

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF SEPTEMBER 1, 2011 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William G. DeMouy, Jr.
Stephen J. Davitt, Jr.
Mead Miller
Roosevelt Turner
John Vallas
James F. Watkins, III

Members Absent

Victoria L. Rivizzigno, Secretary
Nicholas H. Holmes, III
Herb Jordan

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Frank Palombo,
Planner II
Bert Hoffman,
Planner II
David Daughenbaugh,
Urban Forestry Coordinator

Joanie Stiff-Love,
Secretary II

Others Present

John Lawler,
Assistant City Attorney
John Forrester,
City Engineering
George Davis,
City Engineering
Jennifer White,
Traffic Engineering
Marybeth Burgen,
Traffic Engineering
District Chief Billy Roach
Fire and Rescue Department

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 #ZON2011-01556 (Sidewalk Waiver)

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.

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David Sumrall, 1208 Belle Chene, Mobile, AL, the developer of Forest Hills Apartments, spoke in favor of approving the matter and made the following points:

- A. offered a couple of recent photographs of the area as evidence of why the sidewalk would not be practical;
- B. noted they had worked very hard to preserve what they considered the “curb appeal” of the complex, which included a gated entrance with iron gates at the front, a hidden, bricked trash compactor, and considered the existing tree buffer a part of the “curb appeal;”
- C. noted the tree buffer was important as some of the complex buildings were two and three stories tall and the trees helped shield those windows from looking right down on the road;
- D. expressed the opinion the sidewalk just didn’t “fit” because there was a right-of-way located there, as well as an open ditch between the road and the sidewalk for approximately 500 feet;
- E. noted the trees and shrubbery which would be left on the ditch side leaving them between the sidewalk and the road;
- F. noted there was already a sidewalk in existence on the other side of the road; and,
- G. based upon the information they had, the developer’s opinion was the sidewalk would do nothing but create liability issues for the complex and the City.

The Chair asked Mr. Daughenbaugh, Urban Forestry, if he had seen the area in question.

Mr. Daughenbaugh advised he had walked the site and viewed it. He noted there were revised comments for the staff report from Urban Forestry. He said with the sidewalk constructed to city standards, one foot off of the property line, there would be approximately eight feet of sidewalk construction area that would have to be cleared, and that area held various pines, oaks, and, water oaks, that would have to be removed. He noted a Mobile Tree Commission permit would be required to remove those trees, but based upon comments by Engineering representative, James Bolin, no grading issues were reported. He advised Urban Forestry, due to the size of the trees in question, was in favor of requiring the construction of the sidewalk.

Mr. Watkins asked Mr. Daughenbaugh, based upon his review and walking of the site, what percentage of the current buffer would have to be removed as a result of constructing said sidewalk.

Mr. Daughenbaugh estimated that 10 to 15 percent of the buffer along the apartment complex side would need to be removed. He also noted the buffer seen in the photograph would not be impacted at all, which was the street view going north and south along Shelton Beach Road.

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Mr. Vallas asked if the sidewalk would be on the east side of the hedge as seen in the photograph, because he saw the ditch, then a shrub line, with the sidewalk being east of the shrub line.

Mr. Daughenbaugh said that was correct and because of the dedication required, it presented a unique situation with the sidewalk being farther back from what would traditionally be seen with a new commercial development.

Mr. Vallas noted, depending where someone started to access the sidewalk, they might have to “jump” a ditch, then “jump” through the bushes.

Mr. Daughenbaugh stated that had been discussed on site. He noted with regret that Mr. Bolin, the Engineering representative who also went to the site, was not at the Planning Commission that day, but there had been discussion with the on-site contractor regarding a transition and starting the sidewalk where there would normally be pedestrian traffic, come in with some sort of curve to where a standard sidewalk should be, and then terminating the pedestrian traffic. He advised this was an issue which should really be discussed as the property line was set so far back.

Mr. Watkins asked Mr. Olsen to show, via the overhead, approximately where the line of the sidewalk would run, particularly referencing the existing street frontage along Shelton Beach Road.

Mr. Olsen stated to the best of his knowledge, when the project was originally approved, dedication was required for the widening of Shelton Beach Road as the right-of-way was substandard. Using the overhead, he showed the property line as submitted on the plan, but stated he believed it was actually a little farther back than what was shown. He showed the proposed location of the sidewalk. He agreed with Mr. Daughenbaugh that with it being one foot inside the right-of-way from the new property line, from the dedication, much of what was the tree buffer was actually in the right-of-way and between where the sidewalk would be and the street.

Mr. Vallas asked if it was possible to show a larger aerial on the overhead as he wanted to see the proximity of the dirt pits to the north of the project.

Mr. Olsen advised the images on the overhead were as large as available for the meeting.

Mr. Davitt asked for clarification that there would be a road, a ditch, trees, the sidewalk and then the fence on the site which would mean someone walking down the proposed sidewalk might not be seen from the road, which he felt, in theory, allowed for that person to be vulnerable to an attack which could not be seen due to the buffer.

Mr. Daughenbaugh noted that issue had been discussed which included debate of clearing the natural undergrowth shrubbery with a bushhog. He stated Urban Forestry had no objections to such a clearing which would allow visibility at ground level especially since there was a brick wall or fence at the entrance to the property. He also noted leaving the

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trees as requested by the applicant, which the City supported at this time, would provide a buffer above the fence

In deliberation, Mr. Miller noted the area was about to be developed and he felt it would set an important negative precedent to deny the sidewalk. He noted the sidewalk could be built therefore it should be built, and a motion was made by Mr. Miller, with second by Mr. Turner, to deny the request for a waiver of the sidewalk along Shelton Beach Road.

