

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF NOVEMBER 3, 2005 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
 James Laier, Vice-Chair
 Adline Clarke
 Victoria L. Rivizzigno
 Ann Deakle
 John Vallas
 Mead Miller (S)
 James Watkins
 Nicholas H. Holmes, III

Members Absent

Clinton Johnson
 Victor McSwain
 James Laier

Urban Development Staff Present

Richard L. Olsen, Deputy Director of
 Planning
 David Daughenbaugh, Coordinator of
 Urban Forestry
 Madeleine Masters, Planner I

 Bert Hoffman, Planner I
 Trista S. Cole, Secretary I

Others Present

John Lawler, Assistant City Attorney

 Jennifer White, Traffic Engineering

 Pat Stewart, County Engineering
 Beverly Terry, City Engineering

Mr. Plauche stated the number of members present constituted a quorum and called the meeting to order.

The notation *motion carried unanimously* indicates a consensus, with the exception of the Chairman who does not participate in voting unless otherwise noted.

HOLDOVERS:**Case #SUB2005-00188 (Subdivision)****Auto Shredding Subdivision**

1360 Conception Street Road
 (North side of Conception Street Road at Three Mile Creek).
 2 Lots / 12.2± Acres

The applicant was present and concurred with the staff recommendations.

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

November 3, 2005

- 1) **submission and approval of Administrative Planned Unit Development application for multiple buildings on a single building site, prior to signing the final plat; and**
- 2) **compliance with Engineering comments.**

The motion carried unanimously.

EXTENSIONS:

Case #SUB2004-00223 (Subdivision)

Dawes Lake Trace Subdivision

West side of Dawes Lake Road East at its North terminus.

18 Lots / 10.0± Acres

A request for a one-year extension of a previous approval was considered.

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to approve this request.

The motion carried unanimously.

Case #SUB2004-00140 (Subdivision)

New Castle Subdivision

East side of McFarland Road, extending from Johnson Road South to Dawes Lake Road.

78 Lots / 44.0± Acres

A request for a one-year extension of a previous approval was considered.

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to approve this request.

The motion carried unanimously.

Case #SUB2003-00285 (Subdivision)

Oak Grove Subdivision

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

119 Lots / 75.4± Acres

A request for a one-year extension of a previous approval was considered.

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to approve this request.

The motion carried unanimously.

November 3, 2005

Case #SUB2001-00290 (Subdivision)

File #S99-19

Raleigh Subdivision

West side of Cody Road, 870'± South of Wynnfield Boulevard, and extending to the East terminus of Longview Drive.

165 Lots / 110.0± Acres

A request for a one-year extension of a previous approval was considered.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Vallas to approve this request.

The motion carried unanimously.

Case #SUB2004-00213 (Subdivision)

Wesley Station Subdivision

Southeast corner of Airport Boulevard and Wesley Avenue, extending through Henkley Avenue (unopened right-of-way, to be vacated), to the West terminus of Old Government Street (unopened right-of-way, to be vacated), 150'± West of Wildwood Avenue.

1 Lot / 4.4± Acres

A request for a one-year extension of a previous approval was considered.

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to approve this request. Mr. Vallas recused in this matter.

The motion carried unanimously.

Case #SUB2004-00220 (Subdivision)

Winston Square Subdivision

South side of Old Government Street Road, 130'± West of Willow Pointe Drive, extending to the East side of an unopened, unnamed public right-of-way.

10 Lots / 2.8± Acres

A request for a one-year extension of a previous approval was considered.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Vallas to approve this request.

The motion carried unanimously.

GROUP APPLICATIONS

Case #ZON2005-02014 (Rezoning)

Alabama Realty Co., Inc.

November 3, 2005

Southeast corner of Halls Mill Road and McVay Drive, extending East and South to the North side of Bolton Branch and McLaughlin's 2nd Addition to Navco Road Subdivision.

A request for change in zoning from R-1, Single-Family Residential, to B-3, Community Business, for a commercial subdivision.

