

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

Members Present

Terry Plauche, Chairman
James Laier, Vice-Chair
Victor McSwain, Secretary
James F. Watkins
Victoria L. Rivizzigno
Ann Deakle
John Vallas
Adline Clarke
Mead Miller

Members Absent

Clinton Johnson
Nicholas Holmes

Urban Development Staff Present

Laura J. Clarke, Director,
Urban Development Department
Richard L. Olsen
Deputy Director of Planning
Ron Jackson, Deputy Director of
Urban Forestry
Bert Huffman, Planner I
Val Manuel, Secretary II
Trista S. Cole, Secretary I

Others Present

Wanda Cochran, Assistant City Attorney
Bill Metzger, 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.

HOLDOVERS:

Case #SUB2005-00111 (Subdivision)

Sawyer Subdivision

1271 Schillinger Road North
(West side of Schillinger Road North, 200'± South of Howells Ferry Road).
1 Lot / 0.4± Acre Subdivision

The applicant was present and concurred with the staff recommendations.

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

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- 1) the depiction of the 25' building setback line from Schillinger Road;
- 2) the placement of a note on the final plat stating that the site is limited to the existing curb cut, and;
- 3) renaming of the subdivision to follow generally accepted naming standards

The motion carried unanimously.

Case #ZON2005-01300 (Rezoning)

Hillcrest Commons, Inc. (John C. Bell, Agent)

North side of Johnston Lane, 237'± East of Hillcrest Road, extending to the East side of Rosedale Avenue (unopened right-of-way), 150'± South of Chandler Street.

Rezoning from R-1, Single-Family Residential, and B-1, Buffer Business, to B-1, Buffer Business, to allow professional offices.

The site plan illustrates the existing structures, along with the proposed structures and rezoning.

(Also see Case #ZON2005-01299(Planned Unit Development) – Hillcrest Commons Subdivision-[PUD] and– #SUB2005-00136 – Subdivision - See below)

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant. Mr. Coleman said that the plan was revised to reflect additional parking in compliance with Zoning Ordinance Requirements, exclusive of the existing parking facilities.

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

- 1) the dedication of sufficient right-of-way to provide 25' from the centerline of Johnston Lane;
- 2) completion and documentation of vacation of the Rosedale Avenue right-of-way, north of the former Duncan Lane right-of-way;
- 3) compliance with Engineering Department comments (existing stormwater detention shown on proposed Lot 2 must be maintained to original design capacity and function);
- 4) compliance with Traffic Engineering comments (aisles should comply with minimum standards for two-way traffic; standard aisle width for two-way traffic is 24 feet);
- 5) that the site be developed in compliance with the accompanying Planned Unit Development;
- 6) the provision of a buffer between the site and R-1 zoned property, in compliance with Section IV.D.1 of the Zoning Ordinance;
- 7) full compliance with the landscaping and tree planting requirements of the Ordinance; and
- 8) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

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Case #ZON2005-01299 (Planned Unit Development)

Hillcrest Commons Subdivision

1055 Hillcrest Road

Northeast corner of Hillcrest Road and Johnston Lane, extending to the East side of Rosedale Avenue (unopened right-of-way), 150'± South of Chandler Street.

Request for Planned Unit Development Approval to allow multiple buildings on multiple building sites with shared access and parking.

(Also see Case #ZON2005-01300(Rezoning) – Hillcrest Commons, Inc. (above), and #SUB2005-00136 – Subdivision – (See below)

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

- 1) the dedication of sufficient right-of-way to provide 25' from the centerline of Johnston Lane;
- 2) completion and documentation of vacation of the Rosedale Avenue right-of-way, north of the former Duncan Lane right-of-way;
- 3) compliance with Engineering Department comments (existing stormwater detention shown on proposed Lot 2 must be maintained to original design capacity and function);
- 4) compliance with Traffic Engineering comments (aisles should comply with minimum standards for two-way traffic; standard aisle width for two-way traffic is 24 feet);
- 5) the provision of an additional point of access between the two proposed lots;
- 6) area shown as undeveloped to remain in natural vegetated state;
- 7) the provision of a buffer between the site and R-1 zoned property, in compliance with Section IV.D.1 of the Zoning Ordinance;
- 8) full compliance with the landscaping and tree planting requirements of the Ordinance for the entire PUD site; and
- 9) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2005-00136 (Subdivision)

Hillcrest Commons Subdivision

1055 Hillcrest Road

Northeast corner of Hillcrest Road and Johnston Lane, extending to the East side of Rosedale Avenue (unopened right-of-way), 150'± South of Chandler Street.

