

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF MARCH 20, 2003 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Robert Frost, Chairman
Terry Plauche, Vice-Chair
John Vallas
Victoria L. Rivizzigno
Ann Deakle

Members Absent

Victor McSwain, Secretary
Wendell Quimby
Stephen Nodine
Norman Hill (S)
James Laier (S)

Staff Present

Richard L. Olsen, Planner II
Margaret Pappas, Planner II
Frank Palombo, Planner I
Jennifer Henley, Secretary II

Others Present

Wanda Cochran, Assistant City Attorney
Jennifer White, Traffic Engineering
Pat Stewart, County Engineering
Beverly Terry, City 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. Plauche and seconded by Ms. Deakle to approve the minutes of the December 5, and December 19, 2002, and January 9, 2003, meetings as submitted. The motion carried unanimously.

HOLDOVERS:

Case #SUB2003-00007

Raines Addition to Wildwood Subdivision

East side of Wildwood Place, 130'± South of Vista Bonita Drive South.
33 Lots / 8.9± Acres

Mr. Leon Raines of 10075 Tanner Williams Road, applicant, stated that he had a problem with the staff recommendation that the street stub at Panorama Drive West be continued from the north property line and connect to the new street. Mr. Raines noted that there were three or four different outlets already, one of which was about 800' from the particular thoroughfare on the north side of Panorama Drive. There were also exits through Monarch Subdivision and on University Boulevard through Malibar Heights. He said it would create a general thoroughfare that they did not need, and it would devalue their property.

March 20, 2003

Mr. Frost asked the staff the purpose of the new subdivision drive to Panorama Drive.

Ms. Pappas explained that the reason for the connection of the new subdivision drive to Panorama Drive to the north was to allow traffic from the northern subdivision to come down and flow to Wildwood, and allow traffic from the new subdivision to move northward via Panorama Drive. Ms. Pappas noted that the Subdivision Regulations required existing street stubs to be continued, which was the basis for the staff's recommendation.

Mr. Raines further stated that the stubout from the north side of Cottage Hill Road headed north was stopped and there was housing already built there. He said there had been no request for a road to be stubbed out through the extension of those houses on that property.

Mr. Vallas inquired if there was any possibility that Panorama Drive could be extended to the north and connected.

Ms. Pappas noted that this application had been held over several times, however, a public hearing had never been held. She said the initial recommendation was to provide a street stub from the development, thinking it would eventually connect. However, there was a large drainage easement there and as the existing Panorama Drive to the south does not abut this site, the Subdivision Regulations do not mandate the provision of these stubs.

Ms. Deakle asked for clarification on the reason for asking for the street stub on the north if it could not be continued on the south side of the subdivision.

Ms. Pappas replied that the reason was for circulation. She explained that there were two issues in terms of the Regulations. One was the continuation of the street stub, and the second was the maximum length of the closed-in street. The Regulations call for the maximum length to be 600', and this extended beyond that. With one cul-de-sac and 33 lots there were no options for circulation.

Ms. Deakle inquired if there was room for a fire truck to turn around.

Ms. Pappas thought that it met the minimum requirements in terms of width and radius.

Mr. Raines further noted that the subject property had been vacant for years, generating approximately \$2600 a year in property tax for Mobile. He felt the new subdivision would generate over \$1 million in property tax over a 30-year period. He commented that if he had to lose 2 or 3 lots and pay for the street to come through, this development would not be economically feasible.

Mr. William Wright said he owned nine acres adjoining the proposed subdivision and was opposed to having a road come through the back section of his property. He felt that additional access from this subdivision was not needed.

March 20, 2003

Mr. Frost pointed out the proposed road, noting that this proposal would be to connect the road to the north, which would not come into Mr. Wright's property.

Mr. Wright commented that Wildwood Place was in dire need of repaving.

Mr. George Britain, a resident of 5650 Vista Bonita Drive South, said he was in support of the proposed subdivision, but was concerned about increased traffic volume with the new subdivision. He felt there was a need for speed bumps and a 4-way stop sign.

Mr. Frost asked Mr. Britain if he bought one of the new lots, would he generally use Panorama Drive or would he go on out to Wildwood Place?

Mr. Britain felt that when people found out that there were four speed bumps on Panorama Drive they would use Vista Bonita Drive or Wildwood Place, but turning off of Wildwood Place was difficult because there was no traffic light.

Mr. Vallas asked Mr. Britain if he lived along Vista Bonita Drive.

Mr. Britain said that he lived at the southwest corner of Vista Bonita Drive and Wildwood Place.

Mr. Vallas felt that if this road was connected and Panorama Drive was stubbed out, it would more than likely relieve some of the traffic going by Mr. Britain's home.

Mr. Britain said he was concerned about the volume of traffic, which would increase by about 17% with this subdivision.

Mr. Raines felt that the traffic coming out of the new neighborhood would not go north toward Mr. Britain's property, but go south towards Cottage Hill Road.

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

- (1) full compliance with the City Engineering comments; and
- (2) that the detention area be labeled as such on the final plat, with a note stating that the maintenance thereof shall be the responsibility of the property owners.

The motion carried unanimously.

Case #ZON2003-00246

Eliska Wireless Ventures I, Inc. (David Wilkins, Agent)

3212 Dauphin Island Parkway (West side of Dauphin Island Parkway, 345'± North of Gill Road)

March 20, 2003

The request for Planning Approval to allow a 150' monopole telecommunications tower in a B-3, Community Business district was considered.

The site plan illustrates the existing buildings, drive, fencing, existing landscaping and buildings to be removed or relocated. The plan further illustrates the proposed landscaping, drive, access easement, parking, and lease area.

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 approve this plan subject to the following conditions:

- (1) full compliance with the landscaping and tree planting requirements of the Ordinance (for the lease parcel); and
- (2) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2003-00015

Dancing Lake Subdivision

South side of Ben Hamilton Road, ½ mile± East of March Road.

11 Lots / 6.0± Acres

The applicant was not present

There was no one present in opposition.

A motion was made by Ms. Deakle and seconded by Dr. Rivizzigno to deny this subdivision for the following reasons:

- (1) lack of an adequate turn around at the end of the street; and
- (2) lack of adequate area for all lots (20,000 square feet per lot is required).

The motion carried unanimously.

Case #ZON2003-00193

Archdiocese of Mobile

6051 Old Shell Road (Southwest corner of Old Shell Road and Center Drive).

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

At the request of the applicant, the application was withdrawn.

