

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF MAY 2, 2002 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Robert Frost, Chairman
Wendell Quimby, Vice-Chair
Victor McSwain, Secretary
Victoria L. Rivizzigno
John Vallas
Terry Plauche
Norman Hill (S)
James Laier (S)

Members Absent

Clinton Johnson
Ann Deakle

Staff Present

Richard L. Olsen, Planner II
Shayla Jones, Long Range Planning
Jennifer Henley, Secretary II

Others Present

John Lawler, Assistant City Attorney
David Daughenbaugh, Urban Forestry
Deborah Leo, Traffic Engineering
Beverly Terry, City Engineering
Pat Stewart, County Engineering

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

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

APPROVAL OF MINUTES:

A motion was made by Dr. Rivizzigno and seconded by Dr. Laier to approve the minutes of the April 4, 2002, meeting as submitted. The motion carried unanimously.

HOLDOVER:

Case #SUB2002-00064

Kiser Oaks Subdivision

East terminus of Hampton Oaks Drive.
2 Lots / 5.8+ Acres

Mr. Marshall McLeod of Marshall A. McLeod, P.L.S., L.L.C, was representing the applicant and asked that this application be heldover until the next meeting. He stated that they needed time to gather additional information.

Mr. Olsen urged the applicant to submit this revised information as soon as possible. If it was not received by Wednesday of the following week, the application would have to be heldover to the first meeting in June.

Mr. McSwain inquired if this would be the final holdover.

Mr. McLeod felt that it would be, but he was unsure.

There was no one present in opposition.

In discussion, a motion was made by Mr. Frost and seconded by Mr. Plauche to holdover this application until the meeting of May 16, 2002, at the applicant's request.

Mr. McSwain asked that something be added specifying that this be not be heldover again.

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Mr. Frost and Mr. Plauche amended their motion and second respectively to holdover this application until the meeting of May 16, 2002, at the applicant's request. It should be noted that it is the consensus of the Commission that no further holdovers will be granted.

The motion carried unanimously.

EXTENSIONS:

Case #SUB2001-00060

Hunter's Ridge Northwest Subdivision

South side of Airport Boulevard, 3/10 mile± West of Repoll Road at the East terminus of Hunter's Circle West, and the North terminus of Hunter's Ridge Drive West.

32 Lots / 18.2± Acres

Request for a one-year extension of previous approval.

Mr. Jerry Luker was representing the applicant.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Dr. Laier to grant a one-year extension of previous approval for this subdivision.

The motion carried unanimously.

Case #ZON2001-00984

Magnolia Place Subdivision

West side of East Drive, 3/10 mile± South of Old Shell Road, extending to the East side of Center Drive.

Planned Unit Development Approval to allow a residential subdivision with amended lot sizes, setback lines, and site coverage limits.

Request for a one-year extension of previous approval.

(Also see Case #SUB2001-00108 – **Magnolia Place Subdivision** – Below)

Mr. Zack Deas of 4400 Monarch Drive, applicant, was present and noted that the extensions for this site had been recommended for denial by the staff. He said that they had hired an engineer six months ago to start addressing the requirements of the City and they were still in the process of doing this. The only reason they were not ready to move forward was because the Mobile Area Water and Sewer Board wanted them to make some changes. The Water Board was planning to make some improvements as far as capacity in this area. Mr. Deas said that he was also in the process of trying to deed some property to the City on Center Drive. He had been told by a staff member of the Urban Development Department that there would be no problem getting these extensions approved, so he was surprised by the recommendation for denial.

Mr. Frost inquired about the rezoning application.

Mr. Olsen said that there was a rezoning application in addition to the subdivision and Planned Unit Development applications for this site. The rezoning had never been forwarded to the City Council because the applicant had not completed all of the required steps. He explained that the Commission's recommendation for a rezoning typically expired after a one-year time period and the process would have to be started over again.

