

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF APRIL 19, 2007 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
Ann Deakle
William DeMouy
Nicholas Holmes, III
Mead Miller
Roosevelt Turner
John Vallas

Members Absent

Clinton Johnson
Victoria Rivizzigno
James Watkins, III

Staff Present

Richard Olsen, Deputy Director of
Planning
Bert Hoffman, Planner II
David Daughenbaugh, Urban Forestry
Coordinator
Mae Sciple, Secretary II

Others Present

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

Mr. Plauche stated that since the April 5, 2007 Planning Commission meeting was cancelled, that agenda would also be heard at this time.

APRIL 5, 2007 AGENDA

HOLDOVERS:

Case #SUB2006-00272 (Subdivision)

Creekwood Subdivision, Unit III

South terminus of Ridgeline Drive.

27 Lots / 36.0± Acres

This application was withdrawn at the request of the applicant.

Case #SUB2006-00318 (Subdivision)

JSMM, LLC Subdivision

754 Government Street

(North side of Government Street, 56'± East of South Bayou Street, extending to Conti Street).

2 Lots / 0.3± Acre

(Also see **Case #ZON2006-02756 (Planned Unit Development) JSMM, LLC Subdivision** - below.)

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

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

- 1) placement of a note on the final plat stating that Lots 1 and 2 are limited to one shared curb-cut onto Government Street, and that Lot 2 is limited to one curb-cut onto Bayou Street and one curb-cut onto Conti Street, with the size, design and location of all curb-cuts to be approved by Traffic Engineering (and ALDOT for Government Street), and to conform with AASHTO standards; and**
- 2) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2006-02756 (Planned Unit Development)

JSMM, LLC Subdivision

754 Government Street

(North side of Government Street, 56'± East of South Bayou Street, extending to Conti Street).

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

(Also see **Case #SUB2006-00318 (Subdivision) JSMM, LLC Subdivision** – above.)

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

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

- 1) completion of the Subdivision process;**
- 2) revision of the site plan to comply with the revised Traffic Engineering comments (Eliminate the first angled parking space (near Bayou Street) and eliminate the two 90-degree parking spaces at the Eastern property**

- line to allow adequate maneuvering space. Driveway number, sizes, location and design to be approved by Traffic Engineering (and ALDOT for Government Street), and conform to AASHTO standards);
- 3) revision of the site plan to show additional compliance, if possible, with the tree and landscaping requirements of the Zoning Ordinance, to be coordinated with Urban Forestry;
 - 4) provision of a revised site plan to the Planning Section of Urban Development prior to the signing of the final plat; and
 - 5) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2007-00214 (Sidewalk Waiver)

Tony Cooper (M. Don Williams, Agent)

900 Hillcrest Road

(Northwest corner of Hillcrest Road and Timbers Drive).

Request to waive construction of a sidewalk along Hillcrest Road and Timbers Drive.

Don Williams, representing the applicant, stated that there were no sidewalks on either side of Hillcrest Road in this area. Physically, they could put the sidewalk in, but did not feel this was an appropriate place for it.

Mr. Williams also stated that there were no sidewalks along Timbers Drive, and felt that they would not be appropriate in a commercial area.

Mr. Olsen asked Mr. Williams if the building at this location was new.

Mr. Williams said yes, the building was new.

Mr. Olsen asked if the plan submitted for the building reflected a sidewalk.

Mr. Williams said yes, the site plan submitted for approval did show a sidewalk.

Mr. Olsen asked if it was taken into consideration at the time the plans were prepared and the sidewalk shown, that if the waiver was not approved there would have to be some type of cut and allowances made for that with the location of tree plantings.

Mr. Williams said they showed the tree plantings based upon the grades that would have resulted when the sidewalk was placed. They showed the contours that were there. Mr. Williams said he did not prepare this plan himself, but when it was designed, it was accommodating a sidewalk there, and he thought the trees should have been in place in accordance with that approved site plan.

Mr. Olsen asked if he understood then, that the trees were not done according to the approved site plan.

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Mr. Williams said they were placing the trees in relationship to the curbs and the parking lot for the building itself, which from a visual standpoint was a much more appropriate situation. He said they knew the sidewalk waivers were pending at that time. They felt placing them where they were seemed to be the natural, logical spot for them and created a nice, gradual slope down to the curb of The Timbers.

In deliberations session Mr. Miller asked Mr. Olsen if he had any comments on this.

Mr. Olsen said the issue he brought up in the public hearing was that the reason the plans were approved for construction to begin with was because the sidewalk was shown. According to Mr. Williams, the provision of the sidewalk was taken into account with the grading and planting and location of trees. Then at some point, because they had filed the sidewalk waiver, they decided not to accommodate the sidewalk and changed the grade and planted the trees, and that was now part of the reason they gave as to why the sidewalks should not be installed. Mr. Olsen said he felt that in making their decision, the Commission should consider whether or not there was a reason for the waivers that relates to a hardship or unique circumstances.

Mr. Vallas commented that maybe the change in grade would be a better argument. He noted that the trees were not very mature and he did not think the roots of the Oak trees would be impaired with the installation of sidewalks. He asked Mr. Plauche what he thought.

Mr. Plauche said that any time you either raise or lower the grade within the root system it affects the tree. He said he had not seen the trees.

Mr. Hoffman noted that the trees were young, recently planted trees, so to transplant them to correct the grade should not be a major issue.

After discussion a motion was made by Mr. Miller to deny the request for a sidewalk waiver along Timbers Drive, and approve the request for a waiver on Hillcrest Road.

In further discussion Ms. Deakle noted that, again, they have a situation where the sidewalk is holding up the Certificate of Occupancy on the building because it was shown on approved plans and then a waiver requested.

Mr. Turner seconded the motion.

The motion carried unanimously.

Case #ZON2007-00410 (Planned Unit Development)
Clearbrook, LLC

4071 Halls Mill Road, 1521 and 1525 Azalea Road

East side of Azalea Road, 300'± South of Halls Mill Road.

Planned Unit Development Approval to allow an office building, light manufacturing

building, equipment storage, vehicle storage, guard house, and model unit displays on a single building site, to be developed in phases.

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

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

- 1) landscaping and tree plantings be installed with each phase of development, as identified on the phasing plan submitted;**
- 2) required buffering along rear of site be installed with Phase I of development; and**
- 3) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2007-00006 (Subdivision)
Hillcrest Commons Subdivision, Phase Two

Southeast corner of Chandler Street and Rosedale Avenue (Prescriptive right-of-way to be vacated).

1 Lot / 1.4± Acres

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

(Also see Case #ZON2007-00057 (Rezoning) **Hillcrest Commons, Inc.**, and Case #ZON2007-00405 (Planned Unit Development) **Hillcrest Commons, Inc.**, below.)

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

- 1) completion of the street vacation process prior to recording of the plat;**
- 2) placement of a note on the final plat stating that the lot is limited to one curb cut onto Chandler Street, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the Subdivision plat;**
- 4) dedication of sufficient right-of-way to provide 25 feet as measured from the centerline of Chandler Street, as depicted on the plat;**
- 5) compliance with Revised 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. 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) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2007-00057 (Rezoning)

Hillcrest Commons, Inc.

Southeast corner of Chandler Street and Rosedale Avenue (Prescriptive right-of-way to be vacated).

Rezoning from R-1, Single-Family Residential District and B-2, Neighborhood Business District, to B-1, Buffer Business District, to allow a parking lot.

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

(Also see **Case #SUB2007-00006 (Subdivision) Hillcrest Commons Subdivision, Phase Two** – above; and **Case #ZON2007-00405 (Planned Unit Development) Hillcrest Commons, Inc.**, below.)

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

- 1) completion of the Subdivision process; and**
- 2) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2007-00405 (Planned Unit Development)

Hillcrest Commons, Inc.

Southeast corner of Chandler Street and Rosedale Avenue (Prescriptive right-of-way to be vacated).

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow multiple buildings on a single building site, and shared access and parking between multiple building sites.

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

(Also see **Case #SUB2007-00006 (Subdivision) Hillcrest Commons Subdivision, Phase Two** – above; and **Case #ZON2007-00057 (Rezoning) Hillcrest Commons, Inc.** – above.)

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

- 1) revision of the PUD site plan to show the correct quantities for parking, and**

- provision of a table on the site plan totaling parking spaces by legal lot of record, and with an overall total;
- 2) revision of the PUD site plan to provide a table on the site plan totaling building square footage by legal lot of record, and with an overall total;
- 3) revision of the PUD site plan to provide a table on the site plan indicating the total size in square feet and acres for each legal lot of record, and an overall site area total;
- 4) provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the Subdivision plat;
- 5) compliance with Revised 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. 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.);
- 6) completion of the Zoning process; and
- 7) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2007-00050 (Subdivision)

Pull-A-Part Subdivision

West terminus of Desirrah Drive South, extending West to Wilkins Road and South to the North terminus of Poates Place.

1 Lot / 66.0± Acres

Mr. Plauche announced that this application would be held over to the April 19th meeting to allow proper notification of all property owners within 300 feet of the site.

Case #ZON2007-00651 (Rezoning)

Pull-A-Part

West terminus of Desirrah Drive South, extending West to Wilkins Road and South to the North terminus of Poates Place.

Rezoning from I-1, Light Industry District, to I-2, Heavy Industry District, to allow an automotive wrecking, dismantling, and salvage operation.

Mr. Plauche announced that this application would be held over to the April 19th meeting to allow proper notification of all property owners within 300 feet of the site.

Case #ZON2007-00650 (Planning Approval)

Pull-A-Part Subdivision

West terminus of Desirrah Drive South, extending West to Wilkins Road and South to the North terminus of Poates Place.

Mr. Plauche announced that this application would be held over to the April 19th meeting to allow proper notification of all property owners within 300 feet of the site.

Case #ZON2007-00652 (Planned Unit Development)
Pull-A-Part Subdivision

West terminus of Desirrah Drive South, extending West to Wilkins Road and South to the North terminus of Poates Place.

Mr. Plauche announced that this application would be held over to the April 19th meeting to allow proper notification of all property owners within 300 feet of the site.

EXTENSIONS:

Case #SUB2006-00052 (Subdivision)
McMurray Place Subdivision

South side of Johnston Lane, extending from the West side of Rosedale Avenue (to be vacated) to the centerline of Dickerson Avenue (to be vacated), and to McCay Avenue (to be vacated), 95'± South of Johnston Lane.

1 Lot / 12.8± Acres

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

(Also see **Case #ZON2006-00616 (Planned Unit Development) McMurray Place Subdivision** – below.)

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

The motion carried unanimously.

Case #ZON2006-00616 (Planned Unit Development)
McMurray Place Subdivision

South side of Johnston Lane, extending from the West side of Rosedale Avenue (to be vacated) to the centerline of Dickerson Avenue (to be vacated), and to McCay Avenue (to be vacated), 95'± South of Johnston Lane.

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

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

(Also see **Case #SUB2006-00052 (Subdivision) McMurray Place Subdivision** – above.)

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

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

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

Mr. Plauche stated that this application was recommended for holdover to the meeting of May 3rd.

Jerry Byrd, Byrd Surveying, was present on behalf of the applicant. Mr. Byrd stated that the small parcel mentioned in the staff report was the reason for the recommendation for holdover. He said that lot was created after 1984. The owner of the other parcel had nothing to do with that. He said each of them would be caught in the middle of it. Mr. Byrd requested that the Commission act to approve the plan today and not require it to be held over.

Mr. Plauche asked if there was anyone else who wished to speak in this matter. There was no response.

After discussion a motion was made by Mr. Plauche and seconded by Ms. Deakle to holdover this application to the meeting of May 3rd, with revisions due by April 24th, so that the following can be addressed:

- 1) provision of documentation to show that parcel R023802032000006.005 was created prior to 1984, or inclusion of the parent parcel and subsequent divisions that occurred after 1984 as part of the Subdivision application, with additional labels and postage as necessary.**

The motion carried unanimously.

Case #SUB2007-00053

Los Tres Amigos Number Two Subdivision

7960 Moffett Road

(North side of Moffett Road, 555'± West of Oaktree Drive).

1 Lot / 3.7± Acres

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

There was no one else present to speak in this matter.

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 a minimum of 50 feet from centerline of Moffett Road;**
- 2) **placement of a note on the final plat stating that the development is limited to a maximum of one curb cut to Moffett Road, with the size, location and design to be approved by County Engineering and ALDOT;**
- 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;**
- 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; and**
- 5) **placement of the required minimum building setback line on the final plat.**

The motion carried unanimously.

Case #SUB2007-00057

Webb Commercial Subdivision

Northwest corner of Dauphin Island Parkway and Webb Avenue.

1 Lot / 0.6± Acre

There was no one present representing this application.

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

Griffin Shreves stated that he was a member of the Fulton Heights United Methodist Church on the corner of Webb Avenue and Dauphin Island Parkway, which was across the street from the subject property. Mr. Shreves said that at the zoning hearing several weeks ago, the developer agreed to a restriction being put on the rezoning that no alcohol would be sold from the premises. He asked why that restriction was not noted in the staff report on this application.

Mr. Olsen explained that if there was an offer by the applicant for a voluntary use restriction to accompany the rezoning, it would accompany the rezoning. It would not be a part of the subdivision application that was before the Planning Commission today. This was simply a division of land to incorporate those parcels into a legal lot of record. He said the subdivision does not deal with land use. Mr. Olsen said the voluntary use restriction would be a part of the rezoning amendment request that will be heard by the City Council.

