

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF JUNE 3, 2004 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Terry Plauche, Chairman  
Victor McSwain, Secretary  
James F. Watkins  
Victoria L. Rivizzigno  
Ann Deakle  
James Laier  
Mead Miller (S)

**Members Absent**

Clinton Johnson  
John Vallas  
Nicholas H. Holmes, III

**Urban Development Staff Present**

Richard L. Olsen, Planner II  
Margaret Pappas, Planner II  
Ron Jackson, Deputy Director of Urban  
Forestry  
Jennifer Henley, Secretary II

**Others Present**

Wanda Cochran, Assistant City Attorney  
Jennifer White, Traffic Engineering  
Pat Stewart, County Engineering  
Beverly Terry, City Engineering

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

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

**APPROVAL OF MINUTES:**

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to approve the minutes of the April 15, and May 6, 2004, meetings as submitted. The motion carried unanimously.

**HOLDOVER:**

**Case #SUB204-00093**

**Riverwood Subdivision**

East side of Rabbit Creek Drive, 330'± West of Dog River Road, adjacent to the West side of Mandrell's Addition to Hollingers Island Subdivision.  
187 Lots / 82.7± Acres

The applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

**June 3, 2004**

A motion was made by Ms. Deakle and seconded by Dr. Rivizzigno to approve this as a 187-lot subdivision subject to the following conditions:

- (1) the provision of traffic calming devices, exact number, location and design to be approved by County Engineering;
- (2) all unidentified areas and areas for "public" use be identified as Common Area;
- (3) placement of a note on the final plat stating that maintenance of all common areas shall be the responsibility of the property owners association;
- (4) placement of a note on the final plat stating that there shall be no curb cuts to Rabbit Creek Drive; and
- (5) placement of a note on the final plat stating that buffers in compliance with Section V.A.7 should be provided if any lots are developed commercially and abut residentially developed properties.

The motion carried unanimously.

**Case #SUB2004-00100**

**Alderbrook Subdivision, Lot 27, Resubdivision of and Addition to**  
1941 Foxgate Road (East side of Foxgate Road at its North terminus).  
1 Lot / 1.6± 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 Dr. Rivizzigno and seconded by Mr. Miller to approve this subdivision subject to the following condition:

- (1) approval of all applicable federal, state and local agencies.

The motion carried unanimously.

**Case #SUB2004-00099**

**Miller Creek Estates Subdivision**  
North terminus of Foxgate Road, adjacent to the North side of Alderbrook Subdivision, extending to the South terminus of Sasser Lane.  
2 Lots / 37.2± 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.

**June 3, 2004**

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

- (1) approval of all applicable federal, state and local agencies.

The motion carried unanimously.

**Case #SUB2004-00103**

**Indian Commercial Park Subdivision, Phase II**

South side of Zeigler Boulevard, 200'± East of Schillinger Road, extending to the East side of Schillinger Road, 300'± South of Zeigler Boulevard.

14 Lots / 7.0± Acres

Mr. Don Coleman of 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 Dr. Laier and seconded by Dr. Rivizzigno to waive Section V.D.3. (width to depth ratio), of the Subdivision Regulations, and approve this subdivision subject to the following conditions:

- (1) placement of a note on the final plat stating that the site is limited to two curb cuts to Schillinger Road and two curb cuts to Zeigler Boulevard, with the location and design to be approved by County Engineering (development of an interior access road);
- (2) the approval of all applicable federal, state and local agencies prior to the issuance of any permits; and
- (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.

The motion carried unanimously.

**Case #SUB2004-00095**

**Shipman Place Subdivision**

North side of Baltimore Street, 85'± West of Marine Street, extending to the West side of Marine Street, 40'± North of Baltimore Street.

3 Lots / 0.5± Acre - Council District 3

The applicant was present and concurred with the recommendations of the staff.

There was no one present in opposition.