The motion failed as Mr. DeMouy, Mr. Davitt, Mr. Vallas, and Mr. Watkins voted against denial.

In further discussion, Mr. Davitt again noted his concern with having a buffer between the sidewalk and the road and the safety issues it created. He stated he would rather see the sidewalk and then the buffer as opposed to its current configuration.

Mr. Miller noted the buffer was in the right-of-way and asked if the Commission wanted to ask that the trees be removed.

Mr. Watkins noted the sidewalk could not be any closer to the existing roadway because if the road was ever expanded then the sidewalk would have to be removed.

Mr. Olsen stated Engineering had allowed the construction of sidewalks closer to the roadway in certain cases before, however, if Shelton Beach Road was to be widened to Major Street standards in the future, it would require new construction and the sidewalk would be removed but said sidewalk could also be replaced at that time.

Mr. Watkins noted his shared concern with Mr. Davitt regarding the sidewalk being hidden as he felt it created an unsafe situation and wasn't sure he wanted anyone he knew walking in a situation where there was no visibility to the street. He also noted that he liked the idea of a sidewalk being along Shelton Beach Road but with respect to this application he had serious safety concerns.

Mr. Vallas also stated his agreement with Mr. Davitt and Mr. Watkins.

Mr. Miller noted the opposition's position but again stated his strong feelings that the City should not start out in this area of new development by waiving a sidewalk. He noted he would be glad to modify his motion to work with Engineering and/or Urban Forestry, as he did not care how the sidewalk was modified but not building it was, in his opinion, a dangerous precedent.

Mr. Vallas noted a sidewalk already existed in the area, albeit on the opposite side of the road, and it apparently was 20 to 30 feet from the curb.

Mr. Watkins asked what could be done, engineering wise, with respect to putting the current sidewalk in the right-of-way.

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Mr. Forrester stated there was not enough room between the road and ditch to construct the sidewalk. He noted the Engineering Department did allow on occasion the construction of sidewalks on private property but it was understood the issue in this situation was the buffer between the road and the proposed location for the sidewalk. He added at this time there was no plan to widen Shelton Beach Road.

Mr. Watkins noted he was not happy with totally denying the sidewalk waiver, but at the same time, he was not happy with what he saw as inherent safety issues if the sidewalk was to be constructed as currently proposed. He queried if the Engineering Department could provide a better picture of the distance between the existing roadway to the current vegetative buffer so it could be determined if a smaller sidewalk could be built.

Mr. Forrester noted he would have to consult with the engineering firm of McCrory and Williams to determine exactly where the dedicated right-of-way line was located.

Mr. Miller felt there might be room for compromise and expressed his belief that a hold over might be in order. He noted the irony in the applicant being concerned over losing trees while the Commission seemed to be worried about the trees remaining in existence. He thought future development would need the trees. He also felt that at some point, Shelton Beach Road would need to be widened. He noted from an overhead a great deal of empty land in the area and felt the project in question would be the first in a number of developments in the area.

Mr. Olsen reminded the Commission that MAWSS had a project to develop farther along Shelton Beach Road. He noted when it came before the Commission for approval, part of their Conditions for Approval would be the construction of a sidewalk along the portion of Shelton Beach Road where they had frontage. He reminded the Commission that sidewalks were "links in a chain."

Mr. Hoffman noted a number of apartments and multifamily residential properties along Shelton Beach as well as a dirt pit that had dump trucks entering and exiting on Shelton Beach Road.

Mr. Davitt stated he sensed all of the Commission members thought a sidewalk should be built, however, it was a question of where it should be built.

Mr. Daughenbaugh responded to comments made by Mr. Davitt. He noted that currently, if the sidewalk was constructed to City standards, it would be one foot off of the new property line with the dedication. He noted the edge of the pavement, an open ditch, approximately 11 feet of trees, then clearing for the sidewalk, the fence, and then the required trees for the new commercial construction, so the option for clearing the undergrowth would eliminate any visibility problems currently in place, while leaving the actual trees.

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Mr. Miller advised he had gone on site and looked at the situation on Monday of that week and he expressed his belief there was a way to construct the sidewalk.

Mr. Watkins said he had not been to the site but was relying upon the pictures, including the flagging, and was trying to determine what the streetscape would look like between the sidewalk and the road. He noted that based upon what he was seeing from the pictures, there would be a complete buffer between the sidewalk and the road, a situation he considered to be very unsafe. He added that if the City was going to be responsible for the maintenance and upkeep of the right-of-way between the sidewalk and the road by keeping it cut and bushhogged, he would be more comfortable, but at this time he had no assurances as to who would maintain that area.

Mr. Vallas reminded everyone that with the current vegetation in place, vehicles would not be able to see any users of the proposed sidewalk, thus increasing the safety risk to those individuals.

Mr. Miller responded that with an apartment complex of over 120 units, there should be no safety issues with regards to visibility from the interior portion of the sidewalk.

A second motion was made by Mr. Davitt, with second by Mr. Miller, to hold the matter over until the October 6, 2011, meeting, to allow the Engineering, Urban Forestry, and Right-of-Way Departments to consider alternative designs.

