

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF MARCH 20, 2008 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
James Watkins, III
William DeMouy, Secretary
Debra Butler
Steven Davitt
Mead Miller
Victoria L. Rivizzigno
Roosevelt Turner
John Vallas

Members Absent

Clinton Johnson
Nicholas Holmes, III

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Bert Hoffman,
Planner II
Joanie Love,
Secretary II

Others Present

John Lawler,
Assistant City Attorney
John Forrester,
City Engineering
Bill Metzger,
Traffic Engineering

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

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 #SUB2008-00023 (Subdivision)

Townsite of Semmes Subdivision, Block 1, Re-subdivision of and Addition to Lots 20, 21, 22, and a Portion of Lots 23 and 24

Northwest corner of Illinois Street and Michigan Avenue (unopened public right-of-way), extending to the South side of Church Street, 200'± West of Illinois Street

Number of Lots / Acres: 3 Lots / 1.3± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

Don Coleman, Rester and Coleman Engineers, Inc., spoke on behalf of the applicant and requested the matter be heldover until the April 17, 2008, meeting. He stated the applicant is able to supply the necessary property owners' signatures, however, time is needed to resolve the matter involving the street vacation issue.

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Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the April 17, 2008, meeting, at the applicant's request.

The motion carried unanimously.

Case #SUB2008-00016 (Subdivision)

Mramor's Addition to Weinacker Avenue Subdivision

900 Weinacker Avenue

Southwest corner of Weinacker Avenue and the Illinois Central Gulf Railroad right-of-way, extending to the Southeast corner of Old Canal Street and Sunset Avenue

Number of Lots / Acres: 1 Lot / 0.7± Acre

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 3

Jerry Byrd, Byrd Surveying, Inc., spoke on behalf of the applicant and requested the matter be heldover until the April 17, 2008, meeting, stating he had submitted the requested information to the staff but not in time for their review.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the April 17, 2008, meeting, at the applicant's request.

The motion carried unanimously.

Case #ZON2008-00220 (Planned Unit Development)

Mramor's Addition to Weinacker Avenue Subdivision

900 Weinacker Avenue

Southwest corner of Weinacker Avenue and the Illinois Central Gulf Railroad right-of-way, extending to the Southeast corner of Old Canal Street and Sunset Avenue

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

Council District 3

(Also see **Case #SUB2008-00016 (Subdivision) Mramor's Addition to Weinacker Avenue Subdivision**, above, and, **Case #ZON2008-00221 (Rezoning) Joseph Mramor**, below)

(See **Case #SUB2008-00016 (Subdivision) Mramor's Addition to Weinacker Avenue Subdivision** for discussion)

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the April 17, 2008, meeting, at the applicant's request.

The motion carried unanimously.

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Case #ZON2008-00221 (Rezoning)

Joseph Mramor

900 Weinacker Avenue

Southwest corner of Weinacker Avenue and the Illinois Central Gulf Railroad right-of-way, extending to the Southeast corner of Old Canal Street and Sunset Avenue

Rezoning from R-1, Single-Family Residential District, to B-3, Community Business District, to allow light warehousing

Council District 3

(Also see **Case #SUB2008-00016 (Subdivision) Mramor's Addition to Weinacker Avenue Subdivision**, and, **Case #ZON2008-00220 (Planned Unit Development) Mramor's Addition to Weinacker Avenue Subdivision**, above)

(See **Case #SUB2008-00016 (Subdivision) Mramor's Addition to Weinacker Avenue Subdivision** for discussion)

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the April 17, 2008, meeting, at the applicant's request.

The motion carried unanimously.

EXTENSIONS:

Case #SUB2002-00153 (Subdivision)

Summit Hills Subdivision (formerly Summit Subdivision)

Eastern terminus of O'Hara Drive, 650'± East of Twelve Oaks Drive

Number of Lots / Acres: 99 Lot / 41.0± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to approve the above referenced subdivision extension.

The motion carried unanimously.

Case #SUB2007-00021 (Subdivision)

Silver Pines Subdivision

South side of Silver Pine Road, ¼ mile± West of Schillinger Road North

Number of Lots / Acres: 153 Lots / 39.4± Acres

Engineer / Surveyor: Engineering Development Services, LLC

County

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to approve the above referenced subdivision extension.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2008-00043

Michael & Diane Hall Family Division Subdivision

11551 Calvert Road North

South side of Calvert Road North, 740'± East of its West terminus

Number of Lots / Acres: 2 Lots / 9.8± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

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

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Watkins, to waive Section V.D.1. for proposed lot 1 and Sections V.D.1., and, V.D.2. for proposed lot 2 and approve the above referenced subdivision, subject to the following conditions:

- 1) **placement of a note on the final plat stating that Lots 1 and 2 are limited to 1 curb cut each, with the size, location, and design to be approved by County Engineering;**
- 2) **revision of the plat to depict the minimum building setback line on lot 2 to be at least 25' back from where the “pole” meets the “flag” part of the lot;**
- 3) **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;**
- 4) **labeling of each lot with its size in square feet;**
- 5) **while the site is in Mobile County, it will have to comply with the City of Mobile Stormwater and Flood Control Ordinances. A note should be placed on the final plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile Stormwater and Flood Control Ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile Stormwater and Flood Control Ordinances prior to the issuance of any permits. Certification is to be submitted to the**

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Planning Section of Urban Development and County Engineering;

- 6) placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;
- 7) placement of a note on the plat stating that there will be no additional subdivision of Lot 2 until additional frontage is provided and Calvert Road is paved to Mobile County Engineering standards; and,
- 8) placement of a note on the plat restricting additional subdivision of Lot 1 until Calvert Road is paved to Mobile County Engineering standards.

