

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF AUGUST 22, 2002 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Robert Frost, Chairman
Victor McSwain, Secretary
Ann Deakle
John Vallas
Terry Plauche
James Laier (S)
Norman Hill (S)

Members Absent

Wendell Quimby, Vice-Chair
Clinton Johnson
Victoria L. Rivizzigno

Staff Present

Richard L. Olsen, Planner II
Margaret Pappas, Planner II
Shayla Jones, Planner I
Tim Ashley, Planner I
Jennifer Henley, Secretary II

Others Present

John Lawler, Assistant City Attorney
Ron Jackson, Urban Forestry
Jennifer White, Traffic Engineering
Beverly Terry, City Engineering
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.

HOLDOVERS:

Case #ZON2002-01529

Natchez Trail Townhomes, Lots 7, 8, 12, 13, 16, 17, 19 & 24

West side of Natchez Trail Court, 650'± North of Cottage Hill Road.

The request for Planned Unit Development Approval to amend a previous approval allowing detached, zero-lot line, single-family residential townhomes was considered.

Mr. M. Don Williams of M. Don Williams Engineering was representing the applicant and stated that they had additional information regarding the detention pond. He asked that this application be heldover for an additional two weeks.

There was no one present in opposition.

A motion was made by Mr. Frost and seconded by Ms. Deakle to holdover this application until the meeting of September 5, 2002, at the applicant's request.

The motion carried unanimously.

Case #SUB2002-00151

Blackwell Oaks Subdivision

South side of Blackwell Nursery Road South, 1/2 mile± West of Snow Road.

65 Lots / 23± Acres

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. Laier to approve this subdivision based on the revised plat submitted, subject to the following conditions:

- (1) placement of a note on the final plat stating that there be no curb cuts to Blackwell Nursery Road;

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- (2) placement of a note on the final plat stating that maintenance of the detention area shall be the responsibility of the property owners;
- (3) the provision of buffering in compliance with Section V.A.7 if any lots are developed commercially and are adjacent to residentially developed properties; and
- (4) the required 25' building setback line be shown on the final plat.

The motion carried unanimously.

Case #SUB2002-00175

Sunset Hills, First Addition, Resubdivision of Lots 10 & 11, Block A

4651 & 4655 Rosewood Drive (Southwest corner of Rosewood Drive [at its terminus] and South University Boulevard).

4 Lots / 1± Acre

Mr. Matt Orrell of Polysurveying Engineering - Land Surveying was representing the applicant and stated that they wished to withdraw this application.

This application was withdrawn by the Commission at the applicant's request.

Case #ZON2002-01538

B. Michael Schulz

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

Rezoning from R-1, Single-Family Residential to B-2, Neighborhood Business to allow commercial development.

AND

Case #SUB2002-00160

Schulz Commercial Subdivision

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

4 Lots / 3.6± Acres

These applications were withdrawn prior to the meeting.

Case #ZON2002-01646

The Arbors of Pinehurst (NIP, LLC., Owner)

West side of Schaub Avenue, 700'± South of Airport Boulevard, extending West to the East side of Piccadilly Square Office Complex.

The request for Planned Unit Development approval to amend a previously approved Planned Unit Development to allow zero-lot line lots, with reduced yards, in an R-1, Single-Family Residential subdivision, to include increased site coverage limits was considered.

Shown on the plan is the 31-lot Planned Unit Development.

The applicant was not present.

Ms. Sally Dalton of 853 Virginia Street was present and stated that she was not opposed to what was being proposed, but she felt that the applicants needed to be in compliance with the conditions of the previous Planned Unit Development approval. She said that there was a condition that a note be placed on the final plat stating that the detention area will be labeled as a common area and the maintenance of the common area would be the responsibility of the property owners. The property owners at this time were the developers. The developers had cleaned out the detention pond, but the pond itself and the common area around it needed some additional attention. The detention pond was holding water and there were a lot of mosquitoes. She had been told by the City Engineering Department that it was not supposed to hold water, it was supposed to drain. Ms. Dalton said that there were 3 or 4 dead trees on the south end of the pond. Earlier in the week those trees had fallen over onto her home causing \$2,000 worth of damage. She said that the trees were still hanging over her home. She thought the root systems of the trees were damaged when they dug the pond. She understood that this was something

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that normally happened when putting in detention ponds, but she felt that if they were maintaining the site properly the trees would not have fallen. Mr. John Gavin from the City had visited the site and contacted the developers and the only thing the developers had done to remedy the problem was come over and picked up some trash. She felt that the developers should be in compliance and take responsibility for the site before anything further was done.

Mr. Frost said that they would be required to meet the previous conditions of approval.

In discussion, Mr. Vallas commented that there had been some question regarding the road being blocked at the last meeting.

