public;**
- 10) placement of a note on the plat stating that if the private street is not constructed and maintained to the appropriate City standard, and is ultimately dedicated for public use and maintenance, 100 percent of the cost of the improvements required to bring the street up to the prevailing standard shall be assessed to the property owners at the time the private street is dedicated, with the assessment running with the land to any**

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- subsequent property owners;
- 11) placement of a note on the plat stating that the gate must remain operational and in use as a condition of the continuation of private street status, and;
  - 12) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

**Case #ZON2007-00054 (Planned Unit Development)**

**Snowden Place Subdivision**

6106 Cottage Hill Road

(North side of Cottage Hill Road, 110' ± East Christopher Drive East).

Planned Unit Development Approval to allow a 36-unit condominium complex consisting of 9 buildings, a pool, and two wooden piers on a single building site.

(For discussion see **Case #SUB2007-00004 (Subdivision) - Snowden Place Subdivision** – above; also see **Case #ZON2007-00055 (Rezoning) - Reid Cummings** - 6106 Cottage Hill Road – below.)

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

- 1) revision of the legal description, if necessary, to reflect the boundary of the entire Subdivision site;
- 2) revision of the site plan to relocate the proposed dumpster pad from the 40-foot setback along Cottage Hill Road;
- 3) revision of the site plan to locate all condominium units a minimum of 10 feet from the edge of the private road right-of-way;
- 4) revision of the site plan to locate the mail box facility a minimum of 10 feet from the edge of the private road right-of-way, preferably so that access is from a street internal to Lot 16;
- 5) placement of a note on the site plan stating that the maximum building site coverage Lots 1-15 is 45% (subject to approval by Engineering), and for Lot 16 is 45%, subject to the rezoning of Lot 16 to R-3;
- 6) revision of Note 1 on the site plan regarding setbacks to state that the setbacks apply specifically to Lots 1-15;
- 7) provision of a note stating that the minimum building setbacks for Lot 16 are 50 feet from Cottage Hill Road, 10 feet from the private street, and 8 feet from all other property lines, and depiction of these setbacks on the site plan;
- 8) compliance with Engineering comments (*If the ditch takes public water, provide a drainage easement. If the lake is to be used for detention, the pond design should be submitted for the additional impervious area. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's*

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*responsibility to confirm or deny the existence of regulatory wetlands. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right of way permit.);*

- 9) **compliance with Urban Forestry comments** (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status granted for the 54" diameter live oak adjacent to Unit 31, and the 62" and 63" diameter live oaks adjacent to the pool. All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger. Exact curb cut locations and location of the proposed street and internal circulation drive should also be coordinated with Urban Forestry.*);
- 10) **provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the Subdivision plat;**
- 11) **completion of the Subdivision process, and;**
- 12) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2007-00055 (Rezoning)**

**Reid Cummings**

6106 Cottage Hill Road

(North side of Cottage Hill Road, 110' ± East Christopher Drive East).

Rezoning from R-1, Single-Family Residential District, to R-3, Multiple-Family Residential District to allow a 36-unit condominium complex.

(For discussion see **Case #SUB2007-00004 (Subdivision) - Snowden Place Subdivision** – above; also see **Case #ZON2007-00054 (Planned Unit Development) - Snowden Place Subdivision** – above.)

After discussion a motion was made by Mr. Vallas and seconded by Mr. Miller to recommend this change in zoning to the City Council subject to the following conditions:

- 1) **revision of the legal description, if necessary, to reflect the revised boundary of the R-3 area;**
- 2) **provision of a minimum building setback line of 50 feet from the existing right-of-way of Cottage Hill Road;**
- 3) **completion of the Subdivision process; and**
- 4) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #SUB2007-00021**

**Silver Pines Subdivision**

South side of Silver Pine Road, ¼ mile West of Schillinger Road North.

153 Lots / 39.4± Acres

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

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) submission of a letter from licensed engineer certifying compliance with the City of Mobile's stormwater and flood control ordinances must be provided to the Mobile County Engineering Department and the Planning Section of Urban Development prior to signing and recording of the final plat;**
- 2) placement of a note on the final plat stating that any lots that are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations;**
- 3) all streets must be constructed to County standards and dedicated;**
- 4) placement of a note on the final plat stating that lots 1, 57-64, and 92 are denied direct access to Silver Pine Road; and**
- 5) placement of a note on the final plat stating the maintenance of all common areas shall be the responsibility of the property owners association.**

The motion carried unanimously.

**Case #SUB2007-00032 (Subdivision)**

**The Woodlands at the Preserve Subdivision, Resubdivision of Lot 59**

3545 Rue Royal

(East side of Rue Royal, 800' ± North of Rue Preserve)

1 Lot / 0.1 ± Acre

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

Don Williams, Williams Engineering, was present on behalf of the applicant.

(Also see **Case #ZON2007-00425 (Planned Unit Development) - The Woodlands at the Preserve Subdivision, Resubdivision of Lot 59** – below.)

Mr. Williams stated that this lot was in a subdivision of approximately 100 houses, and it was a PUD development that was developed in a non-traditional way in that the side yards for each one of the lots would be three feet on one side and seven feet on the other, and they would continue this pattern so that there would be 10 feet between houses throughout the subdivision. Mr. Williams said his client put the house in the wrong location, and instead of having sides yards of three feet and seven feet, they had two, five-foot side yards. He noted that a house had already been constructed on the adjoining lot to the south, and there were no windows, except for a bathroom window, in the



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applicant's house on that side, nor were there any windows in the neighbor's house facing them. There was a total of eight feet between houses on the south side. The applicant's site was a little higher than the lot to the south, so they planned to mitigate the impact of the drainage by putting gutters and downspouts on the applicant's house, and would also put a swale on the applicant's property so that the stormwater would remain on his property. Mr. Williams said they also had a back yard screen porch adjacent very close to another back yard screen porch. The gentleman next door already had a fence there, but because of the grade of the land they would probably want to consider something a little bit higher to further shield both properties. Mr. Williams said if they were denied the ability to leave the house where it was, it would cause the house to be taken down and the slab removed by two feet. He said the side yard setback was not noted until after the house was framed, after the roof was on, and after the brick veneer was already placed. The adjoining neighbor determined that the house was a little closer than it should be to that south property line and brought it to his client's attention. Prior to that, no one recognized that the house was two feet closer than it should be, because visually it looked very, very similar to what you have with the rest of the houses in the neighborhood. Mr. Williams contended that the eight feet versus 10 feet was really not that noticeable when you have that closeness, and the extra two feet was not going to cause that big of a problem, particularly since there were no windows overlooking that space. Mr. Williams noted that they had spoken with Jim Loupe, the developer of the rest of the subdivision, and he had written a letter stating that he was okay with the house remaining where it was with the eight-foot setback. He was also present today in support of this application. Mr. Loupe has a later application to revise that PUD for two lots that he owns, and he was still the major owner of the lots in this neighborhood. Mr. Williams further pointed out that a precedent had been set here, as two weeks ago the Commission approved a subdivision with a setback of 12 feet, rather than 15 feet, from the road. Regarding the staff's recommendation #3 requiring approval by the building official to determine compliance with the building code, Mr. Williams said they were in compliance with the building code since the code allows them to build three feet from the property line. The code would actually allow six feet, one-inch, between houses, and they have eight feet.

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

Michael Daniels, president of B.C. Daniels, Inc., 5617 Cottage Hill Road, stated that he resided at 3539 Rue Royal, Lot 58, Woodlands at the Preserve, which adjoined the subject property. Mr. Daniels asked that the Commission keep in mind that safety, health, and the general welfare of the people were the primary purposes that the City establishes setbacks. Among the issues to be addressed was fire safety, adequate drainage, access to the rear property, adequate light and air, and privacy. He felt the fire issue was the most important and may need to be addressed by installing fire sprinkler systems, fire walls, fire retardants or other measures that would adequately protect the occupants of both residences. Drainage may need to be addressed by installing gutters, French drains or retaining walls. He said the access to the property appears to have no solution, but does not greatly affect his property as it does the applicant's. The need for

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adequate light and air also appears to have no solution and could affect the ability of grass to grow and have greenspace, and make prolonged periods of dampness causing mold problems for both residences. Regarding the issue of privacy, Mr. Daniels suggested that the applicant may need to create some type of wall on his back porch so that the occupants of his residence would not be looking down into the neighboring porch and back yard. He said while some of the solutions he proposed may be well and good, he asked who would pay for the ones that needed to be performed on his property so that the above issues were fully addressed. Further, he asked who would take responsibility for any and all unforeseen problems. Mr. Daniels suggested that the easiest and least burdensome solution was for the applicant to purchase his property and take care of this matter in the way that he and the City saw fit. He also pointed out that he brought this problem to the attention of the builder and the City while the house was in the framing stage prior to brick installation back in late September and early October, which would have been a far better time to address these issues. If the Commission was so inclined to grant this variance, Mr. Daniels asked that the builder and the City take on the responsibility that his company may have for any changes they make regarding setbacks to this home, and how they may relate to his company's future liabilities. This may be addressed by giving his company some type of an indication and hold harmless to any matters that may arise regarding this problem from the builder, the engineer, and the City of Mobile.

There being no one else to speak in opposition, Mr. Plauche asked if the applicant would like to respond.

Mr. Williams said he felt they had addressed the issues Mr. Daniels brought up. With regard to fire, he said the building code allows three feet from the property lines. That would be a six-foot difference between houses. They had provided eight feet between houses. Regarding drainage, Mr. Williams said they were putting in gutters and downspouts, and were putting a swale on their property so the water would not go on the neighbor's property. As far as access, he said they had a lot better access on their other side because they were going to have 12 feet. Regarding light and air, Mr. Williams said they felt the difference between eight and 10 feet in regards to houses that are about 10-12 feet high on walls and have pretty steep roofs between them was not a significant factor in regards to light and air movement. He said they had also offered to do something in regards to privacy screens between the two properties. He noted that the windows were not adjoining each other, and pointed out that there were many places in downtown and midtown Mobile where houses were very close and had windows overlooking the side yards, and therefore he contended that the privacy issue just by the very nature of the subdivision had been taken care of. Mr. Williams requested that the Commission approve the plans in accordance with the staff recommendations.

