

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF JULY 25, 2002 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Robert Frost, Chairman  
Wendell Quimby, Vice Chairman  
Ann Deakle  
Terry Plauche  
Dr. Victoria Rivizzigno  
John Vallas  
James Laier (S)

**Members Absent**

Victor McSwain, Secretary  
Councilman Clinton Johnson  
Norman Hill (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  
Frank Palombo, Planner I  
Mae Sciple, Secretary II

**Others Present**

John Lawler, Asst. City Attorney  
David Daughenbaugh, Urban Forestry  
Bill Metzger, 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.

**APPROVAL OF MINUTES:**

A motion was made by Dr. Rivizzigno and seconded by Dr. Laier to approve the minutes of the June 6, 2002 meeting as submitted. The motion carried unanimously.

**HOLDOVERS:**

**Case #ZON2002-01292 (Planning Approval)**

**New Home Baptist Church, (Rev. Marvin Langham, Agent)**

1308 Wellington Street (East side of Wellington Street, 135'± North of Chestang Avenue, extending to the West side of Next Street).

A request for Planning Approval to allow a church in an R-1, Single-Family Residential district was considered.

The plan illustrates the existing structure and parking.

This application was heldover from the June 20, 2002 meeting to allow the applicant to submit a revised site plan that more accurately illustrated the existing and proposed improvements.

Rev. Marvin Langham was present representing the applicant and questioned the staff's recommendation that access be denied to Next Street because he had planned to use Next Street as an exit.

Mr. Boone stated that the application was held over from the last meeting, and the recommendations concerning denial of access to Next Street should have been removed.

Rev. Langham asked for clarification regarding the recommendation for the elimination of two curb cuts to Wellington Street. He said the playground area would eliminate the two curbs, as there would not be any traffic going through the Wellington Street area.

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Mr. Olsen explained that the two curb cuts in question were recommended to be closed because they would no longer be utilized. He noted that it was the property owner's responsibility to close them.

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) reconfiguration of the parking facilities to provide angled parking for one-way traffic circulation, to be approved by Land Use Staff;
- 2) provision of screening from adjacent residential properties and those across the street(s) in compliance with Section VI.A.3.i;
- 3) provision of frontage trees along both street frontages;
- 4) the parking facilities and drives be paved;
- 5) elimination and removal of two curb cuts to Wellington Street;
- 6) completion of the subdivision process prior to issuance of any Certificates of Occupancy or letters of compliance;
- 7) preservation of the 30" and 31" Oaks shown on the plan submitted, including removal of any paving material that encroaches on the trees, to be coordinated with the Urban Forester; and
- 8) full compliance with all municipal codes and ordinances, including the provision of sidewalks.

The motion carried unanimously.

**AND**

**Case #SUB2002-00120 (Subdivision)**

**New Home Baptist Church Subdivision**

1308 Wellington Street (East side of Wellington Street, 135'± North of Chestang Avenue, extending to the West side of Next Street).

1 Lot / 0.8± Acre

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

- 1) elimination and removal of the two curb cuts to Wellington Street;
- 2) provision of buffering and screening from adjacent residential properties and those across the street(s); and
- 3) completion of the subdivision process prior to issuance of any CO's or letters of compliance.

The motion carried unanimously.

**Case #ZON2002-01295**

**Kidd Jamm**

2801 Knollwood Drive (East side of Knollwood Drive at the East terminus of Antoine Road).

A request for Planning Approval to allow a child daycare center at an existing church in an R-1, Single-Family Residential District was considered.

The site plan illustrates the existing structure and parking.

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 plan subject to the following conditions:

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- 1) provision of frontage trees in compliance with numbers and ratios in Section IV.E.3 of the Zoning Ordinance; and
- 2) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2002-00141**

**Figures & Browning Place Subdivision**

Southeast corner of Moffett Road and Bear Fork Road.

2 Lots / 5.4± Acres

Mr. Frost reported that this application was recommended for holdover until the August 8, 2002 meeting to allow the submission of documentation to establish ownership of Lot 2, as well as the signature(s) of the owner(s).

