

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF OCTOBER 18, 2007 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
James Watkins, III
Steve Davitt
William DeMouy
Nicholas Holmes, III
Mead Miller
John Vallas

Members Absent

Victoria L. Rivizzigno, Secretary
Roosevelt Turner

Urban Development Staff Present

Richard L. Olsen
Deputy Director of Planning
Burt Hoffman, Planner II
David Daughenbaugh, Urban Forestry
Coordinator
Tiffany Green, Secretary I

Others Present

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

Mr. Plauche stated the number of members present constituted a quorum and called the meeting to order. He advised all those in attendance of the policies and procedures regarding Planning Commission meetings.

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 #SUB2007-00219 (Subdivision)

Hopkinton Estates Subdivision

West terminus of Redstone Drive South, extending to the East terminus of Roberts Lane East.

523 Lots / 226.0± Acres

Mr. Pete Ferrari, managing partner of Ferrari Capital Partners, 68 South Bancroft St. Fairhope, AL, spoke on behalf of himself and his partners requesting approval of the above proposed subdivision. He listed the assets, amenities, and positive impact his firm felt the proposed subdivision would have on the community and Mobile area as a whole.

Mr. Watkins asked if this would be a phased development to which the applicant answered yes.

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The Chair asked if there were any others who wished to speak on behalf of the proposal. Hearing none, the Chair asked for any opposition response.

David R. Baker, 9200 Roberts Lane East, spoke. He asked that all in attendance who were opposed to the proposed subdivision to please stand. At this, a large number of people in the audience stood. He added that these were in addition to petitions brought to the September 20, 2007, meeting, as well as petitions brought to that meeting. He brought up the following issues:

1. the area included wetland issues that would need to be addressed;
2. the roads are inferior and poorly planned;
3. the plan is being rushed; and,
4. they would like to see a formal presentation of the covenants discussed in passing by the developers.

Mr. Vallas advised with regards to the covenants, that those were outside the purview of the Commission.

Judy Hale, an area resident, spoke next for the opposition, making the following points:

1. major traffic increases on minor roads and no plans evident to alleviate those issues;
2. flooding on the roads involved; and,
3. increase in numbers at the area schools with no plan evident to increase the sizes of the schools.

Bonnie Hiller, an area resident, spoke for the opposition, addressing the same facts as Ms. Hale, with added emphasis on the issues surrounding the schools.

Bethany Kraft, administrator for Mobile County Commission president Steve Nodine, read the following brief statement on the Commissioner's behalf:

To the members of the Mobile Planning Commission, over the past several weeks, I have spoken to and met with many citizens and heard their concerns pertaining to Hopkinton Estates. The developer has met with the Mobile County Engineering Department and we will continue to pursue ways to improve the traffic flow with the possibility of a County-developer split on cost of a new access road to the development. I also have concerns pertaining to potential run off and sedimentation from the proposed site and ask the Planning Commission and ADEM to enforce all the regulations necessary to protect Mobile's water supply. I also encourage the Planning Commission to expand their notification process in the planning jurisdiction so that more than just adjacent home owners are notified of a proposed development. In such a

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rural area, I believe there is a need to expand the notification area to allow input from all citizens that will be impacted by the development. I would like to commend the citizens and the "Save Semmes" group for bringing their concerns to the Planning Commission and hope that the Board addresses their serious concerns. Sincerely, Steven Nodine, president, Mobile County Commission

The Chair thanked Ms. Kraft and asked for the last speaker in opposition to the proposed subdivision.

Wesley Pipes, spoke, representing Doug Ferguson, an adjacent land owner. Mr. Pipes stated his belief that Mr. Ferguson was one of the largest single landowners adjacent to the proposed development. He, too, expressed the same concerns of the previous speakers, adding that the development was not within the general character of those in the Semmes area.

Mr. Miller thanked the speakers for coming out on a rainy day to express their concerns regarding their neighborhood. He then asked if there was any information regarding the roads the neighbors had questioned.

Mr. Olsen stated that both of Redstone and Roberts were shown on the major street plan but no date had been established as to when improvements would be made.

Mr. Lawler advised the commissioners regarding "Copperfield Apartments vs. the City of Montgomery." He reminded them that the case had similar aspects to the issue before them to day with regards to traffic. In this case, the City and the developer had two competing traffic studies, with the city's Planning Commission siding with the City's traffic study which indicated a negative impact with regards to traffic and denied the proposed development. Mr. Lawler stated that traffic had proven to be grounds to deny a development and in as much the Commission could require the developer to present the results of an independent traffic impact study before ruling on the matter.

Mr. Miller asked Mr. Olsen for clarification as to why, other than "zero lot lines" this proposed subdivision was classified as "innovative."

Mr. Olsen explained that it was considered under the innovative section of the subdivision regulations because the reduction in lot size is off set by the provision of common area for the enjoyment and use of the residents within the subdivision. He added there will also be amenities within the subdivision, as part of those common areas, for the use of residents.

Mr. Vallas noted that as part of their "innovative subdivision" plan, the developers had stated they would be putting in such things as a pool and a club house. He also noted that their proposal included the standard warranties of "need not be built." He asked what

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could the Commission do to insure that these requirements be built so the subdivision fully qualified as an “innovative subdivision.”

Mr. Olsen advised that there are no requirements that such things as a pool or club house be built, just that the developers provide common area to compensate for the reduction in lot size.

Mr. Watkins asked for the size of the smallest proposed lot.

Mr. Olsen advised the smallest lot is 45 feet wide and has between 6200 and 6300 square feet. He also stated that 7200 square feet is the normal minimum square footage.

Chris Arledge of the Atchison Law Firm, spoke saying the firm represents Ferrari Capital Partners in this venture and stated they appreciate the Commission considering their request for tentative approval. He added that this project had many hurdles to overcome before getting final plat approval. He listed compliance with fire code as far as having access to that which has been adopted by Mobile, compliance with Mobile storm water and drainage ordinances, and water and sewer access to the development by MAWSS, as issues that needed resolution prior to the submission of a final plat. He also pointed out that the developers were working to negotiate a third access point on the north at Wolf Road. All of these statements were in support of their ongoing efforts to resolve the issues brought forward by concerned citizens in the area. He added that though there were still those in opposition to change, but that change was inevitable, as the Mobile area was growing and listed such additions as the new steel plant. He stated that his clients recognized the need for good, quality, affordable developments in this area, and this was their effort to provide such.