In deliberations session Mr. Miller commented that he felt the builders needed to be more careful where they place houses.

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

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- 1) submission of a revised copy of the site plan for the PUD file, prior to signing the final plat.**

The motion carried unanimously.

**Case #ZON2007-00425 (Planned Unit Development)**  
**The Woodlands at the Preserve Subdivision, Resubdivision of Lot 59**

3545 Rue Royal

(East side of Rue Royal, 800'± North of Rue Preserve)

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow reduced side yard setbacks.

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

Don Williams, Williams Engineering, was present on behalf of the applicant

(For discussion see **Case #SUB2007-00032 (Subdivision) - The Woodlands at the Preserve Subdivision, Resubdivision of Lot 59** – above.)

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

- 1) revision of the site plan to illustrate the amendment of the side yard setbacks for Lot 59;**
- 2) compliance with all municipal codes and ordinances; and**
- 3) approval by the Building Official to determine the compliance with the building code.**

The motion carried unanimously.

**EXTENSIONS:**

**Case #SUB2004-00044 (Subdivision)**

**Treadwell Ford Subdivision**

East side of East I-65 Service Road South, 1,680'± North of International Drive.

3 Lots / 7.7+ Acres

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant. Mr. Coleman said they had just received the plans for this subdivision and respectfully requested that it be extended one more time.

After discussion a motion was made by Mr. Vallas and seconded by Ms. Deakle to grant a one-year extension of approval for the above referenced subdivision. Future extensions, however, would be unlikely.

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The motion carried unanimously.

**Case #ZON2004-00554 (Planned Unit Development)**

**Treadwell Ford Subdivision**

901 East I-65 Service Road South (East side of East I-65 Service Road South, 1,840'± North of International Drive)

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

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant. Mr. Coleman said they had just received the plans for this development and respectfully requested that it be extended one more time.

After discussion a motion was made by Mr. Vallas and seconded by Ms. Deakle to grant a one-year extension of approval for the above referenced planned unit development. Future extensions, however, would be unlikely.

The motion carried unanimously.

**Case #SUB2006-00028 (Subdivision)**

**Dixon Estates Subdivision, Unit One**

152 Tuthill Lane

(Northeast corner of Tuthill Lane and Stein Avenue)

3 Lots / 2.6± Acres

This request for extension of approval of the above referenced subdivision was considered.

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to grant a one-year extension of approval for the above referenced subdivision. Future extensions, however, would be unlikely.

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2007-00038**

**Pinehurst Subdivision, Resubdivision of Lots 12, 13, and 14, Block 23**

811 Louise Avenue

(East side of Louise Avenue, 105'± North of Adkins Street.

2 Lots / 0.5± Acre

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

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Miller to

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approve the above referenced subdivision subject to the following conditions:

- 1) depiction of the minimum building setback line to reflect a right-of-way width of 25 feet, as measured from the centerline of Louise Avenue;**
- 2) placement of a note on the plat stating that each lot is limited to one curb cut, with the size, design and location to be approved by Traffic Engineering and comply with AASHTO standards;**
- 3) labeling of each lot with the total size in square feet; and**
- 4) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #SUB2007-00042**

**River Forest Subdivision, Resubdivision of Lot 35**

2201 River Forest Road

(South side of River Forest Road, 8/10 mile± East of Alba Club Road).

2 Lots / 1.7± Acres

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

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

- 1) placement of a note on the plat stating that each lot is limited to one curb cut each onto River Forest Road, with the size, design and location to be approved by Traffic Engineering, and comply with AASHTO standards;**
- 2) labeling of each lot with its size in square feet, or provision of a table on the plat with the same information;**
- 3) placement of a note on the plat stating that approval of all applicable federal, state and local agencies is required prior to the issuance of any permits or land disturbance activities;**
- 4) compliance with Engineering comments (*Show minimum finished floor elevation for any buildings or structures and/or slabs, on which, mechanical and electrical equipment will be installed. The storm water ordinance does not allow water to be concentrated onto an adjacent property without a hold harmless agreement. 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.*); and**
- 5) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #SUB2007-00049**

**Pruitt Subdivision**

7345 Old Military Road

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(Northwest corner of Old Military Road and Bowers Lane).  
2 Lots / 0.9± Acre

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

Mr. Plauche asked if anyone wished to speak in this matter.

Lorraine Abrams stated that she received a notice of the hearing on this application and wanted to know what was proposed. She owned property on the corner of Bowers Lane and Old Military Road.

Mr. Olsen said the subject property was at the northwest corner of Old Military Road and Bowers Lane. The applicant proposed the subdivision of the property into two lots.

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

- 1) **dedication of sufficient right-of-way to provide 30 feet, as measured from the centerline of Old Military Road and Bowers Lane, in conformance with Section V.B.14. of the Subdivision Regulations;**
- 2) **adjustment of the 25-foot minimum building setback line to reflect the right-of-way dedication;**
- 3) **modification of the lot lines at the intersection corner to conform with Section V.D.6. of the Subdivision Regulations;**
- 4) **placement of a note on the final plat stating that proposed Lot 1 be limited to one curb cut, that Lot 2 be limited to one curb cut onto Old Military Road and one curb cut onto Bowers Lane, and that the size, design and location of all curb cuts be approved by the Mobile County Engineering Department;**
- 5) **placement of a note on the plat stating that a letter from a licensed engineer certifying compliance with the City of Mobile's stormwater and flood control ordinances must be provided to the Mobile County Engineering Department and the Planning Section of Urban Development prior to the issuance of permits;**
- 6) **labeling of each lot with its size in square feet, or provision of a table on the plat with the same information; and**
- 7) **placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.**

The motion carried unanimously.

**Case #SUB2007-00040**  
**McGowin Interstate Subdivision, Resubdivision of Lot 2**

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West side of West I-65 Service Road South, ¼ mile± North of Halls Mill Road.  
8 Lots / 25.0± Acres

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

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

- 1) **full compliance with Engineering Comments** (*The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands. If wetlands are present, no fill allowed without a Corps of Engineers permit. 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) **placement of a note on the plat stating that Lots 1 and 7 are limited to one curb cut each onto West I-65 Service Road South until such time that Spinner Court is completed, then Lot 1 is limited to one curb-cut onto Spinner Court and Lot 7 is limited to three curb cuts onto Spinner Court, with the curb cuts onto the service road closed, that Lots 2-6 be limited to one curb cut onto Spinner Court, and that Lot 8 is limited to three curb cuts onto West I-65 Service Road South, with the size, design and location of all curb cuts to be approved by ALDOT and Traffic Engineering and conform to 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) **construction of Spinner Court to City of Mobile standards, when it is constructed; and**
- 5) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #SUB2007-00043**

**Pecan Pointe Part B Subdivision**

South side of Howell's Ferry Road, 4/10 mile± West of Raymond Tanner Road.  
9 Lots / 3.9± Acres

Jerry England, engineer for the applicant, was present in this matter and concurred with the staff recommendations.

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

Ginger McSween, a resident of 2385 Howells Ferry Road, pointed out her property, which adjoined the subject property on the north side of Lots 1 through 5. Ms.

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McSween said Howells Ferry Road was a blind curve at this point, and asked if they were going to move the entrance to the subdivision, because the road was currently blocked off at Howells Ferry. This subdivision was across the street from a school and children currently ran back and forth across the road. Ms. McSween also stated that when Pecan Pointe was originally approved, she understood that the developer was supposed to put up a privacy fence down the property line adjoining her property. She said they had horses and all the debris from the construction site was blowing over onto their property scaring the horses. She said her horses were considered a business, and she was told that because this was a business adjoining residential lots, the developer would be required to put up a privacy fence.

Mr. Olsen pointed out that the road pretty much lined up with what was previously approved when Pecan Pointe came in awhile back. He also pointed out that the original approval was for 37 lots. This revised plan changes the overall number of lots to 39. Two lots were being added on the east side, and it was not really moving the location of the proposed road to any great degree.

Mr. Plauche asked if there was a requirement in the original approval for a fence.

Mr. Olsen explained that there was a standard condition on subdivisions in the County requiring that if any lots within the subdivision were developed commercially, the developer had to provide a buffer where the property abuts residential property, in compliance with Section IV. of the Subdivision Regulations. While there was not an automatic requirement for a fence immediately, Mr. Olsen said if one of the lots were to be developed commercially, they would have to provide a fence.

Mr. Vallas pointed out that that was opposite in this case. Ms. McSween's property is a commercial use, and she wanted the residential developer to put up a fence to buffer her commercial use from the residential use. Typically, the Commission does not do that.

Mr. Olsen said Mr. Vallas was correct. According to the Subdivision Regulations, a buffer was required only when the development itself is commercial and abuts residential development.

Ms. McSween contended that at the last meeting the developer indicated they would put up a fence.

Mr. Plauche said that was something between Ms. McSween and the applicant. That was not a condition placed on the approval by the Commission.

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

- 1) dedication of sufficient right-of-way to provide a minimum of 50' from centerline of Howell's Ferry Road;**
- 2) dedication and construction of new roads to meet County Engineering**



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**Standards;**

- 3) the placement of a note on the final plat stating that Lots 1 and 39 are denied direct access to Howell's Ferry Road;**
- 4) the dedication of a sufficient radius at Howell's Ferry Road and the new street as determined by County Engineering;**
- 5) the removal or revision of the "Required 10' Common Area easement for fence and landscaping" note;**
- 6) 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**
- 7) provision of a certification letter from a licensed engineer to the Planning Section of Urban Development and the Mobile County Engineering Department, certifying that the stormwater detention and drainage facilities comply with the City of Mobile stormwater and flood control ordinances prior to the signing and recording of the final plat.**

The motion carried unanimously.

