

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF SEPTEMBER 19, 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

Members Absent

Victor McSwain, Secretary
Councilman Clinton Johnson
Norman Hill (S)
Dr. James Laier (S)

Staff Present

Laura J. Clarke, Director
Richard L. Olsen, Planner II
Margaret Pappas, Planner II
Frank Palombo, Planner I
Angie Etheridge, Secretary III

Others Present

John Lawler, Asst. City Attorney
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 Mr. Vallas to approve the minutes of the July 25, 2002 meeting as submitted. The motion carried unanimously.

HOLDOVERS:

Case #ZON2002-01529 (Planned Unit Development)
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 town homes was considered.

This application was held over at the July 25 and August 22 meetings to allow the applicant to submit documentation concerning capacity of the detention.

Don Williams, Williams Engineering, stated that since the last meeting an investigation led to discovery that the existing detention installed three or four years ago was not built according to the approved plan and was insufficient to accommodate the proposed increase. He stated that the owner of the subject property had contracted with someone to clean out and enlarge the pond in order to bring the detention into compliance with the approved plan, which would accommodate the proposed increase. However, this was not accomplished by the deadline required for the September 19th meeting.

Given the posture of this case, Mr. Frost felt that the application should be held over until the Commission was assured the holding pond had been enlarged.

Beverly Terry, City Engineering, assured the Commission that Mr. Williams had coordinated with City Engineering and had made significant progress. She said she would be comfortable adding a condition of approval that the Engineering Department would review their certification, and no building permit would be granted until Engineering approved the detention pond.

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

- 1) provision of adequate detention capacity to accommodate additional run-off; to be coordinated with and approved by the City Engineering Department; and
- 2) that no permits for additional site coverage be issued until Condition #1 is met.

The motion carried unanimously.

Case #SUB2002-00183 (Subdivision)

Eddie's Subdivision

265 Azalea Road (East side of Azalea Road, 250'± South of Airport Boulevard).

1 Lot / .8± Acre

The purpose of this application was to create a legal lot of record from a metes and bounds parcel. The staff initially raised concerns due to a lack of documentation concerning a landlocked parcel of property to the east of the subject site.

This application was held over at the September 2nd meeting due to concerns raised with regard to curb cuts and vehicular traffic-flow concerns. The staff contacted the Traffic Engineering Department regarding two curb cuts approximately 40' wide each and an additional barricaded curb cut in the city right-of-way accessing the property to the North. The staff recommended approval of this subdivision subject to 1) the two existing 40' curb cuts to Azalea Road be reduced to 24' width in order to allow vehicular traffic to turn left onto Azalea Road without causing right-turn vehicular traffic to stack up; and 2) the barricaded curb cut in the city right-of-way be closed and the driveway be removed.

Frank Dagley, Frank A. Dagley & Associates, Inc., was present representing the applicant. Mr. Dagley requested that the applicant be allowed to coordinate the widths of the width of the curb cuts with Traffic Engineering rather than stipulating 24' width in the conditions.

Mr. Olsen requested that clarification be offered by Traffic Engineering with regard to the connecting driveways that were discussed at the last two meetings.

Mr. Bill Metzger, Traffic Engineering, felt it would be best to close the connection between the two properties on both the north and south.

Mr. Dagley agreed.

Rajool S. Mehta, 257 Azalea Road, was present. Mr. Mehta reported that he currently operated a restaurant at 257 Azalea Road, however, he had previously rented the space to New York Bagel. He understood that at the time New York Bagel operated at the location, Eddie's Pawn had an agreement with New York Bagel whereby New York Bagel paid Eddie's Pawn a fee to remove the barricade and allow motorists to enter New York Bagel along this portion of the road. Mr. Mehta felt it would be much safer if the barricades were removed allowing a throughway when motorists were traveling from the Shell Station, Eddies Pawn and his establishment and motorists were attempting to turn left.

Mr. Metzger, Traffic Engineer, disagreed.

There was discussion between Mr. Frost, Mr. Metzger and Mr. Mehta concerning this matter.

Mr. Dagley sympathized with Mr. Mehta regarding his ability to get in and out of Azalea Road, however, motorists were traveling through these curb cuts at Eddie's parking lot to go south on Azalea Road. He reported that his client was concerned about liability in the event of an accident occurring on his private property as a result of these motorists.

Mr. Mehta presented to the Commission a layout showing Azalea Road and the barricade. He said at the current time, Eddie's had four cutouts including the two on Azalea Road, but the ones on the north and the south end of the subject site were the ones at issue. He said everyone else, even beyond on the south side of Eddie's, had curb cuts that motorists could go through and safely make a left turn.

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

- 1) width of existing curb cuts to be coordinated with and approved by the Traffic Engineering Department and permitted by the Right-of-Way Division of the Engineering Department; and
- 2) removal and closure of the barricaded curb cuts in the city's right-of-way, removal of the paved drive, as well as the installation of curbing or landscaping, to be approved by the Traffic Engineering Department and permitted by the Right-of-Way Division of the Engineering Department.

