

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF JUNE 16, 2005 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Terry Plauche, Chairman  
James Laier, Vice-Chair  
Victor McSwain, Secretary  
James F. Watkins  
Victoria L. Rivizzigno  
Nicholas H. Holmes, III  
Mead Miller (S)

**Members Absent**

Clinton Johnson  
Ann Deakle  
Adline Clarke  
John Vallas

**Urban Development Staff Present**

Laura J. Clarke, AICP, Director,  
Urban Development Department  
Richard L. Olsen, Deputy Director of  
Planning  
Ron Jackson, Deputy Director of Urban  
Forestry  
Bert Hoffman, Planner I  
Jennifer Henley Sands, Secretary II

**Others Present**

Wanda Cochran, 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.

**APPROVAL OF MINUTES:**

A motion was made by Mr. Plauche and seconded by Mr. Miller to approve the minutes of the April 21, 2005, meeting as submitted. The motion carried unanimously.

**HOLDOVERS:**

**Case #SUB2005-00089**

**Graceland Court Subdivision**

South side of Jeff Hamilton Road, 1,000'± East of Snow Road.  
23 Lots / 11.0± Acres

**June 16, 2005**

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

There was no one present in opposition.

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

- (1) the construction and dedication of the new street;
- (2) the depiction of the required 25' building setback lines on the final plat, except for the Jeff Hamilton Road frontage of proposed lots 1 and 23, and the street stub frontage of proposed lot 10, which may have a 20' building setback;
- (3) the placement of a note on the final plat stating that the maintenance of the detention pond shall be the responsibility of the property owners;
- (4) the placement of a note on the final plat stating that Lots 1 and 23 are denied access to Jeff Hamilton Road; and
- (5) the placement of a note on the final plat stating that any lots that are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations.

The motion carried unanimously.

**Case #SUB2005-00105**

**Harry Cottrell Subdivision**

5090 and 5130 Roswell Road South, and 7891 South Gate Drive South (Southwest corner of Roswell Road South and South Gate Drive South).

2 Lots / 3.5± Acres

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

There was no one present in opposition.

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

- (1) depiction of a 25-foot minimum building setback line from the rights-of-way for both South Gate Drive South and Roswell Road South;
- (2) correction of the northern boundary bearing in the legal description; and
- (3) 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.

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The motion carried unanimously.

**EXTENSIONS:**

**Case #ZON2004-01339**

**Country Club of Mobile (W. Kennon Drew, Agent)**

4101 Wimbledon Drive West (South side of Wimbledon Drive West, 200'± West of Turnin Lane).

Planned Unit Development Approval to allow multiple buildings on a single building site.

Request for a one-year extension of previous approval.

Council District 5

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

The motion carried unanimously.

**Case #ZON2001-01582**

**Mobile Infirmary Association (Mark Nix, Agent)**

East side of Infirmary Drive, 1030'± North of Spring Hill Avenue.

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow construction of a ground-level parking lot instead of a parking building.

Request for a one-year extension of previous approval.

A motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to grant a one-year extension of previous approval for this application subject to the following conditions:

- (1) additional substantial changes or additions will require an application to amend the PUD Master Plan.

It was further decided to advise that an additional extension would be unlikely.

The motion carried unanimously.

**Case #SUB2003-00114**

**Forest Cove Park Subdivision (formerly Forrest Cove Park Subdivision)**

South side of Moffett Road, ¼ mile± East of Forest Hill Drive.

1 Lot / 4.5± Acres

Request for a one-year extension of previous approval.

A motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to grant a one-year extension of previous approval for this application. It was further decided to advise that an additional extension would be unlikely.

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The motion carried unanimously.

**GROUP APPLICATIONS:**

**Case #ZON2005-01172**

**Islamic Society of Mobile (Shafik Hammami, Agent)**

East side of East Drive, 400'± South of Old Shell Road, and extending to the West side of Allen Drive.

The request for Planning Approval to amend a previously approved Planning Approval to allow the expansion of an existing church in an R-1, Single-Family Residential district was considered.

Council District 6

The plan illustrates the existing and proposed structures.

