

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF APRIL 17, 2003 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Robert Frost, Chairman
Victor McSwain, Secretary
Victoria L. Rivizzigno
Ann Deakle
John Vallas
Wendell Quimby
James Laier (S)

Members Absent

Terry Plauche, Vice-Chair
Stephen Nodine
Norman Hill (S)

Staff Present

Richard L. Olsen, Planner II
Margaret Pappas, Planner II
Tim Ashley, Planner I
Jennifer Henley, Secretary II
Val Manuel, Secretary II

Others Present

Wanda Cochran, 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.

APPROVAL OF MINUTES:

A motion was made by Dr. Laier and seconded by Mr. Quimby to approve the minutes of the February 6, and February 20, 2003, meetings as submitted. The motion carried unanimously.

HOLDOVERS:

Case #SUB2003-00035

Carol Plantation Oaks Subdivision

West side of Carol Plantation Road, 355'± North of U.S. Highway 90 West.
65 Lots / 37.0± Acres

Ms. Pappas stated that the applicant had requested that this application be withdrawn via a faxed letter to the staff.

There was no one present in opposition.

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The Planning Commission withdrew the above referenced subdivision at the applicant's request.

Case #SUB2003-00041

Ahepa X Subdivision

East side of McCrary Road, 915'± North of Moffett Road.

2 Lots / 6.0± Acres

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

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 Ms. Deakle to approve this subdivision subject to the following conditions:

- (1) the dedication of the necessary right-of-way to provide 50-feet from the centerline of McCrary Road;
- (2) the placement of a note on the final plat stating that the development is limited to share one curb cut to McCrary Road, with the location and design to be approved by County Engineering; 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 where the site adjoins residentially developed property.

Mr. Vallas recused. The motion carried.

Case #SUB2003-00044

Lusann Woods Subdivision

West terminus of Lusann Drive, extending to the North side of and West terminus of Norden Drive South.

8 Lots / 5.9± Acres

Mr. Jimmy Rogers of McCrory & Williams, Inc., was representing the applicant and stated that he had met with the staff last week.

Ms. Pappas said that the new plat showed an additional lot. It also showed the wetlands and addressed the detention issue. She said that the staff was now recommending approval subject to the following conditions: *(1) approval of all federal, state and local agencies; (2) that the common area devoted to detention be labeled as such, and placement of a note on the final plat stating that all common areas shall be the responsibility of the property owners; and (3) construction of a modified cul-de-sac on Norden Drive.* She said that a standard cul-de-sac would take up too much of the proposed lots.

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Mr. Rogers said that the property on the north side of Norden Drive had eroded quite a bit and construction of even a modified cul-de-sac would be very expensive. They wanted to leave the street as a dead end.

Mr. Dean Chesbrough of 162 Border Drive, applicant, was present and stated that the largest lot shown on the site plan was essentially undevelopable because a culvert was put in the subdivision and this was where it drained, making this area wetlands.

Mr. Vallas inquired if the wetlands shown on the site plan was accurate.

Mr. Chesbrough said that it had been surveyed and the Corps of Engineers had looked at it.

Mr. Vallas said it appeared there was 75'-100' from the wetlands to the right-of-way.

Mr. Chesbrough said that there was approximately 80'.

Mr. Vallas thought this was enough room to construct a modified cul-de-sac without touching the wetlands.

Mr. Chesbrough said that they had to be 25' away from the wetlands. In order to construct the cul-de-sac they would have to put tracks down to keep the equipment off the wetlands, which was very costly. He stated that there were only 3 houses down Norden Drive and it had been a one-way street for 50 years. He said that they had submitted plans for this area on more than one occasion to the Commission and the cul-de-sac was not required then. He stated that they had put a fence up at the end of Norden Drive to keep people from dumping trash there. If they put a cul-de-sac there, the fence would have to come down.

There was no one present in opposition.

In discussion, a motion was made by Mr. Vallas and seconded by Dr. Rivizzigno to approve this subdivision subject to the conditions read by the staff during the public hearing.

Mr. McSwain inquired if there was some way the City could mitigate the expense of the modified cul-de-sac. He pointed out that the road had been in this condition for many years with basically the same number of lots.

Ms. Pappas said that the biggest concern was that there be some type of turnaround. She stated that they could make it so that City and Traffic Engineering and the staff would work with them and give final approval.

