

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF MAY 19, 2005 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
Victor McSwain, Secretary
Adline Clarke
Ann Deakle
Nicholas Holmes
Mead Miller
James Watkins III
John Vallas

Members Absent

James Laier (S)
Clinton Johnson
Victoria L. Rivizzigno

Urban Development Staff Present

Laura J. Clarke, Director,
Urban Development Department
Richard L. Olsen, Deputy Director of
Planning
Margaret Pappas, Deputy Director
Permitting and Development
David Daughenbaugh, 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:

A motion was made by Mr. Plauche and seconded by Mr. Watkins to approve the minutes of the April 7, 2005, meeting as submitted.

The motion carried unanimously.

HOLDOVERS:

Case #ZON2005-00787 (Planning Approval)

Port City Church of Christ

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

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

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

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

Frank Dagley, present on behalf of the applicant, stated that this application had been held over at their request due to concerns of the neighbors. Mr. Dagley said that they had met with the neighbors and had resolved their concerns. He said they had no problems with the staff recommendations.

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

- 1) placement of a note on the site plan stating that Planning Approval and PUD approval are site plan specific, and that modifications or additions will require new Planning Approval and PUD applications;
- 2) provision of landscaping and tree planting in accordance with the quantities and ratios set forth in Section IV.E.3. (Minimum Landscape Requirements) of the Zoning Ordinance, as amended, and comply with Sections IV.E.4. and IV.E.5. of the Ordinance;
- 3) full compliance with Section VI.A. (Off-Street Parking Requirements) of the Zoning Ordinance, as amended;
- 4) placement of a note on the site plan stating that the lot is limited to a maximum of two curb-cuts, one existing and one new, with no breach of the existing median on Hillcrest Road, with the size and location of curb cuts to be approved by Traffic Engineering;
- 5) full compliance with the Storm Water Drainage Ordinance, including the provision of a storm water detention basin to be indicated on the final site plan;
- 6) placement of a note on the final site plan stating that “preservation status is to be given to the 48” Live Oak Tree located on the South side of Lot and the 50” Live Oak Tree located in the South East corner of Lot. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.”; and
- 7) full compliance with all other applicable municipal codes and ordinances.

The motion carried unanimously.

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 was considered.

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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 Mr. Miller to approve this plan subject to the following conditions:

- 1) placement of a note on the site plan stating that Planning Approval and PUD approval are site plan specific, and that modifications or additions will require new Planning Approval and PUD applications;
- 2) provision of landscaping and tree planting in accordance with the quantities and ratios set forth in Section IV.E.3. (Minimum Landscape Requirements) of the Zoning Ordinance, as amended, and comply with Sections IV.E.4. and IV.E.5. of the Ordinance;
- 3) full compliance with Section VI.A. (Off-Street Parking Requirements) of the Zoning Ordinance, as amended;
- 4) placement of a note on the site plan stating that the lot is limited to a maximum of two curb-cuts, one existing and one new, with no breach of the existing median on Hillcrest Road, with the size and location of curb cuts to be approved by Traffic Engineering;
- 5) full compliance with the Storm Water Drainage Ordinance, including the provision of a storm water detention basin to be indicated on the final site plan;
- 6) placement of a note on the final site plan stating that "preservation status is to be given to the 48" Live Oak Tree located on the South side of Lot and the 50" Live Oak Tree located in the South East corner of Lot. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger."; and
- 7) full compliance with all other applicable municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2005-00068 (Subdivision)

Greenwood Estates Subdivision, Phase I & II

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

45 Lots / 17.0± Acres

(Also see Case #SUB2005-00067 – McCrary Road Estates Subdivision Below).

Mr. Plauche informed the members that they had been provided revised staff comments for Greenwood Estates and McCrary Road Estates Subdivisions.

The applicant was present and concurred with the staff recommendations.

Ms. Pappas reviewed the staff's revised comments that the Commission had just received. She said the application was recommended for denial because in researching

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the tax assessor's records, the owner of record was not a party to the applications and did not submit authorization for Greenwood Estates Subdivision or McCrary Road Estates Subdivision. Additionally, the proposed extension of Highway 158 Industrial Parkway would significantly impact both the Greenwood and McCrary Road Subdivision sites. Ms. Pappas said the Subdivision Regulations do call for correlation with other agencies such as the Alabama Department of Transportation. The staff had received documentation from Alabama Department of Transportation, which stated that they were in the process of acquiring right-of-way and the beginning construction date for the extension was November 2006. Based on these factors, the staff recommended denial of Greenwood Estates Subdivision, Phase I & II, and McCrary Road Estates Subdivision.

Millard Austin, present on behalf of the applicant, said the applicant who signed the application had an option to purchase the property.

Ms. Pappas said the staff did not receive a copy of that, and there was not a copy in the file.

Mr. Austin said that was correct, but they could provide it. As far as Alabama Department of Transportation purchasing the property, Mr. Austin said he had spoken to them and they indicated that they do intend to purchase the property, but they had not come forward. He also said they did not have their approvals from Montgomery. Mr. Austin said they would like to proceed with the subdivision until such time as Alabama Department of Transportation does come forward and offers to buy the property.

Mr. Plauche asked Mr. Austin if he was aware that the recommendation for both of these subdivisions was for denial.

Mr. Austin said he understood. He said he thought it would be appropriate if he withdrew both subdivisions at this time.

Mr. Plauche accepted his withdrawal.

Case #SUB2005-00067 (Subdivision)

McCrary Road Estates Subdivision

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

2 Lots / 1.0± Acre

(For discussion see Case #SUB2005-00068 - Greenwood Estates Subdivision, Phase I & II Above).

This application was withdrawn at the applicant's request.

Case #SUB2005-00080 (Subdivision)

D. E. C. Subdivision

Northwest corner of Television Avenue and Broadcast Drive.

1 Lot / 0.4± Acre

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Don Coleman, Rester & Coleman Engineers, was present on behalf of the applicant and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Mr. Watkins and seconded Ms. Deakle to approve the above referenced subdivision.

The motion carried unanimously.

Case #SUB2005-00078 (Subdivision)

Oakstone Subdivision

Southeast corner of Laurendine Road and Lancaster Road.

