

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF APRIL 20, 2006 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
Dr. Victoria Rivizzigno, Secretary
Ann Deakle
Bill Demouy
Nicholas Holmes III
Mead Miller
Roosevelt Turner
James Watkins III
John Vallas

Members Absent

Clinton Johnson

Urban Development Staff Present

Laura J. Clarke, Director,
Urban Development Department
Richard L. Olsen
Deputy Director of Planning
Madeleine Masters, Planner I
Bert Hoffman, Planner II
David Daughenbauch, Urban Forestry
Val Manuel, Secretary II

Others Present

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 #SUB2006-00029 (Subdivision)

Greenwood Estates Subdivision, Phase I & Phase II

West side of McCrary Road, ¼ mile± North of Stone Road.
45 Lots / 17.0± Acres

AND

Case #SUB2006-00031 (Subdivision)

McCrary Road Estates Subdivision

West side of McCrary Road, 2/10 mile± South of Corley Lane
2 Lots / 1± Acre

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Mr. Plauche announced that these applications had been withdrawn by the applicant.

Case #ZON2006-00602 (Planned Unit Development)

Fielding Place Subdivision, Lot 5, Revised

East terminus of Fielding Place (private street).

The request for Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow reduced front, left side, and rear setbacks, and allow 56% maximum site coverage in a single-family residential, private street subdivision was considered.

The plan illustrates the proposed development.

(Also see Case #SUB2006-00049 – Fielding Place Subdivision, Lot 5, Revised – Below).

Mr. Don Williams, Williams Engineering, was present on behalf of the applicant and concurred with the staff recommendations.

There was no one present in opposition.

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

- 1) compliance with Engineering comments (The developer should provide a PLS certified survey of the existing detention pond and a PE certified evaluation of the existing detention pond to confirm the capacity and functionality of the existing system to accommodate the increased coverage. Development must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.); and
- 2) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2006-00049 (Subdivision)

Fielding Place Subdivision, Lot 5, Revised

East terminus of Fielding Place (private street).

1 Lot / 0.1± Acre

(For discussion see Case #ZON2006-00602 – Fielding Place Subdivision, Lot 5, Revised (PUD) – Above).

Mr. Don Williams, Williams Engineering, was present on behalf of the applicant and concurred with the staff recommendations.

There was no one present in opposition.

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

- 1) compliance with Engineering comments (The developer should provide a PLS certified survey of the existing detention pond and a PE certified evaluation of the existing detention pond to confirm the capacity and functionality of the existing system to accommodate the increased coverage. Development must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.).

The motion carried unanimously.

EXTENSIONS:

Case #ZON2005-00810 (Planned Unit Development)

University Club Apartments

139 East Drive

(East side of East Drive, 900'± South of Old Shell Road, extending to the West side of Long Street, 600'± South of Old Shell Road).

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

Don Coleman, Rester and Coleman Engineers, 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. Plauche and seconded by Mr. Miller to approve a one-year extension of previous approval for this plan.

The motion carried unanimously.

Case #SUB2005-00071 (Subdivision)

University Club Apartments

139 East Drive

(East side of East Drive, 900'± South of Old Shell Road, extending to the West side of Long Street, 600'± South of Old Shell Road).

1 Lot / 10.5± Acres

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

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

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There was no one present in opposition.

A motion was made by Mr. Plauche and seconded by Mr. Miller to approve a one-year extension of previous approval for this subdivision.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #ZON2006-00686 (Rezoning)

Martha J. Carrio d/b/a Harmony House Salon, Inc.

320 South Sage Avenue

(West side of South Sage Avenue, 200'± North of Eslava Creek Parkway).

A request for a change in zoning from B-1, Buffer Business District, and B-3, Community Business District, to B-2, Neighborhood Business District, to allow a hair salon was considered.

The site plan illustrates the existing building and proposed parking.

(Also see Case #SUB2006-00053 – Martha Carrio’s Subdivision - Below).