**June 3, 2004**

A motion was made by Dr. Laier and seconded by Dr. Rivizzigno to waive Section V.D.3. (width to depth), of the Subdivision Regulations, and approve this subdivision subject to the following condition:

- (1) the placement of the 25-foot minimum setback line on the final plat.

The motion carried unanimously.

**Case #SUB2004-00102**

**Taylor Estates Subdivision**

48 Hillwood Road (Northwest corner of Hillwood Road and Drury Lane).

2 Lots / 1.5± Acres

Mr. Don Coleman of Rester and Coleman Engineers, Inc., was representing the applicant. Mr. Coleman had a question about the requirement for drainage easements on Lots 1 and 2. He was not sure the water coming across the lots was City water, and said he would like to investigate this further before having this as a requirement. In talking to City Engineering, he was told the subdivision could be approved subject to City Engineering having the final word.

There was no one present in opposition.

In discussion, Mr. McSwain asked if Engineering was satisfied with approving the subdivision subject to their review.

Beverly Terry replied that they could work with the applicant on this.

Mr. Olsen suggested the Commission may want to change “to be coordinated” with City Engineering to read “if required” by City Engineering in the recommendation.

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

- (1) the dedication of drainage easements of 10 feet on Lot 1 and 15 feet on Lot 2, if required by the Engineering Department.

The motion carried unanimously.

**Case #ZON2004-01016**

**Christ Temple Apostolic Church**

801 Virginia Street (South side of Virginia Street, extending from South Washington Avenue to South Broad Street).

The request to waive construction of sidewalks on all street frontages was considered. - Council District 3

**June 3, 2004**

Mr. Don Coleman of Rester and Coleman Engineers, Inc., was representing the applicant. Mr. Coleman pointed out that when the church was built in 1992 sidewalks were not required.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Dr. Laier to deny this request.

The motion carried unanimously.

**EXTENSIONS:**

**Case #SUB2003-00074**

**Dawes Creek Subdivision**

West side of Dawes Lane Extension, 4/10 mile± South of Three Notch Road, extending to the East side of Airport Road, 3/10 mile± South of Ben Hamilton Road.

54 Lots / 29.0± 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 this subdivision.

The motion carried unanimously.

**Case #SUB2003-00070**

**Heather Court Subdivision**

9451 Johnson Road South (South side of Johnson Road South, 380'± East of the South terminus of Cottage Grove Drive).

30 Lots / 10.0± 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 this subdivision.

The motion carried unanimously.

**Case #SUB2003-00050**

**OSR Subdivision**

5559 and 5565 Old Shell Road (South side of Old Shell Road, 500'± East of University Boulevard).

3 Lots / 1.9± 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 this subdivision.

June 3, 2004

The motion carried unanimously.

**GROUP APPLICATIONS:**

**Case #ZON2004-01152**

**Coastal Builder Subdivision**

54 and 56 Midtown Park West (West side of Midtown Park West, 700'± South of Dauphin Street Service Road).

The request for Planned Unit Development Approval to allow multiple buildings on a single building site was considered. - Council District 5

The site plan illustrates the existing buildings, parking, surfaces, fencing, and easements.

(Also see Case #SUB2004-00113 – **Coastal Builder Subdivision** – Below)

Mr. Don Coleman of 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 Dr. Rivizzigno and seconded by Mr. McSwain to approve this plan subject to the following condition:

- (1) any significant changes to the site development will necessitate an application for Administrative PUD.

The motion carried unanimously.

**Case #SUB2004-00113**

**Coastal Builder Subdivision**

54 and 56 Midtown Park West (West side of Midtown Park West, 700'± South of Dauphin Street Service Road).

1 Lot / 1.0± Acre - Council District 5

(For discussion see Case #ZON2004-01152 – **Coastal Builder Subdivision** – Above)

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

- (1) placement of a note on the final plat stating that there shall be no curb cuts to Springdale Boulevard.

The motion carried unanimously.

