

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF MAY 16, 2002 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Robert Frost, Chairman
Wendell Quimby, Vice Chairman
Victor McSwain, Secretary
Ann Deakle
Reverend Clinton Johnson
Terry Plauche
John Vallas

Members Absent

Victoria Rivizzigno
Norman Hill (S)
James Laier (S)

Staff Present

Laura J. Clarke, Director
Christopher Boone, Deputy Director
 Land Use Administration
Richard L. Olsen, Planner II
Margaret Pappas, Planner II
Angie Etheridge, Secretary III

Others Present

David Daughenbaugh, Urban Forestry
Deborah Leo, Traffic Engineering
Beverly Terry, City Engineering
Shayla Jones, Long Range Planning
Pat Stewart, County Engineering

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

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

HOLDOVERS:

Case #ZON2002-00557 (Rezoning)

Glenn Glisson

2654 Clubhouse Road (North side of Clubhouse Road, 330'+ East of Gonzales Road).
A request for a change in zoning from R-1, Single-Family Residential, to R-2, Two-Family Residential, for a residential subdivision with reduced lot sizes and reduced building setbacks was considered.

AND

Case #ZON2002-00558 (Planned Unit Development)

Clubhouse Garden Homes Subdivision

2654 Clubhouse Road (North side of Clubhouse Road, 330'+ East of Gonzales Road).
A request for Planned Unit Development Approval to allow reduced building setbacks, reduced lot widths, and reduced lot sizes in a single-family residential subdivision was considered.

The plan illustrates the proposed subdivision.

AND

Case #SUB2002-00045 (Subdivision)

Clubhouse Garden Homes Subdivision

2654 Clubhouse Road (North side of Clubhouse Road, 330'+ East of Gonzales Road).
29 Lots / 4.8+ Acres

This was the second holdover for these applications. Meetings between the developer, planning staff, the City Council representative for District 4, and surrounding residential property owners were held. No changes to the plan were submitted to the staff as a result of those meetings.

MAY 16, 2002

Glenn Glisson, applicant, 2022 Robin Hood Drive, was present. Mr. Glisson requested that these applications be held over for a six-week period or withdrawn from consideration to allow further collaboration due to continued opposition and/or concerns from some surrounding property owners in an effort to attempt to resolve some of the differences.

Mr. Boone directed the Commission's attention to the fact that there had been considerable controversy with regard to this application and it appeared that the subdivision plan would be changed significantly. Consequently, Mr. Boone recommended that the applications be withdrawn from consideration and new applications filed once the developer and surrounding property owners reached a compromise.

Mr. Glisson clarified that it was not his intent to redesign the entire plan, however, he simply needed an opportunity to review the plan and study the objections of the surrounding property owners.

Mr. Frost commended Mr. Glisson's efforts in collaborating with the surrounding property owners and conveyed the Commission's desire to support holdovers to alleviate additional application fees for the applicant. However, Mr. Frost raised concern that the subject application had already been held over twice and there seemed to be no meeting of the minds; therefore, he expressed reservation with regard to approving an additional holdover.

Mr. Johnson asked Mr. Glisson what goal he planned to accomplish within the six-week period that would bring resolution to the minds of those neighbors who had expressed a level of concern.

Mr. Glisson reported that although the previous holdovers were at his request as the applicant, the holdovers were requested and granted on behalf of the surrounding residents. He pointed out that this was actually the first opportunity on his own behalf to consider making some changes. Mr. Glisson pointed out that restrictive covenants generally were not prepared until a subdivision was approved, however, he had already provided the concerned property owners with a full set of restrictive covenants he prepared upon their request. He reported that the property owners examined the restrictive covenants, highlighted areas of concern, and a meeting was held to discuss their concerns. However, it came to his attention at 5:00 p.m., Tuesday, May 14, 2002 that the concerned neighbors continued to voice dissatisfaction and he had not been able to re-examine their objections at this point.

