

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF DECEMBER 18, 2008 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William DeMouy
Debra Butler
Stephen Davitt
Roosevelt Turner

Members Absent

Clinton Johnson
Victoria L. Rivizzigno, Secretary
Nicholas Holmes, III
Mead Miller
John Vallas
James Watkins, III

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Bert Hoffman,
Planner II
Tony Felts,
Planner I
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 #SUB2008-00231 (Subdivision)

Apostolic Pentecostal Holy Church of God Subdivision

1710 Bolden Street and 1711 William Street
East side of Bolden Street, 200'± North of Carter Avenue, extending to the West side of William Street, 100'± North of Carter Avenue
Number of Lots / Acres: 2 Lots / 0.7± Acre
Engineer / Surveyor: Wattier Surveying, Inc.
Council District 1

(Also see **Case #ZON2008-02641 (Planned Unit Development) Apostolic Pentecostal Holy Church of God Subdivision**, and, **Case #ZON2008-02524 (Planning Approval) Apostolic Pentecostal Holy Church of God Subdivision**, below)

Pastor Jerry Porter, 1710 Bolden Street, spoke on behalf of his church, saying they were agreeable with all of the recommendations with the exception of the residential buffer. He

December 18, 2008
PLANNING COMMISSION MEETING

added that he had a letter from the neighbor affected saying they had no problem with the church not installing that buffer.

Mr. Olsen stated that the Commission, in previous cases such as this, had modified the condition to read that the buffer would be installed if the adjacent property owner were to change their mind and request that the buffer be installed.

Hearing no further opposition or discussion, a motion was made by Mr. DeMouy, 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 full compliance with Section V.A.7 of the Subdivision Regulations will be provided in the future if necessary;**
- 2) retention of the note limiting Lot 1 to one curb cut to Bolden Street and two curb cuts to William Street and limiting Lot 2 to one curb cut to William Street;**
- 3) retention of the 35 foot setback line;**
- 4) granting of the rear yard setback variances by the Board of Zoning Adjustments for both Lot 1 and Lot 2; and,**
- 5) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2008-02641 (Planned Unit Development)
Apostolic Pentecostal Holy Church of God Subdivision

1710 Bolden Street

East side of Bolden Street, 200' ± North of Carter Avenue, extending to the West side of William Street 100' ± North of Carter Avenue

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

Council District 1

(Also see **Case #SUB2008-00231 (Subdivision) Apostolic Pentecostal Holy Church of God Subdivision**, above, and, **Case #ZON2008-02524 (Planning Approval) Apostolic Pentecostal Holy Church of God Subdivision**, below)

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

- 1) provision of a 6-foot-high privacy fence along the perimeter with adjacent properties except within the 35 foot setback line where the height should not exceed 3 feet, if needed in the future as agreed at the Planning Commission meeting;**
- 2) revision of the site plan to reflect a buffer as required in Section 64-6.A.3(i) of the Zoning Ordinance should be shown on the PUD and provided;**

December 18, 2008

PLANNING COMMISSION MEETING

- 3) compliance with Section 64-6.A.3(c) of the Zoning Ordinance regarding parking lot lighting;
- 4) submission of revised site plan to the Planning Section of the Urban Development Department of the City of Mobile;
- 5) granting of the rear yard and parking ratio variances by the Board of Zoning Adjustments;
- 6) full compliance with the landscaping and tree planting requirements of the City of Mobile; and,
- 7) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2008-02524 (Planning Approval)

Apostolic Pentecostal Holy Church of God Subdivision

1710 Bolden Street

East side of Bolden Street, 200'± North of Carter Avenue, extending to the West side of William Street 100'± North of Carter Avenue

Planning Approval to allow the expansion of an existing church in an R-1, Single-Family Residential District, to include expanded parking

Council District 1

(Also see Case #SUB2008-00231 (Subdivision) **Apostolic Pentecostal Holy Church of God Subdivision**, and, Case #ZON2008-02641 (Planned Unit Development)

Apostolic Pentecostal Holy Church of God Subdivision, above)

