

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF OCTOBER 20, 2005 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
James Laier, Vice-Chair
Adline Clarke
Mead Miller
Victoria L. Rivizzigno
Ann Deakle
John Vallas
Nicholas H. Holmes, III

Members Absent

Clinton Johnson
Vic McSwain (S)
James Watkins

Urban Development Staff Present

Richard L. Olsen, Deputy Director of
Planning
David Daughenbaugh, Coordinator of
Urban Forestry
Bert Hoffman, Planner I
Madeleine Masters, Planner I
Trista S. Cole, Secretary I

Others Present

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

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

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

APPROVAL OF MINUTES:

A motion was made by Mr. Plauche and seconded by Dr. Laier to approve the minutes of the August 18, September 1 and September 15, 2005, meetings as submitted.

The motion carried unanimously.

HOLDOVERS:

Case #SUB2005-00153 (Subdivision)

Dawes Lake Trace Subdivision, First Addition

West side of Dawes Lake Road East, 500'± South of its North Terminus.

12 Lots / 7.5± Acres

Richard Rowan, developer of the proposed subdivision, was present and stated that this application had been held over because the layout included some flag lots. Mr. Rowan

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said he had been working with Rester and Coleman Engineers and Richard Olsen over the last few weeks in an effort to come up with a design to avoid the flag lots, but said it was just not economically feasible or practical to do such.

Mr. Olsen stated that the staff had made some recommendations which would allow approval of this application. He read the proposed conditions for tentative approval: **1)provision of stormwater detention prior to signing of the final plat subject to the City Engineering approval; 2)preservation of 70' live oak tree on the west side of Lot 6, with any work on or under this tree to be permitted and coordinated with Urban Forestry, and removal to be permitted only in the case of disease or impeding danger; 3)removal of existing house and drive prior to signing the final plat; 4)placement of a note on the final plat stating that maintenance of common areas will be the responsibility of the property owners; 5)placement of a note on the final plat stating that each lot is limited to a single curb cut; and 6) depiction of the 25' setback for all lots (measured from the Broadway Street dedication to Lots 3 & 4).**

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

- 1) recording of Dawes Lake Trace Subdivision, to the North of the site, prior to signing the final plat;**
- 2) construction and dedication of the new street to County Engineering standards;**
- 3) the placement of a note on the final plat stating that Lots 4 and 5 are limited to a single curb cut, and Lots 2, 3, and 6 are limited to a total of two curb cuts; and**
- 4) the placement of a note on the final plat stating that any lots that are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations.**

The motion carried unanimously.

Case #SUB2005-00171 (Subdivision)

Springhill Place Subdivision

159 Bishop Lane North

(Northwest corner of Bishop Lane North and Broadway Drive).

8 Lots / 2.8± Acres

William Parks, with Speaks and Associates, was present on behalf of the applicant.

Jean Peake, a resident of 352 Wacker Lane North, said her property backed up to proposed Lot 4. She expressed concern about water detention.

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Beverly Terry, City Engineering Department, explained that the developer would not be allowed to discharge water onto adjacent property without a Hold Harmless agreement from the property owners.

Mr. Olsen advised the Commission that they could grant tentative approval today, which would allow the engineer to do their detailed plans for the detention and submit it to the Engineering Department for their review. The applicant could not record the plat or start selling or developing lots until the Engineering Department approved the detention system.

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

- 1) **the provision of stormwater detention prior to signing the final plat, subject to City Engineering approval;**
- 2) **preservation of the 70" Live Oak Tree on the West side of Lot 6, with any work on or under this tree to be permitted and coordinated with Urban Forestry, and removal to be permitted only in the case of disease or impending danger;**
- 3) **removal of the existing house and drive prior to signing the final plat;**
- 4) **the placement of a note on the final plat stating that maintenance of common areas will be the responsibility of the property owners;**
- 5) **the placement of a note on the final plat stating that each lot is limited to a single curb cut; and**
- 6) **the depiction of the 25-foot setback for all lots (measured from the Broadway Street dedication, for lots 3 and 4).**

The motion carried unanimously.

