

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF AUGUST 7, 2008 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
James Watkins, III
William DeMouy, Secretary
Stephen Davitt
Mead Miller
Victoria L. Rivizzigno
John Vallas

Members Absent

Clinton Johnson
Debra Butler
Nicholas Holmes, III
Roosevelt Turner

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 #SUB2008-00123 (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, and Rev. Michael Thomas, director of Elijah House, spoke on behalf of the applicant and requested withdrawal of the application.

Mr. Olsen advised that as the matter had been before the Board of Zoning Adjustment on August 4, 2008, and had failed for want of applicant support, the developers would have

August 7, 2008
PLANNING COMMISSION MEETING

to wait 6 months for the matter to be heard again by that Board for the variances necessary for this matter.

Mr. Watkins asked if approval of the 3 applications could be made subject to their obtaining the variance, or was it possible to do some of what they wanted with only approvals from the Commission.

Mr. Olsen stated the applications were recommended for denial as they had not provided the necessary, requested information, but if the Commission chose to approve the matters, it would have to be subject to variances by the Board of Zoning Adjustment.

Mr. Patrick advised that the applicant was in negotiations regarding getting additional parking, and if that were to happen, the variance would not be needed.

Mr. Olsen advised that should they get additional parking, then the Planning Approval and the Planning Unit Development applications before the Commission that day would no longer be valid as they are site plan specific.

After hearing this, the applicant restated that the application be withdrawn.

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)

(See **Case #SUB2008-00123 (Subdivision) Elijah House Subdivision** for discussion)

Ricky Patrick, Patrick Land Surveying, spoke on behalf of the applicant and withdrew the application.

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)

(See **Case #SUB2008-00123 (Subdivision) Elijah House Subdivision** for discussion)

Ricky Patrick, Patrick Land Surveying, spoke on behalf of the applicant, and withdrew the application.

Case #SUB2008-00134 (Subdivision)
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 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) **the placement of a note on the Final Plat stating that all corner lots are limited to one curb cut each, with the size, design, and location to be approved by County Engineering and conform to AASHTO standards;**
- 2) **the placement of a note on the Final Plat stating that direct access to Firetower Road from Lots 1 & 60 is denied;**
- 3) **the labeling of all common areas and the placement of a note on the Final Plat stating that maintenance of common areas will be property owners' responsibility;**
- 4) **the placement of a note on the Final Plat stating that any lots that are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations;**
- 5) **labeling of each lot with its size in square feet, or the provision of a table depicting the same information;**
- 6) **the provision of a Traffic Impact Study (TIS) simultaneously with any application for Tentative Approval of a subdivision of the property to the South (or any other subdivision which would access this subdivision);**
- 7) **the placement of a note on the final 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 a letter 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 signing of the final plat. Certification is to be submitted to the Planning Section of Urban Development and County Engineering; and,**

August 7, 2008
PLANNING COMMISSION MEETING

- 8) certification via placement of a note on the plat stating that the property owner/developer will comply with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected flora and fauna.

The motion carried unanimously.

Case #ZON2008-01594 (Sidewalk Waiver)

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 (Sidewalk Waiver) Cottage Hill Baptist Church**, below)

Mike Breland, Cottage Hill Baptist Church, 4255 Cottage Hill Road, asked why this application was recommended for denial but **Case #ZON2008-01595 (Sidewalk Waiver) Cottage Hill Baptist Church** was recommended for approval along the southern half as the same scenarios exist in both places.

John Forrester, Traffic Engineering, stated it was due to the fact there were physical impediments (i.e. a power pole and a heritage, live oak) to the sidewalk being constructed in the case of the recommended waiver approval.

Mr. Breland also asked for recommendation from the City on the best way to build the required sidewalk as no private engineer had been able to supply him with that information.

Mr. Forrester advised Mr. Breland that his department would be happy to consult with him on the matter.

Mr. Olsen advised the Commission that on the lower section of the property along Demetropolis Road from north of the church's driveway up to Cottage Hill Road and across the entire frontage the sidewalk can physically be constructed so the staff stands by that recommendation.

Mr. Davitt believed that the applicant's concerns regarding the sidewalk were with it being in the right-of-way, on city property, and the sidewalk's interference with existing signage.

Mr. Olsen stated the sign in question was located in a "little island" located on the church's property so it would not be an issue.

August 7, 2008
PLANNING COMMISSION MEETING

Hearing no further opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. DeMouy, to deny the requested sidewalk waiver.

The motion carried with only Mr. Davitt voting in favor of the sidewalk waiver.

Case #ZON2008-01595 (Sidewalk Waiver)

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 (Sidewalk Waiver) Cottage Hill Baptist Church**, above)

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

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Mr. Davitt, to approve the requested sidewalk waiver along the Southern half (between Thigpen Drive South and the driveway entrance from Demetropolis Road) of Demetropolis Road only.

The motion carried unanimously.