Jerry Byrd, Byrd Surveying, was present on behalf of the applicant 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 recommend the approval of this change in zoning to the City Council subject to the following conditions:

1. completion of the Subdivision process;
2. the site is limited to a maximum of one curb-cut, with the size, design and location to be approved by Traffic Engineering, and conform to AASHTO standards if the existing curb-cut is replaced;
3. compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance in that the existing landscaped area cannot be reduced in size;
4. consultation with Traffic Engineering to ensure that parking areas and access drives conform to the fullest extent possible with the minimum design requirements; and
5. full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2006-00053 (Subdivision)

Martha Carrio’s Subdivision

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320 South Sage Avenue
(West side of South Sage Avenue, 200'± North of Eslava Creek Parkway).
1 Lot / 0.3± Acre

(For discussion see Case #ZON2006-00686 – Martha J. Carrio d/b/a Harmony House Salon, Inc. (Rezoning) Above).

Jerry Byrd, Byrd Surveying, was present on behalf of the applicant 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 approve the above referenced subdivision subject to the following conditions:

1. placement of a note on the Final Plat stating that the lot is limited to a maximum of one curb-cut, with the size, location and design to be approved by Traffic Engineering, and conform to AASHTO standards if the existing curb-cut is replaced; and
2. depiction of the 25-foot minimum building setback line.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2006-00058

Alabaster Subdivision

North side of Howells Ferry Road, 1 mile± West of Snow Road.
9 Lots / 11.5± Acres

William Parks, of Speaks and Associates, was present on behalf of the applicant. With reference to condition #4 of the staff's recommendations requiring a street stub to the property to the north of the site, Mr. Parks noted that the applicant was dedicating 50 feet of right-of-way along the west boundary of the property. He would be giving access to the property to the north in two separate areas. He would prefer to just give access in one location, that being the right-of-way they are dedicating. Mr. Parks did not understand the need for access in two locations.

Mr. Olsen said the dedication was due to the future Major Street along the west property line. It was obvious that at this point it was not improved. The street stub would provide immediate access to that landlocked property to the north.

Mr. Parks said that the 50-foot right-of-way would provide immediate access to the property to the north as well. It just would not be improved.

Mr. Olsen said that was correct.

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Tina Davis, 930 Cemetery Road, Wilmer, Alabama, said they had a real estate company and did a lot of development in Semmes. She noted that Semmes was a fast-growing, very desirable place to live. They get many calls from people looking for one-acre parcels for estate size homes. When they found this land they realized it had a driveway going up on the west that did encroach on the property, but they still felt they could develop it into one-acre parcels. Ms. Davis said they purchased the land with restrictions attached that the land could not be developed in smaller than one-acre parcels. They could not find anything to indicate that the driveway was a dedicated right-of-way. She noted there were two residents that lived on the back of the property. They felt if they gave a road up through the middle of the property, that would be dumping people in the middle of some woods and that would not get the two residents to their houses. Ms. Davis did not see why they had to do both.

Mr. Watson referred to the 50 feet on the west side of the property in question and asked what was there now.

Ms. Davis said it was a dirt road that was used for a driveway for the two residences to the north.

Mr. Holmes asked if that 50-foot strip would be dedicated to the City.

Mr. Olsen explained that it would be considered public right-of-way. The County would not accept it for maintenance because there were not County standard improvements there. It would simply be an unopened public right-of-way.

Mr. Holmes asked if the 50-foot access could be widened for future development of the parcel to the north of this property.

Mr. Olsen stated that they would not be able to subdivide that property because the Subdivision Regulations required that they have frontage on an improved public maintained right-of-way, and that would not be the case.

Mr. Holmes asked that if the property owners to the north improved the 50-foot right-of-way, would that give them sufficient width to subdivide the property to the north.

Mr. Olsen said yes.

Mr. Vallas asked Ms. Davis if she knew the size of the property.

Ms. Davis said it was 11 ½ acres.

Mr. Vallas asked if the parcel to the north was larger than hers.

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Ms. Davis said it was a 40-acre parcel, and it was in an estate. The owners would like to subdivide it for their family. They were growing timber on it and did not wish to develop it.

There was no present in opposition.

