

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF JUNE 5, 2003 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Terry Plauche  
Wendell Quimby  
Victoria L. Rivizzigno  
Ann Deakle  
John Vallas  
James Laier (S)

**Members Absent**

Robert Frost  
Vic McSwain  
Norman Hill (S)  
Stephen Nodine

**Staff Present**

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

**Others Present**

Wanda Cochran, Assistant City Attorney  
David Daughenbaugh, Urban Forestry  
Jennifer White, Traffic Engineering  
Pat Stewart, County Engineering  
Beverly Terry, City Engineering

Mr. Plauche, Vice-Chairman, chaired the meeting in the absence of the Chairman. Mr. Plauche Stated the number of members present constituted a quorum and called the meeting to order.

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

**HOLDOVERS:**

**Case #ZON2003-01059**

**Ashville, Inc. (Michael Friedlander, Agent)**

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

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

The site plan illustrates the proposed building and parking.

Maury Freidlander, attorney, 740 Museum Drive, Mobile, was present representing the applicant. Mr. Freidlander stated that since the last meeting the applicant had filed with the Land Use Section restrictions on the use of the property as B-2. He understood the restrictions were identical with the restrictions voluntarily placed by the adjoining land-owners on the adjoining B-2 parcel. They also had a letter of support from the owner of the adjoining property to the west. Mr. Freidlander noted that the staff was recommending rezoning to LB-2, rather than B-2. He said they did not object to the restrictions, but felt there were no substantive difference between the B-2 and LB-2. They wanted the site zoned B-2 because they felt the LB-2 would adversely impact them on the sale of the property. Since the adjoining property is zoned B-2 and with the B-2

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zoned up and down the road, they felt they were entitled to B-2 zoning. Mr. Freidlander noted there was no one present in opposition

In executive session Dr. Rivizzigno commented that the difference in the two classifications was that LB-2 was a better transition between residential lots and commercial lots.

Ms. Deakle noted that the adjoining B-2 property rezoned some time ago was still vacant.

Margaret Pappas noted that the LB-2 classification was not an option when the adjoining property to the east was rezoned.

A motion was made by Ms. Deakle and seconded by Mr. Vallas to recommend denial of B-2 Zoning of this site to the City Council.

The motion carried.

A motion was then made by Dr. Rivizzigno and seconded by Mr. Quimby to recommend a change a zoning to LB-2, Limited Neighborhood Business, to the City Council subject to the following conditions:

- 1) provision of a 20-foot buffer along the South and West property lines where the property adjoins residential zoning;
- 2) full compliance with the landscaping and tree planting requirements of the Ordinance;
- 3) that the site be limited to one curb cut, with the location and design to be approved by Traffic Engineering; and
- 4) full compliance with all municipal codes and ordinances.

The motion carried.

**Case #SUB2003-00080**

**David Atigh Subdivision**

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

This application was held over until June 19, 2003.

**Case #SUB2003-00069 (Subdivision)**

**Evergreen Gardens Subdivision, 2<sup>nd</sup> Unit, Resubdivision of Lot 217**

Southwest corner of Higgins Road and Clemson Drive.

Greg Allen, applicant, 3290 Riverview Point, stated that they had met with the neighbors and agreed to a compromise of four lots rather than five lots as originally submitted.

Ben Brooks, 1070 Government Boulevard, stated that he was neither a proponent nor opponent, but helped to work out the compromise. He said the community had concerns

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that the originally proposed subdivision of five lots would be out of character with other lots in the neighborhood. Part of the compromise was that there would be three restrictions on the subdivision, which would be recorded on the deed. The restrictions were: (1) each of the houses on each lot would be a minimum of 1400 s.f; (2) the houses would be brick veneer; and (3) there would be no fences placed in the front of the homes. Mr. Brooks said Mr. Allen had agreed to these restrictions. Further, he noted that the concerns of the neighbors regarding the subdivision of this lot into four lots would set a precedent for the 53 acres in the vicinity to be developed. A number of residents of the immediate vicinity were present and Mr. Brooks asked them to stand.

Margaret Pappas noted that the proposed restrictions cited by Mr. Brooks would be a part of the record of proceedings of this meeting, but not conditions that were applicable to subdivision.

