

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF MAY 3, 2007 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

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

**Members Absent**

Terry Plauche, Chairman  
Clinton Johnson  
Nicholas Holmes, III

**Staff Present**

Richard Olsen, Deputy Director of  
Planning  
Bert Hoffman, Planner II  
Tony Felts, Zoning Technician  
Mae Sciple, Secretary II

**Others Present**

John Lawler, Assistant City Attorney  
Rosemary Sawyer, City Engineering  
Jennifer White, Traffic Engineering  
Pat Stewart, County Engineering

Mr. Watkins, Vice-Chairman, chaired the meeting in the absence of the Chairman.

Mr. Watkins 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:**

The minutes of the meetings of January 4, 2007, January 18, 2007, February 1, 2007 and February 15, 2007 were considered for approval.

Mr. Miller noted that he was present at the January 18, 2007 meeting, but the minutes did not indicate that he was present. He asked that the minutes be corrected to indicate such.

After discussion a motion was made by Mr. Miller and seconded by Mr. DeMouy to approve the minutes of the meetings of January 4, 2007, February 1, 2007 and February 15, 2007 as submitted, and the January 18, 2007 minutes with the correction as noted by Mr. Miller.

The motion carried unanimously.

**HOLDOVERS:**

**Case #SUB2007-00059 (Subdivision)**

**Palmer Woods Subdivision, Phase III**

West side of Oakhill Drive, ½ mile± North of Moffett Road.

48 Lots / 20.7± Acres

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

There was no one present in opposition.

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

- 1) the dedication of sufficient right-of-way to provide 50 feet from the centerline of Oak Hill Drive;
- 2) the placement of a note on the Final Plat stating that Lot 103 is allowed one curb cut to Oak Hill Drive, with the size, location and design to be approved by Mobile County Engineering;
- 3) the placement of a note on the Final Plat stating that Lots 102 and 104 are denied direct access to Oak Hill Drive;
- 4) the placement of the minimum building setback lines along Oak Hill Drive on Lots 102, 103 & 104;
- 5) provision of the minimum requirements of Section V.D.2. of the Subdivision Regulations;
- 6) provision of a certification letter from a licensed engineer to the Planning Section of Urban Development, certifying that the stormwater detention, drainage facilities, and release rate comply with the City of Mobile stormwater and flood control ordinances, prior to the signing and recording of the Final Plat;
- 7) placement of a note on the plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and
- 8) labeling of all lots with size in square feet, or placement of a table on the plat containing the lot size information.

The motion carried unanimously.

**Case #SUB2007-00060 (Subdivision)**

**Southern Oaks Estates Subdivision, Unit Six, Part B**

Northwest side of Wear Road, ½ mile± South of Dawes Road.

11 Lots / 5.6± Acres

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

Mr. Watkins asked if there was anyone present who wished to speak in this matter.

Freda Borden, a resident of 5375 Wear Road, said she was not clear if the new entrance to the subdivision would be on the paved or unpaved side of Wear Road.

Mr. Olsen explained that the main access to the subdivision would be via Elgin Drive, and then the new street that has been constructed, but they were proposing that they would ultimately access at some point in the future the unpaved portion of Wear Drive when it is extended farther to the West. He noted that the applicant was making the necessary dedication for the improvements to Wear Road when it is improved.

Mr. Watkins asked if there was anyone else who wished to speak either for or against this application.

No one responded.

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

- 1) dedication of sufficient right-of-way to provide 30 feet from the centerline of unpaved portion of Wear Road to the westernmost arc of Leann Drive;**
- 2) the placement of a note on the Final Plat denying direct access to Wear Road from Lots 197-203 and 215;**
- 3) the placement of a note on the Final Plat stating corner lots, 194, 199 and 200 are allowed one curb cut, with the size, location and design to be approved by County Engineering;**
- 4) provision of a certification letter from a licensed engineer to the Planning Section of Urban Development, certifying that the stormwater detention, drainage facilities, and release rate comply with the City of Mobile stormwater and flood control ordinances, prior to the signing and recording of the final plat;**
- 5) construction and dedication of the new streets to County standards;**
- 6) placement of a note on the plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and**
- 7) labeling of all lots with size in square feet, or placement of a table on the plat containing the lot size information.**

The motion carried unanimously.

**Case #SUB2007-00052**

**Los Tres Amigos Number One Subdivision**

5805 U.S. Highway 90 West

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

1 Lot / 1.8± Acres

*Note: This application was held over from the previous meeting to allow the applicant an opportunity to provide documentation to show that Parcel RO23802032000006.005 was created prior to 1984, or inclusion of the parent parcel and subsequent divisions that occurred after 1984 as part of this subdivision application. The staff recommended denial of this plan today because the required documentation has not been provided.*

Jerry Byrd, with Byrd Surveying Company, was present on behalf of the applicant. As stated at the last meeting, Mr. Byrd said the small, landlocked parcel at the northeast corner of this site was created after 1984. Neither the owner of the subject property, nor the owner of the parcel next door, was a previous owner. Mr. Byrd said he had contacted the owners of the adjoining property to explain why the Commission required the documentation, but he had not heard from them. He said the applicant wanted to construct a building on the subject property and asked that the Commission approve this plan.

Mr. Olsen said the staff would suggest that, rather than being approved at this meeting, the applicant agree to a holdover so that the adjoining owners would have time to submit letters stating that they do not wish to be a part of the subdivision. This would also give the staff time to develop conditions for approval. If the letters were provided as soon as possible, the application could be heard at the meeting of May 17, 2007.

Mr. Byrd agreed.

Frank Dagley, 717 Executive Park Drive, stated that he was working with the contractor on the building for this site and his plans had been approved. This subdivision was the only thing keeping him from getting a permit. He asked if there was any way they could just get the permit approved so they could move forward with construction.

Mr. Watkins said the Commission could take the subdivision under consideration today, but he could not say what the results would be. It puts the staff under pressure trying to come up with conditions on-the-fly. He suggested that it would be best to holdover the application.

Mr. Olsen noted that the Commission has no jurisdiction over the issuance of permits in the County. That was strictly something that the County Engineer would have to answer, and this meeting was really not the forum for that discussion.

Mr. Dagley said he understood.

Mr. Watkins asked if there was anyone else present to speak in this matter.

No one came forward.

After discussion a motion was made by Mr. Watkins and seconded by Mr. Vallas to holdover this application until May 17<sup>th</sup>, with the applicant's agreement, to allow the applicant to provide letters from property owners regarding inclusion in the Subdivision application and to allow staff to develop conditions.

The motion carried unanimously.

**Case #SUB2007-00066**

**Robert Alston Subdivision**

7123 Smith Street

(East side of Smith Street, 160'± South of Stegall Street).

2 Lots / 2.0± Acres

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

There was no one present in opposition.

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

- 1) **correction of labeling of the dedication to “10 feet dedicated to Mobile County”;**
- 2) **placement of a note on the final plat stating that any lots which are developed commercially (or multi-family residential) and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;**
- 3) **placement of a note on the final plat stating that a letter of certification by an licensed engineer to certify that the stormwater detention, drainage facilities, and release rate comply with the City of Mobile stormwater and flood control ordinances, will be provided to the Mobile County Engineering Department and the Planning Section, Urban Development Department, City of Mobile, prior to the issuance of any permits;**
- 4) **placement of a note on the final plat stating that each lot be limited to one curb cut, with the size, location and design to be approved by the County Engineering Department.**

The motion carried unanimously.

**Case #SUB2007-00055**

**Bel Air Executive Park Subdivision, Second Unit, Resubdivision of Lots 27, 28, and 29**

Northwest corner of Pleasant Valley Road and Executive Park Drive.

3 Lots / 1.0± Acre

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

There was no one present in opposition.

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

- 1) revision of the plat to depict the correct right-of-way width for Pleasant Valley Road;**
- 2) placement of a note on the plat stating that each lot is limited to one curb-cut onto Executive Park Drive, with the size, design and location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) placement of a note on the plat stating that Lot 27-A is denied access to Pleasant Valley Road;**
- 4) revision of the plat to label each lot with its size in square feet, or provision of a table on the plat with the same information; and**
- 5) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2007-00864 (Planned Unit Development)**

**Spectronics Addition**

1206 Montlimar Drive

(West side of Montlimar Drive, 320' ± South of Montlimar Plaza Drive).

Planned Unit Development Approval to allow shared access and parking between two commercial building sites.

