

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF DECEMBER 18, 2003 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

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

Members Absent

Wendell Quimby
Clinton Johnson

Staff Present

Richard L. Olsen, Planner II
Shayla Jones, Planner I
Jennifer Henley, Secretary II

Others Present

John Lawler, Assistant City Attorney
Ron Jackson, 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.

HOLDOVER:

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

Mr. Olsen stated that this application had been revised since the last meeting. He noted that the revised plan was not quite what was discussed, but it accomplished the same thing. He said that the staff wished to revise their recommendation to approve with a waiver of Section V.D.3, of the Subdivision Regulations and subject to the following conditions: 1) the provision of a 75' setback from the centerline of Airport Road to provide for the right-of-way of the planned major street (which includes the required 25' setback from the future major street right-of-way); 2) the placement of a note on the final plat stating that Lot 3 is denied access to Airport Road; and 3) placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially

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developed property must provide a buffer in compliance with Section V.D.7 of the Subdivision Regulations.

Mr. Mikell Speaks, Speaks & Associates, Consulting Engineers, Inc., 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. Scott to waive Section V.D.3. of the Subdivision Regulations, and approve this subdivision subject to the following conditions:

- (1) the provision of a 75' setback from the centerline of Airport Road to provide for the right-of-way of the planned major street (which includes the required 25' setback from the future major street right-of-way);
- (2) the placement of a note on the final plat stating that Lot 3 is denied access to Airport Road; and
- (3) 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.D.7 of the Subdivision Regulations.

The motion carried unanimously.

EXTENSIONS:

Case #ZON2002-00559

D/M Subdivision

2548 and 2550 Government Boulevard (West side of Government Boulevard, 240'± North of Kreitner Street, extending to the North side of Kreitner Street, 235'± West of Government Boulevard).

Planned Unit Development Approval to allow shared access between multiple building sites.

Request for a one-year extension of previous approval.

AND

Case #SUB2002-00046

D/M Subdivision

2548 and 2550 Government Boulevard (West side of Government Boulevard, 240'± North of Kreitner Street, extending to the North side of Kreitner Street, 235'± West of Government Boulevard).

4 Lots / 13.2± Acres

Request for a one-year extension of previous approval.

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A motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to grant a one-year extension of previous approval for these applications.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #ZON2003-02714

Stuart Alter

East side of Garnett Avenue, 150'± South of Spring Hill Avenue.

The request for a change in zoning from R-1, Single-Family Residential, to B-1, Buffer Business, for a parking lot expansion at an existing doctor's office was considered.

The plan illustrates the existing structure and parking lot.

(Also see Case #ZON2003-02715 – **Stuart Alter** – Below)

Mr. Stuart Alter, applicant, was present and asked for clarification on the staff recommendations from his engineer.

Mr. Matt Orrell of Polysurveying Engineering - Land Surveying, engineer for the application, was present and stated that he did not see anything that was detrimental to what the applicant was proposing.

There was no one present in opposition.

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

- (1) dedication of sufficient right-of-way along Garnett Avenue to provide 25' from centerline;
- (2) screening of parking facilities;
- (3) provision of a 6' privacy fence along the South property line;
- (4) compliance with an approved PUD; and
- (5) full compliance with all municipal codes and ordinances, including but not limited to landscaping and tree planting requirements and provision of sidewalks.

The motion carried unanimously.

Case #ZON2003-02715

Stuart Alter

1401 Spring Hill Avenue (Southwest corner of Spring Hill Avenue and Garnett Avenue).

The request for Planned Unit Development Approval to allow shared access and shared parking between two building sites was considered.

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The plan illustrates the existing structure and parking lot.

(For discussion see Case #ZON2003-02714 – **Stuart Alter** – Above)

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

- (1) dedication of sufficient right-of-way along Garnett Avenue to provide 25' from centerline;
- (2) dedication of a 25'(minimum) radius at the intersection of Garnett Avenue and Spring Hill Avenue;
- (3) provision of a 6' privacy fence along the South property line;
- (4) denial of access to Spring Hill Avenue;
- (5) screening of parking facilities;
- (6) Parking aisles to be widened to twenty-four feet to allow two-way traffic flow; and
- (7) full compliance with all municipal codes and ordinances, including but not limited to landscaping and tree planting requirements and provision of sidewalks.

