

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF AUGUST 3, 2006 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
Victoria L. Rivizzigno, Secretary
Ann Deakle
Bill DeMouy
Nicholas Holmes
Roosevelt Turner
James Watkins III

Members Absent

Clinton Johnson
Mead Miller
John Vallas

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Bert Hoffman, Planner II
David Daughenbaugh, Urban Forestry I
Val Manuel, Secretary II

Others Present

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

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

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

HOLDOVERS:

Case #SUB2006-00088 (Subdivision)

Quinnie Place Subdivision

7212 and 7228 Bellingrath Road
(West side of Bellingrath Road, 140'± South of Will Casher Lane).
2 Lots / 0.5± Acre

There was no one present to speak in this matter.

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

- 1) revision of the minimum building setback line to 45-feet from the existing right-of-way, in conformance with Section V.D.9. of the Subdivision Regulations;

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- 2) placement of a note on the final plat stating that each lot is limited to one curb-cut each onto Bellingrath Road, with the size, design and location to be approved by the Mobile County Engineering Department; and
- 3) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2006-00121 (Subdivision)

Heaven's Way Subdivision

South side of Broughton Road, 980'± East of Hardeman Road.
25 Lots / 10.0± Acres

There was no one present to speak in this matter.

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

- 1) provision of street-stubs to the East and South;
- 2) provision of traffic calming devices along Michael's Court, to be approved by Mobile County Engineering;
- 3) provision of direct access or an easement for the retention common area located at the South end of the site;
- 4) placement of a note on the final plat stating that maintenance of the common areas, including retention areas, is the responsibility of the home owners;
- 5) placement of a note on the final plat stating that "parcel A" is limited to its existing curb-cuts onto Broughton Road; and
- 6) placement of a note on the final plat stating that a buffer, in compliance with Section V.A.7. shall be provided where the commercial properties adjoin residential property.

The motion carried unanimously.

Case #SUB2006-00117 (Subdivision)

Wade Business Park Subdivision

Northwest corner of Government Boulevard and Montlimar Creek, extending to the East side of Lakeside Drive, at the East terminus of Joy Springs Drive.
4 Lots / 9.5± Acres

There was no one present to speak in this matter.

A motion was made by Ms. Deakle and seconded by Dr. Rivizzigno to deny this request for the following reasons:

- 1) the proposed lots are not in conformance with Section V.D.1. of the Subdivision Regulations; and

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- 2) the lots, as proposed, will not meet the requirements of the Fire Code without construction of streets.

The motion carried unanimously.

Case #SUB2006-00124 (Subdivision)

I.M.S. Subdivision

4548 Halls Mill Road

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

2 Lots / 26.0± Acres

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

Dwayne Graham, attorney, was present on behalf of the applicant. Mr. Graham said they had no problems with any of the staff recommendations, but wanted to make one point of clarification. Regarding condition #5 in the staff recommendations requiring the removal of any structures crossing the property line or encroaching on the setbacks from the new line, prior to signing the final plat, Mr. Graham said he understood that “new line” meant the line that divides the former property into the two parts, which was the line marked in red. He understood that would be treated as sides line so that the setback is 8 feet.

Mr. Olsen said that was correct.

Mr. Graham further stated that they had some long-standing storage buildings that were near the property line on the North and West sides, but that was the old property line and he assumed that would not be subject to this requirement.

Mr. Olsen said this was simply referencing the new line.

Mr. Graham said that with that clarification, they had no problem with the recommendations.

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

- 1) compliance with Engineering comments (Engineering recommends dedication of drainage easement at any location public water crosses property. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. If the site is included on the NWI, it is the applicant’s responsibility to confirm or deny the existence of regulatory wetlands.);
- 2) 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 all 50” and larger trees. All

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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. The removal of all Live Oak trees 24" or larger must be coordinated with Urban Forestry.);

- 3) dedication of sufficient right-of-way to provide 35 feet from the centerline of Halls Mill Road;
- 4) the placement of a note on the final plat stating that the site is limited to two curb cuts to Halls Mill Road for each lot, and a single curb cut each to Knob Hill and Birchwood Drives, with size, location, and design of future improvements subject to Traffic Engineering approval;
- 5) the removal of any structures crossing the property line or encroaching on the setbacks from the new line, prior to signing the final plat; and
- 6) the placement of the 25-foot setback lines on the final plat, measured from the dedication.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2006-00154

Azalea Crossing Subdivision, Resubdivision of Lots 1 & 2

619 Azalea Road

(North side of Azalea Road, 1060'± West of Village Green Drive).

