

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF NOVEMBER 6, 2008 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William DeMouy
Nicholas Holmes, III
Roosevelt Turner
John Vallas
James Watkins, III

Members Absent

Clinton Johnson
Victoria L. Rivizzigno, Secretary
Debra Butler
Stephen J. Davitt, Jr.
Mead Miller

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Bert Hoffman,
Planner II
David Daughenbaugh,
Urban Forestry Coordinator
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 #SUB2008-00207 (Subdivision)

Providence Park POB West Subdivision, Re-subdivision of Lot 1, Re-subdivision of and Addition to Lot 1, Phase II

610 Providence Park Drive

North side of Providence Park Drive South, 210'± East of Cody Road South

Number of Lots / Acres: 2 Lots / 8.9± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(Also see **Case #ZON2008-02279 (Planned Unit Development) Providence Park POB West Subdivision, Re-subdivision of Lot 1, Re-subdivision of and Addition to Lot 1, Phase II**, below)

Lee Metzger, Providence Hospital, spoke on behalf of the applicant, making the following points:

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- A. the original subdivision was created with the intent to bring in more physicians and their offices to Providence Hospital, which has taken place and as a result, they need to begin building out in phases;
- B. another traffic study would be punitive, as Providence Hospital has no control over the residential expansion of Cody Road, which has dramatically increased traffic in the area, however, they have provided copies of their previous traffic study to Engineering for review;
- C. installation of the recommended turn lanes, as listed in the traffic study, aren't necessary at this time, as the proposed area for build out was not considered to have an impact on the area noted in the traffic study; and,
- D. having to re-apply for approval each time there is a need to expand on the complex is considered punitive as they were already granted approval of the overall plan in 1984.

Mr. Olsen stated that if the Commission wished to accept the traffic study to which Mr. Metzger referred, the staff would not require a new one be completed, however, he did request that a copy of that study be given to the Planning staff, as they did not have one.

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

- 1) **compliance with 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. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Need to verify that the detention pond has sufficient capacity and is functioning properly.)*;
- 2) **placement of a note on the final plat stating that each lot is limited to two (2) curb-cuts, with the size, design, and location to be approved by Traffic Engineering and in compliance with AASHTO standards;**
- 3) **placement of a note on the final 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;**
- 4) **provision of one (1) revised PUD site plan prior to the signing of the final plat; and,**
- 5) **provision of 2 copies of a Traffic Impact Study to the Planning Section of Urban Development for this site, or in combination with the adjacent 11-lot cul-de-sac development, and**

acceptance of the study by Traffic Engineering and the Planning Section, prior to the signing of the final plat.

The motion carried unanimously.

Case #ZON2008-02279 (Planned Unit Development)

Providence Park POB West Subdivision, Re-subdivision of Lot 1, Re-subdivision of and Addition to Lot 1, Phase II

610 Providence Park Drive

North side of Providence Park Drive South, 210'± East of Cody Road South
Planned Unit Development Approval to amend a previously approved Planned Unit Development master plan for Providence Park to allow a cancer treatment facility
Council District 6

(Also see **Case #SUB2008-00207 (Subdivision) Providence Park POB West Subdivision, Re-subdivision of Lot 1, Re-subdivision of and Addition to Lot 1, Phase II**, above)

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

- 1) **revision of the site plan to show correct compliance with the tree planting requirements of the Zoning Ordinance for the cancer center site;**
- 2) **revision of the site plan to label the depicted dumpster locations;**
- 3) **compliance with 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. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Need to verify that the detention pond has sufficient capacity and is functioning properly.*);**
- 4) **placement of a note on the site plan 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;**
- 5) **full compliance with all municipal codes and ordinances; and,**
- 6) **provision of one (1) copy of the revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final plat.**

The motion carried unanimously.

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Case #SUB2008-00198 (Subdivision)

Frazier Park Subdivision

2165 Old Shell Road

South side of Old Shell Road at the South terminus of Frazier Court

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

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

Council District 1

(Also see **Case #ZON2008-02186 (Planned Unit Development) Frazier Park Subdivision**, and, **Case #ZON2008-02185 (Rezoning) Ashland Park LLC**, below)

Mr. Watkins and Mr. Vallas recused themselves from discussion and voting on the matter.

Caroline Etherton, 104 Frazier Court, Mobile, stated that as an area resident and family member of the seller, it was hoped that the matter would be resolved soon so that development of the property could take place.

The Chair announced that due to the recusals, there were not enough voting members present to represent a quorum, so the matter was held over until the November 20, 2008, meeting.