2 Lots / 5.6± Acres

For discussion see Case #ZON2005-01300 – Hillcrest Commons, Inc. [Rezoning] and Case #ZON2005-01299 (Planned Unit Development) Hillcrest Commons Subdivision (see above).

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

- 1) the dedication of sufficient right-of-way to provide 25' from the centerline of Johnston Lane;
- 2) completion and documentation of vacation of the Rosedale Avenue right-of-way, north of the former Duncan Lane right-of-way;
- 3) the placement of a note on the final plat stating that access to Rosedale Avenue and Johnston Street is denied;
- 4) the placement of a note on the final plat stating that the site is limited to existing curb cuts; the completion of the rezoning process;
- 5) the provision of a buffer between the site and R-1 zoned property, in compliance with Section V.A.7 of the Subdivision Regulations;
- 6) compliance with Engineering Department comments (existing stormwater detention shown on proposed Lot 2 must be maintained to original design capacity and function, and maintenance responsibilities should be shown on the final plat); and
- 7) ingress and egress easements between the lots to be shown on the final plat.

The motion carried unanimously.

EXTENSIONS:

Case #SUB2002-00170 (Subdivision)

Calway-Jones Subdivision

West side of South University Boulevard, 175'± South of Cottage Hill Road.

6 Lots / 8.1± Acres

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

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

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

The motion carried unanimously.

Case #SUB2004-00009 (Subdivision)

Magnolia Downs Subdivision

9401 and 9435 Scott Dairy Loop Road South

(South side of Scott Dairy Loop Road South, 3/10 mile± West of McFarland Road).

18 Lots / 60.5± Acres

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

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

The motion carried unanimously.

Case #SUB2004-00139 (Subdivision)

Rolling Branch Estates Subdivision, 1st and 2nd Addition

West side of Lundy Road, 185'± South of Huber Road, extending West and South to the North terminus of Teal Lane.

25 Lots / 12.0± 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 Mr. McSwain to approve this request.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #ZON2005-01392 (Planning Approval)

Cottage Hill Baptist Church

4255 Cottage Hill Road

(Southeast corner of Cottage Hill Road and North Demetropolis Road, extending to the North side of Thigpen Drive South).

Request for Planning Approval to allow the expansion of an existing church in an R-1, Single-Family Residential district for a new family life center

The site plan illustrates the existing buildings, parking, drives, and landscaping along with the proposed buildings.

(See Case #ZON2005-01390 – Cottage Hill Baptist Church Subdivision -[PUD], and Case #SUB2005-00142 (Subdivision) below).

Mike Breland, representing Cottage Hill Baptist Church, was present in this matter. Mr. Breland addressed the off-street parking requirement attached to this application, and the staff report that referred to occasional parking on an unimproved portion of Lot 2. Mr. Breland said in past years when the church had large events they used this overflow lot maybe once a year. In the last three years it had not been used at all. The children who attended their school used it every day for PE. He said it created an unusual hardship for them to take that away, especially this year in the midst of the construction project because they do not have a gymnasium for the children. Mr. Breland said this site was never routinely used for overflow parking and asked that condition #3 be waived.

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Regarding condition #7 requiring sidewalks for Lot 1 along Demetropolis and Cottage Hill Roads, and S. Thigpen Drive, Mr. Breland said they were doing nothing in this project to change pedestrian egress. The staff report stated that sidewalks were needed for the safety of children accessing their school. Mr. Breland said they had never allowed, nor would they allow in the future, children to walk along either of these streets. They have three major drop-off areas on campus. There is also a crosswalk from a parking lot on the west side of Demetropolis Road that is used in the mornings and afternoons, but that was guarded by a crosswalk guard. Mr. Breland further noted that there were no sidewalks anywhere else, and it would create a hardship for the church because they had not budgeted for sidewalks. He asked that this requirement be waived.

With regard to off-street parking, Mr. Olsen said that if the church was not using the unpaved portion of Lot 2 referred to, then that condition would not apply to that area. That would only be applicable if in fact it was used for parking. As far as sidewalks were concerned, Mr. Olsen pointed out an existing sidewalk, and said this would simply be a continuation of the sidewalks up and along Cottage Hill and Demetropolis Roads. The purpose of the sidewalks were not just for the people who attended the church and school, but for the pedestrians in the area.

Mr. Watkins asked for clarification on the off-street parking.

Mr. Olsen stated that the staff was not going to be concerned with once a year overflow parking, but only if it was used on a regular basis would that requirement apply.