1 Lot 1.4± Acres

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

There was no one present in opposition.

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

- 1) placement of a note on the Final Plat stating that the site is limited to one curb-cut along Azalea Road, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) the provision of the approval of a Planned Unit Development application prior to the signing of the final plat;
- 3) compliance with the Buffer Requirements of the Ordinance; and
- 4) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2006-00161

Lot Subdivision, Resubdivision of Lot 1

Northwest corner of Spring Hill Avenue and Spring Hill Plaza Court.

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1 Lot / 0.9± Acre

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

Kurt Wilson, a resident of 320 Dalewood Drive in the Springwood Subdivision just to the West of the subject property, stated that he was also employed by Folmar and Associates, the prospective seller under the contract with the applicant. From both a business and a residential standpoint as a neighbor, Mr. Wilson voiced his support of this proposal. He said they had met some concerns with Gina Gregory and the owners of the Exxon Station, who were their neighbors, and everyone seemed content with the proposed plan and the use and the layout of the building. Regarding traffic, they felt what they had now would be greatly improved by what was being proposed.

There was no one present to speak in opposition.

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

- 1) placement of the Traffic Engineering comments as a note on the final plat, and compliance with the requirements (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Modification should be made to the design of the driveway to prevent left turns into or out of the drive with design to be approved by Traffic Engineering*);
- 2) provision of directional signage and/or pavement markings that reinforce the no left turn condition, entrances or one-way traffic, to be approved by Traffic Engineering and conform to AASHTO standards, with a note stating such on the final plat;
- 3) the placement of a note on the final plat stating that the site is limited to the above curb-cut to Spring Hill Avenue and a single curb-cut to Spring Hill Plaza Court;
- 4) revision of the Vicinity Map to show the correct location; and
- 5) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2006-00155

Mobile Christian Subdivision

5900, 5910, and 5916 Cottage Hill Road

(North side of Cottage Hill Road, 230'± West of Fremont Drive West).

1 Lot / 15.5± Acres

Frank Dagley, 717 Executive Park Drive, was present on behalf of the applicant. Mr. Dagley noted that the issue of a drainage study was mentioned in the staff report. In the applicant's last appearance before the Commission there was a request for a drainage study of the whole site. It was their understanding that it would not impact this present expansion to the stadium which was in progress, but would apply to any additional

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permits. Mr. Dagley said they were trying to get this expansion done by their first football game, which was September 8th. He asked for clarification on what they were being asked to do with respect to drainage to get this present permit.

Beverly Terry, representing City Engineering, said that it was her understanding that the drainage study would be limited to all increases in impervious area, but that it was going to be required with this expansion.

Mr. Dagley said he would like to hear the record, because that was not what they understood. If possible, they asked that the study be delayed until after this current stadium project has been completed. He said they had already obtained the permit and were ready to start construction on the stadium. If they had to delay it to do a drainage study, they were not going to have it ready for the opening of football season.

Mr. Olsen stated that the staff did not have that Planning Approval file at the meeting, and there was really no way they could have the minutes from that meeting ready at this time. He said they could retrieve the file from the Planning office and discuss it more in deliberations session.

Mr. Dagley said that regardless of what it says, if it says they have to do the study now, they would like to amend that to say it does not impact this project but they would, within a time frame of two or three months, have a drainage study completed. That would allow them to go ahead and build the stadium, and then they would do the major drainage study after the fact.

In deliberation session, after having obtained the file on the previous Planning Approval application for this site, Mr. Olsen said that the action taken by the Commission in granting that approval required the applicant to provide a Master Drainage Plan addressing improvements since 1983. A deadline for submitting the plan was not given.

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 the site is limited to the existing (three) curb cuts along Cottage Hill Road;
- 2) the provision of a 10-foot vegetative buffer along the East property line (near the project area of the football stadium expansion) to be included with the minimum buffer requirements of the Zoning Ordinance;
- 3) full compliance with all other municipal codes and ordinances; and
- 4) provision of a Master Drainage Plan to Engineering within 90 days (November 1, 2006), addressing improvements to the site since 1983.

The motion carried unanimously.

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Case #SUB2006-00150

Cowart Road Property Subdivision, Resubdivision of Lot 2

West side of Cowart Road, 120'± South of its North terminus.

