

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF JUNE 19, 2003 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Robert Frost, Chairman
Ann Deakle
James Laier (S)
Stephen Nodine
Terry Plauche
Victoria L. Rivizzigno
John Vallas
Norman Hill (S)

Members Absent

Wendell Quimby, Vice-Chair
Victor McSwain, Secretary

Staff Present

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

Others Present

Wanda Cochran, Assistant City Attorney
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 #SUB2003-00091 (Subdivision)

Mobile Press Register Subdivision, First Addition

Area bordered by Beauregard Street on the North; Water Street and St. Joseph Street on the East; Adams Street on the South; and the West right-of-way line of Jackson Street (vacated) on the West; less and except the North side of Adams Street 407'± West of St. Joseph Street, extending to the West 220'±.

3 Lots / 14.3± Acres

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 the development is limited to the existing curb cut(s) to Beauregard Street and Saint Joseph Street; and
- 2) the placement of a note on the final plat stating that one emergency curb cut to Saint Joseph Street is allowed.

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- 3) the placement of a note on the final plat stating the development is limited to the existing curb cut(s) to Beauregard Street and Saint Joseph Street; and
- 4) the placement of a note on the final plat stating that one emergency curb cut to Saint Joseph Street is allowed.

The motion carried unanimously.

Case #SUB2003-00080 (Subdivision)

David Atigh Subdivision

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

1 Lot / 1.7± Acres

Margaret Pappas stated that the staff had recommended denial of this plan because the applicant failed to document that the land locked parcels were created prior to 1984 and thus nonconforming lots of record. Since the report was written, however, Ms. Pappas said the applicant had submitted the information requested which documented the parcels to the east and their easements. The staff, therefore, would recommend approval subject to a width/depth waiver limiting the site to one curb cut and provision of a buffer in compliance with Sec. V.A.7 of the Subdivision Regulations if this property was to be developed commercially.

The applicant was present and agreed to the staff recommendations.

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

- 1) placement of a note on the final plat stating that the lot is limited to 1 curb cut; and
- 2) placement of a note on the final plat stating that if the site is developed commercially and adjoins residential developed property a buffer shall be provided in compliance with Section V.A.7. of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2003-00092 (Subdivision)

Bryant Riverside Subdivision

3067 and 3101 Bryant Road (East side of Bryant Road, 315'± North of Circle Court).

2 Lots / 1.2± Acres:

Dale Mims, the applicant, was present and indicated he was in agreement with the recommendations of the staff. He noted that lots 1 and 2 currently have one curb cut each to Bryant Road.

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Jennifer White, Traffic Engineering Department, stated that usually they leave the curb cuts as they are existing. If they had to change them, however, the applicant can come back before the Commission.

A motion was made by Ms. Deakle and seconded by Dr. Rivizzigno 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 that Lots 1 and 2 are limited to the existing curb cuts to Bryant Road, (the size, location and design of future curb cuts to be approved by the Traffic Engineering Department).

The motion carried unanimously.

Case #ZON2003-01061 (Rezoning)

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.

The site plan illustrates the proposed structures and paving.

(See also Case ZON2003-02060 (Planned Unit Development) and SUB2003-00085 – **The Townhomes of Batre Lane** – below)

Jane Conkin, the applicant, resides at 5705 Shane Street, presented this application for rezoning for the development of townhomes on this site. A PUD and Subdivision applications have also been submitted. Ms. Conkin said access to the site was planned from Batre Lane, Gaillard Street, and Hamilton Lane. As to the staff's recommendation for denial because the rezoning would constitute spot zoning, she pointed out other R-3 uses in the neighborhood. Further west on Old Shell Road is a group home for children, Spring Hill Nursing Home; St. Paul's School and Church, the Spanish Villa Apartments, and Spring Hill College. Ms. Conkin also pointed out townhomes on Stein Street; an R-3 uses on Austill Lane, some B-3 uses, Carpe Diem on Old Shell Road, and Dilston Street. She noted the condominiums that face Old Shell Road are R-3, as well as The Gates. There were several R-2 uses.

Tutta Burch, 3001 Greer Road, spoke in favor of the application. She stated that she was a life-long Mobilian and an agent with Praytor Realty. As such, she said Praytor Realty had been servicing real estate needs in Spring Hill for 30 years and would not do anything to devalue the area. She felt the proposed townhomes would improve the overall aesthetics of the entry of the street. Ms. Burch said they would be unlike anything yet to be seen in the Mobile area, and noted the sketch provided by the developer. With regard to land use, Ms. Burch felt this type development would be better for traffic. She contended that four individual homes would more than likely bring with it four drivers

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per household, two more than likely teenagers, which would be a total of 16 drivers. The townhomes plan, however, would be more likely to house upper age clientele that would have only one or two drivers per household. Regarding property values, Ms. Burch felt this development would improve property values for the existing neighbors. She said Praytor Realty was in support of these townhomes because of the positive feedback and needs they had received from people in the area. She also noted that some of these were people who helped to found, build, create, and make Spring Hill. For these reasons, she said Praytor Realty was in favor of this application.

