

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF DECEMBER 7, 2006 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
Victoria L. Rivizzigno, Secretary
William DeMouy
Mead Miller
James Watkins III
John Vallas

Members Absent

Clinton Johnson
Roosevelt Turner
Ann Deakle
Nicholas Holmes, III

Urban Development Staff Present

Richard L. Olsen
Deputy Director of Planning
Bert Hoffman, Planner II
Tony Felts, Zoning Technician
David Daughenbaugh, Urban Forestry
Coordinator
Mae Sciple, Secretary II

Others Present

John Lawyer, Assistant City Attorney
Rosemary Sawyer, City Engineering
Jennifer White, Traffic Engineering
Pat Stewart, County Engineering

Mr. Plauche stated the number of members present constituted a quorum and called the meeting to order.

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

APPROVAL OF MINUTES:

A motion was made by Mr. Plauche and seconded by Mr. Vallas to approve the minutes of the meeting of October 19, 2006, as submitted. The motion carried unanimously.

HOLDOVERS:

Case #SUB2006-00240 (Subdivision)
Southern Oaks Estates Subdivision, Unit 6

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Northwest corner of Wear Road (paved) and Wear Road (unpaved).
29 Lots / 14.3± Acres

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

Lawrence Wilson, with Austin Engineering, was present on behalf of the applicant. He said this application was held over from the last meeting, at which time one of the issues was the right-of-way along Wear Road. Mr. Wilson said the developer had met with the County and had resolved the right-of-way issue to their satisfaction. He also said they had revised the plat to omit Lot 215, combining it with Lot 214, which would be denied access to Wear Road along with the other lots along Wear Road.

Mr. Plauche asked if the staff was aware of this revision in the plat.

Mr. Olsen said the staff had been made aware of it a little earlier.

There was no one present in opposition.

After discussion a motion was made by Mr. Vallas and seconded by Dr. Rivizzigno to approve the above referenced subdivision subject to the following conditions:

- 1) provision of a certification letter from a licensed engineer to the Planning Section of Urban Development, certifying that the stormwater detention, drainage facilities, and release rate comply with the City of Mobile stormwater and flood control ordinances, prior to the signing and recording of the final plat;
- 2) depiction on the final plat of the full remainder of the parcel, and that it be labeled as "common area";
- 3) revision of the legal description to correct errors and include the common area remainder of the parcel;
- 4) dedication of sufficient right-of-way to provide 30 feet from the centerlines of both the unpaved and paved portions of Wear Road;
- 5) construction and dedication of the new streets;
- 6) depiction of contour data, as required by the Subdivision Regulations, on a separate sheet if necessary;
- 7) combination of lots 214 and 215 into one lot, as proposed by applicant, and placement of a note on the final plat stating that lot 214 is denied direct access to Wear Road;
- 8) placement of a note on the plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and
- 9) labeling of all lots with size in square feet, or placement of a table on the plat containing the lot size information.

The motion carried unanimously.

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Case #SUB2006-00239 (Subdivision)

Chesterfield Place Subdivision

North side of Wulff Road South, 200' ± West of Winston Drive West.
41 Lots / 16.6± Acres

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition

In deliberation session Mr. Vallas asked about the staff recommendation for the dedication of sufficient right-of-way to provide 50 feet from the centerline of Wulff Road.

Pat Stewart, representing County Engineering, pointed out that Lyles Road was a County-maintained road, and they were requesting 30 feet of right-of-way from the centerline in each direction, for a total of 60 feet.

Mr. Olsen noted that the 50-foot right-of-way requirement indicated in the staff report was for Wulff Road, a planned major street. Mr. Stewart was referring to Lyles Road, a gravel drive to the east of the proposed subdivision, which was actually a prescriptive right-of-way. Mr. Olsen pointed out on the plat the dedication of right-of-way that would provide them full frontage on the unopened street stub. Since this was not a residential use, the County was requesting that they dedicate the full 60-foot right-of-way from that point (indicating on the plat) to Wulff Road to allow them access on a public right-of-way.

Mr. Plauche asked if this would change the staff recommendation.

Mr. Olsen said it would. That would add another condition.

Mr. Plauche asked if the applicant or anyone from Austin Engineering was still present.

(There was no response.)

Mr. Miller said this should have been discussed during the public hearing session.

Mr. Plauche asked the staff if this application should be held over.

Mr. Olsen said that, unfortunately, holding over the application would exceed 30 days from the previous hearing and it would automatically be approved, if the holdover were not agreed to by the applicant.

Mr. Miller asked if the applicant would be able to come back with a revised plan if the Commission approved the subdivision with the additional condition as discussed.

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Mr. Lawler said if the Commission approved the subdivision with a condition that the applicant did not agree to, he would have the right to come back and file another application, without a fee (because the condition was added during deliberations).

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Miller to approve the above referenced subdivision subject to the following conditions:

- 1) dedication of sufficient right-of-way to provide 50 feet from the centerline of Wulff Ridge Road;
- 2) dedication of 60-feet of right-of-way to Mobile County for the full length of Lyle Road across the Eastern portion of the property, and revision of the plat to depict and label dedication;
- 3) placement of a note on the Final Plat denying Lot 1 access onto Wulff Road and limiting Lot 41 to one curb-cut onto Wulff Road, with the size, design and location of all curb-cuts to be approved by the Mobile County Engineering Department;
- 4) the placement of a note on the Final Plat stating that Lots 4, 12, 15, 21, and 40, which are corner lots, be restricted to one curb-cut;
- 5) provision of a certification letter from a licensed engineer to the Planning Section of Urban Development, certifying that the stormwater detention and drainage facilities comply with the City of Mobile stormwater and flood control ordinances, prior to the signing and recording of the final plat;
- 6) labeling of all lots with size in square feet, or provision of a table with the lot size information on the plat;
- 7) identification and labeling of all common areas, including green spaces and detention areas, and placement of a note on the plat stating that maintenance of all common areas shall be the responsibility of the subdivision's property owners;
- 8) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2006-00246 (Subdivision)

Ashland Place United Methodist Church Subdivision

5, 7, and 15 Wisteria Avenue, and 2203 and 2315 Old Shell Road

(Southwest corner of Old Shell Road and Wisteria Avenue, extending to the North side of Dauphin Street, 285'± West of Wisteria Avenue).