EXTENSIONS:

Case #SUB2007-00090 (Subdivision)

WMSHC Subdivision

227 Hillcrest Road

East side of Hillcrest Road, 625'± South of Cedar Bend Court

Number of Lots / Acres: 1 Lot / 1.6+ Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

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.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to approve the above referenced extension and that the applicant be advised that future extensions will be unlikely.

The motion carried unanimously.

August 7, 2008
PLANNING COMMISSION MEETING

Case #SUB2007-00109 (Subdivision)

Oyler Court Subdivision

East side of Oyler Road, 1000'± South of Jeff Hamilton Road
Number of Lots / Acres: 2 Lots / 20.0± 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. Plauche, with second by Mr. DeMouy, to approve the above referenced extension.

The motion carried unanimously.

Case #SUB2007-00162 (Subdivision)

Saddlebrook Subdivision, Unit Five

West side of Saddlebrook Drive West, 660'± North of Saddlebrook Drive
Number of Lots / Acres: 32 Lots / 53.1± Acres
Engineer / Surveyor: Polysurveying Engineering-Land Surveying
County

Vince LaCoste, Polysurveying of Mobile, spoke on behalf of the applicant, stating the staff report said construction had not yet begun, however, it had and they were paving that very day. He then requested that the condition regarding all of the cul-de-sacs being modified to reflect a 120' right-of-way radius diameter per the 2003 International Fire Code not be required for approval.

Mr. Olsen stated the staff was not provided with that information, however, as this was the case, the staff would have not problem with removing that condition.

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

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2008-00156

Moffett Square Subdivision

3351 Moffett Road
Southwest corner of Moffett Road and Smith Street
Number of Lots / Acres: 1 Lot / 0.3± Acre
Engineer / Surveyor: Speaks & Associates Consulting Engineers, Inc.
Council District 1

August 7, 2008
PLANNING COMMISSION MEETING

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 further discussion, a motion was made by Mr. Davitt, with second by Dr. Rivizzigno, to approve the above referenced subdivision, subject to the following conditions:

- 1) **dedication of sufficient right-of-way to provided 25' as measured from the centerline of Smith Street;**
- 2) **dedication of sufficient right-of-way to provided a 25' radius curve at the Southwest corner of Moffett Road and Smith Street;**
- 3) **placement of a note on the final plat stating that the lot is limited to one curb cut to Moffett Road, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) **illustration of the 25' minimum building setback line as measured from the current Moffett Road right-of-way and from the dedicated right-of-way along the corner radius and Smith Street;**
- 5) **labeling of the lot with its size in square feet, or the furnishing of a table on the final plat providing the same information;**
- 6) **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,**
- 7) **subject to the 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. Need to verify that there is sufficient capacity for the receiving drainage system(s) to accept drainage from this property).***

The motion carried unanimously.

Case #SUB2008-00163
Edgewood Park Subdivision, Block B, Re-subdivision of Lot 2
2218 Dauphin Island Parkway
Northwest corner of Dauphin Island Parkway and Ellen Drive
Number of Lots / Acres: 1 Lot / 0.3± Acre
Engineer / Surveyor: Byrd Surveying, Inc.
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.

Jerry Byrd, Byrd Surveying, Inc., spoke on behalf of the applicant, requesting that the

August 7, 2008
PLANNING COMMISSION MEETING

matter be heard that day and gave the following reasons:

- A. the slab and portable building seen on the site by the staff were not permanent and should only remain for an additional 12 months, as it purges ground water; and,
- B. site development is for a package unit that makes and sells ice.

Mr. Olsen stated the staff had received the material requested, and if the Commission wished to approve the matter that day, the staff had conditions ready for their consideration.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Dr. Rivizzigno, to hold the matter over until the September 4, 2008, meeting, with revisions due by August 15, 2008, to allow the applicant to submit the following:

- 1) **submittal of a revised plat to show all existing structures and paved areas that will remain, along with the proposed structure, proposed parking area, and curb-cut improvements, with all the proper dimensions and setbacks depicted;**
- 2) **placement of a note on the plat stating that the existing groundwater purging structure will be removed within 12 months; and,**
- 3) **revision of the plat to show a 25' minimum building setback line from all street frontages.**

The motion carried unanimously.

Case #SUB2008-00155

Scott's Place Subdivision

1250 and 1252 Partridge Street
Southwest corner of Plover Street and Partridge Street
Number of Lots / Acres: 2 Lots / 0.2± Acre
Engineer / Surveyor: Byrd Surveying, Inc.
Council District 3

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 Dr. Rivizzigno, with second by Mr. Vallas, to approve the above referenced subdivision, subject to the following conditions:

- 1) **placement of a note on the final plat stating that any new additions must meet all required setbacks;**
- 2) **revision of the plat to show the Zoning Ordinance setbacks:**
 - i. **Lot 1: Front Setback: 25 feet**