The motion carried unanimously.

Case #ZON2011-01694 (Planned Unit Development)

Nick Catranis & Louis Ladas

3762-3766 Airport Boulevard

(North side of Airport Boulevard Service Road, 102' ± East of Lleyn Avenue)

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow additional parking spaces to accommodate a restaurant.

Council District 5

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

Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant and asked that the matter be withdrawn as the parties involved had decided to combine the matter with Llanfair Place Subdivision SUB2011-00075 (SUB) and ZON2011-01691 (PUD).

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to withdraw the above referenced matter from consideration that day with the concurrence of the applicant.

The motion carried unanimously.

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Case #SUB2011-00073 (Subdivision)

Midtown Mobile Subdivision

1753 & 1763 Springhill Avenue, 117 & 125 Mobile Infirmery Boulevard and 1810, 1812 and 1814 Old Shell Road

(Southwest corner of Springhill Avenue and Mobile Infirmery Boulevard extending to the North side of Old Shell Road 200'± West of Mobile Infirmery Boulevard)

Number of Lots / Acres: 5 Lots / 9.2± Acres

Engineer / Surveyor: Rester & Coleman Engineers, Inc.

Council District 1

(Also see **Case #ZON2011-001724 (Planned Unit Development) Midtown Mobile Subdivision**, and, **Case #ZON2011-001682 (Rezoning) Aronov Realty, Inc.**, below)

Mr. Vallas 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.

Doug Anderson, Burr and Foreman Law Firm, spoke on behalf of the applicant and advised they were in agreement with holding the matter over to the September 15, 2011, meeting.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Watkins to hold the matter over until the September 15, 2011, meeting, with revisions due to the Planning Section of Urban Development by noon on Monday, September 5, 2011, to allow Traffic Engineering to thoroughly review the Traffic Impact Study:

- 1) **placement of the lots area size, in square feet, on the Final Plat or provision of a table on the Final Plat with the same information;**
- 2) **placement of the 25-foot minimum building line to be depicted along all street frontages on the Final Plat;**
- 3) **compliance with Engineering comments: *“Development of this size will require compliance with FEMA and COM Floodplain Management requirements, which includes a No Rise or Flood Study. A LOMR has been submitted and forwarded to FEMA and a CLOMR is expected due to improvements to the downstream culvert. Proposed culvert shall be in keeping with the COM Capital Project Improvement criteria and shall match the downstream culvert construction including easement width. The culvert depicted on the east side of Mobile Infirmery Blvd is the location of the old culvert. Need to depict the location of the recently constructed culvert. Also show location of existing culvert across the subject property. Approval of the size, location and alignment of the proposed culvert and easements will be at***

the discretion of the City Engineer. There is a pipe discharging to the property from Old Shell Rd Place that is not shown on the plans. Need to locate this pipe culvert and provide an easement. A valley ditch is required to receive and convey drainage from the adjacent lots of Old Shell Road Place to the culvert. Show Minimum Finished Floor Elevation on each lot on Plat. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;”

- 4) placement of a note on the Final Plat stating: “*Note: Preservation status is to be given to the 50” Live Oak Tree located on the West side of Lot 2. 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. Coordinate with Urban Forestry location and design of the proposed driveway to Old Shell Road in order to minimize impact to the root systems of existing Live Oak Trees. Coordinate with Urban Forestry location and design of the access, maneuvering, and parking along Spring Hill Avenue to minimizes the impact to the root system of the 50” Live Oak Tree on Spring Hill Avenue right of way that is not shown on the site plan;”*
- 5) 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,
- 6) completion of the rezoning process.

The motion carried unanimously with Mr. Vallas recusing from the vote.

Case #ZON2011-001724 (Planned Unit Development)

Midtown Mobile Subdivision

1753 & 1763 Springhill Avenue, 117 & 125 Mobile Infirmiry Boulevard and 1810, 1812 and 1814 Old Shell Road

(Southwest corner of Springhill Avenue and Mobile Infirmiry Boulevard extending to the North side of Old Shell Road, 80'± West of Mobile Infirmiry Boulevard)

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow shared access and parking between multiple building sites
Council District 1

(Also see **Case #SUB2011-00073 (Subdivision) Midtown Mobile Subdivision**, above, and, **Case #ZON2011-001682 (Rezoning) Aronov Realty, Inc.**, below)

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

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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.

Doug Anderson, Burr and Foreman Law Firm, spoke on behalf of the applicant and advised they were in agreement with holding the matter over to the September 15, 2011, meeting.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Watkins to hold the matter over until the September 15, 2011, meeting, with revisions due to the Planning Section of Urban Development by noon on Monday, September 5, 2011, to allow Traffic Engineering to thoroughly review the Traffic Impact Study:

- 1) **revision of the site plan to show ALL improvements on the site including, but not limited to: recommendations of the Traffic Impact Study;**
- 2) **compliance with Urban Forestry comments: “*Preservation status is to be given to the 50” Live Oak Tree located on the West side of Lot 2. 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. Coordinate with Urban Forestry location and design of the proposed driveway to Old Shell Road in order to minimize impact to the root systems of existing Live Oak Trees. Coordinate with Urban Forestry location and design of the access, maneuvering, and parking along Spring Hill Avenue to minimize the impact to the root system of the 50” Live Oak Tree on Spring Hill Avenue right of way that is not shown on the site plan*”; and,**
- 3) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously with Mr. Vallas recusing from the vote.

