

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF MARCH 5, 2009 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William DeMouy
Victoria L. Rivizzigno, Secretary
Stephen J. Davitt, Jr.
Nicholas Holmes, III
Mead Miller
Roosevelt Turner
John Vallas
James Watkins, III

Members Absent

Clinton Johnson
Debra Butler

Urban Development Staff Present

Richard L. Olsen
Deputy Director of Planning
Bert Hoffman,
Planner II
Caldwell Whistler,
Planner I
Joanie Stiff-Love,
Secretary II

Others Present

John Lawler,
Assistant City Attorney
Jennifer White,
Traffic Engineering
John Forrester,
City 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.

EXTENSIONS:

Case #SUB2008-00012 (Subdivision)

Woodberry Forest Subdivision Additions

West side of Wilson Road West at its South terminus, extending to the North terminus of Selby Phillips Drive

Number of Lots / Acres: 78 Lots / 47.9± 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 Dr. Rivizzigno, to approve the above referenced request for extension.

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The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2009-00014

Cahill Place Subdivision

200 South Florida Street

Southwest corner of South Florida Street and Ralston Road

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

Engineer / Surveyor: Patrick Land Surveying

Council District 5

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.

Ricky Patrick, Patrick Land Surveying, spoke on behalf of the applicant, saying they were in agreement with all of the conditions. He stated that the recommended hold over was due to the need for a Planned Unit Development application based upon the existence of the wooden structure which connected the old church to the new building, however, that structure had been removed, therefore eliminating the need for the PUD.

Mr. Olsen stated that any demolition permit would have come through the Planning office for a signature and as there was no recollection of such, the staff stood by its recommendation for hold over.

Paula Stadther, 2529 Oakview Drive, asked the Commission for information regarding what was the planned development for the property.

Mr. Olsen said that at this time the staff had no information as to what future plans are, which was yet another reason for the recommended hold over.

Mr. Davitt asked if there was a need at this time to submit a Planned Unit Development, and it was determined not at this time and that verbiage along those lines would be placed in the approval.

Hearing no further opposition or discussion, a motion was made by Mr. Vallas, with second by Dr. Rivizzigno, to hold the matter over until the April 2, 2009, meeting, with required information submitted by March 16, 2009, to allow the applicant to address the following:

- 1) **dedication of sufficient right-of-way, South Florida Street, to provide a minimum 50-feet as measured from the centerline of South Florida Street;**
- 2) **placement of a note on the Final Plat stating that the development is limited to one curb cut to Ralston Road and one curb cut to South Florida Street, with the size, location,**

- and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 3) provision of adequate radii, in compliance with Section V.B.16. of the Subdivision Regulations, at the intersection of South Florida Street and Ralston Road, with the size to be determined by Traffic Engineering and conform to AASHTO standards; and,
 - 4) submission of a Planned Unit Development (PUD) application, if necessary.

The motion carried unanimously.

Case #SUB2009-00009

Hillwood Subdivision, Re-subdivision of Lot 7 and a Portion of Lot 6

6 County Club Road

North side of Country Club Road, 207'± West of Hillwood Road

Number of Lots / Acres: 2 Lots / 0.6± Acre

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 5

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.

Don Coleman, Rester and Coleman Engineers Inc., spoke on behalf of the applicant and asked that the matter be heard that day. He advised the Commission that on Tuesday of the previous week, a survey crew had gone to the location and verified that the building cleared the lot lines as required, and thus the proposed re-subdivision is in compliance.

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

- 1) illustration of the 25' minimum building setback line along Country Club Road;
- 2) placement of a note on the final plat stating that each lot is limited to one curb cut to Country Club Road, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 3) labeling of each lot with its size in square feet, or the provision of a table on the plat furnishing the same information;
- 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; and,
- 5) subject to the Engineering Comments: *(Must comply with all stormwater and flood control ordinances. Any work performed*

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in the right-of-way will require a right-of-way permit).

The motion carried unanimously.

Case #SUB2009-00012

Autumndale Subdivision, Re-subdivision of Lots 100 - 102

North side of Lydia Drive, 110'± West of Sharon Drive

Number of Lots / Acres: 3 Lots / 0.5± Acre

Engineer / Surveyor: Polysurveying Engineering-Land Surveying
Council District 1

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

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.

