

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF MARCH 3, 2005 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
James Laier, Vice-Chair
Victor McSwain, Secretary
Ann Deakle
John Vallas
Adline Clarke
Mead Miller (S)

Members Absent

Clinton Johnson
James F. Watkins
Victoria L. Rivizzigno
Nicholas H. Holmes, III

Urban Development Staff Present

Richard L. Olsen, Planner II
Margaret Pappas, Planner II
Ron Jackson, Deputy Director of Urban
Forestry
Jennifer Henley, Secretary II

Others Present

John Lawler, Assistant City Attorney
Jennifer White, Traffic Engineering
Pat Stewart, County Engineering
Beverly Terry, City Engineering

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

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

HOLDOVERS:

Case #SUB2005-00009

Compton Subdivision

East side of Dauphin Island Parkway, 665'± North of Terrell Road.
1 Lot / 3.7± Acres
Council District 3

This application was withdrawn prior to the meeting at the applicant's request.

Case #ZON2005-00230

McMurray Place Subdivision

South side of Johnston Lane, extending from the West side of Rosedale Avenue (to be vacated) to the centerline of Dickerson Avenue (to be vacated), and to McCay Avenue (to be vacated), 95'± South of Johnston Lane.

The request for Planned Unit Development Approval to allow reduced lot widths, sizes, and setbacks, and 45% site coverage in a zero-lot line single-family residential subdivision was considered.

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Council District 6

The plan illustrates the proposed subdivision.

(Also see Case #SUB2005-00018 – **McMurray Place Subdivision** – Below)

Mr. Don Coleman, Rester and Coleman Engineers, Inc., was present on behalf of the applicant. He asked that the application be heldover until the next meeting in order to allow them time to work out some problems with the drainage.

Mr. Plauche asked if there was anyone present who would like to speak on this application.

Ms. Anita Ryan, a resident of 6335 Johnston Road, said her back property line was 95' south of Johnston Lane. She and all of the neighbors were concerned as to whether or not there would be a buffer between the proposed subdivision and their houses. They were also concerned about whether the entrance would be at McCay Street or at McMurray Street. They would prefer to see it at McMurray Street.

Mr. Olsen noted that since this would be a residential development adjacent to a residential development, buffering was not an automatic requirement of the Zoning Ordinance; it would be at the discretion of the developer.

A motion was made by Ms. Deakle and seconded by Mr. Vallas to holdover this application until the meeting of March 17, 2005, at the applicant's request.

The motion carried unanimously.

**Case #SUB2005-00018
McMurray Place Subdivision**

South side of Johnston Lane, extending from the West side of Rosedale Avenue (to be vacated) to the centerline of Dickerson Avenue (to be vacated), and to McCay Avenue (to be vacated), 95' \pm South of Johnston Lane.

60 Lots / 12.8 \pm Acres

Council District 6

(For discussion Case #ZON2005-00230 – **McMurray Place Subdivision** – Above)

A motion was made by Ms. Deakle and seconded by Mr. Vallas to holdover this application until the meeting of March 17, 2005, at the applicant's request.

The motion carried unanimously.

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Case #ZON2005-00234

Hazel Gardner

1809 Wolf Ridge Road (West side of Wolf Ridge Service Road, 100'± South of Beau Terra Drive South).

The request to waive construction of a sidewalk along Wolf Ridge Service Road was considered.

Council District 1

The applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

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

The motion carried unanimously.

EXTENSIONS:

Case #SUB2003-00001

Creel Landing Subdivision

6066 Creel Road (West side of Creel Road, 300'± South of Lundy Road).

25 Lots / 10.7± Acres

Request for a one-year extension of previous approval.

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

The motion carried unanimously.

Case #SUB2004-00023

Viking Place Subdivision, Phase I & II

Northeast corner of Snow Road and Wulff Road.

53 Lots / 25.0± Acres

Request for a one-year extension of previous approval.

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

The motion carried unanimously.

NEW GROUP APPLICATIONS:

Case #ZON2005-00396

C. E. Jackson

West side of Long Street, 600'± South of Old Shell Road.