51 Lots / 32.6± Acres

Jerry Byrd, Byrd Surveying Company, was present on behalf of the applicant. Regarding the staff recommendation that two traffic calming devices be provided, Mr. Byrd said they felt that one traffic calming device would be sufficient in the area of Lots 16 and 17, which was approximately in the middle. Regarding recommended condition #6 requiring reduced side street setback on Lots 1, 6, 7, and 25; they were requesting a 15' minimum setback if possible. Mr. Byrd said any reduction would be appreciated.

Regarding traffic calming devices, Mr. Olsen said that condition could be changed to state that the number, location, and design be approved by the County Engineering Department. Regarding the reduced setback to 15' as opposed to 25', Mr. Olsen noted that in the City, the Zoning Ordinance allowed a the 20' setback on corner lots. He said that frequently the Commission would alter the 25' as required by the Subdivision Regulations to correspond to 20' of the Zoning Ordinance. Mr. Olsen pointed out that this site was in the County and there were no required setbacks in the county.

A motion was made by Mr. McSwain and seconded Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

- 1) placement of a note on the final plat stating that the number, location and design of traffic calming devices are to be approved by the Mobile County Engineering Department;
- 2) placement of a note on the final plat stating that the maintenance of common areas and the detention pond is the responsibility of the subdivision's property owners;
- 3) the dedication of an additional 10-feet along the site's Laurendine Road frontage;
- 4) placement of a note on the final plat stating that Lot 1 is restricted to access only onto Lancaster Road, that lot 48 is permitted one curb cut onto Laurendine Road, and that lot 49 is limited to a maximum of two curb cuts, with the size, location and design of all proposed curb cuts to be approved by the Mobile County Engineering Department;

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- 5) correction of all written and depicted dimensions and bearings in the Legal Description and on the plat;
- 6) placement of a note on the plat stating that Lots 1, 6, 7, and 25 side street setback be reduced to 20-foot as opposed to 25-foot as required in the Subdivision Regulations;
- 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;
- 8) dedication and construction of roads to Mobile County standards; and
- 9) approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #ZON2005-00995 (Rezoning)

Cypress Equities Southeast, L.L.C. (John Farrow, Agent)

6575 Airport Boulevard (South side of Airport Boulevard, 2/10 mile± West of Hillcrest Road).

A request for a change in zoning from R-1, Single-Family Residential, to B-3, Community Business, to allow a commercial subdivision with retail sales and professional offices was considered.

The plan illustrates the proposed subdivision, buildings, and parking.

John Farrow, agent for the applicant, was present and concurred with the staff recommendations.

(Also see Case #ZON2005-00994 – Cypress Equities Subdivision [PUD] – Below; and Case #SUB2005-00090 – Cypress Equities Subdivision – Below).

Lee Metzger, Director of Real Estate for Providence Hospital, was present on behalf of the Daughters of Charity. Mr. Metzger said he did not oppose the application, nor did the Daughters of Charity. He wanted to point out that the staff recommended the provision of a buffer and privacy fence where the property abutted the residential sections to the East and South. Mr. Metzger pointed out that at the extreme Southeast corner of the Providence site there was a 200' x 200' lot, which is the residence of the sisters at Providence Hospital. He said that they respectfully requested the applicant extend the buffer along the west property line where it adjoins the 200' x 200' residential site. Mr. Metzger said that would be along the Southwest corner of the proposed application.

After discussion a motion was made by Mr. Vallas and seconded by Ms. Deakle to recommend this change in zoning to the City Council subject to the staff's recommendations, and subject to adding a 10' buffer extending from the Southwest corner North approximately 200 feet.

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In further discussion Mr. McSwain asked if that would compromise their parking.

Mr. Olsen said it could possibly impact their parking, but he would have to look at the site plan to determine that.

Mr. Vallas felt that what they were proposing in the back appeared very speculative at this time, and that they could probably modify the site plan just to accommodate that 10 feet.

Mr. Olsen noted that if it were a significant modification they would have to come back to the Commission because this was a PUD.

There was further discussion as to whether they could require either a 10' buffer or a 6' fence.

Mr. Olsen said that based on the site plan submitted with this application, a 10' buffer would not work.

Mr. Plauche asked Mr. Vallas if he would like to amend his motion.

Mr. Vallas amended his motion to require either a 10' buffer or an 8' privacy fence.

In further discussion it was asked if, with the parking they had, they lost parking along there, would it eat off too much parking for them.

Mr. Olsen stated that it would not create a parking deficit based on the Ordinance requirements.

It was asked if they were given the option of a 10' buffer or an 8' fence, could they just not develop those parking spaces there, or would they have to resubmit the PUD.

Mr. Olsen said that the staff could administratively approve the elimination of those parking spaces, as it would not be considered a significant change to the development.

Mr. Plauche called for a second to the amended motion.

The motion was seconded by Ms. Deakle.

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

- 1) development limited to the accompanying PUD;
- 2) provision of an 8' privacy fence along the South and East property lines, where the site abuts residential properties;
- 3) the provision of a 10' buffer planting strip, or an 8' wooden privacy fence beginning at the southwest corner and extending northwardly along the west

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- property line for approximately 200' where the site adjoins the residential facility to the west; and
- 4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2005-00994 (Planned Unit Development)

Cypress Equities Subdivision

6575 Airport Boulevard (South side of Airport Boulevard, 2/10 mile± West of Hillcrest Road).

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

The plan illustrates the proposed subdivision, buildings, and parking.

John Farrow, agent for the applicant, was present and concurred with the staff recommendations.

(For discussion see Case #ZON2005-00995 – Cypress Equities Southeast, L.L.C., John Farrow, Agent, [Rezoning] – Above; and Case #SUB2005-00090 – Cypress Equities Subdivision – Below).

