

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF AUGUST 5, 2010 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
Herb Jordan
Mead Miller
Roosevelt Turner
John Vallas

Members Absent

William G. DeMouy, Jr.
Victoria L. Rivizzigno, Secretary
Stephen J. Davitt, Jr.
Nicholas H. Holmes, III
James F. Watkins, III

Urban Development Staff Present

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

Others Present

John Lawler,
Assistant City Attorney
John Forrester,
City Engineering
Jennifer White,
Traffic Engineering

The notation *motion carried unanimously* indicates a consensus, with the exception of the Chairman who does 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.

HOLDOVERS:

Case #ZON2010-01508

William C. Hall / Trent Hall

1514 and 1520 West I-65 Service Road South
West side of West I-65 Service Road South, 860'± South of Cottage Hill Road
Planned Unit Development Approval to allow shared access and circulation between two building sites
Council District 4

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations then 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. Miller, to approve the above referenced matter, subject to the following conditions:

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- 1) full compliance with frontage tree planting requirements;
- 2) modification of the northern curb-cut to 14 feet (as per Traffic Engineering), with any work on the right-of-way to be with proper right-of-way permits (including ALDOT approval) and conform to AASHTO standards;
- 3) placement of appropriate signage and directional arrows to mark exit only, one-way traffic;
- 4) provision of two copies of the revised site plan depicting the above conditions to the Planning Section of the Urban Development Department prior to issuance of any permits; and,
- 5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2010-00080

Southern Industrial Park Subdivision, Lot A, Re-subdivision of Lots 7 & 8

East terminus of Ironworks Road

Number of Lots / Acres: 1 Lot / 1.7± Acre

Engineer / Surveyor: Frank A. Dagley & Associates, Inc.

Council District 4

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

Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant and requested the matter be held over based upon the recommendations, and then made the following points:

- A. there were issues with the request from Engineering for an additional 20 feet of easement as that would limit the useable space on the site;
- B. expressed the opinion that the current 30 feet of easement was more than enough space for the easement; and,
- C. noted the existence of the stormwater drain and stated the applicant had already assumed the responsibility of maintaining the same.

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to hold the matter over per the applicant's request until the September 2, 2010, meeting, to allow discussion with the Engineering Department regarding the necessity of additional easement area along the South property line for the drainage ditch.

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The motion carried unanimously.

Case #SUB2010-00085

Waffle House Subdivision

1851 Government Street

Southwest corner of Government Street and Ellis Avenue

Number of Lots / Acres: 1 Lot / .56± Acre

Engineer / Surveyor: Hatch Mott Macdonald

Council District 3

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations then 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. Vallas, with second by Mr. Miller, to waive Section V.D.9. of the Subdivision Regulations along the Ellis Avenue frontage only, and approve the above referenced matter, subject to the following conditions:

- 1) **retention of the 25-foot minimum building setback line along Government Street and the 20-foot minimum building line along Ellis Avenue on the Final Plat;**
- 2) **retention of the lot area size labeling, in square feet, on the Final Plat;**
- 3) **placement of a note on the Final Plat stating that the lot is limited to two curb-cuts to Government Street, with the size, design, and exact location of all curb-cuts to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards;**
- 4) **compliance with City Engineering comments: “*Need to provide a minimum radius of 25’, or as otherwise approved by City Engineering, at the intersection of Government St and Ellis Ave;*”**
- 5) **placement of a note on the Final Plat stating that the lot is denied access to Ellis Avenue; and,**
- 6) **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 #SUB2010-00082

Double H Subdivision, Re-subdivision of Lot 1

3212 Dauphin Island Parkway

East side of Dauphin Island Parkway at the East terminus of Tallahassee Drive

Number of Lots / Acres: 2 Lots / 2.1± Acres

Engineer / Surveyor: Gerald A. Smith Surveyor

Council District 3

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations then 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. Vallas, to waive Section V.D.3. and approve the above referenced matter, subject to the following conditions:

