

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF NOVEMBER 7, 2002 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Robert Frost, Chairman
Victor McSwain, Secretary
Victoria L. Rivizzigno
Terry Plauche
James Laier (S)

Members Absent

Wendell Quimby, Vice-Chair
Stephen Nodine
Ann Deakle
John Vallas
Norman Hill (S)

Staff Present

Laura Clarke, Director
Urban Development Department
Richard L. Olsen, Planner II
Margaret Pappas, Planner II
Frank Palombo, Planner I
Jennifer Henley, Secretary II

Others Present

John Lawler, Assistant City Attorney
Ron Jackson, Urban Forestry
Jennifer White, Traffic Engineering
Beverly Terry, City Engineering
Pat Stewart, County Engineering
Wanda Cochran, Attorney

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.

HOLDOVERS:

Case #ZON2002-02105

Providence Church of God Subdivision (M. Don Williams, III, Agent)

53 Foreman Road (Northeast corner of Dickens Ferry Road and Foreman Road, extending to the Southeast corner of Old Shell Road and Foreman Road).

The request for Planning Approval to allow an expansion of an existing church in an R-1, Single-Family Residential District to include a multi-purpose building and additional parking was considered.

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

(Also see Case #ZON2002-02103 - **Providence Church of God Subdivision (M. Don Williams, III, Agent)** – Below; and Case #SUB2002-00234 - **Providence Church of God Subdivision (Pastor Joseph C. Thurman)** – Below)

Mr. M. Don Williams of M. Don Williams Engineering, was representing the applicant and stated that he had some concerns regarding staff condition #3 requiring submission of a bond to cover the cost of installation of a sidewalk along Old Shell Road, if it was not included in the County project. Mr. Williams said that this site was bounded by three streets that were not to City standards in regards to curbing and gutter. He stated that most of this property was developed in the County many years ago and all three of the streets had asphalt edges and did not have curb and gutter. He said that along Foreman and Old Shell Roads there was a grassed, open ditch as was typical with County roads. As a result of that, a standard City sidewalk would not easily fit. If they were to put in a sidewalk, it would be 2'-3' higher than the edge of the asphalt roadway because of a slope. They were planning to apply for a sidewalk waiver application for Dickens Ferry Road and Foreman Road. They also wanted to include Old Shell Road in that request, but if condition #3 were adopted as written, they would not have this opportunity.

Mr. Frost said that the bond issue was for the Old Shell Road frontage only.

Mr. Williams said that they wanted to have sidewalks waived on all three roads, because they all had the same situation. He stated that a sidewalk would be placed at the corner

November 7, 2002

of Dickens Ferry and Foreman Roads, because the ditch was not there. They were in the process of eliminating some head-in parking. He pointed out that Old Shell Road was in the process of being widened. There was a 60' right-of-way now and all of the additional right-of-way was going to be acquired from the University of South Alabama property to the north. He thought a sidewalk was going to be installed to the north.

Mr. Frost inquired if Mr. Williams would be agreeable to modifying the condition to require the bond if a waiver was not granted.

Mr. Williams felt this would be acceptable. They just wanted the opportunity to ask for the waiver and at that time they might know more about what the County was planning. He asked if Mr. Stewart could give the Commission an update on the project.

Mr. Stewart said that they were getting ready to go into the design phase. They were anticipating a sidewalk along the north side based on the City's request; they were still undecided about the south side.

Mr. McSwain inquired if all of the right-of-way was being taken from the north side.

Mr. Stewart said that the University of South Alabama had agreed to let them do that, so it would lessen the impact on everybody.

There was no one present in opposition.

In discussion, possible wording of condition #3 was deliberated.

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

- (1) full compliance with the landscaping and tree planting requirements of the Zoning Ordinance (exclusive of residentially used structures);
- (2) provision of sidewalks where roadway improvements allow;
- (3) submission of a bond sufficient to cover the cost of sidewalk installation along Old Shell Road if they are not included in the County project and if a sidewalk waiver is not approved;
- (4) provision of buffering along the East property line; and
- (5) full compliance with all municipal codes and Ordinances.

The motion carried unanimously.

