

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF APRIL 15, 2010 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William G. DeMouy, Jr.
Victoria L. Rivizzigno, Secretary
Stephen J. Davitt, Jr.
Herb Jordan
Mead Miller
Roosevelt Turner
John Vallas
James F. Watkins, III

Members Absent

Nicholas H. Holmes, III

Urban Development Staff Present

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

Others Present

John Lawler,
Assistant City Attorney
John Forrester,
City Engineering
Jennifer White,
Traffic Engineering
Capt. Sam Allen,
Fire Department

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.

APPROVAL OF MINUTES:

Mr. Plauche moved, with second by Mr. Miller, to approve the minutes from the following, regularly held, Planning Commission meetings:

- February 18, 2010
- March 4, 2010
- March 18, 2010

The motion carried unanimously.

HOLDOVERS:

Case #SUB2010-00024

Mark Dickerson Subdivision

8445 March Road

East side of March Road at the South terminus of East Gulley Way

Number of Lots / Acres: 2 Lots/6.8± Acres

Engineer / Surveyor: Polysurveying Engineering-Land Surveying
County

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

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

- 1) **retention of the depiction of the minimum building lines on the Final Plat;**
- 2) **depiction of the lot area size, in square feet, on the Final Plat, or provision of a table on the Plat with same information;**
- 3) **placement of a note on the Final Plat stating that no further subdivision of Lot 2 will be allowed until additional frontage along a public street is provided;**
- 4) **placement of a note on the Final Plat stating that Lot 2 is limited to one curb cut to March Road and Lot 1 is limited to one curb-cut to March Road, with the size, design, and exact location of all curb-cuts to be approved by County Engineering and conform to AASHTO standards;**
- 5) **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;**
- 6) **placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations;**

April 15, 2010
PLANNING COMMISSION MEETING

- 7) placement of a note on the Final Plat stating that the approval of all applicable federal, state, and local agencies would be required prior to the issuance of any permits or land disturbance activities; and
- 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.

The motion carried unanimously.

Case #SUB2010-00023

Barbara Slaughter Family Subdivision

6250 and 8151 Anthony Drive South, and 6250 Anthony Drive West
West side of Anthony Drive West at the West terminus of Anthony Drive South
Number of Lots / Acres: 4 Lots/3.2± Acres
Engineer / Surveyor: Polysurveying Engineering-Land Surveying
County

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

Matt Orrell, Polysurveying of Mobile, spoke on behalf of the matter and made the following points in its favor:

- A. the applicant and her sons were present;
- B. the lots labeled 1A and 1B were originally one lot, but the applicant wanted to make them 2 separate lots to be given to her two sons;
- C. the only thing to be added to the property would be one house which would be located on one of the lots as there currently was one house on the other proposed lot;
- D. although the lots have been drawn as flag shaped lots, the actual access for the lots was through an existing ingress/egress easement which was a paved drive known as Mango Street;
- E. the flag pole portions for the proposed lots were simply in place to show right-of-way to a public street, though that frontage would not be used for ingress or egress to the lots in question; and,
- F. it was thought that this application fell within the guidelines for flag lots, especially since it was to be a family subdivision.

Mr. Vallas noted the Lot 1A and Lot 1B were currently one extremely large lot that was already flag shaped.

Mr. Watkins asked if there was a house currently on site why was there a need to divide the lot into two separate lots.

April 15, 2010
PLANNING COMMISSION MEETING

Mr. Orrell noted that currently there was a permit to build a second house on the proposed Lot 1-B, with that house being the property of one of the applicant's two sons. Mr. Orrell explained that the applicant now wanted the other son to be able to build a home for himself beside his brother and to do so required that Lot 1 be subdivided into Lot 1-A and Lot 1-B. He added that the existing house was a family residence, thus maintaining the family nature of the subdivision.

Mr. Olsen stated that the flag lot allowance in the Subdivision Regulations was never intended to create several flag shaped lots in one area and basically usurp the private street allowance for a family subdivision. He stated its intended use was for when one lot was subdivided, creating one flag shaped lot within a family subdivision. He added that if the Commission were in favor of approval, the staff would provide recommendations for such, however, Mr. Olsen expressed his concern that approval of the matter might set a negative precedent.

In deliberation, Mr. Vallas stated he was in favor of approving the matter, and asked the staff if they had conditions for such.