Case #ZON2008-02186 (Planned Unit Development)

Frazier Park Subdivision

2165 Old Shell Road

South side of Old Shell Road at the South terminus of Frazier Court

Planned Unit Development Approval to allow reduced side yard setbacks for a three unit residential condominium complex

Council District 1

(Also see **Case #SUB2008-00198 (Subdivision) Frazier Park Subdivision**, above, and, **Case #ZON2008-02185 (Rezoning) Ashland Park LLC**, below)

Mr. Watkins and Mr. Vallas recused themselves from discussion and voting on the matter.

Caroline Etherton, 104 Frazier Court, Mobile, stated that as an area resident and family member of the seller, it was hoped that the matter would be resolved soon so that development of the property could take place.

The Chair announced that due to the recusals, there were not enough voting members present to represent a quorum, so the matter was held over until the November 20, 2008, meeting.

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Case #ZON2008-02185 (Rezoning)

Ashland Park LLC

2165 Old Shell Road

South side of Old Shell Road at the South terminus of Frazier Court

Rezoning from R-1, Single-Family Residential, to R-3, Multi-Family Residential, to allow the construction of three residential town home condominiums

Council District 1

(Also see **Case #SUB2008-00198 (Subdivision) Frazier Park Subdivision**, and, **Case #ZON2008-02186 (Planned Unit Development) Frazier Park Subdivision**, above)

Mr. Watkins and Mr. Vallas recused themselves from discussion and voting on the matter.

Caroline Etherton, 104 Frazier Court, Mobile, stated that as an area resident and family member of the seller, it was hoped that the matter would be resolved soon so that development of the property could take place.

The Chair announced that due to the recusals, there were not enough voting members present to represent a quorum, so the matter was held over until the November 20, 2008, meeting.

EXTENSIONS:

Case #SUB2003-00256 (Subdivision)

The Bluffs at Cypress Creek

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

Number of Lots / Acres: 53 Lots / 53.0± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 4

Don Coleman, Rester and Coleman Engineers Inc., spoke on behalf of the applicant saying that they assured him the project would go forward this year, if granted the extension.

Hearing no opposition or further discussion, a motion was made by Mr. Vallas, with second by Mr. DeMouy, to approve the above referenced request for extension for one more year, with future extensions unlikely.

The motion carried unanimously.

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Case #SUB2004-00231 (Subdivision)

Audubon Cove Subdivision

Southwest corner of Higgins Road and Audubon Drive, extending South and West to the Southern terminus of Clemson Drive, and to the Northeast corner of Cole Drive and Audubon Drive

Number of Lots / Acres: 57 Lots / 58.0± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
Council District 4

Matt Orrell, Polysurveying of Mobile, spoke on behalf of the applicant saying they had gotten with the city's Engineering department and had worked out many of the issues which had kept the project from beginning, and inasmuch asked that the extension be approved.

John Forrester, City Engineering department, stated that the applicant's representative had scheduled time to meet with his department, so he saw no reason to deny the extension.

Hearing no opposition or further discussion, a motion was made by Mr. Holmes, with second by Mr. Turner, to approve the above referenced request for extension for one more year, with future extensions unlikely.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2008-00224

Mackinnon Subdivision

1263 Spring Valley Drive East

East side of Spring Valley Drive East at the East terminus of Skywood Lane

Number of Lots / Acres: 1 Lot / 1.2± Acres

Engineer / Surveyor: Haidt 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. Turner, with second by Mr. DeMouy, to waive Section V.D.3. and approve the above referenced subdivision, subject to the following conditions:

- 1) **placement of a note on the final plat stating that Lot 1 will be limited to one curb cut onto Spring Valley Drive East with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **revision of the plat to show the lot size in square feet or a table**

- provided furnishing the same information;
- 3) 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; 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 #SUB2008-00230

Veterans Subdivision

6501 Moffett Road

South side of Moffett Road at the South terminus of Roland Road

Number of Lots / Acres: 1 Lot / 10.0± Acres

Engineer / Surveyor: Goodwyn, Mills & Cawood, Inc.

County

Shane Mills, Goodwyn, Mills & Cawood, Inc., spoke on behalf of the applicant, stating they were in agreement with the conditions, however, with regards to the buffer, they requested that it be stipulated as an 8 foot high wooden fence along the southern property line, as that was the only area where residential property would be effected.