Mr. Miller asked about the sidewalk situation in the adjacent blocks on Cottage Hill Road.

Mr. Olsen said there were no sidewalks along Cottage Hill Road in the adjacent blocks.

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

- 1) placement of a note on the Site Plan stating that *“preservation status is to be given to the Two 48” Live Oak Trees and 54” Live Oak Tree located on the North East side of Lot 1. 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”*;
- 2) full compliance with landscaping and tree requirements of the Zoning Ordinance, to be coordinated with Urban Forestry;
- 3) full compliance with Section VI.A. (Off-Street Parking Requirements) of the Zoning Ordinance, as amended;
- 4) provision of protection buffers, in compliance with Section IV.D.1. of the Zoning Ordinance;
- 5) Lot 1 is limited to a maximum of three curb-cuts onto Cottage Hill Road, two curb-cuts and the existing drop-off along South Thigpen Drive, and one curb-cut onto Demetropolis Road, and that Lot 2 is limited to one curb-cut onto Troy Lane, one curb-cut onto Demetropolis Road, and three curb-cuts onto South

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- Thigpen Drive, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 6) full compliance with the Storm Water Drainage Ordinance, if required, including the provision of a storm water detention basin to be indicated on the final site plan;
 - 7) provision of sidewalks for Lot 1 along Demetropolis and Cottage Hill Roads, and South Thigpen Drive;
 - 8) depiction on the Site Plan of the location of any dumpster or waste storage facilities; and
 - 9) full compliance with all other applicable municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2005-01390 (Planned Unit Development)

Cottage Hill Baptist Church Subdivision

4255 Cottage Hill Road

(Southeast corner of Cottage Hill Road and North Demetropolis Road, extending to the North side of Thigpen Drive South, and, Southeast corner of North Demetropolis Road and Thigpen Drive South, extending to the North side of Troy Lane).

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

The site plan illustrates the existing buildings, parking, drives, and landscaping along with the proposed buildings.

(See Case #ZON2005-01392 (Planning Approval) Cottage Hill Baptist Church – above, and Case #SUB2005-00142 – Cottage Hill Baptist Church Subdivision - below)

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

- 1) placement of a note on the Site Plan stating that “*preservation status is to be given to the Two 48” Live Oak Trees and 54” Live Oak Tree located on the North East side of Lot 1. 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*”;
- 2) full compliance with landscaping and tree requirements of the Zoning Ordinance, to be coordinated with Urban Forestry;
- 3) full compliance with Section VI.A. (Off-Street Parking Requirements) of the Zoning Ordinance, as amended;
- 4) provision of protection buffers, in compliance with Section IV.D.1. of the Zoning Ordinance;
- 5) Lot 1 is limited to a maximum of three curb-cuts onto Cottage Hill Road, two

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- curb-cuts and the existing drop-off along South Thigpen Drive, and one curb-cut onto Demetropolis Road, and that Lot 2 is limited to one curb-cut onto Troy Lane, one curb-cut onto Demetropolis Road, and three curb-cuts onto South Thigpen Drive, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 6) full compliance with the Storm Water Drainage Ordinance, if required, including the provision of a storm water detention basin to be indicated on the final site plan;
 - 7) provision of sidewalks for Lot 1 along Demetropolis and Cottage Hill Roads, and South Thigpen Drive;
 - 8) depiction on the Site Plan of the location of any dumpster or waste storage facilities; and
 - 9) full compliance with all other applicable municipal codes and ordinances.

Case #SUB2005-00142 (Subdivision)
Cottage Hill Baptist Church Subdivision

4255 Cottage Hill Road

(Southeast corner of Cottage Hill Road and North Demetropolis Road, extending to the North side of Thigpen Drive South, and, Southeast corner of North Demetropolis Road and Thigpen Drive South, extending to the North side of Troy Lane).

2 Lots / 14.5± Acres

(For discussion see Case #ZON2005-01392 – Cottage Hill Baptist Church – Planning Approval, and Case #ZON2005-01390 (Planned Unit Development) Cottage Hill Baptist Church Subdivision, above.)

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

- 1) placement of a note on the Final Plat stating that Lot 1 is limited to a maximum of three curb-cuts onto Cottage Hill Road, two curb-cuts and the existing drop-off along South Thigpen Drive, and one curb-cut onto Demetropolis Road, and that Lot 2 is limited to one curb-cut onto Troy Lane, one curb-cut onto Demetropolis Road, and three curb-cuts onto South Thigpen Drive, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards; and
- 2) placement of a note stating that “*preservation status is to be given to the Two 48” Live Oak Trees and 54” Live Oak Tree located on the North East side of Lot 1. 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.*”

The motion carried unanimously.

