

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF JULY 2, 2009 - 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.
Nicholas H. Holmes, III
Mead Miller
Roosevelt Turner

Members Absent

Clinton Johnson
John Vallas
James F. Watkins, III

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Bert Hoffman,
Planner II
Caldwell Whistler,
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:

- March 20, 2008
- April 3, 2008
- April 17, 2008
- May 1, 2008
- May 15, 2008
- June 5, 2008

The motion carried unanimously.

HOLDOVERS:

Case #ZON2009-01102 (Planned Unit Development)

United Rentals

1413 Montlimar Court

Northeast corner of Montlimar Court and Montlimar Drive, extending to the Southeast corner of Montlimar Drive and Pleasant Valley Road

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

Council District 5

(Also see **Case #ZON2009-01101 (Planning Approval) United Rentals**, below)

The Chair stated the matter had been recommended for approval.

The following people spoke on the matter:

- Frank Dagley, Frank A. Dagley and Associates, for the applicant; and,
- Reggie Copeland, City Council District 5 representative.

They made the following points in favor of the development:

- A. in 1998, when United Rentals was leasing the property, a Planning Approval application was submitted and at that time the privacy fence recommendation was waived; they own it some 11 years later and are trying to make capital improvements;
- B. the submitted site plan shows a privacy fence around the majority of the site, however, it is their opinion that the Zoning Ordinance does not require a privacy fence for this type use, so it should not be required, quoting the Zoning Ordinance as saying that “equipment rental and leasing, including heavy construction equipment, need not be enclosed within a structure”;
- C. the staff report refers to the business as a contractor’s storage yard which it is not, instead it is more in line with such organizations as Blue Rents or U-Haul-It, which are both located on the I-65 service road and in the same zoning classification, neither being required to install a privacy fence;
- D. United Rental leases construction equipment and it is essential to their business that the equipment be properly displayed;
- E. the total scope of work for this project consists of tearing down one building and replacing it with another and paving the majority of the site with new concrete paving; and,
- F. United Rentals is considered to be an asset to the city’s District 5.

Mr. Olsen responded with the following statements:

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- A. it is correct that the Commission waived the privacy fence when the applicant originally came before it some 11 years ago, but it was due to the applicant only having a short term lease on the property;
- B. the staff report does not say the property in question is a contractor's storage yard but compares/equates it to a contractor's storage yard with heavy equipment which does require a privacy fence;
- C. though having not verified the zoning on the other properties mentioned, their locations on the service road do make them different than being located on Montlimar Drive and Court; and,
- D. the staff defines "enclosed structure" to mean building, not fence.

In deliberation, Mr. Miller expressed his desire to come up with some type of compromise with regards to the fence.

Mr. Davitt agreed with Mr. Miller and queried whether it would be possible for the applicant to start the fence at the northwest corner of the property, go behind Montlimar creek, and stop it at the southeast corner of the property, leaving the remainder of the property lines open.

Mr. Miller wondered if the area located along Montlimar Court and its possible use for equipment display.

Mr. Olsen advised there was some space along there for such as that.

Mr. Holmes stated he could not find in the Zoning Ordinance what had been quoted during discussion and Mr. Olsen advised Mr. Holmes to check page 14 of the charts in the copy of the Zoning Ordinance located in his Planning Commission binder.

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

- 1) provision of a 6' privacy fence from the Northeast Corner of the site (setback 25' from Pleasant Valley Road), running Southerly along Montlimar Creek to the Southeast corner, then Southwesterly to a point in-line with the front of the building, and then running Northerly to the corner of the building;**
- 2) full compliance with the tree planting and landscaping ordinance;**
- 3) construction of a sidewalk or a submittal of a successful sidewalk waiver application;**
- 4) full compliance with Engineering comments: *(Must comply with all stormwater and flood control ordinances. Any work***

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- performed in the right-of-way will require a right-of-way permit. Drainage from dumpster pads and wash rack area (vehicle and/or equipment wash areas) cannot discharge to storm sewer; must have connection to sanitary sewer); and,*
- 5) full compliance with municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2009-01101 (Planning Approval)

United Rentals

1413 Montlimar Court

Northeast corner of Montlimar Court and Montlimar Drive, extending to the Southeast corner of Montlimar Drive and Pleasant Valley Road

Planning Approval to amend a previously approved Planning Approval to allow an equipment rental yard in a B-3, Community Business District

Council District 5

(Also see **Case #ZON2009-01102 (Planned Unit Development) United Rentals**, above)

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

- 1) provision of a 6' privacy fence from the Northeast Corner of the site (setback 25' from Pleasant Valley Road), running Southerly along Montlimar Creek to the Southeast corner, then Southwesterly to a point in-line with the front of the building, and then running Northerly to the corner of the building;**
- 2) full compliance with the tree planting and landscaping ordinance;**
- 3) construction of a sidewalk or a submittal of a successful sidewalk waiver application;**
- 4) full compliance with 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. Drainage from dumpster pads and wash rack area (vehicle and/or equipment wash areas) cannot discharge to storm sewer; must have connection to sanitary sewer); and,***
- 5) full compliance with municipal codes and ordinances.**

The motion carried unanimously.