The motion carried unanimously.

Case #SUB2008-00044

Sollie Oaks Subdivision, Nguyen Addition to

Southwest corner of Sollie Road and Halls Mill Creek

Number of Lots / Acres: 2 Lots / 6.7± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Watkins, to hold the matter over until the April 17, 2008, meeting, with revisions due by March 28, 2008, to allow the applicant to submit the following:

- 1) revised plat to include the remainder of the parent parcel in the subdivision; and,
- 2) submittal of new labels and postage required to re-advertise.

The motion carried unanimously.

Case #SUB2008-00047

Wild Wood Beach Subdivision

2840 and 2860 Lawrence Steiner Road

North side of Lawrence Steiner Road at the North terminus of Lawrence Steiner Road

East

Number of Lots / Acres: 5 Lots / 9.2± Acres

Engineer / Surveyor: Rowe Surveying & Engineering Co., Inc.

County

The Chair announced the matter was recommended for holdover, but if there were those

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present who wished to speak to please do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the April 17, 2008, meeting, to allow the applicant to submit the following:

- 1) revised plat and legal description to accurately illustrate the subject area;**
- 2) revised plat to account for all parcels involved in the subdivision process, including the entirety of parcels R023904020003021.003 & R023904020006001; and,**
- 3) any necessary additional postage and fees.**

The motion carried unanimously.

Case #SUB2008-00042

Alabaster Subdivision

North side of Howells Ferry Road, ¼ mile± East of the North terminus of Havens Road

Number of Lots / Acres: 9 Lots / 11.5± Acres

Engineer / Surveyor: Speaks & Associates Consulting Engineers, Inc.

County

The following people spoke:

Mark Davis, 207 Tanner Williams Court; and,
William Parkes, Speaks and Associates.

They gave the following points in favor of the application:

- A. the subdivision had prior approval, however, those plans were not taken to be approved by the County in a timely manner, so the approval was allowed to expire without filing for an extension;
- B. the original approval was granted without a street stub to the north;
- C. the proposed subdivision will be upscale in nature with a private, gated drive which will work 24 hours a day;
- D. the subdivision regulations state that “a private street is not be to approved where it sits adjacent to a large land locked parcel where a street stub would be required”, however, as the adjacent property owner has already illegally subdivided his parcel, thus eliminating the issue of it being land locked, the applicant feels this requirement no longer applies;
- E. with regards to the property to the north, it has access via a road to the west of the applicant’s property and has been using said access for many years. This road is known as the Springhill Avenue-Ziegler Boulevard extension. Currently, it is not paved; however, Mobile County Commissioner Steve Nodine, who represents this

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- area, has promised to pave all dirt roads in his district;
- F. the applicant is glad to provide any necessary right-of-way to Howell's Ferry Road, which will also make it easier for Commissioner Nodine to have that area paved;
 - G. the private road within the subdivision will be built to county road standards with curb and gutter; and,
 - H. the applicant is happy to build the proposed subdivision to meet or exceed all subdivision regulation requirements, as well as all local, state, and federal requirements.

Mr. Olsen responded with the following as the staff's reasons for recommending denial:

- A. though the applicant has offered frontage/right-of-way, it is along an unimproved, unopened right-of-way that is not necessarily accepted or maintained by the county, which is a requirement of the subdivision regulations;
- B. the plat submitted showed lot lines that extended to the center of the private street, however, the subdivision regulations require that lot lines end at the right-of-way; and,
- C. a discrepancy has been found between the County Engineering policy regarding private roads and the Subdivision Regulations regarding the same, and in as much, the staff was not sure it would be appropriate to approve a subdivision that complies with one policy but not the other.

Mr. Olsen went on to state that if the Commission was inclined to approve this application, the staff requested a holdover so that they would have time to develop conditions for its approval, as well as have time to get a response from the County regarding the issue of the property lines extending to the center of the private road.

Mr. Watkins stated, with regards to the issue of access for the purported land locked property, if the land owners of that land locked property had created that issue themselves, he felt the burden of resolution in that matter should not fall upon the applicant, especially if the applicant is providing right-of-way.

Mr. Turner expressed some concern regarding the status of the road in question.

Mr. Olsen said it was a private road, therefore not showing up as existing on County maps. He also responded to the fact that the application had had prior approval, saying that was correct, but it had not been approved with a private road.

Hearing no further opposition or pertinent discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, to hold the matter over until the April 17, 2008, meeting.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2008-00555

Pericles, LLC

2032 Airport Boulevard

Northwest corner of Airport Boulevard and Williams Street, and extending Northwest along the Illinois Central Gulf Railroad right-of-way to Glenwood Street

Planned Unit Development Approval to amend a previously approved Planned Unit Development to remove a 6' wooden privacy fence condition
Council District 2

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over to the April 17, 2008, meeting, so that the following can take place:

- 1) revision of the site plan to comply with Traffic Engineering requirements and Fire Department comments, and meet the minimum number of parking spaces required based upon the retail and restaurant tenant mix (five copies of revised site plan to be submitted by March 28, 2008).**

The motion carried unanimously.