1 Lot / 3.8± Acres

(Also see Case #ZON2006-02231 (Planned Unit Development) Ashland Place United Methodist Church Subdivision; and Case #ZON2006-02247 (Planning Approval) Ashland Place United Methodist Church Subdivision - below.)

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Mr. Watkins recused from discussion and voting in this matter.

Don Bowden, 1657 Spring Hill Avenue, was present on behalf of the applicant and said they concurred with the staff recommendations. He noted, however, that part of the phase they planned to begin in January was the playground and additional parking, as well as the administrative choir building. The staff report failed to mention that the administrative choir building would be included. Mr. Bowden said they had been through a technical review with the City and they assumed that was part of this first approval.

Mr. Olsen said that was correct. They would add that to the recommendation.

There was no one to speak in opposition.

In deliberation session Mr. Miller commented that he shared the staff's concerns regarding removal of residences from Wisteria Avenue. Although that was not proposed with this application today, he asked if the Commission would be allowing them any sort of extra privileges by what they approve today.

Mr. Olsen said no. Based on the staff recommendations, approval of the application before the Commission today would allow the expansion of the parking areas as proposed coming off of Wisteria, and several additional parking areas on the site. It would allow them to re-locate the playground, and would allow construction of the proposed building. This proposal would also allow removal of a residential structure located on church property on Old Shell Road. It would not allow anything to occur to the two houses on Wisteria south of the church. Anything proposed beyond what was shown on this particular site plan would have to come back before the Commission.

After discussion a motion was made by Mr. Miller and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

- 1) placement of a note on the final plat stating that the site is limited to one curb cut to Old Shell Road, Wisteria Avenue, and Dauphin Street, size location and design to conform to AASHTO standards and to be approved by the Traffic Engineering Department;
- 2) provision of a buffer in compliance with Section V.A.7. of the Subdivision Regulations.

In further discussion Mr. Vallas noted that the architect mentioned that the administrative and choir building would also be included in this approval.

Mr. Olsen said that would be included in the PUD approval.

There being no further discussion, Mr. Plauche called the question.

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The motion carried unanimously.

Case #ZON2006-02231 (Planned Unit Development)

Ashland Place United Methodist Church Subdivision

5, 7, and 15 Wisteria Avenue, and 2203 and 2315 Old Shell Road

(Southwest corner of Old Shell Road and Wisteria Avenue, extending to the North side of Dauphin Street, 285'± West of Wisteria Avenue).

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

(For discussion see Case #SUB2006-00246 (Subdivision) Ashland Place United Methodist Church Subdivision - above; and Case #ZON2006-02247 (Planning Approval) Ashland Place United Methodist Church Subdivision - below.)

Mr. Watkins recused from discussion and voting in this matter.

After discussion a motion was made by Mr. Miller and seconded by Mr. Vallas to approve the master plan in concept, subject to the following conditions:

- 1) with consideration given to relocation of the proposed Fellowship Hall so the residences located along Wisteria Avenue can be retained; and
- 2) the Phase I removal of 1 residential structure resulting in the addition of +/- 40 new parking spaces, reworking of vehicular access from Wisteria Avenue and the relocation of the existing playground, and the proposed new administration and choir building, as proposed.

NOTE: An individual application for Planned Unit Development will be required for each subsequent phase or project.

The motion carried unanimously.

Case #ZON2006-02247 (Planning Approval)

Ashland Place United Methodist Church Subdivision

5, 7, and 15 Wisteria Avenue, and 2203 and 2315 Old Shell Road

(Southwest corner of Old Shell Road and Wisteria Avenue, extending to the North side of Dauphin Street, 285'± West of Wisteria Avenue).

Planning Approval to allow expanded parking, an administrative and choir building, chapel transept additions, a new fellowship hall, new courtyard, and playground relocation at an existing church in an R-1, Single-Family Residential district.

(For discussion see Case #SUB2006-00246 (Subdivision) Ashland Place United Methodist Church Subdivision - above; and Case #ZON2006-02231 (Planned Unit Development) - Ashland Place United Methodist Church Subdivision - above.)

Mr. Watkins recused from discussion and voting in this matter.

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After discussion a motion was made by Mr. Miller and seconded by Mr. Vallas to approve the master plan in concept, subject to the following conditions:

- 1) with consideration given to relocation of the proposed Fellowship Hall so the residences located along Wisteria Avenue can be retained; and
- 2) the Phase I removal of 1 residential structure resulting in the addition of +/- 40 new parking spaces, reworking of vehicular access from Wisteria Avenue and the relocation of the existing playground, and the proposed new administration and choir building, as proposed.

NOTE: An individual application for Planning Approval will be required each subsequent phase or project.

The motion carried unanimously.

Case #SUB2006-00245 (Subdivision)

Rochester Place Subdivision, Resubdivision of Lots 1, 2, 12, and 13

Northeast and Northwest corners of Rochester Place and Airport Boulevard Service Road.

2 Lots / 0.7± Acre

(Also see Case #ZON2006-02227 (Rezoning) - Rochester Place, LLC (Matthew Walker, Agent) - below.)

Don Rowe, Rowe Surveying, was present on behalf of the applicant. Mr. Rowe said they were proposing to develop this site with two, five-unit townhomes, following a trend that was taking place in the Spring Hill area. The application was held over from last month's meeting in order to give them time to poll the neighbors to determine if there were any objections. Mr. Rowe said they did not find any objections.

Mr. Plauche asked if there was anyone else who wished to speak in this matter.

Reggie Copeland, 3707 Swansea Drive, stated that he represented this district on the City Council and wanted to inform the Commission that he had received no objections regarding this proposed project. He also noted that there was a similar project in district 5 off of Old Shell Road, and it had been very successful. Mr. Copeland felt there was a need for this type of development in the area due to its location to the University of South Alabama and the growth that was going on there, especially with the technology park and the cancer center. He reiterated that he had not heard one complaint, and hoped that the Commission would see fit to approve this project.

Mr. Watkins noted that in order to approve a rezoning such as that proposed, it would have to be found that there was an error in the zoning map, or there had been some change in conditions in the surrounding area that would merit this change. He asked Mr. Copeland if it were his contention that the growth and enlargement of the University of

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South Alabama campus caused a change in conditions in the area that would merit changing the zoning of this site.

