

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF MAY 17, 2007 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

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

Members Absent

Clinton Johnson
Nicholas Holmes, III

Staff Present

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

Others Present

Rosemary Sawyer, City Engineering
Jennifer White, Traffic Engineering
Pat Stewart, County Engineering

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

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

HOLDOVERS:

Case #SUB2007-00061 (Subdivision)

Cottage Oaks Subdivision

Southeast corner of Brookfield Drive North and Brookfield Drive West.
2 Lots / 0.7± Acre

Note: This application was held over from the last meeting so that the plat could be revised from 3 lots to 2 lots. Today's agenda erroneously indicated that this was for a 3-lot subdivision, rather than a 2-lot subdivision, as the revised plat shows.

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

There was no one present in opposition.

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

- 1) **placement of a note on the final plat stating that Lot 1 is limited to one curb-cut either onto Brookfield Drive North and Brookfield Drive West, and that Lot 2 is limited to one curb cut, with the size, design and location of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **revision of the plat to show a 25-foot minimum building setback from all street frontages; and**
- 3) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2007-00072 (Subdivision)

The Old Finch Place Subdivision

4600 Schillinger Road South

(West side of Schillinger Road South, 175'± South of Bullitt Drive, and extending Westward to Clearview Drive).

3 Lots / 6.8± Acres

Jerry Byrd, Byrd Surveying Company, was present on behalf of the applicant. Mr. Byrd noted that the staff recommendation required the dedication of sufficient right-of-way to provide 50 feet, as measured from the centerline of Schillinger Road South. Instead of the dedication, they requested that the setback be the additional 10 feet, so they would have a 35-foot setback as opposed to 10 feet of dedication and the 25-foot setback. He said the owner did not want to give up ownership of a 100-year old Live Oak tree that is in front of his house, which sits right at the edge of the right-of-way. Mr. Byrd said other than that, they were in agreement with the recommendations.

Mr. Vallas asked if the County would agree to the additional setback rather than the additional dedication of right-of-way on Schillinger Road.

Mr. Stewart said that the County would prefer dedication. The Oak tree, however, would be secure until they widen Schillinger Road.

In deliberations session Mr. Olsen said the applicant was requesting an additional 10-foot setback on Schillinger Road in lieu of the required dedication.

Mr. Watkins said the gist of it was that if they ever widen Schillinger Road, the County would not have to pay to condemn the property. He asked Mr. Stewart how long it would be before Schillinger was widened.

Mr. Stewart said he did not know, but considering how fast this area was growing he did not think it would be too long.

Mr. Vallas asked Mr. Stewart if in lieu of the dedication, the additional setback would provide the County with most of what they wanted.

Mr. Stewart again stated that the County would much prefer the dedication.

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

- 1) **dedication of sufficient right-of-way to provide 50 feet, as measured from the centerline of Schillinger Road South;**
- 2) **placement of a note on the plat stating that all lots are limited to one curb cut each, with the size, design and location to be approved by Mobile County Engineering;**
- 3) **revision of the plat to depict the 25-foot minimum building setback line for all lots;**
- 4) **placement of a note on the final plat stating that development will be designed to comply with the stormwater detention and drainage facilities of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facilities of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification to be submitted to the Planning Section of Urban Development and County Engineering;**
- 5) **labeling of the size of each lot in square feet, or placement of a table on the plat with the same information; and**
- 6) **placement of a note on the 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 #ZON2007-00924 (Rezoning)

Horace L. Long, Jr.

Northeast corner of Old Shell Road and Parkway East, and extending East to Border Drive East, and North to an unnamed city right-of way.

Rezoning from R-1, Single Family Residential, to B-1, Buffer Business District, to allow a business office for a cable television company (no service provided from this location).

Doug Anderson, with the law firm of Bowron, Latta and Wasden, was present on behalf of the applicant. Mr. Anderson said that last week he spoke with Ms. Gregory, councilperson for this district, who indicated she would not support this application once it got to the City Council. Rather than wasting his client's money and the Commission's time, they were withdrawing the application at this time. Mr. Anderson said their goal was to meet with Ms. Gregory and the neighbors to see what kind of residential development they could put together, whether it was a two-lot, single-family residential subdivision, or four condos or town homes or whatever. They hoped to be back in the near future with an application that everyone could live with.

Case #SUB2007-00070 (Subdivision)

University Oaks Office Park Subdivision

(West side of University Boulevard, 300'± South of Boulevard Park South).

1 Lot / 2.2± Acres

(Also see **Case #ZON2007-00972 (Rezoning) N & K, Inc. and Vidmon & Cordelia M. Betts** – below.)

Jerry Byrd, Byrd Surveying Company, was present on behalf of the applicant. Mr. Byrd noted that this application was held over from the April 19th meeting due to an ownership issue on a portion of the property supposedly owned by Mr. Betts, one of the applicants. It had since been determined that the parcel in question was in the name of Sandra Betts Medlock, daughter of Mr. Betts, and Ms. Medlock did not want to be a part of this subdivision. Mr. Byrd said the parcel in question was removed and the plan revised for a one-lot subdivision as submitted.

Sandra Betts Medlock, owner of the parcel that was in question and which had now been deleted from this plan, was present and had no objections to the revised plan.

Mr. Byrd pointed out to Ms. Medlock that a buffer would be required between the subject property and her property.

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

- 1) **placement of a note on the Final Plat stating that the development is limited to one curb cut onto University Boulevard, with the size, design and location to be approved by Traffic Engineering, and conform to AASHTO standards;**
- 2) **the placement of a note on the Final Plat denying access to Logan Avenue;**
- 3) **depiction and labeling of a 10-foot wide buffer (to include parking) and 6-foot high wooden privacy fence along the South property line; and**
- 4) **labeling of the lot with its size in square feet; and**
- 5) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2007-00972 (Rezoning)

N & K, Inc. and Vidmon & Cordelia M. Betts

(West side of University Boulevard, 300'± South of Boulevard Park South).

Rezoning from R-1, Single Family Residential, to B-1, Buffer Business District, to allow an office building.

(For discussion see **Case #SUB2007-00070 (Subdivision) University Oaks Office Park Subdivision** - (West side of University Boulevard, 300'± South of Boulevard Park South) – above.)

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

- 1) **completion of the Subdivision process;**
- 2) **denial of access to Logan Avenue;**
- 3) **provision of a 10-foot wide buffer (to include parking) and 6-foot high wooden privacy fence along the South property line;**
- 4) **the provision of screening the dumpster with a minimum 6-foot high solid wooden fence;**
- 5) **full compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance; and**
- 6) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2007-00052

Los Tres Amigos Number One Subdivision

5805 U.S. Highway 90 West

(Southeast corner of U.S. Highway 90 West and Fore Road [private drive]).

