

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF JULY 1, 2004 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
Victor McSwain, Secretary
James F. Watkins
Victoria L. Rivizzigno
James Laier
Nicholas H. Holmes, III
Mead Miller (S)

Members Absent

John Vallas
Clinton Johnson
Ann Deakle

Urban Development Staff Present

Richard L. Olsen, Planner II
Margaret Pappas, Planner II
Jennifer Henley, Secretary II

Others Present

Wanda Cochran, Assistant City Attorney
Jennifer White, Traffic Engineering
Pat Stewart, County Engineering
Beverly Terry, City Engineering

Mr. Plauche stated the number of members present constituted a quorum and called the meeting to order.

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

HOLDOVERS:

Case #SUB2004-00081

Burton-Pate Industrial Park Subdivision

5770 I-10 Industrial Parkway North (North side of I-10 Industrial Parkway North, 2/10 mile± West of U.S. Highway 90 West).

4 Lots / 2.2± Acres

Ms. Linda Burkett, Marshal McLeod, P.L.S., L.L.C., was present on behalf of the applicant and concurred with the staff recommendation.

There was no one present in opposition.

A motion was made Dr. Rivizzigno and seconded by Mr. McSwain to approve this subdivision subject to the following conditions:

- (1) the placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must

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- provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and
- (2) the placement of the 25-foot minimum setback lines on the final plat.

The motion carried unanimously.

Case #ZON2004-01255

BankTrust (Mike Fitzhugh, Agent)

East side of South McGregor Avenue, 100'± South of Old Shell Road.

The request for rezoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, to eliminate split zoning was considered.

The plan illustrates the existing structures and parking along with the proposed subdivision.

(Also see Case #ZON2004-01254 – **BankTrust Subdivision** – Below; and Case #SUB2004-00122 – **BankTrust Subdivision** – Below)

Mr. Don Coleman of Rester and Coleman Engineers, Inc., was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Mr. Miller to recommend the approval of this change in zoning to the City Council subject to the following conditions:

- (1) completion of the subdivision process prior to the issuance of any permits.

The motion carried unanimously.

Case #ZON2004-01254

BankTrust Subdivision

4401, 4403, 4411, 4417, 4419, and 4423 Old Shell Road (Southeast corner of Old Shell Road and South McGregor Avenue).

The request for Planned Unit Development Approval to allow multiple buildings on multiple building sites with shared access and parking between building sites was considered.

The plan illustrates the existing structures and parking along with the proposed subdivision.

(For discussion see Case #ZON2004-01255 – **BankTrust Subdivision** – Above; also see Case #SUB2004-00122 – **BankTrust Subdivision** – Below)

A motion was made by Dr. Rivizzigno and seconded by Mr. Miller to approve this plan subject to the following conditions:

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- (1) completion of the rezoning process;
- (2) completion of the subdivision process;
- (3) provision of the required buffer fence where the site abuts residentially zoned properties at the time those properties are developed residentially;
- (4) any significant changes to the site development will necessitate a new PUD approval by the Planning Commission, to include all properties involved/effectuated; and
- (5) existing trees that are on the West side of Lot 1 require a permit to be disturbed, and the 46" Live Oak located on the South side of Lot 2 to be given preservation status, which requires a permit from Urban Forestry to be disturbed, any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.

The motion carried unanimously.

Case #SUB2004-00122

BankTrust Subdivision

4401, 4403, 4411, 4417, 4419, and 4423 Old Shell Road (Southeast corner of Old Shell Road and South McGregor Avenue).

2 Lots / 1.4± Acres

(For discussion see Case #ZON2004-01255 – **BankTrust Subdivision** – Above; also see Case #ZON2004-01254 – **BankTrust Subdivision** – Above)

A motion was made by Dr. Rivizzigno and seconded by Mr. Miller to approve this subdivision subject to the following conditions:

- (1) dedication of sufficient right-of-way along McGregor Avenue to provide a minimum of 40' from centerline;
- (2) dedication of sufficient right-of-way along Old Shell Road to provide a minimum of 35' from centerline;
- (3) placement of a note on the final plat stating that the subdivision is limited to one curb cut to McGregor Avenue, location and design to be approved by the Traffic Engineering Department; and
- (4) placement of a note on the final plat stating that the subdivision is limited to a maximum of two curb cuts to McGregor Avenue, location and design to be approved by the Traffic Engineering Department.