Frank Dagley, 717 Executive Park Drive, was present on behalf of the applicant. Mr. Dagley said he was approached today by the owner to make a slight modification in the plan. He explained that there were five parking spaces at the back of the existing building, and the applicant would like to slide those over and be able to access between the two buildings with a little strip of paving. This would eliminate two parking spaces on the new part, but, as shown on the chart, they had more than enough parking. Mr. Dagley said that Spectronics planned to lease most of that building, but if the applicant wanted to use part of it as his warehouse, he would have access to come back and forth. He asked that the revised plan be approved with the change regarding the parking as noted.

Mr. Watkins asked the staff if a revised plan would have to be submitted to reflect the change in the parking.

Mr. Olsen said the staff would prefer the Commission go ahead and rule with the revised plan. He said he did have some concerns about sliding the parking over. It would depend on how far they wanted to move it, because they would have to make sure they did not have a conflict between the vehicles in the other parking spaces. Although this was not a major change, Mr. Olsen said he would like to get that approved with this application. The staff could then work with Mr. Dagley on the parking modification.

In deliberations session Mr. Olsen further stated that there would have to be a 24-foot wide access strip between the two parking areas. If the Commission chose to approve this plan, the staff could work with the applicant to make sure the shift in the parking spaces provided adequate circulation and that the new drive meets the minimum width requirements.

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

- 1) **placement of a note on the site plan stating that all lighting of the site and the parking area will be in compliance with the requirements of Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;**
- 2) **revision of the one-way arrows to be near the entry and exit locations for the drives leading to and from the rear parking areas;**
- 3) **full compliance with Engineering comments (*If using existing detention facility, verify the functionality and capacity and that the site was intended to tie to the existing pond. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit.*);**
- 4) **that any additional driveway link between the two rear parking areas be a minimum of 24 feet in width if intended for two-way traffic, with modified parking meeting design standards and quantity requirements, to be approved by Planning staff;**
- 5) **provision of one (1) copy of the revised site plan to the Planning Section of Urban Development prior to a request for land clearing or building permits; and**
- 6) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**Case #SUB2007-00067 (Subdivision)**

**Grande Oaks at Hillcrest Subdivision**

2709 Hillcrest Road

(East side of Hillcrest Road, 340'± North of Shady Lane).

12 Lots / 5.2± Acre

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

(Also see Case #ZON2007-00865 (Planned Unit Development) Grande Oaks at Hillcrest Subdivision – below.)

There was no one present in opposition.

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) **revision of the PUD site plan and Subdivision plat to depict a detention common area, if required;**
- 2) **compliance with Section VIII. of the Subdivision Regulations regarding the provision of a private street;**
- 3) **designation on the plat of utility easements acceptable to the appropriate provider of utility services within the subdivision;**
- 4) **placement of a note on the plat stating that the street is privately maintained and not dedicated to the public;**
- 5) **placement of a note on the plat stating that if the private street is not constructed and maintained to the appropriate City standard, and is ultimately dedicated for public use and maintenance, 100 percent of the cost of the improvements required to bring the street up to the prevailing standard shall be assessed to the property owners at the time the private street is dedicated, with the assessment running with the land to any subsequent property owners;**
- 6) **placement of a note on the plat stating that the gate must remain operational and in use as a condition of the continuation of private street status;**
- 7) **compliance with Engineering comments (*Verify that no public water is being accepted on-site. If it is, provide a drainage easement. The storm water ordinance does not allow water to be concentrated onto an adjacent property without a hold harmless agreement. All storm water must tie to the City of Mobile storm drainage system. Must comply with all storm water an flood control ordinances. Any work performed in the right of way will require a right of way permit. Detention is required for construction of impervious area greater than 4000 square feet*);**
- 8) **compliance with Urban Forestry comments, and placement of the comments as a note on the plat (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). For the Grande Oaks Subdivision, preservation status is to be given to the 48" Live Oak Tree located on the South West corner of Lot 1, the 60" Live Oak Tree located on the South side of Lot 3, the 56" Live Oak Tree located on the South West corner of lot 3, the 76" Live Oak Tree located on the North East corner of Lot 6, and the 54" Live Oak Tree located on the West side of Lot 10. Any work on or under these trees are to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.*); and**

9) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2007-00865 (Planned Unit Development)**

**Grande Oaks at Hillcrest Subdivision**

2709 Hillcrest Road

(East side of Hillcrest Road, 340'± North of Shady Lane).

Planned Unit Development Approval to allow a residential subdivision with a gated private road.

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

(For discussion see **Case #SUB2007-00067 (Subdivision) Grande Oaks at Hillcrest Subdivision** - above.)

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

- 1) **revision of the PUD site plan and Subdivision plats to depict a detention common area, if required, and labeling of the detention common area and placement of a note on the PUD site plan and plats stating that maintenance of the detention basin common areas, and any other common areas, are the responsibility of the subdivision's property owners;**
- 2) **completion of the Subdivision process for the Grande Oaks at Hillcrest Subdivision and the Lot A of The Oaks Subdivision;**
- 3) **compliance with Section VIII. of the Subdivision Regulations, regarding the provision of a private street;**
- 4) **designation on the PUD site plan of utility easements acceptable to the appropriate provider of utility services within the subdivisions;**
- 5) **placement of a note on the PUD site plan stating that the street is privately maintained and not dedicated to the public;**
- 6) **placement of a note on the PUD site plan stating that if the private street is not constructed and maintained to the appropriate City standard, and is ultimately dedicated for public use and maintenance, 100 percent of the cost of the improvements required to bring the street up to the prevailing standard shall be assessed to the property owners at the time the private street is dedicated, with the assessment running with the land to any subsequent property owners;**
- 7) **placement of a note on the PUD site plan stating that the gate must remain operational and in use as a condition of the continuation of private street status,**
- 8) **full compliance with Engineering comments (*Verify that no public water is***

*being accepted on-site. If it is, provide a drainage easement. The stormwater ordinance does not allow water to be concentrated onto an adjacent property without a hold harmless agreement. All stormwater must tie to the City of Mobile storm drainage system. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Detention is required for construction of impervious area greater than 4000 square feet.);*

- 9) full compliance with Urban Forestry comments, and placement of the comments as a note on the PUD site plan (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). For the Grande Oaks Subdivision, preservation status is to be given to the 48" Live Oak Tree located on the South West corner of Lot 1, the 60" Live Oak Tree located on the South side of Lot 3, the 56" Live Oak Tree located on the South West corner of lot 3, the 76" Live Oak Tree located on the North East corner of Lot 6, and the 54" Live Oak Tree located on the West side of Lot 10. Any work on or under these trees are to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger. For the Lot A of the Oaks Subdivision, preservation status granted for all 50" and larger trees. All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger. Exact curb cut locations and location of the proposed street and internal circulation drive should also be coordinated with Urban Forestry to ensure that no trees 50" and larger are effected.);*
- 10) depiction of the minimum building setback line for Lot A of the Oaks, where the lot is at least 60 feet wide;
- 11) provision of two (2) revised PUD site plans to the Planning Section of Urban Development prior to the signing of any Subdivision plats; and
- 12) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2007-00068 (Subdivision)**

**Lot A of the Oaks Subdivision**

Landlocked parcel located 140'± North of the right-of-way of Weddington Court, and 520'± East of the right-of-line of Hillcrest Road.

1 Lot / 1.1± Acre

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

(Also see **Case #ZON2007-00866 (Planned Unit Development) Lot A of the Oaks Subdivision** – below.)

There was no one present in opposition.

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) revision of the PUD site plan and Subdivision plat to depict a detention common area, if required;
- 2) placement of a note on the plat stating that no future subdivision of the lot allowed until additional frontage on a street is provided;
- 3) compliance with Section VIII. of the Subdivision Regulations, regarding the provision of a private street;
- 4) designation on the plat of utility easements acceptable to the appropriate provider of utility services within the subdivision;
- 5) placement of a note on the plat stating that the street is privately maintained and not dedicated to the public;
- 6) placement of a note on the plat stating that if the private street is not constructed and maintained to the appropriate City standard, and is ultimately dedicated for public use and maintenance, 100 percent of the cost of the improvements required to bring the street up to the prevailing standard shall be assessed to the property owners at the time the private street is dedicated, with the assessment running with the land to any subsequent property owners;
- 7) placement of a note on the plat stating that the gate must remain operational and in use as a condition of the continuation of private street status; and
- 8) compliance with Engineering comments (*Verify that no public water is being accepted on-site. If it is, provide a drainage easement. The storm water ordinance does not allow water to be concentrated onto an adjacent property without a hold harmless agreement. All storm water must tie to the City of Mobile storm drainage system. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit. Detention is required for construction of impervious area greater than 4000 square feet.* );
- 9) compliance with Urban Forestry comments, and placement of the comments as a note on the plat (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). For the Lot A of the Oaks Subdivision, preservation status granted for all 50" and larger trees . All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger. Exact curb cut locations and location of the proposed street and internal circulation drive should also be coordinated with Urban Forestry to ensure that no trees 50" and larger are effected.*); and
- 10) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2007-00866 (Planned Unit Development)

**Lot A of the Oaks Subdivision**

Landlocked parcel located 140'± North of the right-of-way of Weddington Court, and 520'± East of the right-of-way line of Hillcrest Road.