Case #ZON2002-02103 (Planned Unit Development)

Providence Church of God Subdivision (M. Don Williams, III, Agent)

53 Foreman Road (Northeast corner of Dickens Ferry Road and Foreman Road, extending to the Southeast corner of Old Shell Road and Foreman Road).

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

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

(For discussion see Case #ZON2002-02105 - **Providence Church of God Subdivision (M. Don Williams, III, Agent)** – Above; also see Case #SUB2002-00234 - **Providence Church of God Subdivision (Pastor Joseph C. Thurman)** – Below)

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

- (1) full compliance with the landscaping and tree planting requirements of the Zoning Ordinance (exclusive of residentially used structures);
- (2) provision of sidewalks where roadway improvements allow;

November 7, 2002

- (3) submission of a bond sufficient to cover the cost of sidewalk installation along Old Shell Road if they are not included in the County project and if a sidewalk waiver is not approved;
- (4) provision of buffering along the East property line; and
- (5) full compliance with all municipal codes and Ordinances.

The motion carried unanimously.

Case #SUB2002-00234

Providence Church of God Subdivision (Pastor Joseph C. Thurman)

53 Foreman Road (Northeast corner of Dickens Ferry Road and Foreman Road, extending to the Southeast corner of Old Shell Road and Foreman Road).

1 Lot / 4.7± Acres

(For discussion see Case #ZON2002-02105 - **Providence Church of God Subdivision (M. Don Williams, III, Agent)** – Above; also see Case #ZON2002-02103 - **Providence Church of God Subdivision (M. Don Williams, III, Agent)** – Above)

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

- (1) elimination continuous curb cut for head-in parking along Foreman Road and Dickens Ferry Road, including removal of paving and installation of landscaping and sidewalks;
- (2) reconfiguration of the driveways to comply with minimum requirements, exact size and location to be approved by Traffic Engineering;
- (3) placement of a note on the final plat stating that the lot is limited to one curb cut to Old Shell Road and one curb cut to Foreman Road, size and location to be approved by Traffic Engineering;
- (4) provision of buffering along the East property line; and
- (5) full compliance with all municipal codes and Ordinances.

The motion carried unanimously.

Case #SUB2002-00243

Bolivia Place Subdivision

Northeast corner of Andrews Road and General Road.

2 Lots . 0.7± Acre

The applicant was present and concurred with the staff recommendations.

Ms. Martha DeMouy of 5760 Andrews Road was present and stated that she was not necessarily in opposition to this, but she wanted something clarified. She said that she had gone to the Water and Sewer Board and had been told that this site was not under City connections. She assumed that there were septic tanks. She was unsure if there would be enough room on the property to provide the necessary field lines for the three homes that would be located there.

Mr. Frost said that the staff had similar questions at the last meeting and had researched this matter and had determined that it did have adequate area for the septic systems.

Ms. DeMouy inquired if there was enough room for three residences.

Mr. Olsen said that there was adequate area for two lots. If there were in fact going to be three septic systems, that would have to be approved by the Board of Health. The Subdivision Regulations state that for a lot that has City water and individual septic systems, the minimum square footage is 15,000 sq. ft. per lot and these lots do comply with that.

Ms. DeMouy did not want any potentials problems in the future.

November 7, 2002

A motion was made by Dr. Rivizzigno 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 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 placement of a twenty-five foot minimum building setback line on the final plat.

The motion carried unanimously.

EXTENSIONS:

Case #SUB2001-00251

LeBaron Woods Subdivision, Unit 6

North terminus of Forest Oaks Drive West, extending West to the East terminus of Erhard Drive.

44 Lots / 27.7± Acres

Request for a one-year extension of previous approval.

A motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to grant a one-year extension of previous approval for the above referenced subdivision

The motion carried unanimously.

Case #SUB2001-00290 (File #S99-19)

Raleigh Subdivision

West side of Cody Road, 870'± South of Wynnfield Boulevard, and extending to the East terminus of Longview Drive.

165 Lots / 110± Acres

Request for a one-year extension of previous approval.

A motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to grant a one-year extension of previous approval for the above referenced subdivision

The motion carried unanimously.

GROUP APPLICATIONS:

Case #ZON2002-02294

Carpe Diem Coffee & Tea Company, Inc.