The motion carried unanimously.

Case #ZON2003-02774

Philip G. Burton

157 North McGregor Avenue (West side of McGregor Avenue, 100'± North of Austill Lane).

The request for a change in zoning from R-1, Single-Family Residential, to R-3, Multi-Family Residential, for a two-building, four-unit, single-family residential condominium complex was considered.

The plan illustrates the proposed structures and landscaping.

(Also see Case #ZON2003-02772 - **McGregor Manor Subdivision, Resubdivision of Lots 1 & 2** – Below; and Case #SUB2003-00286 - **McGregor Manor Subdivision, Resubdivision of Lots 1 & 2** – Below)

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

Mr. Philip Burton of 4614 Channing Court, applicant, indicated he concurred with the recommendations of the staff.

Mr. Plauche raised a question about overstory trees. He suggested that all the trees be overstory, with there being so much paved area and the building covering so much of the site. He also noted some azaleas and camellias existing on the site and asked if the applicant planned to leave them.

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Mr. Burton stated that they would probably leave the azaleas and camellias since they were to the rear of the site, but he could not guarantee that during construction they would be preserved. He commented that he was not the only person involved with this development, so he could not speak to the issue of the overstory trees without consulting others.

Mr. Darryl Russell, also involved with the development, said he did not see a problem with providing more overstory trees, but would want to consult with their landscape architect before committing to it.

Mr. Lee Hoffman of 3804 Austill Lane, on the west side of the subject property, expressed concern about drainage, as the property slopes to the northwest towards his yard. He wanted to be assured that they would not get runoff from the roofs and paving that was beyond what was there before.

Mr. Frost asked Mr. Russell to address the drainage plan.

Mr. Russell stated that they would comply with the City's stormwater ordinance and provide detention on the site, and also tie into the City system. Most of the detention would be in the paved area similar to what is in other parking lots in the City. Although the site slopes, Mr. Russell said it was a gentle slope and they would easily be able to control it and maintain it in the streets.

Mr. Frost suggested that Mr. Russell speak to Mr. Hoffman further regarding the drainage plans.

In discussion, a motion was made by Dr. Rivizzigno and seconded by Mr. Scott to recommend the approval of this change in zoning to the City Council subject to the recommendations made by the staff.

Mr. Plauche asked if a condition could be added saying that the Commission would prefer that overstory trees be provided.

Mr. Lawler stated that there was no reason that it could not be added as a condition since they discussed in the open meeting and the Regulations spoke to the preservation of trees.

Mr. Frost suggested that the motion be amended to add a condition that all the trees used in the development would be overstory trees.

There was a brief discussion regarding the wording of the condition.

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

- (1) an approved PUD;

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- (2) full compliance with the landscaping and tree planting requirements of the Ordinance;
- (3) that the tree plantings be overstory to the greatest degree possible, to be coordinated with Urban Forestry;
- (4) provision of an eight-foot high fence or wall along the North and West property lines (location and design within 20-feet of McGregor Avenue to be coordinated with and approved by Traffic Engineering and Urban Development);
- (5) dedication of any necessary right-of-way to provide 25-feet from the centerline of McGregor Avenue; and
- (6) full compliance with all municipal codes and ordinances.

Mr. Vallas recused. The motion carried.

Case #ZON2003-02772

McGregor Manor Subdivision, Resubdivision of Lots 1 & 2

157 North McGregor Avenue (West side of McGregor Avenue, 100'± North of Austill Lane).

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

The plan illustrates the proposed structures and landscaping.

(For discussion see Case #ZON2003-02774 – **Philip G. Burton** – Above; also see Case #SUB2003-00286 - **McGregor Manor Subdivision, Resubdivision of Lots 1 & 2** – Below)

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

- (1) completion of the rezoning process;
- (2) full compliance with the landscaping and tree planting requirements of the Ordinance;
- (3) that the tree plantings be overstory to the greatest degree possible, to be coordinated with Urban Forestry;
- (4) provision of an eight-foot high fence or wall along the North and West property lines (location and design within 20-feet of McGregor Avenue to be coordinated with approved by Traffic Engineering and Urban Development);
- (5) provision of a sidewalk along McGregor Avenue; and
- (6) full compliance with all municipal codes and ordinances.

Mr. Vallas recused. The motion carried.