In deliberation Mr. Miller and Mr. Holmes expressed real concern regarding the statements made by the area citizens as to road and traffic conditions. Both gentlemen felt strongly that a traffic impact study needed to be done and those results submitted to the Commission for them to have an adequate sense of what might take place in that area and thereby vote on the matter.

Mr. Vallas agreed that a traffic study of some kind needed to be done, however, without the actual addition of new traffic to the area, he doubted the traffic study would adequately show the true impact on the area. That being the case, he felt it would be appropriate to grant approval to the initial phases of the subdivision.

At this, Mr. Holmes noted that the proposed subdivision had been submitted in its entirety for approval, even though the developers had stated openly that they would be doing its build out in phases. This being the case, if the Commission approved what was currently before it, the proposed development would be an approval “in toto.” He added that he would have preferred, if the developers intended from the beginning to build out in phases, that they submit the proposal in phases, showing the areas to be built out at a later date as “future development.”

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Mr. Lawler stated he felt that Mr. Holmes had the correct idea, as the Commission did not know what the impact of Phase I would be on these streets, and, in fact, the Commission knew very little about these streets, their traffic or conditions, at present. He added that due to this, it was not unreasonable for the Commission to want full information before making a decision.

Mr. Holmes then asked if the developer would be interested in having the independent traffic impact study done and if so how long he anticipated it would take to get those results back.

Mr. Ferrari asked for some clarification regarding the wishes of the Commission. He asked that if they ordered a traffic study, would it not analyze current traffic flow? This being said, he stated that in meeting with the Mobile County engineers that previously, those engineers had taken the current data, applied it to the traffic formula and had advised the developer that the two paved entrances would be sufficient. It was based on this information that they were now in front of the Commission asking for tentative approval of this subdivision.

Mr. Miller moved to hold the matter over until the November 15, 2007, meeting in order to have an appropriate traffic impact study done.

Mr. Holmes and Mr. Vallas felt that information from the Mobile County engineers verifying the information given as coming from that office would also serve as adequate traffic impact data. They agreed that a letter stating such would suffice.

Mr. DeMouy had questions concerning what would be included in the traffic study information provided by the county; would it include such information as layout of roads, condition of said roads; would it be something that went beyond just the general formula provided by the engineers?

Mr. Olsen replied that generally, in a traffic impact study, they look at the existing road conditions as well as the existing traffic.

Both Ms. Butler and Mr. Watkins asked for reassurances that the traffic impact study would look at engineering, grading, conditions, surfacing, and that it would, in fact, look at all of this in the future as well.

Mr. Olsen advised that in a true traffic impact study, it should be based upon the impact that the development is going to have and take into consideration other growth in the area and the impact that that growth will have and how the two would merge. He also added that this would be done by an independent consultant and that it would be difficult to have this done in a 30 day period.

Mr. Vallas stated that he envisioned a hold over in this matter so that the developers could come back with a plan that shows the build out being done in phases, including a time line listing which phase would be completed and when, as well as a letter from the

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County's engineers regarding the traffic, the Commission could approve half of the proposed number of homes to be built with approval of Phases 3 and 4 contingent on receiving a letter from the County with regards to traffic impact on the area.

Hearing no further opposition or discussion, a motion was made by Mr. Miller, with second Mr. Vallas, to hold over the above referenced subdivision *until November 15 to allow the applicant to provide documentation from Mobile County regarding adequacy of access from existing streets, a phasing plan for the proposed development and consideration of a Traffic impact Study for the entire development.*

The motion carried unanimously.

Case #ZON2007-02120 (Planned Unit Development)

Bob Rogers

Southeast corner of Congress Street and North Washington Avenue.

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

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Miller, with second by Mr. Watkins, to approve the above referenced Planned Unit Development subject to the following conditions:

- 1. subject to the Engineering Comments (All stormwater should tie subsurface to the City of Mobile storm drainage system. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. 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. subject to the Traffic Engineering Comments (Driveway number, sizes, location and design to be approved by Traffic Engineering and conform to AASHTO standards);**
- 3. full compliance with the landscaping and tree planting requirements; and,**
- 4. full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2007-02219 (Rezoning)

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Christopher C. Knowles III

650 Palm Street

(Northeast corner of Palm Street and Cotton Street)

Rezoning from R-1, Single-Family Residential, to B-3, Community Business, to allow a cabinet shop.

Bobby McBryde spoke on behalf of the applicant requesting that the matter be held over.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the November 15, 2007, meeting.

The motion carried unanimously.

Case #SUB2007-00227 (Subdivision)

UNO Subdivision

East side of Sollie Road, 800'± South of Shadow Creek Drive

1 Lot / 34.4± Acres

(Also see **Case #ZON2007-02209 (Planned Unit Development) UNO Subdivision**, and, **Case #ZON2007-02210 (Rezoning) Crossroads, LLC**, below)

The Chair stated the applicant was agreeable with the recommendations, including the hold over until November 15, 2007, and asked if anyone wished to speak on the matter to do so at that time.

Roy Mosley, 7017 Charleston Oaks Drive North, said he was there in opposition to the PUD and the rezoning but would hold his comments until the November 15, 2007, meeting.

Hearing no other opposition or further discussion, a motion was made by Mr. Holmes, with second by Mr. DeMouy, to approve the above referenced subdivision subject to the following conditions:

- 1. depiction of the 25-foot minimum building setback line;**
- 2. the completed traffic impact study approved by Traffic Engineering;**
- 3. the illustration of the buffering along the sides and rear of the development;**
- 4. completion of the rezoning process prior to recording of the Final Plat; and,**
- 5. the placement of a note on the Final Plat, limiting the development to two curb cuts, with the size, design and location to be approved by Traffic Engineering.**

The motion carried unanimously.

Case #ZON2007-02209 (Planned Unit Development)

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UNO Subdivision

East side of Sollie Road, 800'± South of Shadow Creek Drive.

Planned Unit Development Approval to allow twenty buildings on a single building site for a residential apartment complex.

(Also see **Case #SUB2007-00227 (Subdivision) UNO Subdivision**, above, and **Case #ZON2007-02210 (Rezoning) Crossroads, LLC**, below.)

(See **Case #SUB2007-00227 (Subdivision) UNO Subdivision** for discussion)

Hearing no other opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the November 15, 2007, meeting to allow the staff time to review the traffic study:

- 1. limited to the revised site plan, including the relocation of the trash compactor to a more central location and/or further away from the adjacent single-family residential development and any changes to the site plan will require new PUD applications to amend the existing PUD;**
- 2. completion of the Traffic Impact Study, and acceptance of the study by Traffic Engineering; and,**
- 3. full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2007-02210 (Rezoning)

Crossroads, LLC

East side of Sollie Road, 800'± South of Shadow Creek Drive.