Ms. Pappas said that the staff had done a lot of research regarding this matter. Based on the photographs submitted the right-of-way extended all the way out, however the curbing for the cul-de-sac did not. There was a fence across where the wider right-of-way ends and the narrower right-of-way for the continuation of Virginia Street begins. She said that there was a neighbor present at the last meeting with concerns about the fence blocking the continuation of access. There was also a concern brought up that the gate to access the detention area was out farther than it should be. For the subdivision to maintain the detention area they had to drive all the way around and once the limbs and debris were cleaned out they could not be picked up because City garbage trucks could not go down the substandard right-of-way. The staff had addressed this concern in their recommendation, requiring that the access to the common area be relocated with access through Arbor Court. The staff was recommending that the fence either be removed or that they obtain a right-of-way use agreement that would have to be approved by the City Council. In regard to the maintenance of the detention pond, she would have to defer to the City Engineering Department.

Ms. Terry said that it was her recollection that the resident who had spoken at the previous meeting said that the problems with the detention pond had been solved and therefore, she had not looked into it any further. If there were still some continuing maintenance problems, they could have this addressed. She asked that it be made part of the conditions.

Mr. Frost inquired if the condition that the common areas be maintained would cover this.

Ms. Pappas replied yes. She said that there was not a lot of discussion at the last meeting regarding the poor functioning of the detention pond, it was more so about the fact that they could not get debris picked up once the pond was cleaned out.

Mr. Vallas inquired if they needed to make an additional condition regarding the detention pond.

Ms. Pappas said that they could add a condition for support, however, she thought that City Engineering already had the authority to send out an inspector to work with them on this issue.

Ms. Terry said that they had experienced some difficulties in upholding their ordinance in court, so she felt it would be beneficial to have a condition from the Commission. She said that they were in the process of rewriting their stormwater ordinance so that it had more strength when it was challenged.

Mr. McSwain inquired if there was anything they could do about the trees that had fallen on Ms. Dalton's property.

Mr. Frost thought that the issue of the damaged property was something that was between Ms. Dalton and the developer.

Ms. Pappas said that if the Commission were to require that the trees be cleaned up, they would essentially be telling the developer to go onto Ms. Dalton's property, which she

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may or may not be agreeable to. Ms. Pappas stated that they could add a requirement regarding maintenance of the detention area.

Ms. Terry felt that maintenance would be an ongoing issue. She was more concerned that the detention pond was draining properly before it was released to the property owner's association.

Ms. Pappas read a possible revised condition: *full compliance with all City Engineering requirements, including the maintenance of the detention system, and submission of adequate documentation illustrating the detention system will accommodate and properly discharge the increased stormwater runoff.*

Ms. Terry said that this was acceptable.

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

- (1) full compliance with all previous conditions placed upon the May 2000 (File #PUD2000-19) approval;
- (2) full compliance with all City Engineering requirements, including the maintenance of the detention system, and submission of adequate documentation illustrating the detention system will accommodate and properly discharge the increased stormwater runoff;
- (3) access to the detention pond via Arbor Court;
- (4) that the fence at the southern terminus of Arbor Court be removed or a right-of-way use agreement obtained; and
- (5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2002-00164

G & J Allen Estates Subdivision

Southern terminus of Watermain Street East, 890'± South of Pierce Road.

3 Lots / 7.8± Acres

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 Mr. McSwain to approve this subdivision as a 3-lot subdivision subject to the following conditions:

- (1) the placement of a note on the final plat stating that there will be no further resubdivision of the site;
- (2) the placement of note on the final plat stating that if any lot is developed commercially and adjoins residential property, a buffer in compliance with Section V.A.7. of the Subdivision Regulations will be provided;
- (3) the placement of the twenty five foot minimum building setback line on the final where the minimum building width is sixty feet; and
- (4) the dedication of a sufficient right-of-way for the provision of a cul-de-sac, to be approved by County Engineering.

The motion carried unanimously.

Case #SUB2002-00161

Burgess Pointe Subdivision

East side of Doyle Street, 600'± South of Dauphin Island Parkway.

20 Lots / 18.8± Acres

This application was withdrawn prior to the meeting at the applicant's request.

Case #SUB2002-00167

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R. L. Ranch Subdivision

West side of Lee's Lane, 1250'± North of Lloyd Station Road.
1 Lot / 1.6± Acres

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. Hill to waive Section V.D.3., of the Subdivision Regulations and approve this subdivision subject to the following conditions:

- (1) labeling the proposed lot as Lot 1 or Lot A;
- (2) the approval of all applicable federal, state and local agencies; and
- (3) the placement of a twenty-five foot minimum building setback line on the final plat.

The motion carried unanimously.

EXTENSIONS:

Case #SUB2001-00235 (Subdivision)

Magnolia Downs Subdivision

9401 and 9435 Scott Dairy Loop Road South (South side of Scott Dairy Loop Road South, 3/10 mile± West of McFarland Road).

18 Lots / 60.5± Acres

Request for a one-year extension of previous approval.

A motion was made by Mr. Plauche and seconded by Dr. Laier to approve a one-year extension of previous approval for this application.

