

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF APRIL 18, 2002 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Robert Frost, Chairman
Victor McSwain, Secretary
Ann Deakle
Reverend Clinton Johnson
Terry Plauche
Victoria Rivizzigno
Norman Hill (S)

Members Absent

Wendell Quimby, Vice Chairman
John Vallas
James Laier (S)

Staff Present

Christopher Boone, Deputy Director
Land Use Administration
Richard L. Olsen, Planner II
Angie Etheridge, Secretary III
Andrew Holmer, GIS Technician
Zachary Travis, GIS Technician

Others Present

John Lawler, Asst. City Attorney
Ron Jackson, Urban Forestry
Fred Brown, Traffic Engineering
Deborah Leo, Traffic Engineering
Beverly Terry, City Engineering
Shayla Jones, Long Range Planning
Pat Stewart, County Engineering

Mr. Frost stated the number of members present constituted a quorum and called the meeting to order.

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

APPROVAL OF MINUTES:

A motion was made by Mr. McSwain and seconded by Ms. Deakle to approve the minutes of the March 21, 2002 meeting as submitted. The motion carried unanimously.

HOLDOVERS:

Case #ZON2002-00557 (Rezoning)

Glenn Glisson

2654 Clubhouse Road (North side of Clubhouse Road, 330'± East of Gonzales Road).
A request for a change in zoning from R-1, Single-Family Residential, to R-2, Two-Family Residential, for a residential subdivision with reduced lot sizes and reduced building setbacks was considered.

The plan illustrates the proposed subdivision.

AND

Case #ZON2002-00558 (Planned Unit Development)

Clubhouse Garden Homes Subdivision

2654 Clubhouse Road (North side of Clubhouse Road, 330'± East of Gonzales Road).
A request for Planned Unit Development Approval to allow reduced building setbacks, reduced lot widths, and reduced lot sizes in a single-family residential subdivision was considered.

The plan illustrates the proposed subdivision.

AND

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Case #SUB2002-00045 (Subdivision)
Clubhouse Garden Homes Subdivision

2654 Clubhouse Road (North side of Clubhouse Road, 330'± East of Gonzales Road).
29 Lots / 4.8± Acres

These applications were held over from the March 21, 2002 meeting to allow a meeting between the developer and surrounding residential property owners. This meeting was held, however, no changes to the plan were submitted to the staff as a result of that meeting.

Matt Orrell, Polysurveying Engineering – Land Surveying, was present representing the applicant and requested that these applications be held over an additional four weeks to allow the developer time to meet with more neighbors who had concerns.

Mr. Frost announced that anyone attending this meeting with regard to these applications could comment at this time or reappear for the May 16, 2002 meeting to present their concerns.

Ruby Rush, 2418 Clubhouse Road, was present and stated that she did not comment at the meeting held at Our Lady of Lourdes Church, but she had concerns and she wanted the record to reflect that she was opposed to the proposed development at the subject site. Ms. Rush reported a problem with flooding, and reported there was natural drainage in the middle of a lot on Alba Club Road, and the back yard of the lot drained into her back yard. Ms. Rush also reported there was an existing problem with severe flooding at the intersection of Alba Club Road and Clubhouse Road.

Mr. Frost acknowledged that the Commission had also received a letter from Aven Warner, 2212 Riverside Drive, reporting the drainage problems with regard to the subject site.

Ben Brooks, 1070 Government Boulevard, council representative for the subject site, was present and reported that a full house attended the meeting held last week at Our Lady of Lourdes gym. Mr. Brooks stated that he was coordinating between the developers and residents to attempt to resolve issues on behalf of all parties involved. He encouraged the Commission to approve a four-week hold over to allow a follow-up meeting to exchange information, and Mr. Brooks planned to walk the subject property with the residents. He reported that a large number of residents would have been in attendance today, however, the residents understood that the requests would be held over to the May 16, 2002 meeting, and he wanted the Commission to be aware.

Mr. Orrell iterated that the site would be developed in accordance with all local, state and federal flood requirements.