4072 Old Shell Road (Northeast corner of Old Shell Road and Dilston Street).

Rezoning from B-2, Neighborhood Business to B-2, Neighborhood Business to amend the condition that the development be limited to the accompanying Planned Unit Development.

AND

Case #ZON2002-02293

Carpe Diem Coffee & Tea Company, Inc.

4072 Old Shell Road (Northeast corner of Old Shell Road and Dilston Street).

Planned Unit Development approval to amend a previous approval to allow use of upstairs room for reservations only.

These applications were heldover prior to the meeting at the applicant's request.

Case #ZON2002-02327

Raymon Patel

West side of South Beltline Highway 830'± North of the Western terminus of International Drive.

November 7, 2002

The request for a change in zoning from R-1, Single-Family Residential to B-3, Community Business to allow hotels and a restaurant was considered.

The plan illustrates the proposed subdivision and drive.

(Also see Case #ZON2002-02328 – **Delaney-Patel Beltline Subdivision** – Below; and Case #SUB2002-00259 - **Delaney-Patel Beltline Subdivision** – Below)

Mr. Frost indicated that he would need to recuse himself from the discussion and vote on these matters.

Mr. Olsen pointed out that without Mr. Frost's vote, there would not be a quorum so the applications could not be considered today.

Mr. Williams said that they were on a time schedule for a due diligence clause for a purchase contract and it was important that they move forward with this today.

Mr. Frost said that a member of his family had an indirect financial interest in this site, but he did not know anything about it personally. He thought it might be best if he recused.

Mr. Lawler said that if Mr. Frost felt that he should recuse himself, then he should do so. However, he thought that Mr. Frost was far enough removed from the situation that it would be acceptable for him to vote on this matter if he wished.

Mr. Williams said that he did not have a problem with Mr. Frost voting on this matter. He knew that Mr. Frost was not involved in the future development of this property. Mr. Williams concurred with the staff recommendations. He thanked the staff for working with him on this matter.

There was no one present in opposition.

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

- (1) completion of construction of the private street prior to the issuance of a Certificate of Occupancy for the first building;
- (2) full compliance with the landscaping and tree planting requirements of the Ordinance for each lot;
- (3) provision of a buffer, in compliance with Section VI.D.1. along the West property line where the site abuts residential zoning;
- (4) submission and approval of individual Administrative PUDs for the development of each lot;
- (5) that all access to the site be via the private street;
- (6) full compliance with all municipal codes and ordinances; and
- (7) the approval of all applicable federal, state and local agencies.

The motion carried unanimously.

Case #ZON2002-02328

Delaney-Patel Beltline Subdivision

West side of South Beltline Highway 830'± North of the Western terminus of International Drive.

The request for Planned Unit Development approval to allow a private roadway was considered.

The plan illustrates the proposed subdivision and drive.

(For discussion see Case #ZON2002-02327 – **Raymon Patel** – Above; also see Case #SUB2002-00259 - **Delaney-Patel Beltline Subdivision** – Below)

November 7, 2002

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

- (1) completion of construction of the private street prior to the issuance of a Certificate of Occupancy for the first building;
- (2) full compliance with the landscaping and tree planting requirements of the Ordinance for each lot;
- (3) provision of a buffer, in compliance with Section VI.D.1. along the West property line where the site abuts residential zoning;
- (4) submission and approval of individual Administrative PUDs for the development of each lot;
- (5) that all access to the site be via the private street;
- (6) approval of all applicable federal, state and local agencies; and
- (7) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2002-00259

Delaney-Patel Beltline Subdivision

West side of South Beltline Highway 830'± North of the Western terminus of International Drive.

3 Lots / 3± Acres

(For discussion see Case #ZON2002-02327 – **Raymon Patel** – Above; also see Case #ZON2002-02328 - **Delaney-Patel Beltline Subdivision** – Above)

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

- (1) placement of a note on the final plat stating all access to the site is via the private street;
- (2) construction of the private street in compliance with Section VIII.E.2. of the Regulations prior to the issuance of a Certificate of Occupancy for the first building; and
- (3) approval of all applicable federal, state and local agencies.

The motion carried unanimously.

NEW ZONING APPLICATION:

Case #ZON2002-02324

Ken L. Ferguson, DMD

North side of Shelley Drive, continuing through to Cottage Hill Road, 240'± East of Azalea Road.