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Atchison Estate Highway 90 West Subdivision

5989 U. S. Highway 90 West

South side of U. S. Highway 90 West, 4/10 mile South of Swedetown Road

Number of Lots / Acres: 1 Lot / 1.6± 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. Davitt, with second by Mr. Miller, to approve the above referenced subdivision, subject to the following conditions:

- 1) **illustration of sufficient setback to provide 125' and the 25-foot minimum building setback from the centerline of U.S. Highway 90 West;**
- 2) **placement of a note on the final plat stating that Lot 1 is limited to the existing curb cut to U.S. Highway 90 West, with the size, location, and design to be approved by County Engineering and conform to AASHTO standards;**
- 3) **revision of the plat to label the lot with its size in square feet and acreage, or the furnishing of a table on the plat providing the same information; and,**
- 4) **placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species.**

The motion carried unanimously.

Case #SUB2009-00074 (Subdivision)

Executive Plaza Subdivision, Re-subdivision of Lot 1

3812 Springhill Avenue

North side of Springhill Avenue at the South terminus of McGregor Avenue North

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

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

Council District 7

(Also see **Case #ZON2009-01301 (Planned Unit Development) Executive Plaza Subdivision, Re-subdivision of Lot 1**, below)

The Chair stated the matter had been recommended for approval.

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

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- A. there was a dedication of right-of-way involved in the application for the subdivision and Planned Unit Development and once dedicated, there will be some parking on the dedicated right-of-way just as it has been there for the past 10-12 years;
- B. hope that the right-of-way agreement could be written in such a way that the Planned Unit Development is approved and the parking can remain on that dedicated right-of-way until such time as Springhill Avenue is widened; and,
- C. at the time Springhill Avenue is widened, the owner will, at his own expense, remove the parking in question and add additional parking to his site to compensate for the lost spaces.

Mr. Olsen responded that condition 8 covered the right-of-way issue. He added that if a right-of-way agreement with the city is approved, the parking would be allowed to remain and a document recorded that stated that when Springhill Avenue was widened and the right-of-way needed, the owner would remove their parking and relocate it at their expense.

Mr. DeMouy said the Interim Right-of-Way Use Agreement noted in the report usually is applicable to the construction of improvements or permanent structures in the right-of-way, not parking.

Mr. Lawler stated he was familiar with agreements that have been made with organizations such as McConnell Automotive, and if the applicant is discussing parking, that would be the most similar situation.

Mr. DeMouy discussed the Interim Right-of-Way Use Agreement saying its use, since its inception over the past 5 years, had been for permanent structures in the right-of-way and thought it might be better to use some other term to describe what they wish to accomplish, which was agreed to by all.

In deliberation, Mr. DeMouy wanted to make it clear that by wanting to name the desired document Interim Right-of-Way Use Agreement, it opened up the owner/applicant to an entirely new and different set of application fees and the like, which is why Mr. DeMouy brought it up and suggested against it.

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

- 1) **dedication of sufficient right-of-way to provide 50' from the centerline of Spring Hill Avenue;**
- 2) **depiction of the minimum building setback line along Spring Hill Avenue as measured from any required dedication;**

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- 3) depiction of the minimum building setback line along the East side of the property as measured from the future right-of-way line of the proposed McGregor Avenue Extension;
- 4) placement of a note on the final plat stating that the site is limited to one curb cut to Spring Hill Avenue until such time that the McGregor Avenue Extension is constructed, with the size, design and location to be approved by Traffic Engineering, and conform to AASHTO standards;
- 5) placement of a note on the final plat stating that if the property adjacent to the East side of the site is deleted from the path of the proposed McGregor Avenue Extension, a compliant buffer is to be installed along that side;
- 6) revision of the plat to indicate the lot size in square feet and acres, after any required dedication, or the furnishing of a table on the plat providing the same information;
- 7) subject to the Engineering comments: *(Discharge from development will require either 100 yr detention with a 2 yr release rate, release agreement or private drainage easement. 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 newly constructed dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer); and,*
- 8) execution of a Use Agreement with the City of Mobile for continued use of the Spring Hill Avenue frontage dedication area, or the provision of two (2) revised PUD site plans to the Planning Section of Urban Development to compensate for lost parking, landscaping, and tree plantings within the dedicated frontage if the Agreement is not executed, prior to the signing of any Subdivision plat.

The motion carried unanimously.