A motion was made by Mr. Frost and seconded by Ms. Deakle to hold over these applications to the May 16, 2002 meeting as requested by the applicant.

The motion carried unanimously.

Case #SUB2002-00044 (Subdivision)
Oak Forest Subdivision Revised

East side of Dawes Road, 450'± North of Iron Gate Way.
137 Lots / 42.0± Acres

Don Coleman, Rester and Coleman Engineers, Inc., was present representing the applicant. Mr. Coleman respectfully requested that the Commission consider deleting condition #2 as recommended by the staff requiring *provision of a street stub to the North of the subject site*. Mr. Coleman explained that the street stub was not required when the original Oak Forest Subdivision was approved February 2, 1996. He explained that the subject application, Oak Forest Subdivision Revised, was submitted for consideration because the applicant desired to include more lots than were originally approved, therefore, the plan was reconfigured. He reported that the property north of the subject

site was divided into several different parcels, with each parcel fronting on Leroy Stevens Road or Jeff Hamilton Road, and two parcels were recorded as a one-lot subdivision. He noted that it would be difficult to construct a street across a gully-like ravine also located just north of the subject property.

There was no one present in opposition.

In discussion, Mr. Boone noted that when the subdivision application appeared before the Commission on the previous occasion a portion of the land was previously shown as "future development" and was now indicated as "subdivided". Mr. Boone relayed to the Commission from the Subdivision Regulations the basis for the staff recommendation "the street layout shall be devised for the most advantageous development of the entire neighborhood or neighborhoods of which the land to be subdivided is located. Existing streets that abut the subdivision shall be continued and the continuation shall be at least as wide as existing streets and in alignment with them. The street layout shall also provide for the future projection into the subdivided lands adjoining of a sufficient number of streets to provide convenient circulation." Mr. Boone felt the fourth stub would be advantageous since there was undeveloped land to the north of the subject site, however, he felt the Commission should exercise discretion with regard to the requirement of the stub.

Mr. Frost asked if Mr. Boone was familiar with the ravine Mr. Coleman mentioned.

Mr. Boone was not familiar with the ravine and suggested that the application be held over to allow the staff to conduct a site inspection and examine the plan submitted with the previous application.

Mr. McSwain redirected the Commission's attention to Mr. Coleman's statement that there was a previous subdivision approved without a stub.

A motion was made by Ms. Deakle and seconded by Mr. McSwain to approve this subdivision subject to the following conditions:

- 1) all detention areas and islands in the right-of-way be labeled as common area;
- 2) placement of a note on the final plat stating that maintenance of all common areas shall be the responsibility of the property owners association.

Dr. Rivizzigno was opposed, the motion carried.

Case #ZON2002-00679 (Rezoning)

Africatown Community Mobilization Project, Inc.

West side of Bay Bridge Road Cut-Off, 115'± North of Chin Street, extending West to the Southern Railroad right-of-way.

A request for a change in zoning from R-2, Two-Family Residential, to B-3, Community Business, for an outdoor festival area with vendors was considered.

A motion was made by Mr. McSwain and seconded by Mr. Hill to recommend the approval of this change in zoning to the City Council subject to the following conditions:

- 1) provision of screening along the Bay Bridge Cut-Off Road frontage;
- 2) provision of buffering along the North property line, if and when that property is developed residentially;
- 3) use of areas that are not specifically identified be limited, and expansions of vendor or festival areas require new applications and approvals;
- 4) parking facility circulation/turn-around be approved by the Traffic Engineering Department; and
- 5) full compliance with all municipal codes and ordinances, including but not limited to landscaping and tree plantings.

The motion carried unanimously.

AND

Case #ZON2002-00683 (Planning Approval)

Africatown Community Mobilization Project, Inc.

West side of Bay Bridge Road Cut-Off, 115'± North of Chin Street, extending West to the Southern Railroad right-of-way.

A request for Planning Approval to allow an outdoor festival area with vendors in a B-3, Community Business district (rezoning pending) was considered.