1. Rear 8 feet
 2. Side(street) 8.4 feet
 3. Other Side 6.3 feet
- ii. Lot 2: Front Setback: 25 feet
 1. Rear 8 feet
 2. Side(min.) 6.9 feet
 3. Side(other) 9.1 feet
- 3) demolition of the masonry wall to the North of proposed Lot 1 or obtainment of a permit for the wall prior to the signing of the final plat;
- 4) placement of a note stating that Lot 1 is limited to one curb cut onto Partridge Street and denied access to Plover Street, while Lot 2 is limited to one curb cut onto Partridge Street with the size, location, and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards; and,
- 5) 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 #SUB2008-00159

Wimbledon Subdivision, First Unit, Re-subdivision of Portion of Lots 5, 6, and 7, Block 3, Correction Plat, Re-subdivision of Lots 1 and 2

2 Hillwood Road

Northwest corner of Hillwood Road and Wimbledon Drive West, extending to Drury Lane, 365'± North of Wimbledon Drive West

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

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

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.

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

- 1) placement of a note on the final plat stating that Lot 1A is limited to one curb cut to Drury Lane and Lot 4A is limited to one curb cut to Hillwood Road, with the size, location, and design of each curb cut to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) illustration of the current 50' minimum building setback line along Hillwood Road as measured from the right-of-way line,

- or no less than a 30' minimum building setback line as measured from the current right-of-way line;
- 3) revision of the plat to illustrate the 25' minimum building setback line along Drury Lane as measured from the current right-of-way;
 - 4) labeling of each lot with its size in square feet, or the furnishing of a table on the final plat providing 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 the 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. Need to verify that there is sufficient capacity for the receiving drainage system(s) to accept drainage from this property).*

The motion carried unanimously.

Case #SUB2008-00166

Wellsville Farms Subdivision, Re-subdivision of Lot 12

East side of Schillinger Road South, 1015'± North of Cottage Hill Road

Number of Lots / Acres: 2 Lots / 9.3± 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 Dr. Rivizzigno, with second by Mr. Vallas, to approve the above referenced re-subdivision, subject to the following conditions:

- 1) placement of a note stating that Lot 1 is limited one curb cut and Lot 2 is limited to two curb cuts to Schillinger Road, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;
- 2) placement of a note on the final plat stating that no future re-subdivision of Lot 1 will allowed without providing road construction for additional frontage;
- 3) provision of the 25' minimum building setback line from Schillinger Road;
- 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;

August 7, 2008

PLANNING COMMISSION MEETING

- 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 #SUB2008-00168

Zeigler Boulevard Shopping Center Subdivision, Re-subdivision of Lots 2 and 3

North side of Zeigler Boulevard, 150'± East of Athey Road, extending to the East side of Athey Road, 150'± North of Zeigler Boulevard

Number of Lots / Acres: 2 Lots / 7.9± Acres

Engineer / Surveyor: Rowe Surveying & Engineering Company, Inc.

Council District 7

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.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the September 4, 2008, meeting, with revisions due by August 15, 2008, to allow the applicant to submit the following:

- 1) **submittal of a revised plat to show all structures and paved areas with all the proper dimensions and setbacks depicted;**
- 2) **placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and,**
- 3) **revision of the plat to show a 25' minimum building setback line from all street frontages.**

The motion carried unanimously.

Case #SUB2008-00164

Highway 90 - Interstate Highway 10 Business Park Subdivision

5535 Linwood Steiner Road

North side of Kooiman Road, 200'± East of U S Highway 90, extending to the East side of Linwood Steiner Road, 280'± North of Kooiman Road, and extending to the East terminus of Linwood Steiner Road

Number of Lots / Acres: 4 Lots / 38.3± Acres

Engineer / Surveyor: Patrick 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.

Larry Landry, 5501 Linwood Steiner Road, expressed concern regarding drainage issues.

The Chair advised that all areas within the Planning Jurisdiction, including those in the county, had to comply with the City of Mobile stormwater and flood control ordinances.

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

- 1) **placement of a note on the final plat stating that lots 1 and 3 are limited to two curb-cuts each;**
- 2) **placement of a note on the final plat stating that lot 4 is limited to two curb-cuts onto Kooiman Road, and one curb-cut onto Barry Drive;**
- 3) **placement of a note on the final plat stating that lot 2 is limited to one curb-cut, and that no future subdivision of lot 2 shall be allowed until additional frontage on a public street is provided via the construction of a road;**
- 4) **placement of a note on the final plat stating that the size, design, and location of all curb-cuts are to be approved by Mobile County Engineering (and ALDOT for Barry Drive), and to conform to AASHTO standards;**
- 5) **placement of a note on the plat stating that all lots are denied access to Linwood Steiner Road;**
- 6) **revision of the 25-foot minimum building setback line for lot 2 so that a “box” occurs where Linwood Steiner Road stubs into the lot, and where the pole of lot 2 meets the “flag” portion of the lot;**
- 7) **placement of a note on the final 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**

August 7, 2008

PLANNING COMMISSION MEETING

- 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 permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;
- 8) retaining of the note stating that the maintenance of the depicted common area detention facilities is the responsibility of the property owners;
 - 9) 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,
 - 10) placement of a note on the final plat, as depicted on the preliminary 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.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2008-01802

McGill Toolen Catholic High School

3610 Michael Boulevard

Northeast corner of Michael Boulevard and Marion Beckham Drive

Request to waive construction of a sidewalk along Michael Boulevard.

