

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF NOVEMBER 20, 2003 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Robert Frost, Chairman  
Terry Plauche, Vice-Chair  
Victoria L. Rivizzigno  
Ann Deakle  
John Vallas  
Ernest Scott (S)

**Members Absent**

Victor McSwain, Secretary  
James Laier  
Clinton Johnson  
Wendell Quimby

**Staff Present**

Richard L. Olsen, Planner II  
Margaret Pappas, Planner II  
Jennifer Henley, Secretary II

**Others Present**

John Lawler, Assistant City Attorney  
David Daughenbaugh, Urban Forestry  
Jennifer White, Traffic Engineering  
Pat Stewart, County 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.

**HOLDOVERS:**

**Case #ZON2003-02283**

**Metcalf & Company**

5835 Old Shell Road (Southeast corner of Old Shell Road and Allen Drive).

The request for a change in zoning from R-1, Single-Family Residential, to B-1, Buffer Business, for a church-sponsored, college student center was considered.

The site plan illustrates the proposed building, parking, curb cuts, lot configuration, along with existing trees and curb cuts.

(Also see Case #SUB2003-00212 – **Wesley Place Subdivision** – Below)

Mr. Adam Metcalfe of Metcalfe & Company, applicant, was present and addressed the staff recommendation that access be denied to Allen Drive. He asked that the Commission consider waiving that requirement. He explained that although Allen Drive was substandard both in width and improvements, it was a City-maintained street and they were voluntarily giving up 15 feet of right-of-way to bring it to at least 50 percent of standard right-of-way. The 22-acre site was also relatively deep compared to the width of the property, and because of their building being located up toward Old Shell Road,

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access to Allen Drive would make their internal flow better for traffic and make it a more usable piece of real estate.

Ms. Pappas stated that the staff had met with the applicant on the site. She said Allen Drive was a gravel road and only one car width wide. While the applicant would be dedicating additional right-of-way, the change on the ground in terms of Allen Drive would not be noticeable. While there was not a lot of vehicular traffic, there was definitely a lot of pedestrian traffic that made it very dangerous.

Mr. Metcalfe said he had talked to Ms. White of Traffic Engineering and he understood that they would not have a problem with it.

Ms. White stated that if the road were brought up to standard they would not have a problem with it. They also discussed a one-way drive.

Mr. Metcalfe said this was a possibility.

Ms. White suggested a circulation plan that would have people coming in a two-way drive, wrapping around the building with a one-way drive, and back out to the driveway at the far end.

Mr. Scott asked if any of the other property owners were willing to give up right-of-way for widening of the street.

Mr. Frost inquired if there had been any discussion with the residents who lived across the street on Allen Drive. He was unsure if there was any opposition present.

Mr. Metcalfe stated that he had not discussed it with any of the surrounding property owners. He said that no one was present in opposition to this at the last Planning Commission meeting and he had not heard any comments from anyone. He said that the structures on the west side of Allen Drive were very close to the edge of the existing roadbed, so he did not think that much right-of-way could be taken without total redevelopment.

Mr. Vallas asked if the property on the corner was a business.

Mr. Metcalfe stated that there was a restaurant on the corner, and then a single-family residence going down to the south.

Mr. Vallas asked if the Islamic Society had access to Allen Drive.

Ms. Pappas said they did not have access. At the time they received Planning Approval they were denied access to Allen Drive.

Dr. Rivizzigno asked if the right-of-way provided would allow two lanes.

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Ms. Pappas stated that it would allow for improvement but it would be a substandard street. It would be 35 feet.

Mr. Metcalfe indicated there was 20 feet.

Ms. Terry of City Engineering said they would need 27 feet just to accommodate pavement, curb and gutter. That would not include any drainage or sidewalks.

There was no one present in opposition.

In discussion, Mr. Vallas inquired if Traffic Engineering would be comfortable allowing one curb cut to Allen Drive for access management subject to their approval. He inquired if there was already an existing building.

Ms. Pappas said that no improvements had been made to the site, other than to the shell driveway.

Ms. White said Allen Drive was really very narrow and the houses on the west side were practically on the roadway.

Mr. Vallas felt that they were asking the applicant to give up right-of-way that they did not have.