The request for a change in zoning from B-1, Buffer Business, to B-2, Neighborhood Business, for retail sales was considered.

The site plan illustrates the proposed building, proposed parking spaces and proposed drive.

Mr. Don Coleman with Rester and Coleman Engineers, Inc., was representing the applicant and asked that the application be withdrawn.

The Planning Commission withdrew the above referenced application from the agenda at the applicant's request.

NEW PLANNED UNIT DEVELOPMENT APPLICATION:

Case #ZON2002-02322

Ridgefield Commons (Audubon Investment, Applicant)

Extending from West Drive to Center Drive at their Southern termini.

November 7, 2002

The request for Planned Unit Development approval to amend a previously approved Planned Unit Development to allow a residential subdivision with reduced lot sizes and reduced building setbacks was considered.

Mr. Matt Orrell of Polysurveying Engineering - Land Surveying was representing the applicant and stated that they had submitted this application to increase the site coverage from 40% to 50%. He had submitted a letter from their engineer stating that this would be feasible.

Mr. Olsen said that he had received the letter and passed it on to Ms. Terry in the City Engineering Department because they would be the ones that would have to approve it. He stated that if City Engineering was agreeable to this, the staff would be agreeable as well.

Ms. Terry said that the what was proposed was acceptable.

There was no one present in opposition.

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

- (1) certification by a professional engineer that the detention pond can effectively handle any increased storm water runoff from increased impervious area; and
- (2) conditions from the previous approval remain in force (denial of access to Center Drive, no access to West Drive, except via the proposed street, maintenance of all common areas to be the responsibility of the property owners association, and full compliance with all municipal codes and ordinances).

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2002-00251

Ann-Springhill Subdivision

Southeast corner of Spring Hill Avenue and Ann Street.

1 Lot / 0.6± Acre

The applicant was present and concurred with the staff recommendations.

Mr. Devereaux Bemis, Director of the Mobile Historic Development Commission, was present and stated that a portion of this site was located in the historic district. When the site was combined into one lot, the parcel as a whole would have to go before the Old Dauphinway Review Board.

The applicant inquired if this was something that he could object to.

Mr. Frost said that this was something that was not within the Commission's purview. He suggested that the applicant contact the Mobile Historic Development Commission with any questions about what would be required of him.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno 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 the site is limited to one curb cut to Spring Hill Avenue and one curb cut to Ann Street, with the size, location and design to be approved by Traffic Engineering; and
- (2) the provision of a buffer in compliance with Section V.A.7. of the Subdivision Regulations where the site adjoins residential property.

The motion carried unanimously.

Case #SUB2002-00258

Avalon Subdivision

320 Avalon Street (East side of Avalon Street, 180' ± South of Batre Lane).

2 Lots / 0.4+ Acre

Mr. M. Don Williams of M. Don Williams Engineering was representing the applicant and stated that there were two driveways coming off of Avalon Street which was bordered by Batre Lane and Devendel Lane. He said that there was no way for either of these streets to be extended in either direction. He pointed out that the neighborhood was almost fully developed. He said that if this application were approved there would only be one additional home. The existing home would be torn down and there would be two new homes built on the subject property. He said that Avalon Street was a 40' right-of-way and 50' was needed. Staff condition #1 required dedication to provide 25' from the centerline, essentially taking 5' off the front of the site. The roadway had been built and the driveways were existing and no one else would be developing on the street. He felt that the dedication would be on paper only, because it would not affect anything physically as the road would never be widened. If the dedication were provided it would take both lots down close to 7,200 sq. ft. per lot which was the absolute minimum. They would then have to have their setback 5' further back. He pointed out that along Batre Lane all of the homes were built almost to the setback line. If they were required to have a deeper setback, it would not help the streetscape. He asked that this condition be eliminated.

Mr. Olsen said that the purpose of this application was to divide this property into two lots, demolish the existing residence and build two new homes. The properties on the other side of Avalon Street were large and could be resubdivided and redeveloped as was typical in this part of the City. As far as the lots being reduced, 7,200 sq. ft. was standard for the City as whole and especially in the Springhill area; it would not be out of character. For the most part, it had been the practice of this Commission, when subdividing property on a substandard street, to require dedication, especially if there was potential for other resubdivision in the area.

