

The Saraland Planning Commission convened in regular session on April 11, 2023, at the Saraland City Court Room. The meeting was called to order at 6:05 p.m. by Chairman Scooter Thronson.

Roll call was as follows:

Present: Chairman Scooter Thronson  
Mayor Howard Rubenstein  
Councilman Wayne Biggs  
Capt. Clayton Horton  
Mr. Barry Andrews  
Dr. Wayne Lyssy

Absent: Mr. David Brown  
Ms. Julie McGuire  
Mr. Vincent Walker

Others present: Brendan Schwandner, City Planner; Mike Black, Director Building Department; Andy Rutens, City Attorney; Laura Tarver, Permit Technician; Jennifer Jemison, Zoning Technician.

Motion was made by Dr. Wayne Lyssy, to approve the minutes from the March 14, 2023, regular meeting, seconded by Mr. Barry Andrews. Motion carried.

Motion was made by Councilman Wayne Biggs, to approve the agenda for the April 11, 2023, regular meeting, seconded by Mr. Barry Andrews. Motion carried.

Chairman Scooter Thronson called for conflicts of interest of any agenda item for members of the Planning Commission. Mayor Howard Rubenstein and Councilman Wayne Biggs will abstain from the Petitions for Rezoning of 512 Celeste Rd and 518 Celeste Rd.

Invocation by Wayne Biggs

### **OLD BUSINESS:**

A – Recommendation to the City Council on the Petition for Annexation of 10976 Celeste Rd, parcel 1307360000001.027 approx. 1.3 acres, filed by owners James & Carey Williamson

City Planner Brendan Schwandner stated this item was first discussed at the March 2023 Planning Commission meeting, postponed allowing for further research and discussion regarding the existence of a business operating on the parcel behind the parcel in question, owned by the same owner, and evidently using the driveway on this parcel for

ingress and egress. The applicant was notified that, as this business is located within the Police Jurisdiction, they would have to get a business license to continue operation. After checking with City Hall today, we were notified that they have not yet applied for a business license. Additionally, Warren and Kirby made mention of signs of erosion along the front of property in the ditch running along the Celeste Rd ROW, and sub-standard conditions of the driveway where it intersects with Celeste Rd. However, it should be noted that the eligibility of the subject parcel for annexation should not be affected by the activity on a neighboring parcel. As such, planning considers the application favorably, contingent upon receipts of an agreement that they are aware the City of Saraland will not maintain or take on the improvements or repairs of this section of the driveway.

Motion was made by Mayor Howard Rubenstein, seconded by Dr. Wayne Lyssy, for the favorable recommendation to the City Council on the Petition for Annexation of 10976 Celeste Rd, parcel 1307360000001.027 approx. 1.3 acres, filed by owners James & Carey Williamson subject to the applicant agreeing to waive the city for any responsibility for the drainage of the ditch and erosion areas currently surrounding the driveway. All in favor. Motion carried.

## **NEW BUSINESS:**

A – Public Hearing & Sketch Plan / Preliminary Planned Unit Development Review for the proposed 2 phase, 207 lot Bear Run development on Celeste Rd, concerning parcels 1904190000001.054, 1904190000001.065, 1904190000001.236, & 1904190000001.098, approx. 114.9 acres total, filed by Dewberry on behalf of Moore Properties, LLC