Mr. Olsen suggested that one option would be to deny access until Allen Drive was constructed to City standards. At that point the applicant could request a curb cut without coming back.

Dr. Rivizzigno stated that she was familiar with the street and it was terribly narrow. She was concerned about pedestrian traffic. She inquired if there was any way the road could be extended eastward.

Ms. Pappas said that the suggestion made by Mr. Olsen would require that if those improvements were ever put in place, Allen Drive would have to be paved and wide enough for two-way traffic.

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

- (1) the dedication of adequate right-of-way to provide 50-feet from the centerline of Old Shell Road;
- (2) curb cut approval by Traffic Engineering and Urban Development (including Urban Forestry) for any curb cut(s) to Old Shell Road;
- (3) dedication of adequate right-of-way to provide 25-feet from the centerline of Allen Drive;

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- (4) denial of access to Allen Drive until such time as the right-of-way is improved to City standards, and any such access be subject to Traffic Engineering approval;
- (5) provision of a buffer, in compliance with Section IV.D.1., where the site adjoins residential property (it should be noted that a buffer would only be required along the East property line, if the property to the East is zoned and used residentially at the time of permitting for this site);
- (6) full compliance with the landscaping and tree planting requirements of the Ordinance; and
- (7) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2003-00212**

**Wesley Place Subdivision**

5835 Old Shell Road (Southeast corner of Old Shell Road and Allen Drive).

2 Lots / 2.2± Acres

(For discussion see Case #ZON2003-02283 – **Metcalf & Company** – Above)

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 adequate right-of-way, to provide 50-feet from the centerline of Old Shell Road;
- (2) the dedication of adequate right-of-way to provide 25-feet from the centerline of Allen Drive;
- (3) placement of a note on the final plat stating that curb cut approval by Traffic Engineering and Urban Development (including Urban Forestry) is required for any curb cut(s) to Old Shell Road;
- (4) dedication of adequate right-of-way to provide 25-feet from the centerline of Allen Drive; and
- (5) placement of a note on the final plat stating that access for Lot 1 to Allen Drive is denied until such time as the right-of-way is improved to City standards, and any such access be subject to Traffic Engineering approval.

The motion carried unanimously.

**Case #SUB2003-00208**

**Ranch Hills Subdivision, Resubdivision of Lot 7**

8073 Hilltop Street (South side of Hilltop Street, 260'± East of Leroy Stevens Road).

3 Lots / 3.0± Acres

Mr. Matt Orrell, Polysurveying Engineering – Land Surveying, was representing the applicant and concurred with the staff recommendations.

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There was no one present in opposition.

A motion was made by Ms. Deakle and seconded by Mr. Scott to waived 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 Lots 1, 2 and 3 are limited to one curb cut each to Hilltop Street, with the size, location and design to be approved by County Engineering;
- (2) the placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and
- (3) the placement of a note on the final plat stating that maintenance of the common area is the responsibility of the property owners.

The motion carried unanimously.

**Case #SUB2003-00241**

**Gulf Creek Subdivision, Resubdivision of Lot A, Revised Plat of the Resubdivision of Lots 11 & 12**

5620 Gulf Creek Circle (North side of Gulf Creek Circle [North], 485'± West of Rabbit Creek Drive).

2 Lots / 0.9± Acre

*Mr. Vallas recused himself from the discussion and vote regarding this matter.*

The applicant was present and indicated he concurred with the recommendations of the staff.

There was no one present in opposition.

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

- (1) the approval of all applicable federal, state and local agencies prior to the issuance of any permits; and
- (2) the placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.

Mr. Vallas recused. The motion carried.

**GROUP APPLICATIONS:**

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**Case #ZON2003-02563**

**Gandy Agency (Dot Gandy, Agent)**

West side of Wolf Ridge Service Road, 100'± South of Beau Terra Drive South.

The request for a change in zoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, to eliminate split zoning was considered.

The plan illustrates the existing setback and area to be rezoned.

(Also see Case #SUB2003-00257 – **Beau Terra Commercial Subdivision** - Below)

Mr. Don Coleman, Rester and Coleman Engineers, Inc., was present and indicated the applicant 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 recommend the approval of this change in zoning to the City Council subject to the following condition:

- (1) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2003-00257**

**Beau Terra Commercial Subdivision**

West side of Wolf Ridge Service Road, 100'± South of Beau Terra Drive South.

