

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF APRIL 21, 2005 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
Victor McSwain, Secretary
Adline Clarke
Nicholas Holmes
Mead Miller
Victoria L. Rivizzigno
James Watkins III
John Vallas

Members Absent

Ann Deakle
James Laier (S)
Clinton Johnson

Urban Development Staff Present

Richard L. Olsen, Planner II
Margaret Pappas, Planner II
Madeleine Masters, Planner I
David Daughenbach, Urban Forestry
Val Manuel, Secretary II

Others Present

Wanda Cochran, 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.

APPROVAL OF MINUTES:

After discussion a motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to approve the minutes of the March 3, 2005 and March 17, 2005, meeting as submitted.

The motion carried unanimously.

HOLDOVERS:

Case #ZON2005-00664 (Rezoning)

Andrew Shepard

East side of Bay Shore Avenue, extending from Frederick Street to Elsmore Street.

A request for a change in zoning from B-3, Community Business, to R-3, Multi-Family Residential, to allow a three-building, twelve-unit apartment complex was considered.

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The plan illustrates the proposed building and parking.

(Also see Case #ZON2005-00662 – Bay Shore Avenue Apartments Subdivision [PUD] – Below; and Case #SUB2005-00053 – Bay Shore Avenue Apartments Subdivision – Below).

Frank Dagley, engineer for the applicant, was present and stated that they were in agreement with the staff recommendations with the exception of dedication of sufficient right-of-way to provide 25 feet from the centerline of Frederick Street. Mr. Dagley said if the right-of-way was ever improved, he felt that they would have to demolish all the houses along the street.

Mr. Olsen stated that Frederick Street was a 40' right-of-way and it was standard procedure for the Commission to request the dedication. Also, it was a requirement for the subdivision of the land since it was a substandard right-of-way.

Andrew Shepard, applicant, stated that they planned to develop this property with apartments which they felt would improve the property and be an asset to the community. He pointed out that a subdivision was behind this property and Crichton Towers was across the street. Mr. Shepard said to widen out the street, you would have to demolish all the houses behind there to get additional right-of-way.

Mr. Olsen said they were asking for 25' from the centerline, which would require a dedication of 5 feet, it should not have a major impact. Mr. Olsen noted that when Crichton Towers came in they were required to dedicate along Frederick Street as part of their proposed development.

Terry Emley, property owner at 364 Bay Shore Avenue, was present in opposition to this application. Ms. Emley pointed out other B-3 properties on Bay Shore Avenue; O'Reilly's Auto Parts at the corner of Bay Shore Avenue and Spring Hill Avenue and two other sites, which were once automotive parts houses. She said that she had her transmission parts business since 1986 almost at the corner of Old Shell Road and Florida Street. Ms. Emley said she planned to move her business to her new location on Bay Shore Avenue within the next 30 days. She said that her newly acquired building was zoned B-3. Ms. Emley disagreed with Mr. Shepard's contention that an amendment to the Zoning Ordinance should be forthcoming because the area had changed, making B-3 unsuitable and therefore rezoning appropriate. Ms. Emley said O'Reilly's had only moved to their site in the last few months, and she was now moving in. She said that Tommy's Furniture Gallery on 3335 Bay Shore Avenue was not vacant, 267 Bay Shore Avenue was not vacant, and the old Neese property at 315 Bay Shore Avenue was vacant, but are all B-3 zoned. She said the old Neese building was a huge 30,000 square foot building and would make the perfect spot for just the right rather large business. Ms. Emley said she was concerned with added traffic congestion, activity and foot traffic with R-3 zoning immediately south of her new location, as well as the safety of the children on Elsmore Street. She also said that she was already facing a battle from all the foot traffic, vandals and loiterers. Ms. Emley said she had to invest heavily in video surveillance and security. She said the people in the neighborhood liked having community business because it was less they had to worry about at night. It was her

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contention that this neighborhood had not changed, was not less commercial, and did not need more residential.

In executive session Mr. Vallas made a motion to recommend denial of this change in zoning to the City Council.

The motion died for lack of a second.

In further discussion Mr. Watkins said he had not heard any evidence to lead him to believe that a change in zoning was warranted in accordance with the Ordinance.

Mr. Olsen said the property in question was undeveloped and had been undeveloped as B-3.

Mr. Watkins said he was not sure whether it was vacant or not had any bearing on it. The Commission had to determine whether there was a change in circumstances or an error in the planning map.

Mr. Vallas agreed. He said the fact that something was sitting vacant for some time was really irrelevant to its market demand.

Mr. Miller felt that putting a commercial structure next to a residential house seemed like a very negative impact, but that putting residential next to businesses was the same.

Mr. Vallas noted that there was a lot of industrial traffic traveling Bay Shore Avenue.

Ms. Clarke asked if it would be proper to hold over the application until the next meeting to give them an opportunity to go have a look at the property.

Mr. Olsen said the Commission could hold it over again if they chose to do so.

Mr. Watkins asked Mr. Vallas to restate his motion.

Mr. Vallas moved to recommend the denial of this change in zoning to the City Council.

Mr. McSwain seconded the motion.

The Commission further discussed whether this would be considered a “down zoning” or an “up zoning”.

Mr. Olsen said there was not a set position. Generally the staff has recommended approval, as they did in this particular instance, when rezoning from commercial to residential or some level of residential when there were other residential properties surrounding the site. In this particular instance, to the south is R-3, to the east and even to the west and north were residentially zoned properties.

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Mr. Holmes noted one set of R-3 immediately to the south, and asked if there was any other R-3 in the area.

Mr. Olsen said there was not. He said the one R-3 to the south was the only one in the immediate area.

Ms. Cochran stated that the ordinance puts the burden on the applicant to demonstrate that the applicant has met the criteria for rezoning. The purpose of the hearing was to give evidence of showing that they meet the criteria of the ordinance. As far as up zoning and down zoning, she said that was sort of a personal point of view. On one hand, in some circumstances, you could see where a neighborhood would welcome a down zone to an R-3. In this case you can also see where the neighborhood said no. It was not a down zone from their perspective because the intensity of use is going to be much greater with more residents in a smaller area. Ms. Cochran said when in doubt, it was always best to read the law, review the evidence, and determine if there are facts to warrant the change.

Mr. Vallas said although the property to the south was R-3, the developments would not be alike. Those were high-rise towers set way off the street, while the proposed apartments would be much smaller units right on Bay Shore Avenue which was a heavily traveled industrial road.

Mr. McSwain said there was some discussion that the neighborhood expressed opposition.

