

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF DECEMBER 4, 2008 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William DeMouy
Victoria L. Rivizzigno, Secretary
Debra Butler
Stephen J. Davitt, Jr.
Mead Miller
Roosevelt Turner
John Vallas
James Watkins, III

Members Absent

Clinton Johnson
Nicholas Holmes, III

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
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.

HOLDOVERS:

Case #SUB2008-00214 (Subdivision)

Elijah House Subdivision

1867 Duval Street

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

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

Engineer / Surveyor: Patrick Land Surveying

Council District 3

(Also see **Case #ZON2008-02282 (Planned Unit Development) Elijah House Subdivision**, and, **Case #ZON2008-02283 (Planning Approval) Elijah House 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.

December 4, 2008
PLANNING COMMISSION MEETING

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

- 1) **dedication of right-of-way along Duval Street, as depicted, to provide 40-feet from centerline;**
- 2) **placement of a note on the plat stating that the site is limited to two curb-cuts, with the size, design, and location to be approved by Traffic Engineering and to conform to the greatest extent possible with AASHTO standards;**
- 3) **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;**
- 4) **provision of one revised Planning Approval site plan and one revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final plat; and,**
- 5) **completion of the Subdivision process prior to making any applications for permits.**

The motion carried unanimously.

Case #ZON2008-02282 (Planned Unit Development)

Elijah House Subdivision

1867 Duval Street

South side of Duval Street, at the South terminus of Murray Hill Court [private street]
Planned Unit Development Approval to allow multiple buildings on a single building site
Council District 3

(Also see **Case #SUB2008-00214 (Subdivision) Elijah House Subdivision**, above, and, **Case #ZON2008-02283 (Planning Approval) Elijah House Subdivision**, below)

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

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

- 1) **revision of the site plan to either indicate the location of a dumpster, if used, or placement of a note on the site plan stating how waste from the site is handled;**
- 2) **revision of the site plan to either move the proposed magnolia trees so that they are at least 15-feet from any overhead power line, or to show substitution of live oaks or crepe myrtles;**
- 3) **compliance with Urban Forestry comments: (*Property to be developed in compliance with state and local laws that pertain to***

December 4, 2008
PLANNING COMMISSION MEETING

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 54" Live Oak Tree located at the South East corner of the lot and the 46" Live Oak Tree located on the West side of the lot. Any work on or under these trees are to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.);

- 4) **compliance with revised Traffic Engineering comments: (Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Standard driveway radii are twenty feet. Changes should be made to the driveways shown to accommodate this standard.);**
- 5) **provision of a one revised PUD site plan to the Planning Section prior to the signing of the final plat or application for any permits for site work or building improvements; and,**
- 6) **application for permits for site improvements to be made within 1 month, and to be accompanied by applications for the appropriate building permits to bring existing structures up to the relevant Building and Fire codes (due to life/safety issues).**

The motion carried unanimously.

Case #ZON2008-02283 (Planning Approval)

Elijah House Subdivision

1867 Duval Street

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

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

Council District 3

(Also see **Case #ZON2008-02282 (Planned Unit Development) Elijah House Subdivision**, and, **Case #SUB2008-00214 (Subdivision) Elijah House Subdivision**, above)

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

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

- 1) **use is limited to 40-bed maximum parole-based housing, outreach, and rehabilitation services;**
- 2) **continued operation subject to approval by the Building and Fire Code officials;**

December 4, 2008
PLANNING COMMISSION MEETING

- 3) revision of the site plan to either indicate the location of a dumpster, if used, or placement of a note on the site plan stating how waste from the site is handled;
- 4) revision of the site plan to either move the proposed magnolia trees so that they are at least 15-feet from any overhead power line, or to show substitution of live oaks or crepe myrtles;
- 5) 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 54" Live Oak Tree located at the South East corner of the lot and the 46" Live Oak Tree located on the West side of the lot. Any work on or under these trees are to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.);*
- 6) compliance with revised Traffic Engineering comments: *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Standard driveway radii are twenty feet. Changes should be made to the driveways shown to accommodate this standard.);*
- 7) provision of a one revised Planning Approval site plan to the Planning Section prior to the signing of the final plat or application for any permits for site work or building improvements; and,
- 8) application for permits for site improvements to be made within 1 month, and to be accompanied by applications for the appropriate building permits to bring existing structures up to the relevant Building and Fire codes (due to life/safety issues).

The motion carried unanimously.

