

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF JULY 10, 2008 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
James Watkins, III
William DeMouy, Secretary
Debra Butler
Stephen Davitt
Nicholas Holmes, III
Victoria L. Rivizzigno
Roosevelt Turner
John Vallas

Members Absent

Clinton Johnson
Mead Miller

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Bert Hoffman,
Planner II
Joanie Stiff-Love,
Secretary II

Others Present

John Lawler,
Assistant City Attorney
John Forrester,
City Engineering
Jennifer White,
Traffic Engineering

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

Mr. Plauche stated the number of members present constituted a quorum and called the meeting to order, advising all attending of the policies and procedures pertaining to the Planning Commission.

HOLDOVERS:

Case #SUB2008-00107 (Subdivision)

McCord-Hamilton Subdivision, Re-subdivision of Lot 2

2344 Park Place
North side of Park Place, 390'± West of Riverside Drive
Number of Lots / Acres: 2 Lots / 1.2 Acres
Engineer / Surveyor: Byrd Surveying, Inc.
Council District 4

Jerry Byrd, Byrd Surveying, Inc., spoke on behalf of the applicant, requesting an option for the owners to be able, in lieu of demolishing the building, if they chose, to be able to move the north line of the small lot south the 16.6 feet necessary to meet the minimum setback, leaving the smallest lot at 11,000 square feet.

Mr. Olsen stated the staff would have no problem modifying condition 2 to cover that.

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Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Mr. Holmes, to waive Sections V.D.1. and V.D.3. of the Subdivision Regulations, and approve the above referenced subdivision, subject to the following conditions:

- 1) **revision of the plat to depict the 25-foot minimum building setback line for proposed Lot 2 from where the “pole” meets the “flag” portion of the lot;**
- 2) **the removal, modification, or demolition of any existing accessory structures that fall within the minimum building setback line required by condition # 1, with appropriate permits, or revision to the lot line to provide the setback line required by condition # 1, prior to the signing of the final plat;**
- 3) **placement of a note on the final plat stating that no future subdivision of Lot 2 shall be permitted until additional frontage on a public street is provided;**
- 4) **placement of a note on the final plat stating that each lot is limited to one curb-cut, with the size, design, and location to be approved by Traffic Engineering, and to conform with AASHTO standards;**
- 5) **labeling of each lot with its size in square feet, as depicted on the preliminary plat;**
- 6) **placement of a note on the plat stating that approval of all applicable Federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;**
- 7) **placement of a note on the plat stating that approval of all applicable Federal, state, and local agencies is required for wetland issues, if any, prior to the issuance of any permits or land disturbance activities;**
- 8) **removal of the existing accessory structure on Lot 2 A (with appropriate permits) prior to the signing of the final plat; and,**
- 9) **full compliance with Engineering comments, and placement of those comments as a note on the final plat: *(Show Minimum Finished Floor Elevation (FFE) on plans and plat for all lots located within the X-Shaded and AE Flood Zones. Must comply with all stormwater and flood control ordinances. Cannot concentrate stormwater runoff to an adjacent property without a release agreement or a private drainage easement. Any work performed in the right-of-way will require a right-of-way permit.)***

The motion carried unanimously.

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Case #SUB2008-00113 (Subdivision)

Haley Dyer Subdivision

3551 Alba Club Road

Southeast corner of Alba Club Road and Massengale Drive

Number of Lots / Acres: 2 Lots / 0.5± Acre

Engineer / Surveyor: Polysurveying Engineering-Land Surveying

Council District 4

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. DeMouy, to approve the above referenced subdivision, subject to the following conditions:

- 1) **placement of a note on the final plat stating that Lot 1 is limited to one curb cut onto Alba Club Road with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **placement of a note on the final plat stating that Lot 2 is limited to one curb cut onto Massengale Drive with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) **labeling of each lot with its size in square feet; and,**
- 4) **placement of a note on the plat stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species.**

The motion carried unanimously.

Case #SUB2008-00120 (Subdivision)

McNeil Subdivision

9481 and 9501 Jeff Hamilton Road

South side of Jeff Hamilton Road, 500'± East of Walston Road

Number of Lots / Acres: 3 Lots / 4.9± Acres

Engineer / Surveyor: Rowe Surveying and Engineering Company, Inc
County

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. DeMouy, to waive Sections V.D.1 and V.D.3 of the Subdivision Regulations for Lot B, and approve the above referenced subdivision, subject to the following conditions:

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- 1) placement of a note stating that Lots A, B, and C are limited to one curb cut each onto Jeff Hamilton Road, with the size, design, and location to be approved by County Engineering;
- 2) placement of a note stating that Lot B shall not be subdivided until additional road frontage can be provided;
- 3) placement of a note on the plat stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and
- 4) placement of a note on the plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering.

The motion carried unanimously.

Case #ZON2008-01380 (Rezoning)

Bill Bunch

4960 Dauphin Island Parkway

West side of Dauphin Island Parkway, 580'± North of Marina Drive North

Rezoning from R-1, Single Family Residential, to B-3, Community Business, to bring the zoning into compliance for an existing marina and boat yard

Council District 4

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

Matt Orrell, Polysurveying of Mobile, stated that he had spoken with his client who advised him that he had spoken with staff and that it would be heard today, but understood that information might not have been passed on.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the July 24, 2008, meeting, to allow the staff to review the Planned Unit Development application.

The motion carried unanimously.

