

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF JULY 21, 2011 - 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.
Herb Jordan
Mead Miller
Roosevelt Turner
James F. Watkins, III

Members Absent

Nicholas H. Holmes, III
John Vallas

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Frank Palombo,
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
Butch Ladner,
Traffic Engineering
Jennifer White,
Traffic Engineering

The notation *motion carried unanimously* indicates a consensus, with the exception of the Chairman who did 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.

HOLDOVERS:

Case #ZON2011-01184 (Rezoning)

Gerald T. Still

2350 Demetropolis Road
(West side of Demetropolis Road, 1900'± South of Cottage Hill Road)
Rezoning from R-1, Single-Family Residential District, to R-3, Multiple-Family Residential District, to allow an assisted living facility.
Council District 4
(Also see **Case #ZON2011-01261 (Planning Approval)** **Gerald T. Still**, below)

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.

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Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the August 18, 2011, meeting, with revisions due by August 1, 2011, so that the following items can be addressed:

- 1) justification of rezoning according to at least one of the four conditions listed in Section 64-9. of the Zoning Ordinance; and,**
- 2) correction of any data errors as it relates to property size depicted on the site plan.**

The motion carried unanimously.

Case #ZON2011-01261 (Planning Approval)

Gerald T. Still

2350 Demetropolis Road

(West side of Demetropolis Road, 1900'± South of Cottage Hill Road)

Planning Approval to allow an assisted living facility in an R-3, Multiple-Family Residential District.

Council District 4

(Also see **Case #ZON2011-01184 (Rezoning) Gerald T. Still**, above)

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. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the August 18, 2011, meeting, with revisions due by August 1, 2011, so that the following items can be addressed:

- 1) depiction of the general location of any on-site stormwater detention;**
- 2) submittal of a subdivision application to combine the three metes-and-bounds parcel and create a legal lot of record;**
- 3) revision of the site plan to depict a sidewalk along Demetropolis Road, or submittal of an application for a sidewalk waiver; and,**
- 4) revision of the site plan to depict compliance with the tree and landscaping requirements of the Zoning Ordinance.**

The motion carried unanimously.

EXTENSIONS:

Case #SUB2010-00067

Labrador Run Subdivision

Southern termini of Rex Drive and Hanna Court extending West to Ben Hamilton Road

Number of Lots / Acres: 413 Lots / 178.3± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

The Chair announced the matter had been recommended for denial, however, if there were those who wished to speak on the matter to please do so at that time.

John M. Howard spoke on behalf of himself and the other developers, noting those gentlemen as long time Mobilians who had been developing properties in the Mobile area for the last 30 or so years. He expressed his shock at the staff's recommendation for denial because in his over 30 years in this business, he had never had a one year extension turned down.

Mr. Olsen noted the recommendation for denial was a staff error and that the matter should be approved.

Hearing no further discussion, a motion was made by Mr. Miller, with second by Mr. Turner, to approve the above referenced matter.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2011-00064

Jennifer Lawler Subdivision

Southeast corner of Novatan Road and Ora Lane [private street]

Number of Lots / Acres: 1 Lot / 4.0± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

County

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Patricia Miller, 10 Novatan Road, Mobile, AL, made the following points:

- A. expressed concern over how the development would impact Ora Lane, a road that had been in existence for over five decades;
- B. noted mailboxes had been moved, including mailboxes located on her property; and
- C. noted that whoever might be purchasing the four acre tract

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involved needed to be made aware Ora Lane, its existence and its impact on surrounding properties.

Using the overhead projector, Mr. Olsen explained how the property was to be subdivided, specifically as it related to Ora Lane.

Dr. Rivizzigno asked if the applicant was to be allowed the flag shaped lot.

Mr. Olsen noted the project was recommended for approval as a flag lot. He also noted there were other flag shaped lots in the area, thus making such in character with the neighborhood.

