

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF SEPTEMBER 2, 2004 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
James Laier, Vice-Chair
Victor McSwain, Secretary
Nicholas H. Holmes, III
Mead Miller (S)

Members Absent

Victoria L. Rivizzigno
James F. Watkins
Clinton Johnson
John Vallas
Ann Deakle

Urban Development Staff Present

Margaret Pappas, Planner II
Ron Jackson, Deputy Director of Urban
Forestry
Shayla Jones, 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. Plauche 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 #SUB2004-00181

Baker's Addition to Snow Road Subdivision

Southwest corner of Snow Road and Howells Ferry Road.
3 Lots / 3.8± Acres

Mr. Don Coleman of 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. Holmes and seconded by Mr. McSwain to approve this subdivision subject to the following conditions:

- (1) the dedication of sufficient rights-of-ways to provide 50' from the centerline of Howells Ferry Road and Snow Road;
- (2) the dedication of a 25-foot radius at the corner of Howells Ferry Road and Snow Road; and

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- (3) the placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2004-00180

Eagle Creek Subdivision

South side of Moffett Road, ½ mile± West of the South terminus of Double Branch Drive, extending West to the East termini of Lynn Drive and Satsuma Place, and extending South to the North terminus of Whitestone Drive.
228 Lots / 87.4± Acres

Mr. Plauche announced that the applicant had requested that this application be heldover until the meeting of September 16, 2004.

A motion was made by Mr. Plauche and seconded by Dr. Laier to holdover this application until the meeting of September 16, 2004, at the applicant's request.

The motion carried unanimously.

Case #SUB2004-00152

Williams Willow Subdivision

East side of Schillinger Road, 375'± South of Haul Road (private road), extending to the South side of Haul Road, 405'± East of Schillinger Road.
8 Lots / 20.2± Acres

Mr. Ricky Williams, applicant, was present and noted the staff's recommendation for denial was due to a portion of Haul Road being gravel with a substandard right-of-way width. Mr. Williams said he had spoken to Mr. Joe Ruffer, County Engineer, about this and he had no problem with it. This was a County-maintained right-of-way.

Ms. Pappas said that the staff had received a letter from Mr. Ruffer stating that Haul Road was a County-maintained road. A portion of the road, however, was actually part of the parking lot access to the adjacent agricultural center. The balance of it was a gravel road, and along that portion the right-of-way was only 20 feet wide, which was substandard. The minimum two-way driveway width in the parking section of the Ordinance was 24 feet. Ms. Pappas said the staff typically recommended denial when an applicant was creating additional lots, especially six, on a gravel road with a substandard width driveway. The staff had originally thought that the road was not maintained by the County, but Mr. Ruffer's letter had clarified that it was.

Mr. Williams realized that the road was substandard, but there would be minimum traffic on the road and he did not feel that there would be any problems.

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There was no one present in opposition.

In discussion, Ms. Pappas said that the letter from Mr. Ruffer indicated that Haul Road was a 20-foot right-of-way with 355 feet of paved road and then 575 feet of it was graded road. She thought that the road was paved along the north property line up to the corner.

Mr. Stewart pointed out on the plat where the pavement ended and where it became gravel for dump trucks to haul their loads out to Schillinger Road.

Ms. Pappas further stated that the paved portion of the road was 355 feet, and the gravel portion extended from Schillinger Road to the corner of the property, which was 407 feet. The paved portion did not quite even meet this property. The entire frontage of this site on Haul Road was gravel.

Mr. Holmes inquired if the basic problem was that the right-of-way was substandard.

Ms. Pappas stated that the staff did not typically recommend the creation of additional lots on a substandard right-of-way or gravel roadway.

Mr. Miller inquired if there were any solution to this problem other than paving the road.

Ms. Pappas stated that this was a requirement of the Regulations and based on that the staff would recommend approval if the road were standard in width and paved.

A motion was made by Dr. Laier to approve this subdivision.

Dr. Laier felt it was a worthy subdivision. He said the portion of the road that was paved should be enough for this subdivision.

Mr. Miller asked if this would set a precedent.