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Case #SUB2008-00123 (Subdivision)

Elijah House Subdivision

1867 Duval Street

South side of Duval Street, at the South terminus of Murray Hill Court [private street]

Number of Lots / Acres: 1 Lots / 0.5± Acre

Engineer / Surveyor: Patrick Land Surveying

Council District 3

(Also see **Case #ZON2008-01386 (Planned Unit Development) Elijah House Subdivision**, and, **Case #ZON2008-01384 (Planning Approval) Elijah House Subdivision**, below)

Ricky Patrick, Patrick Land Surveying, spoke on behalf of the applicant, requesting the matter be held over.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the August 7, 2008, meeting at the applicant's request.

The motion carried unanimously.

Case #ZON2008-01386 (Planned Unit Development)

Elijah House Subdivision

1867 Duval Street

South side of Duval Street, at the South terminus of Murray Hill Court [private street]

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

Council District 3

(Also see **Case #SUB2008-00123 (Subdivision) Elijah House Subdivision**, above, and, **Case #ZON2008-01384 (Planning Approval) Elijah House Subdivision**, below)

Ricky Patrick, Patrick Land Surveying, spoke on behalf of the applicant, requesting the matter be held over.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the August 7, 2008, meeting at the applicant's request.

The motion carried unanimously.

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Case #ZON2008-01384 (Planning Approval)

Elijah House Subdivision

1867 Duval Street

South side of Duval Street, at the South terminus of Murray Hill Court [private street]

Planning Approval to allow an outreach program with housing to include prison release inmates in a B-3, Community Business District

Council District 3

(Also see **Case #SUB2008-00123 (Subdivision) Elijah House Subdivision**, and, **Case #ZON2008-01386 (Planned Unit Development) Elijah House Subdivision**, above)

Ricky Patrick, Patrick Land Surveying, spoke on behalf of the applicant, requesting the matter be held over.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the August 7, 2008, meeting at the applicant's request.

The motion carried unanimously.

Case #SUB2008-00100 (Subdivision)

Amity Missionary Baptist Church Subdivision

2451 St. Stephens Road

South side of St. Stephens Road, extending from Strange Avenue to Como Street, and Southwest corner of St. Stephens Road and Como Street

Number of Lots / Acres: 2 Lots / 1.2± Acres

Engineer / Surveyor: Frank A. Dagley & Associates, Inc.

Council District 1

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Ms. Butler, to approve the above referenced subdivision, subject to the following conditions:

- 1) **dedication of sufficient right-of-way along Como Street to provide a City-standard sidewalk along the West side, as well as the corner radius for the Southeast corner of Como Street and St. Stephen's Road that complies with Section V.D.6. of the Subdivision Regulations, as depicted;**
- 2) **depiction and labeling of the 25-foot minimum building setback line from all streets, including the setback line along Como Street to reflect dedication;**
- 3) **placement of a note on the plat stating that Lot 1 is limited to one curb-cut onto Como Street, that Lot 2 is limited to one curb-cut onto Como Street and one curb-cut onto Strange**

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Avenue, with the size, design, and location of all curb-cuts to be approved by Traffic Engineering and conform with AASHTO standards;

- 4) revision of the plat to label each lot with its size in square feet, adjusted for any required dedication; and,**
- 5) placement of a note on the plat stating that development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species.**

The motion carried unanimously.

**Case #ZON2008-01210 (Rezoning)
Amity Missionary Baptist Church Subdivision**

2451 St. Stephens Road

South side of St. Stephens Road, extending from Strange Avenue to Como Street, and Southwest corner of St. Stephens Road and Como Street

Rezoning from R-1, Single-Family Residential, and B-2, Neighborhood Business, to B-2, Neighborhood Business to eliminate split zoning for a proposed church.

Council District 1

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Ms. Butler, to approve the above referenced subdivision, subject to the following conditions:

- 1) provision of a 6-foot high wooden privacy fence in compliance with Section 64-4.D.1. of the Zoning Ordinance, except within the required 25-foot minimum building setback (where the fence shall be 3-feet high);**
- 2) compliance with parking area screening requirements of Section 64-6.A.3.i. of the Zoning Ordinance;**
- 3) compliance with the site and parking area lighting requirements of Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;**
- 4) compliance with the tree and landscaping requirements of the Zoning Ordinance; and,**
- 5) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

EXTENSIONS:

Case #SUB2007-00197 (Subdivision)

The Estates at Magnolia Grove Subdivision

South side of Magnolia Grove Parkway, 300'± West of Clear Pointe Court

Number of Lots / Acres: 23 Lots / 21.2± Acres

Engineer / Surveyor: Engineering Development Services, LLC

Council District 7

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to approve the above referenced requested extension.

The motion carried unanimously.

Case #ZON2005-01390 (Planned Unit Development)

Cottage Hill Baptist Church

4255 Cottage Hill Road

Southeast corner of Cottage Hill Road and North Demetropolis Road, extending to the North side of Thigpen Drive South, and, Southeast Corner of North Demetropolis Road and Thigpen Drive South, extending to the North side of Troy Lane

Planned Unit Development Approval to allow multiple buildings on a single building site with shared access and parking between sites.