**Case #ZON2004-01157**

**McCrary Subdivision**

**June 3, 2004**

4007, 4051 and 4057 Moffett Road (South side of Moffett Road at Pine Grove Avenue). The request for Planned Unit Development Approval to allow multiple buildings on a single building site was considered. - Council District 1

The plan illustrates the existing and proposed structures, setbacks, paving and trees.

(Also see Case #SUB2004-00119 – **McCrary Subdivision** – Below)

Mr. M. Don Williams of M. Don Williams Engineering, was representing the applicant and concurred with the staff recommendations.

Ms. Harriett Thomas inquired about the type of housing to be built on the site.

Mr. Williams stated that the purpose was not for housing but for commercial activity. There was a small house on the site used as an office for a mini storage facility, and two mini storage buildings. On the lot adjoining this site, which was owned by the same owner, there was a house that was actually lived in, and a metal building which was used for an automobile sales company. Mr. Williams said the intention was to pull all three together since they were all under the same ownership. They then planned to develop the site in four phases of commercial activity. A 60' x 60' commercial strip would be constructed facing Moffet Road as the first phase. The second phase would be a duplicate of that. They would then tear down the existing mini warehouses, recreating those, and tearing down the house in front. The parking lot would be between that and Moffet Road.

Ms. Thomas further asked what kind of plans had been made for the traffic flow, and if a traffic light was proposed. She commented that there was already a serious traffic problem in this area.

Mr. Williams said they planned to eliminate the existing three curb cuts and construct one 36' wide curb cut in the center of the site to allow traffic in and a left turn out and a right turn out; this would ease the ability to make that turn. Mr. Williams said it was not their intention to ask for a traffic signal there, noting there was already a signal at Wolf Ridge Road. Since half the site would be used for mini warehouses Mr. Williams did not feel they would generate that much traffic.

Mr. White stated that Traffic Engineering would not require a traffic light at this location.

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

- (1) the provision of frontage trees prior to the issuance of a Certificate of Occupancy for phase one;
- (2) full compliance with the landscaping and tree planting requirements prior to the issuance of a Certificate of Occupancy for phase four;

**June 3, 2004**

- (3) the provision of a buffer, in compliance with Section IV.D.1. where the site adjoins residential zoning;
- (4) the approval of Traffic Engineering and ALDOT for the one curb cut to the site;
- (5) the provision of marked lane division and usage for driveway;
- (6) the provision of a sidewalk; and
- (7) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2004-00119**

**McCrary Subdivision**

4007, 4051 and 4057 Moffett Road (South side of Moffett Road at Pine Grove Avenue).  
1 Lot / 1.4± Acre

(For discussion see Case #ZON2004-01157 – **McCrary Subdivision** – Above)

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

- (1) placement of a note on the final plat stating that the site is limited to one curb cut to Moffett Road, with the location and design to be approved by Traffic Engineering and ALDOT; and 2) provision of a sidewalk.

The motion carried unanimously.

**Case #ZON2004-01146**

**Magnolia Place East Subdivision**

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

The request for Planned Unit Development Approval to allow 5-foot side yard setbacks and allow 45% maximum site coverage in a previously approved residential PUD was considered. - Council District 6

The plan illustrates the proposed structures, easements and drives.

(Also see Case #SUB2004-00109 – **Magnolia Place East Subdivision** – Below)

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. Miller to approve this plan subject to the following conditions:

- (1) denial of access to Center Drive until it is constructed to city standards;



**June 3, 2004**

- (2) submission of a certified survey determining adequate stormwater system (including detention) was designed and constructed to accommodate increased coverage; and
- (3) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2004-00109**

**Magnolia Place East 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

(Also see Case #ZON2004-01146 – **Magnolia Place East Subdivision** – Above)

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

- (1) denial of access to Center Drive until it is constructed to city standards;
- (2) submission of a certified survey determining adequate stormwater system (including detention) was designed and constructed to accommodate increased coverage; and
- (3) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #ZON2004-01155**

**Raymond McCaffrey**

2948 and 2950 Mathers Street (Northwest corner of Mathers Street and LeFevre Street).