Ms. Cochran said the point was not whether somebody was against it or not, and it is not how they feel about it. She said the point is that when people come to the podium they need to provide evidence and have information so the Commission can make a decision.

Dr. Rivizzigno said she was concerned that the staff report mentioned some of the property as being vacant. This presents a different character to the neighborhood. She felt it was a much more viable business neighborhood than they had presumed it to be.

Mr. Vallas pointed out that the old Neese Lumber Company across the street had been vacant for ten years. It was a long, narrow parcel, probably ten acres, and it was just not easily absorbed into the market. Mr. Vallas says the Commission needs to be cautious when they consider other vacant tracts in the area.

Mr. Plauche called the question. The motion to deny carried unanimously.

Case #ZON2005-00662 (Planned Unit Development)

Bay Shore Avenue Apartments Subdivision

East side of Bay Shore Avenue, extending from Frederick Street to Elsmore Street.

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

The plan illustrates the proposed building and parking.

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(For discussion see Case #ZON2005-00664 – Andrew Shepard [Rezoning] – Above; and Case #SUB2005-00053 – Bay Shore Avenue Apartments Subdivision – Below).

After discussion a motion was made by Mr. Vallas and seconded by Mr. McSwain to deny this request.

The motion carried unanimously.

Case #SUB2005-00053 (Subdivision)
Bay Shore Avenue Apartments Subdivision

East side of Bay Shore Avenue, extending from Frederick Street to Elsmore Street.
1 Lot / 0.7± Acre

(For discussion see Case #ZON2005-00664 – Andrew Shepard [Rezoning] – Above; and Case #ZON2005-00662 – Bay Shore Avenue Apartments Subdivision [PUD]– Above).

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

- 1) the dedication of sufficient right-of-way to provide 25' from the centerline of Frederick Street; and
- 2) the provision of storm water detention facilities, as approved by City Engineering.

The motion carried unanimously.

EXTENSIONS:

Case #SUB2004-00077 (Subdivision)
Bullitt Park Subdivision

West side of Schillinger Road, 4/10 mile± North of Three Notch Road.
16 Lots / 8.8± Acres

The request for a one-year extension of a previous approval was considered.

There was no present in opposition.

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

The motion carried unanimously.

GROUP APPLICATIONS:

Case #ZON2005-00486 (Rezoning) (Holdover)
Betbeze Realty Co., Inc. (Joseph G. Betbeze, Jr., Agent)

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East side of Magnolia Road, 160'± South of Government Boulevard.

(Also see Case #ZON2005-00790 – Hartung Subdivision [PUD] – Below; and Case #SUB2005-00063 – Hartung Subdivision – Below).

A request for a change in zoning from R-1, Single-Family Residential, to B-3, Community Business, to allow work-completed parking expansion at an existing automotive paint and body shop was considered.

The plan illustrates the existing buildings and parking, along with the proposed addition and parking.

Frank Dagley was present representing the applicant. Mr. Dagley said they objected to the staff's recommendation that they be required to repave all of Magnolia Road from the service road to the end. They had agreed to extend the road, but did not feel it was fair to ask them to go back and fix a city street that needed repairs. They would be using the part that they were going to build, which would be about 50 feet.

Mr. Olsen stated that the staff recommendation included paving back to the service to the approved turn-around. He said the existing section of Magnolia Road appears to be more of a parking lot standard where the businesses located on either side simply expanded their parking facilities into the right-of-way at some point over the years. It was not built to City standards. Mr. Olsen said the staff was not requiring that the applicant do it. In the past the Commission had placed conditions that development can not occur until a road was improved to City standards. In this particular instance the staff recommendation was that it be improved all the way back to the service road for this amount of commercial property.

Mr. Dagley pointed out that about 75 percent of the existing road needed improving and he did not think that should be the responsibility of his client.

In executive session Mr. Miller made a motion for approval subject to staff recommendations.

In further discussion Mr. Holmes asked if the requirement to upgrade an existing road was a typical requirement.

Mr. Olsen said it had been required in previous cases when a section is below standard, especially in cases where the development or proposed development would increase traffic to the site. In this particular case there is a proposed B-3 zoning. In the future, any B-3 use could go on this property and generate a large amount of traffic.

Mr. Holmes said it was different than the developer of a subdivision being required to put their roads in according to standards.

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Mr. Olsen said they were required to provide adequate access to their development. As stated in the public hearing, Mr. Olsen said it does not specifically state that the applicant construct it. It just says that it has to be constructed prior to the use of the property.

Dr. Rivizzigno seconded the motion.

Mr. Watkins asked how far they would be required to pave.

Mr. Olsen said it would be from the modified turn-around all the way up to the Government Boulevard service road.

Mr. Plauche called the question. The final motion was to recommend this change in zoning to the City Council subject to the following conditions:

- 1) Magnolia Road be constructed to city standards, from Government Boulevard to an approved modified turn-around prior to the issuance of any permits;
- 2) completion of the subdivision process prior to the issuance of any permits; and
- 3) full compliance with all municipal codes and ordinances, including but not limited to screening as required by the Chart of Permitted uses.

The motion carried unanimously.

Case #ZON2005-00790 (Planned Unit Development)

Hartung Subdivision

2869 Government Boulevard (Southwest corner of Government Boulevard and Thompson Drive, extending to the East side of Magnolia Road, 160'± South of Government Boulevard).

The request for Planned Unit Development Approval to allow shared access and parking between multiple building sites was considered.

The plan illustrates the existing buildings and parking, along with the proposed addition and parking.

(For discussion see Case #ZON2005-00486 – Betbeze Realty Co., Inc. (Joseph G. Betbeze, Jr., Agent [Rezoning] – Above; and Case #SUB2005-00063 – Hartung Subdivision – Below).

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

- 1) Magnolia Road be constructed to city standards, from Government Boulevard to an approved modified turn-around prior to the issuance of any permits;
- 2) completion of the subdivision process prior to the issuance of any permits; and
- 3) full compliance with all municipal codes and ordinances, including but not limited to screening as required by the Chart of Permitted uses.

The motion carried unanimously.

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Case #SUB2005-00063 (Subdivision)

Hartung Subdivision

East side of Magnolia Road, 160'± South of Government Boulevard.

1 Lot / 0.7± Acre

(For discussion see Case #ZON2005-00486 – Betbeze Realty Co., Inc. (Joseph G. Betbeze, Jr., Agent [Rezoning] – Above; and Case #ZON2005-00790 – Hartung Subdivision [PUD] – Above).