City Planner Brendan Schwandner stated the applicant first received master plan review approval for this proposal at the April 12, 2022, Planning Commission. The original plan consisted of 179 lots, varying from 10,125 sq. ft. to 16,610 sq. ft. in area. As needed for approval at this density, the applicant successfully rezoned the property from R1 low density to R2 medium density single family residential, as well as received preliminary plat approval for Phase I and Phase 2 at the April and May 2022 meetings respectively. On February 13<sup>th</sup>, the applicant submitted a revised sketch plan for the March 2023 Planning Commission meeting, increasing the amount of lots from 179 to 226, and decreasing the lot sizes to 8,370 sq. ft to 11,250 sq. ft – a lot sizing which would require a rezoning to R-1A (Medium density single family, also known as patio residential). On March 15<sup>th</sup>, the applicant submitted this Master Plan and Preliminary PUD Plan. With the revised plan, Bear Cub Loops, which is approximately 1,400 ft. of roadway, would be removed, effectively removing 19 lots from Phase I, and increasing the amount of open space adjacent to Charleston Ridge, from 33.8 to 39.8 acres. The lot sizes would be in the same range as last month's sketch plan submittal, thus still requiring R-1A zoning. Mr. Schwandner recommends approval of this item contingent upon the approval of the rezoning of parcels to R-1A.

Chairman Scooter Thronson opened the floor for the Public Hearing.

Ms. Cathy Barnette & Ms. Chloe Kelly from Dewberry were present and handed out the landscape plan exhibit as well as presented a PowerPoint presentation for a better visual of the intentions. Per Ms. Kelly, she held a neighborhood meeting with several residents of the Charleston Ridge Subdivision and took several of their concerns into consideration. They reduced the lot count from 226 to 207, added additional larger sized lots and removed a few smaller sized lots. All 19 lots which were removed were 62' wide lots. The new proposed density with the changes made is 1.8, previously at 2.3, increased open space and green space of this site to 40%, and removed the additional road that was connecting to Charleston Ridge. Ms. Kelly also pointed out the proposed lot sizes are 62' and 75' and the square footage of the home restrictions/standard will be a minimum of 2,191 sq. ft. and a maximum of 3,827 sq. ft. Discussions with Charleston Ridge were had regarding possible signage when entering the subdivision. The anticipated façade will be brick and Hardie board siding. There has also been an updated trail plan for active trails, including cross-country trails for hiking, and will include plaques informing about the environment, which will be easily accessible for the Charleston Ridge residents for their use as well. The financial upkeep of the trails and maintenance of benches and signage will fall under the HOA of this development.

Councilman Wayne Biggs questioned about the traffic study. Ms. Chloe Kelly stated the current traffic study that was utilized for the last application was for up to 217 lots and called for installing both a left and right turn lane onto Celeste Rd. It included one inbound lane and two outbound lanes onto Celeste Rd. The traffic study only called for a deceleration lane and not a traffic light.

Mike Cook lives at 8320 Celeste Rd spoke. Mr. Cook brought up concerns about the stop-and-go traffic in the morning at Spanish Trace all the way to the Interstate. He also stated these patio-size homes do not fit the Celeste Rd community.

Chairman Scooter Thronson closed the public hearing.

Motion was made by Chairman Wayne Biggs, seconded by Dr. Wayne Lyssy to approve the Sketch Plan / Preliminary Planned Unit Development Review for the proposed 2 phase, 207 lot Bear Run development on Celeste Rd, concerning parcels 1904190000001.054, 1904190000001.065, 1904190000001.236, & 1904190000001.098, approx. 114.9 acres total, filed by Dewberry on behalf of Moore Properties, LLC, contingent upon the attachment of the PowerPoint presentation to the information submitted to the packet and subject to the review by the City Engineer and recommendation concerning additional traffic study.

Mayor Howard Rubenstein questioned how long it will take to get an updated traffic study.



Ms. Cathy Barnette stated the approximate turnaround time for a new traffic study is 6 – 8 weeks.

Mayor Howard Rubenstein asked if the revised traffic study will only include the number of cars exiting or entering the subdivision, or will it globally look at the number of increased traffic on Celeste Rd.

Ms. Cathy Barnette stated it will look at the entire Celeste Rd, including counts for peak times, examples of school traffic, after work traffic, and the averages. It will also rate the road as well.