Case #SUB2003-00286

McGregor Manor Subdivision, Resubdivision of Lots 1 & 2

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157 North McGregor Avenue (West side of McGregor Avenue, 100'± North of Austill Lane).

1 Lot / 0.5± Acre

(For discussion see Case #ZON2003-02774 – **Philip G. Burton** – Above; also see Case #ZON2003-02772 - **McGregor Manor Subdivision, Resubdivision of Lots 1 & 2** – Above)

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

- (1) dedication of the necessary right-of-way to provide 25-feet from the centerline of McGregor Avenue; and
- (2) the placement of a note on the final plat stating that the site is limited to one curb cut, with the location and design to be approved by Traffic Engineering.

Mr. Vallas recused. The motion carried.

Case #ZON2003-02769

University Square Subdivision

South side of Old Shell Road, 200'± East of Allen Drive, extending to the Southern terminus of Jaguar Drive [private street], 210'± West of Long Street.

The request for Planned Unit Development Approval to allow multiple buildings on multiple building sites with shared access between building sites was considered.

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

(Also see Case #ZON2003-02862 – **Merrill P. Thomas** – Below; and Case #SUB2003-00283 – **University Square Subdivision** – Below)

The applicant was present and indicated that he 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:

- (1) completion of the rezoning and subdivision processes;
- (2) size, location and design of curb cuts to be approved by the Traffic Engineering Department, unused existing curb cuts to be closed – including installation of landscaping and curbing;
- (3) the 38" Live Oak on the northwest side of Lot 2 be given preservation status, all work done under the drip line of the tree is to be coordinated

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with Urban Forestry. Removal to be permitted by Urban Forestry only in the case of disease or impending danger. The 24" Water Oak located in the main entrance drive requires a permit from the Mobile Tree Commission for removal; and

- (4) full compliance with all municipal codes and ordinances, including but not limited to landscaping and tree plantings and the provision of sidewalks.

The motion carried unanimously.

Case #ZON2003-02862

Merrill P. Thomas

South side of Old Shell Road, 200'± East of Allen Drive.

The request for Planning Approval to allow a mini-warehouse storage facility in a B-2, Neighborhood Business district was considered.

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

(For discussion see Case #ZON2003-02769 – **University Square Subdivision** – Above; also see Case #SUB2003-00283 – **University Square Subdivision** – Below)

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

- (1) completion of the rezoning and subdivision processes;
- (2) size, location and design of curb cuts to be approved by the Traffic Engineering Department, unused existing curb cuts to be closed – including installation of landscaping and curbing;
- (3) the 38" Live Oak on the northwest side of Lot 2 be given preservation status, all work done under the drip line of the tree is to be coordinated with Urban Forestry. Removal to be permitted by Urban Forestry only in the case of disease or impending danger; and
- (4) full compliance with all municipal codes and ordinances, including but not limited to landscaping and tree plantings and the provision of sidewalks.

The motion carried unanimously.

Case #SUB2003-00283

University Square Subdivision

South side of Old Shell Road, 200'± East of Allen Drive, extending to the Southern terminus of Jaguar Drive [private street], 210'± West of Long Street.

2 Lots / 4.4± Acres

(For discussion see Case #ZON2003-02769 – **University Square Subdivision** – Above; also see Case #ZON2003-02862 – **Merrill P. Thomas** – Above)

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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 size, location and design of curb cuts to be approved by the Traffic Engineering Department, unused existing curb cuts to be closed – including installation of landscaping and curbing; and
- (2) placement of a note on the final plat stating that the 38” Live Oak on the northwest side of Lot 2 be given preservation status, all work done under the drip line of the tree is to be coordinated with Urban Forestry. Removal to be permitted by Urban Forestry only in the case of disease or impending danger. The 24” Water Oak located in the main entrance drive requires a permit from the Mobile Tree Commission for removal.

The motion carried unanimously.

Case #ZON2003-02771 (Planning Approval)

St. Paul’s Episcopal Church

4051 Old Shell Road (South side of Old Shell Road at the South terminus of Tuthill Lane).

The request for Planning Approval to amend a previously approved Planning Approval to allow the expansion of an existing church in an R-1, Single-Family Residential district, to include a new classroom/mini-gym building was considered.

The site plan illustrates the existing buildings, concrete, parking, drives, and landscaping along with the proposed buildings and concrete.