Mr. Deas said that the only thing they lacked was the deeding of the property on Center Drive. He stated that it was being held up because of a discrepancy between what was required by the Commission and what the City Engineering Department was saying. He thought they had since worked everything out and were ready to move forward.

Mr. McSwain inquired if the staff considered the rezoning application to be expired.

Mr. Olsen replied yes.

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Mr. McSwain felt that they had no option but to deny this.

Mr. Olsen said that without the rezoning the Planned Unit Development and subdivision applications would not comply with the Zoning Ordinance requirements for R-1, which is what the property was currently zoned. The property would have to be R-2 to be used as proposed.

There was no one present in opposition.

In discussion, Mr. Frost did not think this could be approved if the zoning had expired.

Mr. Olsen asked City Engineering to address the hold up the applicant had mentioned.

Ms. Terry said that she had no knowledge of this particular project. She felt confident that if there was a hold up it was because they were trying to work out a problem with the developer.

A motion was made by Mr. Frost and seconded by Dr. Laier to deny the request for a one-year extension of previous approval.

The motion carried unanimously.

Case #SUB2001-00108

Magnolia Place Subdivision

West side of East Drive, 3/10 mile± South of Old Shell Road, extending to the East side of Center Drive.

20 Lots / 4.4± Acres

Request for a one-year extension of previous approval.

(For discussion, see Case #ZON2001-00984 – **Magnolia Place Subdivision** – Above)

A motion was made by Mr. Frost and seconded by Dr. Laier to deny the request for a one-year extension of previous approval.

The motion carried unanimously.

Case #SUB2001-00084 (Subdivision)

File #S99-86

Lookover Subdivision

5001 Overlook Road (Southwest corner of Overlook Road and Calascione Lane [substandard right-of-way]).

2 Lots / 4.0± Acres

Request for a one-year extension of previous approval.

Mr. Don Coleman of Rester and Coleman Engineers, Inc., was representing the applicant.

There was no one present in opposition.

A motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to deny the request for a one-year extension of previous approval.

The motion carried unanimously.

Case #SUB2001-00086

Raleigh Addition Subdivision

West side of Sollie Road, 850'± South of Wynnfield Boulevard, adjacent to the South side of Wynnfield Subdivision.

20 Lots / 13.5± Acres

Request for a one-year extension of previous approval.

Mr. Don Coleman of Rester and Coleman Engineers, Inc., was representing the applicant.

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There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Dr. Laier to grant a one-year extension of previous approval for this subdivision.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #ZON2002-00912

EBM Midtown Investments, L.L.C. (Charles Miller, Agent)

55 and 57 Alexander Street (Southwest corner of Alexander Street and Cameron Street). The request for a change in zoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, for the expansion of an existing telecommunications business was considered.

The plan illustrates the existing structure and parking, along with the proposed building and parking.

(Also see Case #SUB2002-00073 – **EBM Midtown Subdivision** – Below)

Mr. Vallas recused himself from the discussion and vote regarding this matter.

Mr. Chuck Miller was representing the applicant and stated that they had a concern with staff recommendation #2 for the rezoning application: *provision of a landscaped berm along Alexander Street and Cameron Street, to screen the site from residential properties located across the street(s)*. He said that they were agreeable to providing the berm along Alexander Street, but they did not feel that there was enough room for such a berm along Cameron Street. He proposed that they be allowed to simply install a landscaped buffer along Cameron Street. He said that the buffer would only extend to the corner of Cameron Street and Alexander Street. He thought there had been some concern with the earlier rezoning application about the corner property, but they had since acquired that corner so there would not be an isolated residence.

There was no one present in opposition.

In discussion, Mr. McSwain inquired if the purpose of the berm was to get the landscaping higher.

Mr. Olsen replied yes. It was also to match/coordinate what was being done on Alexander Street. He felt that there was a way to modify the parking layout to accommodate a berm. However, if the Commission did not want to require a berm, landscaping and screening could be provided along Cameron Street provided that it complied with Section VI.A.3.i. of the Ordinance.

