

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF MARCH 17, 2005 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
Victor McSwain, Secretary
Adline Clarke
Ann Deakle
Nicholas Holmes
Mead Miller
Victoria L. Rivizzigno
James Watkins III

Members Absent

James Laier (S)
Clinton Johnson
John Vallas

Urban Development Staff Present

Richard L. Olsen, Planner II
Margaret Pappas, Planner II
David Daughenbaugh, Urban Forestry
Val Manuel, Secretary II

Others Present

Wanda Cochran, Assistant City Attorney
Jennifer White, Traffic Engineering
Pat Stewart, County Engineering
Beverly Terry, City Engineering

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

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

HOLDOVERS:

Case #SUB2005-00007 (Subdivision)

Kirkland Estates Subdivision

5962 Lundy Road (West side of Lundy Road, 160' ± South of Aloyis Drive).
4 Lots / 2.8± Acres

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Watkins to waive Section V.D.1. and approve the above referenced subdivision subject to the following condition:

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- 1) the placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.

The motion carried unanimously.

Case #ZON2005-00230 (Planned Unit Development)

McMurray Place Subdivision

South side of Johnston Lane, extending from the West side of Rosedale Avenue (to be vacated) to the centerline of Dickerson Avenue (to be vacated), and to McCay Avenue (to be vacated), 95'± South of Johnston Lane.

A request for Planned Unit Development Approval allow reduced lot widths, sizes, and setbacks, and 45% site coverage in a zero-lot line single-family residential subdivision was considered.

The plan illustrates the proposed subdivision.

(Also see Case #SUB2005-00018 – McMurray Place Subdivision – Below).

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant and stated that they still hadn't worked out the problems they had and requested that the application be held over until the next meeting.

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to holdover this application until the April 7, 2005, meeting at the applicant's request.

The motion carried unanimously.

Case #SUB2005-00018 (Subdivision)

McMurray Place Subdivision

South side of Johnston Lane, extending from the West side of Rosedale Avenue (to be vacated) to the centerline of Dickerson Avenue (to be vacated), and to McCay Avenue (to be vacated), 95'± South of Johnston Lane.

60 Lots / 12.8± Acres

(For discussion see #Case ZON2005-00230 – McMurray Place Subdivision [PUD] – Above).

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant and stated that they still hadn't worked out the problems they had and requested that the application be held over until the next meeting

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to holdover this application until April 7, 2005, meeting at the applicant's request.

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The motion carried unanimously.

EXTENSIONS:

Case #SUB2004-00041 (Subdivision)

Cambridge Place Subdivision

West side of Eliza Jordan Road North, 3/10 mile± South of Kelly Road.

137 Lots / 61.4± Acres

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

Matt Orrell, Polysurveying Engineering – Land Surveying, was present on behalf of the applicant.

There was no one present in opposition.

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

The motion carried unanimously.

Case #SUB2004-00047 (Subdivision)

Collins Subdivision, First Addition

West side of U.S. Highway 90 West, at the West terminus of Kooiman Road.

23 Lots / 12.9± Acres

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

Matt Orrell, Polysurveying Engineering – Land Surveying, was present on behalf of the applicant.

There was no one present in opposition.

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

The motion carried unanimously.

Case #SUB2004-00048 (Subdivision)

Kensington Place Subdivision, First Addition

North side of Moffett Road, 150'± West of Kensington Place, extending to the West termini of Turnbridge Wells Drive North and Turnbridge Wells Drive South.

18 Lots / 11.0± Acres

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

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Millard Austin, Austin Engineering, was present on behalf of the applicant.

There was no one present in opposition.

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

The motion carried unanimously.

Case #SUB2001-00074 (Subdivision)

Rangeline Road Commercial and Industrial Park Subdivision, Revised Preliminary Plat of

East side of Rangeline Road, 880'± North of Old Rangeline Road, extending Northeastwardly to the West side of Old Rangeline Road, 770'± South of the West terminus of Riverview Pointe Drive.

3 Lots / 32.0± Acres

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

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

The motion carried unanimously.

Case #ZON2004-00554 (Planned Unit Development)

Treadwell Ford Subdivision

901 East I-65 Service Road South (East side of East I-65 Service Road South, 1,840'± North of International Drive).

A request for a one-year extension of a Planned Unit Development Approval to allow multiple buildings on a single building site and shared access between multiple building sites.