1 Lot / 1.2± Acres

(For discussion see Case #ZON2003-02563 – **Gandy Agency (Dot Gandy, Agent)** – Above)

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

- (1) placement of a note on the final plat stating that access to Beau Terra Drive South is denied; and
- (2) placement of the required 25' setback lines along all street frontages on the final plat.

The motion carried unanimously.

**Case #ZON2003-02561**

**Gulf City North Subdivision**

Block bounded on the East by St. Emanuel Street, on the South by Elmira Street, on the West by Conception Street, and on the North by Selma Street (vacated right-of-way).

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

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

(Also see Case #SUB2003-00254 – **Gulf City North Subdivision** – Below)

Mr. Bobby McBryde, Rowe Surveying & Engineering Company, Inc., was present on behalf of the applicant. Mr. McBryde stated that they were in agreement with the staff recommendations, however, on condition #1, he pointed out that Gulf Creek was currently operating under an NPDES permit. The permit is active through the year 2007 and they had provided the staff with a copy of it.

Based on that information, Mr. Frost asked if that condition should be deleted.

Ms. Terry stated that Engineering was okay with the information that was provided to them.

Ms. Pappas noted that in regard to condition #1, that information, according to a conversation with Ms. Terry, complies with the first part of it but the rest of the Engineering comments would still apply.

There was no one present in opposition.

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

- (1) full compliance with the City Engineering comments (compliance with the City Code regarding discharge of washwater into the City of Mobile's stormwater system—possible violation of discharge permits, minimum finished floor elevation required on the lot, dedication of 25-foot radii at intersections of St. Emanuel & Elmira Streets and Elmira & Conception Streets, compliance with all stormwater and flood control ordinances, right-of-way permits for any work performed in the right of way);
- (2) that any existing curb cuts not being used be closed, curbed and filled;
- (3) full compliance with the landscaping and tree planting requirements of the Ordinance (frontage trees only); and
- (4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2003-00254**

**Gulf City North Subdivision**

Block bounded on the East by St. Emanuel Street, on the South by Elmira Street, on the West by Conception Street, and on the North by Selma Street (vacated right-of-way).

1 Lot / 1.9± Acres

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(For discussion see Case #ZON2003-02561 – **Gulf City North Subdivision** – Above)

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

- (1) dedication of 25-foot radii at intersections of St. Emanuel & Elmira Streets, and Elmira & Conception Streets.

The motion carried unanimously.

**Case #ZON2003-02495**

**Mobile Housing Board**

North side of First Avenue at the North terminus of Katye Street.

The request for a change in zoning from R-1, Single-Family Residential, to R-3, Multi-Family Residential, for a 16-unit apartment complex was considered.

The site plan illustrates the proposed buildings, parking, and landscaping.

(Also see Case #ZON2003-02494 – **Trinity Gardens Senior Housing Subdivision** – Below; and Case #SUB2003-00244 - **Trinity Gardens Senior Housing Subdivision** – Below)

Mr. Anthony Ferrantello, architect and planner with Watermark Design Group, was present on behalf of the Mobile Housing Board. Mr. Ferrantello explained this proposal which would allow for the development of this site with housing for the elderly. Based upon the City's Comprehensive Plan, Mr. Ferrantello said 1,600 units for housing for the elderly in Mobile were in dire need to be developed. This proposal was just for 16 units. He also referred to a report from Dr. Semoon Chang at the University of South Alabama stating that many homes in Trinity Gardens were substandard and not feasible for renovation. The report also cited a need for a multi-unit structures, such as condos or a small garden home complex that required little maintenance. Dr. Chang's report further stated that there was a growing number of households with individuals 65 and older. Mr. Ferrantello noted that the site, at 0.8 acres, fell short of the required 4-acre minimum for a freestanding R-3 district, but said they did not have the luxury of developing something that met the standard. He further cited a report prepared by the South Alabama Regional Planning Commission, "An Analysis of Impediments to Housing Choices", which stated that the surrounding vacant land suitable for development was diminishing, reducing opportunities for development of affordable housing alternatives. Again, he said they did not have the luxury of finding a site that was three acres or more for this type development. Regarding setbacks, they had approximately 18 feet in the front and approximately 8 feet on the sides, and if they had to adhere to the rigid requirements it would restrict development. Mr. Ferrantello said that even with the City's addition of construction requirements the same people seemed to have difficulty locating homes suited to their disability. All their units would be ADA accessible. He felt they would be filling a dire need for Mobile, and particularly the Trinity Gardens area. They were