Mr. Frost inquired about the buffering requirements for another site on Cameron Street that had recently been before the Commission.

Mr. Olsen said that the property immediately to the south and west where the existing development was located had previously been zoned R-1, but had since been rezoned to B-2 by the City Council with no conditions on the approval. However, the applicant had mentioned that they would agree to provide buffering along Alexander Street.

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

- (1) denial of access to Alexander Street;
- (2) provision of a landscaped berm along Alexander Street and a landscaped buffer in compliance with Section VI.A.3.i. of the Zoning Ordinance along Cameron Street, to screen the site from residential properties located across the street(s);
- (3) provision of buffering where the site abuts residential properties; and

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- (4) full compliance with all municipal codes and ordinances.

Mr. Vallas recused. The motion carried.

Case #SUB2002-00073 (Subdivision)

EBM Midtown Subdivision

27, 51, 53, 55, and 57 Alexander Street, and 2609 Cameron Street (Southwest corner of Alexander Street and Cameron Street, extending to the Southeast corner of Cameron Street and Boyles Lane).

1 Lot / 2.4± Acres

(For discussion see Case #ZON2002-00912 – **EBM Midtown Investments, L.L.C. [Charles Miller, Agent]** – Above)

A motion was made by Mr. McSwain and seconded by Dr. Laier to approve this subdivision subject to the following conditions:

- (1) placement of a note on the final plat stating that access to Alexander Street is denied;
- (2) all existing curb cuts and drives to Alexander Street be removed and landscaping, sidewalks and curbing be installed; and
- (3) provision of buffering where the site abuts residential properties.

Mr. Vallas recused. The motion carried.

Case #ZON2002-00884

Forest Hill Church of God

5508 Moffett Road (Northeast corner of Moffett Road and Forest Oaks Drive).

The request for Planning Approval to allow the expansion of an existing church in an R-1, Single-Family Residential district for a gymnasium, fellowship hall and classrooms was considered.

The plan illustrates the existing and proposed structures and parking.

(Also see Case #ZON2002-00885 – **Forest Hill Church of God** – Below)

The applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Mr. McSwain and seconded by Mr. Vallas to approve this plan subject to the following conditions:

- (1) compliance with the Engineering Comments;
- (2) that the parking areas (where necessary), be re-striped, specifically the area to the North of the proposed new building, and that this specific area also have bumper stops;
- (3) tree removal permits, as well as the planting of additional trees, if the two trees to be removed were previously claimed for credit; and
- (4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2002-00885

Forest Hill Church of God

5508 Moffett Road (Northeast corner of Moffett Road and Forest Oaks Drive).

The request for Planned Unit Development Approval to allow multiple buildings on a single building site was considered.

The plan illustrates the existing and proposed structures and parking.

(For discussion see Case #ZON2002-00884 – **Forest Hill Church of God** – Above)

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A motion was made by Mr. McSwain and seconded by Mr. Vallas to approve this plan subject to the following conditions:

- (1) compliance with the Engineering Comments;
- (2) that the parking areas (where necessary), be re-stripped, specifically the area to the North of the proposed new building, and that this specific area also have bumper stops;
- (3) tree removal permits, as well as the planting of additional trees, if the two trees to be removed were previously claimed for credit; and
- (4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

NEW ZONING APPLICATION:

Case #ZON2002-00904

Larry A. Johnson

12 North Lafayette Street (East side of Lafayette Street, 250' ± North of Dauphin Street). The request for a change in zoning from R-1, Single-Family Residential, to B-1, Buffer Business, for professional offices was considered.

The site plan illustrates the existing building, dirt drive, and proposed asphalt drive and parking.

Mr. Larry Johnson, applicant, was present and stated that he was the owner of 12 North Lafayette Street, which was currently zoned R-1. He commented that this was the only residential spot on the entire street. He cited some of the non-residential uses in the area including McGill-Toolen School. He did not feel that this site would ever be appropriate for a family dwelling.