Mr. Copeland said that was correct.

Mr. Vallas stated that although this was going against what was traditional, he felt there was a need for townhomes and condo development in the city and that this was a good location for it. The adjoining subdivision was pretty exclusive, and he felt the proposed townhomes would be of excellent quality. He noted that the Board had not received any opposition to the proposed development.

There being no one else to speak in favor of the application, Mr. Plauche asked if there was anyone who wished to speak in opposition.

There was no one to speak in opposition.

After discussion a motion was made by Mr. Vallas and seconded by Mr. DeMouy to approve the above referenced subdivision.

In further discussion Mr. Watkins asked if the staff would recommend any conditions if this were approved.

Mr. Olsen stated that regarding the rezoning, the staff did not normally recommend a condition that limits a rezoning to a specific site plan. It may be tied to an approved PUD, but in this particular instance, because this would be considered spot zoning, they would like to see a condition limiting it to the site plan as submitted, and denial of access to the Airport Boulevard Service Road.

In further discussion Mr. Vallas said he felt the fact that the site was on Airport Boulevard made it a better zoning for Airport Boulevard as opposed to single-family.

There being no further question, Mr. Plauche called for the vote.

There were four votes in favor of the motion and one opposed. The motion carried.

Case #ZON2006-02227 (Rezoning)

Rochester Place, LLC (Matthew Walker, Agent)

Northeast and Northwest corners of Rochester Place and Airport Boulevard Service Road.

Rezoning from R-1, Single-Family Residential, to R-3, Multi-Family Residential, to allow two five-unit multi-family town homes.

(For discussion see Case #SUB2006-00245 (Subdivision) Rochester Place Subdivision, Resubdivision of Lots 1, 2, 12, and 13 - above.)

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After discussion a motion was made by Mr. Vallas and seconded by Mr. DeMouy to recommend this change in zoning to the City Council subject to the following conditions:

- 1) that the rezoning is limited to the site plan as submitted; and
- 2) denial of direct access to the Airport Boulevard Service Road.

There were four votes in favor of the motion and one opposed. The motion carried.

EXTENSIONS:

Case #SUB2001-00290 (Subdivision)

Raleigh Subdivision

West side of Cody Road, 870'± South of Wynnfield Boulevard, and extending to the East terminus of Longview Drive.

165 Lots / 110.0± Acres

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant and concurred with the staff recommendation.

After discussion a motion was made by Mr. Plauche and seconded by Mr. DeMouy to grant a one-year extension of approval for the above referenced subdivision.

The motion carried unanimously.

Case #SUB2005-00248 (Subdivision)

Stein Resubdivision Subdivision

North side of Airport Boulevard, 380'± East of Pierce Road.

2 Lots / 17.6± Acres

Don Coleman, Rester and Coleman Engineers, was present on behalf of the applicant and concurred with the staff recommendation.

After discussion a motion was made by Mr. Plauche and seconded by Mr. DeMouy to grant a one-year extension of approval for the above referenced subdivision.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2006-00267

Elizabeth Gardens Subdivision, Block B, Resubdivision of Lots 3, 4 & 17

2409 Bunch Road

(South side of Bunche Road, 145'± West of Stanton Road, extending to the North side of Yerby Drive, 150'± West of Stanton Road).

1 Lot / 0.5± Acre

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Jerry Byrd, Byrd Surveying, was present on behalf of the applicant. Mr. Byrd said the owner of the property, Mr. Sellers, was also present and would like to address the recommendations made by the staff limiting the site to the one curb cut on Bunch Road.

Charles Sellers, owner of the property fronting 2409 Bunch Road, as well as the two lots at the rear of this site, stated that he would like to maintain the existing driveway on Bunch Road.

Mr. Byrd clarified that Mr. Sellers had three lots with a driveway on Yerby Drive, which was in the back. His house faced Bunch Road and there was also one driveway there. Mr. Sellers would like to maintain both drives.

There was no one present in opposition.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

- 1) placement of a note on the Final Plat stating that the site is limited to the existing curb-cut along Bunche Road and the existing curb-cuts to Yerby Drive; and
- 2) the placement of the minimum setback lines on the Final Plat along Bunche Road and Yerby Drive.

The motion carried unanimously.

Case #SUB2006-00270

Country Breeze Subdivision, Resubdivision of Lots 1, 2 and 5, Resubdivision of Lots 1 and 5

West side of McCrary Road, 325'± South of Stone Road, extending to the South side of Stone Road, 200'± West of McCrary Road.

2 Lots / 2.8± Acres

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

After discussion a motion was made by Mr. Watkins and seconded by Mr. DeMouy to approve the above referenced subdivision subject to the following conditions:

- 1) the depiction of the 75-foot setback from the centerline of McCrary Road and the 25-foot setback from Stone Road, as shown on the plat;
- 2) the placement of a note on the final plat stating that lots 1A and 5A are limited to one curb-cut each, with the size, location, and design of all curb-cuts subject to Mobile County Engineering Department approval;
- 3) revision of the plat to label each lot with its size in square feet, or provision

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- of a table on the plat depicting the same information;
- 4) placement of a note on the plat stating that a letter from a licensed engineer certifying compliance with the City's stormwater and flood control ordinances must be submitted to the Mobile County Engineering Department prior to the issuance of permits for site work, new building construction or building expansion; and
 - 5) the placement of a note on the final plat stating that any lots that are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2006-00276

Dave's First Addition Subdivision

4056 Lloyd Station Road

(North side of Lloyd Station Road, 275'± East of Interstate 10, extending to the South side of Interstate 10, 450'± North of Lloyd Station Road).

2 Lots / 0.9± Acre

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

After discussion a motion was made by Mr. Miller and seconded by Dr. Rivizzigno to waive Section V.D.3 of the Subdivision Regulations and approve the above referenced subdivision subject to the following condition:

- 1) placement of the required 25' building setback line on the final plat.

The motion carried unanimously.

Island Farms, Hollinger's Island Subdivision, Jakubowski's Addition to

2187 and 2201 Island Road

(South side of Island Road, ¼ mile± West of Bay Road).

2 Lots / 3.2± Acres

Mr. Plauche stated that this application was recommended for holdover, but if anyone would like to speak at this time, they could do so.

