

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF JANUARY 5, 2006 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
James Laier, Vice-Chair
Mead Miller
Victoria L. Rivizzigno
Ann Deakle
John Vallas
Roosevelt Turner
Nicholas Holmes, III

Members Absent

James Watkins
Bill DeMouy

Urban Development Staff Present

Richard L. Olsen, Deputy Director of
Planning
David Daughenbaugh, Coordinator of
Urban Forestry
Madeleine Masters, Planner I
Bert Hoffman, Planner I
Trista S. Cole, Secretary I

Others Present

John Lawler, Assistant City Attorney
Jennifer White, Traffic Engineering
Pat Stewart, County Engineering
Beverly Terry, City Engineering

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

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

APPROVAL OF MINUTES

A motion was made and seconded to approve the minutes of the meetings of November 17 and December 1, 2005, as submitted.

The motion carried unanimously.

HOLDOVERS:

Case #SUB2005-00226 (Subdivision)

Rangeline Properties Subdivision, Resubdivision of

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

5 Lots / 44.0± Acres

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Matt Orrell, Polysurveying Engineering and Land Surveying, was present on behalf of the applicant and requested this application be held over until the next meeting.

In order to be considered at the January 19th meeting, Mr. Olsen said a revised plat would have to be submitted to the staff by the first of next week.

Mr. Plauche asked if there was anyone in the audience who wished to speak either for or against this application. There was no response.

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to hold this application over to the January 19th meeting at the applicant's request. Revisions must be received by Urban Development by January 9th.

The motion carried unanimously.

Case #SUB2005-00224 (Subdivision)

The Rock Church Subdivision

6245 Old Rangeline Road

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

7 Lots / 44.0± Acres

Matt Orrell, Polysurveying Engineering and Land Surveying, was present on behalf of the applicant and requested this application be held over until the next meeting.

In order to be considered at the January 19th meeting, Mr. Olsen said a revised plat would have to be submitted to the staff by the first of next week.

Mr. Plauche asked if there was anyone in the audience who wished to speak either for or against this application. There was no response.

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to hold this application over to the January 19th meeting at the applicant's request. Revisions must be received by Urban Development by January 9th.

The motion carried unanimously.

Case #ZON2005-02304 (Planned Unit Development)

Beard Equipment Company

2480 and 2490 East I-65 Service Road North

(Southeast corner of East I-65 Service Road North and Industrial Street West).

A request for Planned Unit Development Approval to allow shared access between building sites and multiple buildings on multiple building sites.

A site plan illustrates the existing buildings and drives, along with the proposed building and drives.

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Frank Dagley was present representing the applicant and concurred with the staff recommendations.

Mr. Plauche asked if there was anyone else present to speak in this matter. There was no response.

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

- 1) **that the site be limited to existing curb cuts, except between Industrial Street West and Lot 1, where the proposed curb cut may replace the existing one;**
- 2) **the removal of the existing curb cut between Industrial Street West and Lot 1, and installation of curb, gutter, and landscaping materials in compliance with Section IV.E.3 of the Zoning Ordinance;**
- 3) **that the site be brought into compliance with the Landscaping, Tree Planting, and Buffering Requirements of the Zoning Ordinance;**
- 4) **that there be no more than three dedicated warehouse employees, due to parking constraints; and**
- 5) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2005-00254 (Subdivision)

North Beltline Commercial Park Subdivision, Resubdivision of Lots 1 & 3

2480 and 2490 East I-65 Service Road North

(Southeast corner of East I-65 Service Road North and Industrial Street West).

2 Lots / 12.2± Acres

(Also see Case #ZON2005-02304 (Planned Unit Development) - Beard Equipment Company – above)

Frank Dagley was represent representing the applicant and concurred with the staff recommendations.

Mr. Plauche asked if there was anyone else present to speak in this matter. There was no response.

