

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF AUGUST 19, 2004 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
Victor McSwain, Secretary
Ann Deakle
Nicholas Holmes
Mead Miller
John Vallas

Members Absent

James Laier (S)
Clinton Johnson
James Watkins III
Victoria L. Rivizzigno

Urban Development Staff Present

Richard L. Olsen, Planner II
Margaret Pappas, Planner II
Ron Jackson, Urban Forestry
Val Manuel, Secretary II

Others Present

Wanda Cochran, Assistant City Attorney
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 Mr. Vallas and seconded by Ms. Deakle to approve the minutes of the July 1, 2004, meeting as submitted.

The motion carried unanimously.

HOLDOVERS:

Case #2004-01448 (Rezoning)

Brian Walker

709 Western Drive (Northwest corner of Western Drive and Northwest Drive).

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A request for a change in zoning from R-1, Single-Family Residential, and I-1, Light Industry, to I-1, Light Industry, to allow the expansion of an existing tire recycling facility was considered.

The plan illustrates the existing structures, parking, and zonings.

(Also see Case #ZON2004-01449 – Western Properties Subdivision [PUD] – Below; and Case #SUB2004-00150 - Western Properties Subdivision - Below).

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

There was no one present in opposition.

A motion was made by Ms. Deakle and seconded by Mr. Vallas to approve this change in zoning to the City Council subject to the following conditions:

- 1) the provision of a 15-foot vegetative buffer and an eight-foot wooden privacy fence where the site adjoins residential development;
- 2) the paving of all access, maneuvering and driveways;
- 3) full compliance with the landscaping and tree planting requirements of the Ordinance; and
- 4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #ZON2004-01449 (Planned Unit Development)
Western Properties Subdivision**

709 Western Drive (Northwest corner of Western Drive and Northwest Drive).

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

The plan illustrates the existing structures, parking, and zonings.

(For discussion see Case #ZON2004-01448 – Brian Walker [Rezoning] – Above; see also Case #SUB2004-00150 – Western Properties Subdivision – Below).

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

There was no one present in opposition.

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

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- 1) the provision of a 15-foot vegetative buffer and an eight-foot wooden privacy fence where the site adjoins residential development;
- 2) the paving of all access, maneuvering and driveways;
- 3) full compliance with the landscaping and tree planting requirements of the Ordinance; and
- 4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2004-00150 (Subdivision)

Western Properties Subdivision

709 Western Drive (Northwest corner of Western Drive and Northwest Drive).

1 Lot / 2.9± Acres

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

There was no one present in opposition.

(For discussion see Case #ZON2004-01448 – Brian Walker [Rezoning] – Above; see also Case #ZON2004-01449 – Western Properties Subdivision [PUD] – Above).

After discussion a motion was made by Mr. McSwain and seconded by Ms. Deakle to approve the above referenced subdivision.

The motion carried unanimously.

Case #ZON2004-01580 (Planned Unit Development)

Springhill Medical Center

3719 Dauphin Street (South side of Dauphin Street, adjacent to the East side of Montlimar Creek Drainage Canal, extending to the West side of the West I-65 Service Road South, 180'± North of Springhill Memorial Drive North).

A request for Planned Unit Development Approval to amend a previously approved Planned Unit Development master plan for an existing hospital to allow a building expansion was considered.

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

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

There was no one present in opposition.

A motion was made by Ms. Deakle and seconded by Mr. Holmes to approve this plan subject to the following condition:

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- 1) any future additions will require a new PUD application.

The motion carried unanimously.

Case #SUB2004-00174 (Subdivision)

Lewis Addition to Toulminville Subdivision, Resubdivision of Lot 33

2291 St. Stephens Road (West side of St. Stephens Road, extending from Clinton Avenue to Toulmin Avenue).

1 Lot / 1.1± Acres

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

There was no one present in opposition.

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

- 1) dedications along St. Stephens Road and Toulmin Avenue, as indicated on the plat submitted; and
- 2) the placement of a note on the final plat stating that the size, number and location of all curb cuts to St. Stephens Road and Toulmin Avenue are to be approved by Traffic Engineering.

The motion carried unanimously.

Mr. Vallas recused from discussion and voting.