Case #SUB2005-00188 (Subdivision)

Auto Shredding Subdivision

1360 Conception Street Road

(North side of Conception Street Road at Three Mile Creek).

2 Lots / 12.2± Acres

After discussion a motion was made by Mr. Plauche and seconded by Ms. Deakle to hold this application over until the November 3, 2005, meeting at the applicant's request.

The motion carried unanimously.

Case #SUB2005-00199 (Subdivision)

Walker's Addition to Springhill Subdivision

North side of Spring Hill Avenue, 1100'± West of Spring Hill Plaza Court.

3 Lots / 5.9± Acres

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

- 1) **the site is located in an area that the Engineering Department has determined is not suitable for development, and that subdivision of the site might increase the danger to health, life or property, or aggravate the flood hazard, in compliance with Section V.A.3. of the Subdivision Regulations.**

The motion carried unanimously.

In further discussion Mr. Vallas asked how a subdivision could be dangerous to someone's health.

Mr. Olsen explained that there was a section in the Subdivision Regulations regarding inundation and the effect of flooding. He understood Mr. Vallas, however, was talking about putting lines on paper.

Mr. Lawler also stated that in accordance with the Subdivision Regulations, whenever a development might create a danger to others, in this case flooding, it cannot be allowed.

Mr. Vallas said he did not see this as development as much as just subdividing land.

Mr. Olsen said he understood that the developer planned to develop the property.

Ms. Terry also said the property was zoned R-1, and if developed residentially, it could be a possible danger to the people who lived there if there was rapid inundation of flood waters.

Case #ZON2005-01854 (Planned Unit Development)

Louise Place Subdivision, Unit Two

Area bounded by the centerline of McMurray Street (to be vacated), McNeil Avenue, South side of Gulver Street (to be vacated), and Louise Avenue.

Request for Planned Unit Development Approval to allow reduced lot sizes and widths, reduced front yard and side yard setbacks, and increased site coverage in a single-family residential subdivision.

The site plan illustrates the proposed subdivision, along with the previously approved Unit I.

(Also see Case #SUB2005-00203 – Louise Place Subdivision, Unit Two – see below)

Don Coleman, Rester and Coleman Engineers, stated that they had learned that when McArthur Place south of this site was developed, they accounted for the stormwater drainage in the detention pond in McArthur Place. Mr. Coleman said they had the papers showing this, but did not get the information to the City in time for them to review prior

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to this meeting. Rather than hold the application over as recommended by the staff, he asked that the Commission approve the plan subject to them proving that the stormwater detention had already been taken care of, so they could go ahead with the subdivision.

In deliberations Mr. Plauche asked if the staff had any problem with the Commission approving the plan subject to the conditions as stated by Mr. Coleman.

Mr. Olsen stated that in addition to that condition, the staff had some other conditions to be placed on approval, the same conditions placed on Louise Place directly across the street. Mr. Olsen read the conditions.

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

- 1) **the construction of the unimproved portion of Louise Avenue prior to signing of the final plat;**
- 2) **the construction and dedication of the new street prior to signing of the final plat;**
- 3) **the completion of vacation of right-of-way of McMurray and Gulver Streets prior to signing of the final plat;**
- 4) **acquisition of the southern half of the vacated Gulver Street right-of-way, or the reconfiguration of the plat to eliminate proposed Lot 10;**
- 5) **the reconfiguration of proposed Lot 2 so that the rear of the lot is not appreciably narrower than the front;**
- 6) **the provision of stormwater detention, subject to Engineering approval;**
- 7) **the provision of a fire hydrant within 400 feet of all new structures; and**
- 8) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2005-00203 (Subdivision)

Louise Place Subdivision, Unit Two

Area bounded by the centerline of McMurray Street (to be vacated), McNeil Avenue, South side of Gulver Street (to be vacated), and Louise Avenue.