Matt Jakubowski, 2187 Island Road, applicant, stated that he was not notified of the recommendation for holdover until he arrived at the meeting today. He said he was confused about the reason for the staff wanting the entire parent parcel included in the application. He explained that he was simply re-dividing two lot lines within that piece of property.

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Mr. Olsen explained that at some point the property in question was also a larger parcel, and the staff needed documentation submitted showing when that was divided.

Mr. Jakubowski said he had no idea when the property was divided, but it was prior to 1984.

Mr. Olsen said the applicant's surveyor or engineer needed to document when the property was divided and submit it to the staff by December 11 so it could be verified to establish what Mr. Jakubowski owns, and what is considered a parcel of record, so that he could proceed with this subdivision. If it were divided after 1984, then it would have to be included in this subdivision because it would have been divided off illegally without having gone through the subdivision process.

Mr. Jakubowski said the property belonged to his wife's father, who passed away in 1982, so it would have been subdivided prior to that. He asked if that information was available in public records.

Mr. Olsen said it was.

Mr. Vallas suggested Mr. Jakubowski may want to contact a title company who could help him research the subdivision.

Mr. Jakubowski said he felt it was unreasonable that he would have to supply this information by Monday. He said it was public record that both of these lots were deeded to him, and he was simply changing the lot lines inside the property.

Mr. Olsen explained that the reason they were asking for that Monday deadline was because of the deadline schedule for preparing staff reports for the Planning Commission.

Mr. Jakubowski asked if he would have been sent a letter of notification prior to this meeting.

Mr. Olsen said no. The staff reports were available on-line and his engineer or surveyor could have also contacted the staff for further information.

Mr. Jakubowski said he did the application process himself.

Mr. Olsen said that it was standard procedure that if the parcel in question was part of a larger tract, it was the responsibility of the engineer for the applicant to document that it is either a lot or parcel of record, along with the application submission.

Mr. Watkins noted that the applicant indicated that the deed was prior to his father-in-law's death, and if he had that deed, that may be sufficient to give the staff the information needed to show that he received title to this property prior to 1984.

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Mr. Jakubowski stated that the owners were the same for the original application, and asked if mailing labels would be required.

Mr. Olsen said no, notification was not required for an application that was being held over. As indicated in the staff report, Mr. Olsen also stated that there was at least one adjacent property owner that was not notified, and that was another reason for the staff's recommendation for holdover. That additional property owner would need to be notified. Notification is required adjacent to the rear, the side, and across the street.

Mr. Jakubowski said there were only two adjacent property owners, which he verified when he came in to make the application.

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to holdover this application until January 4, 2007, to allow the applicant to include the entire parent parcel in the application, and to notify all adjoining and facing neighbors. Revised plats, fees, and mailing labels must be received by December 11th in order to be considered at the January 4th meeting.

The motion carried unanimously.

Case #SUB2006-00279

R. D. Lowe's Painting Subdivision

3221 Halls Mill Road

(South side of Halls Mill Road, 120' ± West of Darwood Drive).

2 Lots / 3.0± Acres

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

After discussion a motion was made by Mr. Watkins and seconded by Dr. Rivizzigno to waive Section V.D.8. and approve the above referenced subdivision subject to the following conditions:

- 1) dedication of sufficient right-of-way to provide 35 feet as measured from the centerline of Halls Mill Road;
- 2) placement of a note on the Final Plat stating that Lot 1 is limited to the existing curb cut to Halls Mill Road and Lot 2 be limited to one curb-cut to Halls Mill Road, with the size, design and location to be approved by the Traffic Engineering Department; and
- 3) depiction of the 25-foot minimum building setback line from Halls Mill Road, including dedication on the Final Plat.

The motion carried unanimously.

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Case #SUB2006-00268

Wesley Station Subdivision

Southeast corner of Airport Boulevard and Wesley Avenue, extending through Henckley Avenue (unopened right-of-way, to be vacated), to the West terminus of Old Government Street (unopened right-of-way, to be vacated), 150'± West of Wildwood Avenue.
2 Lots / 4.3± Acres

Mr. Vallas recused from discussion and voting in this matter.

There was no one present representing the applicant.

After discussion a motion was made by Mr. Miller and seconded by Mr. DeMouy to approve the above referenced subdivision subject to the following conditions:

- 1) the provision of an eight-foot wooden privacy fence and vegetative buffer where the site adjoins residential zoning;
- 2) placement of a note on the final plat stating that no structures, parking or driveway(s) may be constructed within the southern 50' (between Wesley Avenue and Henckley Avenue [to be vacated]);
- 3) compliance with Engineering comments (*Land disturbance application required for required relocation of drainage structures, in approved applicable easements. After relocation of drainage structures is complete, the vacation of rights-of-way will be applied for. Upon vacation of the right-of-way, another land disturbance application will be made for the construction of a City Engineering approved cul-de-sac. In future development, detention will be required on-site. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit.*);
- 4) completion of the vacation process prior to the recording of the final plat;
- 5) placement of a note on the final plat stating that lot 1 is limited to one curb-cut onto Airport Boulevard and one curb-cut onto Wesley Avenue, that lot 2 is limited to one curb-cut onto Airport Boulevard and denied access to Henckley Avenue, and that the size, design and location of all curb-cuts are to be approved by the Planning Section of Urban Development and Traffic Engineering, and comply with AASHTO standards;
- 6) the provision of a modified turnaround at the northern terminus of Henckley Avenue;
- 7) placement of a note on the final plat stating that access to Henckley Avenue is denied; and
- 8) full compliance with all other municipal codes and ordinances.

The motion carried unanimously. (Mr. Vallas recused.)

Case #SUB2006-00273

Betty J. Williamson Subdivision

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1754 Staples Road and 3901 Alta Vista Drive
(North side of Staples Road, 205'± East of Alta Vista Drive, extending to the East side of
Alta Vista Drive, 280'± North of Staples Road).
2 Lots / 1.4± Acres

Fannie Wilson was present on behalf of the applicant. Ms. Wilson said Ms. Williamson would like to sell the front piece of this property and give the back piece to her nephew. She concurred with the staff recommendation.

There was no one present in opposition.

