

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF MAY 15, 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
Wendell Quimby
James Laier

Members Absent

Stephen Nodine
Norman Hill (S)

Staff Present

Richard L. Olsen, Planner II
Margaret Pappas, Planner II
Frank Palombo, Planner I
Jennifer Henley, Secretary II
Val Manuel, Secretary II

Others Present

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 Ms. Deakle and seconded by Dr. Rivizzigno to approve the minutes of the April 3, 2003, meeting as submitted. The motion carried unanimously.

HOLDOVER:

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

The applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

May 15, 2003

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 to provide 50-feet from the centerline of McDonald Road;
- (2) the dedication of sufficient right-of-way to provide 30-feet from the centerline of Maurice Poiroux Road;
- (3) 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;
- (4) the placement of note on the final plat stating that Lot 2 is denied direct access to Maurice Poiroux Road until it is constructed to county standards; and
- (5) the placement of the twenty-five foot minimum building setback line on the final plat.

The motion carried unanimously.

Case #SUB2003-00050

OSR Subdivision

5559 and 5565 Old Shell Road (South side of Old Shell Road, 500'± East of University Boulevard).

3 Lots / 1.9± Acres

This application was heldover prior to the meeting at the applicant's request.

EXTENSIONS:

Case #SUB2002-00065

Magnolia Grove Subdivision, The Grande, Unit Two

North terminus of Magnolia Grande Drive, extending North and West to Graham Road South, and East to the North side of Magnolia Grove Parkway.

37 Lots / 20.0± Acres

Request for a one-year extension of previous approval.

A motion was made by Mr. Quimby and seconded by Dr. Rivizzigno to grant a one-year extension of previous approval for the above referenced subdivision.

The motion carried unanimously.

Case #SUB2002-00077

Southern Oaks Estates Subdivision, Phases 5 & 6

Northwest corner of Wear Road (paved) and Wear Road (unpaved).

91 Lots / 47.8± Acres

Request for a one-year extension of previous approval.

May 15, 2003

A motion was made by Mr. Quimby and seconded by Dr. Rivizzigno to grant a one-year extension of previous approval for the above referenced subdivision.

The motion carried unanimously.

Case #SUB2002-00055 (File #S2000-130)

Donham Place Subdivision (Formerly Hamilton's Addition to Howell's Ferry Subdivision)

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

87 Lots / 28.7± Acres

Request for a one-year extension of previous approval.

A motion was made by Mr. Quimby and seconded by Dr. Rivizzigno to grant a one-year extension of previous approval for the above referenced subdivision.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #ZON2003-01061

Jane Conkin

West side of Batre Lane, extending from the North side of Old Shell Road to the South side of Gaillard Street.

Rezoning from R-1, Single-Family Residential, to R-3, Multi-Family Residential, to allow the construction of six single-family residential town homes.

AND

Case #ZON2003-01060

The Townhomes of Batre Lane Subdivision

West side of Batre Lane, extending from the North side of Old Shell Road to the South side of Gaillard Street.

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

AND

Case #SUB2003-00085

The Townhomes of Batre Lane Subdivision

West side of Batre Lane, extending from the North side of Old Shell Road to the South side of Gaillard Street.

1 Lot / 0.9± Acre

May 15, 2003

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

Case #ZON2003-01065

West Hill Subdivision

West terminus of Hilltop Drive South.

Planned Unit Development Approval to allow reduced lot sizes, reduced lot widths, and reduced building setbacks in a single-family residential subdivision.

AND

Case #SUB2003-00088

West Hill Subdivision

West terminus of Hilltop Drive South.

12 Lots / 3.1± Acres

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

Case #ZON2003-01085

Heron Lakes Subdivision, Phase One, Resubdivision of Lot 61

1104 Heron Lakes Circle (West side of Heron Lakes Circle, 75'± South of Heron Lakes Drive).

The request for Planned Unit Development Approval to amend a previously approved Planned Unit Development to increase the maximum allowable site coverage from 35% to 37% in a single-family residential subdivision was considered.

The plan illustrates the existing and proposed setbacks along with the proposed structure and drive.

(Also see Case #SUB2003-00089 – **Heron Lakes Subdivision, Phase One, Resubdivision of Lot 61** – Below)

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 plan.

The motion carried unanimously.