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The request for a change in zoning from R-3, Multi-Family Residential, to R-3, Multi-Family Residential, to remove a condition on a previously approved rezoning was considered.

Council District 6

The plan illustrates the proposed structures and parking as well as the existing trees and flood zones.

(Also see Case #ZON2005-00222 – **University Club Apartments** – Below; and Case #SUB2005-00015 – **University Club Apartments** – Below)

Mr. Don Coleman, Rester and Coleman Engineers, Inc., was present on behalf of the applicant. He said they would like to delete conditions #2 and #4 of the staff recommendations requiring construction of Long Street, the provision of a sidewalk along the improved portion of Long Street, and construction of a driveway to Long Street. The project had primary access from East Drive, where there was a traffic light at the intersection of Old Shell Road. He noted that sometimes traffic was backed up from the intersection of Old Shell Road and University Boulevard all the way to Long Street. They wanted all access to the apartments to be via East Drive because it was a good in and out street. He felt that a lot of college students would live in this apartment project.

Mr. Ronnie Handwerger, owner of property at 5918 Windham Court, presented a petition signed by neighbors in opposition to the proposed development. Mr. Hardwerger expressed concern about the additional traffic this development would create in the area. He noted that presently on East Drive, which was a minor street, there were four subdivisions, two churches, two apartment complexes, one proposed apartment complex on the west side of East Drive, and six new homes under construction on the northern end of East Drive. There were already two speed bumps and one speed circle on East Drive, which indicated that there was enough traffic to cause concern. Mr. Handwerger said the existing apartments on East Drive were not full by any means, and he contended that allowing multi-family residences to be built adjacent to the north side of the homes on Windham Court would present adverse conditions to those residents. There was only a 10' setback between their property and the proposed development. This would present problems of increased noise, increased lighting and would take away their privacy. They were also concerned that this development would cause a devaluation of their property. If this application were approved, he said it would be imperative to have the ability to enter or exit the development to Long Street. This would eliminate further traffic congestion on East Drive and Old Shell Road. Mr. Handwerger said they would also request that a traffic light be installed at the intersection of Long Street and Old Shell Road. He further stated that if these requests were granted it would help their situation on Windham Court if the three proposed units on the East Drive parcel were built on the northern side of the site versus the southern side. The northern side was zoned R-3 and would place those units adjacent to other R-3 zoning where there were existing apartments, instead of adjacent to R-1 where their homes were built. An additional request would be to provide a greater buffer area than the proposed 10' that was adjacent to their R-1 zoning. He said a higher fence and vegetative planting would be helpful to

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buffer the noise and afford them some privacy. They would also request a traffic study to see how the traffic now flows on East Drive. Mr. Handwerger said they would like the Planning Commission to turn down these proposals due to the aforementioned reasons.

Mr. Brian Lee, a resident of 300 Treadmill Court, which was in the Ridgefield Subdivision to the south of the subject property, stated that he was opposed to the deletion of item #2, the construction of Long Street. He pointed out that there were a few homes that already existed on Long Street that could certainly benefit from this street being constructed. Mr. Lee was also concerned about limiting this development to one way in and one way out onto East Drive. He was particularly concerned with access by emergency vehicles.

Ms. Bess Rich, 625 Cumberland Road East, which was in Ridgefield Subdivision south of this proposed development, noted that when this was rezoned in 2001 for the Long Street aspect of the R-3, the developer agreed that Long Street would be brought up to City standards. Ms. Rich said she saw that as a “win-win” situation because the City would get an improved street because of the impact that the developer was creating. There were residents who came down and objected to the multi-family at that time, but it was seen in the best interest of the City to allow it as long as the road was improved. She said there was never an indication that East Drive would be part of the development at that time. There had also been traffic studies of East Drive, which had shown that it was well overloaded for a minor residential street. Ms. Rich said she hoped the Commission would concur and not allow the removal of the condition that Long Street be constructed.

Ms. Sheila White, a resident of 145 East Drive, said her house was right next door to the proposed entrance to this proposed development. She complained about the traffic on East Road now and said the street was a safety hazard as it stood. A decrease in property values and adequate buffering were also concerns. She felt the proposed 6' wooden fence would be completely inappropriate. Increased noise and lack of privacy were also issues.