Council District 4

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to approve the above referenced requested extension, but the applicant should be advised that, unless permits for the undeveloped portions of the original approval are applied for, further extensions are unlikely.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2008-00138

Revised Jackson Heights Subdivision

4279 Springview Drive

South side of Springview Drive, 400'± South of Pakingham Drive

Number of Lots / Acres: 2 Lots / 3.1± Acres

Engineer / Surveyor: Polysurveying Engineering-Land Surveying

Council District 5

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The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Watkins, with second by Mr. Davitt, to approve the above referenced subdivision, subject to the following conditions:

- 1) **dedication of a minimum 30' as measured from the centerline of Springview Drive;**
- 2) **placement of a note on the final plat stating that each lot is limited to one curb cut, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) **labeling of each lot with its size in square feet, or the provision of a table on the final plat with the same information;**
- 4) **the approval of all applicable federal, state, and local environmental agencies prior to the issuance of any permits or land disturbance activities;**
- 5) **placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and**
- 6) **subject to City Engineering comments: *(Must comply with all storm water and flood control ordinances. Cannot concentrate stormwater runoff to an adjacent property without a release agreement, a private drainage easement or providing detention for a 100 year storm event with a two year release rate per the revised COM Stormwater Ordinance. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS show wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit).***

The motion carried unanimously.

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Case #SUB2008-00139

Faith Academy Athletic Complex Subdivision

7895, 8011, 8075 and 8131 Zeigler Boulevard
South side of Zeigler Boulevard, ¼ mile± West of Schillinger Road
Number of Lots / Acres: 2 Lots / 39.0± Acres
Engineer / Surveyor: Polysurveying Engineering- Land Surveying
County

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Watkins, with second by Mr. Davitt, to approve the above referenced subdivision, subject to the following conditions:

- 1) **revision of the legal description prior to signing the final plat;**
- 2) **placement of a note on the final plat stating that each lot is limited to three curb cuts to Zeigler Boulevard, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 3) **revision the preliminary plat to label each lot with its size in acreage and square feet, or provision a table on the plat with the same information;**
- 4) **placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;**
- 5) **placement of a note on the final plat stating that any lots developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations; and,**
- 6) **submission of a letter from a licensed engineer certifying compliance with the City of Mobile's stormwater and flood control ordinances to the Mobile County Engineering department and the Planning Section of Mobile Urban Development prior to issuance of any permits.**

The motion carried unanimously.

Case #SUB2008-00140

Grider-Eddins Subdivision

8840 Eastwood Drive
North side of Eastwood Drive at its East terminus
Number of Lots / Acres: 2 Lots / 25.0± Acres
Engineer / Surveyor: Polysurveying Engineering-Land Surveying
County

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The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. DeMouy, to waive Sections V.D.1 and V.D.3 of the Subdivision Regulations and approve the above referenced subdivision, subject to the following conditions:

- 1) **placement of a note on the final plat stating that each lot is limited to one curb cut to Eastwood Drive, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 2) **illustration of the 25' minimum building setback line along the front (South) line of each lot;**
- 3) **labeling of each lot with its size in square feet and acres, or the furnishing of a table on the final plat providing the same information;**
- 4) **placement of a note on the final plat stating that if the Chickasaw Creek Watershed contains a public drinking water source, compliance with amended Section V.A.5. of the Subdivision Regulations would apply;**
- 5) **placement of a note on the final plat stating that the approval of all applicable Federal, state, and local agencies would be required prior to the issuance of any permits or land disturbance activities;**
- 6) **placement of a note on the final plat stating development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and,**
- 7) **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 #SUB2008-00142

Coles Addition to Kingswood Subdivision, Re-subdivision of Lots 3 & 4

4586 Hawthorne Place

Northeast corner of Hawthorne Place and Hawthorne Place North

Number of Lots / Acres: 2 Lots / 0.6± Acre

Engineer / Surveyor: Polysurveying Engineering-Land Surveying

Council District 5

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

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Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. DeMouy, to approve the above referenced subdivision, subject to the following conditions:

- 1) **placement of a note on the final plat stating that each lot is limited to one curb cut, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **revision of the plat to indicate the 8' right side yard setback on Lot 3 following the revised lot line;**
- 3) **revision of the plat to indicate the 12' left side yard setback on Lot 4 following the revised lot line;**
- 4) **revision of the plat to label each lot with its revised area in square feet, or the provision of a table on the final plat depicting the same information;**
- 5) **placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and,**
- 6) **subject to City Engineering comments: *(Must comply with all stormwater and flood control ordinances. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit).***

The motion carried unanimously.

Case #SUB2008-00136

Todd Acres Subdivision, Unit Six, Re-subdivision of Lots 5 & 6

5309 Worth Drive

North terminus of Worth Drive

Number of Lots / Acres: 3 Lots / 1.4± Acres

Engineer / Surveyor: Polysurveying Engineering-Land Surveying

Council District 4

Matt Orrell, Polysurveying of Mobile, spoke on behalf of the applicant, requesting that condition 1 be removed since it is not practical as the road is pre-existing.

Mr. Olsen agreed with the removal of condition 1, saying the 120 foot of right-of-way was based upon the new Fire Department regulations, but with the road already in existence in would be rather difficult to impose that now.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Holmes, to approve the above referenced re-subdivision, subject to the following conditions:

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- 1) **placement of a note on the final plat stating that each lot is limited to one curb cut, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **revision of the minimum building setback line for each lot to comply with Section V.D.2. of the Subdivision Regulations;**
- 3) **labeling of each lot with its size in square feet, or the provision of a table on the final plat with the same information;**
- 4) **the approval of all applicable federal, state, and local environmental agencies prior to the issuance of any permits or land disturbance activities;**
- 5) **placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and,**
- 6) **subject to City Engineering comments: (*Show Minimum FFE on plans and plat for all lots located within the X-Shaded and AE Flood Zones. Must comply with all stormwater and flood control ordinances. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit.*)**

The motion carried unanimously.

