

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

**Members Present**

James Laier, Vice-Chair  
Victor McSwain, Secretary  
James F. Watkins  
Ann Deakle  
Mead Miller (S)

**Members Absent**

Terry Plauche, Chairman  
Victoria L. Rivizzigno  
Clinton Johnson  
John Vallas  
Nicholas H. Holmes, III

**Urban Development Staff Present**

Laura J. Clarke, Director,  
Urban Development Department  
Richard L. Olsen, Planner II  
Margaret Pappas, Planner II  
David Daughenbaugh, Urban Forestry  
Coordinator  
Jennifer Henley, Secretary II

**Others Present**

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

*Dr. Laier chaired the meeting in Mr. Plauche's absence.*

Dr. Laier 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.

**EXTENSIONS:**

**Case #ZON2003-01793**

**Providence Park Subdivision, Unit Seven**

South side of Airport Boulevard, 280'± West of Providence Park Drive East.  
Planned Unit Development Approval to allow shared access between multiple building sites.

Request for a one-year extension of previous approval.

A motion was made by Ms. Deakle and seconded by Mr. Miller to grant a one-year extension of previous approval for this application. However, the applicant should be mindful that a second extension would be unlikely.

The motion carried unanimously.

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**Case #SUB2003-00173**

**Providence Park Subdivision, Unit Seven**

South side of Airport Boulevard, 280'± West of Providence Park Drive East.

2 Lots / 3.7± Acres

Request for a one-year extension of previous approval.

A motion was made by Ms. Deakle and seconded by Mr. Miller to grant a one-year extension of previous approval for this application. However, the applicant should be mindful that a second extension would be unlikely.

The motion carried unanimously.

**GROUP APPLICATIONS:**

**Case #ZON2004-02358**

**Syble Watson**

4175 Halls Mill Road (East side of Halls Mill Road, 930'± North of Alden Drive).

The request for a change in zoning from R-1, Single-Family Residential, to B-3, Community Business, for a lounge was considered.

Council District 4

The plan illustrates the existing building and parking.

(Also see Case #SUB2004-00247 – **Syble Watson Subdivision** – Below)

Mr. Trammel Miller, Trammel Miller Real Estate Company, was representing Mrs. Aileen Butler who owned property adjacent to this property to the east. Mrs. Butler was opposed to the application.

Mr. 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 Mr. Watkins to recommend the approval of this change in zoning to the City Council subject to the following conditions:

- (1) that the parking layout be modified, including the removal of all existing parking on residentially zoned properties, in compliance with the parking requirements of the Zoning Ordinance as outlined in Section VI;
- (2) full compliance with the Traffic Engineering Comments (driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards; changes should be made to the existing driveway to allow for a single driveway opening of a more appropriate width than the one shown, parking which backs into the right-of-way to be eliminated as well as the angled parking next to the building; two-way parking aisles to be a minimum of twenty-four feet in width);

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- (3) the submission and approval of a Planned Unit Development application for any shared parking, access and maneuvering between Lots 1 and 2;
- (4) full compliance with the landscaping and tree planting requirements of the Ordinance;
- (5) the provision of a buffer, in compliance with Section IV.D.1., where the site adjoins residential zoning, when and if the adjoining property is developed residentially; and
- (6) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2004-00247 (Subdivision)**

**Syble Watson Subdivision**

4175 Halls Mill Road (East side of Halls Mill Road, 930'± North of Alden Drive).

2 Lots / 3.3± Acres

(For discussion see Case #ZON2004-02358 – **Syble Watson** – Above)

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

- (1) dedication of any necessary right-of-way to provide 35-feet from the centerline of Halls Mill Road, a collector street; and
- (2) that the number, location and design of all curb cuts be approved by Traffic Engineering.

The motion carried unanimously.

**NEW ZONING APPLICATION:**

**Case #ZON2004-02357**

**Automotive Computer Services, Inc.**

South side of Downtowner Loop South, 555'± West of Downtowner Boulevard.