A motion was made by Ms. Deakle and seconded by Dr. Rivizzigno to grant tentative approval of a 4-lot subdivision subject to the following conditions:

- 1) placement of a note on the final plat stating that Lot 2 is limited to one curb cut, with the size, location and design to be approved by the Traffic Engineering Department; and
- 2) placement of the required 25' minimum building setback line along Higgins Road and Clemson Drive.

The motion carried.

**Case #SUB2003-00050 (Subdivision)**

**OSR Subdivision**

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

3 Lots / 1.9± Acres

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

Margaret Pappas pointed out an error on the agenda where it indicated the application was recommended for approval at 45% site coverage. She said site coverage was not an issue on this application. However, the two conditions regarding the curb cut and dedication of right-of-way were correct.

A motion was made by Mr. Vallas and seconded by Mr. Quimby 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 Old Shell Road; and
- 2) placement of a note on the final plat stating that Lot 1 is limited to the existing curb cuts, and Lots 2 and 3 are limited to one curb cut each, with the location and design to be approved by Traffic Engineering.

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The motion carried.

**Case #ZON2003-01065 (Planned Unit Development)**

**West Hill Subdivision**

West terminus of Hilltop Drive South.

The request for Planned Unit Development approval to allow reduced lot sizes, reduced lot widths, reduced building setbacks, and increased site coverage (55%) in a single-family residential subdivision was considered.

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

A motion was made by Ms. Deakle and seconded by Dr. Rivizzigno to grant tentative approval of this plan subject to the following conditions:

- 1) maximum site coverage of 45% per lot;
- 2) reduced setbacks as shown on the plat submitted;
- 3) placement of a note on the final plat stating that the 60-inch live oak on Lot 1 is preserved, and any work within the canopy of the tree must be coordinated with and approved by Urban Forestry;
- 4) dedication and construction of the street to City standards; and
- 5) full compliance with all municipal codes and ordinances.

The motion carried.

**Case #SUB2003-00088 (Subdivision)**

**West Hill Subdivision**

West terminus of Hilltop Drive South.

12 Lots / 3.1± Acres

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

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

- 1) maximum site coverage of 45% per lot;
- 2) reduced setbacks as shown on the plat submitted;
- 3) placement of a note on the final plat stating that the 60-inch live oak on Lot 1 is preserved, and any work within the canopy of the tree must be coordinated with and approved by Urban Forestry;
- 4) dedication and construction of the street to City standards; and
- 5) full compliance with all municipal codes and ordinances.

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The motion carried.

**EXTENSIONS:**

**Case #SUB2002-00108 (Subdivision)**

**550 Government Street Subdivision**

Block bounded by Government Street on the South, Cedar Street on the East, Conti Street on the North, and Warren Street on the West.

1 Lot / 1.5± Acres

Request for a one-year extension of previous approval.

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

The motion carried.

**Case #ZON2001-00750 (Planned Unit Development)**

**Professional Associates Subdivision**

801 South University Boulevard (Northeast corner of University Boulevard and Georgian Drive).

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

Request for a one-year extension of previous approval.

A motion was made by Ms. Deakle and seconded by Dr. Rivizzigno to grant a one-year extension of previous approval for this Planned Unit Development.

The motion carried.

**Case #SUB2001-00064 (Subdivision)**

**Professional Associates Subdivision**

801 South University Boulevard (Northeast corner of University Boulevard and Georgian Drive).

6 Lots / 5.0± Acres

Request for a one-year extension of previous approval.

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

The motion carried.

**Case #SUB2001-00133 (Subdivision)**

**File #S98-143**

**Woodberry Forest Subdivision (Formerly Addition to Augusta Subdivision)**

West side of Dawes Road, ½ mile± North of Jeff Hamilton Road, and extending through to the South side of the proposed Grelot Road, ¼ mile± West of Dawes Road.

99 Lots / 41.7± Acres

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Request for a one-year extension of previous approval.

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

The motion carried.

**GROUP APPLICATIONS:**

**Case #ZON2003-01241 (Planned Unit Development)**

**Long Street Bungalows Subdivision**

West side of Long Street, 600'± South of Old Shell Road.