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

(Also see Case #SUB2004-00044 – Treadwell Ford Subdivision-Below).

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

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

The motion carried unanimously.

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Case #SUB2004-00044 (Subdivision)

Treadwell Ford Subdivision

East side of East I-65 Service Road South, 1,680'± North of International Drive.

3 Lots / 7.7± Acres

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

(For discussion see Case #ZON2004-00554 – Treadwell Ford Subdivision [PUD] – Above).

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

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

The motion carried unanimously.

GROUP APPLICATIONS:

Case #ZON2005-00229 (Rezoning)

Willie Shipman, Jr.

950 Baltimore Street and 1008 Marine Street (Northwest corner of Baltimore Street and Marine Street).

A request for a change in zoning from R-1, Single-Family Residential, to R-2, Two-Family Residential, to bring the zoning into compliance for an existing residential duplex and to allow an additional residential duplex was considered.

The plan illustrates the existing structures and parking.

(Also see Case #ZON2005-00233 – Willie Shipman, Jr. [PUD] – Below).

After discussion a motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to recommend the denial of this change in zoning to the City Council for the following reasons:

- 1) the site does not comply with R-2 density;
- 2) the site plans submitted do not correspond to the legal descriptions submitted by the applicant; and
- 3) the site plan does not illustrate adequate maneuvering area for the parking facility.

The motion carried unanimously.

Case #ZON2005-00233 (Planned Unit Development)

Willie Shipman, Jr.

950 Baltimore Street and 1008 Marine Street (Northwest corner of Baltimore Street and Marine Street).

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A request for Planned Unit Development Approval to allow shared access and parking between multiple building sites was considered.

The plan illustrates the existing structures and parking.

(For discussion see Case #ZON2005-00229 – Willie Shipman, Jr. [Rezoning] – Above).

After discussion a motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to deny this plan for the following reasons:

- 1) the site does not comply with R-2 density;
- 2) the site plans submitted do not correspond to the legal descriptions submitted by the applicant; and
- 3) the site plan does not illustrate adequate maneuvering area for the parking facility.

The motion carried unanimously.

Case #ZON2005-00484 (Rezoning)

Ronald D. Yeager, Sr.

5651 Cottage Hill Road (Southwest corner of Cottage Hill Road and Granada Avenue).

A request for a change in zoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, to allow dental equipment sales and service was considered.

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

(Also see Case #ZON2005-00485 – Ronald Yeager Subdivision [PUD] Below; and Case #SUB2005-00037 – Ronald Yeager Subdivision – Below).

Allen Cameron was present representing the sellers of this property and noted that the application was recommended for denial. He asked if the application was denied today, and another client come along who wanted to apply for a different zoning, did that mean they could not reapply within a certain period of time?

Mr. Olsen explained that they could not apply for the same classification with basically the same plan for six months, if the denial was affirmed by the City Council. He said if they were to come in for a different classification, they could reapply.

Rose McPhillips, attorney, was present representing Dr. Judy Libca, who owns the property immediately to the east of the subject property. She said they concurred with the staff recommendations. They felt a B-2 use for this property would be inappropriate for the reasons given in the staff report. Ms. McPhillips also pointed out that the subject property was very near the intersection of Knollwood Drive and Cottage Hill Road. At any time of the day traffic backs up almost to Granada, and at busy times of the day it

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backs up past Granada. The traffic flow in that area is already very difficult and many accidents have occurred at Granada and Cottage Hill.

Martin Powers, representing the applicant, said they had considered using this site for a dental lab, which would create a lesser traffic flow. They were also looking at some of the neighbors on the adjoining corners of the site who were asking exorbitant prices for their property which have residences on them. He said this was not just a whim on their part, but it seemed other property owners even closer to that intersection had big ideas.

After discussion a motion was made by Ms. Deakle and seconded by Dr. Rivizzigno to deny this change in zoning for the following reasons:

- 1) the range of uses permitted within the B-2 zoning category are not compatible with the existing residential fabric;
- 2) the B-2 zoning district would not conform to the size guidelines of Section III.A.5.b. of the Zoning Ordinance;
- 3) the rezoning would increase the rezoning and redevelopment pressure for the single-family residences located between the site and the B-2 district at Knollwood Drive and Cottage Hill Road; and
- 4) the proposed rezoning would not comply with the General Land Use Component of the Comprehensive Plan.

The motion carried unanimously.

