

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF JULY 15, 2004 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Terry Plauche, Chairman  
Victor McSwain, Secretary  
James Laier (S)  
Mead Miller  
Victoria L. Rivizzigno  
James Watkins III  
John Vallas

**Members Absent**

Nicholas Holmes  
Ann Deakle  
Clinton Johnson

**Urban Development Staff Present**

Laura J. Clarke, Director,  
Urban Development Department  
Richard L. Olsen, Planner II  
Margaret Pappas, Planner II  
Ron Jackson, Urban Forestry  
Val Manuel, Secretary II

**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.

**HOLDOVERS:**

**Case #ZON2004-01269 (Rezoning)**

**Darryl Anderson**

5358 Moffett Road (North side of Moffett Road, 225' ± East of Colonial Circle South).

A request for a change in zoning from R-1, Single-Family Residential, to B-3, Community Business, to allow nursery stock sales was considered.

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

**(Also see Case #SUB2004-00127 – Everglaze Subdivision – Below).**

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A motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to holdover this application until the August 5, 2004, meeting to allow the rezoning and PUD applications to be considered together.

The motion carried unanimously.

**Case #SUB2004-00127 (Subdivision)**

**Everglaze Subdivision**

5358 Moffett Road (North side of Moffett Road, 225'± East of Colonial Circle South).

1 Lot / 6.1± Acres

**(For discussion see Case #ZON2004-01269 – Darryl Anderson [Rezoning] – Above).**

A motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to holdover this application until the August 5, 2004, meeting to allow the rezoning and PUD applications to be considered together.

The motion carried unanimously.

**EXTENSIONS:**

**Case #ZON2003-01521 (Planned Unit Development)**

**Eastridge Place Subdivision, Lot 15**

Southeast corner of East Drive and Eastridge Place.

A request for a one-year extension of a previous approved Planned Unit Development Approval to increase the maximum allowable site coverage to 45% in an R-1, single-family residential subdivision.

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

The plan illustrates the subdivision plat and setbacks.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Mr. McSwain to approve this request and to advise the applicant that a second extension will be unlikely.

The motion carried unanimously.

**Case #ZON2003-01522 (Planned Unit Development)**

**Eastridge Place Subdivision, Lots 3-5 and 8-13**

North and South sides of Eastridge Place.

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A request for a one-year extension of a previous approved Planned Unit Development Approval to increase the maximum allowable site coverage to 45% in an R-1, single-family residential subdivision.

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

The plan illustrates the subdivision plat and setbacks.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Mr. McSwain to approve this request and to advise the applicant that a second extension will be unlikely.

The motion carried unanimously.

**Case #SUB2002-00037 (Subdivision)**

**Dix Subdivision, Unit Two, Resubdivision of & Addition to Lot 2**

South side of Cottage Hill Road, 250'± West of Dawes Road, extending to the West side of Dawes Road, 200'± South of Cottage Hill Road.

3 Lots / 5.7± Acres

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

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Mr. McSwain to approve this request and to advise the applicant that a second extension will be unlikely.

The motion carried unanimously.

**Case #SUB2002-00158 (Subdivision)**

**Ram's Head Addition to Tillman's Corner Subdivision (formerly Head's Addition to Tillman's Corner Subdivision)**

South side of Cross Street, 100'± East of Middle Road.

5 Lots / 20.3± Acres

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

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Mr. McSwain to approve this request and to advise the applicant that a second extension will be unlikely.

The motion carried unanimously.

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**GROUP APPLICATIONS:**

**Case #ZON2004-01442 (Planning Approval)**

**Mobile Housing Board**

Area bordered by Conception Street, Bloodgood Street, Joachim Street, and Morgan Street.

A request for Planning Approval to allow a community center and two storage buildings in an R-3, Multi-Family Residential district was considered.

The plan illustrates the proposed buildings and parking.

**(Also see Case #ZON2004-01441 – Orange Grove Homes [PUD] – Below).**

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

There was no one present in opposition.

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

- 1) elimination of the proposed head-in parking facilities along Joachim Street;
- 2) full compliance with landscaping and tree planting requirements for the project area (project area is area shown on site plan);
- 3) compliance with the tree protection requirements, as required for private property and for public right-of-way; and
- 4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #ZON2004-01441 (Planned Unit Development)**

**Orange Grove Homes**

Area bordered by Conception Street, Bloodgood Street, Joachim Street, and Morgan Street.

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

The plan illustrates the proposed buildings and parking.

**(For discussion see Case #ZON2004-01442 – Mobile Housing Board [Planning Approval] – Above).**

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

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There was no one present in opposition.