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

- 1) **depiction of the 25-foot minimum building setback line from Novatan Road for Lot 1, as required by Section V.D.9. of the Subdivision Regulations;**
- 2) **the labeling of the lot with its size in square feet and acres, or placement of a table on the plat with the same information;**
- 3) **placement of a note on the Final Plat stating that no future subdivision of Lot 1 will be allowed until adequate frontage is available;**
- 4) **placement of a note on the Final Plat limiting the lot to one curb-cut to Novatan Road, with the size, design, and location of the curb-cut to be approved by Mobile County Engineering and conform to AASHTO standards;**
- 5) **placement of a note on the Final Plat that the Future Development be presented to the Planning Commission to create a legal lot of record prior to any development;**
- 6) **placement of a note on the Final Plat stating that if any lot is developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations;**
- 7) **placement of a note on the Final Plat to comply with the City of Mobile storm water and flood control ordinances: *(Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall 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 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 prior to the issuance of any permits.)***
- 8) **approval of all applicable federal, state, and local agencies**

- prior to the issuance of any permits or land disturbance activities; and,
- 9) 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.

The motion carried unanimously.

Case #SUB2011-00063

Miller Creek Estates Subdivision, Revision to the Re-subdivision of Lot 1

South terminus of Sasser Lane

Number of Lots / Acres: 2 Lots / 38.4± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

County

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

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

- 1) modification of the lot numbers to either “Lot A” and “Lot B” or “Lot 1” and Lot “2”;
- 2) placement of a note on the Final Plat stating that each lot is limited to one curb-cut onto each street frontage, with the size, design, and location to be approved by Mobile County Engineering and conform to AASHTO standards;
- 3) placement of a note on the Final Plat stating that no additional subdivision of either lot is allowed until additional frontage on a paved public street is provided, and no further subdivision of Lot 1-A is allowed that would increase the number of lots fronting onto Sasser Lane until such time it is paved in its entirety, and a paved cul-de-sac is provided;
- 4) retention of the 25-foot minimum building setback line as shown on the preliminary plat (The required setback should be depicted around any portion of Lot 1-A abutting a street-stub, and around that portion of Lot 1-B where the “pole” meets the “flag” portion of the lot.);
- 5) placement of the lot area sizes in square feet on the Final Plat;
- 6) placement of a note on the Final Plat stating that: *“Development must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall 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 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 prior to the issuance of any permits.”*
- 7) 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;
 - 8) placement of a note on the Final Plat stating that development on the site must be undertaken with the approval of all applicable federal, state, and local agencies for floodplain and wetland issues prior to the issuance of any permits or land disturbance activities; and,
 - 9) 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.8. of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2011-00065

Pine Springs Farms Subdivision, Re-subdivision Lot 6, Block C

South side of Taylor Avenue 1800'± West of Taylor Avenue South

Number of Lots / Acres: 2 Lots / 5.0± Acres

Engineer / Surveyor: Stewart Surveying

County

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Watkins, with second by Mr. Davitt, to waive Section V.D.3. of the Subdivision Regulations and tentatively approve the above referenced matter, subject to the following conditions:

- 1) labeling of each lot with its size in acres, or the furnishing of a table on the Final Plat providing the same information;
- 2) dedication to provide 30' from the centerline of Taylor Avenue;
- 3) illustration of the 25' minimum building setback line along Taylor Avenue as measured from any required dedication;
- 4) placement of a note on the Final Plat stating that each lot is limited to one curb-cut to Taylor Avenue, with the size,

- location, and design to be approved by County Engineering and conform to AASHTO standards;
- 5) placement of a note on the Final Plat stating that the approval of all applicable federal, state, and local environmental agencies for flood zone issues would be required prior to the issuance of any permits or land disturbance activities;
 - 6) 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.8. of the Subdivision Regulations;
 - 7) placement of a note on the Final Plat stating 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 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 prior to the issuance of any 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 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 #SUB2011-00066

Graham Haven Subdivision

8033 & 8053 Howells Ferry Road

(South side of Howells Ferry Avenue, 1800'± West of Schillinger Road)

Number of Lots / Acres: 3 Lots / 2.9± Acres

Engineer / Surveyor: Byrd Surveying, Inc.

County

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Jerry Byrd, Byrd Surveying, spoke on behalf of the applicant/owner. He noted there were no objections to the recommendations then passed out copies of a slight revision to the “flag pole” of the proposed flag shaped lot. He noted that as it had been submitted, the applicant would have had to remove the carport on the largest house. He stated it had been decided it would be better to straighten the flap pole portion of the lot and remove the shop and carport on the west side.

