

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF JUNE 16, 2011 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William G. DeMouy, Jr., Vice Chairman
Victoria L. Rivizzigno, Secretary
Roosevelt Turner
James F. Watkins, III

Members Absent

Stephen J. Davitt, Jr.
Nicholas H. Holmes, III
Herb Jordan
Mead Miller
John Vallas

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Frank Palombo,
Planner II
Bert Hoffman,
Planner II
David Daughenbaugh,
Urban Forestry Coordinator
Joanie Stiff-Love,
Secretary II

Others Present

John Lawler,
Assistant City Attorney
District Chief Billy Roach,
Fire-Rescue Department

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

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.

APPROVAL OF MINUTES:

A motion was made by Mr. Plauche, with second by Mr. DeMouy, to approve the minutes of the following, regularly held meeting:

- April 7, 2011

The motion carried unanimously.

HOLDOVERS:

Case #SUB2011-00021 (Subdivision)

Summer Subdivision

6133 Old Shell Road and 75 & 79 West Drive

(Southeast corner of Old Shell Road and West Drive)

Number of Lots / Acres: 3 Lots / 4.0± Acres

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

Council District 6

(Also see **Case #ZON2011-00451 (Planned Unit Development) University Grande Apartment Complex**, and, **Case #ZON2011-00452 (Rezoning) Davis Companies, LLC**, below)

The Chair announced the application had been recommended for approval. He added if anyone wished to speak on the matter they should do so at that time.

Stefan Davis, Davis Companies, spoke on behalf of the Davis Companies, the developer of the property and noted their agreement with the staff's recommendations. He also made the following comments:

- A. noted that through out the process they felt they had addressed any and all requests of the surrounding neighborhoods as well as those by Ms. Rich and had tried to resolve any pre-existing or potential problems created by their development as presented by the opposition;
- B. noted that when he was present at the May 19, 2011, meeting, the Commission had expressed concern regarding a possible "bait and switch" regarding the proposed development and he wanted to assure the Commission that was not the case;
- C. noted there had never been a change from the original plan for a 156 unit/544 beds apartment complex;
- D. at the time of the original approval, the engineer, Tommy Latham, informed the developer that the City's parking requirement was 1.5 parking spaces per unit and Mr. Davis noted that he informed Mr. Latham that he didn't not feel that would be nearly enough based upon the density that they were able to provide and stated he immediately informed Mr. Latham to provide the maximum number of parking spaces available on the site, which Mr. Latham provided on the original site plan;
- E. noted his failure to go back over the site plan and analyze how many parking spaces would be available per bedroom and had he done so at that time he would have realized the number was low, with approximately .7 parking space per bedroom, whereas the optimum student housing parking ratio is 1.1 spaces per bedroom;
- F. noted that based upon his experience, if they were not allowed to build the parking as was being requested that day, there would be

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- ramifications to that area, which was why the developers wanted to address the issue at that time;
- G. noted there was absolutely no financial revenue to be made from building, roughly, a half a million dollar parking lot that the developers would receive no income stream off of, noting it was being done for student convenience and to lessen the impact on the surrounding neighborhood;
 - H. noted the developers had “one shot” at getting the off-site parking approved and that was in conjunction with the initial construction of the apartment complex, which was scheduled to begin in two weeks;
 - I. noted that if he was unable to get the off-site parking approved and then included in the construction loan for the original development, then the additional parking would not be built, adding that if he was right and the additional parking was not built now that in approximately a year the same people complaining about a parking lot today would be back complaining about a parking problem that could have been resolved but would then be absolutely un-resolvable without the proposed additional off-site parking; and,
 - J. noted that an area across from a university experiencing the amount of growth that the University of South Alabama was currently enjoying should be expect to change.

The Chair asked if the speaker was in agreement with the recommendations as shown.

Mr. Davis responded yes.

Mr. Olsen noted, regarding the subdivision, that Lot 1 was only part of the subdivision to combine lots and that Lot 2 was being separated from Lot 1 and rezoned.

Mr. Davis noted that lots which had contained the two houses were to be used as buffer between the proposed parking lot and the adjacent residential properties.

Jerry O’Brien, spoke on behalf of Bob and Kathy Summer, the property owners, stating he represented them in this matter and in their dealings with the Davis Companies. He made the following statements:

- A. the Summers were the owners of Anders Bookstore and associated property;
- B. noted that the rezoning for that property from residential to its current commercial use was controversial at the time, however, they were now considered good neighbors;
- C. noted that the Summers owned all four of the adjacent southern lots;

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- D. noted that all of the adjacent residential property owners had been contacted and that none had voiced any opposition to the proposed use of the Summers' property;
- E. noted that a number of neighborhood meetings had been held regarding the matter and that many neighbors had attended those and noted that Councilperson Bess Rich had attended as well;
- F. noted that the initial concern voiced by those residents who were not adjacent to the proposed parking lot had been traffic and that an updated Traffic Impact Study had been done to include the additional property as a result;
- G. noted that the resulting updated Traffic Impact Study had been given to the staff as well as to Jennifer White, City Traffic Engineering Department, with the finding showing that the traffic movement in all four directions at the intersection of West Drive and Old Shell Road was equal to or better than what was in existence currently because of the addition of a right-turn slip lane which the developers had agreed to build as well the Summers had agreed to donate the necessary, extra, right-of-way for the same;
- H. noted they had also pulled back the two 350 foot deep residential lots resulting in the first 150 feet of frontage adjacent to West Drive remaining the property of the Summer family and not being a part of the development; and,
- I. expressed the opinion that in a case such as this where only a parking lot was proposed and when all of the voluntary restrictions had been agreed to, and all the necessary neighborhood meetings had occurred, and the developer had answered request after request for more information and that said developer had gone back and done everything physically possible to appease the opposition, that to not allow this request was basically to "put a sign on Mobile saying "Closed for Business."