Mr. Norman Figures, 3708 Kimberly Circle, was present in opposition. He visited the Land Use office the previous week to object to this proposed subdivision, as the property in question belongs to the estate of Charles Figures, Sr., now deceased. Mr. Figures explained that as executor of the estate he was the only person authorized to sign with regard to this property. He said his brother, Raymond Figures, was enticed by a real estate agent to affix his name as owner of the property. Mr. Figures said he also objected to the Figures name being affixed to the subdivision. He presented a copy of the deed to the Commission members.

A motion was made by Mr. Frost and seconded by Dr. Rivizzigno to holdover this application to the meeting of August 8, 2002 to allow the submission of documentation to establish ownership of Lot 2, as well as the signature(s) of the owner(s).

The motion carried unanimously.

**GROUP APPLICATIONS:**

**Case #ZON2002-01544 (Planning Approval)**

**UMS-Wright Corporation**

65 North Mobile Street (Southwest corner of North Mobile Street and Old Shell Road, extending South and West to the Illinois Central Gulf Railroad right-of-way and the South terminus of Martin Street).

Planning Approval to amend a previously approved Master Plan for a school in an R-1, Single-Family Residential District.

**AND**

**Case #ZON2002-01609 (Planned Unit Development)**

**UMS-Wright Corporation**

65 North Mobile Street (Southwest corner of North Mobile Street and Old Shell Road, extending South and West to the Illinois Central Gulf Railroad right-of-way and the South terminus of Martin Street).

Planned Unit Development Approval to amend a previously approved Master Plan for Planned Unit Development.

**AND**

**Case #SUB2002-00162 (Subdivision)**

**UMS-Wright Subdivision**

65 North Mobile Street (Southwest corner of North Mobile Street and Old Shell Road, extending South and West to the Illinois Central Gulf Railroad right-of-way and the South terminus of Martin Street).

1 Lots / 45.8± Acres

Mr. Frost reported that the applicant, Rester and Coleman Engineers, Inc., had requested that these applications be held over to the next meeting.

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A motion was made by Mr. Frost and seconded by Mr. Quimby to hold over these requests to the August 8, 2002 meeting as requested by the applicant.

The motion carried unanimously.

**Case #ZON2002-01545 (Planned Unit Development)**

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

3211 and 3221 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 amend a previously approved Planned Unit Development application to allow multiple buildings on a single building site, and shared access and shared parking between building sites was considered.

The plan illustrates the existing buildings and parking, proposed buildings and parking, and proposed lot resubdivision.

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 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;
- 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.

**AND**

**Case #SUB2002-00163**

**Crichton Place Subdivision**

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

1 Lot / 3.1± Acres

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 sidewalk along both Moffett Road and Western Drive;
- 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; and
- 3) placement of a note on the final plat stating that Lots 2 and 3 are limited to one curb cut each, with the location and design to be approved by Traffic Engineering and ALDOT.

The motion carried unanimously.

**NEW ZONING APPLICATION:**

**Case #ZON2002-01527**

**Dees Limited Partnership/Dees Holdings, LLC**

2701 Dauphin Street (South side of Dauphin Street at the Southern terminus of Mobile Street, extending 550'± along the Illinois Central Gulf Railroad).

A request for a change in zoning from R-1, Single-Family Residential to B-3, Community Business to allow retail sales and wholesale distribution of construction materials was considered.

The plan illustrates the existing structure and associated drive.

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

- 1) full compliance with the parking requirements of the Ordinance;
- 2) full compliance with the landscaping and tree planting requirements of the Ordinance;
- 3) submission and approval of a Subdivision application; and
- 4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**NEW PLANNED UNIT DEVELOPMENT APPLICATION:**

**Case #ZON2002-01529**

**Natchez Trail Townhomes, Lots 7, 8, 12, 13, 16, 17, 19 & 24**

West side of Natchez Trail Court, 650'± North of Cottage Hill Road.