Ben Brooks, council representative for the subject area, was present and iterated that Mr. Glisson had been very cooperative and patient in holding over the request in an effort to reach a compromise with the surrounding property owners, however, the property owners continued to raise very valid concerns. Mr. Brooks realized the Commission was hesitant to approve another holdover, however, he wanted the Commission to understand that the citizens would very willingly return for a future meeting if the applications were held over again.

Mr. Glisson withdrew the applications due to the Commission's hesitation to approve another hold over.

Case #SUB2002-00064

Kiser Oaks Subdivision

East terminus of Hampton Oaks Drive.

2 Lots / 5.8± Acres

This application was held over from a previous meeting due to a questionable sliver of land along the west border of the subject property, which as illustrated on the plan submitted, separated the proposed subdivision from the existing right-of-way.

Marshall A. McLeod, Marshall A. McLeod Land Surveying, P.L.S., L.L.C., 163 N. Florida Street, was present representing the applicant on behalf of Doug Anderson. Mr.

MAY 16, 2002

McLeod reported that Mr. Anderson had presented information to the planning staff and City Engineering indicating that the subject property had access to a public road.

Mrs. Terry, City Engineering, advised the Commission that the strip of land along the west border of the site illustrated on the survey submitted by the applicant did not actually exist, and Hampton Oaks Subdivision actually bordered the subject property to the west.

Mr. Boone consequently recommended that the subject subdivision receive preliminary approval subject to the condition that a cul-de-sac be constructed and dedicated at the terminus of Hampton Oaks Drive.

Mr. McLeod advised the Commission that his client was not prepared to incur the cost of the cul-de-sac at this time.

Mr. Frost informed Mr. McLeod that this concern would certainly be considered and addressed by the Commission.

Ken Kiser, applicant, 1813 Melissa Court, was present and reported that he originally planned to build only one house and possibly 5-10 years later re-subdivide Lot 2.

Mr. Frost questioned the necessity for the cul-de-sac if Hampton Oaks Drive would simply offer access to one home at the subject area.

Mr. Boone directed Mr. Frost's attention to the fact that in accordance with the Subdivision Regulations streets should extend no more than 600' in most cases without a cul-de-sac construction. Mr. Boone pointed out that the cul-de-sac at the subject site was necessary so those motorists traveling Hampton Oaks Drive would have a turn-around. Mr. Boone also noted that it had been the policy of the Commission that the burden of construction of that cul-de-sac fell on the property in question, even when it was one or two lots. Mr. Boone also noted that there was a strong possibility that if the cul-de-sac was not constructed at this time it may never be constructed.

Mr. Kiser stated that requiring the cul-de-sac would hamper his plans to build at this time because he knew constructing the cul-de-sac would incur quite an expense due to drainage.

The Commission discussed a possible means of requiring the applicant to construct a cul-de-sac, however, incur a reduced expense.

In discussion, a motion was made by Ms. Deakle and seconded by Mr. McSwain to approve this subdivision subject to the following condition:

- 1) placement of a note on the final plat stating a modified cul-de-sac is to be constructed and dedicated at the east terminus of Hampton Oaks Drive, to be approved by the Traffic Engineering Department.

Mr. Vallas was opposed; the motion carried.

EXTENSIONS:

Case #SUB2001-00081 (Subdivision)

File #S2000-68

Chad Estates Subdivision

4760 Dawes Lane East (West side of Dawes Lane East, 800'± North of Three Notch Road).

14 Lots / 8.4± Acres

Request for a one-year extension of previous approval.

A motion was made by Mr. McSwain and seconded by Mr. Plauche to approve a one-year extension of previous approval for this subdivision reiterating that this extension is subject to the conditions originally approved April 6, 2000, as follows:

- 1) the proposed roads be dedicated to and accepted by Mobile County;
- 2) placement of a note on the final plat stating that Lot 1 and the Common Area are denied direct access to Dawes Lane; and
- 3) placement of a note on the final plat stating that maintenance of the Common Area shall be the responsibility of the property owners.

The motion carried unanimously.