Mr. Turner asked what concerns had been voiced by the neighbors.

Mr. O'Brian stated that traffic and the ability to come and go from West Drive had been the main concern and those had been addressed with the agreement of the developer to provide a right-turn slip lane and the Summers to provide the necessary right-of-way for the same. He added that a deal had been worked out so that the traffic from the apartment complex would go to and from the property via a traffic light, the same traffic light that would mark the main entrance to the University from Old Shell Road. He noted that the addition of the slip lane at that location would improve the overall traffic flow for the area along that route.

The following people spoke in opposition to the matter:

- Graham Forsythe, 6145 Ventian Way South, Mobile, AL, president of the Ridgefield Commons Homeowners Association;

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- Darwin Murph, 10510 Hunters Ridge Drive, Ferin Woods, Mobile, AL;
- Jim Sockwell, 6125 Ventian Way South, Mobile. AL; and,
- Bess Rich, 625 Cumberland Road, Mobile, AL, Mobile District 6 City Council Person.

They made the following points against the proposal:

- A. noted there had been only one meeting with the developers not numerous and that at that meeting the neighbors were initially told that the developers did not expect that many vehicles at the proposed apartment complex, however after speaking with the developers of The Grove, the University Grande developers had come to the realization that they would need more parking;
- B. noted that the developers had also relayed their expectation that the University of South Alabama would help them with the parking situation, something the University had since declined to do;
- C. noted that the developers had commented that they were going to be good neighbors and that the only option they had to accomplish this would be to build the proposed parking lot to prevent parking problems on West Drive that would be associated with the apartment complex;
- D. noted that West Drive was only 1250 feet long but when driveways and streets were subtracted it was only an approximately 1000 feet long two lane street, which could only allow for a limited space for "on street" parking and that the situation would be made worse when a garbage truck or some other large vehicle also tried to occupy space on that street at the same time as parked vehicles;
- E. noted that garbage was picked up and mail delivered curb side along West Drive and that vehicles parked on the street would inhibit those services;
- F. wondered if someone would rent an apartment from a complex where they knew there was a one in two chance of not having a place to park their car and/or would there be real willingness to walk a quarter of a mile to where one had to park their car;
- G. expressed the opinion that West Drive was never an option for parking with regards to the apartment complex;
- H. expressed the opinion that the developers knew all along that there was not enough parking for the number of bedrooms planned and simply assumed the University would help them with parking and now that the University had declined to assist them with this, they had developed the proposed plan;

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- I. noted that concern over the negative impact to the residential property values in addition to traffic concerns had been expressed at the one meeting held with the developers to which the developers had responded that they would install a 15 foot buffer, however, it was felt that buffer was not sufficient as the neighbors simply did not want a parking lot in their residential neighborhood;
- J. expressed concern regarding the request for rezoning from R-1 and queried whether it would set a precedent for “follow on” projects;
- K. expressed the opinion that it was not possible to predict how things would occur with regards to the traffic on Old Shell Road in front of the University, noting that portion of Old Shell Road would become a major traffic artery;
- L. expressed concern over the safety issues involved, including having to cross heavy traffic on foot, as well as reduced visibility to and from vehicles and the apartment complex;
- M. felt the developers knew all along that they would need more parking but knew the apartments would face opposition if they asked for the additional necessary parking in the beginning;
- N. noted there were four neighborhoods that came out onto Old Shell Road and that all four would be affected by the proposed parking lot, not just the residents of West Drive;
- O. expressed concern that rezoning property from its residential character just to create additional parking spaces may not have been done in Mobile before and wondered about the precedent that created;
- P. expressed the opinion that to change zoning in the area at this time was unfair to those who had done their due diligence in purchasing residential property in that area;
- Q. noted the June 6, 2011, edition of the USA Vanguard had as its headline “The Grove Faces Security Issues After Robbery” as evidence of the safety issues that could be expected to be associated with the proposed apartment complex;
- R. expressed the feeling that the proposed Planned Unit Development application before the Commission that day did not fill the requirements to be considered innovative nor did it fit the necessary standards for approval;
- S. noted the previous question of when had a public street been considered part of the PUD and been approved stating that a recent PUD involving McGill-Toolen had been sited by the staff, however, no example of a primarily residential street being included in an approved PUD had been found;

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- T. noted that West Drive was a narrow, substandard street with no curb and gutter;
- U. noted that one of the benchmarks for reviewing a PUD was examining the negative impact it would have on the neighborhood and felt that the opposition was clear evidence of that negative impact;
- V. noted that the Code clearly stated “that there could be no off-street parking for R-1, R-2, or R-3 properties” and that the City Council Attorney strongly supported the position that should the matter be approved by the Commission that the requirements of the Code were not being met;
- W. noted that the other members of the City Council would clearly understand the idea that the proposed development was to create an off-site parking lot for a residential property, which was not allowed by the Code;
- X. expressed disappointment in hearing the developer say they would build “no matter what” and wondered what the legal ramifications of that would be since they had changed the PUD and it was different from the one which had previously been approved; and,
- Y. expressed the opinion that if the developers came in and built the apartment complex and then leased the units one at a time by bedroom and everyone had a car and the students decide to park on the street, West Drive would become a one way street and then the City would have to put in “No Parking” signs because they could not keep the people who lived in those neighborhoods at risk due to being unable to get the necessary safety workers and vehicles into those neighborhoods.