Case #SUB2008-00144

Hatcher-Smith Subdivision

7031, 7049 and 7075 Swedetown Road

East side of Swedetown Road, 225'± South of Swedetown Road North, extending to the South side of Swedetown Road North, 175'± East of Swedetown Road

Number of Lots / Acres: 4 Lots / 4.0± Acres

Engineer / Surveyor: Polysurveying Engineering- Land Surveying
County

Matt Orrell, Polysurveying of Mobile, spoke on behalf of the applicant and asked that the matter be held over.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the July 24, 2008, meeting, at the applicant's request.

The motion carried unanimously.

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Case #SUB2008-00134

Clewis Addition to Firetower Road Subdivision

2751 Firetower Road

West side of Firetower Road, 790'± South of Graystone Drive

Number of Lots / Acres: 60 Lots / 28.3± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

The following people spoke in favor of the proposed subdivision:

- Jim Clewis, owner/applicant, 2751 Firetower Road; and,
- Doug Ferguson, co-developer, 2701 Firetower Road.

They stated the following:

- A. proposal is a private, gated, patio home community with a targeted market of individuals in their 50's;
- B. though proposed a public street, no problem making it private, as they are trying to attract homeowners who would not be interested in living along a street that had "through traffic";
- C. required traffic study unnecessary due to the small size (60 lots) of the proposed subdivision; and,
- D. street stubs would detract from the character of the subdivision, as well as provide access to the much larger Hopkinton Estates.

The Chair noted that if the proposed subdivision was to be gated, the street must be private, however, if the applicant chose to keep the street as public, the recommendations would remain as stated.

Mr. Olsen agreed and added that the matter appeared to need to be held over as the information being presented required the staff's review to assure an accurate report to the Planning Commission.

Mr. Watkins stated he felt that it would be in the applicant's best interest to follow Mr. Olsen's recommendation to hold the matter over, rather than try to go through the process of having the matter approved or not simply based on the comments made that day.

Mr. Davitt asked why, with the subdivision proposed at only 60 lots, a traffic study was being requested.

Mr. Olsen stated that threshold was recommended by Traffic Engineering and clarified that the study would only be required when a preliminary application was submitted for a subdivision to connect to the applicant's proposed subdivision.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with

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second by Mr. Watkins, to hold the matter over until the August 7, 2008, meeting, to allow the applicant to more accurately define the type of proposed development (private street or public street), with information to be provided to staff by July 18, 2008.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2008-01594

Cottage Hill Baptist Church

4255 Cottage Hill Road

Southeast corner of Cottage Hill Road and Demetropolis Road, extending Southward to Thigpen Drive South

Request to waive construction of a sidewalk along Cottage Hill Road.

Council District 4

(Also see **Case #ZON2008-01595 Cottage Hill Baptist Church**, below)

Mike Breland, Cottage Hill Baptist Church, stated the church was trying to complete the requirements of their subdivision development from 2005. After contractors were unable to give the church a clear statement on how the sidewalks had to be constructed based upon City of Mobile requirements, the church hired Rester and Coleman Engineers, Inc., City Engineering recommended waiving the sidewalk along Demetropolis Road, as there was no curb and gutter, and there were open storm inlets located there. He added that no one could come to an agreement regarding the matter, including City Right-of-Way and City Engineering.

Mr. Olsen noted that City Engineering department did recommend that the waiver be approved. The staff took the position that the Engineering department had previously recommended that the sidewalk could be constructed, however, the Planning staff had not been included in any of the since then. He added that he would like to see staff included in a discussion regarding the sidewalks with City Engineering and Right-of-Way, especially with regard to the Cottage Hill Road location.

Mr. Watkins asked Mr. Olsen to clarify the difference in the two applications before the Commission that day. He was advised that one application was for the frontage along Cottage Hill Road from the corner of Demetropolis Road going east to the end of the church's property and that the other was Demetropolis Road frontage from the corner of Cottage Hill Road going south to South Thigpin Drive.

Mr. Holmes asked if the matter were to be held over, would it put any time constraints on the matter.

Mr. Olsen stated that if the Commission were to choose to hold the matter over, the staff would recommend the August 7, 2008, meeting, which was acceptable to the applicant.

Hearing no opposition or further discussion, a motion was made by Mr. Holmes, with

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second by Mr. Davitt, to hold the matter over until the August 7, 2008, meeting to allow coordination between Planning staff, Engineering staff and ROW staff.

The motion carried unanimously.

Case #ZON2008-01595

Cottage Hill Baptist Church

4255 Cottage Hill Road

Southeast corner of Cottage Hill Road and Demetropolis Road, extending Southward to Thigpen Drive South

Request to waive construction of a sidewalk along Demetropolis Road.

Council District 4

(Also see **Case #ZON2008-01594 Cottage Hill Baptist Church**, above)

(See for **Case #ZON2008-01594 Cottage Hill Baptist Church** discussion)

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Turner, to hold the matter over until the August 7, 2008, meeting to allow coordination between Planning staff, Engineering staff and ROW staff.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2008-01592

D S Waters of America d/b/a Kentwood Springs

4181 Alden Drive

South side of Alden Drive, 215'± East of McCurry Lane

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

Council District 4

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. DeMouy, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) **provision of trees and landscaping, as required by Section 64-4.E.3.a. of the Zoning Ordinance;**
- 2) **dumpster screened from view;**
- 3) **submission of a revised site plan to the Planning Department of Urban Development prior to the issuance of any permits;**
- 4) **subject to City Engineering comments: (*Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit*); and,**

- 5) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

GROUP APPLICATIONS:

**Case #SUB2008-00135 (Subdivision)
Hillcrest Commons Subdivision, Phase Two,
Re-subdivision of and Addition to Lot 1**

South side of Chandler Street, 85'± East of Hillcrest Road, extending to the North side of Johnston Lane, 150'± West of Dickenson Avenue, and extending to the West terminus of Duncan Street

Number of Lots / Acres: 1 Lot / 4.5± Acres

Engineer / Surveyor: Rester & Coleman Engineers, Inc.