EXTENSIONS:

March 20, 2003

Case #SUB2000-00017 (File #S2000-262)

Airmont Place Subdivision

South side of Pleasant Valley Road, 550'± West of Montlimar Drive, extending South to the East terminus of Markham Drive.

7 Lots / 22.5± Acres

Request for a one-year extension of previous approval.

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to grant a one-year extension of previous approval for this subdivision

The motion carried unanimously.

Case #SUB2002-00030 (Subdivision)

Hamilton Bridges Subdivision (formerly Terrell Estates Subdivision)

South side of Airport Boulevard, 600'± East of the South terminus of Flave Pierce Road, extending to the West side of Lowry Road).

207 Lots / 75.0± Acres

Request for a one-year extension of previous approval.

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to grant a one-year extension of previous approval for this subdivision

The motion carried unanimously.

GROUP APPLICATIONS

Case #ZON2002-02742

Midtown Mini Storage, L.L.C.

Northeast corner of Old Shell Road and Hyland Avenue.

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

The plan illustrates the existing and proposed structures, fence and pavement.

(Also see Case #ZON2003-00600 – **Patrick Robbins Flynn** – Below)

Mr. Doug Anderson, attorney, was representing the applicant. Mr. Anderson noted the staff recommendation that there be no gate located at the entrance drive. He said the applicant wanted to put a gate at the entrance and asked that the application be approved subject to the location of the gate being agreed upon by the staff. He said they understood the concerns about queuing and traffic flow.

Ms. Pappas stated that the staff's concern was that the site was tight in terms of landscaping and trees and the staff would like to study a revised plan to make sure the location of the gate with the queuing didn't further reduce the area for landscaping and tree planting.

March 20, 2003

Mr. Anderson said that it might be the case that they had to reduce the number of buildings. After submitting a revised site plan, if they could not work something out with the staff they could come back before the Commission.

Mr. Frost asked if the staff would consider approving the plan subject to administrative approval if they modified the condition as Mr. Anderson suggested.

Ms. Pappas stated that taking everything into consideration, the only way she could foresee that being accomplished was if the buildings were reduced.

Mr. Olsen noted that in one of his preliminary meetings with the applicant's engineer, he made it clear that if the gate was to be provided it had to be shown on the plan so the staff could review the queuing, etc., considering the proximity of the site to Old Shell Road and UMS.

Mr. John Sharritt, 113 Hyland Avenue, said he was in favor of the application. He noted that the northeast corner of Old Shell Road and Hyland Avenue was vacant and had been used as a parking lot for the adjacent lounge for the last 8-10 years. It had been the site of many disturbances of unruly conduct and loud music. The lot was also littered with broken beer bottles, hypodermic needles, syringes etc. Mr. Sharritt felt the proposed development would be a great improvement to the neighborhood.

In discussion, the question of the gate was debated.

Mr. Frost asked that the staff work with the applicant to resolve this matter administratively.

Ms. Deakle said she had seen mini-storage warehouses where the gate was well recessed from the street. She suggested that if the applicant could recess the gate and work with the staff on it, they would not need to come back before the Commission unless the buildings had to be moved.

Ms. Pappas stated that the staff could work with the applicant. She said the only way to accommodate the gate would be to reduce the size of the building, which they could do, even with the site plan specificity if you're looking at a reduction of 10' off of one building. However, the applicant may still not like that, in which case it would have to come back before the Commission. The staff was hesitant to administratively approve any substantive changes to the site plan.

Dr. Rivizzigno inquired if it would be better to hold this over and let the Commission review a revised site plan.

Mr. Frost felt that that it could be handled administratively so it would not have to come back before the Commission. He thought the staff was in a better position to decided about the location of the gate.

March 20, 2003

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

- (1) that location of the entrance drive gate to be coordinated with the Urban Development Department Staff; if an agreement cannot be reached or there are substantive changes to the site layout the application will be brought back to the Planning Commission;
- (2) that the six-foot wooden privacy fence, located along the North property line be reduced to three-feet in height within 25-foot of the Hyland Avenue property line;
- (3) coordination with and approval by Urban Forestry for banking of the required trees along the alleyway;
- (4) that the existing curb cut to Hyland Avenue be closed and back filled;
- (5) provision of a sidewalk along Hyland Avenue; and
- (6) full compliance with all municipal codes and ordinances.

Dr. Rivizzigno was opposed. The motion carried.

Case #ZON2003-00600

Patrick Robbins Flynn

Northeast corner of Old Shell Road and Hyland Avenue.

The request for Planning Approval to allow a mini self-storage facility in a B-2, Neighborhood Business district was considered.

The plan illustrates the existing and proposed structures, fence and pavement.

(For discussion see Case #ZON2002-02742 – **Midtown Mini Storage, L.L.C.** – Above)

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

- (1) that location of the entrance drive gate to be coordinated with the Urban Development Department Staff; if an agreement cannot be reached or there are substantive changes to the site layout the application will be brought back to the Planning Commission;
- (2) that the six-foot wooden privacy fence, located along the North property line be reduced to three-feet in height within 25-foot of the Hyland Avenue property line;
- (3) coordination with and approval by Urban Forestry for banking of the required trees along the alleyway;
- (4) that the existing curb cut to Hyland Avenue be closed and back filled;
- (5) provision of a sidewalk along Hyland Avenue; and
- (6) full compliance with all municipal codes and ordinances.

Dr. Rivizzigno was opposed. The motion carried.

March 20, 2003

Case #ZON2003-00607

Calvary Missionary Baptist Church of Trinity Gardens, Inc.

2457 Bragdon Avenue (South side of Bragdon Avenue, 140'± West of Mobile Street).

The request for Planning Approval to allow the expansion for a parking lot at an existing church in an R-1, Single-Family Residential district was considered.

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

(Also see Case #SUB2003-00036 – **Trinity Gardens Extension South Subdivision, Resubdivision of Lots 426 and 427** – Below)

Mr. Don Coleman, Rester and Coleman Engineers, was representing the applicant. Mr. Coleman stated that the church with adjoining parking area had been at this location for 50 years, and they were finally getting around to paving the parking area. The parking lot was designed so that water would drain to the center and be piped out. There would be no runoff onto the adjoining property. Mr. Coleman said they requested that the curbing condition be waived, as they would put bumpers there to keep cars from running off the asphalt. He also requested that the board fence condition be waived because of the expense. He commented that there was already a chain link fence in place that they would like to retain.