The site plan illustrates the proposed lot configuration.

(Also see Case #SUB2005-00227 – Alabama West Subdivision – below)

The applicant was present and concurred with the staff recommendations.

After discussion a motion was made by Mr. Vallas and seconded by Mr. Miller to recommend the change in zoning to the City Council subject to the following conditions:

- 1) **Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Due to existing trees on right of way along Halls Mill Road, all new curb cuts for lots 1, 2, and 3 shall be coordinated with Urban Forestry;**
- 2) **the provision of a 25-foot wide buffer, exclusive of any easement(s), where the site adjoins residentially developed property;**
- 3) **the provision of a 3-foot high wall or vegetative hedge along McVay Drive to screen all parking from the residences across McVay Drive;**
- 4) **denial of access to McLaughlin Drive West;**
- 5) **dedication of adequate right-of-way to provide 35 feet from the centerline of Halls Mill Road;**
- 6) **limitation of curb-cuts as follows: Lots 1-3 are limited to two shared curb cuts onto Halls Mill Road; Lots 4-5 are limited to one shared curb cut; Lot 6 is limited to two curbs cuts; Lots 7-9 are limited to two shared curb cuts; Lots 10-12 are limited to two shared curb cuts; and Lot 13 is limited to two curb cuts. The size, design and location of all curb-cuts to be approved by Urban Forestry and Traffic Engineering, and conform to AASHTO standards;**
- 7) **the submission and approval of an Administrative PUD(s) for all curb cuts and internal circulation between lots; and**
- 8) **full compliance with all municipal codes and ordinances**

The motion carried unanimously.

Case #SUB2005-00227 (Subdivision)

Alabama West Subdivision

Southeast corner of Halls Mill Road and McVay Drive, extending East and South to the North side of Bolton Branch and McLaughlin's 2nd Addition to Navco Road Subdivision.
13 Lots / 26.2± Acres

November 3, 2005

(For discussion #ZON2005-02014 – Alabama Realty Co. Inc., - Rezoning – see above)

The applicant was present and concurred with the staff recommendations.

After discussion a motion was made by Mr. Vallas and seconded by Mr. Miller to approve the above referenced subdivision subject to the following conditions:

- 1) **dedication of adequate right-of-way to provide 35-feet from the centerline of Halls Mill Road;**
- 2) **revision of the plat to depict the property line radius requirements at the intersection of Halls Mill Road and McVay Drive, in compliance with Section V.D.6. of the Subdivision Regulations;**
- 3) **placement of a note on the final plat stating that access to McLaughlin Drive West is denied;**
- 4) **provision of 25-foot minimum building setback lines (reflecting any dedication along Halls Mill Road);**
- 5) **placement of a note on the final plat stating that Lots 1-3 are limited to two shared curb cuts onto Halls Mill Road; Lots 4-5 are limited to one shared curb cut; Lot 6 is limited to two curbs cuts; Lots 7-9 are limited to two shared curb cuts; Lots 10-12 are limited to two shared curb cuts; and Lot 13 is limited to two curb cuts. The size, design and location of all curb cuts to be approved by Urban Forestry and Traffic Engineering, and conform to AASHTO standards;**
- 6) **depiction of an access easement or dedicated access to the detention pond;**
- 7) **placement of a note on the final plat stating that maintenance of the detention pond common areas, and any other common areas, are the responsibility of the subdivision's property owners; and;**
- 8) **approval of all applicable federal, state and local agencies regarding the wetlands and floodplain issues prior to the issuance of any permits.**

The motion carried unanimously.

Case #ZON2005-01998 (Rezoning)

E. L. Giles, Jr.

West side of Stanton Road, extending from the South side of King Street to the North side of Hart Street.

A request in zoning change from R-1, Single-Family Residential, and B-2, Neighborhood Business, to B-2, Neighborhood Business, to allow development of a retail strip center.

The site plan illustrates the proposed development.