Ms. Clarke said that on two of the streets shown on the vicinity map, Batre Lane and Stein Avenue, the Commission had obtained standard right-of-way.

Mr. Williams said that he would stand by his original statements.

Mr. Frost thought that on smaller subdivisions they had required a setback instead of dedication.

Mr. Olsen said that setbacks had only been allowed when it was for future right-of-way. In this case, there was a substandard right-of-way involved and in such cases they had required dedication.

There was no one present in opposition.

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

- (1) the dedication of sufficient right-of-way to provide 25-feet from the centerline of Avalon Street;
- (2) the removal of the existing dwelling prior to the recording of the final plat (including the obtaining of a demolition permit) or the proposed lot line reconfigured to provide an eight-foot; and
- (3) the placement of the 25- foot minimum building setback line on the final plat.

The motion carried unanimously.

November 7, 2002

Case #SUB2002-00257

Battlehouse Tower Subdivision

West side of Water Street, bounded on the North by St. Michael Street, on the South by Dauphin Street and bisected by St. Francis Street.

2 Lots / 3.7± Acres

The applicant was present and concurred with the staff recommendations.

Mr. Gus Thames of 60 St. Francis Street was present and stated that he owned the property adjoining the subject site. He had heard that St. Francis Street would be closed-off.

Mr. Frost said that they were currently just considering a subdivision application.

Mr. Thames said that he had been trying to get information on this matter.

Mr. McSwain said that there was talk at one time about closing St. Francis Street, but this was not going to happen.

Mr. Thames inquired about the building that was currently on the site. He said that it was in disrepair and he was concerned that someone would get hurt. He had contacted the City and nothing had been done. He had pictures of the site. He said that there was glass falling out of the windows and the door was open.

Mr. Frost said that this was not within the Commission's purview.

Ms. Clarke suggested that he contact Mr. Steve Walker, who was involved with the Battlehouse Project. She gave Mr. Thames, Mr. Walker's number.

Mr. Thames inquired if he could have a copy of the staff report and sketches.

Mr. Olsen gave Mr. Thames a copy.

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

- (1) the placement of a note on the final plat stating that stating that the location, size, and design of all curb cuts shall be approved by Traffic Engineering.

The motion carried unanimously.

Case #SUB2002-00252

Dyas Subdivision

Southeast corner of Riviere Du Chien Loop West and Riviere Du Chien Loop South extending Eastward to Dog River.

6 Lots / 15.2± Acres

Mr. Don Coleman with Rester and Coleman Engineers, Inc., was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to waive Section V.D.3., of the Subdivision Regulations, and approve this subdivision subject to the following conditions:

- (1) the removal of the existing dwelling and structures prior to the recording of the final plat;
- (2) that a demolition permit be obtained for the dwelling and structures; and
- (3) the approval of all applicable federal, state, and local agencies.

November 7, 2002

The motion carried unanimously.

Case #SUB2002-00255
Gill Road Place Subdivision
South side of Gill Road, 8

Mr. Joe Regan of Regan Land Surveying, Inc., was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to approve this subdivision.

The motion carried unanimously.

Case #SUB2002-00254
Magnolia Heights Subdivision
West side of Moffett Road, 371'± South of Powell Drive.
47 Lots / 10.6± 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 Mr. Plauche and seconded by Dr. Rivizzigno to approve this subdivision subject to the following conditions:

- (1) the placement of a note on the final plat stating that Lots 1 and 47 are denied direct access to Moffett Road;
- (2) placement of a note on the final plat stating that the maintenance of the common area shall be the responsibility of the property owners, as well as the identification of the common area as a detention area;
- (3) provision of a 25-foot minimum building setback line along all street frontages, with the exception of Lots 1, 28, 29 and 47, which may have a 20-foot setback along the side street;
- (4) provision of the temporary turnaround at the western terminus of the street as shown on the plat submitted; and
- (5) full compliance with all municipal codes and ordinances, including the obtaining of all necessary federal state, local and environmental approvals prior to the issuance of any permits.

The motion carried unanimously.