Ms. Pappas explained that churches simply required Planning Approval. The zoning was R-1 to R-1, so a fence was not required. However, Ms. Pappas said it had been a standard practice of the Commission when approving churches in residential areas that the buffering would normally be required as between commercial and residential.

Mr. Coleman further noted that there were paved ditches on each side of Bragdon Avenue. There were no sidewalks whatsoever in this very old neighborhood, and therefore they requested the condition of a sidewalk be waived.

Mr. Frost inquired if they could waive the sidewalk requirement, or did the applicant need to file a separate application?

Ms. Pappas said that technically an application should be submitted so they could have all of the proper documentation. She pointed out that this was a subdivision and sidewalks were required by the Subdivision Regulations.

In discussion, a motion was made by Ms. Deakle and seconded by Mr. Plauche to approve this plan subject to the following conditions:

- (1) that curbing be provided for the entrance drive and that bumper stops be provided in the parking area;
- (2) screening of parking along Bragdon Avenue in compliance with Section VI.A.3.i.;

March 20, 2003

- (3) full compliance with the landscaping and tree planting requirements of the Ordinance; and
- (4) full compliance with all municipal codes and ordinances.

The question was called. Dr. Rivizzigno was opposed. The motion carried.

Mr. Plauche inquired about the sidewalk waiver.

Ms. Pappas said that if a waiver was needed that it would come before the Commission.

Case #SUB2003-00036

Trinity Gardens Extension South Subdivision, Resubdivision of Lots 426 and 427
2457 Bragdon Avenue (South side of Bragdon Avenue, 140'± West of Mobile Street).
1 Lot / 0.5± Acre

(For discussion see Case #ZON2003-00607 - **Calvary Missionary Baptist Church of Trinity Gardens, Inc.** – Above)

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

Dr. Rivizzigno was opposed. The motion carried.

Case #ZON2003-00610

Wayne Hartung (M. Don Williams, Agent)

2869 Government Boulevard (Southwest corner of Government Boulevard and Thompson Drive).

The request for a change in zoning from R-1, Single-Family Residential, and B-2, Neighborhood business, to B-3, Community Business, for an automotive paint and body shop was considered.

The site plan illustrates the proposed building, landscaping, storage yard location, fencing, and existing buildings, and existing surfaces.

(Also see Case #SUB2003-00038 - **2869 Government Boulevard Subdivision** – Below)

Mr. Frost noted that this application was recommended for a holdover.

Mr. M. Don Williams, Williams Engineering, was present representing the applicant. Mr. Williams stated that this property had been split zoned and for the last 40 years the very front of the property had been used for auto repair and spray painting. The applicant would like to construct a new building with an enclosed spray room, which would be in the area that is zoned R-1. They would like to have the B-2 and R-1 split rezoned to B-3 to reflect the use of the property for the last 40 years. As requested by the staff, the applicant had submitted additional information on noise, spray paint containment and lighting in the rear yard.

March 20, 2003

Ms. Pappas stated that Mr. Williams' letter outlined that the booth would be self-contained within the proposed building which would be state-of-the-art construction with downdraft airflow limiting noise and smell. The building would hold up to seven cars before and after painting. There would be a minimal, low level security light at the rear that was aimed away from residential property.

Mr. Williams stated they would be in compliance with the tree and landscaping ordinances. With regard to the staff recommendation for the dedication of 13' along Thompson Drive, he said they could comply with this requirement. He pointed out, however, that if the owner of the property across the street from them was also required to dedicate 13' to bring it up to a 50' right-of-way, they would be taking the building. Mr. Williams felt it would serve no purpose to widen Thompson Drive.

Mr. Frost asked if the staff had any recommendation to make before proceeding further.

Ms. Pappas outlined the following recommendations of the staff if the application were to be considered: *(1) dedication of 13' along Thompson Drive, a substandard road; (2) that the site be limited to one curb cut to Thompson Drive, and one curb cut to the Government Boulevard service road or Magnolia Drive, with the location and design to be approved by Urban Development and Traffic Engineering; (3) provision of a 20' landscaped buffer; (4) provision of an 8' privacy fence along the South property line adjacent to the residential development; (5) provision of a 6' wooden privacy fence set back 25' from Thompson Drive North; (6) provision of a 6' wooden fence set back 5' from Thompson Drive, subject to the letter submitted by the applicant's agent regarding the noise and spillover; (7) full compliance with the landscaping and tree planting requirements; and (8) full compliance with all municipal codes and ordinances.*

Mr. Williams objected that if they were required to set back 20 feet from the adjacent residential property and 25 feet from Thompson Drive North, they would lose 39 percent of their rear yard. He said they had submitted a plan to set back 5 feet from Thompson Drive North, 5 feet from Thompson Drive South, and provide an 8' fence along the property line with the residential neighbor. Mr. Williams said they felt what they had presented would be fully compliant with the Zoning Ordinance and what the staff was recommending was excessive. He commented that if the setback were required they would not be able to go through with their plans. He felt that what they were proposing would be an improvement to the site.

The setback requirements were discussed as to compliance with the Subdivision Regulations and Zoning Ordinance.

Ms. Pappas noted that a 6-8' fence set back 5' from the street property line was allowed under the screening of the Parking section of the Zoning Ordinance. The staff recommended the standard setback of 25' along Thompson Drive North due to the adjacent residences across the street and keeping in mind the existing residences on the same side of Thompson Drive North.

March 20, 2003

Mr. Joey Betbeze of Betbeze Realty was representing the applicant. Mr. Betbeze said he had worked very closely with the applicant on the selection of this site and felt their application was in complete compliance with the current Zoning Ordinance. They contended, however, that the setbacks required were excessive and would render the property unusable for the applicant. Mr. Betbeze stressed that this was not a question of use, as this was a non-conforming B-3 use. The applicant could use the property today without making any improvements to it. If the setbacks were enforced the applicant would be forced to leave this site and seek another site, and the next prospect to come along would have no choice but to use it in its current condition, as no one would be willing to give up 39 percent of their back yard for the right to improve their property.

Mr. Frost pointed out that the property in its present state could be used for a B-2 use. It was also possible the site could accommodate another B-3 use that was not quite as noisy or intensive where lesser setbacks would be recommended than were required here.