Case #ZON2009-01301 (Planned Unit Development)

Executive Plaza Subdivision, Re-subdivision of Lot 1

3812 Springhill Avenue

North side of Springhill Avenue at the South terminus of McGregor Avenue North
Planned Unit Development Approval to allow multiple buildings on a single building site
Council District 7

(Also see Case #SUB2009-00074 (Subdivision) **Executive Plaza Subdivision, Re-subdivision of Lot 1**, above)

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

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- 1) on premise lighting must comply with Sections 64-4.A.2. and 64-4.A.3.c. of the Zoning Ordinance;
- 2) subject to the Engineering comments: *(Discharge from development will require either 100 yr detention with a 2 yr release rate, release agreement or private drainage easement. 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 newly constructed dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer);*
- 3) full compliance with all other municipal codes and ordinances; and,
- 4) execution of Use Agreement with the City of Mobile for continued use of the Spring Hill Avenue frontage dedication area, or the provision of two (2) revised PUD site plans to the Planning Section of Urban Development to compensate for lost parking, landscaping, and tree plantings within the dedicated frontage if the Agreement is not executed, prior to the signing of any Subdivision plat.

The motion carried unanimously.

Case #SUB2009-00076 (Subdivision)

South China Subdivision

3831 Airport Boulevard

South side of Airport Boulevard, 625' ± East of Downtowner Loop West

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

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 5

(Also see Case #ZON2009-01304 (Planned Unit Development) **South China 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 Dr. Rivizzigno, with second by Mr. Turner, to approve the above referenced subdivision, subject to the following conditions:

- 1) placement of a note on the Final Plat stating that curb-cuts for the development are limited to the approved Planned Unit Development, with the size, design, and location of any new curb-cuts to be approved by Traffic Engineering and to conform to AASHTO standards;
- 2) submittal of a revised PUD site plan, illustrating the location of all dumpsters and proper buffering of the dumpsters and

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- compliance with Sections 64-4.A.2 and 64-6.A.3.C of the Zoning Ordinance; and,
- 3) completion of the Subdivision process prior to any request for land disturbance or building permits.

The motion carried unanimously.

Case #ZON2009-01304 (Planned Unit Development)

South China Subdivision

3831 Airport Boulevard

South side of Airport Boulevard, 625' ± East of Downtowner Loop West

Planned Unit Development Approval to allow shared access and parking

Council District 5

(Also see Case #SUB2009-00076 (Subdivision) **South China Subdivision**, above)

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

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

- 1) placement of a note on the final plat stating that curb-cuts for the development are limited to the approved Planned Unit Development, with the size, design, and location of any new curb-cuts to be approved by Traffic Engineering and to conform to AASHTO standards;
- 2) revised site plans depicting full compliance with the tree and landscaping requirements of the Zoning Ordinance;
- 3) revision of the site plan to locate the proposed screened dumpster so that it is serviced from within the parking area of the development;
- 4) revision of the site plan to illustrate the compliance with Sections 64-4.A.2 and 64-6.A.3.C of the Zoning Ordinance;
- 5) submission of a revised PUD site plan prior to any request for land disturbance or building permits, and prior to the signing of the final plat;
- 6) the submission and approval of any variance applications prior to the issuance of any buildings permits for the proposed addition; and,
- 7) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

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Case #ZON2009-01298 (Planned Unit Development)

First Baptist Church of Carver Homes

659 Whitney Street

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

Planned Unit Development Approval to allow offsite parking

Council District 2

(Also see **Case #ZON2009-01299 (Planning Approval) First Baptist Church of Carver Homes**, below)

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

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

- 1) **completion of a one-lot subdivision process;**
- 2) **submission and approval of an application for Tree Variance to the Board of Zoning Adjustment, if necessary;**
- 3) **provision of buffering, in compliance with Section 64-4. of the Zoning Ordinance, from residentially zoned properties adjacent to the site (church site and parking lot), along with appropriate screening along the street where the parking lot is across from residentially zoned properties;**
- 4) **placement of a note on the site plan stating that any lighting for the parking lot will be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic, as required by Section 64-6.A.3.c. of the Zoning Ordinance;**
- 5) **provision of a dumpster, properly located and screened from view in compliance with Section 64-4.D.9. of the Zoning Ordinance, or the provision of a note on the site plan stating that none will be provided;**
- 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; and,**
- 7) **submission of a revised site plan to the Planning Department of Mobile Urban Development prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

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Case #ZON2009-01299 (Planning Approval)

First Baptist Church of Carver Homes

659 Whitney Street

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

Planning Approval to allow a church in an R-1, Single-Family Residential District

Council District 2

(Also see **Case #ZON2009-01298 (Planned Unit Development) First Baptist Church of Carver Homes**, above)

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

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

- 1) **completion of a one-lot subdivision process;**
- 2) **submission and approval of an application for Tree Variance to the Board of Zoning Adjustment, if necessary;**
- 3) **provision of buffering, in compliance with Section 64-4. of the Zoning Ordinance, from residentially zoned properties adjacent to the site (church site and parking lot), along with appropriate screening along the street where the parking lot is across from residentially zoned properties;**
- 4) **placement of a note on the site plan stating that any lighting for the parking lot will be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic, as required by Section 64-6.A.3.c. of the Zoning Ordinance;**
- 5) **provision of a dumpster, properly located and screened from view in compliance with Section 64-4.D.9. of the Zoning Ordinance, or the provision of a note on the site plan stating that none will be provided;**
- 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; and,**
- 7) **submission of a revised site plan to the Planning Department of Mobile Urban Development prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

EXTENSIONS:

Case #SUB2008-00110 (Subdivision)

Coleman Lakes Estates Subdivision

East side of Dawes Lake Road East, 300'± North of Private Road 442

Number of Lots / Acres: 1 Lot / 23.2 Acres

Engineer / Surveyor: Speaks and Associates, Consulting 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 request for extension, and the applicant should also be advised that future extensions are unlikely.