The motion carried unanimously.

EXTENSION:

Case #ZON2001-01582

Mobile Infirmary Association (Mark Nix, Agent)

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East side of Infirmary Drive, 1030' ± North of Spring Hill Avenue.
Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow construction of a ground-level parking lot instead of a parking building and Master Plan.

Request for a one-year extension of previous approval.

A motion was made by Mr. Plauche and seconded by Mr. Miller to grant a one-year extension of previous approval for this Planned Unit Development application subject to the following condition:

- (1) any substantive changes and/or additions will require an application to amend the PUD Master Plan.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #ZON2004-01340

Country Club of Mobile (W. Kennon Drew, Agent)

4101 Wimbledon Drive West (South side of Wimbledon Drive West, 200' ± West of Turnin Lane).

The request for Planning Approval to allow a physical fitness building expansion at an existing country club in an R-1, Single-Family Residential district was considered.

The site plan illustrates the existing buildings, and parking along with the proposed building addition.

(Also see Case #ZON2004-01339 – **Country Club of Mobile (W. Kennon Drew, Agent)** – Below)

The applicant was present and concurred with the staff recommendation.

There was no one present in opposition.

A motion was made by Dr. Laier and seconded by Dr. Rivizzigno to approve this plan.

The motion carried unanimously.

Case #ZON2004-01339

Country Club of Mobile (W. Kennon Drew, Agent)

4101 Wimbledon Drive West (South side of Wimbledon Drive West, 200' ± West of Turnin Lane).

The request for Planned Unit Development Approval to allow multiple buildings on a single building site was considered.

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(For discussion see Case #ZON2004-01340 – **Country Club of Mobile (W. Kennon Drew, Agent)** – Above)

A motion was made by Dr. Laier and seconded by Dr. Rivizzigno to approve this plan.

The motion carried unanimously.

Case #ZON2004-01331

Gregory J. Darling

North side of Cottage Hill Road, 690' ± West of Montlimar Drive.

The request for a change in zoning from R-1, Single-Family Residential, and B-2, Neighborhood Business, to LB-2, Limited Neighborhood Business, to allow an insurance agency office was considered.

The site plan illustrates the existing landscaping and drives, along with the proposed lot configuration and setbacks.

(Also see Case #SUB2004-00136 – **Darling Subdivision** – Below)

Ms. Linda Burkett, Marshall McLeod, P.L.S., L.L.C., was present on behalf of the applicant. Ms. Burkett pointed out B-2 and R-1 sites adjoining the property and B-3 to the East. Although this application was requesting LB-2 zoning, Ms. Burkett said that because his current need was a professional use and because he would like to maintain an opportunity for future use, the applicant would like to ask that the Commission consider B-2 zoning. They would also be willing to accept B-1 zoning as recommended by the staff.

There was no one present in opposition.

A motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to recommend approval of B-1, Buffer Business, to the City Council subject to the following conditions:

- (1) completion of the Subdivision process prior to the issuance of any permits;
- (2) dedication of additional right-of-way, as indicated on the plat submitted;
- (3) the site be limited to one curb cut, location and design to be approved by the Traffic Engineering Department;
- (4) submission and approval of an Administrative PUD, if cross-access to the property adjacent to the East is to be allowed; and
- (5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2004-00136

Darling Subdivision

North side of Cottage Hill Road, 690' ± West of Montlimar Drive.

1 Lot / 0.3 ± Acre

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(For discussion see Case #ZON2004-01331 – **Gregory J. Darling** – Above)

A motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to approve this subdivision subject to the following conditions:

- (1) dedication of additional right-of-way, as indicated on the plat submitted;
- (2) placement of a note on the final plat stating that the site is limited to one curb cut, location and design to be approved by Traffic Engineering; and
- (3) completion of the rezoning process prior to the issuance of any permits.

The motion carried unanimously.

Case #ZON2004-01338

Scenic Yacht Basin Subdivision, Resubdivision of

3600, 3604, 3608 & 3620 Scenic Drive (West side of Scenic Drive at the West terminus of Michele Drive).