2 Lots / 30.0± Acres

Mr. Plauche announced that this application would be held over until the meeting of September 7th, but if anyone had come down today to speak, they could do so now.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Turner to holdover this application until the September 7, 2006, meeting, to allow the applicant time to submit revised plans including all properties owned by Mac-Land, showing access to a public street for all properties.

The motion carried unanimously.

Case #SUB2006-00151

Cri-Den Estates Subdivision, Second Resubdivision, Block F, Resubdivision of Lots 3 & 13

South side of Baptiste Drive North, 250'± West of Pierre Road, extending to the North side of Clearview Drive, 250'± West of Pierre Road.

2 Lots / 1.0± 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. Turner and seconded by Mr. DeMouy to approve the above referenced subdivision subject to the following condition:

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

The motion carried unanimously.

Case #SUB2006-00159

Jeff Hamilton Storage Subdivision

9600 Jeff Hamilton Road

(Northwest corner of Jeff Hamilton Road and Walston Road [private street]).

2 Lots / 9.9± Acres

Mr. Plauche announced that this application would be held over to the meeting of August 17, but if anyone had come down today to speak, they could do so now.

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A motion was made by Mr. Plauche and seconded by Mr. DeMouy to holdover the above referenced subdivision until the August 17, 2006 meeting, at the applicant's request.

The motion carried unanimously.

Case #SUB2006-00152

Magnolia Acres Subdivision, Unit 1, Resubdivision of Lot 15

6751 Ryan Road

(East side of Ryan Road, 425'± North of the East terminus of Smith Road).

2 Lots / 2.0± Acres

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

Willie Roberts stated that there was currently a trailer on this site, and he wanted to make sure they were getting ready to build a house. Mr. Roberts said that when he bought his property, he was told that the fence was the property line. Five or six years later they came in and moved the fence 20 feet, saying that he was 20 feet on their property. He wanted to make sure that the property line was right and that they did not build too close to the line.

Mr. Plauche asked Mr. Roberts if he had read the recommendations for this application.

Mr. Willie said he had not.

Mr. Plauche asked if the staff had anything to say regarding the setback.

Mr. Olsen noted that the site was located in the County, so there would be no setback required other than the setback from the front property line. As far as the location of the property lines being correct, Mr. Olsen said that was something the surveyor would have to insure when he replaced the pins for the subdivision.

Mr. Roberts was asked if he had his property surveyed.

Mr. Roberts said he had, but when it was surveyed by the neighbor, there was a whole lot of iron back there. They pulled up the irons that were there and did their survey. Mr. Roberts said that when he had his property surveyed, it based on the neighbor's survey. He could not understand why they waited 20 years to come in and say that he was 20 feet on their property.

It was suggested that Mr. Roberts talk to his surveyor to make sure that he did his work properly.

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

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- 1) placement of a note on the Final Plat stating that the site is limited to one curb cut for each lot, with the size, design and location of all curb-cuts to be approved by the Mobile County Engineering Department; and
- 2) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2006-00162

Pinehurst Delany's Addition to Springhill Subdivision, Block 72, Resubdivision of Lots 1, 2, 3, & 4

1000 and 1004 Wildwood Avenue

(Southwest corner of Wildwood Avenue and Chandler Street).

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 Ms. Deakle and seconded by Dr. Rivizzigno to approve the above referenced subdivision subject to the following conditions:

- 1) revision of the plat to remove the jog in the property line dividing proposed Lots 1 and 2;
- 2) depiction of the minimum building setback line, to be located so as to provide a minimum right-of-way width of 30-feet, as measured from the centerline of Wildwood Avenue, plus the required 25-feet from the adjusted right-of-way edge (thus 35-feet); and
- 3) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2006-00153

Rhoden Estates Subdivision

North side of Garrow Avenue, 100'± East of Erdman Avenue, extending to the East side of Erdman Avenue, 110'± North of Garrow Avenue, and extending to the South side of the Illinois Central Railroad right-of-way, 220'± East of the North terminus of Erdman Avenue (unopened right-of-way).

2 Lots / 2.8± Acres

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

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There was no one present in opposition

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

- 1) the placement of a note on the final plat stating that the site is limited to a single curb cut for each lot, with size, location, and design subject to Traffic Engineering approval; and
- 2) the placement of a note on the final plat stating that Lot 1 is denied direct access to Erdman Avenue.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2006-01454

Fulton Road Baptist Church

1800 Dauphin Island Parkway

(West side of Dauphin Island Parkway, extending from Magnolia Lane to Nicholas Lane).

