

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF AUGUST 21, 2003 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Robert Frost, Chairman
Victor McSwain, Secretary
Victoria L. Rivizzigno
Ann Deakle
John Vallas
Terry Plauche

Members Absent

Wendell Quimby, Vice-Chair
Stephen Nodine
Norman Hill (S)
James Laier (S)

Staff Present

Richard Olsen, Planner II
Tim Ashley, Planner I
Val Manuel, Secretary II

Others Present

Wanda Cochran, 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.

HOLDOVERS:

Case #SUB2003-00137 (Subdivision)

Highland Park Subdivision, Block 5, Resubdivision of Lot 21 and a Portion of Lot 22

East side of Lakeview Drive East, 290'± South of the Southern terminus of Lakeview Drive, extending to the West side of Park Avenue South.

2 Lots / 1.0± Acre

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 Mr. McSwain and seconded by Mr. Plauche to approve this plan subject to the following conditions:

- 1) the placement of a note on the final plat stating that the site is denied direct access to Park Avenue South; and
- 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.

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The motion carried.

Case #ZON2003-01698 (Rezoning)

Dr. Joan Friedlander

612 Shady Oak Drive (Southeast corner of Shady Oak Drive and Gulfwood Drive East, extending to the West I-65 Service Road North).

Rezoning from R-1, Single-Family Residential, to B-1, Buffer Business, for professional offices.

AND

Case #SUB2003-00160 (Subdivision)

612 Shady Oak Drive Subdivision

612 Shady Oak Drive (Southeast corner of Shady Oak Drive and Gulfwood Drive East, extending to the West I-65 Service Road North).

1 Lot / 0.2± Acre

The applications were withdrawn prior to the meeting.

Case #ZON2003-01559 (Planning Approval)

Holy Church of God

2115 Demetropolis Road (East side of Demetropolis Road, 250'± South of Troy Lane).

Planning Approval to allow the expansion of an existing church with a new child day care facility and playground in an R-1, Single-Family Residential district.

This plan illustrates the existing structure and parking, along with the proposed building and play area.

(Also see Case ZON2003-01558 – Holy Church of God and SUB2003-00150 – Holy Church of God - Below).

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 Mr. McSwain and seconded by Dr. Rivizzigno to approve this plan subject to the following conditions:

- 1) that the day care be operated by the church, not an individual or commercial entity;
- 2) the provision of a buffer, in compliance with Section IV.D.1., where the site adjoins residential development;
- 3) provision of landscaping and tree plantings to bring the overall site into compliance with Ordinance requirements;
- 4) provision of a sidewalk along the entire street frontage of Demetropolis Road; and
- 5) full compliance with all municipal codes and ordinances.

The motion carried.

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Case #ZON2003-01558 (Planned Unit Development)

Holy Church of God

2115 Demetropolis Road (East side of Demetropolis Road, 250'± South of Troy Lane).
Planned Unit Development approval to allow multiple buildings on a single building site.

This plan illustrates the existing structure and parking, along with the proposed building and play area.

(Also see Case ZON2003-01559 - Holy Church of God - Above and SUB2003-00150 – Holy Church of God - Below)

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 Mr. McSwain and seconded by Dr. Rivizzigno to approve this plan subject to the following conditions:

- 1) the provision of a buffer, in compliance with Section IV.D.1., where the site adjoins residential development;
- 2) provision of landscaping and tree plantings to bring the overall site into compliance with Ordinance requirements;
- 3) provision of a sidewalk along the entire street frontage of Demetropolis Road; and
- 4) full compliance with all municipal codes and ordinances.

The motion carried.

Case #SUB2003-00150 (Subdivision)

Holy Church of God

2115 Demetropolis Road (East side of Demetropolis Road, 250'± South of Troy Lane).
1 Lot / 1.0± Acre

(For discussion see Case ZON2003-01558 – Holy Church of God and ZON2003-01559 – Holy Church of God – Above)

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 Mr. McSwain and seconded by Dr. Rivizzigno to approve this plan subject to the following condition:

- 1) that the site be limited to two curb cuts.

The motion carried.

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Case #SUB2003-00139 (Subdivision)
Rabbit Creek Cove Subdivision

Southwest corner of Higgins Road and Audubon Drive, extending South and West to the Southern terminus of Clemson Drive, and to the Northeast corner of Cole Drive and Audubon Drive.

