

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF NOVEMBER 18, 2010 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William G. DeMouy, Jr.
Stephen J. Davitt, Jr.
Nicholas H. Holmes, III
Herb Jordan
Mead Miller
James F. Watkins, III

Members Absent

Victoria L. Rivizzigno, Secretary
Roosevelt Turner
John Vallas

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Bert Hoffman,
Planner II
Caldwell Whistler,
Planner I
David Daughenbaugh,
Urban Forestry Coordinator
Joanie Stiff-Love,
Secretary II

Others Present

John Lawler,
Assistant City Attorney
Butch Ladner,
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.

APPROVAL OF MINUTES:

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

- October 7, 2010
- October 21, 2010
- November 4, 2010

The motion carried unanimously.

HOLDOVERS:

Case #SUB2010-00107 (Subdivision)

South Jones Subdivision

1926 & 2000 Telegraph Road

Southeast corner of Telegraph Road and New Bay Bridge Road

Number of Lots / Acres: 2 Lots / 3.4± Acres

Engineer / Surveyor: Erdman Surveying, Inc.

Council District 2

(Also see **Case #ZON2010-02356 (Planned Unit Development) South Jones Subdivision**, and, **Case #ZON2010-02357 (Rezoning) Douglas Roy Parker, III**, below)

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

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

- 1) **retention of the indicated right-of-way dedications;**
- 2) **retention of the 25-foot minimum building setback line and lot area sizes;**
- 3) **retention of a note on the plat stating that the site is limited to two shared curb-cuts between the two lots, with the size, design, and exact location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards; and,**
- 4) **retention of a note on the plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species.**

The motion carried unanimously.

Case #ZON2010-02356 (Planned Unit Development)

South Jones Subdivision

1926 & 2000 Telegraph Road

Southeast corner of Telegraph Road and New Bay Bridge Road

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

Council District 2

(Also see **Case #SUB2010-00107 (Subdivision) South Jones Subdivision**, above, and, **Case #ZON2010-02357 (Rezoning) Douglas Roy Parker, III**, below)

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

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- 1) placement of a note on the site plan stating that the gate for the northern curb-cut will remain open during business hours;
- 2) full compliance with tree planting and landscaping requirements to be coordinated with Urban Forestry;
- 3) provision of two copies of the revised site plan to the Planning Section of the Urban Development Department prior to the issuance of any permits; and,
- 4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2010-02357 (Rezoning)

Douglas Roy Parker, III

Southeast corner of Telegraph Road and New Bay Bridge Road
Rezoning from I-1, Light Industry District, and B-2, Neighborhood Business District, to I-1, Light Industry District, to eliminate split zoning
Council District 2

(Also see Case #SUB2010-00107 (Subdivision) **South Jones Subdivision**, and, Case #ZON2010-02356 (Planned Unit Development) **South Jones Subdivision**, above)

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

- 1) completion of the subdivision process; and,
- 2) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2010-00118

Julette Driskell Smith Family Division Subdivision

5544 Gibson Road

Northwest corner of Gibson Road and Wigfield Road

Number of Lots / Acres: 2 Lots / 9.1± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

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

- 1) placement of the note on the Final Plat stating that each lot is limited to one curb-cut, with the size, design, and location to be approved by Mobile County Engineering and to conform to AASHTO standards;
- 2) retention of the 25-foot minimum building setback line, and placement of a note on the Final Plat; and
- 3) retention of lot area size labeling, in square feet, on the Final Plat;
- 4) addition of the 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;
- 5) placement of the note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for wetland and floodplain issues, prior to the issuance of any permits or land disturbance activities;
- 6) placement of the 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.8. of the Subdivision Regulations; and,
- 7) placement of the note on the Final Plat stating that development *“Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall 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.”*

The motion carried unanimously.

Case #SUB2010-00119

The Gardens at Wellington Subdivision

South side of Old Pascagoula Road, ¼-mile+ West of Tillmans Corner Parkway

Number of Lots / Acres: 2 Lots / 5.6± Acres

Engineer / Surveyor: Bay Area Surveying, Inc.