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enthused about developing something based upon the Smart Growth initiatives that indicate alternative solutions, and also indicated objectives of more green space, more walking area, and more bike trails and gateways. He said this would be a safe, high-end residential construction in par with the national trend. Mr. Ferrantello said if they have to adhere to the stringent requirements they could not develop this site. Lack of housing presented a hardship to providing for the elderly and the handicapped. They felt R-3 was needed in this area.

Ms. Levonnes Dubose, 2500 Second Avenue in Trinity Gardens, stated that she was a lifelong resident and for 53 years they had never had any housing developments. She noted Dr. Chang and others had indicated a need for mixed-use development in Trinity Gardens. She said the statement made by the staff that they could not have R-3 because the area was entirely R-1, indicated to her that they needed R-3. They needed to have a compatible mixture of different developments in the area. She felt the area could not get any worse than it was right now. There were 5,000 residents in Trinity Gardens, 78 percent of them earning less than \$10,000 a year. They were born in Trinity Gardens and did not plan to leave. The houses were constructed in the 40's, 50's and 60's. In the last 30 years they had 30 new homes constructed, 21 of which were in a project of the Mobile Housing Board. There were too many houses that were falling down and the elderly were living in really bad conditions. This would be the first time they would have an opportunity to live out their last days without moving out of the community. Ms. Dubose said they had been working since 1966 trying to get the Housing Board to approve something for the elderly. She pointed out some elderly residents from Trinity Gardens who were present at the meeting. She asked that the Commission look favorably upon this request.

Ms. Grace Wyatt stated that she grew up in Trinity Gardens and for 50 or 60 years had seen neglect, blight and crime in this neighborhood. She said she and Ms. Dubose organized the residents in 1966 and went to the City to present their needs for housing. She said they wanted their neighborhood to be like any other neighborhood where the residents don't have to leave.

Ms. Olivette Henderson, 2708 Greenback Drive, stated that she had lived in Trinity Gardens since 1956. Most of the houses were substandard when she moved there, and they were still substandard today. She felt their area had been neglected. Ms. Henderson felt the proposed development would be a great asset to this community.

Rev. Ulmer Marshall, pastor of Trinity Lutheran Church and school that had been in the community since 1951, was present in support of this application. Rev. Marshall said they were seeking to provide a safe haven for their senior citizens. He felt there was no greater need than to provide for their seniors who had helped build the community so they would be able to stay and bring some stability to the area.

Mr. Frost asked Rev. Marshall if, in talking with people in the community, anyone had voiced opposition to this proposal.

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Rev. Marshall replied that he had heard no opposition voiced to this proposal. He said that the community seemed to be in favor of the development. He asked that these applications be approved so they could keep the senior citizens in the neighborhood. He felt it was important to have seniors in the area to share with the young people. He commented that the plans that had been shown to them were beautiful and very well laid out.

Mr. Frost noted that the Commission members had received a letter from Councilman Fred Richardson in favor of this proposal.

There was no one present in opposition.

In discussion, a motion was made by Ms. Deakle and seconded by Dr. Rivizzigno to recommend the approval of this change in zoning to the City Council.

Mr. Scott inquired if a minimum of three acres would be required for an R-3 development.

Mr. Olsen stated that a minimum of four acres would be required.

Mr. Scott asked if the recommendation for denial of the rezoning and the PUD was due to the setbacks.

Mr. Olsen said the recommendation for denial for the rezoning was because it would be considered spot zoning. That was something that as a practice the Commission has not done and for consistency the staff did not recommend approval. The staff did not necessarily feel this was a bad project, but it did not meet the requirements for a positive recommendation. Regarding the PUD, the setbacks were the issue. He explained that typically when a PUD allows a reduced setback it is on interior lines, or allows interior buildings to be closer to one another, as opposed to allowing the buildings to be closer to adjacent properties which was the case with this proposed development. Another concern was the open porches that required a setback because of their proximity to First Avenue, which is a very busy collector street.