The motion carried unanimously.

Case #ZON2002-01923 (Planned Unit Development)

StorageMax University Subdivision

684 South University Boulevard (East terminus of Kwajalein Drive, 245'± West of South University Boulevard).

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

The plan illustrates the existing structure and asphalt parking, along with the proposed structure and 20' ingress/egress easement.

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

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

- 1) elimination of the 20' ingress and egress easement along the South and West property lines;
- 2) full compliance with the landscaping and tree planting requirements of the Zoning Ordinance;
- 3) procurement of a tree trimming permit prior to the issuance of any construction permits; and
- 4) full compliance with all municipal codes and ordinances.

AND

Case #SUB2002-00200 (Subdivision)

StorageMax University Subdivision

684 South University Boulevard (East terminus of Kwajalein Drive, 245'± West of South University Boulevard).

1 Lot / 2.7± Acres

A motion was made by Mr. Plauche and seconded by Mr. Vallas to waive Section V.D.4 of the Subdivision Regulations and approve this subdivision subject to the following condition:

- 1) elimination of the 20' ingress and egress easement along the South and West property lines.

The motion carried unanimously.

Case #SUB2002-00201 (Subdivision)

John E. Brennan Subdivision

1388 Walter Smith Road (West side of Walter Smith Road, at its Southern terminus).

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2 Lots / 4.6± Acres

Wil Lawler, Lawler and Company, 10920 Jeff Hamilton Road, was present representing the applicant and addressed the requirement for dedication of right-of-way for future Grelot Road. He asked if the 80' requirement was inclusive of the 20' unimproved right-of-way.

Mr. Frost said he understood the 20' unimproved right-of-way to be inclusive.

Ms. Pappas stated that the staff would like to recommend to the Commission the provision of setbacks to provide for the future extension of Grelot Road. This would take into account the existing right-of-way. Therefore, adequate setbacks would be provided for the major street. She noted that the Commission had required setbacks in lieu of dedication on other small residential subdivisions. Ms. Pappas said taking the 25' setback on either side into account, this provision would allow a total of 130' because 20' of right-of-way already existed.

Mr. Lawler asked if development within the setback area would be prohibited.

Pat Stewart, County Engineering, stated that there would be no construction within the setback.

Mr. Lawler asked when Grelot Road was proposed to be constructed.

Mr. Stewart said there was a distinct possibility Grelot Road would be constructed in 2004.

Mr. Lawler said he would prefer that the Commission waive that requirement until such time as Grelot Road was proposed to be built and continue on with the rest of the subdivision.

Mr. Frost asked if anyone present was in opposition.

Don Williams, Williams Engineering, stated that he was present on behalf of Helen Ladd, who owned 27 acres directly south of the subject property. Mr. Williams noted that a waiver of Section V.D.3 would be required due to the remaining lot size considering the 125' would be reserved for the 100' right-of-way and the standard 25' building setback requirement. Mr. Williams also raised concerns with the portion of the property south of the proposed extension of Grelot Road to be labeled Lot 2-A. Mr. Williams felt this was a very inappropriate lot size out of character with any other lot along the street. He also raised concerns as to the maintenance and upkeep of the property. He noted that his client, Mr. Ladd, might be interested in purchasing the small strip of land.

Mr. Frost asked if Mr. Ladd would be agreeable to joining in this application. Mr. Williams said he felt he would if they could negotiate the price.

Ty Irby, 1551 Schillinger Road, was present on behalf of Mr. Frank Kelly and Mrs. Elsie Kelly, who owned approximately 34 acres of the southwest corner of Lot 2. The Kelly's property was presently landlocked, other than the 20' right-of-way that was not passable and was not useable at the present time. Mr. Irby reported that Mr. and Mrs. Kelly supported the original requirements that the additional right-of-way provide access to the Kelly property. They were asking that Grelot Road, as shown on the Major Street Plan, be dedicated with this application to provide access to Mr. Kelly's 34 acres.

Mr. Lawler stated that he would not like to see a holdover, as he was not in a position to contact his client. He felt his client would be willing to negotiate with Mr. Ladd, but was not sure if they could arrange anything between now and the next few weeks. He asked that the Commission vote on the application today.

Mr. Frost questioned creating this small lot.

Ms. Pappas said there were several options. They could allow this portion of property to serve as a lot by waiving section V.D.3 of the Subdivision Regulations. Another option would be to label it as common area, or the only other thing would be to deny the subdivision because the Commission could not create a no-man's land on the other side of the proposed major street.

Mr. Frost felt he would rather have the common area than create a separate lot.

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to hold over this application to the October 3, 2002 meeting to allow closer examination of measures necessary for the property south of the proposed extension of Grelot Road.

The motion carried unanimously.