Mr. Coleman said he would like to make two points. He said when Long Street was required in the first zoning approval, it did not connect to East Drive. That project came down Long Street and ended there. Right now, the way Long Street came out into Old Shell Road, most people would come to East Drive to take a left because of the large amount of traffic on Old Shell Road, which made it difficult to take a left onto Long Street.

Mr. Vallas asked that if the entrance drive into the apartments off East Drive was located on the south side of that property as opposed to the north side so the apartments could back up to the other apartments, could they still get a buffer between the entrance drive and the R-1 property? He asked if there was currently a buffer between the apartments and the entrance drive.

Ms. Pappas stated there was not.

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Mr. Vallas said if they flipped the site plan, they would have to create a buffer on the south.

Ms. Pappas said that was correct. She pointed out a cluster of Live Oaks on the site plan and if the driveway shifted there those Oaks would probably have to be removed.

Mr. Coleman said they were trying to dodge the Oak trees.

Mr. Vallas suggested they could still keep those Oak trees there and curve the road to the south and just flip those buildings.

Mr. Coleman said that was a possibility they would have to look at.

Mr. Vallas felt that would satisfy some of the neighbor's concerns about the apartments backing up to their R-1 property and peering down on them.

Ms. Deakle asked the size of the proposed apartments.

Mr. Coleman said they would be two-bedroom apartments.

In discussion, Mr. Miller said he was familiar with East Drive and agreed that it was overloaded. With the proposed number of apartments, he asked why they should not require that Long Street be accessed.

Ms. Pappas stated that access to Long Street was definitely needed. She noted that it had been the practice of the Planning Commission even when approving single-family residential subdivisions, to require a second point of access for developments around 100 to 120 lots. In this application there were 144 units, with 2-4 bedrooms, and the staff felt that justified the additional access to Long Street.

Ms. Deakle said she also felt there was a need for a second access. She noted, however, that this would probably knock out about 25 parking spaces, which may make the development undoable.

Mr. Vallas also felt there was a need for a second access to Long Street, but asked if he understood that this developer would incur the entire cost.

Ms. Pappas said that he would. Unless the City built the road, there would be no assessments.

In further discussion, it was suggested that the three buildings on the westernmost property be shifted to within 10 feet of the north property line. Preservation of the trees could still be required. It was also suggested that an 8' rather than a 6' high fence be required.

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

- (1) the provision of a 50' easement to the land-locked property to the South;
- (2) construction of Long Street to a standard approved by City Engineering;
- (3) full compliance with the landscaping and tree planting requirements of the Ordinance;
- (4) the provision of a sidewalk along the improved portion of Long Street, and the construction of a driveway to Long Street;
- (5) full compliance with all City Engineering Comments (provision of a 100' drainage easement along existing storm ditch [12 Mile Creek], provision of storm water detention for a 100 year flood, any work performed in the right of way will require a right of way permit);
- (6) full compliance with Traffic Engineering Comments (driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards, and widening of parking aisles to 24-feet for two-way traffic flow);
- (7) the approval of all applicable federal, state and local agencies; and
- (8) full compliance with all municipal codes and ordinances.

Mr. McSwain asked if in effect the changes to the PUD would be approved administratively.

Mr. Olsen said it would be approved with conditions that it be altered and the staff would be approving the alterations based on the requirements.

The question was called. The motion carried unanimously.

Case #ZON2005-00222

University Club Apartments

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

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

Council District 6

The plan illustrates the proposed structures and parking as well as the existing trees and floodzones.