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

- 1) intersection improvements (including signalization) and median modifications, as recommended by Traffic Engineering, to be completed prior to the issuance of any Certificates of Occupancy;
- 2) completion of the rezoning and subdivision processes;
- 3) provision of an 8' privacy fence along the South and East property lines, where the site abuts residential properties;
- 4) the provision of a 10' buffer planting strip, or an 8' wooden privacy fence beginning at the southwest corner and extending northwardly along the west property line for approximately 200' where the site adjoins the residential facility to the west; and
- 5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2005-00090 (Subdivision)

Cypress Equities Subdivision

6575 Airport Boulevard (South side of Airport Boulevard, 2/10 mile± West of Hillcrest Road).

4 Lots / 19.8± Acres

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(For discussion see Case #ZON2005-00995 – Cypress Equities Southeast, L.L.C., John Farrow, Agent, [Rezoning] – Above; and Case #ZON2005-00994 – Cypress Equities Subdivision [PUD] – Above).

John Farrow, agent for the applicant, was present and concurred with the staff recommendations.

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

- 1) intersection improvements (including signalization) and median modifications, as recommended by Traffic Engineering, to be completed prior to the issuance of any Certificates of Occupancy; and
- 2) development limited to the accompanying PUD.

The motion carried unanimously.

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

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

A request for Planned Unit Development Approval to allow reduced lot widths and sizes, reduced building setbacks, and increased site coverage in a single-family residential subdivision was considered.

The plan illustrates the proposed lots and existing wetlands.

(Also see Case #SUB2005-00095 – Forest Cove Subdivision, Unit Three and Unit Four – Below).

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant and concurred with the staff recommendations.

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

- 1) construction of Tulane Drive to city standards;
- 2) the provision of a cul de sac at the East end of Tulane Drive;
- 3) the obtaining of all applicable federal, state and local approvals;
- 4) certification that the stormwater detention system will accommodate the additional site coverage; and
- 5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

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Mr. Vallas recused from discussion and voting.

Case #SUB2005-00095 (Subdivision)

Forest Cove Subdivision, Unit Three and Unit Four

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

137 Lots / 44.4± Acres

(For discussion see Case #ZON2005-00998 – Forest Cove Subdivision, Unit Three and Unit Four [PUD]– Above).

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant and concurred with the staff recommendations.

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

- 1) construction of Tulane Drive to city standards;
- 2) the provision of a cul de sac at the East end of Tulane Drive;
- 3) the obtaining of all applicable federal, state and local approvals;
- 4) certification that the stormwater detention system will accommodate the additional site coverage;
- 5) full compliance with all municipal codes and ordinances; and
- 6) placement of a note on the final plat stating that the maintenance of all common areas shall be the responsibility of the property owners.

The motion carried unanimously.

Mr. Vallas recused from discussion and voting.

Case #ZON2005-00999 (Rezoning)

Kearney Windham

East side of Wildwood Avenue, 165'± South of Airport Boulevard.

A request for a change in zoning from R-1, Single-Family Residential, to B-1, Buffer Business, to allow a parking lot expansion at an existing medical clinic was considered.

The plan site plan illustrates the existing and proposed zoning along with the proposed lot configuration.

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant and concurred with the staff recommendations.

(Also see Case #SUB2005-00093 – Mobile Medical Group Subdivision – Below).

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Brian Maisel, a resident of 755 Wildwood Avenue, said his residence abuts the subject property immediately to the south, and that he was present in opposition. Mr. Maisel asked for a show of hands of people who were present opposing this application. He said there were a few other residents that wanted to attend but were unable to do so. Ms. Effie Diamond, a rather elderly lady, who resided at 754 Pinemont Avenue, was ill today and could not attend. Her residence was immediately to the south of the existing facility. The property in question would also wrap around behind her property and basically encompass two sides of her home. Ms. Diamond spoke with one of the other residents here today and had said she was opposed. Mr. Maisel asked the Commission to consider this B-1 request as an intrusion into the Pinehurst Subdivision.

In looking at the Ordinance, Mr. Maisel noted that one of the guidelines for considering a rezoning, especially something that impacts a residential area was that there is a clear error in the Ordinance. Mr. Maisel contended that was not the case here. Another condition was that there were changing conditions. He contended there were no changing conditions in this particular area to warrant a change in zoning. If there had been a change in that immediate area, he said it had been one of positive growth from a residential standpoint. Mr. Maisel pointed out that there were five new homes under construction on Wildwood Avenue. He was one of the homebuilders. He said the homes were constructed because this acre-and-a-half was zoned residential for additional residential development. It was literally a buffer between the commercial area and the homes. It was a nice greenbelt that provided screening. Mr. Maisel said his decision to not only buy, but also to build there, was based on the fact that it was zoned residential. These brand new homes were being built because the property was zoned residential. He said it was also his understanding that one of the homebuilders standing behind him had just purchased an additional piece of property on Wildwood within a block of this site and proposed to build five new homes there. This was not an area that was changing in a negative fashion, but is a thriving, developing neighborhood. The intrusion of B-1 would have a significant impact. Mr. Maisel said another condition stated in the Ordinance as a reason for rezoning was the increased need for additional [commercial] sites in the area. He contended there were ample sites along that corridor of Airport Boulevard, several of which he pointed out; that condition, therefore, would not be applicable here.

With reference to the parking, Mr. Maisel said that when this particular building was permitted, it satisfied the parking guidelines. It had been there for ten years. The Code requires 28 parking spaces for that facility, and there were 54 parking spaces on that site. If they expand into the subject area, encroaching into their neighborhood, they would have an additional 27 parking spaces, giving them a total of 81 spaces. He contended there was not justification for this massive expansion of parking at the expense of the negative impact would have on the neighbors. Mr. Maisel asked that the Commission reconsider the staff's recommendation and turn down this request for rezoning.