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 50' from centerline of Dauphin Island Parkway, if necessary;
- 2) dedication of sufficient right-of-way for a radius at the intersection of Dauphin Island Parkway and Webb Avenue, to be determined by City Engineering;
- 3) the placement of a note on the final plat stating that the subdivision is limited to one curb cut to Dauphin Island Parkway, size, location and design to be approved by Traffic Engineering and ALDOT, and that the subdivision is not allowed a curb cut to Webb Avenue;
- 4) provision of a 6' privacy fence along the rear property line; and
- 5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2007-00058

Beltline Park Subdivision, Resubdivision of Lots 7, 8, & 9

Northwest corner of Beltline Park Drive South and Beltline Park Drive East.

1 Lot / 1.0± Acre

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

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) **placement of the required minimum building setback line on the final plat.**

The motion carried unanimously.

Case #SUB2007-00054

Jean's Way Subdivision, Resubdivision of Lots 1 & 2

7007 and 7011 Old Shell Road

(South side of Old Shell Road, 65'± East of Wilroh Drive East).

2 Lots / 1.1± Acres

There was no one present representing the applicant.

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

- 1) **each lot be limited to one curb cut each to Old Shell Road, size, location and design to be approved by Traffic Engineering and ALDOT (as noted on the preliminary plat submitted); and**
- 2) **revision of the setback line for Lot 2 to be 25' from the terminus of the "flag-pole", as is standard for flag-shaped lots.**

The motion carried unanimously.

Case #SUB2007-00056

Revised Hawthorne Place Subdivision, Resubdivision of Lot 21

56 Hawthorne Place North

(West side of Hawthorne Place North, 320'± North of Hawthorne Place).

2 Lots / 0.5± Acre

There was no one present representing the applicant in this matter.

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

- 1) the structure be removed prior to the recording of the Final Plat.**

The motion carried unanimously.

Case #SUB2007-00062

Palmer Cleland Subdivision

7941 Airport Boulevard, 455 Dawes Road, and 515 Dawes Road

(East side of Dawes Road at Airport Boulevard).

2 Lots / 9.3± Acres

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

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

- 1) placement of a note on the Final Plat stating that the development is limited to a maximum of three curb cuts to Dawes Road, with the size, location and design to be approved by County Engineering;**
- 2) 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**
- 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 #SUB2007-00063

Unity Christ Church of Truth Subdivision, Resubdivision of Lot 2

5859 and 5867 Cottage Hill Road

(South side of Cottage Hill Road, between Pavan Drive and West Drive).

2 Lots / 3.0± Acres

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

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

- 1) the provision of a 75-foot setback (which includes the required minimum building setback of 25 feet), from the centerline of Cottage Hill Road;**
- 2) the placement of a note on the final plat stating that the development is limited to the existing curb cuts; and**
- 3) the illustration of the dwelling and the compliance with the setback requirements of the Zoning Ordinance on the Final Plat, or the dwelling demolished prior to signing and recording of the Final Plat.**

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

Matt Orrell, with Polysurveying, was present on behalf of the applicant. Mr. Orrell stated that he had submitted revised plats of this subdivision to the staff, which would make the subdivision compliant with the regulations.

Mr. Olsen said he recalled one or two copies of the revised plat being submitted, but he did not recall additional copies.

Mr. Orrell said he submitted all six copies of the revised plat the next day, and rather than denying the plan, he requested that this application be held over to the next meeting. Mr. Orrell said he understood that the staff was very understaffed, but if someone would have notified him of the changes that needed to be made, he could have made those changes in about 30 minutes.

Mr. Plauche asked at what meeting this would be heard.

Mr. Olsen said it could be heard at the May 3rd meeting.

Mr. Orrell said that would be fine.

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Mr. Plauche announced that this application would be held over, but said if anyone was present who wished to speak in this matter they could do so now.

No one came forward to speak.

After discussion a motion was made by Mr. Turner and seconded by Mr. Miller to holdover this plan until the May 3rd meeting to allow staff the opportunity to review the submitted revised plat.

The motion carried unanimously.

Case #SUB2007-00069

Daniel Dinkins Subdivision

2162 North Demetropolis Road

(West side of North Demetropolis Road, 365'± South of Dinkins Drive).

2 Lots / 1.0± Acre

There was no one present representing the applicant in this matter.

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) revision of the plat and legal description to exclude the “City of Mobile Easement;”**
- 2) depiction of the 25-foot minimum building setback line;**
- 3) placement of a note on the plat stating that each lot is limited to one curb cut each onto Demetropolis Road, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) labeling of 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 other municipal codes and ordinances.**

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. Plauche announced that this application would be held over to the May 3rd meeting, but if anyone was present and wished to speak in this matter, they could do so now.

No one responded.

After discussion a motion was made by Mr. Plauche and seconded by Mr. DeMouy to

holdover this plan until the May 3rd meeting to allow the applicant's representative to revise the plat to reflect the current right-of-way for Pleasant Valley Road, and thus the boundaries of the lots. Revisions should be submitted to the Planning Section of Urban Development by April 24, 2007.

The motion carried unanimously.

Case #SUB2007-00061

Cottage Oaks Subdivision

Southeast corner of Brookfield Drive North and Brookfield Drive West.

3 Lots / 0.7± Acre

Jason Hanberg, applicant, stated that he lived at 3840 Hillcrest Lane. He had purchased property in the Cottage Oaks Subdivision for investment property and wanted to subdivide it into three lots. Mr. Hanberg concurred with the staff recommendations.

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

Charles Farnell, a resident of 2500 Brookfield Drive West, stated that he was opposed to this subdivision. He noted that this property had come up a year or so ago and was approved for a subdivision of two lots, which the neighbors did not object to. Mr. Farnell said he was also speaking on behalf of the neighbors adjoining the subject property, as well as neighbors facing the property, and they were adamantly opposed to the proposed three-lot subdivision. He said there was a sister lot on the corner of West Brookfield Drive and Burma Road West, which was once a single lot and was subdivided, successfully, into two parcels, and he felt it was a nice tribute to the neighborhood. Mr. Farnell said he had talked to several of his neighbors who had purchased their homes within the last few years, and one of their main reasons for purchasing their property was because of the openness and nice, large lots in the neighborhood. They did not feel the proposed subdivision would be suitable for their well-established neighborhood, and were concerned that the subdivision of this property into three lots would devalue their property.

There being no one else present to speak in opposition, Mr. Plauche asked Mr. Hanberg if he would like to respond to the comments made.

Mr. Hanberg said he could understand Mr. Farnell's concern as far as property values were concerned. He said he lived in a neighboring subdivision not too far away, and there was actually a lot in this subdivision that had been subdivided. He said the price per square foot on his home would actually go up. He contended that large lots do not increase the worth of a home, but rather it was the square footage of the houses to be built in that subdivision that would increase the value. Mr. Hanberg said they planned to put anywhere from a 1500 to 1800-square foot house on one of the lots. He noted that this subdivision goes back so far that it was actually approved to build 900-square foot homes, however, they did not want to do that. They liked the area and again contended that adding new homes to an older subdivision would increase property values.

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In deliberations session Mr. Miller said he recalled that this site had come up previously for a three-lot subdivision, and the Commission felt it would have been out of character with the neighborhood and suggested a two-lot subdivision instead. The applicant came back with a two-lot subdivision, which was approved, and he thought everyone was happy. He asked if something had changed, or were there new owners of the property.

Mr. Olsen said a subdivision of this property into two lots was approved in 2005. The plat was never recorded, so it expired. Now the applicant is back with a plan for a three-lot subdivision, as originally proposed.

Mr. Turner asked if the staff knew why they went from three lots to two lots, which was approved, and why they were coming back now.

Mr. Olsen said he recalled that when the original plan for a three-lot subdivision came before the Planning Commission, the Commission had concerns about three lots, but said they would consider two lots. That was the reason the subdivision was revised to a two-lot subdivision and ultimately approved.

Mr. Turner and Mr. Vallas said they recalled that there was quite a bit of discussion when the original plan was submitted in 2005 about approving two lots rather than three.

After discussion a motion was made by Mr. Turner and seconded by Mr. Vallas to approve a two-lot subdivision rather than three lots as submitted.

In further discussion Mr. Holmes asked if the Board could arbitrarily change the submitted plan. He felt they should deny this plan and let the applicant come back with a revised plan for two lots.

Mr. Lawler stated that it would probably be better if the matter was held over and the Commission let the applicant know that they would approve a two-lot subdivision, and let them come back in and put the line wherever they wanted.

Mr. Turner withdrew his motion.

Mr. Holmes suggested the application be held over, with the history of the plot being taken into consideration in a re-design, and that the applicant consider a two-lot subdivision rather than a three-lot subdivision.

Mr. Holmes made a motion to holdover this plan until the May 17th meeting, with revisions due by April 24th, to allow the applicant to revise the plat to depict a two- (2) lot subdivision.

Mr. Miller seconded the motion.

The motion carried unanimously.

Case #SUB2007-00064

Spencers Place Subdivision

South side of Club House Road, 900'± West of Short Van Liew Road.

3 Lots / 1.5± Acres

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

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

Martha Mancel, a resident of 2259 Clubhouse Road, stated that she had a petition in opposition signed by the adjoining property owners. She also said her mother purchased her home in this area four years ago due to the fact that she was going blind. Ms. Mancel said most of the neighbors were 50 and older and they did not want the serenity and the peace of this community disturbed with three small homes placed on the subject property. They were also concerned that the property on either side of the subject property had been sold, and once the subject property is allowed to be subdivided, others would follow. Instead of having the anticipated six or seven neighbors, they would have many more adding to the noise pollution. Ms. Mancel also expressed concern about a slight incline in Clubhouse Road at this location, which created a blind spot. Cars could not back out into Clubhouse Road and pull off. Ms. Mancel said they were also concerned that the smaller houses on smaller lots would diminish their property values. She said the number one selling point of her property when it was up for sale was the country style living in the City where you still have the benefits of being close in to town. Ms. Mancel submitted the petition, and noted that those that signed it were just the immediate residents, but she had talked to other residents along Clubhouse Road that lived further up and down from her and they were also opposed. She said this was a very diverse community with small homes and small lots spread out throughout, and there were pockets of larger lots and larger homes. They chose this community to live in because they did not want to live 30 feet or even 50 feet from their neighbor. There were many large, landscaped yards with houses sitting back from the road, and they wanted to maintain this peace and serenity.

There was no one else to speak in opposition.

In deliberations session Ms. Deakle asked about the blind spot and the rise in the road referred to by one of the residents.

Mr. Olsen said he did not know about that.

Ms. Deakle asked if the lots would be big enough to put a circular drive in. She felt that certainly they would be big enough for cars to pull in behind the houses and turn around and head out.

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Mr. Olsen said Lots 1 and 2 were both approximately 73-75 feet wide, and 140 feet or so deep. Lot 3 has a 25-foot access strip to provide access to the rear portion.

Mr. Miller asked if this neighborhood had any specific character. It seemed to him to go from little lots to large lots.

Mr. Olsen pointed out that on the north side of Clubhouse Road there were three lots that were approximately the same width as the lots proposed. There were some lots to the east that were approximately the same width. Then there were other lots that were considerably larger, so there was a mixture of lot sizes in the area.

Mr. Vallas said one thing he remembered about the Clubhouse Road area was that there were large lots with smaller frame, older houses probably from the 1940s or 1950s, with big Oak trees in the yards. He felt that was probably the appeal and character of that area, and the proposed subdivision seemed like it would be very counter to that. He said he would rather see it as a two-lot subdivision.

There being no further discussion, Mr. Plauche called for a motion.

A motion was made by Mr. Holmes and seconded by Ms. Deakle to waive Sections V.D.1. and V.D.3. of the Subdivision Regulations for Lot 3 and approve the above referenced subdivision subject to the following conditions:

- 1) placement of a note on the final plat stating that each lot is limited to one curb cut each onto Club House Road, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) revision of the 25-foot minimum building setback line for Lot 3 so that it is where the lot is at least 60 feet in width;**
- 3) placement of a note on the final plat stating that no additional subdivision of Lot 3 is allowed until additional frontage on a public street is provided;**
- 4) revision of the plat to label each lot with its size in square feet, or placement of a table on the plat with the same information; and**
- 5) full compliance with all municipal codes and ordinances.**

There were four votes in favor of the motion and two against. The motion carried.

Case #SUB2007-00065
Springhill Place Subdivision

601 Bishop Lane North
(West side of Bishop Lane North, 350'± South of Spring Hill Avenue).
8 Lots / 2.7± Acres

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

After discussion a motion was made by Mr. Turner and seconded by Mr. Holmes to

approve the above referenced subdivision subject to the following conditions:

- 1) **dedication along Broadway Street to provide 25' from centerline, as shown on the plat submitted;**
- 2) **dedication of an appropriate radius at the intersection of Broadway Street and Bishop Lane, to be approved by City Engineering and Traffic Engineering;**
- 3) **modification of stormwater detention facilities to accommodate the dedication for radius, if necessary, to be approved by City Engineering;**
- 4) **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;**
- 5) **removal of the existing house and drive prior to signing the final plat;**
- 6) **the placement of a note on the final plat stating that maintenance of common areas will be the responsibility of the property owners;**
- 7) **the placement of a note on the final plat stating that each lot is limited to a single curb cut; and**
- 8) **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 #SUB2007-00060

Southern Oaks Subdivision, Unit Six, Part B

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

11 Lots / 5.6± Acres

Mr. Plauche stated that this application would be held over to the May 3rd meeting, but if anyone would like to speak in this matter today they could do so.