Ms. Cochran stated that the purpose of this hearing was to receive evidence to determine whether the application satisfied the Subdivision Regulations. If the application did not satisfy the Regulations it could be denied. This application could be approved, however, in the future the Commission would more than likely be called upon to do the same thing for other lots.

The motion was seconded by Mr. Plauche.

Ms. Pappas stated that if the Commission was inclined to approve this application, there would be two recommended conditions: (1) dedication of necessary right-of-way for widening along Haul Road, and (2) no future resubdivision on Haul Road. Ms. Pappas said the no resubdivision condition would apply to Lots 1-6.

Dr. Laier and Mr. Plauche amended their motion and second respectively. The final motion was to approve this subdivision subject to the following conditions:

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- (1) dedication of sufficient right-of-way to provide 30' from the centerline of Haul Road; and
- (2) placement of a note on the final plat stating that there will be no further resubdivision of lots fronting Haul Road.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #ZON2004-01594

Fulton Road Baptist Church

1800 Dauphin Island Parkway (West side of Dauphin Island Parkway, extending from Magnolia Lane to Nicholas Lane).

The request for Planning Approval to allow construction of a multipurpose building at an existing church in an R-1, Single-Family Residential district was considered.

Council District 4

The plan illustrates the existing and proposed structures and parking.

(Also see Case #ZON2004-01595 – **Fulton Road Baptist Church** – Below; and Case #SUB2004-00190 – **Fulton Road Baptist Church 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. McSwain and seconded by Dr. Laier to approve this plan subject to the following conditions:

- (1) completion of the subdivision process prior to the issuance of any permits;
- (2) provision of an 8' wooden privacy fence along the North and West property lines, where the site abuts residentially developed properties;
- (3) full compliance with all municipal codes and ordinances, including but not limited to the provision of landscaping and tree plantings in compliance with the ratios set forth in Section IV.E.3.a of the Zoning Ordinance; and
- (4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2004-01595

Fulton Road Baptist Church

1800 Dauphin Island Parkway (West side of Dauphin Island Parkway, extending from Magnolia Lane to Nicholas Lane).

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

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Council District 4

The plan illustrates the existing and proposed structures and parking.

(For discussion see Case #ZON2004-01594 – **Fulton Road Baptist Church** – Above; also see Case #SUB2004-00190 – **Fulton Road Baptist Church Subdivision** – Below)

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

- (1) completion of the subdivision process prior to the issuance of any permits;
- (2) provision of an 8' wooden privacy fence along the North and West property lines, where the site abuts residentially developed properties;
- (3) full compliance with all municipal codes and ordinances, including but not limited to the provision of landscaping and tree plantings in compliance with the ratios set forth in Section IV.E.3.a of the Zoning Ordinance; and
- (4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2004-00190

Fulton Road Baptist Church Subdivision

1800 Dauphin Island Parkway (West side of Dauphin Island Parkway, extending from Magnolia Lane to Nicholas Lane, and the Southwest corner of Dauphin Island Parkway and Nicholas Lane).

2 Lots / 4.2± Acres - Council District 4

(For discussion see Case #ZON2004-01594 – **Fulton Road Baptist Church** – Above; also see Case #ZON2004-01595 – **Fulton Road Baptist Church** – Above

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

The motion carried unanimously.

Case #ZON2004-01787

Marie D. Devery

Landlocked parcel adjacent to the East side of 1515 South University Boulevard.

The request for a change in zoning from R-1, Single-Family Residential, to B-1, Buffer Business, to allow additional parking for an existing medical supply distributorship was considered.

Council District 5

The site plan illustrates the existing building and parking configuration along with the proposed parking and proposed area to be rezoned.

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(Also see Case #ZON2004-01795 – **Saad Healthcare** – Below)

Mr. Plauche announced that he would need to recuse himself from the discussion of these applications. Therefore, there was not a quorum present to vote on this matter, so the applications would have to be heldover until the next meeting.

In discussion, a motion was made by Mr. Plauche and seconded by Dr. Laier to holdover this application, due to lack of a quorum to vote on this matter, until the meeting of September 16, 2004.

Mr. McSwain inquired about the number of parking spaces.

Ms. Pappas stated that they had a new tenant in the building and the proposed parking would be provided for any future additions to the building.

The question was called. The motion carried unanimously.

