

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF JUNE 3, 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
James F. Watkins, III

Members Absent

Nicholas H. Holmes, III
John Vallas

Urban Development Staff Present

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

Others Present

John Forrester,
City Engineering
Butch Ladner,
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. Davitt, to approve the minutes from the following, regularly held, Planning Commission meeting:

- May 6, 2010

The motion carried unanimously.

HOLDOVERS:

Case #SUB2010-00048

Shilco Subdivision, Lot 1, Re-subdivision of Lot 1

2409 Schillinger Road

East side of Schillinger Road, 380'± North of Cottage Hill Road

Number of Lots / Acres: 1 Lot / 5.1± Acres

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

County

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

Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant. He noted the matter had been held over to include both lots of the subdivision in the application. He stated that the McDonald's located on the other lot had been contacted and that they had agreed to be a part of the subdivision process on the condition that the owner of the larger parcel agree there would be no food service in the 29,000 square foot shopping center. Mr. Dagley stated the property owner was reluctant to make that commitment so he requested the matter be held over.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the July 8, 2010, meeting, at the applicant's request.

The motion carried unanimously.

Case #SUB2010-00046

Chavis Subdivision

5700 Willis Road

North side of Willis Road, 800'± West of U. S. Highway 90 West

Number of Lots / Acres: 2 Lots / 1.6± Acre

Engineer / Surveyor: Polysurveying Engineering - Land Surveying

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.

Brett Orrell, Polysurveying of Mobile, spoke on behalf of the applicant and requested the matter be held over as the client was unable to be at the meeting that day.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the July 8, 2010, meeting, at the applicant's request.

The motion carried unanimously.

EXTENSIONS:

Case #SUB2009-00058

Alexis Place Commercial Park Subdivision

3700 Schillinger Road North

East side of Schillinger Road North at the East terminus of Hi Wood Circle South

Number of Lots / Acres: 2 Lots / 1.1± Acres

Engineer / Surveyor: Austin Engineering Co. Inc.

County

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

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

The motion carried unanimously.

Case #SUB2009-00060

Alexis Place Subdivision

3700 Schillinger Road North

East side of Schillinger Road North at the East terminus of Hi Wood Circle South

Number of Lots / Acres: 66 Lots / 16.5± Acres

Engineer / Surveyor: Austin Engineering Co. Inc.

County

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

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

The motion carried unanimously.

Case #SUB2007-00059 (Subdivision)

Palmer Woods Subdivision, Phase III

West side of Oakhill Drive, ½ mile± North of Moffett Road

Number of Lots / Acres: 48 Lots / 20.1 ± Acres

Engineer / Surveyor: Austin Engineering Co., Inc.

County

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

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Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to approve the above referenced request, but the applicant was advised that no further extensions would be likely.

The motion carried unanimously.

Case #SUB2008-00066 (Subdivision)

Perch Creek Preserve Subdivision

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

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

Engineer / Surveyor: Engineering Development Services, LLC

Council District 4

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

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

Tom Hutchings, P.O. Box 361, Montrose, AL, 36559, spoke as the property owner, applicant, and developer, and made the following points in favor of approving the matter:

- A. stated the request for extension was based upon economic reasons and noted the nationwide depressed housing market;
- B. noted the FEMA maps had been re-drawn and the area was now in an AE zone, and they would certainly comply with all requirements associated with that zone; and,
- C. noted that the roads had been pushed in, however, the roads were not finished as a result of the downturn in the economy.

Mr. Davitt asked if the Commission were to consider approving the extension, were there any other issues beyond those already mentioned that the staff would like considered, to which Mr. Olsen responded there were not any.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Watkins, to approve the above referenced request with the additional condition that the development comply with revised FEMA flood elevation requirements.

The motion carried unanimously.