(Also see Case #ZON2005-01173 – **Islamic Society of Mobile [Shafik Hammami, Agent]** – Below)

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

- (1) the depiction of the new school building in bold outline on the final plat;
- (2) full compliance with the landscaping and tree planting requirements of the Ordinance; and
- (3) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #ZON2005-01173**

**Islamic Society of Mobile (Shafik Hammami, Agent)**

East side of East Drive, 400'± South of Old Shell Road, and extending to the West side of Allen Drive.

The request for Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow multiple buildings on a single building site was considered.

Council District 6

The plan illustrates the existing and proposed structures.

(For discussion see Case #ZON2005-01172 – **Islamic Society of Mobile [Shafik Hammami, Agent]** – Above)

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

- (1) conformance of the front parking spaces to parking requirements, or their elimination from the plan;
- (2) full compliance with the landscaping and tree planting requirements of the Ordinance; and
- (3) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #ZON2005-01209**

**The Preserve Subdivision**

North side of Girby Road, 550'± West of the North terminus of Pepper Ridge Drive.

The request for Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow reduced lot sizes, reduced building setbacks, and increased site coverage in a single-family residential subdivision was considered.

Council District 6

(Also see Case #SUB2005-00127 – **The Preserve Subdivision** – Below)

Mr. Chris Loupe 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 Dr. Rivizzigno and seconded by Dr. Laier to approve this plan subject to the following conditions:

- (1) full compliance with the City Engineering Comments (Developer's engineer must certify that the existing drainage system and outfalls can accommodate the proposed increase in coverage. In addition, detention for a 100-year storm with a 10-year discharge and/or outfall improvement may be required for any new development not already under construction. Any areas that discharge onto adjacent properties and not into a COM maintained system will require a hold harmless agreement. In addition, all stormwater detention should be accomplished above the AE Flood zone. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit);
- (2) the approval of all federal, state and local agencies;
- (3) that a minimum of 10-feet of separation be provided between buildings; and
- (4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

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**Case #SUB2005-00127**

**The Preserve Subdivision**

North side of Girby Road, 550'± West of the North terminus of Pepper Ridge Drive.

134 Lots / 49.1± Acres

Council District 6

(For discussion see Case #ZON2005-01209 – **The Preserve Subdivision** – Above)

A motion was made by Dr. Rivizzigno and seconded by Dr. Laier to waive Section V.D.2., of the Subdivision Regulations, and approve this subdivision subject to the following conditions:

- (1) full compliance with the City Engineering Comments (Developer's engineer must certify that the existing drainage system and outfalls can accommodate the proposed increase in coverage. In addition, detention for a 100-year storm with a 10-year discharge and/or outfall improvement may be required for any new development not already under construction. Any areas that discharge onto adjacent properties and not into a COM maintained system will require a hold harmless agreement. In addition, all stormwater detention should be accomplished above the AE Flood zone. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit);
- (2) dedication of any right-of-way necessary to provide 50-feet from the centerline of Girby Road, a planned major street;
- (3) that the site be limited to the one entrance road as shown on the plat submitted; and
- (4) the approval of all federal, state and local agencies.

The motion carried unanimously.

**NEW ZONING APPLICATIONS:**

**Case #ZON2005-01115**

**Hilton H. Dembo**

3758 Dauphin Island Parkway (West side of Dauphin Island Parkway, 200'± South of Boykin Boulevard).

The request for a change in zoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, to allow the expansion of an existing restaurant was considered.

Council District 4

The plan illustrates the existing structure and paving, along with the proposed addition, asphalt, and curb reductions.

There was no one present to represent the application.

There was no one present in opposition.

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In discussion, a motion was made by Dr. Laier to recommend the denial of this change in zoning to the City Council.

Mr. Watkins noted that the staff had recommended denial of a change in zoning to B-2 as requested, but instead recommended a change in zoning to LB-2. He inquired about the Commission's options.

Mr. Olsen said that the Commission could deny this application completely or take the staff's recommendation for LB-2, or they could hold it over.

