

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF JANUARY 7, 2010 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Terry Plauche, Chairman  
William G. DeMouy, Jr.  
William Curtin  
Stephen J. Davitt, Jr.  
Nicholas H. Holmes, III  
Herb Jordan  
Mead Miller  
Roosevelt Turner  
John Vallas

**Members Absent**

Victoria L. Rivizzigno, Secretary  
James F. Watkins, III

**Urban Development Staff Present**

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

**Others Present**

John Lawler,  
Assistant City Attorney  
John Forrester,  
City Engineering  
  
Jennifer White,  
Traffic Engineering

The notation *motion carried unanimously* indicates a consensus, with the exception of the Chairman who does not participate in voting unless otherwise noted.

Mr. Plauche stated the number of members present constituted a quorum and called the meeting to order, advising all attending of the policies and procedures pertaining to the Planning Commission.

**APPROVAL OF MINUTES:**

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

- Sept. 17, 2009
- Oct. 1, 2009
- Oct. 15, 2009
- Nov. 5, 2009
- Nov. 19, 2009

The motion carried unanimously.

**HOLDOVERS:**

Case #SUB2009-00147 (Subdivision)

**Rolling Meadows Estates Subdivision, Phase 2**

8253 Howells Ferry Road

South side of Howells Ferry Road, 635'± East of the South terminus of Harvey Hill Road

Number of Lots / Acres: 7 Lots / 7.9± Acres

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

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. Miller, to hold the matter over until the February 4, 2010, meeting, to allow the applicant to address the following:

- 1) **the inclusion of Lot 1 Rolling Meadows Estates-Phase I in the subdivision process;**
- 2) **depiction of the entrance gate to the private street;**
- 3) **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;**
- 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.8. of the Subdivision Regulations;**
- 5) **placement of a note on the plat stating “*that the 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 is required prior to the issuance of any permit;*” and,**
- 6) **submission of a revised plat, along with new mailing labels and fees, to the Planning Section of Urban Development by January 15, 2010.**

The motion carried unanimously.

**Case #SUB2009-00168 (Subdivision)**

**Herrington's Subdivision**

8969, 8979, and 8999 Padgett Switch Road

East side of Padgett Switch Road, 420' ± South of Lee Circle West, extending to the West side of Jamestown Drive

Number of Lots / Acres: 5 Lots / 4.5± Acres

Engineer / Surveyor: D. Brad Busby

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. Davitt, to waive Section V.D.8. and approve the above referenced subdivision, subject to the following conditions:

- 1) **placement of a note on the final plat stating that Lot 4 is denied access to Jamestown Drive;**
- 2) **placement of a note on the final plat stating that Lots 4 and 5 are limited to the existing curb-cuts to Padgett Switch Road;**
- 3) **placement of a note on the final plat stating that Lot 1 is limited to one curb-cut to Padgett Switch Road;**
- 4) **placement of a note on the final plat stating that Lots 2 and 3 are limited to one curb-cut each to Jamestown Drive;**
- 5) **placement of a note on the final plat stating that the size, design, and location of all curb-cuts shall be approved by Mobile County Engineering and conform to AASHTO standards;**
- 6) **retention of the 25-foot building setback line along all public rights-of-way on the final plat;**
- 7) **retention of the labeling of each lot with the size in square feet;**
- 8) **retention of the note on the plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations;**
- 9) **retention of the 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;*” and,**

- 10) retention of the note on the plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species.

The motion carried unanimously.

**Case #SUB2009-00170 (Subdivision)**

**White Oak Subdivision**

328 Dogwood Drive

Northwest corner of Dogwood Drive and Oak Ridge Road

Number of Lots / Acres: 7 Lots / 1.0+ Acre

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

Council District 5

(Also see **Case #ZON2009-02785 (Planned Unit Development) White Oak Subdivision**, and, **Case #ZON2009-02786 (Rezoning) Goodwyn, Mills & Cawood, Inc.**, below)

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

Shane Sawyer, Goodwyn, Mills, and Cawood, Inc., addressed the Commission on behalf of the applicant and withdrew the matter based upon having heard the concerns of the citizens. He added they would revise the plan and resubmit it at a later date.