Case #SUB2002-00203 (Subdivision)

Arthur Jones Subdivision

West side of Dawes Lane Extension, extending through to Airport Road, 3,629'± South of Three Notch Road.

6 Lots / 28.1± Acres

Wil Lawler, Lawler and Company, Inc., 10920 Jeff Hamilton Road, was present representing the applicant and concurred with the conditions recommended by the staff.

There was no one present in opposition.

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

- 1) the provision of a 75-foot setback from the centerline of Airport Road to provide for the right-of-way of the planned major street (which includes the required 25-foot minimum building setback);
- 2) the placement of the 25-foot minimum building setback line along Dawes Lane Extension; and
- 3) the placement of a note on the final plat stating that a buffer in compliance with Section V.A.7 will be provided on any lot that is developed commercially and adjoins residential property.

The motion carried unanimously.

EXTENSIONS:

Case #ZON2001-02022 (Planned Unit Development)

(File #PUD2000-39)

Azalea 90 Business Park (Lamar Harrison, Agent)

South side of Government Boulevard, 80'± East of Azalea Road.

Planned Unit Development approval to allow multiple buildings on a single building site.

Request for a one-year extension of previous approval.

AND

Case #SUB2001-00246 (Subdivision)

(File #S2000-216)

Azalea 90 Business Park Subdivision

South side of Government Boulevard, 80'± East of Azalea Road.

1 Lot / 3.7± Acres

Request for a one-year extension of previous approval.

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to approve a one-year extension of previous approval for this Planned Unit Development and subdivision, with no future extensions to be granted.

The motion carried unanimously.

Case #SUB2001-00197 (Subdivision)

Congress/Pine Subdivision

Southwest corner of Congress Street and North Pine Street.

4 Lots / 0.6± Acres

Request for a one-year extension of previous approval.

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to approve a one-year extension of previous approval for this subdivision.

The motion carried unanimously.

Case #SUB2001-00241 (Subdivision)

(File #S2000-218)

Crichton Commerce Place Subdivision (Formerly known as: M & E Subdivision)

North side of Moffett Road, 610'± West of Western Drive, extending to the East side of Crichton Street.

11 Lots / 15.7± Acres

Request for a one-year extension of previous approval.

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to approve a one-year extension of previous approval for this subdivision.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #ZON2002-02000 (Rezoning)

Daniel Senior Living, L.L.C. (John Knutsson, Agent)

West terminus of Johnson Lane, extending North and West to Providence/Coley Subdivision.

A request for a change in zoning from R-1, Single-Family Residential to B-1, Buffer Business, for a domiciliary care facility was considered.

The plan illustrates the proposed buildings, parking, and a portion of the subdivision.

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

Mr. Olsen advised the Commission that the staff inadvertently omitted one condition that would be applicable to all three applications. Lots 3-18 should be denied direct access to the proposed public street and should only be accessed via the new private street.

Randy Woodham, 6913 Providence Estates Drive South, questioned the setback buffer zone between the northernmost portion of the proposed subdivision and the southernmost part of Providence Estates

Mr. Olsen explained that Lot 1 of the proposed subdivision, the lot adjacent to Providence Estates, was zoned residential, and at the time would remain residential. Therefore, one single-family dwelling would be the only thing that could possibly be built on that lot, unless another application was submitted before the Commission. Mr. Olsen explained that no additional buffer is required when single family residential property abuts single-family residential property. However, he pointed out that the standard 8' building setback would be applicable.

Mr. Woodham raised concerns with the current volume of traffic both from the residential area and Providence Hospital. He also reported that the residents were concerned that the proposed road would be in such close proximity to the southwest portion of Providence Estates, and there would be a tremendous amount of noise for the residents of the three or four lots that were closest to that road. Mr. Woodham also expressed concern that adding this proposed road would increase the traffic coming in and going out on the Cody Road area, near the Providence Park entrance. He felt this

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would be a safety hazard. He noted that a light was just installed at Hitt Road and Cody Road to assist with some of the traffic control concerns. Mr. Woodham said the Providence Estates residents would recommend that the road be shifted from that northernmost perimeter of the proposed property. They would prefer that it actually not access Cody Road, other than to go through Johnson Lane on the southernmost portion of that property.

Mr. Frost noted that Johnson Lane appeared to be a gravel road, and would not be sufficient to accommodate a project such as this. It could be required that Johnson Lane be constructed to better accommodate the heavier flow of traffic, which he felt would probably be a less expensive measure than building the proposed long road.

Mr. Woodham said he understood, but noted that Johnson Lane was an existing street with access to Cody Road, and also had access to Hillcrest Road. He did not know what the long-term plans were for being able to cross over and possibly join where traffic could actually go from Hillcrest Road to Cody Road through Johnson Lane.