**Case #SUB2007-00048**

**Legacy Subdivision**

West side of Eliza Jordan Road, 1000' ± North of Ray's Lane.

46 Lots / 26.7± Acres

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

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

- 1) the dedication of sufficient right-of-way to provide 50 feet from the centerline of Eliza Jordan Road, as shown on the plat submitted;**
- 2) submission of a letter from licensed engineer certifying compliance with the City of Mobile's stormwater and flood control ordinances must be provided to the Mobile County Engineering Department and the Planning Section of Urban Development prior to signing and recording of the final plat;**
- 3) the placement of a note on the final plat stating that Lots 16, 26, 27, 36, 37, and 46 are limited to one curb cut each, with the size, location and design to be approved by County Engineering;**
- 4) dedication and construction of new roads to meet County standards;**
- 5) the provision of temporary turnarounds and the ends of the proposed street stubs;**
- 6) all detention areas be indicated on the final plat with a note stating that the maintenance thereof is the responsibility of the property owners association;**

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- 7) **the developer to obtain the necessary approvals from federal, state and local agencies prior to the issuance of any permits;**
- 8) **the placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and**
- 9) **labeling of each lot in square feet, or the provision of a table illustrating the same information.**

The motion carried unanimously.

**Case #SUB2007-00045**

**Overlook Station Subdivision**

1408 Cody Road North and 6960 Overlook Road

(Southeast corner of Overlook Road and Howells Ferry Road extending West to Cody Road, and South to Victor Road).

61 Lots / 17.6+ Acres

Mr. Plauche stated that this application was recommended for holdover to the meeting of April 19<sup>th</sup>, but if anyone was present to speak in this matter they could do so now.

Vince LaCoste, with Polysurveying, engineer for the applicant, stated that they had no issues with the holdover. He would, however, like to address the condition requiring revision of the plat to provide a street stub to the approved Overlook Place subdivision to the east. Mr. LaCoste said that Polysurveying was the engineer on the original Overlook Place, but with a different client than this one. When that subdivision was approved, they were required by the Engineering Department to change the stub to a cul-de-sac. He said it was still at the property line, so it would fulfill a requirement of being a stub, but it was a cul-de-sac at the property line. Mr. LaCoste said that indications they were getting from the client who was developing Overlook Place subdivision was that they probably would not be building it as it was designed and approved, but they would probably develop it as a site. Since that stub was probably not going to be there, and since it was approved as a cul-de-sac and not a true stub, he asked if there was any leniency that they could get out of that requirement.

Since this application was recommended for holdover, Mr. Vallas asked if this was something that could be worked out with Engineering.

Rosemary Sawyer, representing City Engineering, said they would get together with the applicant to work this out before the next meeting.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Vallas to holdover this application until the April 19<sup>th</sup> meeting, with revisions due by March 26<sup>th</sup>, to allow the applicant to undertake the following:

- 1) **revision of the application (to include labels, postage and lot fees) and**

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- plat to include the entirety of the parcel and an additional parcel (so that a lot can be created for the church);
- 2) revision of the plat as needed to reflect necessary right-of-way dedications along Cody Road (50 feet from centerline) and Victor Road (30 feet from centerline);
  - 3) revision of the plat as necessary to provide a street stub to the approved Overlook Place subdivision to the East;
  - 4) revision of the plat to depict the required minimum building setback line from all street frontages; and
  - 5) revision of the plat to show a drainage easement or direct access to the detention area.

The motion carried unanimously.

**NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:**

**Case #ZON2007-00643**

**Mobile Branch Partnership**

1915 West I-65 Service Road North

(Southwest corner of West I-65 Service Road North and Brookdale Drive North).

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

Mr. Plauche stated that this application was recommended for holdover to the April 19<sup>th</sup> meeting, but if anyone was present in the matter and wished to speak, they could do so now.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Vallas to holdover this plan until the April 19<sup>th</sup> meeting to allow the applicant to address the following:

- 1) **provide information regarding off-street loading facilities on the site plan; and**
- 2) **illustrate dumpster location, access and screening on site plan.**

The motion carried unanimously.

**Case #ZON2007-00653**

**Pericles, LLC**

2032 Airport Boulevard

(Northwest corner of Airport Boulevard and Williams Street, and extending Northwest along the Illinois Central Railroad right of way to Glenwood Street).

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

Mr. Plauche stated that this application was recommended for holdover to the April 19<sup>th</sup> meeting, but if anyone was present and wished to speak, they could do so at this

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time.

Frank Dagley, 717 Executive Park Drive, was present on behalf of the applicant. Mr. Dagley said they do not get the staff recommendations until the day before the meeting and were not aware of the staff recommendation. Since then, however, he had given the staff a revised site plan, and he felt all the issues had been cleared up, except possibly the right-of-way situation. Regarding concern about the five parking spaces in the northwest corner that did not meet the requirements, Mr. Dagley said that had been removed from the plan and the revised plan does not have that same problem. The circulation had also been better illustrated. He asked Mr. Olsen if the revised plan was acceptable.

Mr. Olsen said he had only had a brief moment to look at the revised plan since it just came in today. He noted that the recommendations and staff reports were on the web Monday morning, so they were available before yesterday. Mr. Olsen said it did seem that everything had been addressed on the revised plan. The major issue would still be the dedication. As was previously discussed, that was not required on the subdivision to the west. He explained that when a site is on a major street and the site does not meet major street requirements, the staff has to recommend that the right-of-way be dedicated. Mr. Olsen said that in the event the Commission wanted to act on this application today, he had prepared some conditions, as follows: (1) dedication of sufficient right-of-way to provide a minimum of 40 feet from the centerline of Airport Boulevard; (2) provision of curbing to delineate the circulation islands from landscape islands, walkways and parking spaces that access from another aisle (which Mr. Dagley has done with wheel stops as opposed to curbing); (3) reconfiguration of the parking area in the northwest corner of the site (which has been done); (4) coordination of frontage tree locations with Urban Forestry to provide at least two frontage trees along Airport Boulevard in locations other than the large greenspace to the southeast corner of the site; (5) provision of a 6-foot wooden privacy fence along the north property line because there is residential property on the other side of the railroad (which the staff did not discuss with Mr. Dagley); and (6) full compliance with all municipal codes and ordinances. Mr. Olsen also noted that the revised plan has reduced the area of the courtyard that was to provide seating for the restaurant. The site plan meets the absolute minimum parking requirements, based on the 4,000-square foot building, and the courtyard for the restaurant, and the remainder of it for retail; therefore, a note would be required, and the parcel would be tagged, stating that none of the rental units, or tenant spaces, in that other building would be allowed to be used for food or beverage establishments unless additional parking is provided.

Mr. Dagley said he was in agreement with all of the conditions with the exception of the right-of-way requirement. He pointed out that when this property was subdivided into two lots in 2002, the Commission did not require dedication of right-of-way even though it was recommended by the staff. Mr. Dagley said he understood the staff's position for requiring the right-of-way because it was a part of the Major Street Plan, but he did not feel the right-of-way should be required now as a condition of this PUD, since it had already been waived once. Also regarding the strip of land that goes out

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to Glenwood Street, Mr. Dagley said he understood they would be required to plant an additional 25 trees on that little sliver of property. He said that was not a part of this development and requested that that condition be waived.

Mr. Olsen said they were not counting the sliver of land referred to by Mr. Dagley.

Mr. Dagley respectfully requested that the right-of-way requirement be waived, and that the Commission act on this application today.

In deliberations session Mr. Vallas asked Mr. Olsen to repeat the conditions as stated in the public hearing session, which he did.

Based on the revised plan and the recommended conditions, Mr. Vallas asked Mr. Olsen if the staff was satisfied, or did they still feel the application should be held over.

Mr. Olsen said he felt the revised plan was acceptable.

Regarding the right-of-way, Mr. Vallas asked if the Commission waived the requirement on Foosackley's and a couple of other sites further to the west on Airport.

Mr. Olsen said the Commission had actually done both. One was a waiver and one was a setback from the future right-of-way. In this particular instance, he did not foresee Airport Boulevard at this particular location being widened, given the location of the building on the east side of Williams Street, as well as the buildings on the west side of Glenwood Street. Those were just over a block away.

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

- 1) **provision of curbing and/or wheel stops to delineate circulation aisles from landscaped islands, walkways, and parking spaces access from another aisle;**
- 2) **coordination of frontage tree locations with the Urban Forester to provide frontage trees along Airport Boulevard in locations other than the large greenspace in the Southeast corner of the site;**
- 3) **provision of a 6' wooden privacy fence along the North (railroad) property line;**
- 4) **full compliance with all municipal codes and ordinances; and**
- 5) **the parcel is to be tagged with a note stating food and/or beverage uses in the Easternmost building will require review of the entire site to determine if adequate parking is available.**

The motion carried unanimously.

**NEW ZONING APPLICATIONS:**

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**Case #ZON2007-00636**

**Austal USA, LLC**

(Southeast corner of Addsko Road and Dunlap Drive).

Rezoning from R-1, Single-Family Residential District, and I-2, Heavy Industry District, to I-2, Heavy Industry District, to allow for an expansion of existing shipbuilding facilities.

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

After discussion a motion was made by Mr. Holmes and seconded by Mr. Vallas to recommend this change in zoning to the City Council subject to the following conditions:

- 1) submission, approval and completion of the subdivision process.**

The motion carried unanimously.

**GROUP APPLICATIONS:**

**Case #SUB2007-00050 (Subdivision)**

**Pull-A-Part Subdivision**

West terminus of Desirrah Drive South, extending West to Wilkins Road and South to the North terminus of Poates Place.

1 Lot / 66.0± Acres

Raymond Bell, 182 St. Francis Street, was present on behalf of the applicant/owner in this matter.