Hearing no opposition or discussion, a motion was made by Mr. Vallas, with second by Mr. Turner, to hold the matter over until the April 2, 2009, meeting, with revisions due by March 13, 2009, to address the following:

- 1) revision of the preliminary plat to reflect the actual Lydia Drive right-of-way of 90 feet and design the cul-de-sac so each of the three proposed lots will meet the lot size requirements.**

The motion carried unanimously.

Case #SUB2009-00013

Combs Place Subdivision, Re-subdivision of Lot 2

West side of Grider Road at the West terminus of Rosehill Lane

Number of Lots / Acres: 20 Lots / 6.4± Acres

Engineer / Surveyor: Patrick Land Surveying
Council District 7

Ricky Patrick, Patrick Land Surveying, requested a hold over on behalf of the applicant, as they are in the process of getting cost estimates on doing improvements to Grider Road, as well as wanting to address some of the comments from the staff report.

The following people spoke in opposition to the development:

- Sam and Ann Russ, 2042 Grider Road, Mobile, AL; and,
- Diane Havens-Owens, 2051 Grider Road, Mobile, AL.

They made the following points:

- A. there is real opposition to the development in the neighborhood;
- B. the development is out of character with the rest of the

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- neighborhood;
- C. Grider Road is a substandard road and does not meet the requirements for roads as stated in the Subdivision Regulations;
- D. the site does not have city sewer access; and,
- E. inadequate drainage.

Dr. Rivizzigno expressed her concern over the number of proposed lots in the subdivision, supporting the neighbors' concern over the same.

Mr. Miller also expressed his concern over the number of lots, however, he stated felt that it was always better to allow a hold over when an applicant requested one, as it might provide the necessary time to resolve such an issue.

Mr. Vallas reminded the Commission that the subdivision was proposed at 20 lots and the neighbors wanted only 3, and in his opinion, it would take a great deal to bring those two sides to a compromise on that issue.

Mr. Watkins voiced his support of allowing an applicant to "get his ducks in a row", however, he also stated the Commission needed to remain mindful and vigilant regarding not giving the perception that if asked enough times an applicant would get what they wanted.

Hearing no further opposition or discussion, a motion was made by Mr. Miller, with second by Mr. Vallas, to hold the matter over until the April 16, 2009, meeting, to allow the applicant time to address issues relating to road construction and the provision of sanitary sewer, and to review the number of lots as proposed; any new information, documents, and/or plats should be submitted by April 3, 2009.

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2009-00228

Renwick Burroughs

2700 Springhill Avenue

Northwest corner of Springhill Avenue and Mobile Street

Request to waive construction of a sidewalk along Mobile Street

Council District 1

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 further opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Turner, to deny the above referenced request for sidewalk waiver.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2009-00015 (Subdivision)

Booker T. Washington Highlands Subdivision, First Addition, Block F, Re-subdivision of Lots 8 & 9

Southeast corner of First Avenue and Prince Street

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

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

Council District 1

(Also see **Case #ZON2009-00359 (Planned Unit Development) Booker T.**

Washington Highlands Subdivision, First Addition, Block F Re-subdivision of Lots 8 & 9, and, **Case #ZON2009-00358 (Rezoning) Kentress Morrisette**, below)

Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant and asked that the matter be held over as they pursued a solution to the issues brought up by staff.

Hearing no further opposition or discussion, a motion was made by Mr. Vallas, with second by Dr. Rivizzigno, to hold the matter over, per the applicant's request, until the April 2, 2009, meeting, to allow the application to be considered with the accompanying Planned Unit Development and Rezoning applications, with additional information/documents/plans to be submitted by March 16, 2009.

The motion carried unanimously.

Case #ZON2009-00359 (Planned Unit Development)

Booker T. Washington Highlands Subdivision, First Addition, Block F Re-subdivision of Lots 8 & 9

Southeast corner of First Avenue and Prince Street

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

Council District 1

(Also see **Case #SUB2009-00015 (Subdivision) Booker T. Washington Highlands Subdivision, First Addition, Block F, Re-subdivision of Lots 8 & 9**, above, and, **Case #ZON2009-00358 (Rezoning) Kentress Morrisette**, below)

Hearing no further opposition or discussion, a motion was made by Mr. Vallas, with second by Dr. Rivizzigno, to hold the matter over, per the applicant's request, until the April 2, 2009, to allow the applicant time to address issues raised in the staff report, with additional information/documents/plans to be submitted by March 16, 2009.