County

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. DeMouy, with second by Mr. Davitt, to waive Section V.D.3. and approve the above referenced matter, subject to the following conditions:

- 1) illustration of the 25' minimum building setback line along Old Pascagoula Road;
- 2) revision of the plat to label the lot and the common area with their sizes in both square feet and acres, or the furnishing of a table on the final plat providing the same information;
- 3) placement of a note on the final plat stating that Lot 1 is limited to one curb-cut to Old Pascagoula Road, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;
- 4) placement of a note on the final plat stating that the maintenance of the common area is the responsibility of the property owners and not Mobile County;
- 5) 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;
- 6) placement of a note on the final plat stating that the common area is to remain in a natural vegetative state, and there shall be no development in the common area;
- 7) placement of a note on the final plat stating that there shall be no future subdivision of the common area unless adequate frontage on a public street is provided;
- 8) placement of a note on the final plat stating 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) 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 wetlands; and,
- 10) 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.8. of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2010-00120

Young Subdivision

2455 and 2625 Snow Road North

West side of Snow Road North, 310'± North of Howells Ferry Road, extending to the North side of Howells Ferry Road, ¼-mile± West of Snow Road North

Number of Lots / Acres: 5 Lots / 39.0± Acres

Engineer / Surveyor: M. Don Williams Engineering

County

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

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

- 1) **placement of a note on the final plat stating that no future subdivision of Lots 2 and 5 will be allowed until additional frontage on a paved public street is provided;**
- 2) **dedication of sufficient right-of-way to provide 50' from the centerline of Snow Road North;**
- 3) **verification that the right-of-way along Howells Ferry Road fronting the site is at least 50' from centerline, or the dedication of sufficient right-of-way to provide 50' from centerline;**
- 4) **illustration of the 25' minimum building setback line along Snow Road North and Howells Ferry Road, as measured from any required dedication;**
- 5) **labeling of each lot with its size in both square feet and acres, after any required dedication, 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 Lot 5 is limited to one curb-cut to Howells Ferry Road, and Lots 1, 2, 3, and 4 are limited to one curb-cut each to Snow Road North with the size, location, and design of all curb-cuts to be approved by County Engineering and conform to AASHTO standards;**
- 7) **placement of a note on the final plat stating that Section V.A.5., Environmental and Watershed Protection requirements of the Subdivision Regulations, will apply;**
- 8) **placement of a note on the final plat stating development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;**
- 9) **placement of a note on the final plat stating that the approval**

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- of all applicable federal, state, and local environmental agencies for wetlands would be required prior to the issuance of any permits or land disturbance activities;
- 10) 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.8 of the Subdivision Regulations; and,
 - 11) placement of a note on the final plat stating development must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall 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. New public roads shall be constructed and paved to standards for County Maintenance, and accepted by Mobile County, while new private roads shall be constructed and paved to minimum County or Subdivision Regulation standards, whichever are greater.

The motion carried unanimously.

Case #SUB2010-00121

A S Subdivision

9971 Airport Boulevard

South side of Airport Boulevard, 700'± West of Snow Road South

Number of Lots / Acres: 3 Lots / 7.9± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

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.

The following people spoke in favor of approving the matter that day, rather than holding it over:

- Don Coleman, Rester and Coleman, spoke on behalf of the applicant; and,
- Marl Cummings, Cummings and Associates, spoke on behalf of the applicant.

They made the following points:

- A. noted that most applications were approved based on the

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- recommendations listed 2 through 7 by the staff;
- B. noted that the property referenced in item 1 was a parcel whose ownership was conveyed prior to the present owners obtaining the property in question;
 - C. noted the parcel was granted a 50 foot easement across the east 20 feet of the property to Airport Boulevard which was conveyed by an instrument dated April 17, 1989;
 - D. noted that the owner granted the parcel of property to the Board of the Water and Sewer Commission on February 25, 1997;
 - E. expressed the opinion that the parcel in question should not be a part of this subdivision since it was in existence prior to the present owners obtaining the property;
 - F. noted that the final plat had been revised to reflect the recommendations, with the exception of Item 1, and had been submitted to the staff;
 - G. noted that the main focus of the three lot subdivision was Lot 2 and that Item 1 of the staff recommended conditions related to Lot 1;
 - H. expressed the opinion that the staff was confused regarding the east property line of Lot 1 and noted that had nothing to do with the lift station and the property conveyed to MAWSS in 1997; and,
 - I. noted the new owners purchased the property in question in 2004 and that the MAWSS property, the lift station, and the easement across the other property that went to Airport Boulevard had nothing to do with the “L” shaped piece of property before the Commission for subdivision into three lots that day.

In response, Mr. Olsen stated that the staff had prepared some conditions for approval should the Commission choose to approve the matter that day. He did point out that the property that had been sold to MAWSS by the previous owner should have gone through the subdivision process and documentation of when it was sold off should have been included in the application packet. He added that had that information been submitted with the original application there would have been no recommendation for holdover. He then read the following conditions for approval of the proposed subdivision:

- A. removal of the “future development” note on Lot 1;
- B. placement of a note on the Final Plat limiting the development to 2 curb-cuts with the location, size, and design to be approved by Mobile County Engineering and to conform to AASHTO standards;
- C. depiction of the 25-foot minimum building setback line on the Final Plat;

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- D. placement of lot area size labeling, in square feet, on the Final Plat;
- E. placement of the 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;
- F. placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for wetland and floodplain issues, prior to the issuance of any permits or land disturbance activities;
- G. placement of the 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.8. of the Subdivision Regulations; and,
- H. placement of the note on the Final Plat stating that development “Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall 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.”