Case #ZON2008-00556

Pintail Properties, LLC

1206 Montlimar Drive

West side of Montlimar Drive, 300'± South of Montlimar Plaza Drive

Planned Unit Development Approval to allow shared access between three building sites
Council District 5

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

Hearing no opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. DeMouy, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) placement of a note on the site plan stating that all lighting of the site and the parking areas will be in compliance with the requirements of Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance and provision of photo metrics to illustrate that lighting shall comply;**

- 2) **full compliance with the Engineering Comments:** *(It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all stormwater and flood control ordinances. Detention required for any impervious area added in excess of 4000 square feet. Any work performed in the right-of-way will require a right-of-way permit);*
- 3) **revision of the site plan to indicate a 5' setback off the South property line for the dumpster enclosure on Lot 4;**
- 4) **provision of one (1) copy of the revised site plan to the Planning Section of Urban Development prior to a request for land clearing or building permits; and,**
- 5) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

NEW ZONING APPLICATIONS:

Case #ZON2008-00524

Tara Cox

9 Upham Street

West side of Upham Street, 125'± North of Dauphin Street

Rezoning from R-1, Single-Family Residential, to B-1, Buffer Business, to allow a real estate office

Council District 1

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, to hold the matter over until the April 17, 2008, meeting, to allow the applicant to submit an application for a one-lot subdivision or provide evidence that the parcel was created prior to 1952. The application/information should be provided to the Planning Department of Urban Development by March 28, 2008.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2008-00040 (Subdivision)

Graf Dairy Subdivision

Southeast corner of Dauphin Street and Sage Avenue, extending to the West termini of Hilburn Drive, Exter Drive, and South Sherwood Drive

Number of Lots / Acres: 4 Lots / 38.1± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 1

(Also see **Case #ZON2008-00390 (Planned Unit Development) Graf Dairy Subdivision**, **Case #ZON2008-00387 (Rezoning) Graf Dairy, LLC**, and, **Case #ZON2008-00387 (Rezoning) Graf Dairy, LLC**, below)

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

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

Doug Anderson, Burr and Foreman Law Firm, spoke on behalf of the applicant and stated the following:

- A. the city's Traffic Engineering Department has asked that the developer pay for improvements to the median in the city right-of-way on Dauphin Street directly across from the property, which they feel is completely unfair, and in as much, will not revise their site plan to reflect those requests;
- B. the developer paid for an independent traffic impact study, which summarized that a "right in/right out" access would be the only appropriate access to the property, but that was only after the property was developed in its entirety. The current plan is only for the building of a 4000 square foot bank on lot 1 and possibly a drugstore on lot 2, so denying access to the property through other access points along Dauphin Street was premature;
- C. the developer understands that they will have to come back before the Commission with revised site plans a number of times for such things as rezoning, as well as other traffic related site specific issues, as the future of the development becomes clearer;
- D. with regards to traffic, it was noted that from Sage Avenue to I-65, there were 7 median cuts with no denied access to either commercially developed side, which serviced two separate shopping centers, the smaller of which is 60,000 square feet, as well as a large automobile dealership, which sees an unknown number of vehicles go in and out of their site on a daily basis; and,
- E. the developer has agreed to pay for a right turn lane off of Sage Avenue because the condominium/townhouse project located in the rear of the property will be increasing traffic along Sage

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Avenue in that area.

Mr. Lawler, the City Attorney, responded to the developer being required by the City to pay for improvements to the City's infrastructure by saying regardless of being fair or not, the City had required developers to do so at many times in the past and would continue to do so.

Bill Metzger, City Traffic Engineering Department, responded to the comments made with regards to his office as follows:

- A. once accesses are opened up and used for any period of time, developers do not want to close them, even if they become a nuisance in the future;
- B. based upon the traffic on Dauphin Street, Traffic Engineering does not want to have a situation where cars come out onto Dauphin Street and try to cross eastbound traffic to merge with westbound traffic, however, without some form of physical barrier (i.e. the concrete median strip being required by Traffic Engineering) that is exactly what will occur; and,
- C. the 7 median cuts and access to the shopping centers located along Dauphin Street from Sage Avenue, as mentioned by Mr. Anderson, are classic examples of what not to do with regards to access management.

The following people spoke in favor of the staff's recommendation for holdover:

Mary Zoghby, 2862 Hillburn Drive; and,
Rose McPhillips, 4 Graf Court.

They expressed the following points of concern:

- A. increased drainage problems in the area;
- B. increase in traffic on Dauphin Street, which is currently difficult to access from their homes especially in the mornings and in the afternoons after 4:30;
- C. the uncertainty of what will actually be developed on the lots, especially lot 3;
- D. the need to rezone now without knowing what the rezoning need truly is; and,
- E. the recurring submission of revised site plans that do not seem to contain enough information to make accurate decisions regarding the planning of this development.