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Case #ZON2005-01400 (Planned Unit Development)

Louise Place Subdivision

West side of Louise Avenue (unopened right-of-way) extending to the East side of Schaub Avenue (unopened right-of-way), including McMurray Street (unopened right-of-way, to be vacated) and Gulver Street (unopened right-of-way, to be vacated).

Request Planned Unit Development Approval to allow reduced lot sizes and widths in a single-family residential subdivision.

The plan illustrates the proposed subdivision

(Also see Case #SUB2005-00143 – Louise Place Subdivision – below).

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant. Mr. Coleman said the staff report was correct in that the applicant had not requested increased site coverage or reduced building setbacks. He said they had overlooked that, but had since discussed this with the staff and requested 45 percent building coverage, and 15-foot building setback lines. Also, they were requesting that the right-of-way of Louise Street remain 40 feet since it had individual lots on both sides, and only had a 40-foot wide right-of-way through all of Pinehurst to Airport Boulevard. Mr. Coleman said Lot 10 does have the backs of lots on both sides of it, but the owners did not seem to be concerned with that, so they would like to leave Lot 10 in there. He said they had also agreed to put buffers on the side. Mr. Coleman asked that the staff approve this plan today and not hold it over so they could go ahead and proceed with development.

Mr. Olsen said that the staff recommended that the application be held over until the August 4 meeting to allow the applicant to submit drawings addressing the following concerns: 1) depiction of the right-of-way dedication for Louise Avenue; 2) depiction of the minimum building setback lines, and; 3) depiction of adequate buildable area for the proposed lots, as there had been no request for an increase in permitted site coverage or reduced setbacks. The staff, however, had prepared some recommendations if the Commission chose to consider the request at this meeting. For the PUD, conditions would be: (1) dedication of sufficient right-of-way to provide 25' from the center line of Louise Street; (2) construction of the unimproved portion of Louise Street prior to signing the final plat; (3) construction and dedication of the new street prior to signing of the plat; (4) completion of vacation of right-of-way prior to signing of the final plat; and (5) full compliance with all municipal codes and ordinances. For the subdivision, conditions would be: (1) dedication of sufficient right-of-way to provide 25' from the center line of Louise Street; (2) construction of the unimproved portion of Louise Street prior to signing of the final plat; (3) construction and dedication of the new street prior to signing of the final plat; (4) completion of the vacation process prior to signing of the final plat; (5) placement of a note on the final plat stating that Lots 2 and 9 are denied direct access to Louise Street; and (6) depiction of the building limits on the final plat.

Mr. Vallas asked if he understood correctly that the applicant was requesting a 15' setback and the staff was recommending a 25' setback.

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Mr. Olsen said no. The staff was requesting a dedication and the applicant was requesting that the dedication not be required.

Mr. Coleman said they had no problem with the other recommended conditions.

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

- 1) construction of the unimproved portion of Louise Street prior to signing of the final plat.
- 2) construction and dedication of the new street prior to issuance of any permits.
- 3) completion of vacation of right-of-way prior to issuance of any permits.
- 4) full compliance with all municipal codes and ordinances; and

The motion carried unanimously.

Case #SUB2005-00143 (Subdivision)

Louise Place Subdivision

West side of Louise Avenue (unopened right-of-way) extending to the East side of Schaub Avenue (unopened right-of-way), including McMurray Street (unopened right-of-way, to be vacated) and Gulver Street (unopened right-of-way, to be vacated).

10 Lots / 2.1± Acres

(For discussion see Case #SUB2005-01400 – Louise Place Subdivision [PUD] see above).

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

- 1) construction of the unimproved portion of Louise Street prior to signing of the final plat.
- 2) construction and dedication of new street prior to signing the final plat.
- 3) completion of vacation of right-of-way prior to signing the final plat.
- 4) placement of a note on the final plat stating that lots 2 and 9 are denied direct access to Louise Street.
- 5) depiction of setbacks on final plat.

The motion carried unanimously.

Case #ZON2005-01391 (Planning Approval)

McGill-Toolen High School

1501 Old Shell Road

(South side of Old Shell Road extending from the West side of Lafayette Street to the East side of Catherine Street; Northwest corner of Old Shell Road and Kilmarnock Street, and North side of Old Shell Road between Kilmarnock Street and Catherine Street;

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Northeast corner of Dauphin Street and Lafayette Street; Northwest corner of Dauphin Street and Lafayette Street; Southeast corner of Old Shell Road and Lafayette Street and extending South along the East side of Lafayette Street 695'±).

