

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF NOVEMBER 18, 2004 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
Victor McSwain, Secretary
Ann Deakle
Mead Miller
John Vallas
James Watkins

Members Absent

Nicholas Holmes
Clinton Johnson
James Laier (S)
Victoria L. Rivizzigno

Staff Present

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

Others Present

Wanda Cochran, Assistant City Attorney
Jennifer White, Traffic Engineering
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 by Mr. McSwain and seconded by Mr. Watkins to approve the minutes of the September 2, 2004, meeting as submitted. The motion carried unanimously.

HOLDOVERS:

Case #ZON2004-02065 (Rezoning)

South Florida Ceiling Systems (Joe Chambliss , Agent)

Property on the North side of Bruns Drive, 50'± West of its East terminus, and property 520'± South of Grelot Road, adjacent to the North side of Health Center Subdivision.

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A request for a change in zoning from B-2, Neighborhood Business, to B-3, Community Business, for unspecified commercial use was considered.

The plan illustrates the proposed rezoning and subdivision.

(Also see Case SUB2004-00217 – Chambliss Properties-Alabama Subdivision – Below).

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

Bill Baltz, a resident of Sugar Creek Subdivision, cited a severe flooding problem in Sugar Creek. Mr. Baltz asked how the developer was going to handle the runoff into the designated wetlands and would the City oversee it, as far as preventing silt from going into Milkhouse Creek. He said the ground was already soft and there were a lot of large trees down due to Ivan, so any additional flooding along on Milkhouse Creek would be a problem until the area is cleaned up. Mr. Baltz said the residents preferred to keep the B-2 as it was, since it served as a buffer zone, and to keep B-3 more to the front on Cody Road and Grelot Road.

Mr. Vallas asked if he understood correctly that this application did not include a zoning change on parcel 5.

Mr. Olsen pointed out the property that was being rezoned. He noted that a small portion of the B-2 property was contiguous to Sugar Creek. He also noted an area on the B-2 parcel that was being reserved as a natural buffer to remain in its natural setting.

Mr. Baltz asked what the restrictions were on the retaining ponds.

Mr. Plauche stated that the retaining ponds were predicated on the volume of water that would be coming off the development and that they would have to detain it for a certain amount of time before putting it into the creek.

Mr. Baltz asked if it would be the same for B-2 as for B-3.

Mr. Plauche said it would be the same.

B.J. Lyon, attorney, was present representing the owners of the retirement and long-term nursing care facility that is immediately south of the B-2 section of the application. Mr. Lyon said this matter was held over from the last meeting in order that his client could meet with the applicant to see if their concerns could be addressed which relate to having a buffer. The nursing home had been at this location for 23 years, and his client had owned it for five years and had a substantial investment in it. Even though this was a B-2 parcel, the occupants considered this as their residence, so one might look upon this as a residential neighborhood abutting a commercial facility. Mr. Lyon said they were hoping to have a set of voluntary use restrictions that would be filed today along with this

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application, but they were unable to do that. They were seeking a 50' buffer with a berm and a fence. Mr. Lyons asked that the Commission consider approving the rezoning with such a buffer.

Mr. Watkins asked if there was any existing buffer between the B-2 and B-3 now, and were they requiring the buffer along Lot 4.

Mr. Lyons stated that it was all undeveloped right now, and they were requesting the buffer along Lots 3 and 4. He said they had attempted to acquire that, but did not know if they would be able to meet the financial terms.

Mr. Vallas noted that a 50' buffer would require the applicant to give up about one acre of land.

Mr. Lyon said they were willing to pay for it, but the numbers were not workable.

Mr. Vallas asked if they had considered a 25' buffer.

Mr. Lyon said they were not sure they could do a 25' buffer because of the existing curbing and such.

Thomas Williams, a resident of Sugar Creek, stated that he had heard that the applicant wanted to change the zoning to develop the property for Section 8 housing. Mr. Williams asked if that was correct.

Mr. Plauche stated that the Commission did not know how the applicant planned to develop the property.

Mr. Olsen stated that the property on this application was being requested for rezoning from B-2 to B-3. B-3 was a commercial classification, as was B-2, which does not allow any type of residential use. He said there was another application for another parcel of property to go from B-1 to R-1, which would be heard later.

Mr. Williams said that Sugar Creek and Sugar Creek Place were pretty much single-family residential and were considered upscale sections of the city. He was concerned that Section 8 housing would devalue their property and cause an increase in crime.