The motion carried unanimously.

Case #SUB2008-00111 (Subdivision)

Pine Trace Subdivision, Re-subdivision of Lot 3

8561 Dawes Lake Road

North and South sides of Private Road 442, 390'± East of Dawes Lake Road East

Number of Lots / Acres: 1 Lot / 7.6 Acres

Engineer / Surveyor: Speaks & Associates, Consulting 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 request for extension, and the applicant should also be advised that future extensions are unlikely.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2009-00090

Raymond and Sandra Williams Subdivision

10262 Broughton Road

North side of Broughton Road, 1/4± mile East of Hardeman Road

Number of Lots / Acres: 1 Lot / 5.0± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

County

The Chair stated the applicant was agreeable with the recommendations and asked if

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anyone wished to speak on the matter to do so at that time.

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

- 1) placement of a note on the final plat stating that Lot 1 is limited to two curb cuts to Broughton Road, with the size, location, and design of each curb cut to be approved by County Engineering and conform to AASHTO standards;**
- 2) placement of a note on the final plat stating that the lot is limited to two curb cuts to Broughton Road, with the size, location, and design of each curb cut to be approved by County Engineering and conform to AASHTO standards;**
- 3) illustration of the 25' minimum building setback line along the Broughton Road frontage;**
- 4) labeling of Lot 1 and the "Future Development" area with their sizes in both square feet and acres, or the provision of a table on the final plat furnishing the same information;**
- 5) placement of a note on the final plat stating that development of the subdivision shall comply with the Environmental and Watershed Protection requirements of Section V.A.5. of the Subdivision Regulations;**
- 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 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; and,**
- 8) 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.7. of the Subdivision Regulations.**

The motion carried unanimously.

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Case #SUB2009-00094

Orchard Assembly of God Subdivision

10244 Howells Ferry Road

North side of Howells Ferry Road, 1/2± mile West of Snow Road

Number of Lots / Acres: 1 Lot / 14.5± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

County

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

Jerry Byrd, Byrd Surveying Inc., spoke on behalf of the applicant asking that it be heard that day as the parcel in question was the property of the Mobile County School Board and thereby subject to different criteria. Mr. Byrd also noted that agenda item 14 involved property surrounding Orchard Assembly of God and their recommendations could, in all probability, roll into the current matter regarding the recording of the two plats. As the two properties have separate owners, it was the applicant's opinion that they not be tied together. He stated the church had construction plans prepared for building, parking, and a detention pond, and they were ready to begin construction at the time. He added his client did not believe that development of this property should be linked with the development of another, separate but neighboring, development

Mr. Olsen explained the following:

- A. the staff recommendation for the two parcels to be recorded simultaneously was because the properties had once all been one, much larger, parent parcel;
- B. the staff had not been made aware that there had been changes of ownership, as no documentation of such was submitted with the application;
- C. as it had been indicated that there have been changes in ownership and because of that the church was not party to the original parceling off of property without benefit of Planning Commission approval as required by the Subdivision Regulations, the staff would have no issues with the Commission removing that condition for approval if they so chose;
- D. regarding the triangular parcel, the school system was exempt from the Zoning Ordinance, but not the Subdivision Regulations, and the parcel in question had been created after 1984, which was when the Subdivision Regulations became enforceable in the Planning jurisdiction;
- E. if some documentation could be supplied to the staff that the church was never an owner of the triangular shaped property that would clear them regarding that matter; and, the information just requested was generally provided by the applicant at time of

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application.

Mr. Turner asked if the staff had any conditions prepared for approval.

Mr. Olsen responded they would be the same as with those listed for (agenda item 14) Georgia's Place Subdivision, but striking the condition that stated "signing and recording of the final plat is to be done simultaneously with Orchard Assembly of God Subdivision" from both applications.

Mr. Davitt asked which conditions under agenda item 14 would affect agenda item 13 to which Mr. Olsen stated that all conditions with the exception of number 1.

Mr. Byrd stated the lots were smaller in size from those in agenda item 14 and as his applicant had two existing driveways currently, and asked that the condition limiting them to 1 curb cut per lot be struck as they would like to maintain the current two curb cuts for Orchard Assembly of God

Mr. Olsen stated the staff would be fine with that as long as those curb cuts remained subject to county engineering approval.

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

- 1) dedication sufficient to provide 50' from centerline of Howells Ferry Road;**
- 2) placement of a note on the final plat stating that Subdivision is limited to two curb cuts to Howells Ferry Road, with the size, location, and design to be approved by County Engineering and in conformance with AASHTO standards;**
- 3) 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;**

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- 4) **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; and,**
- 5) **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.7 of the Subdivision Regulations.**

The motion carried unanimously.