128 Lots / 53.0± Acres

Mr. Frost announced to the Commission members that there had been a supplement to the information on this application that the members had not received in their packets. The staff provided the information to each of the members for their review.

Mr. Frost stated that Ann Deakle recused in this discussion and voting.

Mr. Ben Brooks, Council member, District 4, was present and stated that he wanted to publicly thank the Mitchell Company for being so courteous and patient to the people in this district throughout the process. He said they had held four community meetings and the residents really appreciated the effort the Mitchell Company made in working with the community. He noted that the developer had agreed to some restrictions, the most important that the minimum house size on these lots would be 1800 square feet.

Mr. Vallas had a question regarding identification of the tot lot on the plat.

Richard Olsen explained that on the original plat the staff had required that the use of all common areas be shown on the plat. On the revised plat, however, none of the common areas were specifically indicated as tot lots as they were on the previous plat. Mr. Olsen said they would take the word "tot lot" out of this condition, and whatever use applicable to each common area would be denoted; i.e. common area for playground, common area for detention. He noted that the main reason this was required was that in the past the Commission had specifically requested that common areas that were also to be used as detention be denoted as such.

Nathan Friedlander was present and stated that he was a member of the committee that was representing the community in discussions with the developer. He said one question they had was whether access to Higgins Road from the subdivision was altered so that it lined up with Bell Isle Drive on the opposite side.

Don Coleman, Rester and Coleman Engineering, was present on behalf of the applicant and stated that the access point had not been altered.

Mr. Friedlander stated that there was an intersecting street on the north side of Higgins Road, and traffic from this street would shine their lights into the bedroom windows of the residents in the subdivision. He said they thought it made more sense to try to align the road where ingress and egress would line up with Belle Isle and not affect anyone.

Mr. Coleman said they had looked at the access question and that they would have to move a good bit to the east to line the streets up. He said he did not know how traffic would work coming face to face like that. That street was a minimum of 100 feet off the centerline of the

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intersection of Belle Isle, which is what the Regulations called for. Mr. Coleman said they would look at the situation and see if they could work it out.

Mr. McSwain commented that he felt two T-intersections would be better than four.

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

- 1) the large area that is to remain in its natural, undeveloped state be denoted as such, with a note stating that maintenance as a natural undeveloped area shall be the responsibility of the property owners;
- 2) that the use of all the common areas (detention, etc.) be shown on the final plat, with a note stating that the maintenance thereof shall be the responsibility of the property owners;
- 3) compliance with the City Engineering Department comments as follows: As required by the Stormwater Ordinance and Flood Plain Management Plan, the developer must provide an approved outfall into a City of Mobile maintained system at any point of discharge where one does not exist. This development contains one of more points of discharge where an acceptable outfall does not exist. Therefore, the developer will be required to provide outfall approved by the City Engineer;
- 4) the placement of note on the final plat stating that Lots 41 and 44 (or appropriate number for the corner lots) are denied direct access to Higgins Road, Lots 7, 8 and 79 are denied direct access to Audubon Drive, and Lot 84 is limited to one curb cut to Audubon Drive,; and
- 5) approval of all applicable federal, state and local agencies.

The motion carried.

EXTENSIONS:

Case #SUB2002-00193 (Subdivision)

File #S96-225

Rangeline Park Subdivision

Southeast corner of Rangeline Road and Rabbit Creek Drive and extending through to Old Rangeline Road.

45 Lots / 115.5± Acres

Request for a one-year extension of previous approval.

Don Coleman, Rester and Coleman Engineering, was present and indicated the applicant was in agreement with the recommendations of the staff

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

The motion carried.

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Case #SUB2002-00184 (Subdivision)

Rochester Place Subdivision, Resubdivision of Lots 6-10

North terminus of Rochester Place, 250'± North of Airport Boulevard.

5 Lots / 1.3± Acres

Request for a one-year extension of previous approval.

Don Coleman, Rester and Coleman Engineering, was present and indicated the applicant was in agreement with the recommendations of the staff.

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

The motion carried.

Case #SUB2002-00182 (Subdivision)

Spring Grove Subdivision

West side of Dawes Road, 300'± South of Jeff Hamilton Road.

