

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF JANUARY 8, 2009 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
Mead Miller
Nicholas Holmes, III
James Watkins, III
Debra Butler
Stephen J. Davitt, Jr.

Members Absent

Clinton Johnson
William DeMouy
Victoria L. Rivizzigno, Secretary
Roosevelt Turner
John Vallas

Urban Development Staff Present

Bert Hoffman, Planner II
Caldwell Whistler, Planner I
David Daughenbaugh, Urban Forestry
Coordinator
Joanie Love, Secretary II

Others Present

John Lawyer, Assistant City Attorney
Jennifer White, Traffic Engineering
John Forrester
City 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 #SUB2008-00237 (Subdivision)

Sheffield Court Subdivision, Re-subdivision of Lot 9

2131 Sheffield Court

South terminus of Sheffield Court

Number of Lots / Acres: 1 Lot / 0.2± Acre

Engineer / Surveyor: Rowe Surveying and Engineering Company, Inc.

Council District 4

(Also see **Case #ZON2008-02533 (Planned Unit Development) Sheffield Court Subdivision, Re-subdivision of Lot 9**, below)

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

Hearing no opposition or discussion, a motion was made by Mr. Miller, with second by Mr. Davitt, to approve the above referenced re-subdivision, subject to the following conditions:

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- 1) placement of a note on the site plan and final plat stating that the screened enclosure is limited to 14' in height, 1275.9 square feet in size, and may only have a screened roof and sides;
- 2) placement of a note on the site plan and final plat stating that the screened structure will meet all building code requirements regardless of the location on the lot;
- 3) placement of a note on the final plat stating that Lot 9 is limited to one curb cut with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 4) placement of a note on the plat stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;
- 5) provide revised PUD site plan prior to signing final plat; and,
- 6) completion of subdivision process prior to request for permits.

The motion carried unanimously.

**Case #ZON2008-02533 (Planned Unit Development)
Sheffield Court Subdivision, Re-subdivision of Lot 9**

2131 Sheffield Court

(South terminus of Sheffield Court).

Planned Unit Development Approval to amend the setbacks of a previously approved innovative subdivision (no associated PUD) to bring the existing building foot print into compliance and allow the construction of a screened pool structure

Council District 4

(Also see **Case #SUB2008-00237 (Subdivision) Sheffield Court Subdivision, Re-subdivision of Lot 9**, above)

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

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

- 1) placement of a note on the site plan and final plat stating that the screened enclosure is limited to 14' in height, 1275.9 square feet in size, and may only have a screened roof and sides;
- 2) placement of a note on the site plan and final plat stating that the screened structure will meet all building code requirements regardless of the location on the lot; and,
- 3) submittal of a revised PUD prior to signing of the final plat.

The motion carried unanimously.

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Case #SUB2008-00251 (Subdivision)

J. Turner's Place Subdivision

5412 Travis Road

West side of Travis Road at the West terminus of Whitehall Drive

Number of Lots / Acres: 2 Lots / 8.0± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

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

Hearing no opposition or discussion, a motion was made by Mr. Holmes, with second by Mr. Miller, to waive Section V.D.3. and approve the above referenced subdivision, subject to the following conditions:

- 1) **revision of the plat to illustrate the 25' minimum building setback line for both lots along Travis Road;**
- 2) **labeling of each lot with its size in both acres and square feet, or the furnishing of a table on the plat providing the same information;**
- 3) **placement of a note on the final plat stating that each lot is limited to one curb cut to Travis Road, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 4) **placement of a note on the final plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;**
- 5) **placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provided a buffer, in compliance with Section V.A.7 of the Subdivision Regulations; 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.

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Case #SUB2008-00252 (Subdivision)

Mosley Place Subdivision

3903 McGregor Court

Southwest corner of McGregor Court and South McGregor Avenue

Number of Lots / Acres: 1 Lot / 0.5± Acre

Engineer / Surveyor: Haidt Land Surveying

Council District 5

Mike Mosley, 3903 McGregor Court, spoke on his own behalf, stating he was agreeable with all of the recommendations with the exception of number 7, which would require the relocation of the existing wood privacy fence to the back building setback lines at a minimum, which would also cause the removal of at least two live oak trees. He added it would also require certain dedications and the illustration of the relocated fence on the Final Plat prior to signing the same. He felt this was unfair as he was already “giving property to the City at no cost and relocating the fence to the setback would be unnecessary at this time.”