Mr. Frost thought that the staff's concern was not necessarily the use, but the size. He also thought that this proposal would be better suited for a variance rather than a change in zoning. He inquired if anything this small had ever been approved for rezoning.

Mr. Olsen replied not to his recollection; not a single lot in the middle of R-1.

Mr. Johnson said that even though the surrounding property was zoned R-1, it was being used commercially. He commented that this site abutted an attorney's office. He felt that professional offices was the best use for this property.

There was no one present in opposition.

In discussion, Mr. McSwain did not feel that this was a residential property, but he thought a variance was more logical.

Mr. Frost sympathized with the applicant, but because this site was so small he agreed that a variance would be best.

Mr. McSwain cited the Pastry Shop on Dauphin Street that was very small and had been rezoned.

Mr. Olsen pointed out that Dauphin Street was a major street and Lafayette Street was not. The business on Dauphin Street also had rear access to an alley. Mr. Olsen said that the staff felt that a request for variance would be more appropriate for the property in question.

A motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to recommend the denial of this change in zoning to the City Council.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATION:

Case #ZON2002-00910

Cottage Hill Baptist Church

780 Lakeside Drive (West side of Lakeside Drive, 190'± North of Joy Springs Drive, extending to the North side of Joy Springs Drive, 210'± West of Lakeside Drive).

The request for Planned Unit Development Approval to allow multiple buildings on a single building site was considered.

The plan illustrates the existing buildings and pavilions, along with the proposed building and parking.

The applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Mr. Plauche to approve this plan subject to the following conditions:

- (1) that the building area along Joy Springs Drive (140'x180) comply with the landscaping and tree planting requirements of the Ordinance;
- (2) the provision of frontage trees along Lakeside Drive; and
- (3) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2002-00068

First Assembly Chickasaw Subdivision

West side of North Beltline Highway, 200'± North of Desirrah Drive South.

2 Lots / 12.1± Acres

Mr. Matt Orrell of Polysurveying Engineering - Land Surveying was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Mr. Plauche to approve this subdivision subject to the following conditions:

- (1) the placement of a note on the final plat stating that Lot 1 is limited to two curb cuts to North Beltline Highway, with the location and design to be approved by ALDOT and Traffic Engineering Department; and
- (2) the placement of a note on the final plat stating that Lot 1-A is limited to one curb cut to North Beltline Highway, with the location and design to be approved by ALDOT and Traffic Engineering Department.

The motion carried unanimously.

Case #SUB2002-00070

Hurricane Bay Subdivision, Resubdivision of Lot 4

North side of Hurricane Bay Drive, 240'± East of Hurricane Bay Lane.

2 Lots / 2.0± Acres

Mr. Jerry Byrd of Byrd Surveying, Inc., was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Mr. Plauche to approve this subdivision subject to the following conditions:

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- (1) the placement of a note on the final plat stating that any lot that is developed commercially and adjoins residentially developed property shall provide a buffer, in compliance with Section V.A.7, of the Subdivision Regulations; and
- (2) the developer obtain any necessary approvals from all applicable federal, state and local agencies.

The motion carried unanimously.

Case #SUB2002-00072

Kingswood Subdivision, 4th Addition, Resubdivision of Lot 32

4511 Kingswood Drive (South side of Kingswood Drive, 280'± West of Queens Way).

1 Lot / 0.4± Acre

Mr. John Witherington of 4511 Kingswood Drive, applicant, was present and stated that he and his wife had recently purchased their home at this location. He said that they were in the process of trying to improve the aesthetics of the front of the house. He had a photograph of an existing canvas awning on the existing front stoop that was approximately 4' x 10'. He pointed out that no other homes in the area had canvas awnings, but most of them had front porches, which was what they were proposing. They wanted to use the footprint of the existing porch. He had shown this plan to his neighbors and none of them were opposed. In fact, they felt that this would be an improvement. The existing stoop was 1-1/2' to 2' over the setback.

