

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF NOVEMBER 17, 2005 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
James Laier, Vice-Chairman
Mead Miller
Victoria L. Rivizzigno
James Watkins

Members Absent

Clinton Johnson
James Laier
John Vallas
Nicholas Holmes, III

Urban Development Staff Present

Richard L. Olsen, Deputy Director of
Planning
David Daughenbaugh, Coordinator of
Urban Forestry
Bert Hoffman, Planner I

Trista S. Cole, Secretary I

Others Present

John Lawler, Assistant City Attorney

Jennifer White, Traffic Engineering

Pat Stewart, County Engineering
Janic 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.

Case #ZON2005-01923 (Rezoning)
White-Spunner & Associates (Nancy Stone, Agent)

South side of Kreitner Street at its West terminus.
Rezoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, to eliminate split zoning in a proposed commercial subdivision.

The site plan illustrates the existing structures and parking.

(Also see Case #SUB2005-00209 – Shannon Heights Subdivision – Subdivision – see below).

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Watkins to hold this application over to the December 1st meeting at the applicant's request.

The motion carried unanimously.

Case #SUB2005-00209 (Subdivision)
Shannon Heights Subdivision, First Addition, Resubdivision of a Portion of Lots 18, 19, 20, and 21

November 17, 2005

2648, 2650, and 2652 Government Boulevard
(Northwest corner of Government Boulevard and Merwina Avenue, extending to the South side of Kreitner Street at its West terminus).

4 Lots / 1.6± Acres

(For discussion see Case #ZON2005-01923 – White-Spunner & Associates (Nancy Stone, Agent) see above.)

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Watkins to hold this application over to the December 1st meeting at the applicant's request.

The motion carried unanimously.

Case #ZON2005-01998 (Rezoning)

E. L. Giles, Jr.

West side of Stanton Road, extending from the South side of King Street to the North side of Hart Street.

Rezoning from R-1, Single-Family Residential, and B-2, Neighborhood Business, to B-2, Neighborhood Business, to allow development of a retail strip center.

The site plan illustrates the proposed development.

(Also see Case #SUB2005-00221 – Giles Commercial Complex Subdivision – Subdivision – see below)

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to hold this application over to the December 15th meeting at the applicant's request.

The motion carried unanimously.

Case #SUB2005-00221 (Subdivision)

Giles Commercial Complex Subdivision

West side of Stanton Road, extending from the South side of King Street to the North side of Hart Street.

1 Lot / 1.0± Acre

(For discussion see Case #ZON2005-01998 – E. L. Giles, Jr. – Rezoning - see above).

After discussion a motion was made by Mr. Plauche and Dr. Rivizzigno to hold this application over to the December 15th meeting at the applicant's request.

The motion carried unanimously.

Case #SUB2005-00211 (Subdivision)

H. E. Bolton, Jr. Subdivision

East side of Old Rock Road at its junction with U.S. Highway 90.

2 Lots / 8.3± Acres

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

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

- 1) **dedication of sufficient right-of-way to provide 125 feet of width as measured from the centerline of U.S. Highway 90;**
- 2) **placement of a note on the Final Plat stating direct access to U.S. Highway 90 is denied, and that Lot 1 is limited to one curb-cut onto Old Rock Road, and that Lot 2 is limited to three curb-cuts onto Old Rock Road, with the size, design and location to be approved by ALDOT and the Mobile County Engineering Department;**
- 3) **adjustment of the 25-foot minimum building setback line to reflect right-of-way dedications; 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.**

The motion carried unanimously.

Case #SUB2005-00212 (Subdivision)

Miramar Heights Subdivision, Block B, Resubdivision of Lot 17

Southeast corner of Brookfield Drive North and Brookfield Drive West.

2 Lots / 0.8± Acre

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

Charles Farnell, a resident of 2500 Westbrook Drive, stated that he had no objections to the proposed subdivision.

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

- 1) **the placement of a note on the final plat stating Lot 17A is denied access to Brookfield Drive West.**

The motion carried unanimously.

Case #SUB2005-00226 (Subdivision)

Rangeline Properties Subdivision, Resubdivision of

East side of Rangeline Road, 490'± North of Hurricane Bay Drive.

5 Lots / 44.0± Acres

Matt Orrell, Polysurveying Engineering – Land Surveying, was present along with Larry Tew and Aaron Smith, developers and owners of the subject property. Mr. Orrell explained that the purpose of the subdivision was to add more property to Lots 2-A and 3-A to take the rear line of the lot to an existing street, Hurricane Bay Drive. Lots 4 and 5 were on the water and were proposed for residential use. Mr. Orrell said they were proposing a 50-foot buffer along the north side of Lot 5, and would even agree to put a 50-foot buffer along the east line of Lot 1 to follow those lot lines to buffer this property from the residential. Proposed Lot 1 would be a commercial lot.