(Also see Case #SIB2005-00221 – Giles Commercial Complex Subdivision – see below).

November 3, 2005

Joe Regan, Regan Land Surveying, was present on behalf of the applicant and asked that this application be held over until the November 17 meeting.

After discussion a motion was made by Ms. Rivizzigno and seconded by Mr. Miller to holdover this application until the meeting of November 17, 2005 at the applicant's request.

The motion carried unanimously.

Case #SUB2005-00221 (Subdivision)
Giles Commercial Complex Subdivision

West side of Stanton Road, extending from the South side of King Street to the North side of Hart Street.

1 Lot / 1.0± Acre

(For discussion see #ZON2005-01998 – E. L. Giles, Jr. – Rezoning – see above).

Joe Regan, Regan Land Surveying, was present on behalf of the applicant and asked that this application be held over until the November 17 meeting.

After discussion a motion was made by Ms. Rivizzigno and seconded by Mr. Miller to holdover this application until the meeting of November 17, 2005 at the applicant's request.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2005-00211

H. E. Bolton, Jr. Subdivision

East side of Old Rock Road, 800'± South of U.S. Highway 90.

1 Lot / 0.7± Acre

The applicant was present and concurred with the staff's recommendation for holdover.

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to hold this application over until the meeting of November 17, 2005, to allow the applicant to submit the following:

- 1) **revised plat and legal description to create at minimum a two-lot subdivision;**
- 2) **labels and postage for notification of adjacent property owners located on parcels R023802032000015.01 and R023802032000013.**

The motion carried unanimously.

November 3, 2005

Case #SUB2005-00219

C & W Estates Subdivision

East side of Latigo Road, ¼ mile± South of Scott Dairy Loop Road South.

2 Lots / 2.0± Acres

The applicant was present and concurred with the staff recommendations.

After discussion a motion was by Dr. Rivizzigno and seconded by Mr. Miller to approve the above referenced 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.**

The motion carried unanimously.

Case #SUB2005-00213

Green Harvest Subdivision

Northwest corner of Demetropolis Road and Halls Mill Road, extending to the East side of Government Boulevard at the East terminus of Landsdowne Drive.

2 Lots / 22.7± Acres

The application was recommended for holdover until the meeting of December 15. The applicant's engineer, however, was present and said they would get the necessary information in to the staff by the middle of next week and requested that the application be heard at meeting of December 1, 2005.

After discussion a motion was made by Mr. Watkins and seconded by Dr. Rivizzigno to hold this application over until the meeting of December 1, 2005 to allow the applicant to submit the following:

- 1) revised plat and legal description reflecting the inclusion of the entirety of the legal lots of record;**
- 2) mailing labels and postage, as necessary, for the required notification of any additional adjacent property owners; and**
- 3) a rezoning application for the site, or compliance with the conditions associated with the approved 1994 rezoning.**

Mr. Vallas recused from voting in this matter.

The motion carried unanimously.

November 3, 2005

Case #SUB2005-00216

Hartsfield Station Subdivision

West side of McFarland Road, 900'± North of Scott Dairy Loop Road South.

36 Lots / 10.4± Acres

After discussion a motion was made Mr. Plauche and seconded by Dr. Rivizzigno to holdover this application to the meeting of December 1, 2005, with a revised plat and any additional fees to be submitted by November 7th.

The motion carried unanimously.

Case #SUB2005-00223

Hunters Park Subdivision Units III & IV

East side of Dykes Road, 850'± North of Airport Boulevard.

29 Lots / 17.7± Acres

The applicant was present and concurred with the staff recommendations.

