

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT  
MINUTES  
CREEKMORE PARK COMMUNITY CENTER  
5:30 P.M.  
AUGUST 9, 2011**

On roll call, the following Commissioners were present: Steve Griffin, Walton Maurras, Salvatore Salamone, Mike Lorenz, Vicki Newton, Jennifer Parks, Rett Howard, Marshall Sharpe and John Huffman.

Chairman Griffin then called for the vote on the minutes from the July 12, 2011, Planning Commission meeting. Motion was made by Commissioner Sharpe, seconded by Commissioner Lorenz and carried unanimously to approve the minutes as written.

Mr. Wally Bailey spoke on the procedures.

**1. Unified Development Ordinance Amendments**

Mr. Bailey stated that these amendments relate to several items that have been brought to the attention of staff over the last several months relative to definitions, land uses and editorial language corrections to the Unified Development Ordinance.

Mr. Bailey noted the following amendments to the Unified Development Ordinance:

- **Professional Services:** massage, occupational or physical therapists and counselors have been added to the definition.
- **Site plan (certified):** Shall mean a site plan containing a written statement regarding accuracy or conformity to specified standards and bearing the seal or stamp of the professional engineer or architect under whose supervision the site plan was prepared. A survey, from a licensed professional surveyor, that incorporates all of the requirements of the site plan is acceptable for existing developments and when no site improvements are being proposed.
- **Section 27-327-2 Temporary Offices**

B. Temporary Real Estate Office. A temporary real estate office of use in the development of a new residential subdivision may be established in a house and operated within the subdivision from the date of the first construction permit issued in the subdivision and until ninety-five percent (95%) of the lots are sold. The temporary real estate office shall not be utilized for any construction activities, the storage of construction equipment or materials, and all vehicle parking shall be limited to the driveway constructed for the house. A time extension may be granted by the Board of Zoning Adjustment.

- **Section 27-332-4 Submission Requirements**

B. A survey prepared by a licensed professional surveyor and a certified site plan of the property prepared by a registered architect or licensed professional engineer. At the discretion of the director, a survey and/or site plan may not be required for some applications (e.g., existing developments in C-6/downtown zoning districts).

- **Section 27-332-5 Planning Commission Application and Review Procedures**

Item No. 5 under this section has been removed.

- **Section 27-403 Land Use Regulations**

**G. Open Space – item #3 has been removed**

- (see **References**) has been removed from Land Use Regulations, Bicycle Facilities, Cul-de-sacs and Dead-End Streets, Fire Protection, General Design Requirements and Bikeway Sections of the UDO.

- **Section 27-510-1 Generally**

**C. Transitional and Commercial Building Design Standards**

4. a. For ground-mounted equipment, the screening shall consist of a wall, fence, or approved landscaping or the equipment must be enclosed within a building.

- **Table 27-603-1A Minimum Separation between Driveways and Street Intersection (Dimension A in feet)**

The Boulevard section of this table had no numbers. These numbers have been provided by Stan Snodgrass, Director of Engineering, and should read as follows:

Freeway frontage road – 250 feet  
Boulevard – 250 feet  
Major Arterial – 170 feet  
Minor Arterial – 170 feet  
Industrial – 170 feet  
Major Collector – 150 feet  
Residential Collector – 150 feet

Chairman Griffin then asked for any comments from the Commissioners or the audience. There being no comments, Chairman Griffin called for the vote on the Unified Development Ordinance Amendments. The vote was 9 in favor and 0 opposed.

## **2. Preliminary Plat – Clayton Heights, Phase II – Lots 1-57, Tracts A, B & C**

Ms. Brenda Andrews read the staff report. Ms. Andrews noted that this plat was previously approved by the Planning Commission on April 14, 2009; however, due to a delay in project financing, the plat's two year effective period of approval expired. Therefore, the developer resubmitted the plat and revised it to comply with the UDO regulations, such as landscaping and sidewalks.

Mr. Ronnie Hawkins, Hawkins-Weir Engineers, was present to speak on behalf of this request.

No one was present to speak in opposition.