Case #ZON2008-00889 (Planned Unit Development)
Perch Creek Preserve Subdivision

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

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

Council District 4

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

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Watkins, to approve the above referenced request with the additional condition that the development comply with revised FEMA flood elevation requirements.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2010-00060
George V. Poiroux Family Division Subdivision

6405 Maurice Poiroux Road

East side of Maurice Poiroux Road, 785'± South of Leytham Road

Number of Lots / Acres: 2 Lots / 9.0± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying County

The Chair announced the application had been recommended for approval.

The following people spoke regarding the matter:

- Brett Orrell, Polysurveying of Mobile, for the applicant; and,
- George Poiroux, 6405 Maurice Poiroux Road, Theodore, AL, the applicant and property owner.

They made the following points:

- A. regarding Condition 1, it was noted there was an existing curb-cut, however, as they desired to create two legal lots of record, a second curb-cut was also requested;
- B. regarding Condition 2 and the required extension of McAllister Drive into the site, it was wondered if it was required to be “into” the site or simply “to” the site;
- C. expressed the desire that Condition 2 be removed due to the fact the lots had access on the north side from another potential flag

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- shaped lot within this family subdivision;
- D. noted that in 1921, the Poiroux family moved from Canada to Irvington, Alabama, and began accumulating property in the area in question;
 - E. during his lifetime, Maurice Poiroux accumulated over 120 acres and, as a legacy to his 16 children, left them all one acre each, with the option of purchasing nine additional acres from him;
 - F. noted that the lots in question were for the applicant's daughters; and,
 - G. noted that the applicant wanted to maintain the rest of the property for his three grandchildren and did not want to do anything at this time to prevent dividing the remaining property between his grandchildren.

Mr. Olsen responded with the following:

- A. regarding the extension of McAllister Drive, it would depend on how Lot 2 was re-subdivided as to whether or not McAllister Drive needed to be extended into the lot or simply to it;
- B. noted that in the current configuration, there would be no way to re-subdivide Lot 2 as discussed due to it only having 25 feet of road frontage unless access were given from the property to McAllister Drive;
- C. noted that there were other ways of configuring the subdivision of Lot 2 that would not create further subdivision issues.

Mr. Davitt noted that based upon the staff's recommendation, the curb-cut would be on Lot 2 south of the flag portion of Lot 1 and not the north 25 feet in question.

Mr. Olsen offered that the access point for Lot 1 could be brought all the way down to the south line, change the location of the 25 foot flag pole portion of the property, giving 50 feet more toward the north property line that would allow for future re-subdivision with adequate frontage, should a private road have to be constructed to provide access for any additional legal lots of record created at a later date.

Both Mr. Davitt and Dr. Rivizzigno expressed their opinion that the plan offered by Mr. Olsen was more in line with the Subdivision Regulations than the plan before them.

The applicant expressed their agreement with the new plan.

Mr. Olsen then asked that the matter be held over to the July 8, 2010, meeting, to allow the applicant the opportunity to submit a revised plan reflecting the changes discussed at the meeting.

Mr. Poiroux asked if an earlier date might be possible, as he was bringing one of the daughters back to Alabama that coming weekend.

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Mr. Olsen stated that if the plans were submitted by the afternoon of Friday, June 4, 2010, then the matter could be heard again at the June 17, 2010, meeting.

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 June 17, 2010, meeting, to allow the applicant to reconfigure the proposed subdivision as discussed at the meeting, with the revised plat to be submitted by June 4, 2010.

The motion carried unanimously.