The request for Planned Unit Development approval to allow reduced lot widths, reduced building setbacks, a reduced lot size, and shared parking in a single-family residential subdivision was considered.

(Also see Case #SUB2003-00109 – Long Street Bungalows Subdivision – below)

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

James Waltman, 1503 Waltman's Lane, stated he was not opposed to the proposed development, but was concerned about a driveway and a privacy fence.

Richard Olsen explained the proposal for the new street is to come off of Long Street. He said it would not affect Mr. Waltman's property. Further, he stated that a privacy fence was not required when residential abutted residential

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

- 1) exact road location and design to be coordinated with Urban Forestry, Planning and Engineering prior to issuance of any permits;
- 2) building setbacks to be coordinated with Urban Forestry and Planning prior to recording of the final plat;
- 3) parking area to be of an approved alternative parking surface;
- 4) construction of Long Street, from Old Shell Road to the proposed street, to a standard approved by City Engineering;
- 5) provision of sidewalks for the entire development, including the West side of Long Street;
- 6) dedication of the drainage right-of-way as shown on the plan submitted;
- 7) all common areas to be maintained by the property owners;
- 8) completion of the Subdivision process; and
- 9) full compliance with all municipal codes and ordinances.

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The motion carried.

**Case #SUB2003-00109 (Subdivision)**

**Long Street Bungalows Subdivision**

West side of Long Street, 600'± South of Old Shell Road.

14 Lots / 6.5± Acres

(Also see Case #ZON2003-01241 – Planned Unit Development – above, for discussion.)

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

- 1) exact road location and design to be coordinated with Urban Forestry, Planning and Engineering prior to issuance of any permits;
- 2) building setbacks to be coordinated with Urban Forestry and Planning, and reflected on the final plat;
- 3) construction of Long Street, from Old Shell Road to the proposed street, to a standard approved by City Engineering;
- 4) dedication and construction of the proposed street to city standards;
- 5) provision of sidewalks for the entire development, including the West side of Long Street;
- 6) dedication of the drainage right-of-way as shown on the plan submitted; and
- 7) placement of a note on the final plat stating that all common areas to be maintained by the property owners.

The motion carried.

**Case #ZON2003-01232 (Planned Unit Development)**

**Springdale Mall Subdivision**

3250 Airport Boulevard (Northeast corner of Airport Boulevard and East I-65 Service Road South, extending to the South terminus of Springdale Boulevard).

The request for Planned Unit Development approval to allow multiple buildings on multiple building sites, and shared access and shared parking between multiple building sites was considered.

(Also See Case #SUB2003-00097 – Subdivision – below.)

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

In executive session Margaret Pappas noted that, with the exception of the service station, the overall square footage and footprint of the site were not being altered.

Jennifer White, Engineering, raised concerns about the cut-through that would be created between buildings. She said they were trying to work something out with the developer.

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She also said they were considering some kind of traffic calming device, but hadn't decided on anything definite yet. Ms. White said consideration might also need to be given to the redoing of the parking lot flow itself.

Ms. Deakle felt that the Commission should not get involved in traffic pattern circulation in a shopping center, but the developer should look at traffic flow.

A motion was made by Ms. Deakle and seconded by Dr. Rivizzigno to approve this plan.

The motion failed to carry.

After brief discussion a motion was made by Ms. Deakle and seconded by Mr. Quimby to hold over this application to the June 11, 2003.

The motion carried.

**Case #SUB2003-00097 (Subdivision)**

**Springdale Mall Subdivision**

3250 Airport Boulevard (Northeast corner of Airport Boulevard and East I-65 Service Road South, extending to the South terminus of Springdale Boulevard).

4 Lots / 69.2± Acres

(Also see Case #ZON2003-01232 – Planned Unit Development – above, for discussion.)

A motion was made by Ms. Deakle and seconded by Dr. Rivizzigno to approve this plan.

The motion failed to carry.

After brief discussion a motion was made by Ms. Deakle and seconded by Mr. Quimby to hold over this application to the June 11, 2003.

The motion carried.

**NEW ZONING APPLICATIONS**

**Case #ZON2003-01235**

**William Hightower**

205 South University Boulevard (East side of South University Boulevard, 100'± South of Sunset Drive South).

This request for a change in zoning from R-1, Single-Family Residential, to LB-2, Limited Neighborhood Business, for service business offices was considered.