Ruth Quackenbush, a resident of 200 Ridgewood Place, stated that she had been a resident of Spring Hill for 53 years and felt the proposed townhomes would provide new housing for people who desire adequate living space with a downstairs bedroom, a two-car garage, and an area for gardening. The location is close to churches, the malls, community shopping, and Spring Hill College. Mrs. Quackenbush said these townhomes were for those who wanted to downsize, yet maintain their fast lifestyle. She stated she would probably be among the first residents. She also stated that the opposition was given incorrect information on the use of the land. She presented a letter from one of the opposition stating the same. Ms. Quackenbush contended that a large majority of names on the petitions, in opposition, were gathered at churches, as well as from parents, and faculty of St. Paul's School. The petitions also contained names from other areas of the city and Baldwin County. She also noted that when the opposition held meetings, they failed to invite the developer.

Richard Cobb, a resident of 2577 W. Perdido Avenue in Orange Beach, said he had been in the real estate business for over 30 years and grew up in Mobile. His mother still lived within 200 yards of the subject property. Mr. Cobb said he wanted everyone to understand that the proposed townhomes would be upscale, top-of-the-line townhomes, and referred to a brochure he had provided the Commission. The brochure depicted six townhomes, three of which were built in the Mobile area over 15 years. The brochure also depicted a driveway that he would like to use for the alleyway, which was an impervious surface, which would help with the drainage. Mr. Cobb noted that as a PUD, a developer could not come in and put just anything there, but would have to go by an approved plan. With regard to traffic, he said he had revised the traffic flow according to the Traffic Engineering Department's recommendation, however, the staff recommended denial. Also, he said there was a discrepancy as to where access was to be.

Jennifer White of the Traffic Engineering Department stated the original plan showed that cars would be backing directly into Gaillard Street. The last revised plan, however, had all the parking inside the drive.

Margaret Pappas explained that when the staff made the recommendation for denial, traffic was one of the issues that was factored in due to the 16' width of the street. Another factor was the issue of spot zoning. Regardless of the surrounding land use and miles down Old Shell Road, the rezoning would create a new free-standing R-3 district. The site falls well below the guidelines.

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Dwayne Graham, a resident of Bolton Place, which is just up Gaillard Street from this site, was present in opposition. Mr. Graham stated that in the vicinity of this subdivision everything was R-1, which was indicated on a map he produced, and townhomes would be against the exclusive R-1 nature of the neighborhood.

Mr. Frost interrupted, noting that in all fairness, Ms. Conkin's map of the area identified zoning other than R-1 across the street.

Mr. Graham pointed out that the uses Ms. Conkin described were overwhelmingly in buffer areas, next to existing non-conforming uses or existing business uses. He expressed his desire to preserve the special character of Spring Hill. He felt this development would be totally out of character for the neighborhood. He was also concerned that this rezoning would cause a domino effect. He felt this would be spot zoning, and noted that the Zoning Ordinance provided that an R-3 district needed to be four acres, whereas the subject site was less than one acre. The Ordinance also required that no change could occur unless there had been some changing circumstances that would make the zoning both necessary and desirable. Mr. Graham said the applicant had not tried to make any argument as to why the change in zoning was necessary. Further, he was concerned that in the event the first townhome did not sell, the developer would be back with a revised PUD. He cited the price of the proposed townhomes, the square footage and access as reasons the development may not be successful. Mr. Graham felt the developer was trying to put too much on one site. Mr. Graham also expressed concern for all the trees that would be cut down. He submitted photos showing traffic problems on Gaillard Street. He was adamantly opposed to this application.

Jim Haas of 113 Batre Lane, live directly behind the top two lots being proposed for change. He said he moved into his house a year ago. He chose this location because it was secluded, wooded, and quiet. It also had a historic home on it, which was built in 1900. He stated his opposition to the multi-family zoning, the aesthetics, to the density and the traffic-related problems. He felt the proposed development was not needed and was not wanted as evidenced by petitions submitted.

Mr. Frost asked for clarification as to the number of houses existing on the subject property.

Ms. Pappas explained that the site was vacant. It was initially one lot. Later, it was resubdivided into four lots, and the single house removed. She also noted that the conditions on the subdivision application allowed one curb cut to Gaillard Drive for that lot. The two middle lots had to share a curb cut to Batre Lane. The southern most lot was allowed one curb cut to Hamilton Street.

Asked if he had seen a rendition of the proposed townhomes, Mr. Haas replied that he had only seen an elevation of a drawing of the front of one unit.

Mr. Frost asked Mr. Haas' opinion, since he was in real estate, as to whether four houses could be built on these lots. Mr. Haas stated that four houses could be built on these lots,

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as long as they meet the minimum standards of the City of Mobile. However, after constructing driveways, etc there would be minimal amount of area to build the type of house that would justify spending \$100,000-\$150,000 for a lot. Mr. Haas said he would recommend two or three lots. In closing, he asked that the Commission consider their neighborhood, their needs and concerns, their safety and quality of life.

William Hardy of 134 Myrtlewood Lane, which is about 300 yards from the subject property, was present in opposition. He previously lived on Stein Street around the corner. Prior to that, he lived in the Georgetown Condominiums across the street on Old Shell Road. Traffic was a concern, but Mr. Hardy said his opposition was based on the negative effect this project would have on the character of Spring Hill. He defined the areas to be between I65 and McGregor Avenue, and the property on the north side of Spring Hill Avenue, and the property on the south side of Old Shell Road. He said the character of Spring Hill was diversity. It is not a gated community, and there is not limited access as are some subdivisions in West Mobile. There are no restrictive covenants to protect them from developers. There are people of all means and all races. There are small factories, shopping centers, banks, service stations, professional offices, a nursing home and a few condominiums. But he said the dominant feature of this area was the single-family homes on single lots – and the residents had to rely on the good faith of city officials to enforce the zoning laws to protect the special character of their community. Mr. Haas asked that this project be denied.