The motion carried unanimously.

Case #SUB2002-00193 (Subdivision)

File #S96-225

Rangeline Park Subdivision

Southeast corner of Rangeline Road and Rabbit Creek Drive and extending through to Old Rangeline Road.

45 Lots / 115.5± Acres

Request for a one-year extension of previous approval.

A motion was made by Mr. Plauche and seconded by Dr. Laier to approve a one-year extension of previous approval for this application.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #ZON2002-01749

T. J. "Joe" Debrow, Sr. (Southland Capital, LP)

East side of University Boulevard, 215'± North of Zeigler Boulevard.

The request for a change in zoning from B-2, Neighborhood Business, to B-3, Community Business for an office building and associated parking for a pest control business was considered.

The site plan illustrates the proposed building, drive, parking, landscaping, building setbacks, and existing flood plain line.

(Also see Case #SUB2002-00179 – **Glen Creek Subdivision** – Below)

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Mr. Larry Thompson of Century 21 was representing the applicant, Mr. T. J. Debrow for Terminix. He said that they were requesting a change in zoning from B-2, to B-3 to allow an office for Terminix.

Mr. Frost pointed out that the staff had recommended this application for denial. He thought the main reason for denial was because the surrounding property was predominantly B-2.

Mr. Thompson said that the proposed Lot 3 that was on the Zeigler Boulevard side was zoned R-1 and they were not proposing that it be changed. He commented that there was a service road already in place and there was not anything that would adjoin the site to the north because of the railroad tracks. He did not feel that there would be a lot of traffic associated with the site.

Mr. Don Rowe of Rowe Surveying & Engineering Company was present concerning the subdivision on behalf of the applicant. He asked that the subdivision application be heldover. The agenda erroneously indicated that this site was being handled by another engineer. When Mr. Rowe had scanned the web site for his cases on the agenda, he had not realized that this was his subdivision and as such was not prepared to discuss the case today.

Mr. Thompson was unsure why this had been recommended for denial.

Mr. Frost thought that the main reasoning was that this site was in the middle of an existing block, there was no other B-3 zoning in the surrounding area, and it was felt that if this were approved it would be a case of spot zoning.

Mr. Thompson said that there was no residential property to the north.

Mr. McSwain inquired why the pest control office needed 72 parking spaces.

Mr. Thompson was unsure. The person that had drawn the site plan was told that this was how many was needed.

Mr. Michael Mayberry of 2759 Brierwood Drive was present and stated that the Terminix inspectors would work out of this building and park their trucks there at night.

There was no one present in opposition.

A motion was made by Ms. Deakle and seconded by Mr. McSwain to recommend the denial of this change in zoning to the City Council.

Mr. Vallas was opposed. The motion carried.

Case #SUB2002-00179

Glen Creek Subdivision

East side of University Boulevard, 215'± North of Zeigler Boulevard.

3 Lots / 4± Acres

(For discussion see Case #ZON2002-01749 - **T. J. "Joe" Debrow, Sr. (Southland Capital, LP)** – Above)

A motion was made by Mr. Frost and seconded by Dr. Laier to holdover this application until the meeting of September 5, 2002, at the applicant's request.

The motion carried unanimously.

Case #ZON2002-01745

Rose T. Ellis

East side of Hillcrest Road, 200'± South of McKenna Drive.

The request for a change in zoning from R-1, Single-Family Residential, to B-1, Buffer Business for a professional office for an accounting firm was considered.

The plan illustrates the existing structure and drive.

(Also see Case #SUB2002-00177 – **Rose Ellis Subdivision** – Below)

Mr. Jay Watkins of Armbrecht Jackson was representing the applicant, Ms. Rose T. Ellis. Ms. Ellis was an accountant and had recently inherited the subject property. She would like to use the site for an office and they were seeking to have the property rezoned from R-1 to B-1. Mr. Watkins realized that the staff had recommended this for denial, however, he felt that this was an appropriate site for B-1. He said that Ms. Ellis was a sole practitioner handling accounting and bookkeeping matters. The bulk of her work would be during tax season (generally January through May). Ms. Ellis had one part time employee who worked with her during those months. If not for the one employee, this could be classified as a home occupation. He pointed out that the subject property was adjacent to existing B-2 and Hillcrest Road between Airport Boulevard and Old Shell Road had several R-3 sites as well as commercial uses.

Mr. Frost inquired if this site had ever been used as an accounting office.

Mr. Watkins replied no. He said that it had been used as a private residence and Ms. Ellis intended to maintain the exterior of the structure. She would be making some minor improvements to the interior to make it compatible for an office, though the basic residential character of the inside of the home would be left intact.

Mr. Frost inquired if Ms. Ellis would be living there.

Mr. Watkins replied no, not full time. However, she would be spending some time there, especially during tax season.

Mr. Frost inquired how much traffic would be associated with the site.