Dr. Rivizzigno thought that the staff report indicated that there was a 10' encroachment.

Mr. Witherington thought that his surveyor had asked for 10'. The setback was supposed to be 45' and he needed a 42'-43' setback.

There was no one present in opposition.

In discussion, a motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to approve this subdivision.

Dr. Rivizzigno felt that the intrusion had already occurred because there was an existing stoop.

Mr. McSwain said that they had recently denied an application to encroach into the setback, but in that case there was not an existing structure.

Mr. Olsen asked that the Commission consider changing the approval to a 40' setback, since that would give the applicant adequate room for what he was proposing, but not be as much of an encroachment should a future owner choose to make an addition. This would also be less noticeable on the streetscape.

Mr. McSwain and Dr. Rivizzigno amended their motion and second respectively. The final motion was to approve this subdivision subject to the following condition:

- (1) provision of a 40' minimum building setback line.

The motion carried unanimously.

Case #SUB2002-00067

Maureen Place Subdivision

South side of Gill Road, 400'± East of Alba Club Road.

3 Lots / 4.5± Acres

Mr. Matt Orrell of Polysurveying Engineering – Land Surveying was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

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A motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to approve this subdivision subject to the following condition:

- (1) the placement of twenty-five foot building setback lines on the final plat.

The motion carried unanimously.

Case #SUB2002-00071

Roberts Addition to Grelot Road Subdivision

1350 Schillinger Road South (North side of Grelot Road, ¼ mile± West of Schillinger Road).

3 Lots / 38.2± Acres

Mr. Arthur Smith was representing the five owners of the site in question, three of which were present. He was also representing a potential purchaser of Lot 1. He had some concerns regarding the staff's recommendation for a 25' access strip off the eastern side of the property and to reconfigure Lot 3. He asked that either Lot 3 be eliminated from the subdivision project or that the 25' requirement be waived. He said that though it was not necessarily in compliance with the regulations, Lot 3 was currently accessed by crossing Lot 2 and going behind the pond. There was also an easement on the north side of Lot 3 with access through Kimberleigh Subdivision; there were two existing accesses to Lot 3. He did not think that the 25' strip the staff was asking for would ever be used even if it was provided. He thought that when Lot 2 was developed, proper road frontage and access to Lot 3 would come by way of development of the entire parcel.

Mr. Frost did not think that they could eliminate Lot 3 from the request because there was separate ownership.

Mr. Smith said that if this was the case he hoped they would not require the 25' easement at this time, but address it in the future when Lot 2 was developed.

Mr. Olsen pointed out on the map where the staff was requesting that the access be located. He said that Regulations required at least 25' of street frontage. He thought Mr. Smith was asking that the Commission waive this requirement at this time. Mr. Olsen pointed out what Mr. Smith was proposing.

Mr. Smith said that he would prefer that the Commission wait to require additional access, but if this was not something they could do he would agree to what was shown on the plan submitted.

There was no one present in opposition.

In discussion, Mr. McSwain did not think that it would be that difficult to shift the easement.

Mr. Frost felt that they were trying to put something on Lot 1 and they needed additional space.

Mr. Olsen thought that the applicant's concern was that if the easement was moved now, in the future when Lot 2 was resubdivided and access was provided to Lot 3, there would be a useless 25' strip.

A motion was made by Dr. Rivizzigno and seconded by Mr. Vallas to approve this subdivision subject to the staff recommendations with the exception of #4.

Mr. Olsen asked that instead of eliminating condition #4, that they change it to say that there be no future resubdivision of Lot 2 until such time as adequate street frontage is provided for Lot 3 and the 25' strip is eliminated.