The request for Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow a private street single-family residential subdivision with reduced building setbacks, and a marina was considered.

The plan illustrates the proposed subdivision and setbacks.

(Also see Case #SUB2004-00142 - **Scenic Yacht Basin Subdivision, Resubdivision of** – Below)

Mr. Bobby McBryde of Rowe Surveying & Engineering Company, Inc. was representing the applicant and concurred with the staff recommendations.

Ms. Loran Chavez, an adjoining property owner, inquired as to what was being planned for the site. She pointed out that it looked like the driveway would come all the way to the property line and she was concerned about run-off causing flooding on her property.

Ms. Pappas stated that the applicant received approval several years ago for a multi-lot subdivision with a private drive that connects through to the marina. The purpose of this application was to consolidate Lots 4 and 5 into one lot.

A motion was made by Dr. Rivizzigno and seconded by Mr. Miller to approve this plan subject to the following condition:

- (1) the approval of all applicable federal, state and local agencies.

The motion carried unanimously.

Case #SUB2004-00142

Scenic Yacht Basin Subdivision, Resubdivision of

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3600, 3604, 3608 & 3620 Scenic Drive (West side of Scenic Drive at the West terminus of Michele Drive).
8 Lots / 7.9± Acres

(For discussion see Case #ZON2004-01338 - **Scenic Yacht Basin Subdivision, Resubdivision of** – Above)

A motion was made by Dr. Rivizzigno and seconded by Mr. Miller to approve this subdivision subject to the following condition:

- (1) the approval of all applicable federal, state and local agencies.

The motion carried unanimously.

NEW ZONING APPLICATIONS:

Case #ZON2004-01332

Billy R. Williams

2566 Dauphin Street (Northeast corner of Dauphin Street and Alexander Street).

The request for a change in zoning from R-1, Single-Family Residential, to B-1, Buffer Business, to allow professional offices was considered.

Mr. Jerry Byrd of Byrd Surveying, Inc., was representing the applicant. Mr. Byrd asked that the recommendation of a radius at the intersection of Dauphin and Alexander Streets be waived. He noted that approximately two years ago the northwest corner of Alexander and Dauphin Streets was rezoned to B-1, with dedication for widening, and no radius was required. He felt a waiver of the requirement would provide continuity.

Mr. Sa Brevard, 3766 Rhonda Drive, stated that he was a business associate of the applicant, and they would ask that the wall not be required because it would limit vision on the alleyway. The lot grade was very high and small children played in that area.

Mr. Olsen stated that the wall was required as buffering and screening of the parking area from the residential properties North of the alley and across Alexander Street to the northwest. It was also required on the property across Alexander Street when it was rezoned to B-1. The staff did reference the possible issue of visibility if a 6' high fence were required. That was the reason they were requiring a 3' to 4' high wall.

With respect to the radius, Mr. Holmes said it appeared from the site plan that the house across the street was very close to the street and asked if that was the reason the radius was waived at that time.

Mr. Olsen replied that the staff had recommended the dedication of the radius for that site as well. The Commission, however, did not include that condition as part of the approval. He said he did not recall the exact reason, but it may have been due to the proximity of the structure to the right-of-way.

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Mr. Brevard further stated that there were no curb cuts along Alexander Street and that access to the site was through the alley. He felt that adding an exit and entrance, and a wall would make it difficult to get on and off the property.

Mr. Olsen noted that the wall would only be in the section to be landscaped, which he pointed out. The access to the 24' driveway would still be there.

Dr. Rivizzigno asked if the wall had to be of stone.

Mr. Olsen replied that the Commission could require a 3' to 4' wooden privacy fence rather than a wall if they so desired.

Ms. Lauren Burnett, a resident of the house to the east of the subject property, expressed concern about the access as she had a small child who played there and she was concerned about her safety. She said there was added traffic in the alley from the CVS Drug Store, and felt a fence of any type would restrict vision and make it a dangerous situation. Ms. Burnett pointed out that there was another B-1 property in between the Pastry Shop and her residence, which had no access to Dauphin Street. Their parking was from the rear and they were not required to put up a fence. Ms. Burnett said she supported the rezoning but did not want a fence required along the alley, which was also her means of access.