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

1. the dedication of sufficient right-of-way, as depicted on the preliminary plat, to provide 50 feet from the centerline of Howells Ferry Road;
2. the dedication of 50 feet of right-of-way on the west side of the site, as depicted on the preliminary plat, for the Eliza Jordan Road/New Connection to Moffett Road;
3. the depiction of the 25-foot minimum building setback line to reflect required dedications, as shown on the preliminary plat;
4. placement of a note on the Final Plat stating that lots 1 – 5 and 9 are denied direct access to Howells Ferry Road and the Eliza Jordan Road/New Connection;
5. 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
6. placement of a note on the Final Plat stating that maintenance of the detention basin common area is the responsibility of the subdivision's homeowners association.

The motion carried unanimously.

Case #SUB2006-00056

Bellingrath Subdivision, Unit 4, Old Military Addition to, Resubdivision of Lots 2 & 3

South side of Old Military Road, 200'± West of the South terminus of Jones Road.

5 Lots / 2.0± Acres

A representative of 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 Ms. Deakle to approve the above referenced subdivision subject to the following conditions:

1. placement of a note on the Final Plat stating that each lot is limited to one curb-cut each onto Old Military Road, with the size, design and location to be approved by the Mobile County Engineering Department;
2. depiction of the 25-foot minimum building setback line;

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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. revision of the legal description to describe the site as Lots 2 and 3 of the Old Military Addition to Bellingrath Subdivision, Unit 4.

The motion carried unanimously.

Case #SUB2006-00057

Burlington Place Subdivision Additions

South terminus of Burlington Drive East.

37 Lots / 36.8± A

Jerry Byrd, Byrd Surveying, was present on behalf of the applicant. Mr. Byrd noted that the application was recommended for holdover to allow the applicant to submit a revised plat to include the entirety of parcel R023402030000079. He asked, however, that the Commission hear and act on the application. Mr. Byrd noted that the property being left out was at the northeast corner of the future development, which was approximately 800 feet away from what the third and fourth additions would be. Whatever was proposed for future development would have to come back before the Commission at that time. With reference to a comment in the staff report that Lot 129 was odd-shaped, Mr. Byrd said that was true, but they owned that land and could not just let it sit there. He said the bulk of that land would be covered by a drainage easement. The owner would like to go forward with the first cul-de-sac and then possibly the second one if the market stays like it is now.

Mr. Watson questioned whether it was feasible to proceed with this application today.

Mr. Olsen said the staff wanted to assure, that by virtue of any approval that the Commission gives, it was understood that this did not in any way create a separate parcel of the part that was not included.

Mr. Watson asked what would happen in the event the applicant could not get the owners of the parcel to the north to come in and agree at a later date to participate in subdivision.

Mr. Olsen said they would not be able to get a permit; however, at this point it was all under one ownership.

Ms. Deakle asked if she understood the parcel they were referring to was the parcel north of the heavily outlined parcel that abutted Cottage Hill Road.

Mr. Olsen said that was correct. That was part of the parent parcel.

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Ms. Clarke asked why, if the parent parcel and the parcel under consideration today, were under the same ownership, was it not included in this application.

Mr. Byrd said he did not know. He said he would have to go back and review the deeds on that property when they prepared the plat, but they had plats prepared for some time. Mr. Byrd said they did not intend to make an official line across there. They only wanted to get the two cul-de-sacs approved and to go to work at this point in time. Mr. Byrd said if they had to hold it over, they would do so.

Mr. Plauche asked if there was a way to approve the plan with a note on the final plat that says they cannot do future development, unless it is all included.

Mr. Byrd asked that if possibly they could approve the plan with a note that lots 101-137 were the only lots being approved at this time.

There was no one present in opposition.

In deliberation it was asked if the Commission could approve lots 101 through 137 only as suggested by Mr. Byrd.

Mr. Olsen said that was possible, but it was just always cleaner if what was supposed to be included was included with the application when it was submitted.

After discussion a motion was made by Mr. Holmes and seconded by Dr. Rivizzigno to holdover this application until the May 4, 2006, meeting for the following reasons:

1. to allow the applicant to revise the preliminary plat to include the entirety of parcel R023402030000079; and
2. provide additional labels and postage if necessary due to the inclusion of the entire parcel.