Mr. Vallas and Dr. Rivizzigno amended their motion and second respectively. The final motion was to approve this subdivision subject to the following conditions:

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- (1) approval of all federal, state and local agencies;
- (2) that the common area devoted to detention be labeled as such, and placement of a note on the final plat stating that all common areas shall be the responsibility of the property owners; and
- (3) construction of a modified cul-de-sac to be approved by City Engineering, Traffic Engineering, and the Urban Development Department Planning Staff on Norden Drive.

The motion carried unanimously.

Case #SUB2003-00046

Middle Bay Marine Subdivision

East side of Dauphin Island Parkway, 190'± North of Terrell Road.

1 Lot / 9.6± Acres

(For discussion see Case #ZON2003-00856 - **Middle Bay Marine Subdivision** - Below [group applications])

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

- (1) placement of a note on the final plat stating that the site is limited to two curb cuts to Dauphin Island Parkway, exact location and design to be approved by Traffic Engineering and ALDOT; and
- (2) developer to obtain all necessary federal, state and local approvals prior to the issuance of any permits.

The motion carried unanimously.

EXTENSIONS:

Case #SUB2001-00074

Rangeline Road Commercial and Industrial Park Subdivision, Revised Preliminary Plat for

East side of Rangeline Road, 880'± North of Old Rangeline Road, extending Northeastwardly to the West side of Old Rangeline Road, 770'± South of the West terminus of Riverview Pointe Drive.

3 Lots / 32.0± Acres

Request for a one-year extension of previous approval.

Mr. Frost stated for the record that although this request for extension was recommended for approval, a third extension was unlikely.

A motion was made by Ms. Deakle and seconded by Mr. Quimby to grant a one-year extension of previous approval for this subdivision. The applicant is advised that a third extension is unlikely.

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The motion carried unanimously.

GROUP APPLICATIONS

Case #ZON2003-00857

Ebenezer Baptist Church

5051 Ebenezer Drive (Southwest corner of Demetropolis Road and Ebenezer Drive).

The request for Planning Approval to allow the expansion of an existing church in an R-1, Single-Family Residential district to include a new sanctuary and increased parking was considered.

The site plan illustrates the existing buildings, cemetery, existing trees to be removed, proposed parking and drives, proposed landscaping and the proposed building.

(Also see Case #ZON2003-00858 - **Ebenezer Baptist Church** – Below)

Mr. Frank Dagley of Frank A. Dagley & Associates, Inc., was representing the applicant and stated that the reason for the Planned Unit Development application was so they could build a new sanctuary and increase parking. He said they had shown some trees to be planted along Demetropolis Road, but there was a cemetery there. They would either have to put the trees somewhere else or put money in the tree bank. The staff had recommended vacation of the right-of-way on the property, but there was some question as to whether or not it actually existed. He had spoken with people who had been members of the church for many years and the only thing they could remember ever being there was a walking trail leading to a spring back in the 1930s. He had a map done by Michael Speaks & Associates showing a dotted line where the right-of-way was supposed to be located that actually had a name.

Mr. Olsen pointed out the right-of-way on the map.

Mr. Frost inquired if the right-of-way went off of this property, where they would need consent from other parties to have it vacated.

Mr. Olsen said that according to the tax assessor and City GIS maps, it tied into University Boulevard and back into Ebenezer Drive. It appeared that there had never been any improvements done in the right-of-way, but that it had been there.

Mr. Frost inquired how the vacation process would work given that it tied into another right-of-way.

Ms. Cochran said that there were two different vacation statutes. She could not say for sure whether any other consent would be required without additional information.

Mr. Dagley said that they would do it if they had to, but they did not want to incur the expense. He thought that when the assessment maps were drawn it may be that

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someone saw that there was a trail and assumed that it was an actual right-of-way. He concurred with the other conditions of the staff.

Rev. Rudolph Overstreet was present and stated that he was the pastor of Ebenezer Baptist Church. He said that what they were referring to was no more than a "pig trail". He had come to the church in 1986 and this area was completely wooded and the trail no longer existed. He said that the church owned all of land in question and there was no access across their property out to University Boulevard.

Mr. Frost inquired if a survey would be required for the vacation process.

Ms. Cochran said that it appeared that there was not an instrument that had dedicated the right-of-way.