Council District 6

(Also see **Case #ZON2008-01591 (Planned Unit Development) Hillcrest Commons Subdivision, Phase Two, Re-subdivision of and Addition to Lot 1**, below)

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Davitt, to approve the above referenced subdivision, subject to the following conditions:

- 1) labeling of each lot size in square feet;
- 2) depiction of the 25' minimum building setback line;
- 3) placement of a note on the final plat stating that the lot is limited to one curb-cut onto Chandler Street, with the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards;
- 4) placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;
- 5) provide revised PUD site plan prior to signing final plat;
- 6) full compliance with all other municipal codes and ordinances;
and,
- 7) completion of subdivision process prior to request for permits.

The motion carried unanimously.

**Case #ZON2008-01591 (Planned Unit Development)
Hillcrest Commons Subdivision, Phase Two,
Re-subdivision of and Addition to Lot 1**

Northeast corner of Hillcrest Road and Johnston Lane, extending to the South side of Chandler Street, 85'± East of Hillcrest Road, and extending to the West terminus of Duncan Street

Planned Unit Development Approval to allow two buildings on a single building site and shared access between building sites

Council District 6

(Also see Case #SUB2008-00135 (Subdivision) Hillcrest Commons Subdivision, Phase Two, Re-subdivision of and Addition to Lot 1, above)

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Davitt, to approve the above referenced subdivision, subject to the following conditions:

- 1) **placement of a note on the site plan to show provision of a protection buffer on the East side of the property adjacent to the proposed parking area, in compliance with Section 64-4.D. of the Zoning Ordinance, to include a 6-foot high privacy fence (except within the street setback area) and a 10-foot wide vegetative buffer;**
- 2) **depiction of the required screening of the parking area from adjacent residential uses, even if across the street, in conformance with section 64-6.A.3.i. of the Zoning Ordinance;**
- 3) **placement of a note on the site plan stating that provision of required parking lot lighting will be in conformance with Section 64-6.A.3.c. of the Zoning Ordinance, to ensure that lighting does not shine onto adjacent residential uses or into traffic (recommended use of shielded or full cut-off fixtures, and control of lighting so that they do not operate after the business is closed for the day);**
- 4) **labeling of all common areas, dumpster locations, outbuildings, generators, etc;**
- 5) **labeling of the total number of parking spaces, building area and footprint in square feet by lot, as well as provide the lot size in square feet; and,**
- 6) **provide revised PUD site plan prior to signing of final plat.**

The motion carried unanimously.

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Case #SUB2008-00143 (Subdivision)

APUMC Subdivision

5, 7 and 15 Wisteria Avenue, 2315 Old Shell Road, 2312, and 2314 Dauphin Street
Southwest corner of Old Shell Road and Wisteria Avenue, extending to the North side of
Dauphin Street, 160'± West of Wisteria Avenue, and 380'± West of Wisteria Avenue

Number of Lots / Acres: 3 Lots / 4.6± Acres

Engineer / Surveyor: Wattier Surveying, Inc.

Council District 1

(Also see **Case #ZON2008-01590 (Planned Unit Development) APUMC Subdivision**,
and, **Case #ZON2008-01593 (Planning Approval) APUMC Subdivision**, below)

Mr. Watkins recused himself from discussion and voting on the matter.

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

The following people spoke in opposition:

- Ann Jerningan, 2302 Dauphin Street;
- Pete Buchanan, 8 Wisteria Avenue;
- Douglas Kearley, 10 Wisteria Avenue; and,
- H. W. Merritt, 2316 Dauphin Street.

They made the following points:

- A. concern that the church plans to demolish the 2 houses on the west side of Wisteria Avenue without information about future plans and the impact on the residential character of the neighborhood;
- B. unhappy with the maintenance of the houses in question;
- C. in 2006, the staff recommended that the houses in question remain, however, that recommendation is now missing from the report;
- D. concern that the church has really not been very communicative with neighbors regarding plans for development on their campus; and,
- E. concern about drainage and ponding on neighboring lots.

Mr. Olsen responded by saying:

- A. the plan stated only the possibility of demolishing the houses in question some time in the future;
- B. the change in the staff's opinion from 2006 was related to the fact that at that point there were plans that would impact those houses with development on that side of the street, whereas, now there is not even a definitive plan for demolition of them; and,
- C. any development that effects drainage in the area must comply with the City's drainage ordinance.

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Mr. Davitt stated the church would have to put in a buffer of some type between their property and the adjacent residential properties.

Mr. Holmes asked if there would be some way to request they submit a usage plan for that area, prior to demolishing the houses in question and was advised yes.

Bob Sharp, church trustee and chairman of Ashland Place United Methodist Church's building committee, said the church had no objections to the comments made, but did feel the church had communicated with its neighbors effectively.

The Chair asked about the condition of the two houses in question.

Mr. Sharp advised that there were no plans for the two vacant houses, but demolition was an option, however, there was no need for a building in that area, as originally intended.

The Chair asked if the city had standards regarding the state in which houses must be kept and Mr. Olsen advised there were, but was not sure the two houses would fall under those. Mr. Olsen advised that if the houses were in such a negative state, the neighbors should call Mobile 311 and file a complaint so the Safety unit could investigate.