Council District 5

Thomas Latham, Clark, Geer, Latham, and Associates Inc., spoke on behalf of the applicant and stated Engineering comments recommended approval but also suggested a traffic impact study be done and include its results regarding the sidewalk, and in as much, he asked David Webber of Volkert and Associates to speak on the traffic impact study that was done the previous March.

Mr. Webber, Volkert and Associates, 3809 Moffet Road, Mobile, stated that his organization did traffic counts at Marion Beckham Drive and Michael Boulevard going into the new complex and those numbers indicated a left turn lane was warranted on Michael Boulevard going into the new complex. He added that with unique events happening at the stadium, uniformed police officers would also be required to monitor those two intersections.

Mr. Latham asked that based upon those findings, the sidewalk waiver be approved with the condition that should Michael Boulevard be improved, sidewalks in that area would

August 7, 2008
PLANNING COMMISSION MEETING

be required.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Vallas, to approve the above referenced request for a sidewalk waiver, subject to the following:

- 1) **that should turn lane construction include enclosure of the ditch adjacent to the site, the sidewalk shall be constructed; and,**
- 2) **the applicant shall submit a document to the city stating agreement and commitment to do so.**

The motion carried unanimously.

Case #ZON2008-01773

BancorpSouth

7701 Hitt Road

Southeast corner of Hitt Road and Schillinger Road South

Request to waive construction of a sidewalk along Hitt Road.

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 further discussion, a motion was made by Mr. Vallas, with second by Mr. DeMouy, to approve the above referenced requested sidewalk waiver.

The motion carried with only Mr. Davitt voting against the sidewalk waiver.

GROUP APPLICATIONS:

Case #SUB2008-00157 (Subdivision)

Suite 5400 Subdivision

5400 Old Shell Road

North side of Old Shell Road, 460'± East of Cosgrove Drive

Number of Lots / Acres: 1 Lot / 0.6± Acre

Engineer / Surveyor: Lawler and Company

Council District 7

(Also see **Case #ZON2008-01844 (Planned Unit Development) Suite 5400**

Subdivision, and, **Case#ZON2008-01843 (Rezoning) Cowles, Murphy, Glover & Associates**, below)

Gary Cowles, Cowles, Murphy, Glover and Associates, spoke on behalf of the applicant and requested the matter be held over to the September 18, 2008, meeting.

The following people spoke in opposition to the matter:

August 7, 2008

PLANNING COMMISSION MEETING

- Roy Parker, 5314 Old Shell Road, Mobile;
- Robert Murphy, 5413 Hilltop Drive, Mobile; and,
- John Leacy, 5309 Old Shell Road, Mobile.

They made the following points:

- A. the proposed development was surrounded by R-1 and it was their opinion this was spot zoning;
- B. concern over the retention pond and adequate buffering between the proposed commercial property and the existing residential properties; and,
- C. 82 persons had signed a petition in opposition to the development as it threatens the residential character of the neighborhood.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the September 18, 2008, meeting, at the applicant's request.

The motion carried unanimously.

Case #ZON2008-01844 (Planned Unit Development)

Suite 5400 Subdivision

5400 Old Shell Road

North side of Old Shell Road, 460'± East Cosgrove Drive

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

Council District 7

(Also see **Case #SUB2008-00157 (Subdivision) Suite 5400 Subdivision**, above, and,

Case#ZON2008-01843 (Rezoning) Cowles, Murphy, Glover & Associates, below)

(See for **Case #SUB2008-00157 (Subdivision) Suite 5400 Subdivision**, discussion)

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the September 18, 2008, meeting, at the applicant's request.

The motion carried unanimously.

Case#ZON2008-01843 (Rezoning)

Cowles, Murphy, Glover & Associates

5400 Old Shell Road

North side of Old Shell Road, 460'± East Cosgrove Drive

Rezoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, to allow professional offices.

Council District 7

(Also see **Case #SUB2008-00157 (Subdivision) Suite 5400 Subdivision**, and, **Case #ZON2008-01844 (Planned Unit Development) Suite 5400 Subdivision**, above)

(See for **Case #SUB2008-00157 (Subdivision) Suite 5400 Subdivision**, discussion)

August 7, 2008
PLANNING COMMISSION MEETING

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the September 18, 2008, meeting, at the applicant's request.

The motion carried unanimously.

Case #SUB2008-00158 (Subdivision)

Sonitrol Inc. Subdivision

11 Upham Street

West side of Upham Street, 175'± North of Dauphin Street

Number of Lots / Acres: 1 Lot / 0.1± Acre

Engineer / Surveyor: Marshall A. McLeod, P.L.S., L.L.C.

