

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF JULY 16, 2009 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William G. DeMouy, Jr.
Stephen J. Davitt, Jr.
Nicholas H. Holmes, III
Mead Miller
Roosevelt Turner
John Vallas

Members Absent

Clinton Johnson
Victoria L. Rivizzigno, Secretary
James F. Watkins, III

Urban Development Staff Present

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

Others Present

John Lawler,
Assistant City Attorney
John Forrester,
City Engineering

Jennifer White,
Traffic Engineering

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

Mr. Plauche stated the number of members present constituted a quorum and called the meeting to order, advising all attending of the policies and procedures pertaining to the Planning Commission.

APPROVAL OF MINUTES:

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

- June 19, 2008
- July 10, 2008

The motion carried unanimously.

HOLDOVERS:

Case #ZON2009-01303

William Youngblood

3964 Airport Boulevard

North side of Airport Boulevard, 490'± West of McGregor Avenue South

Rezoning from B-2, Neighborhood Business District, and B-3, Community Business

District, to B-3, Community Business District, to eliminate split zoning

Council District 5

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. DeMouy, to deny the above referenced request for rezoning for the following reasons:

- 1) **the applicant did not submit justification for a rezoning request as described in the zoning ordinance; and,**
- 2) **the applicant did not submit a subdivision and planned unit development application.**

The motion carried unanimously.

Case #SUB2009-00069 (Subdivision)

RPM Subdivision

2852 Dauphin Island Parkway

Southwest corner of Dauphin Island Parkway and Levene Road

Number of Lots / Acres: 1 Lot / 0.7± Acre

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

Council District 3

The Chair announced the matter had been recommended for denial.

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

- A. regarding the need for a curb cut at the location, he stated that the property was a legal lot of record, and inasmuch, the applicant would like a curb cut onto Levene Road, as one had been denied when the property was originally subdivided;
- B. the plan for the property is a small shopping center, and the State, which controls access to Dauphin Island Parkway, is requiring them to have a right-in/right-out only driveway from the site to Dauphin Island Parkway, thus limiting access to the site;

July 16, 2009
PLANNING COMMISSION MEETING

- C. the curb cut requested is a necessity for the proper development of the site, without which the site is not suitable for commercial build out as it is zoned; and,
- D. Traffic Engineering has been consulted and they have no concerns regarding the matter.

Mr. Olsen responded by saying:

- A. the staff stood by their recommendation to deny the curb cut requested as it is to a small, minor, residential street, and nothing about the character of that street has changed since the original subdivision and recommendation was done; and,
- B. access from Dauphin Island Parkway as the sole access to a site is not uncommon, making access to the site a design issue.

Mr. Dagley stated that was the case prior to the limitation of only being allowed a right-in/right-out curb cut onto Dauphin Island Parkway by the State.

Mr. Davitt asked if Traffic Engineering had looked at this and if they had any comments they would like to make at this time.

Jennifer White, Traffic Engineering, responded given that the Dauphin Island Parkway access is limited to right-in/right-out and that Levene Road really has low volume as far as traffic is concerned, they have no real problem with it.

Mr. Davitt asked if the proposed curb cut location on Levene Road was acceptable with Traffic Engineering.

Ms. White said yes as they prefer it to be at the back of the property.

In deliberation, Mr. Vallas noted that the Commission failed to ask that, if the proposed subdivision were approved with the curb cut, would there be any additional condition(s), however, by deliberation, the applicant had left the meeting.

Mr. Olsen said basically the condition would read to say “limited to the curb cuts as shown on the site plan with location to be approved by Alabama Department of Transportation for Dauphin Island Parkway and City Traffic Engineering for Levene Road, with buffering being required per the Zoning Ordinance.”

Hearing no opposition or further discussion, a motion was made by Mr. Vallas, 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 subdivision is limited to a right-in/right-out curb-cut to**

July 16, 2009
PLANNING COMMISSION MEETING

- Dauphin Island Parkway, with size, location, and design to be approved by ALDOT; and,**
- 2) placement of a note on the Final Plat stating that the subdivision is limited to one curb-cut to Levene Road, with size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.**

The motion carried unanimously.

Case #SUB2009-00086
Crest View Subdivision, First Addition, Re-subdivision of Lot 16, Block A

4300 Coalesway Drive
Northwest corner of Coalesway Drive and Belvedere Street
Number of Lots / Acres: 2 Lots / 0.7± Acre
Engineer / Surveyor: Rester and Coleman Engineers, Inc.
Council District 4

The Chair announced the matter had been recommended for denial.

The following people spoke in favor of the matter:

- Hurley Crews, 5527 Quail Run, Theodore, AL, the owner/applicant; and,
- Don Coleman, Rester and Coleman Engineers Inc., for the applicant.

They gave the following points in favor of approving the matter:

- A. the house has changed very little since its initial purchase by the current owner;
- B. currently it is rental property, but the owner plans to move into it when his health or his wife's health makes living away from the city difficult;
- C. the detached, departmentalized garage has never really been used;
- D. in 2004, the applicant hired a contractor to repair extensive water damage found in the detached garage;
- E. the applicant is a musician and has considered using part of the garage space as a music room;
- F. wanted to use the garage as rental property in addition to the main house on the site so asked a contractor if that was possible and was told it was done all over Mobile; however, after receiving the citation regarding that very matter, realized the information received regarding that was in error;
- G. when the applicant and his wife move back to the home, they now wish to use the garage as live-in space for a support/medical

July 16, 2009
PLANNING COMMISSION MEETING

- person who will assist them in their old age, as opposed to having to give up independent living and go to a nursing home;
- H. the way the applicant proposes doing this will eliminate the zoning violation and would thus meet the minimum standards of the Subdivision Regulations for size and frontage with both buildings being a minimum of 8 feet off the property line; and
 - I. it was recognized that while the subdivision did create two smaller lots compared to the rest of the neighborhood, those lots comply with the minimum square footage requirements as stated in the Subdivision Regulations.