Billy Cunningham, a resident of 149 Batre Lane, said he had moved to Batre Lane two months ago after having looked in the community over the years and wanting to downsize. He felt that condominiums would not fit this community. He said the traffic was already extremely heavy and four to six condominiums would bottleneck it completely in the morning. He asked that this community be left as it was and that the Commission deny this application.

Mr. Vallas asked about a statement that was made regarding condominiums not being a part of that community, yet in the presentation provided to the Commission showed Eaton Square, Nack Lane, Dilston Lane, Austill Lane and White's Lane. He asked if they were not part of Spring Hill.

Mr. Cunningham explained that Eaton Square was past the intersection of Old Shell and McGregor. On down the south side of Old Shell Road were St. Paul's Church and School, Wilmer Hall, and some condominiums. There were no condominiums in the immediate vicinity of the subject property.

In further discussion Jane Conkin stated that she had developed Moulten Place, which was a five-lot subdivision and a PUD on Gaillard Street, which was a 16' right-of-way. It has a private brick paver street and concrete block wall, which was already existing. She noted that the streets in Spring Hill were substandard. It had a close-knit neighborhood atmosphere. She felt there was a market for townhomes in Spring Hill and said they had some very interested parties.

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Mr. Frost asked about the setback requirements.

Ms. Conkin said they are requesting a reduced front setback of 15 feet.

Asked how many cars the garages would accommodate, Ms. Conkin replied that they were two-car garages.

After discussion a motion was made by Mr. Nodine and seconded by Mr. Frost to recommend denial of this change in zoning. Mr. Frost asked if there was any further discussion.

Mr. Nodine stated that he understood the concerns of the citizens of this community that their homes would be devalued and their quality of life would be infringed upon. He said he took those concerns very seriously and appreciated everyone coming to the meeting. It was his opinion that the character of Spring Hill should be kept as much R-1 as possible. He respectfully asked that the other members of the Commission vote to not accept the issue.

There being no further discussion, Mr. Frost called for the vote. The motion carried.

Case #ZON22003-01060 (Planned Unit Development)

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.

(See Case #ZON2003-01061 (Rezoning) above for discussion, and Case #SUB2003-00085 (Subdivision) below.

A motion was made by Mr. Nodine and seconded by Mr. Frost to deny this request.

The motion carried.

Case #SUB2003-00085 (Subdivision)

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

(Also see Case #ZON2003-01061 (Rezoning) above for discussion, and Case #2003-01060 (Planned Unit Development) above.)

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

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- 1) that the site be limited to one curb cut to Gaillard Street.

The motion carried.

Case #ZON2003-01240 (Planned Unit Development)

Heron Lakes Subdivision, Phase Two, "Corrected Plat", Resubdivision of Lots 110, 111, and 112

South side of Blue Heron Ridge, 650'± East of Skywood Drive.

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow 38% maximum site coverage on a lot in a single-family residential subdivision.

Mr. Vallas recused from discussion and voting in this matter.

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

- 1) verification from the developer, that designed stormwater system and constructed stormwater system are adequate to accommodate increased impervious areas from all submitted requests for increased coverage, verification should be from Professional Engineer registered in the state of Alabama. If this is not feasible, each applicant for increased coverage should provide verification that stormwater (designed and constructed) can accommodate increased impervious area. Must comply with all stormwater and flood control ordinances and any work performed in the right-of-way will require right-of-way permits.

The motion carried unanimously.

EXTENSIONS:

Case #SUB2002-00101 (Subdivision)

Deer Trail Subdivision

South side of Wulff Road South at the South terminus of Winston Drive West.

45 Lots / 25.1± Acres

Jerry Byrd, Byrd Surveying, Inc., was present on behalf of the applicant.

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

The motion carried unanimously.

Case #SUB2001-00154 (Subdivision)

Tew's Addition to Creekline Subdivision

Northeast corner of Crown Drive and Cypress Business Park Drive.

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12 Lots / 9.1± Acres

Don Coleman, Rester and Coleman Engineers, Inc., was present on behalf of the applicant.

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

The motion carried unanimously. The applicant should be advised that a third extension for this subdivision would be unlikely.

GROUP APPLICATIONS:

Case #ZON2003-01335 (Rezoning)

B & L Enterprises LLC

115 Providence Street (West side of Providence Street, 230'± South of Spring Hill Avenue).

Rezoning from R-1, Single-Family Residential, to B-1, Buffer Business, for a bed and breakfast.

The site plan illustrates the existing building, pavement, setbacks, proposed parking, and proposed lot subdivision.

(Also see Case SUB2003-00113 – **B & L Bed and Breakfast Subdivision** – below)

Laurie Benjamin, the applicant, presented this proposal for the rezoning and subdivision for a bed and breakfast at this location. She noted that they were in a historic district and were dedicated to maintaining the historical and residential integrity of the Old Dauphin Way District. She pointed out existing uses adjacent to and in close proximity of this site – a Sonic parking lot, a vacant building and pharmacy, St. Mary's Catholic Church and School, McGill-Toolen, and the old Providence Hospital. There are also several houses on Providence Street which have apartments behind them. Ms. Benjamin contended that a bed and breakfast would not alter this area at all. Noting that the previous use of the house was a 4-unit apartment building, she contended that use would have altered it more and added more traffic. She explained that they had also bought 118 Catherine Street so they would have a back yard and parking, which would be accessed from Catherine Street.