(For discussion see Case #ZON2005-00396 – **C. E. Jackson** – Above; also see Case #SUB2005-00015 – **University Club Apartments** – Below)

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

- (1) the provision of a 50' easement to the land-locked property to the South;

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- (2) construction of Long Street to a standard approved by City Engineering;
- (3) full compliance with the landscaping and tree planting requirements of the Ordinance;
- (4) the provision of a sidewalk along the improved portion of Long Street, and the construction of a driveway to Long Street;
- (5) the provision of an eight foot wooden privacy fence, as well as a 10' buffer along the south property line where the site adjoins single-family residences;
- (6) the site plan be revised so that the three westernmost buildings are shifted to within 10' of the northern property line; the revision to be administratively approved by the staff as directed by these conditions;
- (7) full compliance with all City Engineering Comments (provision of a 100' drainage easement along existing storm ditch [12 Mile Creek], provision of storm water detention for a 100 year flood, any work performed in the right of way will require a right of way permit);
- (8) full compliance with Traffic Engineering Comments (driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards, and widening of parking aisles to 24-feet for two-way traffic flow);
- (9) the approval of all applicable federal, state and local agencies;
- (10) compliance with Section V.C.2.b. regarding building spacing; and
- (11) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2005-00015

University Club Apartments

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

1 Lot / 8.0 \pm Acres

Council District 6

(For discussion see Case #ZON2005-00396 – **C. E. Jackson** – Above; also see Case #ZON2005-00222 – **University Club Apartments** – Above)

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

- (1) approval of all necessary federal, state and local agencies; and
- (2) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

NEW ZONING APPLICATIONS:

Case #ZON2005-00372

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Brenda Barnes

Northeast corner of North Sage Avenue and Mathers Street.

The request for a change in zoning from B-1, Buffer Business, and B-3, Community Business, to B-3, Community Business, to allow a parking lot expansion and eliminate split zoning on a commercial site was considered.

Council District 1

The plan illustrates the existing structure, proposed parking lot and proposed trees.

The applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

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

- (1) the conformance of driveway number, size, location, and design to AASHTO standards, and approval by Traffic Engineering;
- (2) compliance of parking, access, and maneuvering with the parking requirements of the Ordinance, and approval by Traffic Engineering;
- (3) full compliance with landscaping and tree planting requirements of the Ordinance; and
- (4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2005-00376

Billy Hill

1957 Government Street (Southwest corner of Government Street and Cherokee Street). The request for a change in zoning from B-1, Buffer Business, to B-3, Community Business, to allow a retail shopping center was considered.

Council District 3

The plan illustrates the proposed structure, parking and landscaping.

Mr. Frank Dagle, Dagle and Associates, was present on behalf of the applicant and said they had read the staff report and would like to take some exceptions to it. He said they had requested B-3 zoning because they felt it would be compatible with what was already there. He pointed out B-3 property to the west, a Rite Aid and some B-3 property across the street. His client, however, had agreed to compromise and requested that it be rezoned to B-2 rather than B-3. The staff was recommending LB-2, which the applicant felt would not be compatible with the development around it. They did not feel the property fell within an LB-2 classification as defined by the Ordinance. Mr. Dagle said they also took exception to not being allowed an entrance to Cherokee Street. The one driveway would go out to Government Boulevard where there was merging traffic from Dauphin Island Parkway and from the Loop area. They felt it would be a lot safer to

have an exit onto an established street, come to a stop sign and then make a decision to turn left or right, rather than coming out in the middle of traffic. He did not feel this would be detrimental to the neighborhood. They proposed that a driveway onto Cherokee Street be located between the two large Oaks on the property rather than where it was shown on the site plan.

Mr. Plauche pointed out that the Commission members had a letter regarding this case in front of them.

Mr. Olsen noted that the comments from Urban Forestry were erroneously omitted from the staff report and asked Mr. Jackson to address the tree situation.

Mr. Jackson said that currently there were trees on Government Street and ingress and egress was to the west side of the property and Urban Forestry would like to be involved to make sure that all consideration could be made towards the trees. They wanted to make sure that no trees were lost on Government Street for the future. Regarding the curb cut to Cherokee Street, Mr. Jackson said that even though Mr. Dagley said the trees were on the applicant's property, they were actually on the City right-of-way.