Case #ZON2004-01795

Saad Healthcare

1515 South University Boulevard (East side of University Boulevard, 560'± South of Boulevard Executive Park, and an adjacent landlocked parcel on its East side).

The request for Planned Unit Development Approval to allow shared access and shared parking between two building sites was considered.

Council District 5

The site plan illustrates the existing building and parking configuration along with the proposed parking and proposed area to be rezoned.

(For discussion see Case #ZON2004-01787 – **Marie D. Devery** – Above)

A motion was made by Mr. Plauche and seconded by Dr. Laier to holdover this application, due to lack of a quorum to vote on this matter, until the meeting of September 16, 2004.

The motion carried unanimously.

Case #ZON2004-01784

Greenwood Subdivision

251 South McGregor Avenue (West side of South McGregor Avenue, 200'± North of Pinebrook South).

The request for Planned Unit Development Approval to allow a single-family residential subdivision with a private street was considered.

Council District 5

The plan illustrates the proposed subdivision.

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(Also see Case #SUB2004-00184 – **Greenwood Subdivision** – Below)

The applicant was present and concurred with the staff recommendations.

Mr. Robert Galloway of 255 South McGregor Avenue, was present in opposition and stated that he lived next door to the subject property. He said that this was brought before the Commission 29 days ago and he submitted a copy of the proposed plat showing the difference between what was submitted previously and what was being asked for today. He also submitted photographs showing the surrounding area. He did not think the proposed lots would be compatible with the other lots in the vicinity. He stated that when this came up last month it was for 6, 70' lots and the application was denied. The plat before the Commission today showed 5, 80' lots. He pointed out that this was still much smaller than the surrounding lots. He felt that the Commission's purpose with regard to subdivisions was to make sure that the plat met the City's rules and regulations and to make sure that it was compatible with the neighborhood. He stated that the fact that the subdivision application was submitted with a Planned Unit Development (PUD) application meant that the applicant was already asking for waivers from some of those rules and regulations. At the last meeting the staff mentioned that the only reason the PUD application was needed was because of the private street and they had recommended approval. Mr. Galloway felt that the fact that a PUD was required for the private street should indicate to the Commission that this was not something that was normal and that required additional scrutiny. He said that at the last meeting it was mentioned that there were smaller lots in Wimbledon Park which was a few hundred yards to the south. Mr. Galloway pointed out that Wimbledon Park buffered Pine Brook Shopping Center. There was commercial, higher density residential, Eslava Creek, and then the larger lots began. He did not feel that the applicant should be allowed to go into an existing subdivision with 200'-400' lots and carve it into 50'-60' lots. He pointed out that the subject property had not been sitting vacant for years; it had been on the market for less than a week when it was purchased by the current owner. It had been mentioned at the last meeting that this subdivision would allow for more affordable housing and he did not think this was a valid reason to approve this request. He asked those present in opposition to stand (approximately 11+ audience members stood). He pointed out that the owner was not present.

Dr. James Sewell was present and stated that he lived in Pine Brook directly behind the proposed subdivision. He felt that the Commission should visit this area. He said there was a wide marshy area and there was a drainage ditch that drained into Eslava Creek. He pointed out the location of the drainage ditch on the map. He felt that allowing the proposed development could possibly destroy the wetlands. If the wetlands were compromised the drainage would go through his and his neighbor's backyards. He commented on the elevation of the surrounding property. He was also concerned about the birds and squirrels that lived in the wetlands area. He said that everyone in the area was opposed to this.

Mr. G. R. Harvill, general contractor, of 140-D South McGregor Avenue, represented the application. He said that two years ago they took a piece of property on McGregor

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Avenue and developed it into a subdivision. That subdivision currently had two homes and a third would be constructed in the coming months. He said that the subdivision was an asset to the surrounding area. It had originally been a two-acre parcel that they divided into 5 lots; similar to what was being proposed today. With the other subdivision, they had utilized underground drainage and had met all of the requirements of the City. They had hired the same engineer for the subject development. He said that they met all of the PUD and City requirements. With this development they would utilize holding ponds and they would actually be making the drainage situation better instead of worse. Two of the lots would be 80', two would be 90', and the other would be 95' wide. He pointed out that there were other similar subdivisions in the immediate area. The houses they were proposing would be somewhat large and would cost approximately \$500,00-\$700,00. He commented that the owner was not present as indicated by one of the speakers in opposition. Mr. Harvill said that the owner was fully aware of what was being proposed, but he was in California and had been unable to attend today's meeting. Mr. Harvill stated that they had already received a permit from the Corps of Engineers to reclaim the wetlands. He said that they would be building a retaining wall as well.