No one came forward to speak.

After discussion a motion was made by Mr. Plauche and seconded by Mr. DeMouy to holdover this application until the May 3rd meeting, with revisions due by April 24th to address the following:

- 1) **illustration of the total number of lots proposed for Southern Oaks Estates Subdivision, Unit 6, Part A;**
- 2) **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;**
- 3) **the placement of a note on the Final Plat denying direct access to Wear Road from Lots 197-203 and 215;**
- 4) **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;**

- 5) 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;
- 6) construction and dedication of the new streets to County standards;
- 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 #SUB2007-00051

Heaven's Way Subdivision

10403 and 10453 Broughton Road

(South side of Broughton Road, 1000'± East of Hardeman Road).

22 Lots / 10.0± Acres

Tina Tuberville, a resident of 1486 Champion Cove, Semmes, and applicant, was present in this matter. Ms. Turberville concurred with the staff recommendations except for condition #1 requiring street stubs to the east and south. She said the parcel to the east had 890 feet of street frontage, and its current use was a nursery, but if they were to develop it later for residential use, they would have plenty of road frontage to have possibly three exists. The property to the south, on Hardeman, had 670 feet of frontage, so they would also have plenty of road frontage for two or more exits. Ms. Turberville said they planned to develop this site with \$300,000+ homes and wanted it to be exclusive and did not want any stubouts. They wanted a cul-de-sac so it would be safe for the children, as well as to protect the value of the homes. She asked that the street stub requirement be waived.

Mr. Plauche asked if the Commission members had any questions.

Mr. Holmes asked the staff to respond to the street stub question.

Mr. Olsen said the reason the staff recommended the street stubs was two-fold. First, the street as proposed, a single entrance cul-de-sac, exceeds and is almost twice as long as the Subdivision Regulations allow for a cul-de-sac or a closed-in street. The Subdivision Regulations allow a maximum length of 600 feet for a closed-in street. The proposed street was almost 1200 linear feet. The second reason for recommending the street stubs was to allow for connectivity to future subdivisions to the south and east. Mr. Olsen said he understood that the applicant wanted this to be an exclusive subdivision, but the staff felt very strongly that it was important for subdivisions to connect to allow multiple points of ingress and egress, and in this case where the only street in the subdivision was

a cul-de-sac and exceeds the length allowed by the Subdivision Regulations.

Ms. Turberville stated that she was a licensed real estate appraiser and had seen it happen many times that a developer would build a subdivision to have exclusive, \$300,000 homes, and then another developer would come in and build a subdivision next to it with 1500 square foot homes and connect to that subdivision, and it actually brings down the property value.

Mr. Miller asked the staff if there were existing streets to the east and south.

Mr. Olsen said there were not. He said that the stub street would be to allow for future development for future connectivity.

After discussion a motion was made by Mr. Turner to approve the above referenced subdivision, with the exception of condition #1 requiring the street stubs, subject to the following conditions:

- 1) provision of traffic calming devices along Michael’s Court, to be approved by Mobile County Engineering;**
- 2) placement of a note on the final plat stating that maintenance of the common areas, including retention areas, is the responsibility of the home owners;**
- 3) placement of a note on the final plat stating that “parcel A” is limited to its existing curb cuts onto Broughton Road;**
- 4) construction and dedication of the new streets to County standards;**
- 5) 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;**
- 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.**

Ms. Deakle asked Mr. Turner if his motion included waiving both street stubs.

Mr. Turner said yes.

Mr. Vallas seconded the motion.

In further discussion Mr. Miller wondered if there was a way to require a single street stub. He felt it may be sort of arbitrary since they did not know what was going to be built to the south and east, but by the same token he did not think the Commission should just ignore the Regulations on cul-de-sacs so cavalierly. He understood that the applicant wanted to protect the neighborhood, but the street would be a public street.

Mr. Holmes agreed with Mr. Miller. He said if there was a regulation that says 600 feet and they were doubling the distance, the Commission would be arbitrarily overruling that section of the Regulations.

Mr. Turner said it seemed they would need a waiver on the extended distance rather than the stubouts.

Mr. Miller further commented that he could understand that the applicant did not want to lose potentially two lots for potential streets to nowhere. He said he would be glad to find some sort of compromise, but he was not comfortable approving a cul-de-sac of this length.

Mr. Vallas noted that this site was in the County, and he felt the developer was somewhat being penalized if they were developing this site before the adjoining property owners. There were large land tracts on both sides of them, and somebody could come in and put a different product in, whether it's a trailer park or commercial development, and they would have access through this development.

Mr. Miller said that could be said about every neighborhood in this town.

Mr. Vallas disagreed, because this site was in the County and there was no zoning in the County.

Mr. Miller said that midtown used to be in the County too.

Mr. Vallas said that may be true, but you have a grid pattern of streets out there that kind of interconnect as opposed to street stubs. You have true connectivity. These street stubs really were not going to give them what they think of in midtown.

Mr. Turner also noted that with street stubs in the County, you would have people on motor bikes and dirt bikes going through those street stubs right into that neighborhood.

Mr. Miller said he felt that not keeping in mind future growth was short-sighted.

Ms. Deakle recalled that several weeks ago the Commission had another application come before them that was similar to this situation. There were four subdivisions with narrow frontages and a lot of depth to them, and there were no connections between any of them. Ms. Deakle said she understood exclusivity, but she was not sure that was what they were really talking about in this case. She felt they were talking about the number of lots on a piece of land.

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

There were three votes in favor of the motion and three votes against. Mr. Plauche then cast his vote to break the tie, voting in favor of the motion. The motion carried.

Case #SUB2007-00059

Palmer Woods Subdivision, Phase III

West side of Oakhill Drive, ½ mile± North of Moffett Road.
48 Lots / 20.7± Acres

Mr. Plauche announced that this application would be held over to the May 3rd meeting, but if anyone wished to speak they could do so at this time.

No one came forward to speak.

After discussion a motion was made by Mr. Plauche and seconded by Mr. DeMouy to holdover this plan until the May 3rd Commission meeting, with revisions due by April 24th, to address the following:

- 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) provision of the minimum requirements of Section V.D.2;
- 5) 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;
- 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.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2007-00863

Twilley-Chatham Properties

6353 Piccadilly Square Drive

(South side of Piccadilly Square Drive, 600'± East of Hillcrest Road).

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

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

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

- 1) the provision of a protection buffer along the south side property line in compliance with Section 64-4.D if the adjacent property is developed as Single-Family residential;**
- 2) the denial of future curb cut to the unimproved right-of-way along the south property line;**
- 3) the shifting of the building to allow at least a 10-foot rear yard setback;**
and
- 4) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2007-00864

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.

Mr. Plauche announced that this application would be held over to the May 3rd meeting, but if anyone wished to speak they could do so at this time.

Frank Dagley, 717 Executive Park Drive, stated that this application was originally on the agenda for the April 5th meeting. On about April 9th, they submitted a revised plan to the staff with all the questions answered on the plan. He did not see why it needed to be held over.

Mr. Olsen said he understood that they submitted the revised plan, but because the staff was working on the reports for the April 19th meeting, they did not have time to review, again, a plan that was submitted and come up with recommendations for approval, since it had been recommended for holdover. Mr. Olsen said he understood Mr. Dagley's dilemma, but at this point, because the staff had not had an opportunity to review the plan, and the recommendation for the April 5th meeting was for a holdover to May 3rd, he would still recommend that it be held over to the May 3rd meeting to allow the staff to review the revised plan.

After discussion a motion was made by Mr. Plauche and seconded by Mr. DeMouy to holdover this plan until the May 3rd meeting, with the following revisions due to the Planning Section of Urban Development by April 24th:

- 1) revision of the site plan to depict compliance with the tree and landscaping requirements of the Zoning Ordinance for the existing development;
- 2) revision of the site plan to indicate the use in square feet and number of employees for the existing building to ensure that the existing number of parking spaces meets the requirements of the Zoning Ordinance;
- 3) revision of the site plan to depict one-way circulation to and from the rear parking areas;
- 4) depiction of the general location of any required detention;
- 5) depiction and notation of a 6-foot high privacy fence where the site abuts residential uses to the West; and
- 6) 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.

The motion carried unanimously.

NEW PLANNING APPROVAL APPLICATIONS:

Case #ZON2007-00858

Mobile Area Water & Sewer System (Volkert & Associates, Inc., Agent)

1557 Sans Souci Road

(South terminus of Sans Souci Road, extending South to I-10).

Planning Approval to allow a water or sewage pumping station and water storage in an R-1, Single-Family Residential District.

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

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

- 1) completion of the Subdivision process;
- 2) placement of a note on the site plan and plat stating that approval of all applicable federal, state and local agencies is required prior to the issuance of any permits or land disturbance activities; and
- 3) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

NEW ZONING APPLICATIONS:

Case #ZON2007-00861

Martha Williams

355 Bay Shore Avenue

(West side of Bay Shore Avenue, 125'± North of Frederick Street).

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Rezoning from R-1, Single-Family Residential District, and B-3, Community Business District, to R-1, Single-Family Residential District, to eliminate split zoning and allow for a single-family dwelling.

Mr. Plauche 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 Mr. Vallas to recommend the approval of this change in zoning to the City Council.

The motion carried unanimously.

Case #ZON2007-00862

Airport Properties, LLC

(Southeast corner of Riviere Du Chien Road and MacKinnon Industrial Parkway).
Rezoning from B-3, Community Business District, to I-1, Light Industry District, to allow construction of a warehouse and office for a commercial supply business.

Frank Dagley, 717 Executive Park Drive, was present on behalf of the applicant.

Mr. Vallas stated that he had received a lot of calls regarding this application from residents in the Riviere Du Chien area. He asked if there was a specific use for an I-1 zoning at this time.

Mr. Dagley said at this time he did not think there was a specific tenant. The developer just wanted to build some speculative buildings.

Mr. Vallas noted that this site was at the entrance to the Riviere Du Chien area and was the only way in and out of that subdivision. I-1 could allow some chemical use, and since there was no specific use for the site, he felt that I-1 zoning might not be best suited for this site and was not in favor of approving it.

The staff pointed out existing I-1 zoning in the area, as well as B-3 zoning.

Mr. Vallas said he knew there was some additional I-1, but he was concerned because this site was right at the little overpass where cars access the Riviere Du Chien neighborhood.

Mr. Dagley noted that they had been denied access to Riviere Du Chien Road, so all the activity would be on the back street. There would be no driveways onto Riviere Du Chien, and they would put a buffer up along the road if necessary. He could understand the concern, however, about not having a specific tenant for the site.

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

Angie McLaney, a resident of 3467 Sheldon Way, pointed out her home at the corner of Sheldon Way and McKinnon Industrial Parkway. Ms. McLaney presented a petition in opposition with signatures of 61 residents not only of the immediate neighborhood, but also the surrounding neighborhoods along Riviere Du Chien Road. She pointed out that her master bedroom was 85 feet from the edge of the subject property. Rezoning to I-1 opens the way for businesses that would cause an increase in noise. Also, she noted that there were less restrictions for landscaping for I-1 districts. The residents were all concerned about the increase in traffic this rezoning would cause. Ms. McLaney also pointed out that Alden Drive was actually barricaded, and there would be no way for traffic from that site to go except down McKinnon Parkway directly onto Riviere Du Chien, or in front of their homes. The residents of the area were also concerned that this rezoning would devalue their property. She pointed out that there was so much property along Halls Mill Road currently zoned I-1 that could be used, and traffic would not have to go down Riviere Du Chien Road.

In deliberations session Mr. Miller commented that there was no specific tenant for the site, and he was not in favor of rezoning for the sake of rezoning. He made a motion to recommend the denial of this change in zoning to the City Council.

Mr. Vallas seconded the motion.

The motion carried unanimously.

GROUP APPLICATIONS:

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

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

Mr. Plauche announced that this application would be held over to the May 3rd meeting, but if anyone was present and wished to speak, they could do so at this time.

No one came forward to speak.

After discussion a motion was made by Mr. Plauche and seconded by Mr. DeMouy to holdover this plan until the May 3rd meeting, with revisions due to the Planning Section of Urban Development by April 24th, to allow for the following:

- 1) revision of the PUD site plan and Subdivision plat to depict a detention**

- common area, if required; and
- 2) **consultation with Traffic Engineering regarding the proposed gate, and revision of the PUD site plan and Subdivision plat to move the proposed gate further away from Hillcrest Road if determined necessary.**

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.

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

Mr. Plauche announced that this application would be held over to the May 3rd meeting, but if anyone was present and wished to speak, they could do so at this time.

No one came forward to speak.

