

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF OCTOBER 17, 2002 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Robert Frost, Chairman  
Wendell Quimby, Vice Chairman  
Councilman Stephen Nodine  
Terry Plauche  
Dr. Victoria Rivizzigno  
Dr. James Laier (S)

**Members Absent**

Victor McSwain, Secretary  
Ann Deakle  
John Vallas  
Norman Hill (S)

**Staff Present**

Laura J. Clarke, Director  
Richard L. Olsen, Planner II  
Angie Etheridge, Secretary III

**Others Present**

John Lawler, Asst. City Attorney  
David Daughenbaugh, Urban Forestry  
Jennifer White, Traffic Engineering  
Beverly Terry, City Engineering

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

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

**APPROVAL OF MINUTES:**

A motion was made by Dr. Rivizzigno and seconded by Mr. Quimby to approve the minutes of the August 8, 2002 meeting as submitted. The motion carried unanimously.

**EXTENSIONS:**

**Case #ZON2001-02312 (Planned Unit Development)**

**Crabtree's Second Addition to North Road**

North side of North Road, 550' ± East of Navco Road.

Request for a one-year extension of previous Planned Unit Development Approval to allow reduced lot widths in a single-family residential subdivision.

The plan illustrates the proposed lot dimensions.

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

The motion carried unanimously.

**AND**

**Case #SUB2001-00278 (Subdivision)**

**Crabtree's Second Addition to North Road Subdivision**

North side of North Road, 550' + East of Navco Road.

2 Lots / 0.5+ Acre

Request for a one-year extension of previous approval.

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

The motion carried unanimously.

**Case #SUB2002-00246 (Subdivision)**

**File #S95-130**

**Creepline Subdivision**

Northwest corner of Higgins Road and Shipyard Road, and running through to Interstate 10.

28 Lots / 227+ Acres

Request for a one-year extension of previous approval.

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

The motion carried unanimously.

**Case #SUB2001-00281 (Subdivision)**

**File #S2000-255**

**J. R. Estates Subdivision**

South side of Johnson Road at the South terminus of Cottage Grove Drive.

26 Lots / 19.0+ Acres

Request for a one-year extension of previous approval.

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

The motion carried unanimously.

**Case #SUB2001-00051 (Subdivision)**

**River Oak Estates Subdivision**

East terminus of Rochelle Lane at the South terminus of Lipscomb Landing Road, extending East to Moore Creek.

5 Lots / 33.8+ Acres

Request for a one-year extension of previous approval.

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

The motion carried unanimously.

**Case #SUB2001-00269 (Subdivision)**

**File #S99-253**

**Springfield Subdivision**

Northwest corner of proposed future Dawes Road and proposed future Grelot Road and extending through to Twelve Oaks Drive.

91 Lots / 57.9+ Acres

Request for a one-year extension of previous approval.

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

The motion carried unanimously.

**Case #SUB2001-00268 (Subdivision)**

**File #S95-189**

**Wynnfield Subdivision**

West side of Sollie Road, ¾ mile+ South of Cottage Hill Road.

118 Lots / 67+ Acres

Request for a one-year extension of previous approval.

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

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2002-00239**

**Acree Commercial Park Subdivision**

North side of Mill Street, 1,663'± East of Western Drive.

1 Lot / 0.4± Acre

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

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

The motion carried unanimously.

**Case #SUB2002-00243**

**Bolivia Place Subdivision**

Northeast corner of Andrews Road and General Road.

2 Lots . 0.7+ Acre

*The staff, based on information submitted with the application, had recommended approval of this subdivision subject to:*

- 1) *the placement of a note on the final plat stating that any lot that is developed commercially and adjoins residentially developed property shall provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations; and*
- 2) *the placement of a twenty-five foot minimum building setback line on the final plat.*

Earl T. DeMouy, Jr., 5760 Andrew Road, was present in opposition. Mr. DeMouy reported that two additional houses were being added on a lot with no room for septic tanks to take care of it. He reported that this would pose a danger to the neighbors. He reported that the structures were almost built now and no one had seen a permit, and he would prefer that the permit to build be denied.

Mr. Frost pointed out that the staff report indicated the purpose of the application was to consolidate two lots into one lot.

Mr. Olsen reported that the staff report was in error, and the purpose of this application was to subdivide one lot into two lots, and the applicant had provided information indicating water service was available.

Mr. Frost questioned if the structures on the site plan were existing structures.

Mr. Olsen replied yes.

Mr. Frost noted that the staff report indicated city water and sanitary facilities were available and questioned if the site was on septic services.

Mr. Olsen reported that the applicant had provided information stating that city water and sewer were available.

Mr. DeMouy reported that city water and sewer services were not available.

Mr. Frost questioned whether the applicant was simply redrawing the property line, or were there plans to add facilities to the site.

Mr. Olsen could not answer. He explained that the Subdivision Regulations specified a minimum lot requirement for septic tank, and if the lot did not meet that requirement the subdivision should not be approved.