Mr. Hoffman pointed out the fence in its current position was partially in the City’s right-of-way. He also stated the staff suggested that, due to the approximate 8 foot height of the fence, the property owner would need to meet the ordinance requirement of an 8 foot rear yard setback.

Mr. Watkins asked if there would be issues with the relocation of the fence in the “to be dedicated” right-of-way in the event that the city needed to make improvements in the dedicated area in the future.

Mr. Lawler advised that as long as a note was placed on the Final Plat regarding that option by the city, there should be no issue.

Hearing no opposition or further pertinent discussion, a motion was made by Mr. Watkins, with second by Mr. Miller, to waive Section V.D.1. and approve the above referenced subdivision, subject to the following conditions:

- 1) dedication of sufficient right-of-way to provide 40’ from the centerline of McGregor Avenue, in compliance with the Major Street Plan;**
- 2) dedication of a 25’ radius curve at the intersection of McGregor Avenue and McGregor Court;**
- 3) illustration of a 12’ side street yard minimum building setback line along the East side of the property, and an 8’ rear yard minimum building setback line along the South side of the property, both as measured from any required right-of-way dedication;**
- 4) placement of a note on the final plat stating that the lot is limited to one curb cut to McGregor Court, with the size,**

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- location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 5) placement of a note on the final plat stating that there is to be no direct access to McGregor Avenue;
 - 6) labeling of the lot with its size in square feet and acres, or the provision of a table on the plat furnishing the same information;
 - 7) placement of a note on the final plat stating that the property owner will be responsible for moving the existing fence within the right-of-way to at least the rear property line when the City of Mobile undertakes the widening of McGregor Avenue;
 - 8) 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; and,
 - 9) subject to the Engineering Comments: *(Must comply with all stormwater and flood control ordinances. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit).*

The motion carried unanimously.

EXTENSIONS:

Case #SUB2006-00316 (Subdivision)

Woodland Glen Subdivision

East side of Schillinger Road South, 815'± North of Meadows Boulevard, extending to the North termini of Meadow Heights Drive, Meadow Drive North, Meadow Dale Drive, Meadow Green Drive, and Meadow Run Drive

Number of Lots / Acres: 198 Lots / 86.3± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

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

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

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2008-00259

Ham Dawes Subdivision

Southwest corner of Theodore Dawes Road and U.S. Highway 90 West

Number of Lots / Acres: 1 Lot / 1.3.± Acres

Engineer / Surveyor: Speaks & Associates

Council District 4

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

Mr. Hoffman advised the proposed subdivision was part of a newly annexed area for the City of Mobile. He added that final zoning ordinances would not be enforced in that area until February 15, 2009, so the applicant might consider pulling permits prior to that time, as those would come from Mobile County and fall under any County ordinance regulations.

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

- 1) **placement of a note on the final plat stating that the lot is denied access to U.S. Highway 90;**
- 2) **placement of a note on the final plat stating that the lot is limited to two curb cuts to Theodore Dawes Road with the size, location, and design of all curb cuts to be approved by Mobile County and ALDOT (if plat is recorded and development permits obtained prior to close of business day on February 16, 2009), or the City of Mobile Traffic Engineering and ALDOT, and conform to AASHTO standards;**
- 3) **dedication sufficient to provide 125 feet from the centerline of U.S. Highway 90, as well as compliance with Section V.B.16 of Subdivision Regulations;**
- 4) **depiction of the 25-foot minimum building setback line from all street frontages;**
- 5) **provision of a note regarding compliance with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits;**

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- 6) provision 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. A note regarding this requirement should also appear on the final plat;
- 7) provision of a note on the final plat stating that approval of all applicable Federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;
- 8) retention of the labeling of each lot with its size in square feet, or placement of a table on the plat with the same information;
- 9) approval of all applicable federal, state, and local agencies prior to the issuance of any permits or land disturbance activities; and,
- 10) compliance with all municipal codes and ordinances (if development permits are not obtained from Mobile County by close of business day, February 16, 2009).

The motion carried unanimously.