Mr. Watkins said that generally she had approximately 4 to 5 customers a day during tax season. During the rest of the year she often worked via computer and telephone and not with clients on a daily basis. Mr. Watkins felt that the Ordinance spoke to this particular situation. He said that B-1 sites were generally used for offices, studios, automobile storage and parking lots. Although they were usually located between residential areas and business areas these districts are in some instances freestanding in residential areas. The district regulations are designed to protect and encourage the buffer characters of the districts by limiting the permitted uses to dwellings and uses of a semi-commercial nature and to protect the abutting and surrounding residential areas by requiring certain minimum yard and area standards. Mr. Watkins commented that they had sufficient setbacks in the front, rear and on the side. They were not planning any changes to the exterior of the structure. He felt that B-1 was appropriate as it would act as a buffer between existing B-2 zoning and the residential neighborhood. He said that there were several apartment complexes along Hillcrest Road with R-3 zoning.

Mr. Frost inquired about the minimum size requirement when dealing with a rezoning application versus a variance application.

Ms. Pappas said that for the creation of new B-2 or B-3 districts, the requirement was 4 acres. She pointed out that the subject property was adjacent to a commercial classification and of a lesser zoning.

Mr. Watkins said that the staff had pointed out in their report that there was a significant residential population in this area and that there was mostly residential zoning up and down Hillcrest Road. Having traveled that road, Mr. Watkins pointed out that there were a number of nonconforming uses that had frontage on Hillcrest Road including a day care center, a church, a taekwondo studio, a dance studio, a service station, as well as a restaurant. He realized that changing zoning from R-1 to B-1 would have an impact, but he felt that it would be minimal. He commented that there were several people present in support of the application, but they did not wish to speak at this time.

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Ms. Connie Hudson, District 6 City Council Representative, was present and stated that she was present in support of the staff's recommendation to deny this application. She said that there was a well established boundary in this area between what was commercial and what was residential. She stated that while the subject property was adjacent to B-2 zoning, that piece of property was undeveloped at this time. She said that the area behind this site was heavily residential with the exception of a few nonconforming uses. She had been contacted by a number of residents in opposition to this. She pointed out that Hillcrest Road was the boundary between District 6 and District 7. She had been contacted by people in her district as well as those in Mr. Stephen Nodine's District 7. She said that people were concerned about the continued encroachment of commercialism. She thought that a variance might be more appropriate for this site. She stated that the structure on the subject property was in very close proximity to a residential home next door to it. The residents were concerned that this area would lose its residential character and become more like the other part of Hillcrest Road on the south side of Airport Boulevard.

Mr. John Tomberlin of 524 Hillcrest Road was present and stated that he lived in Willowbrook, which was across the street from the subject property. He felt that this would set a precedent on the east side if approved. He was not opposed to Ms. Ellis having an office there, but he did not want to see the property rezoned.

Mr. Watkins felt that the existing line between commercial and residential and McKenna Drive would stop any further expansion of commercial zoning.

Mr. Frost inquired if Mr. Watkins had spoken with the residents.

Mr. Watkins said that one of the residents to the east was present in favor of the application. He had also spoken with another resident on the phone who was concerned that there be a fence there and that the property be maintained. Mr. Watkins thought that there was a pending plan to widen Hillcrest Road in this area and whatever traffic would result in this use of the subject property would have little or no bearing when the road was increased to 4 lanes. He said that they would like to find a way to accommodate the neighbors. They had hoped to get this classified as a home occupation, but that had not happened. The reason they had not applied for a variance application was because there was no hardship associated with this site. He was willing to work with the staff in any way he could.

A motion was made by Mr. McSwain and seconded by Mr. Hill to recommend the denial of this change in zoning to the City Council.

The motion carried unanimously.

Case #SUB2002-00177

Rose Ellis Subdivision

East side of Hillcrest Road, 200'± South of McKenna Drive.

1 Lot / .3± Acre

(For discussion see Case #ZON2002-01745 – **Rose T. Ellis** – Above)

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

- (1) dedication of 10-feet of right-of-way.

The motion carried unanimously.

Case #ZON2002-01804

Mary M. Russell

South side of Dauphin Street, 350'± West of Florida Street.

The request for a change in zoning from R-1, Single-Family Residential, to B-1, Buffer Business, for a real estate office was considered.

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The plan illustrates the existing structures and parking.

(Also see Case #ZON2002-01805 – **Dauphin Realty Subdivision** – Below; and Case #SUB2002-00192 – **Dauphin Realty Subdivision** – Below)

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 Dr. Laier to recommend the approval of this change in zoning to the City Council subject to the following conditions:

- (1) dedication of adequate right-of-way to provide 50-feet from the centerline of Dauphin Street;
- (2) the site be limited to one curb cut, with the location and design to be approved by Traffic Engineering;
- (3) full compliance with the landscaping and tree planting requirements of the Ordinance;
- (4) full compliance with City Engineering Comments; and
- (5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2002-01805

Dauphin Realty Subdivision

South side of Dauphin Street, 350'± West of Florida Street.