(Also see Case #ZON2003-02770 - **St. Paul’s Episcopal Church** – Below)

Mr. Don Coleman of Rester and Coleman Engineers, Inc. was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

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

- (1) the site plan and supporting documentation as submitted;
- (2) approval by Traffic Engineering and Urban Development staff for any change in traffic circulation;
- (3) the provision of frontage trees, to be coordinated with and approved by Urban Forestry; and
- (4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

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Case #ZON2003-02770

St. Paul's Episcopal Church

4051 Old Shell Road (South side of Old Shell Road at the South terminus of Tuthill Lane).

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

The site plan illustrates the existing buildings, concrete, parking, drives, and landscaping along with the proposed buildings and concrete.

(For discussion see Case #ZON2003-02771 - **St. Paul's Episcopal Church** – Above)

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

- (1) the site plan and supporting documentation as submitted;
- (2) approval by Traffic Engineering and Urban Development staff for any change in traffic circulation;
- (3) the provision of frontage trees, to be coordinated with and approved by Urban Forestry; and
- (4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2003-02773

Donham Place Subdivision, Unit Two

South terminus of Donham Drive, extending to the West terminus of Scottsdale Drive, to the South termini of Tew Drive and Thistlewaite Drive, and to the North side of the Illinois Central Gulf Railroad right-of-way.

The request for Planned Unit Development Approval to allow reduced building setbacks in a single-family residential subdivision was considered.

The site plan illustrates the lot and street configurations and existing easements.

Mr. Jerry Byrd of Byrd Surveying, Inc. was representing the applicant 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.

The motion carried unanimously.

Case #ZON2003-02763

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Dr. Todd Engerson (M. Don Williams, Agent)

206 Wimbledon Park West (West side of Wimbledon Park West, 125'± South of its North terminus).

The request for Planned Unit Development Approval to amend a previously approved residential subdivision PUD to allow a pool house and garage outside the approved building limits, and to allow 47% maximum site coverage was considered.

The plan illustrates the proposed structures, pool, and drive.

Mr. M. Don Williams, agent, was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

In discussion, a motion was made by Dr. Rivizzigno and seconded by Dr. Laier to approve this plan subject to the following condition:

- (1) footings be designed in a manner that they do not extend onto properties out side the Wimbledon Park PUD, to be approved by the Building Inspection.

Mr. McSwain inquired if the Commission had ever made any other requirements regarding construction design.

Mr. Olsen replied yes, though it did not happen often. He said that within this subdivision there had been a unique circumstance where the footing for a building on the other lot would actually have to be on the adjacent property. He stated that they had to amend the Planned Unit Development approval to allow construction on the property line as well as obtain an easement from the shopping center next door.

The question was called. The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2003-00280

Government Street Highlands Subdivision, Resubdivision of Lot 26 & Part of Lot 25

4669 Oak Ridge Road (Southwest corner of Oak Ridge Road and University Boulevard

1 Lot / 1.9± Acres

The applicant was present and concurred with the staff recommendations.

Mr. Rene Stiegler of 4671 Oak Ridge Road, which adjoins the subject property, stated that he wanted to make sure of what was being proposed. He understood that under this proposal a strip of land that was formerly a part of a lot that was sold to the City for development of University Boulevard was to be added to the subject lot. He said the neighbors had no objection, other than it be stipulated that there be no access to

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University Boulevard, and that nothing happened that would change the restrictions on the property for use as a single-family dwelling in accordance with the zoning.

Mr. Frost stated that the staff had recommended that access to University Boulevard be denied. As to the restriction on single-family, the applicant would have to come back to the Commission with an application to rezone if they wanted to use the property for anything other than single-family, as the property was currently zoned R-1.

A motion was made by Dr. Rivizzigno 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 access to University Boulevard is denied; and
- (2) dedication of a 25' radius at the corner of Oak Ridge Road and University Boulevard.

The motion carried unanimously.

Case #SUB2003-00282

Gustin Addition to Jackson Street Subdivision

259 North Jackson Street (West side of Jackson Street, 80'± South of Congress Street).

2 Lots / 0.3± Acre

Mr. Olsen stated that the applicant had indicated that there may not be shared access as indicated in the staff report, so the staff would recommend that the condition regarding the PUD be changed to add the words "if necessary".