The request for a change in zoning from B-1, Buffer Business, to B-3, Community Business, for light warehousing was considered. - Council District 1

The site plan illustrates the existing buildings, buildings to be removed, drives and landscaping along with the proposed buildings, walks, and landscaping.

(Also see Case #ZON2004-01212 - **Quality Valve Subdivision** – Below; and Case #SUB2004-00115 – **Quality Valve Subdivision** – Below)

Mr. Bob Clute was representing the applicant and stated that Quality Valve, Inc., was an international sales company within the City limits of Mobile. They sold spare parts to valve repair industry throughout the world, with projected sales for 2004 at \$6.8 million. He noted that they did not have walk-in traffic. Their materials were shipped by UPS or Federal Express. They utilized a small forklift to accommodate the 150 lb. weight limit for carriers because they want to prevent back injuries. Mr. Clute said they were asking that this property be rezoned to B-3 because they need to expand their existing warehouse. He noted that the staff had recommended denial, and felt the reason for that

**June 3, 2004**

was because they were concerned about the impact on the residential neighborhood and the fact that this business was located at an intersection of two less traveled roads. He presented photographs of businesses in the area, one immediately behind this site which had two lots, one of which was zoned B-3. Mr. Clute said they felt this was the kind of business that Mobile needed. It was a good clean business with a good safety history, and they had never had a workmen's compensation claim filed. He said the Chamber of Commerce was very supportive of this. There was no heavy industrial equipment used at this location and it was well kept and aesthetically pleasing to the neighborhood and it was good revenue for the City. Mr. Clute urged the Commission to seriously consider granting this application.

Mr. Frank Dagley of Frank A. Dagley & Associates, Inc, stated that they had done the preliminary engineering for this site and felt that it met all the regulations with respect to site use, parking, drainage and landscaping. From an engineering standpoint they saw absolutely no problem.

Mr. Raymond McCaffrey, owner of Quality Valve, stated that they liked being in the City and want to stay as they felt like they had a lot to offer. Mr. McCaffrey said they purchased a small forklift in 1997 for \$17,000. It was a propane forklift, that was environmentally friendly, and had less than one hour a month of use on this forklift. Mr. McCaffrey said they felt they would be enhancing the surroundings of the neighborhood and would be an asset to the community as well as to the City of Mobile.

Mr. Watkins referred to the staff report which mentioned some complaints early on in their business operations about deliveries coming and going. He asked Mr. McCaffrey to give the Commission some indication of what kind of truck traffic they might have.

Mr. McCaffrey stated that they had deliveries from Federal Express and UPS. He noted that this morning he had seen an 18-wheeler delivering at the business behind the subject site. He said Quality Valve had parts about the size of a podium and some that fit in the palm of a person's hand. They shipped all over the world and had 25 or 40 packages a day going out UPS and Fed Ex. He said there would be no semis coming to this location.

Ms. Deakle asked if she understood correctly that a forklift was being used at this site.

Mr. McCaffrey said they did have a forklift, but it only had an hour's worth of usage a month. They did not use it very often, but sometimes parts were heavy and they used the forklift to prevent back injuries.

Ms. Deakle asked if use of the forklift was a seldom occurrence or a regular occurrence.

Mr. McCaffrey said it was a seldom occurrence. As stated earlier, they have generated just over an hour a month of use in the last 7 ½ - 8 years.

Dr. Rivizzigno noted that the Planning Commission was always concerned when a zoning change opened up a whole range of new activities, and asked if the applicant

**June 3, 2004**

would be willing to accept a very limited designated use of that property if the Commission were to rezone it to B-3.

Mr. McCaffrey replied that they would. They had no intentions of doing anything more than what they were doing now.

Mr. Clute also stated that they would have no problem at all with filing a voluntary use form that would restrict the proposed zoning change to this one proposed use only.