Planned Unit Development Approval to allow a residential subdivision with a gated private road.

Also see **Case #SUB2007-00068 (Subdivision) Lot A of the Oaks Subdivision** above.)

Mr. Olsen noted that this lot was included in the first PUD application – Grand Oaks at Hillcrest - therefore this application was not needed. The staff recommended that the applicant withdraw the application.

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant and withdrew the application.

**EXTENSIONS:**

**Case #SUB2006-00070 (Subdivision)**

**Haverty's Subdivision**

7033 Airport Boulevard

(South side of Airport Boulevard, 515'± East of Cody Road South).

1 Lot / 3.8± Acres

The request for the extension of approval of this subdivision was considered.

After discussion a motion was made by Mr. Watkins and seconded by Mr. Miller to grant a one-year extension of approval for the above referenced subdivision. It was noted, however, that future extensions would be unlikely.

The motion carried unanimously.

**Case #SUB2006-00071 (Subdivision)**

**Taylor Pointe Subdivision (Formerly Hamilton Woods Subdivision)**

9650 Jeff Hamilton Road

(North side of Jeff Hamilton Road, ¼ mile± North of Repoll Road).

98 Lots / 39.7± Acres

The request for the extension of approval of this subdivision was considered.

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

The motion carried unanimously.

**Case #SUB2006-00072 (Subdivision)**

**Woodland Hills Subdivision, Remainder of**

West termini of Woodland Way, Woodstone Drive, and Woodbend Drive, and the North terminus of Woodland Hills Drive West; and the West and South termini of Woodforest Drive.

94 Lots / 40.1± Acres

The request for the extension of approval of this subdivision was considered.

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

The motion carried unanimously.

**Case #SUB2006-00081**

**New Country Club Estates Subdivision, Fifth Unit, Resubdivision of Lot 13**

49 Jordan Lane

(South side of Jordan Lane, 260'± West of Byrnes Boulevard).

2 Lots / 1.0± Acre

The request for the extension of approval of this subdivision was considered.

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

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2007-00081**

**Brian and Jenn's Place Subdivision**

South side of Riverview Pointe Drive [Private Road], 1,768'± East of Old Rangeline Road.

1 Lot / 10.4± Acres

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

There was no one present in opposition.

After discussion a motion was made by Mr. Miller and seconded by Dr. Rivizzigno to 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;**
- 2) the placement of a note on the final plat stating that any property that is developed commercially and adjoins residentially developed property shall provide a buffer, in compliance with Section V.A.7. of the**

**Subdivision Regulations;**

- 3) provision of a certification letter from a licensed engineer to the Planning Section of Urban Development and the Mobile County Engineering Department, certifying that the stormwater detention and drainage facilities comply with the City of Mobile stormwater and flood control ordinances prior to the signing and recording of the final plat; and**
- 4) illustration of the correct location of the 25-foot minimum building setback line for Lot 1 on the Final Plat.**

The motion carried unanimously.

**Case #SUB2007-00083**

**Heather Estates Subdivision**

East side of Gold Mine Road, 270'± North of Three Notch Road.

1 Lots / 0.49± Acre

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

There was no one present in opposition.

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

- 1) dedication sufficient to provide a minimum of 50 feet from the centerline of Gold Mine Road;**
- 2) revision of the minimum building setback line to illustrate a 25-foot minimum building setback line;**
- 3) placement of a note on the final plat stating that the site is limited to one curb cut to Gold Mine Road, with the size, location, and design to be approved by County Engineering;**
- 4) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;**
- 5) placement of a note on the final plat requiring submission of a certification from a licensed engineer stating that development on the site will comply with the City of Mobile stormwater and flood control ordinances prior to issuance of permits; and**
- 6) labeling of the lot with its size in square feet, or provision of a table on the plat with the same information.**

The motion carried unanimously.

**Case #SUB2007-00080**

**Willow Glen Subdivision, Resubdivision of Lot 1**

3850 Dawes Road  
(West side of Dawes Road, 875'± South of Heid Place and extending West to  
McFarland Road).  
2 Lots / 6.98± Acres

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

There was no one present in opposition.

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

- 1) **placement of a note on the final plat requiring submission of a certification from a licensed engineer stating that development on the site will comply with the City of Mobile stormwater and flood control ordinances prior to issuance of permits;**
- 2) **placement of a note on the final plat stating that Lot 1-A be limited to one curb cut to Dawes Road, and that Lot 1-B be limited to one curb cut to McFarland Road; and**
- 3) **placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.**

The motion carried unanimously.

**Case #SUB2007-00082**

**West Gordon Division of the Favre Tract, Resubdivision of Lot 1, Square 99**

350 South Broad Street  
(Southwest corner of Broad Street and Savannah Street).  
2 Lots / 0.2± Acre

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

There was no one present in opposition.

After discussion a motion was made by Mr. Miller and seconded by Dr. Rivizzigno to waive Sections V.D.2. and V.D.9. of the Subdivision Regulations and approve the above referenced subdivision subject to the following conditions:

- 1) **placement of a note on the final plat stating that Lot 1-A is limited to one curb cut, that Lot 1-B is limited to the existing curb-cut onto Savannah Street, and that the size, design and location of all curb-cuts are to be approved by Traffic Engineering and conform to the greatest**

- extent possible with AASHTO standards;
- 2) labeling of each lot with its size in square feet, or placement of a table on the plat with the same information;
- 3) labeling of all existing front, side and rear building setbacks for each lot and enlarging the plan to 10 or 20 scale so that the labeling and subsequent reading of the plan will be easier);
- 4) placement of a note on the plat stating that the site is within the Oakleigh Garden Historic District, and that Historic District Overlay regulations should be consulted regarding required setbacks; and
- 5) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2007-00088**

**Watson Addition to Lakeside Commercial Park Subdivision**

780 Lakeside Drive

(West side of Lakeside Drive, 730'± South of Lakeside Drive South, and extending South to the West terminus of Joy Springs Drive, and North to Lakeside Drive West).

2 Lots / 20.5± Acres

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

There was no one present in opposition.

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

- 1) **compliance with Engineering comments (Verify detention capacity in lake for proposed development. Any modifications to the lake will require the same confirmation. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit);**
- 2) **placement of a note on the final plat stating that maintenance of the lake/detention facility shall be the responsibility of the property owner(s); and**
- 3) **placement of a note on the final plat stating that number, size, location and design of curb cuts shall require approval by the Traffic Engineering Department.**

The motion carried unanimously.

**Case #SUB2007-00091**

**Augusta Subdivision, Unit Seven**

West side of Vassar Court, 265'± North of Augusta Drive North.

15 Lots / 8.7± Acres

Mr. Watkins stated that the applicant was present and concurred with the staff recommendation for holdover.

After discussion a motion was made by Mr. Watkins and seconded by Mr. Vallas to holdover this application until the June 7th meeting to allow inclusion of the remainder of the parcel, or to allow for submission of documentation to establish included portion of the metes and bounds parcel as a lot parcel of record prior to 1984.

The motion carried unanimously.

**Case #SUB2007-00073**

**Stratford Place Subdivision**

North side of Grelot Road, 210'± West of Chimney Top Drive West.

19 Lots / 14.1± Acres

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

There was no one present in opposition.

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

- 1) the placement of a note on the Final Plat limiting Lot 19 to one curb cut to Grelot Road, with the size, location and design to be approved by Traffic Engineering;**
- 2) dedication and construction of the new road from Chimney Top Drive West to the development to meet City Engineering Standards;**
- 3) placement of a note on the Final Plat stating that Lot 1 and 18, corner lots be limited to one curb cut each, with the size, location and design to be approved by Traffic Engineering;**
- 4) labeling of all lots with size in square feet, or provision of a table with the lot size information on the plat;**
- 5) compliance with Engineering Comments (Add note to plat stating that no work in the wetlands is allowed without a permit from the Corps of Engineers. Show minimum finished floor elevation on each lot in the AE flood plain. Show location of storm water detention on plat. No detention can be performed in the AE flood plain. No fill is allowed in the AE flood plain without compensation. Any impact on the floodway must comply with FEMA regulations and City of Mobile Engineering Department standards. Must comply with all storm-water and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit); and**
- 6) the approval of all applicable federal, state and local agencies prior to the issuance of any permits.**

The motion carried unanimously.