The plan illustrates the existing office trailers, proposed walking path, masonry wall and proposed parking.

Mr. Frost stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Mr. McSwain and seconded by Mr. Hill to approve this plan subject to the following conditions:

- 1) provision of screening along the Bay Bridge Cut-Off Road frontage;
- 2) provision of buffering along the North property line, if and when that property is developed residentially;
- 3) use of areas that are not specifically identified be limited, and expansions of vendor or festival areas require new applications and approvals;
- 4) parking facility circulation/turn-around be approved by the Traffic Engineering Department; and
- 5) full compliance with all municipal codes and ordinances, including but not limited to landscaping and tree plantings.

The motion carried unanimously.

Case #SUB2002-00049

Plat No. 1, Spectrum Realty Subdivision

7790 Moffett Road (Northeast corner of Moffett Road and Schillinger Road).

1 Lot / 1.7± Acres

Mr. Frost stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to approve this subdivision subject to the following conditions:

- 1) the dedication of sufficient right-of-way to provide 50' from the centerline of Schillinger Road;
- 2) the dedication of sufficient right-of-way to provide 50' from the centerline of Moffett Road;
- 3) the dedication of sufficient radii along the intersection of Moffett Road and Schillinger Road, to be approved by County Engineering Department and ALDOT;
- 4) the placement of a note on the final plat stating that the development be limited to one curb cut each to Moffett Road and Schillinger Road, with the location and design to be approved by County Engineering Department;
- 5) the placement of a note on the final plat stating that if the lot is developed commercially and adjoins residentially developed property a buffer in accordance with Section V.A.7 of the Subdivision Regulations shall be provided; and
- 6) the placement of twenty-five foot minimum building setback lines along all street frontages on the final plat.

The motion carried unanimously.

EXTENSIONS:

File #S99-137 (Subdivision)

Case#SUB2001-00069

Burlington Place Subdivision

South side of Cottage Hill Road, 600'± East of Jeff Hamilton Road.

120 Lots / 59.0± Acres

Request for a one-year extension of previous approval.

A motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to approve a one-year extension of previous approval for this subdivision subject to the following condition:

- 1) there should be no subsequent extensions granted until another unit has been recorded.

The motion carried unanimously.

File #S2000-130 (Subdivision)

Case #SUB2002-00055

Donham Place Subdivision (Formerly Hamilton's Addition of Howell's Ferry Subdivision)

South side of Howells Ferry Road, extending to the West terminus of Scottsdale Drive, to the Southern termini of Tew Drive and Thistlewaite Drive, and to the North side of the Illinois Central Gulf Railroad right-of-way.

87 Lots / 28.7± Acres

Request for a one-year extension of previous approval.

AND

Case #SUB2001-00074 (Subdivision)

Rangeline Road Commercial and Industrial Subdivision, Revised Preliminary Plat for

East side of Rangeline Road, 880'± North of Old Military Road, extending Northeastwardly to the West side of Old Rangeline Road, 770'± South of the West terminus of Riverview Pointe Drive.

3 Lots / 32.0± Acres

Request for a one-year extension of previous approval.

A motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to approve a one-year extension of previous approval for these subdivisions.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #ZON2002-00801 (Rezoning)

Sarah Coleman

1361 Spring Hill Avenue (Southeast corner of Spring Hill Avenue and Garnett Avenue).

A request for a change in zoning from B-1, Buffer Business, and R-1, Single-Family Residential, to B-1, Buffer Business, to eliminate split zoning at an existing child day care center was considered.

The plan illustrates the existing structures and parking, along with the proposed building.

Mr. Frost stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

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A motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to recommend the approval of this change in zoning to the City Council subject to the following conditions:

- 1) dedication of sufficient right-of-way along Garnett Avenue to provide 25' from centerline;
- 2) dedication of a 25'(minimum) radius at the intersection of Garnett Avenue and Spring Hill Avenue;
- 3) denial of access to Spring Hill Avenue;
- 4) completion of the Subdivision process prior to the issuance of any permits; and
- 5) full compliance with all municipal codes and ordinances, including but not limited to landscaping and tree planting requirements, and provision of sidewalks.