Case #SUB2008-00235 (Subdivision)

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 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. Vallas, with second by Mr. DeMouy, to waive Section V.D.3. and approve the above referenced subdivision, subject to the following conditions:

December 4, 2008

PLANNING COMMISSION MEETING

- 1) placement of a note stating that Lots 1 and 2 are limited to a maximum of two curb cuts each on McCrary Road with the size, location, and design of each curb cut to be approved by County Engineering;
- 2) revision of the plat to depict the 25' minimum building setback line along all street frontages;
- 3) labeling of each lot with its size in square feet in addition to acreage;
- 4) placement of a note on the plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;
- 5) placement of a note on the plat stating that approval of all applicable Federal, state, and local agencies is required for wetland and floodplain issues, if any, prior to the issuance of any permits or land disturbance activities;
- 6) 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,
- 7) placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.

The motion carried unanimously.

Case #ZON2008-02530 (Planned Unit Development)

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

December 4, 2008
PLANNING COMMISSION MEETING

- 1) 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.**

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)

Doug Anderson, Burr and Foreman Law Firm, spoke on behalf of the applicant and made the following points in favor of its approval:

- A. though zoned R-1, it is requested to be rezoned as T-B as it has a number of business located in its vicinity and listed a dentist's office, a veterinary clinic, a bridal shop, and the Mobile Area Board of Realtors' office;
- B. the property is not suited for residential, as was determined in 1984, when a previous owner applied for a variance and the staff report stated the property was not ideally suited for residential zoning;
- C. the staff report does not recommend T-B, but recommends B-1, however, it also states that due to the size and shape of the property, B-1 is not appropriate either; and,
- D. though the staff supports the fact the property is no suitable for use as it is currently zoned, no one can decided what is most appropriate for it, thus hampering it's ability to be used and/or sold.

Mr. Olsen stated that T-B zoning is specifically intended to be pedestrian friendly and based upon that, should the Commission choose to approve rezoning of the property, another commercial classification such as B-1 would be appropriate, however, that zoning would limit the scope of its use.

Mr. DeMouy asked if it was known how long it had been in the current owner's possession.

Mr. Anderson replied he only represented the potential buyer, not the current owner.

December 4, 2008

PLANNING COMMISSION MEETING

Mr. Vallas thought it had been owned for the last 10 to 15 consecutive years by the Olensky family.

Mr. Turner asked if the owner would be willing to go with B-1 as opposed to T-B, to which Mr. Anderson responded yes.

Mr. Olsen asked Mr. Anderson if his client would be agreeable with a condition that limited the development to the site plan as presented, to which Mr. Anderson responded yes.

Reggie Copeland, Mobile City Council president and District 5 representative, spoke in opposition to the matter and made the following points:

- A. expressed his opinion that the development would not work due to its location, size, shape, etc.;
- B. the corner of Grant Street and Airport Boulevard was very dangerous with regards to traffic issues;
- C. he did agree that the current R-1 zoning was not appropriate, due to the traffic safety issues;
- D. the proposed development would encourage people to make illegal U-turns to access the property;
- E. if approved by the Planning Commission, he would encourage his fellow council members to vote against rezoning the property due to safety issues; and,
- F. he would like to put a city park at that location.

Mr. Turner stated that as all of the city's current zoning classifications had been determined as not appropriate for the site, what use could the property serve other than the park as suggested by Councilman Copeland.

Mr. DeMouy commented that he had had a number of conversations with Mr. Olensky regarding the city purchasing that property; however, once a fair price had been agreed upon, the funds for its purchase were not available.

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

- 1) labeling of the size of the lot or provision of a table with the same information on the plat;**
- 2) the final plat to show setback from all street rights-of-way as shown on the preliminary plat (10-feet);**
- 3) placement of a note on the final plat limiting the site to one two-way curb cut or two one-way curb cuts to Florida Street Extension, with the size, location, and design of all curb cuts to**

- be approved by Traffic Engineering and conform to AASHTO standards;
- 4) placement of a note on the final plat limiting the site to two curb cuts to the unopened Grant Street right-of-way after such time that Grant Street has been constructed to city standards with the size, location, and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;
 - 5) placement of a note on the final plat denying access to Airport Boulevard;
 - 6) placement of a note on the final plat stating that approval of all applicable federal, state, and local agencies would be required prior to the issuance of any permits;
 - 7) 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;
 - 8) 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*); and,
 - 9) compliance with all Urban Forestry comments: (*Preservation status is to be given to the 48" Live Oak Tree located along the Airport Boulevard R/W. 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. Tree removal permits are required from Urban Forestry before removing any Live Oak Tree 24" DBH or larger.*)

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

Case #ZON2008-02526 (Rezoning)

Joseph Payne

Southeast corner of Grant Street and Airport Boulevard

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

Council District 5

(Also see **Case #SUB2008-00232 (Subdivision) Grant Street East Subdivision**, above)

Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Roosevelt, to approve the above reference request for rezoning to B-1 Buffer Business, subject to the following conditions:

December 4, 2008

PLANNING COMMISSION MEETING

- 1) **development limited to the site plan as presented to the Commission, as may be required to be modified by conditions of this approval;**
- 2) **developer to submit and obtain a variance for reduced setbacks;**
- 3) **submission and approval of a sidewalk waiver if sidewalk construction is not practicable; and,**
- 4) **full compliance with all municipal codes and ordinances, including but not limited to landscaping and tree plantings.**

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

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

Vince LaCoste, Polysurveying of Mobile, spoke on behalf of the applicant requesting approval of the application and addressed the staff's concern regarding the existing building's encroachment into the protection buffer:

- A. he recognized that the building is only 6.5 feet off of the line, as opposed to the required 10 feet, however, he also noted that the building has been in place for a long time;
- B. the zoning variance does allow that requirement to be waived when the situation has been in place for an extreme amount of time; and,
- C. the applicant is willing to put a privacy fence in place, with its size and location to be determined by staff.

Derrick Marks, 77 North Sage Avenue, spoke on his own behalf regarding the issue of rezoning, saying he had discussed with his neighbors his desire to put a tax office at that address and had encountered no opposition. He added that he had found other, similar businesses in the neighborhood as well.

Mr. Olsen stated that the area of Sage Avenue in question has a mixture of uses either by being "grandfathered in" or by having obtained a variance to allow those uses. He added that in this particular case, there were offices nearby, one adjacent to the north and one two properties to the south which are zoned R-1 but are being used as offices.

Mr. Vallas wanted to hear if there was any opposition to the proposed rezoning, as well as hear conditions for approval from the staff, while Mr. Marks was present.

December 4, 2008

PLANNING COMMISSION MEETING

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

- 1) developer to submit and obtain a variance for reduced buffers;
- 2) building to be brought into compliance with building code for the change in use from residential to commercial (which includes submission of building plans, site plan for parking lot, and permitting); and,
- 3) full compliance with all municipal codes and ordinances, including but not limited to buffer fences, landscaping, and tree plantings.

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)

James Ryall, 2131 Sheffield Court, stated they were simply asking to be able to put a screen cover over the family swimming pool, however, at that time they requested the matter be held over so that they could discuss with the staff what needed to be changed with regards to their plans to have it approved.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over at the applicant's request until the January 8, 2009, meeting, to allow the applicant time to discuss possible modifications with the staff.

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)

December 4, 2008
PLANNING COMMISSION MEETING

James Ryall, 2131 Sheffield Court, stated they were simply asking to be able to put a screen cover over the family swimming pool, however, at that time they requested the matter be held over so that they could discuss with the staff what needed to be changed with regards to their plans to have it approved.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over at the applicant's request until the January 8, 2009, meeting, to allow the applicant time to discuss possible modifications with the staff.

The motion carried unanimously.

EXTENSIONS:

Case #SUB2005-00248 (Subdivision)

Stein Re-subdivision Subdivision

North side of Airport Boulevard, 380'± East of Pierce Road

Number of Lots / Acres: 2 Lots / 17.6± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

Ricky Thames, Rester and Coleman Engineers Inc., spoke on behalf of the applicant, stating they were agreeable with the denial.

Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Dr. Rivizzigno, to deny the request for extension.

The motion carried unanimously.

Case #SUB2006-00271 (Subdivision)

Oak Forest Place Subdivision

South side of Clarke Road, 160'± East of Dawes Road, extending to the South side of Clarke Road, 160'± West of Willow Oak Drive

Number of Lots / Acres: 15 Lots / 9.5+ Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

Ricky Thames, Rester and Coleman Engineers Inc., spoke on behalf of the applicant, stating they were agreeable with the denial.

Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Dr. Rivizzigno, to deny the request for extension.

The motion carried unanimously.

Case #SUB2007-00284 (Subdivision)

Bellingrath Road Country Club Estates Subdivision, Second Addition to

8031 Bellingrath Road

East side of Bellingrath Road, 545' + South of the East terminus of Mardanne Drive

Number of Lots / Acres: 33 Lots / 25.3± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

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

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

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2008-00245

Parkway Place Subdivision

2338 Dauphin Island Parkway

South side of Dauphin Island Parkway, 70'± East of Willowdale Street

Number of Lots / Acres: 1 Lot / 0.7± Acre

Engineer / Surveyor: Byrd Surveying, Inc.