Mr. Watkins asked the staff to respond to the issue of rezoning as it was his understanding that matter had been resolved. He also expressed his understanding that the apartment complex as it was currently configured had previously been approved and in as much the developer could begin construction of the same now.

Mr. Olsen responded that the apartment complex had come before the Commission several months before and that it had been approved as it had met the minimum requirements of the Zoning Ordinance.

Mr. Watkins offered, that based upon the first opposition speaker’s comments regarding West Drive, that to deny the additional parking would create exactly the situation the neighbors wanted to avoid and were using as their argument against the proposed parking lot.

Mr. O’Brien offered the following response to the opposition:

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- A. noted that approximately half of the area located behind Anders Bookstore was currently zoned B-2 and perfectly capable of being utilized as a parking lot;
- B. noted that the remaining half was zoned as R-1 and enjoyed that zoning as a result of action taken by the Summers to provide a buffer for the adjacent residential properties from their commercial venture, however, since the original rezoning of the Anders Bookstore property, the Summers had also purchased the additional two lots to the south;
- C. noted that what was proposed was the rezoning of the remaining half of the original lot to match the B-2 with the use of the two remaining southern lots as the continued residential buffer between the adjacent residential properties and the Summers commercial venture;
- D. noted that the residential property owners adjacent to the Summers property had no opposition to the matter and that all of the opposition came from property owners who lived on the cul-de-sacs that adjoined West Drive and that their initial concerns were regarding traffic and their perceived restricted use of West Drive;
- E. expressed the opinion that the developers had “gone overboard” in an effort to make concessions by purchasing additional right-of-way, agreeing to the creation of the slip turn lane, and utilizing the existing traffic light at the entrance to the University of South Alabama as part of access to their site;
- F. expressed the believe that the traffic concerns were not real and were only perceived, as the developer’s engineer, as well as the City of Mobile’s Traffic Engineering Department, had not expressed concern regarding those;
- G. noted, regarding site security, there would be 24-hour, on-site security;
- H. expressed the opinion that the purpose of a PUD was the opportunity for “give and take” between involved parties, but that in this case, it was only the developer who was giving, as he had agreed to such things as giving up property for rezoning, adding additional landscaping, and decorative fencing; and,
- I. noted that if this was not approved today, then the project would go ahead as originally planned, which would create a parking predicament which could not be corrected as there would be no money available to do so.

Mr. Davis also responded to the opposition with the following:

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- A. did not feel the opposition was “all about traffic,” but a fair amount of it was about “NIMBY-ism”, as the opposition might hold the belief that if the parking lot was not approved, the developer would not go forward with the proposed student housing development and this was not the case;
- B. noted that the project would go forward with demolition of the on-site house planned for within the next two weeks; and,
- C. stated they had one opportunity to “make this right” and have the most minimum impact on the surrounding community possible by allowing the parking lot to be built.

Mr. Turner asked, based upon Mr. Davis’ statement, if the apartment complex were built and there more parking was needed than was available, did the developer have a plan for getting that needed parking, if, as Councilperson Rich stated, “No Parking” signs were installed along West Drive.

Mr. Davis stated that more than likely what would happen was exactly what happened in Chapel Hill, North Carolina, where they were limited to .8 parking spaces per bedroom and which caused the developer to charge for ability to park on site.

Dr. Rivizzigno noted that in the staff write up it stated “it should be noted that this is a significant change of character from the original proposal approved by the Planning Commission, significant to require amending the Traffic Impact Study” to include more parking spaces, so that the original proposal had been changed from what was approved and asked for clarification regarding that.

Mr. Olsen stated that referred to the original site plan. He said the original development did and would comply with the Ordinance today if developed as it was approved by the Commission. He stated the “significant change” referenced was the addition of off-site parking.

In deliberation, the Chair asked if the approval requested that day was for the entire two pieces or if it were not approved that day, would the large portion with the buildings still be able to proceed.

Mr. Olsen advised that if the Planning Commission did not approve the applications before the Commission that day, the plan that had been approved for the larger, single site would still be valid, so the developer could construct as that approval allowed.

The Chair noted it would mean they simply would not be allowed the accessory parking lot across the street from their main site.

Mr. Turner noted his initial problem with the site was the parking and security of the site. He recognized that the developers had tried to address all of the issues as they were able,

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however, the neighbors needed to be very aware that should the matter be denied that day, they would be looking as students parking along West Drive until such time as the City put in measures to curb that activity. He noted that the developers had stated the site would have 24 hour security, which he appreciated; however, he was unclear as to what all that entailed.

Dr. Rivizzigno expressed her concern regarding the extra parking was if it were to be denied that day the apartments would still go forward which would result in spill over parking on the street. While noting the developer's concessions of the turn lane and a smaller requested parking lot, it still did not result, in her opinion, to be a positive resolution of the matter.

Mr. DeMouy noted his agreement with both Mr. Turner and Dr. Rivizzigno and his overall dislike of the plan and the situation it created, however, he conceded that it was better than the option of on street parking.

Dr. Rivizzigno noted that she hoped that the Commission as a whole would revisit the 1.5 parking space requirement per apartment, since based upon this case, the number held the potential of being unrealistic.

Mr. Olsen responded that for a standard, family type development, the 1.5 spaces would be adequate, however, for student housing, the staff had begun looking into that number as they understood there was a difference in need and hoped to have a recommendation along those lines in the not so distant future.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to deny the above referenced matter. That motion failed with Mr. Plauche and Mr. Turner voting for it and Mr. DeMouy, Dr. Rivizzigno, and Mr. Watkins voting against.

