

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF MARCH 4, 2004 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Robert Frost, Chairman
Terry Plauche, Vice-Chair
Victor McSwain, Secretary
James Laier
Ann Deakle
John Vallas
Nicholas H. Holmes, III

Members Absent

Wendell Quimby
Clinton Johnson
Ernest Scott (S)
Victoria L. Rivizzigno

Urban Development Staff Present

Laura J. Clarke, Director,
Urban Development Department
Richard L. Olsen, Planner II
Margaret Pappas, Planner II
Shayla Jones, Planner I
Jennifer Henley, Secretary II

Others Present

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

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

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

HOLDOVER:

Case #SUB2004-00018

Brown-Manning Subdivision, Revised

880 and 908 Dawes Road (West side of Dawes Road, 160'± South of Magnolia Village Drive North).

3 Lots / 1.9± Acres

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

There was no one present in opposition.

A motion was made by Mr. McSwain and seconded by Dr. Laier to waive Section V.D.3., of the Subdivision Regulations, and approve this subdivision subject to the following conditions:

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- (1) the placement of a note on the final plat stating that all lots are limited to one curb cut each to Dawes Road, with the size, location and design to be approved by County Engineering; and
- (2) 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.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #ZON2004-00404

Heron Lakes Subdivision, Phase One, Lot 18

1220 Heron Lakes Circle (East side of Heron Lakes Circle at the East terminus of Yellow Heron Lane).

The request for Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow reduced building setbacks and increased site coverage was considered.

The plan illustrates the existing utility easement and setbacks, along with the proposed setbacks.

(Also see Case #SUB2004-00035 – **Heron Lake Subdivision, Phase One, Lot 18** – Below)

Mr. M. Don Williams, Williams Engineering, was representing the applicant. Mr. Williams said they had a problem with the recommendation that the 20' side yard total be maintained. He asked that the front and rear setbacks be changed to 25 feet, that site coverage go from 35 percent to 40 percent, and that an 18' total side yard be maintained. This would allow the proposed 60' wide house to fit on the 80' wide lot. His client had originally thought that she could provide the 20'. However, because of the angle of the lot, they would be short 2'.

There was no one present in opposition.

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

- (1) that the Engineer provide verification that the existing stormwater system, including designed and constructed detention, can accommodate increased site coverage; and
- (2) that the 18-foot side yard total be maintained.

The motion carried unanimously.

Case #SUB2004-00035

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Heron Lakes Subdivision, Phase One, Lot 18

1220 Heron Lakes Circle (East side of Heron Lakes Circle at the East terminus of Yellow Heron Lane).

1 Lot / 0.3± Acre

(For discussion see Case #ZON2004-00404 – **Heron Lake Subdivision, Phase One, Lot 18** – Above)

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

- (1) that the Engineer provide verification that the existing stormwater system, including designed and constructed detention, can accommodate increased site coverage; and
- (2) that the 18-foot side yard total be maintained.

The motion carried unanimously.

NEW ZONING APPLICATION:

Case #ZON2004-00406

City of Mobile

North side of Eslava Street, extending from the CSX Railroad right-of-way to the Mobile River.

The request for a change in zoning from I-2, Heavy Industry, and I-1, Light Industry, to B-4, General Business, to allow a cruise terminal and maritime center was considered.

Mr. Plauche recused himself from the discussion and vote regarding this matter.

There was no one present to speak on behalf of the application.

There was no one present in opposition.

A motion was made by Mr. Vallas and seconded by Ms. Deakle to recommend the approval of this change in zoning to the City Council subject to the following conditions:

- (1) submission of the appropriate application(s) (subdivision and/or PUD), once lease/parcel delineations have been finalized; and
- (2) full compliance with all municipal codes and ordinances (including coordination of tree plantings to the greatest degree possible with Urban Forestry).

Mr. Plauche recused. The motion carried.

NEW SUBDIVISION APPLICATIONS:

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Case #SUB2004-00032

Augusta Subdivision, Unit Six

Adjacent to the North side of Augusta Subdivision, Unit Two – Phase Two, extending to the South side of Woodberry Forest Subdivision, Unit One.