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

- 1) elimination of the proposed head-in parking facilities along Joachim Street;
- 2) full compliance with landscaping and tree planting requirements for the project area (project area is area shown on site plan);
- 3) compliance with the tree protection requirements, as required for private property and for public right-of-way; and
- 4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #ZON2004-01457 (Planned Unit Development)**

**Professional Associates Subdivision**

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

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

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

**(Also see Case #SUB2004-00156 – Professional Associates Subdivision – Below).**

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant and concurred with the staff recommendations with the exception of condition #2, which requires that they relocate the sign located in the right-of-way to private property. Mr. Coleman explained that the sign had been there for eighteen or twenty years. He requested that they be allowed to leave the sign there since it was not bothering anyone and had been there so long. Mr. Coleman said they would move the sign in the event they needed to do something to Georgian Drive.

Mr. Olsen explained that the Zoning Ordinance requirement that all signs be located on private property was why that condition was recommended. A variance would be required from the Board of Adjustment in order for the sign to remain in the right-of-way,

Mr. Lawler stated that even though the sign may have been there for twenty years and they may have a good reason why it should remain, the Planning Commission does not have the authority to vary the terms of the Zoning Ordinance. Any exceptions would have to be granted by the Board of Adjustment.

Mr. Miller asked if the Commission could approve it subject to the variance being granted.

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Mr. Lawler replied that they could.

There was no one present in opposition.

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

- 1) documents establishing a property owners association and specifying the responsibility and method of maintenance of all common areas be prepared and recorded in Probate Court (documents to be reviewed and approved by the Commission's attorney prior to recording);
- 2) compliance with the landscaping and tree planting requirements of the Ordinance, to be coordinated with the Urban Forester; and
- 3) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2004-00156 (Subdivision)**

**Professional Associates Subdivision**

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

4 Lots / 5.0± Acres

**(For discussion see Case #ZON2004-01457 – Professional Associates Subdivision [PUD] – Above).**

There was no one present in opposition.

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

- 1) placement of a note on the final plat stating that maintenance of the common area is the responsibility of the property owners); and
- 2) documents establishing a property owners association and specifying the responsibility and method of maintenance of all common areas be prepared and recorded in Probate Court (documents to be reviewed and approved by the Commission's attorney prior to recording).

The motion carried unanimously.

**Case #ZON2004-01448 (Rezoning)**

**Brian Walker**

709 Western Drive (Northwest corner of Western Drive and Northwest Drive).

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A request for a change in zoning from R-1, Single-Family Residential, and I-1, Light Industry, to I-1, Light Industry, to allow the expansion of an existing tire recycling facility was considered.

The plan illustrates the existing structures, parking, and zonings.

**(Also see Case #ZON2004-01449 – Western Properties Subdivision [PUD] – Below; and Case SUB2004-00150 – Western Properties Subdivision – Below).**

Marshall McLeod, engineer for the applicant, requested a holdover until the August 19<sup>th</sup> meeting in order to submit amended applications.

After discussion a motion was made by Dr. Laier and seconded by Dr. Rivizzigno to holdover this application until August 19, 2004, meeting to allow the applicant time to amend the application.

The motion carried unanimously.

**Case #ZON2004-01449 (Planned Unit Development)**

**Western Properties Subdivision**

709 Western Drive (Northwest corner of Western Drive and Northwest Drive).

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

The plan illustrates the existing structures, parking, and zonings.

**(For discussion see Case #ZON2004-01448 – Brian Walker [Rezoning] – Above; see also Case #SUB2004-00150 – Western Properties Subdivision – Below).**

After discussion a motion was made by Dr. Laier and seconded by Dr. Rivizzigno to holdover this application until August 19, 2004, meeting to allow the applicant time to amend the application.

The motion carried unanimously.

**Case #SUB2004-00150 (Subdivision)**

**Western Properties Subdivision**

709 Western Drive (Northwest corner of Western Drive and Northwest Drive).

1 Lot / 3.0<sub>±</sub> Acres

**(For discussion see Case #ZON2004-01448 – Brian Walker [Rezoning] – Above; see also Case ZON2004-01449 – Western Properties Subdivision [PUD] – Above).**

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After discussion a motion was made by Dr. Laier and seconded by Dr. Rivizzigno to holdover this application until the August 19, 2004, meeting to allow the applicant time to amend the application.

The motion carried unanimously.

**Case #ZON2004-01329 (Planned Unit Development)**

**D'Iberville Town Homes**

South side of Southland Drive, 800'± West of Knollwood Drive, extending to the West terminus of Southland Drive.

A request for Planned Unit Development Approval to allow multiple buildings on a single building site for a residential, condominium, town-home complex with private streets and shared parking was considered.

The plan illustrates the proposed structures, drives, and landscaping.