Council District 1

(Also see **Case #ZON2008-01845 (Rezoning) Sonitrol Inc.**, below)

Linda Burkett, Marshall A. McLeod, P.L.S./L.L.C., spoke on behalf of the applicant, and discussed issues regarding the following:

- A. required number and size on parking spaces reduces the amount of available undeveloped space, which is also required;
- B. dedication of right-of-way and the size of the radius further reduce the size of the lot;
- C. landscaping and tree requirements would be different from originally calculated, and the applicant wanted Urban Forestry to work with them regarding the placement of necessary flora;
- D. the house involved, though not historical, is historical in nature and will be utilized by their salespersons; and,
- E. based on other area uses, a zoning of TB might be appropriate.

Mr. Olsen made the following comments:

- A. the location had been granted a variance for use as a dentist office, but variances are use specific and not for zoning classification; and,
- B. Sonitrol began operating at that location without seeking clearance with the City of Mobile regarding zoning so that they could obtain a license to work from that location.

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Mr. Davitt, to waive Section V.D.2. of the Subdivision Regulations, and approve the above referenced subdivision, subject to the following conditions:

- 1) **labeling of the lot with its size in square feet, or the provision of table on the plat with same information;**
- 2) **dedication of sufficient right-of-way to provide a minimum 25'**

- as measured from the centerline of Upham Street;
- 3) placement of a note on the plat stating that the site is limited to the existing access via the alley; if and when the site is redeveloped, the continuous curb cut to the alley will be removed, and an appropriate curb cut on Upham Street will be provided;
 - 4) provision of an adequate radius where Upham Street intersects the alley to the North of the site;
 - 5) provision of a 25' minimum building setback line from Upham Street;
 - 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) subject to 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).*

The motion carried unanimously.

Case #ZON2008-01845 (Rezoning)

Sonitrol Inc.

11 Upham Street

West side of Upham Street, 175' ± North of Dauphin Street

Rezoning from R-1, Single-Family Residential, to B-1, Buffer Business to allow a commercial office.

Council District 1

(Also see **Case #SUB2008-00158 (Subdivision) Sonitrol Inc. Subdivision**, above)

(See **Case #SUB2008-00158 (Subdivision) Sonitrol Inc. Subdivision** for discussion)

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Mr. Davitt, to recommend approving the change in zoning to T-B, Transitional-Business District, subject to the following conditions:

- 1) completion of the subdivision process;
- 2) the site is limited to the existing access via the alley; if and when the site is redeveloped, the continuous curb cut to the alley will be removed, and an appropriate curb cut on Upham Street will be provided;
- 3) revision of the parking and maneuvering to comply with Section 64-6 of the Zoning Ordinance;
- 4) provision of a dumpster, in compliance with Section 64-4.D.9. of the Zoning Ordinance, or submission of documentation of private service using a can or cart;
- 5) provision of buffering from residentially zoned properties adjacent to the site;

August 7, 2008
PLANNING COMMISSION MEETING

- 6) provision of landscaping and trees, as required by Section 64-4.E. of the Zoning Ordinance; and,
- 7) placement of a note on the site plan stating that the site will be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species.

The motion carried unanimously.

Case #SUB2008-00161 (Subdivision)

JGL Square Subdivision

3210 and 3212 Zimlich Avenue

Northwest corner of Zimlich Avenue and West I-65 Service Road North

Number of Lots / Acres: 1 Lot / 0.9± Acre

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 7

(Also see **Case #ZON2008-01856 (Rezoning) JGL III Properties**, below)

Jerry Byrd, Byrd Surveying, Inc., spoke on behalf of the applicant, and made the following points:

- A. the applicant had requested rezoning to B-2 and the staff had recommended approval to rezone as T-B1, Traditional Business;
- B. parking for Traditional Business classification is too limiting for the proposed use;
- C. the angled parking suggested by the staff would necessitate the curb cut to Zimlich Avenue, but the staff has recommended denying access to Zimlich Avenue; and,
- D. they will be dedicating 5 feet along Zimlich Avenue, bringing the road to 50 feet, which is the reason behind their request for only a 20 foot building setback along Zimlich Avenue.

Mr. Olsen responded with:

- A. LB-2 would be a lesser intrusion than the B-2, as requested, and could be considered appropriate between the B-2 to the north and the B-1 to the south; and,
- B. denial of access to Zimlich Avenue would lessen the impact the development would have on the residential properties that are in the subdivision along Zimlich Avenue and Bishop Lane.

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

- 1) the site is limited to two curb cuts onto the I-65 Service Road

August 7, 2008

PLANNING COMMISSION MEETING

- with access denied to Zimlich Avenue the size, design, and exact location of all curb cuts are to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) depiction of a 25' minimum building setback line along West I-65 Service Road North, and 20' minimum setback along Zimlich Avenue;
 - 3) dedication of adequate right-of-way to equal 50' on Zimlich Avenue;
 - 4) obtainment of a demolition permit for the residence located on Lot A prior to the signing of the final plat;
 - 5) 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;
 - 6) construction of standard city sidewalks on all street frontages;
 - 7) full compliance with Engineering comments; and,
 - 8) 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 #ZON2008-01856 (Rezoning)

JGL III Properties

3210 and 3212 Zimlich Avenue

Northwest corner of Zimlich Avenue and West I-65 Service Road North

Rezoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, to allow the construction of specialty retail stores.