Case #SUB2003-00089

Heron Lakes Subdivision, Phase One, Resubdivision of Lot 61

1104 Heron Lakes Circle (West side of Heron Lakes Circle, 75'± South of Heron Lakes Drive).

1 Lot / 0.3± Acre

May 15, 2003

(For discussion see Case #ZON2003-01085 – **Heron Lakes Subdivision, Phase One, Resubdivision of Lot 61** – Above)

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

The motion carried unanimously.

Case #ZON2003-01086

Hillcrest Trace Subdivision, Revised

East side of Hillcrest Road, 125'± South of Western Hills Avenue.

The request for Planned Unit Development Approval to amend a previously approved Planned Unit Development to reduce the front setback line and increase the maximum allowable site coverage from 35% to 55% in a single-family residential subdivision was considered.

The plan illustrates the proposed lots and setbacks.

(Also see Case #SUB2003-00089 - **Hillcrest Trace Subdivision, Revised** – Below)

Ms. Pappas noted that the conditions placed on the prior approval of Hillcrest Trace were omitted from the staff's recommendations, however, the staff would still like to see those conditions applied. Ms. Pappas read the conditions. She also wanted to make it clear that only the setback change was recommended for approval; the increased site coverage was not.

Mr. Albert Meaher, applicant, was present and asked the Commission to consider an increase in the site coverage to at least 45%. He felt it would be difficult to put a 2,200 sq. ft. home with a double garage with only 35% coverage.

Mr. Olsen stated that the staff would be agreeable to a 45% site coverage, so long as City Engineering was satisfied that the detention was adequate to sustain that. The approval would be subject to that certification being provided to the Engineering Department.

Mr. Meaher agreed to this stated condition.

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to approve a revised plan with 45% site coverage subject to the following conditions:

- 1) documentation that the detention area will sustain the increased site coverage subject to final approval by the City Engineering Department prior to the issuance of any permits; and
- 2) subject to the previous conditions of approval as follows:
 - (1) Hillcrest Trace be dedicated and constructed to city standards;
 - (2) no driveways to Hillcrest Road;

May 15, 2003

- (3) provision of an 8' minimum setback along the East property line of the development;
- (4) the 54" live oak be preserved and given preservation status;
- (5) maintenance of the Common Areas to be the responsibility of the property owners; and
- (6) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2003-00089

Hillcrest Trace Subdivision, Revised

East side of Hillcrest Road, 125'± South of Western Hills Avenue.

12 Lots / 2.5± Acres

(For discussion see Case #ZON2003-01086 - **Hillcrest Trace Subdivision, Revised** – Above)

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

- (1) placement of a 20-foot front yard setback on the final plat;
- (2) documentation that the detention area will sustain the increased site coverage subject to final approval by the City Engineer Department, prior to the signing of the final plat; and
- (3) subject to the previous conditions of approval as follows:
 - (1) Hillcrest Trace be dedicated and constructed to city standards;
 - (2) placement of a note on the final plat stating that there shall be no driveways to Hillcrest Road, all access to lots shall be via Hillcrest Trace Drive;
 - (3) provision of an 8' minimum setback along the East property line of the development;
 - (4) placement of a note on the final plat stating that the 54" live oak be preserved and given preservation status;
 - (5) placement of a note on the final plat stating that maintenance of the Common Areas to be the responsibility of the property owners; and
 - (6) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

NEW ZONING APPLICATION:

Case #ZON2003-01059

Ashville, Inc. (Michael Friedlander, Agent)

South side of Cottage Hill Road, 50'± East of Blueridge Boulevard.

The request for a change in zoning from R-2, Two-Family Residential, to B-2, Neighborhood Business, for a proposed commercial building was considered.

May 15, 2003

The plan illustrates the proposed building and parking.

Mr. Maury Friedlander stated that he was one of the owners of the corporation making this application and wanted to call several things to the attention of the Commission. He noted that Cottage Hill Road was no longer residential between Sollie Road to the west and Hillcrest Road to the east, and felt no one would build a house there. Also, he pointed out that the property immediately east of the subject property was zoned B-2 about a year ago. He contended that just because it was still unused, did not mean it was not suitable for a B-2 use. Mr. Friedlander said they had several prospective buyers for the subject property, but it was impossible to strike a deal until it was rezoned. He submitted a letter in support of this application signed by residents of the adjoining single-family residential properties. Further, Mr. Friedlander contended that there had been a change in circumstances and according to the staff that was a reason for rezoning.