Mr. Olsen stated that the staff would like the following conditions considered:

- A. placement of a note on the final plat stating there would be no future re-subdivision of any lot until additional, adequate frontage on a maintained public street was provided;
- B. no additional curb-cuts to Anthony Drive;
- C. the standard buffer requirement, should the property ever be developed commercially; and,
- D. the inclusion of the standard environmental statements regarding land disturbance and protected species.

Mr. Orrell stated he was in agreement with the recommendations.

Hearing no opposition or further discussion, a motion was made by Mr. Vallas, with second by Mr. Jordan, to approve the above referenced motion.

The motion died with only Mr. Vallas, Mr. Jordan, and Mr. Miller voting in favor of it.

EXTENSIONS:

Case #SUB2007-00117 (Subdivision)

Winchester Subdivision

East termini of Winchester Drive North and Winchester Drive South

Number of Lots / Acres: 234 Lots / 84.8± Acres

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

County

April 15, 2010
PLANNING COMMISSION MEETING

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to approve the above requested extension.

The motion carried unanimously.

Case #SUB2009-00031 (Subdivision)

Grelot Office Park Subdivision

North side of Grelot Road, 160'± West of Chimney Top Drive West

Number of Lots / Acres: 4 Lots / 5.6± Acres

Engineer / Surveyor: Engineering Development Services, LLC

Council District 6

(Also see **Case #ZON2009-00571 (Planned Unit Development) Grelot Office Park Subdivision**, below)

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

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to approve the above requested extension.

The motion carried unanimously.

Case #ZON2009-00571 (Planned Unit Development)

Grelot Office Park Subdivision

North side of Grelot Road, 160'± West of Chimney Top Drive West

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow shared access between four building sites

Council District 6

(Also see **Case #SUB2009-00031 (Subdivision) Grelot Office Park Subdivision**, above)

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

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

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to approve the above requested extension.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2010-00033

Central Texas Street Area Subdivision, Re-subdivision of Lots 5, 6 and Out Parcel, Unit 13, Block 67-D

661 South Broad Street

Northeast corner of South Broad Street and Maryland Street, extending to the Northwest corner of Maryland Street and South Jefferson Street

Number of Lots / Acres: 1 Lot / 1.2± Acre

Engineer / Surveyor: McCrory & Williams Inc.

Council District 2

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

The Chair announced the application had been recommended for approval.

Merlin Miller, McCrory and Williams, spoke on behalf of the applicant, St. Joseph Baptist Church, and noted that some members of the church were present as well. He added that they were in general agreement with the recommendations; however, they requested clarification regarding the retention of the 25 foot minimum building setback line along all public right-of-ways. They inquired as to whether the 25 foot setback applied to the existing building, which had been in place for a number of years.

Mr. Olsen advised that the condition in question would only apply to new construction.

Mr. Davitt asked if Condition 7 was in place to address the parking that appeared to be taking place on the other lot.

Mr. Olsen stated that condition was in place to advise the applicants that should there be any changes in the future regarding the use of the site, that they must submit a Planning Approval application at that time.

In deliberation, Mr. Watkins asked that a statement be added on Condition 3 clarifying the point that it was only applicable to new construction.

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

- 1) placement of a note on the Final Plat stating that the lot is limited to the existing curb-cuts along South Broad Street and Maryland Street with the size, location, and design of any new curb-cuts to be approved by Traffic Engineering and conform**

- to AASHTO standards;
- 2) retention of labeling of the size of the lot, in square feet, or provision of a table on the plat with the same information;
 - 3) retention of the 25' minimum building setback line along all public rights-of-way (applies to any new construction);
 - 4) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies for endangered, threatened or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;
 - 5) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local environmental agencies for wetlands or floodplain issues is required prior to the issuance of any permits or land disturbance activities;
 - 6) compliance with Engineering comments: *Need to show limits of the flood zones as scaled from the FEMA FIRM maps dated March 17, 2010. Show Minimum Finished Floor Elevation on Plat. There is to be no fill placed within the limits of the flood plain without providing compensation. Must comply with all stormwater and flood control ordinances. Must provide detention for any increase in impervious area to the site since 1984. Any work performed in the right-of-way will require a right-of-way permit;*
 - 7) provision and approval of a Planning Approval application prior to any change to the existing site; and,
 - 8) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2010-00037

Neese Subdivision

5930 Moffett Road

East side of Moffett Road at the East termini of Powell Drive and Spyglass Drive, extending to the North terminus of Erhard Drive, extending to the West side of North University Boulevard

Number of Lots / Acres: 1 Lot / 13.0± Acres

Engineer / Surveyor: Austin Engineering Co. Inc.