Case #ZON2005-00485 (Planned Unit Development)

Ronald Yeager Subdivision

5651 Cottage Hill Road (Southwest corner of Cottage Hill Road and Granada Avenue).

A request for Planned Unit Development Approval to allow multiple buildings on a single building site was considered.

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

(For discussion see Case #ZON2005-00484 – Ronald D. Yeager, Sr. [Rezoning] Above; and also see Case #SUB2005-00037 – Ronald Yeager Subdivision – Below).

After discussion a motion was made by Ms. Deakle and seconded by Mr. Miller to deny this plan based upon the denial of rezoning request.

The motion carried unanimously.

Case #SUB2005-00037 (Subdivision)

Ronald Yeager Subdivision

5651 Cottage Hill Road (Southwest corner of Cottage Hill Road and Granada Avenue).

1 Lot / 0.7± Acres

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(For discussion see Case #ZON2005-00484 – Ronald D. Yeager, Sr. [Rezoning] Above; and see Case #ZON2005-00485 – Ronald Yeager Subdivision [PUD] – Above).

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

- 1) the dedication of 10 feet of right-of-way along Cottage Hill Road and 7.5 feet of right-of-way along Granada Avenue, in accordance with Section V.B.14;
- 2) the adjustment of the property line at the corner of Cottage Hill Road and Granada Avenue to reflect a minimum 10 foot radius in accordance with Section V.D.6;
- 3) the depiction of the 25-foot minimum building setback line from dedicated right-of-way along Cottage Hill Road; and
- 4) placement of a note on the Final Plat stating that curb cuts are limited to one curb cut onto Cottage Hill Road, and one curb cut onto Granada Avenue, with any changes to the size or location of curb cuts to be approved by Traffic Engineering.

The motion carried unanimously.

**Case #ZON2005-00516 (Planned Unit Development)
Forrest Cove Subdivision**

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

A request for Planned Unit Development Approval to allow reduced lots widths and sizes, reduced building setbacks, and increased site coverage in a single-family residential subdivision was considered.

The plan illustrates the proposed lots and existing wetlands.

(Also see Case #SUB2005-00039 – Forrest Cove Subdivision - Below).

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant and concurred with the staff recommendations.

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

- 1) construction of Tulane Drive to city standards;
- 2) the provision of a cul de sac at the East end of Tulane Drive;
- 3) that no more than 100 lots be recorded with out providing a second point of access (connection between Moffett Road and Tulane Drive);
- 4) the obtaining of all applicable federal, state and local approvals;
- 5) certification that the stormwater detention system will accommodate the additional site coverage; and
- 6) full compliance with all municipal codes and ordinances.

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The motion carried unanimously.

Case #SUB2005-00039 (Subdivision)

Forrest Cove Subdivision

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

221 Lots / 66.8± Acres

(For discussion see Case #ZON2005-00516 – Forrest Cove Subdivision [PUD] - Above).

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant and concurred with the staff recommendations.

After discussion a motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to waive Section V.D.2. and approve the above referenced subdivision subject to the following conditions:

- 1) construction of Tulane Drive to city standards;
- 2) the provision of a cul de sac at the East end of Tulane Drive;
- 3) that no more than 100 lots be recorded with out providing a second point of access (connection between Moffett Road and Tulane Drive);
- 4) the obtaining of all applicable federal, state and local approvals;
- 5) certification that the stormwater detention system will accommodate the additional site coverage;
- 6) full compliance with all municipal codes and ordinances; and
- 7) placement of a note on the final plat stating that the maintenance of all common areas shall be the responsibility of the property owners.

The motion carried unanimously.

NEW ZONING APPLICATION:

Case #ZON2005-00482

Ricky Bacon

97 Center Drive (East side of Center Drive, 690'± South of Old Shell Road).

This application was withdrawn at the applicant's request.

Case #ZON2005-00486

Betbeze Realty Co., Inc. (Joseph G. Betbeze, Jr., Agent)

East side of Magnolia Road at its South terminus.

A request for a change in zoning from R-1, Single-Family Residential, to B-3, Community Business, to allow work-completed parking expansion at an existing automotive paint and body shop was considered.

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The plan illustrates the proposed rezoning.

Joey Betbeze, with Betbeze Realty Company, was present representing both the buyer and the seller of this property. Mr. Betbeze said there were some confusion as to what the property was currently zoned. He said when he first started to research this property he came down to the city offices and was told that it was zoned R-1. Today, however, he reads in the staff report that it appears we don't know what it is zoned. It could be R-1, or either B-3, since this was pretty much in a B-3 area.