Mr. Olsen stated that when the staff examined the plan they were reviewing predominantly what the applicant submitted. He pointed out that the proposed entrance was approximately ¼ mile south of Johnson Lane, and Johnson Lane right-of-way did not actually go all the way from Hillcrest Road to Cody Road, but adjoined the site in question at a corner point.

Mr. Woodham felt it would be easier to direct traffic from that subdivision out to the eastward portion through Johnson Lane, which already had access to Hillcrest Road, rather than develop another stopping point on Cody Road. He felt it would ultimately need a traffic light.

Mrs. Gail Fair, 6927 Providence Estates Drive South, was present in opposition and also expressed concern about the traffic and the noise factor for those lots that would back up to the proposed road. She said she concurred with Mr. Woodham's comments.

Mrs. Catherine McCaslin, 6919 Providence Estates Drive South, said she agreed with Mr. Woodham and Mrs. Fair. She preferred the developer to move the entrance a little more south on Cody Road. She said the road as proposed would be right at her back yard fence.

Mr. Olsen noted that the proposed street was approximately 1400 feet south of Providence Park Drive.

Allen Marshall, 720 Providence Estates Drive West, questioned how many feet the road would be from the property line. Mr. Marshall concurred with shifting the road further south.

Mr. Olsen said it appeared the right-of-way was approximately 50' south of the south line of Providence Park, at its closest point, and it continued to get farther away.

Mr. Frost noted that using Johnson Lane could be a problem because of the wetlands.

It was asked if that property could be left in its natural vegetative state.

Mr. Frost noted that residential on residential did not require a buffer, but it could be required given the traffic traveling through there.

Mr. John Goreeki, 3595 Grandview Parkway, Birmingham, AL, was present representing the applicant, Daniel Corporation. Mr. Goreeki expressed appreciation for the opportunity to speak to the Commission about their project which they believed would be a great addition to Mobile. He said there were 64.6 acres in this tract, which included Lot 1 that had been discussed that adjoined Providence Estates. He said that 24 ½ acres was being retained by the owner, David Coley, was not being rezoned, and was not a part of the Planned Unit Development, so it would remain in its current class of zoning, therefore no development would take place at this time on that tract. He reported that a continuing

care retirement community composed of five different segments of living was proposed for the remaining 40.15 acre tract.

Mr. Frost questioned whether consideration was given to moving that private drive more south to give the neighbors to the north a little more leeway from that traffic and noise.

Mr. Goreeki pointed out that there was a retention pond that was part of Providence Estates subdivision that was an additional buffer along Lot 1 at Cody Road. There were wetlands along Cody Road and wetlands that adjoined the property on Johnson Lane. The property that would make up a Johnson Lane extension was not owned by the applicant, and assembling that would be a difficult situation. For this reason they designed the road based on being located at a 1400 feet minimum from Providence Estates. Mr. Goreeki felt they would not add a significant amount of traffic to Cody Road, as many of the residents in their facility would not own a car and drive. They would have employees, as well as people in the garden homes and the villa, who would drive, but as people aged in place they parted with their cars and did not drive. Mr. Goreeki said they would provide transportation as an amenity to their facility, and therefore as it stood they did not believe the traffic would be significant and would hurt Cody Road and Providence Estates residents.

Don Coleman, Rester and Coleman Engineers, Inc., was present on behalf of the applicant. Mr. Coleman said the entrance off of Cody Road was governed by the location of the wetlands, therefore they were restricted as to where they could locate the entrance.

Mr. Frost suggested that a condition be added requiring any necessary federal, state, and/or local environmental approvals.

A motion was made by Mr. Vallas and seconded by Mr. Plauche to recommend the approval of this change in zoning to the City Council subject to the following conditions:

- 1) development limited to the accompanying Planned Unit Development and Subdivision;
- 2) provision of a 10' landscape buffer along the perimeter of the property, as described in the supplement attached to the application;
- 3) that Lots 3-18 be denied direct access to the proposed public street;
- 4) obtainment of any necessary federal, state, and/or local environmental approvals; and
- 5) full compliance with all municipal codes and ordinances.

AND

**Case #ZON2002-02001 (Planned Unit Development)
Somerby of West Mobile Subdivision**

West terminus of Johnson Lane, extending North and West to Providence/Coley Subdivision.

A request for Planned Unit Development approval to allow multiple buildings on a single-building site, shared access and shared parking between sites, and reduced lot widths and reduced lot sizes was considered.

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

- 1) completion of the rezoning and subdivision process prior to issuance of permits;
- 2) submission of addendums to the *Supplement to Application for Planned Unit Development and Rezoning for Somerby of West Mobile, Background and Preliminary Information Concerning Proposed Development* regarding paragraphs 8, 9 and 10, as discussed in the staff report;
- 3) that Lots 3-18 be denied direct access to the proposed public street;
- 4) obtainment of any necessary federal, state, and/or local environmental approvals;

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- 5) full compliance with all municipal codes and ordinances; and
- 6) development limited to the plan submitted, and as required to be amended by these conditions.