Mr. Betbeze pointed out that the reason for this expansion was to put in a new, modern paint booth that would create less noise than was created today if it were used in its current condition.

Mr. John Vallas asked if there had been any discussion with the adjoining property owner or any opposition that would require this additional 20' buffer and provision of a wood fence.

Ms. Pappas stated that the staff had no contact with the adjoining property owner, but were strictly looking at the intensity of the use adjacent to a residence. The location of the fence as recommended would be on the property line, and the additional landscaped buffer would be beyond that.

Mr. Roger Crow expressed concern about noise and paint fumes. He said, however, that with the proposed larger, more modernized facility and the proposed privacy fence to help keep out crime, he had no problem with the application.

Mr. Luke Coley, attorney representing Mr. Wayne Hartung, applicant, wanted to speak in favor of this application, however, Mr. Frost said he had already closed the floor for speakers in favor of the application.

Mr. Frost asked the applicant to speak to the issue of paint fumes.

Mr. Wayne Hartung, applicant, admitted that the current paint facility on this site probably did cause a lot of noise and other problems. He stated that the new paint booth would cost about \$58,000 and was what State Farm --for whom they were a direct repair center -- recommended. The state-of-the-art unit would be insulated and in the new building and therefore there would not be any noise. The reason they wanted an 8' fence was so they could keep out vandals. Mr. Hartung said he had two other similar facilities in Orlando and had never had any problems with the neighbors. He was concerned,

March 20, 2003

however, with losing so much of the property at the rear of the site due to setbacks that they would not be able to hold all the cars. Mr. Hartung felt this would be an improvement to the neighboring property values.

Mr. Frost inquired about the bodywork and sanding.

Mr. Hartung said that this would be done in the front of the building, where it had always been done.

In discussion, a motion was made by Mr. Vallas and seconded by Ms. Deakle to approve this application subject to the recommendations made by the staff at the meeting, changing the requirement for dedication to a setback, and that the fence be 8' with 5' setbacks from Thompson Drive and Thompson Drive North.

Mr. Frost felt that it was unfair to take all of the right-of-way from one side of the road. He inquired if they could simply reduce the amount that would be required.

Ms. Pappas felt that it would be best to either require the dedication or not.

Mr. Vallas and Ms. Deakle amended their motion and second respectively. The final motion was to recommend the approval of this change in zoning to the City Council subject to the following conditions:

- (1) that the site be limited to one curb cut to Thompson Drive and one curb cut to Government Boulevard Service Road or Magnolia Road, with the location and design to be approved by Urban Development and Traffic Engineering;
- (2) provision of an 8-foot privacy fence along the South property line, adjacent to residential development;
- (3) provision of an 8-foot wooden fence, setback 5-feet from Thompson Drive North;
- (4) provision of an 8-foot wooden fence, setback 5-feet from Thompson Drive;
- (5) the letter submitted by the applicant regarding noise and paint spillover;
- (6) full compliance with the landscaping and tree planting requirements of the Ordinance; and
- (7) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2003-00038

2869 Government Boulevard Subdivision

2869 Government Boulevard (Southwest corner of Government Boulevard and Thompson Drive).

1 Lot / 0.8± Acre

March 20, 2003

(For discussion see Case #ZON2003-00610 - **Wayne Hartung (M. Don Williams, Agent)** – Above)

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

- (1) that the site be limited to one curb cut to Thompson Drive and one curb cut to Government Boulevard Service Road or Magnolia Road, with the location and design to be approved by Urban Development and Traffic Engineering;
- (2) full compliance with the landscaping and tree planting requirements of the Ordinance; and
- (3) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2003-00603

Nick Stratas

902 Duval Street (North side of Duval Street, 140' ± West of South Broad Street).

The request for a change in zoning from R-1, Single-Family Residential, to B-3, Community Business, for a parking lot in conjunction with a lounge was considered.

The site plan illustrates the existing structures and proposed parking.

(Also see Case #SUB2003-00030 - **Arlington Terrace Subdivision, Resubdivision of Lots 8, 9, 10, and 11, Block 2** – Below)

Mr. Nick Stratas, applicant, was present and indicated he was in agreement with the recommendations of the staff.

Mr. Don Brutkiewicz, attorney representing Chico's, Inc., voiced their opposition to this request. Mr. Brutkiewicz said Chico's was a private club, open 24 hours a day, catering to workers at Teledyne. He said they had experienced problems prior to Chico's being made a private club and were concerned that the problems would return with a lounge next door.

Mr. Frost noted that the site was already zoned for a lounge. The purpose of this rezoning request was to allow off-street parking.

Mr. Brutkiewicz said under those circumstances, he had no objection.

Mr. Roosevelt Lee, 962 Duval Street, expressed his opposition. He said he had lived at this location since 1969 and had never seen a lounge on this corner. Someone just remodeled the building and it had been sitting there vacant for the last five years. Mr. Lee felt the rezoning would be detrimental to the neighborhood and would increase traffic and crime in the area.

March 20, 2003

As a point of clarification, Ms. Pappas noted that the property at the corner where the lounge was located was currently zoned B-3. This rezoning request was for the adjoining lot, which was vacant, to be used for a parking lot for the lounge. A subdivision application had also been submitted to consolidate the two lots into one. She said that without this application, a lounge could still operate here and the parking would be nonconforming.

Mr. Steve West, 1015 Wakefield Drive East, stated that he had owned the building on this site for approximately 1 ½ years and had done a lot of repairs on the building. He had experienced problems with vandalism and he was anxious to get a tenant in the building to help oversee the property. He noted that there were already a few bars down the street.

Mr. Al McMorris, 2208 David Drive, stated that he wanted to open a small sports bar at this location. He said he had been in the club business for about 16 years and had never had any problems. Mr. McMorris said there would be no live music or bands that would disturb the neighbors. He stated that they would probably be open 24 hours a day, except on Saturday nights, when they would close at 2:00 a.m.

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

- (1) full compliance with the landscaping and tree planting requirements of the Ordinance (may be distributed along the entire development);
- (2) provision of a six-foot wooden privacy fence along the West property line, reduced to three-feet within 25-feet of the Duval Street property line;
- (3) provision of a sidewalk as shown on the plan submitted;
- (4) approval of the parking plan by Traffic Engineering and Urban Development; and
- (5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2003-00030

Arlington Terrace Subdivision, Resubdivision of Lots 8, 9, 10, and 11, Block 2.