After discussion a motion was made by Mr. Miller and seconded by Dr. Rivizzigno to approve the above referenced subdivision subject to the following condition:

- 1) placement of the required 25' building setback line on the final plat.

The motion carried unanimously.

Case #SUB2006-00269

Woodberry Forest Subdivision, Unit One, Phase Two

North side of Woodberry Drive, 165'± West of Dawes Road.
2 Lots / 0.6± Acre

Mr. Plauche stated that this application was recommended for holdover until the meeting of January 4, 2007, but if anyone was present who wished to speak, they could do so now.

There was no one present to speak at this time.

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to holdover this application until January 4, 2007, to allow the applicant to revise the plan and illustrate the inclusion of the "Future Development" area as Lot 3, and dedication of right-of-way along Dawes Road. Revised materials, additional lot fees, mailing fees, and labels must be received in Urban Development by December 11th.

The motion carried unanimously.

Case #SUB2006-00266 - SmithCo Subdivision

1020 Oakland Drive (Southeast corner of Oakland Drive)

Mr. Plauche announced that the applicant had requested this application be held over to the December 21st meeting.

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to holdover this application until the December 21, 2006 meeting.

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The motion carried unanimously.

Case #SUB2006-00277

Greer and Steiner Subdivision

3509, 3511, and 3515 Riviere du Chien Court

(South side of Riviere du Chien Court, 125'± West of Riviere du Chien Road).

5 Lots / 7.6± Acres

Les Greer, applicant, was present and concurred with the staff recommendations.

After discussion a motion was made by Mr. Watkins and seconded by Mr. Vallas to approve the above referenced subdivision subject to the following conditions:

- 1) dedication of right-of-way sufficient to provide 30 feet, as measured from the centerline of Riviere du Chien Court;
- 2) depiction of the 25-foot minimum building setback line to reflect the dedication;
- 3) placement of a note on the plat stating that each lot is limited to one curb cut onto Riviere du Chien Court, with the size, design and location to be approved by Traffic Engineering, and comply with AASHTO standards;
- 4) labeling of each lot with its size in square feet, or provision of a table on the plat with the same information;
- 5) provision of evidence of demolition permits for accessory structures on lots that do not contain a primary residence prior to the signing of the final plat;
- 6) placement of a note on the plat stating that approval of all applicable federal, state and local agencies is required prior to the issuance of any permits or land disturbance activities;
- 7) compliance with Engineering comments (*The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands. If wetlands are present, no fill allowed without a Corps of Engineers permit. Show Minimum Finished Floor Elevation on each lot on the plat. The base flood elevation should be at 10' in the AE zone at this location. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit.*); and
- 8) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2006-00275

West Church Street Community Development Map No. 31 Subdivision

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West side of South Scott Street, extending from Monroe Street to Canal Street, and Southeast corner of Monroe Street and South Scott Street.
6 Lots / 0.7± Acre

There was no one present to speak on behalf of the applicant.

There was no one present in opposition.

After discussion a motion was made by Mr. Miller and seconded by Dr. Rivizzigno to waive Section V.D.2 and V.D.9 of the Subdivision Regulations and approve the above referenced subdivision subject to the following conditions:

- 1) placement of a note on the final Plat stating that each lot be limited to one curb cut, with the size, location and design to be approved by Urban Forestry and Traffic Engineering, and conform to AASHTO standards;
- 2) illustrate the applicable setbacks on all lots;
- 3) labeling of all lots with size in square feet, or provision of a table with the lot size information on the plat; and
- 4) full compliance with other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2006-00271

Oak Forest Place Subdivision

South side of Clarke Road, 160'± East of Dawes Road, extending to the South side of Clarke Road, 160'± West of Willow Oak Drive.
15 Lots / 9.5± Acres

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

After discussion a motion was made by Mr. Miller and seconded by Dr. Rivizzigno to approve the above referenced subdivision subject to the following conditions:

- 1) provision of a certification letter from a licensed engineer to the Planning Section of Urban Development, certifying that the stormwater detention, drainage facilities, and release rate comply with the City of Mobile stormwater and flood control ordinances, prior to the signing and recording of the final plat;
- 2) placement of a note on the Final Plat, stating that maintenance of all common areas shall be the responsibility of the subdivision's property owners;
- 3) labeling of all lots with size in square feet, or provision of a table with the lot size information on the plat;

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- 4) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and
- 5) the placement of the minimum setback lines on the Final Plat.

The motion carried unanimously.

Case #SUB2006-00272

Creekwood Subdivision, Unit III

South terminus of Ridgeline Drive.

27 Lots / 36.0± Acres

Mr. Plauche stated that this application would be held over until the January 4th meeting, but if anyone was present who wished to speak, they could do so now.

There was no one present who wished to speak.

After discussion a motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to holdover this application until the January 4, 2007 meeting, with revisions due by December 12, 2006, to address the following:

- 1) sale of the remainder of parcel R023303062000001. (West side of Second Creek) without the appropriate subdivision process;
- 2) provision of access to the “future development” areas;
- 3) provision of access to adjacent land-locked parcels;
- 4) placement of a note on the plat stating that approval of all applicable federal, state and local agencies is required prior to the issuance of any permits or land disturbance activities;
- 5) provision of a certification letter from a licensed engineer to the Planning Section of Urban Development, certifying that the stormwater detention, drainage facilities, and release rate comply with the City of Mobile stormwater and flood control ordinances, prior to the signing and recording of the final plat;
- 6) labeling all common areas, including any detention basins, and placement of a note on the final plat stating that maintenance of the common areas is the responsibility of the subdivision’s property owners;
- 7) depiction of the 25-foot minimum building setback line;
- 8) revision of the plat to label each lot with its size in square feet, or provision of a table on the plat depicting the same information;
- 9) verification that sufficient buildable area shall be provided for each lot (particularly lots 19 through 22); and
- 10) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations.

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The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS

Case #ZON2006-02448

Old Shell Road Apartments

6109 Old Shell Road

(South side of Old Shell Road, 214' ± West of Center Drive).

Planned Unit Development Approval to amend a previously approved Planned Unit Development Approval to allow a five-building, 20-unit multi-family residential development on a single building site.

Mr. Watkins recused from discussion and voting in this matter.

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

Dr. Rivizzigno asked if this application had anything to do with the University of South Alabama.