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

- 1) Magnolia Road be constructed to City Standards, from Government Boulevard to an approved turn-around prior to the recording of the final plat; and
- 2) placement of a note on the final plat stating that buffers in compliance with Section V.A. 7 shall be provided.

The motion carried unanimously.

Case #ZON2005-00768 (Rezoning)

John F. Loupe

Landlocked property 4/10 mile± North of Girby Road and ¼ mile± East of Lloyds Lane, adjacent to the South side of Scenic West Place Subdivision.

A request for a change in zoning from R-2, Two-Family Residential, to R-3, Multi-Family Residential, to allow a single-family and garden home residential subdivision was considered.

The site plan illustrates the proposed lot configuration, and the proposed areas to be rezoned.

(Also see Case #ZON2005-00765 – John F. Loupe [Rezoning]- Below; and Case #ZON2005-00801 - The Preserve Subdivision, Phase Two [PUD] – Below; and Case #SUB2005-00061 – The Preserve Subdivision, Phase Two – Below).

Chris Loupe stated that he agreed with the recommendations of the staff and would be resubmitting an application for R-2 zoning.

Mr. Vallas asked the staff if the Commission should vote on this today since he was going to be resubmitting the rezoning.

Ms. Pappas explained the reason for the staff's recommendation. Mr. Loupe said he understood.

Mr. Olsen said the Commission could vote on what was before them today.

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Mr. Holmes asked if it would be better for the applicant to withdraw rather than be denied.

Ms. Pappas said it would make no difference. His existing application could still be going through the process, simply no permits would be issued until all of the rezonings were complete.

Mr. McSwain asked about the staff's recommendation that the rezoning be denied.

Ms. Pappas said that was for the existing R-2 -- Parcel A. Since it was already R-2, they recommended denial on that application.

After discussion a motion was made by Dr. Rivizzigno and seconded by Ms. Clarke to recommend the denial of this change in zoning.

Mr. Vallas and Mr. Watkins recused from discussion and voting.

The motion carried unanimously.

Case #ZON2005-00765 (Rezoning)

John F. Loupe

North side of Girby Road, ¼ mile± East of Lloyds Lane, extending to the East side of Lloyds Lane, 600'± North of Girby Road.

A request for a change in zoning from B-2, Neighborhood Business, to R-3, Multi-Family Residential, to allow a single-family and garden home residential subdivision was considered.

The site plan illustrates the proposed lot configuration, and the proposed areas to be rezoned.

(For discussion see Case #ZON2005-00768 – John F. Loupe [Rezoning]- Above; and Case #ZON2005-00801 - The Preserve Subdivision, Phase Two [PUD] – Below; and Case #SUB2005-00061 – The Preserve Subdivision, Phase Two – Below).

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Holmes to recommend to the City Council that the request for rezoning to R-3 be denied and to recommend approval of R-2 subject to the following conditions:

- 1) that the site be developed in compliance with the accompanying PUD and Subdivision applications; and
- 2) full compliance with all municipal codes and ordinances.

Mr. Vallas and Mr. Watkins recused from discussion and voting.

The motion carried unanimously.

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Case #ZON2005-00801 (Planned Unit Development)

The Preserve Subdivision, Phase Two

North side of Girby Road, ¼ mile± East of Lloyds Lane, extending to the East side of Lloyds Lane, 600'± North of Girby Road, and extending North to the South side of Scenic West Place Subdivision.

A request for Planned Unit Development Approval to allow a single-family residential and garden home subdivision with reduced lot sizes and setbacks was considered.

The site plan illustrates the proposed lot configuration, and the proposed areas to be rezoned.

(For discussion see Case #ZON2005-00768 – John F. Loupe [Rezoning]- Above; and Case #ZON2005-765 John F. Loupe [Rezoning] – Above; and Case #SUB2005-00061 – The Preserve Subdivision, Phase Two – Below).

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

- 1) full compliance with the Traffic Engineering Comments (driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards, traffic calming measures should be included in development);
- 2) the provision of street stubs to the landlocked parcels to the West in the vicinity of Lots 67-104 and Lots 138-146;
- 3) that the applicant obtain all necessary federal, state and local permits;
- 4) completion of the rezoning process (to R-2) for the entire site; and
- 5) full compliance with all municipal codes and ordinances.

Mr. Vallas and Mr. Watkins recused from discussion and voting.

The motion carried unanimously.

Case #SUB2005-00061 (Subdivision)

The Preserve Subdivision, Phase Two

North side of Girby Road, ¼ mile± East of Lloyds Lane, extending to the East side of Lloyds Lane, 600'± North of Girby Road, and extending North to the South side of Scenic West Place Subdivision.

231 Lots / 82.7± Acres

(For discussion see Case #ZON2005-00768 – John F. Loupe [Rezoning]- Above; and Case #ZON2005-765 John F. Loupe [Rezoning] – Above; and Case #ZON2005-00801 – The Preserve Subdivision, Phase Two [PUD] – Above).

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Holmes to waive Section V.D.2. and approve the above referenced subdivision subject to the following conditions:

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- 1) full compliance with the Traffic Engineering Comments (driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards, traffic calming measures should be included in development);
- 2) the provision of street stubs to the landlocked parcels to the West in the vicinity of Lots 67-104 and Lots 138-146;
- 3) that the applicant obtain all necessary federal, state and local permits;
- 4) completion of the rezoning process (to R-2) for the entire site; and
- 5) full compliance with all municipal codes and ordinances.

Mr. Vallas and Mr. Watkins recused from discussion and voting.

The motion carried unanimously.

Case #ZON2005-00809 (Rezoning)

James Barnes (Rester & Coleman Engineers, Inc., Agent)

West side of Twelve Mile Creek, 200'± West of Long Street (unopened public right-of-way).

A request for a change in zoning from R-1, Single-Family Residential, to R-3, Multi-Family Residential, to allow apartments was considered.

The site plan illustrates the proposed buildings, parking, and drives.

(Also see Case #ZON2005-00810 – University Club Apartments Subdivision [PUD] – Below; and Case #SUB2005-00071 - University Club Apartments Subdivision – Below).

Quint Dasdue with Property One was present and stated that he has the property under contract to purchase. James Barnes, the owner of the property, was also present. Mr. Dasdue said they were asking for the rezoning of this additional parcel to conform with their development plan, the major portion of which had already been approved for their student housing development. He said they had agreed to the extension and reconstruction of Long Street as previously required and to provide buffer zones and green spaces. He also said they would move their housing to the north side of the site to keep it as far away as possible from the residential development on the south side. Mr. Dasdue said in doing their final planning to decrease the density, provide more green space, and lower the amount of rent, they found that they needed to acquire this additional 2.8-acre site in order to expand the footprint. He said they were in agreement with the recommendations of the staff and asked for the Commission's favorable vote on this application.