10 Lots / 2.5± Acres

(For discussion see Case #ZON2005-01854 - Louise Place Subdivision, Unit Two – above)

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

- 1) **the construction of the unimproved portion of Louise Avenue prior to signing of the final plat;**
- 2) **the construction and dedication of the new street prior to signing of the final plat;**

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- 3) the completion of vacation of right-of-way of McMurray and Gulver Streets prior to signing of the final plat;
- 4) acquisition of the southern half of the vacated Gulver Street right-of-way, or the reconfiguration of the plat to eliminate proposed Lot 10;
- 5) the reconfiguration of proposed Lot 2 so that the rear of the lot is not appreciably narrower than the front;
- 6) the provision of stormwater detention, subject to Engineering approval; and
- 7) the provision of a fire hydrant within 400 feet of all new structures.

The motion carried unanimously.

Case #SUB2005-00191

McKinley Subdivision

1574 St. Stephens Road

(North side of St. Stephens Road, 170'± East of Dunbar Street)

1 Lot / 0.85± Acres

Mr. Olsen advised the Commission that the applicant had submitted additional documentation between mail out and today that addressed the legal description issue. The staff recommended approval subject to conditions, which he read.

After discussion a motion was made by Dr. Laier and seconded by Mr. Vallas 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 St. Stephens Road in compliance with the Major Street Plan;
- 2) the placement of a note on the final plat stating that the site is limited to one curb cut to St. Stephens Road, with the size, location and design to be approved by ALDOT and Traffic Engineering;
- 3) the placement of the 25-foot minimum setback line on the final plat; and
- 4) full compliance with Urban Forestry comments (Preservation status is to be given to the 50" Live Oak Tree located on the Southwest side of the Lot. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger).

The motion carried unanimously.

EXTENSIONS:

File #SUB2004-00231 (Subdivision)

Audubon Cove Subdivision

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Southwest corner of Higgins Road and Audubon Drive, extending South and West to the Southern terminus of Clemson Drive, and to the Northeast corner of Cole Drive and Audubon Drive.

57 Lots / 58.0± Acres

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

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

The motion carried unanimously.

GROUP APPLICATIONS

Case #ZON2005-01920 (Rezoning)

JHA Air Three, LLC

1016 Hillcrest Road

(West side of Hillcrest Road, 560'± South of Wall Street).

Request for rezoning from B-3, Community Business District, to B-3, Community Business District, to amend a previously approved rezoning to allow a non-visitation funeral home with a crematorium.

A site plan illustrates the existing building, parking and drive along with the proposed building.

(Also see Case #ZON2005-01950 – JHA Air Three, LLC – Planned Unit Development - see below).

Mr. Plauche stated that this application was recommended for holdover.

Frank Dagley, 717 Executive Park Drive, was present on behalf of the applicant and said it was their opinion that this application did not need to be held over. He cited the staff's reasons for holdover. The curb cuts and parking would be addressed when they do the final plan for this project. As shown, their plan would possibly impact one parking space at the rear, and he contended that parking was more than adequate. Regarding the need to submit a Voluntary Conditions and Use Restriction form, Mr. Dagley said they did not find out about this form until yesterday, but they now have said form fully executed. Regarding the requirement for information concerning State or federal level permitting and monitoring requirements, Mr. Dagley said they had an expert present to address that. He said he did not really understand the need for this application, as they were just adding a crematorium to an existing funeral home in a B-3 district. He asked for an explanation.

Mr. Olsen stated that, as he explained to Mr. Dagley when he was told the application would be required, when this site was rezoned to B-3 it was very specific with a

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Voluntary Conditions and Use Restriction limit for a non-visitation funeral home. While it was going to remain a non-visitation funeral home, there was not any discussion at that time about a crematorium being a part of the funeral home. It was a change in function and use that the staff, after having discussed it with the Legal Department, did not feel comfortable allowing without coming back to the Commission and ultimately to City Council to be addressed in a public hearing.

Mr. Dagley said he still did not necessarily agree with that, but they were open to any questions.

Mr. Plauche asked Mr. Olsen if the Commission could give approval with conditions, since the applicant had submitted the Voluntary Use Form referred to.

Mr. Olsen stated that the form submitted stated that Ascension Funeral Home would continue to be operated as a non-visitation funeral home. It did not really say that it would exclude all other B-3 uses, which he thought the previous form did. He said that had come up as an issue early on with the application because there was opposition to it. If the applicant chooses, the Voluntary Use Form should be similar to the previous form where it strictly limited it to that use, which he felt was the original intent.