**(Also see Case #ZON2004-01474 – The Oaks at Knollwood [PUD] – Below).**

Thomas Keene, representing Loupe Development, presented plans, which illustrate contiguously constructed town homes ranging in size from 1850 to 2100 square feet. Mr. Keene said that they concurred with the staff recommendations, but had only one issue, which was the requirement for an 8-foot separation between two-story buildings. He said they have plans for a two-story building, the approximate size to be a little over 2400 square feet. Mr. Keene said they were not sure the demand would support this size unit. He said that if it should occur, it would have to occur on the end of any single run, which would meet any of the requirements pointed out in the City's staff review. Mr. Keene said the other issue had to do with the separation buffer. He noted that they had plotted around the wetlands. He stated that they were developing the subdivision to the south (The Lakes), and that it was buffered by the wetlands. They actually planned for the wetlands to be their natural buffer and did not plan to encroach into the wetlands.

With regard to The Oaks at Knollwood, (Case #ZON2004-01474), Mr. Keene said that in their initial PUD they had considered the possibility of it being a multi-family apartment complex. Strong consideration was now being given to opening this to the active adult community, which would be individual homes built in a contiguous format, for sale to active adults fifty-five and older. He said they were looking for an aged clientele to purchase the homes and the lots. The common areas would be maintained by a homeowner's association. Mr. Keene noted that there was a buffer to the rear, at the very south end of the property, adjoining their other site, The Woodlands would be single-family residences. There is access through the buffer so there is contiguous access through the entire seventy acres (including The Lakes to the south). There will be walking trails to tie the different divisions of the property together and landscaped walkways, benches and lighting throughout the entire seventy acres. Mr. Keene said that they concurred with the staff's review.



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Dr. Rivizzigno asked what was meant by “marginal access street”.

Mr. Keene stated that in the Subdivision Regulations for road access, there were divisions for marginal access streets. They will have a major entryway and a cul-de-sac that comes into the site. Then off of that, they are planning driveways that will allow access into the units.

Dr. Rivizzigno asked about the “minor streets” referenced on the plan.

Mr. Keene said they had not defined the street if the streets were going to be gated, they would be private streets. Mr. Keene said they wanted to leave that option open, because they were hearing from marketing that this particular clientele has an emphasis on security. He said that in the event they have to make it a gated community with limited access, they wanted to have that option available under the guidelines.

Dr. Rivizzigno asked if there were stub outs to the surrounding property.

Ms. Pappas explained that this was actually one lot. With this application, all of these roadways within the subdivision would be private. They would essentially be internal circulation drives. She said that they may vary in width and so forth, but they would be privately owned. The property would all still exist as one lot; simply individual units would be sold.

Ms. Clarke stated that this is similar to a multi-family apartment complex where you have internal drives, even though you have this many units, you don't have individual lots that would require a street stub as mentioned in the Subdivision Regulations.

Mr. Keene further pointed out that they had acquired all of the land on Southland from Knollwood to its dead end, with the exception of one tract of land that was pre-sold and developed. He said they were the major generators of traffic in and out of Southland on the boulevard up to Knollwood. He also said they had been very careful as to how they were handling internal traffic flow out to Southland, to their major exit at Knollwood. He said that it would be an environmental nightmare to try to cross the watershed to the south. He said they were very comfortable with the single access and did not want cars coming through their subdivision and ending up on Girby Road. Nor did they want Girby Road traffic taking short cuts and ending up on Southland, coming out to by-pass the hospital. Mr. Keene said they did this intentionally to control each individual pod of the development.

There was no one present in opposition.

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

- 1) that Lot B, The Preserve Subdivision, be recorded prior to the issuance of any building permits for the site;

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- 2) that the marginal access roads and alleys simply be developed as internal circulation drives and comply with the Zoning Ordinance (minimum width of 24-feet for two-way traffic) and Traffic Engineering requirements;
- 3) that a minimum separation of eight-feet be provided between two-story buildings and no windows allowed on the flanking walls;
- 4) full compliance with the landscaping and tree planting requirements of the Zoning Ordinance;
- 5) the approval of all applicable federal, state and local agencies;
- 6) the provision of a sidewalk, plantings, benches and lighting along Southland Drive as stated in the application;
- 7) the provision of a buffer, in compliance with Section IV.D.1. where the site adjoins R-1, Single-Family Residential zoning; and
- 8) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Mr. Vallas recused from discussion and voting.

**Case #ZON2004-01474 (Planned Unit Development)**

**The Oaks at Knollwood**

Southeast corner of Southland Drive and Knollwood Drive.

A request for Planned Unit Development Approval to allow multiple buildings on a single building site for a residential, condominium, town-home complex with private streets and shared parking was considered.

The plan illustrates the proposed structures, drives, and landscaping.

**(For discussion see Case #ZON2004-01329 – D’Iberville Town Homes [PUD] – Above).**

There was no one present in opposition.