Norma Ashley stated that she had just purchased a newly constructed home on Wildwood Avenue six months ago. Ms. Ashley said she had been renting a house further down the street and came to realize what a wonderful neighborhood this was. Although the

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subdivision was surrounded by commercial development it was pretty, friendly, safe, and except for the noise from Airport Boulevard, it was fairly quiet. There were a lot of families there with children who loved to play outside. Ms. Ashley said when she was considering buying the house at 771 Wildwood Avenue there were four things that convinced her to buy. First, this portion of Wildwood Avenue was a no outlet street, so the majority of people on the street would be people who lived there. Second, there was a retention pond at the end of the street, so she felt it would not be an easy task for someone to try to build on the retention pond property. Third, there was already commercial property at the end of the street, so she thought that battle had already been fought. And fourth, there was a buffer of trees and brush between the end of the street and the commercial businesses that faced Airport Boulevard. Ms. Ashley felt that without that buffer the traffic noise from Airport Boulevard would be constant and pretty maddening, and the neighborhood feeling would be replaced by the frantic pace of rushing traffic. The woody view at the end of the street would also be replaced by the lovely view of a parking lot in the back of a building. Ms. Ashley felt that the home she had just purchased would be negatively affected, as well as her quality of life. She asked that the Commission not destroy the quality of the neighborhood by taking away residential property to add more commercials, and asked that they not approve this rezoning.

Mark Perez, a resident of 959 Wildwood Avenue, and also owner of 763 Wildwood Avenue, said he was one of the builders that Mr. Maisel referred to that was building along the street. He said he had built three projects and was in the process of doing five more on Wildwood Avenue. Mr. Perez said he was in favor of the application. He noted that as it stands now, the lot does not have street access to it. It was a wooded lot and pretty much of a breeding ground for mosquitoes. He felt the proposal, with a large fence with landscaping on both sides of the fence, would be a vast improvement over what was there now. Mr. Perez noted that the proposed parking lot would not be visible to any of the residents along Wildwood Avenue except for Mr. Maisel, who would see a fence and landscaping. He felt it had been misrepresented to some of the residents that this would open the way to access Airport Boulevard. He said the City does not own the right-of-way to Airport Boulevard, and the staff recommendation states that they should not have access to the parking lot--so it was never an issue that they would have increased traffic on Wildwood. Mr. Perez said he was in favor of the rezoning.

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

Chris Miller stated that he was speaking as property manager for Mobile Infirmary, and wanted to reiterate Mr. Perez's statement that there would be no access to Airport Boulevard. The applicant had proposed a 15' buffer and an 8' privacy fence, and agreed to landscape both sides of the fence. They had also agreed to shield the lighting away from the residents and keep the dumpster where it currently was, which was away from all the residences. Mr. Miller agreed with Mr. Perez that he thought there was some misinformation as far as traffic and other issues. He contended the project would not have a negative impact on their quality of life at all.

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Mead Miller asked Mr. Miller why they needed this additional parking.

Chris Miller said it was because they needed an overflow. The clinic had obviously grown; they have to rent extra spaces from La-Z-Boy next door and they were filling up every day as well.

Mead Miller asked if they would perhaps be willing to extend that buffer or reduce the number of parking spaces if a compromise could be made in that way.

Chris Miller said they were already down 28 spaces, and they had 26 employees. They were trying to designate this for employees only, so they were already down to the bare minimum for what the employees can even use.

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

Janet Kennedy, a resident of 768 Wildwood Avenue for seven years, said she felt this would not only affect the resident at the end of the street, but also residents further down the street. The wooded vegetation at the end of the street was very important in blocking both the Airport Boulevard view and the noise. She did not feel a fence and some planted vegetation would be sufficient to block the noise pollution from the Airport Boulevard area. Ms. Kennedy suggested a compromise be made, having a wooded vegetation area of 25 feet between the commercial and residential area. Otherwise, she felt it would effect property values. Regarding the applicant stating that they were having to park in other areas to make room for customers, Ms. Kennedy said that had not been her observation. She said there had been a lot of empty parking spaces available in the medical facility since she had been living there. She suggested that perhaps the lot could be divided and part of it used for commercial use and part of it not.

It was asked what would happen to the existing buffer if the lot was subdivided and developed residentially.

Mr. Olsen said if the R-1 properties requested for rezoning today were to be developed residentially, the buffer that has been referred to would come down and have the same basic impact as if it were coming down for the parking facility. He said as far as the private property, the existing vegetation in the right-of-way would remain because the staff had recommended denial of access to Wildwood Avenue.

Mr. McSwain asked what would happen if this application were denied and an application for a residential subdivision was submitted.

Mr. Olsen said that if this was denied and they subdivided the property into multiple residential lots, the existing improvements of Wildwood would have to be extended to provide access to the northernmost lot.

Mead Miller asked what the lots to the west were currently zoned.

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Mr. Olsen said they were currently zoned LB-2. Plans had been submitted for its development and it would be under construction soon.

It was asked if they would have access to Wildwood, Mr. Olsen said they would not.

It was noted that there was a retention pond on the other three lots, so those lots could not be developed residentially.

Since there had been three opposition speakers and no one else wanted to speak, Mr. Maisel asked if he could speak again.

Mr. Plauche said he would allow him to speak, but he would be held to a strict time limit.

Mr. Maisel said he heard it said that they felt some screening and some landscaping would be a sufficient buffer. In reality, he felt it would not serve a true practical effect. He referred to the two residential lots that adjoined the La-Z-Boy furniture site, which he said had been negatively affected by La-Z-Boy. Mr. Maisel contended that if the property were developed residentially, that because of the narrow widths that were remaining there, at most you could get two or three houses there. Most of the houses would maintain the trees, landscaping and privacy fencing. He said if it were to develop as residential, he would not mind developing another property there himself. He said it would maintain the integrity of the noise screening with the trees remaining intact. If the parking lot goes in, however, it would be cleaned off. Mr. Maisel noted that he had not heard a requirement for additional parking. This was expansion, or excess. He noted that the Code amply provides for parking there; there were 54 spaces on this site and the minimum required was 28 spaces.

Mr. Vallas asked if he understood they were leasing parking spaces at an adjoining property.

Mr. Maisel said that was what the applicant said. He said if that was the case, it may deal with peak flow. He contended there were many other vacant facilities in the area. This application did not meet the minimum guidelines of the Ordinance for a change in zoning.

Mead Miller asked Mr. Maisel if there was a compromise on this parking that he might find acceptable.

Mr. Maisel said he had not seen anything other than the plan that was submitted. He said he and his neighbors had been open to negotiations. If this application were denied, he said he would be receptive if the applicant wanted to come back to the neighbors to negotiate a fair compromise.