Mr. Turner agreed with Mr. Holmes in his his desire to see a requirement that the church submit plans for the proposed use of the area currently occupied by the two houses in question prior to the church removing them.

Hearing no further opposition or discussion, a motion was made by Mr. Holmes, with second by Mr. Turner, to approve the above referenced subdivision, subject to the following conditions:

- 1) placement of a note on the final plat stating that Lot 1 is limited to one curb-cut to each road frontage (Old Shell Road, Wisteria Avenue, and Dauphin Street), with other curb-cuts to be removed and landscaped to match existing (with appropriate permits), and that Lots 2 and 3 are limited to one existing curb-cut each, with the size, location and design of all curb-cuts to conform to AASHTO standards and to be approved by the Traffic Engineering Department;**
- 2) provision of a buffer in compliance with Section V.A.7. of the Subdivision Regulations, where Lot 1 abuts residential uses;**
- 3) depiction and labeling of the 25-foot minimum building setback line from Old Shell Road and Wisteria Avenue, and depiction and labeling of the minimum building setback line along Dauphin Street so that it is 75-feet from the centerline;**
- 4) compliance with Engineering comments: *(Must comply with all stormwater and flood control ordinances. Cannot concentrate stormwater runoff to an adjacent property without a release***

agreement, a private drainage easement or providing detention for a 100 year storm event with a two year release rate per the revised COM Stormwater Ordinance. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit. Need to verify that there is sufficient capacity for the receiving drainage system(s) to accept drainage from this property.);

- 5) revision of the plat to depict correct street names;
- 6) placement of a note on the plat stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and
- 7) provision of a revised Planning Approval and PUD site plan (one copy of each) prior to the signing of the final plat.

The motion carried unanimously.

Case #ZON2008-01590 (Planned Unit Development)

APUMC Subdivision

5, 7 and 15 Wisteria Avenue, and 2315 Old Shell Road.

Southwest corner of Old Shell Road and Wisteria Avenue, extending to the North side of Dauphin Street, 160'± West of Wisteria Avenue

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow the expansion of an existing church to include church office parking and expanded green space.

Council District 1

(Also see **Case #SUB2008-00143 (Subdivision) APUMC Subdivision**, above, and, **Case #ZON2008-01593 (Planning Approval) APUMC Subdivision**, below)

(See **Case #SUB2008-00143 (Subdivision) APUMC Subdivision** above for discussion)

Mr. Watkins recused himself from discussion and voting on the matter.

Hearing no further opposition or discussion, a motion was made by Mr. Holmes, with second by Mr. Turner, to approve the above referenced subdivision, subject to the following conditions:

- 1) limited to the site plan submitted, and the following revisions;
- 2) provision, depiction and labeling of a 6-foot high wooden privacy fence where the site abuts residential uses, with appropriate permits;
- 3) Lot 1 is limited to one curb-cut to each road frontage (Old Shell Road, Wisteria Avenue, and Dauphin Street), with other curb-cuts to be removed and landscaped to match existing (with appropriate permits);
- 4) Submission and approval of Planning Approval and Planned

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- Unit Development Approval applications PRIOR to demolition of any of the two residential structures, plan to illustrate immediate planned use;
- 5) compliance with Engineering comments: *(Must comply with all stormwater and flood control ordinances. Cannot concentrate stormwater runoff to an adjacent property without a release agreement, a private drainage easement or providing detention for a 100 year storm event with a two year release rate per the revised COM Stormwater Ordinance. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit. Need to verify that there is sufficient capacity for the receiving drainage system(s) to accept drainage from this property.)*;
 - 6) compliance with Urban Forestry comments *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64))*;
 - 7) depiction and labeling of the 25-foot minimum building setback line along the Old Shell Road and Wisteria Avenue frontages, and depiction of the setback line as 75-feet from the centerline along the Dauphin Street frontage;
 - 8) revision of the site plan to depict correct street names;
 - 9) provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the Subdivision plat;
 - 10) completion of the Subdivision process prior to any future applications to the Planning Commission; and,
 - 11) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2008-01593 (Planning Approval)

APUMC Subdivision

5, 7 and 15 Wisteria Avenue, and 2315 Old Shell Road.

Southwest corner of Old Shell Road and Wisteria Avenue, extending to the North side of Dauphin Street, 160'± West of Wisteria Avenue

Planning Approval to amend a previously approved Planning Approval to allow expanded parking and green space for an existing church in an R-1, Single-Family Residential District

Council District 1

(Also see Case #SUB2008-00143 (Subdivision) **APUMC Subdivision**, and, Case #ZON2008-01590 (Planned Unit Development) **APUMC Subdivision**, above)

(See Case #SUB2008-00143 (Subdivision) **APUMC Subdivision** above for discussion)

Mr. Watkins recused himself from discussion and voting on the matter.