Request for Planning Approval to amend the previously approved Comprehensive Master Plan for an existing church school in an R-1, Single-Family Residential district to allow its expansion to include existing parking reconfiguration, a covered walkway between across-street sites, new music facilities, an open courtyard area, and new fitness facilities.

The site plan illustrates the existing structures and parking along with the proposed additions.

(See also Case #ZON2005-01393 – McGill – Toolen High School – [PUD] – see below).

Tim Spafford with Architecture and Design, Don Coleman with Rester and Coleman Engineers, and Rev. Bry Shields, President of McGill-Toolen High School, were present in this matter. Mr. Spafford stated that McGill-Toolen had been a part of the area since early last century, and the McGill building was built in the '50s. They planned on staying there and were in the middle of a capital campaign to raise money to make some improvements to the school. The site plan submitted outlined the general intent of the improvements to the school, which would include a new wing for the McGill building that would have a cafeteria, band and choral rooms, and on the second floor science labs and some classrooms. Also, at the gymnasium they wanted to add some locker rooms for visiting teams. Mr. Spafford said there were also plans to enhance some of the outdoor areas. Shown on the site plan was a landscaped campus courtyard and a pedestrian walkway between the McGill building and the Toolen building, which was across Lafayette Street.

With regard to the staff's recommendations, Mr. Spafford asked that they consider allowing something less than a 25' setback on Catherine Street, which would be in keeping with the neighborhood. Also mentioned in the staff report was the need to screen the dumpster, which Mr. Spafford said they planned to do. They would also like some relief on the landscaping requirements. Mr. Spafford said they planned to incorporate the same template for fencing and landscaping that they had done on the parking areas they had acquired on Old Shell Road and Lafayette Street to the main campus. They would like some relief on just the interior of the site where the landscaping code requires heritage trees every 30 feet of frontage, as well as site perimeter. With the configuration of the McGill-Toolen campus, they felt the tree requirements would create a forest along their frontage. Mr. Spafford said they would like to get that approved when the project was completed and have a little bit of relief on fully complying with the landscaping requirements.

Proposed plans for a crosswalk over Lafayette Street between the two schools was also discussed. Mr. Spafford said part of the improvements would be enhancing the canopy between the two buildings. The existing concrete slab canopy with brick columns would

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be renovated with a new canopy design utilizing the same location and support columns. They would like to add a covered crossing across Lafayette Street. The staff had expressed concern as to how this would impact emergency vehicles. Mr. Spafford said there were speed tables existing on Lafayette Street, and the pedestrian crossing would be similar to a speed table in design and material. Their concern was for the safety of the students crossing the street every hour to change classes, and of course in inclement weather. Concerns expressed by the staff were that they did not have a design on the canopy, did not know how it was going to fit into the neighborhood, and that they cannot build on right-of-way. Mr. Spafford said he had reviewed a preliminary crossing with Butch Ladner and Bill Metzger to see if it would be feasible, and they had some of the same concerns. He said they had a rendering of the planned improvements to McGill, one of which showed the crosswalk. It would be a very open structure with supporting columns and it would be a unique element for the City and this area. They were addressing a unique situation with the students crossing between the two buildings. Mr. Spafford asked for relief on the staff's recommendations.

Mr. McSwain mentioned that one of the concerns they had was the setback on Catherine Street and asked what they were asking for.

Mr. Olsen stated that there was nothing in the staff report about that, but the Subdivision Regulations required a 25' minimum setback from all street frontages.

Mr. Spafford said he was going by the setback from the residential property on the corner of Catherine and Dauphin Streets, which he judged to be 10-12 feet. That was what they were requesting.

Mr. Watkins asked how much of this plan could they address being site plan specific on a PUD, and how much of this was going to have to be submitted as a revised site plan.

Mr. Olsen said that based on Mr. Spafford's comments about this being a preliminary conceptual plan, and the fact that they did not have the final site plan yet, any approvals would be conceptual and they would have to come back for those individual improvements at that time. Because a Planning Approval/PUD approval is site-plan specific, any deviation from that would be significant and would have to come back to the Commission. Mr. Olsen further noted that this site was located in a historic district and would require approval of the Architectural Review Board. Also, the crosswalk crossing would require approval from the Right-of-Way Use Committee.