In discussion, Mr. Holmes inquired if all of the lots complied with the Subdivision Regulations.

Ms. Pappas replied yes.

Mr. Holmes inquired about the dedication the staff had recommended.

Ms. Pappas said that this portion of McGregor Avenue was on the Major Street Plan and as such the staff had recommended dedication of the necessary right-of-way.

Mr. Holmes thought that there was already a 50' right-of-way on the cul-de-sac. He inquired if that would be adequate for a legal City street.

Ms. Terry replied yes.

Mr. Holmes commented that the reason for the PUD was the private lane, however the staff was requiring dedication on a public street.

Ms. Pappas said that it was referred to as right-of-way though it would be privately owned. This requirement was in the Subdivision Regulations to allow utilities and so forth to be located there in addition to the traveled roadway.

Mr. Miller said that he would feel more comfortable about this application if the number of lots were reduced. He inquired if the size of the lots complied with the Subdivision Regulations.

Ms. Pappas replied yes.

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

- (1) dedication of sufficient right-of-way along McGregor Avenue to provide 40' from centerline, as shown on the plan submitted;
- (2) full compliance with the comments from the City Engineering Department (Discharge onto adjacent property cannot be increased or concentrated without a hold harmless agreement from the affected property owner. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit);
- (3) full compliance with the private street requirements of the Subdivision Regulations (Section VIII.E);
- (4) the gate to remain operational and in use, if gate ceases to be used, the street must be brought into compliance with city standards and dedicated to the city;
- (5) developer to obtain all necessary federal, state and local approvals prior to the issuance of any permits; and
- (6) compliance with standard setbacks and site coverage requirements.

Mr. Plauche and Mr. Miller were opposed. The motion carried.

Case #SUB2004-00184

Greenwood Subdivision

251 South McGregor Avenue (West side of South McGregor Avenue, 200'± North of Pinebrook South).

5 Lots / 2.0± Acres - Council District 5

(For discussion see Case #ZON2004-01784 – **Greenwood Subdivision** – Above)

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

- (1) dedication of sufficient right-of-way along McGregor Avenue to provide 40' from centerline, as shown on the plan submitted;
- (2) full compliance with the comments from the City Engineering Department (Discharge onto adjacent property cannot be increased or concentrated without a hold harmless agreement from the affected property owner. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit);
- (3) full compliance with the private street requirements of the Subdivision Regulations (Section VIII.E);
- (4) developer to obtain all necessary federal, state and local approvals prior to the issuance of any permits; and
- (5) the gate to remain operational and in use, if gate ceases to be used, the street must be brought into compliance with city standards and dedicated to the city.

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Mr. Plauche and Mr. Miller were opposed. The motion carried.

NEW ZONING APPLICATIONS:

Case #ZON2004-01804

Emma Perryman

770 and 772 Sullivan Avenue (West side of Sullivan Avenue at the West terminus of Fairway Drive).

The request for a change in zoning from R-1, Single-Family Residential, to B-1, Buffer Business, for a drug counseling clinic for women, including in-residence services was considered.

Council District 5

Mr. Robert Turnipseed, attorney, was representing the applicant and Emma's Harvest Home, a chemical dependency rehabilitation center. He submitted a packet of information to the Commission which included photos and a commendation from the current neighbor, Mr. Vince Kilborn, of the existing operation on Old Government Street. Ms. Perryman had been in this type of business for 20-25 years. This was an in-residence program for women 19 years and up, which lasted from 12-20 weeks. After completing the program the clients are allowed to come back for counseling. Mr. Turnipseed pointed out in the photos that the property was at 770 and 772 Sullivan Avenue, and was basically one continuous lot. The photos also showed the existing buildings on the site. He explained that Ms. Perryman was having to move from the current location because that building had been sold. Mr. Turnipseed said this was not a very intrusive program and did not involve a high amount of traffic or noise. This was not something the neighbors would even know was there. He noted that the site was adjacent to some apartments, which he felt would provide far more distraction to the neighbors than the proposed use ever could. The site was also two doors from a B-1 property, which was once used for a halfway house. Mr. Turnipseed contended that this type of use had been in the neighborhood before and would blend well with the neighborhood. He pointed out there were only two houses on the street that were occupied. He said that this street came off of Government Boulevard and this was a commercial area. Mr. Turnipseed contended this was a perfect area for this type of buffer business, which was an important business to the community.