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Hearing no further opposition or discussion, a motion was made by Mr. Holmes, with second by Mr. Turner, to approve the above referenced subdivision, subject to the following conditions:

- 1) limited to the site plan submitted, and the following revisions;**
- 2) provision, depiction and labeling of a 6-foot high wooden privacy fence where the site abuts residential uses, with appropriate permits;**
- 3) Lot 1 is limited to one curb-cut to each road frontage (Old Shell Road, Wisteria Avenue, and Dauphin Street), with other curb-cuts to be removed and landscaped to match existing (with appropriate permits);**
- 4) Submission and approval of Planning Approval and Planned Unit Development Approval applications PRIOR to demolition of any of the two residential structures, plan to illustrate immediate planned use;**
- 5) compliance with Engineering comments: *(Must comply with all stormwater and flood control ordinances. Cannot concentrate stormwater runoff to an adjacent property without a release agreement, a private drainage easement or providing detention for a 100 year storm event with a two year release rate per the revised COM Stormwater Ordinance. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit. Need to verify that there is sufficient capacity for the receiving drainage system(s) to accept drainage from this property.)*;**
- 6) compliance with Urban Forestry comments: *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64))*;**
- 7) depiction and labeling of the 25-foot minimum building setback line along the Old Shell Road and Wisteria Avenue frontages, and depiction of the setback line as 75-feet from the centerline along the Dauphin Street frontage;**
- 8) revision of the site plan to depict correct street names;**
- 9) provision of a revised Planning Approval site plan to the Planning Section of Urban Development prior to the signing of the Subdivision plat;**
- 10) completion of the Subdivision process prior to any future applications to the Planning Commission; and,**
- 11) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

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Case #SUB2008-00141 (Subdivision)

Mobile Christian Subdivision

5900, 5910 and 5916 Cottage Hill Road

North side of Cottage Hill Road, 230' ± West of Freemont Drive West

Number of Lots / Acres: 1 Lot / 15.4± Acres

Engineer / Surveyor: Frank A. Dagley & Associates, Inc.

Council District 6

(Also see **Case #ZON2008-01588 (Planned Unit Development) Mobile Christian Subdivision**, and, **Case #ZON2008-01589 (Planning Approval) Mobile Christian Subdivision**, below)

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Mr. Davitt stated the staff had recommended that the site be limited to its pre-existing curb cuts onto Cottage Hill Road, but questioned the status of the ingress/egress on the west side of the property, as he had seen it used a great deal. He stated that he wanted the requirements to include barricading of that dirt access way.

Mr. Watkins asked Mr. Lawler if there would be issues with adding that requirement during deliberation, as the applicant had only agreed to the previously stated requirements.

The Chair asked the applicant's representative, Mark Irwin, Mobile Christian School Board of Trustees, if the school would be agreeable to the new requirement.

Mr. Irwin acknowledged the drive and the need for follow-up regarding the status. He said it was used to help those wishing to make a west bound turn onto Cottage Hill Road do so safely and eased traffic exiting the school, especially in the mornings.

Mr. Olsen stated it was a 4th curb cut and that being limited to 3 curb cuts had been consistent on approvals for Mobile Christian School applications. He went on to state the drive, regardless of its status, is not reflected on the site plan submitted with the application.

Mr. Irwin said that if the condition to discontinue its use until it could be otherwise approved is part of approval of the applications before the Commission that day, the school would much rather follow that, than have the matter denied or held over.

Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Turner, to approve the above referenced subdivision, subject to the following conditions:

- 1) **the placement of a note on the Final Plat limiting the site to the three existing curb cuts to Cottage Hill Road; and**
- 2) **the placement of a note on the Final Plat stating that any more**

development to the campus would require a Traffic Impact Study.

The motion carried unanimously.

Case #ZON2008-01588 (Planned Unit Development)

Mobile Christian Subdivision

5900, 5910 and 5916 Cottage Hill Road

North side of Cottage Hill Road, 230' ± West of Freemont Drive West

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow an athletic field bleachers expansion and a new press box, and to allow multiple buildings on a single building site

Council District 6

(Also see **Case #SUB2008-00141 (Subdivision) Mobile Christian Subdivision**, above, and, **Case #ZON2008-01589 (Planning Approval) Mobile Christian Subdivision**, below)

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Turner, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) submission of individual applications for each project (other than those involved in this amended application), providing detailed information with regard to the numbers of classrooms involved, number of parking spaces provided, and detailed information on the location of proposed improvements;**
- 2) property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64);**
- 3) full compliance with the landscaping and tree planting requirements of the Ordinance for the entire campus, to be coordinated with and approved by Urban Forestry;**
- 4) the provision of a 10-foot vegetative buffer to be included with the minimum buffer requirements of the Ordinance;**
- 5) full compliance with the parking requirements of the Zoning Ordinance for the bleacher expansion;**
- 6) the placement of a note on the Site Plan stating that any more development to the campus would require a Traffic Impact Study; and,**
- 7) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2008-01589 (Planning Approval)

Mobile Christian Subdivision

5900, 5910 and 5916 Cottage Hill Road

North side of Cottage Hill Road, 230'± West of Freemont Drive West

Planning Approval to amend a previously approved Planning Approval to allow bleachers expansion, a new press box, and expanded parking facilities, and add a classroom building and a sanctuary to an existing church school in an R-1, Single-Family Residential District

Council District 6

(Also see Case #SUB2008-00141 (Subdivision) **Mobile Christian Subdivision**, and, Case #ZON2008-01588 (Planned Unit Development) **Mobile Christian Subdivision**, above)

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Turner, to approve the above referenced Planning Approval, subject to the following conditions:

- 1) **submission of individual applications for each project (other than those involved in this amended application), providing detailed information with regard to the numbers of classrooms involved, number of parking spaces provided, and detailed information on the location of proposed improvements;**
- 2) **property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64);**
- 3) **full compliance with the landscaping and tree planting requirements of the Ordinance for the entire campus, to be coordinated with and approved by Urban Forestry;**
- 4) **the provision of a 10-foot vegetative buffer to be included with the minimum buffer requirements of the Ordinance;**
- 5) **full compliance with the parking requirements of the Zoning Ordinance for the bleacher expansion;**
- 6) **the placement of a note on the Site Plan stating that any more development to the campus would require a Traffic Impact Study; and,**
- 7) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