Larry Tew, 5650 Old Pascagoula Road, stated that this was a unique piece of property because of the waterfront and the commercial lot. He said they tried to design it to where they would get the full use of the property. Mr. Tew also noted that they owned the adjoining property.

Dr. Rivizzigno commented that the flag-shaped lots were a problem.

Mr. Orrell stated that it was not economically feasible to build a road down to those two flag-shaped lots when all that was needed was one driveway that could be shared by both homeowners to access their property.

Mr. Watkins asked why it was not feasible to run one street down the north property line to access the two lots in this application, Lots 4 and 5, as well as Lots 1-5 of the adjoining property, the proposed The Rock Church Subdivision, which is to be discussed next.

Mr. Orrell noted that in The Rock Church Subdivision there was already a road there. He said there were considerable wetlands on this property with the environmental concerns a big part of it, and they would address that when that subdivision comes up for discussion.

In deliberations Mr. Miller commented that the topography obviously required a certain amount of flexibility, but he was not terribly comfortable with the extreme situation of the flag-shaped lots. He asked the staff for guidance.

Dr. Rivizzigno noted that the staff had recommended denial.

Mr. Watkins asked what authority the Commission had to work with the developers to waive the private road width requirement. He felt it was crazy to tear out an existing road that accesses these properties.

Mr. Lawler said the City would not accept it.

Mr. Olsen said the City does not actually accept private roads.

Mr. Lawler further commented that there were certain standards required within the Regulations for private roads. The Regulations, however, provide that if there were

unusual circumstances related to the property itself, the topography, that some of the regulations could be waived or amended.

Mr. Watkins further commented that this was probably one of the most unique pieces of property they were going to see with respect to wetlands issues and topography uses. If there was a way to be innovative here and make this work, he would like to see that as opposed to the flag-shaped lots.

Mr. Lawler said it was hard for him to say that they had information that truly told them that this was driven by the fact that the topography prevented them from complying with the Regulations, or if this was simply a way to avoid building streets to a standard that has been adopted for subdivision approval. Mr. Lawler said that from his observations over the years, a lot of the push for private roads was driven by economics, not by anything else.

Mr. Miller stated that he was not comfortable with going against the staff on this. He suggested that possibly the application could be held over so the developer could confer with the staff to see if they could come up with something that protects the people at large, and also the property owners.

After discussion a motion was made by Mr. Miller and seconded by Dr. Rivizzigno to hold this application over until the December 15th meeting, with the applicant's agreement, to allow the applicant to consider reconfiguration.

The motion carried unanimously.

Case #SUB2005-00224 (Subdivision)

The Rock Church Subdivision

6245 Old Rangeline Road

(East side of Old Rangeline Road, 1,030'± North of Hurricane Bay Drive).

7 Lots / 44.0± Acres

(Also see Rangeline Properties Subdivision, Resubdivision of, above, for discussion).

Matt Orrell, Polysurveying Engineering – Land Surveying, was present on behalf of the applicant and noted that this property lies adjacent to the Rangeline Properties Subdivision, Resubdivision of, just discussed. The Rock Creek Church purchased this property in separate lots and built a church on it. They constructed a private road of asphalt, which Mr. Tew could attest to the condition of, which was on the waterfront. Mr. Orrell said he had driven the road and it was a good road. The lots were originally set up for parsonages. The church had now decided to change their location. The proposed layout was the only way they could divide the property. They would voluntarily restrict resubdivision on lots 6 and 7 to allow the usage of lots 1-5 to come along the 50-foot easement that was now in existence, with three homes that were now on the property. Mr. Orrell said they had some environmental concerns because there were more wetlands that would have to be crossed if there were any other route.

Mr. Tew stated that the road they built was not a driveway road; it was a raised road with sloped ditches on both sides that had been there approximately six years, and it showed no deterioration. The road was well used and well maintained. Mr. Tew did not see any sense in doing away with the existing road to build another road to County specifications. He said they tried to design the subdivision where the two big lots at the front would only have access to Rangeline Road.

Mr. Miller questioned the access and suggested looking at the two subdivision applications (Rangeline Properties Subdivision, Resubdivision of, and The Rock Church Subdivision) together.

Mr. Orrell pointed out a creek and the wetlands, which he said could be a problem trying to construct a street through there.

Mr. Miller asked Mr. Orrell to point out the road, which he did, and which showed the road was not along the flag lots.

Mr. Olsen asked to what standards the road was constructed.

Mr. Orrell said it was 18 feet of asphalt, and showed no signs of wear and tear.

Mr. Olsen asked if the road met private road standards.