In discussion a motion was made by Mr. McSwain and seconded by Mr. Laier to recommend the rezoning subject to the deletion of the requirement to dedicate radius at the intersection of Dauphin and Alexander Streets.

Mr. Holmes asked Mr. McSwain why he felt they should not require dedication of the radius.

Mr. McSwain stated that he felt that radius should not be required because it was not required on the other side of the street and it was not really needed. Regarding the 3' to 4' wall, he asked if it was required on the opposite corner.

Mr. Olsen stated that the wall was required on the opposite corner, along the North property line of that site as well as along Alexander Street.

There was discussion about the topography of the site and the height of the proposed wall.

Mr. Olsen noted that there was a change in grade at that site from the street to the property. He said that was the reason the staff recommended that the fence be placed at the edge of the parking facility, as opposed to along the property line. He noted that the parking facility was several feet back from the property line, which would allow for visibility.

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Mr. Miller mentioned Ms. Burnett's concern for the safety of the children and asked how they could resolve this issue.

Mr. Olsen suggested that the Commission could not require the fence.

Dr. Rivizzigno asked if he meant to not require it along the north but keep it on the west.

Mr. Olsen said that would be up to the Commission.

Mr. Watkins asked if the adjoining property to the north had any kind of barrier that gave any kind of visual buffer to the parking lot behind them.

Mr. Olsen replied that he did not think there was any kind of barrier there.

Dr. Laier asked that since they did not have a curb cut and depended on the alley for access, would it make sense just to eliminate the wall from the north edge and leave it on the west?

Mr. Holmes pointed out that there was more traffic there, as there were more lots that were being fed into Alexander Street from the north, and he felt that was a valid contributing element.

Mr. Plauche asked Mr. McSwain if he wished to amend his motion.

Mr. McSwain withdrew his motion and Mr. Miller his second.

Mr. McSwain then made a motion, seconded by Dr. Laier, to recommend this change in zoning to the City Council subject to the following conditions:

- (1) dedication of sufficient right-of-way along Dauphin Street to provide a minimum of 50' from centerline;
- (2) provision of a three to four foot wooden privacy fence, along the West edge of the proposed parking area and walkway,
- (3) the provision and landscaping and tree plantings in compliance with the ratios set forth in Section IV.E.3.a of the Zoning Ordinance; and
- (4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2004-00144

Carol Plantation Subdivision, Second Unit, Resubdivision of Lot 336

6178 Sperry Road (West side of Sperry Road at the West terminus of Boykin Road).

2 Lots / 2.3± Acres

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Mr. Jerry Byrd of Byrd Surveying, Inc., was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Dr. Laier to waive Section V.D.3. (width to depth ratio), of the Subdivision Regulations, and approve this subdivision subject to the following conditions:

- (1) lot 336-A be a minimum of 60-feet wide;
- (2) the 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
- (3) the placement of the 25-foot minimum setback lines on the final plat.

The motion carried unanimously.

Case #SUB2004-00141

Carroll Subdivision

262 Dexter Avenue and 1506 Eslava Street (West side of Dexter Avenue, 100'± North of Eslava Street, extending to the North side of Eslava Street, 150'± West of Dexter Avenue).

2 Lots / 0.3± Acre

Mr. Chris Carroll, 262 Dexter Avenue, applicant, stated that the purpose of this application was so that he could purchase a piece of the property that adjoined his property to the rear. There was a pool on the site and they had been maintaining it for the past three years. He said the owners were getting ready to move and had offered to let him buy that portion of the property. The staff recommendation was to allow the subdivision with the condition that the subdivision maintain a minimum of 7,200 sq. ft. for each lot.

Ms. Pappas stated for clarification that the proposed Lot 2 would not have 7,200 sq. ft. in area. The staff recommended that the northern lot line for Lot 2 be shifted northward to provide 7,200 sq. ft. in area. Shifting that northward, however, would limit the access from the eastern portion of Lot 1 towards the pool to only 6' in width.