Mr. Don Coleman of Rester and Coleman Engineers, Inc. was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to waive Sections V.D.2. and V.D.9., of the Subdivision Regulations, and approve this subdivision subject to the following conditions:

- (1) the placement of a 5-foot setback line along the street frontage; and
- (2) the submission of an Administrative PUD for the shared access and parking, if necessary.

The motion carried unanimously.

Case #SUB2003-00287

La Coste Acres Subdivision, Second Addition

West side of La Coste Road, 625'± South of its North terminus.

1 Lot / 2.0± Acres

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The applicant was not present.

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 condition:

- (1) 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.

The motion carried unanimously.

Case #SUB2003-00278

Maggie's Dawes Road Subdivision

East side of Dawes Road, 380'± North of Cottage Hill Road.

1 Lot / 1.0± Acre

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

- (1) the dedication of sufficient right-of-way from the centerline of Dawes Road;
- (2) the placement of a note on the final plat stating that the site is limited to one curb cut to Dawes Road, with the size, location and design to be approved by County Engineering; and
- (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.

The motion carried unanimously.

Case #SUB2003-00279

Magnolia Branch Estates Subdivision

3162 and 3170 Hamilton Boulevard (North side of Hamilton Boulevard, 760'± West of Viking Way)

3 Lots / 11.6± Acres

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

Mr. Willim Logan, 6534 Belwood Drive West, asked exactly what was to be put on the lots.

Mr. Olsen stated that the staff was not aware of the proposed use. The site is located in the County so there is no zoning.

Mr. Frost added that while the Planning Commission enforces the Subdivision Regulations in the County, which governs the division of property, there is no zoning in the County. He said that the use was not something the Commission could review.

Mr. Logan was unsure why the City was involved with matters in the County. He also mentioned that he was concerned about property values in the area.

Mr. Ronnie Endris, 6530 Belwood West, was also concerned about the intended use of the property.

Mr. Frost commented that the property owner had the right to do as he wished with their property as long as it fell within the Regulations and Ordinances in place. He mentioned that there had been a lot of debate in the County as to whether or not there should be zoning, but this was not within the Commission's purview.

Mr. Orrell stated that there were commercial buildings on the site, and his client had no plans at this time for the property in the rear; it was reserved for future development.

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

- (1) the dedication of sufficient right-of-way from the centerline of Hamilton Boulevard;
- (2) the placement of a note on the final plat stating that Lots 1, 2 and 3 are limited to one curb cut each to Hamilton Boulevard, with the size, location and design to be approved by County Engineering;
- (3) the developer to obtain the necessary approvals from federal, state and local agencies prior to the issuance of any permits; and
- (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.

The motion carried unanimously.

Case #SUB2003-00276

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New Ship A.M.E. Zion Church Subdivision

5313 Laurendine Road (South side of Laurendine Road, 250'± West of Lancaster Road).

1 Lot / 0.7± Acre

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

Mr. Olsen stated that the structure was currently located within the right-of-way. Dedication would cause that encroachment to be even more. Mr. Orrell said he would be agreeable to changing that to a setback from the future right-of-way as opposed to actual dedication, because of the structure being located within the right-of-way. Mr. Olsen said the staff did not have a problem with that.

There was no one present in opposition.

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

- (1) provision of sufficient setback from the centerline of Laurendine Road to allow for the Major Street;
- (2) the placement of a note on the final plat stating that the site is limited to one curb cut to Laurendine Road, with the size, location and design to be approved by County Engineering; and
- (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.

The motion carried unanimously.

Case #SUB2003-00285

Oak Grove Subdivision

South side of Firetower Road, ¼ mile± East of Greenbriar Court.

119 Lots / 75.4± Acres

Mr. Don Coleman of Rester and Coleman Engineers, Inc., was present and indicated that the applicant concurred with the staff recommendations with the exception of the second condition regarding driveways on corner lots. Mr. Coleman said this was strictly a residential subdivision and some homeowners like double entrances. There would be no commercial traffic inside the subdivision. Mr. Coleman said he had seen many residential subdivisions with double drives coming off the street, which helped stop people having to back out into the street and parking on the street.

Mr. Frost asked the staff is this was an ordinance requirement regarding the drives or just something they had historically done.

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Mr. Olsen replied that this was something that had developed over the years and it is primarily when a site is located at a collector street or a major street. This was within a residential subdivision and he suggested maybe a condition be added that approval would be subject to approval from County Engineering.