Case #SUB2002-00256
Seale Place, Second Addition to
West side of Wildwood Place, 100'± South of Vista Bonita South.
2 Lots / 1.8± Acres

Mr. Joe Regan of Regan Land Surveying, Inc., was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

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

- (1) full compliance with Engineering Comments.

The motion carried unanimously.

November 7, 2002

Case #SUB2002-00249

Siena Vista Court Subdivision, Resubdivision of

East side of Mobile Street, 40'± South of Hayles Street.

16 Lots / 4.4± Acres

Mr. Bob Vogtner, Director of the City Engineering Department, was present and stated that one of the staff conditions required dedication of half of the cul-de-sac in front of Lots 15 and 16. As part of the agreement in purchasing and subdividing this property they were asked to prevent traffic from entering Siena Vista, so the cul-de-sac was required as an agreement in the City's purchase of this property.

Ms. Pappas said that this was not indicated in the application. They had been made aware of this after the mail-out. Based on the agreement, the staff would like to change condition #3 to read as follows: *construction of a modified cul-de-sac in front of Lots 15 and 16*. They also wished to add a condition #4 to read: *installation of a barricade at the East end of the modified cul-de-sac*.

Mr. Frost inquired if Mr. Vogtner was the applicant in this case.

Mr. Vogtner said that he was representing the City Engineering Department, who had submitted the application. He stated that McCrory and Williams, Inc. was the engineer for the project.

Mr. Bob Farrell of 295 Siena Vista, was present on behalf of the Siena Vista Neighborhood Association. He inquired what was planned for this property and how it would affect the residents. He had heard different rumors about how the property would be used. He thought that this was a flood plain area. He asked for a copy of the staff report and sketches. He inquired if there would be any kind of buffer required.

Mr. Olsen gave Mr. Farrell a copy of the report and sketches for this case.

Mr. Frost said that it was his understanding that this property was zoned R-1 and generally when there was residential abutting residential a buffer was not required.

Mr. Olsen said that all that could be located on these lots were single-family dwellings. He stated that they could not consider the type of dwellings.

Mr. McSwain pointed out that this subdivision would not connect to Siena Vista. There would be a cul-de-sac so traffic would go in and out of Mobile Street and there would be a barricade in place. He said that the existing cul-de-sac to the west would be removed and he pointed out where the new cul-de-sac would be located.

Mr. Frost suggested that Mr. Farrell contact Mr. Vogtner.

Mr. Clyde Hackworth said that he had received a certified letter of notification regarding this application. He was unsure why he had received this letter.

Mr. Frost said that the Ordinance required that the staff notify surrounding property owners of subdivisions and other types of applications. The letter was to let him know that something was being planned and if he had any concerns he could come to the public hearing and speak.

Mr. Hackworth said that he did not have any objections.

In discussion, Dr. Rivizzigno had some concerns that the name of the street would be Siena Vista Court, since it was not a part of Siena Vista Subdivision.

Mr. McSwain thought that the latest plan submitted at the meeting showed the name being something else.

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

November 7, 2002

- (1) the dedication of additional right-of-way along Mobile Street as shown on the plat submitted;
- (2) construction of the connection to Mobile Street and removal of any excess asphalt from the existing cul de sac;
- (3) construction of a modified cul-de-sac in front of Lots 15 and 16;
- (4) installation of a barricade at the East end of the modified cul-de-sac; and
- (5) that the name of the street be changed for recording as indicated at the meeting.

The motion carried unanimously.

Case #SUB2002-00248

Spring Brook Farms Subdivision

South side of Johnson Road, continuing through to Scott Dairy Loop Road South, 1,060'± East of Scott Dairy Loop Road West.

179 Lots / 60± Acres

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 Dr. Laier to approve this subdivision subject to the following conditions:

- (1) placement of a note on the final plat stating that Lots 1 and 12, Phase 1, Spring Brook Farms, are denied direct access to Johnson Road;
- (2) the dedication of the necessary right-of-way to provide 50-feet from the centerline of Scott Dairy Loop Road South;
- (3) that the common areas that are to be used for detention be labeled as such, with a note on the final plat stating that the maintenance of all common areas shall be the responsibility of the property owners;
- (4) provision of one traffic calming device each, on the two long straightaway streets (the street connecting with Johnson Road and the street along the East side), to be approved by County Engineering;
- (5) construction of a connection or cul de sac with Estate Drive; and
- (6) the provision of a street stub to the East, approximately at the midpoint of the common property line.