Dr. Rivizzigno and Mr. Vallas amended their motion and second respectively. The final motion was to approve this subdivision subject to the following conditions:

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- (1) the placement of a note on the final plat stating that Lot 1 is limited to one curb cut, with the location and design to be approved by County Engineering;
- (2) the placement of a note on the final plat stating that Lot 2 is limited to two curb cuts to Grelot Road, with the location and design to be approved by County Engineering;
- (3) the placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations;
- (4) placement of a note on the final plat stating that there be no future resubdivision of Lot 2 until such time as adequate street frontage is provided for Lot 3 and the 25' strip is eliminated; and
- (5) the placement of the twenty-five minimum building setback line on the final plat.

The motion carried unanimously.

Case #SUB2002-00069

Shannons River Park Subdivision, Resubdivision of Lots 16 & 17

1750 Navco Road (South side of Navco Road, 60'± West of Dog River Drive North).

2 Lots / 2.6± Acres

Mr. Jerry Byrd of Byrd Surveying, Inc. was representing the applicant and asked that this application be heard today; it was recommended for a holdover by the staff. He did not think that some of the statements in the staff report were entirely correct. The staff report said that they were trying to create two lots out of metes and bounds parcels. He said this was incorrect. He stated that these were two legal lots of record and they could get building permits for them today without further subdivision approval. When his client purchased the property there was an easement through the two lots. All they were asking for today was to slightly reposition the dividing line between the two lots. His client had no connection to the landlocked property to the rear. However, the staff had suggested that they be required to provide an easement for that landlocked property.

Mr. Norton Brooker was also representing the applicant and stated that the plat submitted with this application clearly showed that these were two legal lots of record. He further stated that there was an easement that could be seen from Navco Road that went down the middle of the property in question. His client wanted to sell the easternmost lot to the adjacent property owner, Modern Homes. The property to the rear was conveyed off of the Modern Homes property to the County in 1970. The property behind Lots 16 and 17 was never part of Shannons River Park Subdivision. He submitted documentation to the staff showing that the easement was of record. They simply wanted to move the interior lot line because of the pending sale, which was scheduled to close on May 15. They did not think that this would adversely affect anyone.

Mr. Frost inquired if the staff was saying that the lot to the rear needed to be included because it was created after 1952, making this a three lot subdivision.

Mr. Olsen replied yes.

Mr. Brooker said that they had no connection to those property owners.

Mr. Frost said that they could possibly accept a letter from the adjacent property owner stating that they were unwilling to participate in the subdivision.

There was no one present in opposition.

In discussion, Mr. Frost inquired if they could approve this subject to a letter being submitted stating that the adjacent property did not wish to participate in the subdivision.

Mr. Olsen replied yes.

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Mr. Frost inquired if the staff would recommend any other conditions be placed on the approval.

Mr. Olsen suggested that they add conditions regarding setbacks and buffering where the site abuts residential property.

Dr. Rivizzigno inquired if this buffer would apply to the church property since it was zoned residentially.

Mr. Olsen replied yes.

A motion was made by Mr. Frost and seconded by Dr. Rivizzigno to approve this subdivision subject to the following conditions:

- (1) provision of a 25' minimum building setback;
- (2) provision of buffering in compliance with Section VI.A.3.i. where the site abuts residential property; and
- (3) submission of a letter from the adjacent property owner to the south stating that they do not wish to participate in the subdivision.

The motion carried unanimously.

Case #SUB2002-00066

Story's Estate Subdivision

4025 Dawes Lane East (Southeast corner of Dawes Lane East and Gold Mine Road North).

5 Lots / 1.8+ Acres

Mr. Matt Orrell of Polysurveying Engineering – Land Surveying was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Mr. McSwain and seconded by Dr. Laier to approve this subdivision subject to the following conditions:

- (1) the placement of a note on the final plat stating that Lot 1 is denied access to Goldmine Road North;
- (2) the dedication of a 25' radius at the corner of Goldmine Road North and Dawes Lane East;
- (3) the placement of the twenty-five foot minimum building setback line on the final plat; and
- (4) that the lot lines be shifted such that each lot contains minimum of 15,000 square feet.

The motion carried unanimously.