(Also see **Case #ZON2007-00651 (Rezoning) - Pull-A-Part** – below; and **Case #ZON2007-00650 (Planning Approval) - Pull-A-Part Subdivision** – below; and **Case #ZON2007-00652 (Planned Unit Development) - Pull-A-Part Subdivision** – below.)

Mr. Bell said that some of the residents in the area had contacted Councilman Fred Richardson in this regard with some questions. He felt there was some confusion in the information in the community about this proposal, and Councilman Richardson had organized a community meeting to be held March 20<sup>th</sup> at the Forest Hill School at 6 p.m. He respectfully requested, therefore, that these applications be held over to the next regularly scheduled meeting to give the applicant an opportunity to attend that meeting and answer the questions of the neighbors.

Mr. Olsen said the next meeting would be April 5<sup>th</sup>.

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

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Patricia Lott stated that she was greatly opposed to the proposed junk yard. She noted that there was already heavy traffic in this area from Moffett Road and Wilkins Road. Ms. Lott said she resided at 3752 Autumndale Drive, which was adjacent to Wilkins Road, and they did not need the noise, the pollution, the rodents, and all the other chaos that she personally felt would come with a business called "Pull-A-Part". She also felt a business such as proposed at her back door would devalue her property.

Mr. Plauche noted that the application would be held over to the April 5<sup>th</sup> meeting, but in the meantime he suggested Ms. Lott may want to get with the applicant and express her concerns to him.

An unidentified person from the audience said they had a petition to submit to the Commission, and Mr. Plauche instructed them to give it to Mr. Olsen.

Theodore Craig, a resident of 1318 Wilkins Road, stated that he took off work today to attend this hearing. Mr. Craig said he owned 3 ½ acres adjoining the proposed development and he had just built an expensive house, and was concerned about the effect a junk yard would have on his property values. He was also concerned about noise, mosquitoes, the eyesore this would be with all the junk cars and trash, and the additional traffic, since this was already a heavily traveled area. He said the biggest concern of the neighbors was that this junk yard would be right in their back yards.

Kenny Nicholas stated that he had a business at 4568 DeSirrah Drive. He expressed concern that a cul-de-sac may be required at the end of DeSirrah Drive. Mr. Nicholas said there were all types of businesses on DeSirrah Drive, but the business was all done inside. He said he owned two acres next door to his business that he bought in 1991 for future development. He felt a junk yard right next to his business would certainly impact the value of that property.

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

Mr. Miller commented that he understood the neighbors' concerns, and suggested that they discuss this matter with the applicant before the next meeting.

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

Margery York, a resident of 3713 Autumndale Drive, said she moved to Mobile from New York and she came for peace and quiet. She complained that the neighborhood was already changing and services were not good anymore. They had a ditch that had not been cleaned out in five years. Ms. York said she had medical problems and was disabled, and with a junk yard coming in with additional noise and traffic, in addition to the already declining neighborhood, she asked that the Commission not approve this application.

Mr. Plauche said this would be discussed again at the April 5<sup>th</sup> meeting. He asked if the

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applicant would like to respond.

Mr. Bell said he just wanted to be sure everyone knew about the meeting on March 28<sup>th</sup> at the Forest Hill School on Moffett Road at 6 p.m. He said he would be happy to answer all questions at that time.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Vallas to holdover this application to the April 5<sup>th</sup> meeting.

The motion carried unanimously.

Mr. Olsen said he meant to mention this during the public hearing session, but he wanted to make the residents aware that the staff had received a voluntary use restriction from the applicant limiting the I-2 use of the property strictly to the automobile salvage or recovery business that they are operating, so there would not be any other type of heavy industrial use of the property should they ever sell. This restriction would be added to the report for the next meeting.

Mr. Vallas asked if the staff could provide a wider zoning map at the next meeting so that he could see if there was any other I-2 zoned property anywhere in the vicinity.

Mr. Olsen said the staff would provide a map showing a larger area of this vicinity.

**Case #ZON2007-00651 (Rezoning)**

**Pull-A-Part**

West terminus of Desirrah Drive South, extending West to Wilkins Road and South to the North terminus of Poates Place.

Rezoning from I-1, Light Industry District, to I-2, Heavy Industry District, to allow an automotive wrecking, dismantling, and salvage operation.

Raymond Bell, 182 St. Francis Street, was present on behalf of the applicant/owner in this matter.

(For discussion see **Case #SUB2007-00050 (Subdivision) - Pull-A-Part Subdivision** – above; also see **Case #ZON2007-00650 (Planning Approval) Pull-A-Part Subdivision**, and **Case #ZON2007-00652 (Planned Unit Development) - Pull-A-Part Subdivision** - below.)

After discussion a motion was made by Mr. Plauche and seconded by Mr. Vallas to holdover this application to the April 5<sup>th</sup> meeting.

The motion carried unanimously.



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**Case #ZON2007-00650 (Planning Approval)**

**Pull-A-Part Subdivision**

West terminus of Desirrah Drive South, extending West to Wilkins Road and South to the North terminus of Poates Place.

Planning Approval to allow an automotive wrecking, dismantling, and salvage operation in an I-2, Heavy Industry District.

Raymond Bell, 182 St. Francis Street, was present on behalf of the applicant/owner in this matter.

(For discussion see **Case #SUB2007-00050 (Subdivision) - Pull-A-Part Subdivision** – above; also see **Case #ZON2007-00651 (Rezoning) Pull-A-Part** – above; and - **Case #ZON2007-00652 (Planned Unit Development) Pull-A-Part Subdivision** – below.)

After discussion a motion was made by Mr. Plauche and seconded by Mr. Vallas to holdover this application to the April 5<sup>th</sup> meeting.

The motion carried unanimously.

**Case #ZON2007-00652 (Planned Unit Development)**

**Pull-A-Part Subdivision**

West terminus of Desirrah Drive South, extending West to Wilkins Road and South to the North terminus of Poates Place.

Planned Unit Development Approval to allow two buildings on a single building site, three automobile processing pads, an automobile crusher, an automobile process yard, and an automobile display yard.

Raymond Bell, 182 St. Francis Street, was present on behalf of the applicant/owner in this matter.

(For discussion see **Case #SUB2007-00050 (Subdivision) - Pull-A-Part Subdivision** – above; also see **Case #ZON2007-00651 (Rezoning) Pull-A-Part** – above; and **Case #ZON2007-00650 (Planning Approval) Pull-A-Part Subdivision** – above.)

After discussion a motion was made by Mr. Plauche and seconded by Mr. Vallas to holdover this application to the April 5<sup>th</sup> meeting.

The motion carried unanimously.

**Case #SUB2007-00035 (Subdivision)**

**Mobile Rosin Oil Subdivision**

2469 Bragdon Avenue

(Northwest corner of Burden Lane and Mobile Street, extending West to the Illinois Central Gulf Railroad right of way and North to Bragdon Avenue).

1 Lot / 9.3± Acres

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

(Also see **Case #ZON2007-00609 (Rezoning) - Mikell Taylor** – below; and **Case #ZON2007-00610 (Planned Unit Development) - Mobile Rosin Oil Subdivision** – below.)

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

Shirley Portis, a resident of 2468 Bragdon Avenue, wanted to know what kind of expansion was planned for this site. She said they already had a problem with the fumes from this plant. She was also concerned that the new building would be closer to the street, and that large trucks would block her driveway. Ms. Portis said that as long as 18-wheelers and large trucks were not allowed on Bragdon Avenue, she had no problem with the proposal.

In conjunction with this application, Mr. Olsen said the applicant had also submitted a request for the rezoning of three lots fronting Bragdon adjoining the site. This would be used for parking for a new building they planned to construct on their north property line. They would be required to meet the setback requirements for the new building. Mr. Olsen noted that the applicant currently had some access off of Bragdon Avenue via a dirt road, although it was not something that had ever been sanctioned by the City. The proposed parking lot would be paved and would have to be landscaped in accordance with the Ordinance. The staff had also recommended that large truck traffic be denied access to Bragdon Avenue.

There was no one else to speak in opposition.

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

- 1) the completion of the rezoning process prior to the issuance of any permits;**
- 2) the dedication of sufficient right-of-way to provide 50 feet from the centerline of Mobile Street;**
- 3) the dedication of sufficient right-of-way to provide 25 feet from the centerline of Burden Lane;**
- 4) the dedication of appropriate radii at the intersection of Mobile Street and Burden Lane, to be determined by City Engineering and Traffic Engineering;**
- 5) the placement of a note on the Final Plat stating large truck traffic is denied access to Bragdon Avenue;**
- 6) the depiction of the 25-foot building setback, measured from property lines after dedication; and**
- 7) the placement of a note on the final plat stating that where the site is adjacent to, or faces residentially developed property, a buffer must be**

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**provided, per Section 64-4.D of the Zoning Ordinance.**

In further discussion Mr. Miller expressed concern that once rezoned, the property could be used for any use allowed under I-1. He also asked if the truck restriction would carry over to the other applications for this site.

Mr. Olsen said the condition for denial of access by large trucks to Bragdon Avenue would also be required for the other applications.

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

The motion carried unanimously.

**Case #ZON2007-00609 (Rezoning)**

**Mikell Taylor**

South side of Bragdon Avenue, 580'± West of Mobile Street, and extended to the Illinois Central Gulf Railroad right of way.

Rezoning from R-1, Single-Family Residential District, to I-1, Light Industry District, to allow expansion of an existing rosin oil production plant.

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

(For discussion see **Case #SUB2007-00035 (Subdivision) - Mobile Rosin Oil Subdivision** – above; also see **Case #ZON2007-00610 (Planned Unit Development) - Mobile Rosin Oil Subdivision** – below.)