Council District 7

(Also see Case #SUB2008-00161 (Subdivision) **JGL Square Subdivision**, above)

(See Case #SUB2008-00161 (Subdivision) **JGL Square Subdivision** for discussion)

Hearing no further discussion or opposition, a motion was made by Mr. Watkins, with second by Mr. Davitt, to recommend approving the change in zoning to LB-2, Limited Neighborhood Business District, subject to the following conditions:

- 1) the site is limited to two curb cuts onto the I-65 Service Road with access denied to Zimlich Avenue The size, design, and exact location of all curb cuts are to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) provision of a 25' minimum building setback West I-65 Service Road North, and 20' minimum setback along Zimlich Avenue;
- 3) provision of a buffer in compliance with Section 64-4.D.1 of the Zoning Ordinance (including the 10 foot setback);
- 4) the parking area shall be illuminated in accordance with the

- requirements of Section 64-6.A.3.c. of the Zoning Ordinance, if the parking area is used at night;
- 5) full compliance with the tree and landscape ordinance;
 - 6) full compliance with Engineering comments; and,
 - 7) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2008-00162 (Subdivision)

Regions Addition to Springhill Avenue Commercial Park Plat Subdivision

2720 Springhill Avenue

Northeast corner of Springhill Avenue and Bay Shore Avenue

Number of Lots / Acres: 1 Lot / 1.6± Acres

Engineer / Surveyor: Sain Associates

Council District 1

(Also see **Case #ZON2008-01867 (Planned Unit Development) Regions Addition to Springhill Avenue Commercial Park Plat Subdivision**, below)

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.

Karen Bailey, Sain Associates, 244 West Valley Avenue, Birmingham, spoke on behalf of her organization and Regions Bank, saying that for the majority of the property along Springhill Avenue, there would be in excess of the 50 feet from centerline available for right-of-way dedication, with the only area at issue is in a small area along the east side of the property and Regions would gladly provide the additional footage in that area, as it does not negatively impact the site. She also stated they were ready to provide a revised site plan to show their willingness to comply with the recommendations.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the August 21, 2008, meeting, with the following revisions due by August 13, 2008:

- 1) revision of the site plan and plat to reflect dedication as necessary of right-of-way along Spring Hill Avenue to provide 50-feet from centerline; and,
- 2) revision of the site plan and plat to reflect dedication as necessary for the corner radius at the intersection of Spring Hill Avenue and Bay Shore Avenue.

The motion carried with only Mr. Davitt voting in opposition.

Case #ZON2008-01867 (Planned Unit Development)

Regions Addition to Springhill Avenue Commercial Park Plat Subdivision

2720 Springhill Avenue

Northeast corner of Springhill Avenue and Bay Shore Avenue

August 7, 2008
PLANNING COMMISSION MEETING

Planned Unit Development Approval to allow two buildings on a single building site during construction of a new bank and demolition of the existing bank.

Council District 1

(Also see **Case #SUB2008-00162 (Subdivision) Regions Addition to Springhill Avenue Commercial Park Plat Subdivision**, above)

(See **Case #SUB2008-00162 (Subdivision) Regions Addition to Springhill Avenue Commercial Park Plat Subdivision** for discussion)

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the August 21, 2008, meeting, with the following revisions due by August 13, 2008:

- 1) revision of the site plan and plat to reflect dedication as necessary of right-of-way along Spring Hill Avenue to provide 50-feet from centerline;
- 2) revision of the site plan and plat to reflect dedication as necessary for the corner radius at the intersection of Spring Hill Avenue and Bay Shore Avenue;
- 3) revision of the site plan to depict and label any surface detention area, if required;
- 4) revision of the site plan to depict full compliance with the tree and landscaping requirements of the Zoning Ordinance, clearly indicating compliance with frontage tree and frontage landscape requirements, as well as the vegetative buffer or 6-foot high privacy fence between the site and the multi-family development to the North; and,
- 5) revision of the site plan to provide a sidewalk to the public sidewalk, near the bus stop shelter and intersection corner.

The motion carried with only Mr. Davitt voting in opposition.

Case #SUB2008-00167 (Subdivision)

Home Place Furniture Subdivision

850 Schillinger Road South

West side of Schillinger Road South, 1060'± South of Old Government Street Road

Number of Lots / Acres: 2 Lots / 9.4± Acres

Engineer / Surveyor: Rowe Surveying & Engineering Company, Inc.