Case #SUB2001-00015 (Subdivision)
Old Military Addition to Bellingrath Subdivision

South side of Old Military Road, 390'± West of Bowers Lane, extending West to the South terminus of Pecan Grove Avenue.

15 Lots / 77.2± Acres

Request for a one-year extension of previous approval.

A motion was made by Mr. McSwain and seconded by Mr. Plauche to approve a one-year extension of previous approval for this subdivision.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #ZON2002-01022 (Planned Unit Development)

Hawthorn Suites

North side of Magnolia Grove Parkway, 400'± West of Legends Row.

A request for Planned Unit Development Approval to allow multiple buildings on multiple building sites and shared parking between sites was considered.

AND

Case #SUB2002-00088 (Subdivision)

Hawthorn Subdivision

North side of Magnolia Grove Parkway, 400'± West of Legends Row.

2 Lots / 10.0± Acres

Matt Orrell, Polysurveying Engineering – Land Surveying, was present representing the applicant. Mr. Orrell requested a holdover to the next meeting because the architect had revised the site plan and the staff had not had the opportunity to review the changes.

Ty Irby, Ty Irby Realty, 1551 Schillinger Road, was present on behalf of Mr. and Mrs. Thomas Graham, Jr., and Mr. Charles Byrd, whom were also present, to request that a stub out be constructed at the subject site.

Mr. Frost advised Mr. Irby that the application would likely be held over as requested by the applicant and his concerns would need to be addressed at the time the applications were considered.

A motion was made by Mr. Plauche and seconded by Mr. McSwain to holdover these requests to the June 6, 2002 meeting at the request of the applicant.

The motion carried unanimously.

Case #ZON2002-01013 (Rezoning)

Michael D. Evans

1398 and 1400 Azalea Road (West side of Azalea Road, 700'± North of Halls Mill Road).

A request for a change in zoning from R-1, Single-Family Residential, to B-1, Buffer Business, for a day clinic for the developmentally disabled was considered.

Mr. Frost 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 recommend the approval of 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;
- 2) provision of a buffer in compliance with Section IV.D.1 where the site adjoins residential zoning;
- 3) that the site be limited to one curb cut to Azalea Road, with the location and design to be approved by Traffic Engineering;
- 4) provision of a sidewalk along Azalea Road; and
- 5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

AND

Case #SUB2002-00082 (Subdivision)

Sunset Ranch Subdivision, Resubdivision of Lots 4, 5 & 6

1398 and 1400 Azalea Road (West side of Azalea Road, 700'± North of Halls Mill Road).

2 Lots / 4.8± Acres

Mr. Frost 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 this subdivision subject to the following conditions:

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

The motion carried unanimously.

Case #ZON2002-01014 (Planned Unit Development)

L. L. & T. Properties, Inc. (Lamar Harrison, Agent)

3211 Moffett Road, 261 Western Drive, and 3200 Spring Hill Avenue (West side of Western Drive, extending from Moffett Road to Spring Hill Avenue).

A request for Planned Unit Development Approval to allow multiple buildings on a single building site, and shared access and shared parking between building sites was considered.

Mr. Frost 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. McSwain to approve this plan subject to the following conditions:

- 1) full compliance with the landscaping and tree planting requirements of the Ordinance for the lot at the southwest corner of Moffett Road and Western Drive;
- 2) the provision of frontage trees along Western Drive for the existing lot to the South;

MAY 16, 2002

- 3) limited to the curb cuts as proposed with the approval of ALDOT (along Moffett Road only) and Traffic Engineering regarding the location and design;
- 4) only one free-standing sign per lot;
- 5) the provision of a sidewalk along both Moffett Road and Western Drive; and
- 6) full compliance with all municipal codes and ordinances

The motion carried unanimously.