Mr. Plauche asked the staff if we knew what the property was zoned.

Mr. Olsen stated that it was zoned R-1.

Mr. Betbeze read from the staff report, which stated that the site appears to be residential in the General Land Use Plan Component of the Comprehensive Plan, however, given the scale of the maps it is difficult to make a determination in this particular instance.

Mr. Olsen interjected that the General Land Use Plan Component does not illustrate zoning of property. It indicates a general plan of how property may be appropriately used. He said in this particular instance, the scale of the General Land Use map does make it difficult to determine if this property is intended or appropriate for commercial or residential; it also is just a plan. Mr. Olsen said it is not a mandate that property be zoned in any one fashion or another, or for a specific district. He said the Zoning Ordinance and the zoning map show that the property is in fact zoned R-1, and the property adjacent to it is B-3.

Mr. Betbeze noted that the application was recommended to be held over. He said they would like to go ahead and get a recommendation this week. He said the property could only be accessed by Magnolia Road. There were four R-1 properties with residences on them adjoining the property, with frontage on Thompson Drive. The properties adjoining this site and fronting on Government Boulevard were zoned B-3. He said they planned to use the site as a parking lot for one of the body shops adjoining the site. Mr. Betbeze said if it was necessary for them to submit a PUD and a one-lot subdivision, they had no problem with that, but they did not see any need to withhold the recommendation until those were submitted. He felt it was pretty clear cut whether this site should be zoned R-1 or B-3.

Mr. Betbeze further stated that the staff recommended that the applicant be advised that development of this site would require construction of Magnolia Road to city standards. He said they understood the need to provide this site with access, but they did not want to build the entire 286 feet of road. It would simply dead end into a residential lot.

Mr. Watkins asked the staff if there was a legitimate way to pave as far as the north property line and then seek the vacation of the remainder of that road so they could get rid of that strip.

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Mr. Olsen replied that he could do that, but the road would need to be extended a little further south than the north property line. It would need to be at least far enough into the property to provide adequate frontage on a city maintained street. At that point he could request vacation for the remainder of that Magnolia Road right-of-way.

Mr. Watkins asked what would be the legitimate length of the road there to give them frontage.

Mr. Olsen said the Subdivision Regulations would require 25 feet. For actual vehicular access it would probably need to be more in the range of 50 feet to allow adequate right-of-way on both sides of the improvement as well as turning radius.

Mr. Betbeze asked the Commission to bear in mind that this is to be a parking lot for a private enterprise, and there would not be any traffic utilizing that portion of the street except to access his lot. He felt 25 feet was certainly reasonable.

Mr. Olsen said that it would be adequate for the proposed use, but they also have to look at the future use of that property.

Mr. Watkins agreed that as long as they have the current owner they were fine. But if the property changes hands they needed to be prepared to deal with that. He asked Mr. Betbeze what he saw in this particular petition that justified him asking for the rezoning.

Mr. Betbeze said as the body shop grows they would have a need for additional parking and there was nowhere else to expand. The body shop adjacent to this property also had almost no parking and was currently parking on Magnolia Road.

Mr. Watkins asked that if the Commission were to consider approving this application at this point, were there any conditions or restrictions that the staff would recommend other than the 25-foot or 50-foot paving strip.

Mr. Olsen said the staff would like to see a subdivision application to incorporate the two lots into a single lot of record, especially if the Commission only requires paving 50 feet from the north property line. He said they would like to see a PUD application since the site would provide off-site parking for the one paint and body shop. Mr. Olsen said from what Mr. Betbeze indicated, and had indicated to the staff previously, the parking for the other body shop immediately adjacent to the north would need to be included in the PUD. He also said proper buffering and screening for the residential properties would be required, along with landscaping and tree compliance. Mr. Olsen said there was a section in the Zoning Ordinance Chart of Permitted Uses relating to paint and body shops, which requires the screening of vehicles from properties across the street as well. He said all of the buffering and screening requirements would need to be adhered to.

After discussion a motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to recommend denial of this request to the City Council. It was noted that the applicant indicated he did not want it to be held over.