Case #ZON2011-001682 (Rezoning)

Aronov Realty, Inc.

1753 & 1763 Springhill Avenue, 117 & 125 Mobile Infirmary Boulevard
(Southwest corner of Springhill Avenue and Mobile Infirmary Boulevard)
Rezoning from R-1, Single-Family Residential District, B-1, Buffer Business District, LB-2, Limited-Neighborhood Business District, and B-2, Neighborhood Business District, to B-2, Neighborhood Business District to eliminate split zoning and allow a retail store.

Council District 1

(Also see **Case #SUB2011-00073 (Subdivision) Midtown Mobile Subdivision**, and, **Case #ZON2011-001724 (Planned Unit Development) Midtown Mobile Subdivision**, above)

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

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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.

Doug Anderson, Burr and Foreman Law Firm, spoke on behalf of the applicant and advised they were in agreement with holding the matter over to the September 15, 2011, meeting.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Watkins to hold the matter over until the September 15, 2011, meeting, with revisions due to the Planning Section of Urban Development by noon on Monday, September 5, 2011, to allow Traffic Engineering to thoroughly review the Traffic Impact Study:

- 1) **compliance with Urban Forestry comments** *“Preservation status is to be given to the 50” Live Oak Tree located on the West side of Lot 2. 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. Coordinate with Urban Forestry location and design of the proposed driveway to Old Shell Road in order to minimize impact to the root systems of existing Live Oak Trees. Coordinate with Urban Forestry location and design of the access, maneuvering, and parking along Spring Hill Avenue to minimizes the impact to the root system of the 50” Live Oak Tree on Spring Hill Avenue right of way that is not shown on the site plan”*; and,
- 2) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously with Mr. Vallas recusing from the vote.

Case #SUB2011-00076 (Subdivision)

Airport Waffle House Subdivision

3024 Airport Boulevard

(North side of Airport Boulevard Service Road, 490'± West of Sage Avenue)

Number of Lots / Acres: 2 Lots / 3.5± Acres

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

Council District 5

(Also see **Case #ZON2011-01698 (Planned Unit Development) Airport Waffle House Subdivision**, 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. He also noted a new sheet of information regarding the matter had been presented to the Commissioners.

Mr. Olsen advised the Commission had been give the referenced information due to the facts that the dates for submission of the requested revisions had been listed wrong on the original recommendation, therefore requiring a holdover.

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Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter until the October 6, 2011 meeting so that the applicant can submit additional information by September 7, 2011 for the PUD application, and comply with the following:

- 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 right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.”*

The motion carried unanimously.

Case #ZON2011-01698 (Planned Unit Development)

Airport Waffle House Subdivision

3024 Airport Boulevard

(North side of Airport Boulevard Service Road, 490'± West of Sage Avenue)

Planned Unit Development Approval to allow shared access and parking between two building sites.

Council District 5

(Also see **Case #SUB2011-00076 (Subdivision) Airport Waffle House Subdivision**, 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. He also noted a new sheet of information regarding the matter had been presented to the Commissioners.

Mr. Olsen advised the Commission had been give the referenced information due to the facts that the dates for submission of the requested revisions had been listed wrong on the original recommendation, therefore requiring a holdover.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter until the October 6, 2011 meeting so that the applicant can submit additional information by September 7, 2011 for the PUD application, and comply with the following:

- 1) **revision of the site plan to illustrate all parking to be provided on site;**
- 2) **inclusion of the property located to the immediate West as part of the PUD (showing parking, total building area and use, footprint area, landscape area, etc), with owner approval and new labels and postage for the entire notification area to be provided to Planning by Wednesday, September 7, or revision of the site plan to eliminate shared access between the lots;**

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- 3) revision of the site plan to depict elimination and landscaping of any curb-cuts determined unnecessary for the development;
- 4) revision of the site plan to depict compliance with the tree and landscaping requirements of the Zoning Ordinance, as well as the per-unit landscaping requirements of the PUD regulations, and potentially provision of a statement about the innovative nature of the development to explain why not all of the 60% of the 12% of the required landscaping can be placed within the frontage area (if this is the case), and explaining how it will be accommodated elsewhere within the development;
- 5) revision of the site plan to depict / calculate site coverage area for any portion of the site covered by a roofed structure;
- 6) revision of the site plan to include illustrate the provision of all screened dumpsters, or placement of a note on the site plan stating that dumpsters will not be provided as part of the development;
- 7) revision of the site plan to illustrate a proper 10' wide vegetative or 6' privacy fence buffer in compliance with Section V.A.8. of the Subdivision Regulations;
- 8) revision of the site plan to comply with Engineering Comments (Must comply with all storm water 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 right of way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.); and,
- 9) provision of five (5) copies of the revised site plan and any other supporting documentation to the Planning Section of Urban Development by Wednesday, September 7.

The motion carried unanimously.

Case #SUB2011-00075 (Subdivision)

Llanfair Place Subdivision

3724-3760 Airport Boulevard

(North side of Airport Boulevard Service Road, 162' ± East of Lleyn Avenue)

Number of Lots / Acres: 3 Lots / 4.7± Acres

Engineer / Surveyor: Rester & Coleman Engineers, Inc.