Mr. McSwain was concerned that if this were denied the applicant would have to wait six months to reapply.

Dr. Laier amended his motion and was seconded by Mr. McSwain. The final motion was to holdover this application until the meeting of July 7, 2005, due to there being no one present to represent the application.

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2005-00114**

**Central Baptist Subdivision**

996, 1004 and 1006 Dauphin Island Parkway (West side of Dauphin Island Parkway at the West terminus of Hurtel Street).

2 Lots / 7.8± Acres

Council District 3

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

There was no one present in opposition.

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

- (1) completion of an administrative PUD; 2) depiction of the 25-foot minimum building setback line;
- (2) placement of a note on the Final Plat stating that the lots will continue to share existing curb cuts, and that any new or revised curb cuts must be approved by Traffic Engineering and ALDOT, and conform to AASHTO standards;
- (3) placement of a note on the Final Plat stating that subdivision of the site to more than two lots is not permitted unless a public street is provided; and

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- (4) if necessary, dedication of right-of-way sufficient to provide 50 feet of right-of-way width from the centerline of Dauphin Island Parkway.

The motion carried unanimously.

**Case #SUB2005-00123**

**CP Investment Subdivision, Resubdivision of Lot 2, Resubdivision of Lot 2B**

North side of Wall Street, 380'± West of Hillcrest Road, and running through to the South side of Timbers Drive, 260'± West of Hillcrest Road.

6 Lots / 3.7± Acres

Council District 6

Mr. Mike Daniels, developer of the proposed subdivision, requested that he be allowed to have individual curb cuts for each lot, rather than shared curb cuts as recommended by the staff. He noted that this was a minor street and he contended that maintenance of a shared driveway could become an issue later as far as who would be responsible for broken or cracked drives. Regarding a common area for detention, Mr. Daniels requested he be allowed to handle on-site detention on each of the lots. Further, he noted that there was already a 30' drainage easement on the site. The staff was recommending additional easement, and he questioned whether or not that was necessary.

Mr. Olsen asked Ms. Terry of City Engineering to comment on the common area for detention and the easements.

Ms. Terry said Engineering was agreeable to each site having its own detention area instead of having one common area for detention. Regarding the easement, she said they did not have a record of an easement being dedicated. She said they would like to know the exact dimensions of any easement there. She said that 10' was needed in addition to the ditch so that maintenance vehicles could access the AE flood zone through the property. She noted that it was not a designated floodway, but there was an open stormwater drainage ditch there. The City was not aware of any existing 30' easement, but she said Engineering could work with Mr. Daniels on the width.

Mr. Don Coleman of Rester and Coleman Engineers, Inc., was present and pointed out where the existing 30' easement was located between the subject property and another piece of property on the other side of the ditch; ½ was on one piece of property and ½ was on the other. He said the 30' ditch was shown on the plat.

Ms. Terry said if the open ditch was taking up the entire easement, that would leave no room for a vehicle to access it if it needed to be cleaned out.

Mr. Daniels said that as far as the easement, they would have access on the other side just as well as they would on the subject property. He said if he did not subdivide the property they were not going to get their easement anyway. He did not know if that would create a problem for him in developing this lot. He pointed out that this was just a preliminary subdivision.

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Addressing the concerns of the applicant and the Engineering Department, Mr. Olsen suggested the submission of verification of data to establish adequate easement and access for maintenance, or necessary dedications to accommodate that. That would cover both what Mr. Daniels was saying, that there was an easement there, and what Ms. Terry was saying, that there may be some need for some additional easement for maintenance and that data would be submitted prior to the recording of the final plat if approved.

Mr. Holmes suggested this matter be held over until the applicant could submit the required data.

Mr. Daniels asked if he understood that they were asking him to do a study as far as where the bank of the ditch was and then to still grant the City an additional 10' easement, or even greater.

Mr. Olsen said that additional easement as necessary for access for maintenance would be required.

Ms. Terry said they just needed it 10' from the top of the bank.

Mr. Daniels said he would rather not give the easement, but he would rather not hold it over either.