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

- 1) **the depiction of the 25-foot building setback lines on the final plat; and**
- 2) **the placement of a note on the final plat stating that Lot 1 is limited to a single curb cut to each street frontage, subject to Traffic Engineering approval, and that Lots 2 and 3 are limited to existing curb cuts.**

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The motion carried unanimously.

Case #ZON2005-02303 (Sidewalk Waiver)

Beard Equipment Company

2480 and 2490 East I-65 Service Road North

(Southeast corner of East I-65 Service Road North and Industrial Street West).

Request to waive construction of sidewalks along East I-65 Service Road North and Industrial Street West.

Frank Dagley was represent representing the applicant and concurred with the staff recommendations.

Mr. Plauche asked if there was anyone else present to speak in this matter. There was no response.

After discussion a motion was made by Mrs. Deakle and seconded by Mr. Miller to approve the request for I-65 Service Road North and Industrial Street West frontages only, and deny the request for the Berkley Avenue frontage.

The motion carried unanimously.

Case #SUB2005-00253

Bayview Heights Subdivision, Pierce Addition to

3859 Cottage Hill Road

(South side of Cottage Hill Road, 260'± West of Cottage Hill Avenue).

2 Lots / 0.8± Acre

Mr. Plauche asked if there was anyone present to speak on the application. There was no response.

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

- 1) **dedication of sufficient right-of-way to provide 50 feet from the centerline of Cottage Hill Road; and**
- 2) **the depiction of the 25-foot setback lines, as measured from the dedication.**

The motion carried unanimously.

EXTENSIONS:

Case #SUB2001-00177 (Subdivision)

Bellingrath Road Country Club Estates Subdivision, Addition to

East terminus of Country Club Boulevard and extending through to the Southwest corner of Old Military Road and Section Line Road.

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569 Lots / 243.0± Acres

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

Don Coleman, Rester and Coleman Engineers, was present in this matter and concurred with the staff recommendation.

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

The motion carried unanimously.

Case #SUB2004-00270 (Subdivision)

Hargrove Estates Subdivision

210 South Washington Avenue

(Northwest corner of South Washington Avenue and Canal Street).

1 Lot / 0.7± Acre

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

Don Coleman, Rester and Coleman Engineers, was present in this matter and concurred with the staff recommendation.

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

The motion carried unanimously.

Case #SUB2004-00272 (Subdivision)

Spring Grove Subdivision, Unit Two

West terminus of Spring Grove South, extending to the North terminus of Summer Crossings and the West terminus of Spring Grove North; and the West side of Dawes Road extending to the North terminus of Spring Grove Court.

173 Lots / 36.7± Acres

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

Don Coleman, Rester and Coleman Engineers, was present in this matter and concurred with the staff recommendation.

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

The motion carried unanimously.

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Case #SUB2004-00268 (Subdivision)

Timberlane Woods Subdivision

North terminus of Cross Creek Drive, extending to the West termini of Larchmont Drive and Timberline Ridge.

33 Lots / 15.7± Acres

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

Don Coleman, Rester and Coleman Engineers, was present in this matter and concurred with the staff recommendation.

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

The motion carried unanimously.

GROUP APPLICATIONS

Case #ZON2005-02426 (Rezoning)

Nazaree Full Gospel Church (Gregory E. Holmes, Agent)

West side of West I-65 Service Road North, 290'± South of First Avenue.

Request for rezoning from I-1, Light Industry District, to B-3, Community Business District, to eliminate split zoning of a proposed church subdivision.

The site plan illustrates the proposed rezoning and subdivision.

(Also see Case #SUB2005-00265 – Nazaree Highlands Subdivision, Lot 2, Resubdivision of and Addition to – Below)

Don Coleman, Rester and Coleman Engineers, was present in this matter and concurred with the staff recommendation.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Holmes to recommend the approval of this change in zoning to the City Council subject to the following conditions:

- 1) correction of the legal description prior to forwarding to City Council, to remove errors, and to include the entire site (not just the I-1 portion) ;**
- 2) that the site be limited to two curb cuts to West I-65 Service Road North; and**
- 3) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

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Case #SUB2005-00265 (Subdivision)

Nazaree Highlands Subdivision, Lot 2, Resubdivision of and Addition to

Southwest corner of West I-65 Service Road North and First Avenue.