A request for Planned Unit Development Approval to amend a previous approval allowing detached, zero-lot line, single-family residential townhomes was considered.

Don Williams, Williams Engineering, was present representing the applicant and reported that the site was originally approved as a 15 lot residential subdivision and was now being proposed as a 30-lot zero-lot-line development which would be limited to 35% coverage with lots varying from 7,500-10,000 square feet. The homes were proposed at 2,500 square feet and every house would be pretty close. The building permit for Lot 19 was declined until issues with the stormwater detention design were resolved.

Mr. Frost asked about the detention issue.

Mr. Williams stated that the detention pond, at the very back of the property, was designed for a 100-year storm. He contended that it was appropriately sized to handle the planned development.

Beverly Terry, representing the City Engineering Department, stated that she agreed that the stormwater detention pond is adequately sized for increased coverage. She expressed concern, however, about the maintenance of the detention pond over time, and asked that the developer submit a certified survey stating that the capacity and construction of the detention pond was adequate.

Mr. Frost questioned whether the staff would change their recommendation with regard to the density issue if an engineer provided the certified survey.

Mr. Olsen still expressed concerns with the stormwater detention measures and the increased site coverage on roughly one-third of the lots.

Mr. Frost suggested that since the Engineering Department had requested additional input, possibly the application should be held over as opposed to denial.

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A motion was made by Dr. Rivizzigno and seconded by Dr. Laier to hold over this request to the August 22, 2002 meeting to allow the staff to examine the water retention area(s).

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2002-00154**

**John Beasley Subdivision, Resubdivision of Lot "B"**

South side of Riverside Drive, 280'± East of Center Road, extending through to the North side of Gill Road.

2 Lots / 4.5± 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. Quimby and seconded by Dr. Rivizzigno to waive Section V.D.3 of the Subdivision Regulations and approve this subdivision.

The motion carried unanimously.

**Case #SUB2002-00151**

**Blackwell Oaks Subdivision**

South side of Blackwell Nursery Road South, 1/2 mile± West of Snow Road.

65 Lots / 23± Acres

The staff recommended that this application be held over.

There was no one present representing the applicant.

There was no one present in opposition.

A motion was made by Mr. Quimby and seconded by Dr. Rivizzigno to hold over this request to the August 22, 2002 meeting to allow the applicant time to submit documentation to establish the site (or the out parcels) as lots of record prior to July 1984, or to submit a revised plat to include them in the subdivision (including any additional fees and notification information); and to submit a revised plat with street stubs, or justification for not providing street stubs.

The motion carried unanimously.

**Case #SUB2002-00145**

**Bob's Subdivision, Resubdivision of Lot 1**

West of Snow Road, 1,600'± North of Airport Boulevard.

2 Lots / 4.4± Acres

Catherine Wilhelm, Volkert & Associates, Inc., 4512 Weatherford, was present representing the applicant, Mobile Water Service, who planned to locate a water booster station at the subject site. Ms. Wilhelm reported that the placement of the water booster station at this site was critical to the location of the existing water transmission line that ran parallel to Snow Road. She raised concerns because there was a home currently located within the 25' setback area described on the plat as Lot 1-A.

Mr. Boone stated that this was a unique situation and the staff would recommend that the setback condition not be applied to Lot 1-A.

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:

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- 1) the placement of a note on the final plat stating that no habitable structures will be allowed on Lot 1A;
- 2) 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
- 3) the placement of a 25' minimum building setback line on the final plat for Lot 1.

The motion carried unanimously.

**Case #SUB2002-00159**

**Mark Boniol Dodge Subdivision**

North side of Government Boulevard, 420'± East of the I-65 Service Road.

1 Lot / 6.9± Acres

Mr. Plauche recused himself from the vote and discussion with regard to this request.

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. Quimby to approve this subdivision subject to the following condition:

- 1) the placement of a note on the final plat stating the development is limited to two curb cuts to Government Boulevard Service Road with the size, location, and design to be approved by Traffic Engineering.

Mr. Plauche recused; the motion carried.