1558 South Broad Street and 902 Duval Street (Northwest corner of South Broad Street and Duval Street).

1 Lot / 0.3± Acre

(For discussion see Case #ZON2003-00603 – **Nick Stratias** – Above)

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

- (1) removal of all parking which backs into the right-of-way; and

March 20, 2003

- (2) provision of sidewalks as shown on the plat submitted.

The motion carried unanimously.

Case #ZON2003-00609

Treasure Properties, Inc. (Richard L. Biseli, Agent)

254, 256, and 260 Dogwood Drive (Southeast corner of Airport Boulevard and South University Boulevard).

Rezoning from R-1, Single-Family Residential, to LB-2, Limited Neighborhood Business, for retail sales with drive-through window service

AND

Case #SUB2003-00037

Government Street Highland Subdivision, Resubdivision of Lots 52, 53, and 54

254, 256, and 260 Dogwood Drive (Southeast corner of Airport Boulevard and South University Boulevard).

1 Lot / 2.5± Acres

These applications were heldover prior to the meeting at the applicant's request.

Case #ZON2003-00586

West Hill LLC (Tom Carwie, Agent)

West terminus of Hilltop Drive South.

The request for Planned Unit Development Approval to allow reduced lot widths and reduced lot sizes in a single-family residential subdivision was considered.

(Also see Case #SUB2003-00027 – **West Hill Subdivision** – Below)

Mr. Matt Orrell of Polysurveying was present on behalf of the applicant. Mr. Orrell said the staff had concerns about the wetlands issue, and he had given them a letter from the Corps of Engineers that eliminated that concern. With regard to the Oak tree, Mr. Orrell said they realized that the tree had preservation status and they had no problem with that. They met with Ms. Pappas on that issue and had resolved that also. Mr. Orrell said he had revised drawings.

Ms. Pappas noted that on Lots 5, 6 and 7 the applicant was requesting 15' setbacks, and asked what the side setbacks would be. She read the staff's recommendation based on the revised plat: *(1) revised plat submitted on March 17, 2003, showing typical lot layout for Lots 1-4, and the reverse setbacks for Lots 8-13 (Lots 5, 6 and 7 shall have a front yard setback of 15 feet and a side yard setback of 8 feet); (2) preservation of the 60" live oak on Lot 1, and any work within the canopy of the tree to be coordinated with and approved by Urban Forestry; (3) dedication and construction of the street to City standards; (4) the obtaining of any necessary approvals from federal state and local authorities; and (5) full compliance with all municipal codes and ordinances.*

March 20, 2003

Mr. Orrell stated that the setbacks would be 8' minimum on both sides, which he had indicated on the revised plat.

Mr. Plauche inquired about the wetlands.

Mr. Orrell said that they had a letter from the Corps of Engineers that the wetlands were not an issue. He said that something may come up with the retention area, but this would have to be permitted through them.

Mr. Daniel Collins, 5471 Hilltop Drive South adjoining the proposed subdivision, asked about this being both a subdivision and a PUD. He also asked if this would be a gated community and if there would be a brick wall.

Mr. Frost explained that there were two separate applications. The PUD dealt with the situation where the applicant wanted to reduce lot widths. The subdivision application was to divide the land into separate lots to sell the lots off to individuals.

Ms. Pappas stated that this would not be a gated community. It would be a standard City public street. Also, there would not be a fence required because this would be R-1 adjacent to R-1.

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

- (1) revised plat submitted on March 17, 2003, showing typical lot layout for Lots 1-4, and the reverse setbacks for Lots 8-13 (Lots 5, 6 and 7 shall have a front yard setback of 15 feet and a side yard setback of 8 feet);
- (2) preservation of the 60" live oak on Lot 1, and any work within the canopy of the tree to be coordinated with and approved by Urban Forestry;
- (3) dedication and construction of the street to City standards;
- (4) the obtaining of any necessary approvals from federal state and local authorities; and
- (5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2003-00027

West Hill Subdivision

West terminus of Hilltop Drive South.

13 Lots / 3.1± Acres

(For discussion see Case #ZON2003-00586 - **West Hill LLC (Tom Carwie, Agent)** – Above)

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

March 20, 2003

- (1) revised plat submitted on March 17, 2003, showing typical lot layout for Lots 1-4, and the reverse setbacks for Lots 8-13 (Lots 5, 6 and 7 shall have a front yard setback of 15 feet and a side yard setback of 8 feet);
- (2) preservation of the 60" live oak on Lot 1, and any work within the canopy of the tree to be coordinated with and approved by Urban Forestry;
- (3) dedication and construction of the street to City standards;
- (4) the obtaining of any necessary approvals from federal state and local authorities; and
- (5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

NEW PLANNING APPROVAL APPLICATION:

Case #ZON2003-00674

Moffett Road Assembly of God

6159 Moffett Road (South side of Moffett Road, $\frac{3}{4}$ mile \pm West of Powell Drive).

The request for Planning Approval to allow the expansion of an existing church in an R-1, Single-Family Residential district to include classrooms, Sunday School, and daycare facilities was considered.

The site plan illustrates the existing building, parking, and proposed building addition.

Mr. Frost stated that there was a technical problem with this in that the application indicated a daycare was proposed, which required a playground. There was no playground shown on the plan. For this reason the staff recommend that the application be held over.

Mr. Vincent D. LaCoste, 3463 LaCoste Road, was representing the applicant. Mr. LaCoste stated that at the present time they did not have a daycare, but there was a small fenced-in play area. When they come up with a full daycare, he said they would submit a revised plan. He said that what they were proposing would not effect the trees on the site.

Ms. Pappas asked where the existing play area was located.

Mr. LaCoste pointed out the play area on the plan where it was labeled "proposed building". He asked if the plan could possibly be approved conditional upon them presenting the drawing and not having to come back to another meeting.

Ms. Pappas explained that when the applicant comes in for permits for this proposed addition it would be for classrooms, and they may totally omit the daycare at that time and even get a Certificate of Occupancy. After that point, however, there would be no real enforcement mechanism on the daycare issue because as a church they would be exempt from DHR occupancy requirements.

March 20, 2003

A motion was made by Mr. Frost and seconded by Mr. Vallas to holdover this application until the meeting of April 3, 2003, so a revised plan can be submitted which illustrates a playground area and compliance with tree plantings. This information would be required by March 24th in order to be considered at the Commission's April 3rd meeting.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2003-00023

Belote Subdivision

660 and 670 Schillinger Road South, and 7830 and 7850 Old Government Street Road (Northwest corner of Schillinger Road South and Old Government Street Road).