Regarding subdivision of the property, Mr. Frost said this was a unique situation with the past owners. A portion of a parcel was deeded via a metes and bounds legal description. While the applicant submitted a letter from the previous owner of the parcel stating they did not wish to participate in the subdivision, they are the owners that created this situation. In the past, the Commission has accepted letters from owners who did not wish to participate in applications. However, in those cases, the current owner was not the individual who created the metes and bounds parcel, but rather an owner several times removed. In this instance, since the individuals involved are original to the creation of

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the metes and bounds parcel, and as the creation of the parcel is so recent, all properties involved must be included.

Ms. Benjamin said she felt she could get those owners to join in the subdivision.

Richard Olsen stated that the staff also had a concern with the subdivision if the rezoning was not approved as recommended by the staff. If the subdivision were approved it would create a lot that was split-zoned, which was not recommended. As far as the staff's position on the rezoning, Mr. Olsen said the specific use was not necessarily the issue or the problem. Their concern was rezoning a property on Providence Street, which is such a small residential street. The rezoning, even one lot, could have a negative impact on the remaining properties. The residential integrity could be jeopardized. In the future, other uses could locate there that may not be as appropriate for this property as a bed and breakfast.

Ms. Benjamin said she understood the staff's concerns, and would be willing to put a condition on the rezoning that the property could only be used for a bed and breakfast.

Regarding the fence, the staff noted that it bisects the parking area as proposed, or it exceeded the maximum height allowed in the required 25' setback.

Mr. Frost said the Commission was concerned as to whether this should be a variance issue rather than a rezoning issue. This was further discussed.

Ms. Benjamin felt the rezoning would not affect the residential feeling of the street, as they were not altering the appearance of the exterior of the house. She said she would not do anything to hurt the area in any fashion.

Mark Taylor, 116 Providence Street, stated that the house on the subject property had been in really bad shape and the applicant has done a great job with renovating it. He expressed his concern, however, about parking, which he does not want on the street. Mr. Taylor also asked what the house could be used for in the event the bed and breakfast was not successful.

Mr. Frost replied that it could be used for professional offices such as a lawyer's office, a doctor's office, a CPA's office, etc., unless it was restricted to a bed and breakfast use.

With regard to parking on Catherine Street, Ms. Benjamin said they bought the lot behind them at 118 Catherine Street for parking. She stated they would be willing to provide whatever surface necessary for that area. Also, she noted that the fence is 30 feet off the street, but they are willing to move it back further if necessary.

In executive session the Commission discussed the possibility of the applicant getting a variance for this site rather than having it rezoned. Ms. Pappas noted that if the subdivision was denied, it would not keep the applicant from pursuing a variance. If the Board of Adjustment so desired, they could approve it without a one-lot subdivision.

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Wanda Cochran, Assistant City Attorney, stated that she had been to the site and the color map did not illustrate the residential character of the street. She advised the Commission that the law regarding rezoning should not be undertaken lightly. It is a very serious matter to depart from existing zoning. While the proposed use may be terrific, she said consideration had to be given to noise, a vacant office, and the abutting parking lot. Also, Ms. Cochran said there is a possibility that if the property was rezoned and the proposed use failed, the site could be used for any B-1 use, which would impact what has been traditional neighborhood development.

A motion was made by Dr. Rivizzigno and seconded by Mr. Frost to recommend denial of this change in zoning.

The motion carried.

Case #SUB2003-00113 (Subdivision)
B & L Bed and Breakfast Subdivision

115 Providence Street and 118 North Catherine Street (West side of Providence Street, 230'± South of Spring Hill Avenue, extending to the East side of North Catherine Street, 230'± South of Spring Hill Avenue).

1 Lot / 0.4± Acre

(See Case #ZON2003-01335 (Rezoning) above for discussion.)

A motion was made by Dr. Rivizzigno and seconded by Mr. Frost to deny this subdivision for the following reasons:

- 1) the proposed subdivision does not include the overall parcel—it contains a portion of a parcel which has been only recently deeded via a metes and bounds legal description; and
- 2) the subdivision would create a split-zoned lot.

The motion carried unanimously.

Case #ZON2003-01340 (Planned Unit Development)
Forrest Cove Subdivision

South side of Moffett Road at the South terminus of Northview Drive.

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

Don Coleman, Rester and Coleman Engineers, Inc., was present representing the applicant and explained this proposal for a PUD and a four-lot subdivision of this property. Mr. Coleman stated that this was an in-fill location and was consistent with the Smart Growth Concept. Some lots would be less than 60', some 60', and others more

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than 60'. The minimum width would be 40 feet. Based on area of this site, less street right-of-way and an area of 7200 square feet, he said they could legally get 327 lots on this site, however, they were proposing only 214 lots. There would be common areas with paths connecting them and a path to the shopping center. Mr. Coleman asked about condition #3 of the staff's recommendation, which requires that a cul-de-sac be provided at the East end of Tulane Drive. He explained that they planned to delete lot 100 and make it an access to the common area South of those lots on Tulane Drive. So there would be an intersection there and they don't feel a cul-de-sac would be necessary, and also because the drive goes back into the school property.