Dr. Rivizzigno stated she was torn in her vote but stood by her denial. She then stated that the matter should have been addressed when the development was first proposed. She noted that when the developer came to them with proposed student housing, the Commission should have let it be known that they did not have enough parking available but as they have already approved the matter, it was, in her opinion, too late to deny it.

Mr. Olsen addressed the matter of the project being student housing, stating that when the original application came in it was simply for an apartment complex, with nothing in the application indicating that it would be student housing. He noted that as it had not been presented as student housing, there was no way for staff or the Commission to address it as such. He added that it was not until the developer came back to add the additional parking lot that the staff became aware that the proposed development was planned as student housing.

Dr. Rivizzigno expressed her relief that neither the staff nor the Commission had missed such an important piece of information. She also asked that when reviewing apartment

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complexes that the staff might delve deeper into what type of housing was planned as it might have a direct impact on other aspects of the development.

A second motion was made by Dr. Rivizzigno, with second by Mr. Watkins, to approve the above referenced matter, subject to the following conditions:

- 1) **dedication of sufficient right-of-way along West Drive to provide for the addition of the turn lane, as shown on the revised plat submitted May 2, 2011;**
- 2) **compliance with Traffic Engineering Comments: “*The developer must follow the new recommendations as well as the recommendations from the June 2008 study. In addition the developer must submit construction plans for the addition of the turn lane on West Drive*”;**
- 3) **construction and acceptance of the turn lane on West Drive prior to completion of the parking facility;**
- 4) **retention of the 25-foot minimum building line along all public rights-of-way, as shown on the revised plat submitted May 2, 2011;**
- 5) **retention of the note limiting Lot 2 to two curb-cuts, with the size, design, and exact location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards; and,**
- 6) **retention of the note stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species.**

That motion carried with Mr. Plauche and Mr. Turner voting in opposition.

Case #ZON2011-00451 (Planned Unit Development)
University Grande Apartment Complex

6133 & 6201 Old Shell Road and 75 & 79 West Drive

(Southeast and Southwest corners of Old Shell Road and West Drive)

Planned Unit Development Approval to allow multiple buildings on a single building site, off-site parking and shared access

Council District 6

(Also see **Case #SUB2011-00021 (Subdivision) Summer Subdivision**, above, and,

Case #ZON2011-00452 (Rezoning) Davis Companies, LLC, below)

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to deny the above referenced matter. That motion failed with Mr.

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Plauche and Mr. Turner voting for it and Mr. DeMouy, Dr. Rivizzigno, and Mr. Watkins voting against.

A second motion was made by Dr. Rivizzigno, with second by Mr. Watkins, to approve the above referenced matter, subject to the following conditions:

- 1) **limited to the revised site plan and narrative (with associated illustrations) submitted June 3, 2011, and as may have to be revised for compliance with conditions of this approval (should revisions be too significant, resubmission may be necessary);**
- 2) **compliance with Traffic Engineering Comments: “*The developer must follow the new recommendations as well as the recommendations from the June 2008 study. In addition the developer must submit construction plans for the addition of the turn lane on West Drive;*”**
- 3) **construction of the turn lane on West prior to use of the parking facility;**
- 4) **compliance with Engineering Comments: “*Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;*”**
- 5) **compliance with Urban Forestry Comments: “*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). Tree removal permits are required from Urban Forestry before removing or trimming 24” DBH or larger Live Oak Trees;*”**
- 6) **provision of two copies of the approved site plan and narrative to the Planning Section of the Urban Development Department;**
- 7) **completion of the rezoning process;**
- 8) **completion of the subdivision process; and,**
- 9) **full compliance with all municipal codes and ordinances.**

That motion carried with Mr. Plauche and Mr. Turner voting in opposition.

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Case #ZON2011-00452 (Rezoning)

Davis Companies, LLC

6133 Old Shell Road

(Southeast corner of Old Shell Road and West Drive)

Rezoning from R-1, Single-Family Residential District, to R-3, Multiple-Family Residential District, to allow an off-site parking lot for an apartment complex

Council District 6

(Also see **Case #SUB2011-00021 (Subdivision) Summer Subdivision**, and, **Case #ZON2011-00451 (Planned Unit Development) University Grande Apartment Complex**, above)

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to deny the above referenced matter. That motion failed with Mr. Plauche and Mr. Turner voting for it and Mr. DeMouy, Dr. Rivizzigno, and Mr. Watkins voting against.

A second motion was made by Dr. Rivizzigno, with second by Mr. Watkins, to approve the above referenced matter, subject to the following conditions:

- 1) subject to the voluntary conditions and use restrictions submitted by the applicant including reversion of zoning to R-1, Single-Family Residential if the site is no longer used as a parking lot for the multi-family development that is attached via the accompanying PUD – including removal of all paving/parking improvements by the property owner;**
- 2) compliance with Traffic Engineering Comments: *“The developer must follow the new recommendations as well as the recommendations from the June 2008 study. In addition the developer must submit construction plans for the addition of the turn lane on West Drive;”***
- 3) compliance with Engineering Comments: *“Must comply with all storm water and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right of way will require a right of way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;”***
- 4) compliance with Urban Forestry Comments: *“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).***

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- Tree removal permits are required from Urban Forestry before removing or trimming 24" DBH or larger Live Oak Trees;"*
- 5) **development limited to the accompanying PUD;**
 - 6) **full compliance with the tree planting and landscaping requirements of the Zoning Ordinance; and,**
 - 7) **full compliance with all municipal codes and ordinances.**

That motion carried with Mr. Plauche and Mr. Turner voting in opposition.