- 1) **obtaining of demolition permits for the existing structures crossing the interior lot line prior to signing the Final Plat;**
- 2) **placement of a note on the Final Plat stating that each lot is limited to one curb-cut along Dauphin Island Parkway with the size, location, and design of any additional curb-cuts to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards;**
- 3) **retention of the 25-foot minimum building setback line along Dauphin Island Parkway;**
- 4) **retention of the labeling of the size of the lot, in square feet, or provision of a table on the plat with the same information;**
- 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 (including easements) will require a right-of-way permit, in addition to any required land disturbance permits. Any existing damaged sidewalk panels will need to be replaced. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;*”**
- 6) **placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities; and,**
- 7) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2010-01776

Carvel Motors

2760 Government Boulevard Service Road

Southeast corner of Government Boulevard Service Road and Fairway Drive

Request to waive construction of sidewalks along Government Boulevard Service Road and Fairway Drive.

Council District 5

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.

Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant and made the following comments:

- A. the site in question was not what one would consider a pedestrian area as it was on an extremely busy service road that ran adjacent to Government Boulevard;
- B. the area had a high concentration of drive-up businesses which added to it being a less than friendly area for walkers; and,
- C. the area along Fairway Drive and along the northern side of Government Boulevard Service Road was currently a car lot which was considered to present safety hazards to pedestrian traffic.

Mr. Olsen stated the staff had no issues with waiving the sidewalk for the northern portion along the Fairway Drive/Government Boulevard Service Road until such time as the area were redeveloped, however, no reasons were seen to waive the southern section along Government Boulevard Service Road.

In deliberation, Mr. Miller noted his continued support of making Mobile a more walkable community and inasmuch felt that the sidewalks should be constructed. He did concede that the northern section, due to the scope of work being done on the site could wait until such time as the site was redeveloped.

Hearing no opposition or further discussion, a motion was made by Mr. Miller, with second by Mr. Vallas, to approve the request for waiver along Fairway Drive and the northern portion of the Government Boulevard Service Road (under separate development) until such time as that portion of the property is redeveloped.

The motion carried unanimously.

The Commission, however, denied the request for waiver along the Southern portion of the Government Boulevard Service Road (portion of the site being redeveloped).

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2010-01604

MYMS, Inc

2908 Springhill Avenue

Northeast corner of Springhill Avenue and Union Avenue

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow shared access

Council District 1

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations then 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. Miller, with second by Mr. Jordan, to approve the above referenced matter, subject to the following conditions:

- 1) **revision of the site plan to remove the westernmost parking space and bumper stop to depict five parking spaces in the front parking lot facing Springhill Avenue;**
- 2) **revision of the site plan to depict at least two directional arrows on the accessway;**
- 3) **revision of the site plan to depict a “stop” sign at the northern terminus of the accessway;**
- 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 (including easements) will require a right-of-way permit, in addition to any required land disturbance permits. Any existing damaged sidewalk panels will need to be replaced. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;*” and,**
- 5) **provision of two copies of the revised site plan incorporating the above changes to the Planning Section of the Urban Development Department prior to the issuance of any permits.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2010-00077 (Subdivision) (Holdover)

Carolyn Armstrong Subdivision

5190 Diamond Road

North side of Diamond Road, 280'± East of its West terminus

Number of Lots / Acres: 1 Lot / .03± Acre

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

Council District 4

(Also see **Case #ZON2010-01640 (Planning Approval) Carolyn Armstrong Subdivision**, below)

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

Carolyn Armstrong, 5190 Diamond Road, Mobile, AL, spoke on her own behalf and made the following points:

- A. the site had previously had a trailer located on it, however, that was lost due to damage caused by Hurricane Katrina; and,
- B. the applicant first purchased the property while it was still part of the county, and due to financial hardship had not been able to replace the damaged trailer until now;

Mr. Vallas asked the applicant if she had any information to prove a trailer had been in place prior, to which Ms. Armstrong stated she did. Mr. Vallas also noted that the area had been annexed in the last few years and that the economic conditions of the area were of such as to have possibly prevented the applicant from replacing the trailer prior to the annexation. He expressed his feelings that it was unfair to punish the applicant for situations that were quite obviously out of their control.