Case #SUB2008-00260

The Mobile County Board of Health Subdivision

750 Congress Street

North side of Congress Street, 125'± East of North Washington Avenue, extending to the Southeast corner of North Broad Street and Lyons Street, and the Northeast corner of North Broad Street and Congress Street

Number of Lots / Acres: 2 Lots / 7.8± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc
Council District 2

Don Coleman, Rester and Coleman, spoke on behalf of the applicant and requested the matter be held over until the February 22, 2009, meeting.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Davitt, to hold the matter over until the February 22, 2009, meeting, to allow the applicant to address the following:

- 1) revision of the plat to show any existing structures 5 feet or less from the proposed common lot line and the labeling of the setback; and,
- 2) revision of the plat to comply with Engineering comments.

The motion carried unanimously.

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NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2008-03012

Apostolic Pentecostal Holy Church of God

1710 Bolden Street

East side of Bolden Street, 200'± North of Carter Avenue, extending to the West side of William Street 100'± North of Carter Avenue

Request to waive construction of sidewalks along Bolden Street and William Street.
Council District 1

Pastor Jerry Porter, 1710 Bolden Street, spoke on behalf of the church, stating that though the church is physically able to install sidewalks on the property, all of the adjacent properties have open ditches, thereby showing no purpose for sidewalks in that area.

Mr. Hoffman stated that the pastor's statements were correct, adding that at this time it did not make sense to install sidewalks there until all of the area ditches have been piped, but deferred to both City Engineering and Traffic Engineering for comment.

John Forrester, City Engineering, said it was the department's common practice to recommend sidewalks on properties with covered ditches/drainage and did not typically include the conditions of surrounding properties in that decision making process.

Mr. Watkins asked if precedent had been set regarding postponing the installation of sidewalks, pending the closing of the ditches on adjacent properties.

Mr. Hoffman nor Mr. Lawler had any knowledge of such.

Mr. Watkins asked if the City had plans to close the ditches in the area and put in sidewalks.

Mr. Forrester said he did not believe there was such a plan.

Mr. Miller stated he stood by the Commission's commitment to deny sidewalk waivers in the City.

Mr. Davitt said he felt it unfair to the church to require them to put in sidewalks if the city itself had no real plans to do so, with Mr. Watkins concurring.

Mr. Miller moved, with second by Mr. Holmes to deny the waiver.

Voting by hand, Mr. Miller and Mr. Holmes voted in favor of denial, while Mr. Watkins, Ms. Butler, and Mr. Davitt voted in opposition to the denial. The motion failed.

Upon hearing no further pertinent discussion, a second motion was made by Mr. Davitt,

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which was seconded by Mr. Watkins, to approve the above referenced sidewalk waiver.

Voting by hand, Mr. Davitt, Ms. Butler, and Mr. Watkins voted in favor of the sidewalk waiver, while Mr. Holmes and Mr. Miller voted against it.

The motion carried 3 to 2.

Case #ZON2008-03021
Jay Carney, Heritage Construction Co. Inc.
2889 Sollie Road
(East side of Sollie Road, 800'± South of Shadow Creek Drive).
Request to waive construction of a sidewalk along Sollie Road.
Council District 6

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

Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Watkins, to approve this sidewalk waiver.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2008-00263 (Subdivision)
Longleaf Pines Apartments
Northeast corner of Girby Road and Lloyds Lane
Number of Lots / Acres: 1 Lot / 15.9± Acres
Engineer / Surveyor: Cleghorn Land Surveying, LLC
Council District 6
(Also see **Case #ZON2008-03020 (Planned Unit Development) Longleaf Pines Apartments**, and, **Case #ZON2008-03019 (Sidewalk Waiver) Mr. Brett Smith, Ragan-Smith Associates**, below)

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

Mr. Hoffman advised the Commission that approximately 2 conditions had been left off of the previously published information and asked to add them at that time. He stated the following:

- A. dedication along Girby Road to provide 50 feet from center line, due Girby Road's status as a proposed major street, needed to be added to the subdivision application;
- B. dedication for Girby Road might also be required, with regards to the associated Planned Unit Development, and that the site plan

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- would have to be revised so that a 25 foot setback from the dedication for widening could be provided;
- C. the proposed buildings may or may not have to be adjusted regarding their location; and,
 - D. the City's Traffic and Engineering reports recommended that a turn lane be provided on Girby Road, per a traffic impact study.

The Chair asked if this information had been provided to the applicant.

Mr. Hoffman said the applicant was not notified of the dedication, but it was in the staff report and the Traffic Engineering comments were also in the staff report, however, none of these were made a part of the conditions.