Case #SUB2004-00167 (Subdivision)

Wicker Subdivision

North side of Hayfield Road, 400'± East of the North terminus of Johnson Road.

5 Lots / 4.3± Acres

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

There was no one present in opposition.

A motion was made by Mr. Holmes and seconded by Mr. Vallas to waive Section V.D.3. and approve the above referenced 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;
- 2) the placement of the 25-foot minimum setback lines on the final plat; and

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- 3) the placement of a note on the final plat stating that there shall be no resubdivision of Lots 2 and 3 until additional frontage is provided on an open and maintained public right-of-way; and
- 4) the placement of a note on the final plat stating that Lots 2 and 3 are limited to one shared curb cut to Hayfield Road, with the size, location and design to be approved by County Engineering.

The motion carried unanimously.

EXTENSIONS:

Case #SUB2002-00193 (Subdivision)

File #S96-225

Rangeline Park Subdivision

Southeast corner of Rangeline Road and Rabbit Creek Drive and extending through to Old Rangeline Road.

45 Lots / 115.5± Acres

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

There was no one present in opposition.

Mr. Olsen stated that since the staff report went out, additional information had come to light. He said the staff would change their recommendation to allow the approval of the extension, with the applicant being notified that this would in all likelihood be the last extension. Mr. Olsen said this would be the fifth extension, but there had been units recorded in the interim. The applicant is progressing with construction and several meetings ago submitted an application for a large piece of property to be resubdivided into a fairly good-sized residential subdivision. That application is pending for final approval. Once that is done the staff would like to see a composite of where they stand. Mr. Olsen said they would recommend approval of this extension.

A motion was made by Mr. Plauche and seconded by Ms. Deakle to approve this request and to advise the applicant that an additional extension will be unlikely.

The motion carried unanimously.

Case #SUB2002-00153 (Subdivision)

Summit Subdivision

Eastern terminus of O'Hara Drive, 650'± East of Twelve Oaks Drive.

99 Lots / 41.0± Acres

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

There was no one present in opposition.

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

The motion carried unanimously.

GROUP APPLICATIONS:

Case #ZON2004-01679 (Rezoning)

Bostic Development at South Alabama, LLC (Daniel L. Murray, Agent)

Southeast corner of North University Boulevard and Overlook Road.

A request for a change in zoning from B-2, Neighborhood Business, to R-3, Multi-Family Residential, to allow an apartment complex was considered.

The plan illustrates the proposed buildings and parking.

(Also see Case #ZON2004-01682 – Campus Pointe at U. S. A. Subdivision [PUD] – Below; and Case #SUB2004-00179 – Campus Pointe at U. S. A. Subdivision – Below).

Danny Murray, with Bostic Development, was present representing the applicant. Mr. Murray stated that they had called a neighborhood meeting regarding this proposal on August 3, 2004. He said sixty-five invitations were sent out, and a total of fourteen to fifteen homeowners attended. He also said there were some questions and concerns, but no visible opposition. He concurred with the staff recommendations.

Mr. Plauche asked if anyone was present to speak against this application.

Mary McDonald, 1421 Forest Dale Drive, stated that she was not necessarily against putting a residential building behind her house, but she was concerned about the neighborhood. Ms. McDonald also expressed concerns over security, the noise level, three-story buildings behind her house, rowdy college students, and property values.

Reba Sims Shackelford, 1401 Forest Dale Drive, stated that her major concern was a three-story apartment in a single-family area. She felt that the building would cause traffic congestion.

Michelle Tindel, 5213 N. Marietta Drive, stated that she was also concerned about the noise. Ms. Tindel stated that at the neighborhood meeting the developer mentioned getting an estimate for a 9-foot fence, and she wondered if that had been pursued. She noted the agenda stated that an 8-foot fence would be required.

Ms. Pappas stated that the maximum height of a fence or wall allowed by the Ordinance was eight feet.

Mr. Plauche asked if the owner would like to respond.

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Mr. Murray stated that they were in the process of getting some quotes for fencing. He said he did not recall specifically saying that they would provide a 9-foot fence, but Mr. Johnson, who was with him, could have conveyed that. Mr. Murray said if the Ordinance requires an eight-foot fence, they would go with that. As far as the noise level, Mr. Murray noted that they screen the students who apply for housing. They have a third party manager who works directly for them. He said the manager would control who is coming in for housing. Mr. Murray said the students are required to have a credit check, and if there is a problem with noise late at night they could not stay there.