After discussion a motion was made by Mr. Plauche and seconded by Mr. DeMouy to holdover this plan until the May 3rd meeting, with revisions due to the Planning Section of Urban Development by April 24th, to allow for the following:

- 1) **amending of the PUD application to include “Lot A of The Oaks” as part of the PUD application (including revised area information), and provision of additional labels and postage as necessary due to expanded notification requirements;**
- 2) **revision of the PUD site plan and Subdivision plat to depict a detention common area, if required; and**
- 3) **consultation with Traffic Engineering regarding the proposed gate, and revision of the PUD site plan and Subdivision plat to move the proposed gate further away from Hillcrest Road if determined necessary.**

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

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

Subdivision – below.)

Mr. Plauche announced that this application would be held over to the May 3rd meeting, but if anyone was present and wished to speak, they could do so at this time.

No one came forward to speak.

After discussion a motion was made by Mr. Plauche and seconded by Mr. DeMouy to holdover this plan until the May 3rd meeting so that it may coincide with the revised PUD application.

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-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. Plauche announced that this application would be held over to the May 3rd meeting, but if anyone was present and wished to speak, they could do so at this time.

No one came forward to speak.

After discussion a motion was made by Mr. Plauche and seconded by Mr. DeMouy to holdover this plan until the May 3rd meeting, with revisions due to the Planning Section of Urban Development by April 24th, to allow for the following:

- 1) amending of the PUD application to be part of the “Grand Oaks at Hillcrest Subdivision” PUD application (including revised area information), and provision of additional labels and postage as necessary due to expanded notification requirements.**

The motion carried unanimously.

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HOLDOVERS:

Case #SUB2007-00050 (Subdivision)

Pull-A-Part Subdivision

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West terminus of Desirrah Drive South, extending West to Wilkins Road and South to the North terminus of Poates Place.

1 Lot / 66.0± Acres

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

(Also see **Case #ZON2007-00651 (Rezoning) Pull-A-Part**; and **Case #ZON2007-00650 (Planning Approval) Pull-A-Part Subdivision**; and **Case #ZON2007-00652 (Planned Unit Development) Pull-A-Part Subdivision** – below.)

Mr. Plauche asked if there was anyone present who wished to speak in favor of the application.

Steve Leviton, Senior Vice-President of Pull-A-Part, LLC, 4473 Tilly Mill Road in Atlanta, was present on behalf of the applicant. Mr. Leviton explained that Pull-A-Part was a do-it-yourself discount used auto parts retailer. They have locations open now in seven cities: two in the Atlanta area, and one each in Birmingham, Nashville, Charlotte, Louisville, and Augusta. Eight additional sites were now under construction in Indianapolis, New Orleans, Knoxville, Montgomery, Cleveland, Ohio, Jackson, Lafayette and Baton Rouge. He said the best way to explain their operation would be for the Commission, and everyone else, to visit one of their locations, which was an open invitation to anyone. In lieu of that, Mr. Leviton presented a very brief video to give everyone an idea of what they do, how they do it, and also let them hear from some of their actual neighbors, and elected officials as well. *(Note: The staff has a power point presentation of this video, so it will not be reported word-for-word in the minutes. Following, however, is a summary of comments and points made in the presentation).*

- Pull-A-Part is the environmentally friendly used auto parts retailer. Their state-of-the-art facilities solve many of the problems that surface when cars reach the end of their useful life.
- Concerns about increased traffic, industrial waste and pollution are completely managed by the Pull-A-Part process. The end result is a vehicle useful for parts, not part of the problem.
- Care to insure the fluids and toxins in cars do not become an environmental hazard is their top priority. Every car that enters one of their facilities is inspected and all fluids are drained into above-ground tanks that are stored under a protective roof. The fluids, as well as batteries, are then taken away for recycling at approved off-site locations.
- Pull-A-Part's procedures exceed all regulatory compliance standards for the handling and recycling of all fluids and materials.

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- Pull-A-Part is concerned about how it impacts the overall community. It clears streets and yards of 8,000-10,000 abandoned vehicles per year.
- Every year each of their facilities recycles more than 50,000 gallons of fuel, auto fluids such as oil and anti-freeze, and keeps it from seeping into the ground and polluting waterways.
- One of their primary goals is to be a good neighbor and help improve the neighborhood and make a positive impact and support the needs of every community they serve.
- Studies have found that there had been no negative impact on resale or home values in areas where this business is located. Noise is never a factor. A variety of independent studies have found that noise levels from Pull-A-Part are less than a normal outdoor conversation.
- Several law enforcement agencies have endorsed Pull-A-Part as a business that actually reduces crime. They have met and exceeded recommendations on crime prevention.
- This company builds well-designed, clean, organized facilities and are a valuable addition to every community they serve.
- They provide good paying jobs and maintain high environmental standards.
- They play a key part in improving the life of every community they serve.

The video also included comments from community leaders in different cities praising Pull-A-Part facilities, as well as testimonies from neighbors of adjoining properties that Pull-A-Part was a good neighbor and did not have a negative impact on their community.

In further discussion Mr. Leviton said he hoped the video showed that this company was different from what people usually envision when they hear about this type of business. Referring to the site plan, he said they were actually purchasing roughly 60 acres, and would be using 20 acres, which was the cleared area shown on the slide. The remaining 40 acres would remain an undisturbed, natural buffer. Mr. Leviton said there would be no access other than the access on DeSirrah Drive. He said that Pull-A-Part was different because they make a commitment to their site, to the environment, to their customers and to the community. One of their primary concerns was for the environment, and that was the reason they designed this business to do the right thing in handling these vehicles to make sure that anything that could be a contaminant was in fact removed and handled properly. Every site has an MPDES stormwater permit, a spill prevention plan, a stormwater pollution prevention plan, all of which are designed specifically for each site. Mr. Leviton also pointed out that they have had studies done that showed that their vehicles end up generating 22 percent less waste than the typical car that ends up going to

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the shredder. In terms of environmental issues, he said that yesterday, Pull-A-Part received the environmental stewardship award from the governor of the State of Tennessee. Regarding concerns about noise, Mr. Leviton said they had engineers measure noise levels. The only equipment they have was a flattener to flatten cars when they leave the site, and the sound levels when the flattener was in operation had been measured at 71 decibels from a distance of 40 feet, which was just outside the fence from the flattener. He also pointed out that their cars typically stay on site no more than 60-75 days. They are flattened and then removed from the site and sold to a shredder. As was heard on the video, they do make an attractive neighbor and have no impact on property values. He referred to a slide of their site in Charlotte showing how neat, clean, and organized the rows were. Mr. Leviton said they provide jobs for 20-25 people at each of their locations. They provide matching 401-K programs and 100 percent paid medical benefits. They would be investing between \$4 million and \$5 million in this site, and generating about \$2.5 million in sales taxable income. Again, Mr. Leviton said they make a significant commitment when they come into a community that they will be a good neighbor, and they looked forward to being a good citizen in Mobile. He said he would be glad to answer any questions.

Mr. Plauche asked if the Commission members had any questions or comments.

Mr. Turner asked if Pull-A-Part had had any environmental citations at any of their locations.

Mr. Leviton said they had never had a violation of any type at any of their locations. As previously stated, they kept receiving awards and not citations.

Referring to the video presentation showing the picture of their operation in Atlanta and the homes around it, Mr. Miller asked if the 300-foot greenspace area was their property.

Mr. Leviton said no. That area was owned by another developer and was slated for residential development. That shows that they had looked at Pull-A-Part's operation and were comfortable with doing more residential in backing up to them.

Mr. Miller commented that obviously those homes shown on the video looked quite comfortable until somebody takes the trees down around them.

Mr. Leviton said that they had significant buffering on their site. He noted that the staff had required a 30-foot buffer at one point, and they had voluntarily agreed to push that back to 50 feet.

Mr. Olsen reminded the Commission that there was a Voluntary Use Restriction and Conditions Form submitted during the initial holdover period that limited the site, basically prohibiting any I-2 use other than the Planning Approval salvage yard that is allowed in I-2, and then to continue to allow the I-1 uses that are currently allowed on the site. So, the zoning would only be impacted by allowing the use as proposed.

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Mr. Miller asked about the 40 acres of natural land that would remain undeveloped. He was concerned about the possibility of expanding the proposed facility in the future.

Mr. Olsen said the 40 acres referred to was currently zoned I-1. Since Planning Approvals and PUDs are site-plan-specific, and those areas are shown as being undisturbed, for anybody in the future to do anything to those areas would require new applications, which would have to come before the Planning Commission.

Mr. Leviton stated that the site plan before the Commission was their complete site plan. There were no plans to expand. This was the same size – two acres - as any of their other operations.

Mr. Olsen also noted that the voluntary use condition did reference the 30-foot buffer, and asked Mr. Leviton if he understood that they had agreed to increase that to 50 feet.

Mr. Leviton said that was correct, and they had a revised drawing reflecting that change.

Mr. Olsen asked that Mr. Leviton include changing the form and initialing that change on the form for when it is forwarded to the City Council.

Mr. Leviton agreed.

Mr. Vallas commented that in the video presentation he noticed that some of the sites had landscaped berms, and asked if there were any proposed for this site.

Mr. Leviton said that landscaping was part of the plan they submitted. He also pointed out that the entire site, not just the frontage, would be surrounded by an 8-foot solid steel fence, and the entire frontage would be landscaped.

Mr. Plauche asked if anyone else wished to speak in favor of this application.

Raymond Bell, 182 St. Francis Street, stated that he was legal counsel for Pull-A-Part and wanted to let the Commission know that he was available for any questions. He submitted copies of a letter to the Commission from one of the neighbors who wanted to attend this hearing, but was unable to do so because of a death in the family. Mr. Bell said he wanted to make the Commission aware of one point that was not covered earlier. He said they were originally on the agenda last month, but due to concerns expressed by the neighbors, and at the request of Councilman Richardson, they asked that the application be held over. The applicant held a meeting at the Forest Hill School and invited the entire neighborhood so they could address their concerns. Among the issues discussed was the buffer, which the applicant agreed to increase to 50 feet.

After reading the letter submitted by Mr. Bell, Mr. Plauche asked if any of the Commission members had any further questions.

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Mr. Vallas asked how many visitors to the site, either customers or deliveries, they anticipated daily.

Mr. Leviton said they get roughly 200-300 customers spread out during the course of a day, which would be between 17-26 vehicles per hour, although this was not typically during rush hour. They would have two tractor-trailer loads of flattened cars leaving the site each day. The rest of the traffic would be from customers and from tow trucks bringing cars in. They would not be open at night, and the site would not be lighted. Mr. Leviton noted that their customer count was significantly higher than their vehicle count because many of their customers come two or three together to help one another.

Mr. Miller expressed concern for the potential of a customer coming in and, for instance, changing his battery or changing out a part on his car and leaving the old battery or whatever in the parking lot. He asked Mr. Leviton what his experience had been in that regard.

Mr. Leviton said they had not had a problem like that at any of their locations. He said they prohibit working on vehicles in the parking lot, and they have had no issues with people working on vehicles just outside the parking lot on public streets. Their employees actually go through the yard once a day and do a complete sweep of the facility to pick up anything that may be put down in the yard.

Mr. Plauche asked if anyone else wished to speak in opposition. (He told the Commission members that there was a package of letters and a petition at their desks.)

Bob Clute, attorney with Johnstone-Adams, 104 St. Francis Street, stated that he was present representing Pat McAleer. Mr. Clute said that Mr. McAleer owned five businesses on DeSirrah Drive, and pointed out on the map that they were all very close to the sole entrance to the subject property. Mr. Clute pointed out to the Commission that according to the regulations, this site was devoid of any public policy conditions being met that would qualify for rezoning. He asked where there had been any establishment of manifest error in the original zoning. There had been no establishment of any change or changing conditions. There had not been established a need to increase the number of sites available to business or industry in the area. It had not been established that there had been a subdivision of the subject property into building sites, making reclassification of land necessary or desirable. Mr. Clute said that those four criteria are set out in the Zoning Ordinance as reasons for rezoning property, and one or more of those criteria must be met before rezoning in this case. Further, he submitted that the reason there were some 40 acres not being used was because they were in the Three-Mile Creek drainage area, which was a wetlands area, and the applicants could not use the property even if they wanted to. Mr. Clute said there were a number of other problems, one being that this development would cause a substantial increase in traffic on DeSirrah Drive, which was the only access to this site. He said his research was consistent with the applicant's estimate of 200-300 cars per day visiting the site, not including tow trucks. Mr. McAleer's businesses were within 300 feet of the subject property and were not separated by any kind of buffer. Mr. Clute said he understood that the buffer being proposed was

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on the residential side of the site and not on the light industrial side. They were concerned about traffic and noise. He also noted that there was a proposed church to be built near this site, and the property had already been purchased. Mr. Clute reminded the Commission that when this planning (zoning district) was established, it was part of a Comprehensive Development Plan that the City set up. The site was currently surrounded by single-family residences zoned R-1. To the east and southeast there was a mixture of vacant land, commercial and industrial uses in B-3 community businesses and light industry, and R-1 districts. He submitted that the development of this site as proposed would create a number of problems, one of which would be access for emergency vehicles. The residents felt this was not orderly and appropriate development. This was a low-key, residential area and the proposed development was not in harmony with the existing businesses and residences. Mr. Clute said his client had a substantial investment in this area, and he had invested in this area based on the existing Comprehensive Plan. They were also concerned due to the environmentally sensitive nature of the site. The applicant's video mentioned that there would be over 50,000 gallons just of freon and fluids coming out of these cars, which would be stored in above-ground tanks. He felt that was a substantial risk and could be a potential real environmental problem. Mr. Clute again emphasized that his client had existing investments and had serious concerns about this proposal. He contended that an adequate record had not been made to justify this zoning change, and pleaded with the Commission to keep in mind that these were existing Mobile businesses employing Mobile people, and asked that the Commission deny this request.