The motion carried unanimously.

Case #ZON2009-00358 (Rezoning)

Kentress Morrisette

Southeast corner of First Avenue and Prince Street
Rezoning from R-1, Single-Family Residential District, to R-3, Multi-Family Residential District, to allow the construction of a two-building, eight-unit, apartment complex
Council District 1

(Also see **Case #SUB2009-00015 (Subdivision) Booker T. Washington Highlands Subdivision, First Addition, Block F, Re-subdivision of Lots 8 & 9**, and **Case #ZON2009-00359 (Planned Unit Development) Booker T. Washington Highlands Subdivision, First Addition, Block F Re-subdivision of Lots 8 & 9**, above)

Hearing no further opposition or discussion, a motion was made by Mr. Vallas, with second by Dr. Rivizzigno, to hold the matter over, per the applicant's request, until the April 2, 2009, to allow the applicant time to address issues raised in the staff report, with additional information/documents/plans to be submitted by March 16, 2009.

The motion carried unanimously.

Case #SUB2009-00016 (Subdivision)

Providence Park POB West Subdivision, Re-subdivision of Lot 1, Re-subdivision and Addition to Lot 1, Phase 1, Re-subdivision of Lot 1

600 Providence Park Drive East
West side of Providence Park Drive East, (private Street), 2/10± mile South of Airport Boulevard
Number of Lots / Acres: 1 Lot / 1.5± Acres
Engineer / Surveyor: Don Williams Engineering
Council District 6

(Also see **Case #ZON2009-00360 (Planned Unit Development) Providence Park POB West Subdivision, Re-subdivision of Lot 1, Re-subdivision and Addition to Lot 1, Phase 1, Re-subdivision of Lot 1**, 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. Watkins, to approve the above referenced re-subdivision, subject to the following conditions:

- 1) **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. Rip rap or other appropriate energy dissipation measures will be required at the outfalls labeled E and J on the submitted plans.*);**
- 2) **placement of a note on the Final Plat stating that the lot is limited to two (2) curb-cuts, with the size, design, and location to be approved by Traffic Engineering and in compliance with**

- AASHTO standards;
- 3) 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;
 - 4) the labeling of the lot with its size in square feet;
 - 5) the labeling of the private street as private; and,
 - 6) provision of a revised PUD site plan prior to the signing of the Final Plat.

The motion carried unanimously.

**Case #ZON2009-00360 (Planned Unit Development)
Providence Park POB West Subdivision, Re-subdivision of Lot 1, Re-subdivision and Addition to Lot 1, Phase 1, Re-subdivision of Lot 1**

600 Providence Park East

West side of Providence Park Drive East, (private street), 2/10± mile South of Airport Boulevard

Planned Unit Development Approval to amend the conditions of a previously approved Planned Unit Development to allow two curb cuts

Council District 6

(Also see Case #SUB2009-00016 (Subdivision) Providence Park POB West Subdivision, Re-subdivision of Lot 1, Re-subdivision and Addition to Lot 1, Phase 1, Re-subdivision of Lot 1, 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. Turner, with second by Mr. Watkins, to approve the above referenced Planned Unit Development, subject to the following conditions:

- 1) completion of the Subdivision process;
- 2) 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. Rip rap or other appropriate energy dissipation measures will be required at the outfalls labeled E and J on the submitted plans.*);
- 3) placement of a note on the site plan stating that the lot is limited to two (2) curb-cuts, with the size, design, and location to be approved by Traffic Engineering and in compliance with AASHTO standards;
- 4) 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,

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- prior to the issuance of any permits or land disturbance activities;
- 5) the labeling of the lot with its size in square feet;
 - 6) the labeling of the private street as private; and,
 - 7) provision of a revised PUD site plan prior to the signing of the Final Plat.

The motion carried unanimously.