Hearing no opposition or further discussion, a motion was made by Mr. Vallas, with second by Mr. Turner, to approve the 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 Moffett Road;
- 2) placement of a note on the final plat stating that the lot is limited to two curb cuts to Moffett Road, with the size, location, and design to be approved by County Engineering and Alabama Department of Transportation and conform to AASHTO standards;
- 3) depiction of the 25' minimum building setback line prior to signing the final plat;
- 4) labeling of the lot with its size in square feet and acreage, or the provision a table on the plat with the same information;
- 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;
- 6) 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 an 8-foot high privacy fence along the Southern property line; and,
- 7) **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 #SUB2008-00222

Alderbrook Subdivision, Re-subdivision of Lot 37

9970 Alderway

Northwest corner of Alderway and Foxgate Road

Number of Lots / Acres: 2 Lots / 1.2± 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. Turner, with second by Mr. DeMouy, to approve the above reference re-subdivision, subject to the following conditions:

- 1) **placement of a note stating that Lot 37-A will be limited to 2 curb cuts onto Alderway while Lot 37-B will be limited to 1 curb cut onto Alderway with the size, location, and design of each curb cut to be approved by County Engineering;**
- 2) **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;**
- 3) **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;**
- 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; and,
- 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.

The motion carried unanimously.

Case #SUB2008-00223
Island Road Subdivision

2031 Island Road
South side of Island Road, 362'± West of Bay Road
Number of Lots / Acres: 2 Lots / 0.7± Acre
Engineer / Surveyor: Byrd Surveying, 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. Turner, with second by Mr. DeMouy, to waive Section V.D.3. and approve the above reference 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 Island Road, 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 Island Road;
- 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 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;
- 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) 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 #SUB2008-00233
Camellia Trail Subdivision

1421 Cody Road North
West side of Cody Road North, 160'± South of Muscadine Avenue
Number of Lots / Acres: 2 Lots / 8.4± Acres
Engineer / Surveyor: Barton Engineering, LLC
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. Turner, with second by Mr. DeMouy, to waive Section V.D.3. and approve the above reference subdivision, subject to the following conditions:

- 1) revision of the final plat to dedicate sufficient right-of-way to provide a minimum 50' as measured from the centerline of Cody Road North;
- 2) placement of a note on the final plat stating that each lot is limited to one curb cut to Cody Road North, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;
- 3) depiction of the 25' minimum building setback line prior to signing the final plat;
- 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.

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The motion carried unanimously.

Case #SUB2008-00235

Ruth Powell, A Family Division Subdivision

West side of McCrary Road, 410'± North of Stone Street

Number of Lots / Acres: 2 Lots / 19.0± Acres

Engineer / Surveyor: Polysurveying Engineers- Land Surveying
County

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 December 4, 2008, meeting, with revisions due by November 17, 2008, to allow the applicant to address the following:

- 1) **submittal of a revised plat to show the correct legal for the “cut out” parcel located in the front portion of the property or submittal of a deed showing the sale of the additional 40’ or inclusion in the application (with appropriate authorization, fees and notification labels); and,**
- 2) **redesign each lot to meet the width to depth ratio or provide justification for the waiver.**

The motion carried unanimously.

Case #SUB2008-00229

Halls Mill Crossing Subdivision

East side of Halls Mill Road, 240'± North of Rangeline Service Road North, extending to the North side of Rangeline Service Road North 220'± East of Halls Mill Road

Number of Lots / Acres: 4 Lots / 7.1± Acres

Engineer / Surveyor: Frank A Dagley & Associates, 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. DeMouy, to approve the above referenced subdivision, subject to the following conditions:

- 1) **dedication of sufficient right-of-way to provide 35’ from the centerline of Halls Mill Road along Lots 3 and 4;**
- 2) **revision of the plat to indicate the current right-of-way width of Rangeline Road along Lots 1 and 2, with dedication of sufficient right-of-way to provide 150’ from the centerline if**

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- the overall width is less than 300’;
- 3) placement of a note on the final plat stating that Lots 1 and 2 are limited to two curb cuts each to Rangeline Service Road North, and Lots 3 and 4 are limited to two curb cuts each to Halls Mill Road, with the size, location, and design of each curb cut to be approved by County Engineering and conform to AASHTO standards;
 - 4) illustration of the minimum building setback lines along Lots 1, 2, 3, and 4 as measured from any required right-of-way dedication;
 - 5) labeling of all lots with their area in both acres and square feet, or the furnishing of a table on the final plat providing the same information;
 - 6) labeling of the remaining tract with its acreage and “reserved for future development”;
 - 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;
 - 8) 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;
 - 9) labeling of the commons areas as being for stormwater detention ponds with the placement of a note on the plat that the maintenance of the common areas and stormwater detention ponds is the responsibility of the property owners and not Mobile County; and,
 - 10) 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.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2008-02485

Ben M. Radcliff Contractor, Inc.