Council District 7

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

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

April 15, 2010
PLANNING COMMISSION MEETING

- 1) placement of a note on the final plat stating that the lot is limited to one curb-cut with the size, location, and design to be approved by Traffic Engineering, the Alabama Department of Transportation, and in conformance with AASHTO standards;
- 2) the depiction on the final plat of the 25' minimum building setback line along Moffett Road;
- 3) the applicant receive the approval of all applicable federal, state, and local environmental agencies for wetland and floodplain issues prior to the issuance of any permits or land disturbance activities;
- 4) placement of a note on the 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;
- 5) completion of the rezoning process prior to the signing of the final plat; and,
- 6) compliance with Engineering comments: *(Need to either provide detention for a 100 year storm event with a 2 year release or construct drainage (with an appropriately sized easement through the "Future Development") to release runoff from Lot 1 directly to Eight Mile Creek. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit).*

The motion carried unanimously.

Case #SUB2010-00038

KS Lowe Subdivision

2024 Boykin Boulevard

North side of Boykin Boulevard, 750'± East of the North terminus of Del Monte Court

Number of Lots / Acres: 1 Lot / 2.1± Acre

Engineer / Surveyor: John Farris Crenshaw

Council District 3

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

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

- 1) conversion of the existing dwelling on the West portion of the site to a non-habitable structure via the required permits and inspections prior to the signing of the Final Plat;

April 15, 2010
PLANNING COMMISSION MEETING

- 2) placement of a note on the Final Plat stating that the site is limited to one curb-cut, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 3) illustration of the 25' minimum building setback line along Boykin Boulevard;
- 4) labeling of the lot with its size in square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
- 5) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities; and,
- 6) subject to the Engineering Comments: *(Need to show limits of the flood zones as scaled from the FEMA FIRM maps dated March 17, 2010. Show Minimum Finished Floor Elevation on Plat. There is to be no fill placed within the limits of the flood plain without providing compensation. Must comply with all stormwater and flood control ordinances. Must provide detention for any increase in impervious area to the site since 1984. Any work performed in the right-of-way will require a right-of-way permit).*

The motion carried unanimously.

Case #SUB2010-00034

Rosswood Subdivision, Re-subdivision of Lots 16 & 17, Block A

2804 Rosswood Drive

Northwest corner of Rosswood Drive and Richardson Drive East

Number of Lots / Acres: 2 Lots / 0.8± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 5

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

Jerry Byrd, Byrd Surveying Inc., spoke on behalf of the applicant and made the following points in favor of approving the matter that day:

- A. the existing structure noted in Condition 2 was a portable utility building and the applicant planned on moving it to the corner lot after the re-subdivision, thereby making it no longer an issue; and,
- B. requested the approval of the re-subdivision with the condition of vacating the easement, noting that it was unnecessary to burden the applicant with the expense of vacation if the subdivision was not approved.

April 15, 2010
PLANNING COMMISSION MEETING

Mr. Olsen stated that if the Commission chose to approve the matter, the staff had drafted conditions for such and then read them for the record:

- A. removal of the existing, un-permitted structure or the relocation of same with proper permits;
- B. completion of the vacation request for the easement along the existing property line between Lots 16 and 17; and,
- C. and the standard environmental statement regarding the protected species.