Dr. Rivizzigno questioned whether the site was located in the County.

Ms. Clarke replied yes.

Mr. Frost noted that there appeared to be no one present representing the applicant.

Ms. Clarke recommended to the Chairman that this application be held over in order that the engineer could be present to answer the inquiries proposed by the neighbors.

The Commission thanked Mr. DeMouy for attending and bringing these matters to their attention.

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An individual representing the application arrived at the meeting during the executive session and Mr. Frost explained to him that the application was being held over to the next meeting.

A motion was made by Dr. Rivizzigno and seconded by Mr. Quimby to hold over this subdivision request until the November 7, 2002 meeting due to conflicting information regarding availability of sanitary facilities.

The motion carried unanimously.

**Case #SUB2002-00238**

**Brantley Place Subdivision**

9121 Howells Ferry Road (West side of Howells Ferry Road, 270'± North of Eichold Drive).

2 Lots / 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 Dr. Rivizzigno 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 Howell's Ferry Road;
- 2) the placement of a note on the final plat stating that Lots 1 & 2 are limited to one curb cut each to Howell's Ferry Road, with the size, location and design to be approved County Engineering; 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 #SUB2002-00241**

**Browning Place Subdivision, Resubdivision of Lot A**

East side of Dykes Road, at the eastern terminus of Pierce Creek Road.

1 Lot / 0.7± 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 Dr. Rivizzigno to approve this subdivision subject to the following conditions:

- 1) the placement of a note on the final plat stating that Lot A is limited to one curb each to Dykes Road, with the size, location, and design to be approved by the County Engineering Department; and
- 2) the placement of a note on the final plat stating that if any property is developed commercially and adjoins residential property, a buffer will be provided in compliance with Section V.A.7 of the Subdivision Regulations.

The motion carried unanimously.

**Case #SUB2002-00244**

**Champion Hills Subdivision**

West side of McFarland Road, at the West terminus of Dawes Lane.

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146 Lots / 74.8± Acres

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

Paul Beeson, 9108 Dawes Lane, was present and shared concerns with regard to drainage. He reported there was no holding pond or anything to hold water run-off for the subdivision, and Dawes Cemetery Road was washed out with the most recent flood. Mr. Beeson owned property on two sides of the subject site that would be affected by the run off.

Mr. Frost noted there was no detention area indicated on the plan, however, there were quite a few wetlands. Mr. Frost presumed the run off would be directed into the wetlands and would be required to comply with the County Ordinances.

Mr. Olsen reported to the Commission that the staff would like to recommend modifications to Condition #2 to read that Lots 2-14, Unit A, are denied direct access to Cemetery Road; and Lots 1 & 73, Unit A, as well as Lots 1, 70-73, Unit B, are denied direct access to McFarland Road.

A representative of Speaks & Associates Consulting Engineers, Inc., was present representing the applicant and explained that although there was no indication on the plat, the drainage would be directed to the wetlands areas to the northwest corner of the property.

Mr. Quimby had questions about the run off going into the wetlands.

Mr. Olsen noted that ADEM must authorize any activity pertaining to the wetlands.

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

- 1) dedication of adequate right-of-way to provide 25-feet from the centerline of Dawes Cemetery Road;
- 2) placement of a note on the final plat stating that Lots 2-14, Unit A, are denied direct access to Cemetery Road; and Lots 1 and 73, Unit A, as well as Lots 1, 70-73, Unit B, are denied direct access to McFarland Road;
- 3) the approval of all necessary federal, state and local agencies; and
- 4) the provision of a 50-foot wide right-of-way between Lots 43 and 44, Unit B, to allow for a street to the future development area.

Mr. Plauche was opposed; the motion carried.

**Case #SUB2002-00237**

**Sue Cook Estates Subdivision**

North side of Jeff Hamilton Road, 1/4 mile± East of Repoll Road.

4 Lots / 2.9± 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 Dr. Rivizzigno and seconded by Dr. Laier to waive Section V.D.3 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 the site is denied direct access to the easement; and
- 2) the placement of a note on the final plat stating that if any property is developed commercially and adjoins residential property, a buffer in

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compliance with Section V.A.7 of the Subdivision Regulations will be provided.

The motion carried unanimously.

**Case #SUB2002-00235**

**I-10 / Mackinnon Subdivision, Resubdivision of**

South side of Industrial Parkway, bounded by Riviere Du Chien Road and Interstate 10.

3 Lots / 3.1± 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 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 Lots B and C are denied direct access to Interstate 10; and
- 2) placement of a note on the final plat stating that the number, size, location and design of all curb cuts shall be approved by Traffic Engineering.

The motion carried unanimously.

**Case #SUB2002-00242**

**Navac-Tanner Subdivision**

South side of Nugget Drive, 220'± West of Leroy Stevens Road.