Mr. Hank Caddell stated that his office had been located immediately across Cherokee Street from this site for 23 years. He was here 10 years ago to protest the rezoning of this property to B-2 to put in an Auto Zone type facility, and he was opposed to this application today. Mr. Caddell said the same considerations were present today with regard to the proposed development. He said none of the criteria he read in the staff report that would justify rezoning was applicable in this case. There were no changing conditions in the area except that the building that was previously on this site had been recently razed due to fire damage. He pointed out numerous vacant B-2 properties in the immediate area along Government Street, and said they did not have a need for additional B-2 or LB-2 zoning. As for coming out into Cherokee Street, Mr. Caddell said the traffic already stacked up at the corner of Cherokee and Government with people trying to get out onto Government Street, which was very heavily traveled with traffic coming from a five-point intersection less than two blocks away. In addition, right across from their outlet to Government Street was angled parking that apparently was grandfathered for what used to be the bank building and any future uses. Mr. Caddell also mentioned that they already had a severe problem with litter and this development would greatly increase that burden on the neighborhood.

Mr. Caddell further pointed out the requirement that the applicant must own the property that was requested to be rezoned. He provided Mr. Lawler a title survey report showing that Billy Hill did not own this property. Mr. Hill had deeded away his entire interest in January. Mr. Caddell said he was also speaking on behalf of Janet Pittman, who lived three doors down at 1905 Government Street. Concern was also expressed that this would create a decrease in property values. They had conveyed a historic façade easement previously to maintain the character of the area. They felt the Commission should be looking out for the character of the neighborhood and preserving what was intended, and they opposed any rezoning.

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Mr. Lawler stated that there was no need to proceed further with this application because according to the documents submitted by Mr. Caddell, the applicant did not own the property in question.

Mr. Vallas said that in the past engineers had been allowed to make applications for property owners.

Mr. Olsen said that was allowed with a letter from the property owner authorizing them to file the application. The application in this case stated that Mr. Hill was the owner of the property, and there was no letter authorizing anyone else to make application.

There was discussion as to whether the application should be heldover or withdrawn, or just what the options were. Mr. Lawler said as it stood now, he felt it would be improper to consider the application. He suggested that the Commission table the application and that the staff inform the applicant that if the application was not withdrawn and resubmitted, that it would be denied.

A motion was made by Ms. Deakle and seconded by Mr. Vallas to table this application.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2005-00022

Chapel Hill Subdivision, Resubdivision of Lots 44 and 45

Northeast corner of Chapel Hill Drive and Chapel Hill Court.

2 Lots / 0.5± Acre

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. Plauche and seconded by Dr. Laier to approve this subdivision.

The motion carried unanimously.

Case #SUB2005-00026

Glaze Jr. Estates Subdivision

Northeast corner of Gold Mine Road and Dawes Lane East.

2 Lots / 0.8± Acre

Mr. Matt Orrell, Polysurveying Engineering – Land Surveying, 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 Dr. Laier to approve this subdivision.

The motion carried unanimously.

Case #SUB2005-00027

The Grove U.M.C. Subdivision

East side of Snow Road, $\frac{1}{4}$ mile \pm North of the East terminus of Autumn Leaf Drive North.

1 Lot / 15.6 \pm Acres

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 Dr. Laier to approve this subdivision subject to the following conditions:

- (1) the dedication of sufficient right-of-way to provide 50 feet from the centerline of the proposed Grelot Road Extension;
- (2) the placement of a note on the final plat indicating that the site is limited to two curb cuts to Grelot Road and three curb cuts to Snow Road;
- (3) the depiction of the 25' building setback lines on the final plat from any dedication; and
- (4) the placement of a note on the final plat stating that, should the site adjoin residentially developed property, a buffer must be provided, per Section V.A.7 of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2005-00020

Hampton Park Subdivision

Northwest corner of Zeigler Boulevard and Middle Ring Road.

19 Lots / 7.1 \pm Acres

Council District 7

Ms. Clarke recused herself from the discussion and vote regarding this matter.

The applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

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

- (1) the depiction of the existing rights-of-way and centerlines of Zeigler Boulevard and Middle Ring Road;
- (2) the dedication, as needed, of sufficient right-of-way to provide 50 feet from the centerlines of Zeigler Boulevard and Middle Ring Road (excluding service roads); and
- (3) the placement of a note on the final plat indicating that direct access to Zeigler Boulevard and Middle Ring Road should be denied to Lot 1, Lots 11-13, 19, and the common detention area.