Ms. Deakle stated that she had always been opposed to spot zoning but in this instance, in this particular neighborhood, she felt it made sense. Regarding the setbacks, they were extremely short and this was something they try to avoid, but they had situated the development so that the biggest nuisance to the surrounding neighbors – the air conditioning – would be as far as possible away from existing residences.

Ms. Rivizzigno expressed her agreement with Ms. Deakle.

Mr. Olsen suggested that if the rezoning was approved, it be limited to the accompanying PUD.

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Ms. Deakle and Dr. Rivizzigno amended their motion and seconded respectively. The final motion was to recommend the approval of this change in zoning to the City Council subject to the following conditions:

- (1) that the rezoning be limited to the accompanying Planned Unit Development application.

The motion carried unanimously.

**Case #ZON2003-02494**

**Trinity Gardens Senior Housing Subdivision**

North side of First Avenue at the North terminus of Katye Street.

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

The site plan illustrates the proposed buildings, parking, and landscaping.

(For discussion see Case #ZON2003-02495 – **Mobile Housing Board** – Above; also see Case #SUB2003-00244 - **Trinity Gardens Senior Housing Subdivision** – Below)

A motion was made by Ms. Deakle and seconded by Dr. Rivizzigno to approve this plan.

The motion carried unanimously.

**Case #SUB2003-00244**

**Trinity Gardens Senior Housing Subdivision**

North side of First Avenue at the North terminus of Katye Street.

1 Lot / 0.8± Acre

(For discussion see Case #ZON2003-02495 – **Mobile Housing Board** – Above; also see Case #ZON2003-0494 - **Trinity Gardens Senior Housing Subdivision** – Above)

A motion was made by Ms. Deakle and seconded by Dr. Rivizzigno to approve this subdivision.

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2003-00247**

**Atchison Estates Subdivision**

West side of Dawes Lane Extension, 1/3 mile± North of Belmont Park Drive, extending to the East side of Airport Road (prescriptive right-of-way).

3 Lots / 28.3± Acres

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Mr. Richard Jay, representing Speak & Associates Consulting Engineers, Inc., asked for clarification of the staff recommendations regarding the width to depth ratio, and the plat being out of character with the surrounding development. He stated that they had three long, thin lots. Immediately South of this site was the Arthur Jones Subdivision which had six lots which were not quite as long, but they were long and thin.

Mr. Frost stated that the subdivision was recommended for denial and one of the reasons was the width to depth ratio. He pointed out that in the development to the south, the lots were somewhat long but they were divided, whereas these proposed lots were not. He noted that to the north there was a tract very similar to this one without subdivision, so it would be more in character.

Ms. Pappas noted that when the Arthur Jones Subdivision was initially submitted their configuration was very similar and the Planning Commission was not agreeable, so they came back with a revised plan that basically reduced by half the depth of the lots.

Mr. Jay said he was trying to determine how to reconfigure the lots so they would meet the Subdivision Regulations.

Mr. Frost said the Commission could holdover the application and give Mr. Jay an opportunity to meet with the staff.

Mr. Jay also asked about access to Airport Road.

Ms. Pappas said that could be discussed before submitting the final plat. She asked that due to the holiday, that the application be heldover until the meeting of December 18, 2003.

Mr. Jay was agreeable to the holdover.

There was no one present in opposition.

A motion was made by Mr. Frost and seconded by Dr. Rivizzigno to holdover this application until the meeting of December 18, 2003, to allow the applicant to meet with the staff.

The motion carried unanimously.

**Case #SUB2003-00252**

**Belmont Lake Estates Subdivision, Phase II**

North side of Belmont Park Drive, 470'± East of Dawes Lane Extension.

5 Lots / 3.0± Acres

The applicant was present and indicated he concurred with the recommendations of the staff.