Case #SUB2009-00010 (Subdivision)

Ruth's Place Subdivision

2950 Lees Lane

West side of Lees Lane, 490'± North of Gordon John Drive

Number of Lots / Acres: 2 Lots / 2.6± Acres

Engineer / Surveyor: Erdman Surveying, LLC

Council District 4

(Also see **Case #ZON2009-00342 (Rezoning) Sharon Lee**, 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 Dr. Rivizzigno, to waive Sections V.D.1 and V.D.3 and approve the above reference subdivision, subject to the following conditions:

- 1) labeling of the two lots as "Lots" A and B, rather than "Parcels" A and B;
- 2) placement of a note on the final plat stating that each lot is limited to one curb cut onto Lees Lane with the size, design, and location of all curb-cuts to be approved by Traffic Engineering and in conformance with AASHTO standards;
- 3) revision of the minimum building setback line on Lot B provide 25' from where the "pole" meets the "flag" portion of the lot;
- 4) placement of a note on the final plat stating that no future subdivision of Parcel B will be allowed until additional adequate frontage on a public street is provided;
- 5) labeling of each lot with its size in square feet (in addition to acreage), or the provision of table on the plat with same information;
- 6) placement of a note on the plat stating that approval of all applicable Federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities; and,
- 7) subject to City Engineering comments: *(Must comply with all*

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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 #ZON2009-00342 (Rezoning)

Sharon Lee

2950 Lees Lane

West side of Lees Lane, 490' ± North of Gordon John Drive

Rezoning from R-1, Single-Family Residential District, and I-1, Light Industry District, to R-1, Single-Family Residential District, to eliminate split zoning in a proposed family subdivision

Council District 4

(Also see **Case #SUB2009-00010 (Subdivision) Ruth's Place 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 Mr. Turner, with second by Dr. Rivizzigno, to approve the above referenced request for rezoning, subject to the following conditions:

- 1) **completion of the subdivision process;**
- 2) **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,**
- 3) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2009-00011 (Subdivision)

Ashland Place UMC Subdivision

5, 7, and 15 Wisteria Avenue, 2315 Old Shell Road and 2312 Dauphin Street

Southwest corner of Wisteria Avenue and Old Shell Road, extending to the North side of Dauphin Street, 160' ± West of Wisteria Avenue and 380' ± West of Wisteria Avenue

Number of Lots / Acres: 2 Lots / 4.2± Acres

Engineer / Surveyor: Wattier Surveying, Inc.

Council District 1

(Also see **Case #ZON2009-00349 (Planned Unit Development) Ashland Place UMC Subdivision**, and, **Case #ZON2009-00347 (Planning Approval) Ashland Place United Methodist Church, Inc.**, below)

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

Don Bowden, 1657 Springhill Avenue, spoke on behalf of the applicant as their

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architect, and requested that the matter not be held over but heard that day, and made the following points:

- A. in 2006, the project had been approved as a one lot subdivision and Planned Unit Development;
- B. in 2008, adjacent property was sold to the church and at that time, the realtor re-submitted those documents but inadvertently left off the previously approved long range plan;
- C. the project was bid in late 2008 and the church is ready to begin construction, however, in a Planning review of the matter, the error made by the realtor was discovered; and,
- D. as nothing has truly changed with regards to the plans, it is hoped the Commission will re-approve the project, so the church can finish the bid process and begin construction.

Mr. Olsen stated staff had reviewed the proposed project and as it was different from the previous plan the staff stands by its recommendation of holding the matter over. He added the latest submission of new material regarding the project had been earlier in the week.

Mr. Hoffman added that only that day had the new, revised plans been routed to the necessary departments.

The following people spoke in opposition to the matter:

- Ann Jernigan, 2302 Dauphin Street, Mobile, AL; and,
- Douglas Kearley, 10 Wisteria Avenue, Mobile, AL.

They made the following points:

- A. concern over effective screening/buffering of the church from the adjacent residential properties;
- B. revision of the retention plan to include enough room for appropriate vegetative buffer, specifically large trees;
- C. concern over the two houses at 5 and 7 Wisteria Avenue and what is planned for those properties;
- D. concern over seeing the character of the neighborhood disappear as houses may be removed, however, the houses were not being adequately maintained; and,
- E. concern over the loss of additional street front trees.

Mr. Lawler advised the Commission that they could, as part of the approval process, state conditions regarding the status of the houses mentioned

In deliberation, Mr. Vallas asked if the Commission saw a need to require that the applicant specifically address the retention area, screening and buffering, and the houses

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mentioned by the neighbors in their next presentation. The Commission agreed to this.