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

- 1) removal/relocation of the existing, un-permitted structure (permits required if relocated);**
- 2) completion of the vacation process for the easement along the existing property line between Lots 16 and 17; and,**
- 3) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

Case #SUB2010-00040
Sunset Hill Subdivision, Re-subdivision of Lot 13 Block C
4603 Sunset Drive North
Southwest corner of Sunset Drive North and April Street
Number of Lots / Acres: 2 Lots / 0.5± Acre
Engineer / Surveyor: Polysurveying of Mobile, Inc.
Council District 5

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

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

- 1) submittal of the approval letter from MAWSS certifying the availability of additional service prior to the signing of the Final Plat;**
- 2) demolition or removal of the structures with appropriate**

- permits prior to the signing of the Final Plat;
- 3) placement of a note on the Final Plat stating that each lot is limited to one curb-cut with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 4) retention of labeling of the size of the lots, in square feet, or provision of a table on the plat with the same information;
- 5) retention of the 25' minimum building setback line along all public rights-of-way;
- 6) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;
- 7) dedication sufficient to comply with Section V.B.16 of the Subdivision Regulations regarding curb radii;
- 8) compliance with Engineering comments: *Must comply with all stormwater and flood control ordinances. Must provide detention for any increase in impervious area to the site since 1984. Any work performed in the right-of-way will require a right-of-way permit;* and,
- 9) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2010-00036

Dawson Point Subdivision, Re-subdivision of Lots 3, 4, and 5

3973 Dawson Drive

East terminus of Dawson Drive

Number of Lots / Acres: 3 Lots / 0.8± Acres

Engineer / Surveyor: Austin Engineering Co. Inc.

Council District 4

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

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

- 1) placement of a note on the Final Plat stating that each lot is limited to one curb-cut, with the size, location, and design to be approved by Traffic Engineering, and to conform to AASHTO standards;
- 2) illustration of the 25' minimum building setback line;
- 3) labeling of the lots with their size in square feet and acres, or

- the furnishing of a table on the Final Plat providing the same information;
- 4) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;
 - 5) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local environmental agencies for wetlands or floodplains issues is required prior to the issuance of any permits or land disturbance activities; and,
 - 6) compliance with Engineering Comments: *(Need to reference the FEMA FIRM maps dated March 17, 2010. Show Minimum Finished Floor Elevation on Plat. There is to be no fill placed within the limits of the flood plain without providing compensation. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit.)*

The motion carried unanimously.

Case #SUB2010-00041

Raye McKinley Subdivision

551 Congress Street

Southwest corner of Congress Street and North Cedar Street

Number of Lots / Acres: 3 Lots / 0.1± Acre

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

Council District 2

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

Matt Orrell, Polysurveying of Mobile, spoke on behalf of the applicant and requested the matter be held over to allow time to discuss the issues raised with the staff.

Mr. Olsen advised the date of the hold over would be May 20, 2010, with any meetings to occur by April 23, 2010, to which Mr. Orrell agreed.

Robert Petty, 355 Breamwood Avenue, Mobile, AL, requested clarification regarding what was the intent regarding the property.

Mr. Olsen said the proposal stated they desired to subdivide the one existing lot which had three buildings on it into three separate lots, all of which would have a single building on them. He noted that any information regarding how those properties would be used needed to be discussed with the applicant or their agent, however, other than their having to be in compliance with the Zoning Ordinance, there was nothing more he could add to the matter. He advised that it currently enjoyed the zoning classification of

April 15, 2010
PLANNING COMMISSION MEETING

B-4, general business, which allowed for a number of commercial uses, but as the structures had most recently been used residentially, there were additional issues the applicant would have to address to be able to use those structures commercially, if that were their intent.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. Miller, to hold the matter over until the May 20, 2010, meeting, at the applicant's request to allow the applicant to address the following issues with the staff:

- 1) the lots do not comply with Section V.D.2. of the Subdivision Regulations; and,**
- 2) the subdivision would create violations of the Zoning Ordinance.**

The motion carried unanimously.

Case #SUB2010-00039

F. D. Richardson Heights Subdivision, Re-subdivision of Lots 1, 16 through 20 & Common Area

3109 First Avenue

South side of First Avenue, 157'± West of Ruby Street, and extending to the West terminus of Richardson Way

Number of Lots / Acres: 6 Lots / 1.1± Acre

Engineer / Surveyor: Wattier Surveying, Inc.

Council District 1

The Chair announced the matter had been recommended for withdrawal and resubmission.

Michael Pierce, 9823 Evanston Street, Daphne, AL, Wattier Surveying, Inc., spoke on behalf of the applicant and requested the matter be held over so that they could gather additional information and meet with the staff in an effort to resolve the matter.