Mr. Miller expressed his concern and agreement with the neighbors' regarding the uncertainty of things with regard to the property, citing specifically the strong desire of the developer to rezone at this time and the number of revised site plans submitted to the

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Commission for approval, saying he did not feel comfortable approving a zoning change without knowing exactly why the change was being made.

Mr. Anderson responded to the rezoning issue by saying it was something that was done all of the time as it assists in the marketing of property.

In deliberation, Mr. Plauche asked whether the Commission needed to hold the matter over as recommended or make a decision regarding the traffic issues brought up by Mr. Anderson.

Mr. Olsen advised that his understanding of Mr. Anderson's statements was that the applicant, though willing to make some of the changes recommended by Traffic Engineering, would not make all of them and that fact would be reflected in the submission of documents to staff.

Mr. Lawler strongly suggested to the Commission not to vote on any of the matters heard regarding these applications that day.

Hearing no further opposition or pertinent discussion, a motion was made by Mr. Watkins, with second by Mr. Miller, to hold the matter over until the April 17, 2008, meeting, to allow the applicant to address issues as noted in the staff report. Revised drawings and information must be submitted no later than March 26, 2008.

The motion carried unanimously.

Case #ZON2008-00390 (Planned Unit Development)

Graf Dairy Subdivision

Southeast corner of Dauphin Street and Sage Avenue, and East side of Sage Avenue, ¼ mile± South of Dauphin Street, extending to the West termini of Exter Drive and South Sherwood Drive

Planned Unit Development Approval to allow shared access between two building sites, and to allow multiple buildings on a single building site

Council District 1

(Also see **Case #SUB2008-00040 (Subdivision) Graf Dairy Subdivision**, above, **Case #ZON2008-00387 (Rezoning) Graf Dairy, LLC**, and, **Case #ZON2008-00388 (Rezoning) Graf Dairy, LLC**, below)

(See **Case #SUB2008-00040 (Subdivision) Graf Dairy Subdivision** for discussion)

Hearing no further opposition or pertinent discussion, a motion was made by Mr. Watkins, with second by Mr. Miller, to hold the matter over until the April 17, 2008, meeting, to allow the applicant to address issues as noted in the staff report. Revised drawings and information must be submitted no later than March 26, 2008.

The motion carried unanimously.

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#ZON2008-00387 (Rezoning)

Graf Dairy, LLC

East side of Sage Avenue, ¼ mile± South of Dauphin Street, extending to the West termini of Exter Drive and South Sherwood Drive

Rezoning from R-1, Single-Family Residential, to R-3, Multi-Family Residential, to allow a 76-unit residential condominium complex

Council District 1

(Also see **Case #SUB2008-00040 (Subdivision) Graf Dairy Subdivision, Case**

#ZON2008-00390 (Planned Unit Development) Graf Dairy Subdivision, above, and Case #ZON2008-00388 (Rezoning) Graf Dairy, LLC, below)

(See **Case #SUB2008-00040 (Subdivision) Graf Dairy Subdivision** for discussion)

Hearing no further opposition or pertinent discussion, a motion was made by Mr. Watkins, with second by Mr. Miller, to hold the matter over until the April 17, 2008, meeting, to allow the applicant to address issues as noted in the staff report. Revised drawings and information must be submitted no later than March 26, 2008.

The motion carried unanimously.

Case #ZON2008-00388 (Rezoning)

Graf Dairy, LLC

Southeast corner of Dauphin Street and Sage Avenue, extending to the West terminus of Hilburn Drive

Rezoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, to allow a bank, drug store, and unspecified commercial uses

Council District 1

(Also see **Case #SUB2008-00040 (Subdivision) Graf Dairy Subdivision, Case**

#ZON2008-00390 (Planned Unit Development) Graf Dairy Subdivision, and, Case #ZON2008-00387 (Rezoning) Graf Dairy, LLC, above)

(See **Case #SUB2008-00040 (Subdivision) Graf Dairy Subdivision** for discussion)

Hearing no further opposition or pertinent discussion, a motion was made by Mr. Watkins, with second by Mr. Miller, to hold the matter over until the April 17, 2008, meeting, to allow the applicant to address issues as noted in the staff report. Revised drawings and information must be submitted no later than March 26, 2008.

The motion carried unanimously.

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Case #SUB2008-00041 (Subdivision)

Point Logistics Subdivision

Block bounded by Paper Mill Road, Bay Bridge Road, Peace Lane, and Paper Mill Road Extension; block bounded by Paper Mill Road, Paper Mill Road Extension, Tin Top Alley, and Shelby Street; and Northwest corner of Paper Mill Road and Shelby Street extending along the West side of Paper Mill Road to the East terminus of Edwards Street (unopened public right-of-way) and the South side of Wiley Lane (unopened public right-of-way)

Number of Lots / Acres: 3 Lots / 10.4± Acres

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

Council District 2

(Also see **Case #ZON2008-00528 (Planned Unit Development)**)

Point Logistics Subdivision, **Case #ZON2008-00529 (Rezoning) Clark, Geer, Latham & Associates, Inc.**, **Case #ZON2008-00530 (Rezoning) Clark, Geer, Latham & Associates, Inc.**, and, **Case #ZON2008-00531 (Rezoning) Clark, Geer, Latham & Associates, Inc.**, above)

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

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

The following people spoke in opposition to the matter:

Arealia Phillips Craig, representing the Plateau/Magazine/Happy Hills/Lewis Quarters/Kelly Hills area;
Joe Womack, 812 Center Street, Plateau;
Mark Jackson, Plateau; and,
J. Harold Bacot, Plateau.