In discussion, a motion was made by Mr. McSwain and seconded by Dr. Laier to holdover the above referenced application until the meeting of July 7, 2005, to allow the applicant time to submit detailed information regarding the drainage easement.

Mr. Olsen explained that the staff had recommended the shared curb cuts because this was a commercial development. The rest of the development, off of Timbers Drive, was residential and this was their only point of access. Everything off of Timbers – Lisa Court, Maury Court, Lynn Court – all feed into the Timbers and that was their only access out to Hillcrest Road. The staff felt that to have five or six commercial curb cuts seemed somewhat excessive. Also, the property immediately adjacent to the west was zoned B-2. When it was rezoned the applicant came in for PUD approval and the Commission denied them any access to the Timbers. Mr. Olsen noted that there had been substantial neighborhood opposition to that proposed access.

The question was called. The motion carried unanimously.

**Case #SUB2005-00124**

**Friesland Forest Subdivision**

North terminus of Willedee Drive North

1 Lot / 5.7± Acres

The applicant was not present.

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There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Mr. Watkins to deny this subdivision for the following reasons:

- (1) the flag-shaped nature of the proposed lot is uncharacteristic of other legal lots of record in the area and thus do not comply with Section V.D.1. of the Subdivision Regulations;
- (2) the proposed lot exceeds the recommended width to depth ratio identified in Section V.D.3. of the Subdivision Regulations due to the flag shape of the lots;
- (3) the proposed subdivision does not include the entire parcel; and
- (4) the design of the proposed lot does not appear to recognize the potential for the extension of Willedee Drive North.

The motion carried unanimously.

**Case #SUB2005-00115**

**Keith Harvey Subdivision**

58 Mobile Street (East side of Mobile Street, 200'± North of Cameron Street, extending to the West side of Tacon Street).

1 Lot / 0.6± Acre

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. Watkins and seconded by Dr. Laier to approve this subdivision subject to the following conditions:

- (1) dedication of sufficient right-of-way to provide 40 feet from the centerline of Mobile Street;
- (2) placement of a note on the Final Plat stating the site is limited to one curb cut each onto Mobile and Tacon Streets, with the size, location and design of all curb-cuts to be approved by Traffic Engineering, and conform to AASHTO standards; and
- (3) depiction of the 25-foot minimum building setback line.

The motion carried unanimously.

**Case #SUB2005-00112**

**McCawley Subdivision**

9450 Jeff Hamilton Road (North side of Jeff Hamilton Road, 4/10 mile± West of Snow Road).

3 Lots / 38.5± Acres

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Mr. M. Don Williams of M. Don Williams Engineering, was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

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

- (1) the placement of a note on the final plat stating that Lots 1, 2 and 3 are limited to one curb cut each to Jeff Hamilton Road, with the size, location and design to be approved by County Engineering;
- (2) the placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and
- (3) the placement of the 25-foot minimum building setback lines on the final plat.

The motion carried unanimously.

**Case #SUB2005-00117**

**Mobile South Business Park Subdivision, Unit Two, Phase One, Revision & Addition to Lots 2, 3, & 4, Resubdivision of Lot 4**

North side of Mobile South Street at its East terminus.

2 Lots / 2.4± Acres

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

There was no one present in opposition.

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

- (1) the approval of all applicable federal, state and local agencies prior to the issuance of any permits;
- (2) the placement of a note on the final plat stating that Lot 4-B is limited to one curb cut, with the location and design to be approved by County Engineering; and
- (3) the placement of a note on the final plat stating that any property that is developed commercially and adjoins residentially developed property shall provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.

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The motion carried unanimously.

**Case #SUB2005-00128**

**Pine Valley Subdivision, Second Addition**

East side of Schillinger Road, 530'± South of Adobe Ridge Road South, extending to the South terminus of Ridgeline Drive.

2 Lots / 53.2± Acres

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

There was no one present in opposition.