The request for Planned Unit Development approval to allow shared access and parking between multiple lots was considered.

The plan illustrates the existing structures and parking.

(For discussion see Case #ZON2002-01804 – **Mary M. Russell** – Above; also see Case #SUB2002-00192 – **Dauphin Realty Subdivision** – Below)

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

- (1) limited to the site plan submitted;
- (2) that the site be limited to two curb cuts, one on each lot, with the location and design to be approved by Traffic Engineering; and
- (3) that the site be limited to one free-standing sign.

The motion carried unanimously.

Case #SUB2002-00192

Dauphin Realty Subdivision

South side of Dauphin Street, 350'± West of Florida Street.

1 Lot / .3± Acre

(For discussion see Case #ZON2002-01804 – **Mary M. Russell** – Above; also see Case #ZON2002-01805 – **Dauphin Realty Subdivision** – Above)

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

- (1) dedication of adequate right-of-way to provide 50-feet from the centerline of Dauphin Street; and
- (2) placement of a note on the final plat stating that the site is limited to one curb cut, with the location and design to be approved by Traffic Engineering.

The motion carried unanimously.

Case #ZON2002-01756

Logan Gewin

South side of Key Street, 400'± East of Hutson Street, extending Southwest to the West I-65 Service Road South.

The request for Planned Unit Development approval to allow multiple buildings on a single building site, with shared access and parking between multiple lots was considered.

The site plan illustrates the existing buildings, proposed buildings, proposed parking, and proposed lot subdivisions.

(Also see Case #SUB2002-00185 – **Key Street Commercial Park Subdivision** – Below)

Mr. Don Rowe of Rowe Surveying & Engineering Company was representing the applicant and asked that this application be heldover for two weeks.

There was no one present in opposition.

A motion was made by Mr. Frost and seconded by Mr. McSwain to holdover this application until the meeting of September 5, 2002, at the applicant's request.

The motion carried unanimously.

Case #SUB2002-00185

Key Street Commercial Park Subdivision

South side of Key Street, 400'± East of Hutson Street, extending Southwest to the West I-65 Service Road South.

2 Lots / 2.3± Acres

(For discussion see Case #ZON2002-01756 – **Logan Gewin** – Above)

A motion was made by Mr. Frost and seconded by Mr. McSwain to holdover this application until the meeting of September 5, 2002, at the applicant's request.

The motion carried unanimously.

NEW ZONING APPLICATIONS:

Case #ZON2002-01752

Richard P. Anthony

North side of Moffett Road, 200'± West of Kuffskie Lane.

The request for a change in zoning from R-1, Single-Family Residential, and R-3, Multi-Family Residential, to R-1, Single-Family Residential, to eliminate split-zoning was considered.

The plan illustrates the existing structures and setback line.

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. Plauche to recommend the approval of this change in zoning to the City Council.

The motion carried unanimously.

Case #ZON2002-01751

Jane Q. Baxter and Rhodes & Brewer Properties, Inc.

2695 Government Boulevard (Northeast corner of Government Boulevard and Howell Avenue, extending East to the West side of Merwina Avenue).

The request for a change in zoning from B-3, Community Business, to B-3, Community Business, to remove a previous condition for automotive repair, automotive sales, and an automotive paint and body shop was considered.

The plan illustrates the existing structures, drives, and parking.

Ms. Jane Q. Baxter, applicant, was present and stated that one of the conditions of previous approval required the removal of a concrete drive along the southeast portion of the warehouse and that landscaping be installed. She submitted photographs of the site.

Mr. Frost thought that the staff report indicated that the staff was willing to work with Ms. Baxter on keeping the drive if she were to install landscaping elsewhere on the site.

Ms. Baxter said that there was not enough room for any other greenspace on the site. She stated that currently the site had greater than 12% landscaping. When she purchased the property in 1996, there was already a great deal of landscaping in place. However, when they came before the Commission with Planned Unit Development and Rezoning applications they were required to put in more landscaping. The photographs she had submitted illustrated the existing landscaping. She commented that they had some additional trees on order.

Ms. Pappas said that most of the greenspace provided was actually in the right-of-way.

Ms. Baxter said that they had removed most of the concrete along U. S. Highway 90 and Howell Avenue and grass had been planted. She thought that a good deal of the landscaping was within the site. She pointed out the various plants and trees they had planted. She said that the drive in question was to the rear of the site on Merwina Avenue. She stated that there were only two off-street parking spaces next to the warehouse roll-up door. She said that the business operating there was called Like New, which was an automobile detail shop. They brought in cars from dealerships and refurbished them for resale. The detail shop was next to the warehouse. The two parking spaces were for the vehicles and if those spaces were removed the cars would have to be parked on the street, which was not permissible. She felt that removing the concrete would create a safety problem. If the concrete was allowed to remain, there was not any more room to add 40-50 sq. ft. of landscaping without losing required parking at the front of the site. She pointed out that where the crepe myrtles bordered the property in the middle the site was at a lower grade (about 40") and this was where the cars were located for sale by Credit Connection. She said that there were three businesses on this site and they had 12% landscaping or greater. She had met with the Traffic Engineering Department and Urban Forestry. She asked the condition regarding the removal of the concrete be removed from the approval.

