

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

Members Present

Robert Frost, Chairman
Wendell Quimby, Vice-Chair
Victoria L. Rivizzigno
Ann Deakle
John Vallas
Terry Plauche
James Laier (S)

Members Absent

Victor McSwain, Secretary
Stephen Nodine
Norman Hill (S)

Staff Present

Margaret Pappas, Planner II
Frank Palombo, Planner I
Val Manuel, 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.

APPROVAL OF MINUTES:

A motion was made by Mr. Frost and seconded by Mr. Quimby to approve the minutes of the June 5, 2003, June 11, 2003, June 19, 2003, July 10, 2003, July 24, 2003, and August 7, 2003 meetings as submitted. The motion carried unanimously.

EXTENSIONS:

Case #SUB2001-00241 (Subdivision)
(File #S2000-218)

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

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

11 Lots / 15.7± Acres

A motion was made by Mr. Frost and seconded by Mr. Quimby to approve a one-year extension of previous approval for this subdivision.

September 18, 2003

The motion carried.

Case #ZON2002-02001 (Planned Unit Development)

Somerby of West Mobile Subdivision

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

Planned Unit Development Approval to allow multiple buildings on a single building site, shared access and shared parking between sites, and reduced lot widths and reduced lot sizes.

A motion was made by Mr. Frost and seconded by Mr. Quimby to approve a one-year extension of previous approval for this plan.

The motion carried.

Case #SUB2002-00215 (Subdivision)

Somerby of West Mobile Subdivision

East side of Cody Road, 1,410' ± South of Providence Park Drive South.

54 Lots / 64.6± Acres

A motion was made by Mr. Frost and seconded by Mr. Quimby to approve a one year-extension of previous approval for this subdivision.

The motion carried.

GROUP APPLICATIONS:

Case #ZON2003-02021 (Rezoning)

Steve Greene

North side of Riviere du Chien Road, 230' ± West of the C. S. X. Railroad right-of-way.

The plan illustrates the proposed subdivision.

(Also see Case #SUB2003-00195 – **Riviere Oaks Place Subdivision** – Below)

Mr. Frost stated that a letter to the Planning Commission requesting the hold over of these applications until the end of September had been received from Ms. Kordomenos, an adjoining property owner. Ms. Kordomenos was unable to attend the meeting due to health reasons that required her to be out of town. She said Ms. Ruth Roberson would attend the meeting today on her behalf. Mr. Frost asked Steve Greene, applicant, if he would have a problem with holding over these applications.

Mr. Green stated that he would like to move forward with these applications. He proceeded to explain this proposed subdivision which he said keeps the tradition of Riviere du Chien with looks and lot size. He noted that the covenants would require a 2250 square foot minimum living area. The rezoning of the property to R-A would allow

September 18, 2003

the homeowners an opportunity to own a horse if they chose to. He noted two residences in the vicinity that have horses. Mr. Greene explained that the horses would be boarded at the rear of the lot with a minimum setback of 450 feet from Riviere du Chien Road. The 7+ acres of common area at the rear of the property would be used for riding and grazing. There would be a compost bin at the rear of the property for horse waste. Mr. Greene said the common area would be developed with great care so as not to disturb the natural environment, but to enhance it. He said he owned the 7 acres beside the subject property and noted the wildlife there. He had talked to many of the residents surrounding this property and knew of only one person who was in opposition and that was Ms. Kordomenos, who owns the 19 acres to the left of the subject property. Ms. Kordomenos had told him that she felt the proposed development would devalue her property. Mr. Greene said he did not believe the proposed development would in any way devalue any property in the area, with 450-foot setback for the horses, the compost bin for waste, a 30-foot buffer facing Ms. Kordomenos' property, and 6 new homes valued at approximately \$300,000 or greater. On the contrary, he felt this would be an asset to the area.

Mr. Frost asked the staff, in changing this property to R-A, what this would mean in terms of other livestock besides horses. If the Commission were to approve this, he wondered if it would be appropriate to restrict this use to just horses.

John Lawler, Assistant City Attorney, stated that if the Commission wanted to limit it, they should put some condition on it. He suggested possibly limiting it to this particular idea of having horses and limit any other kind of use that might be objectionable.

Mr. Greene stated that he would not have a problem with that. He said their covenants would have that restriction in it.

Ms. Deakle asked Mr. Greene to elaborate on the composting procedure and the odor.

Mr. Green explained the composting procedure. Regarding the odor, he said by the time it was used for fertilizer it would be non-existent.

Asked about the front footage of the lots, Mr. Greene said it was 151 feet, and the lots were from 450 feet to 550 feet deep.

Mr. Frost asked if the common area was wooded and how much of it would be cleared.

Mr. Greene replied that it would be done sparsely, and they would not want to affect the wetlands.

Ms. Pappas asked Mr. Greene if he would be willing to restrict it to horses only, how many?

Mr. Greene said they would go with one per lot.

September 18, 2003

Mike Daniels, 3428 Riviere du Chien Road, stated that they were very concerned about property values and they wanted to keep the property values high. Regarding having horses, Mr. Daniels said he was raised in the country and had horses. He thought it would be nice to have a horse for his two children. He did not foresee it to be a problem. As far as limiting the horses to six, he was in agreement. Mr. Daniels said they were not going to allow any more than that in their restrictive covenants anyway.

Ruth Roberson, 4370 Frank Michaels Road, Semmes, stated that she was a friend of Ms. Kordomenos, as well as her real estate agent. Ms. Roberson requested that the Commission postpone the hearing on this application, because Ms. Kordomenos was unable to attend due to ill health. She said her main objection was not to the subdivision of the property, but to the animals. Ms. Roberson said she was a breeder of horses and that in order to take proper care of horses you needed at least one and a half acres per horse. With 6 horses, you would need about 10 acres. Also, the land cannot be heavily treed; it has to be pasture area. Ms. Roberson further expressed Ms. Kordomenos's concern for health reasons with gnats, flies and other pests that would be attracted to the horses and the barn.