Mr. Plauche asked Mr. Dagley if he would agree to revise the form to state that it excluded all other B-3 uses except a non-visitation funeral home.

Mr. Dagley said that would be agreeable.

Barry Theriot, general manager of Ascension Funeral Services, stated that their business began in May of 2002 and since then had been steadily increasing. Since opening, all of the deceased that had been cremated had been taken to Baldwin County to Fairhope Funeral Home and Crematorium. In the past it would take from 24-36 hours to get the cremated remains back to the family so they could inter or scatter the remains. With a change in ownership of the Fairhope Funeral Home, it now takes several days. Mr. Theriot said Ascension Funeral Home was locally owned and operated and had five full-time and five part-time employees. He said there was only one cremation retort in Mobile county, and that was at Pinecrest. It also takes several days to get a cremation done there. He felt it would be to the benefit of Ascension and the Mobile community to be able to have another retort. Regarding concerns of the neighbors, Mr. Theriot said they had received several phone calls and were able to address their concerns over the phone. They also sent a letter to all of the neighbors inviting them to a meeting at the funeral home the previous evening, but only one person, Mr. Norman Long who they purchased the property from, responded. Mr. Theriot said they had an expert present to address the environmental matters.

Mrs. Deakle asked if she understood correctly that this would be the only other crematorium in the City of Mobile.

Mr. Theriot said it would be the only other crematorium in Mobile county.

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Jackie Beatty, with A.I. Environmental Consulting Services from Orlando, was present on behalf of the applicant to address the environmental conditions, emissions and permitting process regarding the particular unit to be placed in the crematorium. Ms. Beatty said it was an environmentally friendly unit with emissions controls on it. The stack would be 16 feet tall from the ground level. Ms. Beatty said she was going to do the permitting for the State of Alabama on behalf of Ascension for this particular unit. This was a clean-burning unit with very low emissions, and actually meets and exceeds the State requirements.

Mrs. Deakle asked if the crematorium would be exclusively for the use of Ascension Funeral Home, or if it would be a contracted arrangement with other mortuaries in the region.

Mr. Theriot stated that the primary use for the retort would be for Ascension Funeral Home, but they had not ruled out contracting with other funeral homes. He said they anticipated doing about 10 cremations a month.

Regarding visibility of the crematorium, Mr. Dagley said the terrain was a severe slope to the rear. The building would be 16' x 30' and would not be visible from the street because it was so low in the back.

Norman Long, with N & L, Inc., stated that his company owned the adjoining property on the north side of the site, which was a vacant lot. Mr. Long said he was the one person that attended the meeting at the funeral home the previous night, which was very informative. He said had they known at the time they sold this property that Ascension was also looking at a crematorium, they would not have sold it because they had strong religious beliefs against cremation. He expressed concern about potential discharges from the crematorium. He also felt there was a stigma attached to a crematorium and that it would be difficult for them to sell the lot next door and expect an individual to build an office 60 or 70 feet from a crematorium. He did not feel a fence would hide it, and felt they would incur loss of value and market appeal for their property. It was also Mr Long's opinion that multiple buildings on one site was too much and should not be allowed in a B-3 zone, and he did not think Hillcrest Road was the place for a crematorium.

In rebuttal, Mr. Theriot stated that the only use restriction when they were granted rezoning was that it be a non-visitation funeral home, which they had complied with. He said that was the only difference in Ascension Funeral Home and any other funeral home in Mobile. Ascension specializes in graveside service and church services. By eliminating the overhead of such a large funeral home, they were able to serve families in Mobile in a very prompt and efficient manner.

Mrs. Deakle asked if the bereaved families came to the funeral home to select caskets and vaults, etc.

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Mr. Theriot said that was correct. They had six parking spaces in front, and it was unusual to see more than two or three spaces filled at one time.

Mrs. Deakle asked how many funerals Ascension conducted each month.

Mr. Theriot said last year they did 100 calls, which was a 40 percent increase over the previous year.

Mr. Vallas asked where the mechanism for loading the deceased was located.