**Case #ZON2009-02785 (Planned Unit Development)**

**White Oak Subdivision**

328 Dogwood Drive

Northwest corner of Dogwood Drive and Oak Ridge Road

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

Council District 5

(Also see **Case #SUB2009-00170 (Subdivision) White Oak Subdivision**, above, and, **Case #ZON2009-02786 (Rezoning) Goodwyn, Mills & Cawood, Inc.**, below)

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

Shane Sawyer, Goodwyn, Mills, and Cawood, Inc., addressed the Commission on behalf of the applicant and withdrew the matter based upon having heard the concerns of the citizens. He added they would revise the plan and resubmit it at a later date.

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**Case #ZON2009-02786 (Rezoning)**

**Goodwyn, Mills & Cawood, Inc.**

328 Dogwood Drive

Northwest corner of Dogwood Drive and Oak Ridge Road

Rezoning from R-1, Single-Family Residential District, to R-2, Two-Family Residential District, to allow a single-family residential subdivision with reduced lot sizes and increased site coverage

Council District 5

(Also see **Case #SUB2009-00170 (Subdivision) White Oak Subdivision**, and **Case #ZON2009-02785 (Planned Unit Development) White Oak Subdivision**, above)

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

Shane Sawyer, Goodwyn, Mills, and Cawood, Inc., addressed the Commission on behalf of the applicant and withdrew the matter based upon having heard the concerns of the citizens. He added they would revise the plan and resubmit it at a later date.

**EXTENSIONS:**

**Case #SUB2004-00231 (Subdivision)**

**Audubon Cove Subdivision**

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

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

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

Council District 4

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

The following people spoke in favor of the extension:

- Vince LaCoste, Polysurveying of Mobile, on behalf of the applicant; and,
- Billy Lovelace, president, Audubon Cove, Inc.

They made the following points in favor:

- A. approximately 5 weeks prior, plans for Phase II were submitted to the Permitting Department;
- B. the plan was for a drainage swale to connect to the existing drainage in the subdivision and that swale has presented time intensive issues regarding heritage trees and wetlands;

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- C. they had reworked almost all of the drainage system along Audubon Drive, which has basically eliminated all of the drainage issues that had been in place; and,
- D. there is an existing buyer for the project who is also a builder/developer who is ready to purchase the lots.

In deliberation, Mr. Olsen advised the Commission that the applicant had submitted plans for review to the staff and that those had been reviewed with comments returned to the applicant. He added that they were in the process of making the changes requested by the City's Engineering Department so the staff felt that a six (6) month extension should be long enough.

Hearing no opposition or further discussion, a motion was made by Mr. Vallas, with second by Mr. Davitt, to approve the extension for six (6) months.

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

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 request for a one-year extension, however, the applicant should be advised that future extensions are unlikely.

The motion carried unanimously.

**Case #SUB2007-00036 (Subdivision)**

**The Woodlands at the Preserve Subdivision, Re-subdivision of Lot 27**

North side of Rue Royal, 1250'+ North of Rue Preserve

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

Engineer / Surveyor: Engineering Development Services, Inc.

Council District 6

(Also see **Case #ZON2007-00632 (Planned Unit Development) The Woodlands at the Preserve Subdivision, Re-subdivision of Lot 27**, below)

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

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John Loupe, Loupe Development, spoke on behalf of the project and made the following points in favor of approval:

- A. the past extension was to increase the amount of coverage as the lot in question was one of the smallest in the subdivision; and,
- B. the market has slowed so that lot sales had become very limited.

Mr. Olsen stated the extension was recommended for denial for the following reasons:

- A. the Commission generally allowed only one or two extensions, but when there was no road construction required, further extensions were generally recommended for denial; and,
- B. the last extension was granted for only 6 months rather than the standard one year, which is allowed.

Mr. Vallas asked if the one year extension was still possible and Mr. Olsen advised yes.

Mr. Davitt asked if the wait was just for the plat to be recorded for the one lot subdivision.

Mr. Olsen stated the applicant had not recorded anything, including the plat.

Mr. Davitt remembered that the Commission had approved everything and then asked Mr. Loupe where he was with regard to recording the plat on the one lot subdivision.

Mr. Loupe stated it was not a one lot subdivision but simply a lot within the 82 lots.