Ms. Pappas asked if there would be a street built there.

Mr. Coleman replied that there was already a street there. This was a two-lane driveway that goes into the School Board property.

Ms. Pappas said the staff's concern was providing adequate room for turning around, because there was a gate there and access during the summer and after hours would be denied to the school.

Mr. Frost asked if there was not already a cul-de-sac there. Ms. Pappas stated that it was not a true cul-de-sac, and in fact there was a question as to whether or not there was actually right-of-way there.

Asked if traffic would be utilizing that road, Mr. Coleman replied that it would, and they would improve the road. It would be a 50' right-of-way with curb and gutter.

Mr. Frost asked if building a cul-de-sac was a cost issue, could the developer block the access and then eliminate lot 100 to provide a turnaround.

Ms. Pappas stated that at best, the application would need to be held over because the School Board now has access and they would need some input into that if access was going to be blocked. She noted that their primary access was to Moffett Road. The cul-de-sac would have to be designed such that you could still continue onward, but it would allow turning around because there was a gate there.

Mr. Coleman also stated that the applicant would like to request that the house coverage be increased from 35 percent to 45 percent. All of the lots would not be 45 percent, but some would. He said they planned retention to accommodate that also.

Ms. Pappas stated that with them providing the storm water for that, the staff would be agreeable to recommending 45 percent site coverage.

Beverly Terry, City Engineering, stated that as long as the developer planned for it and handled it as a stormwater system, Engineering would approve.

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Mr. Coleman noted that another condition of approval was that they could not build more than 100 lots before they opened that street up to Moffett Road.

Mr. Nodine expressed concern for the traffic and said some serious problems would have to be resolved before this could be approved. He asked about access to Forest Dale Drive and Moffett Road.

Dr. Rivizzigno asked which part of Tulane was to be improved.

Mr. Coleman pointed out the section to be improved.

Barbara Griffin, 762 Forest Hill Drive, was present in opposition to this proposal. Ms. Griffin was concerned about increased traffic and the density, and how it would impact the neighboring residents. She also asked about the common areas and where mitigation would occur for the wetlands, as well as how storm water and sewage would be handled. Ms. Griffin also expressed concern as to the type of houses to be constructed and what the selling price would be.

Mr. Frost stated that it would be a condition of approval that the developer obtains all permits and necessary approvals. As to the type of houses and cost, Mr. Frost explained that the Commission could not get into that.

Ms. Griffin further stated that she objected to the lot sizes, and the impact the development would have on Forest Hill School.

Betty Letcher, who resides in Florida, but owns a home on West Belle Wood where her mother lived in, was concerned that Tulane Drive would be the only means of access.

Mr. Frost stated that there was also access to Moffett Road.

Ms. Letcher further asked why she didn't get a notice of this application.

Ms. Pappas clarified that on subdivision applications, notification was required of those adjacent to and across the street from the subject property. The PUD requires notification within a 300' radius.

Jonathon Sherrill, a resident of 1166 Harvard Drive, expressed concern about the density of the development and the increased traffic on Tulane Drive. Mr. Sherrill noted that his house backed up to the property in question. He was told that the property was owned by the Water Board and would never be developed. He said this was a beautiful, natural wooded area where all the neighborhood children played. Mr. Sherrill saw no attempt by the developer with this type of density to maintain any of the beauty or integrity of that land. Mr. Sherrill said he was opposed to this application and asked that it be denied.

Edward Harder, a resident of Brookmore Drive for 30 years, pointed out his house at the end of Brookmore Drive. He lives on the southeast corner of the property. He was

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concerned that the water and sewage would be draining northwest to southeast. There is a manhole in the middle of his yard. He is afraid it might overflow with the density of the proposed subdivision.

Mr. Coleman explained their drainage plan and said they would not bother the wetlands. He said they had not yet designed the sanitary sewer. However, he felt like it would have to go out to the East, because there is a sanitary sewer manhole at that southeast corner.

Mr. Frost asked if an analysis had been made to determine whether the sewer system was adequate to support a particular development.

Mr. Coleman replied that they had filed a request with the Water and Sewer Board. It would be sent to Volkert and Associates to study it to show capacity.

Mr. Nodine said he was not comfortable in supporting this application until the traffic was worked out.

With reference to the school access, Jennifer White, Traffic Engineering, said she was not aware that the school had access there. She was not sure that it was city right-of-way to access Tulane Drive. Ms. White said the School Board may have some agreement with the Water and Sewer Board to cut across their property.

Ms. Pappas said the staff had done some research on this and at this point there was nothing to indicate that the portion referred to was actually right-of-way.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Hill to approve this plan with 45% site coverage subject to the following conditions:

- 1) construction of Tulane Drive to City standards, beginning approximately 150-feet East of Belle Wood Drive East eastward;
- 2) that no more than 100 lots be recorded with out providing a second point of access (connection between Moffett Road and Tulane Drive);
- 3) the provision of a cul de sac at the East end of Tulane Drive;
- 4) that the modified cul de sac along Lots 210-214 be coordinated with and approved by City Engineering, Traffic Engineering and Urban Development staff;
- 5) the obtaining of all applicable federal, state and local approvals; and
- 6) full compliance with all municipal codes and ordinances.