Mr Olsen responded by saying the size and configuration of the proposed lot was not in character with the surrounding area.

Mr. Vallas asked about the 5 foot setback between the structure in question and the existing house and if it met the setback requirement on the north side.

Mr. Olsen stated it did.

Mr. Davitt asked if the matter had been before the Board of Zoning Adjustment.

Mr. Olsen stated it had not and that the staff would recommend denial of such an application should it be, as any hardship to the property would be self-imposed.

Mr. Vallas asked if the current use of the building was for the piano or as an apartment.

Mr. Crews said the projected use was for rental income until they moved back to the city in the next few years.

The Chair asked if subdividing the property was the only option available to the applicant, or was a variance of some kind possible.

Mr. Olsen stood by his earlier remarks regarding variance application.

Mr. Vallas stated that if the house were attached to the garage by a breezeway it still would not resolve the issue, as a R-1, single family dwelling can not have two kitchens per the Zoning Ordinance.

Mr. Davitt said that if the kitchen were removed, the only issue to take before the Board of Zoning Adjustment would be the variance on the property line.

Mr. Olsen stated that the owner/applicant would still not be able to use the location for a separate dwelling; however, he could use it as a recreational room, a music room, or something along those lines.

Mr. Vallas queried how individuals with pool houses had small kitchens in them.

July 16, 2009
PLANNING COMMISSION MEETING

Mr. Olsen stated that regarding pool houses, a variance would have to be granted, but it is different in nature and use. He added that an outdoor kitchen would not be an issue; however, as the kitchen in question is inside and in a separate building meaning that building could be used as a second, independent living space, it would require a variance.

Mr. Holmes added that if the applicant chose that option then he would not need to have the subdivision.

Mr. Olsen advised that was correct, however, it was doubtful that it would be approved by the Board of Zoning Adjustment because there is no hardship related to the property.

Mr. Miller asked if the applicant was living in either building on the property currently and was advised no.

In deliberation, Mr. Olsen stated Mr. Lawler pointed out to him that staff report referenced that when the separate power meter was obtained for what is now the apartment; the applicant stated the building would not be used for commercial or residential purposes.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Vallas, to hold the matter over until the September 17, 2009, meeting, in an effort to resolve issues presented by both sides.

The motion carried unanimously.

Case #SUB2009-00082

T. E. Houston Subdivision

5644 Three Notch Road

North side of Three Notch Road, 430'± East of Calhoun Road, extending to the South side of Jackson Road, 300'± East of Calhoun Road

Number of Lots / Acres: 6 Lots / 4.0± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

Council District 4

The Chair announced the application had been recommended for approval.

Matt Orrell, Polysurveying of Mobile, spoke on behalf of both of his clients in this matter, the First Baptist Church of Tillman's Corner and Mr. T.E. Houston. He addressed the issue of shared access between the sites as noted within the staff report, stating there was no real shared access to the site as it was simply a case of overflow parking from the church, with nothing formal and/or in writing regarding the same.

Mr. Olsen offered the following options to the situation:

July 16, 2009

PLANNING COMMISSION MEETING

- A. the church petition for the small portion in question to be incorporated into the city so that all of their property would then be within the city limits of Mobile; or,
- B. incorporate the small portion into a different part of the church's property that was not part of the subdivision.

Mr. Orrell asked if the church would then be responsible for any additional actions other than the subdivision and Mr. Olsen stated no.

Mr. Olsen recommended that Mr. Orrell might request a hold over to allow him time to get with his clients to determine what plan of action they wished to pursue, however, Mr. Orrell felt his clients would not be amiable to that.

Mr. Orrell offered to modify the application by eliminating the request for lot 4, letting lot 3 encompass the necessary space at that time and address the other issue at a later date.

Hearing no opposition or further discussion, a motion was made by Mr. Vallas, with second by Mr. Davitt, to modify the subdivision to three (3) lots, excluding properties located north of the city limit line and subject to the following conditions:

- 1) **rezoning of Lot 4, if brought into the city, to eliminate the split-zoning condition, prior to any applications for building or development permits for the site;**
- 2) **elimination of shared access with the church site to the west, or inclusion of the church site with a Planned Unit Development application for Lots 1-3, to address shared access and reduced setback issues, with approval required prior to the recording of the final plat;**
- 3) **placement of a note on the Final Plat stating that Lots 1-3 are limited to the three existing shared-access curb-cuts onto Three Notch Road, and that Lot 4 is limited to two curb-cuts onto Jackson Road, with the size, design, and location of curb-cuts subject to the approval of the respective jurisdiction (Mobile County Engineering or City of Mobile Traffic Engineering), and to be in compliance with AASHTO standards;**
- 4) **dedication of right-of-way adequate to provide 50-feet from the centerline of Three Notch Road; and,**
- 5) **placement of a note on the Final Plat stating that new development, redevelopment, or change of use to commercial or multi-family must comply with the buffer requirements of Section V.A.8. of the Subdivision Regulations.**

The motion carried unanimously.

EXTENSIONS:

Case #SUB2008-00166

Wellsville Farms Subdivision, Re-subdivision of Lot 12

East side of Schillinger Road South, 1015'± North of Cottage Hill Road

Number of Lots / Acres: 2 Lots / 9.3± Acres

Engineer / Surveyor: Rowe Surveying and Engineering Company, 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. Turner, to approve the above requested extension, but the applicant should also be advised that future extensions are unlikely.