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

- 1) that Lot A, The Preserve Subdivision, be recorded prior to the issuance of any building permits for the site;
- 2) that the marginal access roads, minor streets and alleys simply be developed as internal circulation drives and comply with the Zoning Ordinance (minimum width of 24-feet for two-way traffic) and Traffic Engineering requirements;
- 3) full compliance with the landscaping and tree planting requirements of the Zoning Ordinance;
- 4) the provision of a sidewalk, plantings, benches and lighting along Southland Drive as stating in the application; and
- 5) full compliance with all municipal codes and ordinances.

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The motion carried unanimously.

Mr. Vallas recused from discussion and voting.

**Case #ZON2004-01515 (Planned Unit Development)**

**Rochester Place Subdivision, Revised Plat of**

Northwest corner of Airport Boulevard and General Pershing Avenue (not open), extending North and West to the South side of South Sunset Drive.

A request for Planned Unit Development Approval to allow an existing single-family residential subdivision to be a private street subdivision was considered.

The plan illustrates the existing lots, easements and setbacks.

**(Also see Case #SUB2004-00154 – Rochester Place Subdivision Revised Plat of – Below).**

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant and stated that their application did not reflect that this was to be a gated community. Mr. Coleman stated they were applying for vacation of the street. He said the staff was aware of this and said that it could be a gated community, but the gate has to work.

Mr. Olsen stated that information about this being a gated community was inadvertently left out of the application. This was the reason the staff had recommended denial. Mr. Olsen said that if they are in fact proposing a gate, and will maintain the gate as operational, then it would comply with the conditions in Section VIII.4.A. (Subdivision Regulations) for a private road. The staff would at this point offer a change to their recommendation to include approval subject to compliance with Section VIII. of the Subdivision Regulations, and the condition regarding the gate. He said if the gate ceases to operate, then the road should be dedicated back to the City of Mobile. Also, as requested by Urban Forestry, any work on or under the big 53-three-inch Live Oak along the north property line of lot 10-A has to be coordinated with Urban Forestry; removal of the tree to be permitted only in the case of disease or impending danger. In addition, any trees that are in the current city right-of-way are to remain protected.

Mr. Coleman stated that they planned to leave the tree alone. He said he agreed with the staff's revised recommendations.

In discussion Mr. McSwain asked if they were circumventing the Regulations.

Mr. Olsen stated that this was the third time this application had been before the Commission. The other times they requested a private road without a gate. The Commission approved it with the road being dedicated and constructed to City standards. Mr. Olsen noted that on none of the applications, or even at the meetings in the past, was there any justification for a private road. He said a gated community is specifically listed

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in the Subdivisions Regulations as justification for a private road since a public road cannot be gated.

Mr. Plauche asked if the road was built.

Mr. Olsen replied that it was built and had been dedicated to the City.

Mr. McSwain asked if their vacation was going to be predicated on the Commission's approval.

Mr. Olsen said yes. The approval of the subdivision would be required.

Ms. Clarke added that this would have to be designated as a private drive because if not, these lots would not have frontage on the roadway if they simply received the vacation.

Mr. McSwain asked if this meant they would not get garbage pickup.

Ms. Clarke said that was correct.

Beverly Terry, City Engineering, said that the residents would have to bring their garbage cans to the Airport Boulevard Service Road. She further stated that if this has to be taken over by the City, they would have to remove the structures out of the right-of-way. There was no one present in opposition.

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

- 1) compliance with Section VIII. of the Subdivision Regulations,
- 2) placement of a note on the final plat stating that if the gate ceases to operate, the road must be dedicated to the City; and
- 3) preservation of the 53" Oak as referenced in the Urban Forestry comment, as well as, protection status for any existing trees that are located within the existing right-of-way.

The motion carried unanimously.

**Case #SUB2004-00154 (Subdivision)**  
**Rochester Place Subdivision, Revised Plat of**

Northwest corner of Airport Boulevard and General Pershing Avenue (not open), extending North and West to the South side of South Sunset Drive.

13 Lots / 3.4+ Acres

**(For discussion see Case #ZON2004-01515 – Rochester Place Subdivision Revised Plat of [PUD]– Above).**

There was no one present in opposition.

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

- 1) compliance with Section VIII. of the Subdivision Regulations,
- 2) placement of a note on the final plat stating that if the gate ceases to operate, the road must be dedicated to the City; and
- 3) preservation of the 53" Oaks as referenced in the Urban Forestry comment, as well as, protection status for any existing trees that are located within the existing right-of-way.

The motion carried unanimously.

**NEW PLANNED UNIT DEVELOPMENT APPLICATION:**

**Case #ZON2004-01456**

**EGM Properties, LLC**

3748 Industrial Park Drive (North side of Industrial Park Drive, 135' ± East of Industrial Park Circle).

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

The site plan illustrates the proposed drive, parking, and building along with the existing building, parking, fencing, and landscaping.