AND

Case #SUB2002-00084 (Subdivision)

Crichton Place Subdivision

3211 Moffett Road and 261 Western Drive (Southwest corner of Moffett Road and Western Drive).

1 Lot / 1.9± Acres

Mr. Frost 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. McSwain to approve this subdivision subject to the following conditions:

- 1) the provision of a sidewalk along both Moffett Road and Western Drive; and
- 2) the placement of a note on the final plat stating that the site is limited to the curb cuts as proposed, with the approval of ALDOT (along Moffett Road only) and Traffic Engineering regarding the location and design.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2002-00081

Bayou's Bend Subdivision

West side of Dog River Road, ¼ mile± South of Dog River Lane.

3 Lots / 5.2± Acres

Mr. Frost 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 this subdivision subject to the following conditions:

- 1) obtaining of any necessary approvals from federal, state and local agencies;
- 2) the construction of the existing unimproved right-of-way to existing standards to a point 25 feet South of the North lot line of Lot 3;
- 3) the placement of a note on the final plat stating that all access to Lot 3 will be via the new improvements; and
- 4) placement of required 25' minimum building setback line on the final plat.

The motion carried unanimously.

Case #SUB2002-00086

Cathy Browne Subdivision

West side of Schillinger Road, 1060'± South of Old Government Street Road.

MAY 16, 2002

1 Lot / 9.7± Acres

Don Coleman, Rester and Coleman Engineers, Inc., was present representing the applicant and requested that the Commission consider approving two curb cuts to Schillinger Road as opposed to limiting the site to one curb cut as the staff had recommended.

There was no one present in opposition.

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

- 1) placement of a note on the final plat stating that the site should be limited to two curb cuts with the location and design to be approved by County Engineering; and
- 2) 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 #SUB2002-00079

Catherine's Place Subdivision

East side of Gold Mine Road East, 400'± South of the West terminus of Leroy Stevens Road.

3 Lots / 12.0± Acres

Mr. Frost 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. Frost and seconded by Mr. Plauche to hold over the request to consider this subdivision to the June 6, 2002 meeting. The request was held over for the following reason:

- 1) to allow the applicant to include the remainder of the property and additional property owner information for notification; or to provide the staff with documentation (in this case a deed prior to 1984) illustrating the subdivision of a parcel of the parent tract.

The motion carried unanimously.

Case #SUB2002-00074

Grider's Oaks Subdivision

6268 Kislanko Street (Northeast corner of Kislanko Street and Thistlewaite Drive).

2 Lots / 0.7± Acre

Mr. Frost noted that the application was recommended for denial.

There was no one present in representation on behalf of the subject application, and there was no one present in opposition.

A motion was made by Mr. McSwain and seconded by Ms. Deakle to deny this subdivision due to the following reason:

- 1) the Subdivision would not front a public street as required by Section V.D.4 of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2002-00076

S & B Estates Subdivision, Resubdivision of Lot 1

MAY 16, 2002

10120 Airport Boulevard (North side of Airport Boulevard, 600'± East of Dykes Road).
4 Lots / 5.2± Acres

William Scordon, applicant, 4605 Airport Boulevard, owner, was present and stated that he concurred with the staff recommendations.

There was no one present in opposition.

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

- 1) the dedication of sufficient right-of-way to provide 50' from the centerline of Airport Boulevard;
- 2) placement of a note on the final plat stating that Lots A & B and C & D are limited to one curb cut each to Airport Boulevard with the size, location and design to be approved by County Engineering Department; and
- 3) 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.

The motion carried unanimously.

Case #SUB2002-00085

Sanctuary Subdivision

314 Morgan Avenue (West side of Morgan Avenue, 90'± North of Creek Street).

1 Lot / 0.3± Acre

Mr. Frost 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. Plauche and seconded by Ms. Deakle 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 with the location and design to be approved by the Traffic Engineering Department;
- 2) the placement of a note on the final plat stating that the site is denied access to the property to the West; and
- 3) the placement of the twenty-five foot minimum building setback line on the final plat.

The motion carried unanimously.

Case #SUB2002-00089

Shepherd Place Subdivision

1675 Dawes Road (East side of Dawes Road, ¼ mile± North of Jeff Hamilton Road, extending to the West side of Jeff Hamilton Road, ¼ mile± North of Dawes Road).