283 Lots / 78.9± Acres

Request for a one-year extension of previous approval.

Don Coleman, Rester and Coleman Engineering, was present and indicated the applicant was in agreement with the recommendations of the staff.

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

The motion carried.

Case #SUB2002-00121 (Subdivision)

Youngstowne Hill Subdivision

West terminus of Youngstowne Drive.

62 Lots / 40.0± Acres

Request for a one-year extension of previous approval.

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

The motion carried.

GROUP APPLICATIONS:

Case #ZON2003-01793 (Planned Unit Development)

Providence Park Subdivision, Unit Seven

South side of Airport Boulevard, 280'± West of Providence Park Drive East.

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

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The plan illustrates the proposed buildings, drive, and parking.

(Also see Case SUB2003-00173 – Providence Park Subdivision – Below)

Lee Metzger, the applicant's agent, was present in this matter and indicated he was in agreement with the recommendations of the staff.

In executive session Mr. McSwain stated that he wanted to make sure that the median access accommodated not just this development, but also the development on the north side of Airport Boulevard. According to the site plan, there was no access to the north side.

Mr. Olsen suggested that since this was not discussed during the public hearing, it might be more appropriate to hold over the application to the next meeting so the applicant could address any comments or concerns in this regard.

Ms. Beverly Terry, City Engineering, pointed out that the access would have to be worked out when the applicant applied for their right-of-way permit. She also said there were some issues with the drainage in the median.

Mr. McSwain asked if the PUD would be tied to what they showed in the median.

Mr. Olsen replied that it would not be tied to what they showed in the median, but it would be tied to the driveway location, unless the driveway was coordinated with the median cut to be worked out Traffic Engineering, as a condition of approval.

Mr. McSwain noted that they were tying this median cut into the existing driveway, so they would not have an option to move their driveway to coincide with the median cut. He felt there was an opportunity to do something in the median to accommodate development on both the north and south side of Airport Boulevard. He felt approval could be given subject to working this out with Land Use and Traffic Engineering.

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

- 1) that all work under the 30-inch live oak tree be coordinated with and approved by Urban Forestry;
- 2) full compliance with the landscaping and tree planting requirements of the Ordinance;
- 3) provision of a sidewalk along Airport Boulevard;
- 4) the approval of the Mobile Tree Commission for any work in the median that may impact existing median tree plantings;
- 5) that the site be limited to two curb cuts, with the exact location and design to be approved by Traffic Engineering and Urban Development staff; and
- 6) any median modifications are to be coordinated with Traffic Engineering and Right-of-Way.
- 7) full compliance with all municipal codes and ordinances.

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The motion carried.

Case #SUB2003-00173 (Subdivision)

Providence Park Subdivision, Unit Seven

South side of Airport Boulevard, 280'± West of Providence Park Drive East.

2 Lots / 3.7± Acres

(For discussion see Case #ZON2003-01793 – Providence Park Subdivision – Above)

Lee Metzger was present in this matter and indicated the applicant was in agreement with the recommendations of the staff.

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

- 1) placement of a note on the final plat stating that the site is limited to two curb cuts, with the location and design to be approved by Traffic Engineering and Urban Development staff.

The motion carried.

Case #ZON2003-01792 (Rezoning)

E. L. Giles, Jr.

South side of King Street, 110'± West of Stanton Road, extending to the North side of Hart Avenue, 110'± West of Stanton Road.

Rezoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, for a child day care facility.

The plan illustrates the proposed building, parking, playgrounds, and future addition.

(Also see Case SUB2003-00170 – Total Touch Child Care Development Center – Below)

Mr. Joe Regan, Regan Land Surveying, was present on behalf of the applicant.

Mr. Olsen stated that the engineer for the applicant had inquired about the condition on the subdivision regarding the privacy fence. He said the staff's intent would be that it only be required at the time of development of the property.

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

- 1) completion of the subdivision process prior to the issuance of any permits;
- 2) the site be limited to one curb cut to Stanton Road, one curb cut to King Street and one curb cut to Hart Avenue, size, location and design to be approved by the Traffic Engineering Department;

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- 3) provision of a 6' high wooden privacy fence along the rear (west) property line (no higher than 3' in the 25' building setback);
- 4) screening of parking in compliance with Section VI.A.3.i.; and
- 5) full compliance with all municipal codes and ordinances.