The request for a change in zoning from B-3, Community Business, to B-2, Neighborhood Business, to eliminate split zoning in a proposed commercial subdivision was considered.

Council District 5

The site plan illustrates the proposed building, parking, sidewalk, landscaping, and proposed rezoning.

*Ms. Deakle recused herself from the discussion and vote regarding this matter. Therefore, there was not a quorum present to vote on this agenda item.*

A motion was made by Dr. Laier and seconded by Mr. Miller to holdover this application until the meeting of December 16, 2004, due to lack of a quorum to vote on this matter.

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The motion carried.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2004-00245**

**Barnes Subdivision**

Southeast corner of Old Shell Road and Fairview Street East.

1 Lot / 3.7± Acres

Mr. M Don Williams, M. Don Williams Engineering, was present on behalf of the applicant. Regarding the staff's recommendation for the dedication of sufficient right-of-way to provide 50' from the centerline for Old Shell Road, Mr. Williams noted that currently Old Shell Road was a 60' right-of-way. Since it was on the Major Street Plan, it would go to 100'. He said he understood that the Mobile County Engineering Department had been working with property acquisition and the right-of-way would come mostly off the north side of the road. The road would be shifted that way which would render the 20' they were being asked to dedicate unnecessary.

Mr. Stewart stated that the road was just under construction and there was always the possibility that they may need additional right-of-way. He said he was not saying that they were objecting to waiving the dedication requirement, but they would certainly like to have it if they needed it.

Ms. Pappas stated that regardless of what was happening, the adopted Major Street Plan called for 100' right-of-way for this section of Old Shell Road. The staff would recommend that no matter how much of it was taken from the north side, they would require 100' along this section. Therefore, any additional right-of-way that was required to provide 50' from the centerline was what the staff recommended.

Mr. Watkins asked how much right-of-way the County had acquired so far in this area on the south side.

Mr. Stewart said they were still in negotiations. They were trying to go on the north side as much as possible. He said due to the topography and ground sampling and the type of drainage, there was a possibility they may need additional right-of-way once they got out there and actually started moving dirt. For this reason they were a little concerned about any additional right-of-way they would need to complete the project.

Mr. Williams said he would like to ask for a holdover. He said they had plans to put a business on the lot. It was in the area that would be affected by the dedication. They could go with a metes and bounds description for right now. Mr. Williams said they were trying to clean up a subdivision that was already out there. They had previously recorded a two-lot subdivision with a 40' service road and a 20' widening strip had already been granted. He said at this particular point they did not really have to have subdivision approval at this time. They wanted to clean it up, but if that was going to cause the loss

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of 20' on the entire frontage, it may be worth their while just to wait a month or two to find out if all that cleared up and then come back again at a later date to make an application. Based on that information, Mr. Williams said he would like to request a holdover for a month.

Mr. Olsen noted that as Mr. Williams indicated, there had already been 20' dedicated and there was a 40' dedicated service road. Even if the Commission were to approve it without dedication, the applicant would have to go through the vacation process to have that vacated.

Mr. Williams indicated that he was aware of this.

There was no one present in opposition.

A motion was made by Dr. Laier and seconded by Mr. Miller to holdover this application until the meeting of January 6, 2005, at the applicant's request.

The motion carried unanimously.

**Case #SUB2004-00248**

**Burtu's Addition Subdivision**

Southeast corner of Palmetto Street and Marine Street.

4 Lots / 0.9± Acre - Council District 2

Mr. Don Coleman, Rester and Coleman Engineers, Inc., was present and requested that condition #1 requiring the dedication of a 25' radius at the intersection of Palmetto Street and Marine Street be waived. He pointed out that this was in a historic district and the streets were old and he did not see any reason to have to round the corner on one of them.

Mr. Miller asked the staff to comment on condition #1.