Mr. Vallas pointed out that Mr. Williams was referring to parcel 5, which was not a part of this application. The rezoning of parcel 5 was a separate application that would be considered later.

Carolee Angell, a resident of 1529 Ridgeland Road, said her property abuts some of the property. Ms. Angell said that the residents realize that this property needs to be developed, but they want Smart Growth development to occur here. With the watershed behind them, she said they want to be assured that the water problem would be taken care of and the beautiful area behind them would be protected.

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Mr. Plauche assured Ms. Angell that the developer would not be allowed to turn the first spade of dirt until the engineering calculations had been checked by the City to make sure they were correct for the development that was proposed.

Ms. Angell further stated that the Sugar Creek Homeowners Association would like to see those plans as they go forward.

Mr. Olsen explained that on the plan for development, once the zoning was either approved or denied, the property, whatever it was zoned, would have to comply with the requirements of the Zoning Ordinance. He said there would not be any further public hearing or public input. They would simply have to submit and obtain their permits. Mr. Olsen said they would have to come back before the Planning Commission only if they have to have some type of specific Planning Commission approval for a PUD or such. Mr. Olsen added that it would be up to the owners to keep in touch with the residents.

Thomas E. Latham, with Clark, Geer, and Latham Engineers, was present on behalf of the owner. In response to some of the questions that were raised by residents of Sugar Creek, Mr. Latham stated that they would not have any development without the proper permits from the City of Mobile, the Corps of Engineers and ADEM. He said they had no plans for development at this time. The property was purchased for tax exchange. With regard to the nursing home, Mr. Latham said that right now the owners were really not in a position to negotiate any property for a buffer. He said they had just been approached yesterday and they did not think this should be a condition as part of the rezoning. Mr. Latham asked the staff if it was normal to have a buffer between B-2 and B-3.

Mr. Olsen replied that this was not a requirement of the Zoning Ordinance. It was not a standard condition.

In discussion Ms. Pappas stated that since the reports were mailed out the staff had received the voluntary conditions and use restrictions form from the applicant. She said the staff would recommend that the form to be an additional condition. Basically, what the applicant offered was shown as a permanent undisturbed buffer.

A motion was made by Ms. Deakle and seconded by Mr. Vallas to approve this change in zoning to the City Council subject to the staff recommendations.

Mr. Watkins asked if there was any precedent at all for creating some buffer between the B-2, B-3 situation. He asked if there was any way the Commission could include a recommendation that a buffer be considered.

Ms. Deakle said she would not offer that as part of her motion.

Mr. Plauche called the question. The final motion was subject to the following conditions:

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- 1) dedication of any necessary right-of-way to provide 50-feet from the centerline of Cody Road, a planned major street;
- 2) coordination with and approval by both Urban Development and Traffic Engineering for the location, number and design of all curb cuts;
- 3) full compliance with the City Engineering Comments (Engineer/developer to provide contours and all drainage features of site, all areas receiving public water be defined to properly evaluate site for development and drainage easement requirements, compliance with all stormwater and flood control ordinances, any work performed in the right of way will require a right of way permit);
- 4) full compliance with all municipal codes and ordinances including but not limited to compliance with the landscaping and tree planting requirements of the Zoning Ordinance, provision of buffers where the site adjoins residential zoning, and provision of sidewalks; and
- 5) full compliance with the Voluntary Conditions and Use Restrictions as submitted by the applicant.

The motion carried unanimously.

Case #SUB2004-00217 (Subdivision)
Chambliss Properties-Alabama Subdivision

Southeast corner of Grelot Road and Cody Road, extending to the North side of Bruns Drive and the South side of Grelot Road, 750'± West of the South terminus of Chimney Top Drive West.

5 Lots / 41.9+ Acres

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

(For discussion see Case #ZON2004-02065 –South Florida Ceiling Systems, Joe Chambliss, Agent – Above).

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

- 1) the elimination of split zoning prior to the recording of the final plat (lots may be recorded in phases);
- 2) dedication of any necessary right-of-way to provide 50-feet from the centerline of Cody Road, a planned major street; and
- 3) coordination with and approval by both Urban Development and Traffic Engineering for the location number and design of all curbs cuts.

The motion carried unanimously.

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EXTENSIONS:

Case #SUB2003-00256 (Subdivision)

The Bluffs at Cypress Creek Subdivision

350'± North of the North terminus of Cypress Business Park Drive, extending East along the North side of the proposed extension of Cypress Business Park Drive to the L & N Railroad right-of-way.