1 Lot / 1.8± Acres

Note: This application was held over from the April 19th meeting in order for the applicant to provide documentation to show that parcel RO23802032000006.005 was created prior to 1984, or inclusion of the parent parcel and subsequent divisions that occurred after 1984 as part of the Subdivision application. Documentation has since been provided stating that the owner of the above referenced parcel does not want to participate in or be a part of this subdivision.

Jerry Byrd, Byrd Surveying Company, was present on behalf of the applicant. Mr. Byrd referred to the staff's recommended condition for the dedication of sufficient right-of-way to provide a minimum of 125 feet from the centerline of U.S. Highway 90. He pointed out that the property to the south, Calagaz Subdivision, was an older subdivision and there was no widening required on it. Immediately to the north across Fore Road there was a subdivision created 8 or 9 years ago, and there was no widening required on it. Also, another subdivision north of that, White Development Subdivision, was approved without a requirement for widening. Mr. Byrd said that if widening was required for the subject property, it would be the only development in about a half mile that would be set back. He noted that the present right-of-way was 87 feet from the centerline and the staff was requesting additional right-of-way to provide a total of 125 feet. That would require that the applicant give an additional 38 feet, which would be a pretty substantial widening strip. Mr. Byrd requested the Commission's consideration in this regard.

Frank Dagley, 717 Executive Park Drive, stated that he was handling the site development for the owner. He submitted a handout that showed what Mr. Byrd was

Planning Commission Minutes
May 17, 2007

just discussing regarding the right-of-way requirement. Mr. Dagley said the site plan had been developed and the building was set back far enough if, and when, a taking of right-of-way is required. The building would still be set back 25 feet from a new right-of-way line, so they would only be parking in that area. Based on the precedent that has been set on the other cases Mr. Byrd noted, they did not feel the dedication requirement should be enforced on this subdivision.

Mr. Olsen asked Mr. Byrd and Mr. Dagley that if the Commission chose to not require the dedication, would a 25-foot setback from the future right-of-way for the building be okay to be shown on the plat?

Mr. Dagley said he thought that would be okay. If they did show a future building on the property, he was not sure whether it would impact that, but that could be moved.

Mr. Olsen asked Mr. Stewart with County Engineering if, with the setback, the applicant could still use that area for parking.

Mr. Stewart said yes.

Dr. Rivizzigno asked how condition #1 would be changed.

Mr. Olsen said they would require placement of the 25-foot setback from the future right-of-way to be shown on the plat.

In deliberations session the right-of-way question was further discussed, and it was asked how this was any different from the right-of-way required for another subdivision the Commission just ruled on.

Mr. Olsen explained that the biggest difference was that the right-of-way requirement for Government Boulevard (Highway 90), a major street on the City's Major Street Plan, was 250 feet as opposed to the 100 feet for Schillinger Road on the other subdivision referenced. That 250 feet includes median and allows for service road and things of that nature. He pointed out that the aerial photo showed that there was median in one area, but there was substantial right-of-way that had no infrastructure in it, so it would be up to the Commission. The staff would not argue one way or the other.

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

- 1) depiction of the 25-foot minimum building setback line from the future right-of-way of U.S. Highway 90 (125 feet from centerline of U. S. Highway 90 to edge of future right-of-way, plus setback, for a total of 150 feet);**
- 2) placement of a note on the final plat stating that the development is limited to a maximum of two curb cuts to U. S. Highway 90, with the size, location and design to be approved by County Engineering and ALDOT;**
- 3) the placement of a note on the Final Plat denying access to Fore Road**

- (private drive);
- 4) 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; and
 - 5) 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.

EXTENSIONS:

**Case #ZON2005-00998 (Planned Unit Development)
Forest Cove Subdivision, Unit Three and Unit Four**

South side of Tulane Drive, 125' ± East of Belle Wood Drive East, extending to the West side of Forest Dell Road, 725' ± North of its South terminus.

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

After discussion a motion was made by Mr. Plauche and seconded by Mr. Miller to grant a one-year extension of approval for the above referenced Planned Unit Development.

The motion carried unanimously.

**Case #SUB2005-00095 (Subdivision)
Forest Cove Subdivision, Unit Three and Unit Four**

South side of Tulane Drive, 125' ± East of Belle Wood Drive East, extending to the West side of Forest Dell Road, 725' ± North of its South terminus.

137 Lots / 44.4± Acres

After discussion a motion was made by Mr. Plauche and seconded by Mr. Miller to grant a one-year extension of approval for the above referenced subdivision.

The motion carried unanimously.

**Case #SUB2006-00057 (Subdivision)
Burlington Place Subdivision Additions**

South terminus of Burlington Drive East.

37 Lots / 36.8± Acres

After discussion a motion was made by Mr. Plauche and seconded by Mr. Miller to grant a one-year extension of approval for the above referenced subdivision.

The motion carried unanimously.

Case #SUB2006-00108 (Subdivision)

Hunter's Cove Subdivision, Unit Two, Phase Three

135'± East of Gamepoint Drive West, at the East terminus of Vane Court street stub.

12 Lots / 4.3± Acres

After discussion a motion was made by Mr. Plauche and seconded by Mr. Miller to grant a one-year extension of approval for the above referenced subdivision.

The motion carried unanimously.

Case #SUB2006-00109 (Subdivision)

Hunter's Cove Subdivision, Unit One, Phase Two

East terminus of Beretta Drive.

35 Lots / 9.5± Acres

After discussion a motion was made by Mr. Plauche and seconded by Mr. Miller to grant a one-year extension of approval for the above referenced subdivision.

The motion carried unanimously.

Case #SUB2006-00110 (Subdivision)

Hunter's Cove Subdivision, Unit Two, Phase Two

South terminus of Mackenzie Drive, extending to the West terminus of Hooper Street, the East terminus of Cheyenne Street South, and the North terminus of Gamepoint Drive West.

66 Lots / 35.2± Acres

After discussion a motion was made by Mr. Plauche and seconded by Mr. Miller to grant a one-year extension of approval for the above referenced subdivision.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2007-00093

Tillman's Corner Office Park Subdivision

East side of Dozier Lane, 412'± North of U. S. Highway 90 West Service Road, and extending East to U. S. Highway 90 West Service Road.

1 Lot / 2.3± Acres

There was no one present representing the applicant.

There was no one present in opposition.

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

- 1) **placement of a note on the Final Plat stating that the size, location and design of all curb cuts to U.S. Highway 90 West Service Road are to be approved by the Mobile County Engineering Department and ALDOT;**
- 2) **placement of a note on the final plat stating that access to Dozier Lane is limited to one curb cut, with the size, location, and design to be approved by the Mobile County Engineering Department;**
- 3) **placement of a note on the final plat requiring submission of a certification from a licensed engineer stating that development on the site will comply with the City of Mobile stormwater and flood control ordinances prior to issuance of permits; and**
- 4) **placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.**

The motion carried unanimously.