Mr. Coleman said that they agreed with the condition that they not have access to Firetower Road on both corner lots.

Mr. McSwain asked if he understood that they were saying that any of the internal lots could have two curb cuts.

Mr. Olsen said that was what the applicant was requesting.

Mr. Coleman further noted condition #3 which calls for calming devices. He asked if that referred to a circle or a calming device.

Mr. Lawler stated that it referred to calming devices.

Mr. McSwain noted that the condition specifically refers to traffic circles. He asked that this be corrected to say calming devices.

There was no one present in opposition.

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

- (1) the placement of a note should on the final plat stating that Lots 1 and 36 are denied direct access to Firetower Road;
- (2) the provision of traffic calming devices in the area of Lots 10, 11, 28 and 29, to be approved by County Engineering;
- (3) the provision of street stubs to the East and West in the vicinity of the Alabama Power easement;
- (4) the detention area be indicated on the final plat with a note stating that the maintenance thereof is the responsibility of the property owners association;
- (5) 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
- (6) the placement of the 25-foot minimum setback lines on the final plat.

The motion carried unanimously.

Case #SUB2003-00281

Sawyer Place Bay Shore Subdivision

Southwest corner of Bay Shore Avenue and Spring Hill Avenue.

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1 Lot / 0.9± Acre

Mr. Olsen stated that the Urban Forestry comments were inadvertently omitted from the staff report. Those comments recommended that a preservation status be given to a 60" Live Oak located on the southeast side of the property that would include any work around it, including trimming or removal of this tree which would require approval from the Mobile Planning Commission; all work under the canopy being permitted and coordinated with Urban Forestry; removal be permitted by Urban Forestry only in the case of disease or impending danger; and property be developed in compliance with State and local laws that pertain to tree preservation and protection on both City and private property.

Mr. Will Lawler, with Lawler and Company, surveyor, said he did not see any issue with the Live Oaks. He said he understood they were talking about everything inside the drip line.

Mr. Kenneth Martin, 551 Malaga Drive, applicant, said that would not be a problem, and also concurred with limiting the curb cuts.

Mr. McSwain asked if the applicant had any development plans for the site, and if he was happy with the one curb cut to Spring Hill Avenue.

Mr. Martin said they did have development plans, and they were agreeable with the one curb cut to Spring Hill Avenue.

In discussion, a motion was made by Dr. Rivizzigno and seconded by Mr. Vallas 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 Spring Hill Avenue and one curb cut to Bay Shore Avenue, with the location and design to be approved by the Traffic Engineering Department; and
- (2) the placement of a note on the final plat stating that preservation status be given to the 60" Live Oak located in the southeast side of the property. (Any work around, including trimming or removal of this tree, requires approval from the Mobile Planning Commission.) All work under the canopy is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger. Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (City Code Chapters 57 and 64 and State Act 61-929).

Mr. McSwain asked if the property was properly zoned for what they were planning.

Mr. Olsen said he would have to check on that. He said if they wanted to construct additional buildings they would have to have a PUD.

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The question was called. The motion carried unanimously.

Case #SUB2003-00277

Welch Estates Subdivision, Unit Two

East side of Denmark Road, 210'± North of Moffett Road, extending to the West side of Harwell Road.

27 Lots / 7.8± Acres

Mr. Olsen stated that the staff recommendation was updated after new information came to light. He read the conditions for approval: 1) dedication of sufficient right-of-way to provide a minimum of 30' from centerline of Harwell Road; 2) dedication, if necessary, of sufficient right-of-way to provide a minimum of 30' from centerline of Denmark Road; 3) placement of a note on the final plat stating that lots 4-21 are denied access to Denmark Road; 4) lots 22-27 not be recorded until either Harwell Road is extended (including dedication and paving to County Standards) for the entire length of the subdivision, or Denmark Road is paved to County Standards for the entire length of the subdivision; 5) the provision of the required 25' setback from both street frontages; and 6) 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. Ty Irby, applicant, and Mr. Jerry Byrd of Byrd Surveying, Inc., were present in this matter. Mr. Byrd said that Mr. Irby had one request to make.

Mr. Irby stated that they would like to revise the plan to combine the lots that front on Denmark Road into one large lot with one access to Denmark Road.