Ruffin Graham, a resident of 5966 Shenandoah Road South and a member of the homeowner's association, said the residents of Ridgefield had some serious problems with this project. Even though it was classified as student housing, Mr. Graham felt that low-income housing would be a better description of this project. He was concerned that it would cause a degradation of property values in their subdivision. He also said the residents were concerned about Twelve Mile Creek, which was an unimproved drainage way through a large section of the property. As it crosses East Drive it is a concrete ditch, and past the

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concrete ditch to the northeast, it is unimproved. Mr. Graham said they were concerned about allowing construction in a flood way and the increased traffic on East Drive. He said there was presently a steady flow of traffic through Ridgefield along Cumberland Road with people cutting through from Old Shell Road to Airport Boulevard. With the addition of 552 bedrooms, he said there could conceivably be a car per bedroom traversing twice a day through their subdivision. Mr. Graham asked that they consider avoiding the East Drive entrance and have their access from Long Street only.

Brian Lee, a resident of 300 Trent Mill Court in Ridgefield Subdivision, said he had spoken before this body when this application was considered before. Mr. Lee said he was surprised to learn that the application had grown to 552 bedrooms, 168 apartments, and 542 parking spaces. He said when this came up the first time; he discussed the Long Street issue and brought forth some ideas related to access for emergency services. Another speaker at that time indicated to this body that when you come out on Long Street you could only turn right. Mr. Lee said this was incorrect. He said not only could you get into a dedicated left turn lane on the westbound section of Old Shell Road, but you can also come out. It is a four-way intersection with a stop sign. Mr. Lee said he was opposed now more than ever since he learned this was to be student housing. He noted that there was a tremendous amount of growth going on at the end of East Drive where it comes into Old Shell Road. Mr. Lee said that they are currently building five residential homes and another one was to be built across the street. He said the southeast corner had just been cleared in the last week and he presumed it was zoned for business. Mr. Lee said the north section was controlled by a traffic signal, which obviously does not cycle frequently because of the volume of traffic on Old Shell Road. He was concerned about the additional impact of 542 cars coming out of there would do. Mr. Lee further noted that his property backed up to Twelve Mile Creek. He referred to an application on West Drive, that was before the City Council last week and there were some issues about the flood way or flood plain. Mr. Lee asked if the flood way extended all the way up to this property. He was concerned that as they lose space for the water to be absorbed, more and more runoff would go into Twelve Mile Creek which at some point would spill over. He said he was fortunate that behind his house was a concrete section of Twelve Mile Creek. In closing, Mr. Lee said he was absolutely opposed to this project.

Ann Clark Lagarde, a resident of 613 Shenandoah Road West in the Ridgefield Subdivision, was present and opposed the application. Ms. Lagarde said she brought her children to the meeting because she felt this would be a good lesson in civic responsibility; she introduced her children. Ms. Lagarde said they loved their neighborhood and were not originally from Mobile. She said they lived here temporarily and decided to stay in Mobile and had been here for 10 years. Ms. Lagarde said they felt Mobile was a great place to raise a family. It was safe, affordable, and beautiful. She pointed out that on Government Street there was a Taco Bell right next to a beautiful mansion. She felt that putting the proposed development in their neighborhood would be akin to putting a Taco Bell on Government Street, except this would compromise the safety of her children and all the children in the neighborhood. Ms. Lagarde said the children could ride their bikes on the sidewalks throughout the neighborhood because Ridgefield was a safe place. Ridgefield is the kind of neighborhood that has sidewalks, large yards, and their children can even walk to school. She said there were only about 150 houses in their neighborhood, and the proposed development would

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more than double the traffic that goes through the neighborhood. She also said this would confine the children to their houses, to play in the back yards, and they would not be able to socialize as much with the neighbors. This would destroy their way of life.

Ronnie Handwerger, owner of 5918 Windham Court, said he had spoken when this application came up previously. Mr. Handwerger said that he would not reiterate everything the neighbors had said today, but he agreed with them. He said their back yard would be adjacent to the subject property. It also goes on the east side of their neighborhood, and with the addition proposed, it would go even further south along their neighborhood. Mr. Handwerger pointed out another parcel, which he felt they would want to expand east to west, along the south side of their street. He felt this would drastically decrease the value of their property. The flooding issues and the traffic would be the same for them. Mr. Handwerger referred to the staff report, which stated that the PUD review examined the site with regard to the location to be sure that it was generally compatible with the neighboring uses. It also says to provide for protection from adverse affects of adjacent properties, as well as provide protection of adjacent properties from adverse affects from the PUD. He felt they were not going to be protected from this PUD and asked the Commission to vote against approval.

In response, Mr. Dasdue said it was important to hear from the neighbors, but he would like to talk about some of their concerns. He said he took offense at the comment calling this low-income housing. Mr. Dasdue said this was proposed to be upscale student housing with one-year leases, which would be signed by the parents of the students who lived there. He also said it would be gated, well lighted, and secured. Regarding traffic, Mr. Dasdue said their main entrance was going to be on Long Street. They were required to have a second access on East Drive. As for them just finding out it was to be student housing, Mr. Dasdue said it had always been projected to be student housing. Regarding Twelve Mile Creek and the definition of the flood way, he did not have any control over what the definition was. The green spaces they planned to leave in place would more than make up for the new buildings. He said they had no future expansion plans. They were simply asking the Commission to allow them to make it a much better development, which would keep rent slightly lower for the students at USA.

Mr. Vallas commented that several months ago the Commission approved a development requiring a second access for emergencies only. He asked if they could make access on East Drive for security purposes only, and require their main access on Long Street.

Mr. Olsen said Mr. Vallas was correct--the development was The Legacy. He said he could not recall the number of units in The Legacy, but another difference was that this was student housing as opposed to The Legacy being targeted more towards individuals and families.

Mr. Vallas pointed out that there was a lot of undeveloped land on East Drive and it was only going to get worse.

Mr. Miller commented that he felt Mr. Vallas' idea was a good one. He suggested perhaps some speed bumps could be installed to basically discourage the use of East Drive as much

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as possible. Mr. Miller noted that the applicant had been pretty cooperative. The staff had required them to move a couple buildings to help the neighbors, and required them to go through the considerable expense of improving Long Street. He said this was a difficult problem and there were two good sides to it.