Case #SUB2007-00097

Theodore Highland Estates Subdivision, 10th Addition, Revised Lot 4

North side of Austin Avenue, 286' ± North of Browder Avenue.

1 Lot / 0.5± Acre

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

There was no one present in opposition.

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

- 1) **the placement of a note on the final plat stating that if the lot is developed commercially and adjoins residentially developed property, a buffer must be provided in compliance with Section V.A.7. of the Subdivision Regulations; and**
- 2) **placement of a note on the final plat requiring submission of a certification from a licensed engineer stating that development on the site will comply with the City of Mobile stormwater and flood control ordinances prior to issuance of permits.**

The motion carried unanimously.

Case #SUB2007-00094

Parkers Place Subdivision

8971 & 8291 Pinebough Avenue

(South side of Pinebough Avenue, 175'± East of Leroy Stevens Road).

2 Lots / 0.7± Acre

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

There was no one present in opposition.

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

- 1) the placement of a note on the final plat stating that any property that is developed commercially and adjoins residentially developed property shall provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;**
- 2) the placement of a note on the final plat stating that development will be designed to comply with the stormwater detention and drainage facilities of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facilities of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits and Certification to be submitted to the Planning Section of Urban Development and County Engineering ; and**
- 3) the placement of the 25-foot minimum building setback line on the Final Plat.**

The motion carried unanimously.

Case #SUB2007-00098

Hebden Subdivision

2800 Lees Lane

(West side of Lees Lane, 370'± South of Halls Mill Road).

2 Lots / 2.0± Acres

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

There was no one present in opposition.

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

- 1) placement of a note on the final plat stating that each lot is limited to two (2) curb cuts, with the size, design and location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) depiction of the 25-foot minimum building setback line;
- 3) revision of the plat to label each lot with its size in square feet, or provision of a table on the plat with the same information; and
- 4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2007-01224

Larry Oberkirch

Northwest corner of Beltline Park Drive South and Beltline Park Drive East.
Request to waive construction of a sidewalk along Beltline Park Drive South and Beltline Park Drive East.

Larry Oberkirch, KJM Properties, was present in this matter. Mr. Oberkirch pointed out that this was an industrial area and there were no existing sidewalks on either side of this site or anywhere in the area. He felt it would be senseless to require a sidewalk that would lead to nowhere, and requested the Commission grant this request.

There was no one present in opposition.

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

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

Case #ZON2007-01251

Motors Acceptation Corporation

South side of Government Boulevard, 285'± East of MacMae Drive.
Request to waive construction of a sidewalk along Government Boulevard.

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

There was no one present in opposition.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Watkins to approve this request.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2007-00096 (Subdivision)

Mobile Central Subdivision

2570, 2590, & 2598 Government Boulevard

(Northeast corner of Kreitner Street and Government Boulevard Service Road).

1 Lot / 14.6± Acres

(Also see **Case #ZON2007-01270 (Rezoning) Christopher J. Nix, Agent** – below.)

Christopher Nix, 3169 Holcombe Bridge Road, Norcross, Georgia, stated that he was the engineer and agent on this project. Mr. Nix said they were in agreement with the staff recommendations with the exception of the condition that only one curb cut be allowed from the site to Kreitner Street. He requested that they be allowed two curb cuts to Kreitner Street to give the developer the ability to construct a driveway in the future if one is needed. They understand that a second driveway, if needed, would have to be approved by the City of Mobile Engineering Department. Mr. Nix noted that currently there were three curb cuts from the site to Kreitner Street. He said they had discussed this with the staff, and they had no issues with this request. Regarding a time schedule for development of six months as stated in the staff report, Mr. Nix said he wanted to clarify that this developer being Wal-Mart, that time frame was subject to change. It could be within six months, or it could be 12 months later.

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

Dr. Rivizzigno said she understood that the property had in excess of the required number of parking spaces, and asked how many spaces were provided.

Mr. Nix said he was not sure of the exact number, but he thought it was about 120 spaces.

Dr. Rivizzigno also stated that she did not see any provision for landscaping on the site plan.

Mr. Olsen said that there was a fair amount of landscaping on the plan, including islands for planting, which he pointed out.

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

Ed Smelser, a resident of 505 E. Barksdale Drive right behind the subject property, stated that he did not actually object, but had some concerns. He was also speaking on behalf of some of his neighbors. Mr. Smelser said they were concerned about lighting, and asked if the lighting would be shielded so that the lights would not be shining into their bedrooms at night. The noise of trucks making deliveries was also a concern. He asked if there would be a cutoff time for deliveries. Mr. Smelser also said a major concern was access to Kreitner Street. Although the plan did not call for Kreitner Street to be opened into Brookwood, he said the neighbors would be opposed if that ever became an issue.

Planning Commission Minutes
May 17, 2007

They did not ever want to see Kreitner Street opened up from Brookwood going out to Highway 90. That would devastate their neighborhood.

Mr. Nix said that was not in their plan.

Mr. Olsen stated that, as could be seen on their plan, the opening of Kreitner Street into Brookwood was not a part of this project. He indicated on the plan the point at which Kreitner Street ended, but noted that the right-of-way picks up again on the other side of the future Florida Street right-of-way. If, or when, Florida Street right-of-way is developed and built, there would be the connection, but that would be something that is done by the City of Mobile and not by these developers.

Mr. Smelser said they were aware of that, and would be down here to object at that point. Their biggest concerns were lighting and noise, and asked Mr. Nix if he could give them some reassurance in this regard.

Robert B. Berg, 2100 Government Street, said he was not opposed, but asked if anyone could give him an estimated date as to the possibility of the lengthening of Florida Street south of Airport Boulevard.

Mr. Olsen stated that the Florida Street Extension was on the City's Major Street Plan, as well as on the MATS 2030 Plan, but as far as an actual date of projected construction, they did not have that information.

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

No one came forward.

Mr. Plauche asked the applicant if he would like to respond.

Mr. Nix stated that he understood the concerns about lighting and delivery times, and he would be happy to work with staff and the neighbors in this regard. He noted, however, that one of the things Wal-Mart requires in their design specifications is for all the foot-candle measurements at the property line to be zero. They could also use "dark sky technology", which were blinders on the side of the lights to force the light down to mitigate the spillover.

Mr. Plauche asked if Mr. Nix could address the concern expressed by Mr. Smelser about delivery times.

Mr. Nix said their operations were very flexible, and they would be willing to work with the property owners through the staff, or directly, to come up with a time frame as to when the trucks can come in and make deliveries.

Mr. Plauche asked if this was to be a 24/7 Wal-Mart.