Council District 5

(Also see **Case #ZON2011-01691 (Planned Unit Development) Llanfair Place Subdivision**, below)

Mr. Davitt and Mr. Vallas recused themselves from discussion and voting on the matter.

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.

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Marl Cummings, Cummings and Associates, spoke on behalf of the applicant and made the following statements:

- A. thought everything was “squared away” with the exception of a detail involving landscaping and the amount of frontage landscaping to be required;
- B. without taking the permitted right-of-way credit, the site was approximately 2268 feet short, however when calculating the permitted right-of-way credit, the site ends up only 166 square feet short;
- C. noted it would only be possible to counter the 166 square foot shortfall by removing parking spaces on the site, however, that would create an issue with their tenants;
- D. in consideration of this request regarding the shortage in frontage space, the overall supplied landscaping was 222% over what was required; and,
- E. requested clarification regarding the placement of the two crepe myrtles referenced in the staff report.

Mr. Daughenbaugh clarified the issue of the crepe myrtles by saying those should be placed on the west side of Mr. Catrannis’ property. He reminded everyone there had been a previous Planned Unit Development with an addition to this building and that Planned Unit Development required three crepe myrtles to be planted in the right-of-way, however, there was a gap in the planting scheme because this existing building did not require the crepe myrtles or vegetation and the referenced crepe myrtles in the recommendation were to be used as infill planting for said gap.

The Chair noted all of the overall frontage landscaping seemed to be in place but the applicant was short on the Airport Boulevard side, which was approximately one parking space.

Mr. Cummings noted the total required landscaping was 24,531 square feet and the total landscaping provided by the applicant was 54,414 square feet, so they were well over in total square footage of landscaping, with a simply shortfall in the specific area of frontage trees.

The Chair asked if it was within the Commission’s purview to waive the shortage.

Mr. Olsen stated that within a Planned Unit Development, if the Commission felt it appropriate, they could reduce the amount of landscape required to correspond with what was proposed.

Mr. Cummings noted after communicating with the neighbors behind the proposed development it had been requested the entire detention pond be moved from the rear 20 feet of the development and that had been done.

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Mr. Olsen noted the staff report had referenced not receiving a letter from the adjacent “Rooms to Go” property. He advised the staff had since received the letter from them agreeing to participate in the Planned Unit Development.

In deliberation, Mr. Turner asked for clarification regarding the square footage for the frontage.

Mr. Olsen referenced Conditions 1 and 2 of the Planned Unit Development, stating Condition 1 was a minimum of 12,400 square feet of frontage landscaping was to be provided and Condition 2 was no less than 2000 square feet of frontage area landscaping area was to be provided in the public right-of-way between the sidewalk and the curb at the service road.

Mr. Hoffman added those requirements still would not meet the requirements regarding front landscape area, but staff’s recommendation was less than what the applicant was actually proposing. He noted the third condition was that the remaining frontage landscape area, which could not be provided in the front, be provided elsewhere on site as they had excess landscape area.

Mr. Turner asked, if based upon the size of the site, would the requested landscape area be acceptable.

Mr. Olsen responded that, in essence, what was now being requested would compensate for the shortage.

Hearing no opposition or further discussion, a motion was made by Mr. Turner, with second by Mr. DeMouy, to waive Section V.D.3. of the Subdivision Regulations and 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 one shared curb-cut, that Lots 2 and 3 are limited to one shared curb-cut, and that Lot 3 is additionally allowed one shared curb-cut with the lot to the East, subject to an approved Planned Unit Development site plan;**
- 2) **placement of a note on the Final Plat stating that the size, design, and location of any new or altered curb-cuts to be approved by Traffic Engineering, conform with AASHTO standards, and be consistent with an approved Planned Unit Development site plan;**
- 3) **labeling of each lot with its size in square feet; and,**
- 4) **completion of the Subdivision recording process prior to any request for permits to allow new construction, with 7 copies of the final plat to be submitted prior to any request for a Certificate of Occupancy.**

The motion carried unanimously with Mr. Davitt and Mr. Vallas recusing from the vote.

Case #ZON2011-01691 (Planned Unit Development)

Llanfair Place Subdivision

3720-3768 Airport Boulevard

(North side of Airport Boulevard Service Road, 126' ± East of Lleyn Avenue).

Planned Unit Development Approval to allow shared access and parking across multiple building sites.

Council District 5

(Also see Case #SUB2011-00075 (Subdivision) **Llanfair Place Subdivision**, above)

Mr. Davitt and Mr. Vallas recused themselves from discussion and voting on the matter.

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

- 1) **a minimum of 12,400 square feet of frontage landscape area provided in the frontage area for the new construction portion of the PUD;**
- 2) **no less than 2,000 square feet of frontage landscape area to be provided in the public right-of-way, between the sidewalk and the curb of the service road, for the new construction area;**
- 3) **the remaining frontage landscape area shortfall in the new construction area to be provided elsewhere within the new construction site;**
- 4) **full compliance with the frontage, perimeter and parking area tree requirements of the Zoning Ordinance for a PUD for the new construction site;**
- 5) **provision of two additional Crape Myrtle Trees along Airport Boulevard Service Road to match three exist Crape Myrtle Trees previously planted in front of the Hellinic Investments (Catranis / Ladas site) in 2004, as required by Urban Forestry, prior to a final Certificate of Occupancy for the Catranis / Ladas tenant requiring additional parking;**
- 6) **signage on the new construction site is limited to one freestanding sign for each new lot (3 total), and two wall signs for each of the proposed three buildings;**
- 7) **compliance with revised Engineering comments: *“Need engineer’s analysis of the capacity of the receiving storm system to ensure that the receiving system is capable of handling the additional flow. Detention pond needs to be designed such that the mode of failure allows for the pond to overflow onto the proposed parking lot and cannot be allowed to discharge to the properties located to the north during failure. Must comply with all stormwater and flood control ordinances. Any work***