Ms. Emma Perryman, applicant, stated that her business was currently located at 1806 Old Government Street. She explained that the program opened in April 2002 as the result of a need for more residential beds for women. Their mission was to provide quality, affordable and accessible treatment services for women. One of their goals was to lessen the stigma that was attached to women who used substances. For this reason there was no sign at the current location and many people did not know what they did there unless they had business with them. Ms. Perryman said their program was the only certified treatment program for women in Mobile. They were certified by the State Department of Mental Health, Mental Retardation, Substance Abuse Services Division, which simply meant that they were held accountable to some standards to insure quality

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of services and care that they provided for the women who came into their program. Ms. Perryman said they were supported by the Joseph Treadwell Charitable Foundation and the Paul Benson Charitable Trust. The Junior League of Mobile provided social and recreational activities for their clients. Ms. Perryman said they partnered with many treatment agencies and providers in the area, as well as the State and the nation. They served on the National Institute of Drug Abuse. They also do work in the community, for the school system, for Bishop State Community College, area churches and others. On behalf of the women who suffer from the disease of addiction, their staff, volunteers, and Board of Directors, Ms. Perryman asked that this application be approved.

Mr. Miller asked approximately how many residents they would have, and if they were allowed visitors.

Ms. Perryman said they would have twelve residents maximum, per their State certification. Visitation was limited, as most of the women went home on the weekends.

Mr. Herman Thomas stated that he had the pleasure of working with Ms. Perryman for some time and was very familiar with her qualifications as a provider for services to women in need of this type of counseling. Mr. Thomas said that in Mobile County they did not have the luxury of having a good number of facilities to deal with substance abuse problems. He said this was a very serious problem in Mobile as well as in the State. Mr. Thomas referred to Mr. Kilborn's letter in which he indicated that Ms. Perryman had been a good neighbor and was very concerned and conscientious about their presence in whatever community she would have the opportunity to be located in. He felt she would not be intrusive but would blend in well. More importantly, she would provide a valued service to the community. Mr. Thomas humbly asked that the Commission approve this application because it would be for the betterment of the community.

Ms. Shelia Hill was also present to speak in support of this application. Ms. Hill said she was one of the ladies Ms. Perryman had helped to rehabilitate. She had 11 ½ years of sobriety time and as a result she had been able to go back to school and would graduate in May from the University of South Alabama. Because she believed in the program and knew that it could work, she asked that Ms. Perryman be given the chance to continue her work at this location.

There was no one present in opposition.

In discussion, a motion was made by Mr. McSwain and seconded by Dr. Laier to recommend the approval of this change in zoning to the City Council.

Ms. Pappas stated that if the Commission was inclined to approve this application, the staff would request a holdover for the applicant to submit a Planned Unit Development because of shared parking and access between two lots, and the need to verify parking. They would recommend a holdover to the October 7 meeting.

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Mr. McSwain and Dr. Laier amended their motion and second respectively. The final motion was to holdover this application until the meeting of October 7, 2004, to allow the applicant time to submit a Planned Unit Development application.

The motion carried unanimously.

Case #ZON2004-01793

Van Antwerp Realty Corp., Inc.

South side of Bear Fork Road at the Southern terminus of Myers Road, extending South to Eight-Mile Creek.

The request for a change in zoning from I-1, Light Industry, and R-1, Single-Family Residential, to B-5, Office/Distribution, to allow a trucking company was considered.
Council District 1

The site plan illustrates the proposed buildings, parking, detention pond, and existing wetland boundary.

The applicant was not present.

There was no one present in opposition.