Planning Commission Minutes
May 17, 2007

Mr. Nix said yes, it would be operated 24/7.

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

Mr. Watkins commented that he would like to resolve the issues regarding lighting and deliveries as opposed to leaving it up to the owner and the neighbors to come up with a plan later. He asked if Wal-Mart could live with requirements on delivery times.

Mr. Nix said yes.

Mr. Miller asked what kind of provisions had been made for buffering and fencing along the back of the site that backs up to residences on Barksdale Drive.

Mr. Nix pointed out the greenspace behind the building at the rear and said that would be sodded and irrigated with new plant material installed to meet the requirements of the landscape ordinance. He said there was no fencing planned at this time.

Mr. Olsen stated that the rear of the site currently abuts city-owned right-of-way for the Florida Street Extension, so there would not necessarily be a requirement under the Zoning Ordinance necessarily for a six-foot privacy fence there. He said that area was currently densely vegetated, and he was not sure if additional buffering at this point was a necessity. As for Mr. Watkins' questions concerning lighting and delivery restrictions, Mr. Olsen said that the Zoning Ordinance currently requires that the lighting for parking lots be designed such that it does not shine directly onto the adjacent residential properties, and onto traffic, which in this particular instance would be right-of-way. He said he did not know if that would be a major issue, but if the applicant agreed to conditions of the zero foot-candle at the property line, as well as the dark sky technology, the Commission could add that as a condition, as well as restrictions on the hours of delivery.

Mr. Watkins said he was okay with the lighting footprint, as that could be addressed prior to them getting a Certificate of Occupancy. He questioned, however, whether this Board had the authority to enforce a delivery timetable, and if so, how would it be enforced.

Mr. Olsen said that if a timetable was established as a condition on the rezoning and the staff received a complaint through 311 that the timetable was being violated, an inspector would be dispatched to the store and would issue a Notice of Violation. If that type of situation continued, the staff would have to work with the administration to either have overtime approved for the zoning inspector, or with the Police Department to have the Police check on the situation.

Mr. Vallas asked if he understood that in order to meet the landscape requirements, a percentage of the site had to be landscaped.

Mr. Olsen said that was correct.

Planning Commission Minutes
May 17, 2007

Mr. Miller further commented that he felt it was very important that they be aggressive in maintaining the vegetative area at the rear of the store.

Ms. Deakle asked if this store would sell groceries, and if it would be a Super Wal-Mart.

Mr. Nix said this would be a Wal-Mart Super Center that has both the retail and the grocery department.

Mr. Olsen said he understood this would be similar to the Wal-Mart to be constructed on Airport Boulevard, and that this would not have the auto service center.

Mr. Nix said that was correct. This store would not have what they call the tire-lube express on the service center.

Mr. Miller recalled that the Wal-Mart to be constructed on Airport Boulevard was to be about 120,000 square feet, and that their normal store size had been about 200,000 square feet. He asked if the footprint of this store would be about 120,000.

Mr. Nix said that was the proposal.

Mr. Plauche asked if this store would be similar in size to the one behind Springdale mall.

Mr. Nix said he was not familiar with that store.

Mr. Olsen said this store would be smaller than the store behind Springdale, which was about 200,000 square feet. The Schillinger Road store was closer to 240,000 square feet.

Ms. Deakle asked if it would be larger than the store at University and Cottage Hill.

Mr. Olsen said the store referred to by Ms. Deakle was a grocery store only. This proposed store would be about 136,000 square feet.

Someone else from the audience asked if there would be another meeting to talk about where they would put the building and the loading dock. She said it would be in her back yard.

Although this person had been given a chance to speak earlier and did not take it, Mr. Plauche said he would go ahead and let her speak.

Martha Smith, a resident of 517 E. Barksdale Drive, pointed out that their back yard was literally the ravine, and wanted to know how far the store would be from that line. She also wanted to find out about the lighting and if there would be another meeting to address the rezoning.

Mr. Plauche explained that this was the last meeting as far as the subdivision application was concerned. The Commission would make a recommendation on the rezoning

Planning Commission Minutes
May 17, 2007

application today, and that recommendation would be forwarded to the City Council who would make the final decision. He suggested Ms. Smith meet with the developer and engineer regarding the technicalities.

Mr. Plauche asked Mr. Olsen if he had any figures as far as the distance from the store to the rear property line.

Mr. Olsen stated that the building would be approximately 60 feet from the rear property line of the site in question. Then you would have the Florida Street right-of-way, which was between 80 and 100 feet, so the total distance from the building to the rear property line would be 140 feet. Mr. Olsen said he also wanted to point out that rezonings were not site-plan-specific, so there could be changes. It was only when it was a Planned Unit Development or Planning Approval application that it becomes site-plan-specific.

Mr. Turner noted that in addition to the distance from the store to the property line, there would also be some vegetative buffering to buffer the noise from the neighbors' back yards.

Mr. Olsen said there would be some landscaping on the site in question, and until the Florida Street Extension is constructed, that existing vegetation would remain.

Just to give the neighbors some assurance, Mr. Vallas pointed out that the City of Mobile's setback and landscaping requirements had increased drastically since the K-Mart was developed on this site many years ago.

Mr. Olsen said Mr. Vallas was correct. When the former K-Mart was developed the current Zoning Ordinance was brand new, and there were no landscape requirements at that time. Today there is a minimum landscape requirement of 12 percent of the overall site. Tree planting requirements were not made a part of the Ordinance until 1992.

Mr. Miller said he did not want to start making arbitrary decisions without first consulting the applicant. He asked Mr. Nix what sort of delivery restrictions they would feel comfortable with.

Mr. Nix said he could not speak to the operations side of Wal-Mart. He was on the engineering side and did not know the protocol on their time frames regarding deliveries.

Casey Pipes, with Helmsing-Leach, 150 Government Street, stated that as he understood it, as regards the rezoning application, most of the site was already zoned B-3. This application was really cleaning up the old hotel site and the retail sites that front along Kreitner Street, which were B-2, and the parcel at the extreme southwest corner which was a split zoning, R-1 and B-2. The balance of the parcel was B-2. With regard to concerns about noise and limiting deliveries to the site, Mr. Pipes said he was not in charge of operations here, but he did not feel comfortable about agreeing to impose a condition on the property that deliveries could not be made after a certain time at night.

Planning Commission Minutes
May 17, 2007

Mr. Miller commented that he would not lean toward approval if a condition committing deliveries to certain times could not be made a condition. He felt the Commission should be concerned about the citizenry who have investments in their homes and do not want deliveries at all hours of the night.