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

- (1) the placement of a note on the final plat stating that Lots 1 and 5 are denied direct access to Belmont Park Drive;
- (2) the placement of a note on the final plat stating that maintenance of all common areas are the responsibility of the property owners;
- (3) that the drainage easement along Lot 1 and portions of Lot 2 to be increased to 7½ feet;
- (4) the placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and
- (5) the developer obtain any necessary approvals from all applicable federal, state and local agencies prior to the issuance of any permits.

The motion carried unanimously.

**Case #SUB2003-00256**

**The Bluffs at Cypress Creek Subdivision**

350'± North of the North terminus of Cypress Business Park Drive, extending East along the North side of the proposed extension of Cypress Business Park Drive to the L & N Railroad Right-of way.

53 Lots / 53.0± Acres

Mr. Don Coleman, Rester and Coleman Engineers, Inc., was present and indicated that the applicant 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 Sections V.D.3. and VIII.E.2.c. (50-foot right-of-way requirement), of the Subdivision Regulations, and approve this subdivision subject to the following conditions:

- (1) dedication of half the required right-of-way for a city street along the eastern property line;
- (2) that the intersection of the new street (Cypress Business Park Drive) with the existing prescriptive easement be coordinated with and approved by City Engineering, Traffic Engineering and Urban Development staff;
- (3) the allowance of a 40-foot right-of-way for the private street, and construction of the private street to the standards set forth in Section VIII.3.2., with the drainage to be approved by City Engineering and Urban Development staff;
- (4) the obtaining of any necessary approvals of all federal, state and local agencies; and

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- (5) the placement of a note on the final plat stating that maintenance of all common areas are the responsibility of the property owners.

The motion carried unanimously.

**Case #SUB2003-00248**

**Brown-Manning Subdivision**

880 and 908 Dawes Road (West side of Dawes Road, 160'± South of Magnolia Village Drive North).

2 Lots / 1.9± Acres

Mr. Joe Regan, Regan Land Surveying, Inc., was present and indicated the applicant concurred with the recommendations of the staff.

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) the placement of a note on the final plat stating that Lot 1 is limited to two curb cuts to Dawes Road and Lot 2 is limited to one curb cut to Dawes Road, with the size, location and design to be approved by County Engineering; and
- (2) the placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision.

The motion carried unanimously.

**Case #SUB2003-00250**

**Clements Subdivision**

301 and 303 St. Louis Street (Southwest corner of St. Louis Street and North Jackson Street).

2 Lots / 0.2± Acre

Mr. Steve Clements, applicant, was present and indicated he was in agreement with the recommendations of the staff.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Mr. Vallas to waive Sections V.D.2. and V.D.3., of the Subdivision Regulations, and approve this subdivision subject to the following condition:

- (1) the submission of an Administrative PUD for the shared access and parking.

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The motion carried unanimously.

**Case #SUB2003-00249**

**Glen Acres Subdivision, 1<sup>st</sup> Addition, Resubdivision of Lots 10 & 11, Block "A"**

North side of Glen Acres Drive North at the North terminus of Riley Street.

3 Lots / 2.0± Acres

Mr. Joe Regan, Regan Land Surveying, Inc., noted that this subdivision was recommended for denial because two of the lots faced a substandard street – Watermain Road – which was a County maintained road. In discussion with Pat Stewart, County Engineering, Mr. Regan said they discussed dedicating sufficient right-of-way from their side for improvement of Watermain Road at a later date. He noted that the residences on the two lots were existing, so they would not be adding any new houses to the street. Both lots were owned by the same person, who had let his son put a trailer on one corner and his daughter put a trailer on the other corner. The owner was getting older and no longer wanted to maintain such a large yard and wanted to sell his portion, which was what precipitated the subdivision request. He said that they were agreeable to a provision that the lots could not be further subdivided.

Dr. Rivizzigno asked if these lots had access to Watermain Road at this time.

Mr. Regan replied that they did.

Dr. Rivizzigno asked what recommendations the staff would make if the application were approved.

Mr. Olsen said the staff would recommend the dedication of 25 feet from the center line of Watermain Road, as well as a note on the final plat stating that Lots 2 and 3 not be subdivided until Watermain Road was paved to County standards for its entire length.

Mr. Regan said they had actually give up 35 feet from the property line, but it was not quite 25 feet from the centerline. He stated that the road was somewhat crooked. He had talked to the County and they had agreed to 35 feet from the property line.