1 Lot / 1.8_± Acres

Mr. Don Coleman, Rester and Coleman Engineers, was present representing the applicant and indicated the applicant was agreeable with the recommendations of the staff.

There was no one present in opposition.

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

- (1) the placement of a note on the final plat stating that the site is limited to one curb to Schillinger Road and two curb cuts to Old Government Street Road, with the location and design to be approved by County Engineering;
- (2) the dedication of any necessary right-of-way, to provide 30-feet from the centerline of Old Government Street Road; and
- (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.

The motion carried unanimously.

Case #SUB2003-00035

Carol Plantation Oaks Subdivision

West side of Carol Plantation Road, 355'± North of U.S. Highway 90 West.

65 Lots / 37.0_± Acres

Mr. Jerry Still, with Reid, Still and Associates, was representing the applicant. Mr. Still asked if the lift station had to be in place before the plat could be recorded.

Mr. Frost stated that the plat had been reviewed assuming that MAWSS would be finished and to do that the lift station was needed.

March 20, 2003

Mr. Still stated that in the event there was a house completed and the lift station was not in, they would go in with a temporary pumping tank for the sewage and would have a group like BFI come in and pump it out.

Mr. Frost deferred to the staff to see whether that could be done.

Ms. Pappas stated that the minimum lot sizes were established based on services available. Based on comments from MAWSS, they said that their facility could not handle the additional capacity until the lift station was in.

Mr. Still said he had been in touch with MAWSS and understood that the upgrade would be completed in August. He said they did not anticipate having a house finished before then. They intended on having the roadwork completed by the end of June.

Mr. Stewart of County Engineering, stated that the County would not accept those streets for maintenance until they had received a letter from MAWSS saying that they assumed maintenance of their sewer lines and the lift station was in. He thought that something similar was being proposed with another subdivision.

Ms. Pappas inquired about the maximum number of houses that would be on the temporary pumping station.

Mr. Still did not anticipate having more than 2 or 3 homes.

Ms. Pappas was concerned about what would happen if MAWSS were delayed. She inquired about the square footage of the lots.

Mr. Still said that the minimum requirement was 7,200 sq. ft.

Ms. Pappas pointed out that this minimum was for lots with water and sewer. The minimum for lots with septic systems was 15,000 sq. ft.

Mr. Still said that they could dedicate a lot for the pumping station and get with MAWSS to see if they would agree to maintain it. The tank would have a capacity of 10 homes.

Ms. Deakle inquired if Mr. Still had a plan as to exactly where the tank would be located and how it would work.

Mr. Still replied no.

Mr. Vallas inquired if they could simply leave the staff condition like it was and if MAWSS was delayed the applicant could come back before the Commission with a more detailed plan.

Ms. Pappas replied yes.

March 20, 2003

Mr. Still said that they already had people interested in purchasing the lots. He pointed out that it would take approximately two months to build the road and MAWSS was scheduled to be finished with the Kerr-McGee lift station in August.

Mr. Kelly Leroux Slade, power of attorney for his family for the property, stated that there were a lot of things in the selling of the property that they disagreed with. Mr. Slade said they had talked to Mr. Matt Perryman with MAWSS and he said that everything was contingent upon the August completion of the Kerr-McGee line. Mr. Slade said he and his family were experiencing problems with the applicant regarding the contract to sell the property. The family also had some concerns about the way the wetlands were being handled and the idea of a pumping station. He stated that this property had been in the family all of his life and he would like a little more time to think about selling it.

In regard to the wetlands, Mr. Frost said a condition of approval of this application would be that the applicant get the necessary approval of all local, federal and state agencies.

Mr. Bill Bennett was present in opposition to the application. He said his wife was a 1/3 owner of the property and there was a contractual disagreement that the owners had on the sale of the property, and were trying to get it worked out now. He said he hoped this matter could be set back to give them time to settle this dispute.

Mr. Mike Griffon of 5891 Belle Terrace Drive, an adjoining property owner, asked about a Kerr-McGee facility referred to earlier.

Ms. Pappas explained that Kerr-McGee was the name of the lift station that Mobile Water would be using for the sewer service.

Mr. Griffon expressed concern that if a temporary sewage holding tank was placed in the subdivision, it would be left there after it was no longer needed. He asked who would be responsible for removing the tank.

Mr. Frost said the applicant indicated he would attempt to secure a letter from MAWSS to the effect that they would accept responsibility for removing the holding tank.

Mr. Griffon further inquired as to the size of the houses to be constructed and whether a privacy fence would be required for the property adjoining the Belle Terrace Drive property.

Mr. Frost noted that the Commission had no control over the size of houses, but considered whether the plan met the requirements of the Subdivision Regulations. With regard to fencing, Mr. Frost said that a privacy fence was not required where residential abuts residential.

A motion was made by Dr. Rivizzigno and seconded by Mr. Vallas to holdover the above referenced subdivision until the meeting of April 17, 2003, at the owner's request.

March 20, 2003

The motion carried unanimously.

Case #SUB2003-00026

CHS Subdivision

Southwest corner of Cottage Hill Road and Cody Road South.

1 Lot / 3.0± Acres

The applicant was present and indicated he was agreeable with the recommendations of the staff.

There was no one present in opposition.

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

- (1) the placement of a note on the final plat stating that the site is limited to two curb cuts to Cottage Hill Road and two curb cuts to Cody Road South, with the location and design to be approved by County Engineering;
- (2) the dedication of any necessary rights-of-ways, to provide 50-feet from the centerline of Cottage Hill Road and Cody Road South; and
- (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 residentially developed property.

The motion carried unanimously.

Case #SUB2003-00034

Dauphin Square Commercial Park Subdivision (Amended Plat), Resubdivision of lots 20, 21, and 22

South side of Dauphin Square Connector, 690'± West of North Sage Avenue.

1 Lot / 0.5± Acre

Mr. Don Coleman, Rester and Coleman Engineers, was representing the applicant. Mr. Coleman said he had talked to the staff about the limit on the number of curb cuts. He noted they were utilizing three lots for one building, and requested they be allowed two curb cuts for this lot.

Ms. Pappas stated that the staff was agreeable to two curb cuts.