Mr. Cummings stated they were in agreement with the conditions as read

Mr. Davitt asked why the staff would want to remove the note of “future development” from Lot 1 to which Mr. Olsen responded that the parcel was depicted as a lot and in as much it must be noted as a lot and not as “future development.” Mr. Olsen added that without designating it as a lot, should the applicant want to develop it in the future, they would have to come back to the Planning Commission to remove the “future development” designation to make it a lot of record.

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

- 1) removal of the “future development” note on Lot 1;**
- 2) placement of a note on the Final Plat limiting the development to 2 curb-cuts with the location, size, and design to be approved by Mobile County Engineering and to conform to AASHTO standards;**
- 3) depiction of the 25-foot minimum building setback line on the**

- Final Plat;**
- 4) **placement of lot area size labeling, in square feet, on the Final Plat;**
 - 5) **placement of the 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;**
 - 6) **placement of the note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for wetland and floodplain issues, prior to the issuance of any permits or land disturbance activities;**
 - 7) **placement of the 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.8. of the Subdivision Regulations; and,**
 - 8) **placement of the note on the Final Plat stating that development *“Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall 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.”***

The motion carried unanimously.

Case #SUB2010-00123
Regatta Vita Subdivision

4603 Park Road

East side of Park Road at the East terminus of Alba Avenue

Number of Lots / Acres: 4 Lots / 1.1± Acres

Engineer / Surveyor: Gerald A. Smith Surveyor

Council District 3

The Chair announced the matter had been recommended for denial, however, if there were those who wished to speak on the matter to please do so at that time.

Gerald Smith, surveyor for the applicant, asked that the matter be held over to the January 20, 2011, meeting, to allow them the opportunity to reconfigure the subdivision so that it would be in compliance with the Subdivision Regulations.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. Watkins, to hold the matter over until the January 20, 2011, meeting, per

the applicant's request.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2010-02534

Group 1 Automotive, Inc.

1005 and 1015 East I-65 Service Road South
East side of East I-65 Service Road South, 690'± North of International Drive
Planned Unit Development Approval to amend a previously approved Planned Unit
Development to allow multiple buildings on a single building site, with shared access
and parking between two building sites
Council District 5

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

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

- 1) **revision of the site plan to include a statement regarding the provision of a dumpster, or placement of a note on the site plan stating that dumpsters will not be provided as part of the development;**
- 2) **placement of a note on the PUD site plan stating that cross-access is limited to the illustrated access between Lot 2, I-65 East Service Road Development Subdivision and Lot 1, Interstate SE Subdivision, and that no vehicle inventory will be stored on adjacent lots until those lots are brought into compliance with the Zoning Ordinance;**
- 3) **submission of two (2) copies of the revised PUD site plan;**
- 4) **delineation of the billboard lease parcel from the actual inventory area;**
- 5) **full compliance with the Tree and Landscaping requirements of the Zoning Ordinance for the inventory site;**
- 6) **provision of frontage trees along I-65 Service Road on the existing car dealership lot;**
- 7) **compliance with Section 64-6.A.3.c. of the Zoning Ordinance pertaining to the lighting requirements of parking lots; and,**
- 8) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2010-00122 (Subdivision)

Pinehurst, Delaney's Addition to Spring Hill, Block 21, Re-subdivision of and Addition to Lot 18

West side of Wesley Avenue, 600'± South of Airport Boulevard

Number of Lots / Acres: 2 Lots / 0.3± Acre

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(Also see Case #ZON2010-02540 (Sidewalk Waiver) **High Gear Land Development, LLC**, Case #ZON2010-02536 (Planned Unit Development) **Pinehurst, Delaney's Addition to Spring Hill, Block 21, Re-subdivision of and Addition to Lot 18**, and, Case #ZON2010-02537 (Rezoning) **High Gear Land Development, LLC**, below)

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

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Ray Robertson, 805 Wesley Avenue, Mobile, AL, expressed his concern over what he saw as potential traffic issues. He made the following points:

- A. noted that Pinehurst currently was utilized as a "cut thru" from Hillcrest Road to Airport Boulevard;
- B. felt that the locations for the driveways on the proposed houses would create dangerous traffic situations with regards to children at play, as cars were known to speed in the area;
- C. felt that the current traffic calming device was not working correctly as it caused speeding traffic to enter the wrong lane of traffic;
- D. stated he had spoken with some traffic engineers and hoped to have speed tables put in place in the area; and,
- E. noted that he and his neighbors were not against the houses being built but simply very concerned over the traffic that would be created and the associated problems.