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Vallas to recommend this change in zoning to the City Council subject to the following conditions:

- 1) the dedication of sufficient right-of-way to provide 50 feet from the centerline of Mobile Street;**
- 2) the dedication of sufficient right-of-way to provide 25 feet from the centerline of Burden Lane;**
- 3) the dedication of appropriate radii at the intersection of Mobile Street and Burden Lane, to be determined by City Engineering and Traffic Engineering;**
- 4) large truck traffic is denied access to Bragdon Avenue;**
- 5) the depiction of the 25-foot building setback, measured from property lines after dedication; and**
- 6) where the site is adjacent to, or faces residentially developed property, a buffer must be provided, per Section 64-4.D of the Zoning Ordinance.**

The motion carried unanimously.

**Case #ZON2007-00610 (Planned Unit Development)**

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**Mobile Rosin Oil Subdivision**

2469 Bragdon Avenue

(Northwest corner of Burden Lane and Mobile Street, extending West to the Illinois Central Gulf Railroad right of way and North to Bragdon Avenue).

Planned Unit Development Approval to allow multiple buildings on an existing industrial single building site.

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

(For discussion see **Case #SUB2007-00035 (Subdivision) - Mobile Rosin Oil Subdivision** – above; also see **Case #ZON2007-00609 (Rezoning) - Mikell Taylor** – above.)

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

- 1) the completion of the rezoning process prior to the issuance of any permits;**
- 2) the dedication of sufficient right-of-way to provide 50 feet from the centerline of Mobile Street;**
- 3) the dedication of sufficient right-of-way to provide 25 feet from the centerline of Burden Lane;**
- 4) the dedication of appropriate radii at the intersection of Mobile Street and Burden Lane, to be determined by City Engineering and Traffic Engineering;**
- 5) the placement of a note on the Final Plat stating large truck traffic is denied access to Bragdon Avenue;**
- 6) the depiction of the 25-foot building setback, measured from property lines after dedication; and**
- 7) the placement of a note on the final plat stating that, where the site is adjacent to, or faces residentially developed property, a buffer must be provided, per Section 64-4.D of the Zoning Ordinance.**

The motion carried unanimously.

**Case #SUB2007-00039 (Subdivision)**

**MAWSS Eslava Creek Facilities Subdivision**

1557 Sans Souci Road

(South terminus of Sans Souci Road, extending South to I-10).

1 Lot / 16.6± Acres

Ray Miller, with Volkert and Associates, was present on behalf of the applicant.

(Also see **Case #ZON2007-00639 (Planned Unit Development) - MAWSS Eslava Creek Facilities Subdivision** – below; and **Case #ZON2007-00640 (Sidewalk**

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**Waiver) - Mobile Area Water & Sewer System (Volkert & Associates, Inc., Agent)**  
– below.)

Mr. Miller asked for clarification on the staff's recommended condition #2 regarding access. He said access to the site was existing and they did not plan to change anything outside of their fence line. The access drive inside the property would be a crushed stone access driveway to match the existing access driveway.

Mr. Olsen said the main purpose of that condition was to insure that there not be any access to the Interstate, or anything from the Interstate right-of-way.

There was no one else to speak in this matter.

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

- 1) placement of a note on the site plan and plat stating that approval of all applicable federal, state and local agencies is required prior to the issuance of any permits or land disturbance activities;**
- 2) placement of a note on the plat stating that access to the lot is limited to Sans Souci Road, with the size, design and location of any access to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) depiction of the 25-foot minimum building setback line on the site plan and plat;**
- 4) labeling of the lot size in square feet; and**
- 5) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2007-00639 (Planned Unit Development)**

**MAWSS Eslava Creek Facilities Subdivision**

1557 Sans Souci Road

(South terminus of Sans Souci Road, extending South to I-10).

Planned Unit Development Approval to allow multiple buildings on a single building site, including a severe weather attenuation tank, lift station, and auxiliary equipment to fill and withdraw wastewater from the tank.

Ray Miller, with Volkert and Associates, was present on behalf of the applicant.

**(For discussion see Case #SUB2007-00039 (Subdivision) - MAWSS Eslava Creek Facilities Subdivision – above; and Case #ZON2007-00640 (Sidewalk Waiver) - Mobile Area Water & Sewer System (Volkert & Associates, Inc., Agent) – below.)**

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

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- 1) completion of the Subdivision process;**
- 2) placement of a note on the site plan and plat stating that approval of all applicable federal, state and local agencies is required prior to the issuance of any permits or land disturbance activities;**
- 3) depiction of the 25-foot minimum building setback line from all street frontages on the site plan and plat; and**
- 4) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2007-00640 (Sidewalk Waiver)**  
**Mobile Area Water & Sewer System (Volkert & Associates, Inc., Agent)**  
1557 Sans Souci Road  
(South terminus of Sans Souci Road, extending South to I-10).  
Request to waive construction of a sidewalk along Sans Souci Road.

Ray Miller, with Volkert and Associates, was present on behalf of the applicant.

**(For discussion see Case #SUB2007-00039 (Subdivision) – MAWSS Eslava Creek Facilities Subdivision – above; also see Case #ZON2007-00639 (Planned Unit Development) MAWSS Eslava Creek Facilities Subdivision – above.)**

After discussion a motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to approve this request.

The motion carried unanimously.

**Case #SUB2007-00034 (Subdivision)**  
**Donham Place, Unit Three Subdivision**  
West terminus of Donham Court, extending West along the Illinois Central Gulf Railroad right of way to the unopened Middle Ring Road Extension prescriptive right of way and North to the South terminus of Thistlewaite Drive.  
17 Lots / 4.6± Acres

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

**(Also see Case #ZON2007-00596 (Planned Unit Development) - Donham Place, Unit Three Subdivision – below.)**

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

- 1) revision of the PUD site plan and Subdivision plat to depict and label front, side and rear setbacks for all lots;**
- 2) revision of the PUD site plan and Subdivision plat to clearly state 35%**

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- maximum building site coverage for each lot;
- 3) labeling of each lot with its size in square feet or provision of a table on the site plan and plat with the same information;
- 4) placement of a note on the site plan and plat stating that all lots are denied access to Thistlewaite Drive, Tew Drive and Middle Ring Road Extension (if built);
- 5) provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final plat; and
- 6) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

**Case #ZON2007-00596 (Planned Unit Development)**  
**Donham Place, Unit Three Subdivision**

West terminus of Donham Court, extending West along the Illinois Central Gulf Railroad right of way to the unopened Middle Ring Road Extension prescriptive right of way and North to the South terminus of Thistlewaite Drive.

Planned Unit Development Approval to allow reduced front yard and side yard setbacks.

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

(Also see Case #SUB2007-00034 (Subdivision) - **Donham Place, Unit Three Subdivision** – above.)

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

- 1) revision of the PUD site plan and Subdivision plat to depict and label front, side and rear setbacks for all lots;
- 2) revision of the PUD site plan and Subdivision plat to clearly state 35% maximum building site coverage for each lot;
- 3) labeling of each lot with its size in square feet or provision of a table on the site plan and plat with the same information;
- 4) placement of a note on the site plan and plat stating that all lots are denied access to Thistlewaite Drive, Tew Drive and Middle Ring Road Extension (if built);
- 5) provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final plat;
- 6) completion of the Subdivision process; and
- 7) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2007-00047 (Subdivision)**  
**Mount Island Place Subdivision**

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251 Mount Island Drive East and 2401 Old Government Street  
(West terminus of Old Government Street extending West to Mount Island Drive East)  
10 Lots / 3.9 ± Acres

Doug Anderson, Bowron, Latta & Wasden Law Firm, was present representing the developer.

(Also see **Case #ZON2007-00649 (Planned Unit Development) - Mount Island Place Subdivision** - 251 Mount Island Drive East and 2401 Old Government Street (West terminus of Old Government Street extending West to Mount Island Drive East) – below.)

Mr. Anderson said they concurred with the staff's recommendation for approval, however, they had a concern with recommended conditions #3 on the subdivision and #5 on the PUD requiring that the park strip remain in its natural, vegetative state. It was his understanding that the 10-foot strip referred to was dedicated to the City many years ago when the Mount Island Subdivision plat was recorded. He pointed out that the proposed subdivision did not include that 10-foot park strip. Mr. Anderson said that the Mount Island Place Subdivision was previously approved in 2005, however, because the plat was not recorded within the first year, that approval had expired. The subdivision had now been completed, and they were ready for the final plat. Mr. Anderson said he did not think the condition regarding the park strip was a condition of the prior approval. He said it was their position that the issue of the use of the 10-foot park strip should be left to the City Real Estate Department and the City Council. He did not think the Planning Commission had the authority to dictate to the City of Mobile what could or could not be done with a public park. Mr. Anderson said he had spoken with Bill DeMouy, not about his client's possible use of this strip, but about the possibility of the City clearing this park strip a little bit, opening it up, so that the neighbors and the people that buy these houses do not have a wall of trees and shrubs and trash in front of them. They also talked with Councilman Copeland in this regard. Mr. Anderson said it was not his client's desire to use the park strip, to take possession of it, or include it in his plat. They were not asking for any curb cuts, driveways, or sidewalks. It was a public park.

Mr. Plauche asked Mr. Anderson how they would stop people from accessing that strip to get to their houses.

Mr. Anderson said they could not prevent access, as this was a public park. Referring to the plat, Mr. Anderson said the residents of this proposed subdivision would have driveways and carports on the East side of the houses. The houses would be facing West. No one could stop these residents, or anyone else, from parking on Mount Island Drive East or using that park strip.

Mr. Plauche said he felt this was a piece of free land being used for access to the development by parking on a public street.



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Mr. Vallas stated that at the previous meeting the developer showed some pictures of the park strip, and at that time it appeared more of an eyesore to him than a public park.

Mr. Anderson said he was not representing the applicant at that time, but he submitted pictures that he said were the pictures submitted when the subdivision was previously approved. He noted that the park strip was grown up with shrubs and trees and did not look like a park. He understood that it had been cleared out a little bit, especially on his client's side. It was not a pristine park like Sage Park or some other park where people play. Currently it was just a landscape buffer.

Mr. Vallas asked if he understood that it was the applicant's desire to get with the City and clean up the park strip and help maintain it.