**Case #SUB2007-00079**

**Overlook Station Subdivision**

1408 Cody Road North and 6960 Overlook Road

(Southeast corner of Overlook Road and Howells Ferry Road extending West to Cody Road, and South to Victor Road).

62 Lots / 17.6± Acres

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

There was no one present in opposition.

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

- 1) **submission of applications (one for the residential portion of the site and one for the church portion of the site are recommended) to remove the split-zoning condition for the site, and the applications necessary to allow the church to operate on Lot 62 (Planning Approval, if rezoned to residential, and Planned Unit Development for multiple buildings on a single building site), prior to the signing of the final plat;**
- 2) **placement of a note on the final plat stating that Lot 1 is limited to two curb cuts onto Cody Road, with one curb cut dedicated to the drainage and utility easement, that Lot 62 is limited to three curb cuts onto Overlook Road, and that Lots 2-61 are denied access to Cody, Victor and Overlook Roads, with the size, design and location of all curb cuts to be approved by Traffic Engineering and conform to AASHT standards;**
- 3) **revision of the plat to provide a street stub in the vicinity of Lots 23 and 24 to the approved Overlook Place subdivision to the East;**
- 4) **revision of the plat to label each lot with its size in square feet, or provision of a table on the plat with the same information;**
- 5) **revision of the plat to label all common areas, including the detention area, and the placement of a note on the plat stating that the maintenance of common areas is the responsibility of property owners; and**
- 6) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**Case #SUB2007-00089**

**Falling Leaf Subdivision, Unit Two**

East side of Sollie Road, 400'± North of the East terminus of Isle of Palms Drive, extending to the East terminus of Raleigh Boulevard.

84 Lots / 56.0+ Acres

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant. Mr. Coleman said they concurred with the staff recommendations except for the condition of the provision of two street stubs to the East. He noted that the surrounding property was owned by the same owner as the subject property, and they requested that they be required to provide only one street stub to the East. Also, rather than holding over the application as recommended, Mr. Coleman requested that the revisions stated on the report be made conditions of approval, and that the Commission rule on this application today.

There was no one present in opposition.

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

- 1) the placement of a note on the Final Plat stating that Lots 8, 9, 56, 60, 61, 66, 67, 73, and 79 are corner lots be limited to one curb cut with the size, design and location to be approved by Traffic Engineering;**
- 2) labeling of each lot with its size in square feet, or provision of a table on the plat with the same information;**
- 3) placement of a note on the plat stating that approval of all applicable federal, state and local agencies is required prior to the signing of the Final Plat;**
- 4) the provision of one street-stub to the East and one street stub to the North in the vicinity of Lots 15-20;**
- 5) the labeling of all easements and Common Areas accompanied by a note on the Final Plat stating that maintenance of the common area will be the responsibility of the property owners;**
- 6) the depiction of the 25-foot minimum building setback lines along Hillcrest Road and the new streets; and**
- 7) compliance with Engineering comments (Add note to plat stating that no work in the wetlands is allowed without a permit from the Corps of Engineers. Show limits of AE flood plain on plat. Show minimum finished floor elevation on each lot in the AE flood plain. Show location of storm water detention on plat. No fill is allowed in the AE flood plain without compensation. Any impact on the floodway must comply with FEMA regulations and City of Mobile Engineering Department standards. Any creek crossing must comply with AASHTO, Corps of Engineers, ADEM, FEMA, and City of Mobile Engineering Department requirements. No detention is allowed in the City of Mobile right-of-way or AE flood plain. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of way-permit).**

The motion carried unanimously.

**NEW PLANNING APPROVAL APPLICATIONS:**

**Case #ZON2007-01143**

**New Horizons Credit Union (Ben Cummings, Agent)**

1610 Government Street

(North side of Government Street, 270'± East of South Monterey Street).

Planning Approval to allow a credit union in a B-1, Buffer Business District.

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

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

Mr. Watkins asked if there was anyone present in opposition to this application.

Frances Hoffman stated that she was speaking in opposition on behalf of a group of concerned residents. She submitted petitions signed by residents in opposition, noting that it was a partial list, as there were people who were unable to sign, and she also understood that there were people who had called the Planning Commission office and voiced their opposition. Ms. Hoffman asked that this application be held over because she said the Mobile Historic Development Commission was not informed of this application and they would like to have input. She said it was on their agenda for Monday morning. Ms. Hoffman pointed out that this site was adjacent to two historic districts. Directly across the street on Government Street there were fine homes, and also the Flo Claire historic subdivision. As for their reasons for opposition, she said they understood that B-1 zoning was to be resident-friendly, and that it was to be a transition between business use and the adjacent residential use. They felt this rezoning would be an intensification of commercial use rather than transitional. Ms. Hoffman noted that one very difficult problem here was the increase in traffic. Referring to the site plan, she said it was designed to have a heavy flow of traffic. Although she understood the staff recommendation to eliminate the drive onto Monterey Street, she felt just the entrance/exit onto Government Street, coupled with the obvious provision for a drive-through window adjacent to the building on the East side, was very ominous. The residents felt that a credit union at this location would be perfectly acceptable if it were just an office, but she contended people would be coming and going on their way to and from work dropping off payments. Ms. Hoffman said their major objection was to a drive-through or anything that would promote intensive traffic. If there were no drive-through, she felt there should be a 10-foot natural buffer of dense bushes all around the site, except of course in the front. With regard to signs, Ms. Hoffman requested that the Mobile Historic Development Commission have some input as to what the signs would look like adjacent to a historic district. She also suggested that the Planning Commission could limit parking space, the number of employees, and other things to help improve the situation. Ms. Hoffman again requested that the application be held over, and that the plan as it stands be rejected.

Mr. Turner asked Ms. Hoffman if he understood her to say that they did not object to the credit union, but to the drive-through.

Ms. Hoffman said they objected to a drive-through or a high intensity use. They also requested that the Planning Commission do anything they could to limit traffic.

Mr. Watkins asked if anyone else wished to speak in opposition to this request.

No one came forward.

Mr. Watkins asked if the applicant would like to respond.

Ben Cummings, of Cummings Architecture, stated that he was the architect for the applicant. Mr. Cummings stated that they had a pre-development meeting prior to New Horizons purchasing this property, and all City entities were present at the meeting, including the Mobile Historic Development Commission. He said there did not really seem to be any concerns raised at that time. The MHDC did say that they would need to review and approve the signage. Obviously, at this time they had not designed any signage, but would certainly comply with the requirements. Mr. Cummings noted that currently this site was a sea of asphalt. They planned to remove a good bit of the asphalt and create some landscaped areas and re-top the asphalt to have a better looking parking lot. He noted that the staff recommended denial of access to Monterey Street, which the applicant had no objection to. He also pointed out that there was an apartment complex to the East, as well as an apartment complex to the North, and they would provide a privacy fence buffer along those property lines as required by the Ordinance.

Mr. Olsen noted that the Ordinance would require a 6-foot privacy fence or a 10-foot landscaped buffer.

Mr. Vallas asked Mr. Cummings if he knew how many drive-through customers they would serve in a day.

Mr. Cummings said he did not know, but pointed out that it would be just a one-lane drive-through, and it would probably get the most traffic on Fridays.

Mr. Vallas noted that one of the comments from the opposition was that customers would be dropping off payments in the mornings and afternoons on their way to and from work. He did not think credit unions opened that early in the morning, and asked what their hours would be.

Mr. Cummings deferred the question to a representative of New Horizons.

Bob Dobilas, with New Horizons Credit Union, stated that their hours were 9:00 a.m. to 5:00 p.m. With regard to the traffic, Mr. Dobilas said since this would be a new

**Planning Commission Minutes**  
**May 3 2007**

operation he could not really anticipate the amount of traffic. In most of their operations however, their drive-throughs were not the busiest part of their operations, but their busiest times were probably between the hours of 11:00 a.m. and 1:00 p.m.

Mr. Turner asked if Mr. Dobilas knew how many current customers they had in the area.