A motion was made by Mr. Watkins 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 Schillinger Road;
- (2) the placement of a note on the final plat stating that Lot 1 is limited to two curb cuts to Schillinger Road, with the size, location and design to be approved by County Engineering;
- (3) the placement of a note on the final plat stating that Lot 1 is denied access to Adobe Ridge Road South;
- (4) the approval of all applicable federal, state and local agencies prior to the issuance of any permits;
- (5) the placement of a note on the final plat stating that any property that is developed commercially and adjoins residentially developed property shall provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and
- (6) the placement of the 25-foot minimum building setback lines on the final plat.

The motion carried unanimously.

**Case #SUB2005-00122**

**Ram's Head Addition to Tillman's Corner Subdivision, Unit Two, Resubdivision of Lots 2 & 3**

West side of U.S. Highway 90 Service Road, extending to the South and East sides of Willis Road.

2 Lots / 4.3± Acres

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

There was no one present in opposition.

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

- (1) the placement of a note on the final plat stating that Lot 3A is limited to one curb cut to U.S. 90 Service Road and one curb cut to Willis Road, with the size, location and design to be approved by County Engineering;
- (2) the placement of a note on the final plat stating that Lot 2A is limited to two curb cuts to Willis Road, with the size, location and design to be approved by County Engineering; and
- (3) the placement of a note on the final plat stating that any property that is developed commercially and adjoins residentially developed property shall provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.

The motion carried unanimously.

**Case #SUB2005-00121**

**Rangeline 90 Subdivision, Unit One (Revised), Resubdivision of Parcel 6, Resubdivision of Parcel 6A**

Northwest corner of Halls Mill Road and Lowe's Drive, extending through to the East side of U.S. Highway 90 West, 250'± North of Lowe's Drive.

2 Lots / 11.4± Acres

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

There was no one present in opposition.

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

- (1) the placement of a note on the final plat stating that Lot 1 is limited to one curb cut to Halls Mill Road, and two curb cuts to Lowe's Drive, with the size, location and design to be approved by ALDOT and County Engineering;
- (2) the placement of a note on the final plat stating that curb cuts to U.S. Highway 90 is limited to the existing cut which aligns with the existing median cut; and
- (3) the placement of a note on the final plat stating that any property that is developed commercially and adjoins residentially developed property shall provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.

The motion carried unanimously.

**Case #SUB2005-00120**

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**Richmond Subdivision, Fourth Addition**

North side of Richmond Drive, 100'± East of the North terminus of Norfolk Place.

1 Lot / 0.4± Acre

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

Mr. Dale Watts, a resident of 3030 Richmond Drive, said it was his understanding that the lot in question was part of the common area of the subdivision. Mr. Watts said that when he bought property in this subdivision one of the selling points the builder advised him of, as well as several others in the neighborhood, was that this lot would remain a common area for use of the lot owners. Since then the subdivision had grown to about 70 houses. Once the subdivision reached 60% of the property with houses on it, it would be eligible to be turned over to the homeowners that maintain the subdivision. They were about 10 houses away from that happening. The subject property was also across the street from another common area where the pool was located. There were a lot of families with children in the neighborhood who bought their property in anticipation of raising their families there. The common area would be a park or a playground of some nature for the lot owners. Mr. Watts said that the property owners had a meeting with representatives of Southern Development, the original developers of the neighborhood, at the end of April. At that time they discussed all the different areas that needed attention as they got ready to transition into taking over control of the neighborhood, including common areas. They discussed the pool area, the detention and several other common areas. The developers did not indicate that they planned to develop the subject common area. It appeared to the homeowners that the developers wanted to take away a common area and turn it into another moneymaking lot at the expense of the homeowners.

Mr. John Lee, a resident of 2915 Richmond Drive, echoed Mr. Watts' complaints that when they bought their lot one of the selling points was that they had a pool and a common area which the home owners association would eventually take over and turn into a playground. He also said the developers made no mention of their plans for this lot when they recently met with the homeowners. Mr. Lee said they had canvassed the members of the subdivision, most of whom could not attend the meeting today, and they echoed the sentiment that they were opposed to developing this lot and would prefer to keep it as a common area for use of the members of the subdivision.

Mr. Ted Pollock, a resident of 3030 Richmond Drive, said he was speaking against the application for basically the same reasons as Mr. Lee and Mr. Watts. He said he also understood that part of his dues had been going towards paying taxes on the common areas. He would like it to remain as it was.