There was no one present in opposition.

In discussion, a motion was made by Dr. Rivizzigno to recommend the approval of this change in zoning to the City Council subject to the submission of Voluntary Use Restrictions limiting the use of the site to what was proposed by the applicant.

Mr. Olsen stated that if that was what the Commission wanted, they needed to holdover the application to give the applicant an opportunity to submit the voluntary use agreement.

Mr. Watkins asked the staff what requirements they would place on the subdivision.

Mr. Olsen stated that other things that could be incorporated into the use agreement was that there would be no tractor trailer or transfer trucks, that all deliveries would be by a carrier such as UPS or Fed Ex. Also, there would be a requirement requiring screening of the parking as required by the Zoning Ordinance, compliance with landscaping and trees, and compliance with City Engineering comments about the detention systems.

Dr. Rivizzigno amended her motion and Mr. Watkins seconded the motion to holdover this application until the meeting of June 17, 2004, to allow the applicant time to meet with the staff regarding voluntary use restrictions as offered by the applicant at the meeting.

Dr. Rivizzigno further commented that there were no residents present objecting to the rezoning. She felt this type of business was a clean type of activity that would work in the neighborhood.

Mr. Miller agreed with Dr. Rivizzigno's comments. He said he knew the area quite well and felt the applicant was sincere about their desire to keep it clean and protect the neighborhood.

The question was called. The motion carried unanimously.

**Case #ZON2004-01212**

**Quality Valve Subdivision**

2948 and 2950 Mathers Street (Northwest corner of Mathers Street and LeFevre Street).

**June 3, 2004**

The request for Planned Unit Development Approval to allow multiple buildings on a single building site was considered. - Council District 1

The site plan illustrates the existing buildings, buildings to be removed, drives and landscaping along with the proposed buildings, walks, and landscaping.

(For discussion see Case #ZON2004-01155 – **Raymond McCaffrey** – Above; also see Case #SUB2004-00115 – **Quality Valve Subdivision** – Below)

A motion was made by Dr. Rivizzigno and seconded by Mr. Watkins to holdover this application until the meeting of June 17, 2004, to allow the applicant time to meet with the staff regarding voluntary use restrictions as offered by the applicant at the meeting.

The motion carried unanimously.

**Case #SUB2004-00115**

**Quality Valve Subdivision**

2948 and 2950 Mathers Street (Northwest corner of Mathers Street and LeFevre Street).

1 Lot / 0.4± Acre - Council District 1

(For discussion see Case #ZON2004-01155 – **Raymond McCaffrey** – Above; also see Case #ZON2004-01212 – **Quality Valve Subdivision** – Above)

A motion was made by Dr. Rivizzigno and seconded by Mr. Watkins to holdover this application until the meeting of June 17, 2004, to allow the applicant time to meet with the staff regarding voluntary use restrictions as offered by the applicant at the meeting.

The motion carried unanimously.

**NEW ZONING APPLICATION:**

**Case #ZON2004-01151**

**MLK Avenue Redevelopment Corporation (Michael Pierce, Agent)**

Northwest corner of Dr. Martin Luther King, Jr. Avenue and Maple Street.

The request for a change in zoning from B-3, Community Business, to R-1, Single-Family Residential, to allow single-family residential housing was considered. - Council District 2

The plan illustrates the existing lots.

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

There was no one present in opposition.

**June 3, 2004**

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

The motion carried unanimously.

**NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:**

**Case #ZON2004-01173**

**Fairfield Place Subdivision**

East side of Wildwood Place, 130'± South of Vista Bonita Drive South.

The request for Planned Unit Development Approval to amend a previously approved planned unit development to allow 20-foot front yard and 5-foot side yard setbacks and 47% site coverage in a single-family residential subdivision was considered. - Council District 6

The site plan illustrates the lot configuration, proposed setbacks, easements, detention areas, and existing floodways.