- performed in the right-of-way will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;"*
- 8) **provision of a photometric plan for the new construction site at time of permitting for each lot;**
 - 9) **closure of any unused curb-cuts, and landscaping to match adjacent landscaping; and,**
 - 10) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously with Mr. Davitt and Mr. Vallas recusing from the vote.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2011-00083

Burlington Place Subdivision, Unit Three-A

Southern terminus of Burlington Drive East.

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

Engineer / Surveyor: Byrd Surveying, Inc.
County

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.

Jerry Byrd, Byrd Surveying, spoke on behalf of the applicant. He noted they had no issues with the recommendations with the exception of Condition 1 and asked they be allowed to retain their current numbering of lots using "Lot 125," instead of "Lot 1" with the labeling of any future lots to beginning with "Lot 126."

Mr. Olsen noted he couldn't address how the previous units occurred with the current numbering system as it was normal when subdivisions were recorded in units or phases for each unit or phase to start over as "Lot 1." He added it could be confusing to someone if they read a legal description which stated "Lot 125" of a unit and it was the only lot in the unit or they might look for the other lots and never find them.

Mr. Byrd countered if one said "Lot 30 Burlington Place," one could go through the files and find units of Burlington and there would only be one "Lot 30" in the whole subdivision. He expressed his feelings that using the current method of numbering would cut down on confusion in individuals calling the developer regarding purchasing such lots.

In deliberation, Mr. Turner asked where the staff stood regarding the numbering/naming issue.

Mr. Olsen stated staff held to the position that each unit started over at "Lot 1." While voicing his understanding of Mr. Byrd's position, he noted what Mr. Byrd was discussing was not the legal description of the lot and it had always been the staff's

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practice to use the legal description of lots in the past.

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

- 1) **change the label of “Lot 125” to “Lot 1”;**
- 2) **correct the legal description at the point of beginning for Lot 125;**
- 3) **depiction of the 25-foot minimum building setback line from all public right-of-ways, as required by Section V.D.9. of the Subdivision Regulations;**
- 4) **placement of a note on the Final Plat limiting the lot to one curb-cut to Burlington Drive East, with the size, design, and location of all curb-cuts to be approved by Mobile County Engineering and conform to AASHTO standards;**
- 5) **labeling of the lot area size, in square feet, or provision of a table on the Final Plat with the same information;**
- 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 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;*”**
- 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 #SUB2011-00090

Plantation Memorial Gardens Subdivision

5501 Bear Fork Road

(South side of Bear Fork Road at the South terminus of Jarrett Road)

Number of Lots / Acres: 1 Lot / 25.0 Acres ±

Engineer / Surveyor: W. R. Ward

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. Miller, with second by Mr. Turner, to approve the above referenced matter, subject to the following conditions:

- 1) **placement of a note on the Final Plat stating that the lot is limited to one (1) curb-cut onto Bear Fork Road and denied access to the proposed Middle Ring Road, with the size, design, and location of curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **compliance with Traffic Engineering comments: *“Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. The 30’ (approximate) between the face of curb on Bear Fork Road and the proposed entrance gate to the cemetery is sufficient for stacking only one passenger vehicle or light truck when the gate is closed;”***
- 3) **compliance with Engineering comments: *“Need to provide a court recorded release agreement for all effected downstream properties or provide detention for the 100 year storm event with a 2 year release since the discharge will be onto an adjacent private property. Any increase in impervious area in excess of 4,000 square feet will require detention. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;”***
- 4) **revision of the site plan to depict the 25-foot minimum building setback from both the Bear Fork Road and proposed Middle Ring Road frontages;**
- 5) **revision of the label for Middle Ring Road to depict the future right-of-way as a *“50’ setback in-lieu of dedication for future road;”***
- 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 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,**
- 8) **placement of a note on the final plat stating that approval of all applicable federal, state, and local agencies is required for floodplain and wetland issues prior to the issuance of any permits or land disturbance activities.**

The motion carried unanimously.

Case #SUB2011-00088

CMF Subdivision

5851 & 5873 McDonald Road

(East side of McDonald Road, 1,250' ± South of Holloway Drive North)

Number of Lots / Acres: 2 Lots / 19.3 Acres ±

Engineer / Surveyor: John Farnior Crenshaw, PLS

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. Miller, with second by Mr. Turner, to waive Section V.D.3. of the Subdivision Regulations regarding maximum width to depth ration, and approve the above referenced matter, subject to the following conditions:

- 1) **dedication sufficient to provide 50 feet from the centerline of McDonald Road;**
- 2) **placement of a note on the Final Plat stating that each lot is limited to the existing shared curb-cut each to McDonald Road with the size, design, and location to be approved by Mobile County Engineering and conform to AASHTO standards;**
- 3) **retention of the 25-foot minimum building setback line and lot area sizes, in square feet, as shown on the preliminary plat;**
- 4) **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