Mr. Larry Beale, a resident of 3130 Richmond Drive, also said he was opposed to this application. He noted that to the left of the subject property there was a natural drainage which was also owned by Southern Developers. He said at one time there was talk of flip-flopping the property. It had no value and could not be developed. Mr. Beale also said that in Phase 3 of this subdivision there was a mistake made when the engineering

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drawings and the streets were laid out, and there was a piece of property up there they could not put a house on. He felt that would end up being turned over to the subdivision, and that would be another piece of property they would have to pay taxes on that was of no value to them. Mr. Beale further commented that to the best of their knowledge, there was only one resident who received notice of this hearing. They were of the understanding that adjacent property owners were to be notified of this proposal.

Mr. Olsen explained that notices are sent to property owners that were adjacent or directly across the street. If the adjacent properties were still owned by the developer, then obviously they would know about it and would not receive another notice. He noted that the common area was still under the ownership of the developer. It had not yet been turned over to the property owners association. Mr. Olsen said he would pull the file and verify the number of names on the list for notification.

Mr. Watkins thought that one reason they did not want the lot developed was that there was a little road there that went down to a pump station. If it was cleared and cleaned out, then somebody would be looking at that pump station.

After checking the file, Mr. Olsen said there was only one notice sent out, other than the one automatically sent to the applicant.

When asked if there should have been a notice sent to the property owner to the right of the pool, Mr. Olsen said no, because it was not directly across the street.

It was asked why Lot 17 was sent a notice since it was not directly across the street from Lot 1.

Mr. Olsen said that if you projected the property line, across Richmond, it caught part of Lot 17 therefore a notice was sent to that person.

Mr. Watkins said he was opposed. This was a common area on the plat and the developer still owned the common area and still controlled the association because they had not sold enough lots for the homeowners association to take it over. He felt that technically there was not a problem, but from a legal standpoint going forward, the developer had some problems and he was inclined to ask the Commission to hold it over until the developer could come and explain his rationale.

Ms. Cochran agreed that there could be some legal concerns.

Mr. Miller said he was inclined to agree with Mr. Watkins on this. Mr. Miller did not feel this was within the Commission's purview, but thought the parties involved should be given a little time to work this out.

In discussion, a motion was made by Mr. Watkins to holdover the above referenced application until the meeting of July 7, 2005, to allow further investigation of possible legal issues involved with the subdividing of this property.

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Mr. Watkins said his motion was based primarily on the fact that he was not sure that the Commission had enough information on what their obligations were with respect to there being a plat of record that showed this as a common area. He felt the Commission could not step outside the bounds of the Regulations' authority to look into whether the property owners had a legal claim against the developers or not. He felt the Commission did have some obligations if there was a recorded plat. If there were some legal ramifications of that, then they needed to know that before they could make a decision.

Mr. McSwain seconded the motion.

Dr. Rivizzigno pointed out that the property owners were paying taxes on the common area.

Mr. Watkins felt that the opposition needed to understand that it was the job of the Commission to enforce the Regulations and to see that the criteria for a subdivision was met, and that if this were the case their hands might be tied. He asked Ms. Cochran to come back to the Commission and report as to whether or not there was a plat on record that prevented them from now approving this subdivision.

The question was called. The motion carried unanimously.

**Case #SUB2005-00125**

**Riverwood Subdivision, Phase Two**

East side of Rabbit Creek Drive, 250'± North of the East terminus of Gulf Creek Court, extending to the East side of Rabbit Creek Drive, 320'± South of Old Rangeline Road.

16 Lots / 11.1± Acres

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. Rivizzigno to waive Sections V.D.1. and V.D.3., of the Subdivision Regulations, and approve this subdivision subject to the following conditions:

- (1) placement of a note on the Final Plat stating that the lots are limited to a combined total of 8 curb cuts, with curb cut size, location and design to be approved by County Engineering;
- (2) approval of all applicable federal, state and local agencies regarding the wetlands and floodplain issues prior to the issuance of any permits;
- (3) depiction of the 25-foot minimum building setback line; and
- (4) 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.