23 Lots / 7.6± Acres

Mr. Don Coleman of Rester and Coleman Engineers, Inc. was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Ms. Deakle and seconded by Dr. Laier to waive Section V.B.6 (cul-de-sac) of the Subdivision Regulations, and approve this subdivision subject to the following conditions:

- (1) dedication and construction of the proposed streets to County standards; and
- (2) placement of a note on the final plat stating that any lots that are developed commercially and adjoin residentially developed property will provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2004-00030

Bay Shore Plaza Subdivision

267 and 315 Bay Shore Avenue (West side of Bay Shore Avenue, 175'± North of Spring Hill Avenue).

3 Lots / 3.7± Acres

Mr. Jerry Byrd of Byrd Surveying, Inc. was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

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

- (1) a note should be placed on the final plat stating that the size, number and location of all curb cuts to Bay Shore Avenue must be approved by the Traffic Engineering Department at the time any of the lots are redeveloped;
- (2) the placement of a note on the final plat stating that the site is denied direct access to Spring Hill Avenue; and
- (3) the placement of the 25-foot minimum setback lines on the final plat.

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The motion carried unanimously.

Case #SUB2004-00025

Cornell Subdivision

1751, 1757, and 1759 Old Shell Road (Southwest corner of Old Shell Road and Semmes Avenue).

1 Lot / 1.0± Acre

Mr. Arthur Smith was representing the applicant and said they were in agreement with the recommendations. He noted that the staff was proposing a revision to condition #2.

Mr. Frost explained that the revision would be in condition #2 which stated “the submission and approval of a PUD prior to the issuance of any permits...”. The staff proposes adding “and recording of the final plat” after the word “permits”.

Ms. Clarke commented that if the creation of this as a one-lot subdivision goes through and was recorded tomorrow, there would be multiple buildings on the lot. She said there was a proposal, which would not come into play with this subdivision consideration, to have two of the structures removed. That issue, however, would be handled through the permitting process and through the Architectural Review Board process.

Mr. Smith asked if they would have to have a recorded plat before they went to the Architectural Review Board.

Ms. Clarke replied that they would not.

There was no one present in opposition.

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

- (1) placement of a note on the final plat stating that the site is limited to one curb cut to Old Shell Road, with the location and design to be approved by Traffic Engineering, and that direct access to Semmes Avenue is denied; and
- (2) the submission and approval of a PUD prior to the issuance of any permits and recording of the final plat, if more than one structure is located on a lot.

Additionally, the applicant should be advised that the removal of any structures would require the approval of the Architectural Review Board.

The motion carried unanimously.

Case #SUB2004-00028

Elmore Estates Subdivision

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Northeast corner of Theodore Dawes Road and McDonald Road.
4 Lots / 7.3± Acres

Mr. Matt Orrell of Polysurveying Engineering - Land Surveying was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

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

- (1) the placement of a note on the final plat stating that all lots are limited to one curb cut each, with the size, location and design to be approved by County Engineering; and
- (2) 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.

The motion carried unanimously.

Case #SUB2004-00026

Gill Creek Place Subdivision

East side of McDonald Road, 1/3 mile± South of Holloway Drive North.
1 Lot / 11.0± Acres

Mr. Jerry Byrd of Byrd Surveying, Inc. was representing the applicant and concurred with the staff recommendations.

Mr. Frost noted that the staff had received a letter from Mr. Charles Husby, who was present and wished to speak.

Mr. Charles Husby, 5873 McDonald Road, noted that this was to be a one-lot subdivision and the Planning Commission rules state that you have to have two lots to have a subdivision.

Mr. Frost explained that in this case this was a one-lot subdivision due to a metes and bounds property. In order to develop this property, the Subdivision Regulations require that they make it a legal lot of record.

Mr. Husby expressed his concern that this site was located in the Dog River flood plain and it was a low, marshy area. He said the owners had hauled in fill, and they dug a ditch along the north side of the property. The ditch was more like a moat because it did not drain. He was concerned that the land could not support residences because it was so marshy, and the water would run downhill and pollute Fowl River Creek which was on the bottom side of that property.

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Regarding environmental and drainage aspects, Mr. Frost asked if there were any federal guidelines that would have to be met in this situation to bring fill in.

Ms. Pappas was unsure, but said that they could add a condition regarding any applicable local, state and federal permits.

Mr. Stewart stated that the particular area of the flood plain had not been studied for the floodway itself. Bringing fill in was absolutely prohibited in a flood plain that had not been studied. Mr. Stewart said they would issue a stop work order first thing in the morning if in fact they found something that was out of the ordinary.