Mayor Howard Rubenstein amended the motion subject to completion of global traffic study that includes traffic generated from the Sportsplex to the satisfaction of the City Engineer. Ms. Cathy Barnette requested the information for the additional traffic from the Sportsplex in order to complete the updated traffic study. Mayor Howard Rubenstein stated with traffic as such a concern, the traffic study would need to be done as part of the preliminary approval process, and an opinion from the City Engineer regarding the impact on the city. Councilman Wayne Biggs seconded the motion to the amendment. All in favor of the amendment.

Motion was made by Councilman Wayne Biggs, seconded by Dr. Wayne Lyssy to approve the amendment to the motion. All in favor. Unanimous. Motion carried.

B – Public Hearing & Preliminary/Final Subdivision Plat Review for the 2-lot subdivision “C.J. Hill Subdivision”, concerning parcel 2203071000003.003, approx. 6.8 acres total, filed by owner Calvin J. Hill

City Planner Brendan Schwandner stated this application was to subdivide one lot into two lots. This property was annexed into the City Limits on January 27, 2022, with B-2 General Business zoning at the applicant’s request. Planning sees no issues with this application and recommends approval.

Chairman Scooter Thronson opened the floor for the public hearing. No speakers. Mr. Thronson closed the public hearing.

Motion was made by Dr. Wayne Lyssy, seconded by Mr. Barry Andrews to approve the Preliminary/Final Subdivision Plat Review for the 2-lot subdivision “C.J. Hill Subdivision”, concerning parcel 2203071000003.003, approx. 6.8 acres total, filed by owner Calvin J. Hill. All in favor. Unanimous. Motion carried.

C – Public Hearing & Preliminary/Final Subdivision Plat Review for the 2-lot subdivision “Adams Place”, concerning parcel 1307360000012.000, approx. 11.9 acres total, filed by owners Christopher & Kelly Adams

City Planner Brendan Schwandner stated this is an application to subdivide one lot into two lots. Lot 2 is shown to contain an AE flood zone, and flood elevation certificates will be required should any buildings be constructed within the flood zone. Planning sees no issues with this application and recommends approval.

Chairman Scooter Thronson opened the floor for the public hearing.

Mr. Jack Lofton, lives at 10775 Celeste Rd, spoke, stating that he did not realize this property was within the city limits. City Planner Brendan Schwandner stated this is in the city's Planning Jurisdiction, and the city has the authority to enforce subdivision regulations within 1.5 miles outside the city limits of Saraland.

Chairman Scooter Thronson closed the floor for the public hearing.

Motion was made by Dr. Wayne Lyssy, seconded by Mr. Barry Andrews to approve the Preliminary/Final Subdivision Plat Review for the 2-lot subdivision "Adams Place", concerning parcel 1307360000012.000, approx. 11.9 acres total, filed by owners Christopher & Kelly Adams. All in favor. Unanimous. Motion carried.

D – Recommendation to the City Council on the Petition for Rezoning of a portion of parcel 1904190000001.236, approx. 34.18 acres total, to be rezoned from R-1 (Low Density Single Family Residential) to R-1A (Patio Residential), filed by Dewberry on behalf of Moore Properties, LLC

City Planner Brendan Schwandner stated this property is currently undeveloped and wooded. The applicant has submitted items D through G to rezone this property to R-1A, with the intent to develop the Bear Run Subdivision at the density as proposed in the previously discussed PUD submittal.

Motion was made by Councilman Wayne Biggs, seconded by Mr. Barry Andrews for a favorable recommendation to the City Council on the Petition for Rezoning of a portion of parcel 1904190000001.236, approx. 34.18 acres total, to be rezoned from R-1 (Low Density Single Family Residential) to R-1A (Patio Residential), filed by Dewberry on behalf of Moore Properties, LLC subject to the final approval of the final PUD application. No discussion. All in favor. Motion carried.