Case #SUB2011-00049 (Subdivision)
Plantation Memorial Gardens Subdivision

5501 Bear Fork Road

(South side of Bear Fork Road at the South terminus of Jarrett Road)

Number of Lots / Acres: 1 Lot / 25.0± Acres

Engineer / Surveyor: W. R. Ward

Council District 7

(Also see **Case #ZON2011-01096 (Planning Approval) Plantation Memorial Gardens Subdivision**, below)

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

The following people spoke in opposition to the matter:

- Vincent Robinson, 4100 Jarrett Road, Prichard, AL; and,
- Shawn Porter, 4204 Jarrett Road, Prichard, AL.

They made the following points:

- A. as residents of the subdivision across the street from the proposed cemetery, felt such a development was not in character with the living residents located there;
- B. concern that a cemetery might have a negative affect on the value of his five bedroom three bath home;
- C. understood the property had previously been approved for homes and did not know how the change had occurred;
- D. noted that as a resident of Prichard, he had not received notification of the matter, but had simply heard about it;
- E. advised that the city limit line between Mobile and Prichard was the middle of Jarrett Road, which always seemed to cause issues with regards to police and fire coverage;
- F. noted the location of another cemetery on Shelton Beach Road and questioned why there was such a need to put in so many cemeteries within the city where people needed to

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- live when such facilities could be more easily located out in the county;
- G. expressed concern regarding the amount of traffic that was currently in the area, noting that from 1:30 to 4:00 in the afternoon, buses servicing the four schools in the area created traffic issues on that main road and wondered what would be done to maintain traffic flow if a funeral were planned during that time;
 - H. concern over the use of Moffett Road to access Bear Fork Road to reach the cemetery and how that would affect hurricane evacuation routes during hurricane season;
 - I. noted that the Robert Trent Jones Magnolia Grove golf course was located in that area and was the site of a number of events which might add to the traffic concerns; and,
 - J. concern over wetlands and other environmental issues located there.

The Chair asked if notification requirements included properties outside of the city limits but within the Planning Jurisdiction.

Mr. Olsen advised that notification did include all property owners within 300 feet regardless of the jurisdiction and that in reviewing the file, letters were sent to Eight Mile addresses indicating the area in question had been sent letters regarding the possible subdivision, however, as notification was only required within 300 feet of the proposed cemetery, if those addresses were in excess of that 300 feet from the property in question, they would not have been sent a letter.

Mr. Watkins asked to be shown the location of Mr. Robinson's home on the overhead. After seeing the location of the home in question, Mr. Watkins asked what buffering requirements were required between residential property and a cemetery.

Mr. Olsen stated there really was not such on a major street but that the developers were proposing a fairly large planting strip with a planting buffer along their street frontage, as well as a three foot high ornamental fence, all of which was above and beyond what was required by the Ordinance.

In deliberation, Mr. Watkins stated his understanding of the concerns expressed regarding the visual impact of a cemetery in a residential neighborhood and asked if there was anything that could be done with respect to the buffering.

Mr. Olsen advised that as it was Planning Approval being requested and that as the compatibility of the use with the surrounding area was a factor, and that as buffering was an aspect for compatibility, the Commission was within its purview to require additional buffering.

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Mr. Watkins asked Mr. Robinson if he was opposed to the cemetery based upon its aesthetics or simply the thought of its use, as aesthetics could be addressed with additional buffers.

Mr. Robinson stated both.

Dr. Rivizzigno stated that based upon the Zoning Ordinance, cemeteries were only allowed within residential areas but felt that they were commercial in nature.

Mr. Olsen responded that though cemeteries were a business per se, they were not considered an intense commercial usage.

Mr. Hoffman noted with regards to the cemetery itself that one section would have flush, bronze markers, while the other section would have upright, granite markers.

Hearing no further opposition or discussion, a motion was made by Mr. Turner, with second by Dr. Rivizzigno, to deny the above referenced matter.

The motion carried unanimously.

Case #ZON2011-01096 (Planning Approval)

Plantation Memorial Gardens Subdivision

5501 Bear Fork Road

(South side of Bear Fork Road at the South terminus of Jarrett Road)
Planning Approval to allow a cemetery with 21,250 plots in an R-1, Single-Family Residential District

Council District 7

(Also see **Case #SUB2011-00049 (Subdivision) Plantation Memorial Gardens Subdivision**, above)

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no further opposition or discussion, a motion was made by Mr. Turner, with second by Dr. Rivizzigno, to deny the above referenced matter.

The motion carried unanimously.

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Case #SUB2011-00047 (Subdivision)

Maryland & Franklin Subdivision

211 South Franklin Street

(East side of Franklin Street, 155'± North of Virginia Street and extending East to South Conception Street).

Number of Lots / Acres: 3 Lots / 1.8± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 2

(Also see **Case #ZON2011-01082 (Planned Unit Development) Maryland & Franklin Subdivision**, below)

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. DeMouy, to approve the above referenced matter, subject to the following conditions:

- 1) **labeling of the 25-foot minimum building setback line on the Final Plat as such;**
- 2) **retention of the lot area size, in square feet, on the Final Plat;**
- 3) **placement of a note on the Final Plat limiting Lot 1 to one curb-cut South Franklin Street and one curb-cut to South Conception Street and limiting Lot 2 to one curb-cut to South Franklin Street in addition to the shared curb-cuts to South Franklin Street and South Conception Street, for the former Maryland Street right-of-way, with the size, design, and exact location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards; and,**
- 4) **compliance with Engineering comments: “*Show Minimum Finished Floor Elevation on each lot on Plat. There is to be no fill placed within the limits of the flood plain without providing compensation. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.*”**

The motion carried unanimously.