The motion carried unanimously.

AND

Case #ZON2002-00806 (Planning Approval)

Sarah Coleman

1361 Spring Hill Avenue (Southeast corner of Spring Hill Avenue and Garnett Avenue).

A request for Planning Approval to allow the expansion of an existing child day care center in a B-1, Buffer Business district was considered.

The plan illustrates the existing structures and parking, along with the proposed building.

Mr. Frost stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to approve this plan subject to the following conditions:

- 1) dedication of sufficient right-of-way along Garnett Avenue to provide 25' from centerline;
- 2) dedication of a 25'(minimum) radius at the intersection of Garnett Avenue and Spring Hill Avenue;
- 3) denial of access to Spring Hill Avenue;
- 4) provision of walkways and greenspace adjacent to the proposed building, similar to those provided adjacent to the existing buildings, including the removal of paved surfacing as required;
- 5) provision of the appropriate number of parking stalls based on the number of teaching stations/teachers;
- 6) proper striping of the parking facility to meet minimum stall requirements of the Zoning Ordinance;
- 7) completion of the rezoning and subdivision processes prior to the issuance of any permits;
- 8) the site be brought into full compliance with the landscaping and tree planting requirements;
- 9) provision of screening along Garnett Avenue, where practicable, to be approved by Land Use staff; and
- 10) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

AND

Case #ZON2002-00800 (Planned Unit Development)

Carmens Child Care Subdivision

1361 Spring Hill Avenue (Southeast corner of Spring Hill Avenue and Garnett Avenue).

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A request for Planned Unit Development Approval to allow multiple buildings on a single building site was considered.

The plan illustrates the existing structures and parking, along with the proposed building.

Mr. Frost stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to approve this plan subject to the following conditions:

- 1) dedication of sufficient right-of-way along Garnett Avenue to provide 25' from centerline;
- 2) dedication of a 25'(minimum) radius at the intersection of Garnett Avenue and Spring Hill Avenue;
- 3) denial of access to Spring Hill Avenue;
- 4) provision of walkways and greenspace adjacent to the proposed building, similar to those provided adjacent to the existing buildings, including the removal of paved surfacing as required;
- 5) provision of the appropriate number of parking stalls based on the number of teaching stations/teachers;
- 6) proper striping of the parking facility to meet minimum stall requirements of the Zoning Ordinance;
- 7) completion of the rezoning and subdivision processes prior to the issuance of any permits;
- 8) the site be brought into full compliance with the landscaping and tree planting requirements; and provision of screening along Garnett Avenue, where practicable, to be approved by Land Use staff; and
- 9) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

AND

Case #SUB2002-00062 (Subdivision)

Carmens Child Care Subdivision

1361 Spring Hill Avenue (Southeast corner of Spring Hill Avenue and Garnett Avenue).

1 Lot / 0.5± Acre

Mr. Frost stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to approve this subdivision subject to the following conditions:

- 1) dedication of sufficient right-of-way along Garnett Avenue to provide 25' from centerline;
- 2) dedication of a 25'(minimum) radius at the intersection of Garnett Avenue and Spring Hill Avenue; and
- 3) denial of access to Spring Hill Avenue.

The motion carried unanimously.

Case #ZON2002-00796 (Planned Unit Development)

Neighborhood Market Subdivision

700 South University Boulevard (Northwest corner of South University Boulevard and Cottage Hill Road).

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A request for Planned Unit Development Approval to allow shared access between multiple building sites was considered.

The plan illustrates the existing structure and parking, along with the proposed building.

Marl Cummings, Applicant, Cummings & White-Spunner, Inc., P. O. Drawer 16227, Mobile, AL, 36616, was present and agreed with the staff recommendations. Mr. Cummings reported that he had met with representatives of various departments to resolve issues pertaining to traffic, signage, landscaping and trees.