Brad Slayden, Ragan-Smith Associates, spoke on behalf of the developer, saying they had read the information in the staff report regarding the Girby Road 100 feet right-of-way, as well as the traffic impact study, so they were aware of the two conditions.

The Chair asked if the applicant was agreeable with the conditions as just stated by Mr. Hoffman.

Mr. Slayden advised they were.

Discussion ensued with regards to the sidewalk waiver and Mr. Holmes interjected that that he was not comfortable making decisions on issues where there were no definitive answers in place. He stated he would be more comfortable holding the matter over until all necessary information was in writing.

Mr. Davitt agreed, saying that he felt comfortable approving the subdivision and PUD applications, but wanted to hold over the sidewalk waiver application for another time.

Mr. Watkins asked Mr. Hoffman if the concept of moving the buildings with respect to the dedication of right-of-way on Girby Road was something that could be done administratively and then "cleaned up" in the final PUD.

Mr. Hoffman felt that it was possible that the buildings would only have to be moved approximately 10 feet, and if that were the case, with regards to the final PUD, he did not believe it would take a major re-design.

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

- 1) dedication of right-of-way along Girby Road sufficient to provide 50-feet, as measured from centerline;**
- 2) placement of a note on the final plat stating that the development is limited to the one curb cut along Girby Road,**

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- and two curb-cuts, to Lloyds Lane, with the size, design and location of all curb-cuts to be approved by Traffic Engineering and conform with AASHTO standards;
- 3) the placement of a note on the Final Plat stating that the emergency access on Lloyds Lane will remain closed and used by emergency vehicles only;
 - 4) the labeling of the lot with its size in square feet, or placement of a table on the plat with the same information;
 - 5) provision of a revised PUD site plan to the Planning Section prior to signing of the Final Plat;
 - 6) provision of a note stating that development of the site will be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
 - 7) placement of a note on the Final Plat stating that the maintenance of the detention common area is the responsibility of the property owners; and,
 - 8) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2008-03020 (Planned Unit Development)

Longleaf Pines Apartments

Northeast corner of Girby Road and Lloyds Lane

Planned Unit Development Approval to allow 28 apartment buildings, clubhouse, leasing office, and a maintenance/carwash facility on a single building site

Council District 6

(Also see **Case #SUB2008-00263 (Subdivision) Longleaf Pines Apartments**, above, and **Case #ZON2008-03019 (Sidewalk Waiver) Mr. Brett Smith, Ragan-Smith Associates**, below)

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

- 1) revision of the site plan to reflect dedication requirements along Girby Road;
- 2) revision of the site plan to reflect Traffic Engineering requirements for a turn lane on Girby Road;
- 3) completion of the Subdivision process prior to application for building/Land Disturbance permits;
- 4) the placement of a note on the site plan stating that this access will remain closed and only used by emergency vehicles only;
- 5) provision of a revised PUD site plan to the Planning Section prior to signing of the Final Plat; and,
- 6) full compliance with all other municipal codes and ordinances.

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The motion carried unanimously.

Case #ZON2008-03019 (Sidewalk Waiver)

Mr. Brett Smith, Ragan Smith Associates

Northeast corner of Girby Road and Lloyds Lane

Request to waive construction of sidewalks along Girby Road and Lloyds Lane

Council District 6

(Also see **Case #SUB2008-00263 (Subdivision) Longleaf Pines Apartments**, and **Case #ZON2008-03020 (Planned Unit Development) Longleaf Pines Apartments**, above)

Mr. Hoffman added that City Engineering had some comments regarding this application.

John Forrester, City Engineering, stated that after a field visit, it was determined that based upon current conditions a city standard sidewalk could not be constructed, but with minor grading to the site, one could be constructed.

The Chair asked if the staff still stood by their recommendation to approve the sidewalk waiver.

Mr. Hoffman stated that the traffic impact study indicated there was regular pedestrian traffic to the nearby school, and that there were some sidewalks at the intersection, as well as cross walks indicated. Therefore, the staff stood behind Engineering's desire to modify its recommendation.

Mr. Forrester also added the application did not show any turn lanes as were required.

Jennifer White, City Traffic Engineering, said her department was fine with the sidewalk waiver with relation to any open ditches, however, their concern was with the section of Lloyds Lane where it could be constructed. She added that her department wanted sidewalks constructed if at all possible, as they are in the process of creating safe "to school" routes, and if the applicant constructed their part of the sidewalk leading up to the school, the city would then have money to extend sidewalk construction farther down Lloyds Lane. She stated the department was not asking the applicant to close in ditches, but where possible, to put in sidewalks.