Mr. Vallas asked if any consideration had been given to maybe locating the buildings off of the property line with parking behind there, or did they feel that parking close to the residences would be more noisy than the students themselves?

Mr. Murray replied that they had looked at that, but had to do it this way to get the number of units they were proposing, which are 228. He noted that technically they could put 405 units on the site, but they had a higher parking lot requirement than the City had. For their projects, they required one parking space per bedroom, not 1½ parking spaces per unit.

Ms. Deakle asked about the size of the proposed units and if they did rental histories, did they manage their apartments, or hire a manager.

Mr. Murray replied that they would be two and three bedroom units. He said they have a third party management company that would be working directly for them.

Mr. Miller asked if the only access was from University Boulevard.

Mr. Murray said that was correct.

Mr. Plauche asked about the total number of parking spaces.

Mr. Murray said they would have 646 beds, and they would be slightly under 641 spaces. The City requires 1½ spaces times the number of units. There would be 228 units, so the City would require around 300 spaces.

A motion was made by Ms. Deakle and seconded by Mr. Vallas to approve this change in zoning to the City Council subject to the following conditions:

- 1) limited to the accompanying PUD;
- 2) the provision of a minimum buffer separation as outlined in the PUD Section of Zoning Ordinance, and if necessary, the elimination of exterior windows;
- 3) full compliance with the landscaping and tree planting requirements of the Ordinance;
- 4) the provision of a sidewalk along University Boulevard;
- 5) that the site be limited to two curb cuts to University Boulevard, with the location and design to be approved by Traffic Engineering;

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- 6) full compliance with City Engineering Comments (dedication of a drainage easement that can properly accommodate all stormwater drainage that enters the property from the south [current layout does not appear to allow for proper handling of stormwater]; compliance with all stormwater and flood control ordinances; any work performed in the right of way will require a right of way permit);
- 7) full compliance with Traffic Engineering Comments (driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards; standard two-directional driveways and driveways **with two** lanes accommodating left and right turn traffic be widened to twenty-four feet);
- 8) dedication of any necessary right-of-way to provide 50-feet from the centerline of University Boulevard, a planned major street;
- 9) provision of an eight-foot wooden privacy fence and a 20-foot buffer where the site adjoins R-1, Single-Family Residential properties; and
- 10) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2004-01682 (Planned Unit Development)

Campus Pointe at U. S. A. Subdivision

Southeast corner of North University Boulevard and Overlook Road, adjacent to the West and North sides of Forest Dale Subdivision.

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

The plan illustrates the proposed buildings and parking.

(For discussion see Case #ZON2004-01679 – Bostic Development at South Alabama, LLC (Daniel L. Murray, Agent) [Rezoning] – Above; see also Case #SUB2004-00179 – Campus Pointe at U. S. A. Subdivision – Below).

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

- 1) the provision of a minimum buffer separation as outlined in the PUD Section of Zoning Ordinance, and if necessary, the elimination of exterior windows;
- 2) full compliance with the landscaping and tree planting requirements of the Ordinance;
- 3) the provision of a sidewalk along University Boulevard;
- 4) that the site be limited to two curb cuts to University Boulevard, with the location and design to be approved by Traffic Engineering;
- 5) full compliance with City Engineering Comments (dedication of a drainage easement that can properly accommodate all stormwater drainage that enters the property from the south [current layout does not appear to allow for proper handling of stormwater]; compliance with all stormwater and flood control

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- ordinances; any work performed in the right of way will require a right of way permit);
- 6) full compliance with Traffic Engineering Comments (driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards; standard two-directional driveways and driveways with two lanes accommodating left and right turn traffic be widened to twenty-four feet);
 - 7) dedication of any necessary right-of-way to provide 50-feet from the centerline of University Boulevard, a planned major street;
 - 8) provision of an eight-foot wooden privacy fence and a 20-foot buffer where the site adjoins R-1, Single-Family Residential properties; and
 - 9) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2004-00179 (Subdivision)

Campus Pointe at U. S. A. Subdivision

Southeast corner of North University Boulevard and Overlook Road, adjacent to the West and North sides of Forest Dale Subdivision.