Rezoning from B-2, Neighborhood Business, and R-3, Multi-Family Residential, to R-3, Multi-Family Residential, to eliminate split zoning in a one-lot subdivision to allow a 384-unit residential apartment complex.

(Also see **Case #SUB2007-00227 (Subdivision) UNO Subdivision**, and **Case #ZON2007-02209 (Planned Unit Development) UNO Subdivision**, above.)

(See **Case #SUB2007-00227 (Subdivision) UNO Subdivision** for discussion.)

Hearing no other opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the November 15, 2007, meeting to allow the staff time to review the traffic study:

- 1. completion of the Traffic Impact Study, and acceptance of the study by Traffic Engineering; and,**
- 2. full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2007-00235 (Subdivision)

Shiloh Missionary Baptist Church

2756 Old Shell Road

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(Northwest corner of Old Shell Road and Bay Shore Avenue)

1 Lot / 2.7± Acres

(Also see Case #ZON2007-02227 (Planned Unit Development) Shiloh Missionary Baptist Church, and, Case #ZON2007-02228 (Planning Approval) Shiloh Missionary Baptist Church, below)

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Miller, with second by Mr. DeMouy, to approve the above referenced subdivision subject to the following conditions:

1. **dedication of sufficient radii at the intersections Bay Shore Avenue with Old Shell Road and Le Cren Street, to be coordinated with Engineering and Traffic Engineering, but at a minimum to comply with Section V.D.6 of the Subdivision Regulations;**
2. **placement of a note on the final plat stating that the subdivision is limited to a maximum of one curb cut to Old Shell Road, one curb cut to Le Cren, and three curb cuts to Bay Shore Avenue, exact size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
3. **placement of a note on the final plat stating that the 60” live oak is given preservation status (All work under the canopy 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); and,**
4. **labeling of the lot with size in acres or square feet, or the provision of a table containing that information.**

The motion carried unanimously.

Case #ZON2007-02227 (Planned Unit Development)
Shiloh Missionary Baptist Church

2756 Old Shell Road

(Northwest corner of Old Shell Road and Bay Shore Avenue)

Planned Unit Development Approval to allow three buildings on a single building site for a church.

(Also see Case #SUB2007-00235 (Subdivision) Shiloh Missionary Baptist Church, above, and, Case #ZON2007-02228 (Planning Approval) Shiloh Missionary Baptist Church, below)

(See Case #SUB2007-00235 (Subdivision) Shiloh Missionary Baptist Church for discussion)

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Hearing no opposition or discussion, a motion was made by Mr. Miller, with second by Mr. DeMouy, to approve the above referenced Planned Unit Development subject to the following conditions:

1. completion of the subdivision process prior to the issuance of any permits;
2. provision of screening of parking as required by Section 64.5.A.3.i of the Zoning Ordinance;
3. lighting of parking facilities shall be provided in compliance with Section 64-6.A.3.c of the Zoning Ordinance;
4. approval by the Board of Zoning Adjustment of the parking variance to allow a reduction in the number of parking spaces;
5. the 60" live oak is given preservation status (All work under the canopy 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);
6. provision of sidewalks along all three street frontages as illustrated on the site plan submitted;
7. illustration as to how the existing driveways (one of which is continuous from Bay Shore Avenue to the existing sanctuary) are to be closed, and provisions made to ensure that access and parking will be only via the driveways;
8. illustration of any necessary dumpster or trash receptacle, with minor revisions to parking and circulation layout to be approved by Planning staff, if necessary;
9. full compliance with landscaping and tree planting requirements;
10. full compliance with all municipal codes and ordinances; and,
11. submission of a revised site plan reflecting the conditions prior to the issuance of any permits.

The motion carried unanimously.

Case #ZON2007-02228 (Planning Approval)

Shiloh Missionary Baptist Church

2756 Old Shell Road

(Northwest corner of Old Shell Road and Bay Shore Avenue)

Planning Approval to allow the expansion of an existing church in an R-1, Single-Family Residential District to include a new sanctuary, educational building, and parking lot expansion.

(Also see **Case #SUB2007-00235 (Subdivision) Shiloh Missionary Baptist Church**, and, **Case #ZON2007-02227 (Planned Unit Development) Shiloh Missionary Baptist Church**, above)

(See **Case #SUB2007-00235 (Subdivision) Shiloh Missionary Baptist Church** for discussion)

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Hearing no opposition or discussion, a motion was made by Mr. Miller, with second by Mr. DeMouy, to approve the above referenced Planning Approval subject to the following conditions:

1. **completion of the subdivision process prior to the issuance of any permits;**
2. **provision of screening of parking as required by Section 64.5.A.3.i of the Zoning Ordinance;**
3. **lighting of parking facilities shall be provided in compliance with Section 64-6.A.3.c of the Zoning Ordinance;**
4. **approval by the Board of Zoning Adjustment of the parking variance to allow a reduction in the number of parking spaces;**
5. **the 60" live oak is given preservation status (All work under the canopy 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);**
6. **provision of sidewalks along all three street frontages as illustrated on the site plan submitted;**
7. **illustration as to how the existing driveways (one of which is continuous from Bay Shore Avenue to the existing sanctuary) are to be closed, and provisions made to ensure that access and parking will be only via the driveways;**
8. **illustration of any necessary dumpster or trash receptacle, with minor revisions to parking and circulation layout to be approved by Planning staff, if necessary;**
9. **full compliance with landscaping and tree planting requirements;**
10. **full compliance with all municipal codes and ordinances; and,**
11. **submission of a revised site plan reflecting the conditions prior to the issuance of any permits.**

The motion carried unanimously.

Case #SUB2007-00231 (Subdivision)

Balloon Park Subdivision

4658 Airport Boulevard

(North side of Airport Boulevard, 200'± West of South University Boulevard)

2 Lots / 1.5± Acres

(Also see **Case #ZON2007-02218 (Planned Unit Development) Balloon Park Subdivision**, below)

Frank Dagley, Dagley Engineering, spoke on behalf of the applicant, saying they were in agreement with the recommendations with the exception of the privacy fence. He stated that previously when the applicant went to put the privacy fence in place, the adjacent neighbors objected, saying they would prefer a natural vegetative buffer. The applicant would like the opportunity to do just that.

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Mr. Olsen reminded Mr. Dagley that the zoning requirements for a vegetative buffer are that it be 10 feet in depth and that it be planted densely enough with plants that are six feet high at the time of planting.

Mr. Dagley said they were aware of the requirements and agreeable with them.