The motion carried.

Case #SUB2003-00170 (Subdivision)

Total Touch Child Care Development Center Subdivision

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

1 Lot / 1.0± Acre

(For discussion see Case ZON2003-01792 – E. L. Giles, Jr. – Above)

Mr. Joe Regan, Regan Land Surveying, was present on behalf of the applicant.

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

- 1) completion of the rezoning process prior to the issuance of any permits;
- 2) placement of a note on the final plat stating that the site is limited to one curb cut to Stanton Road, one curb cut to King Street and one curb cut to Hart Avenue, size, location and design to be approved by the Traffic Engineering Department; and
- 3) provision of a 6' high wooden privacy fence along the rear (west) property line (no higher than 3' in the 25' building setback).

The motion carried.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2003-00161

Bay Ridge Estates Subdivision, Block B, Resubdivision of Lots 47 & 48

Southeast corner of Stewart Road and Vera Street.

2 Lots / 0.4± Acre

Mr. Jerry Byrd, Byrd Surveying and Engineering, was present representing the applicant, indicated the applicant was in agreement with the recommendations of the staff.

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

- 1) the placement of a note on the final plat stating that Lot A is limited to one curb to either Stewart Road or Vera Street, with the size, location and design to be approved by Traffic Engineering.

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The motion carried.

Case #SUB2003-00174

Blackwood Commercial Park Subdivision, Unit One, Resubdivision of Part of Lots 1 & 2

1266 Hutson Drive (West side of Hutson Drive, 85'± South of the West terminus of Key Street).

1 Lot / 0.5± Acre

Mr. Jerry Byrd, Byrd Surveying and Engineering, was present representing the applicant, indicated the applicant was in agreement with the recommendations of the staff.

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

- 1) the placement of a note on the final stating that the development is limited to the existing curb cut to Hutson Drive; and
- 2) placement of the required 25-foot minimum building setback line on the final plat.

The motion carried.

Case #SUB2003-00171

Grace Estates Subdivision

2921 Raines Court (South side of Raines Court, 100'± East of its West terminus).

2 Lots / 0.9± Acre

Mr. Marshall A. McLeod, P.L.S., L.L.C., was present representing the applicant, indicated the applicant was in agreement with the recommendations of the staff.

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

- 1) the dedication of adequate right-of-way to provide 25' from the centerline along Raines Court;
- 2) the removal of the existing storage building on Lot 2 prior to the recording of the final plat;
- 3) that a demolition or building permit be obtained if the dwelling and/or structures are removed;
- 4) the approval of all applicable federal, state and local agencies; and
- 5) placement of the required 25-foot minimum building setback line (from the dedicated right-of-way) on the final plat.

The motion carried.

Case #SUB2003-00172

Kendall Place Subdivision

North side of Moffett Road, 300'± West of Denmark Road.

2 Lots / 3.0± Acres

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

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

- 1) the dedication of the necessary right-of-way to provide 50-feet from the centerline of Moffett Road;
- 2) the placement of a note on the final plat stating that the each lot is limited to the one curb cut to Moffett Road;
- 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; and
- 4) placement of the required 25-foot minimum building setback line (from the dedicated right-of-way) on the final plat.

The motion carried.

Case #SUB2003-00162

Lynnwood Subdivision, First Addition, Resubdivision of Lot 1

1919 Oak Knoll Drive (South side of Oak Knoll Drive, 195'± East of Stanton Road).

1 Lot / 0.4± Acre

Jerry Byrd, Bryd Surveying, Inc. was present representing the applicant, and indicated the applicant was in agreement with the recommendations of the staff.

A motion was made by Dr. Rivizzigno and seconded by Mr. McSwain 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 Moffett Road;
- 2) the placement of a note on the final plat stating that the each lot is limited to the one curb cut to Moffett Road;
- 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; and
- 4) placement of the required 25-foot minimum building setback line (from the dedicated right-of-way) on the final plat.

The motion carried.

Case #SUB2003-00164

Mallon Estates Subdivision

1754 Cody Road North (East side of Cody Road North, 800'± North of Langdon Drive, extending to the West side of Myland Avenue).

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3 Lots / 4.4± Acres

Mr. Jerry Byrd, Byrd Surveying, Inc., was present representing the applicant and requested that two curb cuts, rather than one as recommended, be allowed to Myland Avenue, which had a frontage of 330 feet.