**Case #SUB2002-00147**

**Brewers Subdivision**

Southeast corner of Dawes Road and Wear Road.

3 Lots / 6.6± 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. Laier and seconded by Ms. Deakle to approve this subdivision subject to the following conditions:

- 1) the provision of a 35 foot setback (which includes the required minimum building setback of 25 feet), from the centerline of Dawes Road;
- 2) the placement of a note on the final plat stating that Lots 1 & 3 are limited to one curb cut each to Wear Road, and Lot 2 is limited to one curb cut to Dawes Road, with the size, location and design to be approved County Engineering;
- 3) the placement of a note on the final plat stating that any lot that is developed commercially and adjoins residentially developed property shall provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations; and
- 4) the placement of the required 25' minimum building setback line along all road frontages on the final plat.

The motion carried unanimously.

**Case #SUB2002-00155**

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**Bristol Subdivision, First Addition**

West side of Hardeman Road, 1000'± South of Broughton Drive.

1 Lot / 1± 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. Laier and seconded by Ms. Deakle to approve this subdivision subject to the following conditions:

- 1) the provision of a 50' setback (which includes the required minimum building setback of 25 feet), from the centerline of Hardeman Road;
- 2) placement of a note on the final plat stating that Lot 1 is limited to one curb cut to Hardeman 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.

**Case #SUB2002-00149**

**Champion Hill Subdivision**

Northwest corner of McFarland Road and Dawes Lane North.

166 Lots / 74.8± Acres

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

There was no one present in opposition.

In discussion, Dr. Rivizzigno felt the "common area" should be labeled as detention instead where applicable.

A motion was made by Dr. Rivizzigno and seconded by Mr. Plauche to holdover this application to the August 8, 2002 meeting to allow the applicant to redesign the proposed subdivision, addressing the preceding concerns.

The motion carried unanimously.

**Case #SUB2002-00152**

**Crestview Subdivision, Resubdivision of Lots 4 & 5, Fifth Addition, Part B, Unit Two**

Northwestern terminus of Apex Court, 140'± Northwest of Apex Drive.

2 Lots / 1.2± 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 Ms. Deakle and seconded by Dr. Rivizzigno to approve this subdivision.

The motion carried unanimously.

**Case #SUB2002-00146**

**Eagle Place Subdivision**

South side of Overlook Road, 250'± West of Morlee Drive West.

18 Lots / 9.9± Acres



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The staff recommended that this application be held over until the August 22 meeting to allow the applicant to submit a revised plat which provides a connection to the existing Diane Street stub (submission no later than July 29), and which eliminates the 25' x 30' "common area" along Overlook Road.

Millard Austin, Austin Engineering Company, Inc., was present and explained that the applicant was not the owner of the subject property, but had an option to purchase the property. He noted that the "common area" shown on the plat was not for access, but rather detention. He pointed out a drainage ditch that ran between lots 18 and 89, and noted there was also a sanitary sewer easement along the ditch. Mr. Austin said it would make it economically unfeasible to stub-out if he was also required to connect Diane Drive with the new street. Mr. Austin asked that the Commission act on this subdivision today rather than hold it over as recommended by the staff.

Mr. Frost expressed concern with regard to the ditch and the expense on the subdivision. He also felt requiring the developer to access the stubout was a pretty burdensome expense for such a small subdivision.

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

- 1) placement of a note on the final plat stating that Lots 1 and 17 are denied direct access to Overlook Road;
- 2) placement of a note on the final plat stating that Lot 18 is denied access to any street via common area(s);
- 3) the area identified on the plan as "common area" to be redefined as "detention pond"; and
- 4) placement of a note on the final plat stating that the maintenance of the "common areas" shall be the responsibility of the property owners association.

The motion carried unanimously.

**Case #SUB2002-00157**

**Lakeside Commercial Park Subdivision, Resubdivision of Lot 3**

Southwest corner of Cottage Hill Road Service Road and Lakeside Drive.