Council District 7

(Also see **Case #ZON2008-01870 (Planned Unit Development) Home Place Furniture 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. Vallas, to waive section V.D.1. of the Subdivision Regulations, and approve the

August 7, 2008
PLANNING COMMISSION MEETING

above referenced subdivision, subject to the following conditions:

- 1) **dedication of sufficient right-of-way to provide a minimum 50' as measured from the centerline of Schillinger Road South;**
- 2) **placement of a note on the final plat stating that the subdivision is limited to the existing two curb-cuts onto Schillinger Road South;**
- 3) **placement of a note on the final plat stating that no future re-subdivision of Lot 2 will be allowed unless additional adequate frontage on a public street is provided;**
- 4) **labeling of the lots with their sizes in square feet (in addition to acreages), or the provision a table on the plat with the same information;**
- 5) **the applicant receive 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 plat stating that the 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) **submission of a revised Planned Unit Development site plan to the Planning Section of Urban Development prior to signing the final plat; and,**
- 8) **subject to Engineering comments:** *(Any drainage structures/features carrying public water will require a drainage easement. Size and location of any required drainage easement subject to approval of the City of Mobile Engineering Department. Must comply with all stormwater and flood control ordinances. 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).*

The motion carried unanimously.

Case #ZON2008-01870 (Planned Unit Development)

Home Place Furniture Subdivision

850 Schillinger Road South

West side of Schillinger Road South, 1060'± South of Old Government Street Road
Planned Unit Development Approval to allow shared access between two building sites.
Council District 7

(Also see Case #SUB2008-00167 (Subdivision) **Home Place Furniture Subdivision**, above)

August 7, 2008

PLANNING COMMISSION MEETING

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. Vallas, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) **revision of the site plan to provide a buffer, in compliance with Section 64-4.D. of the Zoning Ordinance, along the Western boundary of the site where adjacent to residentially developed property;**
- 2) **placement of a note on the site plan stating that any changes/improvements of the site will require a new Planned Unit Development application, along with full compliance with the Zoning Ordinance with regards to parking, landscaping, and trees, etc;**
- 3) **placement of a note on the site plan stating that the 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; and,**
- 4) **submission of a revised Planned Unit Development site plan to the Planning Section of Urban Development prior to signing the final subdivision plat.**

The motion carried unanimously.

Case #SUB2008-00165 (Subdivision)

Ashland Station Subdivision

Northeast corner of Old Shell Road and North Florida Street

Number of Lots / Acres: 4 Lots / 1.6± Acres

Engineer / Surveyor: Clarke, Geer, Latham & Associates Inc.

Council District 1

(Also see **Case #ZON2008-01869 (Planned Unit Development) Ashland Station Subdivision**, below)

Mr. Watkins and Mr. Vallas recused themselves 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.

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

August 7, 2008

PLANNING COMMISSION MEETING

- 1) placement of a note on the final plat stating that the subdivision is limited to the existing curb cuts to Old Shell Road and North Florida Street;
- 2) 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;
- 3) illustration of the 25' minimum building setback line along all street frontages;
- 4) placement of a note on the final plat stating that development of the site should be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and,
- 5) subject to the 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. Need to verify that there is sufficient capacity for the receiving drainage system(s) to accept drainage from this property).*

The motion carried unanimously.

Case #ZON2008-01869 (Planned Unit Development)

Ashland Station Subdivision

Northeast corner of Old Shell Road and North Florida Street

Planned Unit Development Approval to allow shared access and parking between four building sites

Council District 1

(Also see **Case #SUB2008-00165 (Subdivision) Ashland Station Subdivision**, above)

Mr. Watkins and Mr. Vallas recused themselves 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.

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

- 1) **compliance with the landscaping and tree planting requirements of the Zoning Ordinance to the greatest extent practicable, to be coordinated with the Planning Section of the Urban Development Department.**

The motion carried unanimously.

August 7, 2008
PLANNING COMMISSION MEETING

Case #SUB2008-00160 (Subdivision)

PBC Subdivision

6701 Airport Boulevard

South side of Airport Boulevard, 4/10 mile± West of Hillcrest Road

Number of Lots / Acres: 6 Lots / 21.9± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(Also see **Case #ZON2008-01850 (Planned Unit Development) PBC 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 Dr. Rivizzigno, to approve the above referenced subdivision, subject to the following conditions:

- 1) **subject to the 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. Need to verify that there is sufficient capacity for the receiving drainage system(s) to accept drainage from this property).***

The motion carried unanimously.

Case #ZON2008-01850 (Planned Unit Development)

PBC Subdivision

6701 Airport Boulevard

South side of Airport Boulevard, 4/10 mile± West of Hillcrest Road

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow shared access and parking between multiple building sites.

Council District 6

(Also see **Case #SUB2008-00160 (Subdivision) PBC 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 Dr. Rivizzigno, to approve the above referenced Planned Unit Development, subject to the following condition:

- 1) **all existing trees on this site are to be placed under the Tree Protection section of the Zoning Ordinance as heritage trees. Trimming or removal of these trees will require a permit from Urban Forestry.**

The motion carried unanimously.