After discussion a motion was made by Mr. Watkins and seconded by Mrs. Clarke to approve the above referenced subdivision subject to the following conditions:

- 1) **the construction and dedication of the new streets to County Engineering standards prior to signing the final plat;**
- 2) **the provision of a temporary turnaround for the street stub to the North, until the stub is continued;**
- 3) **the placement of a note on the final plat stating that all lots, including corner lots, are limited to a single curb cut each;**
- 4) **the placement of a note on the final plat stating that Lots 1 and 14 are denied direct access to Dykes Road South;**
- 5) **the revision of the final plat to include access provisions for all common areas, and to reflect the corrected legal description;**
- 6) **the placement of a note on the final plat stating that the maintenance of all common areas will be the responsibility of the property owners; and**
- 7) **the placement of a note on the final plat stating that any lots that 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 #SUB2005-00215

Leytham-Holloway Subdivision, Resubdivision of Lot 2

South terminus of Leytham Drive (private road).

2 Lots / 17.8± Acres

November 3, 2005

Matt Orrell, Polysurveying, was present representing the applicant. Mr. Orrell pointed out where county maintenance of Leytham Road ended approximately 300 feet north of his property. Mr. Leytham, however, had a paved road with the equivalent amount of asphalt. The road crossed proposed Lot 2-A that goes to his house. Mr. Leytham's intention was to give his daughter a six-acre parcel of land out of this 17-acre parcel. Mr. Orrell noted that when this property was subdivided several years ago there was a stipulation that it was not to be resubdivided. The applicant was asking for waiver of that stipulation because there was a road existing. Mr. Orrell said the staff had said this private road was not needed, but he argued that it was needed. He noted that it was the equivalent width of the county road.

Mr. Leytham, applicant, explained his problem over the years in trying to get this section of road paved and give this parcel to his daughter.

Diane Martin, adjoining property owner, said she and her husband bought this property because it was quiet and wooded with a creek running behind it. She was concerned that five years from now the applicant may want to develop the property with more houses. She asked if the applicant could subdivide the property again in the future.

Mr. Olsen said that the property could be resubdivided again. The property was in the county and there was no zoning. Even without subdividing the property, the applicant could build multiple dwellings on it.

Mr. Orrell pointed out that Mr. Leytham's daughter was already living in a trailer on the property. This approval would allow her to get an address and pull a building permit to build a house. Mr. Orrell said his client could put 150 mobile homes on this property, but he assured the Commission that he had no plans to do anything like that. His intention was simply to put one house on the property for his daughter.

In discussion Mr. Watkins asked the County Engineering representative if he concurred with Mr. Leytham regarding the road.

Pat Stewart stated that had had not been to the site.

Mr. Vallas asked Mr. Stewart if he saw any issues with that road.

Mr. Stewart said the county had no opinion either way

After discussion a motion was made by Mr. Vallas and seconded by Mr. Watkins to approve the above referenced subdivision and to add a stipulation that no further subdivision be allowed.

In further discussion Mr. Olsen pointed out a 50' x 100' area on the site which was to act as a private road right-of-way or frontage for both lots. He recommended that the Commission require a note on the final plat identifying that as common area for access only, no construction or structures and to be maintained by the property owners.

November 3, 2005

Mr. Vallas amended his motion and Mr. Watkins his second to approve the above referenced subdivision subject to the following conditions:

- 1) **that there be no future resubdivision of either lot until and unless adequate frontage on a public street is provided to satisfy the Subdivision Regulations;**
- 2) **that the northeastern portion of this property shown as common area be used exclusively for access to the lots; and**
- 3) **that a note be placed on the final plat stating that maintenance of the common area will be the responsibility of the property owners.**

The motion carried unanimously.

Case #SUB2005-00210

McCovery Estate Subdivision

North side of Crossley Hill Drive, 1,110'± West of McCovery Road Extension.

The applicant was present and concurred with the staff recommendations.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

- 1) **the placement of a note on the final plat stating that the site appears to be in the path of the proposed March Road and March Road Extension major street(s), and thus may be impacted by the major street(s) in the future;**
- 2) **the placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and**
- 3) **the placement of the 25-foot minimum building setback line on the final plat.**

The motion carried unanimously.