Mr. Olsen stated that since the property was zoned single-family residential, two curb cuts to Myland Avenue could be allowed.

Mr. Robert Reynolds, 1800 Cody Road North, directly north of the subject property, was present and stated that he had a problem with the way the property was proposed to be divided. He expressed concerns regarding the drainage, which flowed into his property from the east and west side, as well as from the south side. He was also concerned about drainage that would come from the property while it was being developed. Mr. Reynolds also stated that he had no sewer hookup where he lives, and there were no sewer lines to the subject property. The closest line he could tie into would be at Langdon Avenue, which was approximately 800 feet south of the subject property.

Mr. Frost asked the staff if public water and sanitary sewer served this site.

Mr. Olsen said the applicant indicated that water and sewer were available. Mobile Area Water and Sewer System reviewed the application. The staff had received no comments stating that there was no sewer available.

Mr. Reynolds stated that he had checked with Mobile Area Water and Sewer System and was adamant that there was no sewer system at this location. Further, he expressed concern that the drainage situation would worsen with this development.

Mr. Frost stated that the Commission understood Mr. Reynold's concerns, but they had to review the application and make sure it met the requirements of the Regulations, and drainage concerns were always an important issue. He said they were not in a position to do anything about the drainage. A person has the right to develop his property. Mr. Frost asked the staff if there was some sort of review of drainage when the owners obtained the land disturbance or building permits.

Mr. Olsen stated that the property was zoned R-1, single-family residential, therefore, if the subdivision was approved, the developer would be allowed to build one dwelling on each lot. Regarding drainage, he thought the requirement for a drainage plan would depend on the square footage for residential property.

Ms. Beverly Terry, City Engineering, stated this was correct. Only when the residence goes over 4,000 square feet would a drainage plan be required. But as the house was being constructed, the developer would have to comply with erosion control, etc.

Mr. Reynolds asked how the sewer situation would be addressed.

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Mr. Olsen stated that the property was large enough to meet the minimum square footage requirements for septic systems if Mobile Area Water and Sewer Systems did not have services available.

Regarding the drainage problem, Mr. Frost said the Planning Commission had formed a sub-committee on drainage issues. He said often times they have found that when new development goes in, it actually improves the drainage situation because a new development would put in retention ponds and the piping to appropriately drain the land.

Ms. Rivizzigno asked what recourse Mr. Reynolds would have if his property was being flooded now.

Wanda Cochran, Assistant City Attorney, stated that any property owner had a common law right to file a private nuisance action against an adjoining property owner.

Mr. Frost asked what was generally done to protect the neighbor when property was developed.

With regard to this development, Mr. Byrd stated that with the size of these lots, which were approximately 2 acres and 1 ½ acres, with the limitation of one single-family residence on it, the drainage would not increase that much. He noted that during construction the builders should put up hay bales and silt fences to protect the surrounding property from runoff. Since the subject property was a natural drained, however, it was just the way the water is flowing. If they were going to develop five or six lots or put in a street, detention would be required.

In execution session Mr. McSwain made a motion and Mr. Plauche seconded the motion to approve this subdivision subject to the following conditions:

- 1) the placement of a note on the final plat stating that Lots B and C are limited to two curb cut each to Cody Road and Lot A is limited to two curb cuts to Myland Avenue, with the location, size, and design to be approved by Traffic Engineering,; and
- 2) the placement of the 25 foot minimum setback lines the final plat.

In further discussion, Mr. Frost expressed concern that the Commission did not have a standard answer to give the public for complaints about drainage. He said the Commission had formed a sub-committee to address this matter, but it seemed to have dispersed. He suggested this be brought up at the next Planning Commission meeting.

Mr. Olsen stated that the staff would come up with a standard answer for the Commission. He said the sub-committee had been put on hold somewhat due to a lack of consensus reached. Also, there was a pending case in circuit court, the outcome of which may have affect on any decision of the Commission in this regard.

The motion carried.

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Case #SUB2003-00167

Mobile County Health Department Complex Subdivision

248 Cox Street (Southeast corner of Cox Street and St. Stephens Road, extending South to the center of Dunn Street [vacated]).