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

- 1) the placement of the 25' minimum building setback line on the final plat;  
and
- 2) the dedication of six additional feet along Lakeside Drive.

The motion carried unanimously.

**Case #SUB2002-00150**

**Saybrook Subdivision**

West side of Sollie Road, 150'± North of Oakbriar Boulevard.

74 Lots / 33.1± Acres

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

Ted Anbuhl, 7255 Oakbriar Drive North, and president of the Oakbriar Homeowners Association, expressed concern about the additional traffic that would be coming through

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their subdivision as a result of this proposed development. He asked for clarification of the staff recommendation that there be no curb cuts to Sollie Road.

Mr. Boone explained that the staff was asking that there be no direct access to Sollie Road from Lots 1 and 39, that the new street would provide access to Lots 1 and 39. Mr. Boone also noted that the stubout on Oakbriar Drive would be opened.

Mr. Anbuhl asked if there was a minimum square footage on the homes.

Mr. Boone replied that the Subdivision Regulations did not allow the staff or the Commission to require or stipulate minimum house size.

Russell Greene, 7194 Oakbriar Drive, stated his opposition to opening up the stubout.

Mr. Frost stated that from a planning standpoint and a safety issue, the opening of the stubout would provide a link to the existing Oakbriar Subdivision.

Mr. Green also stated that he was opposed to the subdivision name, and to not having an entrance from Sollie Road.

Mr. Frost explained that the Commission had no control over subdivision names. He further explained that the subdivision would have access off of Sollie Road via the new street; Lots 1 and 39 would simply be denied direct access from Sollie Road.

The homeowner at 7408 Meadow Grove Court was present and expressed concern about drainage and the effect it would have on their holding pond. He said the Meadows Subdivision already had a drainage problem, and he contended the new subdivision would only compound the problem.

Mr. Frost asked the developer, David Diehl, to describe the detention area for the proposed subdivision. Mr. Diehl explained that the detention area for the proposed subdivision abutted the detention pond for the Meadows Subdivision and would empty into the same low-lying area.

Pat Stewart, County Engineering, stated that Mobile County only required detention for a 10-year storm when it affected the county right-of-way, while most of Mobile's rainfalls were equivalent to 25-50 year storms, which was a great deal more water than the pond was designed for.

Mr. Diehl stated that the drainage design for the proposed site was based on a 25-year storm and the same amount of water would be released that was currently draining off. He asked that they not be penalized because of an existing problem on another subdivision and expressed that building a new subdivision would not increase the rainfall levels.

Mr. Frost expressed concern that there would be back-to-back detention areas, and one was already insufficient.

Mr. Diehl noted that the Meadows Subdivision pond was not on the property line; that the property line was the ditch; and the pond was 40-50 feet back from the line. Mr. Diehl said the proposed pond would be right on the property line.

Mr. Frost stated that the Commission generally looked to the ordinances to deal with drainage issues, but the Commission did have the right to request a drainage study. Mr. Frost asked John Lawler, Assistant City Attorney, his advice in this situation.

Mr. Lawler stated that the Commission looked to the Code of Alabama with regard to the Subdivision Regulations, which stated that the higher standard, be it the city or the county, should be applied. That meant the higher standard should be applied in the planning jurisdiction also. Mr. Lawler said the Commission had not held subdivisions to the higher standard with regard to streets or drainage, but it was his opinion that they could. He felt the Commission needed to get as much information as possible to make

sure the developer would not be creating problems for neighboring properties. Mr. Lawler stated that if there was a problem or a potential problem, the Commission had the right to deny the subdivision or ask for some kind of engineering study. He noted that with two different organizations involved in the review process there would have to be a determination as to which governing body enforced the higher standard, and who should administer the standard.

Pat Stewart, County Engineering, stated that the County had little authority and had to go to the legislature for approval.

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

- 1) dedication of sufficient right-of-way along Sollie Road to provide a minimum of 50' from centerline;
- 2) placement of a note on the final plat stating that Lots 1 and 39 shall be denied direct access to Sollie Road;
- 3) all landscaped islands be indicated as common area on the final plat, and a note placed on the final plat stating that maintenance of all common areas and landscaped islands is the responsibility of the property owners association; and
- 4) the road be constructed to County standards and dedicated to Mobile County.