Mr. Miller asked if it was Traffic Engineering's stand that the sidewalk waiver was approved, but only in those places where it was not feasible to put sidewalks.

Ms. White said that was correct and noted there was a section approximately 125 feet off of the Girby Road intersection where the ditch was no longer open, with a significant flat area before it sloped up toward the applicant's property, and that a sidewalk could be constructed there and the department asked that the waiver not be applied to that section.

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Mr. Slayden expressed some confusion on the matter, saying some of the information now being received seemed vague regarding how much the applicant would be required to do. He said they would need to visit with the city's Engineering staff to determine where to "draw the line" on what portion of Lloyds Lane they would be installing a sidewalk. He added that if they would only be able to put partial sidewalks in, why put them in at all, however this was without knowing specifics. He also queried as to whether their subdivision would be connected to the sidewalks in the Longleaf Gates subdivision.

Mr. Hoffman stated he believed that Longleaf Gates had received a waiver for sidewalks along Girby Road as well as possibly having received a waiver along Lloyds Lane, but that could only be confirmed upon research of the matter.

Mr. Holmes interjected that that he was not comfortable making decisions on issues with no definitive answers in place. He stated he would be more comfortable holding the matter over until all the necessary information was in writing.

Mr. Davitt agreed, saying that he felt comfortable approving the subdivision and PUD applications, but holding over the sidewalk waiver application for another time.

Hearing no further pertinent discussion, a motion was made by Mr. Davitt, with second by Ms. Butler, to hold the matter over until the February 5, 2009, meeting to allow the applicant and the City Engineer to determine exact location of waiver.

The motion carried unanimously.

Case #SUB2008-00261 (Subdivision)

Boothe Subdivision

1512 South Broad Street

West side of South Broad Street extending from Sutton Street to Lucille Street [to be vacated], and extending to the Illinois Central Gulf Railroad right-of-way

Number of Lots / Acres: 2 Lots / 5.7± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 3

(Also see **Case #ZON2008-03004 (Rezoning) Jim Boothe Contracting and Supply Co., Inc.**, and **Case #ZON2008-03005 (Rezoning) Jim Boothe Contracting and Supply Co., Inc.**, below)

Don Coleman, Rester and Coleman, spoke on behalf of the applicant and requested the matter be held over until the February 5, 2009, meeting.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, to hold the matter over until the February 5, 2009, meeting.

The motion carried unanimously.

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Case #ZON2008-03004 (Rezoning)
Jim Boothe Contracting and Supply Co., Inc.

1512 South Broad Street

South side of Sutton Street, 200'± West of South Broad Street, extending to the North side of Lucille Street [to be vacated], 200'± West of South Broad Street, and extending to the Illinois Central Gulf Railroad right-of-way

Rezoning from R-1, Single-Family Residential District, to I-1, Light Industry District, to eliminate split zoning in a proposed commercial subdivision

Council District 3

(Also see **Case #SUB2008-00261 (Subdivision) Boothe Subdivision**, above, and **Case #ZON2008-03005 (Rezoning) Jim Boothe Contracting and Supply Co., Inc.**, below)

Don Coleman, Rester and Coleman, spoke on behalf of the applicant and requested the matter be held over until the February 5, 2009, meeting.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, to hold the matter over until the February 5, 2009, meeting.

The motion carried unanimously.

Case #ZON2008-03005 (Rezoning)
Jim Boothe Contracting and Supply Co., Inc.

1512 South Broad Street

West side of South Broad Street, 50'± South of Sutton Street, extending to Lucille Street [to be vacated]

Rezoning from B-3, Community Business District, to I-1, Light Industry District, to eliminate split zoning in a proposed commercial subdivision

Council District 3

(Also see **Case #SUB2008-00261 (Subdivision) Boothe Subdivision**, and, **Case #ZON2008-03004 (Rezoning) Jim Boothe Contracting and Supply Co., Inc.**, above)

Don Coleman, Rester and Coleman, spoke on behalf of the applicant and requested the matter be held over until the February 5, 2009, meeting.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, to hold the matter over until the February 5, 2009, meeting.

The motion carried unanimously.