Butch Ladner, Traffic Engineering, noted that he had just been informed of Mr. Robertson's concerns immediately prior to the meeting and that his department would treat it as they would any request for traffic calming devices, noting that funds would have to be allocated for the requested devices and that 70% of the street's residents would have to agree to the devices. He did add that if the developer was agreeable to the addition of traffic calming devices, that the responsibility for the installation of same could be included as one of the conditions for approval of the proposed development.

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The Chair asked if the Commission could legally address the matter.

Mr. Lawler responded by saying yes and added that the Commission could mandate the traffic improvements be required by the developer. He noted it had not been done often in the past, but that it had, indeed, been done.

Michael Daniels of B.C. Daniels Construction, 5617 Cottage Hill Road, Mobile, AL, owner of the property to the north of the property in question, noted he did not own the property in question. He asked for conformation from the staff regarding Condition 12 of the rezoning application and Condition 4 regarding revision of the side yard setbacks adjacent to the lots and that they be a minimum of eight feet.

The Chair noted that in the staff's recommendations the side yard setback to adjacent lots was eight feet with the internal setback being five feet, however, the plan showed all of the setbacks as five feet.

Mr. Olsen explained that the applicant's plan showed five feet as that was what they had requested; however, the staff recommended that along the north and south lines the setback be eight feet. He noted that it was a standard condition on any Planned Unit Development or Subdivision that the setbacks on any exterior property lines met the eight foot minimum setback requirement.

In deliberation, Mr. Miller wondered why the Commission was so quick to approve the rezoning request as well as adding his concern over the sidewalk waiver.

Mr. Olsen responded that the staff's recommendation to approve the rezoning request was due to the adjacency of property already zoned as R2 and they saw this as the expansion of the same with a similar development. He noted regarding the sidewalk waiver that there were no sidewalks on Wesley Avenue as a sidewalk waiver had been granted for those properties earlier. He added that the area was not really buildable with regards to sidewalks as well.

Mr. Miller asked how many residences this application would involve and Mr. Olsen advised that there were only two.

Mr. Miller commented that the issues brought up regarding traffic were very valid points but wondered if it was quite fair to ask the developer to be responsible for the installation of the traffic calming device as they were only creating two houses.

Mr. Watkins noted that Mr. Robertson had stated there was a traffic calming circle in the area, however, he did not see such shown on the map.

Mr. Olsen stated that it was simply a series of two "bump outs" with one located on one side of the street and the second on the opposite side of the street which basically caused an "S" curve.

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Mr. Watkins asked if he was correct in understanding that the developer wanted to remove those.

Mr. Olsen responded that information may have been mentioned to someone on staff at some time; however, he was not aware of it. He added that it was not something the developer could just elect to do but that they would have to seek the approval of Traffic Engineering and get right-of-way permits. Mr. Olsen also stated that the Commission could place a condition on the subdivision that the applicant not be allowed to remove that traffic calming device.

Mr. Lawler stated that the Commission could choose to hold the matter over to allow someone to come in and make a more definite statement regarding what the traffic situation actually was and what it would take to make the situation safe, as well as determine what degree of participation the developer needed to play in the matter.

Mr. Watkins asked if the same developer was responsible for the area from north to south and was advised it was not.

Mr. Holmes asked if it would not be best to recommend that the developer get with Traffic Engineering to work towards a solution to the problem.

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

- 1) **placement of a note on the site plan stating that each lot is limited to one curb-cut, with the size, design, and location to be approved by Traffic Engineering and in conformance with AASHTO standards;**
- 2) **depiction and labeling of the 15-foot front yard setback, and removal of all other setbacks and site coverage information;**
- 3) **labeling of the lot size in square feet;**
- 4) **compliance with Engineering comments: *(Must comply with all stormwater and flood control ordinances. Detention must be provided, show location of detention area on each lot on Plat. Place note on plat that a land disturbance permit will be required and that each lot is responsible for providing and maintaining detention for any impervious area (building, sidewalk, driveway, patio, etc.) in excess of 2,000 square feet (detention for the 100 year storm event with 2 year storm event release rate). Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit);***
- 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; and,**

- 6) submission of a revised PUD site plan to the Planning Section of Urban Development prior to signing the Final Plat.