1 Lot / 12.2± Acres

(For discussion see Case #ZON2005-02426 – Nazaree Full Gospel Church (Gregory E. Holmes, Agent – above))

Don Coleman, Rester and Coleman Engineers, was present in this matter and concurred with the staff recommendation.

After discussion 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 depiction of the 25-foot building setback lines on the final plat;**
- 2) **correction of the legal description prior to recording the final plat;**
- 3) **the placement of a note on the final plat stating that the site is limited to two curb cuts to West I-65 Service Road North; and**
- 4) **the completion of the rezoning application prior to recording the final plat.**

The motion carried unanimously.

Case #ZON2005-02425 (Planned Unit Development)

Offshore Inland Subdivision

3521 Brookdale Drive South

(South side of Brookdale Drive South at Brookdale Drive West).

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

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

(Also see Case #SUB2005-00264 – Offshore Inland Subdivision – Subdivision – below).

Frank Dagley, 717 Executive Park Drive, was present on behalf of the applicant and noted that the staff had recommended this application be held over. Mr. Dagley said the only problem with what they submitted was their illustration of the existing building. He said they had corrected that, and presented a revised plan indicating the corrections that were made. Mr. Dagley also noted that the staff had recommended denial of the crushed limestone. He pointed out the area to be used as a lay-down yard and for truck deliveries of structural steel, and said that was where they proposed the crushed limestone. They felt it would be very compatible with the area, as almost every building out there had a

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crushed limestone lay-down yard in the back. They proposed to pave everything from the street to where the landscaping ended on the west side and all the way to where the pavement begins on the east side. The crushed limestone area would basically be hidden from the street.

Mr. Olsen pointed out an area on the plan that obviously was not a lay-down yard, but was shown with limestone. Mr. Olsen said that area would have to be paved.

Mr. Dagley said there would be an overhead door there where trucks would be backing up to deliver steel. He referred to that as a truck maneuvering area.

Mr. Olsen said a truck maneuvering area was required to be paved under the Zoning Ordinance.

Mr. Dagley said if they had to, they would pave it. They would probably put a concrete apron out there because with the trucks turning, the wheels tended to tear it up. Mr. Dagley said the owner of the property would like to speak.

Robin Roberts, of Offshore Inland, said one reason they were looking at this expansion and the reason they did not want the concrete or asphalt, was because in a lot of cases they had the need to work outside. They set up fixtures, build spool pieces, and there was welding and burning going on, which has caused a problem to the north and west of the existing building, which was all concrete. He said that work area was not suitable for the type of work they do. Mr. Roberts said asphalt in the area that they were proposing the crushed limestone would be an issue for operational purposes. Also, as noted by Mr. Dagley, it was typical in this area that all of the back yards or surroundings were limestone. There was very little asphalt and concrete except for their building.

There being no one else to speak either for or in opposition to the application, the Board went into deliberations session.

A motion was made by Mr. Vallas and seconded by Mr. Miller to approve this plan subject to the staff recommendations, and that asphalt drives be substituted for the limestone as they were showing, as required by the Ordinance.

In further discussion Mr. Olsen suggested the following conditions be placed upon the approval:

- 1) **completion of the subdivision process;**
- 2) **paving of the parking, access drive and loading dock area, in compliance with the Zoning Ordinance;**
- 3) **provision of a buffer along the southern property line to prevent trespassing of vehicles across the property line construction of a 6' high fence along the South property line; and**
- 4) **full compliance with all applicable municipal codes and ordinances.**

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Mr. Vallas accepted Mr. Olsen's suggestions and amended the motion as stated. Mr. Miller seconded the amended motion.

In further discussion Dr. Rivizzigno asked if the applicant was aware of the changes in the recommendations.

Mr. Olsen said he was not, because the staff had recommended the application be held over. The applicant, however, was requesting that the Commission vote on the application today.