1 Lot / 14.6± Acres

(For discussion see Case #ZON2004-01679 – Bostic Development at South Alabama, LLC (Daniel L. Murray, Agent) [Rezoning] – Above; see also Case #ZON2004-01682 – Campus Pointe at U. S. A. Subdivision [PUD] – Above).

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

- 1) dedication of any necessary right-of-way to provide 50-feet from the centerline of University Boulevard;
- 2) placement of an note on the final plat stating that the site is limited to two curb cuts to University Boulevard, with the location and design approved by Traffic Engineering;
- 3) completion of the rezoning process prior to the recording of the final plat.

The motion carried unanimously.

Case #ZON2004-01677 (Planned Unit Development)

Sheffield Court Subdivision, Resubdivision of Lot 4

2113 Sheffield Court (East side of Sheffield Court, 215'± South of Japonica Lane).

A request for Planned Unit Development Approval to allow 36% site coverage in a previously approved innovative single-family residential subdivision was considered.

The plan illustrates the existing structure, proposed structure, and building limits.

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(Also see Case #SUB2004-00178 – Sheffield Court Subdivision, Resubdivision of Lot 4 – Below).

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

There was no one present in opposition.

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

- 1) limited to the setback and site coverage as proposed.

The motion carried unanimously.

Case #SUB2004-00178 (Subdivision)

Sheffield Court Subdivision, Resubdivision of Lot 4

2113 Sheffield Court (East side of Sheffield Court, 215'± South of Japonica Lane).

1 Lot / 0.2± Acre

(For discussion see Case #ZON2004-01677 – Sheffield Court Subdivision, Resubdivision of Lot 4 [PUD] – Above).

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

There was no one present in opposition.

A motion was made by Mr. McSwain and seconded by Mr. Holmes to approve the above referenced subdivision.

The motion carried unanimously.

Case #ZON2004-01680 (Planned Unit Development)

Somerby Subdivision, Resubdivision of Lots 1 & 2 of a Resubdivision of Lot 2

West terminus of Johnson Lane, extending along the East side of Somerby Drive to the South side of Providence/Coley Subdivision.

A request for Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow multiple buildings on a single building site, shared access between building sites in a private street subdivision, reduced lot widths, reduced building setbacks, and increased site coverage was considered.

The plan illustrates the proposed subdivision, buildings, and parking.

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(Also see Case #SUB2004-00182 – Somerby Subdivision, Resubdivision of Lots 1 & 2 of a Resubdivision of Lot 2 – Below).

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

There was no one present in opposition.

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

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

The motion carried unanimously.

Case #SUB2004-00182 (Subdivision)

Somerby Subdivision, Resubdivision of Lots 1 & 2 of a Resubdivision of Lot 2

West terminus of Johnson Lane, extending along the East side of Somerby Drive to the South side of Providence/Coley Subdivision.

65 Lots / 24.1± Acres

(For discussion see Case #ZON2004-01680 – Somerby Subdivision, Resubdivision of Lots 1 & 2 of a Resubdivision of Lot 2 [PUD] – Above).

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

There was no one present in opposition.

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

- 1) full compliance with the Section VIII.E.2 (with the exception of minimum right-of-way width); and
- 2) development limited to the accompanying PUD (or modified PUD, as approved by the Planning Commission).

The motion carried unanimously.

NEW ZONING APPLICATION:

Case #ZON2004-01678

Austal USA

South side of Dunlap Drive, between Dunlap Drive & Highway 90, adjacent to the North side of Bankhead Tunnel.

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A request for a change in zoning from R-1, Single-Family Residential, to I-2, Heavy Industry, to allow a parking lot was considered.

The plan illustrates the proposed parking lot.

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

There was no one present in opposition.

A motion was made by Mr. Miller and seconded by Mr. Vallas to approve this change in zoning to the City Council 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 #SUB2004-00181

Baker's Addition to Snow Road Subdivision

Southwest corner of Snow Road and Howells Ferry Road.

3 Lots / 3.8± Acres

A motion was made by Mr. Plauche and seconded by Ms. Deakle to holdover this application until the September 2, 2004, meeting at the applicant's request.