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

- 1) provision of a 6-foot-high privacy fence along the perimeter with adjacent properties except within the 35 foot setback line where the height should not exceed 3 feet, if needed in the future as agreed at the Planning Commission meeting;
- 2) revision of the site plan to reflect a buffer as required in Section 64-6.A.3(i) of the Zoning Ordinance should be shown on the PUD and provided;
- 3) compliance with Section 64-6.A.3(c) of the Zoning Ordinance regarding parking lot lighting;
- 4) submission of revised site plan to the Planning Section of the Urban Development Department of the City of Mobile;
- 5) granting of the rear yard and parking ratio variances by the Board of Zoning Adjustments;
- 6) full compliance with the landscaping and tree planting requirements of the City of Mobile; and,
- 7) full compliance with all municipal codes and ordinances.

December 18, 2008
PLANNING COMMISSION MEETING

The motion carried unanimously.

EXTENSIONS:

Case #SUB2007-00302 (Subdivision)

Haiman Beltline Subdivision, Re-subdivision of Lot 2, Re-subdivision of Lot 2

Southeast corner of Springhill Memorial Drive South and Springhill Memorial Place

Number of Lots / Acres: 2 Lots / 4.4± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 5

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

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

The motion carried unanimously.

Case #SUB2007-00346 (Subdivision)

Harold L. Moseley Subdivision, Re-subdivision of Lot 2

5801 Creel Road

East side of Creel Road, 800'± South of Theodore Dawes Road

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

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

County

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

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

The motion carried unanimously.

Case #SUB2001-00177 (Subdivision)

Bellingrath Road Country Club Estates Subdivision, Addition to

East terminus of Country Club Boulevard and extending through to the Southwest corner of Old Military Road and Section Line Road

Number of Lots / Acres: 569 Lots / 243.0± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

December 18, 2008
PLANNING COMMISSION MEETING

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

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

- 1) revision of the plat to indicate a 120' right-of-way diameter on all closed-end streets not yet recorded or under construction.**

The motion carried unanimously.

Case #SUB2007-00249 (Subdivision)

McMurray Place Subdivision

South side of Johnston Lane, extending from the West side of Rosedale Avenue (vacated right-of-way) to the centerline of Dickenson Avenue (vacated right-of-way), and to McCay Avenue (vacated right-of-way), 95'± South of Johnston Lane

Number of Lots / Acres: 61 Lots / 12.8± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

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. Plauche, with second by Mr. Turner, to approve the above referenced request for extension.

The motion carried unanimously.

Case #ZON2007-02464 (Planned Unit Development)

McMurray Place Subdivision

South side of Johnston Lane, extending from the West side of Rosedale Avenue (vacated right-of-way) to the centerline of Dickenson Avenue (vacated right-of-way), and to McCay Avenue (vacated right-of-way), 95'± South of Johnston Lane

Planned Unit Development Approval to allow reduced lot widths, sizes, and setbacks, and 45% site coverage in a zero-lot line single-family residential subdivision

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. Plauche, with second by Mr. Turner, to approve the above referenced request for extension.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2008-00252

Mosley Place Subdivision

3903 McGregor Court

Southwest corner of McGregor Court and South McGregor Avenue

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

Engineer / Surveyor: Haidt Land Surveying

Council District 5

Mike Mosley, 3903 McGregor Court, spoke on his own behalf, saying he was in agreement with all of the recommendations with the exception of number 7 which called for the relocation of a wood privacy fence, stating he did wish to relocate the fence but not to the location recommended. He added that there were live oaks located in that area and to move it farther than the oak trees would put it in the area of the proposed construction.

The Chair and Mr. Olsen asked for clarification as to whether it was the north side or south side that was in question.

Mr. Mosley replied it was the south side location.

The Chair asked if the staff had the location of the trees in questions.

Mr. Olsen stated that information was not on the plans submitted by the applicant.

Fred Haidt, Haidt Land Surveying, said that on the south line the property owner would be giving the city an additional 10 feet, as well as on the east property line, but that the setback lines would then go from that additional 10 feet to the north as they try to put the fence on an 8 feet setback as opposed to the 12 feet setback.