Case #SUB2005-00220

Maggie's Dollar General at Spring Hill Avenue Subdivision

4690 Spring Hill Avenue

(North side of Spring Hill Avenue at PFC John D. New Street).

1 Lot / 1.6± Acres

Mr. Plauche pointed out to the Commission that on their original handout on #2, it stated that the right-of-way was to be maintained. The correct statement provided each member states that the right-of-way is to be retained, as modified. Mr. Plauche said the applicant concurred with the staff recommendations.

November 3, 2005

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

- 1) **completion of vacation process prior to approval of final plat;**
- 2) **adequate right-of-way to provide 50 feet from the centerline of Spring Hill Avenue be retained by City of Mobile; and**
- 3) **the placement of a note on the final plat stating that the site is limited to two curb cuts to Springhill Avenue, with the location, size, and design to be approved by Traffic Engineering**

The motion carried unanimously.

Case #SUB2005-00222

Maggie's Spring Hill Avenue Subdivision

4625 Spring Hill Avenue

(South side of Spring Hill Avenue, 585'± East of PFC John D. New Street, extending to the North side of Museum Drive).

1 Lot / 0.5± Acre

The applicant was present and concurred with the staff recommendations.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

- 1) **the dedication of adequate right-of-way to provide 50-feet from the centerline of Spring Hill Avenue;**
- 2) **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 Museum Drive, with the location, size, and design to be approved by Traffic Engineering; and**
- 3) **closure of existing curb cuts in excess of number allowed by this approval, including installation of curbing and landscaping.**

The motion carried unanimously.

Case #SUB2005-00218

Magnolia Springs Estates Addition Subdivision, Resubdivision of Lots 6, 7, 12 and 13

6900 Howells Ferry Road

(North side of Howells Ferry Road, 150'± East of Gentilly Drive West, and running through to the East side of Myland Avenue, 200'± North of Gentilly Drive North).

4 Lots / 14.8± Acres

The applicant was present and concurred with the staff recommendations.

November 3, 2005

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

- 1) **that a barricade be provided along the west property line, at the termination of Gentilly Drive North;**
- 2) **the provision of joint use driveways for Lots 6 and 7, with a minimum paved width of 18 feet each, and reflected on the final plat;**
- 3) **that Lot 11 be restricted to the driveway shared with Lot 12 (not included in this application); and**
- 4) **the provision of a 25-foot minimum building setback line along all street frontages.**

The motion carried unanimously.

Case #SUB2005-00212

Miramar Heights Subdivision, Block B, Resubdivision of Lot 17

Southeast corner of Brookfield Drive North and Brookfield Drive West.

3 Lots / 0.8± Acre

The applicant was present and concurred with the staff recommendations.

Charles Farnell, a resident of 2500 W. Brookfield Drive since 1959, stated that he and his wife acquired their lot because they liked the wooded area and the openness. All the lots in the neighborhood were approximately 100' x 300'. The proposed subdivision would be three small lots. He said they were adamantly opposed because it changes the affect of the neighborhood. Mr. Farnell noted that this property had been proposed for subdivision previously and had been denied. He said the street had just been paved in the last year and was in good condition. He was concerned that with subdividing these lots the street would be cut up pretty bad to put in the utilities. Mr. Farnell said they like the size of the lots and enjoyed the neighborhood. He said he was speaking for several neighbors who were sick and unable to attend the meeting. He was also speaking on behalf of his neighbors at 5040 and 2502 W. Brookfield Drive.

Mr. Vallas asked the staff if there was any information on why this subdivision was previously denied.

Mr. Olsen said he did not recall, but would retrieve the file.

Mr. Miller asked if the property was currently vacant.

Mr. Olsen said the property was vacant.

Mr. Lawler asked Mr. Farnell if he thought the resubdivision would devalue his property.

Mr. Farnell said he certainly did.

November 3, 2005

Mr. Plauche asked Mr. Orrell if he would like to respond.