Case #ZON2011-01082 (Planned Unit Development)

Maryland & Franklin Subdivision

206 & 211 Maryland Street

(East side of Franklin Street, 155'± North of Virginia Street and extending East to South Conception Street).

Planned Unit Development Approval to allow shared access between three building sites.
Council District 2

(Also see **Case #SUB2011-00047 (Subdivision) Maryland & Franklin Subdivision**, above)

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. DeMouy, to approve the above referenced matter, subject to the following conditions:

- 1) **revision of the site plan to indicate what surfacing material the new parking spaces will be constructed of;**
- 2) **approval of the Variance application by the Board of Zoning Adjustment;**
- 3) **full compliance with trees and landscaping;**
- 4) **compliance with Engineering comments: “*Show Minimum Finished Floor Elevation on each lot on Plat. There is to be no fill placed within the limits of the flood plain without providing compensation. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;*” and,**
- 5) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

EXTENSIONS:

Case #SUB2009-00088

Oak Forest Place Subdivision

South side of Clarke Road, 156'± East of Dawes Road

Number of Lots / Acres: 15 Lots / 9.5± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

The Chair announced the matter had been recommended for denial, however, if there were those who wished to speak on the matter to please do so at that time.

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Joel Coleman, Rester and Coleman, spoke on behalf of the applicant. He noted that all of the improvements for the subdivision had been installed; however the delay had been caused by the death of the primary developer.

Mr. Watkins asked what was the current timeframe on the project.

Mr. Coleman answered it should be within the next couple of months as he had spoken with MAWSS regarding their letter and once that was received, he would then approach the County for their approval.

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Mr. DeMouy, to approve granting the requested extension for six months.

The motion carried unanimously.

Case #SUB2008-00066 (Subdivision)

Perch Creek Preserve Subdivision

North side of Winston Road, 1100'± West of Dauphin Island Parkway, extending West and South to Perch Creek

Number of Lots / Acres: 116 Lots / 85.1± Acres

Engineer / Surveyor: Engineering Development Services, LLC

Council District 4

(Also see **Case #ZON2008-00889 (Planned Unit Development) Perch Creek Preserve Subdivision**, below)

The Chair announced the matter had been recommended for denial, however, if there were those who wished to speak on the matter to please do so at that time.

Tom Hutchings, P.O. Box 361, Montrose, AL, spoke on his own behalf and on behalf of a subdivision. He stated that the subdivision set an example of how to develop in some of the more environmentally sensitive areas of Mobile County. He noted that his roads were in, as well as one of his wetland crossings, but that the downturn in the economy had caused the project to be put on hold. He noted his belief that the only thing denying his request for an extension would do was create more fees for the department and asked for leniency in this matter.

Mr. Watkins asked if the project was that far along what was preventing the applicant from recording the plat.

Mr. Hutchings clarified that though the roads were cut, the infrastructure had not been completed.

Hearing no opposition or further discussion, a motion was made by Mr. Turner, with second by Mr. DeMouy, to approve granting the requested extension for one year.

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The motion carried unanimously.

Case #ZON2008-00889 (Planned Unit Development)

Perch Creek Preserve Subdivision

North side of Winston Road, 1100'± West of Dauphin Island Parkway, extending West and South to Perch Creek

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow a gated, 20'-wide, aggregate-surfaced private street single-family residential subdivision with increased cul-de-sac lengths, reduced lot widths and sizes, reduced front and side setbacks, and increased site coverage of 50%

Council District 4

(Also see **Case #SUB2008-00066 (Subdivision) Perch Creek Preserve Subdivision**, above)

Hearing no opposition or further discussion, a motion was made by Mr. Turner, with second by Mr. DeMouy, to approve granting the requested extension for one year.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2011-00054

Scholtes Subdivision, Lot 1 and Lot 2 of Lot 36

2558 & 2560 Dohm Street

(North side of Dohm Street, 222'± West of North Florida Street)

Number of Lots / Acres: 2 Lots / 0.2± Acre

Engineer / Surveyor: Eqinox Surveying & Mapping, Inc.

Council District 1

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. DeMouy, to waive Section V.D.2. and approve the above referenced matter, subject to the following conditions:

- 1) **provision of a note on the Final Plat that no additions can be built within the 25' front building setback without a successful application to the Board of Zoning Adjustment;**
- 2) **labeling of "Lot 1" and "Lot 2";**
- 3) **depiction of the 25-foot minimum building setback line from Dohm Street, as required by Section V.D.9. of the Subdivision Regulations;**
- 4) **the labeling of each lot with its size in square feet, or placement of a table on the plat with the same information;**

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- 5) compliance with Engineering comments: *“Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right-of-way will require a right-of-way permit;”*
- 6) placement of a note on the Final Plat limiting both lots to one curb-cut to Dohm Street, with the size, design, and location of all curb-cuts to be approved by Mobile City Engineering and conform to AASHTO standards;
- 7) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities; and,
- 8) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2011-00055

Rock Point Division Hollingers Island Subdivision, Re-subdivision of Lot 12

6169 Bayou Road

(North side of Bayou Road, 640'± West of Rock Point Road)

Number of Lots / Acres: 2 Lots / 2.9± Acres

Engineer / Surveyor: Austin Engineering Co. Inc.