Mr. Watkins asked the staff to give a brief history on how this application got to this point.

Ms. Pappas pointed out the particular parcel that had been zoned R-3 since the 1970's and there were no special conditions associated with the approval. Another parcel was zoned R-3 in 2001 with very specific conditions associated with it.

Mr. Watkins asked if the applicant was the same.

Ms. Pappas said it was a different applicant. She said when the current applicant submitted their PUD and Subdivision back in March, they also had to submit a rezoning application to change some of the conditions related to the property; one of the conditions allowed the property to be developed only as depicted on the submitted site plan. Ms. Pappas pointed out the area that the Planning Commission recommended for rezoning in March, modifying the zoning conditions as well as the PUD, and Subdivision. The applicant was now asking for rezoning of the R-1 portion, this a new PUD and Subdivision was required. The PUD is site plan specific. The Subdivision is needed to incorporate all the property into one lot.

Ms. Clarke asked the staff to respond to the concern raised by the residents about increased traffic flow.

Ms. White, representing Traffic Engineering, responded that there would definitely be an increase in traffic because of the number of units proposed, and you could expect probably four trips, per day, per car. Given an option of East Drive or Long Street, she felt it would be better to allow access off Long Street; however giving them an option would probably be better than channeling them all to one. Then you actually divide the traffic between two streets, not one.

Mr. Dasdue said that in their opinion, with this being student housing, there would be decreased usage of cars because students would be across the street from the university and would be walking to campus.

In executive session Mr. Vallas moved for approval subject to staff recommendation, and with the only access to East Drive being for emergency vehicles. Their primary access would be on Long Street.

Mr. Miller seconded the motion.

In further discussion Mr. McSwain asked if the Commission would want to consider some design considerations at the west end of the site, such as a modified cul-de-sac.

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Mr. Watkins asked the staff if their recommendation on this was based on some concept of correcting the split zone.

Ms. Pappas said that was one issue. The other issue was changing conditions in the area as was discussed. One part was zoned back in the 1970's, another portion in 2001, and another in the 1980's.

Mr. Vallas noted that if they denied the application right now, they could construct apartments and access to East Drive. He felt that was the worst thing that could happen to those residents. If the Commission approved it according to his motion, at least they would be taking away access to East Drive, except for emergency vehicles.

Mr. Miller agreed with Mr. Vallas. He said there was only so much the Commission could do, as this was a valid use for this property. Mr. Miller felt limiting access to Long Street with emergency access only from East Drive was about the best situation they were going to get for the neighborhood, the developer and everyone else involved.

Mr. McSwain suggested an amendment to the motion that there be some form of modified cul-de-sac required.

Mr. Vallas amended his motion to include Mr. McSwain's suggestion. Mr. Miller seconded the motion.

The final motion was to approve this change in zoning to the City Council subject to the following conditions:

- 1) construction of Long Street to a standard approved by City Engineering;
- 2) full compliance with the landscaping and tree planting requirements of the Ordinance;
- 3) the provision of a sidewalk along the improved portion of Long Street;
- 4) the provision of an eight-foot wooden privacy fence, as well as a 10' buffer where the site adjoins R-1 zoning;
- 5) full compliance with all City Engineering Comments (provision of a 100' drainage easement along existing storm ditch [12 Mile Creek], provision of storm water detention for a 100 year flood, any work performed in the right of way will require a right of way permit);
- 6) full compliance with Traffic Engineering Comments (driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards, and widening of parking aisles to 24-feet for two-way traffic flow);
- 7) the approval of all applicable federal, state and local agencies;
- 8) full compliance with all municipal codes and ordinances;
- 9) the access to East Drive is limited to access for emergency vehicles only, and not for use by the residents or visitors; and
- 10) the provision of a modified cul de sac or turn around at East Drive, design to be approved by Urban Development and Traffic Engineering. .

The motion carried unanimously.

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Case #ZON2005-00810 (Planned Unit Development)

University Club Apartments Subdivision

139 East Drive (East side of East Drive, 900'± South of Old Shell Road, extending to the West side of Long Street, 600'± South of Old Shell Road).

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

The site plan illustrates the proposed buildings, parking, and drives.

(For discussion see Case #ZON2005-00809 – James Barnes [Rester & Coleman Engineers, Inc., Agent] –Above; and Case #SUB2005-00071 - University Club Apartments Subdivision – Below).

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

- 1) construction of Long Street to a standard approved by City Engineering;
- 2) full compliance with the landscaping and tree planting requirements of the Ordinance;
- 3) the provision of a sidewalk along the improved portion of Long Street;
- 4) the provision of an eight-foot wooden privacy fence, as well as a 10' buffer where the site adjoins R-1 zoning;
- 5) full compliance with all City Engineering Comments (provision of a 100' drainage easement along existing storm ditch [12 Mile Creek], provision of storm water detention for a 100 year flood, any work performed in the right of way will require a right of way permit);
- 6) full compliance with Traffic Engineering Comments (driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards, and widening of parking aisles to 24-feet for two-way traffic flow);
- 7) the approval of all applicable federal, state and local agencies;
- 8) full compliance with all municipal codes and ordinances;.
- 9) the access to East Drive is limited to access for emergency vehicles only, and not for use by the residents or visitors; and
- 10) the provision of a modified cul de sac or turn around at East Drive design to be approved by Urban Development and Traffic Engineering.

The motion carried unanimously.

Case #SUB2005-00071 (Subdivision)

University Club Apartments Subdivision

139 East Drive (East side of East Drive, 900'± South of Old Shell Road, extending to the West side of Long Street, 600'± South of Old Shell Road).

1 Lot / 10.5± Acres

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(For discussion see Case #ZON2005-00809 – James Barnes [Rester & Coleman Engineers, Inc., Agent] –Above; and Case #ZON2005-00810 - University Club Apartments Subdivision [PUD] – Above).

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

- 1) construction of Long Street to a standard approved by City Engineering;
- 2) approval of all necessary federal, state and local agencies;
- 3) full compliance with all municipal codes and ordinances;
- 4) placement of a note on the final plat stating that; and
- 5) the access to East Drive is limited to access for emergency vehicles only, and not for use by the residents or visitors.

The motion carried unanimously.

Case #ZON2005-00789 (Rezoning)

NTG – C Investments

2200 Airport Boulevard (Northwest corner of Airport Boulevard and Crenshaw Street).

A request for a change in zoning from B-1, Buffer Business, to B-2, Neighborhood Business, to allow a parking lot expansion for an existing retail shopping center was considered.