Mr. Anderson said that was correct. The developer would be glad to maintain it if an agreement could be worked out with the City. He said they were told by Mr. DeMouy that they could not change the legal status of this park strip, and they were not asking to do that. They were not asking to lease it or buy it, but suggesting that the City clean up the strip a little bit. As a result of that, there would be some people who would access his client's property through the park strip, because it was not a private park. It was a City park.

Reggie Copeland, City Council representative for District 5, said the subject property was at the very edge of District 5 on the east side. Councilman Copeland said that none of the very large trees that face towards the homes that were on the west side of Mount Island Drive East would be removed, but to have the houses facing towards the west and having some foliage there on the 10-foot strip was unconscionable. He said these would be expensive houses. They were needed and people wanted to live in this area. He contended that the value of the houses across the street would go up because of the value of the houses to be built. Councilman Copeland said he wanted to assure the Commission and anyone else that the 10-foot strip would be taken care of by the City. They had no plans to put a park there, and they would keep it neat and clean. Again, he said they were not going to take down any trees, because they were needed to help shield and furnish shade for the houses on the other side. He noted that Jimmy Nelson, one of the neighbors, was present because he wanted to know what was going on. Councilman Copeland said they wanted this development to be compatible with the neighborhood. He noted that the City was having to install two traffic calmers on Mount Island Drive East to slow the traffic, and Mount Island Drive West was now one-way. This was done because there had been so many accidents at the corner of Airport Boulevard and Mount Island Drive West. There were six wrecks in about a month-and-a-half. He said that making Mount Island Drive West one-way was one of the best things they had done in this neighborhood in a long time. In closing, he said he felt this was going to be a wonderful project, which would be an improvement to the neighborhood, and he asked that the Commission give it consideration for approval.

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

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Noel Nelson stated that he was present as attorney for the various landowners on East Mount Island Drive, directly opposite the proposed development. Mr. Nelson said it was not clear to him from the application that the developer now intends to have houses facing west towards East Mount Island Drive. He noted that the original application for this site stated that their address would have to be on Mount Island Place, and their access would be strictly through the Old Government Street entrance. When it was previously approved, the expectation was that the residents of East Mount Island Drive would be looking at the rear of the houses, and one of the conditions placed on that approval was that the park strip be maintained in its current vegetative state. Mr. Nelson submitted pictures to the Commission respecting the condition of the park strip immediately before the development began, and then some of the pictures he took himself while the site clearing work was being conducted by the developer. He said of particular interest was one picture that showed a backhoe reaching from the developer's property out across the park strip to the margins of East Mount Island Drive, raking in the vegetation that was on that park strip. He noted that two of the pictures showed a clear screen of vegetation. Granted, those were not ornamentals, but Mr. Nelson said it was heavily vegetated throughout the length of the development. Some of the pictures also showed the vegetation that was removed by the developer, contrary to the authority that was granted him in the prior approval. Mr. Nelson said it was the concern of his clients that this development would completely change the character of the park strip, and the effect would be that the homes would be accessed, initially by contractors working on building the houses, and ultimately by the residents that buy these houses, from East Mount Island Drive. With the vegetation being severely diminished by the developer contrary to the approval, he felt that increased the likelihood. Mr. Nelson said they were not opposed to what he perceived to be the issues in this new application, from the standpoint of changing the setback lines and changing the width of the roadway in Mount Island Place to 25 or 30 feet. They did object, however, if the houses were to face East Mount Island Drive. They were also concerned that if they diminish the size of the road, it would increase the likelihood that cars would be parking on East Mount Island Drive to go through the park strip and access the houses. Mr. Nelson further stated that the Commission should take into account that the Mount Island Subdivision developers created that buffer zone (park strip) to maintain the integrity of Mount Island Subdivision, particularly East Mount Island Drive. The original developers planted ornamentals along that strip. Directly across the street from his parents' house at 254 East Mount Island Drive there was a long row of cedar trees, evergreens and such. Although the hurricanes had ravaged that quite a bit, Mr. Nelson said he believed at the time the property was deeded to the City and dedicated as a park, there went with it an implied easement on the part of the owners along East Mount Island Drive to cultivate and plant and maintain the park strip themselves, as they have done for the past 50 years. Mr. Nelson said he grew up there, and he did not recall the City ever maintaining that park strip. The grass was mowed by the owners of lots across the street. They had planted things there over the last several decades, and had removed and replaced plantings. Mr. Nelson said the residents wanted their implied easement to maintain and beautify that strip to be recognized. That, of course, was subservient to the desire of the City to improve the strip, if they chose to do so. They would like to see the City come in

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and plant, maintain and cultivate the park strip so that it would remain a screen for the residents on East Mount Island Drive, and maintain the integrity of their neighborhood. Mr. Nelson said they felt the Commission should take into account that the developer, immediately upon starting the site work, blatantly disregarded this Commission's earlier requirement that the park strip be maintained in its current state, as the pictures submitted demonstrate. If approved, they asked that the developer be required to either plant screening vegetation on the developer's property, or erect a fence there so that the other side of it could be properly maintained and the residents of East Mount Island Drive would not have to be concerned with increased traffic through the area, increased noise, and cars parked everywhere. Mr. Nelson said this had been a quiet, pretty neighborhood for a long time and they would like to see it maintained that way.

Mr. Vallas said he recalled that when this subdivision was previously approved there was discussion about which direction the houses would face, and he specifically urged the Commission not to dictate which way the front of the houses faced. Based on what he recalled from the original meeting, Mr. Vallas said he did not know if he agreed with everything Mr. Nelson had just stated.

Mr. Olsen said he did recall, and in preparing the staff report he pulled the recommendations and decision from the previous approval, that there was a condition on the previous approval that did require the park strip to be maintained in its natural, or current, vegetative state. He also recalled that there was discussion about the orientation of the houses, and the Commission not really feeling that they had the authority to say what was the front porch or the back porch. Also, it was stated in the Engineering comments at the previous meeting, as it was again this time, that their address would have to be Mount Island Place or Old Government Street, because they did not actually have frontage on Mount Island Drive East.

Mr. Vallas also noted that in one of the photos submitted there was an oak tree with barbed wire wrapped around it. He asked Mr. Daughenbaugh if it would be in the best interest of the park strip if it was cleaned out and the barbed wire removed from the oak trees, or was the City trying to protect the oak trees by wrapping barbed wire around them?

Mr. Daughenbaugh said it was his understanding that the park strip had not been maintained. It had been in its natural vegetative state for many, many years, and had grown up over the years. He also understood that the fence had been there, and the trees had grown into and around the barbed wire fence. He said that was something he would probably recommend removing. Mr. Daughenbaugh further stated that some of the trees in the strip were not in the best shape, and he knew of one water oak that was scheduled for removal. He said all the trees would remain in the park strip, based upon their condition.

Mr. Holmes asked John Lawler, counsel for the Planning Commission, if the Commission was in a position to tell the City what to do with the park strip.

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Mr. Lawler stated that the Commission could make a recommendation to the City, but they could not require the City to do anything. The Commission could, however, restrict the developer from doing anything with the park strip. Mr. Lawler also noted that this was a Planned Unit Development, and the whole idea of a Planned Unit Development was making sure the development fits in with the existing environment. That would include the orientation of buildings, because that was outside the normal zoning.

Mr. Holmes said he was trying to recall if there were other parks in the City where restrictions had been placed on the part of the property owners. In English Park, in the Church Street East Historic District, he recalled that there were some gates and backs of fences where there was direct entrance into a park from those locations.

Mr. Vallas said they were talking about a park, and asked if they really wanted to put up a fence to keep people either in or out, as a park should have open access to the public. He was confused by what they were trying to accomplish.

Mr. Lawler noted that the City Parks and Recreation Department can control the access points to a park. In this instance, apparently there had been no control on how you get in or out of the park.

Mr. Holmes felt it was not within the Commission's purview to control access to a park. Since it was a PUD, however, he asked if that would allow them to control access if they desired.

Mr. Lawler said it was a PUD and a Subdivision, and the Subdivision carries with it the right to control access to public facilities. The Commission often restricts access to streets with the number of curb cuts and such. From a legal standpoint, he did not see why there would be a problem with restricting access.

Mr. Miller commented that something seemed wrong with a house facing a street that was not its address. He asked when a private road would become an alley, and how would it be a person's primary address. He felt the orientation of the houses was important. He also questioned how someone could clear City property without getting in trouble with the City. Mr. Miller felt it was right that these houses be accessed from East Mount Island Drive, as it was a public road. He said that inevitably paths would be cut through the park strip, either by foot or backhoe. He felt it was a question of the reality of the situation rather than a technicality of the situation, and in his opinion he felt the orientation of the houses was essential. Mr. Miller asked Mr. Lawler if he had an opinion on this.

Mr. Lawler noted that this property had been before the Commission several times, and it presented a very difficult situation with regard to developing it because of the park strip. The Commission has to consider the purposes for which the park strip was placed there in the first place, and the expectation of the people across the way that the park would be maintained and left as it was. Also, the right of the owner of the subject property to develop his land has to be considered. Mr. Lawler said how to make those two things

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work together was the challenge. Whether or not the PUD was weighted one way or the other in trying to balance those interests between the competing landowner was hard to say. It was a challenge for the Commission to approve a plan that strikes a balance between the interest of the people involved.

Mr. Miller said he recalled that when the plan was previously approved, the applicant may not have said that the houses would face their private road, but he felt they implied it in every way possible. He felt that the Commission would have gotten into the placement of the houses had they not been under the deep impression that they were going to face the private street.

Mr. Vallas said he remembered Ms. Clarke specifically being at the previous meeting and the orientation of the houses being discussed, and that the Commission at that time felt that it was not important that they dictate the orientation.

Mr. Miller said that may be the case. He said this site was close to where he lived and he knew the area very well, so this was of great interest to him. Mr. Miller asked why this plan had come back to the Commission today.