Pat Law, a resident of 3752 Autumn Dale Drive, stated that she was also speaking on behalf of other residents of this community. Ms. Law said they submitted a petition in opposition at a previous meeting. She said they purchased their property thinking that they would be able to re-sell it or live there in a comfortable environment without having a business of this nature moving into the community. Ms. Law said the video presented was very nice, but seeing was not always believing. She did not think this was an appropriate business for this location, with people coming in off the street and taking parts off of vehicles, and she objected that they would be open on Sunday. There were children and senior citizens living in this area and the pollutants were also a concern because there was always a chance of an accident. Ms. Law also expressed concern about increased traffic from this operation, and said she traveled the service road where they would be accessing this site and there were always near-miss accidents occurring in that area. She also felt property values in the area would decrease, and said if this application was approved, she would put her property up for sale.

Milton Varner, 1471 Wilkins Road, said he had lived at this location for 40 years. After attending a meeting at the school and watching an info commercial, he understood that they would have maybe 10,000 vehicles every 90 days going through this site. He was concerned that the junk vehicles would cause rats. According to his calculations, Mr. Varner said if this business had 3,000 vehicles every 90 days and it took five big trucks hauling five vehicles, there would be 20 trucks a day coming in and out, and he could not get out onto Wilkins Road now. He was concerned about increased traffic coming from Hattiesburg or Pensacola or wherever they have these auto sales. He felt this was a good

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business for Mobile, but not in this area. Regarding the access from DeSirrah Drive, Mr. Varner said about five years ago he attended a meeting where someone was proposing to put businesses in there, but for some reason it was never developed. He said he had three acres adjoining the Post property and some day he would want to develop that property. He felt that a business such as proposed would be a detriment to his property.

Theodore Craig, a resident of 1318 Wilkins Road, said he had recently built a new house on 3 ½ acres. He noted that he and many others who were present today also came to the last meeting to oppose this proposal, and they felt they should have a voice in this matter. Mr. Craig said he was not against business, but a business such as this should not be in this location. It could not co-exist with residences. Mr. Craig felt the junk vehicles would degrade the surrounding properties, and reminded the Commission that this site was within the City limits. He was also concerned about increased traffic with 200-300 more people coming in there every day. He noted that Moffett Road was already heavily congested, and this business would also cause additional traffic on the service road. He felt this business would not be good for the people living in the area, or the businesses already established there. Mr. Craig asked that the Commission take into consideration the concerns of the people already living in this community, many of whom had lived there for 30 or 40 years.

There were several other persons who wished to speak, but Mr. Plauche said they had already heard the allowed number of speakers. He said those in opposition, however, could either stand or raise their hands. A large contingent of people in the audience stood in opposition.

Mr. Plauche asked if the applicant would like to respond to any of the comments by the opposition.

Mr. Leviton, referring to the site plan, noted that there was a significant buffer to the rear of the subject property. There was no access to Wilkins Road, which seems to be what many of the neighbors were concerned about. Mr. Leviton said at one time they did envision access from Wilkins Road, but that was not part of this application. That would not be rezoned and they would not be able to use that. He again noted that the actual flattening of the cars and the draining of the fluids from the vehicles would take place in the furthest location from the residences in the area towards the service road, which he pointed out on the site plan. That area would be fenced. The remainder of that area would be for display of the vehicles. There would be no activity there. Regarding the above-ground storage tanks, Mr. Leviton again stated that 50,000 gallons of fluids in a years time would be removed from the vehicles. The fluids would be stored in 500-1000-gallon above-ground tanks, with secondary containment, and would be stored under a roof. The tanks would be drained on a regular basis so there would be no accumulation of fluids. Mr. Leviton also noted that there would be a buffer along the front where the Power Company right-of-way goes across that entire right side of the property.

Mr. Miller asked if he was correct that the entire area shown in green would be fenced.

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Mr. Leviton said that was correct.

Mr. Miller asked if Mr. Leviton really felt that no cars would remain on the property for more than three months.

Mr. Leviton said that 60-90 days was the longest any car would remain at their facility.

Mr. Miller had further questions about the containment of the fluids and their ability to protect the environment of the immediate area.

Mr. Leviton said that typically the site would have five tanks, each capable of holding 1,000 gallons of fluids. The tanks would be in a contained area; there would be a concrete wall completely surrounding the tanks that would be capable of holding more than the total amount of fluids that are held. The tanks would also be inside a building, so the drainage would be done under roof, and the fluids would be stored under roof.

Referring to the green area within the red area on the site plan, Mr. Miller asked if he understood that there would not be any sort of impact at all on the environment as it exists now.

Mr. Leviton said that was correct. Again, he said the vehicles would be drained before they go into that area, so there would be no fluids that could leak at that point. That was the storage area where the customers would come and actually remove the parts.

Mr. Miller further asked if he understood that because of the right-of-way, they were in effect buffering those existing businesses on DeSirrah by 100 feet or more.

Mr. Leviton said that was correct. That could be seen on the drawing.

Mr. Turner said he understood there would be one entrance in and one entrance out of the site, which would be via Wilkins Road.

Mr. Leviton said no. Access would be strictly via DeSirrah. They could not have access to Wilkins Road.

In deliberations session Mr. Miller commented that he was inclined to approve this request. Assuming you could believe everything that was said, especially about the noise levels, he was impressed with the operation as presented.

Mr. Vallas commented regarding the concerns of the businesses on DeSirrah about the increase in traffic. He pointed out that this street dead ends into 60 acres of I-1 zoned property, and he felt that the owners had to think that property would be developed at some point. He said the traffic issue did not compel him as much as maybe the concerns of the neighbors on Wilkins Road, although they did not actually adjoin the site.

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Mr. Miller also noted that there would be no access to Wilkins Road. He agreed that the Interstate/Moffett Road and even Spring Hill Avenue were a real mess, but he said it was an Interstate and they were going to have to make some improvements there. He did not think they could restrict people from moving forward because of that. Mr. Miller also said they had to consider the impact on the City in terms of employment. They also had to deal with trash, as everyone does. From an overall standpoint, he felt that from the presentation, this was a responsible way to deal with this environmental problem.

Mr. Miller made a motion to approve this plan subject to the staff recommendations.

Mr. Turner seconded the motion.

Mr. Olsen asked if the motion included the modification to the voluntary condition to increase the buffer to 50 feet as offered by the applicant at the podium.

Mr. Miller said yes, his motion included increasing the buffer from 30 feet to 50 feet.

Mr. Holmes asked that since there were specific questions in the public hearing about the requirements in the Zoning Ordinance for the rezoning of property, which points were they basing their approval on.

Mr. Hoffman stated that the site and the general area were proposed as industrial on the adopted Comprehensive Plan. So the rezoning of this site to an I-2 would also be in compliance with the Comprehensive Plan. With regard to changing conditions, Mr. Hoffman said the staff does not normally have access to sufficient information to make a full determination of all changing conditions that might be occurring.

Mr. Miller further commented that although they were changing the zoning, he felt this was an appropriate use and that the site-specific plan was protecting the rest of the property, and he was comfortable with his motion. He asked Mr. Lawler if he was comfortable with it.

John Lawler, counsel for the Planning Commission, stated that he was not in a position to give an opinion about whether it was good or bad. He felt the Commission, however, was discussing the proper issues. He did think that perhaps it should be considered that this kind of business needs a lot of room and that might not be easy to locate, so there may be a need for a change in zoning to accommodate them. He felt the Commission could make that argument.

Mr. Miller said his motion stands. Mr. Turner seconded the motion. The final motion was to approve the above referenced subdivision subject to the following conditions:

- 1) revision of the Subdivision plat to create a two-lot subdivision, with the second lot encompassing the 60 by 440-foot ± long sliver of land touching Wilkins Road, to coincide with the R-1 zoned portion of the site;**

- 2) depiction of the 50-foot vegetative buffer, requested through the revised Voluntary Use Restriction form, on the Subdivision plat and Planned Unit Development and Planning Approval site plans;
- 3) full compliance with Engineering comments (A drainage easement is required for swales accepting public water or the owner can relocate swales with City of Mobile's approval. Check direction of flow arrows shown on swales. 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. Show limits of AE flood zone. Detention cannot be performed in the AE flood zone. Show minimum finished floor elevation for any buildings or structures and/or slabs, on which, mechanical and electrical equipment will be installed. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands. If wetlands are present, no fill allowed without a Corps of Engineers permit. 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) placement of a note on the plat stating that approval of all applicable federal, state and local agencies is required prior to the issuance of any permits or land disturbance activities;
- 5) revision of the plat to accommodate a cul-de-sac or hammerhead turn-around for Desirrah Drive South, if determined necessary by Mobile Fire Rescue;
- 6) placement of a note on the plat stating that access to Wilkins Road, Poates Place and Isabella Street is denied for any lot with frontage onto Desirrah Drive South;
- 7) provision of revised PUD and Planning Approval site plans to the Planning Section of Urban Development prior to the signing of the Subdivision plat;
- 8) placement of a note on the plat stating that the number, size, design and location of all curb-cuts are to be approved by Traffic Engineering and conform to AASHTO standards; and
- 9) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2007-00651 (Rezoning)

Pull-A-Part

West terminus of Desirrah Drive South, extending West to Wilkins Road and South to the North terminus of Poates Place.

Rezoning from I-1, Light Industry District, to I-2, Heavy Industry District, to allow an automotive wrecking, dismantling, and salvage operation.

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

(For discussion see Case #SUB2007-00050 (Subdivision) Pull-A-Part Subdivision – above; also see Case #ZON2007-00650 (Planning Approval) Pull-A-Part Subdivision; and Case #ZON2007-00652 (Planned Unit Development) Pull-A-Part Subdivision – below.)

After discussion a motion was made by Mr. Miller and seconded by Mr. Turner to recommend the approval of this change in zoning to the City Council subject to the attached revised Voluntary Use Restriction Form provided by the applicant, and the following conditions:

- 1) **exclusion of the 60 by 440-foot ± long sliver of land touching Wilkins Road so that it will remain R-1, and revision of the legal description for the rezoning to reflect the exclusion;**
- 2) **completion of the Subdivision process to create a two-lot subdivision to accommodate the R-1 portion of the site identified in item number 1;**
- 3) **access to Wilkins Road, Poates Place and Isabella Street is denied for any lot with a zoning other than R-1, Single-Family Residential;**
- 4) **provision of revised PUD and Planning Approval site plans to the Planning Section of Urban Development prior to the signing of the final Subdivision plat; and**
- 5) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2007-00650 (Planning Approval)
Pull-A-Part Subdivision

West terminus of Desirrah Drive South, extending West to Wilkins Road and South to the North terminus of Poates Place.

Planning Approval to allow an automotive wrecking, dismantling, and salvage operation in an I-2, Heavy Industry District.

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

(For discussion see Case #SUB2007-00050 (Subdivision) Pull-A-Part Subdivision – above; also see Case #ZON2007-00651 (Rezoning) Pull-A-Part – above; and Case #ZON2007-00652 (Planned Unit Development) Pull-A-Part Subdivision – below.)

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

- 1) **exclusion of the 60 by 440-foot ± long sliver of land touching Wilkins Road from the proposed development, and revision of the Planning Approval legal description and site plan as necessary;**

- 2) completion of the Subdivision process to create a two-lot subdivision to accommodate the portion of the site identified in item number 1;
- 3) depiction of the 50-foot vegetative buffer, requested through the revised Voluntary Use Restriction form, on the Subdivision plat and Planned Unit Development and Planning Approval site plans;
- 4) full compliance with Engineering comments (A drainage easement is required for swales accepting public water or the owner can relocate swales with City of Mobile's approval. Check direction of flow arrows shown on swales. 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. Show limits of AE flood zone. Detention cannot be performed in the AE flood zone. Show minimum finished floor elevation for any buildings or structures and/or slabs, on finished floor elevation for any buildings or structures and/or slabs, on which mechanical and electrical equipment will be installed. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands. If wetlands are present, no fill allowed without a Corps of Engineers permit. 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) placement of a note on the PUD and Planning Approval site plans stating that approval of all applicable federal, state and local agencies is required prior to the issuance of any permits or land disturbance activities;
- 6) revision of the PUD and Planning Approval site plans to accommodate a cul-de-sac or hammerhead turn-around for Desirrah Drive South, if determined necessary by Mobile Fire Rescue;
- 7) placement of a note on the PUD and Planning Approval site plans stating that access to Wilkins Road, Poates Place and Isabella Street is denied;
- 8) placement of a note on the PUD and Planning Approval site plans stating that lighting of the site and the parking area must be in compliance with the requirements of Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;
- 9) placement of a note on the PUD and Planning Approval site plans stating that compliance with the tree and landscaping requirements of the Zoning Ordinance to be coordinated with Urban Forestry;
- 10) depiction of the minimum building setback line from all street frontages, where it is not superceded by the 50-foot vegetative buffer;
- 11) provision of revised PUD and Planning Approval site plans to the Planning Section of Urban Development prior to the signing of the Subdivision plat; and
- 12) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2007-00652 (Planned Unit Development)

Pull-A-Part Subdivision

West terminus of Desirrah Drive South, extending West to Wilkins Road and South to the North terminus of Poates Place.