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- the issuance of any permits;”*
- 5) **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;**
 - 6) **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,**
 - 7) **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 #SUB2011-00086

Hattie Quinnie Subdivision

5641 Will Casher Lane & 5670 Bob Street

(South side of Will Casher Lane, 65'± East of Smith Street, and extending South the Bob Street)

Number of Lots / Acres: 3 Lots / 2.5 Acres ±

Engineer / Surveyor: Polysurveying Engineering – Land Surveying
Council District 4

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. Miller, with second by Mr. Turner, to waive Section V.D.1. of the Subdivision Regulations and approve the above referenced matter, subject to the following conditions:

- 1) **revision of the plat to label each lot with its size in square feet and acres after any required street dedication, or the furnishing of a table on the Final Plat providing the same information;**
- 2) **dedication to provide 30' from the centerline of Will Casher Lane, Smith Street, and Bob Street;**
- 3) **dedication to provide a 25' corner radius at the intersection of Smith Street and Bob Street;**
- 4) **revision of the plat to illustrate the 25' minimum building setback line along all street frontages as measured from any required dedication;**
- 5) **revision of the plat to illustrate the 25' minimum building**

- setback line for Lot 1 along Bob Street as measured from any future 120' diameter turn-around right-of-way;
- 6) placement of a note on the Final Plat stating that Lots 1 and 2 are each limited to one curb-cut to Will Casher Lane, and Lot 3 is limited to one curb-cut to Will Casher Lane and one curb-cut to Smith Street, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
 - 7) placement of a note on the Final Plat stating that all lots are denied direct access to Bob Street until such time that it is developed to City standards, after which Lots 1 and 3 are allowed two curb-cuts each to Bob Street, and Lot 2 is allowed one curb-cut to Bob Street, with the size, location, and design of all curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards;
 - 8) placement of a note on the Final Plat stating that development of this site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species; and,
 - 9) subject to the Engineering Comments: *“Need to provide a drainage easement for the existing open ditch that will include a width extending at least 5’ north from the top of the north bank to at least 15’ south from the top of the south bank of the ditch. Due to the history of localized flooding, this development will be required to detain for the 100 year storm event with a release for the 2 year storm event for the proposed development. Need to dedicate 10’ of additional ROW along Bob St and dedicate 5’ of additional ROW along Oriental Avenue and Will Casher Lane. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.”*

The motion carried unanimously.

Case #SUB2011-00085

Bill Robinson Subdivision, Re-subdivision of Lot 5

435 Dykes Road South

(East side of Dykes Road South, 160'± South of Turmac Road)

Number of Lots / Acres: 4 Lots / 5.4 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.

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

- 1) **depiction of the 25-foot minimum building setback line from all public right-of-ways, as required by Section V.D.9. of the Subdivision Regulations;**
- 2) **placement of a note on the Final Plat limiting the lots to one curb -cut each to Dykes Road South, with the size, design, and location of all curb-cuts to be approved by Mobile County Engineering and conform to AASHTO standards;**
- 3) **retention of the lots area size, in square feet, or provision of a table on the Final Plat with the same information;**
- 4) **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;**
- 5) **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;”***
- 6) **approval of all applicable federal, state, and local agencies prior to the issuance of any permits or land disturbance activities; and,**
- 7) **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.

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Case #SUB2011-00084

Plantation North Subdivision

10700 Jeff Hamilton Road

(North side of Jeff Hamilton Road, 595'± West of Johnson Road West, and extending to the South side of Sheffield Road)

Number of Lots / Acres: 22 Lots / 5.9 Acres ±

Engineer / Surveyor: Speaks & Associates Consulting 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.

Mr. Olsen advised the Commission he had received a late letter from the applicant asking the matter be withdrawn.

Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Miller, to accept the applicant's request that the matter be withdrawn from consideration that day.

The motion carried unanimously.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2011-01940

Persons Development / Paul Persons

4474 & 4480 Halls Mill Road

(North side of Halls Mill Road at the Northern terminus of Laughlin Drive)

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow two buildings on a single building site and shared access between three building sites.

Council District 4

The Chair announced the matter was recommended for holdover and that the applicant was in agreement with the 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 Mr. DeMouy, to hold the matter over until the October 6, 2011, meeting, with revisions due to the Planning Section of Urban Development by September 13, 2011, to address the following:

- 1) modification of the site plan to depict ALL improvements on the site including all parking lots and dumpsters and enclosures;**
- 2) modification of the site plan to depict a cul-de-sac with a 120-foot diameter cul-de-sac;**
- 3) depiction of landscaping area totals for the entire site;**

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- 4) **submittal of detailed parking calculations and building use breakdowns for all structures on the site, existing and proposed; and,**
- 5) **submittal of a revised narrative indicating the required time schedule for development.**

The motion carried unanimously.

NEW PLANNING APPROVAL APPLICATIONS:

Case #ZON2011-01915

Bay Bank

216 East I-65 Service Road North

(East side of East I-65 Service Road North, 425'± North of Old Shell Road)

Planning Approval to allow Equipment Sales, Rental, and Leasing, Heavy in a B-3, Community Business District.

Council District 1

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.