The motion carried unanimously.

Case #SUB2006-00055

Cody / Zeigler Subdivision

Southwest corner of Cody Road North and Zeigler Boulevard.

3 Lots / 5.0± Acres

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.

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

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1. the dedication of right-of-way sufficient to provide 50 feet as measured from the centerline of Cody Road, and a smooth transition to the Zeigler Boulevard right-of-way;
2. placement of a note on the Final Plat stating that Lot A is limited to one curb-cut onto Cody Road North and one curb-cut onto Zeigler Boulevard, Lot B is limited to one curb-cut onto Zeigler Boulevard, and Lot C is limited to two curb-cuts onto Cody Road North, with the size, design and location of all curb-cuts to be approved by the Mobile County Engineering Department;
3. depiction of the 25-foot minimum building setback line;
4. the approval of all applicable federal, state and local agencies, if necessary for wetlands, prior to the issuance of any permits or land disturbance activities;
5. 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
6. correction of any road name misspellings on the Vicinity Map.

The motion carried unanimously.

Case #SUB2006-00062

Dawson Point Subdivision, First Addition

3990 Dawson Drive

(North side of Dawson Drive at its East terminus).

2 Lots / 0.4 \pm Acre

Sheila Steward, 4900 Whispering Lane, said Millard Austin, the engineer for the applicant, was out of town and would not be back until Tuesday. He reviewed the staff report, however, and was requesting a holdover until the June 2nd meeting so he could get with the staff and try to work out the problems with the plan.

There was no one present in opposition

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to holdover this application until June 2, 2006, meeting at the applicant's request.

The motion carried unanimously.

Case #SUB2006-00054

Jesse Ellard Subdivision

6675 Nan Gray Davis Road

(East side of Nan Gray Davis Road, 125' \pm South of the East terminus of Woodside Drive).

2 Lots / 0.9 \pm Acre

Matt Orrell, Polysurveying Engineering – Land Surveying, was present on behalf of the applicant and noted that the application had been recommended for denial because the shape and orientation of proposed Lot 2 was not in accordance with the Subdivision

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Regulations. Mr. Orrell contended that the Commission had approved many such 25' strips out to Nan Gray Davis Road. The property was commercial and was surrounded by a ballpark on one side and a commercial building on the other. Mr. Orrell said his client runs a dance studio on Lot 1. He has a 400-foot deep lot and does not need that extra 200 feet. He would like to sell that piece behind his property since he has no use for. Mr. Orrell said the building would fit within Lot 1, and it had plenty of frontage. Mr. Orrell felt this was well within the scope of development in this area, and asked that this be approved so his client could use the rest of his property.

Mr. Plauche asked Mr. Olsen what the objection was to the flag-shape and the orientation of the lot.

Mr. Olsen explained that the front of whatever was built on the property would be oriented to the rear of the lot in front of it. It would not really be oriented to a street, but to the rear of another lot.

Mr. Deakle felt part of the problem was that there would never be access to the portion the applicant wanted to sell because of the park next to it.

Mr. Orrell stated he would have access to that property via a 25' strip.

Ms. Deakle said she meant that there could never be a County road built there.

Mr. Orrell said the Subdivision Regulations stated that you have to have a minimum of 25 feet on a County Road. His client has 25 feet, and has a lot that is over half an acre – 200' x 100' lot – that he would like to be able to sell so they can build another building there. The site has sanitary sewer and there was ample room to build another commercial building.

Ms. Deakle asked access to the adjacent junkyard.

Mr. Orrell pointed out the driveway, and noted that the same person owned both the junkyard and the metal fabrication business. The applicant had a prospective buyer for the property in question.