Mr. Olsen said it did not. It was owned by a private corporation.

Frank Dagley, representing the applicant, stated that this plan was a revision of a PUD approved two meetings ago. He said they took one of the large buildings and made it into two, so instead of having four buildings they now had five. Since a PUD is site-plan-specific, they were required to resubmit the plan for approval by the Commission.

After discussion a motion was made by Mr. Miller and seconded by Dr. Rivizzigno to approve this plan subject to the following conditions:

- 1) 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] and that the installation of curb cut and driveway under the canopy of the existing 40" Live Oak tree located within the right-of-way be coordinated with Urban Forestry);
- 2) the provision of a protection buffer along the East side property line in compliance with Section 64-4.D if the adjacent property is developed as Single-Family residential; and
- 3) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2006-00278 (Subdivision)

American Tennis Courts Subdivision

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West side of Bolton's Branch Drive, 620' ± South of Halls Mill Road.
1 Lot / 1.4± Acres

(Also see Case # ZON2006-02449 (Planned Unit Development) - American Tennis - below.)

Don Williams, Williams Engineering, was present on behalf of the applicant. Mr. Williams noted that the staff had recommended denial of this application for two reasons. The first one was due to concern about the above-ground fuel storage tanks, which were discussed in the staff report. Mr. Williams said the applicant had a need to refuel their vehicles, both company and vehicles that do the work. There would not be any work done on the site. There would just be vehicles coming back to rest there between jobs, which were all off-site. He said it was appropriate for the applicant to be able to manage their gasoline bill by having their own fuel storage tank, as they could monitor and control it a whole lot better than simply stopping by the regular Shell station. Mr. Williams felt the concern was due to the nearness of the tank to the residential property behind them. He explained that they would be supplying a UL2080 fire protected tank, which was a double wall type of tank specially made for these kinds of situations. They would place bollards in front of it so it would not be accidentally hit by vehicles for delivery of the fuel or by other vehicles on the site. They also planned to locate it toward the rear of the site so it would be out of the way and would not be in the normal access traffic pattern. Mr. Williams said this particular tank had a containment feature of 2 1/2 gallons, so that if the operator who was filling it dispensed a little too much, it could absorb up to 2 1/2 gallons without spilling out onto the ground. Because they were using this kind of tank, Mr. Williams said they were able to shrink their distance from buildings and property line to 50 feet. He noted that they were approximately 100 feet away from the residential behind this site, and were 100 feet away from their own building. Although 50 feet was the minimum, they were actually providing 100 feet, and that 50 feet was a buffer zone of natural vegetation, which was a requirement of the subdivision. They were leaving all 50 feet behind their property in its natural wooded state. They would then have a wood fence, and then another 50 feet or so to the property behind them. Mr. Williams said he had talked to Lavell Ollhoft, Assistant Fire Marshal with the Mobile Fire Department, and he had given him permission to say that he had no problems with this issue. Mr. Ollhoft was made aware of this issue in a technical review committee meeting that they had earlier this month. Mr. Ollhoft would inspect the installation of the tank, and it would be monitored and inspected yearly by the Fire Department. Regarding the juxtaposition between residential, Mr. Williams said these were really two completely separate sites. He noted that the residential areas had access from another street than this site does. Essentially, they would be back-to-back with the residential, and they would have the 50' wooded buffer. They felt like the juxtaposition was not really an issue here. Additionally, they felt like they had protected the tank pretty well.

Mr. Williams said the other issue the staff mentioned was the multiple variances, which they felt would not be compatible. He said the applicant had made an application to the Board of Zoning Adjustment for a Use Variance to allow this use, and Site Variances to address the paving and fence. That meeting was scheduled for Monday of this week, but

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due to some illnesses the Board was not able to meet and the application would not be heard until next month. Mr. Williams said they had hoped they could have addressed those issues prior to this meeting. The issues, which they felt were very minor, were the use of razor wire versus barbed wire on top of the fence, a solid fence versus chain link fence, a six-foot high fence versus an 8-foot high fence, and a limestone back yard versus an asphalt back yard. Mr. Williams said the limestone was important because of the maneuverability of their forklifts to get around and service the equipment. He said all of the other issues they could win or lose on and still function as intended. In summary, Mr. Williams said they would like the Commission to defer to the Fire Marshal and his assessment of the situation regarding the gas tanks and their safety, and he felt the Commission may want to defer to the Board of Zoning Adjustment for the multiple variances. He said the only thing that tipped it over into more of a beyond B-3 was the gasoline storage tank, which they felt was an integral part of this operation and would not cause any problems. Mr. Williams noted that American Tennis Courts had existed in essentially a residential neighborhood on Florida Street for many, many years. They were having to leave that location, and felt like they had been a good neighbor there and would be a good neighbor at this location also.

Mr. Vallas asked Mr. Williams if the existing site on Florida Street had an above-ground storage tank.

Mr. Williams said it did not, as they felt it would not have been compatible on Florida Street. The subject property was 300 feet deep and it would give them plenty of room to put the tank and allow them some control over their gasoline bill.

Mr. Olsen asked Mr. Williams if this would not also require a Use Variance because of the heavy equipment that would be on site that would not be allowed in a B-3 district.

Mr. Williams said there was a question that had come up in the technical review committee meeting about the contractor's storage yard. He said they made note of the types of equipment they would have, such as an asphalt roller. They would have equipment that was not going to be used there, but would be stored there between jobs. They would have low-boy trailers to be able to put them all on. He said there was a potential question as far as a Use Variance. If that indeed needed to go before the Board of Zoning Adjustment, then he stood corrected. He said they were talking about very lightly-loaded type equipment, not in the same realm of a heavier contractor's bull dozier type equipment. This was for tennis courts. They do not need bull doziers and backhoes and that type of heavier equipment. Mr. Williams said Mr. Olsen was correct. The staff had wanted to address that issue at the Board of Zoning Adjustment meeting also, which they would do at their meeting in January, and they would live by their recommendations.

Mr. Vallas asked Mr. Williams if the zoning at their site on Florida Street was B-3.

Mr. Williams said he was not sure.

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Mr. Olsen said the zoning at their current location on Florida was B-1, but if he was not mistaken there was a difference in the equipment that was stored at the Florida Street site, and also they had been at that Florida Street location for a long time and they may have been grandfathered-in there.