Planned Unit Development Approval to allow two buildings on a single building site, three automobile processing pads, an automobile crusher, an automobile process yard, and an automobile display yard.

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

(For discussion see **Case #SUB2007-00050 (Subdivision) Pull-A-Part Subdivision** – above; also see **Case #ZON2007-00651 (Rezoning) Pull-A-Part**; and **Case #ZON2007-00650 (Planning Approval) Pull-A-Part Subdivision** – above.)

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

- 1) **exclusion of the 60 by 440-foot \pm long sliver of land touching Wilkins Road from the Planned Unit Development, and revision of the PUD legal description and site plan as necessary;**
- 2) **completion of the Subdivision process to create a two-lot subdivision to accommodate the portion of the site identified in item number 1;**
- 3) **depiction of the 50-foot vegetative buffer, requested through the revised Voluntary Use Restriction form, on the Subdivision plat and Planned Unit Development and Planning Approval site plans;**
- 4) **full compliance with Engineering comments (A drainage easement is required for swales accepting public water or the owner can relocate swales with City of Mobile's approval. Check direction of flow arrows shown on swales. 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. Show limits of AE flood zone. Detention cannot be performed in the AE flood zone. Show minimum finished floor elevation for any buildings or structures and/or slabs, on which, mechanical and electrical equipment will be installed. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands. If wetlands are present, no fill allowed without a Corps of Engineers permit. 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) **placement of a note on the PUD and Planning Approval site plans stating that approval of all applicable federal, state and local agencies is required prior to the issuance of any permits or land disturbance activities;**

- 6) revision of the PUD and Planning Approval site plans to accommodate a cul-de-sac or hammerhead turn-around for Desirrah Drive South, if determined necessary by Mobile Fire Rescue;
- 7) placement of a note on the PUD and Planning Approval site plans stating that access to Wilkins Road, Poates Place and Isabella Street is denied;
- 8) placement of a note on the PUD and Planning Approval site plans stating that lighting of the site and the parking area must be in compliance with the requirements of Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;
- 9) placement of a note on the PUD and Planning Approval site plans stating that compliance with the tree and landscaping requirements of the Zoning Ordinance to be coordinated with Urban Forestry;
- 10) depiction of the minimum building setback line from all street frontages, where it is not superceded by the 50-foot vegetative buffer;
- 11) provision of revised PUD and Planning Approval site plans to the Planning Section of Urban Development prior to the signing of the Subdivision plat; and
- 12) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2007-00045 (Subdivision)

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).

61 Lots / 17.6± Acres

There was no one present representing the applicant in this matter.

After discussion a motion was made by Mr. Miller and seconded by Mr. DeMouy to deny the above referenced subdivision for the following reasons:

- 1) the application does not include all of the parent parcel;
- 2) the applicant failed to provide a revised application by the requested deadline; and
- 3) a new application for the same site has been received and will be considered at the May 3, 2007 meeting of the Planning Commission.

The motion carried unanimously.

Case #ZON2007-00643 (Planned Unit Development)

Mobile Branch Partnership

1915 West I-65 Service Road North

(Southwest corner of West I-65 Service Road North and Brookdale Drive North).

Planned Unit Development approval to allow two buildings on a single building site.

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

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

- 1) the placement of a note on the PUD plan stating that deliveries and truck shipments will not be made at this building;**
- 2) full compliance with the landscaping and tree requirements of the Ordinance; and**
- 3) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2007-00074

Halls Mill Land Company Subdivision

5191 U.S. Highway 90 West

(East side of U.S. Highway 90 West, just South of Halls Mill Creek).

2 Lots / 3.1± Acres

Bobby McBryde with Rowe Surveying was present on behalf of the applicant. Mr. McBryde said they were in agreement with the staff recommendations with the exception of condition #4. Rather than having to submit a certification letter to City Engineering at this time, he requested that they be allowed to place a note on the plat stating that when the property is in fact developed, they would then submit the letter regarding the stormwater drainage.

Mr. Olsen noted that the Commission had, on occasion with small, two-lot subdivisions such as this, allowed the placement of a note on the final plat stating that the certification letter from the engineer shall be provided prior to the issuance of any permits. He said the staff would have no problem allowing that in this case.

Mr. McBryde concurred.

After discussion a motion was made by Mr. Miller and seconded by Mr. DeMouy to waive Section V.D.3. of the Subdivision Regulations and grant Tentative approval of the above referenced subdivision, subject to the following conditions:

- 1) placement of a note on the plat stating that the development is limited to the existing curb-cut onto U. S. Highway 90 West;**
- 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 issuance of any permits or land disturbance activities;

- 4) placement of a note on the plat stating that a letter from a licensed engineer certifying compliance with the City's stormwater and flood control ordinances must be submitted to the Mobile County Engineering Department and the Planning Section of Urban Development prior to the issuance of permits for site work, new building construction or building expansion; and
- 5) 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 #SUB2007-00072

The Old Finch Place Subdivision

4600 Schillinger Road South

(West side of Schillinger Road South, 175'± South of Bullitt Drive, and extending Westward to Clearview Drive).

3 Lots / 6.8± Acres

Mr. Plauche stated that this application was recommended for holdover to the May 17th meeting.

Jerry Byrd, Byrd Surveying, was present on behalf of the applicant. Mr. Byrd pointed out that the parcel on Clearview Drive at the northwest corner of the property was created in 1985. The other two cut-outs were created in 1982 and 1983. Mr. Byrd said those were not landlocked properties, because at the time the property was subdivided each lot was granted a 50-foot easement for ingress and egress, and that was their frontage to get out to Clearview Drive. He said the owner desires to create three lots, two of them fronting on Schillinger Road, and the remainder of the property on the west side fronting on Clearview Drive. Mr. Byrd said they would appreciate the Commission hearing this application today.

Mr. Olsen asked Mr. Stewart if the County would issue permits for the parcels that were created.

Pat Stewart, representing County Engineering, said if they were prior to 1984, they would issue permits.

After discussion a motion was made by Mr. Miller and seconded by Mr. DeMouy to holdover this application until the May 17th meeting to allow the applicant to:

- 1) **expand the application to include all parcels created after 1984, and the land-locked parcel created before 1984 (if the owner of that parcel is willing to participate), and provide additional postage, labels and lot fees**

- as necessary; and
2) revise the plat to depict street frontage for all proposed lots.

The motion carried unanimously.

Case #SUB2007-00075

Willard Court Subdivision

2789 MacMae Drive

(South terminus of MacMae Drive).

3 Lots / 7.4± Acres

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

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

- 1) **full compliance with Engineering comments [*Delete note 4 on the plat (“Flood zones platted from elevations.”). Flood zones should be clearly delineated on the plat based on scaling the flood zone from FEMA maps, not based on elevation. Show minimum finished floor elevation on each lot. 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.*];**
- 2) **depiction of the size of each lot in square feet on the final plat;**
- 3) **depiction of a minimum 10-foot wide buffer along the South property lines, where the lots abut existing residential development in the Belvedere Park subdivision, and placement of a note on the plat stating that the buffer area shall be landscaped or left in its natural state;**
- 4) **placement of a note on the final plat and site plan stating that approval of all applicable federal, state and local agencies is required prior to the issuance of any permits or land disturbance activities;**
- 5) **placement of a note on the plat stating that each lot is limited to one curb cut each onto MacMae Drive, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards;**
- 6) **placement of a note on the plat stating that all lots are denied access to Belvedere Circle East and Moot Avenue;**
- 7) **submittal of an application for PUD to accommodate any shared access between Lots 2 and 3 that is depicted as an easement on the plat;**
- 8) **correction of the distance depicted on the lot line separating Lots 1 and 2; and**
- 9) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2007-00077

Camellia Park Subdivision

South side of Airport Boulevard, 410'± West of Hamilton Bridges Drive West.
15 Lots / 22.0± Acres

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

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

Jennifer Sherer, representing the Mobile Airport Authority, stated that they were not in opposition to the subdivision, but wanted to point out that the airport has plans to build a parallel runway sometime in the future, and this neighborhood was in the flight path of that runway.

After discussion a motion was made by Mr. Miller and seconded by Mr. Turner to grant Tentative approval of the above referenced subdivision subject to the following conditions:

- 1) **the location of the proposed street be adjusted to provide as much distance between the new street and Baker High School as practical;**
- 2) **the placement of a note on the Final Plat denying Lots 1 and 15 direct access to Airport Boulevard;**
- 3) **the dedication of appropriate radii and the intersection of Airport Boulevard and the new street as determined by County Engineering;**
- 4) **labeling of each lot with its size in square feet, or provision of a table on the plat with the same information;**
- 5) **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;**
- 6) **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;**
- 7) **placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and**
- 8) **the depiction of the 25-foot minimum building setback lines along Airport Boulevard and the new street.**

The motion carried unanimously.

Case #SUB2007-00071
Stone Mill Subdivision

East side of Hillcrest Road, 1950'± South of Windsor Drive, and extending South of

Halls Mill Creek, 1100'±.
31 Lots / 32.6± Acres

William Parks, with Speaks and Associates, stated that their office failed to communicate when they submitted this application that the subdivision had already been constructed. He said they moved ahead with construction based on the previous approval. Their only issue was with recommended condition #7 regarding the street stub between lots 13 and 14. Mr. Parks said that would require them to cross a wetlands area and they would prefer not to have to permit to do that since the cul-de-sac had already been constructed.

Mr. Olsen noted that the original approval did not require a street stub. It was something that the staff missed at that time. He said they were not aware that the street had already been constructed. Had they been aware of that, and that this was simply a renewal of the previous approval, they would not have made that a condition.

In deliberations session Mr. Miller asked if he understood that the streets were already built and the street stub would not be required.

Mr. Olsen said that was correct.

After discussion a motion was made by Mr. Miller and seconded by Mr. DeMouy to grant Tentative Approval of the above referenced subdivision subject to the following conditions:

- 1) dedication of sufficient right-of-way to provide a minimum of 50-feet from centerline of Hillcrest Road;**
- 2) the placement of a note on the Final Plat denying Lots 1 and 31 direct access to Hillcrest Road;**
- 3) the placement of a note on the Final Plat stating that Lots 1, 4, 9, 17, 21 and 27 are corner lots and each lot is limited to one curb cut with the size, design and location to be approved by County Engineering;**
- 4) the dedication of appropriate radii at the intersection of Hillcrest Road and the new street as determined by County Engineering;**
- 5) labeling of each lot with its size in square feet, or provision of a table on the plat with the same information;**
- 6) 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;**
- 7) 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;**
- 8) 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**

9) the depiction of the 25-foot minimum building setback lines along Hillcrest Road and the new streets.

The motion carried unanimously.

Case #SUB2007-00076

Magnolia Springs Subdivision

North side of Silver Pine Road, ½ mile ± West of Schillinger Road North and extending North to the West terminus of Crary Avenue.

948 Lots / 439.8± Acres

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

Chris Fisher, a resident of 8505 Crary Avenue, noted that the staff recommended a street stub to the east, and asked where it would be located.

Mr. Olsen stated that the plat as submitted proposed a street stub to tie into Crary Avenue, which would be required to be done at some point as the phasing occurs for the subdivision, because that is the plat that was submitted. Mr. Olsen pointed out the area in which a street to the east would be required to allow for future connectivity to the vacant property to the east, and potentially another point of access to Schillinger Road.

Mr. Fisher also pointed out that the wetlands actually go over into Crary Avenue on the site map. He asked what would be done to take care of those wetlands coming from Crary Avenue. At present that part of Crary Avenue was about to be paved on the pay-as-you-go program. He said there were two 6'x 6' box culverts going under his driveway. He wanted to make sure the water was taken care of and not backing up onto their properties.

Mr. Olsen said that would be a question the engineer would need to address, however, he noted that the Planning Commission does require certification from the engineer that all drainage requirements for the subdivision will comply with the City of Mobile drainage requirement standards.

After discussion a motion was made by Mr. Vallas and seconded by Mr. Holmes to grant Tentative approval of the above referenced subdivision subject to the following conditions:

- 1) dedication of sufficient right-of-way along Silver Pine Road to provide 50' from centerline for the portion on the Major Street Plan, and 30' from centerline for the remainder of the future frontage, as shown on the plat submitted;**
- 2) provision of a street stub to the East;**
- 3) coordination with County Engineering regarding the location and design of the proposed road connecting the westernmost unit with the**

- remainder of the development;
- 4) submission and approval of individual applications for each phase or unit, to ensure that development occurs in a manner to provide the most points of access in a timely and efficient manner;
 - 5) all proposed roads be constructed to county standards, and dedicated to Mobile County;
 - 6) all areas not designated as lots should be labeled as common areas (including wetlands and detention areas), and a note placed on the final plat stating that maintenance of all common areas is the responsibility of the property owners (association);
 - 7) 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;
 - 8) 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; and
 - 9) 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.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2007-01008

Craig Raines and Adam Dawe

3140 Lees Lane

(West side of Lees Lane, 455'± South of Gordon John Drive).

Request to waive construction of a sidewalk along Lees Lane.

Mr. Plauche 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. Vallas and seconded by Mr. DeMouy to approve this request.