5 Lots / 3.1± Acres

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

Deborah T. Paul and her mother-in-law, Lillian R. Paul, were present and expressed concerns that Lillian Paul received a letter erroneously indicating that the proposed five-lot subdivision would include her property located at 1701 Dawes Road where she currently resided. Deborah Paul stated that the letter Lillian Paul received from the staff listed the subdivision location as 1675 and 1701 Dawes Road.

Mr. Frost assured Ms. Paul that her property located at 1701 Dawes Road would not be used as part of the proposed subdivision. He explained that the staff was required to notify adjacent property owners to afford them the opportunity to voice concerns, support or opposition.

Deborah Paul raised concerns that the subject property might be used as a mobile home park and would depreciate Lillian Paul's property value. Deborah Paul also raised concerns for the well being and safety of Lillian Paul and pointed out that the proposed smaller lots would be out of character for the subject area of Dawes Road.

Mr. Frost explained to Deborah and Lillian Paul that although issues such as the density and the character of the area could be considered, the Commission had limited discretion pertaining to the use of property in conjunction with subdivision applications.

Mr. McSwain felt that the owner could have developed a trailer park without going through the process of requesting the subdivision. Seemingly, it appeared to Mr. McSwain that the property would be subdivided in order to be used as single-family residential lots.

Lillian Paul also presented a letter to the Commission as a record of her opposition.

Elvia Rager, 1725 Dawes Road, was also present in opposition. Ms. Rager questioned whether any roads would be cut through the subject property, whether septic or sewer would be required, and whether single-family dwellings would be constructed on the proposed lots.

Mr. Frost explained that according to the plat, Lots 3-5 would front and be accessed by Jeff Hamilton Road; and Lots 1-2 would be accessed through Dawes Road. He explained that city water and sanitary facilities served the subject site, and iterated that he was not aware if homes would be constructed on the lots.

Wayne Haney, Demeree Haney Realty, 2100 Demetropolis Road, was present representing the applicant. Mr. Haney reported that Ms. Shepherd hired him to market the properties and Lots 3-5 were designed for single-family residential usage. Mr. Haney reported that Ms. Shepherd resided on Lot 1 and there were no plans for Lot 2 at this time. Mr. Haney was hired to market Lots 3-5 as single-family residential lots with 1600 square foot minimum building restrictions. Mr. Haney stated that the lots were designed to compete with similar residential lots for sale in the area and the lots were not out of character.

A motion was made by Mr. Vallas and seconded by Ms. Deakle to approve this subdivision subject to the following conditions:

- 1) the provision of a 45' building setback (which includes the required minimum building setback of 25') from Dawes Road;
- 2) placement of a note on the final plat stating that Lots 1 & 2 are limited to one curb cut each to Dawes Road with the size, location and design to be approved by County Engineering Department; and
- 3) 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.

The motion carried unanimously.

Case #SUB2002-00078
Smoky Ridge Subdivision

10350 Broughton Road (North side of Broughton Road, 1/4 mile± East of the North terminus of Hardeman Road).

1 Lot / 1.0± Acre

MAY 16, 2002

Mr. Frost noted that it was recommended that this application be held over and 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. Frost and seconded by Mr. Quimby to holdover the request to consider this subdivision to the June 6, 2002 meeting for the following reason:

- 1) to allow the applicant to submit a revised plat to remedy discrepancies between the plat submitted and the legal description.

The motion carried unanimously.

Case #SUB2002-00077

Southern Oaks Estates Subdivision, Phases 5 & 6

Northwest corner of Wear Road (paved) and Wear Road (unpaved).

91 Lots / 47.8± Acres

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

Jean Tolbert, 5417 Wear Road, was present and questioned whether condition #5 applied to the portion of Wear Road that was paved or unpaved.

Mr. Boone replied that the condition applied to the unpaved portion of Wear Road.