3456 Halls Mill Road

Northwest corner of Halls Mill Road and West I-65 Service Road South, extending to the East side of Montlimar Creek

Request to waive construction of a sidewalk along Halls Mill Road and West I-65 Service Road South.

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 further opposition or discussion, a motion was made by Mr. Watkins, with second by Mr. DeMouy, to approve the above referenced request for a sidewalk waiver.

The motion carried unanimously.

Case #ZON2008-02508

Springhill Presbyterian Church

10 Westminster Way

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

Request to waive construction of a sidewalk along Bit and Spur Road.

Council District 5

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

Hearing no opposition or pertinent discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to approve the above referenced request for a sidewalk waiver.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2008-02520

Cottage Hill Tenn, LLC

3920 and 3932 Cottage Hill Road

Northeast corner of Cottage Hill Road and Azalea Road

Planned Unit Development Approval to allow shared access between two building sites.

Council District 5

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

Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant, saying

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they were in agreement with all of the staff recommendations with the exception of condition 2, where it required final approval of all driveways with the submission of the final plan. He expressed his opinion that the current wording of condition 2 could necessitate changing a driveway after it had already been granted approval by the Commission, due to the fact that approval is site plan specific, and inasmuch, he requested that part of condition 2 be removed.

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

- 1) full compliance with landscaping and tree planting requirements on both sites;**
- 2) driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards; and,**
- 3) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2008-02530

Neptunes Daughter

951 South Lawrence Street

Southeast corner of South Lawrence Street and South Carolina Street

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

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 Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the December 4, 2008, meeting, with revision due by November 17, 2008, to allow the applicant to address the following:

- 1) revision of the site plan to depict a dumpster with proper buffering or placement of a note stating that there will be no dumpster at this location;**
- 2) revision of the site plan to show asphalt for the parking and maneuvering area;**
- 3) revision of the site plan to depict the location of all landscaping being provided, specifically delineating the required frontage landscape and its size in square feet;**
- 4) revision of the site plan to show compliance with the tree ordinance along both street frontages; and,**
- 5) revision of the site plan to show surface stormwater detention facilities, if they will be provided.**

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The motion carried unanimously.

NEW PLANNING APPROVAL APPLICATIONS:

Case #ZON2008-02412

Trung V Phan

4126-B Moffett Road

Northwest corner of Moffett Road and Wolf Ridge Road

Planning Approval to allow a seafood store in a B-2, Neighborhood Business District.

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. Turner, with second by Mr. Watkins, to approve the above referenced Planning Approval, subject to the following condition:

- 1) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

NEW ZONING APPLICATIONS:

Case #ZON2008-02536

George White

4165 Government Boulevard

South side of Government Boulevard, 1050'± East of Crestview Drive

Rezoning from B-3, Community Business, to B-3, Community Business, to remove a site plan specific condition of a previous rezoning to allow a parking lot expansion at an existing pest control service.

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 further opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Watkins, to approve the above referenced request for rezoning, subject to the following conditions:

- 1) 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). Preservation status is to be given to the 48" Live Oak Tree located along the Government Boulevard (U.S. Highway 90) R/W*)**

- near the existing entrance. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger);*
- 2) **compliance with 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);**
 - 3) **compliance with the site and parking area lighting requirements, Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;**
 - 4) **provision of screening around the dumpster;**
 - 5) **provision of buffering where the site is adjacent to residential areas, in compliance with Section 64-4.D. of the Zoning Ordinance; and,**
 - 6) **full compliance with all other applicable municipal codes and ordinances.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2008-00226 (Subdivision)

Grant Park Drive Subdivision, Re-subdivision of Lots 16 & 17

South side of Grant Park Drive, 565'± East of Grant Street

Number of Lots / Acres: 1 Lot / 0.4± Acre

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 5

(Also see **Case #ZON2008-02511 (Planned Unit Development) Grant Park Drive Subdivision, Re-subdivision of Lots 16 & 17**, below)

Mr. Vallas 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.

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

- 1) **provision of two (2) revised PUD site plans to the Planning Section of Urban Development prior to the signing of the Subdivision plat;**
- 2) **placement of a note on the plat specifying the front, side and rear yard setbacks;**
- 3) **placement of a note on the plat stating that the lot is limited to**

- a maximum 45% total site coverage, subject to verification by the Engineering Department that existing stormwater facilities are adequate for the increase;
- 4) revision of the typical lot diagram to reverse the side yard setbacks to conform to other developed lots on the South and East sides of Grant Park Drive;
 - 5) placement of a note on the plat stating that HVAC equipment and emergency generators 3' high or higher must meet setback requirements;
 - 6) placement of a note on the plat stating that common areas are to be maintained by the property owners;
 - 7) placement of a note on the final plat stating that two over-story trees are to be planted within the 25' frontage of the lot along Grant Park Drive;
 - 8) full compliance with all other municipal codes and ordinances; and,
 - 9) subject to the Engineering Comments: *(Minimum FFE on plans and plat. 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 #ZON2008-02511 (Planned Unit Development)
Grant Park Drive Subdivision, Re-subdivision of Lots 16 & 17

South side of Grant Park Drive, 565'± East of Grant Street.