The plan illustrates the existing and proposed structures and parking.

(Also see Case #ZON2005-00796 – Westwood-Airport Subdivision, Addition to {PUD} – Below; and Case #SUB2005-00062 – Westwood-Airport Subdivision, Addition to – Below).

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

- 1) provision of a buffer, in compliance with Section IV.D.1. where the site adjoins residential zoning;
- 2) full compliance with the landscaping and tree planting requirements of the Ordinance for the overall site;
- 3) that the site be limited to one curb cut to Airport Boulevard, with the size, location and design to be approved by Traffic Engineering; and
- 4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Ms. Clarke recused from discussion and voting.

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Case #ZON2005-00796 (Planned Unit Development)

Westwood-Airport Subdivision, Addition to

2200, 2202, and 2206 Airport Boulevard (North side of Airport Boulevard, extending from Crenshaw Street to Westwood Street).

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

The plan illustrates the existing and proposed structures and parking.

(For discussion see Case #ZON2005-00789 – N T G – C Investments [Rezoning]– Above; and Case #SUB2005-00062 – Westwood-Airport Subdivision, Addition to – Below).

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

- 1) provision of a buffer, in compliance with Section IV.D.1. where the site adjoins residential zoning;
- 2) full compliance with the landscaping and tree planting requirements of the Ordinance for the overall site;
- 3) that the site be limited to one curb cut to Airport Boulevard, with the size, location and design to be approved by Traffic Engineering; and
- 4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Ms. Clarke recused from discussion and voting.

Case #SUB2005-00062 (Subdivision)

Westwood-Airport Subdivision, Addition to

2200, 2202, and 2206 Airport Boulevard (North side of Airport Boulevard, extending from Crenshaw Street to Westwood Street).

1 Lot / 1.0± Acre

(For discussion see Case #ZON2005-00789 – N T G – C Investments [Rezoning]– Above; and Case #ZON2005-00796 – Westwood-Airport Subdivision, Addition to [PUD]– Below).

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

- 1) placement of a note on the final plat stating that the site is limited to one curb cut to Airport Boulevard, with the size, location and design to be approved by Traffic Engineering.

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The motion carried unanimously.

Ms. Clarke recused from discussion and voting.

Case #ZON2005-00787 (Planning Approval)

Port City Church of Christ

2901 Hillcrest Road (East side of Hillcrest Road, 125'± South of Medearis Court).

A request for Planned Unit Development Approval to allow a parking lot expansion at an existing church in an R-1, Single-Family Residential district.

The plan illustrates the existing structures, paving, and trees 24" diameter or larger.

(Also see Case #ZON2005-00846 – Port City Church of Christ [PUD] – Below).

Frank Dagley, Frank Dagley Surveying, was present representing the applicant. Mr. Dagley said the applicant wanted to make a slight modification in the plan that was submitted last week. The staff recommendation is that it be site plan specific. So they either have to hold this over, or he could pass around a drawing to show this small change that may or may not be significant.

Mr. Olsen asked Mr. Dagley what the small change was.

Mr. Dagley indicated an area on the plan where they wanted to add additional parking. He said they would still meet the landscaping and technical requirements. They were parking on the grass now, so this would be bringing this up to City standards.

Mr. Olsen said if the Commission chose to, they could approve it today subject to the revised site plan.

Gary Tyler, a resident of 6314 Hillcrest Oaks Drive, said with a total of 129 parking spaces the residents were concerned with the drainage problem this could create. He said it was 35 feet from the property line to where they wanted to add a row of parking. Mr. Tyler recommended they move the parking from one side to the back. He said since the church had moved there, the water flows over the dirt and into their yard, out the front and down the drive. They were concerned about flooding.

Richard Blake, a resident of 6318 Hillcrest Oaks Drive, said not only did they have very serious existing problems with drainage, this was just the beginning. He said the Port City Church of Christ obviously was not going to continue with their present physical facility. He pointed out an area they were keeping clear for some future purpose, and suggested the area in front of the building perhaps may be for a sanctuary. Mr. Blake said the residents had already experienced a dramatic increase in the drainage problem that has been created simply by the effects of hundreds of cars driving all over this area for approximately the last year. He said his yard had always had somewhat of a drainage problem, but not until the last two torrential rains had the water threatened their home. To pave the amount of property they

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were proposing to pave would only exacerbate the problem to a significant degree. He contended that the 35 spaces along the south end could be totally eliminated and put directly across from the 18 spaces that they have on that east end. This would give them 112 spaces, three more than they were already asking for.

Mr. Tyler further expressed concern about additional lighting they would have for the parking lot. He said there was a spotlight on the existing building corner that illuminated his entire back yard and shines directly into their living room. There would also be light from the church sign in the front. Mr. Tyler said this was an R-1, single-family residential area that they were asking to put a parking lot on and he felt it should not be done.

In response, Mr. Dagley requested a holdover to allow them time to have a community meeting and talk about these issues. Regarding drainage, he said there was a paved drainage ditch on the north property line and a paved ditch on the east property line. There was a type S inlet on Hillcrest right adjacent to their driveway, which they felt would adequately handle the drainage.

After discussion a motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to holdover this application until the May 19, 2005, meeting at the applicant's request.

The motion carried unanimously.

Mr. Watkins recused from discussion and voting.

Case #ZON2005-00846 (Planned Unit Development)

Port City Church of Christ

2901 Hillcrest Road (East side of Hillcrest Road, 125'± South of Medearis Court).

A request for Planned Unit Development Approval to allow multiple buildings on a single building site

The plan illustrates the existing structures, paving, and trees 24" diameter or larger.

(For discussion see Case #ZON2005-00787 – Port City Church of Christ [Planning Approval] – Above).

After discussion a motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to holdover this application until the May 19, 2005, meeting at the applicant's request.

The motion carried unanimously.

Mr. Watkins recused from discussion and voting.

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NEW ZONING APPLICATION:

Case #ZON2005-00669

The Mitchell Company, Inc.

West side of Du Rhu Drive, 235' ± North of Dauphin Street.

A request for a change in zoning from B-1, Buffer Business, to B-2, Neighborhood Business, to allow a retail shopping center and offices was considered.

The plan illustrates the proposed buildings and parking.

Doug Anderson, present on behalf of the applicant, stated that the applicant was in agreement with the staff recommendations.