Mr. Olsen stated it was a one lot subdivision as they were modifying the previously approved subdivision and that the plat had to be recorded showing what had been changed from what had been originally approved.

Mr. Loupe thanked Mr. Olsen for that clarification and stated if that were all that was necessary, he would comply.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Vallas, to approve the extension for six (6) months.

The motion carried unanimously.

**Case #ZON2007-00632 (Planned Unit Development)**  
**The Woodlands at the Preserve Subdivision, Re-subdivision of Lot 27**

North side of Rue Royal, 1250' + North of Rue Preserve  
Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow increased site coverage  
Council District 6

(Also see **Case #SUB2007-00036 (Subdivision) The Woodlands at the Preserve Subdivision, Re-subdivision of Lot 27**, above)

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

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Vallas, to approve the extension for six (6) months.

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2009-00177**

**BCMF Subdivision**

57 St. Emanuel Street  
Southeast corner of St. Emanuel Street and Conti Street  
Number of Lots / Acres: 1 Lot / 0.1± Acre  
Engineer / Surveyor: Hargrove & Associates  
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.

Marty Smith, Hargrove and Associates, spoke on behalf of the applicant and asked for clarification regarding condition 1 and the limitation to the existing curb-cut onto St. Emanuel Street. He stated that they had submitted engineering plans that included a curb-cut on Conti Street as well.

Mr. Olsen stated that no site plan or engineering plan had been submitted with the subdivision plat, so staff had no idea there was a proposed curb-cut to Conti Street. He added that on corner lots such as this, the staff tried to limit curb-cuts to eliminate the potential of "cut thru" traffic; however, if the Commission wanted to allow a curb-cut on Conti Street it would have to be approved by Traffic Engineering.

In deliberation, Mr. Vallas asked if approval would be possible if that approval were made contingent on Traffic Engineering's agreement to the requested curb-cuts.

Mr. Davitt responded that as the staff had not seen any site plans, he was not comfortable with any form of approval at this time, to which Mr. Holmes suggested that the matter might be better served by holding it over to allow the applicant time to present a site plan



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that reflected the curb-cuts desired.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Vallas, to hold the matter over until the February 4, 2010, meeting, to allow the applicant to submit a site plan to justify the request for a curb-cut to Conti Street. Submission must be made by January 15, 2010.

The motion carried unanimously.

**Case #SUB2009-00178**  
**Sanford Hill Subdivision**

745 Lumpkin Road

East side of Lumpkin Road at its North terminus

Number of Lots / Acres: 2 Lots / 27.3± 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. DeMouy, to waive Section V.D.1. and approve the above referenced subdivision, subject to the following conditions:

- 1) **revision of the plat, if necessary, to correct the 60 foot by 897 foot ± strip of land depicted as public right-of-way on the North property line, if it is not, in fact, part of the public right-of-way;**
- 2) **revision of the plat to depict the boundaries of the utility easement crossing the site, and placement of a note on the plat stating that no structures shall be built within the easement;**
- 3) **placement of a note on the final plat stating that no future subdivision of Lot 1 shall be allowed unless it complies with Section V.D.3. of the Subdivision Regulations, and that additional frontage on a public street may be required;**
- 4) **placement of a note on the final plat stating that each lot is limited to two curb-cuts, with the size, design, and location to be approved by Mobile County Engineering, and to conform with AASHTO standards;**
- 5) **labeling of the 25-foot minimum building setback line, and retaining of the note on the final plat;**
- 6) **placement of a note on the final plat stating that compliance with local, state, and federal regulations will be required for wetlands and floodplains, prior to the issuance of permits or land disturbance activities;**
- 7) **placement of a note on the final plat stating that compliance with local, state, and federal regulations will be required for**

- threatened or endangered species as well as protected non-game species;
- 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.8. of the Subdivision Regulations; and,
  - 9) placement of a note on the final plat stating that *“Development must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits.”*

The motion carried unanimously.