The site plan illustrates the existing buildings, setbacks, and trees, along with the proposed parking.



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William Hightower, applicant, stated that his request was for B-1 zoning. He noted there is a large volume of traffic that runs in front of the residence located on this site, which is used extensively by Barnhill's that adjoins to property to the south. A restaurant and an auto service center adjoin the property to the east, and to the north is R-1. There is commercial to the west and south. The site is surrounded by single-family residential units. Mr. Hightower said he was requesting rezoning to B-1 because he felt it would fit nicely as a buffer between Sunset Hills, Barnhill's restaurant, and the 10-Minute Lube. He said an attorney and a consulting firm to rent the house had already approached him. He contended that with the high volume of traffic, the site was more a part of the commercial property than it was the residential.

Billy E. Fisher, owner of 4608 and 4616 Airport Boulevard, spoke in favor of the proposed rezoning. Mr. Fisher has been a resident of Sunset Hills for 40 years. He had noted the run-down condition of the subdivision and is in favor of the whole subdivision being made commercial. Mr. Fisher also pointed out that the house next door to Mr. Hightower had been changed into a day care. He said the gentleman who lived next door to him was in favor of the rezoning.

William L. Pilgrim, 4603 N. Sunset Drive, spoke in favor of the proposed rezoning because of the high volume of traffic. He felt the traffic would present a danger to the children who may live at this location.

Melvin Murrill, 4625 S. Sunset Drive, which is on the backside of the subject property, stated he has no objection to the proposed rezoning. He also noted the large volume of traffic that passed in front of this house. He feels that it would be dangerous for the children.

In executive session Ms. Deakle asked if there was really a day care adjoining this property.

Richard Olsen explained that the homeowner operated a home day care, which is allowed under the Ordinance as a Home Occupation, is limited to six children. He noted that a variance was previously applied for to allow a group day care, which would allow up to 12 children. The variance was denied. There were a large number of neighborhood residents opposed to it. Mr. Olsen also noted that the house across University Boulevard at this location was recently up for rezoning to B-1 and was denied.

Mr. Vallas asked if the staff's recommendation would have changed if they were requesting B-1, since the staff's recommendation was based on LB-2.

Mr. Olsen replied that he did not feel the staff's recommendation would change for rezoning to B-1.

A motion was made by Dr. Rivizzigno and seconded by Mr. Quimby to recommend the denial of this change in zoning to the City Council.

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The motion carried.

**Case #ZON2003-01234**

**Martha J. Reeves**

East side of Azalea Road, 890'± South of Government Boulevard.

This request for a change in zoning from B-2, Neighborhood Business, to R-3, Multi-Family Residential, for five two-family residential townhouses was considered.

John Reeves, 6108 Sturbridge Drive, applicant, said this property was rezoned from residential to B-2 about 20 years ago. He had been trying to sell it ever since, but no one has an interest in it. He felt a few duplexes would be a good use for the site. He did not feel the property was conducive to B-2, since there was very little traffic along that part of Azalea Road. Mr. Reeves said he did not know of anyone opposed to this rezoning other than the staff.

In executive session Mr. Vallas pointed out that the site was surrounded by commercial property, but felt it was not a good retail area by should be used for some type of commercial, industrial warehousing like Lakeside Drive.

Ms. Deakle was of the opinion that retail would work. She felt rezoning to R-3 would be spot zoning.

A motion was made by Mr. Vallas to recommend this change in zoning to the City Council. The motion died for lack of a second

A motion was made by Dr. Rivizzigno and seconded by Mr. Quimby to recommend the denial of this change in zoning to the City Council.

The motion carried.

**NEW PLANNING APPROVAL APPLICATION:**

**Case #ZON2003-01237**

**Old Shell Commercial Park**

3309 Old Shell Road (South side of Old Shell Road, 30'± East of I-65 Service Road North).

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

The Planning Commission heldover this application until the meeting of July 10, 2003.

**Case #ZON2003-01240**

**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.

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

Mr. Vallas recused himself from the discussion and vote on this matter.