Ms. Clarke recused. The motion carried.

Case #SUB2005-00021

McDonald's Government Street Subdivision

658 Government Street (North side of Government Street, extending from Dearborn Street to Washington Avenue, and extending to the Southwest corner of Dearborn Street and Conti Street).

3 Lots / 1.3 \pm Acres

Council District 2

The applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Mr. Miller and seconded by Mr. McSwain to waive Sections V.B.16., V.D.3., V.D.6., and V.D.9., of the Subdivision Regulations, and approve this subdivision subject to the following conditions:

- (1) placement of a note on the Final Plat stating that curb cut number, sizes, location and design to be approved by Urban Forestry and Traffic Engineering, and conform to AASHTO standards; and
- (2) application for an Administrative PUD to permit shared parking and access between multiple lots.

The motion carried unanimously.

Case #SUB2005-00024

Pleasant Valley Subdivision

North side of Pleasant Valley Road, 260' \pm East of McRae Avenue, extending to the South side of Fairway Drive, 270' \pm East of McRae Avenue.

2 Lots / 3.5 \pm Acres

Council District 4

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

There was one present in opposition.

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

- (1) setback of an additional 25 feet of right-of-way along Fairway Drive in accordance with Section V.B.14.;
- (2) dedication of an additional 5 feet of right-of-way along Pleasant Valley Road in accordance with Section V.B.14.;
- (3) indication of the building setback line for both lots on the Final Plat, a minimum of 25-feet from the future right-of-way for Fairway Drive, and a minimum of 25-feet from the additional dedicated right-of-way of Pleasant Valley Road in accordance with Section V.D.9.; and
- (4) placement of a note on the Final Plat stating that curb cut number, sizes, location and design to be approved by Traffic Engineering, and conform to AASHTO standards.

The motion carried unanimously.

Case #SUB2005-00023

Springfield Subdivision

West side of Wilson Road West, 160'± North of Dawes Road, and extending Westwardly to the North terminus of Augusta Drive East.

109 Lots / 55.6± Acres

Mr. Don Coleman, Rester and Coleman Engineers, Inc., was present on behalf of the applicant. Mr. Coleman referred to the staff's recommendation requiring that no street shall be constructed and Lots 1-109 shall not be recorded until the Grelot Road extension or the Dawes Road/Airport Boulevard connector are constructed and dedicated, where adjoining this subdivision. He said their entrance off of where Grelot Road was going to be was just opposite the entrance where they stubbed out the street from Westbury. They would like to connect there, cross the Grelot Road right-of-way and build it. He said he had talked to the staff and had agreed that they would limit it to 30 lots, and at such time as Dawes Road was completed they would connect to Dawes Road. He said they would do away with the cul-de-sac at the north end and make a stub street into Dawes Road.

Ms. Deakle asked if she understood that everything north of Lot 70 and Lot 20 would not be developed until Dawes Road was cut through.

Mr. Coleman said they would either develop 30 lots along the street coming off of Grelot Road, or they would develop the first cul-de-sac to the left and stub the street to the north.

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In discussion, Mr. Miller asked how the staff felt about Mr. Coleman's compromise, and would there be a letter or something in place stating such.

Mr. Pappas stated that it could be made a condition of approval to allow development of 30 lots and that the remainder of the subdivision could not be developed until either Grelot Road or Dawes Road were constructed.

Mr. Miller asked if that was reasonable to the staff.

Ms. Pappas said that it was.