Mr. Dobilas said that currently they had about 4,000 members in this area. They had about 25,000 members overall.

Mr. Vallas asked if their plan would be in full compliance with the landscaping requirements of the Ordinance.

Mr. Cummings said the recommendations did not say full compliance with landscaping, but they did plan on creating some landscaped areas.

Mr. Vallas asked if that would be subject to MHDC approval.

Mr. Olsen said no. The site itself was not in a historic district, so the exterior improvements would not necessarily be subject to ARB approval. The reason the sign is required to receive ARB approval is because the Sign Ordinance specifically states that all signs on Government Street from Water Street to Dauphin Island Parkway shall require ARB approval.

Mr. Cummings said he felt the building had a very attractive front façade made of old Mobile brick, and had a large, arched window opening. They did not plan on changing the front of the building. The major exterior change would be adding the one drive-through lane.

Mr. Vallas noted that the site was formerly occupied by a union. He said he had a union near his neighborhood and they generated a lot of traffic. He could not imagine a credit union generating the type traffic that unions create.

Dr. Rivizzigno asked about the landscaping requirements.

Mr. Olsen said that the applicant was not proposing a new structure. He noted that generally when an application for Planning Approval comes to the Commission and it is utilizing an existing structure, there is some level of compliance, but not necessarily full compliance. In this particular instance, especially with the tree plantings, it would be difficult to meet the frontage tree and all the tree planting requirements given the canopy of existing trees along Government Street. Mr. Olsen noted that the applicant's plan did show some pretty significant islands of landscaping in front of the building, as well as along the East side and in the rear, none of which were existing today. If it is not in compliance with regard to the percentage, it was pretty close, and if the plan were approved with the condition eliminating access to Monterey Street, that asphalt could actually be removed and that area planted or grassed, which would

technically increase their landscaped area.

Dr. Rivizzigno asked if the applicant would be willing to landscape the area as referred to by Mr. Olsen.

Mr. Cummings said they would be fine with that.

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

- 1) **illustration of the location of any dumpster on the site plan;**
- 2) **compliance with the buffering requirements of the Zoning Ordinance from adjacent residential uses;**
- 3) **the provision of landscaping as illustrated on the site plan;**
- 4) **compliance with Engineering comments (*Must tie to City of Mobile storm drainage system. Verify the capacity of the receiving storm drainage system. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right-of-way permit*);**
- 5) **that access from Monterey Street be denied; and**
- 6) **removal of the asphalt and driveway to Monterey Street, and landscaping of the area.**

In further discussion Mr. Vallas asked if Traffic Engineering had looked at traffic access management with the driveway and the drive-through.

Jennifer White, representing Traffic Engineering, stated that they had looked at it, but the applicant did not have much choice as to what they could do.

There being no further discussion, Mr. Watkins called for the vote.

The motion carried unanimously.

Mr. Olsen further commented that in reference to Mr. Vallas' question, the cueing with regard to the drive-through as far as leading into and then exiting the drive-through complied with the requirements of the Zoning Ordinance for a drive-through facility.

Ms. White further commented that it should not be a problem, but they may want to think about asking the drive-through traffic to yield to traffic coming out of the main parking area.

**GROUP APPLICATIONS:**

**Case #SUB2007-00084 (Subdivision)**  
**Berg Pipe Subdivision**

900 Paper Mill Road  
(North side of Paper Mill Road at the North terminus of McKinley Street).  
1 Lot / 86.0± Acres

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

(Also see **Case #ZON2007-01157 (Rezoning) Berg Spiral Pipe Corporation** – below.)

There was no one present in opposition.

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

- 1) **placement of a note on the final plat stating the site is limited to two curb cuts to Paper Mill Road, size location and design to be approved by Traffic Engineering; and**
- 2) **completion of the rezoning process prior to issuance of any building permits.**

The motion carried unanimously.

**Case #ZON2007-01157 (Rezoning)**  
**Berg Spiral Pipe Corporation**

900 Paper Mill Road  
(North side of Paper Mill Road at the North terminus of McKinley Street).  
Rezoning from R-1, Single-Family Residential District and I-2, Heavy Industry District, to I-2, Heavy Industry District, to eliminate split zoning and allow a steel pipe manufacturing facility.

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

(Also see **Case #SUB2007-00084 (Subdivision) Berg Pipe Subdivision** – above.)

There was no one present in opposition.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Vallas to recommend approval of 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) **limited to two curb cuts to Paper Mill Road, size location and design to be approved by Traffic Engineering;**

- 3) the submission of an Administrative Planned Unit Development (PUD) application prior to the issuance of any permits; and
- 4) compliance with all municipal codes and ordinances, including but not limited to landscaping, tree plantings, signage, sidewalks, and buffering.

The motion carried unanimously.

**Case #SUB2007-00085 (Subdivision)**

**Cottage Knoll Subdivision**

5662 Cottage Hill Road

(Northeast corner of Cottage Hill Road and Knollwood Drive).

1 Lot / 0.9± Acre

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

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

(Also see **Case #ZON2007-01158 (Rezoning) Tim Nguyen**- below.)

Mr. Watkins asked if there was anyone who wished to speak either in favor or against this application.

Ray Niblett, a resident of 5654 Cottage Hill Road, stated that his property was adjacent to the subject property. He expressed concern about the drainage of stormwater from this site onto his property. He said a change in zoning to LB-2 did not make sense, and he submitted a petition in opposition. He noted that a previous request for rezoning of this site was denied. Also, Mr. Niblett said he did not understand why the property was being subdivided.

Mr. Olsen noted that the previous application referred to by Mr. Niblett was a request for rezoning to B-2 for a convenience store with gas pumps. Regarding the subdivision application, he explained that this property exists in a metes and bounds parcel as a remnant from other properties that were previously subdivided off, and this parcel was never a part of those subdivisions or created as a legal lot of record. The Ordinance requires that the lot be made a legal lot of record so that this property would now be Lot 1 of a particular subdivision. Mr. Olsen said the property would not be split into two lots.

Mr. Niblett further stated that the neighbors were opposed, as they felt the type of business proposed would be a detriment to the neighborhood, which had been a prime residential area for many years. The neighbors would like something that would be clean, quiet, and operated from daylight until dark. He felt they deserved this, and requested that the Commission deny this request.

**Planning Commission Minutes**  
**May 3 2007**

Robert Sanford, a resident of 5704 Cottage Hill Road, stated that the residents of this area recognized that as a city grows and evolves, there is a conflict between progress and the fact that some people are going to get hurt as progress takes place. Mr. Sanford noted that they were only opposed to the rezoning, and not the subdivision. They questioned whether the proposed rezoning would actually be progress, and asked how developing this site with specialty shops, which was very vague, would serve this community. He pointed out existing commercial districts to the East within one mile of this site, and two commercial districts West of the site with space available. Mr. Sanford said he had a friend who owned several businesses on Cottage Hill Road to the East of this site. He wanted to retire and would be happy to sell a building with 14,000 square feet available for commercial use. He felt there was no need to construct a building on this property to serve commercial entities. Mr. Sanford said the Walgreens Drug Store at the corner across from this site had already created a lot of traffic problems at this intersection, and contended that the development of the subject property with a commercial use would only create additional traffic and compound the traffic problems. This was an old, established, well-maintained residential area and the neighbors would like to preserve it.

Mary Kay Kitzman stated that she had lived directly across the street from the subject property for 12 years. This was a beautiful neighborhood with mostly elderly residents, although there were more and more young people with children moving in. She said this subdivision was developed in the early '60s. She pointed out the home of one resident adjoining this site who had lived there for 60 years, and directly behind the property was the home of a resident who had lived there for over 30 years. There was nothing but residential homes surrounding the subject property. Ms. Kitzman also stated that the Walgreens Drug Store across the street had been a nuisance ever since it had been there. In addition to causing additional traffic, the neighbors were constantly picking up trash in their yards. The flow of traffic seven days a week was impossible, and there was an average of seven wrecks a month at the intersection of Cottage Hill and Knollwood. Ms. Kitzman also expressed concern for the large Oak and Magnolia trees on this site that were more than 100 years old, and she had talked to the Historic Development Commission in this regard. She contended the development of this site with a commercial use would depreciate the property in this residential neighborhood, and asked that the Commission deny this request.

In deliberations session Mr. Miller commented that he could see that there was an argument for a zoning change, but not a compelling one, and considering the strength of the opposition he would not recommend this for rezoning.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Miller to deny approval of this plan.