The Chair suggested that the Subdivision application might be approved that day with the Planning Approval application being held over to allow time for the applicant to address the issues raised by the staff.

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

- 1) **placement of a note on the Final Plat stating that Lot 1 is limited to one curb-cut, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **illustration of the 25' minimum building setback line along Diamond Road;**

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- 3) labeling of the lot with its size in square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
- 4) placement of a note on the final plat stating that development of this site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species; and,
- 5) subject to the 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.”*

The motion carried unanimously.

Case #ZON2010-01640 (Planning Approval)

Carolyn Armstrong Subdivision

5190 Diamond Road

North side of Diamond Road, 280'± East of its South terminus

Planning Approval to allow a mobile home in an R-1, Single Family Residential District.

Council District 4

(Also see **Case #SUB2010-00077 (Subdivision) (Holdover) Carolyn Armstrong Subdivision**, above)

Hearing no opposition or further discussion, a motion was made Mr. Plauche, with second by Mr. Miller, to hold the matter over until the September 2, 2010, meeting to allow the applicant and staff time to determine the lengthy of vacancy of the site.

The motion carried unanimously.

Case #SUB2010-00078 (Subdivision)

Outlaw 2 Lot Subdivision

5413 & 5415 U.S. Highway 90 West

Northeast corner of U.S. Highway 90 West and Wiley Orr Road

Number of Lots / Acres: 2 Lots / .85± Acre

Engineer / Surveyor: R. James Halsema

Council District 4

(Also see **Case #ZON2010-01664 (Planned Unit Development) Outlaw 2 Lot Subdivision**, below)

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations then 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. Miller, to approve the above referenced matter, subject to the following conditions:

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- 1) dedication of sufficient right-of-way to provide 125' from the centerline of U.S. Highway 90 West and 25' from the centerline of Wiley Orr Road;
- 2) completion of the subdivision process prior to application for building/Land Disturbance permits;
- 3) placement of a note on the Final Plat stating that the subdivision is limited to the existing curb-cuts along U.S. Highway 90 West and Wiley Orr Road with the size, location, and design of any additional curb-cuts to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards;
- 4) retention of the 25-foot minimum building setback line along U.S. Highway 90 West and Wiley Orr Road adjusted for any required dedications;
- 5) retention of the labeling of the size of the lot, in square feet, or provision of a table on the plat with the same information;
- 6) 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). Full compliance with frontage tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry;”*
- 7) 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 (including easements) will require a right-of-way permit, in addition to any required land disturbance permits. Any existing damaged sidewalk panels will need to be replaced. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;”*
- 8) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;
- 9) submission of one copy of the revised PUD site plan to the Planning Section prior to signing of the Final Plat; and,
- 10) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2010-01664 (Planned Unit Development)

Outlaw 2 Lot Subdivision

5413 & 5415 U.S. Highway 90 West

Northeast corner of U.S. Highway 90 West and Wiley Orr Road

Planned Unit Development Approval to allow two buildings on a single building site and shared access and parking

Council District 4

(Also see **Case #SUB2010-00078 (Subdivision) Outlaw 2 Lot Subdivision**, above)

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations then 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. Miller, to approve the above referenced matter, subject to the following conditions:

- 1) **obtain a right-of-way use agreement for the parking and signage, if necessary, due to dedication;**
- 2) **revision of the site plan to reflect right-of-way dedication along U.S. Highway 90 West and Wiley Orr Road;**
- 3) **revision of the site plan to illustrate the square footage of the Popeye's restaurant;**
- 4) **revision of the site plan to illustrate the number of employees that can work at Checkers at any give time and depiction of the outdoor seating area;**
- 5) **placement of a note on the site plan stating that the site is limited to the existing curb-cuts along U.S. Highway 90 West and Wiley Orr Road with the size, location, and design of any additional curb-cuts to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards;**
- 6) **retention of the 25-foot minimum building setback line along U.S. Highway 90 West and Wiley Orr Road adjusted for any required dedications;**
- 7) **retention of the labeling of the size of the lot, in square feet, or provision of a table on the plat with the same information;**
- 8) **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). Full compliance with frontage tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry;*"**
- 9) **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 (including easements) will require a right-of-way permit, in addition to any***