The motion carried unanimously.

Case #SUB2008-00132

Horton Hills Subdivision

7001 Wigfield Road

South side of Wigfield Road, 685'± East of Aljon Drive, extends to the West terminus of Ray Drive [unopened public right-of-way]

Number of Lots / Acres: 3 Lots / 8.1± Acres

Engineer / Surveyor: Rowe Surveying and Engineering Company, 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. Turner, to approve the above requested extension, but the applicant is advised that, since road construction is not required, no further extensions are likely.

The motion carried unanimously.

Case #SUB2008-00121 (Subdivision)

ZPM Subdivision

South side of Grelot Road, 520'± East of Knollwood Drive

Number of Lots / Acres: 5 Lots / 3.0± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 6

(Also see **Case #ZON2008-01383 (Planned Unit Development) ZPM Subdivision**, below)

Don Coleman, Rester and Coleman Engineers Inc., requested, on behalf of the applicant, that the matter be withdrawn.

Case #ZON2008-01383 (Planned Unit Development)

ZPM Subdivision

South side of Grelot Road, 520'± East of Knollwood Drive
Planned Unit Development Approval to allow multiple buildings on a single building site
in a private street commercial subdivision
Council District 6
(Also see **Case #SUB2008-00121 (Subdivision) ZPM Subdivision**, above)

Don Coleman, Rester and Coleman Engineers Inc., requested, on behalf of the applicant,
that the matter be withdrawn.

Case #SUB2006-00180

Labrador Run Subdivision

West terminus of Belmont Park Drive, extending to the South side of Ben Hamilton Road
at the South terminus of Mose Circle (private street)
Number of Lots / Acres: 427 Lots / 229.3± 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. Turner, to approve the above requested extension with the original conditions and the
additional cul-de-sac condition, as follows:

- 1) **provision of street-stubs to the land-locked parcel north of proposed lots 20-21 and 26-27 in Phase Four, and the land-locked parcel south of Phase Six, in compliance with Section V.B.1. of the Subdivision Regulations;**
- 2) **identification of all portions of the site to fully account for all acreage and the manner of site development, specifically the land near proposed lots 7, 187-190, and 390;**
- 3) **depiction of any existing drainage easements associated with previous subdivisions (Lot 1, Duncan Subdivision);**
- 4) **identification of the size of all lots in square feet, either via a table on the plat, or by the labeling of each lot, to ensure that each lot meets the minimum lot size identified in Section V.D.2. of the Subdivision Regulations;**
- 5) **depiction of the 25-foot minimum building setback line, in conformance with Section V.D.9. of the Subdivision Regulations;**
- 6) **identification and labeling of all common areas, including green spaces, road medians, and detention areas, and placement of a note on the plat stating that maintenance of all**

- common areas shall be the responsibility of the subdivision's property owners;
- 7) placement of a note on the Final Plat stating that access to the 60-foot roadway easement on the west side of site is denied;
 - 8) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;
 - 9) submission of certification to Urban Development by a licensed engineer that detention facilities are adequate to comply with City of Mobile volume and discharge rate standards prior to signing of the final plat; and,
 - 10) cul-de-sac rights-of-way and pavement diameters for Phases Three and higher to comply with Sections V.B.14. and V.B.15. of the Subdivision Regulations.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2009-00096

Pugh Subdivision

11735 Tanner Williams Road

South side of Tanner Williams Road, 750'± East of Old Tanner Williams Road East

Number of Lots / Acres: 1 Lot / 1.9± Acres

Engineer / Surveyor: McCrory & Williams 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 further discussion, a motion was made by Mr. Turner, with second by Mr. DeMouy, to approve the above referenced subdivision, subject to the following conditions:

- 1) dedication of right-of-way adequate to provide 50-feet, as measured from the centerline of Tanner Williams Road;
- 2) adjustment of the minimum building setback line to reflect right-of-way dedication;
- 3) revision of the lot size information to reflect dedication;
- 4) placement of a note on the Final Plat stating that the lot is limited to one curb-cut, with the size, design, and location to be approved by Mobile County Engineering, and the curb-cut to conform to AASHTO standards if moved or modified;
- 5) placement of a note on the Final Plat stating that the remainder of the parcel shall not be developed until a legal lot

July 16, 2009
PLANNING COMMISSION MEETING

- is created and adequate frontage on a public street provided;
- 6) placement of a note on the Final Plat stating that the site must be developed 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 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; and,
 - 8) placement of a note on the Final Plat stating that new development must comply 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.

The motion carried unanimously.

Case #SUB2009-00100

McKeever Place Subdivision

2717 Riverside Drive

South side of Riverside Drive, 110'± East of Valley Road

Number of Lots / Acres: 1 Lot / 0.4± Acre

Engineer / Surveyor: Baskerville Donovan Inc.

Council District 3

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. Turner, with second by Mr. DeMouy, to approve the above reference subdivision, subject to the following conditions:

- 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 and conform to AASHTO standards;
- 2) illustration of the 25' minimum building setback line along Riverside Drive;
- 3) labeling of the lot with its size in square feet and acres, or the furnishing of a table on the final plat providing the same information;

July 16, 2009
PLANNING COMMISSION MEETING

- 4) placement of a note on the Final Plat stating that development of this site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species; and,
- 5) subject to the Engineering comments: *(Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Must provide detention for any impervious area added in excess of 4,000 square feet).*

The motion carried unanimously.

Case #SUB2009-00101
Broad – Elmira Subdivision

412 South Broad Street
Northwest corner of South Broad Street and Elmira Street
Number of Lots / Acres: 1 Lot / 0.9± Acre
Engineer / Surveyor: Byrd Surveying, 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.