AND

**Case #SUB2002-00215 (Subdivision)
Somerby of West Mobile Subdivision**

East side of Cody Road, 1,410'± South of Providence Park Drive South.
54 Lots / 64.6± Acres

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

- 1) development limited to the accompanying PUD and Rezoning applications; and
- 2) placement of a note on the final plat stating that Lots 3-18 shall be denied direct access to the proposed public street; and
- 3) placement of a note on the final plat stating that the developer is to obtain any necessary federal, state, and/or local environmental approvals prior to the issuance of any permits.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATION:

**Case #ZON2002-01999
Professional Townhouses**

North side of Airport Boulevard, 400'± West of Huntleigh Way.

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

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

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

Harvey Gandler, 256 Wacker Lane, was present representing the owner/developer. Mr. Gandler reported the development would consist of single-story offices in three buildings.

Gina Bush, 516 Huntleigh Way, was present and questioned the plans for lighting in the parking area.

Mr. Olsen stated the regulations required the developer to provide lighting in the parking area, which would have to be directed as such that it would not shine directly onto the residential property. He noted that the residents may be able to see the lighting, but the lighting should not shine directly onto their property.

Mrs. Bush asked about the removal of trees and whether a buffer or fence would be required.

Mr. Frost replied that the developer could not remove any tree protected under the Ordinance without a permit, which would have to be approved by the Urban Forester.

Mr. Olsen pointed out the location of trees to be saved. He also noted there would be a 10' buffer required.

Ms. Pappas explained there would actually be an additional buffer, which she pointed out on the plan. She said there was in addition to the 10' buffer required, a 20' buffer strip

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that bordered the site to the north and the east which was required when the site was rezoned. Therefore there would actually be a 30' buffer.

Mrs. Bush asked where the 6' fence would be located.

Ms. Pappas said the fence would be on the property line, which there was 20' towards the residence from that point, because the 20' buffer had basically been assimilated into the adjacent residential lot.

Mrs. Bush inquired about the type of office buildings to be constructed.

Mr. Gandler replied professional buildings.

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

- 1) that the existing 30-inch Live Oak tree be protected, and that the parking area around this tree be coordinated with and approved by Urban Forestry;
- 2) full compliance with the landscaping and tree planting requirements of the Ordinances;
- 3) provision of the 10-foot buffer as shown on the plan submitted, as well as a six-foot wooden privacy fence along the North and East property lines; and
- 4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2002-00213

Carol Plantation Subdivision, Unit One, Resubdivision of Lot 31 and a Portion of Lot 32

East side of U.S. Highway 90 West, 50'± North of the East terminus of I-10 Industrial Parkway.

1 Lot / 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 Dr. Rivizzigno and seconded by Mr. Vallas to approve this subdivision subject to the following conditions:

- 1) provision of a setback line to provide 125 feet from the centerline of U. S. Highway 90;
- 2) placement of a note on the final plat stating that the development is limited to two curb cuts to U. S. Highway 90, with the size, location and design to be approved by 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) placement of the required 25-foot minimum building setback lines on the final plat.

The motion carried unanimously.

Case #SUB2002-00207

Carol Plantation Subdivision, Resubdivision of Farm 705

East side of Gibson Road, 325'± North of the East terminus of Wigfield Road.

5 Lots / 1.4± 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. Vallas to waive Section V.D.3 of the Subdivision Regulations and approve this subdivision subject to the following condition:

- 1) placement of a note on the final plat stating that the developer is to obtain any necessary federal, state, and/or local environmental approvals prior to the issuance of any permits.

The motion carried unanimously.

Case #SUB2002-00205

Eastwood Acres Subdivision

East terminus of Eastwood Drive, extending Southeastwardly to the North terminus of Harvest Boulevard.

3 Lots / 46.0± 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 Dr. Rivizzigno and seconded by Mr. Vallas 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 there will be no further resubdivision of the site until Eastwood Drive is constructed to County Engineering standards to provide adequate access to the site;
- 2) the placement of a note on the final plat stating that there will be no further resubdivision of Lot 2;
- 3) placement of a note on the final plat stating that the developer is to obtain any necessary federal, state and/or local environmental approvals prior to the issuance of any permits; and
- 4) placement of the required 25-foot minimum building setback lines on the final plat.

The motion carried unanimously.

Case #SUB2002-00216

The Gardens of Cottage Hill Subdivision

South side of Cottage Hill Road, 440'± East of the North terminus of D'Iberville Drive North.

123 Lots / 39.8± Acres

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

Glen Nypaver, 8480 Placid Drive, Twin Lakes Subdivision, asked where the water runoff from the detention area was going to go. He was concerned that it might dump into what was now a part of the Twin Lakes property owners' park. He also objected to lots 122 and 123 being so large. He felt they did not fit in with other lots in the subdivision or the surrounding subdivisions. Mr. Nypaver also expressed concern that there was no zoning in the area and anything could go in there in the future.