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The motion carried unanimously.

**Case #SUB2005-00113**

**River Wood Cove Subdivision**

5620 Gulf Creek Circle (North side of Gulf Creek Circle [North], 485'± West of Rabbit Creek Drive).

1 Lot / 0.8± Acre

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

There was no one present in opposition.

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

- (1) the setback of an additional 5 feet from the Gulf Creek Circle right-of-way, in conformance with Section V.B.14 of the Subdivision Regulations;
- (2) approval of all applicable federal, state and local agencies regarding the wetlands and floodplain issues prior to the issuance of any permits; and
- (3) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.

The motion carried unanimously.

**Case #SUB2005-00111**

**Sawyer Subdivision**

1271 Schillinger Road North (West side of Schillinger Road North, 200'± South of Howells Ferry Road).

1 Lot / 0.4± Acres

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

There was no one present in opposition.

A motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to holdover this application until the meeting of July 7, 2005, to allow the applicant to submit revised plats including the entire lot of record, and any necessary fees and information for notifications.

The motion carried unanimously.

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**Case #SUB2005-001126**

**The Tipp Estate Subdivision**

3150 and 3152 Homer Tipp Lane (North side of Homer Tipp Lane, 400'± West of Dauphin Island Parkway).

2 Lots / 1.6± Acres

Mr. Gregory Spies, Surveyor, 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 Dr. Rivizzigno and seconded by Mr. McSwain to approve this subdivision subject to the following conditions:

- (1) the dedication of sufficient right-of-way to provide 30' from the centerline of Homer Tipp Lane, unless the street is shown to have curb and gutter; and
- (2) the placement of a note on the final plat stating that any lots that are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations.

The motion carried unanimously.

**Case #SUB2005-00119**

**Ward Woods Subdivision**

North terminus of Whitestone Drive Acres

91 Lots / 33.12±

Mr. Don Coleman of Rester and Coleman Engineers, Inc., was representing the applicant and said he had talked to the staff and requested that this subdivision not be held over. The owner of the wooded, vacant piece of property to the northwest was present and had consented to go along with the subdivision. Mr. Coleman said they would show this additional parcel on future plats, but asked that the Commission to go ahead and approve the plat today.

Mr. Olsen stated that the applicant did discuss this with him. They were going to show the remainder of the property that was on the previous application, that included the entire site as future development, on the final plat for recording. If the Commission decided to approve the subdivision today, the staff would request three conditions be placed on it: (1) that a note be made on the final plat that the maintenance of the common areas shall be the responsibility of the property owners association; (2) placement of a note on the final plat stating that maintenance of the detention area shall be the responsibility of the property owners; and (3) that the developer obtain approval from all applicable federal, state and local agencies prior to the issuance of permits. This

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condition was due to the fact that there were some lakes or ponds on the adjacent property which could cause this site to be environmentally sensitive.

Mr. Coleman said they had no objection to these conditions.

Mr. Robert Reed, a resident of 3400 Whitestone Drive, asked if Whitestone Drive was going to be the primary entrance.

Mr. Olsen replied that it would be the primary entrance.

Mr. Reed asked if there was an access granted from Semmes Avenue.

Mr. Olsen said that the previous application did provide access to Satsuma Place and Lynn Drive. This application did not include that property at this point in time. When the subdivision of that future development property was proposed, access to those other streets would be required at that time, and there would be a connection through to Whitestone Drive to those other streets that would allow multiple points of access.

Mr. Reed further asked if this was going to be a Section 8 subdivision. He felt a third of an acre lot was not very much compared to the houses that were there now that had three-five acre front yards on Whitestone Drive.

Mr. Olsen said there was no such thing. This was to be a residential subdivision.

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

- (1) placement of a note on the final plat stating that the maintenance of the common area shall be the responsibility of the property owners association;
- (2) placement of a note on the final plat stating that the maintenance of the detention area shall be the responsibility of the property owners association; and
- (3) approval of all applicable local, state and federal agencies prior to development.