Mr. Theriot said it was at the back of the building. It was a very secluded area. He said if it was a sight issue, they could easily put up a five or six-foot privacy fence which would eliminate some of the view from the roof of the funeral home.

Mr. Vallas suggested something could be constructed on the retaining wall on the north side.

Mr. Theriot said they could put a five or six-foot fence on the top of the retaining wall, which would obscure any view, even up to the second floor on the back. He noted that currently they transport to the back of the building and back the van up to the garage door. The retort would be positioned right up against the building, so loading and unloading would be done from that location as well. The only thing that would be seen would be a smokestack, which would be four feet above the roof.

In deliberations, Mrs. Deakle noted that a funeral home was a use by right in a B-3 district.

Mr. Olsen said that was correct, but the original rezoning to B-3 did have a voluntary use restriction that limited the use.

Mrs. Deakle asked if the Commission failed to approve this rezoning, would it be because it was an amendment to a previously approved condition.

Mr. Lawler said what it seemed they were trying to do was to grant them a B-3 to allow a funeral home, but limit it in some way, so the condition was put on it that it would be a non-visitation funeral home. The request before the Commission today really was to make it a full-fledged B-3 and allow them to have a crematorium there, with the limitation on visitation. Nevertheless, it was an expansion of what was approved.

Mr. Olsen noted that under State regulations, a crematory is allowed as an accessory to a funeral home.

Asked if a funeral home and a crematorium were identified as two different uses in the Zoning Ordinance, Mr. Olsen said they were not. He further explained that normally a crematorium would be allowed as an accessory to a funeral home, but in this particular instance, because there was that earlier application for the funeral home, very specific of

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its use and the condition limiting it to that, it was determined that for any change to that use it would have to come back before the Commission and then go to the City Council.

Asked if it was possible then that the crematorium could be allowed under the funeral home non-visitation restriction, Mr. Olsen said it could.

If approved, it was asked what other conditions other than a privacy fence the staff would recommend.

Mr. Olsen said the approval would also be subject to the restrictions that were placed on the original approval, which he cited, and that the Voluntary Use Form be amended.

Ms. Rivizzigno asked if the privacy fence would go on top of the retaining wall.

Mr. Olsen said they could specify it go on top of the retaining wall, or around all three sides of the property.

Mr. Vallas asked that the six-foot privacy fence be required to be made an extension of the existing masonry wall that was already on the property line.

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

- 1) **subject to the “Voluntary Conditions and Use Restrictions” as submitted and revised during discussion at the Planning Commission meeting;**
- 2) **that the site be limited to one curb cut, with size, location, and design to be approved by Traffic Engineering;**
- 3) **that the existing wooded area shown on the plan remain undisturbed to the greatest degree practicable as a natural buffer, with storm water retention on the wooded area to be coordinated with City Engineering, Urban Forestry, and Planning;**
- 4) **the provision of a 6’ wooden privacy fence or masonry wall; and**
- 5) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2005-01950 (Planned Unit Development)

JHA Air Three, LLC

1016 Hillcrest Road

(West side of Hillcrest Road, 560' ± South of Wall Street).

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

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A site plan illustrates the existing building, parking and drive along with the proposed building.

(For discussion see Case #ZON2005-01920 - JHA Air Three, LLC – Rezoning – above).

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

- 1) **subject to the “Voluntary Conditions and Use Restrictions” as submitted and revised during discussion at the Planning Commission meeting;**
- 2) **that the site be limited to one curb cut, with size, location, and design to be approved by Traffic Engineering;**
- 3) **that the existing wooded area shown on the plan remain undisturbed to the greatest degree practicable as a natural buffer, with storm water retention on the wooded area to be coordinated with City Engineering, Urban Forestry, and Planning;**
- 4) **the provision of a 6’ wooden privacy fence or masonry wall; and**
- 5) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2005-01923 (Rezoning)
White-Spinner & Associates (Nancy Stone, Agent)
South side of Kreitner Street at its West terminus.

Request for rezoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, to eliminate split zoning in a proposed commercial subdivision.

The site plan illustrates the existing structures and parking.

(Also see Case #SUB2005-00209 – Shannon Heights Subdivision, First Addition, Resubdivision of a Portion of Lots 18, 19, 20, and 21 –below).