County

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. DeMouy, to approve the above referenced matter, subject to the following conditions:

- 1) correction of the placement of the 25-foot setback on Lot B to exclude the “pole” as required by Section V.D.1. of the Subdivision Regulations;
- 2) depiction of the 25-foot minimum building setback line from all public right-of-ways, as required by Section V.D.9. of the Subdivision Regulations;
- 3) correction of legal description to describe a closed polygon;
- 4) placement of a note stating that no future subdivision will be allowed for Lot B until additional frontage on a public street or compliant private street is provided;
- 5) the labeling of each lot with its size in square feet, or placement

- of a table on the plat with the same information;
- 6) 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.8. of the Subdivision Regulations;
 - 7) placement of a note on the Final Plat to comply with the City of Mobile stormwater and flood control ordinances (*Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall 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.*);
 - 8) approval of all applicable federal, state, and local agencies prior to the issuance of any permits or land disturbance activities;
 - 9) placement of a note on the Final Plat limiting both lots to one curb-cut each to Bayou Road, with the size, design, and location of all curb-cuts to be approved by Mobile County Engineering and conform to AASHTO standards;
 - 10) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities; and,
 - 11) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2011-00056

Pine Spring Farm Subdivision, Re-subdivision of Lot 6, Block C

South side of Taylor Avenue, 1,800'± West of Taylor Avenue South

Number of Lots / Acres: 3 Lots / 5.0± Acres

Engineer / Surveyor: Stewart Surveying

County

The Chair announced the matter had been recommended for denial, however, if there were those who wished to speak on the matter to please do so at that time.

Anthony Bryant, Stewart Surveying, spoke on behalf of the applicant and stated that had this project been one which involved relatives with closer bonds than cousins, it would have constituted a family subdivision and thereby the issues raised by staff would not have come into play.

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Hearing no opposition or further discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Turner, to deny the above referenced matter:

- 1) **“flag” lots are not common in the area; and,**
- 2) **no unusual circumstances or hardships exist which require the creation of a “flag” lot.**

The motion carried unanimously.

Case #SUB2011-00059

Laughlin Industrial Park Subdivision, Re-subdivision of Lots 9-11

South side of Laughlin Drive South at the South terminus of Laughlin Drive

Number of Lots / Acres: 3 Lots / 5.7± Acres

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

Council District 4

The Chair announced the application had been recommended for approval. He added if anyone wished to speak on the matter they should do so at that time.

Don Rowe, Rowe Surveying and Engineering, spoke on behalf of the applicant and made the following points regarding the matter of curb-cuts:

- A. noted they were taking three large lots and making two even larger lots;
- B. advised that the original subdivision plat contained a note which said that any lot with over 200 feet of frontage would be allowed two curb-cuts and that Lot A was 283 feet so it was requested that Lot A be given two curb-cuts; and,
- C. Lot B was of such a size that it could be allowed four curb-cuts however they were only requesting three.

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

- 1) **retention of minimum building setback line and lot area sizes, in square feet, on the Final Plat;**
- 2) **placement of a note on the Final Plat stating that Lot A is limited to two curb-cuts and Lot B is limited to three curb-cuts, with the size, design, and exact location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards; and,**
- 3) **placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local,**

state, and federal regulations regarding endangered, threatened, or otherwise protected species.

The motion carried unanimously.

Case #SUB2011-00060

Schillinger Business Park

East side of Schillinger Road South, 780'± North of Cottage Hill Road

Number of Lots / Acres: 3 Lots / 3.0± Acres

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

County

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Watkins, to approve the above referenced matter, subject to the following conditions:

- 1) **placement of a note on the Final Plat stating that that Lots A and B are limited to one shared curb-cut to Schillinger Road, and Lot C is limited to one curb-cut to Schillinger Road, with the size, location, and design of all curb-cuts to be approved by County Engineering and conform to AASHTO standards;**
- 2) **illustration of the 25' minimum building setback line from Schillinger Road;**
- 3) **placement of a note on the Final Plat stating that no structures are to be built within the drainage and access easements;**
- 4) **placement of a note on the Final Plat stating that the maintenance of the Common Area is the responsibility of the property owners and not Mobile County;**
- 5) **labeling of each lot with its size in square feet and acres or the furnishing of a table on the Final Plat providing the same information;**
- 6) **placement of a note on the Final Plat 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 Final Plat stating that any lots developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section V.A.8. of the Subdivision Regulations; and,**
- 8) **submission of a letter from a licensed engineer certifying compliance with the City of Mobile's stormwater and flood control ordinances to the Mobile County Engineering**

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department and the Planning Section of Mobile Urban Development prior to issuance of any permits.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2011-01295

Saint Ignatius Parish

3758 Spring Hill Avenue

(Northeast corner of Springhill Avenue and Knowles Street)

Request to waive construction of a sidewalk along Knowles Street.

Council District 7

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Watkins, to approve the application for waiver of the sidewalk along Knowles Street.

The motion carried unanimously.

Case #ZON2011-01298

Arlington Properties

5104 Halls Mill Road

(Northwest corner of Halls Mill Road and Demetropolis Road extending to the East side of Government Boulevard)

Request to waive construction of a sidewalk along Halls Mill Road, Demetropolis Road and Government Boulevard

Council District 4

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Watkins, to approve the application for waiver of the construction of a sidewalk along Halls Mill Road, Demetropolis Road, and Government Boulevard.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2011-00057 (Subdivision)

Medical Society of Mobile County Subdivision, Re-subdivision of

2701 Airport Boulevard and 256 South Mobile Street

(South side of Airport Boulevard, 155'± West of Grant Street).