Mr. Vallas and Ms. Deakle recused from voting in this matter. The motion carried unanimously.

Case #SUB2003-00116 (Subdivision)

Forrest Cove Subdivision

South side of Moffett Road at the South terminus of Northview Drive.

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(See Case #2003-00116 – (Subdivision) above for discussion.

Don Coleman, Rester and Coleman Engineers, Inc., was present on behalf of the applicant.

A motion was made by Mr. Plauche and seconded by Mr. Hill to approve this subdivision with 45% site coverage subject to the following conditions

- 1) construction of Tulane Drive to city standards, beginning approximately 150-foot East of Belle Wood Drive East eastward;
- 2) that no more than 100 lots be recorded without providing a second point of access (connection between Moffett Road and Tulane Drive);
- 3) the provision of a cul de sac at the East end of Tulane Drive;
- 4) that the modified cul de sac along Lots 210-214 be coordinated with and approved by City Engineering, Traffic Engineering and Urban Development staff;
- 5) the obtaining of all applicable federal, state and local approvals; and
- 6) placement of a note on the final plat stating that the maintenance of all common areas shall be the responsibility of the property owners.

Mr. Vallas and Ms. Deakle recused from voting in this matter. The motion carried unanimously.

Case #ZON2003-01336 (Rezoning)

The Mitchell Company, Inc. (Lindsay Walker, Agent)

South side of Moffett Road, ¼ mile+ East of Forest Hill Drive.

Rezoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, for a retail shopping center.

The plan illustrates the proposed structure and parking.

(Also see Case SUB2003-00114 – Forrest Cove Park Subdivision – Below)

Don Coleman, Rester and Coleman Engineers, Inc., was present representing the applicant and explained this proposal which would allow development of the site with a shopping center. He indicated the applicant was agreeable with the recommendations of the staff.

In discussion B-2 and B-3 areas to the West and North were pointed out. It was suggested that the site may be more appropriately zoned LB-2 rather than B-2. Ms. Pappas said that was something the Commission may consider.

Mr. Coleman stated that he thought the applicant would go along with LB-2 zoning.

A question was raised about a 36' Oak tree shown on the northwest corner of the site. Ron Jackson said he thought it was a Water Oak. When the building plan is submitted,

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they would look at the tree closer. He pointed out a 30" Live Oak to the south, which he said was a better tree. He said at that time they may ask that a parking space or two be deleted so they can work around the tree.

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to recommend approval of rezoning to **LB-2** subject to the following conditions:

- 1) that the site be denied direct access to the new street to the West;
- 2) that the site be limited to two curb cuts to Moffett Road, with the location and design to be approved by Traffic Engineering and ALDOT;
- 3) the provision of buffers in compliance with Section IV.D.1. along the South and East property lines;
- 4) full compliance with the landscaping and tree planting requirements of the Ordinance;
- 5) provision of sidewalks; and
- 6) full compliance with all municipal codes and ordinances.

The motion carried.

Case #SUB2003-00114 (Subdivision)

Forrest Cove Park Subdivision

South side of Moffett Road, ¼ mile+ East of Forest Hill Drive.

(See Case ZON2003-01336 (Rezoning) above for discussion.)

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

- 1) placement of a note on the final plat stating that the site is denied direct access to the proposed road (along the West property line); and
- 2) placement of a note on the final plat stating that the site is limited to two curb cuts to Moffett Road, with the location and design to be approved by Traffic Engineering and ALDOT.

The motion carried.

Case #ZON2003-01342 (Rezoning)

Trinity Evangelical Lutheran Church

2668 Berkley Avenue (Northeast corner of Berkley Avenue and Main Street).

Rezoning from I-2, Heavy Industry, to B-2, Neighborhood Business, to bring the zoning of an existing church into compliance.

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

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(Also see Case ZON 2003-01341 – **Trinity Evangelical Lutheran Church – (PUD)** below)

A motion was made by Ann Deakle and seconded by John Vallas to recommend approval of this rezoning subject to the following conditions:

- 1) subject to the accompanying PUD;
- 2) the site be brought into compliance with the landscaping and frontage tree requirements; and
- 3) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2003-01341 (Planned Unit Development)

Trinity Evangelical Lutheran Church

2668 Berkley Avenue (Northeast corner of Berkley Avenue and Main Street).

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

(Also see Case #ZON2003-01342 (Rezoning) above.)

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

- 1) the site be brought into compliance with the landscaping and frontage tree requirements with this project, with future PUD approvals requiring the site to be brought into full compliance;
- 2) completion of the required parking, as indicated on the site plan submitted;
- 3) completion of the sidewalk along the Berkley Avenue frontage; and
- 4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

NEW PLANNING APPROVAL APPLICATION

Case #ZON2003-01338

Wimbledon Park Subdivision, Lot G-6

210 Wimbledon Park (West terminus of Wimbledon Park).

Planned Unit Development Approval to amend a previously approved residential subdivision Planned Unit Development to allow a storage building outside the approved building limits.

The plan illustrates the existing and proposed structures.

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

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A motion was made by Dr. Rivizzino and seconded by Mr. Laier to approve this plan.

The motion carried unanimously.