Mr. DeMouy asked if the staff would need more time to review the matter.

Mr. Olsen said the staff would be more comfortable if they had more time to review the information and requested that they be provided information that gave the actual location of the trees in question.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the January 8, 2009, meeting, to allow the applicant time to provide information illustrating the tree line and proposed fence locations, with the information to be submitted no later than, December 22, 2008.

The motion carried unanimously.

December 18, 2008
PLANNING COMMISSION MEETING

Case #SUB2008-00254

J & M Coleman Acres Subdivision

North side of Begeman Road, 240'± West of Norton Road (private road)

Number of Lots / Acres: 1 Lot / 1.9± 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 Ms. Butler, to waive Section V.D.3. and approve the above referenced subdivision, subject to the following conditions:

- 1) **placement of a note on the final plat stating that the subdivision is limited to one curb cut to Begeman Road, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 2) **labeling of the lot with its size in square feet (in addition to acreage) prior to signing the final plat;**
- 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;**
- 4) **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,**
- 5) **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 #SUB2008-00257

Spring Hill Business Park Subdivision, Phase Two

West terminus of Springhill Business Park, extending to the South side of South Avenue, 245'± West of West I-65 Service Road North

Number of Lots / Acres: 1 Lot / 3.8± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.
Council District 7

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

December 18, 2008
PLANNING COMMISSION MEETING

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

- 1) revision of the plat to include construction and dedication of a compliant cul de sac where Spring Hill Park dead ends into proposed Lot 1;**
- 2) revision of the plat to show a 25' minimum building setback line back from all new street frontages;**
- 3) placement of a note on the final plat stating that Lot 1 is denied access to South Avenue; and,**
- 4) 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, if any, prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

Case #SUB2008-00253

West Gordon Division of the Favre Tract Subdivision, Square 99, Re-subdivision of Lot 1

350 South Broad Street

Southwest corner of South Broad Street and Savannah Street

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

Engineer / Surveyor: Polysurveying Engineering-Land Surveying

Council District 2

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 Ms. Butler, to waive Sections V.D.2. and V.D.9. and approve the above referenced subdivision, subject to the following conditions:

- 1) placement of a note on the final plat stating that Lot 1-A is limited to one curb-cut, that Lot 1-B is limited to the existing curb-cut onto Savannah Street, and that the size, design, and location of all curb-cuts are to be approved by Traffic Engineering and conform to the greatest extent possible with AASHTO standards;**
- 2) labeling of each lot with its size in square feet, or placement of a table on the plat with the same information;**
- 3) placement of a note on the plat stating that the site is within the Oakleigh Garden Historic District, and that Historic District Overlay regulations should be consulted regarding required**

- setbacks; and,
4) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2008-02842

Spring Hill College

4000 Dauphin Street

North side of Dauphin Street, 1800'± West of Interstate 65

Planned Unit Development Approval to amend a previously approved Master Plan for an existing college in an R-1, Single-Family Residential District to show the new student center in the same location as the old student center.

Council District 7

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

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

- 1) placement of a note on the site plan stating that Planned Unit Development review is site plan specific; therefore any future changes (parking, structure expansion, etc.,) must be resubmitted for Planned Unit Development review, and be approved through the planning process;
- 2) placement of a note on the site plan stating that the site will be constructed in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;
- 3) full compliance with all municipal codes and ordinances; and,
- 4) subject to Engineering comments: *(Show Flood Zones and 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. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS show wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance*

can be performed without a permit from the Corps of Engineers).

The motion carried unanimously.

NEW ZONING APPLICATIONS:

Case #ZON2008-02837

Rangeline Properties, LLC

East side of Halls Mill Road, 240'± North of Rangeline Service Road North, extending to the North side of Rangeline Service Road North 220'± East of Halls Mill Road
Rezoning from R-1, Single-Family Residential District, to B-3, Community Business District, to allow general B-3 usage in a newly annexed proposed commercial subdivision.