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In further discussion Mr. Watkins said it seemed to him that the residential properties fronting on Thompson Drive may have once continued through to Magnolia Road. He felt the chances of these parcels being used in a residential character due to the commercial zoning to the north and west seemed pretty unlikely. As a result of the zoning in those areas and the subdivision of this parcel out of those residential lots, he felt there was a substantial change in character of this property that would justify it being rezoned. Mr. Watkins said he was not opposed to the rezoning.

Mr. Miller commented that parking, as a use, seemed like a reasonably benign use given proper buffering. He asked if there was any way they could limit future use on that property.

Mr. Olsen said not without something offered by the applicant, and that was not done.

Mr. Miller further stated that if the Commission would allow a holdover perhaps that could be done and they could compromise on the length of the street. He felt there was no reason to pave that entire street. But then if the property were used for another venture, the 25'-40' road extension would not be adequate. Mr. Miller said he would be inclined to look at this favorably if there were some caveats included about future use. He felt the Commission should be cooperative with the public and not just shut the door on somebody just because of a hasty word. He said that personally he would be in favor of holding it over and taking another look at it.

Mr. Plauche called the question. The motion failed.

Mr. Plauche asked if there was a new motion.

A motion was made by Mr. Miller and seconded by Ms. Clarke to holdover this application until the April 21 meeting to allow the applicant time to submit a site plan, subdivision application, and if necessary an application for a PUD, (submission must be made by the March 28 deadline). The applicant is advised that development of this site would require construction of Magnolia Road to city standards.

The motion carried. Mr. McSwain and Dr. Rivizzigno were opposed.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2005-00035

Alba Point Subdivision, Resubdivision of Lot 27 and a Part of Lot 28

North terminus of Alba Avenue.

1 Lot / 0.3± Acre

Joe Regan, Regan Land Surveying, was present representing the applicant and asked that this application not be held over as recommended. He stated that this property had been in this configuration for many years and had many transfers of title. Mr. Regan said he had traced the deed back to 1962 and could probably take it back further if necessary. He

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said the staff was asking that they include the rest of Lot 28 in this subdivision. Mr. Regan said those people had never had any ownership in this property and they did not want to participate in this subdivision. He said the property was not changing. The purpose of this subdivision was to make this one lot a lot of record so the owner could get a building permit. Regarding the cul-de-sac, Mr. Regan said this property was subdivided in 1937 and there was an existing cul-de-sac with a 40' radius. He said it might be possible to get a 50' radius in there without getting into somebody's house, but you could not get any more than that.

In executive session Ms. Pappas informed the Commission that the surveyor did submit a copy of the deed from 1962. This area was annexed into the City in 1956. She said while it technically did not meet the requirements, it was in general line with what they would expect for a nonconforming deed. She also said the issue of the cul-de-sac was something the Commission may want to consider, although in order to get the necessary right-of-way for a cul-de-sac, all the other property owners along the street would have to resubdivide or the property would have to be condemned. Ms. Pappas said the staff would recommend the provision of the 25' minimum building setback line, as well as approval of all municipal, federal, state and local agencies.

A motion was made by Ms. Deakle and seconded by Mr. Watkins to approve the above referenced subdivision subject to the following conditions:

- 1) the provision of a 25' minimum building setback line; and
- 2) developer to obtain applicable federal, state, and local approvals prior to issuance of any permits.

The motion carried unanimously.

Case #SUB2005-00028

Brewer Homes Subdivision

West side of Carroll Plantation Road, at the West termini of Sunny Side Drive and Lazy Lane.

51 Lots / 19.6± Acres

Millard Austin, Austin Engineering, was present on behalf of the applicant and concurred with the staff recommendations.

Matthew Yurak, owner of property on Carroll Plantation Road, said he was not against the subdivision, but asked if he could get a copy of the site plan. He also noted the recommendation for provision of a buffer in compliance with Section V.A.7. of the Subdivision Regulations, and asked if he could get a copy of that section of the Regulations.

Mr. Olsen said he could get a copy of that section of the Regulations from the Urban Development office on the third floor of the South tower, and provided Mr. Yurak with a vicinity map.

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There was no one present in opposition.

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

- 1) the placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and
- 2) placement of a note on the final plat stating that the storm water detention common area must be maintained by property owners.

The motion carried unanimously.

Case #SUB2005-00034

East Church Street Area Subdivision, First Addition, Block 2, Resubdivision of Lot 1

North side of Church Street, extending from Joachim Street to Jackson Street.

2 Lots / 1.1± Acres

Matt Orrell, Polysurveying Engineering – Land Surveying, was present on behalf of the applicant and concurred with the staff recommendations.