53 Lots / 53.0± Acres

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

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

There was no one present in opposition.

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

The motion carried unanimously.

Case #SUB2003-00255 (Subdivision)

Park Place Subdivision

7861 Tanner Williams Road (South side of Tanner Williams Road, 420'± West of Schillinger Road North).

53 Lots / 12.6± Acres

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

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

There was no one present in opposition.

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

The motion carried unanimously.

Case #SUB2003-00157 (Subdivision)

Donham Place Subdivision, Unit Two

South terminus of Donham Drive, extending to the West terminus of Scottsdale Drive, to the South termini of Tew Drive and Thistlewaite Drive, and to the North side of the Illinois Central Gulf Railroad right-of-way.

47 Lots / 16.2± Acres

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

Jerry Byrd, Byrd Surveying, was present on behalf of the applicant and concurred with the staff recommendation.

There was no one present in opposition.

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

The motion carried unanimously.

GROUP APPLICATIONS:

Case #ZON2004-02271 (Rezoning)

Crystal Limited Liability Co., Inc., (B. White-Spunner, Agent)

West side of Crystal Drive, 440'± South of Grelot Road.

A request for a change in zoning from B-1, Buffer Business, to R-1, Single-Family Residential, to allow a single-family residential subdivision, was considered.

The plan illustrates the proposed lots.

(Also see Case SUB2004-00236 – Crystal Place Subdivision, Resubdivision of Lot 2 – Below).

Nancy Stone, 3280 Dauphin Street, was present on behalf of the applicant. Ms. Stone said her client had owned this property for 30 years. It was currently zoned B-1, and they felt that office development was not the highest and best use of the property at this time. She said it would not be a good fit with all the residential that surround this nine acres. Ms. Stone said they were proposing a 26-lot design with two cul-de-sacs from Crystal Drive. She said they contended that the new development would be just as nice as Sugar Creek and Sugar Creek Place, which her company also developed. Ms. Stone also stated that there were flyers put in the mailboxes of everyone in Sugar Creek that said the proposed development would be Section 8 housing. She said that was not true. This development would be just as nice as the adjoining developments.

Bill Baltz, a resident of Sugar Creek, said the residents welcomed another development like theirs, but felt that 26 lots was a little tight for housing. Mr. Baltz said Councilwoman Connie Hudson had tried to keep them well informed, but she could not answer all of their questions. He felt that the developers were not communicating with them. Mr. Baltz said the neighbors welcomed the proposed residential development, if it would be the same price range, covenants, and guidelines as their subdivision. He said they would welcome the developer to sit down with the neighborhood association to discuss this. Mr. Baltz further stated that the City had requirements and regulations but no one enforced them. He mentioned the mini-storage that was built across Grelot Road, which had washed out into the sewer system. The residents' biggest concern was

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Milkhouse Creek and the silt washing into it. He said no one enforced the silt fences. Mr. Baltz said they were also concerned about the construction noise and contractors coming through their subdivision with their trash and litter.

After discussion a motion was made by Mr. Vallas and seconded by Ms. Deakle to approve this change in zoning to the City Council.

The motion carried unanimously.

Case #SUB2004-00236 (Subdivision)
Crystal Place Subdivision, Resubdivision of Lot 2

West side of Crystal Drive, 440'± South of Grelot Road.
26 Lots / 9.7± Acres

(For discussion see Case ZON2004-02271 – Crystal Limited Liability Co., B White-Spinner Agent [Rezoning] – Above).

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

- 1) that the site be rezoned to R-1, Single-Family Residential prior to the recording of the final plat;
- 2) placement of a note on the final plat stating that Lots 3, 15, 16, and 26 are denied direct access to Crystal Drive; and
- 3) full compliance with the City Engineering Comments (dedication of a 30 feet drainage easement along the North property line, compliance 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 #ZON2004-02273 (Planned Unit Development)
Providence Hospital (Lee Metzger, Agent)

East side of Providence Park Drive East (private street), 290'± South of Airport Boulevard.

A request for Planned Unit Development Approval to amend the master plan for Providence Park to allow the construction of a hotel was considered.

The plan illustrates the existing structures along with the proposed building sites.

(Also see Case SUB2004-00238 - Providence Park Subdivision, Unit Six – Below).

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

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There was no one present in opposition.