Mr. Vallas said he agreed with Mr. Miller, but he also pointed out that the applicant did not have to show a site plan and did not have to disclose their use for the subdivision and rezoning applications under consideration today. He said that sometimes he felt like they penalized people for showing what they planned to do, when in actuality they did not have to disclose it was a Wal-Mart, and they did not have to show a building. He felt the applicant was being a good citizen by disclosing that they planned to put a Wal-Mart here, and that they showed the location of the building, and therefore he did not think they were going to do anything behind the Commission's back later.

In deliberations session Mr. Olsen noted that the applicant had requested that the condition limiting the curb cuts to Kreitner Street be modified to allow two curb cuts. He said the staff had no issue with that.

With regard to concerns about lighting, Mr. Vallas asked what the Ordinance required.

Mr. Olsen said the Ordinance stated that the lighting shall be designed so that it does not shine into traffic or onto residential properties.

Mr. Vallas asked if they needed to require anything more than that.

Mr. Olsen noted that the applicant volunteered the zero foot-candle at the property line. He recalled an application before the Commission not long ago where there was a church on Hillcrest Road that had lighting issues, and they made some modifications to the lighting to provide zero foot-candle at the property line, and that helped the situation.

Mr. Miller asked how the Commission members felt about possibly setting reasonable limitations on delivery times.

Mr. Plauche asked the staff if the Commission had the authority to set delivery times.

Mr. Olsen said he did not recall the Commission setting delivery times on a rezoning. They had done that, however, on Planning Approval and PUDs where the Commission has a little more discretion. Mr. Olsen said this question may need to be researched and could be added at the time the application goes to the City Council if the Council deemed it appropriate.

Ms. Deakle agreed with Mr. Olsen, since at this point they were only addressing the rezoning. She felt it would be more appropriate to address the hours of delivery at the time they get the PUD and the circulation plan.

Dr. Rivizzigno said they were not going to get a PUD.

Mr. Olsen said that was correct. The applicant was not required to submit a PUD because they do not have any out-parcels or any parcels with shared access and parking. This was a self-contained development.

To address one of the points Mr. Casey made in his rebuttal when he was discussing the existing zoning of the property, Mr. Olsen pointed out on the plan the existing B-3 zoned property, and then from that point south the area that the rezoning would really impact.

Mr. Miller further commented about whether or not the Commission could, or should impose restrictions on deliveries. He suggested they could recommend that the City Council consider delivery restrictions. He felt the Commission would not be serving the community properly if they ignored this concern of the residents.

Ms. Deakle noted that the Wal-Mart at University and Cottage Hill backed up to a dense residential area, and asked if the City had received any complaints from the neighbors about times of operation, the loading times, or the lighting.

Mr. Miller asked if the store referred to by Ms. Deakle was a 24/7 operation.

There was further discussion about the same issues of noise and deliveries and how it would impact the neighbors.

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

- 1) placement of a note on the Final Plat stating that the development is limited to two curb cuts onto Government Boulevard, with the size, design and location to be approved by Traffic Engineering, and conform to AASHTO standards, and limited to two (2) curb cuts to Kreitner Street with the size, design and location to be approved by Traffic Engineering;**
- 2) the denial of access to the future Florida Street; and**
- 3) full compliance with all other municipal codes and ordinances**

The motion carried unanimously.

Case #ZON2007-01270 (Rezoning)

Christopher J. Nix, Agent

2570, 2590, & 2598 Government Boulevard

(Northeast corner of Kreitner Street and Government Boulevard Service Road).

Rezoning from R-1, Single-family Residential, B-2, Neighborhood Business District, and B-3, Community Business District, to B-3, Community Business District, to eliminate split-zoning and allow a retail store.

(For discussion see **Case #SUB2007-00096 (Subdivision) Mobile Central Subdivision** – above.)

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

- 1) completion of the Subdivision process;
- 2) the development is limited to two curb cuts onto Government Boulevard, with the size, design and location to be approved by Traffic Engineering, and ALDOT, and conform to AASHTO standards, and limited to two (2) curb cuts to Kreitner Street with the size, design and location to be approved by Traffic Engineering;
- 3) the denial of access to the future Florida Street;
- 4) the provision of screening the dumpster with a minimum 6-foot high solid wooden fence;
- 5) full compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance;
- 6) lighting to be designed so that a reading of zero (0) foot-candles is achieved along property boundaries; and
- 7) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2007-00099 (Subdivision)

Mt. Zion Subdivision, Unit One & Two

1001, 1007, 1009, & 1012 Adams Street and 263 North Pine Street

(Southwest corner of Adams Street and North Pine Street & North side of Adams Street, 120'± West of North Pine Street, extending West to Kennedy Street and North to Basil Street).

2 Lots / 1.8± Acres

(Also see **Case #ZON2007-01284 (Planning Approval) Mt. Zion Baptist Church (Ben Cummings, Agent)** – below.)

Ben Cummings, Cummings Architecture, stated that he was the architect for the Mt. Zion Church. Mr. Cummings said they were in agreement with the staff's recommendations with the exception of the conditions regarding the limitation on curb cuts to the existing three on Adams Street, and denial of access to Basil Street. Mr. Cummings said he did not want the Commission to make a decision today that would prevent the applicant from some future development. Rather than flat-out denying access to Basil Street, he requested that a condition be worded something to the effect that the design and location of future curb cuts to Basil Street be approved by the Traffic Engineer.

Mr. Plauche asked Mr. Cummings if they wanted to keep the three existing curb cuts to Adams Street.

Planning Commission Minutes
May 17, 2007

Mr. Cummings said the Church only used two of the Adams Street curb cuts. He said he had talked to the applicant and he would be willing to close up one of the curb cuts on Adams Street if they could be allowed one curb cut to Basil Street when future development occurs. They did not have any plans right now to expand the parking lot, but there may be a need for it in the future.

Mr. Turner asked if there were currently any curb cuts on Kennedy or Basil Streets.

Mr. Cummings said he did not know about Kennedy, but there were two existing small curb cuts on Basil.

Mr. Vallas asked if the staff was concerned about cut-through traffic, because it did not seem that those streets lined up well to make a cut-through issue.

Mr. Olsen said that cut-through traffic was one of the staff's concerns. Another reason they requested the condition at this point was to allow the design professional to consider that and make accommodations in the design when future expansion occurs. If the design made that impractical, they could file, along with their Planning Approval application, a Subdivision application to have the conditions removed at that time.

Mr. Cummings said he did not quite understand why they would need to submit another subdivision application in the future when they were submitting the Planning Approval and Subdivision applications today.

Mr. Olsen explained that if there was a condition on the plat that says access to Basil Street is denied, the applicant would need to submit a Subdivision application to remove that condition.

Mr. Vallas asked that if that condition was not required today, and the applicant expanded for a new facility, would they have to come back to the Commission for Planning Approval on the new building.

Mr. Olsen said they would.