The motion carried unanimously.

NEW ZONING APPLICATIONS:

Case #ZON2007-00924

Horace L. Long, Jr.

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Northeast corner of Old Shell Road and Parkway East, and extending East to Border Drive East, and North to an unnamed city right-of way.

Rezoning from R-1, Single Family Residential, to B-1, Buffer Business District, to allow a business office for a cable television company (no service provided from this location).

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

Doug Anderson, with the law firm of Bowron, Latta and Wasden, was present representing the Long family, applicant and owners of the subject property. (He submitted a packet of information to each of the Commission members.) Mr. Anderson said they were requesting this rezoning for the development of this site with a 2400-square foot office building with eight parking spaces. He noted that this lot was platted in 1943 along with the rest of the Country Club Village Subdivision. Referring to page 2 of the packet provided to the Commission, he noted the highlighted site, as well as the lot across Lavretta Park from that. At the time the site was platted, it was given the legal description, “commercial Lot B”. The mirror lot on the other side of Lavretta Park was given the name, “commercial Lot A”. Mr. Anderson contended that in 1943 when the subdivision was platted, it was the intent that these two lots would be used commercially, and, in fact, Lot A had been used commercially for at least the last 46 years. He noted that Lot A was subsequently subdivided into three separate lots. The staff report indicates that the convenience store/grocery store that fronts Old Shell Road had been there for 46 years. Adjacent to that was a Masonic lodge, and adjacent behind that was a neighborhood clubhouse. Referring to commercial Lot B, Mr. Anderson said that immediately adjacent to the east was an auto repair shop, which according to the staff report had been there for 46 years. Again, he contended that the original intent in the platting of the subdivision was that these front lots be used for commercial purposes. Referring to pages three and four of the pictures he submitted, he noted that picture #3 was his client’s property to the left of the picture, and property immediately in the middle of that picture was owned by the City, and the City was planning to build a commercial parking lot there for the users of Lavretta Park. Picture #4 showed the back of the subject property where there was actually a 20-foot unopened alley, which was a natural buffer between his client’s property line and the closest residential property. Picture #5 showed the auto repair shop fronting Old Shell Road, which he previously referenced, and picture #6 showed the Masonic lodge on the right and the convenience store on the left. The last picture showed the convenience store and the parking lot, which was city-owned property, and the traffic light there getting out of that side of Lavretta Park. Mr. Anderson noted that the staff report recommended approval of this application, stating that it was compatible with the City’s efforts to promote Smart Growth in traditional neighborhood development programs. It further states that the development by the City of this parking lot could preclude his client from using this property as a residential property, and that there was adequate buffer in this application. Mr. Anderson said the applicant did not have a problem with any of the conditions, and request that the Commission approve this application as recommended by the staff.

Mr. Plauche asked if anyone else wished to speak in favor of this application.

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No one came forward.

Mr. Plauche asked if anyone wished to speak in opposition.

Kellie Myers stated that she was a resident of 4270 Hoerlester Court, which was directly across Old Shell Road from the subject property. Regarding Mr. Anderson's statement about the original plat from 1943, she said that the people who were planning this subdivision in 1943 did not know what the area would be like today. A lot had changed since then. Also in regard to the parking area, Ms. Myers felt that would be very minimal impact overflow parking for the park. She submitted a petition with almost 550 signatures in opposition to this proposal, and asked those present in opposition to stand. (A large contingent in opposition stood.) Ms. Myers further stated that when she and her husband moved back to Mobile many years ago, they founded a non-profit organization called Park Project '08 for the purpose of revitalizing the area and building a new playground in Lavretta Park. They spent two years raising money, meeting with the community and working with the City drawing up the plans. They knew that what they were doing would have an impact on property values in the neighborhood and surrounding community, and the cohesiveness of the entire area. She said Country Club Village had a very active civic association, as well as the Dogwood Garden Club, which was established for improvement projects and beautification around the neighborhood. As a result of their efforts, Ms. Myers said they had seen the value of their homes rise from around \$60,000 or \$70,000 to as high as \$120,000-\$130,000. In speaking with residents of the surrounding neighborhoods she said they had found no one who believed the rezoning of this site would be an appropriate use for the property. One of their concerns was that there was no frontage on Old Shell Road, and the only access to the property would be from within this well-established neighborhood. Also, the property butts up to four existing homes that would certainly suffer as a result of increased traffic and the unpleasant manner about which a business would dispose of their waste and trash. Traffic would also increase either on Border Drive East or East Parkway, and residents already had a difficult time at certain times of the day trying to get out onto Old Shell Road. The additional traffic would also pose a hazard to families and children using the park. Ms. Myers said it was of great concern that the Planning Commission would set a precedent of allowing the first houses in a subdivision to become commercial property simply because there were other businesses in the surrounding area. She noted that the surrounding businesses were currently zoned R-1, and were grandfathered-in as pre-existing uses. The community would like to see those businesses eventually revert back to residential property. She noted that this was already happening in the area with Red's Automotive at Bit 'N' Spur Road. Red's went out of business and the property was cleared and was now proposed to be developed with townhomes. Ms. Myers contended there were plenty of vacant, developed and undeveloped properties within a mile that were already zoned for commercial use, and asked that the Commission let this property remain R-1 zoning.

Brian Thames, a resident of 150 Batre Lane, stated that he was an attorney, but was present today in his individual capacity. Mr. Thames said he was a board member of The Village of Spring Hill, a non-profit 501-C3 entity, which was started approximately

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a year ago to help enhance, beautify and preserve the Spring Hill community. While he could not speak for all the members of The Village of Spring Hill, he felt that probably most of the members of that organization had the same views that those in opposition had today. Although he was a resident of Batre Lane, Mr. Thames said that for approximately 10 years he lived at 1 Crest Court, which was directly across from the site on the corner of Old Shell and Crest, so he was very familiar with the area. Regarding the fact that in the platting of this subdivision in 1943 the two lots on the corner were noted as commercial Lots A and B, Mr. Thames felt it was significant that years later when the Zoning Ordinance was adopted, the body that adopted the ordinance saw fit to zone that property R-1. He felt that indicated their intent that the property revert back to R-1 if the commercial uses ever ceased to exist. Mr. Thames also referred to another very similar rezoning request made recently at the corner of University and Sunset Drive South, which the Planning Commission denied. He quoted from the letter of decision that the reasons for denial were that (1) “there was no manifest error in the Zoning Ordinance”, and (2) “changing conditions have not been adequately documented to justify a change in zoning”. In the subject case, Mr. Thames felt the changes in the area really lend themselves more toward a residential enhancement as opposed to a commercial development. A third reason for denial of the case referenced was that “a need to increase the number of commercial sites has not been demonstrated”; and (4) “no subdivision of land has occurred”. In regard to the subject case, Mr. Thames said it was clear that there were numerous vacant sites all throughout the Spring Hill area that could be used for the proposed development, and no subdivision of land had occurred here. As to the fifth reason for denial in the case referred to, “the proposed commercial use would be located at a primary entrance to an existing residential subdivision and would be across the street from existing single-family residences”, he asked how that was any different from this case. Mr. Thames said the subject property was actually within the residential subdivision, which he felt “militates” toward no commercial development in that particular area.

Mr. Vallas asked Mr. Thames how the rezoning of this property to B-1 would negatively affect his neighborhood.

Mr. Thames said the rezoning would increase traffic, and the site was next to a park where children play. It would be a hazard to the health and safety of the residents, which he noted was one of the main reasons behind zoning – to protect the health, safety and general welfare of the public. Although the proposed business was for a cable company, Mr. Thames noted that other B-1 uses could be allowed there if the cable company moved on after awhile. Noise, refuse and trash issues with a dumpster would also impact the neighborhood – issues also addressed by Ms. Myers, and which were also addressed in the staff’s report. He noted other issues in the staff report such as trees, drainage, parking, lighting, and sidewalks. Mr. Thames also pointed out that for the zoning of a site to B-1, the Zoning Ordinance recommends a site of at least 2 acres. The subject property is a .5-acre parcel.

Frank Vogtner stated that he and his wife had lived at 5108 Pineview Lane in Country Club Village for the past 30 years. Mr. Vogtner said he was Vice-President of the

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Country Club Village Community Action Group, and he felt he spoke for a majority of the membership in expressing their objection to the zoning change. He said over the years they had witnessed the ups and downs perhaps typical of a 60-year old neighborhood with 400 homes, but during the last 10 years or so they had experienced an upswing. They had a beautiful new playground that was possibly one of the most popular in the city. They had a small international market and the Food Pak, with whom they have a very good relationship. They also have a small clubhouse where they hold monthly meetings and conduct other events. He said property values were up and crime was down, and they felt things were looking good. Mr. Vogtner said they did not intend to deny the property owner the economically viable use of his land, but they felt that as a neighborhood they had a certain collective property right to the neighborhood environment. Residential neighborhoods need the protections from the entry of incompatible uses, and in Country Club Village there were no covenants or other private devices to achieve such protections. They relied on the zoning provided by the Planning Commission for this protection, and therefore requested that this request be denied.

Mike Finland, a resident of 5397 Spring Hill Woods Drive, submitted a petition containing 100+ signatures of residents of the adjoining neighborhoods in opposition. Mr. Finland noted that Spring Hill Woods was a neighborhood in the back of Country Club Village, accessible only through Border Drive. He said he was also representing Rick Smith, a resident of 307 Spring Hill Woods Drive West, who was out of town. Mr. Smith has resided in Spring Hill Woods for approximately 10 years and currently serves on the Spring Hill Woods Property Owners Association board of directors. Mr. Finland read the following prepared statement from Mr. Smith on behalf of the Spring Hill Woods Property Owners Association: “Our association was very surprised to learn that the parcel on Border Drive East was being marketed as a commercial parcel. Despite the fact there is no frontage on Old Shell Road, we feel that additional commercial development in his area will be detrimental to our residential community. In the last 10 years the area extending from Bit ‘N” Spur to Schwamlee Drive has experienced an increase in residential development and population. The residents of this area have worked closely with the City of Mobile. The community came together to revitalize Lavretta Park. The residents of the Country Club Village have organized to improve their neighborhood, and we have all patiently waited for the sidewalks that will soon be a reality on Old Shell Road. It is our understanding that the City of Mobile has committed the parcel adjacent to the park and fronting Old Shell Road to be used as a parking lot for the park. The new parking lot, along with the new sidewalks on Old Shell Road, will make the park much more accessible to the community. Obviously a B-1 development will increase traffic along Border Drive East, and it is safe to assume business patrons will use this new parking lot for overload parking. Due to the limited size of the new development’s parcel, the parking will be limited. Both the community and the City of Mobile have invested heavily in Lavretta Park. To place a new B-1 development adjacent to the park undermines everything the residents and the City have done to improve this residential community. With the increased residential development in the area has come increased traffic. It is already difficult enough to make a turn on or off Border Drive East. With a new B-1 development curb cut on Border Drive East, the issue is going to intensify. Currently B-1 zoning will allow a variety of businesses to

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reside in the new development, and some of these may not necessarily gel with the residential community with the adjacent City park. Rester's Honda, Food Pak and the lodge were opened at a time when zoning ordinances were less stringent than they are today. These businesses have been grandfathered-in; however, it should be noted that these parcels, along with the parcel in question, are all zoned R-1. There is ample supply of vacant and new commercial development on Old Shell Road from McGregor to University. The addition of yet another development will not only take away from the residential nature of the area, but also work against the Village of Spring Hill's efforts to revitalize the community's commercial district. Based on these facts, the Spring Hill Woods Property Owners Association respectfully requests that the Planning Commission deny zoning change from R-1 to B-1 at this time."

Mr. Plauche asked Mr. Anderson if he would like to respond.

In response to Mr. Thames' quote from the staff report when he talked about there being no error in the Zoning Ordinance and no changes in the neighborhood, Mr. Anderson said the staff states in its report that "it would appear that the Zoning Ordinance can be considered in error for the adjoining non-conforming uses." He contended that the City staff was saying, therefore, that the convenience store and the auto repair store probably should be zoned commercial for the uses that have been in existence for over 46 years. Secondly, the report states that, "creation of a parking lot adjacent to the site in question may preclude traditional single-family use of the site, thus conditions may be changing next to the site that would make rezoning of the site desirable". With regard to traffic, Mr. Anderson said they were talking about eight parking spaces in front of a subdivision of 300-400 homes. He noted that when Spring Hill Woods was approved by this Planning Commission 15-18 years ago, it added 46 lots to the back of this subdivision. With two cars per lot, that would create almost 100 additional cars going past Lavretta Park. He did not feel the residents could complain about traffic when this proposal would allow only eight cars just 50 yards off of Old Shell Road. With regard to statements that the rezoning would have a negative impact on the neighborhood, Mr. Anderson pointed out that several people had stated that property values were going up and development in this area was great. If the convenience store and the auto repair shop were not having a negative impact, he did not see how the proposed business would have a negative impact. Mr. Anderson contended that the proposed development would be a lot better, cleaner and more desirable use than the two existing businesses at the entrance to this subdivision.

Mr. Vallas asked if the proposed use would be allowed in a TB, Transitional Business district, which the staff mentioned may be a more suitable zoning.

Mr. Anderson said they would have no problem with a TB zoning, which would allow the proposed use. He understood that TB would require one parking space per 120 feet of building, but he said they were still going to build the size building proposed and would only need eight parking spaces.