Mr. Watkins asked if there had been any effort on the part of the neighborhood to protect its own buffer by purchasing this property as opposed to expecting it to be maintained as a buffer for them.

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Mr. Maisel said that option never became available to them until this rezoning application came up. With five houses being built down the street in that direction, they presumed there would be additional houses built. He said they weren't approached in that regard, but maybe that would be an option for them to consider.

In executive session Mr. Vallas noted that the second lady who spoke said she bought her house on Wildwood because there was no outlet to Airport Boulevard, and there was a retention pond to the west and that was not going to change. There was already commercial property adjoining her to the north that would change somewhat. Now there would be a 15' buffer with landscaping on both sides. He said the rezoning was not going to change that. Mr. Vallas then made a motion to recommend this change in zoning to the City Council as submitted, subject to the staff recommendations.

Mr. McSwain seconded the motion.

In further discussion Mr. Holmes asked what the minimum buffer requirement was between B-1 and residential.

Mr. Olsen said that for any type of structure there was a 10' buffer strip required, and if that buffer strip were not a landscaped buffer, densely planted, it would have to be a privacy fence.

Mr. Holmes noted that basically they were going to give five more feet, plus a fence. This was in excess of what the Ordinance required.

Mr. Vallas further noted that some of it would be off of their property, as they proposed to landscape both sides of the fence.

Mr. Miller said a parking lot with an extended buffer was probably as good as they were going to get. Still, he said this was a viable residential area and was growing. He felt they should be very careful about changing the zoning. An employee parking lot, however, seemed to be as unobtrusive a neighbor as you might have.

Mr. McSwain noted the neighbors' complaints about noise, and felt no one would want to build closer to Airport Boulevard if this was rezoned.

Mr. Vallas further commented that it was inconceivable that Wildwood ends prior to the north residential lot. He seemed to think it would be a costly measure to extend that road to build one more house. He could not see anyone buying that lot to develop residentially. He also said he thought there were existing utilities running through the Government Street right-of-way. Mr. Vallas felt it highly unlikely that this building would encroach further south into that neighborhood. That may give the comfort level that this only be used for parking.

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It was asked if the subject property was a metes and bounds description, or was it a platted lot picking up additional property.

Mr. Olsen said the applicant was proposing to add the R-1 property into the development so the entire thing was being resubdivided into one lot.

Mr. Watkins asked if the medical office building was currently a legal lot of record according to the plat.

Mr. Olsen said it was currently multiple platted lots.

Mr. Watkins said he understood the neighbors wanting to maintain the buffer there, but it was not their property. The property owners should be able to do what they want with their property. But at the same time, Mr. Watkins said he did not like this kind of bootstrapping, split-zoning terminology to obtain a rezoning. He said the only change he could see that had really occurred here was the change of ownership. There was not a real change in the neighborhood that would lead him to believe that the rezoning was appropriate.

There was some question about the existing motion requiring a 15' buffer.

Mr. Olsen said that based on the presentation, the applicant volunteered a 15' buffer and an 8' privacy fence with landscaping on both sides of the fence.

Mr. Vallas revised his motion to include the proposal as the applicant made it, which included the buffering and the fence.

Mr. McSwain seconded the motion.

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

- 1) completion of the subdivision process prior to the issuance of any permits;
- 2) full compliance with Section IV.A of the Zoning Ordinance;
- 3) denial of access to Wildwood Avenue;
- 4) provision of a 15-foot buffer and an 8-foot wooden privacy fence with landscaping on both sides of the fence, as offered by the applicant at the meeting;
and
- 5) full compliance with all municipal codes and ordinances.

The motion carried.

Mr. Miller and Mr. Watkins were opposed.

Case #SUB2005-00093 (Subdivision)
Mobile Medical Group Subdivision

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6001 Airport Boulevard (South side of Airport Boulevard, extending from Pinemont Avenue to Wildwood Avenue).

1 Lot / 1.4± Acres

(Also see Case #ZON2005-00999 – Kearney Windham [Rezoning] – Above).

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant and concurred with the staff recommendations.

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

- 1) completion of the rezoning process prior to the issuance of any permits;
- 2) the dedication of sufficient right-of-way to provide 25' from the centerline of the Wildwood Avenue right-of-way;
- 3) the provision of a 15-foot buffer and an 8-foot privacy wooden fence with landscaping on both sides of the fence, as offered by the applicant at the meeting;
- 4) the depiction of the 25' minimum building setback lines on the final plat; and
- 5) the placement of a note on the final plat stating that the site is denied access to Wildwood Avenue.

The motion carried.

Mr. Miller and Mr. Watkins were opposed.

Case #ZON2005-01000 (Rezoning)

Gulf Hauling (Lamar Harrison, Agent)

South side of Pleasant Valley Road, 350'± West of Delmar Drive.

A request for a change in zoning from R-1, Single-Family Residential, to B-3, Community Business, to allow automobile rentals was considered.

The plan illustrates the existing drainage and proposed structures.

(Also see Case SUB2005-00096 – Shady Brook Gardens Subdivision, Resubdivision of Lot 10 and a Portion of Lot 11 – Below).

Lamar Harrison, agent for the applicant, presented this proposal to rezone the property from R-1 to B-3 to allow automobile rentals. He noted there was a 30' or 40' drainage ditch separating the two lots; Lot 11, was on the west side of the drainage ditch adjacent to Mr. Joe Bullard's new facility. He said he had agreed to sell this piece of land to Mr. Bullard to make his business work more efficiently. Mr. Harrison said the remaining land was R-1, which they were not trying to change. Lot 11 has commercial on three sides. He had no intention of doing anything to the trees. He felt the rezoning would be very wise for the economy of Mobile, helpful to Mr. Bullard, and of course helpful to him to sell it.

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In discussion Mr. Watkins said he did not see much residential development going up on the ditch.

Mr. Vallas also said he did not see anybody developing that property, and noted there was no opposition. He was just concerned about encroachment south of the ditch. Mr. Vallas asked how the staff felt about the rezoning.

Mr. Olsen said that basically there really were no changing conditions that met the recommendations of the Zoning Ordinance.