Dr. Rivizzigno was opposed; the motion carried.

**Case #SUB2002-00156**

**Schillinger West, Resubdivision of Lot 2**

West side of Schillinger Road North, 1,250'± North of Oak Hill Drive.  
3 Lots / 9.5± 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. Laier 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 two curb cuts, with the location and design to be approved by the County Engineering Department;
- 2) the placement of a note on the final plat stating that any lots that are developed commercially and adjoin residential property must provide a buffer in compliance with Section V.A.7 of the Subdivision Regulations;
- 3) that the developer obtain any necessary federal, state, and local environmental approvals; and
- 4) the placement of a note on the final plat stating that there will be no further resubdivision of Lot 1.

The motion carried unanimously.

**Case #SUB2002-00158**

**Head's Addition to Tillman's Corner Subdivision**

South side of Cross Street, 100'± East of Middle Road.  
5 Lots / 20.3± Acres

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

There was no one present in opposition.

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

- 1) the unimproved portion of Cross Road be constructed to County standards;
- 2) the developer obtain any necessary federal, state, and local environmental approvals; and
- 3) placement of a note on the final plat stating if the property is developed commercially a buffer in compliance with Section V.A.7 will be provided where the site adjoins residential property.

The motion carried unanimously.

**Case #SUB2002-00148**

**The Oaks at Westlake Subdivision**

Western terminus of Westlake Road, 1,500'± West of Scott Dairy Loop Road West.  
107 Lots / 49.9± Acres

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

Don Oyler, 4027 Oyler Road, an adjoining property owner, stated his concern that runoff from this subdivision would run off into Turkey Creek which ran across his property. He contended that the holding pond was not holding the water and it was coming across his property and causing erosion. Mr. Oyler also expressed concern about an easement through his property, which he said the State was requiring for a proposed by-pass. Further, he asked about the responsibility for the common areas, which he said were nothing more than holding ponds.

Mr. Frost explained that the people in the neighborhood were responsible for maintaining the common areas and any erosion concerns should be addressed by ADEM. In regard to the easement required by the State of Alabama, Mr. Frost said the most the City could request as far as dedication would be 100 feet.

Mr. Boone stated that the staff was aware that ALDOT had plans for a bypass, but they did not know the exact location.

Mr. Diehl commented that usually on corridor studies, ALDOT normally examined several options and would do everything they could to go around an existing subdivision.

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

- 1) that no units or phases are recorded until West Lake Road is paved and constructed to County standards;
- 2) the dedication of adequate rights of way for Scott Dairy Loop Road, and the Eliza Jordan Road/March Road Connector as illustrated on the plat submitted;
- 3) placement of a note on the final plat stating that Lots 5, 6, and 95-101 are denied direct access to the March Road Connector;
- 4) the preservation of all large, healthy, live oaks exceeding 50-inches in diameter, wherever possible to be approved by the Urban Development Staff;
- 5) the approval of the Urban Development Staff prior to the issuance of any clearing or construction permits;
- 6) placement of a note on the final plat stating that the maintenance of the "common area" shall be the responsibility of the property owners;
- 7) the area identified on the plan as "common area" to be redefined as "detention pond"; and
- 8) the approval of ADEM, if necessary, for the sewer/septic system.

The motion carried unanimously.

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**OTHER BUSINESS:**

**Christopher S. Boone's Departure from the City of Mobile**

Mr. Frost announced that Mr. Boone was moving to Texas and would no longer attend the Commission meetings. The Commission commended Mr. Boone's dedication to the City of Mobile and the Planning Commission, expressed their delight in working with him over the years, and wished Mr. Boone much success in his new endeavor.

There being no further business, the meeting was adjourned.

**APPROVED:**           September 19, 2002

/s/ Victor McSwain, Secretary

/s/ Robert Frost, Chairman

ate