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

- 1) completion of the subdivision process; and
- 2) submission of an Administrative PUD application with a detailed site plan and pertinent information regarding the proposed development.

The motion carried unanimously.

**Case #SUB2004-00238 (Subdivision)
Providence Park Subdivision, Unit Six**

East side of Providence Park Drive East (private street), 290'± South of Airport Boulevard.

1 Lot / 3.1± Acres

(For discussion see Case ZON2004-02273 - Providence Hospital, Lee Metzger, Agent [PUD] – Above).

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

There was no one present in opposition.

A motion was made by Mr. Vallas and seconded by Mr. Miller to approve the above referenced subdivision.

The motion carried unanimously.

NEW ZONING APPLICATION:

**Case #ZON2004-02261
Springhill Properties, L.L.C. (Mike Ward, Agent)**

North side of Old Shell Road, 550'± East of Pine Street.

A request for a change in zoning from R-1, Single-Family Residential, to B-4, General Business, for parking for an adjacent commercial property was considered.

The plan illustrates the existing structure along with the proposed parking.

Joyce Lundy, representing the applicant, provided the members with copies of a letter from George Ward, owner of the subject property. Ms. Lundy read the letter, as follows: “Dear Honorable Chairman and Board Members: My name is George Mike Ward and I am the owner of the building and property located at 957 Spring Hill Avenue and most recently the adjoining building and property at 953 Spring Hill Avenue. I deeply regret that my employers, Life Touch Pre-School Portraits has required my presence on a

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business meeting in Portland, Oregon at this time. Thank you for allowing my assistant, Ms. Joyce Lundy, to address you today on my behalf. Life Touch Pre-School Portraits rents office space in the above referenced building and currently employs up to 80 Mobilians at this facility. We support a field staff of more than 200 employees who market and produce pre-school children's photography in the finest child care centers nationwide. It is our expectation to grow this operation in Mobile. This will require additional employee parking spaces for the increased employment opportunities that this growth provides. As business partners, Life Touch Pre-School Portraits and I have worked hard to be good corporate citizens and to be assets to our community. We have made a significant investment in the renovation and development of a building that was long viewed as an eyesore and a haven for undesirable behaviors in this neighborhood. Our intent is to continue in this commitment to the community and to the City of Mobile. I respectfully request your consideration and approval of this zoning change which will allow us to utilize the adjoining property as reflected in the attached artist's sketch. This change would be consistent with the similar operation of the U.S. Post Office located at 907 Spring Hill Avenue with employee parking entrance and exit off Old Shell Road. Ms. Lundy will be pleased to answer any questions you may have regarding this request. Thank you for your consideration and most hopefully your favorable response. Respectfully submitted, George M. "Mike" Ward."

Dan McCleave, a resident of 1010 Old Shell Road, and owner of 1012 and 1013 Old Shell Road, was present in opposition. Mr. McCleave presented a petition signed by more than ten residents of the neighborhood, in opposition. He said they were here in September for basically the same reason, but at that time they wanted to reconfigure the Spring Hill Avenue and Old Shell Road properties as one big property. Mr. McCleave said the plan was the same plan, which was to have a parking lot on Old Shell Road. He said this area of Old Shell Road was his home and home to a number of people. There were no commercial properties in this vicinity. The only thing that was anywhere near being commercial property was the post office. Mr. McCleave said his house was built in 1899, so it had been residential for quite some time, and he and his neighbors wished to keep it residential. He complained that the building on the subject property looked like it was abandoned, in very poor repair outside, the grass was growing over the top of the curb, and the trees needed trimming. Mr. McCleave said the property was not being taken care of. Mr. McCleave also said the artist's rendition was an idealistic idea of what he would do, but there was absolutely no basis for anyone to believe the applicant would ever do anything like that. He said no one in the neighborhood wanted a parking lot there. Mr. McCleave said when they had their driveway running through the property, there were very large trucks coming in causing a disruption to this neighborhood where children played.

Evans Crowe, owner of property at 960 Old Shell Road, which is immediately east of the three lots in question, was present in opposition. Mr. Crowe said this matter had come up either before the Planning Commission or the Board of Adjustment four times. He noted that the Comprehensive Plan that applies to the area called for maintenance of residential property in this area. This has been residential for 100 years. The Comprehensive Plan basically constitutes a legislative mandate that this be a residential area. Mr. Crowe said

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that in 1993 the Zoning Ordinance was amended to change all residential property in this area to R-1. The neighbors also filed a petition that they wanted this to remain R-1. Mr. Crowe noted that the staff report gave the five requirements under which one could legally get a rezoning, and none of those requirements had been met by the applicant. He also said not only from a point of desirability, but from a point of law, the applicant had not met their burden of proof in seeking a rezoning. Therefore based on the neighbors' desires and the staff report, the application should be denied.