**Case #SUB2009-00179**

**Bit and Spur Woods Subdivision, Re-subdivision of Lot 3**

4609 Bit and Spur Road

South side of Bit and Spur Road, 150'± West of the South terminus of Hawthorne Place

Number of Lots / Acres: 2 Lots / 1.6± Acres

Engineer / Surveyor: Byrd Surveying, 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. Holmes, 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 each lot is limited to one curb-cut to Bit and Spur Road, with the size, location, and design of each curb-cut to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) illustration of the current 100' minimum building setback line along Bit and Spur Road for Lot A;
- 3) revision of the plat to illustrate the 25' minimum building setback line for Lot B as measured along the entire length of the new East-West interior lot line;
- 4) labeling of each lot with its size in square feet, or the furnishing of a table on the Final Plat providing the same information, with the lot sizes to reflect any changes due to required lot

- reconfigurations;
- 5) revision of the “pole” for Lot B to 25’ in width for its entire length;
  - 6) approval of a Side Yard Setback Variance by the Board of Zoning Adjustment for the reduced setback off the East end of the existing dwelling prior to signing the Final Plat;
  - 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) subject to the Engineering Comments: *(Must comply with all stormwater and flood control ordinances. Add note to plat stating that if any proposed development for either lot will result in an increase in impervious area (i.e., driveway, building, patio, sidewalk, etc.) in excess of 4000 square feet since 1984, then detention must be provided and a Land Disturbance Permit from the City of Mobile will be required. If detention is required, the location of the detention system shall be shown on the final plat. Any work performed in the right-of-way will require a right-of-way permit);*
  - 9) placement of the required Engineering Comment on the Final Plat stating *“that if any proposed development for either lot will result in an increase in impervious area (i.e., driveway, building, patio, sidewalk, etc.) in excess of 4000 square feet since 1984, then detention must be provided and a Land Disturbance Permit from the City of Mobile will be required;”* and,
  - 10) if detention is required, the location of the detention system shall be shown on the final plat.

The motion carried unanimously.

**Case #SUB2009-00180**

**Pamela Subdivision**

2516 Osage Street

Northeast corner of Osage Street and Sweeneys Lane

Number of Lots / Acres: 3 Lots / 0.5± Acres

Engineer / Surveyor: Moseley Surveying Co.

Council District 1

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the February 4, 2010, meeting, with seven (7) copies of the revised plat due by January 15, 2010, so that the following can be undertaken:

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- 1) revision of the plat to provide “to scale” copies, using a standard Engineering scale.**

The motion carried unanimously.

**NEW PLANNING APPROVAL APPLICATIONS:**

**Case #ZON2009-03026**

**Bender Real Estate Group Inc.**

15 West I-65 Service Road North

North side of West I-65 Service Road North, 300'± East of Dauphin Street  
Planning Approval to allow a bank in a B-1, Buffer Business District.  
Council District 7

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

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

- 1) obtaining of approval of all applicable federal, state, and local agencies regarding wetlands prior to the issuance of any permits or land disturbance activities;**
- 2) placement of a note on the plat stating that the site will be developed in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;**
- 3) full compliance with the landscaping and tree planting requirements; and,**
- 4) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**GROUP APPLICATIONS:**

Case #SUB2009-00181 (Subdivision)

**Somerby Subdivision, Corrected Plat, Re-subdivision of Lots 1 & 2 of a Re-subdivision of Lot 2, Re-subdivision of and Addition to Lot 1**

Northeast corner of Somerby Drive and Somerby Lane (private street), and North side of Somerby Lane (private street) at its West terminus

Number of Lots / Acres: 3 Lots / 16.4± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(Also see Case #ZON2009-03024 (Planned Unit Development) **Somerby Subdivision, Corrected Plat, Re-subdivision of Lots 1 & 2 of a Re-subdivision of Lot 2, Re-subdivision of and Addition to Lot 1**, below)

Don Coleman, Rester and Coleman Engineers, Inc., addressed the Commission on behalf of the applicant and asked that the matter be held over until the February 4, 2010, meeting.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to hold the matter over until the February 4, 2010, meeting, at the applicant's request and that any additional information must be submitted by January 15, 2010.

The motion carried unanimously.

Case #ZON2009-03024 (Planned Unit Development)

**Somerby Subdivision, Corrected Plat, Re-subdivision of Lots 1 & 2 of a Re-subdivision of Lot 2, Re-subdivision of and Addition to Lot 1**

Southwest corner of Somerby Lane (East) (private street) and Somerby Lane (North) (private street).