Mr. Spafford commented that the reason they were coming before the Planning Commission now was that these plans had been in the works for several years. They had now been approved to proceed raising the funding for the projects and would like to make sure what they had at this point was okay. He said they realized they had to develop it further and submit all the proper documentation, but the actual footprint and location of the improvements were set. The addition to the gymnasium was going to be at the gymnasium, and the new building wing would be in its current location and

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configuration with modifications as the project is developed. Mr. Spafford said it was more than a schematic. It was a preliminary plan.

Mr. Miller commented that he did not think they could approve this plan for the developer to go forward until they got some more specific plans on it.

Mr. Spafford said they were looking for approval with some restrictions, not denial based on these issues, and then a little relief on the setback and the landscaping as appropriate for an existing school. They would also address traffic concerns and the right-of-way.

Mr. Plauche stated that the Urban Forester would like to make a few comments on the site.

Ron Jackson pointed out that one of the features left off of the drawing was a 41" Live Oak tree located in the southeast corner of the canopy on Lafayette Street. The other tree that was shown to the south of there did not exist. He said there was a very nice Live Oak tree that was missing. According to the information submitted at this time, the canopy would end up taking that tree out, which would require a permit from the Mobile Tree Commission. Mr. Jackson said that tree had a very large canopy and it was the only tree on Lafayette Street between Old Shell Road and Dauphin Street. Even to trim it, if the canopy was below the lowest limb, it would destroy the tree.

Asked about the condition of the tree, Mr. Jackson said it was in real good condition.

Mr. Vallas asked Mr. Jackson how this tree was any different than the ones they had approved for UMS to remove along Mobile Street for their expansion.

Mr. Jackson explained that the trees on the UMS campus were Water Oaks and were in very poor condition. The tree in question was a Live Oak and was a really nice tree. Mr. Jackson said he could not speak for the Tree Commission, but he thought it would be difficult for them to approve the removal of that tree.

Mr. Vallas asked Mr. Spafford if there was any other location for the proposed crosswalk. Mr. Spafford said no. He said the actual roof of the covered area of the canopy was not as large as indicated on the drawing.

Mr. Olsen stated that the staff had verified the size of the canopy, as shown on the plan submitted, with the engineer. Mr. Olsen suggested that this application could either be held over so the applicant could submit revised plans; be approved subject to full compliance with Zoning Ordinance and Subdivision Regulations; or be conceptually approved with the developer coming back for each individual project. As Mr. Spafford said, there would be modifications. Those modifications would have to come back anyhow if there were any approval. They would also have to go to the Architectural Review Board for approval.

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Mr. Miller questioned whether the applicant should seek approval from the Architectural Review Board before seeking the Planning Commission's approval. He said it was hard to approve a plan that was as vague as this one. Also, he did not want to lose that Oak Tree.

Mr. Spafford said the purpose of their approaching the Commission early was to make sure they were working toward their goal without any major impediments. He said their fund raising efforts would be jeopardized if it got out that they did not even have approval for what they were proposing.

Wanda Cochran, Counsel for the Commission, stated that given the scope of the proposed development, the Architectural Review Board really needed to look at a lot of these elements, particularly on the setbacks. While the Zoning Ordinance contemplates a large setback, Mr. Spafford was correct in that the historic character of this neighborhood had smaller setbacks. Ms. Cochran said design elements such as the canopy would also need to be reviewed by the Architectural Review Board and the Historic staff because it would be a very prominent feature on the street. The Historic Overlay would also have to be taken into consideration. Ms. Cochran noted that this was a very large concept and the situation that needed to be avoided was an approval that would then be taken to a sister board of the City saying you cannot make any changes because the Planning Commission had already approved this.

Mr. Vallas asked Ms. Cochran if the Commission could consider some type of approval subject to the Architectural Review Board's final approval.

Ms. Cochran said that a conceptual approval would be appropriate.

Mr. Spafford said they had some renderings on the site plan and the canopy and the building addition that the Commission could review in executive session.

In executive session a motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to hold over this application until the meeting of August 4, 2005.

In further discussion Ms. Deakle asked if it was possible to table this matter and let the applicant go to the Architectural Review Board first, because they would not be able to get the ARB's approval and come back to the Planning Commission in a matter of four weeks.

Mr. McSwain felt there was a concern that if the Planning Commission approved it first, then the applicant could go to the ARB and say that the Planning Commission had approved their plan.

Ms. Cochran said she did not mean to suggest that the applicant would actually do that, but was just pointing out that sometimes that happens. She said one way around that was to grant what they asked for, which was concept approval, making it clear that the concept of updating their master plan was approved, and that it would not get final

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approval from the Commission until they had visited the Right-of-Way Use Committee, and had approval from the ARB and any other approvals they would need to carry out their plan.