The motion carried unanimously.

Case #SUB2004-00177

Brackett Place Subdivision

8255 and 8275 Brackett Lane (South side of Brackett Lane [private road], 660'± West of the South terminus of Oak Hill Drive).

4 Lots / 41.2± Acres

Fred Brackett, one of the applicants, stated that this application involved a family plot of land they wanted to subdivide so that they would have a lot for their sister. Mr. Brackett submitted photographs showing the subject property and their private drive coming off Oak Hill Drive. He pointed out that road maintenance had been done and the road is in good shape. They had a legal maintenance agreement between family members to maintain the road. Mr. Brackett felt that to ask someone to build a subdivision grade road just for eight people to drive on was an economic hardship that a family should not have to endure. He pointed out that there was a six-foot chain link fence on each side of the driveway. Mr. Brackett noted that one of the objections the staff had was that they did

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not own direct access off Oak Hill Drive. He said they owned a legal access easement across that 50-foot piece of property. It belonged to their family now and forever. Mr. Brackett reiterated that they just wanted four lots on forty acres so they could have a place for their family to live.

In discussion it was noted that the subdivision was recommended for denial.

Mr. Olsen stated that the staff had to recommend denial because the subdivision did not meet the minimum requirements of the Subdivision Regulations. He noted that they do own the private road as referenced in the staff report, but their access to Oak Hill Drive is via an existing easement, which he pointed out. Mr. Olsen said for the Commission to approve this subdivision, they would have to waive Section V.D.3. of the Subdivision Regulations which requires them to have frontage on a public road. They would also have to waive Section VIII.E. of the Subdivision Regulations which deals with private road standards as far as right-of-way widths and construction standards.

Mr. Miller asked if there was a way to approve this as long as it stayed in the family but not necessarily to improve it in perpetuity.

Mr. Olsen replied that there would be no way to approve it where it had to stay in the family. He suggested that the Commission could require a note on the plat stating that there would be no future resubdivision until adequate frontage on a paved county road was provided. Mr. Olsen said they would also recommend the normal environmental comment, that they obtain all approvals because of the lake or ponds that are on the property.

A motion was made by Mr. Miller and seconded by Mr. Vallas to waive Section V.D.3. and Section VIII.E. and approve the above referenced subdivision subject to the following conditions:

- 1) placement of a note on the final plat stating there shall be no future resubdivision unless or until adequate frontage on a paved County road is provided; and
- 2) the approval of all applicable federal, state and local agencies prior to the issuance of any permits.

The motion carried unanimously.

Case #SUB2004-00180

Eagle Creek Subdivision

South side of Moffett Road, ½ mile± West of the South terminus of Double Branch Drive, extending West to the East termini of Lynn Drive and Satsuma Place, and extending South to the North terminus of Whitestone Drive.

228 Lots / 87.4± Acres

Don Rowe, Rowe Surveying and Engineering, was present on behalf of the applicant and concurred with the staff recommendations.

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Mr. Plauche asked if anyone wished to speak against the application.

Robert Reed, 3400 Whitestone Drive, asked about the size of the lots and houses. He also wanted to know if there had been any environmental impact study done of the wetlands. He said there were gopher turtles down in the woods and huge pine trees they would lose. Mr. Reed said he understood that Whitestone Drive would be the primary entrance until other roads were paved or until access was granted from Moffett Road. He was also concerned about the increased traffic.

Mr. Vallas asked why anyone would come in Whitestone Drive versus Moffett Road. He asked what street does Whitestone Drive run into.

Mr. Reed said that Whitestone Drive runs into Ward's Lane, and Ward's Lane connects to Schillinger Road. He noted there were a couple of traffic calming devices at Moffett Road, but nothing for Whitestone Drive.

Mr. Vallas noted that the staff recommendations require approval of all federal, state and local agencies prior to issuance of a building permit, so the applicant would have to get the necessary Corps of Engineers approvals prior to working in the wetlands.

Dean Tilford, a resident of Harvard Boulevard in Semmes, stated that he was speaking on behalf of Ms. Davis and Ms. Roberts who live on Whitestone Drive. Mr. Tilford said this was a residential neighborhood of mainly retired persons and some children, and they were concerned about additional traffic with Whitestone Drive being the main access to the proposed subdivision.