Frank Dagley, present representing the applicant, stated that they would like one change. He pointed out that this is a heavily wooded lot and there was a lot of heavy vegetation in the back of the 7 ½-foot drainage easement, which they did not plan to touch. Even though their retention pond was near the back, they felt they could leave a 10-foot natural buffer in lieu of an 8-foot privacy fence or a 10-foot wooded buffer.

There was no one present in opposition.

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

- 1) provision of an 8' wooden privacy fence or 10' wooded buffer along the rear property line; and
- 2) full compliance with all municipal codes and ordinances, including but not limited to landscaping and tree planting requirements and the provision of sidewalks.

The motion carried unanimously.

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**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2004-00146**

**D'Iberville Woods Subdivision**

West side of D'Iberville Drive North, 2/10 mile± South of D'Iberville Drive West.

6 Lots / 4.3± Acres

Matt Orrell, Polysurveying Engineering – Land Surveyors, was present on behalf of the applicant. Mr. Orrell explained that this property had a draw, and wetlands that cross lot 6 and lot 1. Originally there was to be a 50-foot road, which was never built, and he felt it was not practical to build this road for such a small piece of property, considering a bridge would have to be built across the wetlands. They proposed a driveway across it, which would have to be permitted by the Corps and Engineers. This would give them a common easement across lots 2, 3, 4 and 5. Lots 1 and 6 have their own entrance off D'Iberville Drive. Mr. Orrell asked the Commission to approve this and allow them to build a driveway with common easements, with one driveway serving all the lots.

James W. Croake, 8691 Woodington Drive, stated that his property was on the backside of the proposed development. Mr. Croake said he was already having a significant runoff problem because of this being part of the Dog River Watershed. He felt that this proposed development would worsen the problem. Mr. Croake was also concerned from a health standpoint that this would create more pooling of water and cause mosquitoes.

Mr. Orrell stated that they would submit this to ADEM for their review. Regarding storm water, they would comply with all the requirements of Mobile County for drainage.

Mr. Vallas asked if he understood there would be a private drive with common easement.

Mr. Orrell said that there would be a private drive with a common easement. It would be a driveway going in where everybody would have ingress and egress to the rear four lots. He said it was not practical to build a street to cross the draw for four lots.

Ms. Pappas asked Mr. Orrell for clarification as to what he meant when he said "private drive".

Mr. Orrell clarified that he was talking about a driveway, not a private road. All the lots would have 25 feet of access on D'Iberville Drive. He said they could not build a street to county standards across the draw to make it worth dividing the property.

Ms. Pappas noted that when this property was originally subdivided, the right-of-way was left to provide for a street stub to the west. She said she understood Mr. Orrell's point regarding the draw. However, the Commission had adopted private street standards, requiring minimum pavement, and road construction. This is in the county, and while they are proposing homes, it is not zoned and there could be a multitude of uses there. There could be more than one home per lot, or possibly a business there. The staff, therefore, would still recommend denial. Should the Commission entertain approval,

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however, minimum construction to the private street standards laid out in the Subdivision Regulations, should be required.

Dr. Rivizzigno asked if this subdivision was approved, could any one of those property owners come back and resubdivide their property.

Ms. Clarke replied that they could request resubdivision.

Mr. Orrell said they would request that there be no resubdivision of lots.

Ms. Clarke further commented that accommodations were made in the Subdivision Regulations years ago to allow for these “flag-shaped lots” with a minimum of 25 feet of frontage. She said that would provide some relief for maybe a two or three-lot family division type situation, but when you get to six lots, you have a subdivision. In her opinion a minimum of private drive standards, not driveways, should be adhered to in this case.

Mr. Orrell responded that there would only be four lots accessing the driveway. He noted that the private road standard for the Planning Commission is a county road. Although it would not have curb and gutter, it would be impractical to put in a private road in this situation. The reason the street was never built was because it was impractical to build a street across the draw. He said this was a unique situation for which flag-shaped lots were created.

Buddy Brooks, a resident of 2850 D’Iberville Drive, stated that he owned pretty much everything south of this proposed development. The creek and the wetlands drain into his lake. Mr. Brooks was concerned about runoff, as he had already lost 80 feet of lake due to siltation. He felt the proposed development was too dense. Most lots in D’Iberville were close to an acre. The proposed lots are under a half-acre. Mr. Brooks said he would not object if they would develop two lots on the backside of the creek. He felt that three of the proposed four lots would not be developable due to the slope of the land. Mr. Brooks was also concerned that the subdivision would remove every bit of buffer that he had there, and would create a problem with trespassing. Whatever they did, he asked that something be done for storm water, as currently there are no retention ponds or anything along the creek.