Hearing no opposition or further discussion, a motion was made by Mr. Mille, with second by Mr. Vallas, to waive Section V.D.2., and to approve the above referenced subdivision subject to the following conditions:

- 1. placement of a note on the final plat stating that no future subdivision of Lot 1 is allowed until additional frontage on a public street is provided;**
- 2. Lots 1 and 2 are limited to the existing shared curb-cut, with any modifications to the curb-cut to be approved by Traffic Engineering;**
- 3. labeling of each lot with its size in square feet;**
- 4. depiction of the 25-foot minimum building setback line for each lot where the lots are at least 50 feet wide;**
- 5. completion of the rezoning process prior to the signing of the final plat; and,**
- 6. provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final plat.**

Case #ZON2007-02218 (Planned Unit Development)

Balloon Park Subdivision

4658 Airport Boulevard

(North side of Airport Boulevard, 200' ± West of South University Boulevard)

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

(Also see **Case #SUB2007-00231 (Subdivision) Balloon Park Subdivision**, above)

(See **Case #SUB2007-00231 (Subdivision) Balloon Park Subdivision** for discussion)

Hearing no opposition or further discussion, a motion was made by Mr. Miller, with second by Mr. Vallas, to approve the above referenced Planned Unit Development subject to the following conditions:

- 1. revision of the parking layout on the site plan, in consultation with Traffic Engineering, to address layout and dimensional concerns;**
- 2. revision of the site plan to provide directional arrows for those portions of the parking areas that are one-way;**
- 3. depiction of any dumpster facility with appropriate screening;**

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4. provision of the 6-foot wooden privacy fence or buffer planting strip where the site abuts existing residential development, in compliance with section 64.D.1; and,
5. provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final subdivision plat.

The motion carried unanimously.

Case #SUB2007-00224 (Subdivision)

Graf Dairy Subdivision

2955 Dauphin Street

(Southeast corner of Dauphin Street and South Sage Avenue, extending to the West termini of Hilburn Drive, Exter Drive, and South Sherwood Drive)

6 Lots / 38.1± Acres

(Also see **Case #ZON2007-02214 (Planned Unit Development) Graf Dairy Subdivision**, **Case #ZON2007-02211 (Rezoning) Graf Dairy, LLC**, and, **Case #ZON2007-02215 (Rezoning) Graf Dairy, LLC**, below)

Doug Anderson of the Bowron, Latta and Wasden Law Firm, spoke on behalf of the applicant, requesting that the matter be held over.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the November 15, 2007, meeting, to allow the applicant to submit a revised site plan.

The motion carried unanimously.

Case #ZON2007-02214 (Planned Unit Development)

Graf Dairy Subdivision

2955 Dauphin Street

(Southeast corner of Dauphin Street and South Sage Avenue, extending to the West termini of Hilburn Drive, Exter Drive, and South Sherwood Drive).

Planned Unit Development to allow multiple buildings on a single building site, with shared access and parking between multiple building sites, in a private street subdivision.

(Also see **Case #SUB2007-00224 (Subdivision) Graf Dairy Subdivision**, above, **Case #ZON2007-02211 (Rezoning) Graf Dairy, LLC**, and, **Case #ZON2007-02215 (Rezoning) Graf Dairy, LLC**, below)

(Also see **Case #SUB2007-00224 (Subdivision) Graf Dairy Subdivision** for discussion)

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the November 15, 2007, meeting, to allow the applicant to submit a revised site plan.

The motion carried unanimously.

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Case #ZON2007-02211 (Rezoning)

Graf Dairy, LLC

2955 Dauphin Street

(Southeast corner of Dauphin Street and South Sage Avenue, extending to the West terminus of Hilburn Drive)

Rezoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, to allow a drug store, bank, and other unspecified commercial uses.

(Also see **Case #SUB2007-00224 (Subdivision) Graf Dairy Subdivision**, **Case #ZON2007-02214 (Planned Unit Development) Graf Dairy Subdivision**, above, and, **Case #ZON2007-02215 (Rezoning) Graf Dairy, LLC**, below)

(Also see **Case #SUB2007-00224 (Subdivision) Graf Dairy Subdivision** for discussion)

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the November 15, 2007, meeting, to allow the applicant to submit a revised site plan.

The motion carried unanimously.

Case #ZON2007-02215 (Rezoning)

Graf Dairy, LLC

(East side of South Sage Avenue, ¼ mile± South of Dauphin Street, extending to the West termini of Exter Drive and South Sherwood Drive)

Rezoning From R-1, Single-Family Residential, to R-3, Multi-Family Residential, to allow a 96-unit residential condominium complex.

(Also see **Case #SUB2007-00224 (Subdivision) Graf Dairy Subdivision**, **Case #ZON2007-02214 (Planned Unit Development) Graf Dairy Subdivision**, and, **Case #ZON2007-02211 (Rezoning) Graf Dairy, LLC**, above)

(Also see **Case #SUB2007-00224 (Subdivision) Graf Dairy Subdivision** for discussion)

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the November 15, 2007, meeting, to allow the applicant to submit a revised site plan.

The motion carried unanimously.

Case #ZON2007-02212 (Planned Unit Development)

McGill-Toolen High School (Fr. Bry Shields)

1501 Old Shell Road

(South side of Old Shell Road, extending from the West side of Lafayette Street to the East side of Catherine Street; Northwest corner of Old Shell Road and Kilmarnock Street, and North side of Old Shell Road between Kilmarnock Street and Catherine Street; Northeast corner of Dauphin Street and Lafayette Street; Northwest corner of Dauphin Street and Lafayette Street; Southeast corner of Old Shell Road and Lafayette Street and extending South along the East side of Lafayette Street 696'±)

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

(Also see **Case #ZON2007-02213 (Planning Approval) McGill-Toolen High School (Fr. Bry Shields)**, below)

Fr. Bry Shields, 1501 Old Shell Road, stated he was in agreement with the staff's new recommendation to approve the application. He added that the new building would house the school's new science facilities, noting that it was felt that this building, as well as the developments planned for future phases, would represent a significant investment in the midtown area and that McGill-Toolen was proud to be a part of the revitalization of the area.