In rebuttal, Ms. Lundy referred to Mr. McCleave's comments that the building continued to look like an abandoned property, she said that was clearly not evident. She said the building had been restored in terms of significant dollars invested both internally and externally. Ms. Lundy invited any of the Board members to come and inspect the property both internally and externally to see what they had done as far as improving the property. She said they do cut the grass and maintain the property on Old Shell Road. She also said they had discontinued driving across the driveway as was ruled by the Board of Adjustment at the last meeting. Ms. Lundy said they do intend to abide by all the rules and regulations. She said Mr. Ward was hopeful that they would receive a "yes" approval to convert this into a much more attractive property for the community. Ms. Lundy contended that because they do have the commercial traffic that the post office poses now, it would not be anything that was inconsistent to that particular block as it currently stands. Ms. Lundy said they had all intentions of adhering to all the rules and regulations. They would, however, continue to seek whatever avenues available to get what they think is an appropriate thing for the community.

A motion was made by Mr. Miller and seconded by Mr. McSwain to deny this change in zoning.

In further discussion Ms. Deakle asked where the employees of Life Touch Pre-School Portraits were currently parking.

Mr. Olsen pointed out the area where they were parking at this time.

Ms. Deakle further asked if that was not enough parking.

Mr. Olsen said it was very tight. The applicant also contends that they have difficulty getting in and out of the driveway, because of a tree blocking visibility. Mr. Olsen noted, however, that other businesses on Spring Hill Avenue have the same situation.

There being no further discussion Mr. Plauche called the question. The motion carried unanimously.

Mr. Vallas rescued from discussion and voting.

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NEW PLANNING APPROVAL APPLICATION:

Case #ZON2004-02269

Revised Magnolia Self Storage Subdivision, Lot 1, and Storage Partners Subdivision, Lot 2, Resubdivision of

North side of Moffett Road, 200'± West of Gash Lane, extending to the West side of Gash Lane, 500'± North of Moffett Road.

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

The site plan illustrates the proposed buildings, existing buildings, buildings to be removed, existing drives, and fencing.

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

There was no one present in opposition.

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

- 1) dedication of sufficient right-of-way to provide 25-feet from the centerline of Gash Lane;
- 2) denial of direct access to Gash Lane;
- 3) the provision of a 25' buffer strip along Gash Lane, as well as a 10' buffer strip, to be left in a natural vegetative state (with in-fill plantings as necessary) and an 8' privacy fence, adjacent to the residential lot on the West side of Gash Lane;
- 4) full compliance with the landscaping and tree planting requirements of the Ordinance; and
- 5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS

Case #SUB2004-00231

Audubon Cove Subdivision

Southwest corner of Higgins Road and Audubon Drive, extending South and West to the Southern terminus of Clemson Drive, and to the Northeast corner of Cole Drive and Audubon Drive.

57 Lots / 58.0± Acres

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.

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

- 1) the approval of all applicable federal, state and local agencies;
- 2) the placement of a note on the final plat stating that Lots 6-7; 28-30, and 33-35 will share one curb cut; and
- 3) full compliance with the City Engineering Comments (must comply with all stormwater and flood control ordinances; any work performed in the right of way will require a right of way permit; developer must provide an approved outfall into a City of Mobile maintained system at any point of discharge where one does not exist; this development contains one or more points of discharge where an acceptable outfall does not exist, thus, the developer will be required to provide outfall approved by the City Engineer).

The motion carried unanimously.

Case #SUB2004-00239

Bedsole Subdivision

Northeast corner of St. Joseph Street and an unnamed public alley, 95'± North of Dauphin Street.

1 Lot / 0.2± Acre

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

There was no one present in opposition.

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

The motion carried unanimously.

Case #SUB2004-00230

Hartley Estates Subdivision

Northwest corner of Roberts Lane West and Roberts Lane.

2 lots / 2.4± Acres

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

There was no one present in opposition.

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

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- 1) the dedication of a 25-foot radius at the corner of Roberts Lane West and Roberts Lane;
- 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 Regulations; and
- 3) the placement of a 25-foot minimum setback lines along Roberts Lane West and Roberts Lane on the final plat.