Case #SUB2010-00064

Jackson Heights Subdivision, Martenstein Addition to, Fifth Addition

426 Ridge Crest Court

South terminus of Ridge Crest Court

Number of Lots / Acres: 2 Lots / 1.2± Acre

Engineer / Surveyor: Rowe Surveying & Engineering Co., 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) **modification of the 25-foot minimum building setback line on the Final Plat so that it is only depicted on the lots in this subdivision;**
- 2) **retention of the lot area size labeling, in square feet, on the Final Plat;**
- 3) **placement of a note on the Final Plat stating that each lot is limited to one curb-cut each, with the size, design, and exact location of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 4) **compliance with City Engineering comments: *“Show Minimum Finished Floor Elevation on Plat on each lot. Need to reference the March 17, 2010 FIRM on the Plat. There is to be no fill placed within the limits of the flood plain without providing compensation. 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”;***
- 5) **placement of a note on the Final Plat stating that the approval of all applicable federal, state, and local agencies is required prior to the issuance of any permits or land disturbance**

- activities; and,
- 6) **placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened or otherwise protected species.**

The motion carried unanimously.

Case #SUB2010-00062

Grimes Family Subdivision I

11030 Wulff Road South

North side of Wulff Road South, 200'± West of the North terminus of Caldwell Road

Number of Lots / Acres: 3 Lots / 9.6± Acres

Engineer / Surveyor: John H. Peacock

County

The Chair announced the application had been recommended for approval.

Alex Grimes, 10980 Wulff Road, Semmes, AL, 36575, the applicant, asked for clarification regarding Condition 1 and noted that the property was part of an operating nursery and wanted to be sure that including the Tax Parcel referenced would not effect the ability to continue to operate that commercial business.

Mr. Olsen responded that the lot in question was not included on the original drawing submitted to the staff, though it was included via a letter which stated the applicant's intent to include said property in the plan. He also noted it could not be shown as future development on the plan as it was currently developed.

Mr. Grimes stated he was simply subdividing part of the operating nursery into lots for his daughters.

Mr. Olsen stated that the subdivision would have no impact on the operation of the business.

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

- 1) **revision of the final plat to include Tax Parcel R022409290000009. as Lot C;**
- 2) **rename "parcels" as "lots;"**
- 3) **depiction of a 35' minimum building setback line from the existing right-of-way of Wulff Road South (this line on Lot C shall be from where the "pole" meets the "flag" portion of the lot);**
- 4) **placement of a note on the final plat stating that each lot is**

- limited to one curb-cut to Wulff Road South, with the size, location, and design to be approved by County Engineering and in conformance with AASHTO standards;
- 5) ensure that the pole of Lot C is at least 50' in width for its entirety, as required by Section V.D.1 of the Subdivision Regulations;
 - 6) placement of a note on the final plat stating that no future subdivision of Lot C will be allowed until additional frontage on a public street is provided;
 - 7) labeling of the lots with their sizes in square feet (in addition to acreage) or the provision of a table on the plat with the same information;
 - 8) 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;
 - 9) placement of a note on the final plat stating that any lots developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section V.A.8 of the Subdivision Regulations; and,
 - 10) provision of a minimum detention capacity volume of a 50 year post development storm, with a maximum release rate equivalent to the 10 year storm pre-development rate, and the placement of a note on the final plat stating that the development has been designed to comply with all other 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, as well as the detention and release rate requirements of Mobile County for projects located within the Converse watershed, prior to the obtaining of permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering.

The motion carried unanimously.

Case #SUB2010-00065

Hampton Park Subdivision

1005 Middle Ring Road

Northwest corner of Middle Ring Road and Zeigler Boulevard

Number of Lots / Acres: 19 Lots / 7.1± Acres

Engineer / Surveyor: Thompson Engineering, Inc.

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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 Dr. Rivizzigno, with second by Mr. Davitt, to waive Sections V.B.14. and V.B.15. and approve the above referenced matter, subject to the following conditions:

- 1) **compliance with Engineering comments (*Subdivision construction complete, ready to be accepted for maintenance*);**
- 2) **dedication of sufficient right-of-way to provide 50 feet from the centerlines of Zeigler Boulevard and Middle Ring Road, as shown on the preliminary plat;**
- 3) **acceptance of the new streets by City Engineering;**
- 4) **placement of a note on the final plat stating that direct access to Zeigler Boulevard and Middle Ring Road is denied to Lots 1, 11, 12, 13, and 19, as shown on the preliminary plat;**
- 5) **placement of a note on the final plat stating that each lot is limited to one curb-cut each, with the size, design, and location to be approved by Traffic Engineering, and to conform with AASHTO standards;**
- 6) **placement of a note on the final plat stating that maintenance of common areas will be property owners' responsibility;**
- 7) **label of each lot with its size in square feet, or placement of a table on the plat with the same information; and,**
- 8) **placement of a note on the final plat stating that approval of all applicable federal, state, and local agencies for endangered, threatened or otherwise protected species is required prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

Case #SUB2010-00061

Magnolia Springs Subdivision, Phase II

North side of Silver Pine Road at the North terminus of Maple Valley Road

Number of Lots / Acres: 43 Lots / 22.5± Acres

Engineer / Surveyor: Engineering Development Services, LLC

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.

David Diehl, Engineering Development Services, LLC, spoke on behalf of the applicant and requested the matter be held over to allow time for the submission of the required

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composite plan and traffic impact study.

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 July 8, 2010, meeting, at the applicant's request.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2010-01237

Theodore O'Reilly, LLC

5900 U. S. Highway 90 West

West side of U. S. Highway 90 West, 150'± South of Carol Plantation Road

Request to waive construction of a sidewalk along U. S. Highway 90 West.

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.

With no one there to represent the matter, a motion was made by Mr. Turner, with second by Mr. DeMouy, to deny the above referenced request.

The motion carried unanimously.

Case #ZON2010-01239

Signal Ship Repair, LLC

601 South Royal Street

Northeast corner of South Royal Street and Elmira Street

Request to waive construction of a sidewalk along Royal Street and Elmira Street

Council District 2

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. Watkins, with second by Mr. Miller, to approve the above referenced request.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2010-00041 (HOLDOVER)

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

(Also see Case #ZON2010-01234 **Keddrick McKinley**, below)

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

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

- 1) **retention of the lot area size, in square feet, on the Final Plat;**
- 2) **placement of a note on the Final Plat stating that where the building envelope encroaches into any required setback (less than 5-feet from the property line where the building does not go all the way to the property line), the building may not be expanded to further encroach into any required setback;**
- 3) **dedication sufficient to comply with Section V.B.16. of the Subdivision Regulations regarding curb radii;**
- 4) **compliance with all 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. At the corner of Congress St and North Cedar St, need to dedicate to the City a minimum radius of 10' or as otherwise approved by the City Engineer);***
- 5) **placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;**
- 6) **placement of a note on the Final Plat stating that the approval of all applicable federal, state, and local agencies would be**

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- required prior to the issuance of any permits or land disturbance activities; and,
- 7) **provision of two copies of a revised Planned Unit Development site plan incorporating all of the changes to the Planned Unit Development to the Planning Section of Urban Development prior to the signing of the Final Plat.**

The motion carried unanimously.

Case #ZON2010-01234

Keddrick McKinley

551 & 553 Congress Street

(outhwest corner of Congress Street and North Cedar Street

Planned Unit Development Approval to allow reduced setbacks, reduced lot widths and reduced lot sizes.

Council District 2

(Also see **Case #SUB2010-00041 (HOLDOVER) Rave McKinley Subdivision**, above)

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

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

- 1) **retention of the lot area size, in square feet, on the site plan;**
- 2) **placement of a note on the site plan stating that where the building envelope encroaches into any required setback (less than 5-feet from the property line where the building does not go all the way to the property line), the building may not be expanded to further encroach into any required setback;**
- 3) **dedication sufficient to comply with Section V.B.16. of the Subdivision Regulations regarding curb radii;**
- 4) **compliance with all 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. At the corner of Congress St and North Cedar St, need to dedicate to the City a minimum radius of 10' or as otherwise approved by the City Engineer);***
- 5) **placement of a note on the site plan stating that development of**

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- the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species;
- 6) placement of a note on the site plan 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;
 - 7) provision of two copies of a revised site plan incorporating all of the changes above to the Planning Section of Urban Development prior to the signing of the Final Plat; and,
 - 8) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2010-00063 (Subdivision)

Oakleigh Place Subdivision

2709 Hillcrest Road

(East side of Hillcrest Road, 450'± North of Weddington Court).