Cubby Sellers, a resident of 2677 D’Iberville Drive North, asked if the people who lived directly across the street from this proposed development should have been notified.

Ms. Pappas stated that those property owners should have been notified.

Mr. Sellers said that three out of four who lived directly across the street did not receive a notice. He said his biggest concern was that this did not fit with the current development of the subdivision. Mr. Sellers assumed each lot (lots 2, 3, 4 and 5) would have to develop their own driveways and a culvert to get back to their property. He also

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expressed concern about the distance from a fire hydrant and whether culverts would be heavy enough to support the weight of an emergency vehicle.

Mr. Orrell clarified that there would be just one driveway. In lieu of denying this subdivision, Mr. Orrell said his client may wish to reduce the number of lots and just have two lots without having to resubmit.

Mr. Olsen stated that if the applicant would like to request a holdover to reduce the number of lots, he should have a revised plat to the staff on Monday, in order for it to be considered at the next meeting.

Mr. Orrell said that would be fine. He requested a holdover.

A motion was made by Dr. Rivizzigno and seconded by Mr. McSwain to holdover this application until the August 5, 2004, meeting to allow the applicant time to revise the plat.

The motion carried unanimously.

**Case #SUB2004-00159**

**Ferguson Enterprises Subdivision**

4172 Halls Mill Road (North side of Halls Mill Road, 350'± West of Moore Creek).

1 Lot / 8.0± Acres

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

There was no one present in opposition.

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

- 1) the dedication of sufficient right-of-way to provide 35-feet from centerline of Halls Mill Road;
- 2) a note placed on the final plat stating that the size, number and location of all curb cuts are to be approved by Traffic Engineering; and
- 3) the removal of the notation on the western portion of the parcel as reserved for road right-of-way, and the inclusion of that area as part of the subdivision.

The motion carried unanimously.

**Case #SUB2004-00153**

**Holley Estates Subdivision**

East side of Snow Road, 3/10 mile± North of Jeff Hamilton Road.

67 Lots / 75.0± Acres



**July 15, 2004**

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 Mr. McSwain and seconded by Dr. Rivizzigno to approve the above referenced subdivision subject to the following conditions:

- 1) the placement of a note on the final plat stating the Lots 1, 14-17, 29-32, 63-64, and 67 are denied direct access to Snow Road South;
- 2) the provision of a street stub to the East;
- 3) the developer obtain any necessary federal, state, and local environmental approvals;
- 4) the placement of the 25-foot minimum building setback lines on the final plat; and
- 5) the placement of a note on the final plat stating 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 #SUB2004-00145**

**Laired Place Subdivision, First Addition**

3701 Demetropolis Road (East side of Demetropolis Road, 730'± North of Halls Mill Road).

2 Lots / 6.1± Acres

Jerry Byrd, Byrd Surveying Company, was present representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

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

- 1) the placement of the 25-foot minimum setback lines on the final plat;
- 2) any work on or under the 45" Live Oak Tree located on the Northwest corner of Lot 2 is to be permitted and coordinated with Urban Forestry - removal to be permitted only in the case of disease or impending danger; and
- 3) the placement of a note on the final plat stating that this property may lie within the path of a planned Major Street connection to Interstate Highway 10.

The motion carried unanimously.

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**Case #SUB2004-00155**

**Lakeside Commercial Park Subdivision, 10<sup>th</sup> Addition, Resubdivision of Lots 1, 2, and 3**

755 Lakeside Drive West and 776 Lakeside Drive (South terminus of Lakeside Drive West, extending to the West side of Lakeside Drive, 215'± South of Lakeside Drive South).

3 Lots / 4.2± Acres

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

There was no one present in opposition.

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

- 1) the placement of a note on the final plat stating that there shall be no resubdivision of Lot 3 until additional frontage is provided on an open and maintained public right-of-way.

The motion carried unanimously.

**Case #SUB2004-00149**

**Mickey's Place Subdivision**

8685 Moffett Road (South side of Moffett Road, 250'± East of the South terminus of Camellia Drive).

1 Lots / 0.6± Acre

Kim Dearmon, 2640 Meadowlake Road, applicant, pointed out that the address of the site was incorrect. The correct address was 8685 Moffett Road. Ms. Dearmon concurred with the staff recommendations.

The staff acknowledged the error and said it would be corrected.

There was no one present in opposition.

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

- 1) submission of documentation to clear up the discrepancy of the legal description to the satisfaction of Urban Development and County Engineering staffs;
- 2) the dedication of adequate right-of-way to provide 50-feet from the centerline of Moffett Road;
- 3) the placement of a note on the final plat stating that the number, location and design of all curb cuts are to be approved by ALDOT and County Engineering;

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- 4) 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
- 5) the placement of the 25-foot minimum setback line on the final plat.