1 Lot / 6.0± Acres

A representative of the applicant was present and indicated the applicant was in agreement with the recommendations of the staff.

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

- 1) the dedication of sufficient right-of-way to provide 50' from the centerline of St. Stephens Road; and
- 2) the placement of a note on the final plat stating that the size, number, location and design of all curb cuts to St. Stephens Road and Cox Street must be approved by Traffic Engineering.

The motion carried.

Case #SUB2003-00165

Oak Ridge Place Subdivision

West side of Oak Ridge Avenue, 170'± South of Holden Drive.

3 Lots / 2.1± Acres

A representative of the applicant was present and indicated the applicant was in agreement with the recommendations of the staff.

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

- 1) the placement of a note on the final plat stating that each lot is limited to one curb cut to Oak Ridge Avenue, with the, size, location and design to be approved by County Engineering;
- 2) the placement of the 25-foot minimum setback line on the final plat; and
- 3) 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.

The motion carried.

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Case #SUB2003-00168

Park Place Subdivision

7861 Tanner Williams Road (South side of Tanner Williams Road, 420'± West of Schillinger Road North).

48 Lots / 12.6± Acres

Mr. Millard Austin, Austin Engineering Co., Inc., was present representing the applicant.

Mr. Keith Cochran of 3081 LaCoste Road, applicant, asked about the condition in the staff recommendation that a 25-foot minimum setback line be noted on the final plat. Mr. Cochran said a 25-foot setback on the north and south would cut his building pad down to 50 feet. He asked if the 25-foot setback could apply to the north and to the center road, but have a 15 foot setback on the south road, as there would only be five lots to the south of it, and the lots to the north would face the center road. Therefore, only the backs of those structures would be 15 feet off that side of the road.

Asked if the staff had looked at the setback situation, Mr. Olsen said they would prefer to have a little bit more time to study it and suggested that the Commission may want to hold over the application.

A motion was made by Mr. Frost and seconded by Mr. McSwain to hold over this request to the September 4, 2003 Planning Commission at the request Richard Olsen to allow the staff time to look over the setback situation.

The motion carried.

Case #SUB2003-00169

Remington Estates Subdivision, Unit Three, Resubdivision of Lots 10 and 11

South side of Seleste Drive at its East terminus.

2 Lots / 1.9± Acres

Mr. Millard Austin, Austin Engineering Co., Inc., was present representing the applicant and indicated the applicant was in agreement with the recommendations of the staff.

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

- 1) the obtaining of any necessary approvals of all federal, state and local agencies;
- 2) the placement of a note on the final plat stating that maintenance of all common areas shall be the responsibility of the property owners; and
- 3) 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.

The motion carried.

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Case #SUB2003-00166

Vidmer Plaza Subdivision, Amended Plat

2618 Old Shell Road (Northeast corner of Old Shell Road and Hyland Avenue).

1 Lot / 0.9± Acre

Mr. Marshall McLeod, P.L.S., L.L.C., was present representing the applicant and indicated the applicant was in agreement with the recommendations of the staff.

Mr. Vallas noted that this application was previously submitted and plans were to put a mini-storage facility on the site. There were modifications to curb cuts on the previous plat.

Mr. Olsen stated that this was no longer going to be a mini-storage facility. The applicant now proposed a medical use, and because of clientele, they were requesting two access points.

A motion was made by Mr. Vallas and seconded by Mr. Plauche to approve this subdivision subject to the following condition:

- 1) the placement of a note on the final plat stating that Lot 1 is limited to one curb cut to Hyland Avenue and one curb cut to Old Shell Road, with the size, location and design to be approved by Traffic Engineering.

The motion carried.

Case #SUB2003-00175

Westwood Farms Subdivision, Resubdivision of Lot 2 of the Resubdivision of Lots 110, 111, and 112

4254 Halls Mill Road (West side of Halls Mill Road, 80'± South of the West terminus of Alden Drive).

1 Lot / 1.3± Acres

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

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

- 1) the dedication of sufficient right-of-way to provide 35-feet from the centerline of Halls Mill Road;
- 2) the provision of a buffer in compliance with Section V.A.7. where the site adjoins residential property; and
- 3) the placement of the 25-foot minimum building setback line on the final plat.

The motion carried.