Mr. McSwain moved to recommend this change in zoning to the City Council subject to the following conditions:

- 1) provision of buffering in compliance with the requirements of the Zoning Ordinances; and
- 2) full compliance with the landscaping and tree planting requirements.

Ms. Deakle said there was a natural demarcation in the topo of this parcel. That was the main difference she saw. Ms. Deakle seconded the motion.

The motion carried unanimously.

Case #SUB2005-00096 (Subdivision)

Shady Brook Gardens Subdivision, Resubdivision of Lot 10 and a Portion of Lot 11

South side of Pleasant Valley Road, 160'± West of Delmar Drive.

2 Lots / 11.8± Acres

(Also see Case ZON2005-01000 – Gulf Hauling (Lamar Harrison, Agent) [Rezoning] – Above).

Lamar Harrison, agent for the applicant, was present and concurred with the staff recommendations.

After discussion a motion was made by Mr. McSwain and seconded by Mr. Watkins to waive Section V.D.3. and approve the above referenced subdivision subject to the following conditions:

- 1) the depiction of the 25-foot minimum building setback line from right-of-way along Pleasant Valley Road;
- 2) placement of a note on the Final Plat stating that lots 1 and 2 are limited to one curb cut each, with the size, location and design to be approved by Traffic Engineering, and conform to AASHTO standards;
- 3) dedication of sufficient right-of-way from the centerline of the undeveloped Grayson Drive to provide the minimum width required by required by Section V.B.14. of the Subdivision Regulations;

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- 4) redesign of the subdivision to provide a 10-foot radius or chord at the corner of Grayson Drive and Pleasant Valley Road, in accordance with Section V.D.6.; and
- 5) the approval of all applicable federal, state and local agencies regarding the wetlands and floodplain issues.

The motion carried unanimously.

Case #ZON2005-00774 (Rezoning)

John F. Loupe

North terminus of Skyview Drive, extending to the West side of Skywood Drive, 650'+ South of Government Boulevard.

A request for a change in zoning from R-1, Single-Family Residential, and R-3, Multi-Family Residential, to R-3, Multi-Family Residential, to allow a town home and single-family residential subdivision was considered.

The site plan illustrates the proposed development and proposed zoning.

(Also see Case #ZON2005-00803 – The Quarters at Heron Lakes Subdivision [PUD] – Below; and Case #SUB2005-00065 – The Quarters at Heron Lakes Subdivision – Below).

Chris Loupe, applicant, said that this application was held over from the last meeting because there was not a quorum to vote on the matter. They were proposing 29 single-family homes and 54 townhomes. This was an innovative Smart Growth plan that met a lot of city requirements for Smart Growth, although the plan had not yet been adopted. Mr. Loupe said they had worked very closely with the planning staff and members of the residential subdivision surrounding the site. There were several residents of the Skywood Subdivision present today who would like to speak in favor of this project. Mr. Loupe said they were in agreement with the staff recommendations.

Jim Garner, a resident of Spring Valley Drive East in Skyline Woods for over 30 years, said he was acting as coordinator for the neighborhood association in Skyline Woods. Mr. Garner said the residents had met twice with the other two subdivisions surrounding them, Spring Valley and Heron Lakes, and had enlisted the help of Councilman Ben Brooks. Their main concerns were traffic flow, drainage, and the buffer zones. Mr. Loupe made a presentation at one of the meetings. They also met with Bill Metzger of Traffic Engineering to discuss the traffic situation. The drainage was an existing problem, and they felt that the development would actually be an enhancement to the area and should help the drainage problems. Mr. Garner said the residents were in support and felt the development would enhance the neighborhoods.

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

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- 1) development of the site limited to the accompanying (amended) PUD and Subdivision; and
- 2) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

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

Case #ZON2005-00803 (Planned Unit Development)

The Quarters at Heron Lakes Subdivision

North terminus of Skyview Drive, extending to the West side of Skywood Drive, 650'+ South of Government Boulevard.

A request for Planned Unit Development Approval to allow a gated, private street town home and single-family residential subdivision with reduced lot widths and sizes, reduced building setbacks, increased site coverage, alleyway access, and on-street parking.

The site plan illustrates the proposed development and proposed zoning.

(For discussion see Case #ZON2005-00774 – John F. Loupe – Above; and Case #SUB2005-00065 – The Quarters at Heron Lakes Subdivision – Below).

Chris Loupe, applicant, was present in this matter.

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

- 1) completion of the rezoning and subdivision processes prior to the issuance of any permits;
- 2) development to be limited to the revised plan showing ingress and egress to be via gated access to Skywood Drive and Skyview Drive, and detached single-family dwelling side setbacks of 3' on one side and 7' on the other, and 83 lots;
- 3) full compliance with Engineering Department comments (Significant, serious drainage problems existing on site and downstream. Contours not provided by applicant therefore, thorough evaluation of all problems not available. Drainage from Burma Road and significant area north of Govt Blvd drain through site. Applicant must accommodate all existing drainage systems through site AND ensure existing outfall systems are adequate to handle the impact of the additional discharge from this development. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.);
- 4) full compliance Urban Forestry Comments - for the overall development (Property to be brought into full compliance with landscape and tree
- 5) requirements of the zoning ordinance. Property to be developed in compliance with state and local laws that pertain to tree preservation and

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- 6) protection on both city and private properties [City Code Chapters 57 and 64 and State Act 61-929)]; and
- 7) submission of a revised drawing to reflect access and setback changes (for file copy); and
- 8) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

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

Case #SUB2005-00065 (Subdivision)

The Quarters at Heron Lakes Subdivision

North terminus of Skyview Drive, extending to the West side of Skywood Drive, 650'+ South of Government Boulevard.

83 Lots / 18.3+ Acres

(For discussion see Case #ZON2005-00774 – John F. Loupe – Above; and Case #ZON2005-00803 – The Quarters at Heron Lakes Subdivision [PUD] – Above).

Chris Loupe, applicant, was present in this matter.