Hearing no opposition or further discussion, a motion was made by Mr. Miller, with second by Mr. Vallas, to approve the above referenced Planned Unit Development subject to the following conditions:

- 1. that construction be limited to the submitted and approved site plan for Phase I;**
- 2. the provision of landscaping, trees and buffering where the site abuts residential uses;**
- 3. revision of the site plan to depict any dumpster storage facility, in compliance with Section 64-4.D.9. of the Zoning Ordinance;**
- 4. placement of a note on the site plan stating that on-site lighting must fully comply with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance; and,**
- 5. full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2007-02213 (Planning Approval)
McGill-Toolen High School (Fr. Bry Shields)**

1501 Old Shell Road

(South side of Old Shell Road, extending from the West side of Lafayette Street to the East side of Catherine Street; Northwest corner of Old Shell Road and Kilmarnock Street, and North side of Old Shell Road between Kilmarnock Street and Catherine Street; Northeast corner of Dauphin Street and Lafayette Street; Northwest corner of Dauphin Street and Lafayette Street; Southeast corner of Old Shell Road and Lafayette Street and extending South along the East side of Lafayette Street 696'±).

Planning Approval to amend the previously approved Comprehensive Master Plan for an existing church school in an R-1, Single-Family Residential district to allow its expansion to include existing parking and entrance drive reconfigurations, a covered walkway between across-street sites, new science classroom buildings, a new student center, and a new classroom building

(Also see **Case #ZON2007-02212 (Planned Unit Development) McGill-Toolen High School (Fr. Bry Shields)**, above)

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(See **Case #ZON2007-02212 (Planned Unit Development) McGill-Toolen High School (Fr. Bry Shields)** for discussion)

Hearing no opposition or further discussion, a motion was made by Mr. Miller, with second by Mr. Vallas, to approve the above referenced Planning Approval subject to the following conditions:

- 1. a revised site plan depicting compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance for the project area; and,**
- 2. the approval of the design and location of existing parking spaces along North Catherine Street within the right-of-way by Traffic Engineering.**

The motion carried unanimously.

EXTENSIONS:

Case #SUB2006-00228 (Subdivision)

Rebecca Hills Subdivision

East terminus of Charmingdale Drive South and the West terminus of Thorman Drive.
61 Lots / 14.9± Acres

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no discussion, a motion was made by Mr. Plauche, with second by Mr. Watkins, to approve the above referenced extension.

The motion carried unanimously.

Case #SUB2006-00225 (Subdivision)

Belle Isle Subdivision, Re-subdivision of Lots 1-6

4710 Belle Isle Lane
(North terminus of Belle Isle Lane).
6 Lots / 3.3± Acres

(Also see **Case #ZON2006-01868 (Planned Unit Development) Belle Isle Subdivision, Resubdivision of Lots 1-6**, below)

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no discussion, a motion was made by Mr. Plauche, with second by Mr. Watkins, to approve the above referenced extension, but the applicant should be aware that, unless the vacation of right-of-way process advances, no further extensions are likely.

The motion carried unanimously.

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Case #ZON2006-01868 (Planned Unit Development)
Belle Isle Subdivision, Re-subdivision of Lots 1-6

4710 Belle Isle Lane

(North terminus of Belle Isle Lane)

Planned Unit Development Approval to allow a private street single-family residential subdivision.

(Also see **Case #SUB2006-00225 (Subdivision) Belle Isle Subdivision, Re-subdivision of Lots 1-6**, above)

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no discussion, a motion was made by Mr. Plauche, with second by Mr. Watkins, to approve the above referenced extension, but the applicant should be aware that, unless the vacation of right-of-way process advances, no further extensions are likely.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2007-00242

Bristol Subdivision, First Addition and Addition

3695 Hardeman Road

(West side of Hardeman Road, 1000'± South of Broughton Drive).

1 Lot / 2.0± Acres

Matt Orrell, Polysurveying, spoke on behalf of the applicant, saying they simply wanted to add an acre to an existing lot. He stated that the applicant has 18 acres that they would like to keep as reserved for future development. He added they are agreeable with the recommendations with the exception of removing the one about adding the 18 acres as a second lot.

Mr. Olsen interjected that this is a case of the staff not being provided with complete information as the submitted plat does not even show the remaining 18 acres as future development.

Mr. Orrell stated it was not included on the plat submitted this time as they felt it was not required. This assumption was based upon the 18 acres not being shown as reserved the first time the plat was submitted. However, he added, the staff knew the 18 acres existed as it was mentioned in the on-line report he had read that day.

Mr. Olsen stated that the staff and Commission had for some time now required that future development be shown on plats so that it can be seen where property is coming from and where the original parent parcel was.

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Hearing no opposition or further discussion, a motion was made by Mr. Holmes, with second by Mr. Vallas, to hold the matter over until November 15, 2007, to allow the applicant to submit:

- 1. revision of the plat designating the remainder of the metes and bounds parcel as Lot 2 or future development;**
- 2. dedication of 50 feet from the centerline of Hardeman Road to allow 100 feet of right-of-way, in compliance with the major street plan; and,**
- 3. additional lot and notification fees and information. These must be submitted by October 30.**

The motion carried unanimously.

Case #SUB2007-00253

Lee Vella Subdivision

West side of South University Boulevard, 500'± North of Bit and Spur Road.
1 Lot / 3.8± Acres

Daryl Russell with McCrory and Williams Engineering spoke on behalf of the applicant stating that they were in agreement with all recommendations.

Hearing no opposition or discussion, a motion was made by Mr. Vallas, with second by Mr. Miller, to approve the above referenced subdivision subject to the following conditions:

- 1. labeling of the lot with its size in square feet, or the provision of a table on the final plat with the same information;**
- 2. placement of a note on the final plat stating that the site is limited to three curb cuts, with the size, location, and design to be approved by Traffic Engineering, and conform to AASHTO standards;**
- 3. provision of a 10 foot buffer strip along the west and south boundary lines of the proposed lot; and,**
- 4. subject to the Engineering Comments (*It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all storm water and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.*)**

The motion carried unanimously.

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Case #SUB2007-00252

GUCOM Lodge Subdivision

2069 Point Legere Road

(West side of Point Legere Road, 275'± South of Venetia Road)

2 Lots / 5.0± Acres

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Vallas, with second by Mr. Miller, to waive Section V.D.3., and approve the above referenced subdivision subject to the following conditions:

- 1. labeling of the lot with its size in square feet, or the provision of a table on the final plat with the same information;**
- 2. dedication of 30 feet from the centerline of Point Legere Road, compliant with Section V.B.14. of the Subdivision Regulations;**
- 3. placement of a note on the final plat stating that the site is limited to two curb cuts, with the size, location, and design to be approved by Traffic Engineering, and conform to AASHTO standards; and,**
- 4. subject to the Engineering Comments (*Show minimum finished floor elevation on each lot. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right- of-way permit.*)**

The motion carried unanimously.