Mr. Vallas asked if there had been a lot of complaints from the neighbors, because this seemed like a better use on Halls Mill Road than on Florida Street.

Mr. Olsen said he did not think they had had a lot of complaints from the neighbors. With regard to the use, however, it would in fact require a Use Variance, and if this Commission were leaning towards approval of this, he would suggest that it be held over until the January meeting, after the Board of Zoning Adjustment has heard the Use Variance question.

Mr. Williams said that would be very difficult for his client.

Mr. Vallas asked what would be the negative of approving it subject to the Use Variance, since it was already here and the Board had already heard it.

Mr. Olsen said because in all reality, the use that was proposed was not allowed in a B-3 district.

Dr. Rivizzigno also said she would like to see written documentation from the Fire Marshal of his approval.

Mr. Williams said they would provide that documentation as quickly as they could get it from them. He said it was their contention that the use was appropriate. He said the building ultimately would be 7,000 square feet. A 1500-square foot metal building would be office space. The rest of the space would be for storage of materials such as light poles and equipment that you actually would use for those kinds of purposes, which they felt would be very much in line with a general contractor situation. The Board of Zoning Adjustment would have to discuss the issue of the type and size of equipment, such as the size bull dozer that would be allowed on an I-1 site, versus the size that would be allowed on a B-3 site. As regards the time, Mr. Williams said there was a significant reason to move on ahead. He said they had planned to go ahead and get a temporary office space presence on the site before the end of the year. They do need to vacate and actually operate the business aspects from there. If it comes down to it, he said they may have to store the equipment in another location. If they could actually find another I-1 location for the larger equipment to sit, they could potentially do that. He emphasized that this equipment would not be used at this location. It would be used elsewhere, and it was their belief that this was not any different than a regular residential or commercial contractor who needs to store his tools between jobs.

Mr. Watkins commented that the Commission had seen a handful of cases such as this, and one in particular was out Cody Road or one of those cross streets where a landscaper wanted to have his landscape business on the front half of the property and store his gear

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at the rear of the site. He recalled that it was an issue among the Commission as to storage of that equipment on the property, and was it so great a use that it required a different zoning classification. He asked where the staff drew the line.

Mr. Olsen said that, generally, they consider anything that is larger than normal equipment that would be used by anybody. A forklift, especially if it was used in the interior, was not a problem. But, in this case, there would be low-boy trailers, the asphalt roller and things of that nature that they considered heavy equipment, as they would anywhere. Mr. Olsen said the site Mr. Watkins referred to was the landscaper out on Zeigler Boulevard near Cody Road. That was a B-3 zoning, and his recollection was that his equipment for the landscaping service was more of the yard tractors type thing. There was a small bobcat that was going to be used on-site for loading of mulch that was for sale as part of the landscape and nursery business.

Mr. Watkins said that was what he was talking about. He was trying to determine where the staff draws the line. Three bobcats versus one? Where does the staff draw the line and say what was heavy equipment versus not heavy equipment?

Mr. Olsen said generally, also, if the staff had made a determination that it should be an I-1 use, the appeal of that determination would be an administrative appeal to the Board of Zoning Adjustment.

Mr. Watkins asked about the gas tank.

Mr. Olsen said that was going to be storage of hazardous materials. He said it could be argued that a gas station does the same thing. The large difference there was that the tanks at a service station were underground. These would be above-ground tanks, so that also had to be taken into consideration.

Mr. Williams said their view would be that the equipment was not even going to be cranked up on the job site. It would be shielded from any neighbors by 50 feet of trees and a 6-foot high wood fence, and the rest of the neighborhood was also B-3 construction. Three-fourths of the subdivision was vacant. Mr. Williams said they felt it would not be offensive to have their equipment there on the job site resting overnight. He said he would like to defer to one of the owners, who would be able to give a little more information on what type of equipment they would be using there.

Jeff Nichols, of American Tennis Courts, stated that they used a small, four-wheel drive truck tire tractor. That is one size really above what you would see for landscaping, and they have two of those that are on their property. Most of the time those are on job sites. They also have a 2200-pound asphalt roller that was usually on a job site. That would be stored in their yard just temporarily. Mr. Nichols said they also used 16-foot tandem trailers - utility trailers. They were not low-boy type trailers. He said they did not have any big equipment that they owned or used on a regular basis. All of their larger site work was performed by sub-contractors. He said they did use a forklift to load their trailers first thing in the morning to head to their job sites.

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Mr. Lawler interrupted Mr. Nichols. He said what he was presenting was something that typically would be heard by the Board of Zoning Adjustment. A determination had been made by the zoning administrator that a certain level of zoning was needed because of heavy equipment. If the applicant disagreed with that determination, it needed to be presented to the Board of Zoning Adjustment, not the Planning Commission.

Mr. Vallas said Mr. Nichols was just saying they do not use heavy equipment.

Mr. Watkins said he was trying to understand why that recommendation was included in a PUD and a subdivision application recommended to the Commission.

Mr. Olsen explained that for the Planned Unit Development, one of the things that the Planning Commission considers is its compatibility with the surrounding properties, not just the properties on the street on which it is located. Also in considering the PUD they consider the use of the property and its appropriateness, if you will. A determination has been made by the staff that because of equipment and the above-ground storage tanks, B-3 zoning is not the appropriate zoning classification for the proposed use. It should be located in an I-1 district. Mr. Olsen said the applicant had a pending application for a Use Variance to allow this use in a B-3 district. As Mr. Williams said, there was not a quorum for the December Board of Zoning Adjustment meeting and it could not be heard. It would be heard in January. Because of the fact that the use as proposed was not allowed in a B-3 district, it was the staff's position that the Commission should not approve a PUD for a use that is not allowed in this zoning classification until after the Board of Zoning Adjustment had heard it and approved it. If they do not approve it, then it is a moot issue.

Mr. Vallas asked if he understood Mr. Olsen to say that a Use Variance was needed because of the heavy equipment and the above-ground storage tanks.

Mr. Olsen said that was correct.

Mr. Vallas asked if he understood that if the Board approved this plan today, without allowing the above-ground storage tank, the applicant could proceed with this project and request a Use Variance from the Board of Zoning Adjustment, and come back and ask the Commission at a later date for that above-ground storage tank.