Mr. Orrell said he felt maybe one reason this property was still vacant was because it was poorly designed originally. He said a 300' long lot was not a very good size with a street along one side of it. Mr. Orrell said there was precedence in this subdivision where lots had been divided, and he felt it would make more sense to have the three houses on this site because of the way this lot was shaped.

In discussion Mr. Miller noted that the plat did not show other lots in the subdivision that had been divided. He felt the subdivision would be out of character.

Mr. Holmes said he would like to have information about the earlier subdivision attempt.

Mr. Olsen said he could have the file on it brought down, or the Commission could hold over this application.

Mr. Holmes suggested the application be held over. He noted a similar lot on the corner of Burma Road that faces a major street and has a second lot facing Burma Road. So this subdivision would not be totally out of character.

Mr. Miller, Dr. Rivizzigno and Ms. Deakle said the lots referred to were only two lots, not three, and they would probably look at this differently if it were just two lots.

Several members suggested they would consider two lots instead of three.

Dr. Rivizzigno asked Mr. Lawler's opinion of a two-lot subdivision.

Mr. Lawler referred to the Stanley case, a case similar to this in the Pinehurst Subdivision where the neighbors were opposed because they said the lots would be out of character, would cause increased traffic, and would devalue their property. The Planning Commission approved the subdivision. It went to court and the court reversed it. The case was appealed to the Court of Civil Appeals and it was upheld. Mr. Lawler said in that case the evidence was not really strong in favor of the neighbors who objected. He said that generally speaking, the court has said that if a subdivision meets the minimum requirements of the Subdivision Regulations, that is, size of lots, then the applicant is entitled to have the property subdivided. But when a person buys into a subdivision, he expects it to remain the same as it was when he purchased his lot. Mr. Lawler said he was not familiar with such a case currently going on, but he could see the argument. He said other reasons for denial had been traffic or access. If the Planning Commission were inclined to deny this application, Mr. Lawler said the Planning Commission would need to indicate the reasons. As stated by Mr. Farnell, he felt this subdivision would devalue his property, and that could be used as a reason for denial. Mr. Lawler said if the Commission did approve the application he suspected that the court would approve that too, as there was a tendency on the part of the courts to try to uphold the actions of the Planning Commission. Although the application meets the minimum requirements as far as size, there was a question as to whether or not there was really sufficient evidence to

November 3, 2005

show that there was going to be a depreciation in the value of the surrounding lots. Mr. Lawler cited the Nugen case, which said that substantial evidence would have to be submitted to show that there would be some depreciation in value of the lots. In that case several of the neighbors came in and objected to the subdivision. The court said that the neighbors were just fearful that their property would be depreciated. The property owner had an appraiser come in and said it would not depreciate anything. Mr. Lawler said those were the things he argued in the Stanley case, that they did not present substantial evidence for depreciation and that sort of thing, and that the property owner was being denied the right to develop the property because it faced an unopened street, and by allowing it to be turned they could develop it. Mr. Lawler said in this case we have a lot that has laid undeveloped for some time. The property owner has a right to develop his property. The question is, would the Planning Commission keep them from using that property by holding them to that standard.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Vallas to holdover this application until the meeting of November 17, 2005.

The motion carried unanimously.

Case #SUB2005-00226

Rangeline Properties Subdivision, Resubdivision of

East side of Rangeline Road, 490'± North of Hurricane Bay Drive.

5 Lots / 44.0± Acres

The applicant was present and concurred with the staff recommendations.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Miller to hold this application over until the meeting of November 17, 2005, to allow the applicant to submit the following:

- 1) **redesigned plat showing access via a public street, or creation of an innovative subdivision with private street, in conformance with Section VIII. of the Subdivision Regulations; and**
- 2) **evidence that notification information for all adjacent property owners was provided, given that the application neglected to include parcel R023902010003037.001.**

The motion carried unanimously.

Case #SUB2005-00225

Robinson Acres Subdivision

475 Dykes Road

(East side of Dykes Road, 210'± North of the East terminus of Pierce Creek Road).