Case #SUB2009-00091

Georgia's Place Subdivision

North side of Howells Ferry Road, 3/10± mile West of Snow Road

Number of Lots / Acres: 2 Lots / 57.3± Acres

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

County

The Chair advised the matter had been recommended for approval.

Richard Jay, Speaks and Associates Consulting Engineers, Inc., spoke on behalf of the applicant saying they were in agreement with Mr. Byrd's earlier comments regarding agenda item 13, and, too, felt it unfair that the two developments be tied to each other.

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

- 1) **dedication sufficient to provide 50' from centerline of Howells Ferry Road;**
- 2) **placement of a note on the final plat stating that each lot is limited to one curb cut to Howells Ferry Road, with the size, location, and design to be approved by County Engineering and in conformance with AASHTO standards;**
- 3) **placement of a note on the final plat stating that no permits will be issued for the "future development" parcel until a subdivision has been approved and recorded;**
- 4) **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;
- 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; and,
 - 6) 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.7. of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2009-00092

Hogan-Gunter Subdivision

2117 Hillwood Drive West

East side of Hillwood Drive West, 410'± North of Ellen Drive, extending to the West side of Barron Place, 550'± South of Old Military Road

Number of Lots / Acres: 2 Lots / 0.9± Acre

Engineer / Surveyor: Byrd Surveying, 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. Turner, with second by Dr. Rivizzigno, to waive Section V.D.1. of the Subdivision Regulations and approve the above referenced subdivision, subject to the following conditions:

- 1) placement of a note on the final plat stating that each lot 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 both street frontages;
- 3) 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;
- 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).***

The motion carried unanimously.

Case #SUB2009-00089

Bizjak Subdivision, Re-subdivision of Lots 2, 3 and 4

5880 Plantation Road

Northwest corner of Plantation Road and Middle Road

Number of Lots / Acres: 3 Lots / 3.5± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
County

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

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

- 1) **dedication of sufficient right-of-way to provide a minimum 30' as measured from the centerlines of both Plantation Road and Middle Road;**
- 2) **placement of a note on the final plat stating that Lot A is limited to one curb cut to Plantation Road, while Lot C is limited to one curb cut to Middle Road, with the size, location, and design to be approved by County Engineering and in conformance with AASHTO standards;**
- 3) **placement of a note on the final plat stating that Lot B is limited to one curb cut to either Plantation Road or Middle Road, with the size, location, and design to be approved by County Engineering and in conformance with AASHTO standards;**
- 4) **provision of an adequate radius at the corner of Plantation Road and Middle Road;**
- 5) **labeling of the lots with their sizes in square feet, or the provision a table on the final plat with the same information;**
- 6) **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;**
- 7) **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;
- 8) 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,
 - 9) submission of a letter from a licensed engineer certifying compliance with the City of Mobile's stormwater and flood control ordinances to the Mobile County Engineering department and the Planning Section of Mobile Urban Development prior to issuance of any permits.

The motion carried unanimously.

Case #SUB2009-00093

Headwaters Subdivision, Unit One & Unit Two

2850 Diberville Drive

West terminus of Dutchman Woods Drive, extending to the North termini of Silver Maple Drive and Dawes Lake Road East, and extending to the West side of an unopened, unnamed public right-of-way at the West terminus of Nugget Drive

Number of Lots / Acres: 50 Lots / 108.2± Acres

Engineer / Surveyor: Byrd Surveying, 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. Turner, with second by Dr. Rivizzigno, to approve the above referenced subdivision, subject to the following conditions:

- 1) all roads within the subdivision be constructed and dedicated to County standards;
- 2) approval of all applicable federal, state, and local agencies for wetlands prior to the issuance of any permits or land disturbance activities;
- 3) placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;
- 4) placement of a note on the final plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of a letter 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 commencement of any land disturbing activities, issuance of any permits/approvals for road construction, or signing of the final plat. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;
- 5) placement of a note on the Final Plat limiting Lots 1, 8, 19, 20, 30, 31, 36, & 37 to one curb cut each, with the size, design, and location to be approved by County Engineering and conform to AASHTO standards;
 - 6) labeling of all lots with the size in square feet and acres, or the furnishing of a table on the plat providing the same information;
 - 7) depiction of the 25-foot minimum building setback lines from all street frontages;
 - 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; and,
 - 9) placement of a note on the plat stating that maintenance of the detention and common areas is the responsibility of the subdivision's property owners.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2009-01357

St Augustine LLC

3901 Springhill Avenue

Southwest corner of Springhill Avenue and McGregor Avenue North

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow shared access and parking.

Council District 7

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

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

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

- 1) **submission of two copies of the revised site plans to Urban Development; and,**
- 2) **revision of the site plan to comply with Engineering comments.**

The motion carried unanimously.