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

- 1) compliance with Section VIII.E.2 of the Subdivision Regulations for private streets (minimum standard);
- 2) gates to remain functional (the gate to remain operational and in use, if gate ceases to be used, the street must be brought into compliance with city standards and dedicated to the city);
- 3) full compliance with Engineering Department comments (Significant, serious drainage problems existing on site and downstream. Contours not provided by applicant therefore, thorough evaluation of all problems not available. Drainage from Burma Road and significant area north of Govt Blvd drain through site. Applicant must accommodate all existing drainage systems through site AND ensure existing outfall systems are adequate to handle the impact of the additional discharge from this development. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.);
- 4) all areas not designated as placement of a note on the final plat stating that maintenance of all common areas and detention facilities shall be the responsibility of the property owners;
- 5) completion of the rezoning process prior to the issuance of any permits; and
- 6) placement of a note on the final plat stating that development limited the accompanying (amended) PUD.

The motion carried unanimously.

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

NEW ZONING APPLICATION:

Case #ZON2005-00984

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, and extending North to the South side of Scenic West Place Subdivision.

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

The site plan illustrates the existing and proposed zoning.

John Loupe, applicant, was present and concurred with the staff recommendations.

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

- 1) that the site be developed in compliance with the approved PUD (ZON2005-00801);
- 2) the completion of the subdivision process prior to issuance of any permits; and
- 3) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

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

Case #ZON2005-00997

White-Spunner & Associates (Nancy Stone, Agent)

West side of University Boulevard, 800'± South of Overlook Road.

A request for a change in zoning from R-1, Single-Family Residential, to LB-2, Limited Neighborhood Business, to allow a retail shopping center was considered.

The plan illustrates the proposed development.

Nancy Stone, present on behalf of the applicant, stated that this property was part of a three-lot subdivision that was subdivided in 1979. The two lots that were north of these five were zoned B-2, and consequently sold. But the subject property was not included in the rezoning. Ms. Stone noted that this lot abutted residential property on the side. In speaking with these property owners, they understood that no one would ever want to build a residence on this property. The residents requested a privacy fence for security.

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Ms. Stone noted that there was a 30' buffer on the back side of this property, but that would have to be adjusted because they would not be allowed to do anything under the 30' power line easement. She said they were requesting rezoning to LB-2 because the property does front a four-lane major street, it adjoins B-2 to the north, and was across the street from a proposed apartment complex that was zoned R-3. Ms. Stone said they concurred with the staff recommendations.

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

- 1) compliance with the landscaping and tree planting requirements of the Zoning Ordinance;
- 2) provision of a sidewalk for the site along University Boulevard, in conformance with Section V.B.15. of the Subdivision Regulations;
- 3) provision of a buffer between commercial and residential uses in conformance with Section IV.D.1. of the Zoning Ordinance;
- 4) number and location of curb-cuts to be in compliance with the Conditions of Approval for the University/Overlook Subdivision, design to be approved by Traffic Engineering and conform to AASHTO standards; and
- 5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2005-00088

C and C Place Subdivision

403 Dykes Road South (East side of Dykes Road South at the East terminus of Turmac Drive).

2 Lots / 3.0± Acres

Jerry Byrd, Byrd Surveying Company, was present on behalf of the applicant and concurred with the staff recommendations.

Mr. Miller questioned the flag-shaped lot.

Mr. Olsen stated that there were other flag-shaped lots in the general vicinity.

There was no one present in opposition.

A motion was made by Mr. Miller and seconded by Mr. Watkins to approve the above referenced subdivision subject to the following conditions:

- 1) the placement of a note on the final plat stating that there will be no future subdivision of Lot 2, unless a dedicated and constructed County is street is provided for access to Dykes Road;

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- 2) approval by all applicable federal, state, and local agencies prior to the issuance of any permits; and
- 3) 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 #SUB2005-00092

**Dyson Estates Subdivision, First Addition,
Resubdivision of**

Northwest corner of Rabbit Creek Drive and Gulf Creek Circle.
5 Lots / 1.7± Acres

A motion was made by Mr. Plauche and seconded Mr. Miller to holdover this application until the June 2, 2005, meeting at the applicant's request.

The motion carried unanimously.

Case #SUB2005-00089

Graceland Court Subdivision

South side of Jeff Hamilton Road, 1,000'± East of Snow Road.
23 Lots / 11.0± Acres

A motion was made by Mr. Plauche and seconded by Mr. Miller to holdover this application until June 2, 2005, meeting at the applicant's request.

The motion carried unanimously.

Case #SUB2005-00094

McRae Place Subdivision

South side of Johnson Road at the South terminus of Cottage Grove Drive.
48 Lots / 19.0± Acres

Nathan Upshaw, applicant, stated that he was in agreement with the staff recommendations except for the provision of the street stubs to the east, south and west. He said the one to the east would come out into his family's front yard. This was not needed because they have access to the north via Johnson Road. The stub to the south was not necessary because they have access to Scott Dairy Loop Road. Their main concern was with the school traffic just to the southwest of this site. They do not feel this would create a safe environment with all the children coming from the school. Mr. Upshaw said they were okay with the stub to the west.

Robert Mullen, 1135 Heron Lakes Circle, said he wanted to reiterate what Mr. Upshaw had said. He said the house to the east was a very nice house and he did not foresee that

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being a subdivision in the future. To the south there was also a small house. He was also concerned that it would be a major cut-thru with school traffic.

Mr. Olsen stated that the stub shown on the plat was the way the applicant had originally proposed it. The staff recommendation was for additional stubs that were not shown on this plat.

The location of the stubs was discussed.

Mr. Olsen said that the staff recommended a revision in the stub to the west near Lot 20 so that it would connect with Spring Brook Farms, Phase One. The staff was also recommending a stub to the east and to the south, which would be adjacent to large tracts of land. One tract was about 10 acres with a house on it. He said the staff would not have a major issue with eliminating the stub to the east. The applicant expressed concern that the stub to the south would become a cut-thru from Johnson Road to Scott Dairy Loop Road. Depending upon how the subdivision were designed, Mr. Olsen said that could become an issue.