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. Vallas, to approve the following subdivision, subject to the following conditions:

- 1) **completion of the rezoning process prior to the issuance of any permits or land disturbance activities;**
- 2) **dedication, if applicable, of sufficient right-of-way to provide 50' as measured from the center line of Dauphin Island Parkway;**
- 3) **placement of a note on the final plat stating that the site is limited to one curb cut to each street, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) **the applicant receive the approval of all applicable federal, state, and local environmental agencies would be required prior to the issuance of any permits or land disturbance activities; and,**

December 4, 2008

PLANNING COMMISSION MEETING

- 5) **placement of a note on the plat stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species.**

The motion carried unanimously.

Case #SUB2008-00248

Commuters Farm Subdivision, Re-subdivision of Lot 1

4166 Dozer Lane

Northwest corner of Dozer Lane and U. S. Highway 90 West Service Road

Number of Lots / Acres: 1 Lot 1.3± 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. Vallas, to approve the above referenced re-subdivision, subject to the following conditions:

- 1) **dedication, if applicable, of sufficient right-of-way to provide a minimum 150' as measured from the centerline of Nevius Road, and the labeling of the maximum and minimum dimensions of its varying right-of-way;**
- 2) **dedication of sufficient right-of-way to provide a minimum 30' as measured from the centerline of Dozer Lane;**
- 3) **provision of an adequate radius at the intersection of Nevius Road and Dozer Lane;**
- 4) **placement of a note stating that the subdivision is limited to two curb cuts to each street, with the sizes, locations, and designs to be approved by County Engineering and ALDOT and conform to AASHTO standards;**
- 5) **labeling of the lot with its size in square feet (in addition to acreage), or the provision a table on the plat with the same information;**
- 6) **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;**
- 7) **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,**
- 8) **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 #SUB2008-00244

Tillmans Square Subdivision, Re-subdivision of Lot 1

5441 U.S. Highway 90 West

East side of Highway U. S. 90 West, 200'± North of Coca Cola Road

Number of Lots / Acres: 2 Lots / 11.1± Acres

Engineer / Surveyor: Rester & Coleman Engineers, Inc.

County

Marl Cummings, Cummings and Associates, spoke for the applicant stating they simply wanted to amend one issue on an application that had been heard and approved previously. He stated that after that approval and the engineer's subsequent review, the first condition was an issue. He said that item required the dedication of 35 feet of private property for additional Highway 90 right-of-way, which created negative physical and legal ramifications, as mortgaged property can not be dedicated, and the property in question also contained three (3) of the shopping center's curb cuts

Mr. Olsen stated that if the Commission chose to grant Mr. Cummings request, the staff would be fine with a 60 foot setback in lieu of the 35 foot dedication of right-of-way.

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

- 1) **placement of a 60' setback along U.S.Highway 90 West, in compliance with major street standards;**
- 2) **illustration of the 25' minimum building setback line along Lot 2 as measured from its front property line (West line) along Lot 1;**
- 3) **placement of a note on the final plat stating that Lot 1 is limited to the existing curb cuts to U.S. Highway 90 West, with the size, location, and design of all curb cuts to be approved by County Engineering and conform to AASHTO standards;**
- 4) **placement of a note on the final plat stating that Lot 2 is limited to one curb cut to U.S. Highway 90 West, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 5) **labeling of each lot with its size in square feet and acres, or the furnishing of a table on the plat providing the same information;**

December 4, 2008
PLANNING COMMISSION MEETING

- 6) 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;
- 7) 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,
- 8) 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 #SUB2008-00247

Raphael & Angela Holloway Subdivision

7631 Smith Road

South side of Smith Road at the South terminus of Rylee Road

Number of Lots / Acres: 2 Lots / 1.4± 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 Dr. Rivizzigno, with second by Mr. Turner, to approve the above referenced subdivision, subject to the following conditions:

- 1) placement of a note on the final plat stating that Lot 1-A and Lot 1-B are limited to one curb cut each onto Smith Road, with the size, location, and design of each to be approved by County Engineering;
- 2) 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;
- 3) placement of a note on the plat stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species; and,
 - 4) placement of a note on the 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 #SUB2008-00249

Tides Inn Subdivision, Re-subdivision of Lot 1

3960 Hamilton Boulevard

North side of Hamilton Boulevard, 2100'± West of Rangeline Road

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

Engineer / Surveyor: Patrick Land Surveying

County

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

Hearing no opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Turner, to waive Section V.B.6. and approve the above referenced re-subdivision, subject to the following conditions:

- 1) placement of a note on the final plat stating that both lots are limited to one curb cut along Hamilton Boulevard;
- 2) retention of the 25-foot minimum building setback line from all street frontages;
- 3) retention of the labeling of each lot with its size in square feet, or placement of a table on the plat with the same information;
- 4) retention of the note regarding compliance 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

December 4, 2008
PLANNING COMMISSION MEETING

- of any permits;
- 5) provision 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. A note regarding this requirement should also appear on the final plat;
 - 6) approval of all applicable federal, state, and local agencies prior to the issuance of any permits or land disturbance activities; and,
 - 7) retention of the 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 #SUB2008-00251

J. Turner's Place Subdivision

5412 Travis Road

West side of Travis Road at the West terminus of Whitehall Drive

Number of Lots / Acres: 2 Lots / 8.0± Acres

Engineer / Surveyor: Polysurveying Engineering – 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 January 8, 2009, meeting, with a revised/corrected plat and legal description due by December 15, 2008, for the following reason:

- 1) **the applicant must submit a revised/corrected plat and legal description for the site to include the remainder of Parcel R023309304000061.**

The motion carried unanimously.