Mr. Frost explained that the detention area should be designed to catch the water runoff and allow proper drainage, and if designed properly there should be no runoff there. Mr.

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Frost said the applicant had a right to divide his land within the ordinances however he wanted the size of the lots. Mr. Frost explained there was no zoning in the county so the Commission could not really control the use of the site.

Mr. W.C. Sellers, 2677 D'Iberville Drive in the subdivision to the west of the subject property, asked about the average size of the lots and the square footage of the proposed homes. He expressed concern that the lots would be developed commercially due to the large size.

Mr. Frost stated that the Commission did not have any information on the square footage, and had less flexibility or control with subdivision applications for properties located in the county.

Mr. Olsen noted that the average lot size was 60' x 140', and to help address the concern about possible commercial use of lots 121, 122, and 123, Mr. Olsen said the Commission could add a condition requiring a buffer where those lots abutted residential property should they be developed commercially.

Penny Brooks, 8520 Nouget Drive on the southeast corner of Providence Estates, expressed concern about drainage from the detention area. She also had concerns about the size of the lots and the square footage of the houses to be built. She felt small lots would devalue their property. Ms. Brooks further noted the private lake in the Providence Estates subdivision and felt some kind of privacy fence should be required around the perimeter of the property. She expressed concern for the safety of the children in the neighborhood. Ms. Brooks said she and other residents would like to see this application held over so the residents could further look at the plans and possibly contact the developer and have some more questions answered.

Pat Stewart stepped away from the meeting at 3:12 p.m..

Melinda Bogart, 2755 D'Iberville Drive, was present and had the same concerns as Ms. Brooks. Her property was on a corner where the residents would be coming through to get to the lake. She also felt that a privacy fence should be erected for the safety of the children who may come through to go to the lake.

David Diehl, Engineering Development Services, L.L.C., said provision for adequate drainage would be implemented in accordance with the Regulations and the water would be released at a pre-development rate.

Mr. Quimby asked where the water would go when it left the detention pond. He did not see any area designated in the subdivision set aside for this purpose.

Mr. Diehl explained the drainage plan.

Mr. Quimby voiced serious concerns that the water would drain onto private property.

Mr. Diehl replied that they had not yet gotten into the engineering design of the detention area.

Mr. Olsen stated that typically this detail of engineering is not done for Planning Commission approval. The Engineering Department, in this case County Engineering, would have to address that when the plans were submitted to them. He said the water flows across property lines naturally. The idea behind this was that the property would not flood to any greater extent or faster than it did in the pre-development stage.

Richard Rowan, representing the developer, explained that they would collect the water, release it at the same rate as it was currently in pre-development, and release it in the same manner currently used. He said if it were going to be released from their detention area onto someone else's property, they would have to get an easement to release it.

There was discussion about whether the Commission could require buffering or a fence where people would be going to the private lake.

Mr. Frost stated that the Commission could go ahead and vote on this application today, or could ask that it be held over and require the developer to submit more detailed information as to where they expected the detention drainage to run.

Mr. Olsen noted that there had been a sub-committee established with a meeting likely to be held the first week of October to propose some type of amendment made to the Regulations to address some of the drainage issues for the subdivisions.

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 three traffic circles, two on the westernmost street and one on the eastern street, with the location and design to be approved by County Engineering;
- 2) placement of a note on the final plat stating that Lots 17-60 are denied direct access to the abutting right-of-way to the east;
- 3) placement of a note on the final plat stating that should Lot 121 be developed commercially, a buffer in compliance with Section V.A.7 of the Subdivision Regulations will be provided to the west;
- 4) placement of a note on the final plat stating that should Lots 122 or 123 be developed commercially, a buffer in compliance with Section V.A.7 of the Subdivision Regulations will be provided to the east and/or south;
- 5) the provision of a temporary turn-a-round at Lot 123; and
- 6) the labeling of the detention facilities, as well as a note on the final plat stating the maintenance thereof is the responsibility of the property owners.

Mr. Quimby was opposed; the motion carried.

Case #SUB2002-00212

Ben Hamilton Acres Subdivision, Resubdivision of Lot 2

North side of Ben Hamilton Road, 1/2 mile± West of McFarland Road.

2 Lots / 4.0± Acres

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

Ronnie Allen, 9450 Ben Hamilton Road, who owned 15 acres to the west of the proposed subdivision was present and asked what exactly the developer was proposing.

Mr. Frost explained that the applicant was requesting approval to divide a legal lot of record into two lots.

Mr. Allen asked how many acres were in Lot 2A and 2B total.

Mr. Olsen stated the total acreage was 4 acres, as lot 2 existed today. He noted that this site was located in the county, so the Commission had no zoning jurisdiction.

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

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

The motion carried unanimously.