Case #SUB2007-00251

Batson Estates Subdivision

9625 Moffett Road

(South side of Moffett Road, 1/3 mile± East of Snow Road)

2 Lots / 6.8± Acres

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

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Hearing no opposition or discussion, a motion was made by Mr. Vallas, with second by Mr. Miller, to approve the above referenced subdivision subject to the following conditions:

- 1. dedication of sufficient right-of-way to provide 50-feet from the centerline of Moffett Road;**
- 2. placement of a note on the final plat stating that Lot 1 is limited to two curb cuts to Moffett Road, and Lot 2 is limited to three curb cuts to Moffett Road, with the size, location, and design of all curb cuts to be approved by the Mobile County Engineering Department and conform to AASHTO standards;**
- 3. depiction on the Final Plat of the lot sizes in acreage, or provision of a table on the plat depicting the same information;**
- 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; and,**
- 5. placement of a note on the plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements 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 facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering.**

The motion carried unanimously.

Case #SUB2007-00250

Safety Source Subdivision, Re-subdivision of

East side of Rangeline Road, 300'± South of Rabbit Creek Drive

2 Lots / 9.3± Acres

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Vallas, with second by Mr. Miller, to approve the above referenced subdivision subject to the following conditions:

- 1. placement of a note on the final plat stating that Lot A is limited to one curb-cut onto the Rangeline Road service road, and that Lot B is limited to one curb-cut onto Abigail Drive,**

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- with the size, design and location of all curb-cuts to be approved by the Mobile County Engineering Department;
2. revision of the plat to label each lot with its size in square feet, or placement of a table on the plat with the same information;
 3. placement of a note on the final plat stating that no future subdivision of Lot B that results in an increase in the number of lots shall be allowed until additional frontage on a public street is provided;
 4. depiction of the 25-foot minimum building setback line on the final plat, as depicted on the preliminary plat;
 5. placement of a note on the final plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;
 6. commercial buildings and sites must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate; and,
 7. placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2007-00247

Lynda Corrie Estates Subdivision, Re-subdivision of

(West side of McCrary Road, 500'± North of Calhoun Road)

3 Lots / 6.1± Acres

Frank Dagby spoke on behalf of Jerry Byrd, Byrd Surveying, saying that Mr. Byrd had asked him to request that the matter be held over one meeting.

Mr. Olsen said that without any new information or submissions by the applicant, the staff's recommendation for denial would remain, so holding over until the November 1, 2007, meeting would not cause any issues for staff.

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Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, to hold the matter over until the November 1, 2007, meeting.

The motion carried unanimously.

Case #SUB2007-00254

Juanita B. Wilson Estate Subdivision

8135 Tanner Williams Road

(South side of Tanner Williams Road, 800'± West of Tanner Williams Court)

5 Lots / 11.0± Acres

Henry P. Wilson appeared on behalf of himself and his brother.

The Chair asked that Mr. Olsen explain to the applicant the reasons behind the staff's recommendation for denial, which Mr. Olsen did.

Mr. Wilson advised that Probate Court had already divided the parcel into two pieces and awarded those pieces to his brother and himself separately.

Mr. Watkins, upon hearing this, asked Mr. Lawler if there was any reason to continue this matter before the Planning Commission.

Mr. Lawler advised no there was not.

The application was withdrawn at the meeting after it was determined to be unnecessary since the property had been divided by the Probate Court.

Case #SUB2007-00246

Winford Oaks Subdivision, Re-subdivision of Lot 1A, Re-subdivision of

West side of Dawes Lake Road East, 390'± North of Vintage Woods Drive.

12 Lots / 7.5± Acres

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Miller, with second by Mr. Vallas, to waive Section V.D.3., and to approve the above referenced re-subdivision subject to the following conditions:

- 1. construction and dedication of the new street to County Engineering standards;**
- 2. the placement of a note on the Final Plat stating that Lots 4 and 5 are limited to a single curb cut, and Lots 2, 3, and 6 are limited to a total of two curb cuts;**
- 3. the placement of a note on the Final Plat stating that any lots that are developed commercially and adjoin residentially**

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- developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and,
- 4. submission of a letter from licensed engineer certifying compliance with the City of Mobile's stormwater and flood control ordinances must be provided to the Mobile County Engineering Department and the Planning Section of Urban Development prior to issuance of any permits.**

The motion carried unanimously.

Case #SUB2007-00248

Ramer Creek Estates Subdivision

Southeast corner of Repoll Road and Repoll Boulevard (private road)
25 Lots / 9.8± Acres

Mr. Dagley spoke again on Mr. Byrd's behalf asking that this matter be held over one meeting.

The Chair asked Mr. Olsen if a one meeting hold over was acceptable.

Mr. Olsen stated that due to the information that needed to be submitted, the staff preferred the November 15, 2007, meeting.

Hearing no opposition and no further discussion, Mr. Plauche moved, with second by Mr. DeMouy, to hold the matter over until November 15, 2007, with required information to be submitted by October 30, 2007, to allow the applicant to address the following:

- 1. provision of street-stubs to the South;**
- 2. 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;**
- 3. labeling each lot with its size in square feet, or a table depicting the same information on the Final Plat;**
- 4. placement of a note on the Final Plat stating that Lots 1 and 25 are limited to one curb-cut each with the size, design and location to be approved by County Engineering;**
- 5. construction and dedication of the new street to County Engineering standards;**
- 6. provision of a certification letter from a licensed engineer to the Planning Section of Urban Development, certifying that the stormwater detention, drainage facilities, and release rate comply with the City of Mobile stormwater and flood control ordinances, prior to the signing and recording of the final plat;**
- 7. placement of a note on the plat stating that any lots which are developed commercially and adjoin residentially developed**

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- property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and,
8. the submission of a letter stating the compliance of Section V.D.2. of the Subdivision Regulations prior to the signing of the Final Plat or documentation from the developer stating the location and design of a centralized sanitary system to handle the wastewater of the subdivision.

The motion carried unanimously.

Case #SUB2007-00243

Colleton Place Subdivision

8101 Howells Ferry Road

(South side of Howells Ferry Road at Harvey Hill Road).

141 Lots / 47.0± Acres

Matt Orrell, PolySurveying, spoke on behalf of the applicant, asking that the matter not be held over as recommended. He stated that the necessary letter had been provided to the staff as late as the day before.

Mr. Olsen asked if they had provided a copy of the letter for each application.

Mr. Orrell advised that they had.

Hearing this, Mr. Olsen stated the staff had no objections on the Planning Commission approving the matter subject to the conditions listed.