Doug Anderson, Burr and Foreman Law Firm, spoke on behalf of the owner and applicant to discuss the 25 foot setback as noted in condition 4. He made the following points:

- A. when submitted two years ago, the parcel was not part of a historical district;
- B. an application has been submitted to the City's Architectural Review Board and the applicant is waiting for final approval from that entity;
- C. it is firmly believed that Architectural Review Board will approve the site plan with a much farther setback line; and,
- D. the applicant would like the setback line decision on Broad Street left to the Architectural Review Board, but at no less than 10 feet.

Mr. Vallas confirmed with the applicant's representative that a 20 foot setback was wanted on Elmira Street as opposed to the required 25 foot setback, with Mr. Anderson responding yes.

Mr. Olsen advised that would mean a minimum 10 foot setback on Broad Street. He then went on to state that both Mr. Anderson and the Mobile Historic Development Commission were all aware that, regardless of what the Planning Commission does regarding setbacks, anything less than the setbacks that are required by the Zoning

July 16, 2009
PLANNING COMMISSION MEETING

Ordinance will require a variance from the Board of Zoning Adjustment.

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

- 1) **provision of evidence that the remainder of the parcel is an existing legal lot prior to the signing of the Final Plat, or reapplication for Subdivision approval, including the entirety of the parcel;**
- 2) **placement of a note on the Final Plat stating that the lot is limited to one curb-cut onto Broad Street and one curb-cut onto Elmira Street, with the size, design, and location of curb-cuts to be approved by Traffic Engineering and Urban Forestry, and to comply to the greatest extent possible with AASHTO standards;**
- 3) **provision of the corner radius, as depicted on the preliminary plat;**
- 4) **depiction and labeling of a 10-foot minimum building setback along Broad Street and 20-feet along Elmira Street (variances will be required for less than 25' setback);**
- 5) **depiction of the minimum finished floor elevation on the Final Plat;**
- 6) **full compliance with Urban Forestry comments: (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64)*);**
- 7) **compliance with Section V.A.8. of the Subdivision Regulations, and depiction of a 10-foot buffer area along the west and north boundaries of the lot; and,**
- 8) **full compliance with all stormwater and flood control ordinances.**

The motion carried unanimously.

Case #SUB2009-00102

Carver Homes Subdivision, Addition to, Re-subdivision of Lots 10 & 12

659 Whitney Street

North side of Whitney Street, 100'± East of Moton Street

Number of Lots / Acres: 1 Lot / 0.3± Acre

Engineer / Surveyor: Byrd Surveying, Inc.

Council District 2

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.

July 16, 2009
PLANNING COMMISSION MEETING

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

- 1) **placement of a note on the Final Plat stating that the subdivision is limited to one curb cut to Whitney Street, with the size, location, and design to be approved by Traffic Engineering and in conformance with AASHTO standards;**
- 2) **the depiction on the Final Plat of the minimum 25' front setback line along Whitney Street;**
- 3) **labeling of the lot with its size in square feet, or the provision of a table on the Final Plat with the same information;**
- 4) **the applicant receive the approval of all applicable federal, state, and local environmental agencies would be required prior to the issuance of any permits or land disturbance activities; and,**
- 5) **placement of a note on the Final Plat stating that the site must be developed in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species.**

The motion carried unanimously.

Case #SUB2009-00106
Serenity Gardens Funeral Home Subdivision

8691 Old Pascagoula Road

South side of Old Pascagoula Road, 675'± East of Serenity Gardens Road

Number of Lots / Acres: 1 Lot / 54.0± Acres

Engineer / Surveyor: Don Williams Engineering

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. DeMouy, with second by Mr. Turner, to approve the above referenced subdivision, subject to the following conditions:

- 1) **provision of labeling of the lot size, in square feet, on the Final Plat, or provision of a table on the final plat with the same information;**
- 2) **depiction of the 25-foot wherever the site fronts a public street;**
- 3) **provision of dedication sufficient to provide 50-feet from the centerline of Old Pascagoula Road;**
- 4) **provision of dedication sufficient to provide 30-feet from the centerline of Serenity Gardens Road;**

July 16, 2009
PLANNING COMMISSION MEETING

- 5) placement of a note on the Final Plat denying the lot access to Tiffani Drive;
- 6) 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;
- 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; and,
- 8) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8 of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2009-00097

Miller Creek Estates Subdivision, Re-subdivision of Lot 1

North terminus of Foxgate Road, adjacent to the North side of Alderbrook Subdivision, extending to the South terminus of Sasser Lane

Number of Lots / Acres: 2 Lots / 38.4± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

County

The Chair announced the matter had been recommended for holdover.

Jerry Byrd, Byrd Surveying, Inc., spoke on behalf of the applicant and addressed the confusion expressed by staff in dealing with the county on whether or not Sasser Lane is county maintained and gave the following points regarding that:

- A. the two owners involved know that the north-south portion of Sasser Lane is not maintained by the county, with only the east-west portion of Sasser Road that starts at Repol Road being county maintained;
- B. the owner of the property discussed in condition 2 has no problem with dedicating the 120 foot radius for the cul-de-sac;
- C. the justification for the flag shaped lot is due to there being one owner of the 60 foot strip that is the “flag pole”, and that owner

July 16, 2009
PLANNING COMMISSION MEETING

wishes to purchase approximately 10 acres from the owner of the larger tract of land with the combination of the two creating the flag shaped lot; and,

- D. disapproval of the matter today will leave a court ordered 60 foot strip of land with no real use.