Tim Pauline, a resident of 6241 Woodside Drive, across the street from this parcel, said there were other factors to consider at this location, one of which was traffic. He noted that the subject property was on a curve and there was no real improved entryway from that side of the roadway. There had been several accidents coming from the subject property with vehicles ending up in his front yard. He stated the subject parcel does have a paved entrance, but it drops off the Nan Gray Davis elevation by about 6 feet. Mr. Pauline also noted that there was a 6-foot drainage culvert through there with a chain link fence on the County side of the property. He stated that in the years it had been there, 6 months was the longest it had survived the traffic encounters. Mr. Pauline also pointed out the steel fabrication facility and the junkyard, which was a 24-hour towing service, and stated that both of these properties were nuisances to the surrounding residents. The

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dance studio was also a nuisance with its loud music sometimes at 2:00 a.m. or 3:00 a.m. Mr. Pauline recommended that if this facility was approved, a traffic signal should be required at this very dangerous intersection.

Mr. Orrell noted that this property was in the County where there were no zoning laws, and the building pre-dated the subdivision, which was developed a few years ago. Nan Gray Davis Road was improved to a three-lane highway some years ago. Mr. Orrell said the County would be responsible for any traffic signal improvements. Regarding drainage concerns, Mr. Orrell said there was no drainage problem. There was a huge ditch beside the property that drained half of Theodore. He noted that if the site was developed commercially, a site plan would be submitted to the County and drainage would have to be addressed at that time. As for the applicant adding, developing, and selling a piece of his land, he did not see where this had any relevance at all.

Mr. Vallas stated that from a practical standpoint, he could understand the neighbor's concern about traffic, but there was no zoning right now, nor anything in the Subdivision Regulations, that could keep this gentleman from expanding his existing building.

Mr. Olsen said Mr. Orrell and Mr. Vallas were correct. Any expansion or use the owner chose to put on this property would be allowed as long as he complied with what few regulations the County had.

If the Commission choose to approve this application, Mr. Turner asked what type of exceptions or waivers would they have to entertain.

Mr. Olsen said the Commission would have to waive Section V.D.3. the width-to-depth ratio and suggested the following conditions: (1) limit each lot to one curb cut with size, location and design to be approved by County Engineering; and (2) no future subdivision of Lot 2 because there would not be adequate frontage. Noting that the surrounding uses were all commercial with the exception of the park to the south, the Commission could require a buffer along that south property line to buffer it from the park.

There was no one present in opposition.

In deliberation, Dr. Rivizzigno said she understood that the land around this site was still owned by the same person, so they could come in from another direction.

Mr. Vallas said no; the junkyard was a separate owner, so they could just expand on their own building. By denying the subdivision, it would not be denying them the opportunity to expand some business there.

Dr. Rivizzigno made a motion to deny this application.

There was further discussion about ownership of the parcels - the metal fabrication, the junkyard and what they were trying to subdivide - were not under the same owner. The

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applicant had stated when questioned that the metal fabrication and the junkyard were on the same piece of property, but he was not referring to the dance studio.

Ms. Deakle said that the applicant could put as many buildings as he wanted on this site and he could rent them. She felt, however, that he wanted to sell off a portion of this property and get some relief from this responsibility.

After discussion a motion was made by Mr. Vallas and seconded by Mr. Taylor to waive Section V.D.3. of the Subdivision Regulations and approve the above referenced subdivision subject to the following conditions:

1. the placement of a note on the Final Plat stating that each lot is limited to one curb cut with the size, design, and location to be approved by Mobile County Engineering Department; and
2. placement of a note on the Final Plat stating that no future subdivision of Lot 2 is allowed until additional frontage on a public street is provided.

The motion carried unanimously.

Case #SUB2006-00060

L. Gordon Place Subdivision

4500 and 4528 Harvest Boulevard East

(East side of Harvest Boulevard East, 610'± North of Harvest Boulevard South).

3 Lots / 6.3± Acres

This application was recommended for holdover to the meeting of May 18, 2006.

Benny Johnston, 4500 Harvest Boulevard, said the purpose of this application was to allow the applicant to make this parcel into a two-lot subdivision. Mr. Johnston said he was the owner of Lot 3, the flag-shaped lot. His father-in-law, Lamar Gordon, owned Lot 1 and wanted to give or sell Lot 2 to his daughter. The lot was intended as a family subdivision and would not be a commercial development. Referring to the staff report, Mr. Johnston said it was stated that Lot 3 was not characteristic of other lots in the area. He was aware, however, at least one other flag-shaped lot at the end of Harvest Boulevard. He also said the area between the lots was for future subdivision, but that area could be closed in either by adding to both the lots, or one or the other. Mr. Johnston said they were trying to determine what they needed to do.