Case #SUB2002-00065

Magnolia Grove Subdivision, The Grande, Unit Two

North terminus of Magnolia Grande Drive, extending North and West to Graham Road South, and East to the North side of Magnolia Grove Parkway.

37 Lots / 20.0+ Acres

Mr. Don Coleman of Rester and Coleman Engineers, Inc., was representing the applicant and asked that this application be heldover until the next meeting.

There was no one present in opposition.

A motion was made by Mr. Frost and seconded by Dr. Rivizzigno to holdover this application until the meeting of May 18, 2002, at the applicant's request.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATION:

Case #ZON2002-00883

Home Builders Association of Mobile

1605 University Boulevard Service Road (East side of University Boulevard Service Road, 125'± South of Olivedale Drive).

The request to waive construction of a sidewalk along University Boulevard Service Road was considered.

Ms. Terry submitted a letter from the City Engineering Department to the Commission.

Mr. Frank Dagley was representing the applicant and stated that the staff report gave them three options and he thought they might be able to work with one of the options. The Home Builders Association was willing to accept the staff's recommendation and do what they could. However, he was unsure if there was enough room to put a 3' sidewalk between the curb and the tree.

Mr. Daughenbaugh stated that based on a site visit this would not be prudent. He thought it would affect a major portion of the root system of the tree. Urban Forestry would not be in favor of that location, but he pointed out that the staff had suggested two other possible locations.

Mr. Dagley said that they did not want to give up property to put a sidewalk behind the trees.

Mr. Frost said that the letter from the City Engineering Department stated that they did not feel that options 1 and 2 were feasible. Therefore, they would be limited to option 3 which would be to dedicate right-of-way for a sidewalk.

Mr. Dagley said that he could not recall this ever being done. Usually if there was not enough room on the right-of-way a waiver was granted. He was very opposed to that option.

There was no one present in opposition.

In discussion, a motion was made by Mr. McSwain and seconded by Mr. Vallas to approve this request.

Mr. McSwain said that he could not recall the Commission ever requiring additional right-of-way for a sidewalk.

Mr. Frost commented that the staff had come up with more than one option for the sidewalk, but they had not seen the report from City Engineering.

The question was called. The motion carried unanimously.

OTHER BUSINESS:

Proposed resolution to require sidewalks in conjunction with all future widening projects in the City of Mobile

RESOLUTION

Sponsored by: The Mobile City Planning Commission

A RESOLUTION TO REQUIRE THE PROVISION OF SIDEWALKS IN ALL NEW PRIMARY AND SECONDARY STREET PROJECTS INVOLVING ANY COMBINATION OF NEW CONSTRUCTION, WIDENING AND/OR EXTENSION OF EXISTING STREETS.

The adoption of the following Resolution was moved, seconded and unanimously approved by the members of the Commission present:

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“WHEREAS, it is the policy of the Mobile City planning Commission to accommodate pedestrians and bicyclists in addition to motor vehicles in the transportation planning process; and

“WHEREAS, the City’s Subdivision Regulations have, for many years, required the provision of sidewalks on both sides of streets in a new subdivision for the purpose of separating pedestrians from motor vehicles; and

“WHEREAS, it is equally desirable to provide such sidewalk facilities in conjunction with the development of primary and secondary streets, whether by new construction, widening and/or extension; and

“WHEREAS, the accommodation of pedestrians and bicyclists is a specific concern of the Federal, Intermodal Surface Transportation Efficiency Act of 1991; and

“WHEREAS, in the 2025 Transportation Plan of the Mobile Area Transportation Study, the Mobile Metropolitan Planning Organization requested that the State and all local governments include bicycle and pedestrian studies in all road projects financed with Federal funds;

NOW, THEREFORE, BE IT RESOLVED by the Mobile City Planning Commission in legal session convened as follows:

SECTION I. That whenever a primary or secondary street is developed by new construction, widening and/or extension, that sidewalks shall be included as an integral part of the project planning and shall be constructed on both sides of said street wherever feasible.