Chairman Griffin then called for the vote on the preliminary plat. Motion was made by Commissioner Howard, seconded by Commissioner Lorenz and carried unanimously to make approval of the plat subject to the developer agreeing to meet all franchise and City utility easement requirements and compliance with the City's Subdivision Design and Improvement Standards and the Standard Specifications for Public Works Construction. The plat was approved by a vote of 9 in favor and 0 opposed.

**3. Rezoning #24-8-11; A request by William Collige for a zone change from Commercial Heavy (C-5) to Residential Multi-Family Medium Density (RM-3) by Extension located at 3003 Blair Avenue.**

Ms. Maggie Rice read the staff report indicating that the purpose of the request is a corrective rezoning to allow the zoning to accurately reflect how the property has developed and would allow the property to be altered, expanded or sold as residential property.

Mr. William Collige, 3003 Blair Avenue, was present to speak on behalf of the request.

No one was present to speak in opposition to the request.

Chairman Griffin then called for the vote on the rezoning request. The vote was 9 in favor and 0 opposed.

**4. Rezoning #25-8-11; A request by Greg Simpson for a zone change from Residential Multi-Family Medium Density (RM-3) to Commercial Heavy (C-5) by Extension located at 8599 I-540 South. (companion item to item #8)**

**8. Variance #22-8-11; A request by Greg Simpson for a variance from 14,000 square feet to 7,405 square feet minimum lot area located at 8599 I-540 South. (companion item to item #4)**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow the property owner to install an outdoor advertising sign. Ms. Rice noted that a neighborhood meeting was held on August 2<sup>nd</sup> with two neighboring property owners in attendance who had no issues with the proposed rezoning and variance requests.

Mr. Greg Simpson was present to speak on behalf of these requests.

No one was present to speak in opposition to the requests.

**RECESS PLANNING COMMISSION  
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- 8. Variance #22-8-11; A request by Greg Simpson for a variance from 14,000 square feet to 7,405 square feet minimum lot area located at 8599 I-540 South. (companion item to item #4)**

Chairman Griffin called for the vote on the variance request. The vote was 8 in favor, 0 opposed and 1 abstention (Griffin).

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RECONVENE PLANNING COMMISSION**

- 4. Rezoning #25-8-11; A request by Greg Simpson for a zone change from Residential Multi-Family Medium Density (RM-3) to Commercial Heavy (C-5) by Extension located at 8599 I-540 South. (companion item to item #8)**

Chairman Griffin called for the vote on the rezoning request. The vote was 8 in favor, 0 opposed and 1 abstention (Griffin).

- 5. Conditional Use #19-7-11; A request by Galen Hunter for a conditional use for the construction of a new multi-purpose facility for Unity Missionary Baptist Church located at 1506 Phoenix Avenue. (tabled from July) (companion item to item #9)**
- 9. Variance #23-8-11; A request by Galen Hunter for a variance from 30 feet to 15 feet interior side yard setback located at 1506 Phoenix Avenue. (companion item to item #5)**

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to allow the construction of a 6,435 square foot education addition and 4,061 square foot multi-purpose building addition. Ms. Andrews also noted that a new building canopy and porch are proposed to the existing church with the existing education building and breezeway connecting the church to be demolished. Ms. Andrews stated that a neighborhood meeting was held on June 30<sup>th</sup> at 10:00 a.m. at 1506 Phoenix Avenue with no neighboring property owners in attendance.

Mr. Galen Hunter was present to speak on behalf of the requests.

Commissioner Maurras questioned whether the issue raised by the neighboring property owner relative to her being provided access to her property from the church's property had been resolved. Mr. Hunter stated that the church is providing her a gate in order to obtain access to her back yard through the church's property.

No one was present to speak in opposition to the requests.

Chairman Griffin then called for the vote on these requests.

**RECESS PLANNING COMMISSION  
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- 9. Variance #23-8-11; A request by Galen Hunter for a variance from 30 feet to 15 feet interior side yard setback located at 1506 Phoenix Avenue. (companion item to item #5)**

Chairman Griffin called for the vote on the variance request. The vote was 9 in favor and 0 opposed.