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

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
Council District 5

(Also see **Case #ZON2011-01299 (Rezoning)**)

Medical Society of Mobile County Subdivision, Re-subdivision of, below)

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Watkins, with second by Mr. DeMouy, to approve the above referenced matter, subject to the following conditions:

- 1) **demolition of the existing single-family residence or approval of a PUD;**
- 2) **placement of a note on the Final Plat stating that the site is limited to the existing curb-cut to Airport, with the size, design, and exact location of the curb-cut to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) **placement of a note on the Final Plat stating that the site is denied access to the South Mobile Street right-of-way;**
- 4) **retention of the 25-foot minimum building setback line and lot area size, in square feet, on the Final Plat; and,**
- 5) **placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.**

The motion carried unanimously.

Case #ZON2011-01299 (Rezoning)

Medical Society of Mobile County Subdivision, Re-subdivision of

2701 Airport Boulevard and 256 Mobile Street

(South side of Airport Boulevard, 155'± West of Grant Street).

Rezoning from R-1, Single-Family Residential District, to B-1, Buffer Business District to eliminate split zoning.

Council District 5

(Also see **Case #SUB2011-00057 (Subdivision)** **Medical Society of Mobile County Subdivision, Re-subdivision of,** above)

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The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Vince LaCoste, Polysurveying of Mobile, spoke on behalf of the applicant. He noted he had hoped for some clarification from Traffic Engineering regarding Condition 3, however, he recognized that their representative was not at the meeting. He noted that the only location he saw where the aisle width was less than the minimum standard of twenty-four feet was located at the bend in the aisle between the north parking lot and the eastern side parking lot, and that distance was approximately 22 feet and there would be no cars backing up in that area. He noted that the Medical Society was trying to improve the site and that currently it called for ten parking spaces, all of which were already located at the front of the property, so any additional parking located on the site was unnecessary, thereby creating no need to improve the site with regards to parking.

Mr. Turner asked if there was anyone who could address Mr. LaCoste's concerns.

Mr. Olsen advised that Ms. White was not in attendance that day due to her participation in a class, however, he expressed that, though Mr. LaCoste felt there would be no opposing traffic in that substandard aisle, based upon his observance of the site, anyone parking in the eastern side parking lot would run the risk of facing opposing traffic when trying to leave the property.

Mr. LaCoste advised he meant that typically the 24 feet was needed if one were backing out of a space in order to make the turn. He also noted that a number of municipalities required only a 20 foot aisle standard unless they were backing against another vehicle, in which case the 24 foot aisle was required. He asked if that issue could be set as a condition for future development as the applicant only wanted to demolish the house on site and bring all of the property together under one zoning classification.

In deliberation, Mr. Watkins asked if the aisle width could be left to the approval of Traffic Engineering.

Mr. Olsen stated that without a known hardship, he knew of no time that Traffic Engineering had modified the 24 foot aisle width. He then stated that as Mr. LaCoste had stated that property had recently been improved, so he would pull those plans, as well as any approvals, while having the site inspected. If Mr. Olsen found that the site had been approved without meeting the stated requirements that would be addressed as well.

Hearing no opposition or discussion, a motion was made by Mr. Watkins, with second by Mr. DeMouy, to approve the above referenced matter, subject to the following conditions:

- 1) completion of the subdivision process;**

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- 2) demolition of the existing single-family residence or approval of a PUD;
- 3) compliance with Traffic Engineering Comments: *“Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Aisle widths are below the minimum standard of twenty-four feet and should be amended to meet the minimum width of twenty-four feet”*, or the site plan approved for construction if not 24’;
- 4) full compliance with tree planting and landscaping area to include submission of a new landscaping plan and planting of any trees that may be required at redevelopment; and,
- 5) construction of a buffer compliant with Section 64-4.D.1. of the Zoning Ordinance along the Southern Property Line.

The motion carried unanimously.

Case #ZON2011-01184 (Rezoning) (Holdover)

Gerald T. Still

2350 Demetropolis Road

(West side of Demetropolis Road, 1900’± South of Cottage Hill Road). Rezoning from R-1, Single-Family Residential District, to R-3, Multiple-Family Residential District, to allow an assisted living facility.

Council District 4

(Also see **Case #ZON2011-01261 (Planning Approval) Gerald T. Still**, 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.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the above referenced matter over until the July 21, 2011, meeting, with revisions due by June 23, 2011, so that the following items could be addressed:

- 1) **justification of rezoning according to at least one of the four conditions listed in Section 64-9. of the Zoning Ordinance; and,**
- 2) **correction of any data errors as it relates to property size depicted on the site plan.**

The motion carried unanimously.

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Case #ZON2011-01261 (Planning Approval)

Gerald T. Still

2350 Demetropolis Road

(West side of Demetropolis Road, 1900'± South of Cottage Hill Road).

Planning Approval to allow an assisted living facility in an R-3, Multiple-Family Residential District.

Council District 4

(Also see **Case #ZON2011-01184 (Rezoning) (Holdover) Gerald T. Still**, above)

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 further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the above referenced matter over until the July 21, 2011, meeting, with revisions due by June 23, 2011, so that the following items could be addressed:

- 1) **depiction of the general location of any on-site stormwater detention;**
- 2) **submittal of a subdivision application to combine the three metes-and-bounds parcel and create a legal lot of record;**
- 3) **revision of the site plan to depict a sidewalk along Demetropolis Road, or submittal of an application for a sidewalk waiver; and,**
- 4) **revision of the site plan to depict compliance with the tree and landscaping requirements of the Zoning Ordinance.**

The motion carried unanimously.

OTHER BUSINESS:

Hearing no further business, the meeting was adjourned.

APPROVED: August 18, 2011

/s/ Dr. Victoria Rivizzigno, Secretary

/s/ Terry Plauche, Chairman

jsl