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After reviewing the material presented by Mr. Byrd, Mr. Olsen advised that the staff had no issues with the revision.

Hearing no opposition or further discussion, a motion was made by Mr. Turner, with second by Mr. Davitt, to waive Section V.D.1. and Section V.D.3. of the Subdivision Regulations and tentatively approve the above referenced matter, subject to the following conditions:

- 1) **subject to the amended plat submitted at the meeting, with minor modifications to the “flag pole”;**
- 2) **depiction of the 25-foot minimum building setback line from Howell Ferry Road for Lots 1 & 2, as required by Section V.D.9. of the Subdivision Regulations;**
- 3) **depiction of the 25-foot minimum building setback line from the pole for Lot 3, as required by Section V.D.9. of the Subdivision Regulations;**
- 4) **the labeling of each lot with its size in square feet and acres, or placement of a table on the plat with the same information;**
- 5) **placement of a note on the Final Plat stating that no future subdivision of Lots 1, 2, or 3 will be allowed until adequate frontage is available;**
- 6) **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.8. of the Subdivision Regulations;**
- 7) **placement of a note on the Final Plat limiting the lots to one shared curb-cut to Howells Ferry Road at Lot 3, with the size, design, and location of the curb-cut to be approved by Mobile County Engineering and conform to AASHTO standards;**
- 8) **placement of a note on the Final Plat to comply with the City of Mobile stormwater and flood control ordinances (*Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall 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 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 prior to the issuance of any permits.*)**
- 9) **approval of all applicable federal, state, and local agencies prior to the issuance of any permits or land disturbance activities; and,**
- 10) **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,**

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prior to the issuance of any permits or land disturbance activities.

The motion carried unanimously.

Case #SUB2011-00068

Mobile NOAA Subdivision, Re-subdivision of

7344 & 7350 Zeigler Boulevard

(North side of Zeigler Boulevard, at the North termini of Zeigler Circle East and Zeigler Circle West)

Number of Lots / Acres: 3 Lots / 16.7± Acres

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

Council District 7

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Davitt, to waive Section V.D.1. and tentatively approve the above referenced matter, subject to the following conditions:

- 1) placement of a note on the Final Plat stating that Lots 1 and 2 are limited to two curb-cuts to Zeigler Boulevard and Lot 3 is limited to one curb-cut to Zeigler Boulevard, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) labeling of the lots with their size in square feet, or the provision of a table on the Final Plat with the same information; and,**
- 3) 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.**

The motion carried unanimously.

Case #SUB2011-00069

Antioch Church of God in Christ Subdivision

9751 McLeod Road

(South side of McLeod Road, 4250'± West of Dawes Road

Number of Lots / Acres: 4 Lots / 10.0± Acres

Engineer / Surveyor: Rowe Surveying & Engineering Co. Inc.

County

The Chair announced the matter had been recommended for denial, however, if there

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were those who wished to speak on the matter to please do so at that time.

Hearing no opposition or discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Turner, to deny the above referenced matter, due to the following reason:

- 1) the subdivision does not comply with Section V.D.1. of the Subdivision regulations.**

The motion carried unanimously.

Case #SUB2011-00067

Liberty Subdivision

East side of Schillinger Road, 730'± North of Meadows Boulevard extending to the Northern termini of Meadow Drive North, Meadow Dale Drive, Meadow Run Drive, Meadow Height Drive and to the Western terminus of Augustine Drive.

Number of Lots / Acres: 262 Lots / 86.3± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

In deliberation, Mr. Miller asked the staff to clarify the use of all of the waivers and if the proposed project was considered an innovative subdivision.

Mr. Olsen stated it was innovative to the degree that it would appeal to varying types of markets based on such things as various house styles, house sizes, lot sizes and the Commission had considered these types of subdivision innovative in the past.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Dr. Rivizzigno, to waive Sections V.B.8. Alleys, V.D.1. Size and shape of lots, V.D.2. Minimum dimensions, V.D.3. Maximum depth, V.D.9. Minimum Front Yard Setback, and VI.C.4. Sidewalks, of the Subdivision Regulations and to tentatively approve the above referenced matter:

- 1) dedication of sufficient right-of-way to provide 50', as measured from the centerline of Schillinger Road South;**
- 2) the placement of ALL building setbacks and a table illustrating ALL setbacks on the Final Plat;**
- 3) the placement of a typical lot setback for ALL size of lots to be illustrated on the Final Plat;**
- 4) placement of a note on the Final Plat stating that direct access to Schillinger Road South is denied for any lots fronting onto Schillinger Road South;**
- 5) the labeling of each lot with its size in square feet and acres, or**

- the placement of a table on the Final Plat with the same information;
- 6) placement of a note on the Final Plat stating that all lots (including corner lots) are limited to one curb-cut each, with the size, design, and location to be approved by the Mobile County Engineering Department and in conformance with AASHTO Standards;
 - 7) compliance with the traffic impact study and acceptance by the Mobile County Engineering Department prior to signing the Final Plat;
 - 8) 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;
 - 9) the placement of a note on the Final Plat, stating that maintenance of the Common Area/Detention Area, and any other common areas, are the responsibility of the development's property owners;
 - 10) 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;
 - 11) the applicant receive approvals to allow the reduced utility easements and these easements be located on the Final Plat;
 - 12) the location and size of the sidewalks be approved by County Engineering and conform to state and Federal guidelines;
 - 13) 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,
 - 14) 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.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2011-01556

Hill Forest, LLC: David G. Sumrall

1900 Shelton Beach Road Extension

(East side of Shelton Beach Road, ½± mile North of Moffett Road)

Request to waive construction of a sidewalk along Shelton Beach Road Extension.

Council District 1

The Chair announced the matter had been recommended for denial, however, if there were those who wished to speak on the matter to please do so at that time.

Mr. Olsen advised the Commission that the staff had received a fax that day from the applicant asking that the matter be held over until the August 4, 2011, meeting.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Davitt, to hold the matter over until the August 4, 2011, meeting, per the applicant's request.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2011-01575

Springhill Memorial Medical Center III

3715, 3717, 3719 Dauphin Street, 100 & 101 Memorial Hospital Drive and 3610

Springhill Memorial Drive North

(South side of Dauphin Street adjacent to the East side of Montlimar Creek Drainage Canal, extending to the West side of West I -65 Service Road South, 180'± North of Springhill Memorial Drive North)

Planned Unit Development approval to amend a previously approved Planned Unit Development Master Plan for an existing hospital with shared access and parking and multiple buildings on a single building site to allow a building expansion.

Council District 5

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should 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 matter, subject to the following conditions:

- 1) **compliance with Engineering comments:** *(Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right-of-way will require a*

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- right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer);*
- 2) **provision of and approval of two copies of the revised PUD site plan (to include landscaping, location of existing trees and the location of dumpsters) to the Planning Section of Urban Development prior to the approval of any permits; and,**
 - 3) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2011-00070 (Subdivision)

Gulf Coast Federal Credit Union Commercial Subdivision, Re-subdivision of

1001 & 1007 Springhill Avenue and 970 Oak Street

(South side of Springhill Avenue, 150'± East of North Pine Street extending to the Eastern terminus of Oak Street)

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

Engineer / Surveyor: John Farris Crenshaw

Council District 2

(Also see **Case #ZON2011-01563 (Rezoning) Gulf Coast Federal Credit Union Commercial Subdivision, Re-subdivision of,** below)

The Chair announced the application had been recommended for approval. He added if anyone wished to speak on the matter they should do so at that time.

Bill Partridge, Coast Architects, spoke on behalf of the applicant and requested the matter be held over until the August 18, 2011, meeting.

Mr. Olsen advised the staff had no issues with holding the matter over until that date but any revisions needed to be submitted to the staff by August 1, 2011.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over to the August 18, 2011, meeting, at the applicant's request.

The motion carried unanimously.

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Case #ZON2011-01563 (Rezoning)

Gulf Coast Federal Credit Union Commercial Subdivision, Re-subdivision of

1001 Springhill Avenue and 970 Oak Street

(South side of Springhill Avenue, 150' ± East of North Pine Street extending to the Eastern terminus of Oak Street)

Rezoning from R-1, Single-Family Residential District, and B-4, General Business District, to B-4, General Business District, to eliminate split zoning.