In further discussion Ms. Deakle said she was not really in favor of denial, as she felt this property was obviously a commercial site. It was at the corner of two emerging major streets, and would not be suitable for residential development. She felt this plan was far superior to the previous plan that was submitted, and said she was in favor of

**Planning Commission Minutes**  
**May 3 2007**

approval with the conditions as recommended by the staff, which would protect the trees.

Dr. Rivizzigno stated that there had never been a proposal for any kind of residential land use at this location, and she would like to see that happen first. If that did not materialize, then the Commission could consider some alternatives uses.

Mr. Miller stated that he did not want to just give this a blanket denial because he felt there was an argument on each side. With the Walgreens across the street, however, it would seem logical that further commercial development would take place. Mr. Miller said he agreed with Dr. Rivizzigno that they should not close the door on residential development. He said he would be more comfortable with a doctor's office or some other professional use like that. Considering the overwhelming objection of the neighbors and the length of the petition, he said he was not comfortable with rezoning the property as submitted, and he renewed his second on the motion for denial.

Mr. Watkins suggested that the Commission consider voting on the subdivision application and the rezoning request separately, and asked Mr. Lawler if that would be all right.

Mr. Lawler stated that the two applications were tied together in terms of what the applicant wanted to do.

Mr. Olsen said he felt that, ultimately, if the rezoning request was recommended for denial by the Planning Commission and affirmed by the City Council, he doubted that the applicant would record the subdivision because of the recommendation for dedication. If the Commission considered that the subdivision would not be necessary because it was tied to the rezoning, then it would preclude the applicant from recording it if they chose to and thought of coming back for B-1.

Mr. Watkins said his concern was that somebody may want to make this a legal lot of record as it was.

Dr. Rivizzigno said her motion for denial of the subdivision stood.

Mr. Miller withdrew his second to the motion.

Mr. Turner then seconded the motion.

The vote was five in favor of the motion and one opposed. The motion carried.

As a point of clarification for the letter of decision, Mr. Olsen said he understood the reason for denial was because the subdivision application was tied to the rezoning, which was also recommended for denial, and without the rezoning the subdivision would be moot.

Mr. Watkins said that was correct.

**Case #ZON2007-01158 (Rezoning)**

**Tim Nguyen**

5662 Cottage Hill Road

(Northeast corner of Cottage Hill Road and Knollwood Drive).

Rezoning from R-1, Single-Family Residential District, to LB-2, Limited-Neighborhood Business District, to allow specialty shops in a multiple-tenant building.

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

(For discussion see **Case #SUB2007-00085 (Subdivision) Cottage Knoll Subdivision** – above, for discussion.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Miller to recommend the denial of this change in zoning to the City Council.

There were five votes in favor of the motion and one against. The motion carried.

**Case #SUB2007-00086 (Subdivision)**

**Louise Place Subdivision**

1156 Louise Avenue

(South terminus of Louise Avenue, extending East to McNeill Avenue and South to Gulver Street [unopened, prescriptive right-of-way]).

26 Lots / 5.8± Acre

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

(Also see **Case #ZON2007-01159 (Planned Unit Development) Louise Place Subdivision** – below.)

Mr. Watkins asked if there was anyone present who wished to speak either in favor or against this application.

Craig Dixon, 1200 MacArthur Place Court, stated that his property adjoined the subject property at the rear. He noted that there was actually an easement there that was vacated by the City, so they were granted an additional 25 feet. Mr. Dixon said that according to the staff report, there was a 15-foot setback. He was concerned how close the structure could be from the property line, and asked if there was an additional setback for the actual structure.

Mr. Olsen said there would be the standard setback allowed by the Zoning Ordinance,

which was 8 feet.

Mr. Dixon asked if there would be any objection to him moving his fence back to that 25 additional feet and building a 10- or 12-foot fence.

Mr. Olsen noted that the maximum fence height allowed by the Zoning Ordinance was eight feet. He said the 25 feet that was vacated was not included in this subdivision, so Mr. Dixon could place his fence to include that 25 feet.

Mr. Dixon further asked about a detention pond.

Mr. Olsen said there would be a detention facility on the East side of the development, which he indicated on the plat.

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

- 1) **compliance with Engineering comments (*Show sanitary sewer easement on the south side of the subdivision near the detention pond. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.*) ;**
- 2) **construction and dedication of the new streets to City Engineering standards;**
- 3) **completion of the right-of-way vacation process for any remaining streets, if necessary;**
- 4) **revision of the legal description, if necessary, to reflect any disparities in the transfer of vacated right-of-way from what is shown on the preliminary plat;**
- 5) **placement of a note on the final plat stating that the site is limited to a single curb cut per lot, with the size, design and location of all curb cuts to be approved by Traffic Engineering and conform with AASHTO standards;**
- 6) **placement of a note on the final plat stating that the site is denied access to Schaub and McNeill Avenues;**
- 7) **depiction of the minimum 15-foot building setback line along all lots fronting Louise Avenue and Louise Place (including the street side, side yard setback for Lots 2 and 19);**
- 8) **placement of a note on the final plat stating that common area maintenance will be property owners' responsibility;**
- 9) **labeling of each lot with its size in square feet, or provision of a table on the plat with the same information;**
- 10) **placement of the PUD front, side and rear yard setback and site coverage information on the final plat, as shown on the preliminary plat;**
- 11) **provision of a revised PUD site plan to the Planning Section of Urban**

**Development prior to the signing of the final plat; and  
12) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2007-01159 (Planned Unit Development)**

**Louise Place Subdivision**

1156 Louise Avenue

(South terminus of Louise Avenue, extending East to McNeill Avenue and South to Gulver Street [unopened, prescriptive right-of-way]).

Planned Unit Development Approval to allow a residential subdivision with reduced lot sizes, reduced minimum front and side-yard setbacks, and increased site coverage.

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

(For discussion see **Case #SUB2007-00086 (Subdivision) - Louise Place Subdivision** – above.)

There was no one present in opposition.

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

- 1) completion of the Subdivision process;**
- 2) compliance with Engineering comments (*Show sanitary sewer easement on the south side of the subdivision near the detention pond. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right- of- way permit.*)**
- 3) construction and dedication of the new streets to City Engineering standards;**
- 4) completion of the right-of-way vacation process for any remaining streets, if necessary;**
- 5) revision of the legal description, if necessary, to reflect any disparities in the transfer of vacated right-of-way from what is shown on the site plan;**
- 6) placement of a note on the site plan stating that the site is limited to a single curb cut per lot, with the size, design and location of all curb cuts to be approved by Traffic Engineering and conform with AASHTO standards;**
- 7) placement of a note on the site plan stating that the site is denied access to Schaub and McNeill Avenues;**
- 8) depiction of the minimum 15-foot building setback line along all lots fronting Louise Avenue and Louise Place (including the street side, side yard setback for Lots 2 and 19);**
- 9) placement of a note on the site plan stating that common area**

- maintenance will be property owners' responsibility;**
- 10) labeling of each lot with its size in square feet, or provision of a table on the site plan with the same information;**
- 11) placement of the PUD front, side and rear yard setbacks and site coverage information on the final site plan, as shown on the preliminary site plan;**
- 12) provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the Subdivision final plat; and**
- 13) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #SUB2007-00087 (Subdivision)**

**Annunciation Greek Orthodox Church Subdivision**

50, 60, & 62 South Ann Street, and 65 Bradford Avenue

(Southwest corner of South Ann Street and Azalea Street, and extending West to Bradford Avenue).

1 Lot / 3.3± Acres

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

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

(Also see **Case #ZON2007-01160 (Planning Approval) Annunciation Greek Orthodox Church / Greek Orthodox Society**; and **Case #ZON2007-01161 (Planned Unit Development) Annunciation Greek Orthodox Church / Greek Orthodox Society** – below.)

There was no one present in opposition.

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) the placement of minimum building setback lines at 50 feet (25 feet front setback plus the 25 feet of right-of-way) from centerline line of Azalea Street and Bradford Avenue would be required on the Final Plat;**
- 2) placement of a note on the plat stating that the site is limited to the existing curb cuts;**
- 3) the placement of a note on the Final Plat denying any future access to Bradford Avenue; and**
- 4) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2007-01160 (Planning Approval)**

**Annunciation Greek Orthodox Church / Greek Orthodox Society**

50, 60, & 62 South Ann Street, and 65 Bradford Avenue

(Southwest corner of South Ann Street and Azalea Street, and extending West to Bradford Avenue).

Planning Approval to allow expansion of an existing church in an R-1, Single-Family Residential District.