Mr. McSwain said that conversely, he would not want the applicant to go to the ARB, and the ARB puts their stamp on reduced setbacks, etc., and then they bring it back to the Commission and say that the ARB had given their approval.

Ms. Deakle asked what was the correct order of approval.

Mr. Olsen said that usually the applicant would come to the Planning Commission first. This one did have some nuances to it. He felt one of the big things was the presentation stating that there would be modifications to the plan. The Commission had in the past, on a master plan, approved the concept requiring the applicant to come back for the final individual phases. Adding the provision that they obtain approvals from other applicable Boards before final or individual phase approval, would cover the concerns regarding the ARB, the Right-of-Way Use Committee and the Tree Commission.

Ms. Cochran, noted that the ARB would review the setbacks to make sure that they are appropriate for the area. If the commission had a problem with the setback, the ARB would have had its process, and could present their reasons when the application came back to the commission.

There was further discussion as to whether the Commission should approve a conceptual plan. Some felt the plan was too vague. Mr. Olsen said the Commission had approved conceptual plans on numerous occasions.

After discussion Mr. Plauche called the question on the motion made by Mr. McSwain and seconded by Dr. Rivizzigno to holdover this application until the August 4, 2005, meeting.

The motion failed to carry

Mr. Plauche asked if there was another motion.

A motion was made by Mr. Miller and seconded by Mr. Vallas to grant **conceptual approval** of the plan subject to the following conditions:

- 1) approvals from the Architectural Review Board, the Mobile Tree Commission, Right-of-Way Use Committee, Traffic Engineering; and compliance with the Zoning Ordinance and Subdivision Regulations prior to submission for final approval of individual elements or phases.

In further discussion it was stressed that the Commission would not be granting any waivers of the Zoning Ordinance or Subdivision Regulations if this motion were approved. Those would come into play when the specific details per phase or per

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element were brought back to the Commission. Conceptual approval would allow the applicant to seek approval of the various boards and committees stated in the motion.

Mr. Plauche called the question. There were five votes in favor of the motion and three opposed.

The motion carried.

Case #ZON2005-01393 (Planned Unit Development)

McGill-Toolen High School

1501 Old Shell Road

(South side of Old Shell Road extending from the West side of Lafayette Street to the East side of Catherine Street; Northwest corner of Old Shell Road and Kilmarnock Street, and North side of Old Shell Road between Kilmarnock Street and Catherine Street; Northeast corner of Dauphin Street and Lafayette Street; Northwest corner of Dauphin Street and Lafayette Street; Southeast corner of Old Shell Road and Lafayette Street and extending South along the East side of Lafayette Street 695'±).

Request for Planned Unit Development Approval to allow multiple buildings on multiple building sites with shared access and parking between sites.

(For discussion see Case #SUB2005-01391 McGill-Toolen High School –Planning Approval – above).

A motion was made by Mr. Miller and seconded by Mr. Vallas to grant **conceptual approval** of the plan subject to the following conditions:

- 1) approvals from the Architectural Review Board, the Mobile Tree Commission, Right-of-Way Use Committee, Traffic Engineering; and compliance with the Zoning Ordinance and Subdivision Regulations prior to submission for final approval of individual elements or phases.

After further discussion Mr. Plauche called the question. There were five votes in favor of the motion and three opposed.

The motion carried.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2005-00144

Carracela Subdivision

1751 Riverside Drive

(Southwest corner of Riverside Drive and Club House Road).

1 Lot / 0.4± Acre

The applicant was present and concurred with the staff recommendations.

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A motion was made by Mrs. Deakle 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 25' from the centerline of Club House Road, with adjustment of the 25' building setback line to reflect the dedication;
- 2) the placement of a note on the final plat stating that the site is limited to existing curb cuts; and
- 3) the provision of a buffer between the site and adjoining residential properties, in compliance with Section V.A.7 of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2005-00140

Holland Hills Subdivision

East side of Hardeman Road, 2/10 mile± North of Wulff Road South.

3 Lots / 38.4± Acres

The applicant was present and concurred with the staff recommendations.

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

- 1) the provision of a 75-foot setback (which includes the required 25-foot minimum building setback) from the centerline of Hardeman Road;
- 2) the placement of a note on the final plat stating that Lots 1, 2 and 3 are limited to one curb cut each to Hardeman Road, with the size, location and design to be approved by County Engineering;
- 3) the developer to obtain the necessary approvals from federal, state and local agencies prior to the issuance of any permits;
- 4) the placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and
- 5) the placement of the 25-foot minimum building setback lines on the final plat.