There was no one present in opposition.

In discussion, a motion was made by Mr. Hill and seconded by Mr. Vallas to recommend the approval of this change in zoning to the City Council subject to the following conditions:

- (1) the provision of adequate paved parking;
- (2) that the drive within the warehouse be one-way with the appropriate signage;
- (3) that the Traffic Engineering Department approve the traffic pattern for the site;
- (4) compliance with the landscaping and tree planting requirements of the Ordinance, to be coordinated with Urban Forestry;
- (5) that the number, location and design of all curb cuts be approved by Traffic Engineering; and
- (6) full compliance with all municipal codes and ordinances.

Mr. Plauche inquired if the 12% of landscaping provided was on the site or in the right-of-way.

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Ms. Pappas said that it was split.

The question was called. Ms. Deakle and Mr. Plauche were opposed. The motion carried.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2002-00188

Augusta Place Subdivision, Phase I

West side of Dawes Road, 305'± North of Augusta Drive.

2 Lots / 1.2± Acres

Ms. Pappas said that the staff had received a letter from the applicant asking that this application be withdrawn. However, because there was not enough time to notify the surrounding residents, the staff had advised the applicant to attend the meeting, but there was not a representative present.

There was no one present in opposition.

This application was withdrawn by the Commission at the applicant's request.

Case #SUB2002-00189

Augusta Place Subdivision, Phase II

West side of Dawes Road, 150'± North of Augusta Drive.

20 Lots / 4.1± Acres

Ms. Pappas said that the staff had received a letter from the applicant asking that this application be withdrawn. However, because there was not enough time to notify the surrounding residents, the staff had advised the applicant to attend the meeting, but there was not a representative present.

There was no one present in opposition.

This application was withdrawn by the Commission at the applicant's request.

Case #SUB2002-00181

Barr Estates Subdivision

West side of McGregor Avenue, 578'± North of Pinebrook South.

2 Lots / 2± Acres

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. Vallas to waive Section V.D.3., of the Subdivision Regulations, and approve this subdivision subject to the following conditions:

- (1) dedication of sufficient right-of-way to provide 40' from the centerline of McGregor Avenue;
- (2) documentation to illustrate the removal of the dwelling (demolition permit) prior to the recording of the final plat; and
- (3) the placement of a twenty-five foot minimum building setback line on the final plat.

The motion carried unanimously.

Case #SUB2002-00180

Carwie Acres Subdivision, Resubdivision of, Resubdivision of Lot 1-A

East side of Bellingrath Road, at the East terminus of Clyde Drive, and the South terminus of Bellefield Drive East.

2 Lots / 22.5± Acres

August 22, 2002

Mr. Don Coleman with Rester and Coleman Engineers, Inc., was representing the applicant and concurred with the staff recommendations.

Mr. Harvey Marcher of 7787 Bellingrath Road was present and stated that he was not opposed to this site being developed, but he was concerned about drainage, especially if fill was brought in.

Mr. Frost said that by law no one could divert water onto another person's property; they would have to follow the County's Flood Prevention Ordinance.

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

- (1) dedication of sufficient right-of-way to provide 50 feet from the centerline of Bellingrath Road;
- (2) placement of a note on the final plat stating that each lot is limited to one curb cut to Bellingrath Road with the size, location and design to be approved by County Engineering Department;
- (3) placement of a note on the final plat denying access to Bellefield Drive East if Lot A is developed commercially; and
- (4) 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 #SUB2002-00178

Dees-Dauphin Subdivision

South side of Dauphin Street, 180'± East of Dauphinwood Drive.

1 Lot / 1.5± Acres

Mr. Jerry Byrd of Byrd Surveying, Inc., was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

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

- (1) the placement of the twenty-five foot minimum building setback line on the final plat.

The motion carried unanimously.

Case #SUB2002-00183

Eddie's Subdivision

265 Azalea Road (East side of Azalea Road, 250'± South of Airport Boulevard).

1 Lot / .8± Acre

The applicant was not present.

Mr. Frost pointed out that the application had been recommended for holdover.

Mr. Rajool Mehta of 257 Azalea Road was present and stated that there was a barricade installed by the applicant on the City right-of-way in front of the property. He inquired if the City Traffic Engineering Department had given them approval to barricade the site.

Ms. White said that they did not receive any approval.

Mr. Mehta asked that the City look into this further and have the barricade removed.

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Mr. Frost said that they would look into this further and perhaps the removal of the barricade could be made a condition at that time.

Mr. Mehta said that it was his understanding that the City required public restrooms when they were constructing the building.

Mr. Frost felt that this was a building code issue.