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

The motion carried unanimously.

NEW PLANNING APPROVAL APPLICATIONS:

Case #ZON2004-01792

Trinity Kids Learning Center

309 Pinehill Drive (East side of Pinehill Drive, 160'± South of Airport Boulevard).

The request for Planning Approval to allow a classroom expansion at an existing child care center in a B-1, Buffer Business district was considered.

Council District 5

The plan illustrates the existing and proposed structures and paving.

Mr. M. Don Williams was present on behalf of the applicant. Mr. Williams stated that they had talked to the staff about their recommendation for denial, and he understood their main concern was lack of parking. He said they had seven parking spaces on the site now. Based on the number of teaching stations, they were required to have eleven parking spaces on the site. He understood from the staff that they would also need to go to the Board of Adjustment.

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Ms. Pappas stated that if the parking were to be provided off-site, especially required parking, it would require an off-site parking variance, which could only be granted by the Board of Adjustment.

Mr. Williams said they had contacted the people next door and felt like they would be able to work out a written agreement for parking with them for a minimum number of cars at that location. As a result of this, Mr. Williams asked that this matter be held over to the October 7th Planning Commission meeting to give them the opportunity to go before the Board of Adjustment and hopefully get an affirmative vote from them to allow the off-site parking, and then come back to the Planning Commission to ask for approval.

A motion was made by Mr. Plauche and seconded by Mr. Miller to holdover this application until the meeting October 7, 2004, to allow the applicant time to submit a variance application to the Board of Zoning Adjustment for off-site parking.

The motion carried unanimously.

Case #ZON2004-01794

Main Street Mobile

208 Dauphin Street (North side of Dauphin Street, 95'± West of Conception Street).

The request for Planning Approval to allow residential use within the Dauphin Street Overlay District was considered.

Council District 2

Mr. Plauche announced that due to the recusal of one of the Commission members from the discussion of this application, there was not a quorum present to vote on this matter, so the application would have to be heldover until the next meeting.

A motion was made by Mr. Plauche and seconded by Dr. Laier to holdover this application, due to lack of a quorum to vote on this matter, until the meeting of September 16, 2004.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2004-00186

Doraujath Subdivision

3409 Riviere du Chien Road (East side of Riviere du Chien Road at the East terminus of Juniper Avenue).

2 Lots / 7.0± Acres - Council District 4

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

There was no one present in opposition.

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A motion was made by Dr. Laier and seconded by Mr. Holmes 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 prior to the issuance of any permits;
- (2) the placement of the 25-foot minimum setback lines on the final plat; and
- (3) that the accessory structures on Lot 2 be removed prior to the recording of the final plat.

The motion carried unanimously.

Case #SUB2004-00183

Montlimar Plaza Subdivision, Unit Two, Resubdivision of Lot 11

Southwest corner of Montlimar Drive and Montlimar Plaza Drive.

2 Lots / 0.7± Acre - Council District 5

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. Miller and seconded by Mr. McSwain to approve this subdivision subject to the following condition:

- (1) the placement of a note on the final plat stating that Lot 11-A is denied direct access to Montlimar Drive.

The motion carried unanimously.

Case #SUB2004-00189

Oak Hollow Estates Subdivision

Southeast corner of Oak Hill Drive (North-South), and Oak Hill Drive (East-West).

8 Lots / 34.0± Acres

Dr. T. E. Gully, applicant, said he and his brother owned this property, which had been in their family for 68 years, and they wanted to divide it up among their children. Dr. Gully said his surveyor was out of town and would not be back until next week. He pointed out that Lot 7 had a telecommunications tower on it. It was being leased by American Tower and they planned to leave this lot as it was. Dr. Gully also noted that this was recommended for approval as a seven-lot subdivision. He said he had a little trouble with that because they wanted to divide it up among eight people. He said he thought this had been worked out. The staff suggested they have only two flag-shaped lots. If they had only two lots, one lot would not have access. Also, on Lot 6 they had moved the lot line over 25 feet or more so Lot 6 would have access.

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Mr. Plauche asked if Dr. Gully would like to holdover this application until the next meeting when his engineer could be present.

Dr. Gully agreed.

There was no one present in opposition.