Mr. Watson said if the applicant came in with some sort of private road, it would not have to meet the requirements for a city street. However, he thought that may be too expensive. He asked if there was guidance for what they could do to maybe extend Lot 2 and 3 in that middle piece and have a road go in the middle of that large tract.

Mr. Olsen stated that the applicant had the option for a family subdivision with a private road, but it would require construction of the road to the standards specified in the Subdivision Regulations, which was basically a County road standard. Reconfiguring the lots to make them meet in the middle could possibly be an option, but the flag-shaped lot

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was an issue because it was not characteristic of the area. Mr. Olsen said there may be one other flag-shaped lot farther down Harvest Boulevard that was not shown on the City's map, but it was not something that you see in that immediate vicinity. As with the previous application, Mr. Olsen said it would require a waiver and conditions, and a reconfiguration of the lots. The staff would like to see a holdover if that was the intent so that the revised plat could be submitted and reviewed.

Mr. Johnston said they would have no problem with holding it over, but wanted to make sure he understood what they needed to do.

Mr. Olsen suggested that the applicant contact the staff so they could discuss the options before submission of the revised plat.

Nick Little, a resident of 6160 Longview Road, said he was the future owner of Lot 2. Mr. Little said he had a tax map showing another flag-shaped lot at the end of the road, if the Commission would like to see it.

Mr. Olsen said the staff could expand their sketch for the next meeting to show the flag-shaped lot, but at this point the staff recommendation would not change just because there was one other flag-shaped lot somewhere further down the street.

Mr. Little further stated that the surveyor told him to ask if it would be possible if they took the entrance into Lot 3 and turned that 25' passage into an ingress and egress easement for the property.

Mr. Olsen said they could not do that. The Subdivision Regulations require that each lot have real property frontage on a public road. If that were simply changed to an easement, Lot 3 would no longer have frontage on a public road and would not comply with the Subdivision Regulations.

There was no one present in opposition.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Miller to holdover this application until the May 18, 2006, meeting to allow the applicant time to meet with staff and submit revised drawings showing a two-lot subdivision with no flag-shaped lots.

The motion carried unanimously.

Case #SUB2006-00059

Michele Estates Subdivision

4260 Renee Road East

(East side of Renee Road East).

2 Lots / 10.1± Acres

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Vernon Pierce, applicant, said he had lived at 4245 Renee Road in Semmes for 43 years, He cut the road in, which was now County-maintained, when he first moved there. He just learned from his surveyor that a new road was proposed to come through his property and would wipe out his house. It would also interfere with where he had planned to build another house.

Mr. Plauche asked Mr. Pierce if he was referring to the proposed Red Creek Parkway on the Major Street Plan.

Mr. Pierce said that was correct.

Mr. Plauche said the Planning Commission would have nothing to do with the location of that planned Major Street.

Mr. Pierce was concerned because the proposed road would have to be noted on the plat, and no one would want to purchase the property if they knew that a new highway was going to go through there and destroy it.

Mr. Olsen stressed that the exact location for the proposed Red Creek Parkway Major Street had not actually been platted, but it would only clip the very southwest corner of Mr. Pierce's property. The Major Street Plan was just a general plan showing an approximate location.

Mr. Pierce said he understood, but he also owned the property on the other side of the road. He had 34 acres with a house sitting on it and the proposed road would take the corner off of it.

Mr. Vallas suggested the new road may actually increase the value of that property.

Mr. Pierce was also concerned that the County road had to be brought up to County standards. He said the County had been promising to pave this road since 2001, but it had still not been paved. It was a gravel road and had been there for forty-three years.

Mr. Plauche again stated that the Planning Commission had no way of making the County pave or not pave a road.