Mr. Olsen explained that the previous approvals had expired, so the applicant was required to re-apply. They had some timing issues with construction of Old Government Street to provide them an access, as well as some other issues with their development.

Mr. Lawler asked Mr. Olsen what was different about this plan from the plan previously approved.

Mr. Olsen said there was no major difference at all as far as the site plan. He said he recalled discussing with the developer prior to the previous application being considered that there would be a porch on the Mount Island side. That, however, could easily be considered a back porch or a front porch, depending on the architectural style of the house. The architectural style was not generally something the Commission considers.

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

Kristina Hawk, a resident of 252 East Mount Island Drive, stated that when she and her husband moved into this neighborhood, she got the zoning files that said that the 10-foot strip was to be maintained in a city park fashion in its natural vegetative state. Ms. Hawk said that numerous times during the development and clearing of this property she and her husband had to go out and tell the developers to stop the backhoe, stop the grading, because they were going over the park strip. She said they were concerned that trucks would be going through the park strip during the construction of the subdivision, and once the houses were built, the residents would park their cars there. Ms. Hawk said that East Mount Island Drive was a busy street, and it would be a safety issue for the residents with the extra traffic and parking on the street. They would like to see the park strip maintained in its natural vegetative state. As far as orientation of the houses, she said it did not matter to them, as long as they had that barrier to shield them.

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Eric Baldwin, a resident of 2457 Mount Island Drive North, said he was speaking on behalf of other members of the Mount Island community. Mr. Baldwin said the park strip referred to continues on around from Mount Island Drive East and goes in front of his house on Mount Island Drive North. He said they were confused about where the access to the new subdivision would be, because when they first heard about it they were told that it was given an address on Mount Island Drive East. He asked if someone could clarify that.

Mr. Olsen said the staff discovered that the City Engineering Department had erroneously issued an address number to Mount Island Drive East. He had since spoken to someone in Engineering to have that address removed from the map. It is no longer a valid address.

Mr. Baldwin asked if understood that there would not be any road access from the new subdivision to Mount Island Drive.

Mr. Olsen said there should not be.

Speaking on behalf of the rest of the Mount Island subdivision, Mr. Baldwin said they were opposed to removing the vegetative state of the existing park strip.

There being no further speakers in opposition, Mr. Plauche asked Mr. Anderson if he would like to respond.

Regarding the orientation of the houses, Mr. Anderson said his client told him that there was never any representation that the houses were going to face east or west. He acknowledged that a PUD was site-plan-specific, but he said it has a footprint. It does not show the orientation of the houses. He said if his client had been told when this subdivision was previously submitted that the houses could only face east, he would not have developed it because the houses would not be marketable if they just faced a little alleyway. The beauty in this area was facing west. He said there was no restriction placed on the subdivision when it was previously approved that the houses would have to face the east, and he suggested that such a condition should not be placed on any approval given today. Mr. Anderson again stated that his client had no intention of improving or developing the park strip. It was not his property and he did not want it.

Mr. Miller asked Mr. Anderson if he would like to comment on the clearing that had already taken place.

Mr. Anderson said if clearing had occurred, his client apologized. He said a contractor did the clearing. His client told him that a condition regarding the park strip was discussed at the Planning Commission meeting previously, but it was part of a staff recommendation, not a condition, and was removed.

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In deliberations session Mr. Miller again stated that he felt the houses must be oriented toward the private street. He asked Mr. Lawler to comment.

Mr. Lawler again pointed out that this was a subdivision and a Planned Unit Development. One of the principles of a PUD was to see that the plan fits in with the surrounding property. The Commission should take into consideration the history of the property and could conclude that the apparent intention of the 10-foot strip was to act as a buffer for the people across the street. Mr. Lawler further stated that the Commission also had at their disposal discretion about the orientation of buildings, and the size of the streets, to make them smaller or larger. With a PUD, they had sort of a clean slate. They were not bound by the normal rules, but they did have control over configuration of things. In this case, it looked like if the houses were oriented toward the park strip, the front, then the park strip would become the front yard of those houses.

Mr. Vallas asked what difference it made if it was the front yard or back yard. If the houses are oriented to the east, then it becomes their back yard. He asked if that was any worse than the front yard.

Mr. Lawler said he was not making a judgment about it one way or the other. He was just telling the Commission what their options were.

Mr. Vallas noted that the developer had started this project thinking orientation was not an issue. He said he could not imagine the Commission requiring that they face these houses to the back of another house.

Mr. Miller felt that if they created a private street, then they should be required to face the private street. They were not on Mount Island Drive East, and they faced an area that was a public park. They did not face on the street, and through some unfortunate mistake they seemed to be backhoeing the park strip. Mr. Miller said you could not prevent someone from parking on Mount Island Drive East and walking through the park strip to go in the back door of a house. If the houses were allowed to face the west, they would be creating an alley that was also the primary address and they would be changing the neighborhood in a way that was objectionable.

Mr. Vallas felt they would be improving the neighborhood if they oriented the houses to the west.

After discussion a motion was made by Mr. Miller to deny approval of the above referenced subdivision.

Mr. Plauche asked if there was a second to the motion.

There being no second, the motion failed.

Mr. Plauche asked if there was another motion.

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After further discussion Mr. Vallas made a motion to approve the above referenced subdivision subject to the following conditions:

- 1) full compliance with Section VII.E.2 (Standards) of the Subdivision Regulations;**
- 2) provision of a sidewalk along the West side of the private street;**
- 3) placement of a note on the final plat stating that the park strip along the West property line to remain undisturbed by current or future construction or development activities associated with the site;**
- 4) compliance with Urban Forestry Comments (Any work on or under the 40" Live Oak located on the East side of Lot 9, the 50" Live Oak located on Lot 7, the 50" Live Oak located on Lot 6, the 40" Live Oak located on Lot 5 and 6, and the 40" Live Oak located on Lot 5 are to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger; and**
- 5) provision of a table on the final plat illustrating the maximum site coverage allowed for each lot to maintain an aggregate site coverage of 35% for the entire development.**

The motion was seconded by Ms. Deakle.

In further discussion Dr. Rivizzigno asked if the developer would face any fines for destroying City property.

Mr. Olsen said he was not aware that the City had ever received a complaint that the park strip had been destroyed.

David Daughenbaugh, representing Urban Forestry, stated that the City had received a complaint of clearing the park property. This occurred on a Saturday. Since Urban Forestry was involved with enforcing clearing, they wanted to make sure there were no trees removed without proper permits. Mr. Daughenbaugh said he responded to the call, as did the Police Department, and there was clearing on the northern end of the park property. The contractor was instructed to stop, unless they had proper approval from the City Council. He said there was currently on record a resolution that any improvements on park property be required to go before the City Council for approval. On visiting the site, Mr. Daughenbaugh said he also discovered that there was improper tree protection around the existing live oaks that were recommended for preservation. The contractor was issued citations and it went to court. He pled guilty, and that was where they stood three months ago.

Dr. Rivizzigno asked if the owners of the new homes would be alerted that they could not do any clearing in the park strip.

Mr. Olsen said a note to that effect would be made on the plat, and he would hope that a title company would find that note when they do the title search for the new property owner.



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

The motion carried. (There was one vote in opposition.)

**Case #ZON2007-00649 (Planned Unit Development)**

**Mount Island Place Subdivision**

251 Mount Island Drive East and 2401 Old Government Street

(West terminus of Old Government Street extending West to Mount Island Drive East)

Doug Anderson, Bowron, Latta & Wasden Law Firm, was present representing the developer.

(For discussion see **Case #SUB2007-00047 (Subdivision) - Mount Island Place**

**Subdivision** - 251 Mount Island Drive East and 2401 Old Government Street

(West terminus of Old Government Street extending West to Mount Island Drive East) – above.)

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

- 1) development limited to the plan as submitted;**
- 2) Old Government Street from Pinehill Drive to the site must be constructed prior to recording of the final plat;**
- 3) completion of the subdivision process;**
- 4) provision of a sidewalk along the West side of the private street;**
- 5) the park strip along the West property line to remain undisturbed by current or future construction or development activities associated with the site;**
- 6) compliance with Urban Forestry Comments (Any work on or under the 40” Live Oak located on the East side of Lot 9, the 50” Live Oak located on Lot 7, the 50” Live Oak located on Lot 6, the 40” Live Oak located on Lot 5 and 6, and the 40” Live Oak located on Lot 5 are to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger);**
- 7) revision of the PUD plan to include a table illustrating the maximum site coverage allowed for each lot to maintain an aggregate site coverage of 35% for the entire development and,**
- 8) full compliance with all municipal codes and ordinances.**

After further discussion the motion was seconded by Ms. Deakle.

Mr. Plauche called for the vote.

The motion carried. (There was one vote in opposition.)

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**Case #SUB2007-00036 (Subdivision)**

**The Woodlands at the Preserve Subdivision, Resubdivision of Lot 27**

North side of Rue Royal, 1250'± North of Rue Preserve

1 Lot / 0.1± Acre

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

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

(Also see **Case #ZON2007-00632 (Planned Unit Development) - The Woodlands at the Preserve Subdivision, Resubdivision of Lot 27** – below.)

After discussion a motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to approve the above referenced subdivision subject to the following condition:

- 1) submission of documentation that the existing storm water facilities are adequate to handle the increased site coverage, to be approved by City Engineering Department prior to signing of the final plat.**

The motion carried unanimously.

**Case #ZON2007-00632 (Planned Unit Development)**

**The Woodlands at the Preserve Subdivision, Resubdivision of Lot 27**

North side of Rue Royal, 1250'± North of Rue Preserve

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow increased site coverage.

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

(Also see **Case #SUB2007-00036 (Subdivision) - The Woodlands at the Preserve Subdivision, Resubdivision of Lot 27** – above.)

After discussion a motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to approve this plan subject to the following condition:

- 1) submission of documentation that the existing stormwater facilities are adequate to handle the increased site coverage, to be approved by City Engineering Department prior to signing of the final plat.**

The motion carried unanimously.