Mr. Olsen said that the staff was unsure where the right-of-way originated. The legal description used for the submission of this application refers to Parcel A of Ebenezer Church property, which was a recorded survey, not a recorded subdivision. He said that there were major discrepancies in several different areas. He had spoken with a member of the church during the review process and explained that the City would work with them and try to not hold up the permits once the applications for vacation and subdivision were submitted.

Rev. Overstreet said that the church had owned this land for over 100 years. He stated that some access had been granted to people to cross the church property to get to the spring so they would have water.

Mr. Frost said that while it appeared that this was a walking trail that was abandoned many years ago, it was still showing up on the plat.

Rev. Overstreet pointed out that there was a graveyard there.

Ms. Cochran said that whether or not the trail could be seen, there could still be right-of-way there and until it was vacated it would still exist.

Mr. Frost inquired if right-of-way could be abandoned through nonuse without a formal vacation after a certain period of time.

Ms. Cochran replied no.

Mr. Dagley inquired if the burden of proof in this matter was on the applicant or the City. He said that the applicant could not prove anything either way.

Mr. Frost did not think there would be any problem getting the vacation request approved, especially if they were the only property owner involved.

There was no one present in opposition.

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In discussion, Mr. Frost was concerned that they did not know whether or not there was actually a dedicated right-of-way.

Mr. Olsen said that based on information from the old lot and block map that Mr. Dagley submitted and the tax assessor's map that the staff had viewed online, there was a right-of-way there. He stated that on the lot and block map there was a series of numbers on the right-of-way line that could possibly be an old resolution number. They could modify the condition such that if staff research finds that there is indeed a right-of-way that it be vacated; if they didn't find any further information and the subdivision was recorded a vacation would not be needed.

Ms. Deakle felt that this was the most reasonable thing to do.

Mr. Quimby pointed out that they would not be causing any lots to be landlocked by not vacating.

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

- (1) submission of documentation to establish the site as a legal lot of record prior to 1952, or completion of the subdivision process prior to issuance of any permits;
- (2) vacation of right-of-way bisecting the site, or submission of documentation that the right-of-way has been vacated, only if it is determined by the Urban Development Department Planning Staff that a right-of-way exists;
- (3) screening of parking as required by Section VI.A.3.i;
- (4) provision of a sidewalk along the entire street frontage;
- (5) the 72" oak shown on the plan submitted be given preservation status; and
- (6) full compliance with all codes and ordinances, including but not limited to landscaping and tree planting requirements.

The motion carried unanimously.

Case #ZON2003-00858

Ebenezer Baptist Church

5051 Ebenezer Drive (Southwest corner of Demetropolis Road and Ebenezer Drive).

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, cemetery, existing trees to be removed, proposed parking and drives, proposed landscaping and the proposed building.

(For discussion see Case #ZON2003-00857 - **Ebenezer Baptist Church** – Above)

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

- (1) submission of documentation to establish the site as a legal lot of record prior to 1952, or completion of the subdivision process prior to issuance of any permits;
- (2) vacation of right-of-way bisecting the site, or submission of documentation that the right-of-way has been vacated, only if it is determined by the Urban Development Department Planning Staff that a right-of-way exists;
- (3) screening of parking as required by Section VI.A.3.i;
- (4) provision of a sidewalk along the entire street frontage;
- (5) the 72" oak shown on the plan submitted be given preservation status; and
- (6) full compliance with all codes and ordinances, including but not limited to landscaping and tree planting requirements.

The motion carried unanimously.

Case #ZON2003-00862

Radcliff/Economy Marine Services, Inc.

115 Cochrane Causeway (West side of Cochrane Causeway, 160'± North of Dunlap Drive).

The request for a change in zoning from R-1, Single-Family Residential, and I-2, Heavy Industry, to I-2, Heavy Industry, to eliminate split zoning at an existing petroleum products storage facility was considered.

The site plan illustrates the existing buildings, tanks, drives, pipe lines, and railroad along with the proposed trees, building, proposed areas to be rezoned, and proposed setback.

(Also see Case #ZON2003-00861 - **Radcliff/Economy Marine Services, Inc.** – Below; and Case #ZON2003-00859 - **Radcliff/Economy Marine Services, Inc.** – Below)

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 recommend the approval of this change in zoning to the City Council subject to the following conditions:

- (1) the approval of all necessary federal, state and local agencies prior to development;
- (2) provision of a buffer along the South property line, at such time the adjacent property is developed residentially;
- (3) full compliance with the landscaping and tree planting requirements of the Ordinance (frontage trees only for industrial property);

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- (4) number, location and design of all curb cuts to be approved by Traffic Engineering; and
- (5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2003-00861

Radcliff/Economy Marine Services, Inc.