Mr. Dagley said they were not aware of some of the conditions as stated by Mr. Olsen. They particularly questioned the need for a buffer on the southern line. He said that was all woods back there.

Mr. Vallas noted that a motion had been made and seconded. If the applicant did not like the motion, they could come back and re-apply.

Mr. Olsen said they could just require a fence; it was not strictly a buffer. He said the aerial photos indicated that the drive actually crossed that southern property line, and the fence would be to insure that all of that traffic was contained within the site itself.

Mr. Dagley said they would be okay with that.

Mr. Olsen said they could amend the buffer condition by taking out the word "buffer" and using the word "fence" to be required along the southern property line.

Mr. Vallas accepted that amendment as stated. Mr. Miller seconded the amended motion.

The final motion was to approve this plan subject to the following conditions:

- 1) completion of the subdivision process;**
- 2) paving of the parking, access drive and loading dock area, in compliance with the Zoning Ordinance;**
- 3) construction of a 6 high fence along the South property line; and**
- 4) full compliance with all applicable municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2005-00264 (Subdivision)

Offshore Inland Subdivision

3521 Brookdale Drive South

(South side of Brookdale Drive South at Brookdale Drive West).

2 Lots / 3.7± Acres

(For discussion see Case #ZON2005-02425 – Offshore Inland Subdivision – Planned Unit Development – see above)

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

- 1) **placement of a note on the final plat stating that the subdivision is limited to one curb cut per lot, plus one shared curb cut, with the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards and**
- 2) **full compliance with all other applicable municipal codes and ordinances.**

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2005-00259

Branchwood Subdivision, Resubdivision of Lot 3

4630 Red Creek Road

(East side of Red Creek Road at its North terminus).

3 Lots / 6.4± Acres

Will Lawler, Lawler and Company, was present on behalf of the applicant. Mr. Lawler said they were denied approval of this subdivision by the Commission about two years ago because they were at the end of a paved road, but the portion that fronted their property, even though it was public right-of-way, was unpaved and undeveloped. Mr. Lawler said they had decided to re-apply under the family subdivision clause of the Subdivision Regulations. The owner was willing to pave a portion of the road to the extent necessary to gain proper access. Mr. Lawler said they had submitted a letter to the staff, which was inadvertently misplaced.

Mr. Olsen explained that there was one copy of the letter submitted with the application and it was put in the file as opposed to going with the application for planner review. Thus, the planner reviewing the application was not aware that they were requesting family subdivision consideration. That was the reason the plan was recommended for denial. Mr. Olsen said the plan would comply with the private road section of the Subdivision Regulations for it being a family subdivision because there were fewer than five lots that would access the private road portion. As long as the plan was in full compliance with Sections VIII.E.1. & 2., which were the construction standards and the maintenance standards, the staff would not have a problem with it being approved with the note on the plat that there would be no future resubdivision until it was a public road.

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

- 1) **approval of all Federal, State and local agencies (due to environmentally sensitive lands) prior to the issuance of any permits;**

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- 2) **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;**
- 3) **construction of the private street to meet the standards in Section VIII. of the Subdivision Regulations; and**
- 4) **depiction of the 25' minimum building setback line of the final plat.**

The motion carried unanimously.

Case #SUB2005-00256

Breydon Square Subdivision

South side of Old Shell Road, 270'±East of Wilroh Drive East.

11 Lots / 3.3± Acres

Jason Estes, representative of the applicant was present and concurred with the staff recommendations.

After discussion a motion was made by Mr. Miller and seconded by Mr. Holmes 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 Old Shell Road;**
- 2) **the placement of a note on the final plat stating that Lots 1 and 11 are denied direct access to Old Shell Road;**
- 3) **the placement of a note on the final plat stating that the common areas will be the responsibility of the property owners;**
- 4) **the placement and labeling of the 25-foot minimum setback lines on the final plat;**
- 5) **full compliance with Fire Department comments (*Fire hydrants may be required on street. Need 44' unobstructed turning radius for fire trucks*); and**
- 6) **full compliance with City Engineering Department comments (*If stormwater is discharged onto an adjacent property owner and not into a COM maintained stormwater drainage system, a hold harmless agreement for increased and/or concentrated stormwater will be required. Development must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.*).**

The motion carried unanimously.