There was no one present in opposition.

A motion was made by Ms. Deakle and seconded by Dr. Rivizzigno to approve this plan subject to the following conditions:

- 1) dedication of sufficient right-of-way along Cottage Hill Road to provide 50' from centerline;
- 2) redesign of University Boulevard access as recommended by the Traffic Engineering Department, to be approved by Traffic Engineering Department;
- 3) full compliance with landscaping and tree plantings for project areas;
- 4) signage for the entire site to be for multiple tenants on a single building site (Group Development), as described in Zoning Ordinance, not on individual lot basis; and
- 5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

AND

Case #SUB2002-00061 (Subdivision)

Neighborhood Market Subdivision

700 South University Boulevard (Northwest corner of South University Boulevard and Cottage Hill Road).

4 Lots / 10.2± Acres

A motion was made by Ms. Deakle and seconded by Dr. Rivizzigno to approve this subdivision subject to the following condition:

- 1) access to be University Boulevard to be redesigned as recommended by the Traffic Engineering Department, to be approved by the Traffic Engineering Department.

The motion carried unanimously.

Case #ZON2002-00795 (Rezoning)

Jim Stokes

629 Azalea Road (North side of Azalea Road, 600'± West of Village Green Drive).

A request for a change in zoning from R-1, Single-Family Residential, to B-1, Buffer Business, for a photography studio was considered.

The plan illustrates the proposed building and parking.

Mr. Frost stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Mr. Plauche and seconded by Mr. McSwain to recommend the approval of this change in zoning to the City Council subject to the following conditions:

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- 1) development limited to one curb cut to Azalea Road with the location and design to be approved by Traffic Engineering Department; and
- 2) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

AND

Case #ZON2002-00797 (Planning Approval)

Jim Stokes

629 Azalea Road (North side of Azalea Road, 600'± West of Village Green Drive).

A request for Planning Approval to allow a photography studio in a B-1, Buffer Business district was considered.

The plan illustrates the proposed building and parking.

A motion was made by Mr. Plauche and seconded by Mr. McSwain to approve this plan subject to the following conditions:

- 1) development limited to one curb cut to Azalea Road with the location and design to be approved by Traffic Engineering Department; and
- 2) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

NEW ZONING APPLICATION:

Case #ZON2002-00792

David A. Adams

319 South Sage Avenue (East side of Sage Avenue, 400'± South of Airport Boulevard).

A request for a change in zoning from B-1, Buffer Business, to B-2, Neighborhood Business, to allow a barber shop was considered.

The plan illustrates the existing structure and parking, along with the proposed addition.

Jerry Byrd, Byrd Surveying, was present representing the owner/applicant, David Adams. Mr. Byrd questioned condition #1 as recommended by the staff requiring submission of an administrative PUD prior to the issuance of any permits. Mr. Byrd reported the building was already constructed on the subject site with parking in the rear to accommodate the customers. Mr. Byrd reported that plans were submitted, permits were granted and the building was completed and ready for occupancy, however, the applicant could not acquire a business license because the property was not zoned properly. He noted that there was some question concerning shared parking, and the asphalt drives/parking lots joined at the property line. He also noted there was a business already in operation in the front.

Mr. Frost questioned whether the sites would require shared parking.

Mr. Byrd stated that shared parking was not necessary, that parking spaces were located in the rear.

Mr. Olsen reported to the Commission that the permit was issued because there was no indication this addition was intended for use as a barber shop at the time the building permit was requested and it appeared the addition would be part of the existing office. Secondly, he reported the site plan as well as Mr. Byrd indicated the driveways adjoined and due to the width, the driveways functioned as a two-way drive, as opposed to each having individual one-way drives; therefore, the staff recommended an administrative PUD. Mr. Olsen suggested amending the condition to require submission of an administrative PUD prior to the issuance of zoning clearance.

Mr. Frost questioned whether Mr. Byrd would agree to Mr. Olsen's recommended amendment to the condition.