A request to waive construction of sidewalks along all street frontages.

Mr. Plauche announced that this application would be held over until the meeting of September 7th, but if anyone had come down today to speak they could do so now.

Ron LaGrange was present in this matter on behalf of the Fulton Road Baptist Church. Mr. LaGrange noted that the reasons stated for recommending this be held over were that cross-sections for the rights-of-way were not provided for the waiver, and no photographs of the proposed sidewalk waiver area were submitted. Mr. LaGrange stated that he submitted the requested material before the deadline. He said he worked with Frank Palombo to get everything in because they were trying to get a temporary certificate of occupancy.

Mr. Plauche asked Mr. LaGrange if the cross-section was also submitted.

Mr. LaGrange said yes, the cross-section was submitted.

Ms. Terry stated that there was a cross-section submitted, however, it did not show any of the impairments to being able to construct the sidewalks. The tree was not shown, and there was only one shown on Dauphin Island Parkway. There was not one provided for Nicholas Lane or Magnolia Lane, and the one that was provided on Dauphin Island Parkway did not show the trees or the roots - the drip line. It did not show any cross-sectional problem with installing the sidewalk.

Mr. LaGrange asked Ms. Terry if she received the pictures.

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Ms. Terry said she did not.

Mr. LaGrange said an extensive number of pictures were submitted in an envelope, in addition to the cross-section.

Mr. Olsen said he could not say what happen to the pictures. They were not in the file for this application.

Mr. Watkins asked Mr. LaGrange if he confirmed submitting the pictures with Mr. Palombo.

Mr. LaGrange said he confirmed it just a minute ago with Mr. Palombo. He was well aware of what he submitted.

At this point Mr. Olsen suggested that instead of September 7th, that the application be held over until the next meeting, and allow the staff to try to locate the pictures that may have been submitted, and to allow the applicant to address the other cross-sections that City Engineering needs to do their review.

Mr. Watkins asked if the cross-sections Mr. LaGrange submitted were for Dauphin Island Parkway, Nicholas and Magnolia Lane.

Mr. LaGrange said he submitted a cross-section for Dauphin Island Parkway. He was not aware that they had to submit cross-sections on the side streets.

Mr. Watkins asked if he was seeking a waiver on just Dauphin Island Parkway.

Mr. LaGrange said no, they wanted a complete sidewalk waiver. He said the instructions to him did not say to provide cross-sectional areas on Nicholas Lane and Magnolia Lane.

Mr. Olsen quoted from the application, Item #2, "typical cross-section from property line to centerline of road". He said it does not specify one cross-section for each street frontage that the applicant was requesting the waiver for, but that would be assumed.

Mr. LaGrange said he did not make that assumption.

Ben Brooks, City Councilman for this district, stated that the church had a temporary certificate of occupancy, and they were trying to get the permanent certificate of occupancy. That was the reason for the bit of urgency. He asked if the church could continue to use the Christian Life Center until the next meeting, or were they okay to go right now.

Mr. Olsen said they could arrange for the temporary certificate of occupancy to be continued until after the next meeting, providing that they get the cross-sections that Ms.

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Terry requires. The staff would do its best to locate any photographs that may have been submitted.

Mr. Brooks said if they could get that extended to whenever the next meeting would be, that would be fine.

Mr. LaGrange said it would be helpful if they could get specific instruction on what the City was asking for.

Ms. Terry explained that if the applicant was claiming a specific problem for not being able to install the city standard sidewalk, the cross-section needed to indicate what that problem was. If they were claiming that a tree was in the way, they needed to show on the cross-section where the tree was. If they were claiming slope problems, that needed to be shown on the cross-section. If they were claiming lack of right-of-way, which was probably the case on Nicholas Lane, that needed to be shown. Whatever the problem was it needed to be shown on the cross-section to be provided by the applicant.

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

- 1) the required documents showing why the sidewalk cannot be constructed to City of Mobile standards were not provided. Specifically, cross-sections for each ROW where a waiver is being requested should be provided showing any impediments to constructing the sidewalk to COM standards.

The motion carried unanimously.

Case #ZON2006-01475

Barry Lowe

West side of West I-65 Service Road South, 270'± North of Government Boulevard.