Case #SUB2002-00211

The New Place Subdivision

West side of Roderick Road, 630'± South of Overlook Road.

5 Lots / 4.1± Acres

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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 subject to the following condition:

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

The motion carried unanimously.

Case #SUB2002-00206

Northside Check Exchange Subdivision

2102 St. Stephens Road (East side of St. Stephens Road, 50'± North of Rosemont Avenue).

1 Lot / 0.3± 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 Mr. Quimby and seconded by Dr. Rivizzigno to approve this subdivision subject to the following conditions:

- 1) the dedication of sufficient right-of-way to provide 50-feet from the centerline of St. Stephens Road;
- 2) the placement of a note on the final plat stating that the site is limited to one curb cut to St. Stephens Road;
- 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 line on the final plat.

The motion carried unanimously.

Case #SUB2002-00210

Pericles Subdivision

North side of Airport Boulevard, 55'± East of Glenwood Street, extending East to the Illinois Central Railroad right-of-way.

2 Lots / 2.3± Acres

Mr. Vallas recused from the discussion and vote with regard to this case.

The staff had recommended as a condition of approval that the applicant be required to dedicate sufficient right-of-way to provide 40' from the centerline of Airport Boulevard.

Jerry Byrd, 2609 Halls Mill Road, was present representing the applicant. Mr. Byrd requested that the Commission delete the condition requiring dedication of additional right-of-way for Airport Boulevard due to the conditions that surrounded the site.

He pointed out that to the east across the railroad tracks at the corner of Williams and Airport Boulevard the building was sitting on the right-of-way line. All of the buildings to the west of Glenwood Street over to Mohawk Street were built close to the right-of-way line. Widening in that area would eliminate those buildings. In the next block to the west, a small commercial center was constructed in that area without widening. At the northwest corner of Airport Boulevard and Westwood Street, a subdivision was approved this year without widening. Mr. Byrd said the bank was trying to locate a branch on the site and had their design with required driveway and parking in the front of the building

and in the rear, and a driveway around the site that would serve drive-up tellers, losing the widening strip in the front. Requiring the dedication would hamper that and make it almost impossible to get widening with the landscaping. Mr. Byrd felt the proposed new construction and landscaping would improve the appearance of midtown Mobile and would greatly enhance this section of Airport Boulevard. He felt that the applicant was being penalized for trying to improve Mobile with the requirement of this widening strip. He noted there were no plans in the immediate future to widen this area of Airport Boulevard, therefore they felt the condition should not be required.

Terry Harbin, representing Regions Bank, also asked the Commission's consideration in removing the condition for widening. He noted that from the time they began working with an engineer and architect to develop a plan for this site, their guidance had been the Smart Growth Mobile plan to redevelop areas in the city. He said one of the attempts of this plan was the strengthening of the existing communities and neighborhoods, and they believed this proposed development would do that. Mr. Harbin also reported that the landscaping architecture had been designed to be consistent with the ReBloom Mobile. He said they would like to put a very attractive, well-developed project on this site, but they would not be able to do it if the front row of parking was removed and they would not have the ability to have drive-thru traffic going around the back.

There was no one present in opposition.

A motion was made by Ms. Deakle 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 number, size, location and design of all curb cuts to be coordinated with and approved by the Traffic Engineering Department; and
- 2) the placement of the twenty-five foot minimum building setback line on the final plat.

Mr. Vallas recused; the motion carried.

Case #SUB2002-00208
Ruwach Woods Subdivision

East side of Old Wulff Road, 450'± South of Northfield Road.
6 Lots / 3.0± Acres

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

Julius Beard, P. O. Box 74, Semmes, AL, owner of property behind the subject site, noted that there was an easement on the subject property and asked if the easement would be opened or closed. Mr. Beard accessed his property from the area to the south. He said he had 10 acres plus the drive to Northfield Drive, and said he could not get to Northfield Drive between his property and the subject property.

Ms. Pappas noted that there would not be a landlocked issue because the property adjacent to the east had real property frontage on Northfield Drive. She reported that the plat submitted did not show any easement.

Mr. Frost explained that if the subject property were subdivided Mr. Beard would have a rightful easement and the Commission's actions today would not affect that; however, if this easement existed, the Commission needed to determine if there were any other conditions that may be applicable with regard to that easement.

The applicant's engineer, Matt Orrell of Polysurveying Engineering – Land Surveying, stated that his client still honored the easement, which was located inside of a 75' building setback to allow for a future major street.

There was discussion as to the exact location of the easement, as it was not shown on the plan. Mr. Frost asked if any part of the easement was going over into Lot 6.

Mr. Lawler suggested the Commission might want to determine exactly where the easement was before approving the subdivision.

Mr. Frost agreed with Mr. Lawler and said the staff should get with Mr. Orrell and see if they could determine the location of the easement.

A motion was made by Mr. Frost and seconded by Dr. Rivizzigno to hold over this application to the October 3, 2002 meeting to allow closer examination of a possible easement crossing the south part of Lot 6.