Mr. Olsen noted that Mr. Irby was referring to Lots 22-30. He said he spoke with Mr. Byrd about this prior to the meeting and voiced the staff's concern that Denmark Road is a dirt road. While this would only be one lot, it would be a large lot and could be developed, since it is in the County, for commercial use, such as a trailer park or some other use that could have potential for major traffic on that dirt road. This was why they recommended that there be no access.

Mr. Irby said that they were willing to give up some lots to have the one parcel with access that would be marketable. He suggested an alternative of combining Lots 21-30, which would leave them with a larger Lot 21. They could then access Harwell Road instead of Denmark Road.

Mr. John Mullis, a resident of Harwell Road for 44 years, expressed concern that this property would be developed with 27 postage stamp lots with septic tanks in his front yard. He said the lots in this area were on well water. Mr. Mullis also expressed concern about the additional traffic this subdivision would create on his street. He felt that the small lots were out of character with the rest of the neighborhood.

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Mr. Olsen stated that the area was served by public water and sewer. Based on the size lots, the only type of development there would be one that was connected to City water and sewer.

Mr. Frost noted that based on the staff's recommendation, access would be denied to Denmark Road.

Mr. James Mullis, son of John Mullis, was present and stated that he currently resided in Lucedale, but he had previously lived at his father's address. Mr. James Mullis questioned the boundaries of the City's jurisdiction and asked if the matter would go before the City Council. He was also concerned that anything could be put on the lot. He was concerned about the additional traffic making it even harder to get out onto Highway 98.

Mr. Frost explained that in matters of subdivision, the City had jurisdiction five miles outside the City limits. Zoning issues, which were only inside the City limits would go to the City Council for final approval. The Commission could only enforce the laws that were within their purview.

Mr. Irby stated that they planned to develop the site with single-family residences and there was water and sewer connection.

A motion was made by Ms. Deakle and seconded by Mr. Vallas to approve a **17-lot** subdivision subject to the following conditions:

- (1) that lots 21-30 be combined into one lot as offered by the applicant at the meeting;
- (2) dedication of sufficient right-of-way to provide a minimum of 30' from centerline of Harwell Road;
- (3) dedication, if necessary, of sufficient right-of-way to provide a minimum of 30' from centerline of Denmark Road;
- (4) placement of a note on the final plat stating that lots 4-21 are denied access to Denmark Road;
- (5) the provision of the required 25' setback from both street frontages; and
- (6) 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.

The motion carried unanimously.

Case #SUB2003-00284

Winston Subdivision

East side of Schillinger Road, 670'± South of Morris Road.

2 Lots / 10.6± Acres

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Mr. Don Coleman of Rester and Coleman Engineers, Inc. was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

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

- (1) the dedication of sufficient right-of-way from the centerline of Schillinger Road;
- (2) the placement of a note on the final plat stating that both lots are limited to one curb cut each to Schillinger Road, with the size, location and design to be approved by County Engineering; and
- (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.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATION:

Case #ZON2003-02767

Hamad Baghaei

3942 Moffett Road (North side of Moffett Road, 270' ± East of Pine Grove Avenue).

The request to waive construction of a sidewalk along Moffett Road was considered.

Mr. Millard Austin was representing the applicant and asked why the staff had recommended denial.

Mr. Frost explained that the sidewalk ordinance required that new construction generally required new sidewalks. On older constructed properties where someone was coming in to improve it, sidewalks were also generally required. Exceptions had been made when there were physical reasons that a sidewalk could not be constructed, such as the sidewalk would be in a City drainage right-of-way or ditch where it would be enormously costly for the applicant.

Mr. Austin said there was no physical exception in this case. He said, however, that there were no sidewalks on either side of Moffett Road in this area. He asked that the Commission favorably consider this request. He mentioned that there had been three other businesses at this location.

In discussion, a motion was made by Dr. Rivizzigno and seconded by Dr. Laier to deny this request.

Mr. Vallas inquired if anyone had visited the site.

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Ms. Terry said she had visited the site and stated that there were other sidewalks in this area, although they may not meet on each side.

The question was called. The motion carried unanimously.

There being no further business, the meeting was adjourned.

APPROVED: February 5, 2004

/s/ Victor McSwain, Secretary

/s/ Robert Frost, Chairman

/jh and ms