They gave the following points in opposition to the proposed development:

- A. the area has historical significance as the 1850 colonization site for those who arrived in the U.S. aboard the last slave ship, *The Clotilde*;
- B. the area residents are primarily elderly and have limited resources with regard to relocating, however, if the developers were interested in “buying out” the more than 368 residents, they might be willing to negotiate;
- C. the proposed development is located directly across the street from Hopewell Church, whose membership would not appreciate the sound of idling trucks during their worship services;
- D. the proposed development is located on a parcel that buffers residential property from encroaching industrial property and to build there would remove that buffer;
- E. the area residents are in the process of creating a Community

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- Development Corporation that would allow them to get federal funding to revitalize the community, but putting in more industry would hamper those efforts;
- F. while acknowledging their own efforts to revitalize the community, they recognized that based upon the Subdivision Regulations, creating affordable, R-1, single family housing in the area would be very challenging;
 - G. the proposed trucking company would be located within less than a mile of a middle school where the majority of those attending walk to and from school, thus making an increase in traffic an increase in danger to those children; and,
 - H. certain properties in the area are restricted from residential building as there are 3 oil pipelines, as well as city sewage, running through and under them, however, commercial build-out in the same area is being encouraged; and,
 - I. the residents expressed their feelings that business and industry were coming into their area and taking over, changing the historical, residential character of their neighborhood.

Mr. Vallas stated that the property was currently zoned R-2 and asked how the new zoning would effect the neighborhood; if it would mean closing any of the area streets.

Mr. Olsen said that none of the right-of-ways were proposed for closure, but there would be connectivity created between the parcels by means of walkways and crossovers.

Mr. Hoffman advised the Commission that on March 13, 2008, a public meeting was hosted by District 2 Councilperson, William Carroll, to hear the concerns of the area residents. Mr. Carroll had advised the Planning Section representative attending the meeting that he would send an email to the staff regarding the community's opposition to this matter, as well as a previous application; however that had not yet been received.

The Chair asked the residents if they objected to the trucking company specifically, and if so, was there some other type of commercial business they would find more compatible with their area.

Mr. Womack responded on behalf of his neighbors that they opposed any type of commercial business and wanted to see the area returned to R-1, single family residences.

Mr. Vallas asked if there had been any interest in residential development in the area to which Mr. Womack said no.

Mr. Vallas noted after viewing an aerial of the area that there was a good deal of vacant property and wondered if industrial businesses could be compatible as long as proper, adequate buffers were in place.

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Mr. Jackson acknowledged that there was a great deal of vacant property in the area which was due to the fact that many of the homes had become uninhabitable and been demolished. This had produced the challenge of creating affordable single family housing in the area based upon Subdivision Regulation requirements

Mr. Vallas asked for clarification of that statement.

Mr. Olsen responded that based upon the Subdivision Regulations, rebuilding was possible based on a property's ability to meet the following:

- A. the parcel must be a legal lot of record, subdivided lot, or parcel;
- B. if the parcel could provide documentation that it had been established as a legal lot of record prior to 1952, setbacks are reduced from the standard setbacks listed in the Subdivision Regulations, however, site coverage (35%) remains the same; and,
- C. if, currently, a non-conforming structure existed on the property or there had been such in the previous 2 years.

Mr. Olsen added that the Subdivision Regulations were in place to provide for the health and safety of the community by assuring allowances for adequate light and space between structures, area for percolation and runoff, and ready access to the community by emergency services.

Ms. Butler recognized that before the area was zoned as industrial that the majority of it was residential.

Mr. Miller, though recognizing the historical significance of the area and its previous residential character, noted that it did not seem that the area currently warranted being zoned as R-1 and hoped that a compromise between the residential needs and the desire for an increase in commercial/industrial build-out could be reached, especially if extensive and adequate buffering between the two was put in place.

Having heard the four opposition speakers, the Chair asked if the applicant would care to respond.

Jeremy Millings, White-Spunner and Associates, spoke as agent for the property owner, giving the following points:

- A. it was never the intention of the property owner nor the prospective tenant to "slip" anything in past the area residents;
- B. the property in question has been used previously in a commercial capacity as it was the former site of Scott Credit Union;
- C. neither the property owner nor the prospective tenant were aware of the tremendous amount of opposition to commercial development of the property; and,
- D. the property owner and prospective tenant are agreeable to the

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recommendation for holdover, hoping to use that time to meet with the area residents to see if some type of compromise could be reached, and if not, decide whether to move ahead with the project or withdraw the application.

Upon hearing this, the Chair strongly suggested to Mr. Millings that the property owner, the prospective tenant, and Mr. Carroll, District 2 Councilperson, meet with the members of the community to hear their views on the matter, as it was obvious from the meeting that day the area residents had grave concerns over the matter.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the April 17, 2008, meeting, so that the following can take place (six copies of revisions due by March 26, 2008):

- 1) **revision of the plat to include the entirety of parcel R022208440020076. for proposed Lot 1, or provision of documentation to show that the entirety is included;**
- 2) **submittal of labels and postage by March 26, 2008, so that appropriate notification of all property owners can occur for the Subdivision application, if additional notification is required due to the inclusion of the entirety of the parcel;**
- 3) **revision of the plat to indicate minimum and maximum widths of public rights-of-way; and,**
- 4) **depiction of any wetland areas.**

The motion carried unanimously.