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 plan subject to the following conditions:

- (1) submission of a certified survey determining adequate stormwater system (including detention) was designed and constructed to accommodate increased coverage; and
- (2) that the 41" Live Oak Tree located on the South side of Lot 21 be preserved—any work on or under this tree is to be permitted and coordinated with Urban Forestry, removal to be permitted only in the case of disease or impending danger.

The motion carried unanimously.

**Case #ZON2004-01153**

**Pitsios Family Subdivision**

258 North Claiborne Street and 309 Congress Street (Southeast corner of North Claiborne Street and Congress Street).

The request for Planned Unit Development Approval to allow shared access between multiple building sites was considered. - Council District 2

The plan illustrates the proposed structure and parking.

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

**June 3, 2004**

There was no one present in opposition.

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

- (1) full compliance with the landscaping and tree planting requirements of the Ordinance; and
- (2) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2004-00114**

**ABC Subdivision**

East side of Downtowner Loop West, 115'± South of Midmost Drive.

1 Lot / 0.6± Acre - Council District 5

The applicant was not present.

There was no one present in opposition.

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

- (1) the placement of the 25-foot minimum setback line on the final plat.

The motion carried unanimously.

**Case #SUB2004-00118**

**Comfort Subdivision**

80 Springdale Boulevard (West side of Springdale Boulevard, 320'± South of East I-65 Service Road South).

1 Lot / 1.3± Acre - Council District 5

Mr. M. Don Williams of M. Don Williams Engineering, 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. Miller to approve this subdivision subject to the following conditions:

**June 3, 2004**

- (1) the placement of a note on the final plat stating that the site is limited to one curb cut to Springdale Boulevard, with the design, size and location to be approved by Traffic Engineering; and
- (2) the placement of the 25-foot minimum setback line on the final plat.

The motion carried unanimously.

**Case #SUB2004-00112**

**Country Breeze Subdivision**

5051 McCrary Road (Southwest corner of McCrary Road and Stone Road).

5 Lots / 4.3± Acres

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

Mr. T. J. Wilson and Ms. Rosemary Wilson were present to express their opposition to this application. Mr. Wilson said they lived next door to the subject property, and they felt five houses on 4.3 acres was too much. They felt there was plenty of open land in the Semmes area to build a subdivision without having to put it so close to his property. Mr. Wilson said they were very much opposed to this subdivision.

Ms. Wilson asked if the Commission had any information on the size houses that were to be built.

Mr. Plauche said the Commission did not have that information and the applicant was not required to submit it. He further pointed out that the County and the City had no jurisdiction over the use of property in the County

Mr. Coleman was unsure what size the homes would be.

A motion was made by Ms. Deakle and seconded by Dr. Laier to approve this 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 McCrary Road;
- (2) the placement of a note on the final plat stating that Lots 2 through 5 are limited to one curb cut each to McCrary Road, with the size, location and design to be approved by County Engineering; and
- (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.

The motion carried unanimously.

**Case #SUB2004-00106**

June 3, 2004

**Creighton's 1st Addition to Theodore Subdivision, Resubdivision of Lots 1, 2 and 23**

Southwest corner of Oriental Avenue and Kim Avenue.

1 Lot / 0.7± Acre

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

Mr. A. R. Grines, a resident of Theodore, stated that he was not against this subdivision but said he did not understand why the City was involved in this since this site was in the County.

Mr. Plauche explained that Theodore was not within the City limits, but was under the City's planning jurisdiction.

Mr. Olsen further explained that the State Code sets up the City's Planning Jurisdiction, which extends five miles beyond the City limits. This was to ensure that when land was divided that each property met a certain minimum size requirement with regard to land area, depending upon whether it had City water and sewer, a well, or a septic system. It was also to ensure that each lot had frontage on a public right-of-way that is maintained by the County so that there is adequate access to the property. They could not address the size or type home or whether it was commercial or residential when it was outside the City limits. Their involvement was to ensure that there was orderly development within the five-mile planning jurisdiction.