Case #SUB2005-00267

Wm. Moseley's Property Subdivision, Resubdivision of Lots 1, 2 & 3

West side of North Lafayette Street, extending from Bert Street to Chatague Avenue.

3 Lots / 0.4± Acre

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Michael Piece, with the MLK Development Corporation, stated that they purchased this property in December to build three additional affordable housing units in the MLK community. Two of the lots were facing Lafayette Street, but they felt it would be better for the homes to face Lafayette because of the problems of getting in and out of the property, particularly having to back up on a major street in that community. Mr. Pierce said they decided to turn the lots around to a more residential-friendly street, Chatague Avenue. They had since seen the staff recommendations, and had issue with the requirement for the dedication of 25' of right-of-way from the centerline of Chatague Avenue. Mr. Pierce provided photos of the properties along Chatague Avenue, noting that they were about 95 percent developed, and were obviously not in compliance with the required 25' from the centerline plus the 25' setback. Mr. Pierce therefore asked that the Commission waive the required dedication of 25' from the centerline of Chatague Avenue and allow them to build 25 feet from the City right-of-way as would normally be the case in a regular subdivision application.

Mr. Olsen said the staff had recommended, as referenced in the report, that the applicant consider requesting the vacation of the unopened right-of-way to the rear, and in so doing this 20' right-of-way would compensate for the required dedication.

Mr. Pierce said they had no control over that, as they did not own the property. They did not believe, however, there would be any further development along Chatague Avenue. He noted that at the end of the street was the back of the Women's Federated Club on Catherine, and that street would never be opened, never be widened, and was not going to go any further. He asked that that condition be removed from the recommendation. Mr. Pierce further stated that at some point in time they planned to acquire those properties that were vacant along Hogan Street, and at that time look at trying to have the unopened right-of-way vacated to be part of that subdivision.

Mr. Holmes asked how far back the other homes were along the street in question.

Mr. Pierce said they were staggered. Some were less than 25 feet back from the existing right-of-way and some were 25 feet back. Mr. Pierce said if they were forced to do this, they would be even further back on the property line from every other house along the street, which would be completely out of character.

Mr. Holmes noted that this area was very similar to the historic districts where there was a requirement that they match the front of the house with those that are there. He asked when this subdivision was developed.

Mr. Olsen said he could not say when the subdivision or the area was originally developed. It was not, unfortunately, a historic district. The 25' setback would apply unless they obtained a variance from the Board of Zoning Adjustment.

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Don Coleman commented that this was a very old subdivision, and if right-of-way were required on this particular parcel, it would be the only place on the street that would have that additional right-of-way.

Mr. Olsen stated that, just as a side matter, the staff has to recommend dedication when it was a substandard right-of-way.

Dr. Rivizzigno said she noticed that several of the applications before the Commission today had comments that additional fire hydrants may be required. She asked if that was something new.

Mr. Olsen said that was based on comments received from the Fire Department, based on their code.

Asked who would pay for the fire hydrants, Mr. Olsen said he could not answer that.

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

- 1) **the illustration of the 25-foot setback lines as measured from the property line; and**
- 2) **full compliance with Fire Department comments (*Additional fire hydrants may be required*).**

The motion carried unanimously.

Case #SUB2005-00257

Noland & Oswell Subdivision

204 and 206 South Cedar Street

(West side of South Cedar Street, 50'± South of Monroe Street).

2 Lots / 0.2± Acre

The applicant was present and concurred with the staff recommendations.

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

- 1) **that Historic District Overlay setbacks be shown on plat; and**
- 2) **full compliance with Fire Department comments (*May require addition of fire hydrant*).**

The motion carried unanimously.