NEW ZONING APPLICATIONS:

Case #ZON2009-01485

Mobile Housing Board

558 Davidson Street

Area generally extending from the North side of Martin Luther King, Jr. Avenue extending between Marmotte Street and Monday Street, extending to the South side of Chinquapin Street

Rezoning from R-3, Multi-Family Residential District to R-2, Two-Family Residential District, to allow the construction of single family detached homes and single family attached townhouses

Council District 2

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

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.

Jo Lofton, 1913 Dickerson Street, asked for clarification regarding the area along the north side of Martin Luther King Jr. Street and Monday Street as she wondered if the zoning there would be changed.

Mr. Hoffman responded that the rezoning was only for the former public housing site, which is currently zoned as R-3, multi-family, and several weeks prior an application came before the Commission to build new single family homes on the site, so that created the request for rezoning but all other zoning in the area would remain the same.

Enola Allen, expressed concern regarding her property at the corner of Chinquapin Street and Monday Street saying she had received information shortly after Hurricane Katrina that the city, in conjunction with FEMA, would be buying her property. To date, she had heard nothing more regarding that purchase and asked if someone could update her regarding this.

Mr. Olsen stated that issue was not something the Commission had any dealings or authority regarding and suggested that Mrs. Allen contact Mr. John Olszewski of the city's real estate department to answer those questions.

Hearing no opposition or further discussion on the matter, a motion was made by Mr. Davitt, with second by Mr. Miller, to approve the above request for rezoning, subject to the following condition:

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

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The motion carried unanimously.

Case #ZON2009-01488

Parkway LLC

2334 Dauphin Island Parkway

South side of Dauphin Island Parkway, 70'± East of Willowdale Street

Rezoning from B-2, Neighborhood Business District, to R-1, Single-Family Residential District, to eliminate split zoning

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 Dr. Rivizzigno, with second by Mr. Turner, to approve the above referenced request for rezoning, subject to the following condition:

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

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2009-00095 (Subdivision)

Hill Forest Subdivision, Lot 1

1900 Shelton Beach Road Extension

East side of Shelton Beach Road, 1/2± mile North of Moffett Road

Number of Lots / Acres: 1 Lot / 15.8± Acres

Engineer / Surveyor: McCrory Williams Engineers - Surveyors

Council District 1

(Also see **Case #ZON2009-01494 (Planned Unit Development) Hill Forest Subdivision, Lot 1**, and, **Case #ZON2009-01515 (Sidewalk Waiver) LGE-Shelton, LLC**, 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.

The following people spoke in opposition to the matter:

- Lynn Hollins, 1817 Shelton Beach Road Extension, Mobile, AL;
and,
- E'Tran Hosey, 1833 Shelton Beach Road Extension, Mobile, AL.

They made the following points:

- A. a petition from area residents was presented to the Commission;

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- B. traffic is very heavy in the area and there is no need to increase that number;
- C. the area has an apartment complex for the hearing impaired, a low-income apartment site, and an apartment complex for the mentally challenged, as well as a number of small, single family homes;
- D. based upon the proximity to 12 Mile Creek, there are environmental concerns;
- E. there is a dirt pit in the neighborhood that has been known to operate 24 hours a day, seven days a week, and along with the proposed development, there is concern over where the rain water run off will go and how it will effect area flora and fauna;
- F. will there be safety issues, such as an increase in crime, that will have a negative effect on the families currently living there;
- G. interest in having someone create a recreation center or some other positive impact development in the community as there are many children in the area who need this type of facility; and,
- H. concern that the development and the creation of the proposed apartment complex will have a very real negative impact on the character and quality of the neighborhood.

The following people spoke in favor of the matter:

- David Summerall, Cahaba Valley Development, developer and owner of the above referenced subdivision; and,
- Daryl Russell, McCrory and Williams, surveyors for the applicant.

They gave the following responses to the opposition:

- A. the complex will only have 128 units;
- B. a NEPA study is being done and all environmental issues have been cleared;
- C. it will be a gated community to keep loitering and “cruising” in and out of the apartment complex to a minimum, thus reducing the potential for an increase in crime;
- D. because the number of units fell under the 150 unit threshold for a traffic study, none was done;
- E. though it is zoned B-1, they consider it to be a lower impact project than some of the commercial uses allowed by right under that zoning; and,
- F. while the property is a little over 15 acres, only 10 acres of will be disturbed.

Mr. Turner asked if the developers had made any attempts to discuss with the area residents the concerns that had been voiced there that day and was advised they had not.

Mr. Olsen stated the neighborhood had discussed the issue of a dirt pit in the area. That

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dirt pit is in an area zoned R-1, single family residential. The staff has zoning issues with that dirt pit, including a case in Environmental Court. He suggested that if the neighbors have further complaints with that dirt pit, that they call Mobile 311 to file those, and possibly contact their City Council person to verify their complaint, as well as verify with the Planning Office when the upcoming court date regarding the dirt pit would be, in case they would like to offer testimony in the same. Mr. Olsen also addressed the fact the proposed development was to be a gated community and advised that as the gate was not labeled on the site plan, the staff needs to make sure there is adequate queuing so it should be labeled on the final site plan as a condition for approval.