- required land disturbance permits. Any existing damaged sidewalk panels will need to be replaced. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;”*
- 10) placement of a note on the site plan stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;
 - 11) placement of a note on the site plan stating that any changes to the site plan will require new applications for Planned Unit Development Approval prior to the issuance of any permits;
 - 12) submission of one copy of each of the revised site plan/Final Plat to the Planning Section prior to signing of the Final Plat; and,
 - 13) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2010-00079 (Subdivision)

Checkers St Stephens Road Subdivision

2300 St Stephens Road

Northeast corner of St. Stephens Road and Craft Highway South

Number of Lots / Acres: 1 Lot / .51± Acre

Engineer / Surveyor: R. James Halsema

Council District 1

(Also see **Case #ZON2010-01665 (Planned Unit Development) Checkers St Stephens Road Subdivision**, below)

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations then 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. Miller, to approve the above referenced matter, subject to the following conditions:

- 1) **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 (including easements) will require a right-of-way permit, in addition to any required land disturbance permits. Any existing damaged sidewalk panels will need to be replaced. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;”*
- 2) **correction of the legal description (change from North 42d 47m 47s East to North 42d 47m 47s West);**

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- 3) placement of a note on the final plat stating that the site is limited to its existing curb-cuts (two curb-cuts onto South Craft Highway, and four curb-cuts onto St. Stephens Road), and that any change to a curb-cut must be approved by Traffic Engineering and ALDOT, and conform to AASHTO standards;
- 4) compliance with and placement of Urban Forestry comments as a note on the plat: *“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). Full compliance with frontage tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry;”* and,
- 5) provision of two (2) copies of the revised PUD site plan, if approved, prior to the signing of the final plat.

The motion carried unanimously.

Case #ZON2010-01665 (Planned Unit Development)

Checkers St Stephens Road Subdivision

2300 St Stephens Road

Northeast corner of St. Stephens Road and Craft Highway South

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

Council District 1

(Also see **Case #SUB2010-00079 (Subdivision) Checkers St Stephens Road Subdivision**, above)

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations then 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. Miller, to approve the above referenced matter, subject to the following conditions:

- 1) **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 (including easements) will require a right-of-way permit, in addition to any required land disturbance permits. Any existing damaged sidewalk panels will need to be replaced. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;”*
- 2) **correction of the written legal description (change from North 42d 47m 47s East to North 42d 47m 47s West);**

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- 3) placement of a note on the site plan stating that the site is limited to its existing curb-cuts (two curb-cuts onto South Craft Highway, and four curb-cuts onto St. Stephens Road), and that any change to a curb-cut must be approved by Traffic Engineering and ALDOT, and conform to AASHTO standards;
- 4) compliance with and placement of Urban Forestry comments as a note on the site plan: *“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). Full compliance with frontage tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry;”*
- 5) application for a land disturbance permit for the frontage tree compliance requirements prior to the signing of the final plat;
- 6) successful application to the Board of Adjustment for a parking ratio variance if necessary (and other variances as needed), or removal of a sufficient quantity of outdoor seating to bring the site into compliance with the minimum required parking ratio;
- 7) provision of two (2) copies of the revised PUD site plan, if approved, prior to the signing of the final plat; and,
- 8) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2010-00081 (Subdivision)

McGregor Commercial Subdivision

266 South McGregor Avenue

Southeast corner of South McGregor Avenue and Berwyn Drive South

Number of Lots / Acres: 1 Lot / 0.9± Acre

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

Council District 5

(Also see **Case #ZON2010-01758 (Rezoning) Springhill Medical Complex Subdivision**, below)