Case #ZON2008-01862 (Planned Unit Development)

Springhill Presbyterian Church

10 Westminster Way

Southeast corner of Old Shell Road and Westminster Way, extending through to Bit and Spur Road

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

Council District 5

(Also see **Case #ZON2008-01861 (Planning Approval) Springhill Presbyterian Church**, below)

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.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the September 4, 2008, meeting, with revisions due by August 19, 2008, so that the following can be undertaken:

- 1) **revision of the site plan to move the proposed chapel approximately 7 feet further way from the existing 64-inch red oak tree so that the tree can be retained;**
- 2) **revision of the site plan to reflect compliance with revised Engineering comments, including the depiction of the general location of any surface detention areas that will be provided (*Detention must be provided for any impervious areas constructed in excess of 4,000 square feet since 1984. Must comply with all stormwater and flood control ordinances. 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.*);**
- 3) **revision of the site plan to correctly number the quantity of parking spaces in each parking area;**
- 4) **correct identification of all existing trees depicted on the site plan and their size;**
- 5) **revision of the site plan to depict full compliance with the frontage tree requirements of the Zoning Ordinance for the entire site;**
- 6) **revision of the site plan to show sidewalks along Bit and Spur Road, and along that portion of Westminster Way from Bit and Spur north to the first entrance into the church parking area;**
- 7) **revision of the site plan to show sidewalks adjacent to all parking areas abutting the chapel and leading to parking access roads;**
- 8) **depiction of curbing and/or bumper stops for all parking areas**

- abutting the chapel site in order to protect adjacent landscape and sidewalk areas;
- 9) revision of the site plan to depict the one-way circulation drives, to include the marking of the drives with arrows and/or signage to ensure correct circulation;
 - 10) revision of the site plan to depict and label a 10-foot wide buffer along the entire Eastern boundary, and a vegetative buffer or a 6-foot high privacy fence from Bit and Spur Road along the Eastern boundary of the site to the parking area where it meets the Eastern boundary; and,
 - 11) placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development approval prior to the issuance of any permits.

The motion carried unanimously.

Case #ZON2008-01861 (Planning Approval)

Springhill Presbyterian Church

10 Westminster Way

Southeast corner of Old Shell Road and Westminster Way, extending through to Bit and Spur Road

Planning Approval to allow the expansion an existing church in an R-1, Single- Family Residential District, to include a new chapel building

Council District 5

(Also see **Case #ZON2008-01862 (Planned Unit Development) Springhill Presbyterian Church**, above)

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.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the September 4, 2008, meeting, with revisions due by August 19, 2008, so that the following can be undertaken:

- 1) revision of the site plan to move the proposed chapel approximately 7 feet further way from the existing 64-inch red oak tree so that the tree can be retained;
- 2) revision of the site plan to reflect compliance with revised Engineering comments, including the depiction of the general location of any surface detention areas that will be provided (*Detention must be provided for any impervious areas constructed in excess of 4,000 square feet since 1984. Must comply with all stormwater and flood control ordinances. 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*

August 7, 2008

PLANNING COMMISSION MEETING

- receiving drainage system(s) to accept drainage from this property.);*
- 3) revision of the site plan to correctly number the quantity of parking spaces in each parking area;
 - 4) correct identification of all existing trees depicted on the site plan and their size;
 - 5) revision of the site plan to depict full compliance with the frontage tree requirements of the Zoning Ordinance for the entire site;
 - 6) revision of the site plan to show sidewalks along Bit and Spur Road, and along that portion of Westminster Way from Bit and Spur north to the first entrance into the church parking area;
 - 7) revision of the site plan to show sidewalks adjacent to all parking areas abutting the chapel and leading to parking access roads;
 - 8) depiction of curbing and/or bumper stops for all parking areas abutting the chapel site in order to protect adjacent landscape and sidewalk areas;
 - 9) revision of the site plan to depict the one-way circulation drives, to include the marking of the drives with arrows and/or signage to ensure correct circulation;
 - 10) revision of the site plan to depict and label a 10-foot wide buffer along the entire Eastern boundary, and a vegetative buffer or a 6-foot high privacy fence from Bit and Spur Road along the Eastern boundary of the site to the parking area where it meets the Eastern boundary; and,
 - 11) placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development approval prior to the issuance of any permits.

The motion carried unanimously.

OTHER BUSINESS:

Mr. Watkins moved, with second by Mr. DeMouy, to approve the minutes from the following regularly held Planning Commission meetings:

- July 19, 2007
- August 2, 2007
- August 16, 2007

The motion carried unanimously.

August 7, 2008

PLANNING COMMISSION MEETING

The Chair asked Mr. Olsen for the suggested date of the Planning Commission's upcoming business meeting and was given either September 11, 2008, or September 25, 2008.

Upon hearing this, Mr. Davitt moved, with second by Mr. DeMouy, to hold the meeting on September 11, 2008, at Mr. Plauche's office. The motion carried unanimously.

The Commission gave Mr. Miller hearty welcome back.

Hearing no further business, the meeting was adjourned.

APPROVED: August 6, 2009

William G. DeMouy, Jr., Secretary

Terry Plauche, Chairman.

jsl