Case #ZON2003-01339

New Beginnings Church International

1160 Spring Hill Avenue (North side of Spring Hill Avenue, 90'± West of North Kennedy Street).

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

The plan illustrates the existing structure along with the proposed structure and asphalt paving

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

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

- 1) reconfiguration of the parking and circulation to provide 24' for two-way drives and to soften the curve in the one-way drive, to be approved by Urban Development Staff
- 2) full compliance with landscaping and tree planting requirements;
- 3) full compliance with buffering requirements where the site abuts residentially zoned properties; and
- 4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2003-00110

Ainsley Woods Subdivision

East side of Rigby Road, 300'± North of Tanner Williams Road.

2 Lots / 1.2± Acres

John Snow of 1048 Tanner Williams Road, applicant, noted that in the recommendations the staff refers to Eliza Jordan Road, but actually the property is on Rigby Road.

Ms. Pappas explained that it is Rigby Road, but in terms of the Major Street Plan it is Eliza Jordan Road which currently exists south of Tanner Williams. For clarification, Ms. Pappas said they would note that it was limited to one curb cut to Rigby Road and the setback from Rigby Road as well.

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

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- 1) the provision of a 75-foot setback (which includes the required minimum building setback of 25 feet) from the centerline of Rigby Road (Eliza Jordon Road), (a future major street);
- 2) placement of a note on the final plat stating that Lots 1 and 2 are limited to one curb cut each to Rigby Road (Eliza Jordon Road) (a future major street, 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 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 unanimously.

Case #SUB2003-00115

Audubon Woods Subdivision

West side of Sollie Road, 825'± South of One Southern Way.

273 Lots / 134.0± Acres

Don Coleman, Rester and Coleman Engineers, Inc. was present on behalf of the applicant and indicated he was in agreement with the recommendations of the staff.

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 sufficient right-of-way to provide 50 feet from the centerline of Sollie Road;
- 2) the provision of a street stub between Lots 18-24, to be aligned with the street stub in Saybrook;
- 3) the placement of a note on the final plat stating that Lots 1-3 and Lots 178-182 are denied direct access to Sollie Road;
- 4) the provision of two connecting street stubs for the “long” streets, with the location to be approved by the Land Use Department;
- 5) the obtaining of any necessary approvals of all federal, state, and local agencies; and
- 6) the placement of a note on the final plat stating that if any property is developed commercially and adjoins residentially developed property will provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations; and the placement of the 25-foot minimum building setback line on the final plat.

The motion carried unanimously.

Case #SUB2003-00120

Chem-Dry by the Bay Subdivision

1550 Dawes Road (West side of Dawes Road, 800'± South of the North terminus of McKinnell Road).

2 Lots / 2.6± Acres

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

- 1) the provision of a 75-foot setback (which includes the required minimum building setback of 25 feet) from the centerline of Dawes Road;
- 2) placement of a note on the final plat stating that Lot 2 is limited to one curb cut to Dawes Road with the size, location and design to be approved County engineering; 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 unanimously.

Case #SUB2003-00122

Dawes Heights Subdivision

West side of Dawes Road, 140'± North of Augusta Drive.

4 Lots / 5.3± Acres

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

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

- 1) the provision of a 75-foot setback (which includes the required minimum building setback of 25 feet) from the centerline of Dawes Road;
- 2) placement of a note on the final plat stating that each lot is limited to one curb cut to Dawes Road with the size, location and design to be approved County Engineering; 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 unanimously.

Case #SUB2003-00112

Deer Port Commerce Park Subdivision

Northeast corner of Dauphin Island Parkway and Deer River Road, extending South and East to the North side of the Theodore Ship Channel, 830'± East of Dauphin Island Parkway.

5 Lots / 78.6± Acres

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

Richard Wilson, a resident of Deer River Road, was present. He was concerned that Deer River Road was going to be blocked off before getting to his house. He indicated the location of his house on the plan.

Adam Metcalf, representing the applicant, pointed out the proposed development. He said that a portion of Deer River Road had already been vacated. This was being reconfigured by the County for safety purposes.

Mr. Wilson was opposed to reconfiguring of the road. It would require him to turn and go around rather than having a straight access to his home. He also had concerns that foreign shrimp would be shipped in to this site.

Mr. Metcalf said this application had nothing to do with shrimp or anything else being shipped in. This would be strictly for a freezer assembly. There would be no processing of any kind.

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

1. the approval of all applicable federal, state and local agencies prior to the issuance of any permits;
2. placement of a note on the final plat stating that Lots 1 and 3 are denied direct access to the existing Deer River Road, and Lot 4 is limited to one curb cut to Dauphin Island Parkway, with the size, location and design to be approved County Engineering;
3. that Lot 5 not be recorded until the existing Deer River Road is paved to County Standards from the new Deer River Road to the Northeast corner of Lot 5;
4. the construction of a temporary turnaround at the end of the new Deer River Road where it meets the right-of- way of the existing Deer River Road;
5. 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
6. placement of the 25-foot minimum building setback lines on the final plat.

The motion carried unanimously.

Case #SUB2003-00111

Hillside Estates Subdivision

West side of Wilkins Road, 200' ± South of the West terminus of Autumnndale Drive.

1 Lot / 0.5± Acre

Jerry Byrd, Byrd Surveying, Inc., was present on behalf of the applicant and indicated he was in agreement with recommendations of the staff.