A motion was made by Ms. Deakle and seconded by Mr. Watkins to approve the above referenced subdivision subject to the following conditions:

- 1) the placement of a note on the final plat stating that Lots 1 and 48 are denied direct access to Johnson Road;
- 2) the provision of a revised street stub to the West near lot 20 to connect with Spring Brook Farms, Phase One;
- 3) the construction and dedication of the new streets;
- 4) the depiction of the 25' building setback lines on the final plat;
- 5) labeling of all islands within the roadways as common areas;
- 6) the placement of a note stating that maintenance of common areas and the detention area shall be the responsibility of the property owners; and
- 7) 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 #SUB2005-00083

Maisel Commercial Subdivision

4503 Old Shell Road (South side of Old Shell Road, 460'± West of McGregor Avenue).

1 Lot / 0.2± Acre

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

There was no one present in opposition.

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A motion was made by Mr. Miller and seconded by Mr. Watkins to approved the above referenced subdivision subject to the following conditions:

- 1) the depiction of the 25-foot minimum building setback line on the Final Plat; and
- 2) placement of a note on the Final Plat stating the site is limited to one curb cut onto Old Shell Road, with the size, location and design to be approved by Traffic Engineering, and conform to AASHTO standards.

The motion carried unanimously.

Case #SUB2005-00084

Medical Landing Subdivision

2001 Spring Hill Avenue, and 139 and 141 Tuscaloosa Street (Southwest corner of Spring Hill Avenue and Tuscaloosa Street).

1 Lot / 0.8± Acre

Lynda Burkett, with Marshall McLeod Professional Land Surveyors, was present on behalf of the applicant and concurred with the staff recommendations. She noted, however, that the staff was requiring one curb cut to Spring Hill Avenue and one curb cut to Tuscaloosa Street. This would mean they would have to enclose the two substandard curb cuts on Tuscaloosa Street. Ms. Burkett asked if the one curb cut to Spring Hill Avenue would be shared ingress and egress.

Mr. Olsen said that was correct.

There was no one present in opposition.

A motion was made by Mr. Watkins and seconded by Mr. Holmes to waive Section V.B.16 and V.D.6. and approve the above referenced subdivision subject to the following conditions:

- 1) the demolition of the existing residential structures prior to the recording of the final plat;
- 2) placement of a note on the Final Plat stating the site is limited to the existing curb cut along Spring Hill Avenue, and one new curb cut on the south side of the site along Tuscaloosa Street, contingent upon the removal of the two existing curb-cuts onto Tuscaloosa Street, with the size, location and design to be approved by Urban Forestry and Traffic Engineering, and conform to AASHTO standards;
- 3) placement of a note on the final plat stating that preservation status is to be given to the 48" Live Oak Tree located on the East side of Lot 1. 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) provision of landscaping and a new curb and gutter in the right-of-way area of the removed curb-cuts; and
- 5) correction of the dimensions depicted on the plat.

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The motion carried unanimously.

Case #SUB2005-00087

Sewell's Place Subdivision

2300 Burgett Road (North side of Burgett Road, 600'± East of River Road).

2 Lots / 2.6± Acres

Jerry Byrd, Byrd Surveying, was present on behalf of the applicant and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Mr. Miller and seconded by Mr. McSwain to waive Section V.B.3. (width to depth ratio) and approve the above referenced subdivision subject to the following conditions:

- 1) the placement of the 25-foot minimum setback line on the final plat; and
- 2) the approval of all applicable federal, state and local agencies prior to the issuance of any permits.

The motion carried unanimously.

Case #SUB2005-00091

Slater Subdivision

3115 Riviere du Chien Loop East (East side of Riviere du Chien Loop East, 140'± North of Riviere du Chien Loop South).

3 Lots / 3.4± Acres

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

There was no one present in opposition.

A motion was made by Mr. Miller and seconded by Mr. McSwain to waive Section V.D.3. (width to depth ratio) and approve the above referenced subdivision subject to the following conditions:

- 1) the approval of all applicable federal, state and local agencies prior to the issuance of any permits; and
- 2) the placement of a note on the final plat stating that there shall be no resubdivision of Lot 2 until additional frontage is provided on an opened and maintained public right-of-way.

The motion carried unanimously.

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Case #SUB2005-00086

Top Music Plaza Subdivision

3656 Government Boulevard.

(North side of Government Boulevard, 50'± East of Lakeside Drive connector, extending to the South side of Lakeside Drive, 50'± East of Lakeside Drive connector).

1 Lot / 1.6± Acres

Richard Jay, with Speaks and Associates, was present on behalf of the applicant. He noted that the staff was requiring that on the final plat a note be made to limit the property to one curb cut off of Lakeside Drive, and one to the Highway 90 Service Road. Mr. Jay said the property had already been developed, and presently had one curb cut on Lakeside Drive and two on the Highway 90 Service Road. The owner was concerned about keeping those three curb cuts.

Mr. Olsen stated that the staff would be fine with changing that condition.

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

- 1) the placement of a note on the final plat stating that the site is limited to the existing curb cuts.

In further discussion Ms. Deakle asked if she understood that all the existing curb cuts would remain where they were.

Mr. Miller said that was correct.

There being no further discussion, Mr. Plauche called the question.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2005-00934

Faith City Church

521 Mobile Street

(Northwest corner of Mill Street and Mobile Street, extending to the South side of McKinney Street).

A motion was made by Mr. Plauche and seconded by Mr. Miller to holdover this application to the June 2 meeting to allow the Engineering Department to submit comments.

The motion carried unanimously.

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OTHER BUSINESS:

Vacation request, drainage and utility easement, Lot 2, Jennifer Woods Subdivision was considered.

Mr. Olsen said that two lots from different subdivisions were resubdivided into one lot and the drainage easement still ran through the middle of that lot. If County Engineering had no problem, the staff would recommend that the Commission agree to the vacation of that easement.

Pat Stewart stated that he recalled that the easement to be vacated was not the entire easement running across the lot, but just the section in front of the garage.

Mr. Olsen said that it was for the entire lot.

Mr. Stewart said if it was for the entire lot, he had no objection.

A motion was made by Mr. Miller and seconded by Mr. Watkins to approve the vacation of the easement on the entire lot.

The motion carried unanimously.

There being no further business, the meeting was adjourned.

APPROVED: August 4, 2005

Victor McSwain, Secretary

Terry Plauche, Chairman

vm