Case #SUB2005-00258

Parker – Rudolph Subdivision

West side of Old Military Road, 410'± South of Campanella Drive North

3 Lots / 2.8± Acres

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Matt Orrell, Polysurveying Engineering and Land Surveying, 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 Mrs. Deakle to approve the above referenced subdivision subject to the following conditions:

- 1) **the placement of a note on the final plat stating that there shall be no further resubdivision of Lot 1 unless additional frontage is provided;**
- 2) **the approval of all applicable federal, state, and local agencies prior to the issuance of any permits;**
- 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; and**
- 4) **the placement of the 25-foot minimum setback lines on the final plat.**

The motion carried unanimously.

Case #SUB2005-00262

George V. Poiroux Estates Subdivision

6405 Maurice Poiroux Road

(East side of Maurice Poiroux Road, 650' ± South of Leytham Road).

2 Lots / 10.0± Acres

Matt Orrell, Polysurveying Engineering and Land Surveying, 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 Mrs. Deakle to approve the above referenced subdivision subject to the following conditions:

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

The motion carried unanimously.

Case #SUB2005-00269

Quinnelly Second Addition Subdivision

3751 and 3753 Sheips Lane

(South side of Sheips Lane, 460' ± West of Dilston Lane).

2 Lots / 1.0± Acre

Robert S. Willcox, representative of the applicant was present and concurred with the staff recommendations.

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After discussion a motion was made by Dr. Rivizzigno and seconded by Mrs. Deakle to approve the above referenced subdivision subject to the following condition:

- 1) **full compliance with Fire Department comments (*Additional fire hydrants may be required*).**

The motion carried unanimously.

Case #SUB2005-00266

Webster Crossing Subdivision

Southeast corner of Dawes Road and McFarland Road, extending to the West terminus of Cochran Place Drive (private street).

98 Lots / 53.0± Acres

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

Mr. Plauche asked if there was anyone present who wished to speak for or against this application.

Vicki Robinson stated that she lived across the street from the subject property on Dawes Road. Ms. Robinson expressed concern about additional traffic that would be created with the development of a 98-lot subdivision. Traffic problems already existed at the intersection of McLeod, McFarland and Dawes Roads, and they really needed a traffic light there. She asked what was going to be done concerning the traffic.

Mr. Plauche asked Pat Stewart of the County Engineer's Office if the County had any plans to put a traffic light at this location.

Mr. Stewart said he was not aware of any such plans.

Reid Cummings, representing the applicants as well as the landowners, said that as far as he could see they had met the codes and ordinances required to develop this property. With regard to Ms. Robinson's concern about traffic, Mr. Cummings said he could not speak to that specifically because he had no knowledge of any traffic studies that had been done at this location. They did not control the installation of traffic lights at major roads and did not know when, if at all, a traffic light would be installed there.

Mr. Plauche asked what the process was for having a traffic light installed.

Mr. Stewart said they could make a study now just to see what kind of traffic was generated at this location, however, he did not feel that there was enough traffic to justify putting a traffic signal this far out in the County. He said he could look into this if the Commission wanted to hold this application over.

Mr. Olsen asked John Lawler to address the traffic issue.

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Mr. Lawler said traffic was something that could be considered in the approval of a subdivision. He cited a case in Montgomery where traffic studies had been offered both by the developer and the Traffic Engineer for the City of Montgomery. The subdivision was turned down because it was determined there was not adequate provision for the traffic created by the subdivision. In this case, Mr. Lawler said the Commission did not have information to say what impact this many lots would have on neighboring property, and whether or not the access would be adequate.

Mr. Cummings commented that there were a number of subdivision applications on the agenda today which had numerous lots. He specifically pointed out a proposed 500-lot subdivision that would have access to Bellingrath Road, a semi-commercial road in addition to being a way for tourists to get from I-10 to Bellingrath Gardens. If there were ever a need for a traffic impact study, perhaps it would be there as well. He asked if the study the Planning Commission would then require today set a precedent for every future subdivision with 98 lots or more to be held over and require extensive studies. And, if so, who would pay for the traffic studies.