Steven Crenshaw was present representing the property at 3632 Dauphin Street and 3719 Dauphin Street. They contend that the current drainage systems in the Dauphin Street area are inadequate. He cited several recent rains that rendered Dauphin Street impassable by emergency vehicles in this area. This area is adjacent to Montlimar Creek and will flood if there is a 3" rain or four hours of rain. He said in accordance with Section 64-4 which states that no structure shall be erected or altered where the land is covered by such structure has been designated as subject to inundation until such conditions making the land subject to inundation have been corrected. Mr. Crenshaw said they see nothing that supports a drainage study. The FEMA map shows that this area is subject to flooding. They oppose the rezoning to B-2 because in its current condition B-1 allows 45 percent coverage of the property, and B-2 allows 50 percent coverage, which further exacerbates the drainage issue.

In response, Mr. Anderson stated that every application was subject to the proper drainage being provided. He said there was no requirement that they submit a drainage plan now to the City Engineer. They will get with the City Engineer and design the drainage plan necessary to hold water on their side to where they do not increase the flow of water onto the neighboring property. Mr. Anderson said Clark, Geer and Latham was their engineer on this project and they know the drainage requirements and would take care of it. He said he took offense at someone representing Spring Hill Memorial Hospital saying that this little 9-acre site would create or increase the drainage problem to such a degree that it would affect their 15 acres of concrete pavement.

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

- 1) submission, approval and recording of a one lot subdivision prior to the issuance of any permits;
- 2) submission of a PUD application (if the development is to consist of multiple buildings as indicated on the conceptual site plan);
- 3) proposed improvements as referenced in the Dauphin Street at DuRhu Drive Traffic Study be completed prior to the issuance of any CO's for the project;

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- 4) provision of a 6' (minimum) privacy fence where the site is adjacent to residentially zoned or developed properties; and
- 5) full compliance with all municipal codes and ordinances, including but not limited to landscaping and tree plantings, and provision of sidewalks.

The motion carried unanimously.

NEW PLANNING APPROVAL APPLICATIONS:

Case #ZON2005-00807

Dauphin Way United Methodist Church

1507 Dauphin Street (South side of Dauphin Street extending from Catherine Street to Lee Street).

A request for Planned Unit Development Approval to allow an additional playground for a child day care center at an existing church in an R-1, Single-Family Residential district was considered.

The site plan illustrates the existing buildings along with the proposed playground, fencing, and concrete walks.

The applicant was present and agreed with the staff recommendations.

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

- 1) approval by the Architectural Review Board prior to the issuance of any permits;
- 2) the 42" Live Oak Tree located to the East of the proposed play ground be given preservation status; and
- 3) full compliance with all municipal codes and ordinances

The motion carried unanimously.

Case #ZON2005-00813

NL Cottage Hill LP (John Toomey & Co., Inc., Agent)

2970 Cottage

A request for Planned Unit Development Approval to allow a business college in a B-1, Buffer Business district was considered.

The plan illustrates the existing structure and parking.

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

The motion carried unanimously.

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NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2005-00811

BankTrust Subdivision

Southeast corner of Old Shell Road and South McGregor Avenue.

A request for Planned Unit Development Approval to allow multiple buildings on multiple building sites with shared access and parking was considered.

The site plan illustrates the proposed building, parking, and drives.

The applicant was present in this matter and agreed with the staff recommendations.

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

- 1) completion of the subdivision process;
- 2) provision of the required buffer fence where the site abuts residentially zoned properties at the time those properties are developed residentially;
- 3) existing trees that are on the West side of Lot 1 require a permit from Urban Forestry to be disturbed. Preservation status for the 48" Live Oak located on the South side of Lot 2. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;
- 4) any significant changes to the site development will necessitate a new PUD approval by the Planning Commission, to include all properties involved/affected; and
- 5) full compliance with all municipal codes and ordinances, including but not limited to landscaping, tree plantings and sign number, location and size.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2005-00070

Equipment Sales Subdivision

516 Western Drive (East side of Western Drive, 180'± North of Mill Street, extending to the North side of Mill Street, 915'± East of Western Drive).

1 Lot / 5.7± Acres

This application was withdrawn at the applicant's request.

Case #SUB2005-00068

Greenwood Estates Subdivision, Phase I & II

West side of McCrary Road, ¼ mile± North of Stone Road.

45 Lots / 17.0± Acres

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The applicant was present and was in agreement with the staff recommendations.

Harold Hughes, representing the McCrary Road Baptist Church at 5443 McCrary Road, said he would like to get some more information on this application.

Mr. Plauche stated that the application would be held over until the next meeting, but the staff could provide him with additional information after the meeting.

Jackie Glasco, representing the Alabama Department of Transportation, said their concern was that the alignment for the westward extension of State Highway 158 goes completely through this parcel of property. Mr. Glasco said they have had public meetings on this and had completed an environmental assessment document. They have petitioned the Federal Highway Administration and they had approved the alignment on the roadway. Right-of-way acquisition was scheduled to start in November of this year, with construction in November of next year. He said the State was willing to meet with the property owner and to look at early acquisition. This would involve from 12 to 15 acres of the 18-acre tract.

Mr. Olsen stated that the staff was going to have to get some advice from counsel on this. He said it was recommended for holdover. The staff would like to change the date of the holdover hearing from May 5 to May 19 to give them time to confer with legal counsel and the State. They were not aware of this until today.

A motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to holdover this application until May 19, 2005, meeting for the following reasons:

- 1) to allow the applicant time to provide documentation verifying that the property has existed in its current configuration since before 1984, or to include the out parcels in the subdivision; and
- 2) to allow the staff time to review and consider information presented at the meeting relating to proposed extension of Hwy 158.

The motion carried unanimously.

Case #SUB2005-00072

Heron Lakes Subdivision, Phase Two, corrected Plat, Resubdivision of and Addition to Lot 123

Northeast terminus of Blue Heron Ridge.

3 Lots / 0.8± Acre

Mr. Plauche said the applicant had requested this application be held over.

A motion was made by Dr. Rivizzigno and seconded by Mr. Holmes to holdover this application until May 5, 2005, meeting for the following reasons:

- 1) the proposed subdivision will require the amendment of an existing PUD, therefore the applicant must submit an application to amend the existing Planned Unit

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Development so that the subdivision and PUD applications may be reviewed concurrently;

- 2) the submission of a revised plat to include all parcels that are part of the subdivision request, as well as any additional property-owner notification information; and
- 3) the correction of the directional bearings to agree with the written description of the site boundaries.

The motion carried unanimously.

Case #SUB2005-00067

McCrary Road Estates Subdivision

West side of McCrary Road, 2/10 mile± South of Corley Lane.