Mr. Pierce asked if he understood correctly that he could not build another house in there until the road was brought up to County standards.

Mr. Plauche said that was not correct. He could not **resubdivide** the property until the road was brought up to County standards.

Mr. Pierce further stated that his engineer told him that the City would take 10 feet off each side of the road instead of taking 20 feet off one side for right-of-way. He asked if that was correct.

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Mr. Olsen said the recommendation asked for dedication of 25' from centerline, and that would be requested when the other side comes in for subdivision so that there is a minimum of 50 feet of right-of-way.

Mr. Pierce said the City already had a 30-foot right-of-way.

Mr. Olsen suggested this application be held over so that the staff could meet with Mr. Pierce's surveyor regarding the dedication of right-of-way, paving, etc.

Mr. Pierce said he had already put in a septic tank and a well. He had already had a perk test, which the County approved. Then yesterday he learned about a new road that would go through his property. Mr. Pierce said he had already spent several thousand dollars on surveys, not knowing this would have to come through the Planning Commission.

Mr. Plauche said Mr. Pierce's engineer should have known that it would have to come before the Planning Commission.

Mr. Olsen reiterated that this property was located outside the City limits, therefore there was no zoning jurisdiction. The applicant could have more than one house on the existing parcel without going through the subdivision process as long as he had the adequate septic system, water, sewer, etc.

Mr. Plauche reiterated that the applicant could not resubdivide the property until the road was brought up to County standards. Mr. Pierce could either wait until the County does that, or he could do it himself.

Mr. Pierce said he would agree to dedicate 10 feet of right-of-way on each side of the road to give them a 50-foot right-of-way.

After further discussion Mr. Plauche said that the application would be held over so Mr. Pierce's surveyor could meet with the staff to discuss this matter.

Johnny Brannon, a resident of 4185 Frank Maples Road, Eight Mile, said his house was the one depicted along the property line that was at the bottom of the two lots that were being subdivided. Mr. Brannon said Mr. Pierce's subdivision would not really affect his property, but he wanted to note several subdivision requirements. One was that the County was maintaining a substandard road, and the road would have to be raised to County standards before Mr. Pierce could resubdivide. Secondly, a proposed highway is planned to come through their property that would completely destroy both Mr. Pierce's property and his property. Although the exact route of that road was not known, Mr. Pierce would be required to make a note on his plat that the road was possibly going to be going through his property, thereby devaluing his property. Lastly, Mr. Brannon said the general road concept in its entirety would destroy Mr. Pierce's road, devalue the property, and destroy his property that was below it. He said he understood that the Planning Commission could do nothing about the proposed road, but they would explore other avenues to have that route changed. Again, Mr. Brannon felt a note regarding a

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proposed new road should not be required to be placed on Mr. Pierce's deed when the exact route of the road was not known. Mr. Brannon further mentioned that according to State and City law, every one of the Council members had to live within the City of Mobile.

Mr. Plauche said the members of this Board were not on the City Council. They were members of the Planning Commission.

Mr. Brannon said the Planning Commission members, then, all lived in the City of Mobile by law. Those people who lived in the County had no legal representation on the Board right now. He, and others, felt that their rights were being violated by the Commission enforcing zoning and changes in roads and other things on private property within the County with no legal representation on this Commission itself.

Mr. Plauche suggested Mr. Brannon contact his State representative and see about changing the law for the Planning Commission, because they were just doing what was required of them under the law.

Mr. Brannon said he realized he could not do anything about it, however, he wanted it noted for the record.

After discussion a motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to holdover this application until the June 1, 2006, meeting to allow the applicant time to meet with staff.

The motion carried unanimously.

Case #SUB2006-00061

Midtown Park Subdivision, Unit Five

3249 Dauphin Street

(South side of Dauphin Street, 80'± West of Midtown Park West).