**Case #SUB2007-00037 (Subdivision)**

**The Woodlands at the Preserve Subdivision, Resubdivision of Lot 26**

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3500 Rue Royal  
(North side of Rue Royal, 1300'± North of Rue Preserve)  
1 Lot / 0.1± Acre

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

(Also see **Case #ZON2007-00633 (Planned Unit Development) - The Woodlands at the Preserve Subdivision, Resubdivision of Lot 26** – below.)

After discussion a motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to approve the above referenced subdivision subject to the following condition:

- 1) submission of documentation that the existing stormwater facilities are adequate to handle the increased site coverage, to be approved by City Engineering Department prior to signing of the final plat.**

The motion carried unanimously.

**Case #ZON2007-00633 (Planned Unit Development)**  
**The Woodlands at the Preserve Subdivision, Resubdivision of Lot 26**

3500 Rue Royal  
(North side of Rue Royal, 1300'± North of Rue Preserve)  
Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow increased site coverage.

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

(Also see **Case #SUB2007-00037 (Subdivision) - The Woodlands at the Preserve Subdivision, Resubdivision of Lot 26** – above.)

After discussion a motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to approve this plan subject to the following condition:

- 1) submission of documentation that the existing stormwater facilities are adequate to handle the increased site coverage, to be approved by City Engineering Department prior to signing of the final plat.**

The motion carried unanimously.

**Case #SUB2007-00044 (Subdivision)**  
**Robert Moore Park Subdivision**

4213 Halls Mill Road  
(East side of Halls Mill Road, 185'± North of Alden Drive).  
1 Lot / 2.3± Acres

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Mr. Plauche announced that this application was recommended for holdover, but if anyone wished to speak in this matter they could speak now.

(Also see **Case #ZON2007-00642 (Planned Unit Development) - Robert Moore Park Subdivision** – below.)

Frank Dagley, 717 Executive Park Drive, was present on behalf of the applicant. Mr. Dagley said he understood there was concern that this subdivision would create a landlocked piece of property. He said Mr. Moore, the applicant, owned the subject property, as well as the property that surrounded this property on two sides. The subject parcel was a separate piece of property, and he contended that this subdivision would not change anything with respect to the other two parcels to the rear of this site and to the north. It would not be landlocked because Mr. Moore owned all of the surrounding property.

Mr. Olsen stated that the staff report did not say that this subdivision would create a landlocked piece of property, but pointed out that it was already landlocked. He explained that because the subject property was being subdivided and developed, generally that was when they try to get access for landlocked properties. He noted that while Mr. Moore does own all three parcels – actually two parcels and one legal lot of record – and since the R-1 parcel was a separate legal description and was deeded as such, it could be sold as such at any point in the future.

Mr. Vallas asked if the reason they did not require a street stub with a barricade at the end of the internal service drive for the subject property was because it was zoned differently. If a street stub was put there, then it would not be landlocked.

Mr. Olsen said that was correct, but it would not be a public street. It would be a private, internal circulation drive for the proposed B-3 development.

Mr. Dagley said they had some other issues, but would discuss them at the next meeting.

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to holdover this application until the April 19<sup>th</sup> meeting to allow the applicant to address the following:

- 1) illustrate how access to the landlocked property to the East is to be provided.**

The motion carried unanimously.

**Case #ZON2007-00642 (Planned Unit Development)**  
**Robert Moore Park Subdivision**

4213 Halls Mill Road

(East side of Halls Mill Road, 185'± North of Alden Drive).

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

Mr. Plauche announced that this application was recommended for holdover, but if anyone wished to speak in this matter they could speak now.

(For discussion see **Case #SUB2007-00044 (Subdivision) - Robert Moore Park Subdivision** – above.)

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivzigno to holdover this application until the April 19<sup>th</sup> meeting to allow the applicant to address the following:

- 1) provide clarification of the use;**
- 2) justification for consideration of different parking ratios;**
- 3) submit revised plans to reflect required dedication and compliance with minimum parking requirements; to be considered in conjunction with the subdivision and address access to the landlocked property to the East.**

The motion carried unanimously.

**Case #SUB2007-00046 (Subdivision)**

**Motormax Subdivision**

2917 and 2929 Government Boulevard

(South side of Government Boulevard, 300' ± East of Macmae Drive).

2 Lots / 2.1± Acres

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

(Also see **Case #ZON2007-00644 (Planned Unit Development) - Motormax Subdivision** – below.)

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

- 1) placement of a note on the final plat stating that each lot is limited to one curb-cut each onto the service road of Government Boulevard, with the size, design and location to be approved by ALDOT and Traffic Engineering, and to comply with AASHTO standards;**
- 2) labeling of each lot with its size in square feet, or provision of a table on the plat with the same information;**
- 3) full compliance with Engineering comments (*Show limits of the flood zone. Show minimum finished floor elevation for any buildings or structures and/or slabs, on which, mechanical and electrical equipment will be installed. Must comply with all storm water and flood control*)**

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- ordinances. Any work performed in the right of way will require a right-of-way permit.);*
- 4) **depiction of a 10-foot wide protection buffer strip along the rear of the lots, where they abut residential uses;**
  - 5) **approval of all applicable federal, state and local agencies prior to the issuance of any permits or land disturbance activities;**
  - 6) **provision of a revised PUD site plan prior to the signing of the final plat; and**
  - 7) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2007-00644 (Planned Unit Development)**

**Motormax Subdivision**

2929 Government Boulevard

(South side of Government Boulevard, 300' ± East of Macmae Drive).

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

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

(Also see **Case #SUB2007-00046 (Subdivision) - Motormax Subdivision** – above.)

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

- 1) **revision of the site plan to correct any directional arrow conflicts;**
- 2) **direction of any car washing or auto detailing run-off to an oil separator prior to discharge into the sanitary sewer system;**
- 3) **provision of the depicted 6-foot privacy fence along the property line abutting residential uses, and maintenance of a 10-foot protection buffer strip from the rear property line for all structures and parking areas, as depicted on the site plan;**
- 4) **compliance with the lighting requirements of Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;**
- 5) **full compliance with Engineering comments (*Show limits of the flood zone. Show minimum finished floor elevation for any buildings or structures and/or slabs, on which, mechanical and electrical equipment will be installed. 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.*);**
- 6) **full compliance with Traffic Engineering comments (*Driveway number, size, location, and design to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards. Standard driveway width for two-way traffic is twenty-four feet and thirty-six feet for three lanes.*)**

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*Changes should be made to accommodate the standard.);*

- 7) **revision of the site plan to depict frontage trees; to be coordinated with Urban Forestry;**
- 8) **provision of a revised PUD site plan prior to the signing of the final plat;**
- 9) **completion of the Subdivision process; and**
- 10) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #SUB2007-00041 (Subdivision)**

**Golden Glow Farm Subdivision, Resubdivision of Lots 5, 6, and the North Half of Lot 4**

3512 and 3514 Halls Mill Road

(North side of Halls Mill Road, 530' ± West of West I-65 Service Road South).

2 Lots / 2.9± Acres

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

(Also see **Case #ZON2007-00641 (Rezoning) - Larry M. Tew** – below.)

Mr. Olsen noted that the staff had received a call from Bob Berg, one of the major property owners in this area, requesting that the Commission consider requiring a sewer easement on this subdivision. Mr. Olsen said that MAWSS received a copy of the subdivision report, but the staff had not received any comments from them.

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

- 1) **dedication of sufficient right-of-way to provide 35 feet, as measured from the centerline of Halls Mill Road;**
- 2) **adjustment of the minimum building setback line to reflect the right-of- way dedication;**
- 3) **placement of a note on the final plat stating that each lot is limited to one curb cut each onto Halls Mill Road, with the size, design and location to be approved by Traffic Engineering, and conform to AASHTO standards;**
- 4) **depiction and labeling of a 10-foot wide vegetative buffer and 6-foot high wooden privacy fence along the Southwest property line;**
- 5) **placement of a note on the plat stating that a 10-foot wide vegetative buffer and 6-foot high wooden privacy fence along the West property line must be provided if the residentially-zoned property is developed with residences;**
- 6) **approval of all applicable federal, state and local agencies prior to the issuance of any permits or land disturbance activities;**
- 7) **labeling of each lot with its size in square feet; and**

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**8) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2007-00641 (Rezoning)**

**Larry M. Tew**

3512 and 3514 Halls Mill Road

(North side of Halls Mill Road, 530'± West of West I-65 Service Road South).

Rezoning from R-1, Single-Family Residential District, to I-1, Light Industry District, to allow light industrial uses.

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

(For discussion see **Case #SUB2007-00041 (Subdivision) Golden Glow Farm Subdivision, Resubdivision of Lots 5, 6, and the North Half of Lot 4** - above.)

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Miller to recommend this change in zoning to the City Council subject to the following conditions:

- 1) completion of the Subdivision process;**
- 2) provision of a 10-foot wide vegetative buffer and 6-foot high wooden privacy fence along the Southwest property line;**
- 3) provision of a 10-foot wide vegetative buffer and 6-foot high wooden privacy fence along the West property line if the residentially-zoned property is developed with residences;**
- 4) full compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance;**
- 5) approval of all applicable federal, state and local agencies prior to the issuance of any permits or land disturbance activities; and**
- 6) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**OTHER BUSINESS:**

Mr. Olsen reminded the Commission that the business meeting would be held next Thursday, March 22, 2007 at 2:00 p.m. in the pre-council meeting room.

Mr. Holmes commented about the difficulty in trying to hear and understand speakers at the podium. He asked that the Planning Commission make a written recommendation to the City Council to do something about the speaker system.

The other members agreed with Mr. Holmes.



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Mr. Olsen said he would prepare something for the Commission, which should actually go to Mobile County since they own the building.

There being no further business, the meeting was adjourned.

**APPROVED:** June 7, 2007

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Victoria Rivizzigno, Secretary

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Terry Plauche, Chairman

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