There was no one present in opposition.

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

March 20, 2003

- (1) the placement of a note on the final plat stating that the site is limited to two curb cuts to Dauphin Square Connector, with the size, location and design to be approved by Traffic Engineering.

The motion carried unanimously.

Case #SUB2003-00022

Heron Lakes Subdivision, Phase One, Resubdivision of and Addition to Lot 29

1050 Grand Heron Court West (West terminus of Grand Heron Court West).

1 Lot / 1.2± Acres

Mr. Vallas recused himself from the discussion and vote on this matter.

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.

The Planning Commission heldover this application until the meeting of April 3, 2003, due to the lack of a quorum to vote on this matter.

Case #SUB2003-00016

Hollingers Island Subdivision, Dog River Division, Resubdivision of Lot 11, Block 1

3252 Dog River Road (East side of Dog River Road, 2/10 mile± North of Dog River Lane).

2 Lots / 2.0± Acres

The applicant was present and indicated he was agreeable to the recommendations of the staff.

There was no one present in opposition.

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

- (1) the placement of a note on the final plat stating that the developer obtain any necessary approvals from federal, state, and local agencies;
- (2) the placement of a note on the final plat stating that any property that is developed commercially, and adjoins residential property will, provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations; and
- (3) the placement of the twenty-five foot minimum building setback line on the final plat.

The motion carried unanimously.

March 20, 2003

Case #SUB2003-00033

Hunter Addition to Cedar Point Road Subdivision

2257 Cedar Point Road (East side of Cedar Point Road, 300'± South of Rosedale Road).

2 Lots / 1.2± Acres

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 Mr. Plauche to holdover this application until the April 3rd Planning Commission meeting to allow the applicant to include the remainder of the property and additional property owner information for notification; or to provide the staff with documentation, in this case a deed prior to 1952, illustrating the subdivision of a parcel of the parent tract. This information would be required by March 24th.

The motion carried unanimously.

Case #SUB2003-00019

Husby Subdivision, Resubdivision of Lot 2

5769 McDonald Road (East side of McDonald Road, 2/10 mile± South of Holloway Drive North).

2 Lots / 0.9± Acre

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. Plauche and seconded by Mr. Vallas to approve this subdivision subject to the following conditions:

- (1) the placement of the 75-foot setback line (which includes the required 25-foot minimum building setback) from the centerline of McDonald Road on the final plat;
- (2) the placement of a note on the final plat stating that any property that is developed commercially, and adjoins residentially developed property, will provide a buffer in compliance, with Section V.A.7. of the Subdivision Regulations; and
- (3) the placement of the twenty-five foot minimum building setback line on the final plat.

The motion carried unanimously.

Case #SUB2003-00018

Maureen Place Subdivision, Resubdivision of Lots 1 and 3

March 20, 2003

2399 Gill Road (South side of Gill Road, 400'± East of Alba Club Road).
2 Lots / 4.0± 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. Plauche and seconded by Mr. Vallas to approve this subdivision.

The motion carried unanimously.

Case #SUB2003-00020

Oakston Subdivision

52 Oakland Avenue (Northwest corner of Oakland Avenue and Marston Lane).
3 Lots / 1.0± Acre

Mr. Don Coleman with Rester and Coleman Engineers, Inc., was representing the applicant and stated that a holdover as recommended by the staff was acceptable.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Mr. Plauche to holdover this application until meeting of April 3, 2003, to allow the applicant to illustrate the structure on Lot 2. This information must be submitted to the staff by March 24th.

The motion carried unanimously.

Case #SUB2003-00031

Overlook Place Subdivision

6917 and 6951 Overlook Road (South side of Overlook Road, 950'± East of Cody Road).
30 Lots / 8.1± Acres

Mr. Matt Orrell, Polysurveying, was present on behalf of the applicant. Mr. Orrell pointed out that there was an existing house on Lot 1 of the proposed subdivision which had a curb cut to Overlook Road, and they would like to keep this curb cut. He asked for clarification on condition #1 requiring a street stub between lots 8 and 10. It was shown to the west on the plat, however, he said it should be to the east. The temporary cul-de-sac should be to the west rather than to the east.

Ms. Pappas agreed.

Mr. Tony Poiroux of 576 Briarcliff Drive West, applicant, said he wanted to reiterate what Mr. Orrell said, that the street stub would be on the east side instead of to the west side as shown, and the cul-de-sac should be to the west.

March 20, 2003

Ms. Sheila Jarrell of 6954 Victor Way expressed concern that the street stub would be at the back of her property and wanted to know what would be done about it.

Ms. Pappas explained that a street stub was required with a temporary turn-around. It would be for the continuation of the street at some point in the future as the property to the west was developed. She noted that there was either a lot or a common area adjoining Ms. Jarrell's property, therefore the street would not abut her south property line.

Ms. Jarrell questioned the use of the property abutting her property.

Mr. Frost explained that on Lot 17 there would be a house. Next to that would be a common area to be used as a detention area to control drainage, and therefore nothing could be built on that property. He said that the stub was being required because it would one day provide access to the property to the west, should it ever be developed in the future.

Ms. Jarrell also expressed concern about the safety of her grandchildren with a turn-around at her back yard and a detention pond. Further, she felt there should be more than one means of ingress and egress. Parking, drainage, and fence requirements were also a concern. She also had concerns about crime in the area.

Mr. Olsen pointed out Ms. Jarrell's property on the plat, noting that it would be approximately 25-30 feet from the common property line to the proposed road; so it would not directly abut her lot. Regarding parking, under the Zoning Ordinance they would be required to provide two off street parking spaces for each lot.

Ms. Pappas stated that a fence might possibly be required around the detention area, depending on the depth of the pond.

Ms. Terry of City Engineering commented that the fence would not have to be a privacy fence, but it would have to provide safety around the detention pond.

Ms. Pappas noted that as this property was R-1 and adjoined R-1, there would be no fence requirement adjoining the two subdivisions.

Ms. Mary Ann Steiner was present on behalf of her mother. She was concerned as to whether the sewer would have to go through her mother's property, and if so, whether she would be compensated. Ms. Steiner also noted that her mother had a back fence, and asked that in the event the fence had to be moved, if it could be moved on the east side of her property. She thought there was an existing 7' easement shown on her mother's deed.

Mr. Orrell noted that the sewer was on Victor Road, in which case it would require a sewer easement. If there were an existing easement, there would be no compensation.