The motion carried unanimously.

**Case #SUB200400151**

**Joe Miller Subdivision**

9280 Tanner Williams Road (North side of Tanner Williams Road, 470'± West of Hubert Pierce Road).

3 Lots / 3.7± Acres

A motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to holdover this application to allow the applicant time to include the balance of the property in the subdivision, with additional notification information; or the submission of documentation to establish the balance of the property as a legal lot of record prior to 1984.

The motion carried unanimously.

**Case #SUB2004-00147**

**Thomas Miller Estates Subdivision**

North side of Theodore Dawes Road, 300'± East of McDonald Road.

2 Lots / 17.0± Acres

Matt Orrell, Polysurveying Engineering – Land Surveyors, asked that the recommendation limiting curb cuts to one per lot be deleted. He said these were very large lots in the county where there is no zoning. Mr. Orrell asked that the County Engineering Department determine how many curb cuts they could have. Further, he did not know how they planned to develop the property. They may need a circular drive and two entrances for safety.

Based on the frontage, Mr. McSwain asked why the staff would limit it to one curb cut.

Mr. Olsen stated that it was not uncommon to limit it to one curb cut. The larger lot could very easily have a condition allowing curb cuts to be approved by the County Engineer.

There was no one present in opposition.

A motion was made by Mr. Vallas and seconded by Dr. Rivizzigno to waive Section V.D.3. and 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 Theodore Dawes Road;

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- 2) the size, location and design of the curb cuts to be approved by County Engineering;
- 3) 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;
- 4) the placement of the 25-foot minimum setback lines on the final plat; and
- 5) the approval of all applicable federal, state and local agencies.

The motion carried unanimously.

**Case #SUB2004-00157**

**Pine Branch Subdivision, Resubdivision of Lot 1**

Southeast corner of Schillinger Road and Marty Drive.

2 Lots / 2.4± Acres

Frank Dagley, Dagley and Associates, was present on behalf of the applicant. Mr. Dagley pointed out an error wherein the first condition in the staff recommendation called for dedication of sufficient right-of-way to provide 50-feet from the centerline of Theodore-Dawes Road. This dedication should be referring to Schillinger Road.

The staff acknowledged the error.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Mr. Vallas 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 Schillinger Road;
- 2) the placement of a note on the final plat stating that both 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 if Lot 1 is developed commercially, it is denied direct access to Marty Drive; and
- 4) 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 #SUB2004-00148**

**Smith Subdivision, No. One**

West side of Bay Front Road, 250'± North of Stewart Road, extending to the North side of Stewart Road, 4/10 mile± West of Bay Front Road.

4 Lots / 16.0± Acres

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

Ms. Pappas stated that she spoke with Mr. Orrell prior to the meeting. All of the property is now included within the subdivision and therefore the staff recommended approval subject to a waiver of Section V.D.3. (width-to-depth ratio) of the Subdivision Regulations, placing a note on the final plat stating that there shall be no future resubdivision of Lot 4 until additional frontage on a public roadway was provided, and all necessary approvals from federal, state, and local agencies.

Mr. and Mrs. Norman Williams, 1222 Stewart Road, were present and expressed concern about drainage. Ms. Williams said there was already significant flood runoff behind their property. The area was in a flood zone and for months at a time you cannot even see the ground, it is so swampy. The runoff now flows like a river across their lot to the park. Ms. Williams said they had to haul in dirt to keep their property from flooding. She said they would have to do the same for that property, because it is below the flood level. She also asked if there would be any kind of underground piping for this runoff.

Mr. Orrell explained that the only reason they submitted the whole piece of property was to develop three lots on Bay Front Road for residential houses. They have no plans to do anything with the remainder of the property.

Mr. Plauche noted that when they do develop those three lots they would have to comply with the City's Storm Water Ordinance.

Ms. Williams further asked if the homes would be low-income homes.

Mr. Plauche explained that the Planning Commission had no control over what type of homes would be on the property. He said the Commission just authorizes the subdivision of land.

James Lucas, 1214 Stewart Road, asked why they would need to have an access to Stewart Road if the three houses were going to be on Bay Front Road.

Mr. Vallas said they could not create a lot that did not have access.

Mr. Orrell replied that if they did not have access to Stewart Road they would be creating a landlocked parcel (Lot 4).

Ms. Clarke noted that in the future they could put only one single-family house on the 16-acre lot. If they wanted to put anything else there they would need to come back before the Planning Commission for approval.

Gordon Tillman, 918 Stewart Road, said he agreed with the comments made about drainage. Mr. Tillman asked how far the access road would be from Bay Front Road and would it be paved or just a dirt road.

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Mr. Plauche stated that there was no road. It was just a 35-foot access for the property; no road was to be built.

Mr. Tillman asked if that access road had always been there.