Mr. Mehta said that currently customers of the existing business were using the facilities at his business. Mr. Mehta was concerned that when the subject property was developed further he would have more people coming in trying to use his restroom facilities.

Mr. Olsen said that this was not something that was in the purview of the Commission, but the staff could have an inspector from the Urban Development Department investigate this further.

Mr. Mehta wanted the Commission to make sure that there was adequate parking for customers and employees.

In discussion, a motion was made by Mr. Frost and seconded by Mr. McSwain to holdover this application until the meeting of September 5, 2002, to allow the applicant to submit documentation illustrating the parent lot of the landlocked property to the east by the August 26th deadline.

Mr. Frost asked that the staff look into the issues that had been raised by Mr. Mehta for the next meeting.

Mr. McSwain inquired if this subdivision was being requested so that the existing business could be expanded.

Ms. Pappas replied yes.

Mr. Olsen said that the parking issue would come up during site plan review.

The question was called. The motion carried unanimously.

Case #SUB2002-00186

Forest Ridge Subdivision, Resubdivision of a portion of Lots 8 & 9

West side of University Boulevard, extending through to Forest Ridge Drive East, 1,175'± South of Overlook Road.

3 Lots / 1.3± Acres

Mr. Matt Orrell of Polysurveying Engineering - Land Surveying was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

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

- (1) the placement of a note on the final plat stating the site is denied direct access to North University Boulevard; and
- (2) the placement of the twenty-five foot minimum building setback line on the final plat.

The motion carried unanimously.

Case #SUB2002-00187

Gin Company Subdivision

4405 Dawes Road (East side of Dawes Road, 1,650'± South of McFarland Road).

1 Lot / 30± Acres

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Mr. Matt Orrell of Polysurveying Engineering - Land Surveying was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

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

- (1) the dedication of sufficient right-of-way to provide 50 feet from the centerline of Dawes Road;
- (2) the placement of a note on the final plat stating that the site is limited to two curb cuts, with the location and design to be approved by County Engineering;
- (3) the placement of a note on the final plat stating that a buffer in compliance with Section V.A.7. will be provided where the site adjoins residential property; and
- (4) the placement of the 25 foot minimum building setback line (measured from the dedication), on the final plat.

The motion carried unanimously.

Case #SUB2002-00190

Gulley Estate Subdivision

West side of McCovery Road, 1,700'± South of McLeod Road.

2 Lots / 2.9± Acres

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. Plauche to approve this subdivision subject to the following conditions:

- (1) the dedication of sufficient right-of-way to provide 25 feet from the centerline of McCovery Road;
- (2) the placement of a note on the final plat stating that Lot 1 is limited to one curb cut with the location and design to be approved by County Engineering;
- (3) the placement of a note on the final plat stating that any lot that is developed commercially and adjoins residential property, a buffer in compliance with Section V.A.7. would be provided; and
- (4) the placement of the 25 foot minimum building setback line for Lot 2 where the minimum building width is 60'.

The motion carried unanimously.

Case #SUB2002-00191

Canton Addition to Riviere Du Chien Court Subdivision

Western terminus of Riviere Du Chien Court, 1,070'± West of Riviere Du Chien Road.

1 Lot / .7± Acre

Mr. Don Rowe of Rowe Surveying & Engineering Company, Inc. was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

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

- (1) the approval of all applicable federal, state and local agencies; and

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- (2) placement of the required 25 foot minimum building setback lines on the final plat.

The motion carried unanimously.

Case #SUB2002-00184

Rochester Place Subdivision, Resubdivision of Lot 6-10

North terminus of Rochester Place, 250'± North of Airport Boulevard.

5 Lots / 1.3± Acres

Mr. Don Coleman with Rester and Coleman Engineers, Inc., was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Mr. McSwain and seconded by Mr. Plauche to approve this subdivision.

The motion carried unanimously.

Case #SUB2002-00182

Spring Grove Subdivision

West side of Dawes Road, 300'± South of Jeff Hamilton Road.

283 Lots / 78.9± Acres

Ms. Deakle recused from the discussion and vote regarding this matter.

Mr. Don Coleman with Rester and Coleman Engineers, Inc., was representing the applicant and concurred with the staff recommendations.

Mr. Charles K. Muse of 2255 Partridge Way was present and stated that he lived due south of the subject property. He had some concerns regarding drainage. He said that his property started a natural drainage for part of the Quail Crossing Subdivision. He commented that there was approximately 200 acres that drained into his back yard and eventually under Dawes Road. He was concerned that this development would cause additional drainage onto his site. When there was a hard rain, he had 5' to 6' of water through his back yard. He inquired how drainage would be handled for the subject property.

Mr. Frost said that the Commission did not always know specifics in regard to drainage issues. If the Commission felt it was warranted they could require a drainage study.

Mr. Stewart said that the County had not had anything formally presented to them regarding drainage on this site.