Maurice DeWitt stated that he lived on the unpaved portion of McFarland Road and the traffic was very congested and there had been several major accidents on the road. He asked if the County planned to pave the road and put some stop signs and speed limit signs on the road.

Mr. Plauche said that did not have any connection with this subdivision. That would be a separate issue, and he suggested Mr. DeWitt contact the City Engineering Department to see whether or not that was on their paving plan.

Mr. Holmes said it did look like it connected to McFarland Road.

Mr. Olsen stated that it did connect to McFarland Road. He was not sure why it was not made a condition of approval that that section of McFarland, at least to the south end of this development, be paved because of the number of lots that would be accessing it.

Mr. Lawler further commented that the Planning Commission was called upon to make a judgement about whether or not a subdivision was appropriate, including whether there was adequate access and whether the traffic that was going to be generated by a large development could be dealt with. He said in many cases the developer would submit a traffic study or plan, or the agency, the City or County, would give some indication as to what impact they thought the development might have on the traffic. Mr. Lawler said that in this case, no one knew. Once the subdivision was approved, of course, the development would begin and they would be dealing with after the fact. He said the Commission had an opportunity to deal with it now if they wanted to. Mr. Lawler said he was not trying to advise the Commission one way or the other, but just wanted them to know that traffic could be considered in deciding whether or not to approve this application.

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It was asked if there would be access between Lots 41 and 42?

Mr. Olsen said yes, there would be a temporary turnaround between Lots 41 and 42, so in essence, they would not be accessing McLeod Road at this time, but in the future when it was fully constructed.

At the time the temporary turnaround was connected to McFarland, it was asked if they would have to improve it to County standards.

Mr. Olsen said access to McFarland Road would be allowed only when that road was constructed to County standards.

Dr. Rivizzigno asked about Lots 42 and 49.

Mr. Olsen said they would access the new road within the subdivision.

In further commenting, Mr. Cummings said they would be content with bypassing McFarland, as opposed to a temporary turnaround that would have to be somewhere in the future if McFarland Road was ever paved. At this time, they would be delighted to not have to access to McFarland Road. Mr. Cummings said they would simply take lots 41 and 42 and enlarge them a little so that they would basically be on a curve, and so the only access in and out of the subdivision would be off of Dawes Road. He felt this would be much safer in the event that Dawes Road was ever widened, since it was a planned Major Street.

In deliberations, Mr. Vallas expressed his concern about the Commission holding up an application and requiring a traffic study be made. Mr. Vallas felt those mechanisms were not in place right now, but this was something the Commission should definitely explore.

An inquiry was made about the process for a traffic study.

Mr. Stewart said it takes money, and quite a few man hours. Normally, the developer would be required to have the study done.

Asked if he was aware of any requests for a traffic study on McFarland, Mr. Stewart said he was not.

Several members said they were not for holding up the application, but expressed concern about the development and recognized the neighbors' concerns.

After discussion Mr. Vallas suggested the Commission approve the plan but deny access to McFarland as opposed to the turnaround for Lots 41 and 42.

Mr. Olsen stated that given the future potential for McFarland, and due to the fact that this was also 100 lots, the staff would recommend that a turnaround be created until

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McFarland was improved to County standards, and that no curb cuts be allowed for the individual lots.

Mr. Stewart noted that they had a similar situation to this with the road actually connecting to a County-maintained dirt road. The temporary turnaround did not deter people from using the road. Because it was actually dedicated public right-of-way, they had the right to use it.

Dr. Rivizzigno asked Mr. Olsen where in the recommendation it said that Lots 42-49 were denied access to McFarland.

Mr. Olsen said it did not. It was an oversight and he was adding that now.

There was further discussion as to whether the denial of access or the temporary turnaround should be required.

Mr. Stewart said neither one, because the public right-of-way goes all the way out to McFarland Road and they could not stop anybody from using it, nor could they put up a barricade. It would be dedicated public right-of-way.