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

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

(Also see Case #SUB2007-00087 (Subdivision) **Annunciation Greek Orthodox Church Subdivision** – above; and Case #ZON2007-01161 (Planned Unit Development) - **Annunciation Greek Orthodox Church / Greek Orthodox Society** – below.)

There was no one present in opposition.

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

- 1) **the construction be limited to the submitted and approved site plan;**
- 2) **revision of the site plan to additionally depict a vegetative buffer where the site abuts residential uses of the site;**
- 3) **revision of the site plan to depict sidewalks along Bradford Avenue;**
- 4) **revision of the site plan to depict any dumpster storage facility, in compliance with Section 64-4.D.9. of the Zoning Ordinance;**
- 5) **placement of a note on the site plan stating that on-site lighting must fully comply with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;**
- 6) **completion of any approvals required from the Architectural Review Board for building renovations and site improvements;**
- 7) **provision of a revised site plan to the Planning Section of Urban Development prior to the signing of the final subdivision plat;**
- 8) **completion of the Subdivision process; and**
- 9) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2007-01161 (Planned Unit Development)**

**Annunciation Greek Orthodox Church / Greek Orthodox Society**

50, 60, & 62 South Ann Street, and 65 Bradford Avenue

(Southwest corner of South Ann Street and Azalea Street, and extending West to Bradford Avenue).

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

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

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

**(Also see Case #SUB2007-00087 (Subdivision) Annunciation Greek Orthodox Church Subdivision – above; and Case #ZON2007-01160 (Planning Approval) Annunciation Greek Orthodox Church / Greek Orthodox Society – above.)**

There was no one present in opposition.

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

- 1) the construction be limited to the submitted and approved site plan;**
- 2) revision of the site plan to additionally depict a vegetative buffer where the site abuts residential uses of the site;**
- 3) revision of the site plan to depict sidewalks along Bradford Avenue;**
- 4) revision of the site plan to depict any dumpster storage facility, in compliance with Section 64-4.D.9. of the Zoning Ordinance;**
- 5) placement of a note on the site plan stating that on-site lighting must fully comply with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;**
- 6) completion of any approvals required from the Architectural Review Board for building renovations and site improvements;**
- 7) provision of a revised site plan to the Planning Section of Urban Development prior to the signing of the final subdivision plat;**
- 8) completion of the Subdivision process; and**
- 9) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #SUB2007-00090 (Subdivision)**

**WMSHC Subdivision**

227 Hillcrest Road

(East side of Hillcrest Road, 625'± South of Cedar Bend Court).

1 Lot / 1.6± Acres

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

**(Also see Case #ZON2007-01164 (Planned Unit Development) Weinacker's Montessori School, Inc.; and Case #ZON2007-01165 (Planning Approval)**

**Weinacker's Montessori School, Inc.** – below.)

There was no one present in opposition.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Turner to holdover this application until the June 7<sup>th</sup> meeting to allow the applicant to provide additional information for the Planning Approval and PUD applications.

The motion carried unanimously.

**Case #ZON2007-01164 (Planned Unit Development)**

**Weinacker's Montessori School, Inc.**

227 Hillcrest Road

(East side of Hillcrest Road, 625'± South of Cedar Bend Court).

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

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

(Also see **Case #SUB2007-00090 (Subdivision) WMSHC Subdivision** – above; and **Case #ZON2007-01165 (Planning Approval) Weinacker's Montessori School, Inc.** – below.)

There was no one present in opposition.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Turner to holdover this plan until the June 7<sup>th</sup> meeting to allow the applicant to provide additional information for the Planning Approval, and to make the following revisions to the site plan:

- 1) **revision of the site plan to show full compliance with the tree and landscaping requirements of the Zoning Ordinance;**
- 2) **revision of the site plan to show paved parking for employees, in compliance with the Zoning Ordinance;**
- 3) **revision of the site plan to show, if required, the general area of any on-site stormwater detention pond or area; and**
- 4) **revision of the site plan to show a sidewalk along Hillcrest Road, or submission of an application for a Sidewalk Waiver.**

The motion carried unanimously.

**Case #ZON2007-01165 (Planning Approval)**

**Weinacker's Montessori School, Inc.**

227 Hillcrest Road

(East side of Hillcrest Road, 625'± South of Cedar Bend Court).

Planning Approval to allow a school in an R-1, Single-Family Residential District.

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

(Also see **Case #SUB2007-00090 (Subdivision) WMSHC Subdivision**; and **Case #ZON2007-01164 (Planned Unit Development) Weinacker's Montessori School, Inc.** – above.)

There was no one present in opposition.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Turner to holdover this plan until the June 7<sup>th</sup> meeting, with additional information due to the Planning Section of Urban Development by May 14<sup>th</sup>, to allow the applicant to provide the following information:

- 1) **existing and proposed enrollment, including age range and grades;**
- 2) **program types by grade – full day versus half day or after school programs;**
- 3) **the number of existing and proposed teaching stations (classrooms);**
- 4) **revision of the site plan to show full compliance with the tree and landscaping requirements of the Zoning Ordinance;**
- 5) **revision of the site plan to show paved parking for employees, in compliance with the Zoning Ordinance;**
- 6) **revision of the site plan to show, if required, the general area of any on-site storm water detention pond or area; and**
- 7) **revision of the site plan to show a sidewalk along Hillcrest Road, or submission of an application for a Sidewalk Waiver.**

The motion carried unanimously.

**Case #SUB2007-00092 (Subdivision)**  
**Highland Professional Park Subdivision, Resubdivision of Lots 2 & 3**

6140 Airport Boulevard

(North side of Airport Boulevard, 150' ± West of Highland Woods Drive East).

2 Lots / 2.5± Acres

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

(Also see **Case #ZON2007-01171 (Planned Unit Development) Highland Professional Park Subdivision, Resubdivision of Lots 2 & 3**; **Case #ZON2007-01172 (Rezoning) TOG Properties, LLC**; **Case #ZON2007-01182 (Planning Approval) TOG Properties, LLC**; and **Case #ZON2007-01173 (Sidewalk Waiver)** – below.)

There was no one present in opposition.

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

- 1) **provision of the 15' buffer along the East property line, as shown on the plat submitted, and required by the original approval;**
- 2) **placement of a note on the final plat stating that access onto Airport Boulevard for Lot 2-A is limited to a single one-way in drive from Airport Boulevard, size, location and design to be approved by Traffic Engineering; and**
- 3) **placement of a note on the final plat stating that any modification to the deceleration lane will require approval by the Traffic Engineering Department.**

The motion carried unanimously.

**Case #ZON2007-01171 (Planned Unit Development)**

**Highland Professional Park Subdivision, Resubdivision of Lots 2 & 3**

6140 Airport Boulevard

(North side of Airport Boulevard, 150'± West of Highland Woods Drive East).

Planned Unit Development Approval to allow shared access between multiple building sites.

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

(Also see **Case #SUB2007-00092 (Subdivision) Highland Professional Park Subdivision, Resubdivision of Lots 2 & 3** – above; and **Case #ZON2007-01172 (Rezoning) TOG Properties, LLC**; **Case #ZON2007-01182 (Planning Approval) TOG Properties, LLC**; and **Case #ZON2007-01173 (Sidewalk Waiver)** – below.)

There was no one present in opposition.

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

- 1) **limited to the site plan submitted, any significant modification will require new application(s) to the Planning Commission;**
- 2) **provision of the 15' buffer and 6' privacy fence along the East property line, as shown on the plan submitted (and required by the original approval), buffer area to be landscaped;**
- 3) **any modification to the deceleration lane will require approval by the Traffic Engineering Department; and**
- 4) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2007-01172 (Rezoning)**

**TOG Properties, LLC**

6140 Airport Boulevard

(North side of Airport Boulevard, 150'± West of Highland Woods Drive East).

Rezoning from B-1, Buffer Business District, to B-1, Buffer Business District, to remove certain rezoning conditions.

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

(Also see **Case #SUB2007-00092 (Subdivision) Highland Professional Park Subdivision, Resubdivision of Lots 2 & 3**; and **Case #ZON2007-01171 (Planned Unit Development) Highland Professional Park Subdivision, Resubdivision of Lots 2 & 3** – above; and **Case #ZON2007-01182 (Planning Approval) TOG Properties, LLC**; and **Case #ZON2007-01173 (Sidewalk Waiver)** – below.)

There was no one present in opposition.