E – Recommendation to the City Council on the Petition for Rezoning of parcel 1904190000001.098, approx. 78.12 acres total, to be rezoned from R-1 (Low Density Single Family Residential) to R-1A (Patio Residential), filed by Dewberry on behalf of Moore Properties, LLC

Motion was made by Dr. Wayne Lyssy, seconded by Mr. Barry Andrews for a favorable recommendation to the City Council on the Petition for Rezoning of parcel 1904190000001.098, approx. 78.12 acres total, to be rezoned from R-1 (Low Density

Single Family Residential) to R-1A (Patio Residential), filed by Dewberry on behalf of Moore Properties, LLC subject to the final approval of the final PUD application. No discussion. All in favor. Motion carried.

F – Recommendation to the City Council on the Petition for Rezoning of parcel 1904190000001.054, approx. 1.3 acres total, to be rezoned from R-1 (Low Density Single Family Residential) to R-1A (Patio Residential), filed by Dewberry on behalf of Moore Properties, LLC

Motion was made by Dr. Wayne Lyssy, seconded by Mr. Barry Andrews for a favorable recommendation to the City Council on the Petition for Rezoning of parcel 1904190000001.054, approx. 1.3 acres total, to be rezoned from R-1 (Low Density Single Family Residential) to R-1A (Patio Residential), filed by Dewberry on behalf of Moore Properties, LLC subject to the final approval of the final PUD application. No discussion. All in favor. Motion carried.

G – Recommendation to the City Council on the Petition for Rezoning of parcel 1904190000001.065, approx. 1.3 acres total, to be rezoned from R-1 (Low Density Single Family Residential) to R-1A (Patio Residential), filed by Dewberry on behalf of Moore Properties, LLC

Motion was made by Dr. Wayne Lyssy, seconded by Capt. Clayton Horton for a favorable Recommendation to the City Council on the Petition for Rezoning of parcel 1904190000001.065, approx. 1.3 acres total, to be rezoned from R-1 (Low Density Single Family Residential) to R-1A (Patio Residential), filed by Dewberry on behalf of Moore Properties, LLC subject to the final approval of the final PUD application. No discussion. All in favor. Motion carried.

H – Recommendation to the City Council on the Petition for Rezoning of 512 Celeste Rd, parcel 1908330003016.01, approx. 3.7 acres total, to be rezoned from R-1 (Low Density Single Family Residential) to B-2 (General Business), filed by owners Freida A. Belcher, Vernon E. Kearley, and David A. Kearley

City Planner Brendan Schwandner stated items H & I are applicants to rezone two abutting lots from R-1 to B-2, filed by the same applicant. 512 Celeste Rd is currently an undeveloped and wooded lot. It is shown as Regional Commercial in the City of Saraland Comprehensive Plan. Planning considers this application favorably.

Mayor Howard Rubenstein and Council Wayne Biggs abstained from this item.

Motion was made by Dr. Wayne Lyssy, seconded by Mr. Barry Andrews to provide a favorable – Recommendation to the City Council on the Petition for Rezoning of 512 Celeste Rd, parcel 1908330003016.01, approx. 3.7 acres total, to be rezoned from R-1 (Low Density Single Family Residential) to B-2 (General Business), filed by owners Freida A. Belcher, Vernon E. Kearley, and David A. Kearley. No Discussion. All in favor, except the two abstained. Motion carried.

I – Recommendation to the City Council on the Petition for Rezoning of 518 Celeste Rd, parcel 1908330003016.000, approx. 4.0 acres total, to be rezoned from R-1 (Low Density Single Family Residential) to B-2 (General Business), filed by owners Freida A. Belcher, Vernon E. Kearley, and David A. Kearley

City Planner Brendan Schwandner stated 518 Celeste Rd is currently an undeveloped and wooded lot. The lot is shown as Regional Commercial in the City of Saraland Comprehensive Plan. Planning considers this application favorably.

Mayor Howard Rubenstein and Council Wayne Biggs abstained from this item.