There was no one present in opposition.

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

- (1) dedication of sufficient right-of-way from centerline of Watermain Road for future widening; and
- (2) placement of a note on the final plat stating that there will be no further subdivision of Lots 2 and 3 until such time as Watermain Road is paved to County standards.

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The motion carried unanimously.

**Case #SUB2003-00253**

**Gulf City South Subdivision**

654 and 656 St. Emanuel Street (West side of St. Emanuel Street, 79'± South of Elmira Street.

1 Lot / 0.2± Acre

Mr. Bobby McBryde with Rowe Surveying & Engineering Company, Inc., was present and indicated the applicant concurred with the recommendations of the staff.

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 a note on the final plat stating that the site is limited to one curb cut to St. Emanuel Street, with the size, location and design approved by Traffic Engineering.

The motion carried unanimously.

**Case #SUB2003-00245**

**Harrell Subdivision**

9320 Vickers Road (North side of Vickers Road, 835'± West of McCrary Road).

2 Lots / 4.3± Acre

Mr. Jerry Byrd of Byrd Surveying, Inc., was present and concurred with the recommendations of the staff.

There was no one present in opposition.

A motion was made by Mr. Plauche and seconded by Dr. Rivizzigno 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 Lots 1 and 2 are limited to one curb cut each to Vickers Road, with the size, location and design to be approved by County Engineering;
- (2) the placement of a note on the final plat stating that Lot 1 will not be further subdivided unless additional frontage (50' in width) is provided to an improved public road;
- (3) the placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and



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- (4) the placement of the 25-foot minimum setback lines on the final plat.

The motion carried unanimously.

**Case #SUB2003-00258**

**Langan Subdivision**

4025 Halls Mill Road (South side of Halls Mill Road, 2/10 mile $\pm$  West of La Paloma Street).

1 Lot / 1.0 $\pm$  Acre

The applicant was present and indicated that he concurred with the recommendations of the staff.

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 dedication of sufficient right-of-way to provide 35' from the centerline of Halls Mill Road;
- (2) the placement of a note on the final plat stating that the site is limited to one curb cut to Halls Mill Road, with the size, location and design approved by Traffic Engineering and
- (3) the illustration of the required 25-foot building setback line (from dedication, not from existing property line).

The motion carried unanimously.

**Case #SUB2003-00255**

**Park Place Subdivision**

7861 Tanner Williams Road (South side of Tanner Williams Road, 420' $\pm$  West of Schillinger Road North).

53 Lots / 12.6 $\pm$  Acres

The applicant was present and indicated that he concurred with the recommendations of the staff.

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 dedication of adequate right-of-way to provide 50' from the centerline of Tanner Williams Road;

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- (2) the placement of a note on the final plat stating that lots located on a corner (Lots 1, 27, 28 and 53) are limited to one curb cut each, with the size, location and design to be approved by County Engineering;
- (3) the construction of the proposed streets to paved County standards;
- (4) the placement of a note on the final plat stating that lots with zero building setbacks will not share a common lot line with any other lots and will not be located along the perimeter of the site;
- (5) the illustration of the typical building limits for all lots on the final plat;
- (6) the placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and
- (7) the placement of a note on the final plat stating that maintenance of all common areas is the responsibility of the property owners.

The motion carried unanimously.

**NEW SIDEWALK WAIVER APPLICATION:**

**Case #ZON2003-02583**

**Suncoast Auto Sales**

1313 East I65 Service Road South (Northeast corner of East I65 Service Road South and Cottage Hill Road).

The request to waive construction of sidewalks along East I65 Service Road South and Cottage Hill Road was considered.

The applicant was present.

There was no one present in opposition.

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

The motion carried unanimously.

There being no further business, the meeting was adjourned.

**OTHER BUSINESS:**

**Planning Commission Business Meeting**

Mr. Olsen announced that the Commission's next business meeting would be held on December 11, 2003, at 9:00 a.m. in the County Commission Room. He said that this would be added to the next agenda and announced during the public hearing, so the public would be aware of the meeting.

**APPROVED:** January 22, 2004

**November 20, 2003**

/s/ Robert Frost, Chairman

/ms and jh