March 20, 2003

Mr. Gary Aldridge said that he was speaking on behalf of his mother who lived directly across from the proposed subdivision. She was concerned because the proposed street as it was presently designed would be right in the middle of her house. Two of her bedrooms overlooked the road and the lights from traffic using this street at night would be shining directly into her house. Mr. Aldridge asked if the developer could redirect the road so that it would not come directly in front of her house. He also said noise was a factor.

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

- (1) the provision of a street stub to the East between Lots 8-10;
- (2) the placement of a note on the final plat stating that Lot 1 is limited to one curb cut, and Lot 2 is denied a curb cut to Overlook Road;
- (3) the placement of a note on the final plat stating maintenance of all common areas is the responsibility of the property owners and labeled as detention; and
- (4) the provision of a "temporary" cul-de-sac until the property to the West is developed.

The motion carried unanimously.

Case #SUB2003-00024

Rangeline Road Commercial and Industrial Park Subdivision, Unit Nine

East side of Rangeline Road, 1,000'± North of Old Rangeline Road.

2 Lots / 4.0± 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. Plauche and seconded by Dr. Rivizzigno to approve this subdivision subject to the following conditions:

- (1) the placement of a note on the final plat stating that Lots 1 and 2 are limited to one curb cut each to Rangeline Service Road with the location and design to be approved by Alabama Department of Transportation and County Engineering Department; and
- (2) 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 residentially developed property.

The motion carried unanimously.

Case #SUB2003-00032

March 20, 2003

River Oak Estates Subdivision

3700 Rochelle Lane (East terminus of Rochelle Lane at the South terminus of Lipscomb Landing Road, extending East to Moore Creek).

11 Lots / 33.8+ 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. Plauche and seconded by Dr. Rivizzigno to waive Sections V.B.6 and V.D.3. of the Subdivision Regulations and approve this subdivision subject to the following conditions:

- (1) that Lipscomb Landing Road be improved to the minimum standards referenced in the Engineering Comments prior to the recording of the final plat; and
- (2) the approval of all applicable federal, state and local agencies.

The motion carried unanimously.

Case #SUB2003-00025

Semmes Market Place Subdivision, Resubdivision of and Addition to Lot 2

9150 Moffett Road (Northeast corner of Moffett Road and McCrary Road).

1 Lot / 1.9+ 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. Plauche and seconded by Dr. Rivizzigno to approve this subdivision subject to the following conditions:

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

The motion carried unanimously.

Case #SUB2003-00017

March 20, 2003

Steele Subdivision

2854 Lloyds Lane (West side of Lloyds Lane, 125'± South of Lampwood Court).
2 Lots / 2.1± 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. Plauche and seconded by Dr. Rivizzigno to approve this subdivision.

The motion carried unanimously.

Case #SUB2003-00021

Tidwell Subdivision

2570 Gill Road (North side of Gill Road, 380'± West of Center Road).
2 Lots / 1.0± Acre

Mr. Bobby McBryde of Rowe Surveying and 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. Plauche and seconded by Dr. Rivizzigno 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 #SUB2003-00028

Vallimar Subdivision Addition

10027 and 10051 Blackwell Nursery Road (South side of Blackwell Nursery Road, 715'± West of Snow Road).
6 Lots / 12.8± Acres

Mr. Matt Orrell of Polysurveying Engineering - Land Surveying was representing the applicant and asked that this application be heldover.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Mr. Plauche to holdover this application until the April 3rd Planning Commission meeting to allow the applicant to

March 20, 2003

address the concerns mentioned in the staff report. This information would be required by March 24th.

The motion carried unanimously.

Case #SUB2003-00029

Vision Builders, Inc. Subdivision

South side of Old Military Road, 440' ± East of the South terminus of Gipson Road).

2 Lots / 3.0± 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. Plauche and seconded by Dr. Rivizzigno to approve this subdivision subject to the following conditions:

- (1) the placement of a note on the final plat stating that the developer obtain any necessary approvals from federal, state, and local agencies; and
- (2) the placement of a note on the final plat stating that any property that is developed commercially, and adjoins residential property, will provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2003-00039

MAWSS Parking Plaza Subdivision

206 and 212 North Catherine Street (East side of North Catherine Street, 125' ± North of Center Street).

1 Lot / 0.6± Acre

Mr. Plauche recused himself from the discussion and vote on this matter.

The applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

The Planning Commission heldover this application until the meeting of April 3, 2003, due to the lack of a quorum to vote on this matter.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2003-00601

Friendship Missionary Baptist Church

March 20, 2003

2665 and 2667 Reaves Street, and 2672 Betbeze Street (North side of Betbeze Street extending through to the South side of Reaves Street, 120'± East of Mobile Street, and North side of Reaves Street, 320'± East of Mobile Street).

The request to waive construction of sidewalks along the North and South sides of Reaves Street and the North side of Betbeze Street was considered.

Mr. Olsen explained that the applicant had been unable to stay for the entire meeting. He pointed out that the application was recommended for approval.

There was no one present in opposition.

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

The motion carried unanimously.

Case #ZON2003-00565

Wendy's International, Inc. (Michael Golden, Agent)

3957 Cottage Hill Road (South side of Cottage Hill Road, 125'± West of Azalea Road).

The request to waive construction of a sidewalk along Cottage Hill Road was considered.

Mr. Plauche recused himself from the discussion and vote on this matter.

Mr. Randy Delchamps was present on behalf of the applicant. Mr. Delchamps said that he owned the shopping center that was being leased to Wendy's. He stated that there were some nice oak trees on the property, but they were in poor condition because there was not enough groundwater. He commented that from Azalea Road to University Boulevard and on the south side of Cottage Hill Road there were no sidewalks. The staff report had suggested that a sidewalk could be installed by meandering around the trees. However, he had seen other similar sidewalks that were now cracked because of tree roots coming up.

There was no one present in opposition.

The Planning Commission heldover this application until the meeting of April 3, 2003, due to the lack of a quorum to vote on this matter.

OTHER BUSINESS:

Mr. Olsen reminded the Commission about the Special Business Meeting to be held on Friday, March 28, 2003, at 9:00 a.m., in the Pre-Council Room.

There being no further business, the meeting was adjourned.

APPROVED: May 1, 2003

/s/ Robert Frost, Chairman

March 20, 2003

/ms and jh