Mr. Vallas and Mr. Davitt asked for clarification regarding the maintenance of Sasser Road.

Mr. Byrd said though the county did maintain a portion of it, the property owners along Sasser Road took responsibility of maintaining its entire length.

Mr. Palombo noted that, per the court order running north to south along Sasser Lane, there is what is described as a 50 foot private road easement in the legal document and appears to be part of parcel 2.

Mr. Byrd responded that he would need to review the document to clarify that issue.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. Vallas, to hold the matter over until the August 20, 2009, meeting, so that the following items could be addressed, with revisions due to the Planning staff by August 3, 2009:

- 1) **provision of documentation that Sasser Lane is maintained by Mobile County for its entire length;**
- 2) **revision of the plat to illustrate the provision of a 120-diameter cul-de-sac at the terminus of Sasser Lane, and revision of lot sizes to accommodate the cul-de-sac;**
- 3) **placement of a note on the Final Plat stating that each lot is limited to one curb-cut onto each street frontage, with the size, design, and location to be approved by Mobile County Engineering;**
- 4) **depiction of the 25-foot minimum building setback line as discussed in the report;**
- 5) **placement of a note on the Final Plat stating that: *“Development must comply 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.”;***
- 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;
- 7) placement of a note on the Final Plat stating that development on the site must be undertaken with the approval of all applicable federal, state, and local agencies prior to the issuance of any permits or land disturbance activities;
 - 8) placement of a note on the Final Plat stating that no additional development of proposed Lot 1-B is allowed until additional frontage on a paved public street is provided, and no further subdivision of Lot 1-A is allowed that would increase the number of lots fronting onto Sasser Lane until such time it is paved in its entirety, and a paved cul-de-sac is provided;
 - 9) 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; and,
 - 10) provision of justification for the flag-shaped lot.

The motion carried unanimously.

Case #SUB2009-00098

Maritime Science Center Subdivision

200 Addsko Road

Southeast corner of Addsko Road and Battleship Parkway

Number of Lots / Acres: 2 Lots / 23.5± Acres

Engineer / Surveyor: Goodwyn, Mills & Cawood, Inc.

Council District 2

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. Turner, with second by Mr. Miller, to approve the above referenced subdivision, subject to the following conditions:

- 1) inclusion of the entire tax parcel on the Final Plat with appropriate labeling as future development or conservation area;
- 2) depiction of the 25-foot minimum building setback line along all public right-of-way frontages;
- 3) retention of lot size labeling in square feet;
- 4) provision of a note on the Final Plat stating that Lot 1 is limited to two curb cuts, with the size, location, and design of all curb cuts to be approved by City of Mobile Traffic Engineering, and conform to AASHTO standards;
- 5) provision of a note on the Final Plat stating that Lot 2 is

- limited to the existing curb cut, with the size, location, and design of all curb cuts to be approved by City of Mobile Traffic Engineering, and conform to AASHTO standards;
- 6) provision of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies would be required prior to the issuance of any permits;
 - 7) provision 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;
 - 8) 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.8 of the Subdivision Regulations;
 - 9) compliance with Engineering comments: (*Show Minimum FFE on each lot shown on plat. Reference any FEMA approvals for LOMR submittals. 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 applicable municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2009-00104

Riverview Subdivision, Re-subdivision of Lots 6-9 Block 1

3614 Riviere Du Chien Road

West side of Riviere Du Chien Road, 250'± South of Riviere Du Chien Court

Number of Lots / Acres: 2 Lots / 0.5± Acre

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

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.

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

- 1) submission of documentation to verify vacation of the unopened public right-of-way along the rear portion of current Lot 6, Block 1, Riverview Subdivision, or submission of evidence of a City mapping error, prior to signing the final plat;
- 2) placement of a note on the Final Plat stating that each lot is limited to one curb cut, 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 Riviere du Chien Road;
 - 4) labeling of each 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 the approval of all applicable federal, state, and local agencies would be required prior to the issuance of any permits or land disturbance activities;
 - 6) placement of a note on the Final Plat stating that development of this site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species; and,
 - 7) subject to the Engineering comments: *(Show Minimum FFE on each lot shown on the Final Plat. Fill is not allowed without City of Mobile Engineering Department approval, which at a minimum requires providing compensation or completing a flood study. Wetland locations must be shown on plat. Any work in wetlands must be permitted through the Corps of Engineers and copies of permits must be provided the City prior to obtaining Land Disturbance Permits. 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 #SUB2009-00108

White Estates Subdivision

2001 Point Legere Road

South side of Point Legere Road, 330'± East of Canal Lane

Number of Lots / Acres: 2 Lots / 3.3± Acres

Engineer / Surveyor: Rowe Surveying & Engineering Co. Inc.

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.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the August 20, 2009, meeting, to allow the applicant to submit the following, with documentation and/or revisions to be submitted by August 5, 2009:

- 1) **documentation to account for such separation via recorded adverse possession; or,**

July 16, 2009
PLANNING COMMISSION MEETING

- 2) **documentation to account for such separation prior to 1952;**
or,
- 3) **revision of the application to a three-lot subdivision to include the neighboring property to the North, with a revised plat, notification labels, mailing fees, and lot fees.**

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2009-01593

St. Luke's Episcopal Upper School

1400 South University Boulevard

South side of University Boulevard, 490'± East of Grelot Road

Request to waive construction of a sidewalk along University Boulevard

Council District 6

The Chair announced the application had been recommended for approval.