Hearing no further opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. DeMouy, to hold the matter over until the April 2, 2009, meeting, with 7 copies of the revised preliminary plat due by March 20, 2009, so that the following revision can be made:

- 1) depiction and labeling of the 25-foot minimum building setback line from Old Shell Road and Wisteria Avenue, and depiction and labeling of the minimum building setback line along Dauphin Street so that it is 75-feet from the centerline.**

The motion carried unanimously.

Case #ZON2009-00349 (Planned Unit Development)

Ashland Place UMC Subdivision

5, 7, and 15 Wisteria Avenue, and 2315 Old Shell Road

Southwest corner of Wisteria Avenue and Old Shell Road, extending to the North side of Dauphin Street, 160'± West of Wisteria Avenue

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow the construction of an administrative office, classroom building, outdoor patio and expanded retention pond at an existing church in an R-1, Single-Family Residential District

Council District 1

(Also see **Case #SUB2009-00011 (Subdivision) Ashland Place UMC Subdivision**, above, and, **Case #ZON2009-00347 (Planning Approval) Ashland Place United Methodist Church, Inc.**, below)

Hearing no further opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. DeMouy, to hold the matter over until the April 2, 2009, meeting, with 7 copies of the revised site plan and statement due by March 20, 2009, so that the following revisions can be made:

- 1) revision of the site plan (and amendment of the statement) to include information regarding existing seating in the sanctuary, size of proposed new construction, and size of all other existing structures;**
- 2) revision of the site plan to depict full compliance with the tree and landscaping requirements of the Zoning Ordinance;**
- 3) revision of the site plan to show only one curb-cut onto each street, or provision of justification regarding why additional curb-cuts should be allowed;**
- 4) revision of the site plan to remove gravel parking area next to existing church office, or justification of its remaining, and submittal of application to Board of Adjustment for variance for gravel parking;**

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- 5) revision of the statement to indicate existing, proposed or anticipated use of the existing residential structures that front onto Wisteria Avenue, with detailed maintenance or demolition plan and timeline;
- 6) depiction of required setbacks, in addition to the notes placed on the site plan;
- 7) possible reconfiguration or relocation of detention facility, to provide additional buffering or screening; and,
- 8) illustration of buffering where the site abuts residential properties.

The motion carried unanimously.

Case #ZON2009-00347 (Planning Approval)

Ashland Place United Methodist Church, Inc.

5, 7, and 15 Wisteria Avenue, and 2315 Old Shell Road

Southwest corner of Wisteria Avenue and Old Shell Road, extending to the North side of Dauphin Street, 160'± West of Wisteria Avenue

Planning Approval to allow the construction of an administrative office, classroom building, outdoor patio and expanded retention pond at an existing church in an R-1, Single-Family Residential District

Council District 1

(Also see Case #SUB2009-00011 (Subdivision) **Ashland Place UMC Subdivision**, and, Case #ZON2009-00349 (Planned Unit Development) **Ashland Place UMC Subdivision**, above)

Hearing no opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. DeMouy, to hold the matter over until the April 2, 2009, meeting, with 7 copies of the revised site plan and statement due by March 20, 2009, so that the following revisions can be made:

- 1) revision of the site plan (and amendment of the statement) to include information regarding existing seating in the sanctuary, size of proposed new construction, and size of all other existing structures;
- 2) revision of the site plan to depict full compliance with the tree and landscaping requirements of the Zoning Ordinance;
- 3) revision of the site plan to show only one curb-cut onto each street, or provision of justification regarding why additional curb-cuts should be allowed;
- 4) revision of the site plan to remove gravel parking area next to existing church office, or justification of its remaining, and submittal of application to Board of Adjustment for variance for gravel parking;
- 5) revision of the statement to indicate existing, proposed, or anticipated use of the existing residential structures that front

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- onto Wisteria Avenue, with detailed maintenance or demolition plan and timeline;
- 6) depiction of required setbacks, in addition to the notes placed on the site plan;
 - 7) possible reconfiguration or relocation of detention facility, to provide additional buffering or screening; and,
 - 8) illustration of buffering where the site abuts residential properties.

The motion carried unanimously.

OTHER BUSINESS:

Mr. Olsen reminded the Commission of their Business Meeting to be held on March 12, 2009, to be held at the Government Plaza. He was not certain as to the exact room, however, he would advise them of that information prior to that time.

Hearing no further business, the meeting was adjourned.

APPROVED: September 3, 2009

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman.

jsl