Mr. Frost said that they would discuss this further. However, there was a possibility that they would defer the matter of drainage to the County Engineering Department.

Ms. Pappas said that Section V.D.2. of the Subdivision Regulations would need to be waived though there was more than adequate, usable open space.

In discussion, a motion was made by Mr. McSwain and seconded by Mr. Vallas to waive Section V.D.2. of the Subdivision Regulations, and approve this subdivision subject to the following conditions:

- (1) the approval of all applicable federal, state and local agencies;
- (2) the dedication of the necessary right of way to provide 50-feet from the centerline of Dawes Road;
- (3) placement of a note on the final plat stating that Lots 1-11 and 126 are denied direct access to Dawes Road;
- (4) the provision of a traffic circle at the intersection of Lots 82-84, 271 and 272; and

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- (5) the provision of a street stub to the West in the area of Lots 64 and 65.

Mr. Hill felt that they needed to address the drainage issue before giving final approval for this.

Mr. Frost said that the Commission had the right to make requests regarding drainage, but traditionally this was not something they had done. The Commission was forming a subcommittee to look into drainage requirements since this was something that constantly came up during the meetings. He said that it was difficult at this stage to know what kind of impact a development would have until it was completed. The Commission had been shown drainage plans in the past showing that drainage would not be a problem and in fact might even improve drainage in areas. However, they were not able to really determine this until after construction.

Mr. Lawler felt that the Commission could require the applicant in this case to do what was required in the City even though it was in the County. He pointed out that this was a 283-lot subdivision and that once the lots were complete it was hard to go in after the fact and address the drainage.

The question was called. Ms. Deakle recused. The motion carried.

Case #SUB2002-00138

Town West Plaza Subdivision, First Addition, Resubdivision of Lot 1

South side of Moffett Road, 180'± West of the South terminus of Foxfire Lane.
2 Lots / 0.9± Acre

This application was withdrawn prior to the meeting at the applicant's request.

NEW SIDEWALK WAIVER APPLICATION:

Case #ZON2002-01750

Joe Bullard Motor Company

1151 East I-65 Service Road South (Southeast intersection of East I-65 Service Road South and International Drive, extending through to Sledge Drive).

The request to waive construction of a sidewalk along Sledge Drive was considered.

Mr. Olsen said that the staff had received a phone call yesterday that indicated the applicant would withdraw this application, but they had not received a formal withdrawal. He had informed the applicant that if they were not present at the meeting to request the withdrawal there was a good chance that the application would simply be denied.

A motion was made by Mr. Frost and seconded by Mr. Plauche to deny this request.

The motion carried unanimously.

OTHER BUSINESS:

Subcommittee – Drainage Requirements

Mr. Olsen said that the staff was forming a subcommittee regarding drainage requirements. He inquired if which Commission members wished to serve on this subcommittee.

It was decided that Mr. Quimby, Dr. Rivizzigno, Mr. Vallas and Mr. McSwain would serve.

Mr. Olsen said that the staff would like to see representatives from the City and County Engineering Departments on the subcommittee as well.

Case #SUB2002-00149

Champion Hill Subdivision

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Northwest corner of McFarland Road and Dawes Lane North.

Ms. Pappas said that this application had been approved at the previous meeting. During the applicant's presentation at that meeting it was stated that they would like to see the Commission place a condition on approval that the right-of-way within the subdivision be vacated, which would help expedite the process with the County. When the application was approved that condition was not part of the approval. The staff requested that the Commission consider allowing the staff to issue a revised letter adding that condition. She said that adding the condition would have no impact on the development or how the case was presented to the Commission and it was something discussed at the previous meeting.

There was no one present in opposition.

A motion was made by Mr. Frost and seconded by Dr. Laier to issue a correction letter adding a condition #7: *vacation of the right-of-ways within the subdivision.*

The final list of conditions to read:

- (1) dedication of adequate right-of-way to provide 25-feet from the centerline of Dawes Cemetery Road;
- (2) that the common areas be denoted as such, as well as the use of the common areas, with a note on the Final Plat stating that the maintenance thereof shall be the responsibility of the property owners;
- (3) placement of a note on the final plat stating that Lots 2-14, Unit A, are denied direct access to Dawes Cemetery Road, and that Lot 64, Unit A, and Lots 1, 80-83, Unit B are denied direct access to McFarland Road;
- (4) the provision of a temporary turn around at Lots 29 and 30, Unit A;
- (5) the provision of traffic calming devices at the intersections bounded by Lots 10, 11, 54 and 55, Unit A; 13, 14, 21, and 24, Unit B; 41, 44, 68 and 69, Unit B; and 26, 32, 33 and 34, Unit A;
- (6) the approval of all necessary federal, state and local agencies; and
- (7) vacation of the right-of-ways within the subdivision.

The motion carried unanimously.

There being no further business, the meeting was adjourned.

APPROVED: November 19, 2002

/s/ Victor McSwain, Secretary

/s/ Robert Frost, Chairman

jh