Due to the lack of a quorum, the planning Commission heldover this application until the meeting of June 19, 2003.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2003-00102**

**Brackett Place Subdivision**

8275 Brackett Lane (South side of Brackett Lane [private road] at its Western terminus).  
3 Lots / 22.1± Acres

L. P. Brackett, applicant, was present and wanted to know whether this plan would be approved or not. He said this was a family subdivision for his daughter.

Margaret Pappas explained that the voting would take place in executive session and the applicant would be notified by mail of the Commission's decision. She noted that even if this were a family division, the private street would still have to be brought up to standard.

Mr. Bryant contended that it would not be private street. It would be a 25' right-of-way. He felt that it should not have to be paved, because it had been there seven or eight years.

Pointing out the private street on the plat, Richard Olsen said that the Subdivision Regulations indicated that a private street could not be extended if it was going to increase the number of lots. In this situation, a private street was being requested to be extended increasing the number of lots.

Mr. Bryant pointed out that there was three or four 40-acre tracts around his property, and asked if they would need to be paved when developed.

Ms. Pappas stated that if the surrounding property was subdivided and had no access on an exiting public street, the developer would be required to have a private road paved to city standards. She explained that there was no information submitted to show that the subdivision met any of the criteria for private road standards, standard subdivision, or the like. Additionally, while there were two existing legal lots of record on that private street, that approval was granted prior to the adoption of the private road standards. The private road is not constructed to the current standard and if approved this would increase the number of lots on a private road. Also, Ms. Pappas said that the access for lot 3 is extremely tenuous. It is a 25' frontage that wraps around and the down.

Mr. Bryant also expressed concern about the runoff from the surrounding property going into his private lake.

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Ms. Pappas said drainage would be subject to county engineering standards.

In executive session Ms. Deakle asked why this would not be family subdivision.

Ms. Pappas explained that the applicant had not submitted any documentation or even a letter that would justify consideration as a family subdivision.

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

- 1) the subdivision does not meet the private street requirements of the Subdivision Regulations; and
- 2) lot 3 exceeds the width to depth ratio as outline in Section V.D.3. of the Subdivision Regulations.

The motion carried.

**Case #SUB2003-00092**

**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, 9 Hannon Avenue, asked for clarification as to why this application was recommended to be held over.

Ms. Pappas explained that the records indicate that this is part of a platted lot- lot 8-, which is a larger tract. Typically, when there is a balance parcel the larger tract should be included, or some type of document submitted which illustrates that the division took place prior to 1952, which was the effective date of the Subdivision Regulations. So the staff was asking for either the inclusion of the balance or the document.

Mr. Mims said he had no knowledge of how the property was subdivided years ago. He asked if this was an improper subdivision.

Richard Olsen replied that this was possibly an improper subdivision. He said the legal description for the larger parcel could have been established prior to 1952. It exists on the plat today, that should establish it as a lot of record. According to the records the staff had presented showed it as being part of a larger parcel. However as there are frequently deeds that they are not aware of that have created that division, they would recognize if it could have been established prior to 1952. If not, then the remainder of that original parcel needed to be included in the subdivision.

Mr. Olsen said it was as it applies to Lot 8-R only, this would be the one that affects his property.

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A motion was made by Mr. Plauche and seconded by Mr. Quimby to holdover this application to the June 19, 200d meeting to allow the applicant to submit documentation to establish the site as a lot of record prior to 1952, or include the remainder of the original parcel.

The motion carried.

**Case #SUB2003-00095**

**Carlton Acres Subdivision, Resubdivision of Lots 28 & 29**

1260 Carlton Acres West (Southwest corner of Carlton Acres West and Halls Mill Road)

3 Lots / 0.6± Acre

This application for a 3-lot subdivision of this property was considered.

A motion was made by Mr. Quimby 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;
- 2) the placement of a note on the final plat stating that Lots 1, 2 and 3 are limited to one curb cut each to West Carlton Road, with the size, location and design to be approved by Traffic Engineering Department and Lot 1 be denied direct access to Halls Mill Road; and
- 3) the garage be removed on Lot 3 prior to the recording of the final plat so as not to create a violation of the Zoning Ordinance.

The motion carried.