The motion carried unanimously.

Case #SUB2004-00233

Howells Ferry Development Subdivision

South side of Howells Ferry Road, 800'± West of Carlisle Drive East.

16 Lots / 4.1± Acres

Frank McFadden, engineer for the developer, was present in this matter and pointed out the staff's recommendation that the proposed new street be required to connect to Princess Helen Road. He pointed out that this was a 16-lot subdivision with a theme type development. Mr. McFadden provided photos of the typical Savannah type housing, ranging from \$150,000-\$160,000, that would go in there. He said that in a small subdivision with a theme to it, it would be hard to connect, with 8 lots on each side, to an existing neighborhood. Mr. McFadden felt that there were some mitigating circumstances here and hoped the Commission could relax that one rule. They were proposing a cul-de-sac, which he pointed out was not out of the norm in this subdivision. The neighborhood now, and that portion of the neighborhood on Princess Helen Road West, were secluded and a nice area for children to play. There was no through traffic there. Mr. McFadden contended that if Howell's Ferry Road were connected to Overlook Road, it would become a preferred route for a lot of traffic in an existing neighborhood with small children. He asked that the rule be amended so they would allowed to do the cul-de-sac as planned.

George Stephens, a resident of 5932 Heatherwood Court, expressed concern about drainage. Mr. Stephens lived on a cul-de-sac behind the subject property. He said that ever since he been there, he has had a problem with water from the subject property running down across his property. Mr. Stephens stated that he had to rebuild the back end of his house, put in drainage, and move trees to keep the water out of his den. He wanted to know what the developer was going to do about the drainage that was coming into his yard. Mr. Stephens felt that other neighbors were also concerned about drainage. The width of the lots and the density was also a concern. He asked whether the lots would be sold to individuals, who would develop them, or would the developer put up the houses. He was also concerned about trees coming down and asked if they would be replaced.

In rebuttal Mr. McFadden said he appreciated Mr. Stephens' concern about drainage. He said the lots would be 60' wide, with one or two lots 70' wide. He said certainly if there were drainage issues now, this development would take care of that, because they would

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have to do their own drainage plan and the City would approved it. This developer was also the homebuilder, so he would be developing the lots and providing the homes.

Ms. Deakle asked the staff to comment on cut-through traffic.

Mr. Olsen said it was the staff's opinion that because the Subdivision Regulations do require a connection to the existing street stub, that a connection should be made. As far as cut-through traffic, he referred to the vicinity map which showed that to get from Howells Ferry Road to Overlook Road, there would be three or four turns involved. It would not be a straight cut. To cut down on speeding, a traffic circle could be provided where the cul-de-sac was proposed and then connects to Princess Helen.

Ms. Deakle asked if there was currently a cut-through problem on Carlisle Drive and Carlisle Court, which also had the same connection, which was really a little more direct than this application.

Mr. Olsen, as well as Ms. White, said they were not aware of any type of cut-through.

A motion was made by Mr. McSwain and seconded by Mr. Vallas to waive Section V.B.1. and approve the above referenced subdivision subject to the following condition:

- 1) all common areas be indicated on the final plat with a note stating that the maintenance thereof is the responsibility of the property owners association.

The motion carried unanimously.

Case #SUB2004-00235

Int – Ext Subdivision

3461 Halls Mill Service Road (South side of Halls Mill Service Road, 285'± West of Interstate 65 South.

1 Lot / 2.4± Acres

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

Robert B. Berg, Berg and Company, 2100 Government Street, stated that he owned 80 acres south of this subject property and wanted to be sure that the developer would not be dumping water onto his property. Mr. Berg noted that the Pitts Wrecking Service is immediately to the east of the property. He wanted assurance that the drainage from their place would not work in to the applicant's property, and then work down into the drainage pond and end up on his property.

Mr. Plauche noted that the purpose of this application was to change a property line. He said the applicant could not dump his water on someone else's property.

Ms. Terry stated that the applicant could not increase the flow or concentrate the outfall on the adjoining property.

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A motion was made by Mr. Watkins and seconded by Mr. McSwain to waive Section V.D.3. and approve the above referenced subdivision.

The motion carried unanimously.