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Mr. Miller, to approve the above referenced subdivision subject to the following conditions:

1. the placement of a note on the Final Plat limiting Lots 1, 15, 53, 54, 63, 74, 77, 91, 92, 97, 137, and 141 are corner lots; therefore, a note should be placed on the Final Plat limiting each lot to one curb cut each, with the size, design and location to be approved by County Engineering;
2. revision of the plat to meet the minimum lot size requirements contained in Section V.D. of the Subdivision Regulations, or provision of a statement justifying the request for reduced lot sizes and setbacks;
3. placement of a note on the plat stating that the approval of all applicable federal, state and local agencies will be required prior to the issuance of any permits or land disturbance activities if wetlands occur on the site;
4. placement of a note on the plat stating that any lots which are developed commercially and adjoin residentially developed

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- property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;
5. placement of a note on the plat stating that provision of a certification letter from a licensed engineer to the Planning Section of Urban Development, certifying that the stormwater detention and drainage facilities comply with the City of Mobile storm water and flood control ordinances, is required prior to the signing and recording of the final plat;
 6. placement of a note on the plat stating that maintenance of the detention and common areas is the responsibility of the subdivision's property owners;
 7. labeling of all lots with size in square feet, or placement of a table on the plat containing the lot size information;
 8. the provision of an easement to all common areas; and,
 9. the submission of a letter stating the compliance of Section V.D.2. of the Subdivision Regulations prior to the signing of the Final Plat or documentation from the developer stating the location and design of a centralized sanitary system to handle the wastewater of the subdivision.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2007-00244 (Subdivision)

Orchard Baptist Church Subdivision

6960 Overlook Road

(Southeast corner of Overlook Road and Howells Ferry Road).

1 Lot / 7.0± Acres

(Also see Case #ZON2007-02381 (Sidewalk Waiver) **Orchard Baptist Church**, Case #ZON2007-02383 (Planned Unit Development) **Orchard Baptist Church Subdivision**, and, Case #ZON2007-02382 (Re-zoning) **Orchard Baptist Church**, below)

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the November 15, 2007, meeting, to be considered simultaneously with the Re-zoning and Planned Unit Development applications, and to allow the applicant to correct any potential discrepancies of parcel dimensions and those of common parcel lines with Overlook Station Subdivision.

The motion carried unanimously.

Case #ZON2007-02381 (Sidewalk Waiver)

Orchard Baptist Church

6960 Overlook Road

(Southeast corner of Overlook Road and Howells Ferry Road)

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Request to waive construction of a sidewalk along Overlook Road and Howells Ferry Road.

(Also see **Case #SUB2007-00244 (Subdivision) Orchard Baptist Church Subdivision**, above, **Case #ZON2007-02383 (Planned Unit Development) Orchard Baptist Church Subdivision**, and, **Case #ZON2007-02382 (Re-zoning) Orchard Baptist Church**, below)

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the November 15, 2007, meeting, to be considered simultaneously with the Re-zoning and Planned Unit Development applications.

The motion carried unanimously.

Case #ZON2007-02383 (Planned Unit Development)
Orchard Baptist Church Subdivision

6960 Overlook Road

(Southeast corner of Overlook Road and Howells Ferry Road)

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

(Also see **Case #SUB2007-00244 (Subdivision) Orchard Baptist Church Subdivision**, **Case #ZON2007-02381 (Sidewalk Waiver) Orchard Baptist Church**, above, and, **Case #ZON2007-02382 (Re-zoning) Orchard Baptist Church**, below).

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the November 15, 2007, meeting to allow the applicant to revise the plan to provide All dimensions for plan review, include all properties associate with the church and used for church functions (parking, services, classrooms, etc).

The motion carried unanimously.

Case #ZON2007-02382 (Re-zoning)
Orchard Baptist Church

6960 Overlook Road

(Southeast corner of Overlook Road and Howells Ferry Road)

Rezoning from R-1, Single-Family Residential, and B-2, Neighborhood Business, to B-1, Buffer Business, to eliminate split zoning in a proposed one-lot subdivision for a church.

(Also see **Case #SUB2007-00244 (Subdivision) Orchard Baptist Church Subdivision**, **Case #ZON2007-02381 (Sidewalk Waiver) Orchard Baptist Church**, and, **Case #ZON2007-02383 (Planned Unit Development) Orchard Baptist Church Subdivision**, above).

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the November 15, 2007, meeting, to be considered simultaneously with the Planned Unit Development application.

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The motion carried unanimously.

Case #SUB2007-00257 (Subdivision)

J & D Subdivision

3305 Spring Hill Avenue

(East side of Ingate Street, extending from Spring Hill Avenue to Old Carline Street)

1 Lot / 1.6± Acres

(Also see **Case #ZON2007-02388 (Planned Unit Development) J & D Subdivision**, and, **Case #ZON2007-02387 (Rezoning) James S. McAleer**, below)

Jim McAleer spoke on his own behalf saying the information the staff had produced the report from was not accurate. He said he had contacted Mr. Hoffman the day before with the revised information. He stated the proposed addition was not going to be a 3 story addition, only a 2 story addition. He also said the site coverage percentage was incorrect as far as the staff's calculations.

Mr. Olsen stated that the staff based their report on the information they had received. As Mr. McAleer had given the staff the revised information only the day before, the staff stood by its recommendation to hold the matter over until the November 15, 2007, meeting.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the November 15, 2007, meeting, with revisions due to Urban Development by October 24th for the following reasons:

- 1. revision of the site plan and plat to provide a minimum right-of-way width of 25 feet, as measured from the centerline for Old Carline Street, in compliance with Section V.B.14. of the Subdivision Regulations;**
- 2. revision of the site plan and plat to provide the appropriate radii at the street intersection corners, in compliance with Section V.D.6. of the Subdivision Regulations; and,**
- 3. revision of the site plan and plat to depict the 25-foot minimum building setback line for the entire site, adjusted as necessary to accommodate the right-of-way dedication for Old Carline Street, in compliance with Section V.D.9. of the Subdivision Regulations.**

The motion carried unanimously.

Case #ZON2007-02388 (Planned Unit Development)

J & D Subdivision

3305 Spring Hill Avenue

(East side of Ingate Street, extending from Spring Hill Avenue to Old Carline Street)

Planned Unit Development Approval to allow increased site coverage in a one-lot commercial subdivision.

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(Also see Case #SUB2007-00257 (Subdivision) J & D Subdivision, above, and, Case #ZON2007-02388 (Planned Unit Development) J & D Subdivision, below)

(See Case #SUB2007-00257 (Subdivision) J & D Subdivision for discussion).