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 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
- (2) completion of the vacation process for the 15-foot utility easement.

The motion carried unanimously.

**Case #SUB2004-00107**

**Howell Estates Subdivision**

North side of Wards Lane, 160'± East of Shannon Lane.

3 Lots / 7.9± 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.



**June 3, 2004**

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

- (1) the placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and
- (2) the placement of the 25-foot minimum setback lines on the final plat.

The motion carried unanimously.

**Case #SUB2004-00116**

**Jefferson Estates Subdivision**

East side of Gold Mine Road, ¼ mile± North of Three Notch Road.

2 Lots / 9.6± Acres

Mr. Mike Garratt, with Harper and Garratt Engineering, was present on behalf of the applicant and concurred with the staff recommendations.

Mr. Hunter Langham, a resident of Three Notch Road, said his property backed up to the subject property. Mr. Langham wanted additional information on what they planned to do.

Mr. Garratt stated that his client was subdividing the property to sell off the front lot. He would maintain a large tract at the rear for himself.

A motion was made by Dr. Rivizzigno and seconded by Mr. Miller to waive Section V.D.3. (width to depth ratio), of the Subdivision Regulations, and approve this 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 Gold Mine Road East; and
- (2) 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.

The motion carried unanimously.

**Case #SUB2004-00110**

**Raintree Farms Subdivision**

420'± South of Yorkhaven Road at the South terminus of an unnamed public right-of-way (AKA Second Creek Drive).

**June 3, 2004**

2 Lots / 17.3± Acres

Ms. Pappas stated that the staff was just informed two days ago by the County that the dirt road, the public right-of-way that serves this lot, was not County maintained. Ms. Pappas said Section V.B.4. of the Subdivision Regulations required that all lots front a public and maintained right-of-way; this subdivision did not. Based on the technical requirements of the Subdivision Regulations, the staff would have to amend their recommendation for approval to a recommendation for denial.

Mr. Kerry and Ms. Amanda Duggan were present in this matter. Mr. Duggan stated that their goal was to build on this family property. He said he was not sure he understood Ms. Pappas' remarks.

Mr. Plauche clarified that Second Creek Road was not maintained by the County, and therefore the staff would have to recommend denial.

Mr. McSwain questioned how they would access their property when that was the only frontage they had.

Mr. Duggan submitted photos of the road which he said had been there for 30 years.

Mr. Stewart, County Engineering, stated that there were many rights-of-way in the County that were created years ago that were never built. Through the years people had pushed small driveways through them to access their property.

Ms. Pappas further stated that in the past the Commission had waived Section V.B.4. of the Subdivision Regulations and placed a condition on the application that prohibited future resubdivision until adequate access to a maintained public right-of-way was obtained.

Mr. Duggan asked about the requirement for a temporary turnaround.

Mr. Stewart explained that if the County did not maintain it, they were not going to provide any type of a standard for a turnaround, as they would be held liable for it.

A woman was present and stated that her parents owned the property on Yorkhaven Road directly in front of the subject property. Their driveway actually entered off of Second Creek Drive, which she said was County maintained when their house was built, but somehow it got erased in the process so no one maintained it but her family. She was concerned about what type houses would be built there, and if they could subdivide later on, how many houses would be allowed on that land? She also asked if they could get the County to pave the road.

Mr. Olsen stated that the right-of-way was in fact still County right-of-way. The drive was simply not County maintained. As far as getting the road constructed by the County, Mr. Olsen suggested that the woman contact her County Commissioner and ask about

**June 3, 2004**

that. He said there was nothing the Planning Commission could do or tell the County to do. As far as future resubdivision, until Second Creek Drive or some other public right-of-way access was constructed to county standards, Mr. Olsen said there could not be any future subdivision.

The woman stated that Yorkhaven had certain rules and guidelines that they have to follow, but Raintree did not have the same rules applied to them.

Mr. Olsen said that was correct. The restrictions on Yorktown would not apply to this property.