Mr. Olsen advised the hold over date would be May 20, 2010, with any additional information or meetings needed to by staff no later than April 23, 2010.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the May 20, 2010, meeting, at the applicant's request to allow the applicant to address the following issues with staff:

- 1) inclusion of all properties of the original subdivision.**

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2010-00681

Diane McCullar (Planning Approval)

5130 Jones Road North

North side of Jones Road North, 260'± East of the South terminus of Jones Road

Planning Approval to allow a mobile home in an R-1, Single-Family Residential District
Council District 4

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

The following people spoke in favor of the matter:

- Diane McCullar, 5130 Jones Road North, Theodore, AL; and,
- Fred Cobb, Jones Road North, Theodore, AL.

They made the following points in its favor:

- A. the house that had been located on the property was severely damaged by Hurricane Katrina so it had been demolished;
- B. the applicant found a trailer that she was able to purchase over time, during the same period she was demolishing the house; and,
- C. due to financial issues, she was not able to gain actual possession of said trailer until after the area was annexed into the city.

Mr. Olsen stated the following:

- A. the site was in the recently annexed Theodore area and was residentially zoned;
- B. the Zoning Ordinance requires Planning Approval for the location of a mobile home within a R-1, single family residential district;
- C. typically the Commission looked at whether or not the mobile home would be compatible with the character of the neighborhood in question; and,
- D. though there were some existing mobile homes across the street from the proposed location, the majority of homes in the area were site built homes, a major factor behind the staff's recommendation for denial.

Mr. Watkins asked if the mobile home in question was more of a traditional mobile home or a modular home.

Mr. Olsen stated it was a traditional manufactured, mobile home.

Mr. Watkins asked if the mobile homes currently in the area existed as a result of having

April 15, 2010
PLANNING COMMISSION MEETING

been grandfathered in and Mr. Olsen stated that was the case, but that those could be replaced in the future with a mobile home of the same or smaller size.

Mr. Vallas stated it was his understanding that there had been a home on the site previously and wondered why it had been removed.

Mr. Olsen stated that would have taken place prior to annexation but noted that, based on aerial photographs, the house was in place in 2006.

Mr. Plauche asked for confirmation of the fact that, even based upon the current number of mobile homes grandfathered in the area, the proposed mobile home would still not be compatible with the character of the neighborhood.

Mr. Watkins asked the applicant if they had any documentation to prove the trailer was being purchased prior to the annexation.

Ms. McCullar stated she did not have it with her at that time but that it was at home.

Mr. Watkins advised Mr. Olsen that he was leaning towards approval with the condition that the applicant be able to prove that the trailer was indeed in the process of being purchased at the time of annexation and would the staff be able to provide conditions for such.

Mr. Olsen stated that some conditions would be, full compliance with all municipal codes and ordinances and obtaining proper permits

Mr. Miller expressed his feeling that trailers should not continue, though he sympathized with the applicant, and wondered if conditions could be stipulated which stated that if the proposed trailer were allowed, if something were to happen to it, it could not be replaced with another trailer.

In deliberation, Mr. Turner noted that the Commission had concerns regarding allowing trailers in residential areas which did not have trailers originally; however, in this case there seemed to be extenuating circumstances that might warrant the Commission's approval. He did, however, want to voice his general opposition to allowing trailers in site built, residential areas.

Mr. DeMouy stated his agreement with Mr. Turner's sentiments but reminded the Commission that this case involved individuals who had gotten "caught" in the process of annexation.

Mr. Miller also agreed but wanted the Commission's reasons for approval stated as he did not want to be seen as setting a precedent of allowing mobile homes in the city limits.

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

April 15, 2010
PLANNING COMMISSION MEETING

second by Mr. Jordan, to approve the above referenced matter, subject to the following conditions:

- 1) **submission of documentation, to be approved by staff, that purchase of the mobile home commenced prior to the effective date of annexation;**
- 2) **there shall be no replacement of the mobile home in the future;**
- 3) **full compliance with all municipal codes and ordinances; and,**
- 4) **all necessary permits be obtained prior to location of the mobile home on the site.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2010-00035 (Subdivision)

Sussex Place Subdivision, Re-subdivision of Lots 19-23

Southeast corner of Sussex Drive and Center Drive (unopened right-of-way)

Number of Lots / Acres: 4 Lots / 0.5± Acre

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(Also see **Case #ZON2010-000728 (Planned Unit Development) Sussex Place Subdivision, Re-subdivision of Lots 19-23**, below)