Number of Lots / Acres: 19 Lots / 6.4± Acres

Engineer / Surveyor: Rester & Coleman Engineers, Inc.

Council District 6

(Also see **Case #ZON2010-01236 (Planned Unit Development) Oakleigh Place Subdivision**, below)

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

Hearing no opposition or discussion, and based upon the understanding that the development would have a public street, and with a waiver of Section V.D.3. for Lot I, a motion was made by Mr. Turner, with second by Mr. Miller, to approve the above referenced matter, subject to the following conditions:

- 1) revision of the plat to depict and label (including height) the privacy / entrance wall that has been constructed along the Hillcrest Road frontage of the development, and the obtaining of building permits after the fact for the wall;
- 2) depiction and labeling of the minimum building setback line to be at least 25-feet from all street frontages for all lots, or where the lot is a minimum of 60 feet in width for lots less than 60-feet wide at the street, as shown;
- 3) placement of a note on the site plan and plat stating that the maximum building site coverage per lot is 40%, the minimum side yard setback is 5 feet, and the minimum rear yard setback is 8 feet, as shown;
- 4) depiction and labeling of an access easement from the street

- that is part of the development to the detention facility to allow maintenance, as shown;
- 5) labeling of all common areas, and placement of a note on the site plan and plat stating that maintenance of common and detention common areas is the responsibility of the property owners, as shown;
 - 6) placement of a note on the site plan and plat that all lots are denied direct access to Hillcrest Road, as shown;
 - 7) placement of a note on the site plan and plat that each lot is limited to one curb-cut, with the size, design and location to be coordinated with Urban Forestry, and approved by Traffic Engineering and in compliance with AASHTO standards, as shown;
 - 8) full compliance with Engineering comments (*Subdivision construction complete, need the following three items submitted to the Engineering Department before streets can be accepted for maintenance: 1. A 2-year Construction Bond in the amount of 25% of the cost for the construction of the roadway and drainage improvements; 2. Submit documentation proving that there is sufficient detention capacity for the increased site coverage; and 3. Need copy of the Property Owners Covenants, draft copy to be submitted when Plat is submitted for review and signature, and a recorded copy of the covenants to be submitted with copy of recorded plat.*);
 - 9) full compliance with Urban Forestry comments, and placement of the comments as a note on the site plan and plat (*Preservation status is to be given to the 48" Live Oak Tree located on the Southwest corner of Lot 19, the 60" Live Oak Tree located on the South side of Lot 16, the 56" Live Oak Tree located on the South side of Lot 15, the 76" Live Oak Tree located on the Northeast corner of Lot 11, the 72" Live Oak Tree Located on the South East side of Lot 11, and the 54" Live Oak Tree located in the middle of Lot 4, and for all 50" and larger trees that may occur within the development, not otherwise identified. Any work on or under these trees are to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger. Exact curb cut locations and location of the proposed street and internal circulation drive should also be coordinated with Urban Forestry to ensure that no trees 50" and larger are effected.*);
 - 10) placement of a note on the site plan and plat stating that the site must be developed in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species prior to land disturbance or the issuance of permits;
 - 11) provision of two (2) revised PUD site plans to the Planning

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- Section of Urban Development prior to the signing of any Subdivision plat;**
- 12) completion of the Subdivision process *prior to* any additional permitting activities, other than the privacy / entrance wall; and,**
 - 13) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2010-01236 (Planned Unit Development)

Oakleigh Place Subdivision

2709 Hillcrest Road

East side of Hillcrest Road, 450'± North of Weddington Court

Planned Unit Development Approval to allow reduced side yard setbacks and increased site coverage in an R-1, Single-Family Residential District.