The motion carried unanimously.

Case #SUB2005-00139

Koger's Roberts Road Acres Subdivision

West side of Roberts Lane, ¼ mile± South of Wulff Road South.

4 Lots / 4.5± Acres

Jerry Koger, applicant, as well as Matt Orrell, with Polysurveying Engineering – Land Surveying, were present in this matter. Mr. Orrell presented a letter from two of the neighbors stating that they did not object to this subdivision. He noted that the staff report recommended denial of this plan because, for one reason, it was out of character

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with the surrounding development. Mr. Orrell said they disagreed, and pointed out a flag-shaped lot that touched the southeast corner of one of their lots. He said this was a four-acre tract of land that they simply wanted to subdivide into four lots, not a 10-lot subdivision with ½ acre lots that they could have proposed. Mr. Orrell said that the other two reasons recommended for denial had to do with width-to-depth ratio of the lots and non-compliance in size and shape of the lots, which he said the Commission routinely waives. On behalf of the applicant he asked that the stated requirements be waived and the subdivision be approved.

There was no one present in opposition.

After discussion a motion was made by Mr. McSwain to approve the plan waiving the width-to-depth ratio requirement of the Subdivision Regulations, as well as Section V.D.1. regarding size and shape of lots. Mr. McSwain felt “out of character” was not a reason for denial.

In further brief discussion, limiting the future subdivision of the flag-shaped lot was suggested as a condition of approval.

Mr. McSwain agreed.

Mr. Vallas seconded the motion.

In further discussion Mr. Olsen asked the Commission to consider shared curb cuts for Lots 3 and 4, limiting them to a maximum of three curb cuts.

Mr. McSwain amended his motion for approval and Mr. Vallas his second subject to the following conditions

- 1) no future subdivisions of the flag shaped lot; and
- 2) placement of a note on the final plat stating that the subdivision is limited to a maximum of three curb cuts (lots 3 and 4 to share a common curb cut).

The motion carried unanimously.

Case #SUB2005-00141

Livingstone Estates Subdivision

Southwest corner of Jeff Hamilton Road and McFarland Road.

6 Lots / 19.0± Acres

The applicant was present and concurred with the staff recommendations.

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

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- 1) the dedication of sufficient right-of-way to provide 50 feet from the centerline of McFarland Road;
- 2) the placement of a note on the final plat stating that Lots 2 and 3 are limited to one shared curb cut to McFarland Road and Lots 4 and 5 are limited to one shared curb cut to McFarland Road, with the size, location and design to be approved by County Engineering;
- 3) the placement of a note on the final plat stating that Lot 6 is limited to one curb cut to McFarland Road and two curb cuts to Jeff Hamilton Road, with the size, location and design to be approved by County Engineering;
- 4) the placement of a note on the final plat stating that Lot 1 is limited to one curb cut each to McFarland Road and to Jeff Hamilton Road, with the size, location and design to be approved by County Engineering;
- 5) the placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and
- 6) the placement of the 25-foot minimum building setback lines on the final plat.

The motion carried unanimously.

Case #SUB2005-00145

Marcell Subdivision

South side of Riverside Drive, 120'± West of Club House Road, extending to the West side of Club House Road, 120'± South of Riverside Drive.

4 Lots / 1.0± Acres

The applicant was present and concurred with the staff recommendations.

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 25' from the centerline of Club House Road;
- 2) adjustment of the 25' building setback line to reflect dedication along Club House Road; and
- 3) the placement of a note on the final plat stating that each lot is limited to a single curb cut, with size, location, and design to be approved by Traffic Engineering.

The motion carried unanimously.

Case #SUB2005-00146

Keller Smith Subdivision

855 Lakeside Drive

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(East side of Lakeside Drive, 35'± North of the East terminus of Lakeside Court).
1 Lot / 1.5± Acres

The applicant was present and concurred with the staff recommendations.

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 stating that the subdivision is limited to three curb cuts, size, location and design to be approved by Traffic Engineering; and
- 2) the depiction of the 25' minimum building setback lines on the final plat.

The motion carried unanimously.

OTHER BUSINESS:

Dr. Rivizzigno asked if the Commission was going to have a business meeting anytime soon.

Mr. Olsen said they were planning on having one in August, and would discuss that at the August 4 meeting.

There being no further business, the meeting was adjourned.

APPROVED: August 18, 2005

Victor McSwain, Secretary

Terry Plauche, Chairman

tc/ms