Planned Unit Development Approval to amend a previously approved Planned Unit Development to combine two lots, to allow the construction of a single family dwelling in a single family residential subdivision with reduced setbacks and increased site coverage.

Council District 5

(Also see Case #SUB2008-00226 (Subdivision) **Grant Park Drive Subdivision, Re-subdivision of Lots 16 & 17**, above)

Mr. Vallas 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.

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

- 1) completion of the Subdivision process;
- 2) placement of a note on the site plan specifying the front, side,

- and rear yard setbacks;
- 3) placement of a note on the site plan stating that the site is limited to a maximum 45% total site coverage, subject to verification by the Engineering Department that existing stormwater facilities are adequate for the increase;
 - 4) revision of the typical lot diagram to reverse the side yard setbacks to conform to other developed lots on the South and East sides of Grant Park Drive;
 - 5) placement of a note on the site plan stating that HVAC equipment and emergency generators 3' high or higher must meet setback requirements;
 - 6) placement of a note on the site plan stating that common areas are to be maintained by the property owners;
 - 7) placement of a note on the site plan stating that two over-story trees are to be planted within the 25' frontage of the lot along Grant Park Drive;
 - 8) provision of two (2) revised PUD site plans to the Planning Section of Urban Development prior to the signing of any Subdivision plat;
 - 9) full compliance with all other municipal codes and ordinances; and,
 - 10) subject to the Engineering Comments: *(Minimum FFE on plans and plat. 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 #SUB2008-00228 (Subdivision)

Frascati Subdivision

1120 Paper Mill Road

100'± North of Paper Mill Road, 660'± East of Woodland Avenue

Number of Lots / Acres: 1 Lot / 13.3± Acres

Engineer / Surveyor: Volkert & Associates, Inc.

Council District 2

(Also see **Case #ZON2008-02519 (Sidewalk Waiver) Frascati Subdivision**, and, **Case #ZON2008-02518 (Planned Unit Development) Frascati 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 Mr. Watkins, with second by Mr. DeMouy, to approve the above referenced subdivision, subject to the following conditions:

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- 1) the construction and dedication of the new street to City of Mobile standards;
- 2) placement of a note on the final plat stating that the lot is limited to one curb cut to the proposed minor street, with the size, location, and design to be approved Traffic Engineering and conform to AASHTO Standards;
- 3) depiction of the 25' minimum building setback line prior to signing the final plat;
- 4) labeling of the lot with its size in square feet, or the provision a table on the plat with the same information; and,
- 5) 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.

The motion carried unanimously.

Case #ZON2008-02519 (Sidewalk Waiver)

Frascati Subdivision

1120 Paper Mill Road

Northwest corner of International Paper Access Road, (proposed public street) and Alabama State Docks Terminal Railroad right-of-way

Request to waive construction of a sidewalk along International Paper Access Road Council District 2

(Also see **Case #SUB2008-00228 (Subdivision) Frascati Subdivision**, above, and, **Case #ZON2008-02518 (Planned Unit Development) Frascati 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 further opposition or discussion, a motion was made Mr. Watkins, with second by Mr. DeMouy, to approve the above referenced request for a sidewalk waiver.

The motion carried unanimously.

Case #ZON2008-02518 (Planned Unit Development)

Frascati Subdivision

1120 Paper Mill Road

(100'± North of Paper Mill Road, 660'± East of Woodland Avenue).

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

Council District 2

(Also see **Case #SUB2008-00228 (Subdivision) Frascati Subdivision**, and, **Case #ZON2008-02519 (Sidewalk Waiver) Frascati Subdivision**, above)

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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 further opposition or discussion, a motion was made Mr. Watkins, with second by Mr. DeMouy, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) **placement of a note on the site plan 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; and,**
- 2) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2008-00232 (Subdivision)

Grant Street East Subdivision

Southeast corner of Grant Street and Airport Boulevard

Number of Lots / Acres: 1 Lot / 0.3± Acre

Engineer / Surveyor: Patrick Land Surveying

Council District 5

(Also see **Case #ZON2008-02526 (Rezoning) Joseph Payne**, 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 further opposition or discussion, a motion was made by Mr. Watkins, with second by Mr. DeMouy, to hold the matter over until the December 4, 2008, meeting, with revised information due by November 13, 2008, for the following reasons:

- 1) **address comments on site accessibility and parking and revise the site plan accordingly;**
- 2) **address comments from Urban Forestry regarding tree preservation to include revision of the site plan to reflect the preservation of the 48" Live Oak tree;**
- 3) **show compliance with Section V.B.16 of the Subdivision Regulations regarding curb radii;**
- 4) **provision of labeling of the size of the lot or a table with the same information on the plat; and,**
- 5) **compliance with all Engineering comments: *(Show Minimum FFE on plans and plat. No fill allowed within a special flood hazard area without providing compensation or completing a flood study showing that there is no rise for the proposed fill within the special flood hazard area. Must comply with all stormwater and flood control ordinances. Any work performed***

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in the right-of-way will require a right-of-way permit.)

The motion carried unanimously.

Case #ZON2008-02526 (Rezoning)

Joseph Payne

Southeast corner of Grant Street and Airport Boulevard.

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

Council District 5

(Also see **Case #SUB2008-00232 (Subdivision) Grant Street East Subdivision,**
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 further opposition or discussion, a motion was made by Mr. Watkins, with second by Mr. DeMouy, to hold the matter over until the December 4, 2008, meeting, with revised information due by November 13, 2008, for the following reasons:

- 1) **address comments on site accessibility and parking and revise the site plan accordingly;**
- 2) **address comments from Urban Forestry regarding tree preservation to include revision of the site plan to reflect the preservation of the 48" Live Oak tree;**
- 3) **show compliance with Section V.B.16 of the Subdivision Regulations regarding curb radii;**
- 4) **provision of labeling of the size of the lot or a table with the same information on the plat; and,**
- 5) **compliance with all Engineering comments: (*Show Minimum FFE on plans and plat. No fill allowed within a special flood hazard area without providing compensation or completing a flood study showing that there is no rise for the proposed fill within the special flood hazard area. 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 #SUB2008-00234 (Subdivision)

The Woodlands at the Preserve Subdivision, Amended, Re-subdivision of Lot 18

3468 Rue Royal

East side of Rue Royal, 1000'± East of the Rue Preserve entrance traffic circle

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

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(Also see **Case #ZON2008-02527 (Planned Unit Development) The Woodlands at the Preserve Subdivision, Amended, Re-subdivision of Lot 18**, 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 further opposition or discussion, a motion was made by Mr. Turner, with second by Mr. DeMouy, to approve the above referenced re-subdivision, subject to the following condition:

- 1) submission of documentation that the existing stormwater facilities are adequate to handle the increased site coverage, to be approved by City Engineering Department prior to signing of the final plat.**

The motion carried unanimously.

Case #ZON2008-02527 (Planned Unit Development)

The Woodlands at the Preserve Subdivision, Amended, Re-subdivision of Lot 18

3468 Rue Royal

(East side of Rue Royal, 1000'± East of the Rue Preserve entrance traffic circle).

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow increased site coverage from 45% to 53% in a single-family residential subdivision.

Council District 6

(Also see **Case #SUB2008-00234 (Subdivision) The Woodlands at the Preserve Subdivision, Amended, Re-subdivision of Lot 18**, 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 further opposition or discussion, a motion was made by Mr. Turner, with second by Mr. DeMouy, to approve the above referenced Planned Unit Development, subject to the following condition:

- 1) submission of documentation that the existing stormwater facilities are adequate to handle the increased site coverage, to be approved by City Engineering Department prior to signing of the final plat.**

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The motion carried unanimously.

Case #SUB2008-00236 (Subdivision)

Derrick Marks Subdivision

77 North Sage Avenue

West side of North Sage Avenue, 120'± North of Heather Street

Number of Lots / Acres: 1 Lot / 0.2± Acre

Engineer / Surveyor: Polysurveying Engineers- Land Surveying

Council District 1

(Also see **Case #ZON2008-02566 (Rezoning) Derrick Marks Subdivision**, below)

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

- 1) **revision of the plat to show lot size or provision of a table on the plat with the same information;**
- 2) **placement of a note on the final plat which limits the lot to its existing curb cuts; and,**
- 3) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2008-02566 (Rezoning)

Derrick Marks Subdivision

77 North Sage Avenue

West side of North Sage Avenue, 120'± North of Heather Street

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

Council District 1

(Also see **Case #SUB2008-00236 (Subdivision) Derrick Marks Subdivision**, above)

Matt Orrell, Polysurveying of Mobile, spoke on behalf of the applicant and asked that the matter be held over so that he could get with the staff to see if a resolution could be reached as opposed to denying the matter.