Mr. Olsen said the staff was fine with deleting that condition. The condition for the dedication of the radius was a standard condition of the Subdivision Regulations, however this was set in a historic district and there were very few intersections that had a radius at the corner.

There was no one present in opposition.

A motion was made by Mr. Miller and seconded by Mr. McSwain to waive Sections V.D.2, V.D.5 and V.D.7, of the Subdivision Regulations, and approve this subdivision subject to the following condition:

- (1) the 42" Live Oak Tree located on the East side of Lot 2 and the 42" Live Oak Tree located on the Ease side of Lot 3 (Listed as 34" on plan) be given Preservation Status – and the placement of a note on the final plat stating any work on or under these trees is to be permitted and coordinated

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with Urban Forestry; removal to be permitted only in the case of disease or impending danger.

The motion carried unanimously.

**Case #SUB2004-00241**

**Dog Trot Subdivision**

1150 Dauphin Street and 1165 New St. Francis Street (North side of Dauphin Street, 440'± East of North Georgia Avenue, extending to the South side of New St. Francis Street, 400'± East of North Georgia Avenue).

2 Lots / 0.4± Acre - Council District 2

Mr. Jerry Byrd, Byrd Surveying, Inc., 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 Ms. Deakle and seconded by Mr. McSwain to approve this subdivision subject to the following condition:

- (1) that each lot be rezoned to one zoning classification prior to the recording of the final plat.

The motion carried unanimously.

**Case #SUB200400242**

**Prentiss Family Division Subdivision**

North side of Zeigler Boulevard, 2,000'± West of Schillinger Road, extending to the South side of Howells Ferry Road, 2,340'± West of Schillinger Road.

2 Lots / 96.0± Acres

Mr. Ty Irby, Ty Irby Realty, as well as Mr. Matt Orrell, Polysurveying Engineering – Land Surveying, were present on behalf of the applicants. Mr. Irby concurred with the staff recommendations.

There was no one present in opposition.

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

- (1) the dedication of sufficient right-of-way to provide 50-feet from the centerline of Zeigler Boulevard;
- (2) the placement of a note on the final plat stating that the number, location, size, and design of all curb cuts to Zeigler Boulevard must be approved by County Engineering;

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- (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; and
- (4) the placement of the 25-foot minimum setback lines on the final plat.

The motion carried unanimously.

**Case #SUB2004-00249**

**Ridgewood Subdivision, Resubdivision of Lot 9**

Northwest corner of Ridgewood Place and The Cedars.

1 Lot / 0.5± Acre - Council District 7

Mr. Don Coleman, Rester and Coleman Engineers, Inc., 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 Mr. Miller to approve this subdivision subject to the following condition:

- (1) the dedication of a 25-foot radius at the corner Ridgewood Place and The Cedars.

The motion carried unanimously.

**Case #SUB2004-00240**

**Semmes Highlands Subdivision, Sixth Unit, Resubdivision of Lot 17**

Southwest corner of Northfield Road North and Northfield Road East.

2 Lots / 1.6± Acres

Mr. Jerry Byrd, Byrd Surveying, Inc., 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. Miller and seconded by Mr. Watkins to approve this subdivision subject to the following condition:

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

The motion carried unanimously.

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**Case #SUB2004-00243**

**Tunnel Plaza Subdivision**

Northwest corner of Dunlap Drive (North-South) and Dunlap Drive (East-West).

1 Lot / 0.8± Acre - Council District 2

Mr. Jerry Byrd, Byrd Surveying, Inc., was present on behalf of the applicant and asked if the condition for a Planned Unit Development could be changed to an Administrative Approval.

Ms. Pappas replied yes.

There was no one present in opposition.

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

- (1) the placement of a 25-foot minimum setback line along Dunlap Drive on the final plat; and
- (2) submission and approval of an Administrative Planned Unit Development application for shared access.

The motion carried unanimously.