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. DeMouy, with second by Mr. Turner, to approve the above referenced request for rezoning to B-3, Community Business District, subject to the following conditions:

- 1) **completion of the subdivision process prior to the completion of the rezoning process or the request for any permits; and,**
- 2) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2008-00239 (Subdivision) (Holdover)

Papa John's Subdivision

5401 Cottage Hill Road

Southwest corner of Cottage Hill Road and Vivian Drive

Number of Lots / Acres: 2 Lots / 1.1± Acres

Engineer / Surveyor: Speaks & Associates, Consulting Engineers, Inc.

Council District 4

(Also see **Case #ZON2008-02841 (Planned Unit Development) Papa John's Subdivision**, below)

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

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

December 18, 2008
PLANNING COMMISSION MEETING

- 1) labeling of the five foot widening strip, along Vivian Drive, as being dedicated to the City of Mobile;
- 2) closing of the continuous curb cut along Vivian Drive;
- 3) placement of a note on the final plat stating that Lot 1 is limited to two curb-cuts onto Vivian Drive, with the sizes, designs, and locations to be approved by Traffic Engineering and in conformance with AASHTO Standards;
- 4) placement of a note on the final plat stating that the subdivision is limited to the one existing curb cut to Cottage Hill Road, which is to be shared by the two lots;
- 5) labeling of the lots with their sizes in square feet (in addition to acreage), or the provision of table on the plat with the same information;
- 6) placement of a note on the plat stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;
- 7) submission of a revised Planned Unit Development site plan to the Planning Section of Urban Development prior to signing the final plat; and,
- 8) subject to Engineering comments: *(Need to provide a private drainage easement along the south end of proposed Lot 1 to accept drainage from proposed Lot 2. 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 #ZON2008-02841 (Planned Unit Development)

Papa John's Subdivision

5401 Cottage Hill Road

Southwest corner of Cottage Hill Road and Vivian Drive

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

Council District 4

(Also see **Case #SUB2008-00239 (Subdivision) (Holdover) Papa John's Subdivision**, above)

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

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

December 18, 2008
PLANNING COMMISSION MEETING

- 1) completion of the subdivision process;
- 2) placement of a note on the site plan stating that Planned Unit Development review is site plan specific; therefore any future changes (parking, structure expansion, etc.,) must be resubmitted for Planned Unit Development review, and be approved through the planning process;
- 3) labeling of the five foot widening strip, along Vivian Drive, as being dedicated to the City of Mobile;
- 4) placement of a note on the site plan stating that Lot 1 is limited to two curb-cuts onto Vivian Drive, with the sizes, designs, and locations to be approved by Traffic Engineering and in conformance with AASHTO Standards;
- 5) placement of a note on the site plan stating that the subdivision is limited to the one existing curb cut to Cottage Hill Road, which is to be shared by the two lots;
- 6) revision of the site plan to include information regarding the uses of the site;
- 7) revision of the privacy fence, along the Southern property line, to no taller than three feet within the 25' minimum building setback from Vivian Drive;
- 8) placement of a note on the site plan stating that any lighting for the parking lot shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic, as required by Section 64-6.A.3.c of the Zoning Ordinance;
- 9) provision of a dumpster, screened from view and in compliance with Section 64-4.D.9 of the Zoning Ordinance, or placement of a note on the site plan stating that no dumpster will be provided;
- 10) 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;
- 11) submission of a revised Planned Unit Development site plan to the Planning Section of Urban Development prior to signing the final plat;
- 12) full compliance with all other municipal codes and ordinances; and,
- 13) subject to Engineering comments: *(Need to provide a private drainage easement along the south end of proposed Lot 1 to accept drainage from proposed Lot 2. 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).*

December 18, 2008
PLANNING COMMISSION MEETING

The motion carried unanimously.

Case #SUB2008-00256 (Subdivision)

Littleton Subdivision

2356 Airport Boulevard

Northeast corner of Airport Boulevard and Pinehill Drive

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

Engineer / Surveyor: M. Don Williams Engineering

Council District 5

(Also see **Case #ZON2008-02840 (Rezoning) Johnny Littleton**, below)

M. Don Williams, Williams Engineering, spoke on behalf of the applicant, asking for clarification regarding Section 64-4.D.9 of the Zoning Ordinance.