1 Lot / 0.3± Acre

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant and presented this plan to create a one-lot subdivision from a metes and bounds parcel. Mr. Coleman said this was the former site of the Waffle House. He said this property had never been a subdivision. In 1973 the Gulf Oil Station was built, and is still there. Also in 1973 the Waffle House was built there, but had since been torn down. There was no subdivision at that time. Super Lube then went up, again with no subdivision application. Mr. Coleman noted that to the south, a one-lot subdivision was filed to build an accountant's office on that site. He said all this property was mixed up with different owners. They had a client who wanted to put a building on the former Waffle House site, and were requesting approval of a one-lot subdivision for that vacant lot. Mr. Coleman said that if the BP Oil Station and the Super Lube were ever torn down, then a one-lot subdivision could be filed to rebuild whatever went there. Mr. Coleman said they would

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like to get a building permit on this particular lot, rather than go back and include everything that had been there thirty-five years.

Mr. Vallas asked what the applicant was being asked to do.

Mr. Olsen explained that the BP Station, The Super Lube and the office building were all separate parcels on the tax assessor's map. With the exception of one parcel, which he pointed out, they were all under the same ownership. That staff recommended that the application be held over to allow the applicant to submit a plan including all of the parcels in the subdivision to make all of them legal lots of record.

Mr. Watson asked if he understood correctly that the subject property was under common ownership with the surrounding lots.

Mr. Coleman said some of the ownership was common, but pointed out that one lot may not be owned exclusively by the same people as another lot. It was a family type thing.

Mr. Olsen said that may actually be the case, but the staff was going by what they were able to see on the tax assessor's records, which gave a single name.

Mr. Watson asked if the Commission were to approve this, what conditions would they put on the approval.

Mr. Olsen said the site would be limited to a single curb cut to be approved by Traffic Engineering.

Marl Cummings, Cummings and Associates, was present representing the property owner. Mr. Cummings said some of the ownership confusion has to do with the BP Station. The front two-thirds of it was a different owner than the back one-third, but it was developed as one parcel, which would raise all kinds of problems if they were faced with a subdivision recommendation on already developed and long settled pieces of property.

Mr. Cummings further stated that as these various parcels get in the same condition as the Waffle House where the original tenant moved away, the building was not reusable and was torn down and completely redeveloped. He said they would agree to come in and file one-lot subdivisions on the respective pieces at that time.

Mr. Plauche asked if that was acceptable by the staff.

Mr. Olsen said the staff could not put conditions on parcels that were not part of the subdivision. He said when they apply for building permit, the City would require them to file a subdivision. He also said it would have been cleaner to do it all at one time.

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

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- 1) the placement of a note on the final plat stating that the site is limited to a single curb cut, with size, design, and location to be approved by Traffic Engineering.

The motion carried unanimously.

Case #SUB2006-00063

Motel Court Subdivision

Southeast corner of Coca Cola Road and Motel Court, extending to the North side of Interstate 10, and extending to the West side of Motel Court, 200'± South of Coca Cola Road, and to the North side of the Interstate 10 West off ramp).

4 Lots / 16.8± Acres

Bobby McBryde, Rowe Surveying, was present on behalf of the applicant. He said they agreed with the staff's recommendation to hold this application over, but requested it be heard at the meeting of May 4th, instead of May 18th.

Mr. Olsen said that May 4th would be fine, provided the applicant submitted the missing documentation by Monday.

Nancy Reed, Operations Manager at Coca-Cola, was concerned about increased traffic along Coca-Cola Road. Ms. Reed said they had 300-400 employees, and were concerned about the curve on the road. She said they do have a lot of backing up that occurs when they switch the shifts out.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Holmes to holdover this application until the May 4, 2006, meeting to allow the applicant time to get authorization to subdivide from the owner of the additional parcel. Revised materials must be received in Urban Development by April 24, 2006.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATION:

Case #ZON2006-00701

Valerie Musial

5011 Government Boulevard

(East side of Government Boulevard at the East terminus of Knollwood Drive).

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

Mr. Vallas recused from discussion and voting in this matter.

There was no one present in opposition

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

The motion carried.

OTHER BUSINESS:

Mr. Olsen reminded the members of the business meeting to be held Thursday, April 27, 2006, in the pre-council meeting room, at 2:00 p.m.

There being no further business, the meeting was adjourned.

APPROVED:

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

vm