115 Cochrane Causeway (West side of Cochrane Causeway, 160'± North of Dunlap Drive).

The request for Planning Approval to allow the expansion of an existing petroleum products storage facility to include a warehouse, storage tanks, and offices was considered.

The site plan illustrates the existing buildings, tanks, drives, pipe lines, and railroad along with the proposed trees, building, proposed areas to be rezoned, and proposed setback.

(For discussion see Case #ZON2003-00862 - **Radcliff/Economy Marine Services, Inc.** – Above; also see Case #ZON2003-00859 - **Radcliff/Economy Marine Services, Inc.** – Below)

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

- (1) the approval of all necessary federal, state and local agencies prior to development;
- (2) provision of a buffer along the South property line, at such time the adjacent property is developed residentially;
- (3) full compliance with the landscaping and tree planting requirements of the Ordinance (frontage trees only for industrial property);
- (4) number, location and design of all curb cuts to be approved by Traffic Engineering; and
- (5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2003-00859

Radcliff/Economy Marine Services, Inc.

115 Cochrane Causeway (West side of Cochrane Causeway, 160'± North of Dunlap Drive).

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

The site plan illustrates the existing buildings, tanks, drives, pipe lines, and railroad along with the proposed trees, building, proposed areas to be rezoned, and proposed setback.

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(For discussion see Case #ZON2003-00862 - **Radcliff/Economy Marine Services, Inc.** – Above; also see Case #ZON2003-00861 - **Radcliff/Economy Marine Services, Inc.** – Above)

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

- (1) the approval of all necessary federal, state and local agencies prior to development;
- (2) provision of a buffer along the South property line, at such time the adjacent property is developed residentially;
- (3) full compliance with the landscaping and tree planting requirements of the Ordinance (frontage trees only for industrial property);
- (4) number, location and design of all curb cuts to be approved by Traffic Engineering; and
- (5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2003-00860

147 Westfield Avenue Subdivision

147 Westfield Avenue (Northeast corner of Westfield Avenue and Bit and Spur Road).

The request for Planned Unit Development Approval to allow reduced lot widths, and shared access in a single-family residential subdivision was considered.

The plan illustrates the proposed lots, structures and parking.

(Also see Case #SUB2003-00059 - **147 Westfield Avenue Subdivision** – Below)

Mr. M. Don Williams of M. Don Williams Engineering was representing the applicant and stated that the only problem they had was with the staff's recommendation that they provide detention facilities as required by the Engineering Department. He said that he had spoken with City Engineering and they felt that they could work something out in regards to stormwater detention. However, this would be difficult because there was not underground storm drainage in the area. They wanted to change the condition to require stormwater management to be coordinated with and approved by City Engineering prior to the issuance of any permits.

Ms. Deakle inquired if he was saying that there would not be a detention facility.

Mr. Williams was unsure. He said that they would not be able to do a traditional type of detention facility because there was not enough room. They were trying to work out a way to have separate detention on each lot.

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Mr. Olsen said that if City Engineering was agreeable to this, then it would be acceptable to the staff.

Mr. Williams said the staff had also recommended that the shared access drive be paved to a width of 16', but they wanted it to be 18'.

Ms. Terry said that City Engineering would be agreeable to changing the condition regarding stormwater management as long as approval was prior to the issuance of any permits and the signing of the final plat.

Mr. Olsen said that they wanted to make sure that Engineering had approved it before permits were issued for the construction of the alley.

Mr. Williams said this was acceptable.

There was no one present in opposition.

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

- (1) limited to the site plan submitted, as required to be amended by this approval;
- (2) provision of stormwater management, to be approved by the Engineering Department prior to the issuance of any permits and prior to the signing of the final plat;
- (3) dedication of 25' radius at the intersection of Bit & Spur Road and Westfield Road;
- (4) the shared access drive be paved to a width of 18'; and
- (5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2003-00059

147 Westfield Avenue Subdivision

147 Westfield Avenue (Northeast corner of Westfield Avenue and Bit and Spur Road).
3 Lots / 0.7± Acres

(For discussion see Case #ZON2003-00860 - **147 Westfield Avenue Subdivision** – Above)

A motion was made by Mr. McSwain and seconded by Mr. Vallas to waive Section V.D.2 (minimum width), of the Subdivision Regulations and approve this subdivision subject to the following conditions:

- (1) limited to the accompanying PUD; and

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- (2) dedication of a 25' radius at the intersection of Bit & Spur Road and Westfield Road.