Mr. Byrd was concerned that requirement of an administrative PUD would involve an additional property owner, and require surveying and possibly tree plantings on the additional property.

There was no one present in opposition.

A motion was made by Mr. Hill and seconded by Ms. Deakle to recommend the approval of this change in zoning to the City Council subject to the following conditions:

- 1) submission of an administrative PUD prior to the issuance of Zoning Clearance;
- 2) the provision of landscaping and tree planting in compliance with Section IV.E.3.a of the Zoning Ordinance; and
- 3) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2002-00056

Ching Dairy Road Farmettes, Resubdivision of Lot 21

7250 Ching Dairy Loop North (North side of Ching Dairy Loop North, 210'± East of an unnamed street stub).

2 Lots / 2.8± Acres

Merlin Miller, McCrory Williams, Inc., Engineers-Surveyors, was present representing the applicant. Mr. Miller reported that the owner had no intentions of developing the subject property commercially and was therefore opposed to the staff recommendation.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Mr. McSwain to waive Section V.D.3 of the Subdivision Regulations and approve this subdivision subject to the following condition:

- 1) the placement of a note on the final plat stating that any lot that is developed commercially and adjoins residentially developed property shall provide a buffer in compliance with Section V.A.7 of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2002-00060

Downtown West Subdivision, Loop North Additions

3821 Airport Boulevard and 4318 Downtowner Loop North (South side of Airport Boulevard, 410'± West of Downtowner Boulevard, extending to the North side of Downtowner Loop North, 410'± West of Downtowner Boulevard).

2 Lots / 3.1± Acres

The purpose of this application was to subdivide a legal lot of record and a metes and bounds parcel.

Don Coleman, Rester and Coleman Engineers, Inc., was present representing the applicant. Mr. Coleman noticed that the staff had amended their recommendations and was now recommending a condition requiring that the building to the south be brought into compliance with the building code (fire walls,...) prior to the recording of the final plat.

Mr. Coleman explained that Peaches Music and Video operated at the subject site and was in need of additional parking. He reported that existing warehouses stretching from one side of the lot to the other faced Downtowner Loop North, and existing warehouses

were located behind the subject lot where he wanted to move the line down in order to allow additional parking in the rear of Peaches Music and Video. He reported that 25' of the warehouse behind Peaches Music and Video was already constructed on the lot line with a concrete block wall, and he felt sure a building permit was issued when the warehouse was constructed. He felt that the structure met the necessary requirements of the building code at the time it was constructed, and felt that if the structure was that close to the property line on one side that it should be acceptable on the other side. Mr. Coleman reported that the owner was willing to dedicate a 5' setback from the south line of Peaches. He requested that the Commission allow placement of a note on the plat requiring 5' minimum building setback line north of the line on the Peaches lot.

Mr. McSwain questioned the staff as to the discretion of the Commission to enforce building codes. He felt that the applicant was simply trying to move the line down and did not want to be required to comply with building codes since the building already existed.

Mr. Boone pointed out that the Zoning Ordinance and Subdivision Regulations clearly stated that any other ordinances within the City of Mobile should not knowingly be violated. He also pointed out that a fire-wall should not be constructed on, or 5' from, the side lot line in accordance with the section of the Zoning Ordinance governing side lot lines. With regard to compliance with the Building Code, Mr. Boone pointed out that building right next to the line could impose on the property owner. However, Mr. Boone felt that such imposition might not exist with regard to the subject case since both parties were involved.

There was no one present in opposition.

A motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to waive Section V.D.3 of the Subdivision Regulations and approve this subdivision subject to the following condition:

- 1) the interior lot line to show a 5' minimum setback along the south property line of Lot 1 on the final plat.

The motion carried unanimously.

Case #SUB2002-00058

Bebee Hammock Tract Subdivision, Resubdivision of Portion of Lot 8 and all of Lots 9, 10 11 and 12 of the Resubdivision of Lot 7

Southeast corner of Riviere du Chien Loop West and Riviere du Chien Loop South, extending East to the Southeast corner of Riviere du Chien Loop South and Riviere du Chien Loop East, and East to Dog River.