Mr. Cummings said he just did not want any decision today to affect any future plans. He said they would have to submit another application in the future for rezoning, and if they could eliminate the need for a second application in the future that would be great.

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

Ted Adams, 554 Augusta Street, said he was present on behalf of his mother, who owned a duplex on Basil Street, and a relative who owned the residence east of his mother's duplex, as well as a friend who owned a residence on Kennedy Street. Mr. Adams said they just wanted to be sure there was no movement to intrude upon these properties.

Mr. Olsen pointed out the area of proposed construction at the church, and said there would be no expansion beyond that area, and there were no other additions proposed at this time.

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

- 1) **placement of a note on the final plat stating that Lot 1 of Unit One is limited to the three existing curb cuts onto Adams Street and denied access onto Kennedy and Basil Streets, and that Lot 1 of Unit Two is limited to one curb cut either onto Pine or Adams Street, with the size, design and location to be approved by Traffic Engineering;**
- 2) **revision of the plat to comply with Section V.D.6. of the Subdivision Regulations;**
- 3) **depiction of the required 25-foot minimum building setback line from all street frontages on the final plat;**
- 4) **depiction and labeling on the plat of a buffer along the 159-foot \pm wide property line behind the existing and proposed church structures in compliance with Section V.A.7 of the Subdivision Regulations;**
- 5) **revision of the plat to show each lot area in square feet rather than, or in addition to, acres; and**
- 6) **provision of a revised Planning Approval site plan to the Planning Section of Urban Development prior to the signing of the final plat.**

The motion carried unanimously.

**Case #ZON2007-01284 (Planning Approval)
Mt. Zion Baptist Church (Ben Cummings, Agent)**

1012 Adams Street

(North side of Adams Street, 120' \pm West of North Pine Street, extending West to Kennedy Street and North to Basil Street).

Planning Approval to allow expansion of an existing church in an R-2, Two-Family Residential District.

(For discussion see **Case #SUB2007-00099 (Subdivision) Mt. Zion Subdivision, Unit One & Two** – above.)

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

- 1) **completion of the Subdivision process;**
- 2) **placement of a note on the site plan stating that the site is limited to the three (3) existing curb cuts onto Adams Street;**
- 3) **revision of the site plan to show compliance with Section V.D.6. of the Subdivision Regulations;**
- 4) **depiction of the required 25-foot minimum building setback line from all**

- street frontages;
- 5) depiction and provision of a 6-foot high (minimum) wooden privacy fence or vegetative buffer that complies with Section 64-4.D.1. of the Zoning Ordinance along the 159-foot ± wide property line behind the existing and proposed church structures;
 - 6) placement of a note on the site plan stating that a new application for Planning Approval will be required for any future changes to the site plan, including the use of the grassy areas or adjacent lots for parking;
 - 7) revision of the site plan to show the correct scale of 1 inch equals 20 feet, and correction of the dimensions as necessary; and
 - 8) provision of a revised Planning Approval site plan to the Planning Section of Urban Development prior to the signing of the final plat.

The motion carried unanimously.

Case #SUB2007-00100 (Subdivision)

Toulminville Subdivision

517 and 518 Dixie Street

(Southeast corner of Dixie Street and Schwarz Street, and extending South to Clement Street & Northeast corner of Dixie Street and Clement Street, and extending North to the corner of Hathcox Street and Schwarz Street).

30 Lots / 5.7± Acres

(Also see **Case #ZON2007-01285 (Planned Unit Development) Toulminville Subdivision** – below.)

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

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

Ms. Deakle asked if she understood correctly that the proposed 40-foot lots were on the Schwarz side of the development.

Mr. Olsen said that was correct.

Ms. Deakle asked how many lanes of vehicles Schwarz Street could accommodate.

Mr. Olsen said it was a 50-foot right-of-way, so it was wide enough for two-way traffic.

Ms. Deakle said she also lived in a neighborhood that had short front feet on the street side and limited parking because the lots were so small. She was concerned because Schwarz Street was a small street with narrow lots and people would be parking up and down the street. People already parked along Schwarz Street. Ms. Deakle said she did not understand how this particular area could accommodate this large a subdivision. She said this area had been a blight on this neighborhood for a long time, and this

Planning Commission Minutes
May 17, 2007

Commission had an opportunity now to improve something that was formerly an eyesore. She wanted some assurance that that would not happen to this subdivision.

Don Williams, Williams Engineering, was present on behalf of the applicant. Mr. Williams said the applicant proposed 60-foot wide lots for all the other properties – lots 13-30 – which would have an internal type street. Hathcox, Schwarz, and Clement were all kind of longer cut-through type streets. Schwarz Street was a two-lane street with proposed 40-foot wide lots – lots 2-11. Mr. Williams pointed out that further down Schwarz Street past Hathcox Street were a great number of 40-foot wide lots. He said they did not plan any kind of a garage or car shelter amongst these houses, therefore they would provide for two parking spaces on-site, which would require an 18-foot wide driveway curb cut so you could actually park two cars side-by-side on the front area. The depth of all the lots was about 120 feet, and they were projecting to set the houses back far enough to accommodate the parking. He said they were not trying to stay within 25 feet of the property line.

Ms. Deakle interrupted, and asked if she understood Mr. Williams to say that the vehicles for each household would not be parked on the street in front of the house, but would be parked side-by-side in the driveway.

Mr. Williams said it was their intention to provide a double-wide driveway to park the cars side-by-side. The lots would have enough depth that if you wanted to scoot them up further, you could have one behind the other, so you could very possibly put four cars in a driveway.

Mr. Vallas asked if half of the front yard would be the driveway.

Mr. Williams said that was correct. These would not be attached houses. They would have side yards for every particular house.

Ms. Deakle asked how wide the lots were on Hathcox, Clement, Edwards and Dixie Streets.

Mr. Williams said they did not have anything fronting on Hathcox or Clement, and the houses on Edwards were very close to the street and were about 40 feet wide. There was a lot of on-street parking on Edwards, and they did not intend that for Schwarz Street. He said they wanted to strike a balance between wider space in the front yard for two cars, or narrower space with more grass and the potential for people parking on the street. They would like to have about 20 feet of concrete or asphalt and 20 feet of grass to allow both cars to be parked side-by-side.

Mr. Vallas asked if any consideration had been given to an alleyway behind the lots on Dixie and Schwarz Streets with parking in the rear.

Mr. Williams said an alleyway would be an unnecessary taking-up of land which they could use to scoot the houses back a little further from the street.

Mr. Turner asked if any consideration had been given to making the lots on Schwarz Street 60-foot lots.