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

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

- 1) **placement of a note on the Final Plat stating that Lots 2 – 4 have a maximum site coverage of 50%, and Lot 1 has a maximum site coverage of 35%;**
- 2) **retention of the lot size area labels, in square feet,**
- 3) **retention of the minimum building setback for all lots,**
- 4) **placement of a note on the Final Plat stating that lots 2-4 are denied access to Sussex Drive, and those lots should access Sussex Drive via the private drive in the rear of the lot;**
- 5) **placement of a note on the Final Plat stating that Lot 1 is limited to one curb-cut to Sussex Drive, the curb-cut being for the existing private drive only;**
- 6) **compliance with Engineering comments: “*must comply with all stormwater and flood control ordinances. Must provide detention for any increase in impervious area to the site since*”**

- 1984. Any work performed in the right-of-way will require a right-of-way permit;” and,*
- 7) **placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species.**

The motion carried unanimously.

**Case #ZON2010-000728 (Planned Unit Development)
Sussex Place Subdivision, Re-subdivision of Lots 19-23**

Southeast corner of Sussex Drive and Center Drive

Planned Unit Development Approval to allow reduced lot sizes, reduced side yard setbacks and increased site coverage in an R-2, Two-Family Residential District.

Council District 6

(Also see **Case #SUB2010-00035 (Subdivision) Sussex Place Subdivision, Re-subdivision of Lots 19-23**, above)

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

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

- 1) **placement of a note on the site plan stating that Lots 2 – 4 have a maximum site coverage of 50%, and Lot 1 has a maximum site coverage of 35%;**
- 2) **placement of a note on the site plan stating that lots 2-4 are denied access to Sussex Drive, and those lots should access Sussex Drive via the private drive in the rear of the lot;**
- 3) **placement of a note on the site plan stating that Lot 1 is limited to one curb-cut to Sussex Drive, the curb-cut being for the existing private drive only;**
- 4) **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;**
- 5) **compliance with Engineering comments: “*must comply with all stormwater and flood control ordinances. Must provide detention for any increase in impervious area to the site since 1984. Any work performed in the right-of-way will require a right-of-way permit;*”**
- 6) **provision of two copies of the site plan incorporating the above comments to the Planning Section of Urban Development prior**

- to permitting, and,
7) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2010-00042 (Subdivision)

MAWSS Shelton Beach Facility Subdivision

East side of Shelton Beach Road Extension, 2/10± mile North of Moffett Road

Number of Lots / Acres: 1 Lot / 6.1± Acres

Engineer / Surveyor: Volkert Inc.

Council District 1

(Also see Case #ZON2010-000752 (Planned Unit Development) **MAWSS Shelton Beach Facility Subdivision**, Case #ZON2010-00750 (Planning Approval) **MAWSS Shelton Beach Facility Subdivision**, and, Case #ZON2010-00751 (Rezoning) **MAWSS Shelton Beach Facility Subdivision**, below)

The Chair announced the application had been recommended for approval.

Ray Miller, Volkert Inc., spoke on behalf of the applicant and made the following points in favor of the matter:

- A. MAWSS needed to relocate some of their fleet maintenance facilities which were currently located on McDuffy Island, which was prone to flooding;
- B. MAWSS also wanted to relocate some of their bulk material and equipment storage areas from the Catherine Street location to the newly proposed facility, because that area was also prone to flooding;
- C. the property in question was more centrally located to their service area; and,
- D. the applicant was agreeable with the conditions as stipulated.

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

- 1) placement of a note on the site plan stating that the lot is limited to one curb cut to Shelton Beach Road Extension with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) labeling of the lot with its size in square feet, or the provision of a table on the final plat with the same information;
- 3) depiction of the 25' minimum building setback line from Shelton Beach Road Extension;
- 4) placement of a note on the final plat stating that approval of all applicable federal, state, and local agencies for endangered,

- threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;
- 5) **compliance with Engineering comments:** *(Must provide detention for a 100 year storm event with a 2 year release rate. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit);* and,
 - 6) **submittal of revised PUD and Planning Approval site plans prior to the signing of the final plat.**

The motion carried unanimously.

Case #ZON2010-000752 (Planned Unit Development)

MAWSS Shelton Beach Facility Subdivision

East side of Shelton Beach Road Extension, 2/10± mile North of Moffett Road.