Mr. Vallas made a motion to approve this plan subject to the staff's recommendations, adding that lots 41-49 be denied access to McFarland Road, and in lieu of the turnaround, access be denied to McFarland Road until either the County makes that improvement or the developer makes the improvement.

Mr. Stewart said if they put that public right-of-way out to McFarland Road, that would be dedicated, public right-of-way and they could not deny anybody the use of it.

Mr. Lawler said the Commission had the option of asking the developer to make that improvement now.

Mr. Miller said if they required the developer to construct McFarland, it wouldn't help because it would go north up to Dawes Road and that would create a bigger traffic problem. They could not ask them to go to Three Notch Road, but it would be nice for the County to take a look at that. He wondered if there was any way they could recommend that.

Ms. Deakle said she did not know why anybody would want to go out the back anyway, because the driveway was going to be in the front. They would have to drive across their back yard and then drive north on a dirt road when there was a paved road right in front of them. Ms. Deakle said there was nothing in the provision that said they could not have their driveway in the back yard.

Mr. Olsen noted that Mr. Vallas just made it a condition that those lots be denied access.

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After discussion Mr. Vallas revised his motion, seconded by Mrs. Deakle, to approve the above referenced subdivision subject to the following conditions:

- 1) **dedication of sufficient 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 Lots 1, 10, 18, 27, 30, 42, 49, 50, 58, 75, 76, 83, 87, 92 and 93 (which are corner lots) are limited to one curb cut each, with the size, location and design to be approved by County Engineering;**
- 3) **the placement of a note on the final plat stating that Lots 1 and 49 are denied access to Dawes Road, and lots 41-49 are denied direct access to McFarland Road;**
- 4) **the construction and dedication of new roads to County standards;**
- 5) **the provision of traffic calming devices in the areas of Lots 36 and 61, and 45 and 54; exact location and design of the traffic calming devices to be approved by County Engineering;**
- 6) **that the proposed access to McFarland Road between lots 41 and 42 be removed from the subdivision;**
- 7) **the placement of a note on the final plat stating that retention areas will be the responsibility of the property owners;**
- 8) **the placement of a note on the final plat stating that any property that is developed commercially and adjoins residentially developed property shall provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and**
- 9) **the placement of the 25-foot minimum setback lines on the final plat.**

The motion carried. (Dr. Rivizzigno and Mr. Turner voted in opposition to the motion.)

Case #SUB2005-00263

Whitestone Estates Subdivision

North terminus of Whitestone Drive.

41 Lots / 33.1± Acres

Mr. Plauche noted that this application was recommended for holdover.

There was no one present to speak in this matter.

After discussion a motion was made by Mr. Plauche and seconded by Mrs. Deakle to hold this application over until the January 19th meeting, to allow the applicant to submit revised plats showing the entire parcel and illustrating adequately sized lots or evidence that public sanitary sewer is available. These materials should be received by Urban Development by January 9th to be considered.

The motion carried unanimously.

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Case #SUB2005-00261

Wide Acres Subdivision, Resubdivision of a Portion of Lot 15, Resubdivision of Lot 1

6780 Barnes Road

(North side of Barnes Road, ¾ mile± West of Nan Gray Davis Road).

2 Lots / 0.7± Acre

Matt Orrell, Polysurveying Engineering and Land Surveying, 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 Dr. Laier to approve the above referenced subdivision subject to the following conditions:

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

The motion carried unanimously.

OTHER BUSINESS:

Public Hearing

Proposed amendment to the Zoning Ordinance to allow for Temporary Signs Advertising Not For Profit Special Events.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Laier to recommend this amendment to the Zoning Ordinance to the City Council.

The motion carried unanimously.

Introduction of New Member

Mr. Plauche welcomed new member Mr. Roosevelt Turner, who replaced Ms. Adline Clarke.

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There being no further business, the meeting was adjourned.

APPROVED: February 2, 2006

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

tc/ms