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations then 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. Vallas, with second by Mr. Miller, to approve the above referenced matter, subject to the following conditions:

- 1) **placement of a note on the Final Plat limiting the development to two curb cuts (one curb cut to South McGregor Avenue and one curb cut to Berwyn Drive South) with the size,**

- location, and design of all new curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) compliance with Traffic Engineering comments: *“Close the north driveway closest to Berwyn Drive and widen the south driveway to twenty-four feet in width;”*
 - 3) depiction and labeling of a 75-foot minimum building setback from the centerline of South McGregor Avenue on the Final Plat;
 - 4) placement of a note on the final plat stating that ingress/egress is not permitted from the adjacent properties unless a Planned Unit Development application is submitted and approved to allow such access;
 - 5) compliance with landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry;
 - 6) compliance with Engineering comments: *“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 permits. Any existing damaged sidewalk panels will need to be replaced. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;”*
 - 7) revision of the lot size labeling to depict the lot size in square feet; and,
 - 8) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2010-01758 (Rezoning)

Springhill Medical Complex Subdivision

266 South McGregor Avenue

Southeast corner of South McGregor Avenue and Berwyn Drive South

Rezoning from R-1, Single-Family Residential District, to B-3, Community Business District, to allow a restaurant in an existing nonconforming commercial business.

Council District 5

(Also see **Case #SUB2010-00081 (Subdivision) McGregor Commercial Subdivision**, above)

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations then 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. Vallas, with second by Mr. Miller, to approve the above referenced matter, subject to the following conditions:

- 1) completion of the Subdivision process;
- 2) compliance with landscaping and tree requirements of the

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- Zoning Ordinance to be coordinated with Urban Forestry;
and,
3) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**Case #SUB2010-00084 (Subdivision)
Pecan Grove Place Subdivision, Phase Two, Re-subdivision of Lot 1**

9291 Pecan Grove Drive

Southeast corner of Pecan Drive and Praline Court, extending to the East terminus of Praline Court

County

(Also see **Case #ZON2010-01892 (Vacation Request) Pecan Grove Place Subdivision, Phase Two, Re-subdivision of Lot 1**, below)

The Chair announced the application had been recommended for holdover and then 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. Plauche, with second by Mr. Miller, to hold the matter over until the September 2, 2010, meeting, to allow the applicant to address the following:

- 1) submission of a revised Subdivision application and plat to also include Lot 5, Pecan Grove Place Subdivision, Phase Two, the Common Area South of that lot, and Lot 13, Pecan Grove Place Subdivision, Phase One.**
- 2) submission of additional mailing labels, mailing fees, and lot fees for the additional lots to be included and the property owners associated with the Common Area; and,**
- 3) all required revisions should be submitted no later than August 18, 2010.**

The motion carried unanimously.

**Case #ZON2010-01892 (Vacation Request)
Pecan Grove Place Subdivision, Phase Two, Re-subdivision of Lot 1**

9291 Pecan Grove Drive

Southeast corner of Pecan Drive and Praline Court, extending to the East terminus of Praline Court

Vacation Request to vacate the drainage and utility easement along Pecan Grove Drive.

County

(Also see **Case #SUB2010-00084 (Subdivision) Pecan Grove Place Subdivision, Phase Two, Re-subdivision of Lot 1**, above)

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

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Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, to hold the matter over until the September 2, 2010, meeting, in order that it be heard in conjunction with a revised Subdivision application.

The motion carried unanimously.

OTHER BUSINESS:

Mr. Olsen announced that the members had been given the proposed 2010-2011 Meeting and Deadline Schedule for the Planning Commission's Public Hearings and that it required their adoption of the same.

Hearing no discussion or opposition, a motion was made by Mr. Miller, with second by Mr. Jordan, to approve and adopt the schedule as presented by the staff.

The motion carried unanimously.

Hearing no further business, the meeting was adjourned.

APPROVED: October 7, 2010

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

jsl