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Case #SUB2003-00155

Jordan's Landing Subdivision

2936 Raines Court (North side of Raines Court at its West terminus).

4 Lots / 2.5± Acres

Mr. Jerry Byrd, Byrd Surveying, Inc., was present representing the applicant. Mr. Byrd noted that the staff had recommended denial of the subdivision because the only access to the site was via a substandard street, both in terms of right-of-way width and improvements. He felt this was unfair and referenced other subdivisions in the area with streets less than the standard width. He said the Jordans had owned this property since 1963 and had not witnessed any accidents along Raines Court. Although narrow, there was room for two cars to pass and there was also sufficient room for trash and garbage trucks to service the homes fronting on Raines Court. Mr. Byrd said this subdivision would create two lots on Raines Court, and they did not feel this would create major traffic problems.

Mr. Vallas asked why any of the proposed lots couldn't access Circle Court.

Mr. Byrd said he had suggested maybe bringing lot 1 out onto Circle Court, but the applicant did not want to get that route.

John Jordan, 2936 Raines Court, introduced his wife and said they were joint owners of the property. Mr. Jordan read a prepared statement as to why they felt this subdivision should be approved. He felt there were extenuating circumstances that justified an exception to the standard in this case.

Mr. Frost interrupted Mr. Jordan to explain why the staff had to recommend denial. He said that substandard was referring to width, and not necessarily the quality of the road. For safety concerns, the City requires a street to be a certain width. He said there were, obviously, many streets in Mobile and the surrounding area that did not meet the standard width. But the City ordinance requires that if you are adding traffic to a road through a subdivision, then the Commission has a responsibility as a governing body to determine if the street could handle the additional traffic. He said they could not add a lot to this street, as it would exacerbate the problem.

Continuing with his statement, Mr. Jordan noted that there had been no maintenance on Raines Court since it was paved 35 years ago. He said he had measured the road and it measured from 17-19 feet wide. He also felt there was adequate space to safely pass on this street. He said the total population on this street consisted of 13 adults and 2 children. On a good traffic day they probably had as many as 20 cars on that road. He felt it could handle two or three times as much traffic. Mr. Jordan said that he had measured the main traffic arteries in the area and they were all substandard. He said that Alba Club Road and Clubhouse Road carry as many as 200-300 cars on Friday nights going to Trimmier Park for football games. He contended it was unrealistic to apply a 24-foot standard to a small, dead end street that had only seven houses on it. Mr. Jordan stated that they were subdividing this property so their son could buy a lot. He felt that it was not fair that the City could levy a requirement upon his property that only the City can meet, and yet, at the same time deny him the opportunity to develop their property. He

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asked that the commission approve this subdivision for at least three lots so his son could build his house on lot 2. If so, he and his wife could resume their quiet life on the river.

Dr. Rivizzigno expressed concern about the flag driveways and asked if that was a problem.

Mr. Olsen stated that the flag lots along the riverfront were not an uncommon situation. Typically if, the staff did not recommend them being adjacent to one another. He said in this instance, it was approved, this would be the most logical way for them to be. Circle Court itself was of a lesser standard than Raines Court, so having more access to it would not really be advantageous.

A motion was made by Mr. McSwain and seconded by Mr. Vallas to approve this plan and requested staff's recommendations for conditions.

In further discussion Mr. Olsen stated that only two recommendations the staff would suggest would be (1) that lots 3 and 4 share a common curb cut to Raines Court; and (2) that the developer obtain all necessary federal, state, and local permits since this was on a waterway.

Mr. Vallas asked about the width of the curb cuts for lots 3 and 4.

Mr. Olsen said the curb cut would be a standard driveway width.

Mr. Frost asked if there were any width-to-depth ratio issues here.

Mr. Olsen replied that the width-to-depth ratio was only applicable at the building setback line, at which point the lots have to be a minimum of 60 feet wide. He said that is where on these lots, it would not be applicable.

There being no further discussion, Mr. Frost called for a vote on the motion, which was to approve this subdivision subject to the following condition:

- 1) developer to obtain approvals from all applicable federal, State, and Local agencies prior to the issuance of any permits.

The motion carried.

OTHER BUSINESS:

There being no further business, the meeting was adjourned.

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APPROVED: December 4, 2003

/s/ Victor McSwain, Secretary

/s/ Robert Frost, Chairman

vm