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Case #SUB2008-00137 (Subdivision)

Overlook Apartments Subdivision

1408 Cody Road North

Southeast corner of Cody Road North and Overlook Road, extending to the North side of Victor Road, 630'± East of Cody Road North

Number of Lots / Acres: 1 Lot / 17.1± Acres

Engineer / Surveyor: Polysurveying Engineering-Land Surveying

Council District 7

(Also see **Case#ZON2008-01586 (Planned Unit Development) Overlook Apartments Subdivision**, and, **Case #ZON2008-01585 (Rezoning) International Service Group, Inc.**, below)

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

The following people spoke in opposition to the proposed development:

- Gerald Jones, 7015 Victor Road;
- Linda Litton, 1306 North Cody Road; and,
- Angela Blakely-Douglas, 1255 Cody Road North.

They made the following statements:

- A. inquired about what traffic impact studies concerning the intersections involved;
- B. inquired about measures to prevent flooding in the already flood prone area;
- C. a 6 foot wooden fence would not be appropriate and asked that it be required to be higher and of a more durable material; and,
- D. concern over how an apartment complex would effect homeowners in the area.

Mr. Watkins asked what buffers would be required and what options are available.

Mr. Olsen responded to all by saying:

- A. access to the property is near the south end of the property, not at the intersection, with no access proposed to Victor Road;
- B. a buffer will be required where adjacent to residential property;
- C. any traffic impact study requirement would come from Traffic Engineering prior to the issuance of any permits;
- D. a buffer would be required between residential and the parking, which is a 5 foot fence with a 5 foot setback, and the applicant is proposing a privacy fence in that location;
- E. Cody Road is a major street, but it only has 80 feet of right-of-way, therefor dedication sufficient enough to provide 50 foot from

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- center line would be required; and,
- F. if the fence were to become dilapidated, a complaint should be filed with 311, and an inspector will investigate and will notify the property owner if any issues and require compliance.

Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Watkins, to approve the above referenced subdivision, subject to the following conditions:

- 1) the submission and approval of a Traffic Impact Study (TIS) by Urban Development and Traffic Engineering prior to the sign of the Final Plat;**
- 2) dedication of sufficient right-of-way to provide a minimum of 50' from centerline of Cody Road;**
- 3) placement of a note on the final plat stating that the lot is limited to one, curb-cut onto Cody Road North, with the size, design, and location to be approved by Traffic Engineering, and in conformance with AASHTO standards; and,**
- 4) revision of the Final Plat to label the lot with its size in square feet.**

The motion carried unanimously.

Case#ZON2008-01586 (Planned Unit Development)

Overlook Apartments Subdivision

1408 Cody Road North

Southeast corner of Cody Road North and Overlook Road, extending to the North side of Victor Road, 630' ± East of Cody Road North

Planned Unit Development Approval to allow eleven buildings, with a total of 240 apartments, and a clubhouse building on a single building site.

Council District 7

(Also see **Case #SUB2008-00137 (Subdivision) Overlook Apartments Subdivision**, above, and **Case #ZON2008-01585 (Rezoning) International Service Group, Inc.**, below)

(See **Case #SUB2008-00137 (Subdivision) Overlook Apartments Subdivision** above for discussion)

Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Watkins, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) placement of a note on the site plan stating that PUD approval is site plan specific, and that any changes to the site plan, will require a new application to the Planning Commission;**
- 2) revision of the site plan to depict parking area buffering as an 8-foot high wooden privacy fence;**

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- 3) revision of the site plan to place the requirements of Section 64-6.A.3.c., *Lighting*, as a note on the site plan: *“If parking areas contain ten (10) or more cars, lighting shall be provided and maintained during their operation, and shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic.”*
- 4) revision of the site plan to depict compliance with the tree and landscaping requirements of the Zoning Ordinance;
- 5) revision of the site plan to depict a stormwater detention area for the proposed parking area, if required; and,
- 6) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2008-01585 (Rezoning)

International Service Group, Inc.

1408 Cody Road North

(Southeast corner of Cody Road North and Overlook Road, extending to the North side of Victor Road, 630'± East of Cody Road North).

Rezoning from R-1, Single-Family Residential District, and B-2, Neighborhood Business District, to R-3, Multiple-Family Residential District, to allow a residential apartment complex.

Council District 7

(Also see Case #SUB2008-00137 (Subdivision) **Overlook Apartments Subdivision**, and, Case#ZON2008-01586 (Planned Unit Development) **Overlook Apartments Subdivision**, above)

(See Case #SUB2008-00137 (Subdivision) **Overlook Apartments Subdivision** above for discussion)

Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Watkins, to approve the above referenced requested rezoning, subject to the following conditions:

- 1) **dedication of sufficient right-of-way to provide a minimum of 50' from centerline of Cody Road;**
- 2) **the provision of an 8-foot high wooden privacy fence, where the site abuts R-1, Single-Family Residential; and,**
- 3) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

OTHER BUSINESS:

The Chair announced the need to approve the Planning Commission's meeting schedule upcoming year.

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A motion was made by Mr. Turner, with second by Mr. Davitt, to approve the 2008-2009 Planning Commission meeting schedule.

The motion carried unanimously.

Hearing no further business, the meeting was adjourned.

APPROVED: July 16, 2009

William G. DeMouy, Jr., Secretary

Terry Plauche, Chairman.

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