2 Lots / 2.7± 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 Dr. Rivizzigno and seconded by Dr. Laier to waive Section V.D.3 of the Subdivision Regulations and approve this subdivision subject to the following condition:

- 1) the placement of a note on the final plat stating that if any property is developed commercially and adjoins residential property, a buffer in compliance with Section V.A.7 of the Subdivision Regulations will be provided.

The motion carried unanimously.

**Case #SUB2002-00245**

**Fincher's Addition to Riverview Subdivision**

Northeast corner of Old Rangeline Road and Riverview Point Drive.

49 Lots / 131.9± Acres

Don Coleman, Rester and Coleman Engineers, Inc., was present representing the applicant, and requested that the Commission consider slight modifications to Conditions #2 and #3 because he was not certain that requiring connection to MAWSS sanitary sewer facilities was reasonable because he felt the facilities may not be available for the subject site.

There was no one present in opposition.

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

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- 1) all wetlands contained within the subdivision be delineated on the final plat;
- 2) each lot contain a minimum of 15,000 sq.ft., exclusive of any wetlands, if septic systems are used; and
- 3) connection to MAWSS sanitary sewer facilities if determined that capacity is adequate and connection is reasonable.

The motion carried unanimously.

**Case #SUB2002-00240**

**Schil-Comm Park Subdivision**

West side of Schillinger Road North, 1,320'± South of Zeigler Boulevard.

6 Lots / 6.3± 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 Dr. Rivizzigno and seconded by Mr. Plauche to approve this subdivision subject to the following conditions:

- 1) the placement of a note on the final plat stating that the development is limited to three curb cuts, with the location, size, and design to be approved by County Engineering; and
- 2) the placement of a note on the final plat stating that if any property is developed commercially and adjoins residential property, a buffer in compliance with Section V.A.7. of the Subdivision Regulations will be provided.

The motion carried unanimously.

**Case #SUB2002-00236**

**Wellington Street Baptist Church Subdivision**

West side of Mobile Street, 70'± North of Chastang Street.

2 Lots / 0.5± 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 Dr. Rivizzigno and seconded by Mr. Plauche to approve this subdivision subject to the following conditions:

- 1) the dedication of sufficient right-of-way to provide 25-feet from the centerline of Chastang Street;
- 2) the placement of a note on the final plat stating that the location, size, and design of all curb cuts shall be approved by Traffic Engineering;
- 3) provision of a buffer in compliance with Section V.A.7 of the Subdivision Regulations where the site adjoins residential property; and
- 4) the placement of the twenty-five foot minimum building setback lines on the final plat.

The motion carried unanimously.

**NEW SIDEWALK WAIVER APPLICATION:**

**Case #ZON2002-02183**

**Rod Cooke Construction, Inc.**

North side of Halls Mill Road, 300'± West of Interstate 65.

A request to waiver construction of a sidewalk along Halls Mill Road was considered.

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

The motion carried unanimously.

**OTHER BUSINESS:**

**Call for public hearing: November 21, 2002**

Mr. Olsen explained that basically the L-B, Limited-Business District, was being proposed in response to concerns stressed by the community over the last couple of years attending public hearings on re-zonings, especially for a district such as B-2. The main concerns of the citizens in many instances were some of the particular uses allowed by right in B-2 districts, which were not in their opinion compatible with the surrounding residential properties. Therefore, the staff at the request of the Mayor considered the creation of a new district that would not allow such uses that have been routinely reported as being inappropriate for the area. Therefore, the staff presented this to the Commission in order to call for a public hearing. Mr. Olsen reported that a couple of transposed typographical errors pertaining to landscaping architects and landscaping contractors within the Chart of Permitted Uses had been brought to the attention of the staff today and the staff would like to request corrections before the public hearing was held.

Mr. Frost questioned whether the Commission preferred to examine the materials before calling for the public hearing.

A motion was made by Dr. Rivizzigno and seconded by Dr. Laier to call for a public hearing on November 21, 2002 to allow discussion and consideration of a proposed amendment to the Zoning Ordinance creating an L-B, Limited-Business District.

The motion carried unanimously.

**Drainage Subcommittee Update**

Mr. Olsen reported to the Commission the subcommittee met and after lengthy discussion the consensus seemed to be that the Subdivision Regulations could be amended to require compliance with the City's flood plain ordinance for both the City and the Planning Jurisdiction. Provisions would be proposed with regard to timing. A commercial property may not be developed immediately upon subdividing, therefore, compliance would be required at the time of development for commercial property. Compliance would be required at the time the plat was to be recorded for residential subdivision because the streets must be constructed before the plat could be recorded. Mr. Olsen reported that the staff would have a proposed amendment for the subcommittee to review at a meeting in November in order to make a recommendation to the Commission.

There being no further business, the meeting was adjourned.

**APPROVED:**            January 23, 2003

/s/ Victor McSwain, Secretary

/s/ Robert Frost, Chairman

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