Mr. Olsen said that was correct, but there would be some setback issues in a TB district

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that may make some differences to the proposed site.

Mr. Anderson said they would have no problem if the Commission wanted to go the TB route.

Mr. Miller asked why the subject property did not have access to Old Shell Road.

Mr. Anderson said that the City owned all the property between their site and Old Shell Road

Mr. Olsen said the properties on the west side apparently had incorporated City right-of-way and had been using it as part of their parking facility for a number of years, but the entire area in front of the site in question, as on the west side, was actually City-owned right-of-way.

After discussion a motion was made by Mr. Turner and seconded by Mr. Miller to holdover this application until the Planning Commission meeting of May 17, to give the staff the opportunity to evaluate the rezoning of the site to T-B, Transitional-Business, instead of B-1, Buffer Business.

The motion carried unanimously.

Case #ZON2007-00970

William W. Boesch

1398 Azalea Road

(West side of Azalea Road, 1050'± North of Halls Mill Road).

Rezoning from R-1, Single Family Residential, to B-1, Buffer Business District, for unspecified future use.

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

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

- 1) the site be limited to the existing curb-cut to Azalea Road;**
- 2) the provision of screening of the dumpster with a minimum 6-foot high solid wooden privacy fence;**
- 3) provision of a sidewalk to be constructed and approved by Right-of-Way Engineering;**
- 4) provision of a 6' privacy fence along the property line abutting residentially zoned property;**
- 5) compliance for the improvements to the existing curb-cut to be approved by Right-of-Way Engineering Department; and**
- 6) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2007-00997

Jay Fitzpatrick

1900 Airport Boulevard

(West corner of Airport Boulevard and Myrtle Avenue).

Rezoning from R-1, Single Family Residential, to T-B, Transitional Business District, to allow an office development.

Ms. Linda Burkett was present representing the applicant and concurred with the staff recommendations, with the exception of condition #1 requiring dedication of radius at the intersection of Airport Boulevard and Myrtle Avenue, since the request was for rezoning and not subdivision.

Mr. Olsen explained that the Commission has the authority to require dedication on rezonings, or any other approvals, as they deem necessary. He asked John Lawler, counsel for the Commission, for his opinion.

Mr. Lawler indicated that Mr. Olsen was correct.

Ms. Burkett did not agree and reiterated her point.

In deliberations session Mr. Miller asked about the right-of-way requirement.

Mr. Olsen said the Planning Commission does have the authority to require dedication of right-of-way when it is necessary in rezoning cases.

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

- 1) dedication of radius at the intersection of Airport Boulevard and Myrtle Avenue, minimum radius to be determined by City Engineering Department;**
- 2) the site be limited to one curb cut, size, location and design to be approved by Traffic Engineering, and any unused existing curb cuts to be removed and new curbing and landscaping to be installed (right-of-way permits required);**
- 3) provision of a 6' wooden privacy fence along the West property line must be no higher than 3' in the 10' front setback from both Airport Boulevard and Myrtle Avenue); and**
- 4) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Mr. Olsen noted that if there was a major issue with the dedication requirement, it could

be addressed when it comes to the City Council and would not cause the applicant any delays.

GROUP APPLICATIONS:

Case #SUB2007-00070 (Subdivision)

University Oaks Office Park Subdivision

(West side of University Boulevard, 300'± South of Boulevard Park South).

1 Lot / 2.2± Acres

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

(Also see **Case #ZON2007-00972 (Rezoning) - N & K, Inc. and Vidmon & Cordelia M. Betts** – below.)

Several persons from the audience said they were interested in Zack Logan Estates.

Mr. Olsen explained that the individuals interested were residents of Zack Logan Estates, which was adjacent to the property in question.

Mr. Plauche asked the applicant's representative to present this case.

Jerry Byrd, Byrd Surveying Company, stated that the subdivision plat submitted was called University Oaks. Mr. Betts was the owner of one of the tracts of land, and N & K owned the balance of the property. They were proposing combining the property into one commercial lot facing University Boulevard.

Mr. Plauche asked if the residents were in favor of this plan.

Several persons from the audience said "no".

Sandra Betts Medlock stated that she was born and raised at 556 S. University Boulevard, the parcel in question. Ms. Medlock said her name was on the title of the property and she had no idea that it was being rezoned. She said she was raised there and everybody in their family lived there, and she was opposed to the rezoning of the property.

Mr. Byrd asked Ms. Medlock if Mr. Betts was her father.

Ms. Medlock said Mr. Betts was her father.

Mr. Byrd said he was dealing through a realtor and he was told that Mr. Betts owned the property. His name was on the tax assessment.

Ms. Medlock said her name was on the deed, as well as on the will.

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Mr. Plauche said that apparently there was a discrepancy in the ownership of this property and asked if the Commission should proceed.

Mr. Olsen suggested that the Commission hold over this application to allow the discrepancy to be cleared up.

Ms. Medlock said there were some other people in the neighborhood present that wanted to say something about the property being rezoned.

Mr. Plauche said the application would be held over to the meeting of May 17th, but if anyone wished to speak they could do so at this time.

Mr. Williams, a resident of 556 Zack Logan Estates, said they did not want commercial property in the neighborhood. He said Zack Logan Estates had been there since before Spring Hill College. His mother raised her family there and the whole family came from that neighborhood. Zack Logan was their grandfather and owned the whole parcel of land all the way to Dawes union and they did not want it zoned commercial. He said they were not interested in the money, but their heritage.

Grace Wells stated that she owned 558 Zack Logan adjoining the subject property, and felt commercial zoning would be a detriment to the area. Ms. Wells said she was born and raised in this community, and she did not want to see commercial closing in on this residential neighborhood that their forefathers worked hard for. They did not want to see their community and their heritage dissolve. She asked the Commission to consider this in making their decision.

Mary Green, a resident of 562 Zack Logan Avenue, said she had lived there for 45 years and was opposed to rezoning for commercial use next to this residential neighborhood. She said they had all raised their children there and it was important to them that it remain a residential area.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Vallas to holdover this plan until May 17th in order to allow property ownership issues to be resolved.

The motion carried unanimously.

Case #ZON2007-00972 (Rezoning)

N & K, Inc. and Vidmon & Cordelia M. Betts

(West side of University Boulevard, 300'± South of Boulevard Park South).

Rezoning from R-1, Single Family Residential, to B-1, Buffer Business District, to allow an office building.

(For discussion see **Case #SUB2007-00070 (Subdivision) University Oaks Office Park Subdivision** – above.)

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After discussion a motion was made by Mr. Plauche and seconded by Mr. Vallas to holdover this application to the May 17th meeting in order to allow property ownership issues to be resolved.

The motion carried unanimously.

Case #SUB2007-00078 (Subdivision)

Robert Moore Park Subdivision

4213 Halls Mill Road

(East side of Halls Mill Road, 185'± North of Alden Drive).

1 Lot / 16.6± Acres

Mr. Plauche announced that this application was recommended for holdover to the meeting of May 17th. The applicant's representative, however, was present and asked to speak.

(Also see **Case #ZON2007-00642 (Planned Unit Development) (Holdover)**

Robert Moore Park Subdivision – below; and **Case #ZON2007-01009 (Rezoning)**

Robert S. Moore – below.)

Frank Dagley, 717 Executive Park Drive, stated that when they submitted this application they thought they had addressed all the issues. They had resubmitted the plats showing the parking area and the landlocked area. They had shown a 25-foot setback on the subdivision plat and the PUD. He said the big issue seemed to be parking, which he addressed at the previous meeting, knowing that it was going to be held over, and they did not concur with the concerns about parking. Mr. Dagley said this proposed development was patterned after a development they did in the County, and at this point they were not sure how it was going to develop, but the owners were aware of the required parking ratios for offices and warehouses. He thought they were going to have a building for a contractor with an office, a restroom, and a place to store equipment. The owner was aware that he could not put a 4,000-square foot square office in one of these buildings. As the site develops, Mr. Dagley said each building would be submitted for a permit, and at that time the parking ratios would be looked at for that individual establishment. For this reason, he did not think they could categorically say that they had to have one parking space for every 300 square feet of these buildings. He noted that the development similar to this in the County had been developed in this manner. Regarding drainage, Mr. Dagley said he had talked to Mr. Vogtner and they understood the requirements and were going to provide retention. He pointed out a huge drainage easement through the middle of the property, which they have left open, and they planned to improve the drainage with a larger pipe.

Mr. Olsen said he understood what Mr. Dagley was saying to some degree, but the similar development he kept referring to was in the County where they had no zoning or parking requirements. The staff was concerned because based on the plan that was submitted initially, the buildings where the offices would be located were approximately 50 percent or more of each of the units, and the staff did not consider that necessarily

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warehousing. That was storage, as a department or retail store would have storage. Warehousing was something that was basically a very small percentage of office space or display area, with the overwhelming majority of the building being warehousing. Mr. Olsen said there was also concern with Engineering's comments requesting that the detention area be shown on plan. In addition, PUDs were site-plan- specific, and if there were any changes because one of the latter developers of one of the buildings needed more office space than what would be allowed for each individual unit, that could create a problem. It would also mean that the staff would be required to keep a running total of how many of those parking spaces had been dedicated to each and every one of those units. Mr. Olsen said if the parking were provided at the appropriate 1-300 ratio for the entire development, there would not be an issue at any point in the future.

Mr. Dagley said that one of the owners would like to speak.

Larry Heard, 28220 Burkhart Drive in Orange Beach, stated that he and Mr. Moore were well aware of the parking restrictions and planned to address them, but they could not do that until they had a lease, and they could not get a lease until they addressed this issue, so they were in kind of a catch-22 situation. Mr. Heard said they were fashioning this development on a development in the County by Charles Chapman, and said there were other developments in other areas similar to this. He said they may, at some point in time, get another building that is bigger, which Mr. Olsen referred to. That was very likely, but they also already had an approved PUD on the other 12 acres behind the subject property, and if they did want to do something like that, they could go ahead and pursue it there. That PUD, approved 10-12 years ago, had much larger buildings on it. The lot lines where the landlocked piece, which the staff was concerned about, had been dissolved, and the other back acreage of their store was now all-inclusive. Mr. Heard said they had no problem in following any recommendations the staff may require, going way beyond the tree ordinance. He said he was a huge gardener and had planted 10,000 palm trees just before Katrina, although half of those died. They had also planted over 50 Live Oaks on the property. They had a rose garden and built a gazebo in the center of the original tract of land.

Mr. Vallas asked if the plan could be approved if the applicant just developed three of the four buildings at this time and developed more parking than was shown on this plan. That way, if the square footage of office space versus warehouse space was on the lighter side of office, then they would not use that additional parking. It could be used for future buildings.

Mr. Olsen said the PUD could be approved with a condition that the site plan show the development of all proposed parking areas, and only the buildings located to the west of the drainage easement. Then on the east side of the drainage easement they could come back in for an amendment to the PUD to allow those at some point in the future when they were ready for that.

Mr. Heard said approval with the conditions as stated by Mr. Olsen would be fine.

Mr. Olsen also said he wanted to point out that the PUD for the main property that Mr. Heard referred to had long since expired and was no longer valid, so anything they did on that property would have to go through this process again.

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

- 1) revision of the plat to depict the minimum building setback line across the entire Halls Mill Road frontage area, with accommodations made for the required dedication of right-of-way;**
- 2) the size, design and location of curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards; and**
- 3) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2007-00642 (Planned Unit Development) (Holdover)
Robert Moore Park Subdivision

4213 Halls Mill Road

(East side of Halls Mill Road, 185'± North of Alden Drive).

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

Mr. Plauche announced that this application was recommended for holdover to the meeting of May 17th. The applicant's representative, however, was present and asked to speak.

(For discussion see **Case #SUB2007-00078 (Subdivision) Robert Moore Park Subdivision** – above; also see **Case #ZON2007-01009 (Rezoning) Robert S. Moore** – below.)

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

- 1) revision of the site plan to show development of all of the proposed parking areas, and only the buildings located to the West of the drainage easement;**
- 2) revision of the site plan to comply with Engineering comments (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. Show general detention location on PUD site plan application. Provide 100-year detention on site. Discharge from the detention pond will have to be conveyed to the earthen channel north of the existing storm drain running through the property north of proposed subdivision. 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) revision of the site plan to depict the 25-foot minimum building setback line from the right-of-way dedication area for the portion of the site that will accommodate new construction;
- 4) provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the Subdivision plat; and
- 5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2007-01009 (Rezoning)

Robert S. Moore

4213 Halls Mill Road

(East side of Halls Mill Road, 185' ± North of Alden Drive).

Rezoning from R-1, Single Family Residential, and B-3, Community Business District, to B-3, Community Business District, to eliminate split zoning and allow for general retail sales.

Mr. Plauche announced that this application was recommended for holdover to the meeting of May 17th. The applicant's representative, however, was present and asked to speak.

(For discussion see **Case #SUB2007-00078 (Subdivision) Robert Moore Park Subdivision** – above; also see **Case #ZON2007-00642 (Planned Unit Development) (Holdover) Robert Moore Park Subdivision** – above.)

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

- 1) completion of the Subdivision process;
- 2) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

OTHER BUSINESS:

There being no further business, the meeting was adjourned.

APPROVED: June 7, 2007

Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

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