**Case #SUB2004-00246**

**Ward Enterprises Subdivision**

7951 and 7965 Tanner Williams Road (South side of Tanner Williams Road, 2/10 mile± West of Schillinger Road.

4 Lots / 2.4± Acres

Mr. M. Don Williams, M. Don Williams Engineering, was representing the applicant. Currently the property had two commercial buildings and a residence on it. He explained that development had been allowed to occur on the one lot because the County did not require a Planned Unit Development for separate buildings on the same lot. They had planned to carve them into individual lots in the future. Now one of the tenants wanted to buy the building, so the time had come to draw the property lines. They wanted to add to the residential area and create three separate commercial lots. Mr. Williams noted that the staff report stated that they needed to put buffer protection in, which they were prepared to do. He said they were okay with the dedication of 20' additional right-of-way and the other conditions recommended by the staff. Mr. Williams noted that Mr. Keith Cochran, who owned property to the south of the subject site, was present and wished to speak on this matter. Mr. Williams said that the property in question had a retention pond and they recognized the necessity of having stormwater retention for that and any future development on that particular lot. He said they were not going to be able to take the water off of Mr. Cochran because it was not taken off of him now. They could not turn the drainage back to Tanner Williams Road because the County



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Engineering Department would not allow that. They recognized that any extra asphalt and/or any extra buildings would require individual stormwater retention ponds.

Mr. Keith Cochran, a resident of 3081 La Coste Road, stated that he was not speaking for or against the application. He said he just wanted to go on record as stating that he owned 12-½ acres south of the subject property and he understood the staff had recommended a buffer where the commercial property abutted their residential property. He wanted to make sure the staff was aware that there was residential property to the south.

In discussion, a motion was made by Ms. Deakle and seconded by Mr. Miller to approve this subdivision subject to the recommendations made by the staff.

Mr. McSwain asked if they could be more specific and go ahead and require the buffer for the property to the south that was residential.

Mr. Olsen said they could require a buffer if any lots were developed commercially. One of the lots in the subdivision that was before the Commission today was residential. Also Lots 1 and 2 could ultimately at some point be developed residentially.

Ms. Deakle said she wanted to make it clear that on the commercial lot they were requiring a 10' vegetative buffer.

Ms. Deakle and Mr. Miller amended their motion and seconded respectively. The final motion was to waive Section V.D.3., of the Subdivision Regulations, and approve this subdivision subject to the following conditions:

- (1) the dedication of sufficient right-of-way to provide 50-feet from the centerline of Tanner Williams Road;
- (2) the placement of a note on the final plat stating that Lots 1 through 4 are limited to one curb cut each with the design, location and size 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 vegetative buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and
- (4) the placement of the 25-foot minimum setback lines on the final plat.

The motion carried unanimously.

**Case #SUB2004-00244**

**Cornelius Woods Estates Subdivision**

Southwest corner of Main Street and Silver Drive, extending East to the Illinois Central Gulf Railroad Bayshore division right-of-way, and extending West to the Illinois Central Gulf Railroad right-of-way.

9 Lots / 39.2± Acres - Council District 1

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Mr. Lee Lovitte, Lovitte Surveying, Inc., was present on behalf of the applicant. With regards to condition #1, Mr. Lovitte requested that they be allowed to record all lots not affected by the multi-zoned lot.

Ms. Pappas said the staff was agreeable to that. The rezoning would only impact Lot 9, and they would need to record the other lots prior to addressing the issue on Lot 9. They could record in units or phases and simply show Lot 9 as future development.

There was no one present in opposition.

A motion was made by Mr. Watkins 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) that Lot 9 not be recorded until the entire lot is rezoned to one zoning classification; and
- (2) the dedication of a 25-foot radius at the corner of Main Street and Silver Drive.

The motion carried unanimously.

There being no further business, the meeting was adjourned.

**APPROVED:** January 20, 2005

/s/ Victor McSwain, Secretary

/s/ James Laier, Vice-Chair

/ms and jh