Case #SUB2008-00246

Heron Landing Subdivision, Unit One & Unit Two

2454 Doyle Street

South side of Dauphin Island Parkway, 230'± East of Willowdale Street, extending to the South side of Dauphin Island Parkway, 340'± West of Doyle Street, and extending to the West side of Doyle Street, 600'± South of Dauphin Island Parkway

Number of Lots / Acres: 20 Lots / 21.0± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 4

Jerry Byrd, Byrd Surveying Inc., spoke on behalf of the applicant stating the following:

- A. this subdivision had prior Planning Commission approval, but due to financial issues had be late in its physical development;
- B. the currently cul-de-sac mentioned in the staff report had prior approval and had already been created, thus enlarging it to meet the staff's recommended requirement would create a hardship for the developer; and,
- C. the note referenced in condition 4 was not necessary on the final plat as the subdivision has prior approval including that of ALDOT and Traffic Engineering and the intersection is currently under construction.

Mr. Olsen responded with the following:

- A. the current Subdivision Regulations have been amended to include the 2003 International Fire Code requirements, however, if the infrastructure improvements were in place prior to the amending of the Subdivision Regulations, and are currently in place, it might be difficult at this time to require that those improvements be removed to increase the radius especially if it has already been approved by both Engineering and Fire; and,
- B. regarding condition 4, it is agreed that it may not be necessary to put that note on the plat if the intersection has indeed been designed and/or constructed.

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

- 1) **construction and dedication of the new streets to City Engineering standards and acceptance of the streets by City Engineering prior to signing the Final Plat;**
- 2) **revision of the plat to depict a 55-foot setback line, as measured from the centerline of Doyle Street, for Lot 8;**
- 3) **placement of a note on the plat stating that lot 8 is denied**

December 4, 2008

PLANNING COMMISSION MEETING

- access to Doyle Street, and that Lot 12 is denied direct access to Dauphin Island Parkway;
- 4) placement of a note on the plat stating that all lots are limited to one curb-cut each, with the size, design, and location to be approved by Traffic Engineering and in conformance with AASHTO standards;
 - 5) revision of the plat to depict the 25-foot minimum building setback line from the right-of-way for all lots; the setback line for Lots 6 and 7 shall be placed where the lots are a minimum 60' in width;
 - 6) removal of the "duplicate" setback line from proposed Lot 7;
 - 7) placement of a note on the final plat stating that Lots 19 and 20 shall not be recorded until a rezoning process (to residential) has been completed;
 - 8) revision of the plat to label the lots with their sizes in square feet, or the provision of a table on the final plat with the same information;
 - 9) placement of a note on the Final Plat stating that no development is allowed within any easement;
 - 10) placement of a note on the Final Plat stating that the maintenance of common areas is the responsibility of the property owners and not the City of Mobile;
 - 11) placement of a note on the final plat stating that approval of all applicable Federal, state, and local agencies is required for wetlands and floodplains prior to the issuance of any permits or land disturbance activities;
 - 12) depiction and labeling of required finished floor elevation information, for each lot, on the final plat;
 - 13) 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; and,
 - 14) the labeling of the lots with their size in square feet, or placement of the same information in a table on the final plat.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2008-02724

Hillcrest Commons, Inc.

North side of Johnston Lane, 150'± West of Dickenson Avenue.

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow two office buildings and a storage building on a single building site and shared access between building sites.

Council District 6

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 referenced Planned Unit Development:

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

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2008-00241 (Subdivision)

Chippewa Lakes Blakeley Island Subdivision

(West side of Cochrane Causeway, 500'± South of the South terminus of the Cochrane-Africatown Bridge)

Number of Lots / Acres: 1 Lot / 9.5± Acres

Engineer / Surveyor: Lawler and Company

Council District 2

(Also see Case #ZON2008-02675 (Sidewalk Waiver) **Cowles, Murphy, Glover & Associates**, Case #ZON2008-02674 (Planned Unit Development) **Chippewa Lakes Blakeley Island Subdivision**, and, Case #ZON2008-02673 (Planning Approval) **Cowles, Murphy, Glover & Associates**, below)

Will Lawler, Lawler and Company, spoke on behalf of the applicant regarding the vacation of the railroad right-of-way on Blakeley Island, saying it would be difficult to get permission for vacation of that area as no one is willing to claim ownership of the property, however, they were happy to provide a copy of the deed involved in hopes that could be used in lieu of the vacation process.