Case #ZON2008-00528 (Planned Unit Development)

Point Logistics Subdivision

Northwest corner of Paper Mill Road and Shelby Street extending along the West side of Paper Mill Road to the East terminus of Edwards Street (unopened public right-of-way) and the South side of Wiley Lane (unopened public right-of-way)

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

Council District 2

(Also see **Case #SUB2008-00041 (Subdivision) Point Logistics Subdivision**, above, **Case #ZON2008-00529 (Rezoning) Clark, Geer, Latham & Associates, Inc.**, **Case #ZON2008-00530 (Rezoning) Clark, Geer, Latham & Associates, Inc.**, and, **Case #ZON2008-00531 (Rezoning) Clark, Geer, Latham & Associates, Inc.**, below)
(See **Case #SUB2008-00041 (Subdivision) Point Logistics Subdivision** for discussion)

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the April 17, 2008, meeting, so that the following could take place (six copies of revisions due by March 26, 2008):

- 1) **revision of the site plan to include all three proposed lots as**

- part of the PUD application, and indication on the site plan of existing/proposed curb-cuts, parking, surfacing, required landscaping and buffering, dumpster location, etc.;
- 2) submittal of labels and postage by March 26, 2008, so that appropriate notification of all property owners can occur for the PUD application, including the expanded PUD site; and,
 - 3) depiction and labeling of any required stormwater detention basins.

The motion carried unanimously.

Case #ZON2008-00529 (Rezoning)

Clark, Geer, Latham & Associates, Inc.

Northwest corner of Paper Mill Road and Shelby Street extending along the West side of Paper Mill Road to the East terminus of Edwards Street (unopened public right-of-way) and the South side of Wiley Lane (unopened public right-of-way)

Rezoning from R-1, Single-Family Residential, to I-2, Heavy Industry, to allow offices and a parking and staging area for a trucking facility

Council District 2

(Also see Case #SUB2008-00041 (Subdivision) **Point Logistics Subdivision**, Case #ZON2008-00528 (Planned Unit Development) **Point Logistics Subdivision**, above, Case #ZON2008-00530 (Rezoning) **Clark, Geer, Latham & Associates, Inc.**, Case #ZON2008-00531 (Rezoning) **Clark, Geer, Latham & Associates, Inc.**, below)
(See Case #SUB2008-00041 (Subdivision) **Point Logistics Subdivision** for discussion)

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the April 17, 2008, meeting, so that the following can take place (six copies of revisions due by March 26, 2008):

- 1) submittal of labels and postage so that appropriate notification of all property owners can occur for the rezoning application for proposed Lot 1;
- 2) revision of the Zoning application for Lot 1 to include the expansion required by the Subdivision application (five copies of revised site plan);
- 3) revision of the site plan for proposed Lot 2 to depict the extent of the lay-down yard, and the proposed location of any entrance to the site (five copies of revised site plan); and,
- 4) provision of justification regarding why the sites should be rezoned (*addressing at least one of the following items: 1) there is a manifest error in the Ordinance; 2) changing conditions in a particular area make a change in the Ordinance necessary and desirable; 3) there is a need to increase the number of sites available to business or industry; or, 4) the subdivision of land into building sites makes reclassification of the land necessary and desirable.*).

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The motion carried unanimously.

Case #ZON2008-00530 (Rezoning)

Clark, Geer, Latham & Associates, Inc.

Block bounded by Paper Mill Road, Bay Bridge Road, Peace Lane, and Paper Mill Road Extension

Rezoning from R-2, Two-Family Residential, and B-2, Buffer Business, to I-2, Heavy Industry, to allow a parking and staging area for a trucking facility

Council District 2

(Also see Case #SUB2008-00041 (Subdivision) Point Logistics Subdivision, Case #ZON2008-00528 (Planned Unit Development) Point Logistics Subdivision, Case #ZON2008-00529 (Rezoning) Clark, Geer, Latham & Associates, Inc., above, and, Case #ZON2008-00531 (Rezoning) Clark, Geer, Latham & Associates, Inc., below) (See Case #SUB2008-00041 (Subdivision) Point Logistics Subdivision for discussion)

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the April 17, 2008, meeting, so that the following could take place (six copies of revisions due by March 26, 2008):

- 1) **submittal of labels and postage so that appropriate notification of all property owners can occur for the rezoning application for proposed Lot 1;**
- 2) **revision of the Zoning application for Lot 1 to include the expansion required by the Subdivision application (five copies of revised site plan);**
- 3) **revision of the site plan for proposed Lot 2 to depict the extent of the lay-down yard, and the proposed location of any entrance to the site (five copies of revised site plan); and,**
- 4) **provision of justification regarding why the sites should be rezoned (*addressing at least one of the following items: 1) there is a manifest error in the Ordinance; 2) changing conditions in a particular area make a change in the Ordinance necessary and desirable; 3) there is a need to increase the number of sites available to business or industry; or 4) the subdivision of land into building sites makes reclassification of the land necessary and desirable.*).**

The motion carried unanimously.