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

- 1) access to Airport Boulevard for Lot 2A is limited to a single one-way in drive, size, location and design to be approved by Traffic Engineering;
- 2) provision of the 15' buffer and 6' privacy fence along the East property line, as shown on the plan submitted (and required by the original approval), buffer area to be landscaped;
- 3) any modification to the deceleration lane will require approval by the Traffic Engineering Department; and
- 4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #ZON2007-01182 (Planning Approval)**

**TOG Properties, LLC**

6140 Airport Boulevard

(North side of Airport Boulevard, 150'± West of Highland Woods Drive East).

Planning Approval to allow a bank in a B-1, Buffer Business District.

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

(Also see **Case #SUB2007-00092 (Subdivision) Highland Professional Park Subdivision, Resubdivision of Lots 2 & 3**; **Case #ZON2007-01171 (Planned Unit**

Development) **Highland Professional Park Subdivision, Resubdivision of Lots 2 & 3** ; and Case #ZON2007-01172 (Rezoning) **TOG Properties, LLC** – above; and Case #ZON2007-01173 (Sidewalk Waiver) – below)

There was no one present in opposition.

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

- 1) **limited to the site plan submitted, any significant modification will require new application(s) to the Planning Commission;**
- 2) **provision of the 15' buffer and 6' privacy fence along the East property line, as shown on the plan submitted (and required by the original approval), buffer area to be landscaped;**
- 3) **any modification to the deceleration lane will require approval by the Traffic Engineering Department; and**
- 4) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2007-01173 (Sidewalk Waiver)**

**TOG Properties, LLC**

6140 Airport Boulevard

(North side of Airport Boulevard, 150'± West of Highland Woods Drive East).

(Also see Case #SUB2007-00092 (Subdivision) **Highland Professional Park Subdivision, Resubdivision of Lots 2 & 3**; and Case #ZON2007-01171 (Planned Unit Development) **Highland Professional Park Subdivision, Resubdivision of Lots 2 & 3** ; and Case #ZON2007-01172 (Rezoning) **TOG Properties, LLC**; and Case #ZON2007-01182 (Planning Approval) **TOG Properties, LLC** – above.)

There was no one present in opposition.

After discussion a motion was made by Mr. Turner and seconded by Mr. Miller to deny this request.

The motion carried unanimously.

**Case #ZON2007-01162 (Planned Unit Development)**

**MacMae Venture, LLC & Georgetown Partners, LLC**

2789 MacMae Drive

(South terminus of MacMae Drive).

Planned Unit Development Approval to allow shared access and parking between two building sites.

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

recommendations.

(Also see **Case #ZON2007-01163 (Planning Approval) MacMae Venture, LLC & Georgetown Partners, LLC** – below.)

There was no one present in opposition.

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

- 1) **completion of the Subdivision process for the “Willard Court” plat approved at the April 19, 2007 meeting of the Planning Commission, prior to the issuance of any permits for site development, and revision of the legal description on the site plan to reflect the recorded plat;**
- 2) **placement of a note on the site plan stating that the site is denied access to Belvedere Circle East;**
- 3) **placement of a note on the site plan stating that the site is limited to one curb cut onto MacMae Drive, with the size, design and location to be approved by Traffic Engineering and conform with AASHTO standards;**
- 4) **correction of the parking calculations on the site plan;**
- 5) **revision of the site plan to fully comply with the tree and landscaping requirements of the Zoning Ordinance, including the provision of additional understory trees required by Section 64-4.E.3.b.(1). *Parking lot requirements*, if necessary;**
- 6) **placement of a note on the site plan stating that the 10-foot buffer area shall be landscaped or left in its natural state;**
- 7) **compliance with the site and parking area lighting requirements of Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;**
- 8) **provision of the 6-foot high privacy fence, as depicted on the site plan;**
- 9) **provision of two (2) revised site plans (one for Planning Approval, one for PUD approval) to the Planning Section of Urban Development prior to the request of building or site development permits; and**
- 10) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2007-01163 (Planning Approval)**  
**MacMae Venture, LLC & Georgetown Partners, LLC**

2789 MacMae Drive

(South terminus of MacMae Drive).

Planning Approval to allow heavy distribution (gross floor area more than 40,000 square feet) in a B-3, Community Business District.

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

(Also see Case #ZON2007-01162 (Planned Unit Development) MacMae Venture, LLC & Georgetown Partners, LLC – above.)

There was no one present in opposition.

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

- 1) **completion of the Subdivision process for the “Willard Court” plat approved at the April 19, 2007 meeting of the Planning Commission, prior to the issuance of any permits for site development, and revision of the legal description on the site plan to reflect the recorded plat;**
- 2) **placement of a note on the site plan stating that the site is denied access to Belvedere Circle East;**
- 3) **placement of a note on the site plan stating that the site is limited to one curb cut onto MacMae Drive, with the size, design and location to be approved by Traffic Engineering and conform with AASHTO standards;**
- 4) **correction of the parking calculations on the site plan;**
- 5) **revision of the site plan to fully comply with the tree and landscaping requirements of the Zoning Ordinance, including the provision of additional understory trees required by Section 64-4.E.3.b.(1). *Parking lot requirements*, if necessary;**
- 6) **placement of a note on the site plan stating that the 10-foot buffer area shall be landscaped or left in its natural state;**
- 7) **compliance with the site and parking area lighting requirements of Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;**
- 8) **provision of the 6-foot high privacy fence, as depicted on the site plan;**
- 9) **provision of two (2) revised site plans (one for Planning Approval, one for PUD approval) to the Planning Section of Urban Development prior to the request of building or site development permits; and**
- 10) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

#### **OTHER BUSINESS:**

##### **Palmer Cleland Subdivision vacation of easements.**

Mr. Olsen stated that the Palmer Cleland Subdivision was recently approved by the Commission; however, some existing drainage easements that need to be vacated were not reflected on the plat. The applicant has requested that the Commission sign-off on those vacations so that the staff can notify the County that the Commission understands that the subdivision would result in vacation of some drainage easements. If the County has no objection, they can then vacate the easements.

After discussion a motion was made by Mr. Miller and seconded by Mr. Vallas to recommend the vacation of the drainage easements as noted by Mr. Olsen.

The motion carried unanimously.

**Modifications to agenda numbering system.**

In an attempt to eliminate confusion on some of the holdover applications and extensions, as well as applications with similar names, Mr. Olsen said the staff has decided to include those items of holdover and extensions in the numbering system on the applications and the agenda. There may be some variations on upcoming agendas. Hopefully, this will make things easier for the Commission and for the citizens.

**Letter of Certification from engineers regarding drainage on subdivisions in the Planning jurisdiction.**

Mr. Olsen said that, as the Commission was aware, the staff has been requiring a letter of certification from engineers regarding drainage on subdivisions in the Planning Jurisdiction. He said there had been a few instances lately where, especially on small two- or three-lot, albeit commercial, subdivisions, the requirement was that the engineer certify that the drainage is in compliance prior to the signing and recording of the final plat. Mr. Olsen said there were some instances where the full design drawings for the proposed development have not been completed and therefore they could not really certify that the drainage was in compliance. The staff would like the Commission to consider allowing the staff to change those recommendations, if Mr. Lawler agrees, on those particular subdivisions, **to require the engineer to place a note on the final plat, and submit a letter of certification stating that the development will comply with City of Mobile standards prior to recording of the plat. Then, after the plat has been recorded, and prior to permitting, submit a subsequent letter saying that the design does comply with City of Mobile standards.** At that point, the County would then be able to issue the permit because the certification is required by the plat.

Mr. Lawler concurred.

The Commission members also concurred.

**Proposals for a new plan for old Mobile**

Mr. Olsen noted that each of the members had been given a copy of a request for proposals for a new plan for Old Mobile. He said they were seeking, in conjunction, hopefully, with the Downtown Alliance, proposals from consultants to help develop a plan. This would be more than just the downtown area. It would encompass an area all the way to Houston Street, North all the way to the creek, and South all the way to Arlington Street.

**Planning Commission Minutes**  
**May 3 2007**

Mr. Olsen said the staff was also continuing to ask the administration to find funds for a Comprehensive Plan for the entire City and the Planning Jurisdiction.

Mr. Watkins asked how this would work in conjunction with what the City and County were working on with respect to the old courthouse site.

Mr. Olsen said that, unfortunately, there were a lot of plans relating to the downtown area. The staff was in hopes that this would consolidate many of those plans. As far as individual site land use, he was not sure it would go to that degree.

There being no further business, the meeting was adjourned.

**APPROVED:** June 7, 2007

---

Victoria Rivizzigno, Secretary

---

Terry Plauche, Chairman.

ms