Council District 6

(Also see **Case #SUB2010-00063 (Subdivision) Oakleigh Place Subdivision**, above)

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

Hearing no opposition or discussion, and based upon the understanding that the development would have a public street, a motion was made by Mr. Turner, with second by Mr. Miller, to approve the above referenced matter, subject to the following conditions:

- 1) revision of the plat to depict and label (including height) the privacy / entrance wall that has been constructed along the Hillcrest Road frontage of the development, and the obtaining of building permits after the fact for the wall;**
- 2) depiction and labeling of the minimum building setback line to be at least 25-feet from all street frontages for all lots, or where the lot is a minimum of 60 feet in width for lots less than 60-feet wide at the street, as shown;**
- 3) placement of a note on the site plan and plat stating that the maximum building site coverage per lot is 40%, the minimum side yard setback is 5 feet, and the minimum rear yard setback is 8 feet, as shown;**
- 4) depiction and labeling of an access easement from the street that is part of the development to the detention facility to allow maintenance, as shown;**
- 5) labeling of all common areas, and placement of a note on the site plan and plat stating that maintenance of common and detention common areas is the responsibility of the property owners, as shown;**
- 6) placement of a note on the site plan and plat that all lots are**

- denied direct access to Hillcrest Road, as shown;
- 7) placement of a note on the site plan and plat that each lot is limited to one curb-cut, with the size, design and location to be coordinated with Urban Forestry, and approved by Traffic Engineering and in compliance with AASHTO standards, as shown;
 - 8) full compliance with Engineering comments (*Subdivision construction complete, need the following three items submitted to the Engineering Department before streets can be accepted for maintenance: 1. A 2-year Construction Bond in the amount of 25% of the cost for the construction of the roadway and drainage improvements; 2. Submit documentation proving that there is sufficient detention capacity for the increased site coverage; and 3. Need copy of the Property Owners Covenants, draft copy to be submitted when Plat is submitted for review and signature, and a recorded copy of the covenants to be submitted with copy of recorded plat.*);
 - 9) full compliance with Urban Forestry comments, and placement of the comments as a note on the site plan and plat (*Preservation status is to be given to the 48" Live Oak Tree located on the Southwest corner of Lot 19, the 60" Live Oak Tree located on the South side of Lot 16, the 56" Live Oak Tree located on the South side of Lot 15, the 76" Live Oak Tree located on the Northeast corner of Lot 11, the 72" Live Oak Tree Located on the South East side of Lot 11, and the 54" Live Oak Tree located in the middle of Lot 4, and for all 50" and larger trees that may occur within the development, not otherwise identified. Any work on or under these trees are to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger. Exact curb cut locations and location of the proposed street and internal circulation drive should also be coordinated with Urban Forestry to ensure that no trees 50" and larger are effected.*);
 - 10) placement of a note on the site plan and plat stating that the site must be developed in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species prior to land disturbance or the issuance of permits;
 - 11) provision of two (2) revised PUD site plans to the Planning Section of Urban Development prior to the signing of any Subdivision plat;
 - 12) completion of the Subdivision process *prior to* any additional permitting activities other than the privacy / entrance wall; and,
 - 13) full compliance with all other municipal codes and ordinances.

June 3, 2010
PLANNING COMMISSION MEETING

The motion carried unanimously.

OTHER BUSINESS:

Mr. Olsen advised the Commission that they needed to consider a date for a business meeting in the month of June or July. He noted that it had usually been held on a Thursday that did not conflict with a Planning Commission date.

After a brief discussion, the Commission members advised Mr. Olsen to pick a date, location, and time, and advise the Commission members of the same.

Hearing no further business, the meeting was adjourned.

APPROVED:

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

jsl