Mr. Frost asked Mr. Byrd if a condition regarding compliance with all federal and state requirements would be a problem.

Mr. Byrd replied that it would not be a problem. He also noted that there were some areas that were in Flood Zone X, which was above the 500-year flood plain, so there would be room to construct on it.

In discussion, Ms. Deakle asked that if a stop work order were issued in the morning, would it affect the status of the subdivision application?

Ms. Pappas replied that it would not affect it.

A motion was made by Ms. Deakle and seconded by Mr. Vallas to approve this subdivision subject to the recommendations made by the staff, adding a condition regarding approval of all applicable federal, state and local agencies.

Mr. Frost asked if there should be a condition regarding the setback versus dedication.

Mr. Olsen stated that he spoke to the applicant's engineer before the meeting and he had agreed to the condition requesting the additional setback from the future right-of-way.

Ms. Deakle and Mr. Vallas amended their motion and second respectively. The final motion was to approve this subdivision subject to the following conditions:

- (1) the placement of a note on the final plat stating that the site is limited to two curb cuts to McDonald Road, with the size, location and design to be approved by County Engineering;
- (2) the placement of a note on the final plat stating that 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;
- (3) the placement of the 25-foot minimum setback line from the future Major Street right-of-way on the final plat; and
- (4) approval of all applicable federal, state and local agencies.

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Mr. McSwain asked about the statement in the staff report for the requirement of additional dedication for McDonald Road.

Ms. Pappas stated that there was an error in the staff report, and they were requiring additional setback, not dedication.

The question was called. The motion carried unanimously.

Case #SUB2004-00029

Magic's Manor Subdivision

Northeast corner of Johnson Road (North-South) and Johnson Road (East-West).

8 Lots / 6.0± Acres

Mr. Matt Orrell of Polysurveying Engineering - Land Surveying was representing the applicant. He noted that the staff had recommended that they dedicate right-of-way. In lieu of that, he said they would like to have a 45' building setback, which was typically done on these planned major streets that were not scheduled for construction any time in the foreseeable future. He pointed out that his client had given a substantial amount of land at the curve on Johnson Road to improve that road, and did not want to have to give up more land. They would not have a problem putting a 45' building setback, and in fact on the whole thing they would like to do it on Johnson Road South also, but not dedicate any right-of-way. Also, because he had given so much property away, Mr. Orrell said they may want to reduce this to a 7-lot subdivision and reduce one of the lots on the West side of the property without having to resubmit, which he said was typically done on reduction of lots.

Mr. Frost asked if that could be done without requiring a holdover. Would not the Commission need to see how they were going to reconfigure the lots?

Ms. Pappas stated that if the Commission would like to see the revised layout they could, but with reducing the number of lots they would just continue to exceed the requirements by that much more.

Mr. Vallas asked if the staff was okay with the dedication of the setback.

Ms. Pappas replied that typically they request a dedication based not on the potential of the street being a major street, but based on the number of lots. It was up to the Planning Commission's discretion. Allowing the setbacks would not be completely out of character.

Mr. McSwain asked if the alignment of Johnson Road continued due South, from Johnson Road South.

Ms. Pappas replied yes.

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Mr. Orrell said the 45' setback would be voluntary to be more in line with the neighborhood. And, bringing the 45' setback on Johnson Road West would bring future construction of houses 25' behind the future right-of-way.

In discussion, a motion was made by Mr. McSwain and seconded by Ms. Deakle to waive Section V.D.3., of the Subdivision Regulations, and approve this subdivision subject to the following conditions:

- (1) the provision of a 45' building setback line;
- (2) the placement of a note on the final plat stating that each lot is limited to one curb cut, with the size, location and design to be approved by County Engineering; and
- (3) the placement of a note on the final plat stating that any 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.

There was a brief discussion regarding the wording of condition #1. It was agreed that the motion would stand.

Regarding Mr. Orrell's statement that he was going to drop a lot, Mr. Frost asked if the Commission needed to give the staff administrative authority to approve that.

Mr. Olsen stated that typically if a subdivision comes in for a specific number of lots and the applicant reduces it by a lot or two, it does not change the overall configuration because it does not increase the number of lots or change circulation, then staff would approve it.

The question was called. The motion carried unanimously.

Case #SUB2004-00034

Oak Creek Subdivision

East side of Riviere du Chien Road, 850'± South of Lloyd Station Road.