Mr. Orrell said it did not meet private road standards because the City's private road standard was basically a County road. He said it would meet the County's new private road standard. Mr. Orrell said the church needed to move and this would be a way for them to dispose of their land on a road that was already there. It would have no environmental impact by dividing the lots. Mr. Orrell said they were voluntarily restricting the two larger lots to stay as they were so there would be very minimal change. He felt an additional three homes would not impact traffic on that road.

Mr. Watkins asked for clarification about the road and the proposed easement.

Mr. Orrell explained that there was an existing 50-foot easement that ran along that line and through those lots. He showed the location of the road within the easement, and said that was where they would access when they built a house. They would come in and out of that same road that the other three houses were using now, so there would be no new construction. Everything would stay the same. They were primarily going to drop three houses on those lots.

Pat Stewart asked how wide the road was.

Mr. Orrell said he thought it was 18 feet wide.

Mr. Stewart said the County standard was 20 feet of asphalt.

Mr. Orrell said they were within 2 feet of the asphalt requirement. It was a very low usage road and there would not be many families living on it.

Referring back to the Rangeline Property Subdivision, Mr. Watkins asked if they would be using these roads along the south side of Lot 1 to access Lots 4 and 5.

Mr. Orrell said there was an existing 50-foot easement that ran along that line and through these lots. The road was inside that easement. There would only be six families using the road.

After discussion a motion was made by Mr. Miller and seconded by Dr. Rivizzigno to hold this application over until the December 15th meeting, with the applicant's agreement, to allow the applicant to consider reconfiguration; and

- 1) submit documentation of construction standards of the existing private road; and**
- 2) submit topographic and wetland information.**

The motion carried unanimously.

Case #SUB2003-00256 (Subdivision)

The Bluffs at Cypress Creek Subdivision

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

53 Lots / 53.0± Acres

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

After discussion a motion was made by Mr. Plauche and seconded by Mr. Miller to approve the request.

The motion carried unanimously.

Case #SUB2004-00236 (Subdivision)

Crystal Place Subdivision, Resubdivision of Lot 2

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

26 Lots / 9.7± Acres

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

After discussion a motion was made by Mr. Plauche and seconded by Mr. Miller to approve the request.

The motion carried unanimously.

Case #ZON2005-02097

Pecan Cove Apartments, Ltd.

1801 Holt Road

(North side of Dr. Martin Luther King Jr. Avenue, extending Northeast to Holt Road, and extending Northwest to Yukers Street).

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

The site plan illustrates the proposed development.

(Also see Case #SUB2005-00232 – Truevine Missionary Baptist Church Subdivision – see below).

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to hold this application over to the December 15th meeting.

The motion carried unanimously.

Case #SUB2005-00232

Truevine Missionary Baptist Church Subdivision

1801 Holt Road

(North side of Dr. Martin Luther King Jr. Avenue, extending Northeast to Holt Road, and extending Northwest to Yukers Street).

2 Lots / 9.4± Acres

(For discussion see Case #ZON2005-02097 – Pecan Cove Apartments, Ltd. – Planned Unit Development – see above).

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to hold this application over to the December 15th meeting to allow the applicant to submit revised plats including the Southwestern out-parcel, a revised legal description, and any additional notification and lot fees. These materials should be received by Urban Development by November 21st.

The motion carried unanimously.

Case #SUB2005-00228

Combs Place Subdivision

2055, 2063 and 2101 Grider Road

(West side of Grider Road at the West terminus of Rose Hill Lane).

21 Lots / 7.4± Acres

The applicant was present and concurred with the staff recommendations.

Diane Hovens Owens, a resident of 2051 Grider Road, stated she represented the neighborhood coalition against this subdivision. Ms. Owens said she lived next door to this proposed subdivision and would be most affected by it. She was opposed to having eight back yards backing up to her property. Mrs. Owens said there was no privacy fence proposed and a lot of people would be able to see her comings and goings. She said the subdivision would be out of character with other houses on her street. Drainage was also a concern of Ms. Owens, noting that there was already a washout below her shed. She explained that this street had two steep hills and there was a natural terrace from that property. She was concerned that the water displacement from eight new homes would further erode her property. Ms. Owens said that only three sections could legally be divided out of this lot and questioned how they could now subdivide the property into 21 lots. Ms. Owens said the property owners would like to preserve the natural beauty and character of this neighborhood, as well as their property values.

Ms. Owens further read a petition signed by practically everyone on Grider Road and Rose Hill in opposition to this request. The petition mentioned the citizens' objections due to increased drainage, increased traffic, and a decrease in property values. It was noted that most of the lots on Grider Road were 1-2 acre lots or larger. The petition further stated that the homeowners did not wish to have city sewage, but wished to remain on septic tanks. (The petition in its entirety was presented to the Commission to be filed with this application in the Planning Office.)