Mr. Stewart further stated that there was no zoning in the County and this property could become a trailer park, a manufacturing facility, or a factory.

Mr. Gerald Ollhoft, a resident of Yorkhaven Road, stated that when he first built his home the County did maintain the road. They did so for five or six years. He said he just wanted this put on record.

A motion was made by Ms. Deakle 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 there will be no future resubdivision of this property until such time as adequate frontage on a constructed and County maintained right-of-way is provided;
- (2) the placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and
- (3) the placement of the 25-foot minimum setback lines on the final plat.

The motion carried unanimously.

**Case #SUB2004-00117**

**Sullivans Subdivision**

Northwest corner of South University Boulevard and Brookfield Drive North.

4 Lots / 1.1± Acres - Council District 4

Mr. Bobby McBryde of Rowe Surveying & Engineering Company, 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. Miller to approve this subdivision subject to the following conditions:

**June 3, 2004**

- (1) the provision of a 75-foot setback (which includes the required minimum building setback of 25-feet) from the centerline of University Boulevard;
- (2) the placement of a note on the final plat stating that Lots 3 and 4 are limited to one curb cut each to University Boulevard, with the size, location and design to be approved by Traffic Engineering;
- (3) the placement of a note on the final plat stating that Lot 1 is denied direct access to University Boulevard; and
- (4) any work on or under the 36" Live Oaks located on Lots 1 and 2 is to be permitted and coordinated with Urban Forestry.

The motion carried unanimously.

**Case #SUB2004-00108**

**Williamson Place Subdivision, Resubdivision of**

West side of Dawes Road, 3/10 mile± South of Scott Dairy Loop Road South.

3 Lots / 3.5± 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 Mr. Miller to waive Section V.D.3. (width to depth ratio), of the Subdivision Regulations, and approve this subdivision subject to the following conditions:

- (1) the plat be corrected to reflect the dedications that have already occurred;
- (2) the placement of a note on the final plat stating that all lots are limited to one curb cut each to Dawes Road, with the size, location and design to be approved by County Engineering; and
- (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.

The motion carried unanimously.

**NEW SIDEWALK WAIVER APPLICATIONS:**

**Case #ZON2004-01147**

**Airport/McGregor Development Company, LLC**

3948 Airport Boulevard (Northeast corner of Airport Boulevard and South McGregor Avenue).

The request to waive construction of sidewalks along Airport Boulevard and South McGregor Avenue was considered. - Council District 5

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

**June 3, 2004**

The applicant was present and concurred with the staff recommendation.

There was no one present in opposition.

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

Mr. Watkins recused. Dr. Rivizzigno was opposed. The motion carried.

**Case #ZON2004-01148**

**McGregor Square LLC**

280 South McGregor Avenue (East side of South McGregor Avenue, 290'± North of Airport Boulevard).

The request to waive construction of a sidewalk along South McGregor Avenue was considered. - Council District 5

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

The applicant was present and concurred with the staff recommendation.

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

Mr. Watkins recused. Dr. Rivizzigno was opposed. The motion carried.

**OTHER BUSINESS:**

**Vacation of Right-of-Way for Richmond Drive**

Ms. Pappas stated that the applicant was requesting vacation of five feet of the drainage easements on Lots 17, 18, 19, and 20 on Richmond Drive. She explained that at the time the subdivision was initially developed and the plat recorded, this area was somewhat naturalized and served as a natural drain. Since development they had gone back in with storm drainpipe and eliminated the need for such a wide easement.

A motion was made by Ms. Deakle and seconded by Dr. Rivizzigno to approve this request for the vacation of five feet of the drainage easement on Lots 17, 18, 19 and 20.

The motion carried unanimously.

There being no further business, the meeting was adjourned.

**APPROVED:**

August 5, 2004

---

Victor McSwain, Secretary

**June 3, 2004**

---

Terry Plauche, Chairman

/ms and jh