The applicant agreed to that condition.

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

- 1) **dedication of sufficient right-of-way, to provide a minimum 50-feet as measured from the centerline of Shelton Beach Road Extension;**
- 2) **placement of a note on the final plat stating that the development is limited to the one curb cut along Shelton Beach Road Extension, with the size, design, and location to be approved by Traffic Engineering and conform with AASHTO standards;**
- 3) **the labeling of the lot with its size in square feet, or placement of a table on the plat with the same information;**
- 4) **provision of a revised PUD site plan to the Planning Section prior to signing of the Final Plat;**
- 5) **provision of a note stating that development of the site will be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened, or otherwise protected species;**
- 6) **placement of a note on the Final Plat stating that the maintenance of the detention common area is the responsibility of the property owners; and,**
- 7) **full compliance with all other municipal codes and ordinances.**

The motion carried with only Mr. Turner voting in opposition.

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Case #ZON2009-01494 (Planned Unit Development)

Hill Forest Subdivision, Lot 1

1900 Shelton Beach Road Extension

East side of Shelton Beach Road, 1/2± mile North of Moffett Road

Planned Unit Development Approval to allow twelve multi-story apartment buildings having a total of 128 dwelling units, clubhouse, swimming pool, playground, picnic area and above ground detention pond on a single building site

Council District 1

(Also see **Case #SUB2009-00095 (Subdivision) Hill Forest Subdivision, Lot 1**, above, and, **Case #ZON2009-01515 (Sidewalk Waiver) LGE-Shelton, LLC**, below)

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

- 1) **completion of the Subdivision process prior to application for building/Land Disturbance permits;**
- 2) **provision of adequate queuing space between gated entry and right-of-way, labeling of the gate, and depiction and labeling of any other proposed fencing on the site (to include fence material and height information);**
- 3) **provision of a revised PUD site plan to the Planning Section prior to signing of the Final Plat; and,**
- 4) **full compliance with all other municipal codes and ordinances.**

The motion carried with only Mr. Turner voting in opposition.

Case #ZON2009-01515 (Sidewalk Waiver)

LGE-Shelton, LLC

1900 Shelton Beach Road Extension

East side of Shelton Beach Road, 1/2± mile North of Moffett Road

Request to waive construction of a sidewalk along Shelton Beach Road

Council District 1

(Also see **Case #SUB2009-00095 (Subdivision) Hill Forest Subdivision, Lot 1**, and, **Case #ZON2009-01494 (Planned Unit Development) Hill Forest Subdivision, Lot 1**, above)

The Chair stated the matter had been recommended for denial.

David Summerall, Cahaba Valley Development, developer and owner of the above referenced subdivision, stated part of the design was to create and keep a natural, vegetative buffer between the planned development and Shelton Beach Road by setting everything back from the road by 50 feet. He added that along the portion of Shelton Beach Road that fronts their proposed development there is an open drainage ditch and a small bluff that helps protect the view as well. He stated that the placement of a sidewalk along there would not allow them to keep those plans intact. He added that

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there were a large number of mature pines and hardwood trees in that buffer and the majority of those would have to be removed if the sidewalk were required.

The Chair asked if Urban Forestry had had an opportunity to review that matter.

Mr. Olsen stated yes and that they did not indicate there were any issues with it.

The Chair asked if the denial recommendation was based primarily on Engineering comments.

Mr. Olsen said the denial was based on several things, one of which was the required dedication. He stated the required dedicated area would move the property line away from the open ditch, making the ditch no longer a problem of limiting the installation of a sidewalk along that portion of the property.

Mr. Davitt asked if there were sidewalks to the north or south of the property and/or sidewalks across the street from the property in question.

Mr. Olsen stated there were.

Hearing no further opposition or discussion, a motion was made by Mr. Holmes, with second by Mr. Turner, to deny the above referenced request for a sidewalk waiver.

The motion carried with only Mr. Davitt voting in opposition.

Case #ZON2009-01497 (Planned Unit Development Approval)

Kingdom Coach LLC

5182 Willis Road

South side of Willis Road, 620' ± East of Middle Road

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

Council District 4

(Also see **Case #ZON2009-01496 (Rezoning) Kingdom Coach LLC**, below)

The Chair advised the matter had been recommended for approval.

Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant. He said this case was similar to a previous case where an existing facility had recently been annexed into the city. In as much, the applicant was asking that the condition regarding paving be waived, noting the property was covered in a great percentage by crushed limestone, which was a better parking surface for their large coaches.

Scott Grantham, 5182 Willis Road, Mobile, AL, owner of the property, stated there was only a small part of the property paved with concrete as their on-site traffic was that of large buses and coaches.

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In deliberation, Mr. Miller asked Mr. Olsen his thoughts on the paving requirement.

Mr. Olsen responded that Mr. Dagley was correct in saying the matter was very much like one the Commission had heard previously and that due to the fact the business was already established and the annexation was very recent, the staff had no problems with the Commission modifying the paving condition.