Mr. Olsen stated it was regarding the dumpster, its shielding, and adequate circulation around it, reminding Mr. Williams that the ordinance prohibits backing out from a commercial property into the right-of-way.

Mr. Williams asked if the ordinance required the use of a dumpster at this property.

Mr. Olsen said it did not, but they would have to provide proof of private can collection with regards to garbage and that the collection of same would not cause the same problem.

Mr. Williams also noted, with regards to Pinehill Drive and the dedication along it, that as Pinehill was a minor street, wouldn't 20 feet be more appropriate.

Mr. Olsen stated that the Zoning Ordinance did allow for a 20 foot setback on corner lots, however, that was typically used for residential properties and this was proposed as commercial, however, the Commission could approve such if they wished.

Mr. Williams requested that the setbacks be modified to 25 feet setback along Airport Boulevard and a 20 feet setback along Pinehill Drive, as there are sidewalks already in place and the applicant is already dedicating 5 more feet of extra right-of-way in this area.

Ms. Butler expressed her concerns over line of sight issues and the sharpness of the turn for the location, especially if it is reduced by the requested 5 feet.

Mr. Olsen stated he didn't feel the 5 feet would have that great an impact regarding ingress and egress there.

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

December 18, 2008
PLANNING COMMISSION MEETING

- 1) revision of the plat to depict existing rights-of-way widths for Airport Boulevard and Pinehill Drive;
- 2) revision of the plat, if necessary, to depict dedication sufficient to provide 25 feet from the centerline of the right-of-way of Pinehill Drive and dedication sufficient to provide 40 feet from the centerline of the right-of-way of Airport Boulevard;
- 3) depiction of the 25 foot building setback line along Airport Boulevard frontage and 20' building setback line along the Pinehill Drive frontage (after dedications);
- 4) labeling of the lot with its size in square feet, or provision of a table on the plat with the same information;
- 5) provision of a note on the final plat stating that any development of this site will require compliance with Section 64-4.D.9 of the Zoning Ordinance;
- 6) provision of a note on the final plat stating that any development of this site will require compliance with Section 64-4.D.1 of the Zoning Ordinance;
- 7) provision of a note on the final plat denying access to Airport Boulevard and limited access to Pinehill Drive to one curb cut with the size, design, and exact location of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards; and,
- 8) provision of a note stating that development of the site will be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species.

The motion carried unanimously.

Case #ZON2008-02840 (Rezoning)

Johnny Littleton

2356 Airport Boulevard

Northeast corner of Airport Boulevard and Pinehill Drive

Rezoning from R-1, Single-Family Residential District, to B-2, Neighborhood Business District, to allow retail sales and professional offices

Council District 5

(Also see **Case #SUB2008-00256 (Subdivision) Littleton Subdivision**, above)

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

- 1) provision of a buffer to comply with Section 64-4.D.1 of the Zoning Ordinance;
- 2) compliance with Section 64-4.D.9 of the Zoning Ordinance;

December 18, 2008
PLANNING COMMISSION MEETING

- 3) denial of access to Airport Boulevard;**
- 4) completion of the Subdivision process; and,**
- 5) compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2008-00258 (Subdivision)
The Moors at Springhill Subdivision

North side of Springhill Avenue, 100'± West of the North terminus of Wacker Lane
North

Number of Lots / Acres: 1 Lot / 1.5± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 7

(Also see **Case #ZON2008-02843 (Rezoning) 911 Dauphin Street, Inc.**, below)

Don Coleman, Rester and Coleman Engineers, spoke on behalf of the applicant, addressing the staff's contention that the applicant has failed to meet the criteria set forth in Section 64.9.A. of the Zoning Ordinance, saying the applicant has met some of the criteria, as the property in question is located adjacent to large tract of commercially zoned and developed property.

The following people spoke against the matter:

- Tom Harrison, 563 Springwood Drive North; and,
- Curt Wilson, 320 Dalewood Drive.