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

Council District 1

(Also see Case #SUB2010-00042 (Subdivision) **MAWSS Shelton Beach Facility Subdivision**, above, and, Case #ZON2010-00750 (Planning Approval) **MAWSS Shelton Beach Facility Subdivision**, and, Case #ZON2010-00751 (Rezoning) **MAWSS Shelton Beach Facility Subdivision**, below)

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

- 1) **completion of the Subdivision process prior to the issuance of any permits or land disturbance activities;**
- 2) **all buffering shall be existing vegetation left in its natural state;**
- 3) **revision of the site plan to provide a 3' tall evergreen hedge or landscaped berm adjacent to the shop staging area and an 8' high solid wall or fence enclosing the storage area;**
- 4) **placement of a note on the site plan stating that any lighting for the parking lot shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic, per Section 64-6.A.3.c of the Zoning Ordinance;**
- 5) **provision of dumpster, screened from view and in compliance with Section 64-4.D.9 of the Zoning Ordinance and all other applicable regulations, or the provision of a note on the site plan stating that no dumpster will be provided;**
- 6) **provision of a sidewalk along Shelton Beach Road Extension, or the approval of a sidewalk waiver by the Planning Commission;**
- 7) **approval from the Board of Zoning Adjustment for storage of the heavy equipment and materials and for the gravel**

- surfacing of said areas;
- 8) placement of a note on the site plan stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;
 - 9) compliance with Engineering comments: *(Must provide detention for a 100 year storm event with a 2 year release rate. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit)*; and,
 - 10) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2010-000750 (Planning Approval)

MAWSS Shelton Beach Facility Subdivision

East side of Shelton Beach Road Extension, 2/10± mile North of Moffett Road.

Planning Approval to allow a truck fleet maintenance facility in a B-3, Community Business District.

Council District 1

(Also see Case #SUB2010-00042 (Subdivision) MAWSS Shelton Beach Facility Subdivision, and, Case #ZON2010-000752 (Planned Unit Development) MAWSS Shelton Beach Facility Subdivision, above, and, Case #ZON2010-00751 (Rezoning) MAWSS Shelton Beach Facility Subdivision, below)

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

- 1) completion of the Subdivision process prior to the issuance of any permits or land disturbance activities;
- 2) all buffering shall be existing vegetation left in its natural state;
- 3) revision of the site plan to provide a 3' tall evergreen hedge or landscaped berm adjacent to the shop staging area and an 8' high solid wall or fence enclosing the storage area;
- 4) placement of a note on the site plan stating that any lighting for the parking lot shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic, per Section 64-6.A.3.c of the Zoning Ordinance;
- 5) provision of dumpster, screened from view and in compliance with Section 64-4.D.9 of the Zoning Ordinance and all other applicable regulations, or the provision of a note on the site plan stating that no dumpster will be provided;
- 6) provision of a sidewalk along Shelton Beach Road Extension, or the approval of a sidewalk waiver by the Planning Commission;
- 7) approval from the Board of Zoning Adjustment for storage of

- the heavy equipment and materials and for the gravel surfacing of said areas;
- 8) placement of a note on the site plan stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;
 - 9) compliance with Engineering comments: *(Must provide detention for a 100 year storm event with a 2 year release rate. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit); and,*
 - 10) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2010-000751 (Rezoning)

MAWSS Shelton Beach Facility Subdivision

East side of Shelton Beach Road Extension, 2/10± mile North of Moffett Road.

Rezoning from B-1, Buffer Business District, to B-3, Community Business District, to allow a truck fleet maintenance facility.

Council District 1

(Also see Case #SUB2010-00042 (Subdivision) **MAWSS Shelton Beach Facility Subdivision**, Case #ZON2010-000752 (Planned Unit Development) **MAWSS Shelton Beach Facility Subdivision**, and, Case #ZON2010-00750 (Planning Approval) **MAWSS Shelton Beach Facility Subdivision**, below)

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

- 1) completion of the subdivision process;
- 2) all buffering shall be 25' in width and remain in its natural vegetative state; and,
- 3) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

OTHER BUSINESS:

Hearing no further business, the meeting was adjourned.

April 15, 2010
PLANNING COMMISSION MEETING

APPROVED: May 6, 2009

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

jsl