**RECESS BOARD OF ZONING ADJUSTMENT  
RECONVENE PLANNING COMMISSION**

- 5. Conditional Use #19-7-11; A request by Galen Hunter for a conditional use for the construction of a new multi-purpose facility for Unity Missionary Baptist Church located at 1506 Phoenix Avenue. (tabled from July) (companion item to item #9)**

Chairman Griffin called for the vote on the conditional use request. Motion was made by Commissioner Howard, seconded by Commissioner Lorenz and carried unanimously to amend this request to make approval subject to the following:

- Compliance with all City codes and standards for development and construction.
- Outdoor lighting installed on the exterior of the new building additions and any new lighting of the parking area is required to be directed downward and shielded (e.g., shoebox light fixture) to avoid light glare onto adjoining properties or roadways.
- Any significant deviations from the submitted and approved plan must be resubmitted and reviewed by the Planning Commission.
- Requirements for the conditional use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. (Section 27-332-6 of the UDO)

Chairman Griffin called for the vote on the conditional use as amended. The vote was 9 in favor and 0 opposed.

- 6. Conditional Use #23-8-11; A request by Al Prieur for a conditional use for a church located at 1217 South Waldron Road-Suites N, O & P.**

Mr. Wally Bailey read the staff report indicating that the purpose of the conditional use request is to allow the existing building to be utilized as a church (City of Refuge Church) with no changes to the building exterior or grounds being proposed. Mr. Bailey noted that a neighborhood meeting was held on August 2, 2011, at 5:30 p.m. at the LaVilla Shopping Plaza with no concerns being expressed. He also noted that the Building Official and Fire Marshal made an inspection of the facilities and the church has agreed to make all the necessary life safety code improvements to the location. Mr. Bailey also made reference to a letter from Vasiliki Investments LLC which stated that they would enclose the dumpsters within the next ninety (90) days.

Mr. Al Prieur was present to speak on behalf of the request.

No one was present to speak in opposition to the request.

Following a discussion by the Commission, motion was made by Commissioner Lorenz, seconded by Commissioner Parks and carried unanimously to amend this request to make approval subject to the following:

- Existing landscaping shall be maintained and irrigated.
- Existing dumpsters shall be screened by a 6 foot gated fence enclosure. Opaque dumpster screening to be of approved materials such as wood, masonry or vinyl fencing with a plan to be submitted prior to installation. The dumpster screening shall be completed within ninety (90) days.
- Any new signage will require a sign permit application and approval.

Chairman Griffin then called for the vote on the conditional use request as amended. The vote was 9 in favor and 0 opposed.

## **RECESS PLANNING COMMISSION CONVENE BOARD OF ZONING ADJUSTMENT**

### **7. Variance #21-8-11; A request by Al Prieur for a variance from 7.5 feet to 5 feet interior side yard setback and from 10 feet to 3.5 feet rear yard setback located at 5601 Park Avenue.**

Ms. Maggie Rice read the staff report indicating that the purpose of the variance request is to allow the removal of an existing carport and construction of a 30' x 45' garage that will connect to an existing brick building with an existing 5.3' interior side yard setback and 3.5' rear yard setback.

Mr. Al Prieur was present to speak on behalf of the request.

No one was present to speak in opposition to the request.

Chairman Griffin then called for the vote on the variance request. The vote was 9 in favor and 0 opposed.

**10. Variance #24-8-11; A request by Galen Hunter for a variance from 30 feet to 20 feet front yard setback located at 1917 St. Francis Crest.**

Ms. Brenda Andrews read the staff report indicating that the purpose of the variance request is to allow the frontage adjacent to St. Francis Crest to have a front yard setback of 20 feet that will facilitate a side-entry garage for the proposed single family residence. Ms. Andrews noted that a neighborhood meeting was held on August 2<sup>nd</sup> at 10:00 a.m. at the offices of MAHG located at 6400 Riley Park Drive with no surrounding property owners in attendance.

Mr. Galen Hunter was present to speak on behalf of the request.

No one was present to speak in opposition to the request.

Chairman Griffin then called for the vote on the variance request. The vote was 8 in favor, 0 opposed and 1 abstention (Newton).

**Meeting Adjourned!**