They made the following points:

- A. the property has been presented for rezoning several times, and the staff has repeatedly stated it is not suitable for development as it is in a FEMA flood plane, as well as it has drainage issues; and,
- B. the site is where residential property meets commercial property in the area of Springhill Shopping Center.

Mr. Davitt asked for information regarding the multiple easements to the property.

Mr. Olsen stated there were numerous easements for water, sewer, drainage, etc., across the property, with the majority of them being in the rear of the property, which is not part of lot 1, however, there is at least one easement on lot 1. He reminded the Commission that development of the property would be subject to that easement, meaning no structure could cover the easement and that any part of the parking that covered the easement would be placed there at the risk of the property owner in the case that MAWSS had to do repairs to that portion of the sewer system.

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

December 18, 2008
PLANNING COMMISSION MEETING

second by Ms. Butler, to deny the above referenced subdivision, based upon the following reasons:

- 1) **concerns relating to the flood zones and multiple easements across the site; and,**
- 2) **the rezoning is recommended for denial, and thus the subdivision would be unnecessary.**

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

Case #ZON2008-02843 (Rezoning)

911 Dauphin Street, Inc.

North side of Springhill Avenue, 100' ± West of the North terminus of Wacker Lane
North

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

Council District 7

(Also see **Case #SUB2008-00258 (Subdivision) The Moors at Springhill Subdivision**, above)

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

- 1) **concerns relating to the flood zones and multiple easements across the site; and,**
- 2) **the applicant failed to meet the criteria set forth in 64.9.A - Reasons for Amendment.**

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

Case#SUB2008-00255 (Subdivision)

Saint Augustine Subdivision, Re-subdivision

3953 Springhill Avenue

Southwest corner of Springhill Avenue and North McGregor Avenue

Number of Lots / Acres: 2 Lots / 1.3± Acres

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

Council District 7

(Also see **Case #ZON2008-02823 (Planned Unit Development) Saint Augustine Subdivision, Re-subdivision**, below)

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

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

December 18, 2008
PLANNING COMMISSION MEETING

conditions:

- 1) **labeling of all detention/retention areas, and placement of a note on the site plan and Final Plat stating that maintenance of detention/retention areas is the responsibility of the property owners;**
- 2) **full compliance with the Tree Planting requirements of the Ordinance;**
- 3) **placement of a note on the site plan and Final Plat 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 two (2) revised PUD site plans to the Planning Section of Urban Development prior to the signing of any Subdivision plat; and,**
- 5) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2008-02823 (Planned Unit Development)

Saint Augustine Subdivision, Re-subdivision

3953 Springhill Avenue

Southwest corner of Springhill Avenue and North McGregor Avenue

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

Council District 7

(Also see **Case#SUB2008-00255 (Subdivision) Saint Augustine Subdivision, Re-subdivision**, above)

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

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

- 1) **labeling of all detention/retention areas, and placement of a note on the site plan and Final Plat stating that maintenance of detention/retention areas is the responsibility of the property owners;**
- 2) **full compliance with the Tree Planting requirements of the Ordinance;**
- 3) **placement of a note on the site plan and Final Plat stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;**

December 18, 2008

PLANNING COMMISSION MEETING

- 4) the provision that if a dumpster is provided, it must meet the setback and buffering requirements of the Ordinance;
- 5) provision of two (2) revised PUD site plans to the Planning Section of Urban Development prior to the signing of any Subdivision plat; and,
- 6) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

OTHER BUSINESS:

Mr. Olsen advised the Commission of the need to call a Public Hearing for the adoption of a Zoning Plan for the recently annexed Tillman's Corner/Theodore areas and provided the Commission members with copies of a map showing the proposed plan.

Mr. DeMouy moved, with second by Mr. Turner, that a Public Hearing to consider adoption of a Zoning Plan for the recently annexed areas in Tillman's Corner/Theodore was called for the January 22, 2009, meeting.

The motion carried unanimously.

Hearing no further business, the meeting was adjourned.

APPROVED: September 3, 2009

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman.

jsl