The motion carried unanimously.

Case #ZON2010-02540 (Sidewalk Waiver)

High Gear Land Development, LLC

West side of Wesley Avenue, 600'± South of Airport Boulevard
Request to waive construction of a sidewalk along Wesley Avenue
Council District 6

(Also see Case #SUB2010-00122 (Subdivision) **Pinehurst, Delaney's Addition to Spring Hill, Block 21, Re-subdivision of and Addition to Lot 18**, above, and, Case #ZON2010-02536 (Planned Unit Development) **Pinehurst, Delaney's Addition to Spring Hill, Block 21, Re-subdivision of and Addition to Lot 18**, and, Case ZON2010-02537 (Rezoning) **High Gear Land Development, LLC**, below)

Hearing no opposition or further discussion, a motion was made by Mr. Miller, with second by Mr. Holmes, to approve the sidewalk waiver request along Wesley Avenue.

The motion carried unanimously.

Case #ZON2010-02536 (Planned Unit Development)

Pinehurst, Delaney's Addition to Spring Hill, Block 21, Re-subdivision of and Addition to Lot 18

West side of Wesley Avenue, 600'± South of Airport Boulevard
Planned Unit Development Approval to allow reduced front and side yard setbacks, reduced lot sizes and widths, and increased site coverage to 45% in a single-family residential subdivision
Council District 6

(Also see Case #SUB2010-00122 (Subdivision) **Pinehurst, Delaney's Addition to Spring Hill, Block 21, Re-subdivision of and Addition to Lot 18**, and, Case #ZON2010-02540 (Sidewalk Waiver) **High Gear Land Development, LLC**, above, and, Case #ZON2010-02537 (Rezoning) **High Gear Land Development, LLC**, below)

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

- 1) placement of a note on the site plan stating that each lot is limited to one curb-cut, with the size, design, and location to be approved by Traffic Engineering and in conformance with AASHTO standards;
- 2) labeling of the lots with their maximum site coverage (40%), or the provision of a table with the same information;
- 3) depiction and labeling of the 15-foot front yard setback;

- 4) revision of the side yard setback where the site abuts adjacent lots to be a minimum of 8-feet, with the internal side yard setback to remain 5-feet, as proposed;
- 5) **compliance with Engineering comments:** *(Must comply with all stormwater and flood control ordinances. Detention must be provided, show location of detention area on each lot on Plat. Place note on plat that a land disturbance permit will be required and that each lot is responsible for providing and maintaining detention for any impervious area (building, sidewalk, driveway, patio, etc.) in excess of 2,000 square feet (detention for the 100 year storm event with 2 year storm event release rate). Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit.);*
- 6) **compliance with the off-street parking requirements of Section 64-6.A.2. of the Zoning Ordinance;**
- 7) **placement of a note on the PUD site plan that any air conditioning unit over 3-feet in height will be required to be in compliance with the Zoning Ordinance;**
- 8) **placement of a note on the 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,**
- 9) **submission of a revised PUD site plan to the Planning Section of Urban Development prior to signing the Final Plat.**

The motion carried unanimously.

Case #ZON2010-02537 (Rezoning)

High Gear Land Development, LLC

West side of Wesley Avenue, 600'± South of Airport Boulevard

Rezoning from R-1, Single-Family Residential District, to R-2, Two-Family Residential District, to allow a single-family residential subdivision

Council District 6

(Also see **Case #SUB2010-00122 (Subdivision) Pinehurst, Delaney's Addition to Spring Hill, Block 21, Re-subdivision of and Addition to Lot 18, Case #ZON2010-02540 (Sidewalk Waiver) High Gear Land Development, LLC, and, Case #ZON2010-02536 (Planned Unit Development) Pinehurst, Delaney's Addition to Spring Hill, Block 21, Re-subdivision of and Addition to Lot 18, above)**

Hearing no opposition or further discussion, a motion was made by Mr. Miller, with second by Mr. Holmes, to approve this change in zoning to the City Council subject to the following condition:

- 1) **completion of the Subdivision process; and,**
- 2) **rezoning limited to an approved Planned Unit Development.**

The motion carried unanimously.

OTHER BUSINESS:

Mr. Olsen advised the Commission the apartments located out on Southland Drive that had been approved by the Commission, which had also been appealed to the City Council who upheld the Commission's approval, were now being appealed in Circuit Court.

Mr. Watkins asked for more clarification regarding their location and Mr. Olsen added that they were off Knollwood Drive and that Roland Francis was listed as the applicant.

Hearing no further business, the meeting was adjourned.

APPROVED: December 16, 2010

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

jsl