The motion carried unanimously.

Case #SUB2002-00250

Tides Inn Subdivision

North side of Hamilton Boulevard, 2,100'± West of Rangeline Road.

1 Lot / 5.6± 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 Dr. Laier to approve this subdivision subject to the following conditions:

- (1) the dedication of sufficient right-of-way to provide 50-feet from the centerline of Hamilton Boulevard;
- (2) the placement of a note on the final plat stating that the development is limited to two curb cuts to Hamilton Boulevard, with the size, location and design to be approved County Engineering;
- (3) the placement of a note on the final plat stating that any lot that is developed commercially and adjoins residentially developed property

November 7, 2002

- shall provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and
- (4) placement of the required 25-foot minimum building setback line on the final plat.

The motion carried unanimously.

Case #SUB2002-00253

Weldy Place Subdivision

Southeast corner of Tung Avenue North and Pinewood Drive at its Western terminus.

2 Lots / 1.5± Acres

Mr. J. E. Barrett of J. E. Barrett & Associates 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 Dr. Laier to approve this subdivision subject to the following conditions:

- (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 placement of a 25-foot minimum building setback line on the final plat.

The motion carried unanimously.

Case #SUB2002-00247

Westmont Subdivision, Resubdivision of Lot 35

5180 Santos Drive West (Northwest corner of Zinna Street and Santos Drive West).

2 Lots / 0.5± Acre

Mr. Jerry Byrd of Byrd Surveying, Inc., was representing the applicant and stated that the original intent for this property was to sell Lot B (the larger lot) and retain ownership of Lot A. Lot A was of sufficient size (7,500 sq. ft.) if there was sewer. He had submitted something saying that they would be denied a permit for any type of structure that required sanitary sewer facilities. The staff did not feel that was sufficient and had recommended denial of the subdivision. He asked if he could now record the larger lot as one lot and designate the smaller lot as future development. This way if sewer ever became available, they could come back and record that lot.

Ms. Pappas said that she had spoken with Mr. Byrd regarding this. It seemed that this was a family piece of property. The grandmother had passed away and the house was empty. They wanted to sell the house, but still retain a portion of the property for the family. If they recorded Lot A as future development they could not get a building permit for it, but it would allow the family to sell Lot B. She said that if Lot A was given a lot designation, it would be very difficult to keep it from getting a permit.

Dr. Rivizzigno inquired why they didn't just simply move the lot line.

Ms. Pappas said that there was not enough property to have two lots with septic systems.

Mr. Lawler said that they could put a covenant on it that the lot could not be used until sanitary sewer was available that could be recorded with the final plat.

Mr. Olsen said that it could be included as a note on the final plat. He stated that the staff did not want to see a lot designation given. It would still have to be future development with no permits for the future development property until sanitary sewer service was available, and it would still have to come back before the Commission to create a legal lot of record.

Mr. Byrd said that this was acceptable.

There was no one present in opposition.

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

- (1) that Lot A be shown as future development on the final plat; and
- (2) placement of a note on the final plat stating that no permits for any structures will be issued to the future development parcel until water and sewer is available and Mobile City Planning Commission approval is obtained.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATION:

Case #ZON2002-02321

Eagle Asphalt Products

West side of Cochran Bridge Causeway, 2,850'± South of the foot of the Cochran Africatown USA Bridge.

The request to waive construction of a sidewalk along Cochran Bridge Causeway (U. S. Highway 90) was considered.

The applicant was present and concurred with the staff recommendation for approval.

A motion was made by Mr. Plauche and seconded by Dr. Laier to approve this request.

The motion carried unanimously.

OTHER BUSINESS:

John Lawler

Ms. Clarke stated that this was Mr. Lawler's last meeting as the Commission attorney. She said that they did not want him to get away without hopefully showing appreciation and acknowledging the wonderful service that he has provided the City of Mobile for over 32 years. She asked Mr. Chris Lee, Executive Director of Administrative Services, from the Mayor's office to please come up and say a few words.