The motion carried unanimously.

Case #ZON2003-00879

Cornell Subdivision

1751 and 1757 Old Shell Road (Southwest corner of Old Shell Road and Semmes Avenue).

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

AND

Case #SUB2003-00057

Cornell Subdivision

1751 and 1757 Old Shell Road (Southwest corner of Old Shell Road and Semmes Avenue).

1 Lot / 0.7± Acre

This applications were heldover prior to the meeting at the applicant's request.

NEW PLANNED UNIT DEVELOPMENT APPLICATION:

Case #ZON2003-00856

Middle Bay Marine Subdivision

East side of Dauphin Island Parkway, 190'± North of Terrell Road.

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

The site plan illustrates the existing easements, proposed buildings, landscaping, parking and drives, building setbacks, and development limits.

(Also see Case #SUB2003-00046 - **Middle Bay Marine Subdivision** - Above [holdover])

Mr. Frank Dagley of Frank A. Dagley & Associates, Inc., was representing the applicant and stated that the staff had recommended that they be limited to one curb cut to Dauphin Island Parkway. The applicant wanted to request that two curb cuts to be allowed due to the fact that large boats would be parked there that would have to get in and out.

Mr. McSwain inquired if there was 298' of frontage.

Mr. Dagley replied yes. He said that typically with that much frontage two curb cuts were allowed. He stated that they would comply with the recommendation regarding parking though the display area was an open shed where the boats would be parked.

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There was no one present in opposition.

A motion was made by Mr. McSwain and Mr. Quimby to approve this plan subject to the following conditions:

- (1) limited to the site plan submitted, as required to be revised by this approval;
- (2) limited to two curb cuts to Dauphin Island Parkway, exact location and design to be approved by Traffic Engineering and ALDOT;
- (3) existing curb cuts to be closed and removed;
- (4) parking to be provided at 1:300 sq. ft. for office and retail/display area(s), configuration to be approved by Urban Development;
- (5) all parking and maneuvering for parking to be paved, gravel surface only allowed for storage yard;
- (6) provision of buffering where the site abuts residentially zoned properties;
- (7) developer to obtain all necessary federal, state and local approvals prior to the issuance of any permits; and
- (8) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2003-00060

Augusta Subdivision, Unit Three

West terminus of Aiken Way, adjacent to the West side of Augusta Subdivision, Unit Two, Phase Two.

25 Lots / 10.05± Acres

Mr. Don Coleman with 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 Mr. Quimby to approve this subdivision subject to the following condition:

- (1) that no additional units of Augusta be recorded until the second connection to Woodberry Forest is constructed and dedicated to County Engineering standards.

The motion carried unanimously.

Case #SUB2003-00058

Big Shady Oaks Subdivision

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9230 Calhoun Lane (North side of Calhoun Lane, 320'± West of McCrary Road).
3 Lots / 3.0± Acres

Mr. Matt Orrell of Polysurveying Engineering - Land Surveying 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 Mr. Quimby to approve this subdivision subject to the following condition:

- (1) the placement of a note on the final plat stating that if the property is developed commercially and adjoins residential property, a buffer, in compliance with Section V.A.7. of the Subdivision Regulations will be provided; and
- (2) the placement of the twenty-five foot minimum building setback line on the final plat.

The motion carried unanimously.

Case #SUB2003-00056

Golden Pond Subdivision

Southwest corner of McDonald Road and Golden Pond Lane (private road), extending West to the East side of Maurice Poiroux Road.

3 Lots / 41.0± Acres

Mr. Gunn Boykin was present as agent for the applicant. It was his understanding that the staff would be requesting a holdover for this application. He said that a holdover was acceptable, but asked that it be brought back before the Commission at the May 15, 2003, meeting.

Ms. Pappas explained that the staff had been contacted by County Engineering earlier in the week regarding Maurice Poiroux Road, which ran along the west property line. It was a plotted right-of-way but it was not improved or maintained in any way along any portion shown on the vicinity map. The staff would like some time to do additional research and meet with the applicant as the plat would possibly need to be reconfigured.

Mr. Boykin said that Lot 1 would have access to McDonald Road and Lots 2 and 3 would have access to Golden Pond Lane (private road); they would not be using Maurice Poiroux Road.