Motion was made by Dr. Wayne Lyssy, seconded by Mr. Barry Andrews to provide a favorable Recommendation to the City Council on the Petition for Rezoning of 518 Celeste Rd, parcel 1908330003016.000, approx. 4.0 acres total, to be rezoned from R-1 (Low Density Single Family Residential) to B-2 (General Business), filed by owners Freida A. Belcher, Vernon E. Kearley, and David A. Kearley. No discussion. All in favor, except the two abstained. Motion carried.

J – Recommendation to the City Council on the Petition for Annexation of 10211 Celeste Rd, parcel 1801010000002.017 approx. 5.0 acres, filed by owners David C. James & Bronwyn C. Dodson

City Planner Brendan Schwandner stated this application has been reviewed by planning staff, and a visit was made by public works, fire safety, and the city engineer, who noted no issues. This property would be zoned R-1 by default should it be annexed. Planning considers this application favorably.

Motion was made by Dr. Wayne Lyssy, seconded by Mr. Barry Andrews to provide a favorable Recommendation to the City Council on the Petition for Annexation of 10211 Celeste Rd, parcel 1801010000002.017 approx. 5.0 acres, filed by owners David C. James & Bronwyn C. Dodson. No discussion. All in favor. Motion carried.

K – Recommendation to the City Council on the Petition for Annexation of 9355 Maple Ridge Rd, Lot 33 of the High Country Estates subdivision, approx. 0.9 acres, filed by owners Justin & Dana Jessee



City Planner Brendan Schwandner stated the property owners initially submitted an application for the September 2022 Planning Commission, with the intent to annex the entire parcel, which consists of Lots 32 and 33, two equal-sized lots. The item did not receive approval, as there were concerns about erosion around the drainage ditch on Lot 32 at the south end of the parcel. They have not submitted an application to annex only the northern lot, Lot 33, which would exclude the drainage ditch from the property to be considered for annexation. Lot 33 has been visited by Public Works, Fire Safety, and the City Engineer, who noted no issues. This property would be zoned R-1 by default should it be annexed. Planning considers this application favorably.

Motion was made by Dr. Wayne Lyssy, seconded by Capt. Clayton Horton to provide a favorable – Recommendation to the City Council on the Petition for Annexation of 9355 Maple Ridge Rd, Lot 33 of the High Country Estates subdivision, approx. 0.9 acres, filed by owners Justin & Dana Jessee. No discussion. All in favor. Motion carried.

L – Resolution agreeing, consenting to, and approving an agreement with the City of Saraland, Alabama and the Mobile County Commission regarding the regulation of subdivisions within the Planning Jurisdiction of the City of Saraland Planning Commission

- City Planner Brendan Schwandner pointed out per ACT 2021-297 of the Code of Alabama 1975, as of January 1<sup>st</sup>, 2023, if a county commission has adopted subdivision regulations, said subdivision regulations shall apply to and be enforced within a municipality's extra-territorial planning jurisdiction. As an alternative, the act permits the county commission and municipalities to enter into a formal agreement to be valid, it must be approved by a resolution adopted by the county commission, an ordinance adopted by the municipal governing body, and a resolution adopted by the municipal planning commission. The Office of Mobile County Attorney has presented to the City of Saraland, this agreement between the City of Saraland and the Mobile County Commission, for approval of the City of Saraland to agree to enforce its subdivision regulations within the 1.5 mile extraterritorial planning jurisdiction.

Motion was made by Mayor Howard Rubenstein, seconded by Dr. Wayne Lyssy to approve the Resolution agreeing, consenting to, and approving an agreement with the City of Saraland, Alabama and the Mobile County Commission regarding the regulation of subdivisions within the Planning Jurisdiction of the City of Saraland Planning Commission. No discussion. All in favor. Motion carried.

There being no further business to come before the Planning Commission, the meeting adjourned at 7:00 p.m.



**ACCEPTED AND APPROVED:**