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow the expansion and addition to an existing domiciliary care facility.

Council District 6

(Also see Case #SUB2009-00181 (Subdivision) **Somerby Subdivision, Corrected Plat, Re-subdivision of Lots 1 & 2 of a Re-subdivision of Lot 2, Re-subdivision of and Addition to Lot 1**, above)

Don Coleman, Rester and Coleman Engineers, Inc., addressed the Commission on behalf of the applicant and asked that the matter be held over until the February 4, 2010, meeting.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to hold the matter over until the February 4, 2010, meeting, at the applicant's request and that any additional information must be submitted by January 15, 2010.

The motion carried unanimously.

**SUB2009-00182 (Subdivision)**  
**Gospel Lighthouse Subdivision**

7727 Old Shell Road

South side of Old Shell Road, extending from Fifth Avenue [unopened public right-of-way] to Harding Boulevard [unopened public right-of-way]

Number of Lots / Acres: 1 Lot / 1.1± Acres

Engineer / Surveyor: Frank A. Dagley & Associates, Inc.

Council District 7

(Also see **Case #ZON2009-03033 (Planning Approval) Gospel Lighthouse Holiness Church**, below)

Frank Dagley, Frank A. Dagley and Associates, Inc., addressed the Commission on behalf of the applicant and stated his client was in agreement with the recommendations, however, they wished some clarification regarding an existing building that was located within the setback line.

Mr. Olsen stated that as the building was already in place, there would not be an issue with it; however, any future buildings would have to comply with the setback.

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

- 1) **in lieu of dedication, depiction, and labeling of a 30' minimum building setback line for 5<sup>th</sup> Avenue, reflecting possible dedication (5' possible dedication, plus 25' setback);**
- 2) **depiction and labeling of the 25' minimum building setback line for Old Shell Road and Harding Boulevard;**
- 3) **placement of a note on the final plat stating that the subdivision is limited to the existing curb-cut to Old Shell Road and limited to one curb-cut to 5<sup>th</sup> Avenue and Harding Boulevard, with the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) **labeling of the minimum and maximum right-of-way widths for Old Shell Road;**
- 5) **placement of a note stating that if and when 5<sup>th</sup> Avenue and Harding Boulevard are constructed, adequate radii, in compliance with Section V.B.16. of the Subdivision Regulations, will be provided;**
- 6) **labeling of the lot with its size in square feet, or the provision a table on the plat with the same information;**
- 7) **placement of a note on the plat stating that the site will be developed in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species; and,**
- 8) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

**Case #ZON2009-03033 (Planning Approval)**

**Gospel Lighthouse Holiness Church**

7727 Old Shell Road

South side of Old Shell Road, extending from Fifth Avenue [unopened public right-of-way] to Harding Boulevard [unopened public right-of-way].

Planning Approval to allow a parking lot expansion for an existing church in an R-1, Single-Family Residential District.

Council District 7

(Also see **SUB2009-00182 (Subdivision) Gospel Lighthouse Subdivision**, above)

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

- 1) **in lieu of dedication, depiction, and labeling of a 30' minimum building setback line for 5<sup>th</sup> Avenue, reflecting possible dedication (5' possible dedication, plus 25' setback);**
- 2) **depiction and labeling of the 25' minimum building setback line for Old Shell Road and Harding Boulevard;**
- 3) **placement of a note on the site plan stating that if and when 5th Avenue and Harding Boulevard are constructed, adequate radii, in compliance with Section V.B.16. of the Subdivision Regulations, will be provided;**
- 4) **labeling of the minimum and maximum right-of-way widths for Old Shell Road;**
- 5) **retention of trees and landscaping for the proposed parking area, to bring that portion of the site into compliance with the requirements of the Zoning Ordinance;**
- 6) **provision of buffering for residentially zoned properties adjacent to the site, including shielding and directing lighting of parking facilities away from those residentially zoned properties;**
- 7) **provision of a dumpster, in compliance with Section 64-4.D.9. of the Zoning Ordinance or placement of a note indicating how waste will be removed;**
- 8) **revision of the site plan to illustrate a sidewalk along Old Shell Road or request a waiver;**
- 9) **placement of a note on the site plan stating that if 5<sup>th</sup> Avenue and Harding Boulevard are ever developed, sidewalks will be constructed, or waivers will be requested;**
- 10) **placement of a note on the site plan stating that the site will be developed in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise**