**Case #SUB2003-00100**

**Clear Lake Estates Subdivision, Revision One**

9540 Ben Hamilton Road (North side of Ben Hamilton Road, ¼ mile± West of McFarland Road)

4 Lots / 14.4± Acres

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

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

- 1) that the 10-foot reservation strip be removed; and
- 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.

The motion carried.

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**Case #SUB2003-00098**

**Ebenezer Subdivision**

5051 Ebenezer Drive (Southwest corner of Demetropolis Road and Ebenezer Drive).

1 Lot / 6.2± Acres

Frank Dagley, 717 Executive park Drive was present representing the applicant. Mr. Dagley stated that the applicant was requesting three curb cuts to Ebenezer Drive rather than two as recommended by the staff to accommodate a future day care on the property.

The staff suggested that the curb cuts be limited to the approved PUD.

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 the curb cuts to Ebenezer Drive, in compliance with approved Planned Unit Development with the size, location and design to be approved by Traffic Engineering.

The motion carried.

**Case #SUB2003-00099**

**Guy Place Subdivision**

4624 Schimpfs Lane (West side of Schimpfs Lane, 375'± South of Davis Road).

3 Lots / 2.0± Acres

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 by Ms. Deakle to approve this subdivision subject to the following conditions:

- 1) the placement of a note on the final plat stating that any 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; and
- 2) placement of the required 25-foot minimum building setback line on the final plat.

The motion carried.

**Case #SUB2003-00107**

**Hearin-Chandler YMCA Subdivision, Lot A, and Lafayette Square East Subdivision, Lot 1, Resubdivision of and Addition to**

Northeast corner of and Southeast corner of Downtowner Boulevard and Carlyle close (private street).

3 Lots / 29.1± Acres

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

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to approve this subdivision.

The motion carried.

**Case #SUB2003-00103**

**Midkiff Property Subdivision, Resubdivision of**

5360, 5370, and 5380 Travis Road (Northwest corner of Travis road and Midkiff Drive).

2 Lots / 4.1± Acres

Mr. Plauche noted that this application was recommended for denial because the plat did not meet the private street requirements of the Subdivision Regulations.

Joe Regan, Regan Land Surveying, 413 Azalea Road, was present representing the applicant. He said the applicant would like to subdivide this property to give one lot to his daughter.

In executive session the staff noted that the applicant had not submitted any documentation that this was a family division.

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

- 1) compliance with private road standards, including but not limited to submission of documentation of family subdivision and
- 2) private road be brought into compliance with private road standards (Section VIII.E).

The motion carried.

**Case #SUB2003-00091**

**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

Will Lawler, Lawler and Company, 10920 Jeff Hamilton Road, requested this application be held over to discuss the driveways situation with the staff.

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Steve Harvey, attorney for the Press Register, Riverview Plaza, Suite 900, stated that there was some confusion about the number of curb cuts to be allowed, and requested this application be held over to work this out.

A motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to holdover this application until the June 19, 2003.

The motion carried.

**Case #SUB2003-00108**

**New Country Club Estates Subdivision, Seventh Unit, Lot 6, and The Fairway Subdivision, Lot 1, Resubdivision of**

215 Rochester Road (East side of Rochester Road, 650'± South of the East terminus of Childree Drive, extending to the North side of The Fairway [private street] at the North terminus of Soost Court).

2 Lots / 2.5± Acres

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

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to approve this subdivision.

The motion carried.

**Case #SUB2003-00093**

**Paddock Place Subdivision**

8758 Tanner Williams Road (North side of Tanner Williams Road at the West terminus of Zeigler Boulevard).

2 Lots / 1.1± Acres

A representative of the applicant was present and indicated he was in agreement with the recommendation 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 the necessary right-of-way to provide 50-feet from the centerline of Tanner Williams Road;
- 2) the placement of a note on the final plat stating that the development is limited to one shared one curb to Tanner Williams Road, with the size, location and design to be approved by County Engineering;
- 3) the removal all buildings crossing any property lines prior to the recording of the final plat; and



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- 4) the placement of a note on the final plat stating that a buffer, in compliance with Section V.A.7. will be provided where the site adjoins residentially developed property.

The motion carried.