Mr. Watkins asked if there was no legitimate way to create access on Magee Road.

Mr. Olsen said that Magee Road did not currently exist. There would have to be access allowances made for Magee Road as the future development came in.

Mr. Watkins said he had a problem with the number of lots that were proposed on one road. It would not be in character with the surrounding neighborhood and it would generate a lot of traffic coming out of that street.

Mr. Holmes asked for clarification regarding Magee Road.

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Mr. Olsen said Magee Road was a future major street. When the future development section came in, they would have access to Magee Road, or would provide access via it in the future through a new street stub that would connect to this subdivision.

Mr. Miller asked if consideration was also given to providing future access to the north.

Mr. Olsen said there was really nothing up there to provide access to. It would be a street stub to nothing and it would tie into the Power Company easement. Based on the overall plan from the previous application, the most logical future access was the street stub where they had proposed tying over to Satsuma Place and Lynn Drive.

The question was called. Mr. Watkins was opposed. The motion carried.

**Case #SUB2005-00116**

**Woodside Subdivision, Unit Eight**

West terminus of Woodside Drive North, adjacent to the West side of Woodside Subdivision, Unit Seven.

44 Lots / 13.3± Acres

Mr. Don Rowe of Rowe Surveying & Engineering Company, Inc. was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

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

- (1) the construction and dedication of the new streets;
- (2) the provision of a street stub to the undeveloped parcel to the East;
- (3) the illustration of the 25' minimum building setbacks;
- (4) the placement of a note on the final plat stating that maintenance of common areas shall be the responsibility of the property owners;
- (5) the labeling of any detention areas and the placement of a note on the final plat stating that the maintenance of detention facilities shall be the responsibility of the property owners; and
- (6) the placement of a note on the final plat stating that any lots that 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.

**NEW SIDEWALK WAIVER APPLICATIONS:**

**Case #ZON2005-01177**

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**Billy R. Williams**

2566 Dauphin Street (Northeast corner of Dauphin Street and Alexander Street).  
The request to waive construction of a sidewalk along Alexander Street was considered.  
Council District 1

The applicant was present.

There was no one present in opposition.

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

The motion carried unanimously.

**OTHER BUSINESS:**

**Christopher Lee, Executive Director of Administrative Services**

Discussion regarding meeting format

Mr. Christopher Lee, Executive Director of Administrative Services, was present and stated that for the last year and a half he had been asked by the Mayor to work with the development community, with the Chamber of Commerce acting as facilitator, on a number of issues and interactions with the City primarily relating to the permitting process and regulatory functions. On most of the issues they had worked out a lot of things. They were obviously going to have some grounds of disagreement based on the City's statutory authority and what they had to do, but the City could certainly be a lot more customer friendly and had certainly made some great strides. Mr. Lee said there were two issues that the Chamber wished him to raise to the Commission, and this was really in anticipation of their business meeting that would be coming up. He said he was aware that the staff was doing a survey of other Planning Commissions in other cities just to give a baseline comparison of how everyone worked in Mobile. They were asking essentially the format of the Commission to be that after each application there be a vote on each application. Mr. Lee said he was aware that they had discussed this previously, but he was just raising that to them and would have the staff do some homework on comparisons. The other issue was that basically applications, for a developer and also for neighbors, were dynamic, and that within the course of a Commission meeting sometimes information may be inserted or erroneously interpreted. Mr. Lee said they would like to ask, therefore, that there be an expansion of their current policy, that when either a developer, or an applicant or a neighbor or someone who is being affected by a development, heard something that was in error of what was intended in the application, they could visit the staff, the staff could then inform the Commission, and then the Commission would have the option of either holding the application over or inviting those participants to discuss the matter further - even while they were in executive session. Mr. Lee said those were primarily the two issues, and thanked the Commission for its time.

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Mr. Plauche thanked Mr. Lee and said the Commission would take this up at their next business meeting, probably in August.

There being no further business, the meeting was adjourned.

**APPROVED: August 4, 2005**

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Victor McSwain, Secretary

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Terry Plauche, Chairman

/ms and jhs