Mr. Carroll explained that their garage was in the southwest corner anyway, and they would like to be able to make the property line flush with the face of the garage so it would flow and look like it was all in one yard. This would leave Lot 2 with about 6,300 sq. ft. Mr. Carroll referred to page 6 of information he had provided the members which listed several other residences and lots in the Lienkauf Historic District that had less than 7,200 sq. ft., one of which was directly to the east of proposed Lot 2. There was 3,750 sq. ft. on each of two lots there. Also, within a block of the subject property there were four additional lots that had less than 7,200 sq. ft. Up another block or two there were

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another five lots. Mr. Carroll felt what he was asking would not damage the integrity of the neighborhood or property values. He also submitted a list of neighbors of the lots surrounding this property indicating their support.

Mr. Miller asked how large the proposed lots would be.

Mr. Carroll replied that they would be approximately 6,325 sq. ft.

There was no one present in opposition.

A motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to waive Section V.D.2., of the Subdivision Regulations, and approve this subdivision.

The motion carried unanimously.

Case #SUB2004-00134

Cross Creek Place Subdivision, Resubdivision of

North terminus of Lake Louise Drive.

2 Lots / 20.0± Acres

Mr. Matt Orrell of Polysurveying Engineering - Land Surveying, was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Mr. Holmes to waive Section V.D.3. (width to depth ratio), of the Subdivision Regulations, and approve this subdivision subject to the following conditions:

- (1) the 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;
- (2) the placement of the 25-foot minimum setback lines on the final plat
- (3) the approval of all applicable federal, state and local agencies;
- (4) the placement of a note on the final plat stating that there shall be no resubdivision of the lots until additional frontage is provided on an opened and maintained public right-of-way.

The motion carried unanimously.

Case #SUB2004-00138

Lee's Subdivision

4451 Government Boulevard and 1608 Rochelle Street (Southwest corner of Government Boulevard and Rochelle Street, extending to the East side of Demetropolis Road).

2 Lots / 4.0± Acres

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Mr. Jerry Byrd of Byrd Surveying, Inc., was representing the applicant and concurred with the staff recommendations.

Mr. John Arrington, 1614 Rochelle Street, was present and inquired as to what was proposed for the subject property.

Mr. Olsen explained this proposal was to move an interior lot line to create a two-lot subdivision from a metes and bounds parcel.

Mr. Arrington expressed concern about additional traffic on Rochelle Street which he said already had a traffic problem. He asked where access would be located.

Mr. Olsen stated that the access to the property would be at the southern corner of the property on Demetropolis Road.

Mr. Arrington said this was acceptable.

A motion was made by Dr. Rivizzigno and seconded by Mr. Holmes to approve this subdivision subject to the following conditions:

- (1) dedication of the necessary right-of-way to provide 50-feet from the centerline of Demetropolis Road, a planned major street;
- (2) the placement of a note on the final plat stating that the number, location and design of all curb cuts to be approved by ALDOT and Traffic Engineering; and
- (3) the placement of a note on the final plat stating that any work on or under the two Live Oaks (80" and 40") in the northeast corner and also the 48" Red Oak in the southwest corner is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.

The motion carried unanimously.

Case #SUB2004-00140

New Castle Subdivision

East side of McFarland Road, extending from Johnson Road South to Dawes Lake Road.
78 Lots / 44.0± Acres

The applicant was present and concurred with the staff recommendation.

There was no one present in opposition.

A motion was made by Dr. Laier and seconded by Dr. Rivizzigno to approve this subdivision subject to the following conditions:

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- (1) the dedication of sufficient right-of-way to provide 50-feet from the centerline of Scott Dairy Loop Road South;
- (2) the placement of a note on the final plat stating the Lots 1-4 are denied direct access to Johnson Road, Lots 54-71 are denied direct access to McFarland Road and Lot 72 is limited to one curb cut, with the size, location and design to be approved by County Engineering;
- (3) that the landscaped areas be labeled as common area and a note placed on the final plat stating that the maintenance thereof is the responsibility of the property owners;
- (4) the placement of the 25-foot minimum building setback lines on the final plat; and
- (5) the placement of a note on the final plat stating 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.

The motion carried unanimously.

Case #SUB2004-00137

Riverside Subdivision, Block 1, Resubdivision of Lot 13

3208 Riverside Drive (West side of Riverside Drive, 275'± North of Ward Road, extending to the East side of Ward Road, 275'± North of Riverside Drive).

2 Lots / 0.4± Acre

Mr. Jerry Byrd of Byrd Surveying, Inc., was representing the applicant and concurred with the staff recommendations.