SECTION II. BE IT FURTHER RESOLVED that the action taken in the adoption of this resolution shall be recorded by the identifying signature of the Chairman and/or Secretary of this Commission and shall record the action taken in the adoption of this resolution to the Mayor, city Clerk, and City Council.

Mr. Frost said that a copy of this resolution had been sent out to the Commission members prior to the meeting.

Mr. Olsen said that at the Commission’s Business Meeting there had been discussion about whether or not to apply this in the City corporate limits only or in the Planning Jurisdiction as well.

It was the consensus of the Commission that this apply to the City corporate limits.

A motion was made by Mr. Frost and seconded by Dr. Rivizzigno to adopt this resolution as submitted by the staff, with a change in language to specify that this would apply to the City corporate limits only.

The motion carried unanimously.

Proposed resolution regarding limitation of access for the new Snow/45 connector

RESOLUTION

Sponsored by: The Mobile City Planning Commission

A RESOLUTION TO OBTAIN ASSURANCES THAT THE PROPOSED “MOBILE WEST BYPASS” OR “OUTER LOOP HIGHWAY” PROJECT WILL BE DESIGNED AND CONSTRUCTED AS A LIMITED ACCESS FACILITY SIMILAR TO FEDERAL INTERSTATE STANDARDS.

The adoption of the following resolution was moved, seconded and unanimously approved by the members of the Commission present:

WHEREAS, the Alabama Department of Transportation is seeking comments on a proposed new freeway referred to as the “Mobile West Bypass” or the “Outer Loop Highway” as a project of the 2025 Highway Element of the Mobile Area Transportation Study Long Range Plan; and

WHEREAS, this proposed road will loop around the Mobile urban area from Interstate 65 near Satsuma to Interstate 10 near St. Elmo with interchanges suggested at key points of intersection with other major routes, thereby significantly relieving traffic congestion in the greater Mobile area; and

May 2, 2002

WHEREAS, the project as proposed, would be approximately 36 miles in length, 13.5 miles of which would be within the extraterritorial planning jurisdiction of the Mobile City Planning Commission; and

WHEREAS, the adopted Comprehensive Plan for the City of Mobile and this extraterritorial jurisdiction are both authorized by Section 11, Chapter 52 of the Code of Alabama (1975 as amended); and

WHEREAS, one of the three components of this Comprehensive Plan is that of transportation, chiefly in the form of the Major Street Plan; and

WHEREAS, a part of the text of the Major Street Plan reads that "...the effectiveness of a thoroughfare is impaired and made more dangerous when vehicles are permitted to move directly between the moving traffic lanes of the thoroughfare and the abutting developed land via minor streets, driveways and parking areas. This type of congestion can be prevented or minimized on a major arterial if the arterial is developed with parallel service streets or roads that permit traffic to enter and exit only at selected control points;

NOW, THEREFORE, BE IT RESOLVED by the Mobile City Planning Commission, in legal session convened as follows:

“THAT the proposed major arterial loop road known as the “Mobile West Bypass” or the “Outer Loop Highway” be developed as a limited access facility using service roads, selected control points of ingress and egress, and/or other design techniques in order to insure that the “thoroughfare” integrity of the facility is maintained, similar to that of a Federal interstate highway.

Mr. Frost said that a copy of this resolution had been sent out to the Commission members prior to the meeting.

Mr. McSwain inquired if the State had asked for this type of support.

Mr. Olsen said that this was the staff’s understanding. The State was planning on this being a limited access roadway, but they were encouraging any support they could get. He commented that the Mayor was also in support of this resolution.

A motion was made by Mr. Frost and seconded by Dr. Rivizzigno to adopt this resolution as submitted by the staff.

The motion carried unanimously.

There being no further business, the meeting was adjourned.

APPROVED: June 6, 2002

Victor McSwain, Secretary

Robert Frost, Chairman

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