2 Lots / 1.0± Acre

Mr. Plauche said this application was recommended for holdover.

Mr. Olsen stated that this site may also be impacted by the proposed extension for the westward alignment of State Highway 158, it should be held over until the meeting of May 19 to allow the staff time to meet with the applicant and the Highway Department.

A motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to holdover this application until May 19, 2005, meeting for the following reasons:

- 1) to allow the applicant time to provide documentation verifying that the property has existed in its current configuration since before 1984, or to include the out parcels in the subdivision; and
- 2) to allow the staff time to review and consider information presented at the meeting relating to proposed extension of Hwy 158.

The motion carried unanimously.

Case #SUB2005-00064

Montlimar Plaza Subdivision, Unit Two, Resubdivision of Lots 6 & 7

West terminus of Montlimar Plaza Drive.

1 Lot / 0.9± Acre

The applicant was present and agreed with the staff recommendations.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Mr. Miller to approve the above referenced subdivision subject to the following condition:

- 1) the provision of a buffer between the site and the residentially zoned property to the West, per section V.A.7 of the Regulations.

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The motion carried unanimously.

Case #SUB2005-00073

Pine Valley Subdivision, Second Addition

East side of Schillinger Road South, 550'± South of Adobe Ridge Road South, extending to the East terminus of Adobe Ridge Road South.

10 Lots / 53.2 ± Acres

A motion was made by Dr. Rivizzigno and seconded by Mr. Miller to approve the above reference subdivision subject to the following conditions:

- 1) the placement of a note on the final plat stating that Lot 10 is denied access to Schillinger Road;
- 2) the construction and dedication of the new street;
- 3) the provision of a temporary turnaround at the East end of the new street;
- 4) the depiction of the 25' building setbacks on the final plat;
- 5) the correlation of bearings in the legal description and on the drawing on the final plat; and
- 6) the placement of a note on the final plat stating that any lots that are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2005-00059

Quinnelly Addition Subdivision

3751 Sheips Lane (South side of Sheips Lane, 680'± East of McGregor Avenue).

2 Lots / 0.6± Acre

The applicant was present and agreed with the staff recommendations.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Mr. Miller to approve the above referenced subdivision.

The motion carried unanimously.

Case #SUB2005-00066

L. P. Thompson Subdivision

3506 Club House Road (Southwest corner of Club House Road and Wyndham Road).

2 Lots / 1.0± Acre

A motion was made by Dr. Rivizzigno and seconded by Mr. Miller to approve the above referenced subdivision.

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There was no one present in opposition.

The motion carried unanimously.

Case #SUB2005-00069

Virginia Street Subdivision

Northwest corner of Virginia Street and Conception Street, extending to the East side of Franklin Street, 155'± North of Virginia Street.

4 Lots / 2.6± Acres

Adam Metcalf, with Metcalf and Company, said they were in agreement with the staff recommendations except for one. Mr. Metcalf said one of the reasons for the subdivision was to make a two-story addition to the existing 9,000 square office building on Lot 1. He pointed out their current parking on the map. The parking lot has a brick and wrought iron fence all the way around it. He said if they give up additional right-of-way as recommended, which would mean 25' into that parking lot, it would be going beyond the existing fence, which would mean that all of his client's improvements would now be situated in the right-of-way. Additionally, it would eliminate several parking spaces. Mr. Metcalf said the reason for the addition was due to growth of the business. He also said that he was concerned about the elimination or potential elimination of any parking since they were already tight on that parking. Mr. Metcalf asked that the Commission recommend approval subject to elimination of that one requirement.

Ms. Pappas noted that the existing right-of-way shown on the plat was 50 feet. This portion of Virginia Street, which was a major street on the Major Street Plan, calls for 100 feet. So it would probably be 25 additional feet.

A motion was made by Mr. Watkins 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 Lot 1 is limited to one curb cut to Virginia Street, size, location, and design to be approved by Traffic Engineering; and
- 2) the depiction of the 25' building setback lines on the final plat.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2005-00785

Pipeline Realty Mobile, Ltd (dba Texas Pipe & Supply)

2200-A Wolf Ridge

A request to waive construction of a sidewalk along Wolf Ridge Road was considered.

The applicant was agreeable with the staff recommendations.

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A motion was made by Mr. Miller and seconded Dr. Rivizzigno to approve this request subject to the following conditions:

- 1) coordination with Urban Forestry to determine an appropriate location for the proposed heritage trees, with the site plan revised to reflect the approved locations prior to application for permitting;
- 2) revision of the site plan to show the 10-foot wide strip previously reserved for the future widening of Wolf Ridge Road; and
- 3) depiction of the 25-foot minimum building setback line from the future right-of-way line.

The motion carried unanimously.

OTHER BUSINESS:

Mr. Olsen stated that recently the Alabama Chapter of the American Planning Association held its Spring Conference here in Mobile. One of the highlights of that conference is the annual awards presentation. The awards program recognizes outstanding planning projects within the State of Alabama, as well as individuals who have contributed to the cause of planning in their community and region. This year the Urban Development staff nominated Ms. Wanda Cochran for the Friend of Planning Award. This award recognizes an individual who has advanced or promoted the cause of planning in the public arena.

Ms. Pappas noted that Wanda serves not only as legal counsel to the Planning Commission and Board of Zoning Adjustment, but she is also primary counsel for other City boards and commissions including the Architectural Review Board and the Police and Fire Pension Board. Wanda recognizes that planning and zoning are valuable tools in creating a city that is both livable and rich in cultural and architectural heritage. As an active member of the City's Smart Growth Steering Committee, Wanda not only supports Smart Growth ideas, she lives them. As a resident of the City's oldest historic district, Wanda helped organize her neighbors, putting them in contact with Urban Development to develop a plan for their historic neighborhood. Wanda is also an avid cyclist and is frequently seen biking to work and other activities. Her belief in the partnership between planning and preservation allows her to view issues from a unique perspective, and sometimes it is this unique perspective that causes us all to think outside the box. Wanda's guidance and input were also instrumental in the development of the Historic District Overlay, which was approved both by the Planning Commission and the City Council.

Mr. Olsen said the staff congratulated Ms. Cochran and presented her with the Alabama Chapter, American Planning Association, Friend of Planning Award for 2004.

Mr. Plauche and the members offered their congratulations to Ms. Cochran.

There being no further business, the meeting was adjourned.

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APPROVED: June 16, 2005

/s/ Victor McSwain, Secretary

/s/ Terry Plauche, Chairman

vm