There was no one present in opposition.

In discussion, a motion was made by Mr. Frost and seconded by Dr. Rivizzigno to holdover this application until the meeting of May 15, 2003, to give the applicant time to meet with the staff regarding Maurice Poiroux Road.

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Mr. McSwain thought that the private road mentioned went through property that was not a part of this subdivision.

Ms. Pappas said that the out parcel was approved by the Commission in the early 1990s prior to the adoption of the Private Road Standards. It was approved with access to McDonald Road via an easement. The existing easement did not comply with the current Private Road Standards.

Mr. McSwain inquired if there was any way the out parcel could block off the road.

Ms. Pappas replied no because it was a platted easement.

The question was called. The motion carried unanimously.

Case #SUB2003-00054

Gulf Dale Subdivision, 4th Unit, Resubdivision of Lots 45 & 46

2911 Gulf Dale Court (Northeast corner of Gulf Dale Drive and Gulf Dale Court).

1 Lot / 0.5 \pm Acre

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

There was no one present in opposition.

A motion was made by Mr. Quimby and seconded by Dr. Rivizzigno to approve this subdivision.

The motion carried unanimously.

Case #SUB2003-00055

Lillie B. Day Care Subdivision

969 Spring Hill Avenue (South side of Spring Hill Avenue, 860' \pm West of Broad Street).

1 Lot / 0.4 \pm Acre

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 placement of a note on the final plat stating that the site is limited to one curb cut to Spring Hill Avenue with the location and design to be approved by Traffic Engineering;

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- (2) the placement of a note on the final plat stating the site is denied access to the alley or the submission of an Administrative PUD to allow for shared access;
- (3) the provision of a buffer in compliance with Section V.A.7 of the Subdivision Regulations should be required 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 #SUB2003-00053

Sollie Oaks Subdivision

Southwest corner of Sollie Road and Halls Mill Creek

4 Lots / 66.5± Acres

Mr. Don Coleman with 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. Quimby and seconded by Dr. Rivizzigno to waive Section V.D.3. (width to depth ratio), of the Subdivision Regulations and approve this subdivision subject to the following conditions:

- (1) the dedication of the necessary right-of-way to provide 50-feet from the centerline of Sollie Road, a planned major street;
- (2) placement of a note on the final plat stating that Lots 3 and 4 are limited to one curb cut each to Sollie Road;
- (3) placement of a note on the final plat stating that Lots 1 and 2 are required to share one common curb cut to Sollie Road;
- (4) provision of an adequate setback to provide for Girby Road Extension (including the required 25-foot building setback); and
- (5) placement of a note on the final plat stating that if any property is developed commercially and adjoins residentially developed property, a buffer in compliance with Section V.A.7. will be provided.

The motion carried unanimously.

Case #SUB2003-00052

Olensky Addition to Mobile Subdivision

4115 and 4117 Government Boulevard (East side of Government Boulevard, 200'± South of the East terminus of Anchor Drive).

2 Lots / 2.5± Acres

The applicant was present and concurred with the staff recommendations.

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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 for Lot 1, and approve this subdivision subject to the following condition:

- (1) the placement of a note on the final plat stating that Lots 1 and 2 are limited to one curb cut each, with the location and design to be approved by the Traffic Engineering Department.

The motion carried unanimously.

OTHER BUSINESS:

Attorney General opinion regarding the Planning Jurisdiction

Mr. Olsen said that the staff had received a copy of the Attorney General's opinion as to whether or not the City's Planning Jurisdiction could be reduced, and if it could be reduced the appropriate body that would need to handle it. The opinion was that it could be reduced to either the three-mile jurisdiction or to the City limit line. If the City chose to do this, it would have to be through a resolution to the City Council.

Mr. Frost said that at the Commission's last business meeting, those present had concurred that if the Planning Jurisdiction was reduced, they would like to see it brought back to the three-mile Police and Fire Jurisdiction. Mr. Frost said that a letter had been drafted that he was signing today recommending this to the Mayor and City Council on the Commission's behalf.

Mr. Olsen said that the Commission's primary reason for this recommendation was that there should be some level of subdivision regulation for the safety of the Police and Fire personnel going into the jurisdiction.

There being no further business, the meeting was adjourned.

APPROVED: July 10, 2003

/s/ Victor McSwain, Secretary

/s/ Robert Frost, Chairman

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