2 Lots / 3.3± Acres

The applicant was present and concurred with the staff recommendations.

November 3, 2005

Mr. Charles Kostmayer, Jr., 271 Carnations Street, and owner of property on Airport Boulevard, said he was curious as to what was being proposed and how it would affect his property values.

Mr. Plauche asked the applicant's engineer to explain this proposal.

Jerry Byrd, Byrd Surveying Company, was present on behalf of the applicant and explained that the applicant lived in the house close to Dykes Road. His daughter and son-in-law would like to build a house on proposed Lot 2 overlooking the lake. The total width of the property was 220 feet, and it was approximately 750 feet deep. There would just be one single-family residence added to the property.

After discussion a motion was made by Mrs. Deakle and seconded by Mr. Vallas to approve the above subdivision subject to the following conditions:

- 1) **that there will be no further resubdivision of Lot 2 until and unless additional frontage on a publicly maintained street is available;**
- 2) **that all necessary approval from all applicable federal, state, and local agencies be obtained prior to the issuance of any permits;**
- 3) **the placement of a note on the final plat stating that any lots that are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations; and**
- 4) **the correction of the legal description on the final plat.**

The motion carried unanimously.

Case #SUB2005-00224

The Rock Church Subdivision

6245 Old Rangeline Road

(East side of Old Rangeline Road, 1,030'± North of Hurricane Bay Drive).

7 Lots / 44.0± Acres

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to hold this application over until November 17, 2005 to allow the applicant to submit the following:

- 1) **redesigned plat of the proposed subdivision to provide access via a public street, or creation of an innovative subdivision with private street, in conformance with Section VIII. of the Subdivision Regulations.**

The motion carried unanimously.

November 3, 2005

Case #SUB2005-00217

Turberville Subdivision

1531 Repoll Road

(East side of Repoll Road, 400' ± North of Sasser Lane).

2

The applicant was present and concurred with the staff recommendations.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

- 1) **the placement of a note on the final plat stating that any property that is developed commercially and adjoins residentially developed property shall provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and**
- 2) **the placement of the 25-foot minimum building setback lines on the final plat.**

The motion carried unanimously.

OTHER BUSINESS:

Ms. Deakle asked if Middle Ring Road was going to cut through the University of South Alabama's property.

Mr. Olsen said this question came up several years ago because South Alabama had actually constructed a field house and other improvements where that major street would go. It was left on the Major Street Plan in hopes that at some point there may be a route around those particular improvements.

Mr. Vallas asked if the fact that the Infirmary was going to take over Knollwood Hospital would impact the proposed Major Street Plan in any way.

Mr. Olsen said that should not really impact the Major Street Plan to any great degree. He said that over the next few years the staff planned a complete rework of the Comprehensive Plan, which would include the Major Street Plan.

PUBLIC HEARING

Proposed Amendment to the Major Street Plan to Remove a Portion of Girby Road Extension from Campground Creek to Dawes Road.

Mr. Plauche asked if there was anyone present to speak in this matter.

Mr. Olsen showed the current configuration of this proposed major street which would cross a creek, several lakes, and actually come through the new school on Girby Road. Obviously it would not be able to be constructed in this manner. Based on the staff's

November 3, 2005

review and on several inquires from property owners near the McDonald Road area as well as back just off of Cody Road, Mr. Olsen said the staff recommended to the Planning Commission that this section be removed from the Major Street Plan, and that the section from Campground to Hillcrest be added so that it dead ends at Hillcrest Road, as it did originally. Mr. Olsen noted that this section was not on the MATS 2030 plan.

After discussion a motion was made by Mr. Miller and seconded by Ms. Deakle to amend the Major Street Plan to Remove a Portion of Girby Road Extension from Campground Creek to Dawes Road as stated.

The motion carried unanimously.

There being no further business, the meeting was adjourned.

APPROVED: December 15, 2005

Victor McSwain, Secretary

Terry Plauche, Chairman

tc/ms