Mr. Williams said their original proposal was for all 40-foot wide lots, however, after meeting with Councilman Richardson and Mayor Jones, they informed them that they would not be pleased with that because of the high density. They felt it would be better to have wider lots, so the applicant changed the plan making about two-thirds of the lots 60-foot wide lots. Mr. Williams said they were concerned with not over-shooting or under-shooting the economics of the neighborhood. They were trying to keep it in a range that was just right, and felt that by having a mix of 40-foot and 60-foot wide lots they would be able to have a mixture of price ranges. Also, keeping their frontage on Schwarz very much like the lots on Edwards Street would be appropriate, so that more of their internal lots would be 60 feet wide, which was the size of the rest of the lots as you continue northeast from this site.

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

In deliberations session several of the members said they had a problem with the 40-foot lots proposed on Schwarz Street.

Dr. Rivizzigno said she would have to vote against this plan as proposed, and recommended the application be held over and the applicant reconsider the 40-foot wide lot size.

Mr. Watkins said he did not like the 40-foot wide lots either, but he was concerned that if the economics of the situation were not correct, the area would stay the same.

Ms. Deakle said she was familiar with the background of this area. It was formerly a multi-family housing development that was an assisted housing property when it was built in the 1940s, and it was a lovely development for a long time. When assisted housing rules changed, a lot of factors entered in that affected the property. It became crime-ridden, and then funding was not available to make the necessary repairs to the apartments and, as she understood, this property was eventually foreclosed on by HUD and sold at auction.

Mr. Olsen said there were numerous legal issues relating to the property in question, and it had changed hands more than once. The applicant now is someone who has acquired the property and demolished the multi-family buildings that were there because they had been allowed to become in such a state of disrepair that they were unsafe, and the City actually had the previous owners in court under the Nuisance Abatement Ordinance because of the condition of those buildings.

Ms. Deakle further commented that she felt this was a pretty neighborhood which had some distinct possibilities. Most of the people in this neighborhood take good care of their lawns and there were two schools within walking distance of this area. She felt the

Planning Commission Minutes
May 17, 2007

Commission had a chance now to help this neighborhood, and had the privilege of making that decision. Ms. Deakle said she would like to see a positive change for this area because it was such a beautiful site and had so much potential, and she was also kind of personally attached to it.

Mr. Turner commented that he felt the elimination of three lots, which is what it would take to make the lots on Schwarz Street 60-foot wide lots, would not break this project.

Mr. Vallas suggested they consider approval subject to 50-foot lots on Schwarz Street. He noted that the Commission had approved 50-foot lots many times, and cited Grant Park with 48-foot lots as one such community which had been well-received. He did not think they needed to get stuck on the figure of 60 feet.

Mr. Olsen noted that the majority of the properties along Edwards and Clement Streets were in the 40- to 60-foot range, so something in the 50-foot range would be compatible with the neighborhood.

Mr. Miller commented that he would almost rather see them eliminate a few of the smaller lots and have all 60-foot lots.

There was further discussion as to whether they should approve 50- or 60-foot lots.

Mr. Olsen again pointed out that there were 40-, 50- and 60-foot lots in the neighborhood. The lots fronting Hathcox Street were 60 feet wide. Lots on Donald Street varied in width. In the area proposed for the 40-foot, possibly 50-foot change, the lots closest to it along Edwards and Clement Streets were for the most part substandard, being anywhere from 40 to 60 feet wide. He felt modifying the lots on Schwarz would be compatible with those closest to it.

Dr. Rivizzigno asked if they wanted to be compatible with substandard lots.

Mr. Miller said that was his point.

Ms. Deakle said 50 was 10 more than 40.

Mr. Olsen commented that this was going back to Smart Growth, and the higher density, traditional neighborhood development that the Commission has encouraged.

After discussion a motion was made by Mr. Vallas and seconded by Mr. Turner to waive Sections V.D.2. and V.D.9. and approve the above referenced subdivision subject to the following conditions:

- 1) revision of the plat and site plan to provide lots a minimum of 50 feet in width where proposed Lots 2-11 are depicted on the preliminary plat and site plan;**
- 2) compliance with Engineering comments (*Provide detention for any increase*)**

in impervious area in excess of 4000 square feet constructed after 1984, when the Flood Plain Management Plan was implemented. 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.)

- 3) dedication of right-of-way sufficient to provide 25 feet, as measured from the centerline of both Hathcox and Clement Streets;
- 4) completion of the right-of-way vacation process for that portion of Dixie Street that will be vacated;
- 5) construction and dedication of the new street to City Engineering standards;
- 6) placement of a note on the final plat stating that each lot is limited to one curb cut, with the size, design and location of all curb cuts to be approved by Traffic Engineering and conform with AASHTO standards;
- 7) revision of the plat to show the minimum building (side yard) setback line along Hathcox and Clement Streets as 15 feet instead of 20 feet;
- 8) revision of the plat to show the 25-foot minimum building setback lines along all other street frontages;
- 9) revision of the lot size table if necessary due to right-of-way dedications;
- 10) placement of the PUD front, side and rear yard setback and site coverage information (specifying which lots are allowed increased site coverage), as revised, on the final plat, as shown on the preliminary plat;
- 11) depiction of any storm water detention common area, if required, and the placement of a note on the final plat stating that maintenance of the common area is the responsibility of the homeowners;
- 12) provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final plat; and
- 13) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2007-01285 (Planned Unit Development)

Toulminville Subdivision

517 and 518 Dixie Street

(Southeast corner of Dixie Street and Schwarz Street, and extending South to Clement Street & Northeast corner of Dixie Street and Clement Street, and extending North to the corner of Hathcox Street and Schwarz Street).

Planned Unit Development Approval to allow reduced lot widths, reduced lot sizes, reduced side-yard setbacks, and increased site coverage.

(For discussion see **Case #SUB2007-00100 (Subdivision) - Toulminville Subdivision** – above.)

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

- 1) revision of the plat and site plan to provide lots a minimum of 50-feet in

- width where proposed Lots 2-11 are depicted on the preliminary plat and site plan;
- 2) completion of the Subdivision process;
 - 3) compliance with Engineering comments (*Provide detention for any increase in impervious area in excess of 4000 square feet constructed after 1984, when the Flood Plain Management Plan was implemented. 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.*)
 - 4) dedication of right-of-way sufficient to provide 25 feet, as measured from the centerline of both Hathcox and Clement Streets;
 - 5) completion of the right-of-way vacation process for that portion of Dixie Street that will be vacated;
 - 6) construction and dedication of the new street to City Engineering standards;
 - 7) placement of a note on the final site plan stating that each lot is limited to one curb-cut, with the size, design and location of all curb-cuts to be approved by Traffic Engineering and conform with AASHTO standards;
 - 8) revision of the site plan to show the minimum building (side yard) setback line along Hathcox and Clement Streets as 15 feet instead of 20 feet;
 - 9) revision of the site plan to show the 25-foot minimum building setback lines along all other street frontages;
 - 10) revision of the lot size table if necessary due to right-of-way dedications;
 - 11) placement of the PUD front, side and rear yard setback and site coverage information (specifying which lots are allowed increased site coverage), as revised, on the final site plan, as shown on the preliminary site plan;
 - 12) depiction of any storm water detention common area, if required, and the placement of a note on the final site plan stating that maintenance of the common area is the responsibility of the homeowners;
 - 13) provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final plat; and
 - 14) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2007-00101 (Subdivision)
Regal Investments, LLC Subdivision

(North side of Government Boulevard Service Road, 560'± West of West I-65 Service Road South, and extending Northwest to Lakeside Drive).