William Shurett, a resident of 3330 Whitestone Drive, expressed concern about the size and number of lots. With 228 lots proposed, that would be a minimum of four lots per acre, which he felt would be pretty congested. He was also concerned as to how that would affect the sewage situation, noting that this entire neighborhood was on septic tanks. Mr. Shurett said Whitestone Drive consisted of large lots, the minimum size being about two acres. The two lots on the end of Whitestone Drive probably each have at least 600 feet that would abut this proposed subdivision. He asked if someone would explain Section V.A.7. of the Subdivision Regulations, because the way he read the Regulations there was no building code there at all, and along the 600-foot abutment they could put trailers or a commercial enterprise. Mr. Shurett said his main concern was traffic, because everyone coming off Schillinger Road was going to enter that subdivision from Whitestone Drive.

Mr. Olsen explained that Section V.A.7. of the Subdivision Regulations was the buffer requirement, which states that if one of these lots were developed commercially, they would have to provide a buffer. This would be either a six-foot wooden privacy fence and/or a ten-foot buffer planting strip. It would be up to the Commission to determine if they wanted to require both. Mr. Olsen said that because this property was located outside the City limits, there was no zoning and no land use control.

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Mr. Shurett asked if he understood correctly that any commercial enterprise could locate there, and if they wanted to put trailers on the ten lots that abut the property at the end of Whitestone Drive they could do that.

Mr. Olsen said that was correct because there was no zoning outside the corporate limits. There was no land use control.

Mr. Shurett asked if there were any restrictions on putting duplexes or multi-family homes there.

Mr. Plauche stated that there was no way to control the use.

Mr. Shurett asked if the federal, state and local agencies had all been contacted and approved this subdivision, and if an environmental impact statement been done.

Mr. Plauche explained that they would have to have those approvals before they started construction.

As far as an environmental impact statement, Mr. Olsen said that would not be required at this stage. This was just a preliminary approval of the layout. After they receive preliminary approval they would contract to have those studies done.

Mr. Shurett said he assumed the neighbors would be notified so they would be able to keep up with what is happening there.

Mr. Olsen said that the only notification was the notification of this hearing before the Planning Commission for the preliminary approval.

Mr. Shurett commented that it did not make a lot of sense for any of the neighbors to come to the meeting.

Mr. Vallas stated once they get this subdivision approved, then they would have to have the necessary specialists, environmentalists and wetlands delineators to go back out there. Mr. Vallas said at that point when they see people conducting those tests in the field, then they could certainly contact the Corps of Engineers or other regulating authorities and express any concerns they may have. But the Planning Commission could not regulate those items.

Mr. Miller commented that this type of situation comes up every week where the property is located outside the City and there is not much the Planning Commission can do. In the City there are zoning restrictions, but in the county there are none. Mr. Miller said the neighbors may want to contact their County Commissioners about that sort of thing.

Mr. McSwain asked that since this was not served by public sewage, are the lots size 15,000 square feet?

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Mr. Olsen replied that the staff report was in error. The application states that it would have city water and sewer. So the minimum lot size in this case would be 7,200 square feet as opposed to 15,000 square feet.

Susan Harris, 8363 Moffett Road, stated that their main concern was access to Moffett Road. She pointed out that this was at the crest of a hill and they take their lives in their hands every day trying to get out onto the five-lane highway. Ms. Harris said the main problem was they had no information on this proposed subdivision. All they had was the notice they received from Urban Development and what Mr. Olsen had e-mailed her. They knew nothing about the wetlands, access to Moffett Road, the sewer, or even who the developer was.

Mr. Plauche asked Don Rowe, engineer and surveyor for the developer, to try to answer some of the questions the neighbors had.

Mr. Rowe stated that this was a preliminary plan. The next step in the process would be the wetland delineation, storm drainage design detail plans, etc. There are 228 lots proposed which would be less than three lots per acre. Mr. Rowe said this would not happen overnight. He hoped it would sell out in ten years. He said there were street stubs in every direction and maybe there would be more than one access. He said the subdivision was planned around a sanitary sewer, based on a pump down at the bottom of the hill, which would pump back to the forced main in Ward Road probably through the Satsuma Place connection. Mr. Rowe emphasized that this was planned to be a single-family residential development, not a mobile home development. He indicated the typical lot would have 80-foot of frontage, but could be more depending on the topography, which could decrease the number of lots.