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Case #ZON2008-00531 (Rezoning)

Clark, Geer, Latham & Associates, Inc.

Block bounded by Paper Mill Road, Paper Mill Road Extension, Tin Top Alley, and Shelby Street

Rezoning from R-2, Two-Family Residential, to I-2, Heavy Industry, to allow a lay-down yard for a trucking facility

Council District 2

(Also see Case #SUB2008-00041 (Subdivision) **Point Logistics Subdivision**, Case #ZON2008-00528 (Planned Unit Development) **Point Logistics Subdivision**, Case #ZON2008-00529 (Rezoning) **Clark, Geer, Latham & Associates, Inc.**, and, Case #ZON2008-00530 (Rezoning) **Clark, Geer, Latham & Associates, Inc.**, below)

(See Case #SUB2008-00041 (Subdivision) **Point Logistics Subdivision** for discussion)

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the April 17, 2008, meeting, so that the following could take place (six copies of revisions due by March 26, 2008):

- 1) **submittal of labels and postage so that appropriate notification of all property owners can occur for the rezoning application for proposed Lot 1;**
- 2) **revision of the Zoning application for Lot 1 to include the expansion required by the Subdivision application (five copies of revised site plan);**
- 3) **revision of the site plan for proposed Lot 2 to depict the extent of the lay-down yard, and the proposed location of any entrance to the site (five copies of revised site plan); and,**
- 4) **provision of justification regarding why the sites should be rezoned (*addressing at least one of the following items: 1) there is a manifest error in the Ordinance; 2) changing conditions in a particular area make a change in the Ordinance necessary and desirable; 3) there is a need to increase the number of sites available to business or industry; or 4) the subdivision of land into building sites makes reclassification of the land necessary and desirable.*)**

The motion carried unanimously.

Case #SUB2008-00046 (Subdivision)

Forest Hill Subdivision, Re-subdivision of Lot 4

South side of Overlook Road, 215'± West of Moffett Road.

Number of Lots / Acres: 1 Lot / 3.2± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 7

(Also see Case #ZON2008-00554 (Rezoning) **Cellular South Real Estate, Inc.**, below)

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Don Coleman, Rester and Coleman Engineers, Inc., spoke on behalf of the applicant requesting a holdover as they were comfortable with B-1 zoning and would like to resubmit both applications for the April 17, 2008, meeting.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the April 17, 2008, meeting, per the applicant's request.

The motion carried unanimously.

Case #ZON2008-00554 (Rezoning)

Cellular South Real Estate, Inc.

South side of Overlook Road, 215'± West of Moffett Road.

Rezoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, to allow a telephone switching facility

Council District 7

(Also see **Case #SUB2008-00046 (Subdivision) Forest Hill Subdivision, Re-subdivision of Lot 4**, above)

Don Coleman, Rester and Coleman Engineers, Inc., spoke on behalf of the applicant requesting a holdover as they were comfortable with B-1 zoning and would like to resubmit both applications for the April 17, 2008, meeting.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the April 17, 2008, meeting, per the applicant's request.

The motion carried unanimously.

Case #SUB2008-00048 (Subdivision)

Wolf Ridge Properties Subdivision

West terminus of Stanford Road.

Number of Lots / Acres: 1 Lot / 77.9± Acres

Engineer / Surveyor: Rowe Surveying & Engineering Co., Inc.

Council District 1

(Also see **Case #ZON2008-00557 (Rezoning) Wolf Ridge Properties, LLP**, below)

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

Doug Anderson, Burr and Foreman Law Firm, spoke as representative for the applicant who had a contract to purchase this property. He expressed their concern regarding one of the staff recommendations regarding the inclusion of the easement property into a PUD and the zoning of the same. Mr. Anderson felt it was not fair for his clients to be forced to include property that is not theirs in the rezoning application. He asked that when his client came back with the revised I-2 application they not be required to

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include the adjoining property to the south in that application.

Mr. Olsen responded by saying the following:

- A. access to the proposed development by going through the property to the south would allow heavy industrial access across a residentially zoned property;
- B. the staff has concerns regarding the borrow pit to the south as it had recently become active again without benefit of approval or going through the proper processes and procedures for such;
- C. the staff has serious concern as to whether that borrow pit had ever had a legal, non-conforming status previously; and,
- D. if the borrow pit to the south is being used as justification for the rezoning of the proposed borrow pit, then the property must be rezoned, as opposed to using a property that has potentially lost its non-conforming status as justification for the creation of a new "I" district.

The Chair asked if the staff would have recommendations should the Commission chose not to include the borrow pit to the south in approving the applications.

Mr. Olsen advised the staff would have those at the next meeting.

The Chair opened the floor again to any who wished to speak and the following people spoke in opposition to the matter:

Lilli Windi Turner Wayne, 4207 Stanford Road;
Charles Strasburg, 2020 Shelton Beach Road; and,
Julia E. Smith, 2117 Beau Terra Drive West.