- protected species;
- 11) provision of a revised Planning Approval site plan to the Planning Section of Urban Development;
  - 12) compliance with Engineering Comments: *Detention will be required for any impervious area added to the site in excess of 4,000 square feet. 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,
  - 13) full compliance with all other municipal codes and ordinances, and the obtaining of the appropriate permits for fences.

The motion carried unanimously.

**Case #ZON2009-02964 (Planned Unit Development)**

**Waterfront Rescue Mission**

204, 206, 208 & 210 State Street

(Northeast corner of State Street and North Joachim Street).

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

Council District 2

(Also see **Case #ZON2009-02997 (Planning Approval) Waterfront Rescue Mission**, below)

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

The Vice-chairman 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. Miller, with second by Mr. Davitt, to hold the matter over until the February 4, 2010, meeting, with revisions due by January 15, 2010, to address the following:

- 1) revision of the site plan to depict all of the parking spaces as being at least nine (9) feet in width;
- 2) submittal of a parking ratio variance, if necessary;
- 3) revision of the site plan to indicate that the access way will be paved;
- 4) depiction of handicapped parking spaces;
- 5) depiction of an appropriate screen for the dumpster;
- 6) provision of a note on the site plan indicating that the dumpster pad will have a connection to the sanitary sewer;
- 7) revision of the site plan to show the proposed building meeting setbacks or submission of a setback variance for the proposed building; and,
- 8) compliance with City Engineering comments: *Site is located in the AE Flood Zone, therefore need to show minimum FFE*



*(MFFE) on plans and construction of the proposed building shall satisfy the MFFE requirements determined by City Engineering. Construction of the proposed building will require a Flood Study unless documentation for historical credit is provided showing that there was a building in the same general location (i.e., surveys, aerial photographs, Sanborn Maps, etc.). No fill will be allowed on the site without providing compensation (net fill of zero) or completing a flood study. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.*

The motion carried unanimously.

**Case #ZON2009-02997 (Planning Approval)**

**Waterfront Rescue Mission**

204, 206, 208 & 210 State Street

(Northeast corner of State Street and North Joachim Street).

Planning Approval to allow the expansion of an existing domiciliary facility in an R-B, Residence-Business District, and to allow the expansion of a gravel parking surface within the Hank Aaron Loop Area.

Council District

(Also see **Case #ZON2009-02964 (Planned Unit Development) Waterfront Rescue Mission**, above)

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

The Vice-chairman 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. Miller, with second by Mr. Davitt, to hold the matter over until the February 4, 2010, meeting, with revisions due by January 15, 2010, to address the following:

- 1) **revision of the site plan to depict all of the parking spaces as being at least nine (9) feet in width;**
- 2) **submittal of a parking ratio variance, if necessary;**
- 3) **revision of the site plan to indicate that the access way will be paved;**
- 4) **depiction of handicapped parking spaces;**
- 5) **depiction of an appropriate screen for the dumpster;**
- 6) **provision of a note on the site plan indicating that the dumpster pad will have a connection to the sanitary sewer;**
- 7) **revision of the site plan to show the proposed building meeting setbacks or submission of a setback variance for the proposed building; and,**

- 8) **compliance with City Engineering comments:** *Site is located in the AE Flood Zone, therefore need to show minimum FFE (MFFE) on plans and construction of the proposed building shall satisfy the MFFE requirements determined by City Engineering. Construction of the proposed building will require a Flood Study unless documentation for historical credit is provided showing that there was a building in the same general location (i.e., surveys, aerial photographs, Sanborn Maps, etc.). No fill will be allowed on the site without providing compensation (net fill of zero) or completing a flood study. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.*

The motion carried unanimously.

**OTHER BUSINESS:**

Hearing no further business, the meeting was adjourned.

**APPROVED:**            March 18, 2010

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Dr. Victoria Rivizzigno, Secretary

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Terry Plauche, Chairman

jsl