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Case #SUB2008-00262 (Subdivision)
Somerby Subdivision, Re-subdivision of Lot 1

841 Somerby Drive

North and East sides of Somerby Drive, 350'± East of Cody Road South

Number of Lots / Acres: 2 Lots / 22.4± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(Also see **Case #ZON2008-03006 (Planned Unit Development) Somerby Subdivision, Re-subdivision of Lot 1**, and **Case #ZON2008-03007 Rezoning Moran Investments, Inc.**, below)

Don Coleman, Rester and Coleman, spoke on behalf of the applicant and requested the matter be held over until the February 5, 2009, meeting.

The Chair announced that as the applicant requested, the matter would be held over until the stated meeting. He also said that if there were any who had come that still wished to speak, they would be heard at this time.

The following people spoke in opposition:

- Michael Zayek, 6914 Providence Estates Court;
- Allen Marshall, president of Providence Estates Property Owners' Association, 720 Providence Estates Drive West;
- Tim Scheib, 715 Providence Estates Drive East; and,
- Bill Groves, 6903 Providence Drive Estates.

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

- A. it was expected that the city would uphold its zoning, as so many of them had researched the zoning and proposed developments to that area prior to purchasing their homes and had made those purchases based upon that research;
- B. there is no need for constructing additional commercial property as there is plenty available in the area currently;
- C. previous developers presented the homeowners with a "pretty picture of buffer zones", however, they did not feel that would be the case, if the proposed development were allowed;
- D. Somerby was presented to the Providence Estates residents as a retirement community for the 55 years old and older population, and is composed of a quarter of a million dollar patio homes or condominiums modeled after Charleston, South Carolina, however, the proposed build-out is for an apartment complex;
- E. even with a privacy fence around the dumpster, it would not contain the noise of it being emptied at 4 in the morning;
- F. concern regarding the lighting from the apartment complex creating issues in the adjacent residential backyards;

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- G. concern regarding privacy issues due to the possible building height of the proposed apartment complex;
- H. concern over the increase in traffic on Cody Road, as it is already very busy, and there is no emergency lane due to there being no road shoulder because of designated wetlands in that area; and,
- I. extreme concern over the potential decrease in property value of their homes, if they were suddenly adjacent to an apartment complex.

Hearing no further discussion, a motion was made by Mr. Plauche, with second by Mr. Davitt, to hold the matter over until the February 5, 2009, meeting.

The motion carried unanimously.

Case #ZON2008-03006 (Planned Unit Development)

Somerby Subdivision, Re-subdivision of Lot 1

841 Somerby Drive

East side of Somerby Drive, 100'± North of Somerby Lane [private street]

Planned Unit Development Approval to allow ten apartment buildings, ten parking garages, and a pool house on a single building site

Council District 6

(Also see **Case #SUB2008-00262 (Subdivision) Somerby Subdivision, Re-subdivision of Lot 1**, above, and, **Case #ZON2008-03007 (Rezoning) Moran Investments, Inc.**, below)

Don Coleman, Rester and Coleman, spoke on behalf of the applicant and requested the matter be held over until the February 5, 2009, meeting.

Hearing no further discussion, a motion was made by Mr. Plauche, with second by Mr. Davitt, to hold the matter over until the February 5, 2009, meeting.

The motion carried unanimously.

Case #ZON2008-03007 (Rezoning)

Moran Investments, Inc.

841 Somerby Drive

East side of Somerby Drive, 100'± North of Somerby Lane [private street]

Rezoning from R-1, Single-Family Residential District, to R-3, Multi-Family

Residential District, to allow the construction of an apartment complex

Council District 6

(See **Case #SUB2008-00262 (Subdivision) Somerby Subdivision, Re-subdivision of Lot 1**, and, **Case #ZON2008-03006 (Planned Unit Development) Somerby Subdivision, Re-subdivision of Lot 1**, above)

Don Coleman, Rester and Coleman, spoke on behalf of the applicant and requested the matter be held over until the February 5, 2009, meeting.

January 8, 2009
PLANNING COMMISSION MEETING

Hearing no further discussion, a motion was made by Mr. Plauche, with second by Mr. Davitt, to hold the matter over until the February 5, 2009, meeting.

The motion carried unanimously.

OTHER BUSINESS:

Mr. Hoffman reminded the Commission that the January 22, 2009, meeting would be the Public Hearing for the newly annexed area.

Hearing no further business, the meeting was adjourned.

APPROVED: September 3, 2009

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman.

jsl