There was no one present in opposition.

In discussion, Mr. Vallas inquired if the staff had any recommendations for conditions if the Commission were to approve this.

Ms. Pappas said that they did not have any conditions prepared. However, she pointed out that the B-2 site to the east had voluntary conditions and use restrictions, and in terms of the use restrictions the rezoning of that site was more in essence LB-2. Also, they voluntarily provided a 50' buffer along the South property line adjacent to residential property.

Mr. Vallas questioned whether the buffer was due to the topo on that site.

Mr. Olsen stated that the staff could not answer that. He asked the Commission that if they were inclined to approve this application, that they hold it over to allow the staff to prepare some and so the applicant would be aware of them.

A motion was made by Mr. Frost to holdover this application until the meeting of June 5, 2003.

Mr. Vallas asked that they look at the site to the east when considering a buffer requirement.

The motion was seconded by Ms. Deakle.

The question was called. The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATION:

Case #ZON2003-01062
Springhill Medical Complex, Inc.

May 15, 2003

3719 Dauphin Street (South side of Dauphin Street, adjacent to the East side of Montlamar Creek Drainage Canal, extending to the West side of the West I-65 Service Road South, 180'± North of Springhill Memorial Drive North).

The request for Planned Unit Development Approval to amend a previously approved Planned Unit Development master plan for an existing hospital to allow shared parking between multiple building sites was considered.

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

A representative of the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

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

- (1) full compliance with the landscaping and tree planting requirements of the Ordinance;
- (2) provision of sidewalks along Springhill Memorial Drive North and West I-65 Service Road South, or the approval a sidewalk waiver;
- (3) that the location, number and design of all curb cuts be approved by Traffic Engineering; and
- (4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2003-00080

David Atigh Subdivision

10061 Airport Boulevard (South side of Airport Boulevard, 275'± East of Wakefield Drive East).

1 Lot / 1.7± Acres

The applicant was not present.

There was no one present in opposition.

A motion was made by Mr. Frost and seconded by Dr. Rivizzigno to holdover this subdivision until the meeting of June 5, 2003, to allow the applicant to address the concerns identified in the staff report. This information should be submitted by May 19th to be considered at the Commission's June 5th meeting.

The motion carried unanimously.

May 15, 2003

Case #SUB2003-00087

Greene & Phillips Subdivision

30, 50, and 52 North Florida Street (East side of North Florida Street, 400'± South of Old Shell Road).

1 Lot / 1.8± Acres

Mr. Tony Spencer with Frank Dagley and Associates was present on behalf of the applicant. Mr. Spencer asked that the applicant be allowed two curb cuts rather than one as recommended by the staff. He said there were two driveway cuts in place now. Also, they contended that just one driveway cut would possibly limit the developer as to the use of the site.

In discussion, a motion was made by Mr. Quimby and seconded by Mr. Vallas to approve this subdivision subject to the following conditions:

- (1) the placement of the 25-foot minimum setback line on the final plat; and
- (2) the placement of a note on the final plat stating the site is limited to two curb cuts to North Florida Street, with the size, location and design to be approved by Traffic Engineering.

Mr. Quimby felt that the second driveway was necessary for proper traffic flow. He pointed out that there were three lots there already and he felt it would be difficult to develop a site in this area without some sort of looping access.

The question was called. The motion carried unanimously.

Case #SUB2003-00078

Gulf Coast Fabricators, Inc. Subdivision

8161 Theodore Dawes Road (South side of Theodore Dawes Road, 180'± East of Leytham Road).

1 Lot / 4.4± Acres

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 waive Section V.D.3., 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 Theodore Dawes Road;
- (2) the placement of a note on the final plat stating that the development is limited to one curb to Theodore Dawes Road, with the size, location and design to be approved by County Engineering;

May 15, 2003

- (3) the removal all buildings crossing any property lines prior to the recording of the final plat;
- (4) 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; and
- (5) placement of the required 25-foot minimum building setback line along Theodore Dawes Road.

The motion carried unanimously.