69 Lots / 19.2± Acres

Mr. Frost stated that this application may be heldover, however he would hear anyone who wished to speak in this matter.

Councilman Ben Brooks was present and stated that he would like to speak on this matter. He said he had heard from a number of his constituents with questions and concerns related to density, number of lots, sizes of houses and the layout of the roads. He asked that the Commission holdover the application for 30 days to give him an opportunity to schedule a meeting with the developer and the residents to see if they could work this out.

Mr. Frost asked if the applicant would be agreeable to a 30-day holdover.

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Mr. Don Rowe, Rowe Surveying, was present on behalf of the applicant and said that he was not authorized to hold it over. He said he was in agreement with the staff recommendations, and they would comply with all federal and governmental regulations. Mr. Rowe said the lots would be a standard size with 130' depth.

Mr. Frost said that the Commission had always been of the opinion that they liked to try to have developers work things out when at all possible with the surrounding neighbors. Mr. Brooks did have a good track record with this Commission as far as being able to work things out. Mr. Frost said that he would like to see things worked out in this situation, but of course there would be a vote on whether or not to hold this over. However, he understood if Mr. Rowe did not have that authority.

Mr. Rowe said that he concurred with the staff recommendations. He pointed out that the lots were standard size with a depth of 130'.

Mr. Vallas inquired if this subdivision met the minimum requirements.

Ms. Pappas replied yes.

Mr. Steve Yost of Yost Properties, applicant, stated that it was his understanding that they met all the guidelines that the City required for a subdivision. They were not asking for any innovative features and he was not clear as to what there was to discuss.

Mr. Frost said the Commission would go ahead and hear any opposition to the application, and asked Councilman Brooks if he had any further comments.

Councilman Brooks stated that he was present really as a neutral at this point. The residents in this district were concerned about the size of the lots, the number of houses, as well as serious drainage and sewage issues. He felt it was not unreasonable to holdover the application for 30 days to allow them time to have their questions answered. He pointed out that the developer had yet to come up with a drainage plan, which would have to be approved by City Engineering. The street plans he understood were just being picked up and permits could not be issued for the next 30 days. He said that part of civic life was getting along and communicating with people. He stated that when this was brought back up, they might still be opposed to it, but at least they would have had their questions answered.

Mr. Richard Alexander stated that the residents had just heard about this proposal the day before and those present were there on 24-hour notice. He felt that a 30-day holdover seemed to be in order for all the residents to have an opportunity to express their concerns. He was concerned that all the pine trees had been cleared from the site.

Mr. Steve Greene stated that he was a resident of Riviere du Chien and also owned the property that circled the subject property in three directions. He pointed out that he developed the adjoining 20 acres to the right into six estate lots with green space. He was

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concerned about runoff onto his property and noted that the wetlands also come onto his property. He said flooding occurs now on St. Andrew's Loop when there is a hard rain. The water also comes down Riviere du Chien Road and crosses right in front of property where his lake is. The City did come out and reinforce it, but erosion was also taking place on the opposite side of Riviere du Chien Road. Mr. Greene said he tried to get more information and was referred to Mr. Joe Shoemock, who he would meet with on Monday. He felt that he had been given the runaround when it came to getting answers to his questions about this proposal. As a developer, he said he wanted to do something that was quality and would control the runoff. He also expressed concern about the sewage situation and about traffic on Riviere du Chien Road now, which was already a severe problem. He pointed out that this was to only be the first phase of this development. Mr. Greene said there were a lot of unanswered questions and the residents felt a 30-day holdover would be in order.

Mr. Frost asked if anyone else wished to speak.

Mr. Rowe stated that he had been authorized to agree a holdover.

Dr. Kordomenos of 3209 Wynnfield Drive West, owner of the subject property, also asked to be heard. She stated that when Mr. Greene subdivided his adjoining property for estate houses she let him know that she opposed it because horses would be allowed there. She was not able to attend the meeting at which his application was heard because she was out of town. However, she had sent a letter to the Commission with a copy to Mr. Greene, stating her position and requesting a holdover. However, Mr. Green did not agree to the holdover and the application was acted upon. She had been able to attend the City Council Meeting regarding this matter, but the Council voted to go along with the Commission's recommendation. Mr. Greene, however, never contacted her about what he was planning. She was concerned that Mr. Greene indicated that he had been given the "runaround". She commented that Mr. Green had never tried to contact her. She felt that Mr. Green was exaggerating the situation.