Ms. Pappas said a reduction in the number of lots could be approved administratively. However, an increase in the number of lots would require new approval by the Commission.

Mr. Olsen noted that while the number of lots may decrease and the lot size increase, the street configuration would not change.

Mr. Holmes asked what the situation was with the access on Moffett Road.

Mr. Rowe said there would be a permit required from the Alabama Department of Transportation and we would do whatever they say. They may require an extra lane for acceleration and deceleration. He said the access would be at a bad location.

In later discussion a motion was made by Ms. Deakle and seconded by Mr. Vallas to approve this plan subject to staff recommendations.

In further discussion Mr. McSwain pointed out that there had not been a lot of communication between the developer, his engineer, and the neighborhood. He felt the application should be held over. He was also concerned about the density and noted that

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the Commission had recently turned down a subdivision because of the density. Access to Moffett Road was also a concern, and Mr. McSwain noted that the engineer recognized the fact that the access was not good.

Ms. Deakle agreed that there was a problem with communication. She said normally these problems are caused because the Commission is ruling on something that is a subdivision application, but it is in the county and the people do not understand that it could be used for any use. Ms. Deakle said the people do not understand why it has to come before the Planning Commission and that's where the break down in communication occurs.

Mr. Vallas commented that those same people who were making those arguments would not dare let you place any restrictions on their property. He also noted that there was a high-density subdivision similar to this on Sollie Road that the Commission recently turned down.

Mr. Miller commented that these are going to be single-family homes, not trailers. He noted that the developer did not show up. He agreed with Mr. McSwain that maybe a holdover would be a good idea.

After discussion Mr. Plauche called the question. The motion failed to carry.

Mr. Olsen noted that if the Commission was going to deny this subdivision they had to have a reason for denial.

A motion was then made by Mr. McSwain and seconded by Mr. Miller to hold over the application until the September 2, 2004, meeting to allow the developer to meet with the neighborhood and submit information regarding phasing, and the access to Moffett Road and Whitestone Drive.

Mr. Olsen said it could be held over to the next meeting, but the staff would like a little guidance as to what the Commission would like to see before the next meeting so they could get that information to the developer in the letter of decision.

Mr. Vallas commented that they still have to get curb cut approval from Alabama Department of Transportation. He also felt that they couldn't be asked to go do their wetlands delineation and spend all that money just to submit an application. Mr. Vallas said that was not fair, but they may come back and reduce the number of lots.

Mr. McSwain said his intent was just to get the communication going between the neighbors and the developer.

Mr. Olsen pointed out that early last week he had e-mailed information to one of the neighbors and sent her a plat as well as the address information on the development corporation. He did not know if they had tried to contact them or not.

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Mr. Holmes said he would like to hear more about the access.

Ms. Deakle asked if the development would be done in phases.

Mr. Olsen said the developer had not submitted a development schedule. He said the Commission could request a preliminary phasing plan to be submitted at the next meeting.

There being no further discussion Mr. Plauche call the question.

The motion carried unanimously.

Case #SUB2004-00176

Farnell Heights Subdivision, Unit Two

West side of Navco Road, 2/10 mile± North of Farnell Drive.

1 Lot / 0.5± Acre

Mr. Plauche stated that 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 Ms. Deakle to approve the above referenced subdivision subject to the following conditions:

- 1) the provision of a 75-foot setback (which includes the required minimum building setback of 25-feet) from the centerline of Navco Road; and
- 2) the placement of the 25-foot minimum setback line on the final plat.

The motion carried unanimously.

OTHER BUSINESS:

A motion was made by Mr. Plauche and seconded by Mr. Vallas to approve the dates for the 2004-2005 Planning Commission meetings. The motion carried unanimously.

There being no further business, the meeting was adjourned.

August 19, 2004

APPROVED:

November 4, 2004

/s/ Victor McSwain, Secretary

/s/ Terry Plauche, Chairman

vm