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

- 1) **paving of the front parking area to city standards, including the striping of parking spaces and provision of bumpers;**
- 2) **revision of the site plan to depict new overstory frontage trees in front landscape area;**
- 3) **revision of the site plan to indicate if the existing dumpster is screened, and placement of a note on the site plan stating that drainage from any new dumpster pads must connect to the sanitary sewer system via a grease trap/oil separator;**
- 4) **placement of a note on the site plan stating that the runoff from the vehicle washing facility must drain to the sanitary sewer system, and the connection must include an oil separator;**
- 5) **placement of a note on the site plan state that new lighting on the site will comply with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;**
- 6) **compliance with the signage requirements of the Zoning Ordinance for any signs added to the site after February 17, 2009;**
- 7) **any new fencing proposed for the site to be appropriately permitted, and be approved by the Director of Urban Development if new barbed-wire fencing is proposed; and,**
- 8) **submittal of a revised PUD site plan prior to any application for land disturbance or building permits.**

The motion carried with only Mr. Holmes voting in opposition.

Case #ZON2009-01496 (Rezoning)

Kingdom Coach LLC

5182 Willis Road

South side of Willis Road, 620' ± East of Middle Road

Rezoning from R-1, Single-Family Residential District, to I-1, Light Industry District, to allow a bus washing facility

Council District 4

(Also see **Case #ZON2009-01497 (Planned Unit Development Approval) Kingdom Coach LLC**, above)

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

- 1) limited to an approved Planned Unit Development; and,**
- 2) full compliance with all other municipal codes and ordinances.**

The motion carried with only Mr. Holmes voting in opposition.

Case #ZON2009-01460 (Planning Approval)

Ashbury Manor, Inc.

6562 Old Shell Road

North side of Old Shell Road, 140'± West of Dickens Ferry Road

Planning Approval to amend a previous Planning Approval to allow the addition of an emergency evacuation holding area and a walking area for residents to an assisted living/hospice facility in an R-3, Multiple-Family Residential District

Council District 7

(Also see **Case #ZON2009-01459 (Rezoning) Ashbury Manor, Inc.**, below)

The Chair stated the matter had been recommended for approval.

Brian Kegley, Mobile County Engineering department, spoke on behalf of the applicant and made the following points:

- A. the property had frontage on Old Shell Road and due to its construction it is estimated that it will take approximately a year and a half before any trees can be planted along that section;
- B. they have been in contact with Traffic Engineering and the matter in condition 2 had been resolved, as the plans have now been reviewed by the city's Engineering department, the County Engineering department and the Alabama Department of Transportation, so all turn outs are in compliance with all local, state, and federal requirements; and,
- C. regarding condition 3, the applicant requested that "Traffic Engineering" be struck from the condition, as it was addressed under condition 2.

Jennifer White, Traffic Engineering, stated that her department had, indeed, reviewed the project and it was in compliance so there was no reason to include the comments previously given to the Planning staff by Traffic Engineering.

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

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- 1) **compliance to the greatest extent possible with the landscaping and tree planting ordinance, to be coordinated with the Urban Forestry and Planning Sections of the Urban Development Department, (2 frontage trees to be planted at the time of completion of the Old Shell Widening Project);**
- 2) **compliance with Traffic Engineering comments: (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Traffic Engineering is unable to adequately review the application as no details are given for the driveway radius and parking areas and circulation are not shown on the drawing*);**
- 3) **submittal of a revised site plan showing any changes required by Traffic Engineering or Urban Forestry; and,**
- 4) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

Case #ZON2009-01459 (Rezoning)

Ashbury Manor, Inc.

6562 Old Shell Road

North side of Old Shell Road, 140'± West of Dickens Ferry Road

Rezoning from R-1, Single-Family Residential District and R-3, Multiple-Family Residential, to R-3, Multiple-Family Residential District to eliminate split zoning
Council District 7

(Also see **Case #ZON2009-01460 (Planning Approval) Ashbury Manor, Inc.**, above)

Hearing no opposition or further discussion, a motion was made by Mr. Turner, with second by Mr. Miller, to approve the above referenced request for rezoning, subject to the following condition:

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

The motion carried unanimously.

OTHER BUSINESS:

The Chair asked Mr. Olsen to explain the request for clarification on a condition of approval on Lot A Rangeline Park S/D aka Sunbelt Rentals Case#ZON#2009-00874:

- 1) **provision of trees / landscaping in compliance with I-1 standards for frontage trees;**

It was wondered whether the condition refer to both Rangeline Road and Abigail Drive, or just along Rangeline Road. Mr. Olsen stated his recollection of the site was that it had a good number of pine trees along the right-of-way on Abigail Drive, which would make planting the required city frontage trees difficult at best.

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Mr. Davitt said, if his memory served him correctly, the discussion was about Rangeline Road and not Abigail Drive.

The Commission agreed that the tree requirement was intended and approved for Rangeline Road only.

Hearing no further business, the meeting was adjourned.

APPROVED: October 15, 2009

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman.

jsl