Mr. Chris Lee was present and stated that he was speaking on behalf of Mayor Dow who was in Montgomery today. Mayor Dow wanted to extend his sincere thanks for Mr. Lawler's years of invaluable service that he had given the City of Mobile. Mr. Lee said that in light of that, they would like to deliver this proclamation:

PROCLAMATION

Whereas John Lawler has served the community well for many years in many capacities; and

Whereas he has served faithfully as attorney for the Planning Commission for over 30 years and has played a vital role in the important work of this organization; and

Whereas the exemplary conduct and sense of fairness he has demonstrated in all of his activities has furthered the cause of better understanding and has been an influence for good and the growth and progress of our community

Now therefore, I, Mayor Michael C. Dow, on behalf of the City of Mobile and the members of the Mobile City Council do hereby proclaim Thursday, November 7, 2002, as John Lawler Day in the City of Mobile; and encourage all citizens to join in extending our deepest appreciation for his distinguished service to the Planning Commission and wish him success in all further endeavors.

Done in the City of Mobile, Alabama this 7th day of November, 2002.
Michael C. Dow, Mayor

November 7, 2002

Mr. Lee said that they also had two very small tokens of their appreciation for Mr. Lawler.

Mr. Frost said that he also had a resolution that he would like adopted today from the Planning Commission. It reads as follows:

RESOLUTION

Whereas John Lawler has served the City of Mobile as an Assistant City Attorney for over 32 years in many capacities; and

Whereas Mr. Lawler has loyally served as legal counsel for the Mobile City Planning Commission for much of that time and performed a fundamental role in the many significant works of this body; and

Whereas the members of the Mobile City Planning Commission are cognizant of Mr. Lawler's preeminence in the field of land use law and the invaluable service he has provided the City of Mobile; and

Whereas Mr. Lawler has helped to provide a better understanding of planning and zoning and encouraged the growth and progress of the City of Mobile; and

Whereas during his career with the City of Mobile he has compiled an extensive list of accomplishments and earned the respect and admiration of his colleagues, the public and of the Mobile City Planning Commission;

Now therefore, be it resolved that the Mobile City Planning Commission does hereby convey to Mr. John Lawler our heartfelt appreciation and commendation for his long time service in the exemplary spirit and sense of fairness that he has exhibited in carrying out his duties as legal counsel for the Mobile City Planning Commission.

A motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to adopt the resolution as read.

The motion carried unanimously.

Ms. Clarke said that she would like to say a special thanks to Mr. Lawler on behalf of the Urban Development Department staff. In addition to the countless hours of meetings he had attended over the years for Planning Commission and Board of Adjustment, there was an equal number of hours that had gone to assisting the staff in everything that they do. She was speaking especially on behalf of Mr. Olsen, Ms. Pappas and herself. They all had the greatest of confidence and ease of picking up the phone or walking down the street and knowing that they could get in to see Mr. Lawler and he would help them. She said that they were most fortunate to have found an attorney that they both respected and liked. She gave Mr. Lawler a small token of the staff's appreciation and conveyed that he would be greatly missed.

Public Hearing: To consider the proposed amendment to the Chart of Permitted Uses and Definition Section of the Zoning Ordinance regarding teen clubs.

No one was present to speak on this matter.

A motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to recommend the approval of this amendment to the Chart of Permitted Uses and Definition Section of the Zoning Ordinance regarding teen clubs as submitted by the staff.

The motion carried unanimously.

Wanda Cochran

Mr. Frost introduced Ms. Wanda Cochran who would be counseling the Commission in place of Mr. Lawler. Mr. Frost said that the Commission looked forward to working with Ms. Cochran. Mr. Frost commented that Ms. Cochran was the City's primary attorney for all telecommunications and cable franchising matters. She serves as counsel for a number of City Boards including the Police and Firefighters Pension Plan, the Mobile Historic Development Commission and the Architectural Review Board. She is the President of the Alabama Association of Municipal Attorneys, a member of the National Association of Telecommunication Officers and Advisors, and in recognition of her work in the field of local government law, has been designated as a Local Government Fellow by the International Municipal Lawyers Association.

November 7, 2002

There being no further business, the meeting was adjourned.

APPROVED: February 20, 2003

/s/ Victor McSwain, Secretary

/s/ Robert Frost, Chairman

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