After discussion a motion was made by Mrs. Clarke and seconded by Mr. Laier to hold this application over until November 17, 2005, to allow the applicant to submit a revised site plan illustrating physical separation of the proposed lots; adequate parking and maneuvering area within each lot; adequate curb cuts to provide access to each lot and its parking. Otherwise, the applicant may submit an Administrative Planned Unit Development application for shared parking and access. It is also recommended that the site be considered for rezoning to B-3, Community Business, rather than B-2, Neighborhood Business, to accommodate the current and proposed use.

The motion carried unanimously.

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Case #SUB2005-00209 (Subdivision)

Shannon Heights Subdivision, First Addition, Resubdivision of a Portion of Lots 18, 19, 20, and 21

2648, 2650, and 2652 Government Boulevard

(Northwest corner of Government Boulevard and Merwina Avenue, extending to the South side of Kreitner Street at its West terminus).

4 Lots / 1.6± Acres

(Also see Case #ZON ZON2005-01923 – White-Spunner & Associates (Nancy Stone, Agent) – see above).

After discussion a motion was made by Mrs. Clarke and seconded by Dr. Laier to hold over this application until November 17, 2005, to coincide with the rezoning hearing.

The motion carried unanimously.

Case #ZON2005-01921 (Planned Unit Development)

Corrected Plat, Somerby Subdivision, Resubdivision of Lots 1 & 2 of a Resubdivision of Lot 2, Resubdivision of Lots 58 – 65

North side of Somerby Lane (private street) at its West terminus.

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

The site plan illustrates the proposed buildings and subdivision.

(Also see Case #SUB2005-00208 - Corrected Plat, Somerby Subdivision, Resubdivision of Lots 1 & 2 of a Resubdivision of Lot 2, Resubdivision of Lots 58 – 65 – Subdivision – see below).

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

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

- 1) full compliance with all municipal codes and ordinances; and**
- 2) the restriction of the site to residential use.**

The motion carried unanimously.

Case #SUB2005-00208 (Subdivision)

Corrected Plat, Somerby Subdivision, Resubdivision of Lots 1 & 2 of a Resubdivision of Lot 2, Resubdivision of Lots 58 – 65

North side of Somerby Lane (private street) at its West terminus.

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1 Lot / 1.5± Acres

**(For discussion see Case # ZON2005-01921 (Planned Unit Development)
Corrected Plat, Somerby Subdivision, Resubdivision of Lots 1 & 2 of a
Resubdivision of Lot 2, Resubdivision of Lots 58 – 65 – see above).**

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

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

- 1) **the depiction of the required 25-foot building setback lines from Somerby Lane and Somerby Drive; and**
- 2) **the exclusion from the final plat of any notes describing reduced setbacks.**

The motion carried unanimously.

NEW ZONING APPLICATIONS:

Case #ZON2005-01922

J. A. Lankford & Co. (Jean Lankford, Agent)

51 Kenneth Street

(West side of Kenneth Street, 190'± South of Old Shell Road).

Request for rezoning from R-1, Single-Family Residential District, to B-2, Neighborhood Business District, to eliminate split zoning within a proposed commercial subdivision lot.

The site plan illustrates the existing structures and parking.

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

- 1) **compliance with conditions of the previous Subdivision Application;**
- 2) **compliance with the conditions of the previous PUD Application, and;**
- 3) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2005-00205

Brandy Subdivision, Resubdivision of Lots 2 & 3

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1175 Dawes Road

(East side of Dawes Road, 2/10 mile± South of Leroy Stevens Road, extending to the West side of Leroy Stevens Road, 2/10 mile± South of Dawes Road).
3 Lots / 3.4± Acres

Frank Dagley was present representing Jerry Byrd, surveyor for the applicant, who was out of town and asked that Mr. Dagley represent him at the meeting. Mr. Dagley concurred with the staff recommendations.

Shelby Steiner Rogers, owner of the subject property, stated that she was not in agreement with the recommended conditions. She objected to having to limit access on Lot C to Leroy Stevens Road only, noting that there was over 500 feet of frontage on Dawes Road.