Mr. Vallas asked if this would be a problem if the barn was located on the south side of the property.

Ms. Roberson replied that it would still be a problem because there would be more flies and pests around in the general area where the horses are. She said there was no way to completely control the pests. Ms. Kordomenos's letter also noted her concern about the West Nile Virus being spread by mosquitoes to the horses.

Mr. Greene reminded the Commission that he would own the first lot there and he would not put anything there that would be a nuisance.

Mr. Vallas asked if there was any governing agency that would attend the matter of mosquitoes and odor.

Ms. Pappas said that would come under the purview of the Board of Health.

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

- 1) the developer to obtain all necessary federal, state and local approvals prior to the issuance of any permits;
- 2) full compliance with all municipal codes and ordinances; and
- 3) that the site be restricted to horses only, one horse per lot.

The motion carried.

Case #SUB2003-00195 (Subdivision)
Riviere Oaks Place Subdivision

September 18, 2003

North side of Riviere du Chien Road, 230'± West of the C. S. X. Railroad right-of-way.
6 Lots / 19.0± Acres

(Also see Case #ZON2003-02021 (Rezoning) – **Steve Greene** – Above)

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

- 1) placement of a note on the final plat stating that maintenance of the common area shall be the responsibility of the property owners; and
- 2) the developer to obtain all necessary federal, state and local approvals prior to the issuance of any permits.

The motion carried.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2003-00196

Cabela Subdivision

North side of Wulff Road, 400'± East of Snow Road.
6 Lots / 2.2± Acres

Millard Austin, Austin Engineering Co., Inc., was present on behalf of the applicant 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 Ms. Deakle to approve this subdivision subject to the following conditions:

- 1) the dedication of any necessary rights-of-ways to provide 50-feet from the centerline of Wulff Road;
- 2) the placement of a note on the final plat stating that the site is limited to three curb cuts to Wulff Road (each lot having shared access), 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 a buffer, in compliance with Section V.A.7. will be provided where the site adjoins residentially developed property.

The motion carried.

Case #SUB2003-00191

McAlpine Estate Subdivision

308 Chin Street (North side of Chin Street, 130'± West of the Alabama State Docks Terminal Railroad right-of-way).
1 Lot / 0.4± Acre

September 18, 2003

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

There was no one present in opposition.

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

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

The motion carried.

Case #SUB2003-00192

Magnolia Acres Subdivision, 1st Unit, Resubdivision of Lot 1

6815 Rylee Road (Northeast corner of Rylee Road and Smith Road).

3 Lots / 2.0 \pm Acres

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

There was no one present in opposition.

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

- 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; and
- 2) the placement of the 25-foot minimum setback lines on the final plat.

The motion carried.

Case #SUB2003-00193

Neville House Subdivision

255 and 257 St. Francis Street (South side of St. Francis Street, 75' \pm East of North Jackson Street).

2 Lots / 0.2 \pm Acre

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

There was no one present in opposition.

September 18, 2003

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

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

The motion carried.

Case #SUB2003-00190

RPM Subdivision

2852 Dauphin Island Parkway and 1617 Levene Drive (Southwest corner of Dauphin Island Parkway and Levene Drive).

1 Lot / 0.7± Acre

Mr. Glen Davis of 15385 5th Street, Gulfport, was present representing the applicant. Mr. Davis requested that an access drive be allowed to Levene Drive. He said this access would basically be used by their delivery driver to go in and out and reduce the chance of accidents coming in and out of the Dauphin Island Parkway access.

Margaret Pappas stated that the staff did not typically recommend access of a commercial lot to a residential street. Levene Drive is residential and all the property on the south side of Levene Drive is residential. She said the staff recommended that access be denied.

There was no one present in opposition.

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

- 1) the dedication of sufficient right-of-way from the centerline of Dauphin Island Parkway;
- 2) the placement of a note on the final plat stating that the size, number, location and design of all curb cuts to Dauphin Island Parkway must be approved by Traffic Engineering and ALDOT;
- 3) the placement of a note on the final plat stating that direct access to Levene Drive is denied; and
- 4) the placement of a note on the final plat stating that with this being a corner lot, the dedication of a 25' radius should be required.

The motion carried.

Case #SUB2003-00194

Rylee Woods Subdivision

7720 Smith Road (Northwest corner of Smith Road and Rylee Road).

14 Lots / 11.7± Acres

September 18, 2003

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

There was no one present in opposition.

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

- 1) the placement of a note on the final plat stating that Lots 11 and 12 are to share one curb cut to Rylee Road with the size, location, and design to be approved by County Engineering;
- 2) the placement of a note on the final plat stating that if any property is developed commercially and adjoins residential property will provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations; and
- 3) the placement of the 25-foot minimum building setback line on the final plat.

The motion carried.

Case #SUB2003-00163 (Holdover)

Whitten Estates Subdivision

9461 and 9501 Scott Dairy Loop Road (South side of Scott Dairy Loop Road, 920'± West of Deakle Circle).

2 Lots / 2.8± Acres

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

There was no one present in opposition.

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

- 1) provision of a 75-foot setback from the centerline to provide for the right-of-way of the planned major street, which includes the required 25-foot minimum building setback; and
- 2) the placement of a note on the final plat stating that if any property is developed commercially and adjoins residential property will provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations.

The motion carried.

OTHER BUSINESS:

There being no further business, the meeting was adjourned.

September 18, 2003

APPROVED: December 4, 2003

/s/ Victor McSwain, Secretary

/s/ Robert Frost, Chairman

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