Mr. Olsen noted that PUDs are site-plan-specific, so, yes, they would have to resubmit for the above-ground storage tank.

Mr. Watkins commented that he looked at a PUD as being more flexible. The staff made a recommendation based on the proposed use. It was not as though the applicant was coming to the staff administratively and trying to pull a permit for a piece of property that was zoned B-3 and the staff was saying they could not do that. They had still come in and submitted a PUD application for what they wanted to do on the site.

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Mr. Olsen stated that if there were only one building on this site, they would not need a PUD. They would come down to pull the permit. The staff would not approve that permit based on the heavy equipment that would be located on the site, because they determined that the use would require I-1 zoning and this site was zoned B-3. The fact is that they had submitted a PUD, and, again, it was the staff's position that a PUD should not be approved for a use that was not allowed in the existing zoning classification.

Mr. Williams asked if they would be allowed to have off-site, above-ground fuel storage tanks and off-site storage of equipment in an I-1 district that works in conjunction with their office space of B-3 being on this particular site. Could they find another site that was zoned I-1 to place their heavy equipment and the above-ground storage tank?

Mr. Olsen said yes, because a contractor does not have to store their equipment on their site. If they have an I-1 storage yard, whether it was their property or they were leasing it on a temporary basis, they could have an off-site storage yard.

Mr. Williams said that after consulting with the owners, they would rather have an up or down vote, either approving everything they had asked for, with an attachment that they can leave their heavy equipment and their above-ground storage tank, and they would come back at a later date because of time considerations. The owners have to vacate their existing location on Florida Street by January 31st. He said they were ready, if necessary, to operate their office aspects from this site, and then take their chances later if they could move the other staff on it, and they would re-visit the issue.

Mr. Olsen said that would be acceptable. At that point, the staff would have some suggested conditions for that approval, if that were the direction the Board chose to take.

Mr. Miller commented that he did not think the Commission should act on this application until it had been before the Board of Zoning Adjustment.

Mr. Williams again stated that they would rather the Commission act on this application today, and not hold it over.

Mr. Olsen read a list of conditions the staff would recommend if the Commission chose to act on these applications today.

Mr. Williams said they agreed with all of the conditions as stated by Mr. Olsen.

Dr. Rivizzigno asked about including documentation from the Fire Department.

Mr. Olsen said that would come when they submitted their application to amend the PUD to allow the above-ground fuel tanks and heavy equipment, because at this point those were being deleted.

After discussion a motion was made by Mr. Vallas and seconded by Dr. Rivizzigno to approve the above referenced subdivision subject to the following conditions:

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- 1) depiction of the 25-foot minimum building setback line;
- 2) placement of a note on the site plan and plat stating that the site is limited to a total of two curb-cuts, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards;
and
- 3) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2006-02449 (Planned Unit Development)

American Tennis Courts Subdivision

West side of Bolton's Branch Drive, 620' ± South of Halls Mill Road.

Planned Unit Development Approval to allow an office/warehouse building, above-ground fuel tanks, and four containerized storage units on a single building site.

(See Case #SUB2006-00278(Subdivision) American Tennis Courts Subdivision) - above, for discussion.)

After discussion a motion was made by Mr. Vallas and seconded by Dr. Rivizzigno to approve this plan subject to the following conditions:

- 1) approval by the Board of Zoning Adjustment;
- 2) depiction of the 25-foot minimum building setback line;
- 3) placement of a note on the site plan and plat stating that the site is limited to a total of two curb-cuts, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards;
- 3) full compliance with Section 64-4.E. of the Zoning Ordinance;
- 4) revision of the site plan to show no above-ground fuel storage tanks;
- 5) that no heavy vehicular or construction equipment shall be stored on site;
- 6) revision of the site plan to depict the tractor-trailer circulation route through the property;
- 7) provision of a revised site plan to the Planning Section of Urban Development prior to the signing and recording of the final plat;
- 8) completion of the Subdivision process; and
- 9) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2006-00280 (Subdivision)

Carlisle Medical Subdivision

505 Boulevard Park East

(East side of Boulevard Park East, 75' ± North of Boulevard Park South).

1 Lot / 1.9± Acres

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Mr. Plauche stated that the applicant was present and concurred with the staff recommendations.

(Also see Case #ZON2006-02433 (Rezoning) - Carlisle Properties, LLC - below.)

There was no one present in opposition.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Miller to approve the above referenced subdivision subject to the following conditions:

- 1) the placement of a note on the final plat stating that the site be limited to a single curb cut to Boulevard Park East, with the size, design and location to be approved by Traffic Engineering; and
- 2) the provision of a buffer where the site adjoins residential property, in compliance with Section IV.D.1 of the Zoning Ordinance.

The motion carried unanimously.

Case #ZON2006-02433 (Rezoning)

Carlisle Properties, LLC

505 Boulevard Park East

(East side of Boulevard Park East, 75'± North of Boulevard Park South).

Rezoning from R-1, Single-Family Residential, and B-2, Neighborhood Business, to B-2, Neighborhood Business, to eliminate split zoning in a commercial subdivision.

Mr. Plauche stated that the applicant was present and concurred with the staff recommendations

(Also see Case #SUB2006-00280 (Subdivision) - Carlisle Medical Subdivision - above.)

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Miller to recommend this change in zoning to the City Council Council subject to the following conditions:

- 1) that the site be limited to a single curb cut to Boulevard Park East, with the size, design and location to be approved by Traffic Engineering;
- 2) the provision of a buffer in compliance with Section IV.D.1 of the Zoning Ordinance; and
- 3) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

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OTHER BUSINESS:

Request for the vacation of right-of-way on a portion of Downey Drive (unopened).

Mr. Olsen stated that this request was erroneously omitted from the agenda. He said the applicant's surveyor would be submitting the necessary subdivision application next week. This site was in the County. The staff recommended that the Commission agree to the vacation as requested subject to the completion of the subdivision. Mr. Olsen said the staff would not send the letter to the County Engineer until after the subdivision application had been submitted.

After discussion a motion was made by Dr. Rivizzigno and seconded by Mr. Watkins to grant this request.

The motion carried unanimously.

There being no further business, the meeting was adjourned.

APPROVED: January 18, 2007

Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

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