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 December 12, 2008, meeting.

The motion carried unanimously.

Case #SUB2008-00237 (Subdivision)

Sheffield Court Subdivision, Re-subdivision of Lot 9

2131 Sheffield Court

South terminus of Sheffield Court

Number of Lots / Acres: 1 Lot / 0.2± Acre

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

Council District 4

(Also see **Case #ZON2008-02533 (Planned Unit Development) Sheffield Court Subdivision, Re-subdivision of Lot 9**, 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 December 4, 2008, meeting, with revisions due by November 17, 2008, to allow the applicant time to address the following:

- 1) **submittal of a revised plan showing the footprint of the proposed structure with labeling of all proposed setbacks; and,**
- 2) **revision of the plat labeling the size of the lot in square feet along with the size of all existing structures in square feet.**

The motion carried unanimously.

Case #ZON2008-02533 (Planned Unit Development)

Sheffield Court Subdivision, Re-subdivision of Lot 9

2131 Sheffield Court

(South terminus of Sheffield Court).

Planned Unit Development Approval to amend the setbacks of a previously approved innovative subdivision (no associated PUD) to bring the existing building foot print into compliance and allow the construction of a screened pool structure.

Council District 4

(Also see **Case #SUB2008-00237 (Subdivision) Sheffield Court Subdivision, Re-subdivision of Lot 9**, 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 December 4, 2008, meeting, with revisions due by November 17, 2008, to allow the applicant time to address the following:

- 1) **submittal of a revised plan showing the footprint of the proposed structure with labeling of all proposed setbacks,**

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- height information and site coverage; and,
2) revision of the plat labeling the size of the lot in square feet along with the size of all existing structures in square feet

The motion carried unanimously.

Case #SUB2008-00225 (Subdivision)

Napolean McCoverly

208 North Lafayette Street

Southeast and Northeast corners of North Lafayette Street and St. Stephens Road

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

Engineer / Surveyor: Ferdinand Williams

Council District 2

(Also **Case #ZON2008-02523 (Planned Unit Development) Napolean McCoverly**, and, **Case #ZON2008-02504 (Rezoning) Napolean McCoverly**, below)

Napolean McCoverly spoke on his own behalf, making the following points in favor of the proposed development:

- A. he kept the area clean, including removing a tree that had fallen on a neighbor's fence;
- B. his patrons were quite, nice people with no intent to cause trouble in the area;
- C. he had complied with the City's requests regarding the state of the parking lot located at the rear of the property; and,
- D. he simply wanted to run a nice club that offered a positive place for people to gather.

The following people spoke in opposition to the matter:

- Stephanie Jackson, 204 North Lafayette Street, Mobile, AL; and,
- Mary Alice Taylor, 218 North Lafayette Street, Mobile, AL.

They made the following points in opposition to the matter:

- A. the nightclub had a negative impact on the residential nature of the area, as there were a large number of older residents as well as children who did not need to be exposed to that type of behavior;
- B. patrons of the club frequently used the driveways of neighbors as places to "hang out";
- C. patrons of the club frequently left large amounts of trash on the ground or in the garbage cans of the area residents; and,
- D. concern for the safety of the adjacent female neighbors.

Mr. Olsen stated that much of the work discussed by Mr. McCoverly had been done without permits from the City, including the parking lot behind the club to the east. He

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added that should the matter not pass, that violation tickets would be issued with regards to the parking lots and they would have to be removed, leaving the club with parking only available to the south side of the building.

Mr. Watkins noted that the two lots to the south and east were zoned residential and asked if they were also legal lots of record, as well as being separate and apart from the B-2 zoned property and was advised yes.

Mr. Turner asked that as they were separated, could they still be used as parking lots as they were zoned R-1 and he was advised that only the property to the south could be used for parking but the lot located to the east and rear of the property could not be used as such as it was not legal, non-conforming in nature.

Mr. Watkins asked if the Commission chose not to approve the rezoning then the subdivision application would be moot as it would create a single, split-zoned property, and was advised that was the case.

Hearing no further opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Watkins, to deny the above referenced subdivision, for the following reason:

- 1) denial of the Planned Unit Development and Zoning applications makes the Subdivision unnecessary.**

The motion carried unanimously.

Case #ZON2008-02523 (Planned Unit Development)

Napolean McCoverly

208 North Lafayette Street

Southeast and Northeast corners of North Lafayette Street and St. Stephens Road

Planned Unit Development Approval to allow off-site parking in a commercial subdivision.