Larry Russell, Zito Russell Architects PC, spoke on behalf of the applicant and made the following statements:

- A. asked for clarification regarding how long the temporary sidewalk waiver was in place and concern regarding the fact that a Planned Unit Development application was coming before the Commission in August for a modification to the athletic fields located on the property, which meant the sidewalk issue would come up at that time;
- B. stated that part of the overall design included a plaza that would be able to incorporate the sidewalk requirement with regards to design and overall site access; and,
- C. agreed that the sidewalk was possible in places just off the right-of-way, however, due to the topography of the area, it was not possible along the entire site.

Mr. Davitt asked if plans for the plaza mentioned would be in the application coming before the Commission in August and suggested that it might work in the applicant's best interest, especially regarding the sidewalk, if it were.

Mr. Olsen asked if the school or Mr. Russell had any idea when the plaza mentioned would be designed and constructed and was advised no. Mr. Olsen went on to state that as nothing regarding the plaza was certain, he would hate to see something definitive stated regarding it and any aspects of sidewalk installation be done at this time.

Mr. Russell stated as the sidewalk could not be built to city standards that created additional problems regarding locating the sidewalk on private property.

July 16, 2009
PLANNING COMMISSION MEETING

Mr. Olsen stood by the staff's recommendation, saying it would allow the staff to be sure the project stayed on track with regards to the city's regulations and ordinances.

Mr. Davitt asked if that meant every time the applicant made a change, the Commission would need to review and rule on the sidewalk.

Mr. Olsen reminded the Commission that yes, Mr. Davitt was correct inasmuch as the sidewalk would be up for review, but that would only be the case if the applicant made changes to their stated plans which would require coming before the Commission for review because all of their approvals are site plan specific.

In deliberation, Mr. Davitt moved to deny the application because he felt to do otherwise created a situation where the applicant would be in front of the Commission on a regular basis having the Commission render a decision on the same matter time and again. He felt it was not an efficient use of the Commission's time. He also said if they were willing to present plans on the plaza, it would be easier to approve.

Mr. Vallas wanted to give the applicants more opportunity to get their plans together as they were a school and probably had a great deal of planning to go through prior to presenting firm plans publicly.

Mr. Miller agreed with Mr. Vallas, however, he did not want to see the issue dragged out into perpetuity and asked if there was a reasonable compromise.

Hearing no second, Mr. Davitt's motion died for lack of support.

Hearing no opposition or further discussion, a new motion was made by Mr. Vallas, with second by Mr. Turner, to temporarily approve the above requested sidewalk waiver, subject to the following condition:

- 1) construction of the sidewalk be reviewed and considered as a condition of future Planned Unit Development/Planning Approvals for the site, or not to exceed one year.**

The motion carried unanimously.

Case #ZON2009-01575

Billy Courtney

723 Zeigler Circle East

West side of Zeigler Circle East, 525' ± South of Zeigler Boulevard

Request to waive construction of a sidewalk along Zeigler Circle East

Council District 7

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.

July 16, 2009
PLANNING COMMISSION MEETING

Hearing no opposition or discussion, a motion was made by Mr. Miller, with second by Mr. Turner, to deny the above requested sidewalk waiver.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2009-01543

Tower LLC

1120 Paper Mill Road

100'± North of Paper Mill Road, 660'± East of Woodland Avenue

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

Council District 2

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. Turner, with second by Mr. DeMouy, to approve the above requested Planned Unit Development, subject to the following condition:

- 1) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

NEW ZONING APPLICATIONS:

Case #ZON2009-01604

Karen and Kelly Douglas

5272 Noble Drive North

Southwest corner of Noble Drive and Noble Drive East

Rezoning from B-3, Community Business District, to R-2, Two-Family Residential

District to allow construction of a duplex apartment home and allow an existing duplex

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.

Don Williams, Williams Engineering, spoke on behalf of the applicants and stated they would like to take one of the two options listed in the third reason for denial because they were aware that if a rezoning application is denied, the applicant must wait 6 months before reapplying and they wished to get around that wait time.

Mr. Olsen stated that would be fine.

July 16, 2009
PLANNING COMMISSION MEETING

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Vallas, to deny the above request for rezoning, due to the following reasons:

- 1) there is no error in the ordinance; and,**
- 2) conditions have not changed sufficiently since July 7, 2009, to warrant a rezoning.**

The motion carried unanimously.

The Commission noted the following options were available to the applicant:

- A. development of 3 or more dwelling units on the undeveloped lot; or,**
- B. Subdivision and Planned Unit Development approval to combine the new development with the existing development on one lot of land.**

GROUP APPLICATIONS:

Case #SUB2009-00103 (Subdivision)

The Madison, LLC

4809 & 4813 Old Shell Road

Southeast corner of Old Shell Road and Shephards Lane

Number of Lots / Acres: 6 Lots / 1.2± Acres

Engineer / Surveyor: Clarke Geer, Latham & Associate, Inc.

Council District 5

(Also see **Case #ZON2009-01601 (Planned Unit Development) The Madison, LLC**, below)

The Chair announced the application had been recommended for approval.

The following people spoke in favor of the matter:

- Johnny Roberts, representing The Madison, LLC; and,
- Thomas Latham, Clarke, Geer, Latham & Associates, Inc., for the applicant.

They made the following statements:

- A. concern over Shephards's Lane and the city's requirement that the road be improved to city standards, as they will be putting in the street side improvements per the Village of Springhill/Traditional Center District overlay and they considered having to do more as above and beyond what was necessary;

July 16, 2009

PLANNING COMMISSION MEETING

- B. questions regarding the 25 feet of right-of-way as they wanted to retain as much private property as possible;
- C. according to the Village of Springhill/Traditional Center District Overlay, the street was considered a minor street and that a 40 foot right-of-way is applicable; and,
- D. regarding the right-of-way, part of the required right-of-way is located in the small shopping center to the west and they have no way of making those individuals participate in dedication for the right-of-way along there.