Jerry Byrd, Byrd Surveying, spoke on behalf of the applicant and made the following points in favor of approving the matter that day:

- A. noted a revised site plan had been submitted to staff a few days earlier which would address some of the issues noted for holdover;
- B. noted the applicants owned two parcels of land and the application should have been for only one of those parcels, not both, which would have eliminated the rezoning issue;
- C. noted the revised site plan had addressed the issue of moving the gates around as well;
- D. expressed his disbelief that the issue was before the Commission as it was already zoned B-3 and the intended business was to repair small forklifts and a mechanic's garage would be allowed in B-3 without problem.

Mr. Olsen stated the reason the matter was before the Commission was the Zoning Ordinance's Chart of Permitted Uses stated that heavy equipment sales, service, and/or repair has to be located in I-1/I-2 zoned areas or have Planning Approval in B-3 zoned areas. He added if Mr. Byrd or the applicant did not agree with the staff's determination on it, they always had the option of applying to the Board of Zoning Adjustment for an Administrative Appeal and have the Board of Zoning Adjustment make a determination on such. He noted the applicant had chosen to go through the Planning Approval process. He then stated the revised plans had been received on Tuesday of that week which had not allowed any time for the staff to review prior to coming to the meeting that day.

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Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. DeMouy, to hold the matter over until the October 6, 2011, meeting so the applications for Subdivision and Rezoning approvals could be submitted by September 6, 2011, and so the following revisions could be made:

- 1) **revision of the site plan to provide a three-vehicle, 51' queuing space for the two gates along the I-65 Service Road;**
- 2) **revision of the site plan to include a compliant dumpster location or inclusion of a note on the site plan stating that curbside collection will be utilized;**
- 3) **revision of the site plan to indicate landscaping and tree compliance;**
- 4) **revision of the site plan to indicate compliant buffering in areas where the site adjoins residential properties; and,**
- 5) **revision of the site plan to indicate compliant paving on the current aggregate surface or removal and landscaping of the aggregate surface, or submission of a Surface Variance to the Board of Zoning Adjustment to allow the aggregate paving surface.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2011-00087 (Subdivision)

Zeigler-Athey Re-subdivision Subdivision

6500 & 6502 Zeigler Boulevard

(Northeast corner of Zeigler Boulevard and Athey Road)

Number of Lots / Acres: 2 Lots / 6.2 Acres ±

Engineer / Surveyor: Wattier Surveying, Inc.

Council District 7

(Also see **Case #ZON2011-01944 (Planned Unit Development) Zeigler-Athey Re-subdivision Subdivision**, below)

The Chair announced the matter was recommended for holdover and the applicant was agreeable with the 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 Mr. Turner, to hold the matter over until the September 15, 2011, meeting, as a result of the applicant's request.

The motion carried unanimously.

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Case #ZON2011-01944 (Planned Unit Development)

Zeigler-Athey Re-subdivision Subdivision

6500 & 6502 Zeigler Boulevard

(Northeast corner of Zeigler Boulevard and Athey Road)

Planned Unit Development Approval to allow shared access between two building sites.

Council District 7

(Also see **Case #SUB2011-00087 (Subdivision) Zeigler-Athey Re-subdivision Subdivision**, above)

The Chair announced the matter was recommended for holdover and the applicant was agreeable with the 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 Mr. Turner, to hold the matter over until the September 15, 2011, meeting, as a result of the applicant's request.

The motion carried unanimously.

Case #SUB2011-00089 (Subdivision)

Asian Square Subdivision

454 & 456 Azalea Road

(West side of Azalea Road, 400'± South of Cresthaven Road)

Number of Lots / Acres: 2 Lot / 0.5 Acres ±

Engineer / Surveyor: Don Williams Engineering

Council District 5

(Also see **Case #ZON2011-01953 (Planned Unit Development) Asian Square Subdivision**, below)

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.

Don Williams, Williams Engineering, spoke on behalf of the applicant and asked that the matter be held over.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. DeMouy, to hold the matter over until the October 6, 2011, meeting, at the applicant's request.

The motion carried unanimously.

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Case #ZON2011-01953 (Planned Unit Development)

Asian Square Subdivision

454 & 456 Azalea Road

(West side of Azalea Road, 400'± South of Cresthaven Road)

Planned Unit Development Approval to allow shared access and parking between multiple building sites.

Council District 5

(Also see **Case #SUB2011-00089 (Subdivision) Asian Square Subdivision**, above)

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.

Don Williams, Williams Engineering, spoke on behalf of the applicant and asked that the matter be held over.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. DeMouy, to hold the matter over until the October 6, 2011, meeting, at the applicant's request.

The motion carried unanimously.

OTHER BUSINESS:

The Chair asked if there was any other business that needed to come before the Commission.

Mr. Olsen reminded the members that at their recent business meeting it was discussed as to whether members wanted digital copies or paper copies of reports and agendas. He noted that both were done for this meeting. At this time he was simply asked for verification of which members wanted paper copies of reports and agendas and which members wanted digital copies of the same. The following was a list of that information:

- Mr. Plauche – paper copies of all reports but digital agendas
- Mr. DeMouy – paper copies of all materials
- Mr. Davitt – paper copies of all materials
- Mr. Miller – digital copies of all materials
- Mr. Turner – digital copies of all materials
- Mr. Vallas – digital copies of all materials
- Mr. Watkins – digital copies of all materials

Hearing no further business, the meeting was adjourned.

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APPROVED: April 19, 2012

/s/ Dr. Victoria Rivizzigno, Secretary

/s/ Terry Plauche, Chairman

jsl