Council District 2

(Also see **Case #SUB2008-00225 (Subdivision) Napolean McCoverly**, above, and,

Case #ZON2008-02504 (Rezoning) Napolean McCoverly, below)

Hearing no further opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Watkins, to deny the above referenced Planned Unit Development, for the following reasons:

- 1) the expansion of the parking for the existing lounge would be incompatible with the residential nature of the adjacent properties, and would create adverse effects;**
- 2) the use would legalize parking that is already causing excess traffic and circulation problems; and,**
- 3) the denial of the Zoning application makes the Planned Unit**

Development request unnecessary.

The motion carried unanimously.

Case #ZON2008-02504 (Rezoning)

Napolean McCovery

208 North Lafayette Street

(Southeast corner of North Lafayette Street and St. Stephens Road).

Rezoning from R-1, Single-Family Residential, and B-2, Neighborhood Business, to B-2, Neighborhood Business, to eliminate split zoning in a commercial subdivision.

Council District 2

(Also see **Case #SUB2008-00225 (Subdivision) Napolean McCovery**, and, **Case #ZON2008-02523 (Planned Unit Development) Napolean McCovery**, above)

Hearing no further opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Watkins, to deny the above referenced request for rezoning, for the following reasons:

- 1) **there is no manifest error in the Ordinance;**
- 2) **changing conditions were not identified to make the rezoning necessary or desirable; and,**
- 3) **the proposed development did not adequately address required landscaping, parking and residential adjacency buffers.**

The motion carried unanimously.

Case #SUB2008-00227 (Subdivision)

Grant Park Subdivision, Re-subdivision of Lots 38 & 39

924 Grant Park Drive

North side of Grant Park Drive, 430'± East of Grant Street

Number of Lots / Acres: 2 Lots / 0.2± Acre

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 5

(Also see **Case #ZON2008-02512 (Planned Unit Development Grant Park Subdivision, Re-subdivision of Lots 38 & 39**, below)

Mr. Vallas 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.

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

- 1) **provision of two (2) revised PUD site plans to the Planning**

- Section of Urban Development prior to the signing of the Subdivision plat;
- 2) placement of a note on the plat specifying the front, side, and rear yard setbacks, to comply with the original PUD and Subdivision, amended to require Lot 39A to maintain a 10' West side yard setback;
 - 3) placement of a note on the final plat stating that Lot 38A is limited to its current 51% site coverage, and Lot 39A is limited to 45% maximum site coverage, subject to verification by the Engineering Department that existing stormwater facilities are adequate for the increase;
 - 4) placement of a note on the plat stating that HVAC equipment and emergency generators 3' high or higher must meet setback requirements;
 - 5) placement of a note on the plat stating that common areas are to be maintained by the property owners;
 - 6) placement of a note on the plat stating that one over-story tree is to be planted within the 25' frontage of each lot along Grant Park Drive;
 - 7) full compliance with all other municipal codes and ordinances; and,
 - 8) 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).*

The motion carried unanimously.

**Case #ZON2008-02512 (Planned Unit Development)
Grant Park Subdivision, Re-subdivision of Lots 38 & 39**

924 Grant Park Drive

(North side of Grant Park Drive, 430'± East of Grant Street).

Planned Unit Development Approval to allow the relocation of an interior lot line for the construction of a single-family residential home.

Council District 5

(Also see **Case #SUB2008-00227 (Subdivision) Grant Park Subdivision, Re-subdivision of Lots 38 & 39**, above)

Mr. Vallas 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.

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

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- 1) completion of the Subdivision process;
- 2) placement of a note on the site plan specifying the front, side and rear yard setbacks, to comply with the original PUD and Subdivision, amended to require Lot 39A to maintain a 10' West side yard setback;
- 3) placement of a note on the site plan stating that Lot 38A is limited to its current 51% site coverage, and Lot 39A is limited to 45% maximum site coverage, subject to verification by the Engineering Department that existing stormwater facilities are adequate for the increase;
- 4) placement of a note on the site plan stating that HVAC equipment and emergency generators 3' high or higher must meet setback requirements;
- 5) placement of a note on the site plan stating that common areas are to be maintained by the property owners;
- 6) placement of a note on the site plan stating that one over-story tree is to be planted within the 25' frontage of each lot along Grant Park Drive;
- 7) provision of two (2) revised PUD site plans to the Planning Section of Urban Development prior to the signing of any Subdivision plat;
- 8) full compliance with all other municipal codes and ordinances; and,
- 9) 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).*

The motion carried unanimously.

OTHER BUSINESS:

Hearing no further business, the meeting was adjourned.

APPROVED: August 6, 2009

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman.

jsl