A motion was made by Mr. Plauche and seconded by Mr. McSwain to holdover this application until the meeting of September 16, 2004, at the applicant's request.

The motion carried unanimously.

Case #SUB2004-00188

River Forest Cove Subdivision, Resubdivision of Lot 7

West side of River Forest Road, ½ mile± South of Alba Club Road).

3 Lots / 4.6± Acres - Council District 4

The applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Mr. McSwain and seconded by Dr. Laier 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 prior to the issuance of any permits; and
- (2) the placement of the 25-foot minimum setback line on the final plat.

The motion carried unanimously.

Case #SUB2004-00185

Wimbledon Park Subdivision, Resubdivision of and Addition to Lot 39

3989 Wimbledon Park (Southeast corner of Wimbledon Park and Wimbledon Park West).

1 Lot / 0.2± Acre - Council District 5

Mr. Don Coleman of 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 Dr. Laier to approve this subdivision.

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The motion carried unanimously.

Case #SUB2004-00187

Wolf Ridge Place Subdivision

West side of Wolf Ridge Road, 215'± South of Dickson Lane.

4 Lots / 1.7± Acres - Council District 1

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 Dr. Laier to approve this subdivision subject to the following conditions:

- (1) the provision of a 75-foot setback (which includes the required minimum building setback of 25-feet) from the centerline of Wolf Ridge Road;
- (2) the placement of a note on the final plat stating that each lot is limited to one curb cut to Wolf Ridge Road, with the size, location and design to be approved by Traffic Engineering; and
- (3) the placement of the 25-foot minimum setback line on the final plat.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2004-01791

Premier Capital Funding, Inc.

153 West I-65 Service Road North (Northwest corner of West I-65 Service Road North and South Avenue).

The request to waive construction of sidewalks along West I-65 Service Road North and South Avenue was considered.

Council District 7

Mr. Frank Dagley, engineer for the applicant, stated that the applicant had been present but became ill and had to leave. As he wanted to present the application himself, Mr. Dagley asked that the application be held over until the meeting of September 16.

There was no one present in opposition.

A motion was made by Mr. Plauche and seconded by Mr. Miller to holdover this application until the meeting of September 16, 2004, at the applicant's request.

The motion carried unanimously.

Case #ZON2004-01802

September 2, 2004

RaceTrac Petroleum, Inc.

Southwest corner of Government Boulevard and McVay Drive.

The request to waive construction of sidewalks along Government Boulevard and McVay Drive was considered.

Council District 4

Ms. Jamie Reedy was representing the applicant. She pointed out that their access would be from McVay Drive and their frontage was on U.S. Highway 90, which was a six-lane divided road. It had an extremely high traffic area and they felt it was not safe for pedestrian access. RaceTrac felt that encouraging pedestrian use in that area would be very unsafe and against policies of RaceTrac. They also felt that due to the fact that there were no other businesses in the area that had sidewalks, they would not be accessing any other sidewalks. She said two sides of their property were currently vacant and undeveloped. There was a car dealership across McVay Drive from the subject property, and they did not have sidewalks. There were also no crosswalks on Government Boulevard or McVay Drive, which she said was a factor that would lead to an unsafe environment of pedestrians crossing the road in that area. Ms. Reedy said they expected all of their business to be vehicular traffic, and they did not feel sidewalks would be utilized.

Mr. McSwain noted that the staff report stated that there were sidewalks to the west on Satchel Paige Drive.

Ms. Pappas said that was correct. She said Ms. Beverly Terry from the City Engineering Department made a site visit and observed that the two restaurants across Satchel Paige Drive had sidewalks. The movie theater also had a sidewalk.

Mr. McSwain commented that sidewalks were a safety feature.

Ms. Reedy said that was true, but contended that encouraging their use in this area due to the high volume of traffic would make them unsafe. She said the traffic there was all vehicular; there was no pedestrian traffic.

There was no one present in opposition.

A motion was made by Mr. McSwain and seconded by Mr. Holmes to deny this request.

The motion carried unanimously.

There being no further business, the meeting was adjourned.

September 2, 2004

APPROVED: November 18, 2004

/s/ Victor McSwain, Secretary

/s/ Terry Plauche, Chairman

/ms and jh