Mr. Forrester, City Engineering, said Shephard's Lane was currently a substandard, 14 foot wide, concrete drive and the city wanted it to be widened and improved to city standards, which he explained as having curb and gutter, being 23 feet wide, with asphalt surfacing.

Mr. Vallas noted that would increase the current width of the street by 9 feet.

Mr. Roberts asked what would be required regarding the current surface and Mr. Forrester advised it would have to be removed.

Mr. Roberts said Shephard's Lane had always been considered an ingress/egress to the two properties behind it and what is being asked is beyond what should be reasonably considered for a developer. He also asked if it would be possible to pursue vacation of the street as a resolution to the matter.

Mr. Vallas advised that if the matter were approved that day, part of the compliance for that approval would be subject to conferencing with City Engineering and working out a mutually agreeable plan. He also reminded the applicant that if they were not happy with that outcome, they could withdraw the application and go the route of a private road.

In deliberation, the Chair noted the issue of street improvement with regards to Shephards Lane and the applicant being required to consult with the City Engineer regarding that.

Mr. Holmes offered the option of the condition reading something along the lines of "approval by the City Engineer" to an appropriate level because he felt that saying "to city standards" might require things the applicant can not comply with, such as curb and gutter on both sides of Shephard's Lane.

Mr. Olsen stated the staff would be okay with that.

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

July 16, 2009

PLANNING COMMISSION MEETING

- 1) dedication to provide sufficient right-of-way to provide 25-feet from the centerline of Shephards Lane;
- 2) depiction and labeling of the build-to line from the private street;
- 3) approval of the type and construction of surfacing of the private street;
- 4) compliance with Engineering comments: (*Shephards Lane will be required to be improved to a level approved by the City Engineer. The private road will be required to meet turning radii required by the Fire Code. The capacity of the receiving storm drainage system that the site will be connected to will need to be verified and calculations be submitted to the City Engineering Department. If the right-of-way width on Shephards Lane is 40' as indicated on the plat, then a 5' wide strip to be dedicated to the City will be required. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer and it must have connection to sanitary sewer.*);
- 5) placement of a note on the Final Plat stating that the development is limited to one curb-cut to Shephards Lane and one curb-cut to Old Shell Road, with the size, design, and location to be approved by Traffic Engineering and in compliance with AASHTO standards;
- 6) placement 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;
- 7) the labeling of the lots with its size in square feet;
- 8) placement of a note on the Final Plat stating that maintenance of the detention/retention, common areas and private street are the responsibility of the subdivision's property owners;
- 9) the labeling of the private street as private; and,
- 10) placement of a note on the Final Plat stating the development is limited to an approved PUD, with submission of two copies of the revised PUD site plan prior to the signing of the Final Plat.

The motion carried unanimously.

Case #ZON2009-01601 (Planned Unit Development)

The Madison, LLC

4809 & 4813 Old Shell Road

July 16, 2009
PLANNING COMMISSION MEETING

Southeast corner of Old Shell Road and Shephards Lane
Planned Unit Development Approval to allow a gated private street subdivision.
Council District 5
(Also see **Case #SUB2009-00103 (Subdivision) The Madison, LLC**, above)

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

- 1) **completion of the Subdivision process;**
- 2) **depiction and labeling of the build-to line from the private street and density requirements per the TCD regulations;**
- 3) **placement of a note on the Final Plat stating that the construction of the private street will comply to the private street standards of the City of Mobile;**
- 4) **compliance with Engineering comments: (*Shephards Lane will be required to be improved to City standards by the developer. The private road will be required to meet turning radii required by the Fire Code. The capacity of the receiving storm drainage system that the site will be connected to will need to be verified and calculations be submitted to the City Engineering Department. If the right-of-way width on Shephards Lane is 40' as indicated on the plat, then a 5' wide strip to be dedicated to the City will be required. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer and it must have connection to sanitary sewer.*);**
- 5) **placement of a note on the site plan stating that the development is limited to one curb-cut to Shephards Lane and one curb-cut to Old Shell Road, with the size, design, and location to be approved by the Fire Department and Traffic Engineering and in compliance with AASHTO standards;**
- 6) **placement of a note on the site plan 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;**
- 7) **the labeling of the lots with its size in square feet;**
- 8) **placement of a note on the site plan stating that maintenance of the detention/retention, common areas and private street are the responsibility of the subdivision's property owners;**
- 9) **the labeling of the private street as private; and,**
- 10) **provision of two copies of the revised PUD site plan prior to the signing of the Final Plat.**

July 16, 2009
PLANNING COMMISSION MEETING

The motion carried unanimously.

Case #SUB2009-00099 (Subdivision)

Revised Springhill Place Subdivision

West side of Bishop Lane North, 100'± North of Broadway Street (not open)

Number of Lots / Acres: 8 Lots / 2.8± Acres

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

Council District 7

(Also see **Case #ZON2009-01597 (Planned Unit Development) Revised Springhill Place Subdivision** 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. Turner, with second by Mr. DeMouy, to approve the above referenced subdivision, subject to the following conditions:

- 1) **placement of a note on the Final Plat stating that all lots within the development are limited to one curb cut each with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **labeling of the lot size in square feet and the maximum site coverage (35%) of each lot, or a table provided furnishing the same information, on the Final Plat;**
- 3) **provision of submitting two copies of the revised PUD site plan prior to signing of the Final Plat; and,**
- 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.**

The motion carried unanimously.