2 Lots / 9.3± Acres

(Also see **Case #ZON2007-01278 (Rezoning) - Regal Investments, LLC**; and **Case #ZON2007-01286 (Planned Unit Development) - Regal Investments, LLC** - below.)

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

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 Ms. Deakle to approve the above referenced subdivision subject to the following conditions:

- 1) compliance with Engineering comments (Show minimum finished floor elevation on each lot on the final plat. 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 stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.); and**
- 2) the placement of the 25-foot building setbacks on the final plat.**

The motion carried unanimously.

Case #ZON2007-01278 (Rezoning)

Regal Investments, LLC

(North side of Government Boulevard Service Road, 560'± West of West I-65 Service Road South, and extending Northwest to Lakeside Drive).

Rezoning from B-3, Community Business District, to I-1, Light Industry District, to allow an office, laboratory, and equipment storage for a geotechnical firm.

(Also see **Case #SUB2007-00101 (Subdivision) Regal Investments, LLC Subdivision** – above; and **Case #ZON2007-01286 (Planned Unit Development) Regal Investments, LLC** - below.)

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

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 Ms. Deakle to recommend the approval of this change in zoning to the City Council subject to the following conditions:

- 1) the rezoning to I-1, Light Industry, of Lot 2 only;**
- 2) compliance with Engineering comments (Show minimum finished floor elevation on each lot on the final plat. 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**

- stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.);
- 3) provision of a revised site plan to include a table indicating the quantity of landscaping required, and to illustrate the location of the required trees to be planted, prior to signing the final plat;
 - 4) the placement of the 25-foot building setbacks on the revised site plan; and
 - 5) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2007-01286 (Planned Unit Development)

Regal Investments, LLC

(North side of Government Boulevard Service Road, 560'± West of West I-65 Service Road South, and extending Northwest to Lakeside Drive).

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

(Also see **Case #SUB2007-00101 (Subdivision) Regal Investments, LLC Subdivision**; and **Case #ZON2007-01278 (Rezoning) Regal Investments, LLC** - above.)

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

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 Ms. Deakle to approve this plan subject to the following conditions:

- 1) **compliance with Engineering comments (Show minimum finished floor elevation on each lot on the final plat. 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 stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.);**
- 2) **provision of a revised site plan to include a table indicating the quantity of landscaping required, and to illustrate the location of the required trees to be planted, prior to signing the final plat;**
- 3) **the placement of the 25-foot building setbacks on the revised site plan; and**
- 4) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2007-01272 (Planning Approval)

Gates of Praise Church

2251 Webb Avenue
(West terminus of Webb Avenue and extending South to McVay Drive North).
Planning Approval to allow expansion of an existing church in an R-1, Single-Family Residential District.

(Also see **Case #ZON2007-01274 (Planned Unit Development) Gates of Praise Church** – below.)

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

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

- 1) 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 work allowed without a Corps of Engineers permit. Show limits of AE flood plain. No fill allowed in AE flood plain without compensation. Show minimum finished floor elevation on any lot touched by AE flood plain. No detention is allowed in the AE flood plain. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.);**
- 2) that the site be allowed one curb cut to North McVay Drive, as illustrated on the submitted plan;**
- 3) that access to Webb Avenue be denied;**
- 4) any lighting provided must comply with Section 64-4.A.2. of the Zoning Ordinance, and not shine directly into adjacent residential areas or into traffic;**
- 5) a protection buffer in conformance with Section 64-4.D. and 64-6.3.i. where the site abuts residential properties;**
- 6) full compliance with the landscaping and tree planting requirements of the Ordinance for the entire site;**
- 7) preservation of the 48-inch Live Oak tree; and**
- 8) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2007-01274 (Planned Unit Development)
Gates of Praise Church**

2251 Webb Avenue
(West terminus of Webb Avenue and extending South to McVay Drive North).
Planned Unit Development Approval to allow multiple buildings on a single building site.

(Also see Case #ZON2007-01272 (Planning Approval) Gates of Praise Church – above.)

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

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

- 1) **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 work allowed without a Corps of Engineers permit. Show limits of AE flood plain. No fill allowed in AE flood plain without compensation. Show minimum finished floor elevation on any lot touched by AE flood plain. No detention is allowed in the AE flood plain. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.);**
- 2) **that the site be allowed one curb cut to North McVay Drive, as illustrated on the submitted plan;**
- 3) **that access to Webb Avenue be denied;**
- 4) **any lighting provided must comply with Section 64-4.A.2. of the Zoning Ordinance, and not shine directly into adjacent residential areas or into traffic;**
- 5) **a protection buffer in conformance with Section 64-4.D. and 64-6.3.i. where the site abuts residential properties;**
- 6) **full compliance with the landscaping and tree planting requirements of the Ordinance for the entire site;**
- 7) **preservation of the 48-inch Live Oak tree; and**
- 8) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2007-01277 (Planned Unit Development)
Mobile Area Water & Sewer System (Volkert & Associates, Inc., Agent)

1557 Sans Souci Road

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

Planned Unit Development Approval to amend a previously approved planned unit development 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.

(Also see **Case #ZON2007-01279 (Planning Approval) Mobile Area Water & Sewer System (Volkert & Associates, Inc., Agent)** – below.)

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

There was no one present in opposition.

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

- 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 #ZON2007-01279 (Planning Approval)
Mobile Area Water & Sewer System (Volkert & Associates, Inc., Agent)

1557 Sans Souci Road

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

Planning Approval to amend a previously approved planning approval to allow a water or sewage pumping station and water storage in an R-1, Single-Family Residential District.

(Also see **Case #ZON2007-01277 (Planned Unit Development) Mobile Area Water & Sewer System (Volkert & Associates, Inc., Agent)** - above.)

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

There was no one present in opposition.

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

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

The motion carried unanimously.

OTHER BUSINESS:

Mr. Olsen reminded the Commission that it was time to schedule a business meeting for either June or July. The staff had some information that the Commission had requested regarding application fees, etc.

Mr. Plauche asked that the staff poll the members via e-mail and then schedule a meeting based on that.

There being no further business, the meeting was adjourned.

APPROVED: June 7, 2007

Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

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