

**PLANNING COMMISSION OF THE CITY OF HUNTSVILLE, ALABAMA**

**RESOLUTION NO.: 02-21**

**RE: PETITION TO REPEAL CERTAIN PLAT RESTRICTIONS ESTABLISHED ON THE FOLLOWING PLAT:**

**BOUNDARY/MINOR PLAT OF "WALLSTREET", AS RECORDED IN PLAT BOOK G, PAGE 375 OF THE PROBATE RECORDS OF LIMESTONE COUNTY, ALABAMA.**

**PETITIONERS:**

**Withers Goodwyn Peebles III  
John Brent Peebles  
Lauren A. Peebles n/k/a Lauren Peebles Matthews  
Kathleen Jordan Peebles n/k/a Kathleen Jordan Peebles Dye  
Patricia Claiborne Peebles n/k/a Patricia Claiborne Peebles Saldarriaga  
Memory Blake Peebles n/k/a Memory Blake Peebles Risinger**

**WHEREAS**, on or about September 26, 2006, the Planning Commission of the City of Huntsville, Alabama, ("Planning Commission"), approved the following plat:

**Boundary/Minor Plat of "Wallstreet", as recorded in Plat Book G, Page 375 of the Probate Records of Limestone County, Alabama.**

(the "Plat"); and

**WHEREAS**, the lands embraced by the Plat are subject to certain RESTRICTIONS FOR THIS SUBDIVISION ("Restrictions") established on the Plat pursuant to Code of Ala. 1975 § 11-52-32(c), as follows:

**RESTRICTIONS FOR THIS SUBDIVISION**

1. Pursuant to the Section 11-52-32(c) of the Code of Alabama of 1975, as amended ("Ala. Code"), the Planning Commission for the City of Huntsville ("Planning Commission") has the power to agree with the application upon use, height, area or bulk requirements or restrictions governing buildings and premises within all or any portion of the lands embraced by this plat, provided such requirements or restrictions do not authorize the violation of the current zoning ordinance.
2. The owner(s) of the lands embraced by this plat ("Owner(s)") desires that the Planning Commission agree to certain requirements and restrictions ("Restrictions"), which Restrictions are not in violation of the Zoning Ordinance of the City of

Huntsville, Alabama ("Zoning Ordinance"), being placed on the lands embraced by this plot ("Restricted Lands"); which Restrictions are as follows:

- (a) Uses restricted to single family detached dwellings only.
  - (b) This zoning plat cannot be vacated by the owners without the approval of the City of Huntsville Planning Commission as stated in a duly adopted resolution.
3. In accordance with Ala. Code Section 11-52-32(c) the Planning Commission hereby agrees that the Restrictions set forth hereinabove in paragraph 2 shall apply to the Restricted Lands and shall have the same force of law and be enforceable in the same manner and with the same sanctions and penalties and subject to the same power of amendment or repeal as though set out as a part of the Zoning Ordinance or Zoning Map of the City of Huntsville.
  4. The owner understands and agrees that this plat cannot be vacated or the Restrictions otherwise lifted without the approval of the Planning Commission; and

**WHEREAS**, all of the only and sole owners of the lands embraced by the Plat have petitioned the Planning Commission to approve the repeal of the Restrictions, which "Petition" is attached hereto and incorporated herein by reference; and

**WHEREAS**, the result of a repeal of the Restrictions would be to leave unaffected and in full force and effect the current zoning classification of the property, that is, Residence 2 District, as such may be amended from time to time, until such time, if ever, as said property is rezoned or until such time, if ever, as such property is once again subjected to restrictions pursuant to Code of Ala. 1975 § 11-52-32(c); and

**WHEREAS**, a public hearing has been held on the matter and it is the desire of the Planning Commission, as evidenced by the adoption of this resolution, to approve the repeal of the Restrictions heretofore placed on the lands embraced by the Plat, and to recommend to the City Council of the City of Huntsville, Alabama, a repeal of said Restrictions in accordance with Code of Ala. 1975 § 11-52-32(c).

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Huntsville, Alabama ("Planning Commission") as follows:


1. That the Planning Commission hereby approves the repeal of the Restrictions heretofore placed on the lands embraced by the above-referenced Plat;
2. That the Planning Commission hereby recommends a repeal of the Restrictions to the City Council of the City of Huntsville, Alabama;
3. That the current zoning classification of the property, that is, Residence 2 District, as such may be amended from time to time, remains in full force and effect until such time, if ever, as said

property is rezoned or until such time, if ever, as such property is once again subjected to restrictions pursuant to Code of Ala. 1975 § 11-52-32(c);

4. That the remainder of the matters contained on the Plat, including, but not necessarily limited to, the dedications of public right-of-way and/or public easement(s) thereon, shall otherwise remain in full force and effect; and

5. That the Chairman of the Planning Commission is hereby authorized to execute this Resolution on behalf of the Planning Commission.

THE PLANNING COMMISSION OF THE  
CITY OF HUNTSVILLE, ALABAMA

  
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Les Tillery, Chairman

ATTEST:

  
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Peggy Richard, Secretary