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

- (1) the first unit(s) may contain a maximum of 30 lots, with no additional streets constructed or lots recorded until the Grelot Road extension or the Dawes Road / Airport Boulevard connector are dedicated, constructed and accepted, where adjoining this subdivision;
- (2) dedication, via a deed, of rights-of-way sufficient to provide a minimum of 50 feet from centerline of Grelot Road and the Dawes Road / Airport Boulevard connector;
- (3) the provision of a second roadway entry point for the subdivision, to be located in the vicinity of Lot 36, connecting to the proposed Dawes Road / Airport Boulevard connector;
- (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;
- (5) placement of a note on the Final Plat stating that Lot 108 is limited to a maximum of three curb cuts along Grelot Road extension, and Lot 109 is limited to a maximum of three curb cuts each to Grelot Road extension and the Dawes Road / Airport Boulevard connector, to be reviewed and approved by the Mobile County Engineering Department;
- (6) placement of a note on the Final Plat stating that Lots 1 through 107 be denied direct access to either Grelot Road extension or the Dawes Road / Airport Boulevard connector;
- (7) the depiction of the 25-foot minimum building setback line on the Final Plat (reflecting right-of-way dedication); and
- (8) the approval of all applicable federal, state and local agencies regarding the wetlands and floodplain issues, prior to the issuance of any permits.

The motion carried unanimously.

Case #SUB2005-00025

Richard Talbott Subdivision

3456 Stein Avenue (Northeast corner of Stein Avenue and Dogwood Lane).

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2 Lots / 0.9± Acre
Council District 7

Mr. Matt Orrell, Polysurveying Engineering – Land Surveying, was present on behalf of the applicant and concurred with the staff recommendations.

Mr. Watson Smith, an adjoining property owner to the east of this property, was concerned about density, noting that when he purchased his property all of the lots in this area were large lots. He also said he understood that the Commission had disfavored flag-shaped lots in the past. He pointed out that this subdivision had a sort of ragged flag going around behind one of the lots. For this reason he asked that the application be denied. Mr. Smith further stated that the applicant's last name was Talbott, but he said the property was actually owned by Dr. Neil Wimberly. He asked that Mr. Lawler and the Commission determine if this was a proper applicant for this subdivision.

Ms. Mary Ann Lefleur of 304 Dogwood Lane, said her biggest concern was drainage. As it was now, every time asphalt or concrete was put down water came pouring through her back yard going down the hill. She wanted to make sure the property owner contained the water on their property so that it did not add to the water converging on her property.

Mr. Plauche noted that the applicant would have to comply with the City Code regarding drainage, which would have to be approved by the City Engineer. He asked if the applicant would like to respond.

Mr. Orrell said that this was simply a resubdivision of one lot into two, and there were lots across the street that were of equivalent size. He said this was definitely not a flag-shaped lot. As far as the application, Mr. Talbott was the buyer of the two properties. He had submitted a purchase agreement and he signed the application as the agent. Mr. Orrell said the buyer was present.

Mr. Lawler stated that there was a copy of the purchase agreement in the file, and that was sufficient.

In discussion, a motion was made by Mr. McSwain and seconded by Ms. Deakle to approve this subdivision subject to the following conditions:

- (1) the dedication of 2.5 feet of right-of-way along Stein Street and 8.5 feet of right-of-way along Dogwood Lane, in accordance with Section V.B.14.;
- (2) the adjustment of the property line at the corner of Dogwood Lane and Stein Street to reflect a minimum 10 foot radius in accordance with Section V.D.6.;
- (3) the depiction of the 25-foot minimum building setback line from dedicated right-of-way; and
- (4) the correction of the directional bearings on the northwest property line to agree with the written description of the site boundaries.

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Mr. Miller said this was an odd splitting of this lot, and asked if Lot 1 was just the minimum size.

Ms. Pappas stated that even with the dedication, it would comply with the minimum lot size.

The question was called. The motion carried unanimously.

OTHER BUSINESS:

Mobile City Planning Commission Business Meeting

Mr. Olsen announced that a Mobile City Planning Commission Business Meeting would be held on Thursday, March 10, 2005, at 2:00, at the office of Plauche Johnson Landscape Architects located at 754 Downtowner Loop West.

New Planning Commission Member

Mr. Plauche welcomed new Planning Commission Member Ms. Adline Clarke.

There being no further business, the meeting was adjourned.

APPROVED: April 21, 2005

/s/ Victor McSwain, Secretary

/s/ Terry Plauche, Chairman

/ms and jh