In executive session Mr. Olsen said the staff had recommended the dedication of 5 feet of right-of-way along Joachim Street in accordance with Section V.B.14. of the Subdivision Regulations. They were now suggesting that this condition be waived. He said it was a standard recommendation that dedication be provided where there was a substandard right-of-way. In this particular instance, however, given the location of the existing hotel building, as well as this building, Joachim Street was not going to be widened at any point in the future.

There was no one present in opposition.

A motion was made by Mr. Miller and seconded by Mr. Holmes to waive Section V.D.9. and V.B.A to approve the above referenced subdivision subject to the following conditions:

- 1) the renaming of the subdivision to “Resubdivision of Lot 1, Mobile County Parking Garage Subdivision” on the final plat;
- 2) placement of a note on the Final Plat stating that curb cut number, sizes, location and design to be approved by Urban Forestry and Traffic Engineering, and conform to AASHTO standards.

The motion carried unanimously.

Case #SUB2005-00031

Guess Subdivision

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6562 Bay Road (West side of Bay Road, 2/10 mile± North of Hollingers Drive, extending to the East side of Gaywood Drive, 200'± South of its North terminus.
3 Lots / 5.5± Acres

Jerry Byrd, Byrd Surveying, was present on behalf of the applicant. Mr. Byrd noted that the application was recommended for holdover, and asked that it be heard today.

Mr. Byrd stated that the applicant currently lived in the house on Bay Road and wanted to give an acre and a half to his brother on Gaywood, and an acre and a half in the center, Lot B, to his sister. He admitted that flag-shaped lots were uncommon off of Gaywood, but not uncommon on Bay Road, as he indicated to the north across the road. Mr. Byrd said there were flag-shaped lots that go to houses down on the bay. He said if necessary, they may be able to flip the flag out to Bay Road. He also said the flag was 25' on Gaywood for a depth of 150' opening to 43' wide as it goes on in. To reconfigure without a flag, if you started on Bay Road, which has a 200' wide frontage, 100' would go right through the middle of the house. There would be about 73' on the north side and about 80' on the south side. He noted that they only had 135' of frontage on Gaywood, and that would make the lots 67 ½ feet wide if you tried to split the lots and then have the lots 750' deep. They felt it was a better arrangement to have a normal size acre and a half out in the middle, and then have that connection.

Mr. Watkins asked Mr. Byrd if the Commission approved this subdivision as submitted, would there be a problem putting in a requirement that no further subdivision of Lot B be allowed.

Mr. Byrd said that would be no problem.

There was no one present in opposition.

A motion was made by Ms. Deakle and seconded by Mr. Miller to approve the above referenced subdivision subject to the following condition:

- 1) placement of a note on the final plat stating there shall be no future subdivision of Lot B.

The motion carried unanimously.

Case #SUB2005-00033

Historic Mobile Addition to Palmetto Street Subdivision

1113 and 1115 Palmetto Street, and 300 Oakleigh Place (South side of Palmetto Street, 120'± West of Augusta Street, extending to the North terminus of Oakleigh Place).
2 Lots / 1.1+ Acres

Joe Regan, Regan Land Surveying, was present on behalf of the applicant and concurred with the staff recommendations.

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A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to approve the above referenced subdivision.

The motion carried unanimously.

Case #SUB2005-00030

Carl Maddox Subdivision

Northwest corner of McCrary Road and Stone Road.

2 Lots / 1.1± Acres

Matt Orrell, Polysurveying Engineering – Land Surveying, was present on behalf of the applicant and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Mr. Holmes to approve the above referenced 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 McCrary Road;
- 2) the placement of a note on the final plat stating that Lot 1 is limited to one curb cut to McCrary 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 #SUB2005-00029

Southland Park Subdivision, First Addition (proposed to be changed to Pecan Point Subdivision, First Addition)

Northwest corner of Howells Ferry Road and Raymond Tanner Road.

9 Lots / 4.3± Acres

Millard Austin, Austin Engineering, was present on behalf of the applicant.

Ellis Owens stated that he lived directly across from this site. Mr. Ellis was interested in seeing the proposed driveway going off of Howells Ferry Road into the site.

Mr. Austin said they had revised their plan to go along with the staff recommendation of allowing only three curb cuts to Howells Ferry Road.