Mr. Frost clarified that Mr. Greene did not say that he was opposed to this proposal, but he wanted to have time to sit down and discuss it. Councilman Brooks also wanted a delay for this reason. Mr. Frost noted that when Mr. Greene's application was heard someone was present on her behalf and spoke about the horses and mosquito problems, and her letter was read into the record. At that time the Commission felt they understood her concerns. Mr. Frost said the Commission tried to give due course to all opinions, both of developers and residential communities and surrounding neighbors, to make a decision based on the facts presented. He felt the request for the holdover today did not seem to be unreasonable as the people present had short notice and had not had time to interpret the facts.

Dr. Kordomenos said she appreciated Mr. Frost's fair-mindedness. She wanted it put into the record that she asked if there was a golf course option behind this property, and if indeed Mr. Greene owned property behind this property. She wanted this clarified before the next meeting.

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Councilman Brooks further commented that he knew the citizens who were present today and they were not railroaded by Steve Greene to be here, but came of their own free will. With regard to the other parcel Dr. Kordomenos referred to which came up at a prior meeting, Councilman Brooks felt that her application was given a proper hearing before the Planning Commission and later before the City Council, at which time she was present and spoke before the Council.

In discussion, a motion was made by Dr. Laier and seconded by Ms. Deakle to holdover this application until the meeting of April 1, 2004, as agreed to by the applicant at the meeting.

Mr. McSwain said that he wanted to make one observation. He said although a temporary turnaround was shown on the plat, he said he would actually like to see it as a condition when this was brought back before them.

The question was called. The motion carried unanimously.

Case #SUB2004-00031

Palmer Woods Subdivision, Phase I & II

West side of Oak Hill Drive, 2/10 mile \pm North of Moffett Road.

60 Lots / 25.9 \pm Acres

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

There was no one present in opposition.

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

- (1) the dedication of sufficient right-of-way to provide 50-feet from the centerline;
- (2) the placement of a note on the final plat stating that Lots 1 and 2, 3 and 4, 5 and 6, 7 and 8 are to share one curb cut each to Oak Hill Drive, with the size, location and design to be approved by County Engineering;
- (3) the placement of a note on the final plat stating the Lots 9 and 60 are denied direct access to Oak Hill Drive; and
- (4) 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 #SUB2004-00027

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River Park Subdivision, Resubdivision, Resubdivision of Lot 10

1975 River Road (East side of River Road at the East terminus of McGaughey Street).
2 Lots / 2.4± Acres

Mr. Jerry Byrd of Byrd Surveying, Inc. was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Mr. Plauche and seconded by Mr. McSwain to waive Section V.D.3., of the Subdivision Regulations, and approve this subdivision subject to the following condition:

- (1) the approval of all applicable federal, state and local agencies prior to the issuance of any permits.

The motion carried unanimously.

Case #SUB2004-00033

Sawyer Addition to Airport Boulevard Subdivision

3767 Airport Boulevard (South side of Airport Boulevard, 200'± East of Downtowner Boulevard).
1 Lot / 1.8± Acres

Mr. Don Rowe, Rowe Surveying, was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Mr. Plauche and seconded by Mr. McSwain to approve this subdivision.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATION:

Case #ZON2004-00387

American Wholesale Auto

2544 Government Boulevard (Northwest corner of Government Boulevard and Eslava Creek).

The request to waive construction of a sidewalk along Government Boulevard was considered.

The applicant was present in this matter.

There was no one present in opposition.

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A motion was made by Ms. Deakle and seconded by Dr. Laier to approve this request.

The motion carried unanimously.

OTHER BUSINESS:

Welcome New Planning Commission Member

Mr. Frost welcomed new Planning Commission member Nicholas H. Holmes, III.

Update Regarding the Proposed Historic District Overlay

Ms. Jones addressed the Commission regarding the Historic District Overlay, a revised copy of which had been provided the members. Ms. Jones pointed out several changes based on input from various neighborhood groups and other interested parties. These changes were highlighted. She asked that if anyone had any additional questions or comments, that they direct them to the staff. The public hearing on this would be held March 18, 2004.

There being no further business, the meeting was adjourned.

APPROVED: May 6, 2004

Victor McSwain, Secretary

Robert Frost, Chairman

/ms and jh