Ms. Gladys Mees, of 3210 Ward Road, directly across the street from the subject property, stated that this was a nice, quiet little neighborhood and the residents enjoyed their community. She had drawn up a petition which was signed by every single home owner on their street opposing splitting of the lots. The neighbors were concerned about a rental home going in there and were concerned that the property would not be maintained. She presented photos of the subject property, which showed that the lot was not kept up. Drainage was also a concern, as they already had problems with drainage. Also, Ms. Mees pointed out that when the applicant bought the existing house a large dumpster was brought onto the property, which still remained in the front yard. She asked that the Commission not allow this subdivision, and submitted the petition and photos to the Commission.

Mr. Olsen said that the City would have no control over a dumpster being on a residential property.

A motion was made by Dr. Rivizzigno and seconded by Mr. Holmes to approve this subdivision subject to the following condition:

- (1) the placement of the 25-foot minimum setback lines on the final plat.

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The motion carried unanimously.

Case #SUB2004-00139

Rolling Branch Estates Subdivision, 1st and 2nd Addition

West side of Lundy Road, 185'± South of Huber Road, extending West and South to the North terminus of Teal Lane.

25 Lots / 12.0± Acres

Mr. Matt Orrell of Polysurveying Engineering - Land Surveying, was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Dr. Laier to approve this subdivision subject to the following conditions:

- (1) the placement of note on the final plat stating that Lots 10 and 11 are denied access to Teal Lane;
- (2) the area in the southwest corner of the subdivision, to the rear of Lots 8, 9 and 19 to be labeled as common area and a note placed on the final plat stating that the maintenance thereof is the responsibility of the property owners;
- (3) the placement of a note on the final plat stating 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
- (4) the placement of the 25-foot minimum building setback line on the final plat.

The motion carried unanimously.

Case #SUB2004-00143

Terry Subdivision

2008 Staples Road (Northwest corner of Staples Road and Terry Lane).

3 Lots / 1.0± Acre

Mr. Bobby McBryde of Rowe Surveying & Engineering Company, Inc. was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Dr. Laier and seconded by Dr. Rivizzigno to approve this subdivision subject to the following conditions:

- (1) the approval of all applicable federal, state and local agencies; and

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- (2) site subject to full Stormwater Ordinance requirements including stormwater detention.

The motion carried unanimously.

OTHER BUSINESS:

Administrative Approval

Case #SUB2002-00016 (File #S98-120)

Woodland Hills, Remainder of

West terminus of Woodland Hills Drive and extending through to Woodstone Drive, Woodland Way, and the East side of Eunice Drive, 600'± North of Eunice Circle.

191 Lots / 74 Acres

Mr. Olsen explained that at the time the composite for Woodland Hills Subdivision was approved, the Commission placed a condition on it that the recording of the subdivision be administratively approved by the Commission to ensure that two things were done: (1) the provision of a street stub to the south; and (2) the connection to Eunice Drive on the West. The first two units were recorded, and Units Three and Four came back to the Commission as separate applications. At that time other conditions were discussed and retained as conditions to comply with the original conditions. The developer had now built a road for Unit Five and wanted approval to record Unit Five. Administrative Approval was being asked for this phase, and in doing so the staff asked that a letter be sent to the developer informing him that the next unit, based on the original conditions, should be the unit that provides the street stub to the south.

A motion was made by Dr. Rivizzigno and seconded by Mr. Holmes to administratively approve the phasing for Unit Five of the above referenced subdivision as required by the approval dated May 21, 1998. The Commission indicated that no other units would be approved until such time as the street stub to the South is provided.

The motion carried unanimously.

Election of Officers

A motion was made by Dr. Laier and seconded by Dr. Rivizzigno to elect Mr. Plauche as Chairman.

The motion carried unanimously.

A motion was made by Mr. McSwain and seconded by Mr. Plauche to elect Dr. Laier as Vice-Chair.

The motion carried unanimously.

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A motion was made by Dr. Rivizzigno and seconded by Dr. Laier to elect Mr. McSwain as Secretary.

The motion carried unanimously.

There being no further business, the meeting was adjourned.

APPROVED: August 19, 2004

Victor McSwain, Secretary

Terry Plauche, Chairman

/ms and jh