**Case #SUB2003-00105**

**Pitsio's Family Subdivision, Resubdivision of and Addition to**

Southeast corner of Congress Street and Claiborne Street.

2 Lots / 0.5± Acre

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

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to waive Section V.D.9. of the Subdivision Regulations and approve this subdivision subject to the following conditions:

- 1) placement of a 5-foot setback line along all street frontages.

The motion carried.

**Case #SUB2003-00104**

**Place Riviere Subdivision**

Southeast corner of Riviere du Chien Road and Lloyd Station Road.

Tentative for a 42 Lots / 57.6± Acres Subdivision

Margaret Pappas stated that the staff had received correspondence from the agent for the applicant on Tuesday asking that this application be withdrawn. However, the deadline for withdrawal was Monday.

Steve Green, 3817 St. Andrews Drive, an adjoining property owner, expressed concern about the wetlands and detention of water. He said the full 56 acres drained into one culvert in front of his property and when it rains, it looks like whitewater rapids.

Mr. Plauche noted that nay subdivision would have to adhere to any federal regulations with regard to wetlands retention.

John Lipscomb, 3535 Lipscomb Landing, stated that he was a deacon at the Morning Star Baptist Church on Lloyd Station Road. He said the church had purchased two acres for the future home of a new church. He had concerned whether this subdivision would hinder the construction of the church in any way.

Richard Olsen stated that this subdivision should have no effect on the church property. However, he said that since this area is R-1, single-family residential, the church would

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need to file an application for Planning Approval before the Planning Commission to get approval of a church at that location.

A motion was made by Ms. Deakle and seconded by Dr. Rivizzigno to approve allow the applicant to withdraw this subdivision.

The motion carried.

**Case #SUB2003-00096**

**Ramsey's Place Subdivision**

6564 Lake Street (North side of Lake Street, 200'± West of Garwood Avenue, extending to the West side of Garwood Avenue, 150'± North of Lake Street).

3 Lots / 2.5± Acres

Lindberg Ramsey, the applicant, was present and indicated he was in agreement with the recommendation of the staff

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

- 1) the dedication of sufficient right-of-way to provide 25-feet from the centerline of Garwood Avenue and Lake Street.

The motion carried.

**Case #SUB2003-00094**

**Riverview Pointe Subdivision, Resubdivision of Lot C of the Resubdivision of Lot 2**

East side of Old Rangeline Road, 1,000'± North of Hurricane Bay Drive

2 Lots / 47.6± Acres

The applicant was present and indicated he was agreeable 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 placement of a note on the final plat stating that Lot C-1 is limited to two curb cuts to Old Rangeline Road, with the size, location and design to be approved by County Engineering;
- 2) the placement of a note on the final plat stating that the developer obtain any necessary approvals from federal, state, and local agencies; and
- 3) the placement of a note on the final plat stating that any property that is developed commercially, and adjoins residential property will, provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations.

The motion carried.

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**Case #SUB2003-00101**

**Seale Place Subdivision, Second Addition, Resubdivision of Lot 2**

West side of Wildwood Place, 116'± South of Vista Bonita Drive South  
2 Lots / 0.6± Acre

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

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

The motion carried.

**Case #SUB2003-00106**

**Wynnfield Subdivision, Unit Three, Resubdivision of Lots 62 and 63**

Northwest corner of Wynngate Way and Wynnridge Drive.  
1 Lot / 0.9± Acre

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

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to approve this subdivision.

The motion carried.

**NEW SIDEWALK WAIVER APPLICATION:**

**Case #ZON2003-01227**

**First Community Bank**

4664 Halls Mill Road (North side of Halls Mill Road, 1,020'± East of Rochelle Street).  
Request to waive construction of a sidewalk along Halls Mill Road.

A motion was made by Ms. Deakle and seconded by Dr. Rivizzigno that the construction of this sidewalk be waived.

The motion carried.

**OTHER BUSINESS:**

Richard Olsen introduced Val Manuel to the Commission. Ms. Manuel will be taking the minutes in place of Angie Etheridge who transferred to the Museum of Art. The Commission members welcomed Ms. Manuel

There being no further business, the meeting was adjourned.

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**APPROVED:**            September 18, 2003

/s/ Terry Plauche, Vice-Chair

vm