A request to waive construction of a sidewalk along West I-65 Service Road South was considered.

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 this request for waiver of the sidewalk requirements of the lease parcel along West I-65 Service Road South.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2006-00157 (Subdivision)

Chrysler-Jeep Subdivision

3016 Government Boulevard

(North side of Government Boulevard, 150'± East of the North terminus of McVay Drive North).

1 Lot / 6.7± Acres

The site plan illustrates the existing buildings, parking, and proposed building.

(Also see Case #ZON2006-01470 – Chrysler-Jeep Subdivision [Planned Unit Development] – 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 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 final plat and site plan stating that the site is limited to the existing curb-cuts;
- 2) approval of all applicable federal, state and local agencies prior to the issuance of any permits or land disturbance activities due to possible floodplain issues;
- 3) placement of a note on the final plat and site plan stating that no buildings or other permanent structures may be built within the drainage easement;
- 4) placement of a note on the final plat and site plan stating that the existing wooded area on the Northwest portion of the site must be maintained as a residential adjacency buffer;
- 5) depiction of the minimum building setback line on the site plan and final plat;
- 6) compliance with the tree and landscaping requirements of the Zoning Ordinance for the area around the new building, to be coordinated with Urban Forestry, and full 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). Full compliance with frontage tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.*);
- 7) full compliance with Engineering comments (*Delineation of flood zones must be shown on the final plat. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands.*);

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- 8) provision of one (1) revised PUD site plan with the added notes when the seven (7) probated copies of the final subdivision plat are provided to Urban Development; and
- 9) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2006-01470 (Planned Unit Development)

Chrysler-Jeep Subdivision

3016 Government Boulevard

(North side of Government Boulevard, 150' ± East of the North terminus of McVay Drive North).

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

The site plan illustrates the existing buildings, parking, and proposed building.

(For discussion see Case #SUB2006-00157 – Chrysler-Jeep Subdivision – 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 Dr. Rivizzigno and seconded by Ms. Deakle to approve this plan subject to the following conditions:

- 1) placement of a note on the final plat and site plan stating that the site is limited to the existing curb-cuts;
- 2) approval of all applicable federal, state and local agencies prior to the issuance of any permits or land disturbance activities due to possible floodplain issues;
- 3) placement of a note on the final plat and site plan stating that no buildings or other permanent structures may be built within the drainage easement;
- 4) placement of a note on the final plat and site plan stating that the existing wooded area on the Northwest portion of the site must be maintained as a residential adjacency buffer;
- 5) depiction of the minimum building setback line on the site plan and final plat;
- 6) compliance with the tree and landscaping requirements of the Zoning Ordinance for the area around the new building, to be coordinated with Urban Forestry, and full 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). Full compliance with frontage tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.*);
- 7) full compliance with Engineering comments (*Delineation of flood zones must be shown on the final plat. Must comply with all stormwater and flood control*

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ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands.);

- 8) provision of one (1) revised PUD site plan with the added notes when the seven (7) probated copies of the final subdivision plat are provided to Urban Development; and
- 9) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2006-00158 (Subdivision)
Palisades Apartments Subdivision**

East side of Foreman Road at the East terminus of Reichleiu Drive.
1 Lot / 7.0± Acres

The site plan illustrates existing lot and fence with proposed buildings and parking.

(Also see Case #ZON2006-01472 – Palisades Apartments Subdivision [Planned Unit Development] – Below).

Don Williams, representing the applicant, was present and concurred with the staff recommendations.

Mr. Plauche pointed out to the members that there were letters concerning this application in front of them.

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

Donna Buckley, a resident of Huntleigh Woods, which has an entrance on Foreman Road, stated she was also speaking on behalf of her 83-year old mother who was disabled and could not be present at the meeting. Her mother lived at 6855 Reichleiu Drive. Ms. Buckley said she was opposed to this application because of increased traffic in the area. There was already excessive traffic on Foreman Road because of the homes, businesses, and other apartment complexes located there, and additional apartments would make it worse. Huntleigh Woods was also used as a cut-through for many people to avoid the traffic light at Foreman Road and Airport Boulevard. She complained about the speed and noise of the traffic day and night. Ms. Buckley also noted that the crime rate had gone up in the neighborhood and was concerned that more apartments would only bring in more crime. Runoff was also a concern. She noted that there was a ditch between the proposed site and the Huntleigh Woods Subdivision, and was concerned that children could get in that ditch unless there was a high fence there. Ms. Buckley submitted pictures of the area to the Commission.