Case #ZON2009-01597 (Planned Unit Development)

Revised Springhill Place Subdivision

West side of Bishop Lane North, 100'± North of Broadway Street (not open)

Planned Unit Development Approval to allow reduced side yard setbacks.

Council District 7

(Also see **Case #SUB2009-00099 (Subdivision) Revised Springhill Place Subdivision**, above)

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

- 1) **labeling of the lot size in square feet and the maximum site**

July 16, 2009
PLANNING COMMISSION MEETING

- coverage (35%) of each lot, or a table provided furnishing the same information, on the PUD site plan;
- 2) placement of a note limiting each lot to one curb cut; and,
 - 3) provision of submitting two copies of the revised PUD site plan prior to signing of the Final Plat.

The motion carried unanimously.

Case #SUB2009-00107 (Subdivision)

Heron Lakes Subdivision, Revision of Lot 93, Phase I

4183 Heron Lakes Drive

South side of Heron Lakes Drive, 385'± East of Skywood Drive

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

Engineer / Surveyor: Don Williams Engineering

Council District 4

(Also see **Case #ZON2009-01605 (Planned Unit Development) Heron Lakes Subdivision, Revision of Lot 93, Phase I**, 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.

Marion Shepard, 4179 Heron Lakes Drive, expressed concern over the 40% site coverage, wondering what the normal percentage for site coverage was and how it would impact the neighboring lots.

Mr. Olsen advised that normal site coverage as allowed by Zoning Ordinance is 35%. He added that almost every lot in the Heron Lake Subdivision had come back in for an increase in site coverage to 40%, so the speaker would not notice the difference between what might be developed on this site after the potential approval and any other lot in the development.

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

- 1) placement of a note on the Final Plat stating that the site is limited to one curb cut to Heron Lakes Drive, with the size, location, and design to be approved by Traffic Engineering and in conformance to AASHTO standards;
- 2) submission of documentation that the existing stormwater facilities are adequate to handle the increased site coverage (including all previously approved increases), to be approved by City Engineering Department prior to signing of the final plat; and,
- 3) placement of a note on the Final Plat stating that the site must be developed in compliance with all local, state, and federal

regulations regarding endangered, threatened, or otherwise protected species.

The motion carried unanimously.

Case #ZON2009-01605 (Planned Unit Development)
Heron Lakes Subdivision, Revision of Lot 93, Phase I

4183 Heron Lakes Drive

South side of Heron Lakes Drive, 385'± East of Skywood Drive

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow construction of a single family residential home with 40.6% site coverage.

Council District 4

(Also see **Case #SUB2009-00107 (Subdivision) Heron Lakes Subdivision, Revision of Lot 93, Phase I**, above)

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

- 1) **completion of the Subdivision process;**
- 2) **submission of documentation that the existing stormwater facilities are adequate to handle the increased site coverage (including all previously approved increases), to be approved by City Engineering Department prior to signing of the Final Plat; and,**
- 3) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2009-01677 (Planned Unit Development)
Mobile Christian School

5900 Cottage Hill Road

North side of Cottage Hill Road, 230'± West of Freemont Drive West

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow a new press box, 2 dugouts and allow multiple buildings on a single building site

Council District 6

(Also see **Case #ZON2009-01676 (Planning Approval) Mobile Christian School**, below)

The Chair announced the application had been recommended for approval.

Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant wanting to see if there could be modification to some of the conditions:

July 16, 2009

PLANNING COMMISSION MEETING

- A. regarding item 3, they would like it to read “provision of a 10 foot vegetative buffer or a 6 foot high privacy fence”; and,
- B. regarding item 4 and a traffic impact study, it is felt that should be removed because categorically stating that any development for the campus would require a traffic study was excessive and the applicant is of the opinion that any future developments on the campus should stand on their own merits as to whether or not a traffic impact study should be done.

In deliberation, Mr. Vallas stated he was okay with omitting the requirement of a traffic study as they are only repositioning an athletic field and he did not feel that would impact the traffic on the site.

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

- 1) submission of individual applications for each project (other than that involved in this amended application), providing detailed information with regard to the numbers of classrooms involved, number of parking spaces provided, and detailed information on the location of proposed improvements;**
- 2) property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64);**
- 3) the provision of a 10’ vegetative buffer or a 6’ wooden privacy fence along the East side of the complex, extending from the new home fence line to the existing fence line along the north side of the existing parking lot in the southeast corner of the overall site; and,**
- 4) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2009-01676 (Planning Approval)
Mobile Christian School
5900 Cottage Hill Road

July 16, 2009
PLANNING COMMISSION MEETING

North side of Cottage Hill Road, 230' ± West of Freemont Drive West
Planning Approval to amend a previously approved Planning Approval to allow a new press box, 2 dug outs at an existing private school in an R-1, Single-Family Residential District
Council District 6
(Also see **Case #ZON2009-01677 (Planned Unit Development) Mobile Christian School**, above)

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

- 1) submission of individual applications for each project (other than that involved in this amended application), providing detailed information with regard to the numbers of classrooms involved, number of parking spaces provided, and detailed information on the location of proposed improvements;**
- 2) property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64);**
- 3) the provision of a 10' vegetative buffer or a 6' wooden privacy fence along the east side of the complex, extending from the new home fence line to the existing fence line along the north side of the existing parking lot in the southeast corner of the overall site; and,**
- 4) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

OTHER BUSINESS:

Mr. Plauche moved, with second by Mr. DeMouy, to approve the meeting and deadline schedule for the 2009-2010 year.

The motion carried unanimously.

Hearing no further business, the meeting was adjourned.

July 16, 2009
PLANNING COMMISSION MEETING

APPROVED: October 15, 2009

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman.

jsl