Mr. Olsen stated that the staff would be fine with that as long as it also had the approval of the Planning Commission's attorney, to which Mr. Lawler stated he was also in agreement.

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

- 1) **placement of a note on the final plat stating that the development is limited to the one curb cut along Cochrane Causeway, with the size, design, and location to be approved by Traffic Engineering and conform with AASHTO standards;**
- 2) **the vacation of the AT & N Railroad right-of-way prior to the signing of the Final Plat, or submission of documentation of the reversionary clause, and implementation thereof (to be approved by Planning Commission legal counsel), or the illustration of the 25-foot minimum building setback to be relocated behind the 30-foot railroad right-of-way;**
- 3) **the labeling of the lot with its size in square feet, or placement of a table on the plat with the same information;**
- 4) **placement of a note on the Final Plat stating that the maintenance of the detention common area is the responsibility of the property owners; and,**
- 5) **full compliance with all other municipal codes and ordinance**

The motion carried unanimously.

December 4, 2008
PLANNING COMMISSION MEETING

Case #ZON2008-02675 (Sidewalk Waiver)

Cowles, Murphy, Glover & Associates

(West side of Cochrane Causeway, 500'± South of the South terminus of the Cochrane-Africatown Bridge)

Request to waive construction of a sidewalk along Cochrane Causeway

Council District 2

(Also see **Case #SUB2008-00241 (Subdivision) Chippewa Lakes Blakeley Island Subdivision**, above, and, **Case #ZON2008-02674 (Planned Unit Development) Chippewa Lakes Blakeley Island Subdivision**, **Case #ZON2008-02673 (Planning Approval) Cowles, Murphy, Glover & Associates**, below)

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

The motion carried unanimously.

Case #ZON2008-02674 (Planned Unit Development)

Chippewa Lakes Blakeley Island Subdivision

(West side of Cochrane Causeway, 500'± South of the South terminus of the Cochrane-Africatown Bridge)

Planned Unit Development Approval to allow multiple buildings, storage tanks and material handling facilities on a single building site.

Council District 2

(Also see **Case #SUB2008-00241 (Subdivision) Chippewa Lakes Blakeley Island Subdivision**, and, **Case #ZON2008-02675 (Sidewalk Waiver) Cowles, Murphy, Glover & Associates**, above, and, **Case #ZON2008-02673 (Planning Approval) Cowles, Murphy, Glover & Associates**, below)

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

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

The motion carried unanimously.

December 4, 2008
PLANNING COMMISSION MEETING

Case #ZON2008-02673 (Planning Approval)

Cowles, Murphy, Glover & Associates

(West side of Cochrane Causeway, 500'± South of the South terminus of the Cochran-Africatown Bridge)

Planning Approval to allow a limestone crushing facility in an I-2, Heavy Industry District.

Council District 2

(Also see **Case #SUB2008-00241 (Subdivision) Chippewa Lakes Blakeley Island Subdivision**, **Case #ZON2008-02675 (Sidewalk Waiver) Cowles, Murphy, Glover & Associates**, and, **Case #ZON2008-02674 (Planned Unit Development) Chippewa Lakes Blakeley Island Subdivision**, above)

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

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

The motion carried unanimously.

Case #SUB2008-00242 (Subdivision)

The Madison Subdivision, LLC

Southeast corner of Old Shell Road and Shepards Lane

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

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

Council District 5

(Also see **Case #ZON2008-02678 (Planned Unit Development) The Madison Subdivision, LLC**, and, **Case #ZON2008-02677 (Rezoning) The Madison Subdivision, LLC**, below)

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

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

- 1) **placement of a note on the final plat stating that driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **placement of a note on the final plat stating that driveways to be signed and marked as one-way;**
- 3) **submission and approval of three(3) copies of a revised PUD site plan prior to the signing of the final plat;**
- 4) **revision of the plat to label the lot with its size in square feet;**

- and,
- 5) **subject to the Engineering Comments:** *(Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet).*

The motion carried unanimously.