Mr. Olsen explained that the majority of Lot C fronted Leroy Stevens Road. The Subdivision Regulations do not allow a double fronting lot, which Lot C would be. Part of that was due to the access issue, having access from both streets and the potential for cut-through traffic. That was one of the reasons the condition was placed on this subdivision.

Mrs. Rogers also objected to the buffer requirement. She said that 15 years ago they put a building in next door to her so she could walk across her back yard to her office. So there was already a business next door. There was also a business on the other side of her house, which had been there about 14 years.

Mr. Plauche explained that the Subdivision Regulations would require a buffer between residential and commercial. If her property were residential, she would not have to worry about it.

Mrs. Rogers asked if she could put a nursery on Lot A if she wanted to.

Mr. Plauche said that would be allowed as long as it was screened from the adjacent residential. It could be a vegetative strip or a 6-foot wooden fence.

With regard to the 25' setback requirement, Mrs. Rogers said that her house on Dawes Road had a double brick and wrought iron flared entrance fence that was closer than 25 feet from the right-of-way. It was constructed prior to the widening of Dawes Road. They could not have a 25' setback.

Mr. Olsen said that the setback would be applicable to any new construction. It would not impact the existing structure.

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:

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- 1) **the placement of a note on the final plat stating that Lot C is limited to one curb cut for only one street (Leroy Stevens Road);**
- 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; and**
- 3) **the placement of the 25-foot minimum setback lines on the final plat.**

The motion carried unanimously.

Case #SUB2005-00207

Jordan Place Subdivision

West terminus of Schillinger Heights Drive.

52 Lots / 29.2± Acres

The applicant was present and concurred with the staff recommendations.

Keith Cochran, 3081 LaCoste Road, stated that he was present to remind the Commission, the applicant and his engineer that several years ago he had obtained an easement from the applicant, along with a Hold Harmless Agreement, giving permission for water to run off of his property onto the applicant's property. He wanted to make sure this would remain in effect and would not be restricted or hindered in any way.

Mr. Olsen said the plat showed a 30' drainage easement along the west property line, and that this easement would remain.

Mr. Cochran also asked if Schillinger Heights Drive would be subject to County road specifications.

Mr. Olsen said the road would be subject to County standards.

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

- 1) **completion of Schillinger Heights Drive paving project and acceptance by the County prior to recording of the final plat;**
- 2) **the placement of a note on the final plat stating that Lots 1, 2, 5, 6, 15, 24, 25, 44, 45, 48, 51 and 52 (which are corner lots) are limited to one curb cut each, with the size, location and design to be approved by County Engineering;**
- 3) **the approval of all applicable federal, state and local agencies prior to the issuance of any permits;**
- 4) **the placement of a note on the final plat stating that maintenance of the storm water pond areas will be the responsibility of the property owners;**
- 5) **the placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must**

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- provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and**
- 6) the placement of the 25-foot minimum building setback lines on the final plat.**

The motion carried unanimously.

Case #SUB2005-00206

Mobile South Business Park Subdivision, Unit One, Resubdivision of Lot 13

West side of Business Parkway at the West terminus of Mobile South Street.
2 Lots / 2.1± Acres

The applicant was present and concurred with the staff recommendations.

After discussion a motion was made by Dr. Laier 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; and**
- 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.**

The motion carried unanimously.

OTHER BUSINESS:

Public Hearing on an Amendment to the Zoning Ordinance

Randy Delchamps, Randy Delchamps Real Estate, and Jeff Newman, Executive Director of Mobile Area Association of Realtors, were present in support of this proposed amendment. As an association, Mr. Delchamps said they commended the staff for bringing this amendment forward. They felt this was probably one of the best examples of Smart Growth mixed use, and strongly recommended approval of the amendment.

After discussion a motion was made by Mrs. Deakle and seconded by Dr. Rivizzigno to approve this Amendment to the Zoning Ordinance to allow residential uses above the first or ground floor in LB-2, B-2 and B-3 districts.

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The motion carried unanimously.

There being no further business, the meeting was adjourned.

APPROVED: November 17, 2005

Victor McSwain, Secretary

Terry Plauche, Chairman

tc/ms