Ms. Tolbert was not opposed to the subdivision, but simply requested clarification.

There was no one present in opposition.

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

- 1) the approval of all applicable federal, state and local agencies;
- 2) the provision of access (via a street stub) to the paved, north-south portion of Wear Road;
- 3) that the east-west portion of Wear Road be paved if access (via a street stub) is given to this portion of Wear Road;
- 4) placement of a note on the final plat stating that lots 160-164 and 195-210 are denied access to Wear Road;
- 5) dedication of the necessary right-of-way to provide 30-feet from the centerline of Wear Road (unpaved); and
- 6) the placement of the required 25-foot minimum building setback lines along all street frontages.

The motion carried unanimously.

Case #SUB2002-00091

J. N. Stallworth Subdivision

163 Lyons Park Avenue (West side of Lyons Park Avenue, 300'± North of Spring Hill Avenue).

2 Lots / 0.5± Acre

Marshall A. McLeod, Marshall A. McLeod Land Surveyor, P.L.S., L.L.C., 163 N. Florida Street, was present and requested that the subject application be held over to the next meeting to allow him the opportunity to submit information concerning the ultimate use of the property.

Mr. Boone informed Mr. McLeod that he would need to furnish the necessary information to the staff by Monday, May 20, 2002, in order to appear on the next agenda.

MAY 16, 2002

A motion was made by Mr. Frost and seconded by Mr. Plauche to hold over the request to consider this subdivision to the June 6, 2002 meeting. The request was held over for the following reason:

- 1) to allow the applicant to submit a revised plat.

The motion carried unanimously.

Case #SUB2002-0087

Wells Subdivision

2765 Knollwood Drive (East side of Knollwood Drive, 670' ± South of Granada Avenue).

1 Lot / 1.1 ± Acre

Joe Regan, Regan Land Surveying, Inc., was present representing the applicant and requested that the Commission consider a circular horseshoe drive similar to most of the neighbors in the area to eliminate the necessity to back into Knollwood Drive.

There was no one present in opposition.

In discussion, there was some doubt among the Commission and staff as to whether City Engineering would approve two curb cuts for single-family residential use.

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

- 1) placement of a note on the final plat stating that the number, size, location and design of curb cut(s) is to be approved by the Traffic Engineering Department and City Engineering; and
- 2) placement of required 25' minimum building setback line along Knollwood Drive.

The motion carried unanimously.

Case #SUB2002-00065

Magnolia Grove Subdivision, The Grande, Unit Two

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

37 Lots / 20.0 ± Acres

Mr. Frost 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. Plauche and seconded by Mr. Quimby to approve this subdivision subject to the following conditions:

- 1) standard setbacks shall be applicable;
- 2) placement of a note on the final plat stating that there shall be no curb cuts to Magnolia Grove Parkway;
- 3) placement of a note on the final plat stating that there shall be no curb cuts to Graham Road; and
- 4) that any necessary approvals must be obtained from federal, state and local agencies prior to the issuance of any permits

The motion carried unanimously.

MAY 16, 2002

OTHER BUSINESS:

Smart Growth Concept

Mr. Frost announced that he received a letter from Mayor Dow concerning the Smart Growth concept.

Mr. Boone explained to the Commission that Mayor Dow was very interested in the idea of Smart Growth and was implementing a steering committee to determine if Smart Growth policy would benefit Mobile. Mr. Boone informed the Commission that the steering committee's recommendation would be reviewed and addressed by the Planning Commission within the next few months.

Requirement of Sidewalks

Mr. McSwain informed the Commission that Mr. Vogtner expressed deep concerns to him that the Planning Commission was trying to dictate where sidewalks were located. Mr. McSwain stated he reassured Mr. Vogtner that the Commission was not trying to change policy, however, it was the intent of the Commission to request that sidewalks be constructed when at all possible.

There being no further business, the meeting was adjourned.

APPROVED: July 11, 2002

/s/ Victor McSwain, Secretary

/s/ Robert Frost, Chairman

ate