They gave the following points of concern:

- A. though they received notification of the subdivision, they received no notification regarding the rezoning;
- B. the area has been residential for over 32 years;
- C. serious concern regarding dump trucks coming through residential areas where there are a large number of children (one of whom is deaf), mentally retarded citizens, the elderly, and individuals who work shifts as the dump trucks would have a very negative effect on the quality of life for these residents;
- D. the proposed development is also located in close proximity to Forest Hills Elementary and Scarborough Middle Schools; and,
- E. the issue of drainage and the effects of this proposed borrow pit on the natural flora and fauna of the area.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with

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second by Mr. Watkins, to hold the matter over until the April 17, 2008, meeting, with revised information required by March 28, 2008, so that the following can be submitted:

- 1) inclusion of the adjacent property to create a two-lot subdivision, with new labels and postage for the entirety of the expanded application, and additional lot fees.**

The motion carried unanimously.

Case #ZON2008-00557 (Rezoning)

Wolf Ridge Properties, LLP

West terminus of Stanford Road.

Rezoning from R-1, Single-Family Residential, to B-5, Office-Distribution, to allow an earth borrow pit

Council District 1

(Also see **Case #SUB2008-00048 (Subdivision) Wolf Ridge Properties Subdivision**, above)

(See **Case #SUB2008-00048 (Subdivision) Wolf Ridge Properties Subdivision** for discussion)

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Watkins, to hold the matter over until the April 17, 2008, meeting, with revised information required by March 28, 2008, so that the following can be submitted:

- 1) revision of the rezoning request to I-2 (including adjacent property in the rezoning request);**
- 2) submittal of a PUD application to allowed shared access across the Western end of the adjacent property; and,**
- 3) submittal of new labels and postage for required notification, accommodating the expanded area and additional applications.**

The motion carried unanimously.

Case #ZON2008-00553 (Planned Unit Development)

St. Paul's Episcopal School

161 Dogwood Lane

Campus area bounded by Old Shell Road, Dogwood Lane, Loyola Lane, Myrtlewood Lane [vacated], South Avenue, Spring Hill College, and Provident Lane

Planned Unit Development Approval to amend a previously approved Master Plan for an existing school in an R-1, Single-Family Residential District (to allow a covered baseball batting cage facility)

Council District 7

(Also see **Case #ZON2008-00552 (Planning Approval) St. Paul's Episcopal School**, below)

The Chair stated the applicant was agreeable with the recommendations and asked if

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anyone wished to speak on the matter to do so at that time.

A motion was made by Mr. Miller, with second by Mr. Turner, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) **provision of a revised Campus Master Plan with any future application proposing new facilities not depicted on the Master Plan that was approved at the June 15, 2006, meeting of the Planning Commission;**
- 2) **submission of individual applications for each project (other than those involved in this amended application), providing detailed information with regard to the numbers of classrooms involved, number of parking spaces provided, and detailed information on the location of proposed improvements;**
- 3) **property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64);**
- 4) **full compliance with the landscaping and tree planting requirements of the Ordinance for the entire campus, to be coordinated with and approved by Urban Forestry; and,**
- 5) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2008-00552 (Planning Approval)

St. Paul's Episcopal School

161 Dogwood Lane

Campus area bounded by Old Shell Road, Dogwood Lane, Loyola Lane, Myrtlewood Lane [vacated], South Avenue, Spring Hill College, and Provident Lane

Planning Approval to allow a covered baseball batting cage facility at an existing school in an R-1, Single-Family Residential District

Council District 7

(Also see **Case #ZON2008-00553 (Planned Unit Development) St. Paul's Episcopal School**, above)

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

A motion was made by Mr. Miller, with second by Mr. Turner, to approve the above referenced Planning Approval, subject to the following conditions:

- 1) **provision of a revised Campus Master Plan with any future application proposing new facilities not depicted on the Master Plan that was approved at the June 15, 2006 meeting of the Planning Commission;**

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- 2) **submission of individual applications for each project (other than those involved in this amended application), providing detailed information with regard to the numbers of classrooms involved, number of parking spaces provided, and detailed information on the location of proposed improvements;**
- 3) **property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64);**
- 4) **full compliance with the landscaping and tree planting requirements of the Ordinance for the entire campus, to be coordinated with and approved by Urban Forestry; and,**
- 5) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

OTHER BUSINESS:

The Chair announced and moved, with second by Dr. Rivizzigno, that a Public Hearing to consider amending the Zoning Ordinance and Subdivision Regulations to create an overlay district for the Village of Spring Hill was called for the April 17, 2008, meeting.

The motion carried unanimously.

Mr. Olsen advised the Commission that Planning had received a letter requesting that part, if not all, of the Springhill-Zeigler Connection be removed from the Major Street Plan. The property in question was not part of that day's agenda, but the staff did feel the matter needed to be reviewed, but it will not be studied by staff prior to the April 17, 2008, meeting. He added that it should be discussed by the Commission at a business meeting in the near future.

Mr. Olsen also advised that Dr. Rip Pfeiffer has requested the opportunity to address the Commission on issues he is interested in having included in the Subdivision Regulations that deal with the adoption of stream side management protection policies similar to those he had mentioned in a previous Planning Commission meeting, as well as modifications to the landscaping and tree planting policies located in the Subdivision Regulations.

Hearing no further business, the meeting was adjourned.

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APPROVED: July 2, 2009

William G. DeMouy, Jr., Secretary

Terry Plauche, Chairman.

jsl