Mr. Olsen said Lot 1 would be limited to one curb cut to Howells Ferry. Lots 2 and 3 would share one, and Lots 4 and 5 would share one.

March 17, 2005

There was no one present in opposition.

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

- 1) the dedication of sufficient right-of-way to provide 50 feet from the centerline of Howells Ferry Road;
- 2) the placement of a note on the final plat stating that Lots 1 through 5 are limited to a total of three curb cuts to Howells Ferry Road, 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 #SUB2005-00032

Stone Gate Subdivision, 1st, 2nd, and 3rd Additions

North side of Stone Road South, 500' ± East of Stone Road West, extending to the East side of Stone Road West, 950' ± North of Stone Road South.

54 Lots / 28.7± Acres

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

Several interested citizens asked if they could get maps showing the site.

Mr. Plauche said the staff would provide them with maps.

There was no one present in opposition.

A motion was made by Ms. Deakle and seconded by Mr. Watkins to approve the above referenced subdivision subject to the following conditions:

- 1) the placement of a note on the final plat stating that direct access to Eight Mile Creek Parkway is denied for Lots 10-18 (3rd Addition);
- 2) the placement of a note on the final plat designating the common area for detention or recreation and stating that maintenance thereof shall be the responsibility of the property owners; and
- 3) the placement of a note on the final plat stating that any lots that are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations.

The motion carried unanimously.

March 17, 2005

Case #SUB2005-00036

Wynnfield Subdivision Unit Five

West terminus of Wynngate Way, extending North and West to the South terminus of Widgeon Drive.

58 Lots / 32.8± Acres

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

Mike Langan stated that he was present on behalf of Ben and Holly Spafford who owned property to the east of this site that was currently land locked. He pointed out their property on the plat and would like to go ahead and get this issue of access addressed at this time.

Mr. Plauche stated that the application was recommended for holdover so that the applicant could provide that for the next meeting.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Mr. Miller to holdover this application until the April 7, 2005, meeting for the following reasons:

- 1) the submission of a revised plat to include all parcels that are part of the subdivision request, as well as any additional property owner notification information; and
- 2) the redesign of the proposed subdivision to provide access to the land-locked parcel to the east of the proposed subdivision.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATION:

Case #ZON2005-00480

K. V. Properties

1601 Gash Lane (West side of Gash Lane, 500'+ North of Moffett Road).

A request to waive construction of a sidewalk along Gash Lane was considered.

Keith Vaughan, representing K.V. Properties, had several comments on the staff's recommendation for denial. Mr. Vaughan stated that the house on the property would be removed and nothing else would be down there. It was just woods from that point on. He said they would actually have a privacy fence coming across so no one would see Gash Lane. Mr. Vaughan said that he would like to mention that business had expanded before, but was still being denied access to Gash Lane. Mr. Vaughan said the other residential properties did not have sidewalks, but they were using Gash Lane for ingress and egress to Gash Lane. He asked that the Commission reconsider the recommendation for denial.

March 17, 2005

Mr. Miller asked if he understood that the residence was not going to stay a residence.

Mr. Vaughan said the residence he was referring to was the house that was actually on the property at this time. He said he was not speaking for any other owner down there. He just referred to the remarks in the staff report that says if these properties were redeveloped they would be required to have a sidewalk. Mr. Vaughan said that was understandable because they would be having people coming to and from their residences. Where they were going to be, however, there was no reason for anybody to be down there because there was going to be a privacy fence along that area and they were not going to be accessing Gash Lane.

Frank Dagley, Dagley and Associates, stated that he was working with Mr. Vaughan on this project and passed around some photographs of the subject property. Mr. Dagley pointed out the orange part that bordered Gash Lane and said that only a portion of that was developed several years ago, at which time either a sidewalk waiver was granted or there was no mention of a sidewalk. Now only a portion of that was being added on to. Since sidewalks were not required on the first phase of this project, they did not feel they should be required on this phase. Mr. Dagley said the photographs reflect that it was not practical to put a sidewalk there. He recalled that the Engineering Department concurred in that recommendation.

Mr. Watkins asked the staff if any of the houses on the east side of Gash Lane fronted Gash Lane.

Mr. Olsen said they all fronted on Woodley.

A motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to approve this request.

The motion carried unanimously.

There being no further business, the meeting was adjourned.

APPROVED: April 21, 2005

/s/_Victor McSwain, Secretary

/s/ Terry Plauche, Chairman

vm