Case #ZON2008-02678 (Planned Unit Development)

The Madison Subdivision, LLC

Southeast corner of Old Shell Road and Shepards Lane

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow three buildings on a single building site with reduced setbacks for an eight unit single-family residential townhome development

Council District 5

(Also see **Case #SUB2008-00242 (Subdivision) The Madison Subdivision, LLC**, above, and **Case #ZON2008-02677 (Rezoning) The Madison Subdivision, LLC**, below)

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

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

- 1) **placement of a note on the site plan stating that PUD approval is site plan specific, and that any changes to the site plan will require a new application to the Planning Commission;**
- 2) **completion of the Subdivision process;**
- 3) **revision of the site plan to eliminate the two trees in the street corner curb radius;**
- 4) **revision of the site plan to indicate a 3' high wall or privacy fence within the 18' maximum building setback line along the South property line elevated to 6' high from there to the East property line;**
- 5) **driveways to be signed and marked as one-way;**
- 6) **submission of three (3) copies of a revised PUD site plan; and,**
- 7) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

December 4, 2008
PLANNING COMMISSION MEETING

Case #ZON2008-02677 (Rezoning)

The Madison Subdivision, LLC

Southeast corner of Old Shell Road and Shepards Lane

Rezoning from R-1, Single-Family Residential District, to R-3, Multi-Family Residential District, to allow an eight unit single-family residential townhome development

Council District 5

(Also see **Case #SUB2008-00242 (Subdivision) The Madison Subdivision, LLC**, and, **Case #ZON2008-02678 (Planned Unit Development) The Madison Subdivision, LLC**, above)

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

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

- 1) **completion of the Subdivision process;**
- 2) **revision of the site plan to eliminate the two trees in the street corner curb radius;**
- 3) **revision of the site plan to indicate a 3' high wall or privacy fence within the 18' maximum building setback line along the South property line elevated to 6' high from there to the East property line;**
- 4) **driveways to be signed and marked as one-way;**
- 5) **submission of three (3) copies of a revised PUD site plan; and,**
- 6) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2008-00250 (Subdivision)

Russell School Lofts Subdivision

304 South Broad Street

Southwest corner of South Broad Street and Augusta Street, extending to the North side of Savannah Street 130'± West of South Broad Street

Number of Lots / Acres: 2 Lots / 1.4± Acres

Engineer / Surveyor: Gulf States Engineering

Council District 2

(Also see **Case #ZON2008-02725 (Planned Unit Development) Russell School Lofts Subdivision**, and, **Case #ZON2008-02726 (Rezoning) Gulf States Engineering**, below)

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

Tilmon Brown, 13 North Dearborn Street, stated they were in agreement with the

December 4, 2008

PLANNING COMMISSION MEETING

recommendations, as well as offering clarification regarding the driveway gate located at the end of the driveway on Savannah Street stating it would rollback behind the privacy fence located on the lot. He added the driveway also ran the full 75 feet length of the property.

John Kern, 906 Augusta Street, was present and wanted information regarding the following:

- A. Will there be enough on-site parking so there will not be a lot of on street parking as that causes an extremely congested street; and,
- B. Assurances that the exterior would be compatible with the historic nature of the area.

Mr. Olsen stated that based upon the proposed number of spaces provided by the applicant in relationship to the number of proposed units, the site exceeds the minimum parking requirements of the city as stipulated by the city's Zoning Ordinances.

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

- 1) **revision of the plat to reflect compliance with Section V.B.16 of the Subdivision Regulations regarding curb radii at Broad Street and Augusta Street;**
- 2) **placement of a note on the final plat stating that Lot 1 is limited to one curb cut to Savannah Street, with the size, location, and design of all curb cuts to be approved by City of Mobile Traffic Engineering and meet AASHTO standards;**
- 3) **placement of a note on the final plat stating that Lot 2 is limited to one curb cut to Savannah Street, with the size, location, and design to be approved by City of Mobile Traffic Engineering and meet AASHTO standards;**
- 4) **placement of a note on the final plat stating that approval of all applicable federal, state, and local agencies will be required prior to the issuance of any permits;**
- 5) **placement of a note on the final plat stating that all work will be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;**
- 6) **labeling of all lots with the size of each lot in square feet or provision of a table on the plat with the same information;**
- 7) **submittal of the final PUD showing all recommended revisions to the Planning Section of the Urban Development Department;**
- 8) **full 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. Since the property is located within the X-Shaded Flood Zone, show Minimum FFE on plans and plat); and,

- 9) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2008-02725 (Planned Unit Development)

Russell School Lofts Subdivision

304 South Broad Street

(Southwest corner of South Broad Street and Augusta Street, extending to the North side of Savannah Street 130' ± West of South Broad Street)

Planned Unit Development Approval to allow two buildings on a single building site and reduced side yard setbacks

Council District 2

(Also see Case #SUB2008-00250 (Subdivision) **Russell School Lofts Subdivision**, above, and, Case #ZON2008-02726 (Rezoning) **Gulf States Engineering**, below)