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It was noted that concerns about the ditch were mentioned in most of the letters received by the Commission.

Ms. Deakle asked Ms. Buckley if she understood that this piece of property was zoned for multi-family, and had been for a number of years.

Ms. Buckley said she was aware of that.

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

Mr. Williams stated that the applicant was also present. He pointed out that this property had been zoned R-3 for a number of years. It was in the midst of an R-3 zoning area. It was surrounded on two sides by existing apartments. They felt the proposed apartments, pictures of which he submitted, would be in keeping with the other apartments in the area. It would be a two-story, nicely done apartment complex that would not be degrading to the neighborhood in any way. Mr. Williams noted that a common theme in the letters submitted was about an 8-12' high wood privacy fence. They proposed a 6' wooden privacy fence, as recommended by the staff, along the ditch to buffer it from the Huntleigh Woods neighbors, and to keep children from getting into the ditch. He noted that there were a lot of trees and greenery on both sides of the ditch, and since they did not have the right to get into the right-of-way, a lot of that would remain. Mr. Williams contended a 6' high fence would be more easily maintained than an 8-12' fence, and would be a lot less impacted by the winds. As noted in the staff report, Mr. Williams said they had an excessive amount of green space, with about 50 percent of the site being left in greenery. They were also way under what they could do as far as density, and were way over in what they could do in regards to parking. He said they were not packing folks in there, and that was certainly not the intention. Regarding traffic, Mr. Williams pointed out that the site was close to the University of South Alabama, Providence Hospital, and a lot of other attractions in that area. With the city expanding to the West, traffic was going to increase. They felt this was a good area for affordable apartment housing, and their plan was reasonable and complied with all the regulations. Mr. Williams asked that the Commission approve this plan as recommended by the staff.

Mr. Deakle noted that the staff recommended that a privacy fence installed along the North and South sides of the property. She asked what was on the east side of the property.

Mr. Williams said there was another R-3 apartment development on the east side. The staff made note that there was a drainage ditch on the North and South lines, and their main concern was the safety aspect and the buffering aspect for the drainage ditches. Because there was no drainage ditch on the east, the staff did not feel like a fence would be necessary. Mr. Williams said he had talked with the owner, however, and he had no problem with providing a wood privacy fence along the east side if the Commission so desired.

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Ms. Deakle asked if, aesthetically, this new development would flow with the existing development.

Mr. Williams showed her pictures of the proposed townhouses. He said most of the existing apartments were two-story, and they felt the scale of the proposed buildings would be appropriate with all the other complexes in the area.

Dr. Rivizzigno asked if there would be any demarcation between the two apartment complexes.

Lynn Greer, applicant, said they would put a wood privacy fence along the back of the site. He said usually if they put something along the street it would be something like a wrought iron fence, but they would definitely meet the requirements for a 6-foot wooden privacy fence along the back and the two sides.

Mr. Williams added that they would be glad to put a fence on the east side also.

After discussion a motion was made by Ms. Deakle and seconded by Mr. Holmes to approve the above referenced subdivision.

The motion carried unanimously.

**Case #ZON2006-01472 (Planned Unit Development)
Palisades Apartments Subdivision**

East side of Foreman Road at the East terminus of Reichleiu Drive.

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

The site plan illustrates existing lot and fence with proposed buildings and parking.

(Also see Case #SUB2006-00158 – Palisades Apartments Subdivision – Above, for discussion.)

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

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

- 1) full compliance with the heritage and understory tree requirements of the Zoning Ordinance, as it relates to the front and periphery of the lot;
- 2) that the site retain a minimum of 25% landscaping, with retention of existing vegetation where practicable;
- 3) the provision of a privacy fence in compliance with Section IV.D.1, along the North, South and East property lines;

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- 4) that all dwelling units are fitted with an automatic sprinkler system installed in accordance with Section 903.3.11 or 903.3.1.2 of the International Fire Code, per Fire Department comments; and
- 5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

OTHER BUSINESS:

2006-2007 Deadline and Meeting Schedule

The proposed 2006-2007 Deadline and Meeting Schedule was presented to the Commission for their consideration.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Turner to approve the deadline and meeting schedule as submitted.

The motion carried unanimously.

There being no further business, the meeting was adjourned.

APPROVED: November 2, 2006

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

vm/ms