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the November 15, 2007, meeting, with revisions due to Urban Development by October 24th for the following reasons:

1. **submittal of an application for Planning Approval due to the warehouse portion of the operation exceeding 40,000 square feet;**
2. **consultation with Engineering Department, and revision of the site plan to depict required storm water detention facilities;**
3. **revision of the site plan to depict existing and proposed dumpster storage locations, in compliance with Section 64-4.D.9. of the Zoning Ordinance;**
4. **revision of the site plan to depict existing on-site circulation and parking;**
5. **placement of a note on the site plan stating that lighting shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic;**
6. **revision of the site plan and plat to provide a minimum right-of-way width of 25 feet, as measured from the centerline for Old Carline Street, in compliance with Section V.B.14. of the Subdivision Regulations;**
7. **revision of the site plan and plat to provide the appropriate radii at the street intersection corners, in compliance with Section V.D.6. of the Subdivision Regulations;**
8. **revision of the site plan to accurately depict all existing curb-cuts, and modifications thereof (with reduction of excessive width curb-cuts where possible), as well as proposed curb-cuts;**
9. **revision of the site plan to provide frontage trees and landscaping along Spring Hill Avenue, where possible; and,**
10. **revision of the site plan and plat to depict the 25-foot minimum building setback line for the entire site, adjusted as necessary to accommodate the right-of-way dedication for Old Carline Street, in compliance with Section V.D.9. of the Subdivision Regulations.**

The motion carried unanimously.

Case #ZON2007-02387 (Rezoning)

James S. McAleer

3305 Spring Hill Avenue

(East side of Ingate Street, extending from Spring Hill Avenue to Old Carline Street)

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Rezoning from B-1, Buffer Business, and B-3, Community Business, to B-3 Community Business, to eliminate split zoning in a proposed commercial subdivision.

(Also see **Case #SUB2007-00257 (Subdivision) J & D Subdivision**, and, **Case #ZON2007-02388 (Planned Unit Development) J & D Subdivision**, above)

(See **Case #SUB2007-00257 (Subdivision) J & D Subdivision** for discussion).

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the November 15, 2007, meeting with revisions due to Urban Development by October 24th for the following reasons:

- 1. submittal of an application for Planning Approval due to the warehouse portion of the operation exceeding 40,000 square feet;**
- 2. consultation with Engineering Department, and revision of the site plan to depict required storm water detention facilities;**
- 3. revision of the site plan to depict existing and proposed dumpster storage locations, in compliance with Section 64-4.D.9. of the Zoning Ordinance;**
- 4. revision of the site plan to depict existing on-site circulation and parking;**
- 5. placement of a note on the site plan stating that lighting shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic;**
- 6. revision of the site plan and plat to provide a minimum right-of-way width of 25 feet, as measured from the centerline for Old Carline Street, in compliance with Section V.B.14. of the Subdivision Regulations;**
- 7. revision of the site plan and plat to provide the appropriate radii at the street intersection corners, in compliance with Section V.D.6. of the Subdivision Regulations;**
- 8. revision of the site plan to accurately depict all existing curb-cuts, and modifications thereof (with reduction of excessive width curb-cuts where possible), as well as proposed curb-cuts;**
- 9. revision of the site plan to provide frontage trees and landscaping along Spring Hill Avenue, where possible; and,**
- 10. revision of the site plan and plat to depict the 25-foot minimum building setback line for the entire site, adjusted as necessary to accommodate the right-of-way dedication for Old Carline Street, in compliance with Section V.D.9. of the Subdivision Regulations.**

The motion carried unanimously.

Case #SUB2007-00245 (Subdivision)
Cornell Subdivision, Re-subdivision of Lots 1 & 2

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1751 and 1757 Old Shell Road
(Southwest corner of Old Shell Road and Semmes Avenue)
2 Lots / 0.9± Acre
(Also see **Case #ZON2007-02380 (Re-zoning) Cornell Family Properties, LTD.**,
above)

Arthur Smith, 3280 Dauphin Street, spoke on behalf of the applicant, saying they concurred with the staff's recommendations, but wanted to clarify if they still needed to have the removal of the accessory structures approved by the Architectural Review Board, as that had been done when the original Cornell subdivision was approved.

Mr. Olsen said that a copy of the original certificate of occupancy would suffice.

Hearing no opposition or further discussion, a motion was made by Mr. Miller, with second by Mr. DeMouy, to approve the above referenced subdivision subject to the following condition:

- 1. placement of the 25-foot minimum building setback lines on the Final Plat.**

The motion carried unanimously.

Case #ZON2007-02380 (Re-zoning)
Cornell Family Properties, LTD.
1757 Old Shell Road
(South side of Old Shell Road, 145'± West of Semmes Avenue)
Rezoning from R-1, Single-Family Residential, and B-2, Buffer Business, to R-1, Single-Family Residential, to eliminate split zoning on a single-family residential lot.
(Also see **Case #SUB2007-00245 (Subdivision) Cornell Subdivision, Re-subdivision of Lots 1 & 2**, above)

(See **Case #SUB2007-00245 (Subdivision) Cornell Subdivision, Re-subdivision of Lots 1 & 2** for discussion)

Hearing no opposition or further discussion, a motion was made by Mr. Miller, with second by Mr. DeMouy, to approve the above referenced re-zoning subject to the following conditions:

- 1. removal of the accessory structures receive Architectural Review Board approval; and,**
- 2. full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

OTHER BUSINESS:

October 18, 2007

Planning Commission Meeting

Mr. Olsen welcomed Mr. Davitt to the Planning Commission, commenting on his former work as a member of the Board of Zoning Adjustment.

Mr. Olsen brought up the issue of elections. After some discussion, a motion was made by Mr. Davitt, with second by Mr. DeMouy, to keep Mr. Plauche as Chairman and elect Mr. Watkins as Vice-Chairman.

The motion carried unanimously.

After some discussion, a motion was made by Mr. Vallas, with second by Mr. Watkins, to elect Mr. DeMouy Secretary.

The motion carried with only Mr. DeMouy casting a negative vote.

Mr. Olsen also asked the members of the Planning Commission to speak with the City's Administration regarding support for a new city-wide comprehensive plan. He stated that the search for consultants for the Old Mobile Plan had been narrowed down to two, and hoped to see the planning phase begin soon.

Hearing no further business, the meeting was adjourned.

APPROVED: November 20, 2008

Victoria Rivizzigno, Secretary

Terry Plauche, Chairman.

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