Pat Lee, a resident of 2112 Grider Road, said she and her husband supported Ms. Owens and echoed her reasons for concern.

Mr. Plauche asked Ms. Lee to point out her home on the plat.

Ms. Lee indicated her house was the last one on the right. She said they had 2 ½ acres and bought their house for \$189,000. It was worth \$200,000 now. Ms. Lee pointed out similar properties up and down the street.

Lee Lovitte, Lovitte Surveying, was present representing the applicant and stated that they felt the subdivision would be a nice improvement to the area, with upper-scale homes to be built. He said the property owner was in negotiations to purchase the property to the west of the subject property for future development and that there would probably eventually be a stub out from this current development all the way to Middle Ring Road. Mr. Lovitte noted that there had already been further subdivision of the original lots in there, particularly on the east side of the road, and the proposed lots would be typical of those developed in Summer Place. (Mr. Lovitte asked to see a copy of the petition submitted by Ms. Owens so he could understand the neighbors concerns.)

Mr. Miller asked if the developer could give the Commission some information on the size and price of the proposed homes.

Frank Sullivan stated that the houses would be a minimum of 1800 square feet and would be all brick. They would have a privacy fence which would come down Grider Road

with a real pretty entrance into the subdivision. There would be underground utilities and it would be very upscale.

It was asked what the adjoining property owned by the City of Mobile was used for. Mr. Olsen said it was vacant, undeveloped, wooded land.

Dr. Rivizzigno asked if Grider Road was built to City standards.

Mr. Lovitte said he did not know.

Mr. Olsen did not know how wide it was, but said it was maintained.

In discussion Mr. Watkins said he would like to know what the situation of the road was. He said that was kind of a determining factor as to whether or not this amount of traffic could be poured out of that standard street. He suggested this application be held over until further information could be obtained about the road.

After discussion a motion was made by Mr. Watkins and seconded by Dr. Rivizzigno to hold this application over to the December 15th meeting to allow City Engineering to provide additional information about the construction standards of Grider Road.

The motion carried unanimously.

Case #SUB2005-00230

Dyas Subdivision, Resubdivision of and Addition to Lots 1-6

Southeast corner of Riviere du Chien Loop West and Riviere du Chien Loop South, extending Eastward to Dog River.

2 Lots / 17.0± Acres

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

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

- 1) **the approval of all applicable federal, state and local agencies prior to the issuance of any permits; and**
- 2) **the placement of the 25-foot minimum setback lines on the final plat.**

The motion carried unanimously.

Case #SUB2005-00229 (Subdivision)

Mystics of Time Subdivision

Northwest corner of Pillans Street and Franklin Street.

1 Lot / 0.7± Acre

Joe Regan, Regan Land Surveying, was present on behalf of the applicant. He said the reason they were making this into one lot was because the buildings were damaged during the hurricane. They would like to tear down the existing buildings and build one big building. If they did that, they would not need a PUD.

Mr. Olsen said that was correct. The staff can change the wording to say "Administrative" PUD if necessary.

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

- 1. the approval of an Administrative Planned Unit Development, if necessary, prior to the recording of the final plat; and**
- 2. the approval of all applicable federal, state and local agencies prior to the issuance of any permits.**

The motion carried unanimously.

Case #SUB2005-00231

Timberlane Woods Subdivision, Unit One

West terminus of Timberline Ridge.

4 Lots / 9.0± Acres

Mr. Plauche announced that this application was scheduled for holdover, however, if anyone would like to speak at this time they could do so.

Carl Johnson, a resident of 2855 which backs up to the subject property, said he was concerned about drainage, privacy issues, and a buffer zone. He said he had spoken outside with Mike Daniels, who said he would help him address those concerns.

Mr. Plauche suggested Mr. Johnson get with Mr. Daniels to fully discuss this proposal.

Zelda Hatcher, a resident of 5500 Timberline Ridge, said she was also concerned about drainage because she was right at the beginning of the cul-de-sac. Ms. Hatcher said she had also talked to someone who told her they were going to put in 15 houses.

Mr. Olsen explained that there was a previous application that came before the Commission and was approved for the same piece of property for a larger number of lots. It proposed a street, a modified cul-de-sac with an island that would accommodate the number of lots that were proposed at the time. The current application proposal was for four lots, each of which would come off of the existing street.

Mr. Plauche suggested Ms. Hatcher get with Mr. Johnson when he meets with Mr. Daniels.

After discussion a motion was made by Mr. Plauche and seconded by Mr. Watkins to hold this application over to the December 1st meeting to allow the applicant time to submit a revised plat showing no flag-shaped lots and a modified turnaround/cul de sac.

The motion carried unanimously.

There being no further business, the meeting was adjourned.

APPROVED: January 5, 2006

Terry Plauche, Chairman

tc/ms