Council District 2

(Also see **Case #SUB2011-00070 (Subdivision) Gulf Coast Federal Credit Union Commercial Subdivision, Re-subdivision of,** above)

The Chair announced the application had been recommended for approval. He added if anyone wished to speak on the matter they should do so at that time.

Bill Partridge, Coast Architects, spoke on behalf of the applicant and requested the matter be held over until the August 18, 2011, meeting.

Mr. Olsen advised the staff had no issues with holding the matter over until that date but any revisions needed to be submitted to the staff by August 1, 2011.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over to the August 18, 2011, meeting, at the applicant's request.

The motion carried unanimously.

Case #ZON2011-01561 (Planned Unit Development)

Rich's Car Wash

1066 Hillcrest Road

(Northwest corner of Hillcrest Road and Johnston Lane)

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

Council District 6

(Also see **Case #ZON2011-01562 (Rezoning) Don Williams,** below)

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 Williams, Williams Engineering, spoke on behalf of the applicant and stated they would be able to comply with all of the recommendations and asked that the matter not be held over.

Mr. Olsen noted the hold over was necessary as the staff needed a copy of the actual site plan which showed the locations of the items noted in the recommendations. He noted this was an ongoing issue with the site and applicant as the building was not new and was supposed to have been removed long ago.

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Mr. Miller asked if the plan was submitted now, could the matter be heard on August 4, 2011.

Mr. Olsen advised that would not be possible as staff would not have adequate time to review the revised site plan.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Miller, to hold the matter over until the August 18, 2011, meeting to allow the applicant to address the following issues on the site plan, with revisions due by August 1, 2011:

- 1) revision of the site plan to indicate a 6' high wooden privacy fence along the *entire* Western boundary of the site, except no higher than 3' high within the Johnston Lane 25' setback;**
- 2) revision of the site plan to indicate either a zero or 5'-plus side yard setback for the dumpster;**
- 3) revision of the site plan to indicate proper dumpster screening or the placement of a note on the site plan stating that the dumpster will be completely screened from view; and,**
- 4) revision of the site plan to relocate the portable storage building to a compliant area of the site out of the drainage and utility easement and not displacing any required parking.**

The motion carried unanimously.

Case #ZON2011-01562 (Rezoning)

Don Williams

1066 Hillcrest Road

(Northwest corner of Hillcrest Road and Johnston Lane)

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

Council District 6

(Also see **Case #ZON2011-01561 (Planned Unit Development) Rich's Car Wash**, above)

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 further discussion, a motion was made by Mr. Davitt, with second by Mr. Miller, to hold the matter over to the August 18, 2011, meeting to allow the applicant to address the following issues on the site plan, with revision due by August 1, 2011:

- 1) revision of the site plan to indicate a 6' high wooden privacy fence along the *entire* Western boundary of the site, except no**

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- higher than 3' high within the Johnston Lane 25' setback;
- 2) revision of the site plan to indicate either a zero or 5'-plus side yard setback for the dumpster;
 - 3) revision of the site plan to indicate proper dumpster screening or the placement of a note on the site plan stating that the dumpster will be completely screened from view; and,
 - 4) revision of the site plan to relocate the portable storage building to a compliant area of the site out of the drainage and utility easement and not displacing any required parking.

The motion carried unanimously.

OTHER BUSINESS:

The Chair closed the regularly schedule public meeting and opened the floor for Mr. Olsen to speak.

Mr. Olsen stated the last three sets of amendments to the Subdivision Regulations had inadvertently not been recorded in Probate Court as they were supposed to and apologized for the same. Due to this oversight, Mr. Olsen asked the Commission to acknowledge and reaffirm those amendments. He noted that all of the necessary public information had been distributed correctly and that the amendments had been voted on in a public hearing.

The Chair asked if the Commission needed to vote again on these amendments.

Mr. Lawler stated he thought all the Commission needed to do was adopt a resolution that they still supported those amendments.

Mr. Davitt moved to support the aforementioned amendments, with a second by Dr. Rivizzigno. The motion carried unanimously.

Mr. Olsen then reminded the Commission of their business meeting planned for August 25, 2011.

Hearing no further business, the meeting was adjourned.

APPROVED: November 17, 2011

/s/ Dr. Victoria Rivizzigno, Secretary

/s/ Terry Plauche, Chairman

jsl