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

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

- 1) revision of the site plan to indicate a protection buffer compliant with Section 64-4.D.1 of the Zoning Ordinance between all property to be zoned R-3 and all property zoned R-1;
- 2) revision of the site plan to depict the dumpster outside of the protection buffer and to depict appropriate screening of the dumpster;
- 3) revision of the site plan to depict at least three (3) queuing spaces, as defined in Section 64-4.F.2.a of the Zoning Ordinance, leading up to the entry gate;
- 4) revision of the site plan to depict the opening radius and direction of opening for the entry gate;
- 5) revision of the site plan to reflect paint striping or curb and gutter with landscaping in the area where the entry drive leads into the parking area;
- 6) depiction of the canopy area of live oaks located on the right-of-way that are to be used for canopy coverage credits;
- 7) full 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.*

December 4, 2008
PLANNING COMMISSION MEETING

Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Since the property is located within the X-Shaded Flood Zone, show Minimum FFE on plans and plat); and,

- 8) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2008-02726 (Rezoning)

Gulf States Engineering

304 South Broad Street

(Southwest corner of South Broad Street and Augusta Street, extending to the North side of Savannah Street 130'± West of South Broad Street, and 190'± East of Marine Street). Rezoning from R-1, Single-Family Residential District, to R-3, Multiple Family District, to allow a single-family residential condominium complex.

Council District 2

(Also see **Case #SUB2008-00250 (Subdivision) Russell School Lofts Subdivision**, and, **Case #ZON2008-02725 (Planned Unit Development) Russell School Lofts Subdivision**, above)

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

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

- 1) **submittal of the final PUD showing all recommended revisions to the Planning Section of the Urban Development Department;**
- 2) **limited to the approved PUD; and,**
- 3) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2008-00243 (Subdivision)

Pinehurst Subdivision, Delaney's Addition to Springhill, Block 10, Re-subdivision of and Addition to Lots 9, 10 and 11

Northeast corner of Louise Avenue and Howard Street (unopened public right-of-way, to be vacated

Number of Lots / Acres: 4 Lots / 0.6± Acre

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(Also see **Case #ZON2008-02706 (Planned Unit Development) Pinehurst Subdivision, Delaney's Addition to Springhill, Block 10, Re-subdivision of and Addition to Lots 9, 10 and 11**, and, **Case #ZON2008-02705 (Rezoning) Elite Homes, Inc.**, below)

December 4, 2008
PLANNING COMMISSION MEETING

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

- 1) **completion of the rezoning process prior to signing the final plat;**
- 2) **completion of the right-of-way vacation process, for Howard Street, prior to signing the final plat;**
- 3) **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;**
- 4) **labeling of the lots with their maximum site coverage (40%), or the provision of a table with the same information;**
- 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 #ZON2008-02706 (Planned Unit Development)
Pinehurst Subdivision, Delaney's Addition to Springhill, Block 10, Re-subdivision of and Addition to Lots 9, 10 and 11

Northeast corner of Louise Avenue and Howard Street (unopened public right-of-way, to be vacated)

Planned Unit Development Approval to allow reduced lot sizes and widths, reduced front and side yard setbacks, and increased site coverage in a single-family residential subdivision

Council District 6

(Also see **Case #SUB2008-00243 (Subdivision) Pinehurst Subdivision, Delaney's Addition to Springhill, Block 10, Re-subdivision of and Addition to Lots 9, 10 and 11**, above, and, **Case #ZON2008-02705 (Rezoning) Elite Homes, Inc.**, below)

Mr. Davitt 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.

December 4, 2008
PLANNING COMMISSION MEETING

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

- 1) completion of the Subdivision process prior to the issuance of any permits or land disturbance activities;**
- 2) completion of the right-of-way vacation process, for Howard Street, prior to the issuance of any permits or land disturbance activities;**
- 3) 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;**
- 4) labeling of the lots with their maximum site coverage (40%), or the provision of a table with the same information;**
- 5) 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,**
- 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 #ZON2008-02705 (Rezoning)

Elite Homes, Inc.

Northeast corner of Louise Avenue and Howard Street (unopened public right-of-way, to be vacated)

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

Council District 6

(Also see above)

Mr. Davitt 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. Roosevelt, with second by Dr. Rivizzigno, to approve the above referenced request for rezoning, subject to the following conditions:

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

December 4, 2008
PLANNING COMMISSION MEETING

3) completion of the right-of-way vacation process for Howard Street.

The motion carried unanimously.

OTHER BUSINESS:

Mr. Olsen advised the Commission that staff was formulating a zoning plan for the recently annexed Tillman's Corner area and would have that to the Commission as soon as possible for their review.

APPROVED: September 3, 2009

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman.

jsl