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A motion was made by Dr. Rivizzino and seconded by Mr. Laier 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 that Lot 1 is limited to one curb cut to Wilkins Road, with the size, location and design to be approved by the Traffic Engineering Department.

The motion carried unanimously.

Case #SUB2003-00119

Bud Mathis Subdivision

4100 and 4126 Oak Ridge Avenue (West side of Oak Ridge Avenue, 170'+ South of Holden Drive).

10 Lots / 2.1+ Acres

Mr. Andrews, representing the applicant, requested that this application be held over until the next meeting.

A motion was made by Mr. Frost and seconded by Dr. Rivizzino to holdover this application until the July 10, 2003 meeting at the applicant's request.

The motion carried unanimously.

Case #SUB2003-00117

Riverview Place Subdivision

North side of Bay Road, extending from Marina Drive South to Bay Road North.

13 Lots / 14.0+ Acres

Jerry Byrd, Byrd Surveying, Inc., was present on behalf of the applicant. Mr. Byrd referred to condition #1 of the staff's recommendations which would limit Lot 6 to one curb cut to Marina Drive South. He felt that two curb cuts would be appropriate; one to Grant Drive South and one to Bay Road. With regard to condition #3 which states that Lots 9-13 not be recorded until the existing Bay Road North was paved to County standards along the entire frontage of Lots 8-13, Mr. Byrd felt it would be unfair and an imposition on his client to have to pave this road and receive no benefit from the County or the other property owners.

Sherry Johnson, a resident of Bay Road, said she understood that Lots 1-6 were larger lots and would likely be commercial development. She said she was opposed to commercial development.

Mr. Byrd stated that Lots 8-13 were planned to be residential.

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For the record, Mr. Frost stated that the Commission had no control over how the property was used, as there was no zoning in the County.

Regina Ollinger, a resident of Bay Road North, noted that this was a shell road and it would be a hardship for everybody living there if the road was not paved. She asked if there would be a driveway to that property.

Mr. Olsen replied that there would be a driveway.

Mr. Frost said the reason for the staff's recommendation that the road be paved was because they would be adding lots 8-13 as additional lots to an essentially substandard right-of-way.

In executive session Ms. Pappas stated that the staff would recommend that if Lot 6 was developed commercially, they would prefer to see that access restricted to Marina Drive to Dog River Service Road. If it was to be developed residentially, they would be agreeable to it also having access to Bay Road.

Mr. Vallas asked about the condition requiring that the applicant pave Bay Road.

Mr. Olsen explained that it did not really require them to pave it. It simply stated that those lots not be recorded until it was improved.

A motion was made by Mr. Vallas 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 Lot 6 is limited to one curb cut to Marina Drive South, with the size, location and design to be approved by County Engineering;
- 2) the placement of a note on the final plat stating that any lot that is developed commercially and adjoins residentially developed property shall provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;
- 3) the approval of all applicable federal, state, and local agencies; and placement of the required 25-foot minimum building setback line on the final plat.

The motion carried.

Case #SUB2003-00121

Warren Trace Subdivision, Resubdivision of

3064 and 3070 Dawes Road (West side of Dawes Road, 450'± North of Johnson Road).

2 Lots / 1.3± Acres

Jerry Byrd, Byrd Surveying, Inc., was present on behalf of the applicant and indicated he was in agreement with the recommendations of the staff.

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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 right-of-way, to provide 50-feet from the centerline of Dawes Road;
- 2) the placement of a note on the final plat stating that the site is limited to the existing curb cuts to Dawes 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 residential property; and placement of the required 25-foot minimum building setback line on the final plat.

The motion carried unanimously.

Case #SUB2003-00118

Westbury Square Subdivision, Resubdivision of and Addition to Lots 2, 3 and 4

3920 and 3932 Cottage Hill Road, and 715 Azalea Road (Northeast corner of Cottage Hill Road and Azalea Road).

2 Lots / 2.4± Acres

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant. The staff recommends that the application be held over to the next meeting.

A motion was made by Mr. Frost and seconded by Dr. Rivizzigno to holdover the application until the July 10th Planning Commission meeting to allow the applicant to submit a Planned Unit Development application to address the issues of shared access and parking.

The motion carried unanimously.

Case #SUB2003-00123

Whisper Lakes Subdivision, Addition to

8341 Whisper Lakes Court (Southwest corner of Whisper Lakes Court and Whisper Lakes Drive).

2 Lots / 1.9± Acres

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant and stated he was in agreement with the recommendations of the staff.

The owner of the adjoining property to the south of this site was present and expressed concern that a portion of the subject property was actually right-of-way for access to her property.

Mr. Frost stated that this was a matter that should be worked out between the owner of the property and the applicant.

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

- 1) the placement of a note on the final plat stating that if any property is developed commercially and adjoins residentially developed property will 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 line on the final plat.

The motion carried unanimously.

OTHER BUSINESS

Vacation request for unnamed County right-of-way

Richard Olsen stated that the County had requested that the right-of-way for a little street stub coming off of Millhouse Drive North. The street stub dead ends into Oakbrier Subdivision and there is no provision for a connection. The property is located in the county.

A motion was made and seconded that this unnamed County right-of-way be vacated.

The motion carried unanimously.

There being no further business, the meeting was adjourned.

APPROVED: September 18, 2003

/s/ Robert Frost, Chairman

vm