The motion carried unanimously.

Case #SUB2002-00214

Victoria Hills Place Subdivision

West side of Hoffman Road at the West terminus of Delgene Avenue.

2 Lots / 0.9± 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 Mr. Plauche and seconded by Dr. Rivizzigno to approve this subdivision subject to the following condition:

- 1) the placement of note on the final plat stating that if any lot 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 #SUB2002-00209

Watts – Slaughter Subdivision

196 and 200 Stillwood Lane (East terminus of Stillwood Lane West, extending to the North side of Batre Lane).

2 Lots / 2.3± Acres

Mr. Frost recused from the discussion and vote with regard to this case.

Mr. Quimby chaired this portion of the meeting.

Gregory Watts, 200 Stillwood Lane, was present and stated that he and his wife owned the proposed Lot 1 of this subdivision. Mr. Watts was also present on behalf of their neighbors, Bob and Darlene Slaughter, who owned the house on proposed Lot 2. Mr. Watts explained that in 1995 he applied for a side yard variance to add onto their house to build within one foot of the existing property line. At that time the staff recommended against the side yard variance, but they were granted the variance anyway because the property owner consented to it, and because there was an existing encroachment. However the staff had recommended that more property be purchased; which was the purpose of this application, to shift an interior lot between two metes and bounds parcels. Mr. Watts also questioned the two conditions of approval recommended by the staff. Condition #2 was that direct access to Lot 2 be prohibited and a legend placed on the plot plan banning access from Batre Lane. Mr. Watts pointed out that access was there now, and there were many other existing lots in the same neighborhood that had access to two streets, specifically, the lots that were bounded by Myrtlewood Lane and Avalon Street. In discussion with the staff, Mr. Watts understood the concern with the City that there not be a cut-through.

He was more than happy to accept Condition #1 if the Commission would reconsider Condition #2, requiring the dedication of a 25' right-of-way on both lots. He explained that there was 10' of right-of-way currently unused now; there was a 10' cut in front of

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Lot 1 and there was 10' of right-of-way on the front of his yard. (He presented photos to the Commission.) Mr. Watts felt it was very unlikely that Stillwood Lane would ever be widened. Rather than require dedication of additional right-of-way for widening, Mr. Watts suggested the same purpose could be solved by an additional setback.

There was no one present in opposition.

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

- 1) the provision of an additional setback to provide 25-feet from the centerline of Stillwood Lane (in addition to the required 25-foot front yard setback); and
- 2) the placement of a note on the final plat stating that Lot 2 is denied direct access to Batre Lane.

Mr. Frost recused; the motion carried.

NEW SIDEWALK WAIVER APPLICATION:

Case #ZON2002-01966

Christian Church of Mobile

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

Request to waive construction of a sidewalk along Knollwood 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 Mr. Plauche and seconded by Ms. Deakle to approve the waiver of this sidewalk.

The motion carried unanimously.

OTHER BUSINESS:

Call for Public Hearing: October 17, 2002

A motion was made by Mr. Frost and seconded by Ms. Deakle to call for a public hearing to be held October 17, 2002 to consider the proposed amendment to the Chart of Permitted Uses and Definition section of the Zoning Ordinance with regard to teen clubs.

The motion carried unanimously.

Reporting Activities to the Ethics Commission

Mr. Olsen reported that the members present would find before them a copy of a memo from the City's Legal Department to members of the Architectural Review Board concerning reports to be furnished to the Ethics Commission. Mr. Olsen explained that the staff was providing the Planning Commission members with a copy because the same requirements would apply to the members of the Planning Commission as well as the Board of Adjustment.

Mr. Lawler felt that the Commission members already understood they could not participate in any way in the consideration of an application submitted by oneself, or a family member, partner, or other close relations who had interest in any application before the Commission.

Mr. Lawer felt the opinion mentioned in the copy of the memo from the Legal Department concerning the Ethics Commission drew attention to the fact that as a member of the Planning Commission, Architectural Review Board, Board of Adjustment,

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or any Board, one must file a report to the Ethics Commission within 10 days of any activity whereby a member of the respective Board appeared before the Board representing a client or representing oneself. He felt that family members were required to comply also.

Mr. Vallas questioned whether his brother would be required to file such a report if he appeared before the Architectural Review Board.

Mr. Lawler felt that Mr. Vallas statement served correct.

Mr. Olsen explained that the memo contained a response from the Ethics Commission answering five or six inquiries submitted by Wanda Cochran, attorney for the Architectural Review Board.

Mr. Lawler understood from discussion with Attorney Cochran that the Architectural Review Board faced issues of this nature often because members serving on the Architectural Review Board were architects who also appeared representing applicants before the Board from time to time.

There being no further business, the meeting was adjourned.

APPROVED: December 19, 2002

/s/ Robert Frost, Chairman

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