Ms. Clarke responded that at this point it was just a lot and not designated as a right-of-way or a roadway at all, on any plans, formerly or currently. If, in the future, the owner chooses to develop the long, linear piece, he has to have, as required by law, access to a public roadway. That was the reason they have acquired the 35' lot to Stewart Road. But at this point, it is not designated as an access road and it is not right-of-way.

In later discussion Mr. McSwain asked why the Commission would approve this with only 35' of frontage.

Ms. Pappas explained that in this particular situation, there is actually more frontage than is provided on a typical flag-shaped lot. This is within the City, it is zoned R-1, and the only thing that could be placed on the lot would be a single-family residence. Moreover, with the placement of a note on the plat, it could not be subdivided unless they get additional frontage on public right-of-way.

A motion was made by Dr. Rivizzigno and seconded by Mr. McSwain to waive Section V.D.3. and approve the above referenced subdivision subject to the following conditions:

- 1) placement of a note on the final plat stating that there shall be no future resubdivision of Lot 4 until additional frontage on a public road is provided; and
- 2) approval by all federal, state, and local agencies.

The motion carried unanimously.

**Case #SUB2004-00152**

**Williams Willow Subdivision**

East side of Schillinger Road, 375'± South of Haul Road (private road), extending to the South side of Haul Road, 405'± East of Schillinger Road.

8 Lots / 20.2± Acres

Ricky Williams, 1020 Schillinger Road, applicant, requested that this application be held over to the first meeting in September.

Ms. Pappas said the staff would notify the applicant of the deadline for submitting his information.

A motion was made by Mr. Plauche and seconded by Mr. McSwain holdover this application until the September 2, 2004, meeting to allow the applicant time to revise the plat. This information should be submitted by August 9, 2004.

The motion carried unanimously.

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Mr. Vallas recused from discussion and voting.

**NEW SIDEWALK WAIVER APPLICATIONS:**

**Case #ZON2004-01455**

**Premier Capital Funding, Inc.**

153 West I-65 Service Road North (Northwest corner of West I-65 Service Road North and South Avenue).

A request to waive construction of sidewalks along West I-65 Service Road South and South Avenue was considered.

Frank Dagley, Dagley and Associates, was present on behalf of the applicant. Mr. Dagley said he had gone back to the site and he now thinks they can put in a sidewalk. There was a large pine tree, however, on South Street, which would be in the way. He would like to be able to work that out with Urban Forestry to get around this tree without having to stop the sidewalk.

Mr. Jackson stated that he would work with Mr. Dagley regarding the tree.

Dr. Rivizzigno asked if Mr. Dagley was withdrawing the application.

Ms. Clarke asked for clarification, because they wouldn't want the Commission to go along with the recommendation for denial subject to the applicant working with the Forester. The staff recommended that the applicant withdraw their application.

Mr. Dagley asked that the application be withdrawn.

A motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to allow the above referenced application to be withdrawn at the applicant's request.

The motion carried unanimously.

**Case #ZON2004-01454**

**The Wesley Foundation**

5835 Old Shell Road (Southeast corner of Old Shell Road and Allen Drive).

A request to waive construction of a sidewalk along Allen Drive was considered.

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

The motion carried unanimously.

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**OTHER BUSINESS:**

**Public Hearing – Petition for Annexation**

Ms. Clarke presented a petition for annexation to the City of Mobile from Integrity Media. Ms. Clarke explained that the procedure is for the petition to be submitted to the Planning staff, who will present it for public hearing with the Planning Commission. The Commission then makes a recommendation to the City Council for further action, and it eventually ends up in the Department of Justice for final approval. Ms. Clarke said Don Mayes, president of Integrity Media, was present.

Mr. Mayes stated that the background for this application started back when the City of West Mobile was a possibility. At that time Integrity Media had no interest in being part of West Mobile as an incorporated city and fought against it successfully. They no longer believe incorporation is particularly a threat, but believe that for the betterment of that area they ultimately need to annex into the City of Mobile. Mr. Mayes said one of the reasons they were doing this was to lead the way and show that they believe the benefits to come into the City. A second reason is they want Cody Road to be widened. Cody Road is a tiny, two-lane road that continues to get more and more traffic, and they feel it is unsafe. In part because of the city/county divide, it has been skipped over and hasn't received enough attention. Mr. Mayes said he had talked with Mayor Mike Dow and he has committed publicly to put his energy behind trying to get widening escalated on the agenda so that Cody Road will receive the proper attention. With his agreement to do that, Integrity Media has agreed to come into the City.

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

The motion carried unanimously.

There being no further business, the meeting was adjourned.



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**APPROVED:**            October 7, 2004

/s/ Victor McSwain, Secretary

/s/ Terry Plauche, Chairman

vm