4 Lots / 17.3± Acres

Mr. Frost stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Ms. Deakle and seconded by Dr. Rivizzigno to waive Section V.D.3 of the Subdivision Regulations and approve this subdivision subject to the following conditions:

- 1) the removal of the existing dwelling and structures prior to the recording of the final plat, or submission of documentation illustrating that the dwelling and structures comply with the setback requirements of the Zoning Ordinance;
- 2) that a demolition or building permit be obtained if the dwelling and structures are removed; and
- 3) the approval of all applicable federal, state and local agencies.

The motion carried unanimously.

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Case #SUB2002-00057

Idlewood Subdivision, Revised Lot 57

2218 Vaughan Drive East (West side of Vaughan Drive East, 460'± North of Vaughan Drive South).

1 Lot / 0.5± Acre

Jerry Byrd, Byrd Surveying, Inc., was present representing the owner, Gerald Lynam, who was also in attendance. Mr. Byrd pointed out that the staff recommended denial because the proposal was out of character with the neighborhood. He directed the Commission's attention to the fact that five other lots within the neighborhood indicated a 25' building setback. He reported that he had signatures from the adjacent property owner and the property owner across the street from the subject site consenting to the proposed addition to be constructed in the front yard. He reported that Mrs. Lynam had been in ill health and Mr. Lynam was trying to construct a garage in the front so he could pull his vehicle in completely enclosed and go directly into the house without getting out in the weather. Mr. Byrd noted that the 25' setback is routinely allowed by the City.

There was no one present in opposition.

A motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to deny this subdivision for the following reason:

- 1) the proposed twenty-five foot front yard setback would be out of character with the neighborhood.

Mr. Plauche was opposed; the motion carried.

Case #SUB2002-00064

Kiser Oaks Subdivision

East terminus of Hampton Oaks Drive.

2 Lots / 5.8± Acres

Marshall A. McLeod, Marshall A. McLeod, P.L.S., L.L.C., 163 North Florida Street, was present representing the applicant. Mr. McLeod realized that the staff had recommended that the subject application be held over, however, he requested that the Commission consider approving the subdivision subject to a condition requiring provision of a title proving ownership.

There was no one present in opposition.

A motion was made by Mr. McSwain and seconded by Ms. Deakle to holdover this subdivision to the meeting of May 2, 2002 to allow the City Engineer an opportunity to supply the staff with documentation of ownership for this land.

The motion carried unanimously.

Case #SUB2002-00059

Prospect Hills Subdivision, Resubdivision of Lot 15

8100 Fordham Road (North side of Fordham Road, 590'± East of Leroy Stevens Road).

4 Lots / 11.4± Acres

Mr. Frost stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to waive Section V.D.3 of the Subdivision Regulations and approve this subdivision subject to the following conditions:

- 1) the placement of the twenty five foot setback for Lot 1 be placed at the minimum building width; and

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- 2) the placement of a note on the final plat stating that Lots 2-4 should be limited to one curb cut each to Fordham Drive, with the location and design to be approved by County Engineering.

The motion carried unanimously.

Case #SUB2002-00063
The Ranch Subdivision

West side of Gunn Road, 1030'± North of Prince James Drive, extending to the East side of Schillinger Road
3 Lots / 12.0+ Acres

Mr. Frost stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Mr. Plauche and seconded by Mr. McSwain to approve this subdivision subject to the following conditions:

- 1) placement of a note on the final plat stating that Lots 1 & 2 be limited to one curb cut each to Schillinger Road with the size, location and design to be approved by County Engineering Department;
- 2) the placement of a note on the final plat stating that any lot that is developed commercially and adjoins residentially developed property shall provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations; and
- 3) placement of required 25' minimum building setback lines on the final plat.

The motion carried unanimously.

OTHER BUSINESS:

There being no further business, the meeting was adjourned.

APPROVED: June 6, 2002

Victor McSwain, Secretary

Robert Frost, Chairman

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