Case #SUB2003-00086

Oak Pointe Place Subdivision, Unit Two

Northeast corner of Dawes Road and Oak Pointe Court, extending to the South side of proposed Grelot Road Extension.

2 Lots / 6.4± 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 Ms. Deakle to approve this subdivision subject to the following conditions:

- (1) the dedication of right-of-way, as illustrated on the plat, for Grelot Road;
- (2) the dedication of sufficient right-of-way to provide 50-feet from the centerline of Dawes Road;
- (3) the placement of a note on the final plat stating that Lot 1 is denied direct access to Oak Point Court, limited to one curb cut to Dawes Road and one curb cut to Grelot Road, with the size, location and design to be approved by County Engineering;
- (4) the placement of a note on the final plat stating that Lot 2 is limited to two curb cuts to Grelot Road, with the size, location and design to be approved by County Engineering;
- (5) the placement of a note on the final plat stating that if any property is developed commercially and adjoins residential property, a buffer will be provided in compliance with Section V.A.7. of the Subdivision Regulations; and
- (6) the placement of the 25-foot minimum building setback lines on the final plat.

The motion carried unanimously.

Case #SUB2003-00081

River Park Subdivision, Venetia Addition to

May 15, 2003

1951 Navco Road (East side of Navco Road, 320'± North of Burgett Road, extending to the West side of River Road).

4 Lots / 5.0± Acres

Mr. Bobby McBryde, Rowe Surveying & Engineering Company, 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 Section V.D.3., of the Subdivision Regulations and approve this subdivision subject to the following conditions:

- (1) the placement of a 25-foot minimum building setback line on the final plat; and
- (2) compliance with the Engineering conditions stated in Engineering comments.

The motion carried unanimously.

Case #SUB2003-00079

Roland O. Stidham Subdivision

2601 Burgess Street (South side of Burgess Street, 250'± South of Pollard Lane).

2 Lots / 0.4± Acre

Mr. Roland O. Stidham, applicant, was present and explained that this proposal was for a 2-lot subdivision. He asked that he not be required to comply with condition #3 which requested that the accessory building be removed prior to the recording of the final plat. Mr. Stidham said he planned to make improvements to the accessory building for use as a residence.

Mr. Frost asked if the accessory building met the setback requirements.

Mr. Olsen stated that it did meet the setback requirement, which was 8 feet. Further, he said the staff could possibly change condition #3 to state that the accessory structure be converted to single-family residential use or removed, coinciding with recording of the final plat. He suggested a six-month time frame.

In discussion, Mr. Vallas asked if this property was subdivided and the accessory structure was still on the other lot, why would it have to be removed?

Ms. Pappas explained that if the accessory building was on a separate lot, it would be an accessory structure without a primary structure and would be in violation of the Zoning Ordinance. It would also open itself up, if it was not converted to a residence, for some type of non-residential use.

May 15, 2003

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

- (1) the dedication of adequate right-of way to provide 25-feet from the centerline along Burgess Street;
- (2) the illustration of 25-foot front setback line along all road frontage; and
- (3) that the accessory structures be removed prior to the recording of the final plat or that the accessory structure be converted into a single-family dwelling within 6 months.

The motion carried unanimously.

OTHER BUSINESS:

Legal Case – Dawes Road

Ms. Pappas stated that the Planning Commission, along with the County, ADEM and others had been sued by the adjoining property owners of a large site on the west side of Dawes Road. The reasons were relating to flooding, requiring continuation of the street stub and things of that nature. She stated that at this point the complaint was being referred to legal counsel.

Mr. Frost said anyone wanting a copy of the complaint could contact Ms. Pappas.

Old Shell Road Site

Mr. Vallas said that there was going to be a case on the agenda for June that was located on Old Shell Road involving proposed condominiums. He stated that he had received a lot of phone calls regarding this matter from people with concerns about traffic. He thought that there were four single-family homes currently on the site and the applicant was proposing six condominiums. He inquired if there were any kind of traffic studies to indicate the difference in the amount of cars per household the proposed change would generate as opposed to what was existing.

Ms. White felt that the proposed development would generate approximately 20 trips per day.

There being no further business, the meeting was adjourned.

APPROVED: July 10, 2003

/s/ Victor McSwain, Secretary

/s/ Robert Frost, Chairman

/ms and jh