Case #SUB2004-00232

Plantations Subdivision

South side of Jeff Hamilton Road, 830'± West of Cottage Hill Road, extending South to Johnson Road between Scott Place Court and Richmond Drive, and extending East adjacent to the South side of Hamilton Creek Estates Subdivision, and West adjacent to the North side of Scott Plantation Subdivision, Unit Four.

43 Lots / 67.0± Acres

Matt Orrell, Polysurveying Engineering, was present on behalf of the applicant. Regarding the staff's recommendation that dedication of right-of-way be made for Jeff Hamilton and March Roads, Mr. Orrell said they were not in favor of that. He also pointed out an existing driveway for Lot 41. On condition #2, he said he would like Lot 41 and Lot 42 to share the existing driveway, which was approximately 200 feet down from their new entrance. It would be an existing drive so it would just be a matter of convenience to leave the driveway there for the existing home, and then they would have an easement to share that entrance so they would not have to put an additional driveway in for Lot 42. Regarding condition #3, Mr. Orrell said the Grady family owned the property that was marked as reserved for future development and everything to the west of that. The family bought that approximately 20 acres at a separate time and just added it to their holdings. He said the same property owners owned that piece and the piece to the west of the dashed line where future development was indicated. The reason the future development piece was in there was that his client had purchased about $\frac{3}{4}$ acre to make the road fit in and the staff asked that the future development be shown on the plat. Mr. Orrell said he may not have made it clear that the same family owned all that property. So they were giving him an access approximately 100 feet west of the line that was in there. He asked the staff to stick to that requirement.

Mr. Olsen stated that the staff had no problem with changing the note to allow Lots 41 and 42 to share the existing curb cut to Jeff Hamilton Road. As far as the dedication, Mr. Olsen noted that the other subdivision in the area dedications for the major streets. With regard to access to future development, Mr. Olsen said if the street stub were moved between Lots 9 and 10 as opposed to between Lots 10 and 11, it would provide access to future development. The reason the staff required that was because it has no access. While it may be under the same ownership currently, it could change ownership, so it must have frontage. This was the reason the staff recommended it to be shown as simply future development, and have a 50' frontage on a public road.

Mr. Orrell said he did not see a problem with shifting the road over 150 feet to do that.

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David Ellzey, 2885 E. Scott Plantation, stated that he was just curious to know what they were planning on doing from Scott Place to Richmond, and were they planning to make that a road in the future.

Mr. Olsen said that at this point it was just going to be their access to Johnson Road.

A motion was made by Ms. Deakle and seconded by Mr. Vallas 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 Jeff Hamilton Road, and the dedication of 50-feet for March Road, a planned major street (along Lots 28, 29, 32-39 and 42);
- 2) the placement of a note on the final plat stating that Lot 1 is denied direct access to Jeff Hamilton Road, Lots 41 and 42 are limited to one shared drive to Jeff Hamilton Road and that Lots 28, 29, 32-39 and 42 are denied direct access to March Road;
- 3) that the "reserved for Future Development" parcel simply be shown as future development, and that the street stub located between Lots 10 and 11 be relocated between Lots 9 and 10 to provide access; 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 #SUB2004-00237

Regency Executive Park Subdivision, Unit Two, Resubdivision of

Southwest corner of University Boulevard and Morrison Drive.

2 Lots / 8.9± Acres

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

There was no one present in opposition.

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

- 1) that Lots 1 and 2 be limited to one curb cut each, with the location and design to be approved by Traffic Engineering; and
- 2) the placement of a note on the final plat stating that the 55" Live Oak tree located on the Northeast corner of Lot 2 is to be preserved (any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger).

The motion carried unanimously.

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Case #SUB2004-00234

Revised Riviere du Chien Country Club & Estates Subdivision, Revision of Lot 106

Northeast corner of St. Andrews Lane East and St. Andrews Loop.

1 Lot / 0.3± Acre

Joe Regan, Regan Land Surveying, was present on behalf of the applicant and concurred with the staff recommendations. Mr. Regan stated that the lot would still be under the restrictive covenants for Riviere du Chien Subdivision. The only thing they were changing here was the building setback along the side street.

There was no one present in opposition.

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

- 1) the dedication of a 25-foot radius at the corner of St. Andrews Lane East and St. Andrews Loop; and
- 2) that the minimum finished floor elevation be provided as outlined in the City Engineer comments.

The motion carried unanimously.

There being no further business, the meeting was adjourned.

APPROVED: January 20, 2005

/s/ Victor McSwain, Secretary

/s/ Terry Plauche, Chairman

vm